

ORDINANCE # ZA-24-01
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 10, SECTION 10.6 DRIVEWAYS.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 10, Section 10.6 Driveways.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

PART 1

[Revise Article 10, Section 10.6 to update the Town's driveway standards.]

Sec. 10.6. Driveways.

10.6.1. General.

~~After the date of passage of this section, only~~ All non-agricultural designed, approved, constructed, and surfaced in accordance with the provisions herein shall be allowed to provide motor vehicle access to or from any property upon which a building has been constructed, reconstructed, or physically altered.

- 10.6.1.1. ~~All~~ Non-agricultural driveways shall be paved with either asphalt or concrete, or with alternative paving material (e.g., concrete pavers, brick, "turfstone" or similar pervious material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete. Single-family properties in the R-20A zoning district with driveways exceeding 50' in length, may pave the remainder of the driveway to the public right of way with gravel or similar load bearing material.

10.6.1.2. Driveways and parking may cover a maximum of 50 percent of the front yard of single-family or two-family lot, unless restrictions on impervious surface coverage pose greater restrictions.

10.6.1.3. All new driveway aprons shall be constructed in accordance with the Town's Standard Detail and Specifications Manual.

10.6.1.4. ~~Before a building zoning permit is issued for the construction, reconstruction, or change in use of any building or land used for purposes other than a single or two-family residence, all driveways shall be reviewed and approved by the Planning Director-Administrator. Private driveways serving single-family and two-family dwellings shall not be regulated by the provision of this Ordinance. "Construction, reconstruction, or change in use" refers to those improvements made to the site involving overall structure size or to changes in use which would require the addition of one or more parking spaces under the provision of Article 10, Part I, Off-Street Parking and Off-Street Loading Requirements; it is not intended to refer to construction activities which merely involve changes to exterior architectural features (e.g., painting, addition of siding, roofing activities, etc.);~~

10.6.1.5. Discontinued driveway access. When the use of any driveway has been permanently discontinued, the property owner of that driveway shall, at his expense, replace all necessary curbs, gutters, aprons, sidewalks, and appurtenances thereto, within sixty (60) days of receipt of a written notice from the Administrator.

10.6.1.6. Driveway conflicts. No driveway shall conflict with any municipal facility such as traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, bus stops, utility poles, fire-alarm supports, meter boxes, and sewer clean-outs or other necessary structures, except with the express approval of the Director of Public Works. Any adjustments to municipal facilities to avoid such conflicts shall be at the expense of the driveway applicant.

10.6.2. Permit Requirements.

A permit must be obtained from the ~~Public Works Director~~ Planning Director with approval from the Public Works Director prior to the removal, alteration, or construction of any curb, driveway, gutter, and/or pavement or prior to the performance of any other work in any public or private street. Conditions governing the issuance of such a permit are:

10.6.2.1. A continuing indemnity bond with sufficient surety acceptable to the town may be required of the party performing the work. All work must be done in conformity with the standards established herein.

10.6.2.2. The town shall be indemnified for any damages it might sustain as a result of the breach of condition above. The damages payable to the town shall be the amount required to make such an improvement conform to town standards.

Based on the Town of Smithfield Schedule of Fees, a fee shall be paid to the town at the time the application for a driveway permit is made.

10.6.3. Submission of Plans.

Two copies of plans showing the location and dimensions of all proposed improvements shall be filed with the ~~Planning Director Administrator~~ Planning Director for approval prior to the issuance of a driveway permit ~~for uses other than single or two-family residential.~~

All design and construction of driveways shall conform to ~~the requirements of the Town of Smithfield Standard Detail and Specifications Manual. North Carolina Department of Transportation.~~ the requirements of the Town of Smithfield Standard Detail and Specifications Manual.

PART 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption. Duly adopted this the 18th day of June, 2024.



M. Andy Moore, Mayor

ATTEST



Shannan L. Parrish, Town Clerk

