

**ORDINANCE # ZA-18-01
AN ORDINANCE TO AMEND
APPENDIX A AND ARTICLE 6
OF THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE
TO CLARIFY MINIMUM SIZE AND REQUIRED MIX OF USES OF A PLANNED UNIT DEVELOPMENT.**

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to set unified standard for Planned Unit Developments (PUD).

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 APPENDIX A. DEFINITIONS content as it pertains to minimum size of a Planned Unit Development and allows for residential

APPENDIX A. DEFINITIONS

[Definitions not listed remain unchanged]

Planned unit development (PUD)

A development constructed on a tract of land ~~of at least 25 acres~~ under single ownership, planned and developed as an integral unit, and may consist ~~ing~~ of a combination of residential and nonresidential uses on and within a PUD special zoning district in accordance with Section 6.3.6.

And

6.3.6. PUDS Planned Unit Development Special Zoning District.

The PUDS district allows a large site to be developed with a mixture of land uses according to an approved overall site plan. For example, a large tract may be developed with a mix of single-family and multi-family housing, with part of the site also devoted to commercial and office uses. The PUDS district allows for greater flexibility in dimensional standards (such as lot sizes and setbacks) upon approval of an overall master plan for the entire development. The district does not require a rigid separation of different land uses. Uses are limited to the uses identified in the Table of Uses and Activities. All of the site specific standards and conditions, including a site plan are incorporated into the zoning district regulations for the PUDS. Approval of the site plan will establish all zoning requirements for the subject property. A PUDS district shall not be less than five (5) acres in area.

This negotiated approach to a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. But is it also has great potential for abuse - both in terms of impacts on individual landowners seeking approval and their neighbors and on the public interests zoning is supposed to promote. Thus, special restrictions have been placed on special zoning. Special zoning may only occur at the owner's request and cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Special zoning provides important opportunities to carefully tailor regulations to address the interest of the landowner, the neighbors, and the public. The town may use special zoning when it concludes that a particular project should be approved but that the standards in the comparable conventional zoning district(s) are insufficient to protect neighbors or public interests (perhaps because the conventional zoning allows other uses not suitable for the site or dimensional standards inadequate to preserve the neighborhood). Special zoning often allows a developer to proceed with a project in a way that addresses site-specific concerns of neighbors and the Town of Smithfield.

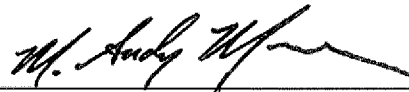
PART 2

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 6th day of March, 2018.



M. Andy Moore, Mayor

ATTEST



Shannan L. Parrish, Town Clerk

