

ORDINANCE # ZA-23-06
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLES 2, 10, AND APPENDIX A, UPDATE TO
PERFORMANCE STANDARDS.

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 Articles 2, 10, and Appendix A for a general update of performance standards.

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 2, striking sections to be moved to Article 10 Performance Standards and miscellaneous updates.]

~~Sec. 2.15. Lot Requirements/Dimensions.~~

~~2.15.1. [Side Lot Lines.]~~

~~Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.~~

~~2.15.2. [Sufficient Area.]~~

~~Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this ordinance.~~

~~2.15.3. [Irregularly Shaped Lots.]~~

~~The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.~~

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~~Sec. 2.20. Driveways; Permit Required.~~

Sec. 2.23. Curb Cuts.

Construction of curb cuts for purposes of ingress and egress to property abutting a town public right-of-way shall be approved by the UDO Administrator. The North Carolina Department of Transportation is the approval authority where said curbs affect access to State Highways. Provision for all access work done on state highway right-of-way is subject to approval by the NCDOT.

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Sec. 2.27. Dumpsters.

~~In all zoning districts, dumpsters must be located on a concrete pad with a six-foot high solid enclosure with solid gates.~~

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PART 2

[Revise Article 10, to update performance standards in conjunction with updates to the Standard Detail and Specifications Manual.]

10.2.1. Off-Street Parking Requirements.

There shall be provided at the time of the erection of any building, at the time an existing structure is demolished in order to permit new construction, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one ~~type of land use category~~ or occupancy to another, permanent off-street parking space in accordance with ~~in the amount specified by this Ordinance.~~ Such parking:

10.2.1.1. ~~space may~~ shall be provided in a parking garage or properly graded and paved parking lot in accordance with this ordinance. ~~open space.~~

10.2.1.2. ~~All parking areas shall be designed so that ingress to and egress from such area shall be established and maintained so that all vehicular traffic shall enter and leave the lot by forward motion of the vehicle.~~

10.2.1.3. ~~Except for multi-family and single-family uses, all off-street parking and loading in the Entry Corridor Overlay District shall be provided in the rear of the principal structure.~~

10.2.1.4. ~~shall not be permitted in a~~ No off-street parking or loading shall be permitted in a required street yard or buffer yard, ~~or open space~~, except in the case of a single or two family dwelling. No required off-street parking shall be ~~or located on~~ within five feet of a right-of-way line, or within any public right-of-way or encroach by more than 50% on any required setback, ~~or into any required street yard.~~ Under no circumstances shall parking be located within five feet of a right-of-way line.

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10.2.5.7. At locations where a sidewalk abuts a 19-foot-deep parking bay, the sidewalk shall be a minimum width of six (6) feet. If less than 6 feet, a wheel bumper shall be required and Separation of Bumper and Walkways. In the event any parking stall abuts upon a walkway, there shall be a space of three and a half (3½) feet between the wheel bumper or curb and the edge of the walkway.

10.2.5.8. Entrances and Exits. These shall be provided in accordance with Section 10.6 of this ordinance.

10.2.5.9. Parking lots in the B-3 and Industrial Zoning Districts shall be in accordance with Section 7.2 of this Ordinance. Special requirements apply to parking lots in the B-3 and the Industrial districts in addition to the requirements of this Article.

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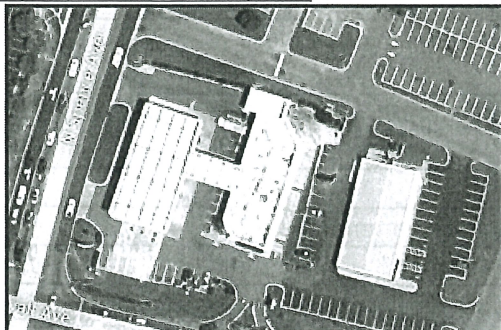
10.2.8. Separation from Walkways, Sidewalks, and Streets.

All parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by concrete curbing or other suitable protective device to prevent vehicles from intruding into these areas.

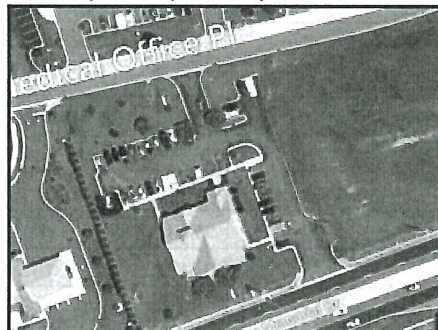
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10.2.10. Lateral Access.

All new nonresidential development, specifically commercial development, shall provide lateral access to adjacent property which is either: (1) existing nonresidential, or (2) zoned nonresidential. In the site plan process review, lateral access shall be displayed and labeled clearly by showing the appropriate connections. All lateral access connections shall be a minimum of twenty (20) feet in width and maximum of twenty-four (24) feet in width. The UDO Administrator may waive from the lateral access requirements in circumstances where there would be little public benefit to providing a lateral access or the if the access is. If this section is determined not to be feasible due to particularities of the parcel, , the Board of Adjustment may modify the requirements herein.



Cross access provided between sites



Cross access for future development

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10.2.13. Exceptions.

10.2.13.1. The UDO Administrator may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the UDO Administrator's decision to the Board of Adjustment under the normal procedure for an appeal.

10.2.13.2. If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a parking modification.

MANUFACTURING AND INDUSTRIAL USES	
Adult and sexually oriented businesses	1 space per 500 square feet of gross floor area
All other industrial uses	1 space per employee
RECREATION USES	
The most applicable of the following standards shall apply for all recreational uses, including auditoriums, assembly halls, or stadiums:	1 space per 4 fixed seats; 1 space for each 40 square feet of floor area available in establishment as a meeting room; 1 space for each 150 square feet of gross floor area; 1 space per 600 square feet of parcel area.
TEMPORARY USES/STRUCTURES	
To be determined by the UDO Administrator based on the site specific conditions and principal use.	
AGRICULTURAL USES	
To be determined by the UDO Administrator based on the site specific conditions.	

Notes:

The maximum parking allowed shall not exceed one hundred fifty (150) percent of the minimum parking specified in this section.

Special situations which are not covered by the above shall be handled determined by the Board of Adjustment UDO Administrator. The Board of Adjustment shall make the final determination as to the number of spaces to be required but shall in all cases give due consideration to the needs therefor.

The requirements may result in the calculation of a fractional parking space. If the fraction is less than 1/2, the fraction may be deleted. If the fraction is 1/2 or greater, the fraction shall count as 1 parking space.

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10.5.2. Design.

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10.5.2.3. Each required off-street loading space shall be designed with appropriate means of vehicular access and circulation to a street from a driveway in a manner which will least interfere with traffic movements. Loading areas shall be designed such that vehicles shall enter and leave the site by forward motion of the vehicle.

10.2.2.4. Parking areas for passenger vehicles are prohibited where it may conflict with truck circulation or maneuvering into the truck loading areas.

10.5.3. Spaces.

The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

10.6.6. Brick Driveways.

Brick driveways will be allowed consisting of smooth, hard-burned clay bricks with an appropriate concrete base conforming to the ~~Town of Smithfield~~ design standards of the Administrator. In the event repairs are required after brick driveways are installed due to utility replacement or other construction work, the driveway applicant shall pay that portion of the repair cost which exceeds the cost of repair using standard concrete six (6) inches in thickness. Normal maintenance or replacement will be the responsibility of the driveway applicant.

PART II. LANDSCAPE REQUIREMENTS

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Sec. 10.8. Applicability.

The three (3) standard requirements in this section are: Parking Facility Requirements (Section 10.13), Bufferyard Requirements (Section 10.14), and Screening of Dumpsters (Section 10.15.3). ~~The requirements of this article 10, Part II~~ These three (3) standard requirements shall be applicable to the following situations:

10.8.1. Single-Family-Residential-Development.

When a major residential subdivision with new roadways are proposed.

10.8.2. All New Single-Family-Residential Homes on Existing Lots.

All new single-family and duplex dwellings on existing lots shall comply landscape regulations of Section 10.13.1.8.2, Single-Family and Town House Residential Developments.

10.8.3. Multi-Family Residential Development.

When ten (10) or more parking spaces are required for all phases of development excluding all manufactured home parks.

10.8.4. Nonresidential Development.

10.8.4.1. New Construction. When a permitted use, a use or combination of uses contained within a conditional use permit require ten (10) or more parking spaces.

10.8.4.2. Existing Development. When there is a change from an existing use to a new use which requires additional parking and the new use requires ten (10) or more parking spaces.

10.8.4.3. Expansion of Structure. When there is an expansion of an existing structure by greater than twenty-five (25) percent of the gross floor area ~~and that use requires ten (10) or more additional parking spaces.~~

10.8.4.4. Expansion of Site Improvements. When there is an expansion of site improvements by greater than twenty-five (25) percent of the site's hard surface area.

10.8.4.5. Reconstruction of Structure. When there is damage or destruction to an existing structure beyond fifty (50) percent of its assessed value, the reconstruction must conform to the new construction standards of this section.

10.8.4.6. Expansion of Parking Facility. When there is an expansion of the parking facility by a minimum of ten (10) percent of the parking with a minimum of ten (10) total spaces.

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10.10.2. [Installation Details.]

Plants shall be installed in accordance with the Town of Smithfield Standard Detail and Specifications Manual, per the installation details included in Appendix B of this ordinance.

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10.13.1.8 Streets Yards.

10.13.1.8.1. Commercial Developments. Street yards shall be provided with a minimum depth of fifty (50) percent of the required front or corner side yard setback as measured perpendicular to the street right-of-way, provided that no street yard in excess of fifteen (15) feet in depth shall be required. The width of the planting strip may vary, but the minimum width cannot be less than seven (7) feet and the average width shall be at least ten (10) feet. The planting area must be covered with living material, including trees, shrubs and/or ground cover, so that no soil is exposed at a rate of two (2) canopy tree and twenty two (20) shrubs per every one hundred (100) linear feet of road frontage. Canopy trees can be replaced by understory trees if in conflict with overhead utilities. Required trees shall be placed in a planting strip on private property and not within the street right-of-way. No required street yard tree can be planted further than fifteen (15) feet from the edge of the right-of-way to meet this requirement.

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Sec. 10.14. Bufferyard Requirements.

Bufferyards are required for multi-family residential development with ten (10) or more parking spaces and nonresidential development as outlined in Section 10.8. See the table below to determine the type of bufferyard required.

Zoning District and/or Use To Be Developed (below)	Adjacent Land Use				
	Industrial	Commercial	Single-Family Residential	Multi-Family Residential (10 or more parking), PUD, PRD	Open Space
Industrial	N/A	Type A	Type C	Type C or D	Type C or D
Commercial	Type A	50% of Type A	Type B	Type A	Type C or D
Multi-Family Residential (10 or more parking)	Type C or D	Type A	Type A	N/A	N/A

Type A Bufferyard Screening.

Minimum of 10 feet wide. For every 1,000 square feet, the screen shall consist of a combination of a minimum of 2 Canopy Trees and 12 Shrubs distributed evenly throughout the Bufferyard. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)

Type B Bufferyard Screening.

Minimum width of 20 feet, For every 1,000 square feet, or fraction thereof, the screen shall consist of a combination of a minimum of 1 Canopy Tree and 8 Shrubs. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)

OPTIONS TO TYPE A AND/OR TYPE B

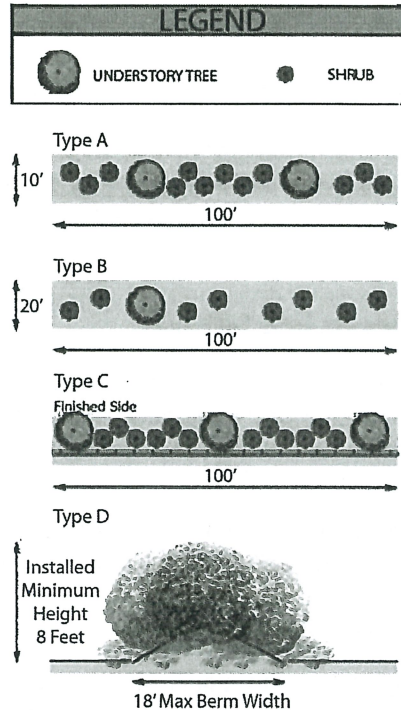
Type C Bufferyard Screening.

The design, color and materials of any fence or screen used to meet bufferyard requirements shall be approved by the UDO Administrator. The side of the fence facing the affected property owner shall be the finished side of the fence. The planting shall be three canopy trees and 12 shrubs per 100 linear feet of fencing. All planted screening required to be used in conjunction with a fence shall be approved by the UDO Administrator and planted on the finished side of the fence facing the affected use, and the remaining plantings shall be equally distributed in the bufferyard. The width of the planting bed shall be no less than five (5) feet and shall be wide enough to accommodate the plantings at maturity.

Type D Bufferyard Screening.

An earthen berm may be used in conjunction with planted vegetation made up of small, intermediate, and large shrubs, as approved by the UDO Administrator, provided that the combined height of the berm and planted vegetation shall be an installed minimum height of 6 feet. The slope of the berm shall be stabilized with vegetation and no steeper than 1½:1. The height of the berm shall be a maximum of 8 feet, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth. Depending upon plant type, plantings should be close enough to ensure an opaque screen at maturity.

NOTE: It is recommended and encouraged that native species and related cultivars be planted.



10.16.5.5. Locations, dimensions and square footages of required buffer strips and parking lot landscaping.

10.16.5.6. Details of required landscaping showing species, dimensions, and spacing of planted materials, including turfgrass sod or seeded areas, and the use and protection of existing vegetation.

10.16.5.7. All existing and proposed utilities and if applicable, their associated easements.

10.16.5.8. Location and square footage of structures and parking lots.

10.16.5.9. Adjacent zoning districts.

10.16.5.10. Approximate locations of all trees greater than eight (8) inches DBH within required buffers and of all areas of natural vegetation to be used as part of the buffer.

10.16.5.11. Setbacks of all structures and specifications and shielding of certain uses, as required.

10.16.5.12. Location of planting bed edges with edging and mulch materials identified.

10.16.5.13. Identification or notes indicating provisions for irrigation or other water supplies.

10.16.5.14. Landscape plan notes and special planting instructions.

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Sec. 10.34. Outdoor Lighting.

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10.34.3. General Standards for Outdoor Lighting.

10.34.3.1. Unless otherwise specified in Sections 10.34.4 through 10.34.9 below, the maximum light level shall be 0.5 maintained footcandle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care, or congregate living structure, and 2.0 maintained footcandle at any public street right-of-way, ~~unless otherwise approved by the Planning Board and Town Council.~~

10.34.3.2. All flood lights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within fifty (50) feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way.

10.34.3.3. All flood lamps emitting one thousand (1,000) or more lumens shall be aimed at least sixty (60) degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public right-of-way.

10.34.3.4. All wall pack fixtures shall be cutoff fixtures.

10.34.3.5. Service connections for all freestanding fixtures installed after application of this ordinance shall be installed underground.

~~10.34.3.6. Within the B-3 District, all outdoor lighting fixtures shall be at minimum semi-cutoff fixtures.~~

10.34.3.7. All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets are otherwise exempt from this regulation. For regulations regarding street lighting, see Section 10.35.

10.34.7. Lighting of Outdoor Display Areas.

10.34.7.1. Parking lot outdoor areas shall be illuminated in accordance with the requirements for Section 10.34.4 above. Outdoor display areas shall have a maximum point of illuminance of twenty-four (24) maintained footcandles (FC).

10.34.7.2. All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of-way. ~~Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with Sections 10.34.3.1 and 10.34.3.2 of this ordinance.~~

10.34.7.3. The mounting height of outdoor display area fixtures shall not exceed forty-one (41) feet above finished grade, ~~unless approved by the Planning Board and Town Council as having no adverse effect.~~

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10.34.10. Permits.

A permit is required for any work involving outdoor lighting. The applicant ~~for any permit required for work involving outdoor lighting~~ shall submit documentation at time of site plan ~~or plot plan~~ approval that the proposed lighting plan complies with the provisions of this Ordinance. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Ordinance:

10.34.10.1. A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this ordinance.

10.34.10.2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including, but not limited to, manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

The UDO Administrator or his/her designee(s) may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this ordinance.

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PART V. TRAFFIC IMPACT STUDY

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10.41.1. Special Use Permits.

10.41.1.1. Time of Submission. The traffic impact study shall be submitted to the UDO Administrator with, and as a part of, the application for the special use permit.

10.41.1.2. Implementation. The UDO Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use.

The Town Council ~~or Board of Adjustment, as appropriate,~~ shall consider the impact study and the analysis of the impact study before the application is approved or denied. The Town Council ~~or Board of Adjustment, as appropriate,~~ may decide that certain improvements on or adjacent to the site or on roadways or

10.93.4. Development Standards.

Dimensional requirements and all other development standards shall be the same as for underlying zoning district(s) except as modified herein.

10.93.4.1. Thoroughfare Protection. No improvements other than driveways, sidewalks, parking, and landscaping shall be permitted within the limits of projected rights of way as specified in the Official Thoroughfare Plan.

10.93.4.2. Setbacks. Setbacks shall be the same as for the underlying zoning district; provided, however, one (1) or more principal structures may be authorized within the setback under the following circumstances:

10.93.4.2.1. Such principal structure(s) is not situated within ten (10) feet of the projected right of way line of an entry corridor roadway;

10.93.4.2.2. Parking for the site is placed to the side or rear of such structure(s) so that it is screened from view from the entry corridor by means of such structure(s) and vegetative buffering as provided in Article 10, Part II.

10.93.4.2.3. The landscaping requirement for parking lots located to the side or rear of the principal structure may be reduced by twenty (20) percent.

10.93.4.2.4. The required parking spaces for parking lots located to the side or rear of the principal structure may be reduced by twenty (20) percent.

10.93.4.3. Driveways. Driveways serving a development parcel shall be permitted in accordance with the standards of the North Carolina Department of Transportation (NCDOT); provided, however, a development parcel shall be limited to no more than one (1) driveway on any road and no more than three (3) driveways total, unless a major site plan has been approved with additional driveways. Additional driveways may be permitted when they are necessary to improve traffic movement, increase sight distances, or for other safety reasons. Developers are encouraged to share parking areas and driveways with adjoining developments.

10.93.4.4. Outdoor Storage. Outdoor storage shall be screened from view with six feet high opaque vegetation or fencing, so that it is not visible from a roadway or adjacent properties. Provided, however, this section shall not apply to the outdoor display of goods for sale.

10.93.4.5. Signs. Signs shall be governed by the regulations contained in Article 10, Part III except as modified below:

10.93.4.5.1. Pole Signs. Pole signs are prohibited.

10.93.4.5.2. Freestanding Signs. Each development parcel may include no more than one (1) freestanding sign, which shall not exceed seventy (70) square feet in size and ten (10) feet in height, measured from street grade, for each thoroughfare on which the site has driveway access. For purposes of this paragraph, a development parcel does not include out parcels associated with approved major site plans.

10.93.4.6. Exceptions.

10.93.4.6.1. Single family and two family residential dwellings shall be required to comply with the provisions of subsections 10.93.4.1 to 10.93.4.3, above, but they shall not be required to comply with the remaining regulations of the Entry Corridor Overlay Zoning Classification.

10.93.4.6.2. Small lots, defined as lots with less than one hundred (100) feet of frontage on an entry corridor roadway or with less than one hundred (100) feet of depth, may have site constraints which make strict compliance with the regulations contained in this section a hardship. In such cases, the

10.96.1. Subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

10.96.2. Exempt Plats

Exempt plats are not subject to the regulations of this Ordinance and include the following:

10.96.2.1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.

10.96.2.2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

10.96.2.3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

10.96.2.4 The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.

10.96.2.5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

10.96.3 Minor Subdivision Plats

Plat recordation is required for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

10.96.3.1. The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

10.96.3.2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

10.96.3.3. The entire area of the tract or parcel to be divided is greater than 2 acres.

10.96.3.4. After division, no more than three lots result from the division.

10.96.3.5. After division, all resultant lots comply with all of the following:

a. All lot dimension size requirements of the applicable land-use regulations, if any.

b. The use of the lots is in conformity with the applicable zoning requirements, if any.

c. A permanent means of ingress and egress is recorded for each lot.

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Sec. 10.101. Information To Be Provided On Preliminary And Final Plats.

The preliminary and final plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required.

State on plans any variance request(s).	X	
Show existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining. Show wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site.	X	
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or FIRM maps (FEMA). State the base flood elevation data for subdivision.	X	X
Show the minimum building setback lines for each lot.	X	X
Provide grading and landscape plans. Proposed plantings or construction of other devices to comply with the screening requirements of Article 10, Part II.	X	
Show location of all proposed entrance or subdivision signage (see Section 10.23.1).	X	
Show pump station detail including any tower, if applicable.	X	
Show area which will not be disturbed of natural vegetation (percentage of total site).	X	
Label all buffer areas, if any, and provide percentage of total site.	X	X
Show all riparian buffer areas.	X	X
Show all watershed protection and management areas per Article 10, Part VI.	X	X
Soil erosion plan.	X	
Show temporary construction access pad.	X	
Outdoor illumination with lighting fixtures and name of electricity provider.	X	
The following data concerning proposed streets:		
Streets, labeled by classification (see Town of Smithfield construction standards) and street name showing linear feet, whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths, approximate grades and typical street cross-sections. Private roads in subdivisions shall also be shown and clearly labeled as such.	X	X
Traffic signage location and detail.	X	
Design engineering data for all corners and curves.	X	X
For office review; a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage.	X	

bearings, or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that is not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.		
The accurate locations and descriptions of all monuments, markers, and control points.	X	X
Proposed deed restrictions or covenants to be imposed upon newly created lots. Such restrictions are mandatory when private recreation areas are established. Must include statement of compliance with state, local, and federal regulations.	X	X
A copy of the erosion control plan submitted to the Regional Office of NCDEQ-DNRCD, when land disturbing activity amounts to one acre or more.	X	
All certifications required in Section 10.119.	X	X
Any other information considered by either the subdivider, UDO Administrator, Planning Board, or Town Council to be pertinent to the review of the plat.	X	X
Improvements guarantees (see Section <u>5.7.8.10</u> 5.8.2.6).		X

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Sec. 10.107. Erosion and Sedimentation Control.

The preliminary plat shall be accompanied by a written statement from NCDEQ ~~NCDENR~~, or the UDO Administrator, as the case may be, that any required soil erosion and sedimentation control plan has been approved.

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Sec. 10.109 Cluster Mailbox Units (CBU).

A shelter for any United States Postal Service (USPS)-required CBUs in districts permitting residential units is required and shall meet the following additional requirements:

10.109.1. Location.

10.109.1.1. Mail kiosks should be located on a lot deeded to a homeowners' association and be no more than 50 feet from an off-street motorized vehicle parking lot as measured from curb to CBU

10.109.1.2. On-Street. Mail kiosks may be located along (outside) a public right-of-way with parallel on-street parking, where other location options are not feasible, where provided in compliance with the provisions of this Subsection. The required 12-foot travel lanes in either direction shall be maintained at all times.

10.109.2. Structural Cover. A structural cover, meeting the North Carolina State Building Code, may be provided over mail kiosks. Such cover shall have a minimum overhang of two (2) feet where mail is delivered and unloaded.

feasible, such as parks, schools, and shopping without requiring the use of major or minor thoroughfares and streets.

10.110.1.2. All streets shall be labeled on the preliminary plat as: Arterial, Collector, Local Streets, Major Streets and Highways; Collector Streets; Minor Streets; or Cul-de-sacs.

10.110.1.3. Blocks.

10.110.1.3.1. Blocks shall be a maximum of one thousand (1,000) feet and a minimum of four hundred (400) feet in length.

10.110.1.3.2. Blocks shall have sufficient width to provide two (2) tiers of lots, except where another design may be necessary to separate residential development from through traffic or other non-residential uses.

10.110.1.4. Lots. All newly created lots shall comply with the following minimum requirements: The size, shape, and orientation of non-residential lots shall be such as the Planning Board and Town Council deem appropriate for the type of development or use proposed; however, residential, as well as non-residential lots, shall comply with the following minimum requirements:

10.110.1.4.1 Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.

10.110.1.4.2. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this Ordinance.

10.110.1.4.3 The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

10.110.1.4.4. Lot Area. All lots shall have a minimum gross area of at least eight thousand (8,000) square feet in accordance with Article 8 Zoning District Design Standard or adopted Conditional Zoning Districts. Additional lot area shall be required when:

10.110.1.4.1.1. A lot is served by either public water, but not public sewer, but not water or sewer, but not both shall have a minimum lot area of 30,000 20,000 square feet.

10.110.1.4.1.2. A lot is not served by neither either public water nor or public sewer shall have a minimum lot area of 25,000 40,000 square feet.

10.110.1.4.5. Lot Width and Depth. All lots shall have a minimum width and street frontage as required in Article 8, or adopted Conditional Zoning District, measured at the right-of-way, except in the case of the turning circle of cul-de-sacs where a minimum width at the minimum building line at the street right-of-way line of twenty-five (25) feet is permissible. Corner lots shall have an extra width of ten (10) feet to permit adequate setback from side streets. The minimum lot depth of single tier lots (when approved) shall be one hundred twenty-five (125) feet. All other lots shall have a minimum depth of 110 feet in depth. Additional lot width and depth shall be required when:

10.110.2. Private Streets.

10.110.2.1. Streets designated as private may be allowed in subdivisions when in the opinion of the Town Council they provide adequate ingress and egress onto collector streets, and sufficient assurance is provided through a legally established homeowners' association, that the street shall be properly maintained.

10.110.2.2. All such streets shall be designated a "private street" on the preliminary plans and final plats. Whenever a private street intersects a U.S. or North Carolina highway or North Carolina secondary road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for Johnston County, shall be submitted concurrent with the final plat.

10.110.2.3. All private streets shall conform to the Town's Standard Detail and Specifications Manual ~~must meet Department of Transportation standards for construction and maintenance.~~

10.110.2.4. A homeowners' association shall be established for each subdivision containing private streets and drainage systems. The final plat for each such subdivision shall contain a certificate indicating the book and page number of the homeowners' association covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems and shall provide for assessments to finance all maintenance activities. Covenants shall provide that the homeowners' association will construct all stub streets prior to offering any connecting for acceptance by NCDOT or the town. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's homeowners' association documents have been submitted and approved by ~~the Town Council~~ the Town Attorney.

10.110.3. Marginal Access Streets.

Where a tract of land to be subdivided adjoins a ~~principal~~ arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a ~~minor local~~ street for the lots to be developed adjacent to the arterial street. Where reverse frontage is established, private driveways shall be prevented from having direct access to the ~~expressway-arterial street~~. In the case of minor subdivisions fronting on an arterial ~~a major highway~~, the ~~Planning Board~~ Town Council may regulate access onto an existing or proposed highway by requiring:

10.110.3.1. That access be limited to a ~~minor local~~ local or collector street, when available.

10.110.3.2. That another access design, such as joint driveways, be used to achieve the intent of this regulation.

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10.110.7. Collector and ~~Minor~~ Local Streets.

Collector and ~~minor local~~ streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.

10.110.8. Nonresidential Streets.

The subdivider of a nonresidential subdivision shall provide streets in accordance with the Town's Standard Detail and Specifications Manual, I.F. 4 of the North Carolina Roads, Minimum Construction Standards, January 1, 2000; or current applicable North Carolina Department of Transportation Standards; and the standards of this Ordinance, ~~whichever are stricter in regard to each particular item.~~

10.110.13. Street Intersections.

Street intersections shall be laid out as follows:

- 10.110.13.1.** All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
- 10.110.13.2.** Intersections with a major street shall be at least one thousand (1,000) feet apart, measured from centerline to centerline.
- 10.110.13.3.** Where a centerline offset (jog) occurs at an intersection, the distance between centerline of the intersecting streets shall be not less than two hundred (200) feet.
- 10.110.13.4.** Property lines at intersections should be set so that the distance from the edge of pavement of the street turnout to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. The property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.
- 10.110.13.5.** Turn lanes or deceleration lanes may be required to be constructed within one hundred fifty (150) feet of any intersection, or other point of ingress or egress, where a substantial number of conflicting turning movements is anticipated, if the Council determines that the safety of motorists and pedestrians merit such construction.

10.110.14. Alleys.

- 10.110.14.1.** Alleys shall may be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual special circumstances, they are to privately owned and maintained by a property owners association and are approved by the Planning Board and Town Council.
- 10.110.14.2.** All alleys shall be designed in accordance with the Town of Smithfield Standard Detail and Specifications Manual. Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:

Right-of-way width	20 feet
Property line radius at alley intersection	15 feet
Minimum centerline radius when deflection angle of not more than 10 degrees occurs	35 feet
Minimum turnaround diameter of dead end alley (right of way width)	80 feet
- 10.110.14.3.** Sharp changes in alignment and grade shall be avoided.
- 10.110.14.4.** All alleys shall be designed in accordance with North Carolina Department of Transportation Standards.

10.110.15. Geometric Characteristics.

The standards outlined below shall apply to all subdivision streets proposed for addition to the state highway system or municipal street system. In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under right of way shall apply.

10.110.15.1. Design Speed. The design speeds for subdivision type streets shall be:

<u>Urban</u>	<u>Desirable (mph)</u>	<u>Minimum (mph)</u>
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40	-.04	573	10.00
50	-.04	955	6.00
60	-.04	1528	3.45
20	-.06	115	50.00
30	-.06	273	21.00
40	-.06	509	11.15
50	-.06	844	6.45
60	-.06	1380	4.15
20	-.08	110	53.50
30	-.08	252	22.45
40	-.08	468	12.15
50	-.08	764	7.30
60	-.08	1206	4.45

*Maximum rate of roadway superelevation, foot per foot.

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10.110.19. PUD Streets.

10.110.19.1. A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PUDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or "shared" street are more important than its vehicular efficiency alone.

10.110.19.2. PUDs should have a high proportion of interconnected streets, sidewalks, and paths. Sidewalks should be provided on both sides of each street. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses.

10.110.20. Street Construction Standards.

All streets must be constructed to the ~~Town of Smithfield Construction Standards~~, in conformance with the Town of Smithfield Standard Detail and Specifications Manual.

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Sec. 10.111. Street Connectivity Requirements.

identifies a trail on the thoroughfare frontage or an eight (8) foot wide trail shall be installed in lieu of a sidewalk of whether or not a sidewalk exists on the opposite side of the street. The sidewalk(s) and trails shall comply with the Town of Smithfield Standard Detail and Specifications Manual construction standards and NCDOT requirements.

Sec. 10.113. Utilities.

10.113.1. Water and Sewerage Systems.

10.113.1.1. When available, the subdivider shall connect to the water and sewerage systems owned and operated by the town. For all residential and commercial development, the town may require that the developer install lines larger than required by the development in order to support future growth. The town will pay the material cost difference between the required utilities and the upsized lines.

10.113.1.2. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the County Health Department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one (1) per acre) to determine absorption capacity of the soil and test holes at least six (6) feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.

10.113.1.3. All Town utilities shall be installed ~~per town requirements~~ in accordance with the Smithfield Standard Detail and Specifications Manual and at the direction of the Public Utilities Director.

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10.116.2. - Acceptance of Dedications.

10.116.2.1. At the time of submittal of a preliminary plat with streets, utilities, or other proposed to be dedicated for acceptance by the town as public, the Town Council will decide if it will approve the dedication, subject to the street(s), parks, utilities, sidewalks, or other complying with all town requirements for acceptance. The Town of Smithfield is not obligated to accept any offer of dedication.

10.116.2.2. Acceptance of dedication will be provided by ~~adoption of a resolution of~~ administrative approval of the final plat ~~by the Town of Smithfield Town Council.~~

Sec. 10.117. Adjustments.

~~The Board of Adjustment may authorize an adjustment from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any adjustment, the Board of Adjustment shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Board of Adjustment deliberations of the request must follow quasi-judicial procedures. No adjustment shall be granted unless the Board finds:~~

~~**10.117.1.** There are special circumstances or conditions affecting that property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of this land.~~

~~**10.117.2.** The adjustment is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~

The use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile service stations. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body work, overhauling, and painting.

Automobile wash or automatic car wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.

Automotive care center. Three (3) or more automotive care uses planned and constructed as a single unit, where the following uses and activities associated with each would be permitted:

- (1) — Auto parts store
- (2) — Muffler shop
- (3) — Transmission shop
- (4) — Tune up shop
- (5) — Lubrication shop
- (6) — Auto trim and detail shop, including wash, wax, and vacuum.
- (7) — Tire store with service (including alignment)
- (8) — Brake shop

Uses permitted do not include major mechanical and body work, straightening of body parts, storage of automobiles not in operational condition, or other work involving noises, glare, fumes, smoke, or other characteristics to an extent greater than normally found in facilities of this type.

An automotive care center is not a garage for the general repair of automobiles, or a body shop, but does include an automotive trim shop.

Bulk storage system. A facility containing storage tanks, pipe network, power, and control systems which allow dry bulk materials to be aerated and handled as required. Normally used to store materials which are consumed in relatively large quantities (i.e., barite, bentonite, and cement).

Car wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.

Collocation. (Amended 10/3/2017) The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, Town utility poles, or wireless support structures.

Commercial amusement use. Any use which provides entertainment, amusement, or recreation activities for commercial gain. This definition shall not include special events or functions customarily sponsored by or associated with schools, churches, nonprofit organizations, civic groups, fraternal orders, and charitable institutions.

Data Center. A data center is a building, dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems.

Entertainment, Indoor. An establishment offering entertainment or games of skill to the general public for a fee or charge where the activity takes place indoors. Typical uses include bowling alleys; indoor

- (2) The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is no less than 60 feet in width, ~~than or equal to the minimum lot width for the zone.~~

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~~Major and/or multi-unit development.~~ Development consisting of:

- (1) ~~Structures on a tract of two (2) acres or more, or~~
- (2) ~~Nonresidential structures having a total floor area of ten thousand (10,000) square feet or more.~~

Manufacturing and processing. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include food processing and beverage bottling, large-scale bakeries, electronics assembly, pharmaceuticals, monuments, tobacco products, dry cleaning plants and printing and publishing.

Mini-storage/self-service storage. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Multifamily development. A single building on a single lot or tract containing more than two (2) dwelling units.

Net acreage, acres, land area, square footage of land area. Land area with streets, rights of way, driveways which serve as access to more than two (2) dwelling units or uses, and major transmission line easements not included in its measurement.

Parking facility structures and underground parking garages, commercial. Any area (except an accessory use), either open or enclosed, structural or natural, for the storage of a vehicle or vehicles. Each parking facility structure shall have an approved means or ingress and egress. ~~A parking lot is a subclassification of a parking facility.~~

Plant nursery. A use for which the principal purpose is the growing of plants outside or in a greenhouse for wholesale or retail sales.

Shopping center, major. ~~Two (2) or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area of twenty-five thousand (25,000) square feet or greater.~~

Shopping center, minor. ~~Two (2) or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area less than twenty-five thousand (25,000) square feet.~~

Stormwater management definitions. For the purposes of Article 10, Part VI, Stormwater Management, *the following items, phrases and words shall have the meaning herein:*

- (1) **Approved accounting tool.** The most recent version of the accounting tool for calculating nutrient loading and reduction approved by the Division for the relevant geography and development type under review.
- (2) **Built-upon area (BUA).** Means the same as defined in N.C.G.S. 143-214.7(b2).
- (3) **Design Manual.** The State Stormwater Design Manual approved by the Department for the proper implementation of the State Minimum Design Criteria for engineered stormwater controls. All references herein to the Design Manual are to the latest published edition or revision.
- (4) **Developer.** Means the same as defined in N.C.G.S. 160D-102(11).

- (18) Redevelopment. Means the same as defined in N.C.G.S. 143-214.7(a1)(2).
- (19) Runoff treatment. Means the same as defined in 15A NCAC 02H .1002(43).
- (20) Runoff volume match. Means the same as defined in 15A NCAC 02H .1002(44).
- (21) Total nitrogen. Means the sum of the organic, nitrate, nitrite, and ammonia forms of nitrogen in water.

Street. A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Johnston County Register of Deeds. The following classifications apply:

- (1) ~~**Superhighway.** Major thoroughfares consisting of interstates, freeways, expressways, or parkway links that are characterized by limited access control.~~
- (2) ~~**Major arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. It is designed to carry more than twelve thousand (12,000) but less than twenty four thousand (24,000) trips per day.~~
- (3) ~~**Minor arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. It is designed to carry more than five thousand (5,000) but less than twelve thousand (12,000) trips per day.~~
- (4) ~~**Collector.** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It is designed to carry more than two thousand five hundred (2,500) but less than five thousand (5,000) trips per day. Typically, a collector is able to serve, directly or indirectly, between two hundred and fifty (250) and five hundred (500) dwelling units.~~
- (5) ~~**Subcollector.** A street whose principal functions are both to carry traffic between minor and local streets and collectors, or to join two (2) collectors, or a collector and an arterial, and to serve abutting properties. It is designed to carry more than five hundred (500) but less than two thousand five hundred (2,500) trips per day. Typically, a subcollector is able to serve, directly or indirectly, between fifty (50) and two hundred fifty (250) dwelling units.~~
- (6) ~~**Local road.** A street whose sole function is to provide access to abutting properties. It is designed to carry more than one hundred fifty (150) but less than five hundred (500) trips per day. Typically, a local road is able to serve, directly or indirectly, between fifteen (15) and fifty (50) dwelling units.~~
- (7) ~~**Minor street.** A street whose sole function is to provide access to abutting properties. It is designed to carry one hundred fifty (150) or less trips per day. Typically, a minor street serves fifteen (15) or fewer dwelling units.~~
- (8) ~~**Alley.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.~~
- (1) **Arterial.** The arterial system should serve the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip desires; and should carry a high proportion of the total urban area travel on a minimum of mileage. Arterials consist of Interstates; Other Freeways and Expressways; and Other Principal Arterials.
- (2) **Collector.** The collector street system provides land access service and traffic circulation within residential neighborhoods, commercial and industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to the ultimate destination.
- (3) **Local.** The local street system consists of all roads not defined as arterials or collectors and primarily provides access to land with little or no through movement.

Video arcade. An indoor area containing coin-operated video games.

Yard, street. A landscaped area located along a street.

PART 4

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

PART 5

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the 12th day of November 2024.



M. Andy Moore, Mayor

ATTEST



Elaine S. Andrews, Town Clerk

