



## **PLANNING BOARD AGENDA**

### ***Members:***

***Chairman: Stephen Upton (Town)***

***Vice-Chairman: Mark Lane (ETJ)***

***Teresa Daughtry***

***Ashley Spain (ETJ)***

***Michael Johnson***

***Alisa Bizzell***

***Doris Wallace (Town Alt)***

***Debbie Howard***

***Stephen Wensman, AICP, ALA, Planning Director***

***Mark Helmer, AICP, CZO, Senior Planner***

***Julie Edmonds, Administrative Assistant***

***Meeting Date: Thursday, January 2, 2020***

***Meeting Time: 6:00 p.m.***

***Meeting Place: Council Chambers, Smithfield Town Hall***



**2020**  
**Planning Board Meeting Schedule**

Thursday, January 2, 2020

Thursday, February 6, 2020

Thursday, March 5, 2020

Thursday, April 2, 2020

Thursday, May 7, 2020

Thursday, June 4, 2020

Thursday, July 9, 2020

Thursday, August 6, 2020

Thursday, September 3, 2020

Thursday, October 1, 2020

Thursday, November 5, 2020

Thursday, December 3, 2020

**\*\*All meetings begin at 6:00pm and are located inside the Council Chambers\*\***

**PLANNING BOARD AGENDA  
FOR REGULAR MEETING  
JANUARY 2, 2020  
MEETING TIME: 6:00 PM TOWN HALL**

Call to Order.

Identify voting members.

Approval of the agenda .

Swearing in of new board member .

Approval of the 2020 meeting schedule.

Approval of the minutes for November 1, 2019

New Business.

**RZ-20-01 Town of Smithfield:** The applicant is requesting to rezone 5 tracts of land totaling approximately 66.59 acres from the RMH-CUD (Residential Manufactured Home Conditional Use District) to the R-10 (Residential) zoning district. The properties considered for rezoning are located on the southwest side of Barbour Road approximately 1,100 feet northwest of its intersection with Bella Square. The properties considered for rezoning are further identified as Johnston County Tax ID# 150781995, 15078199Q, 15078199I, 15078199T, 15078199V and 15078199W.

**Unified Development Ordinance (UDO), Article 10, Wireless Communication Facilities.**  
Review and discuss current UDO requirements for wireless communication facilities within the Town of Smithfield planning and zoning jurisdiction and identify possible future UDO amendments.

Development Report for December 19, 2019

Board Action Report for November 2019

Permit Report for November 2019

Old Business

Adjournment

**Draft  
Town of Smithfield  
Planning Board Minutes  
Thursday, November 7, 2019  
6:00 P.M., Town Hall, Council Chambers**

**Members Present:**

Chairman Stephen Upton  
Vice-Chair Mark Lane  
Teresa Daughtry  
Debbie Howard  
Michael Johnson  
Ashley Spain  
Alisa Bizzell

**Members Absent:**

**Staff Present:**

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Support Specialist

**Staff Absent:**

Stephen Wensman, Planning Director

**CALL TO ORDER**

**IDENTIFY VOTING MEMBERS**

**APPROVAL OF MINUTES from October 3, 2019**

Mark Lane made a motion, seconded by Teresa Daughtry to approve the minutes as written.  
Unanimously approved

**NEW BUSINESS**

**RZ-19-02 Brightleaf Development Partners, LLC:** The applicant is requesting to rezone two parcels of land from the R-20A (Residential-Agricultural) to the B-3 (Highway Entrance Business) zoning district. The properties considered for rezoning are located on the northwest side of South Brightleaf Boulevard approximately 305 feet southwest of its intersection with Galilee Road. The properties are further identified as Johnston County Tax ID# 15J10032D & 15J10032E.

Mr. Helmer stated the properties considered for rezoning are currently zoned R-20A and are used for single family residential. Parcel #1 is 0.586 acres in size and is located at 3292 US Highway 301 (Tax ID 15J10032E). Parcel #2 is 1.14 acres in size and is located at 3210 US Highway 301 (Tax ID 15J10032D). The parcels are adjacent to business, institutional and single-family residential land uses. The rezoning will make the existing single-family home on the property non-conforming, however, the applicant intends to remove the single-family structures. The current comprehensive land use plan map guides the property to medium density residential. To rezone the property as such would create a spot zone of R-8 zoning. Since the intention of the rezoning is to facilitate Town Home development, the same can be achieved using the B-3 zoning with a special use permit. There is B-3 zoning adjacent to these properties. Therefore, Staff is in support of the rezoning to B-3 and believes it is consistent with the intent of the land use plan.

Mr. Upton asked the board if anyone had any questions for Mr. Helmer. No one replied.

Teresa Daughtry made a motion to approve RZ-19-02, seconded by Ashley Spain. Unanimously approved



**S-19-02 Brightleaf Development Partners, LLC:** The applicant is requesting preliminary subdivision plat approval for Oakfield Towns; a proposed 17-lot single family attached residential townhouse development on 1.72 acres of land in the B-3 (Highway Entranceway Business District). The properties considered for subdivision approval are located on the northwest side of South Brightleaf Boulevard approximately 305 feet southwest of its intersection with Galilee Road. The properties are further identified as Johnston County Tax ID# 15J10032D & 15J10032E.

Mr. Helmer stated that Adams and Hodge Engineering, PC is requesting a Preliminary Subdivision Plat for Oakfield Towns, a proposed 17-lot single-family attached residential townhouse development on 1.72 acres and will be a B-3 zoning district. The development parcel is comprised of two single-family residential lots, 0.586 and 1.14 acres in size. The structures on these lots will be removed with the development of the site. The property gently slopes away from S. Brightleaf Boulevard (US Highway 301). A drainage ditch runs along the front of the property within Brightleaf Boulevard (NCDOT) right-of-way. Duke Energy maintains overhead electric lines within the NCDOT right-of-way. There is an overhead electric line that crosses the front corner of the development site to a power pole located near the west property line. The rear half of the lot is covered with trees, however the size and quantity of trees is unknown (no tree preservation survey has been provided). Along the southwest property line of the development site there existing single-family residential structure that is situated on that shared property line. This structure currently shares the driveway for the development site. It is unclear as to the fate of this structure and where it will have driveway access in the future. The development site is also adjacent to a single-family residential property to the north-east. The single-family home on this property is approximately five feet from the shared property line. There are no known wetlands on site and the development site is not within a flood zone.

**Adjournment**

Being no further business, Teresa Daughtry made a motion seconded by Alisa Bizzell to adjourn the meeting. Unanimously approved

Next Planning Board meeting is December 5<sup>th</sup>, 2019 at 6:00 pm.

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist



# Request for Planning Board Action

Agenda  
Item: RZ-20-01  
Date: 01/02/20

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**Subject:** Zoning Map Amendment  
**Department:** Planning Department  
**Presented by:** Stephen Wensman, Planning Director  
**Presentation:** Business Item

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## Issue Statement

The RMH-CUD designation in west Smithfield on the current zoning map has expired with the expiration of the associated Special Use Permit expiration. As a result, current zoning map needs to be amended accordingly.

## Financial Impact

None

## Action Needed

Review the zoning map amendment and make a recommendation to the Town Council.

## Recommendation

Staff recommends approval of RZ-20-01 with a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Consistency Statement
3. Site Location Map



# Staff Report

Agenda Item: RZ-20-01

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## OVERVIEW:

In 1997 Town Council approved the rezoning of several properties on Barbour Road from AR/R-40 (an old zoning district designation) to RMH-CUD, for a mobile home park. The RMH-CUD was rezoned with a site plan for a manufactured home park and a Special Use Permit for the manufactured home park was approved. Because the development was never constructed, the Special Use Permit expired and therefore, the Conditional Use District rezoning has also expired. The zoning map was never amended to reflect the expiration. Therefore, Staff is requesting an amendment to the Town's zoning map to reflect the expiration.

## PROPERTY LOCATION:

The location of the property to be rezoned is located on Barbour Road, about 2000 lineal feet northwest of Bella Square with the property IDs: and the

## SITE DATA:

Acreage:	Approximately 65 acres
Present Zoning:	RMH-CUD (Manufactured Home Residential Conditional Use District)
Proposed Zoning:	R-10 (Single-Family Residential District)
Existing Use:	Farm land / Pasture/Residential
Proposed Use	N/A
Fire District:	Town of Smithfield
School Impacts:	NA
Parks and Recreation:	NA
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Duke Energy

## ENVIRONMENTAL:

The property is not located within a floodplain and no delineated wetlands exist on or near property considered for rezoning.

**ADJACENT ZONING AND LAND USES: (see attached map for complete listing)**

	<b>Zoning</b>	<b>Existing Land Uses</b>
<b>North</b>	R-20A (Residential-Agricultural)	Woodlands, Agriculture and Low density residential
<b>South</b>	R-20A (Residential-Agricultural)	Woods and Agriculture
<b>East</b>	R-20A (Residential-Agricultural)	Woods and Agriculture
<b>West</b>	R-20A (Residential-Agricultural)	Woods and Agriculture

**JUSTIFICATION:**

A Conditional Use District Zoning is a zoning designation with an associated site-specific development plan in conjunction with a special use permit. In this case, the applications were a rezoning from AR/R-40 (an old zoning district designation) to RMH-CUD, for a manufactured home park with a special use permit for the manufactured home park. Since the rezoning and special use permit approval, no construction was completed and therefore the vested rights and special use permit have expired.

**SECTION 4.7 ESTABLISHMENT OF VESTED RIGHTS.**

4.7.1. A vested right, in accordance with NCGS 160A-385.1, may be established upon the approval or special approval of a site-specific development plan by the Town Council in accordance with the provisions outlined in this section. Approval by the Town Council of a site-specific development plan shall follow the procedural requirements for the issuance of a special use permit as outlined in Section 4.9. Changes in or modifications to an approved site-specific development plan shall be made only with the concurrence of the Town Council in accordance with the provisions of Section 4.9.7. A right which has been vested as provided for in this section shall, as a general rule, remain valid for two (2) years and shall attach to and run with the land. A vested right shall expire at the end of two (2) years if no building permit applications have been filed with the Town to construct the use or uses proposed in the approved site-specific development plan.

**SECTION 4.4 EXPIRATION OF PERMITS.**

4.4.1. Zoning and special use permits for which vested rights as specified in Section 4.7 have not been secured shall expire automatically if, within one (1) year after the issuance of such permits:

4.4.1.1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or

As a result of the expiration, the zoning map is in error and should be corrected.

**RECOMMENDED ZONING:**

Normally, the zoning should revert back to the previous zoning district. In this case, the AR/R-40 zoning district does not exist. The current comprehensive growth management plan guides the property for low density residential, which corresponds with the R20-A zoning district. The draft comprehensive growth management plan, "Town Plan", guides these properties for medium density residential, which corresponds with the R-6, R-8 and R-10 zoning districts. The prevailing medium density zoning in the area is R-10. The slightly lower density of the R-10 is in keeping with the density restrictions of the PA-IV Watershed, the overlay zoning district in which these properties are located. Therefore, Staff recommends the properties be rezoned to R-10.

#### **CONSISTENCY STATEMENT:**

With approval of the rezoning, the Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and is reasonable:

- **Consistency with the Comprehensive Growth Management Plan** -The draft Future Land Use Map guides these properties for medium density residential land uses. The R-10 zoning district is a medium residential district.
- **Consistency with the Unified Development Code** - The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance as all existing and future land uses will need to comply with the UDO.
- **Compatibility with Surrounding Land Uses** - The property considered for a rezoning is compatible because many of the properties within the Town's corporate boundary in the immediate area are zoned R-10 and the area is in transition from rural to suburban.

#### **RECOMMENDATION:**

Staff recommends approval of RZ-20-01 finding the rezoning consistent with applicable adopted plans, policies and ordinances.

#### **RECOMMENDED MOTION:**

**"I move to recommend approval of RZ-20-01, rezoning the subject properties from RMH-CUD to R-10 and recommend approval of a consistency statement declaring the action to be consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest."**



# 1400 Block of Barbour Road

**Project Name:**  
Edward Boyette  
Trailer Park

**File Number:**  
SUP-20-01

**Existing Zoning:**  
RMH-CUD

**Proposed Zoning:**  
R-10

**Owner:**  
Heathstreet #215  
Jeffrey Wagner  
Priscilla Davis

**Applicant:**  
Town of Smithfield

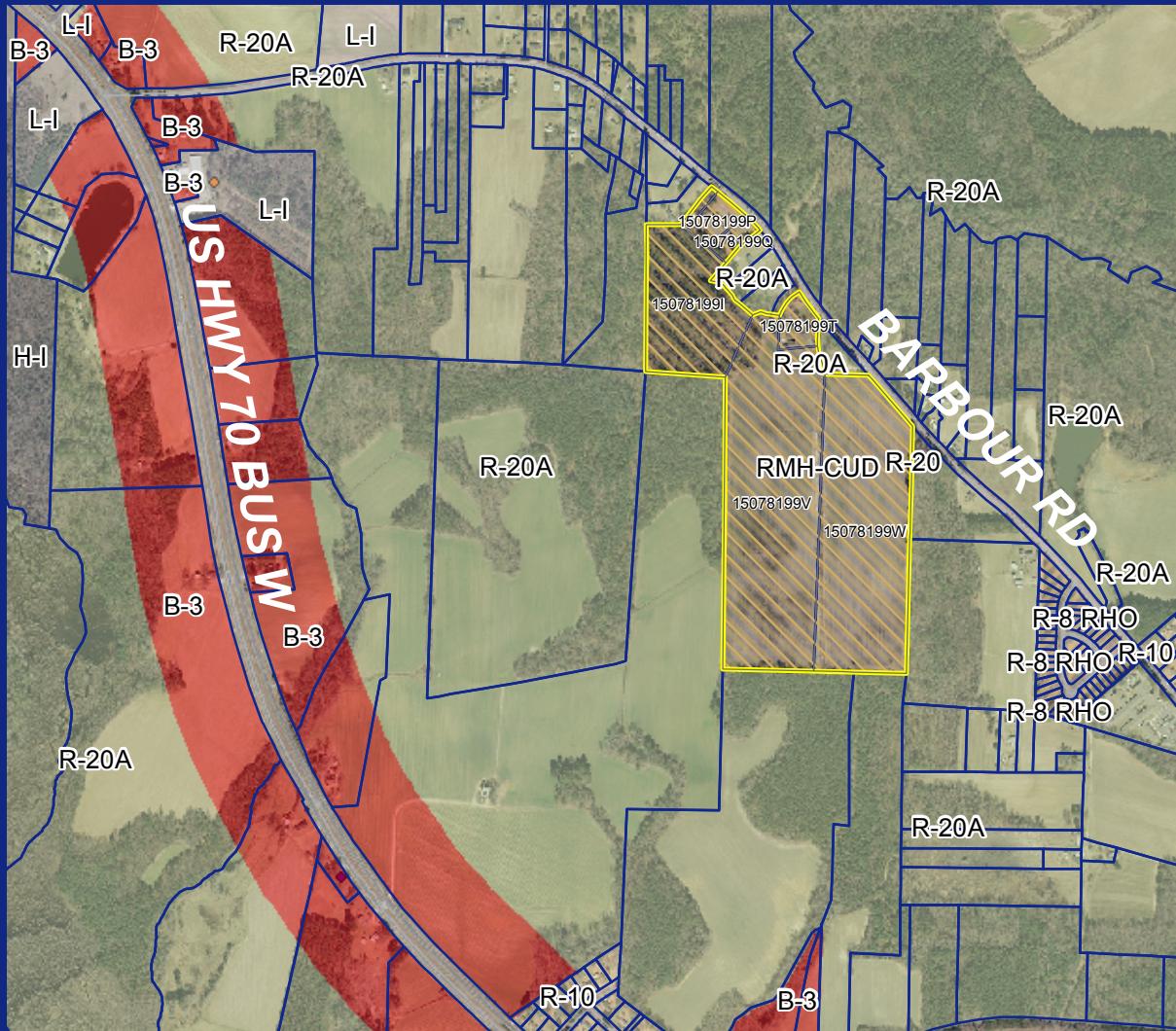
**Location:**  
1400 Block of  
Barbour Road

**Tax ID#**  
150781995  
15078199Q  
15078199I  
15078199T  
15078199V  
15078199W



0 500 1,000 Feet

Map created by Mark E. Helmer, AICP  
Senior Planner, GIS Specialist.





**PLANNING DEPARTMENT**

Stephen Wensman, AICP, RLA  
Planning Director

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December 3, 2019

Heath Street #215 Limited Partnership  
258 Meadowbrook Dr  
Four Oaks, NC 27524-8550

RE: Proposed Rezoning

To Whom It May Concern:

In 1997, the Town of Smithfield approved a rezoning request from AR/R-40 to RMH-CUD with a Special Use Permit and a site-specific development plan for a manufactured home park associated with the following properties (Johnston County Property IDs): 15078199I, 15078199P, 15078199Q, 15078199V, 15078199T and 15078199W. The vested rights for the development and the special use permit have expired; therefore, the zoning district designation for these properties, RMH-CUD, is no longer valid. The Town is therefore planning to rezoning these properties to another zoning designation. The Town of Smithfield Planning Board will be reviewing the rezoning on January 2, 2020 to make a recommendation to the Town Council. If you have any questions, please contact me at 919-934-2116, extension 1114.

Sincerely,

Stephen Wensman.





**PLANNING DEPARTMENT**  
Stephen Wensman, AICP, RLA  
Planning Director

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December 3, 2019

Jeffrey and Michelle Wagner  
426 Ainsley Court  
Clayton, NC 27527

RE: Proposed Rezoning

To Whom It May Concern:

In 1997, the Town of Smithfield approved a rezoning request from AR/R-40 to RMH-CUD with a Special Use Permit and a site-specific development plan for a manufactured home park associated with the following properties (Johnston County Property IDs): 15078199I, 15078199P, 15078199Q, 15078199V, 15078199T and 15078199W. The vested rights for the development and the special use permit have expired; therefore, the zoning district designation for these properties, RMH-CUD, is no longer valid. The Town is therefore planning to rezoning these properties to another zoning designation. The Town of Smithfield Planning Board will be reviewing the rezoning on January 2, 2020 to make a recommendation to the Town Council. If you have any questions, please contact me at 919-934-2116, extension 1114.

Sincerely,

A handwritten signature in red ink that reads "Stephen Wensman". The signature is written in a cursive style.

Stephen Wensman.





**PLANNING DEPARTMENT**

Stephen Wensman, AICP, RLA  
Planning Director

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December 3, 2019

Priscilla Davis  
1401 Barbour Road  
Smithfield, NC 27577

RE: Proposed Rezoning

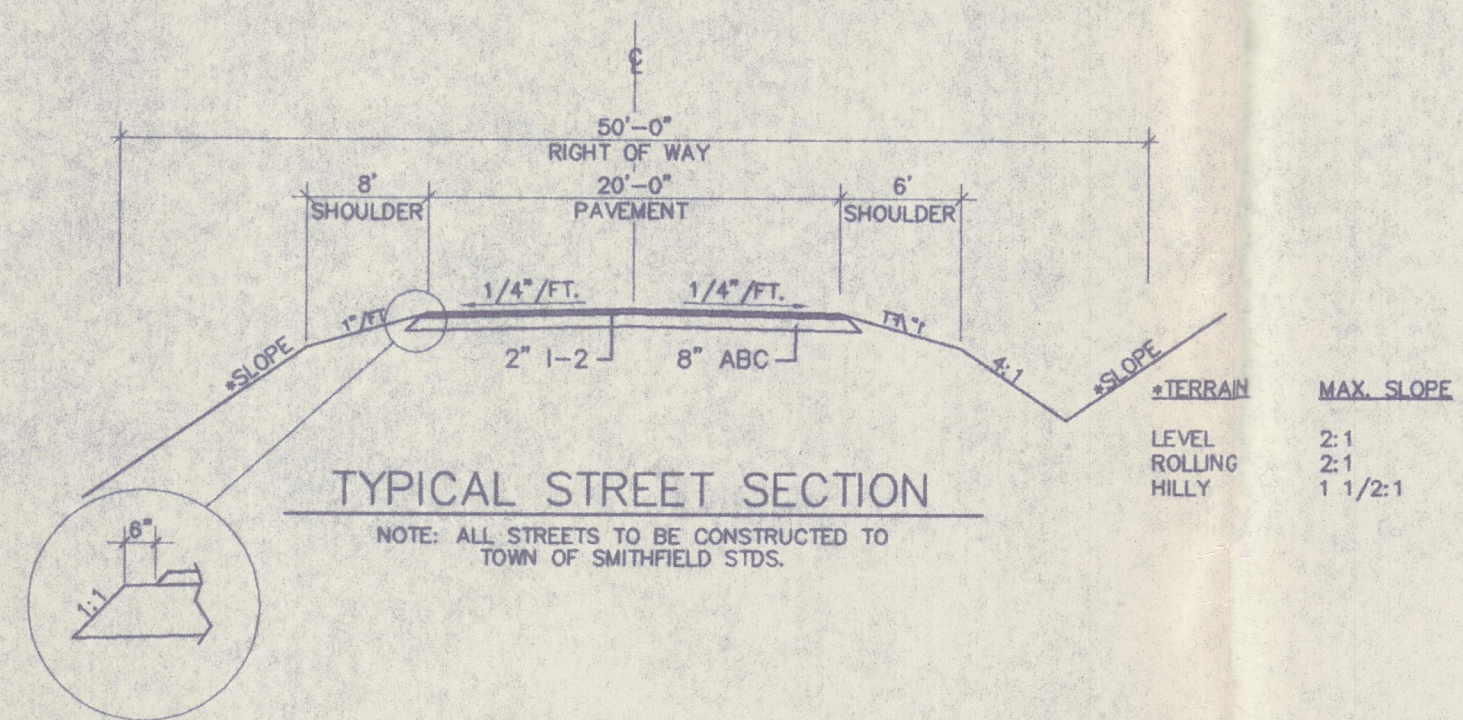
To Whom It May Concern:

In 1997, the Town of Smithfield approved a rezoning request from AR/R-40 to RMH-CUD with a Special Use Permit and a site-specific development plan for a manufactured home park associated with the following properties (Johnston County Property IDs): 15078199I, 15078199P, 15078199Q, 15078199V, 15078199T and 15078199W. The vested rights for the development and the special use permit have expired; therefore, the zoning district designation for these properties, RMH-CUD, is no longer valid. The Town is therefore planning to rezoning these properties to another zoning designation. The Town of Smithfield Planning Board will be reviewing the rezoning on January 2, 2020 to make a recommendation to the Town Council. If you have any questions, please contact me at 919-934-2116, extension 1114.

Sincerely,

  
Stephen Wensman.

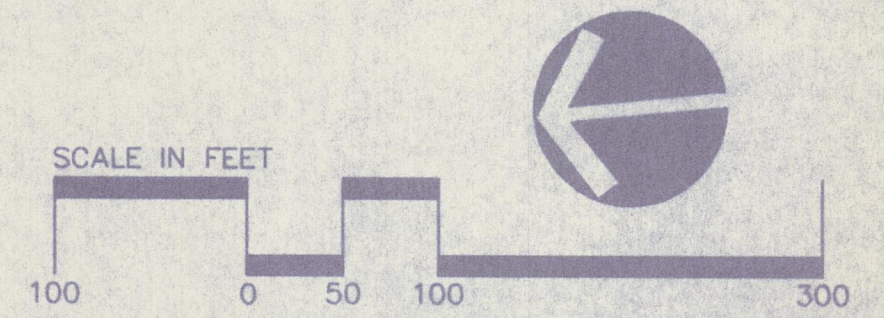




TERRAIN	MAX. SLOPE
LEVEL	2:1
ROLLING	2:1
HILLY	1 1/2:1



17 LIGHTS - EST. STREET LIGHTING



DESIGNED: TMH

SCALE SHEET NO.





**Staff Unified  
Presentation Development  
& Planning Ordinance  
Board Text  
Discussion Amendments**

1/2/2020

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The Planning Board plays a vital role as advisory to the Town Council in the matter of guiding and accomplishing a coordinated and harmonious development of the area within the Town jurisdiction. The Unified Development Ordinance (UDO) Article 3 states the duties of the Planning Board include the development and recommending of policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

UDO Article 3.3.6.1 allows the Planning Board to initiate from time to time proposals for amendments of the UDO and Zoning Map, based upon its studies and plans. The Planning Board is tasked to review and make recommendations to the Town Council concerning all proposed amendments to the UDO and Zoning Map.

UDO Article 3.3.6.1 also requires the Planning Board and Planning Department to meet once per quarter to discuss the UDO, its application, any problems, and any changes that may be needed. This meeting can occur as part of any regularly scheduled meeting.

The Planning Staff has been administering the UDO since its adoption on August 2, 2017 and has noted several perceived deficiencies deserving of consideration for amendment. Planning Staff will be initiating these zoning text amendment and topics, as agendas allow, to fix these issues in an ongoing manner. The process will introduce the topic and issue at a regularly scheduled meeting. Then, a detailed draft of the amendment will be submitted at a subsequent meeting for a Planning Board recommendation that will be forwarded to Town Council.

The Planning Board's topics/issues for the January 2, 2020 meeting is:

- Wireless Communication Facilities

The Planning Board is encouraged to read the UDO sections on the topics for this meeting and come prepared to further explore the issues in detail. You may find a digital copy easier to read and a searchable copy can be found at [WWW.Smithfield-NC.com](http://WWW.Smithfield-NC.com)



# Request for Planning Board Review

**Agenda  
Item:**  
Date: 1/2/2020

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**Subject:** Zoning Text Amendment  
**Department:** Planning  
**Presented by:** Mark Helmer, Senior Planner  
**Presentation:** Business Item

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## Issue Statement

The Planning Department is requesting the Planning Board study the Town of Smithfield Unified Development Ordinance (UDO) Article 10, Part VIII Wireless Communication Facilities and advise planning staff on possible refinements to exist standards for wireless communication facilities.

## Financial Impact

None.

## Action Needed

The Planning Board is respectfully requested to review current UDO requirements for Wireless Telecommunication Facilities and consider possible amendments to existing standards.

## Recommendation

Planning Staff recommends the Planning Board consider current wireless communication facilities standards and make a determination weather existing standards are adequate and to consider alternate standards that may better serve telecommunication industry, community and the citizens of Smithfield.

Approved: Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Article 10, Part VIII
3. Example draft ordinance
- 3.



# Staff Report

Agenda  
Item:

## STAFF ANALYSIS:

The purpose of the Wireless Communication Facilities Ordinance is to facilitate the deployment of necessary telecommunication services that are the least visibly intrusive type of installation that is not proven to be commercially or technologically impracticable and that will effectively prohibit the applicant from accomplishing its intended goal(s).

Wireless communications facilities include cell towers, commercial television broadcast towers, commercial radio towers, amateur radio towers and small cell towers. The Town of Smithfield Unified Development Ordinance (UDO) regulates the design, height and placement of all wireless communication towers on private property and within the public right-of-way. The UDO states that small cell antennas when located within the public right-of-way are exempt from zoning approval as required by, and in accordance with, the North Carolina general statutes. The Town of Smithfield allows for amateur radio towers in residential zoning districts, as required by and in accordance with, North Carolina general statutes.

Wireless communications facilities approval processes as set by the UDO Part VIII. Wireless Communication Facilities includes both an administrative review (use by right) and a special use approval process. However, it should be noted that the UDO, Article 6, Section 6.5 Table of Uses and Activities appears to not allow for wireless communications as a use by right.

10.86.2. Administrative Review and Approval states that the following standards must be met to be considered for administrative review and approval:

- New Wireless Support Structures less than fifty (50) feet in height in any zoning district.
- New Wireless Support Structures that are less than two hundred (200) feet in height, in any Industrial district.
- Concealed Wireless Facilities that are one hundred fifty (150) feet or less in height, in any zoning district *except* residential districts
- Monopoles or Replacement Poles located on public property or within utility easements or rights-of-way, in any zoning district.

10.86.3. Special Use Permit states that any application for wireless facilities and/or wireless support structures not subject to administrative review and approval pursuant to this ordinance shall be permitted in any district upon the granting of a special use permit.

10.88.1. Special Use Permit Process states that any wireless facility or wireless support structures not meeting the requirements of Section 10.86.2 above or 10.86.4 (exempt facilities when located in

an historic district), may be permitted in all zoning districts upon the granting of a Special Use Permit, subject to:

- 10.88.1.1. The submission requirements of Section 10.88.1.2. below; and
- 10.88.1.2. The applicable standards of Section 10.89 below; and
- 10.88.1.3. The requirements of the special use permit process in Section 4.9.

SECTION 10.89 GENERAL STANDARDS AND DESIGN REQUIREMENTS states that the design standards apply to all communication towers, both staff approved and special use permit.

10.89.3. Height states that in residential districts, Wireless Support Structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Notwithstanding the foregoing, the UDO Administrator or Town Council shall have the authority to vary the foregoing height restriction upon the request of the applicant.

10.89.8. Standards for the R-20A, R-10, R-8, R-6, R-MH, PUDS, and O/I Districts. In the R-20, R-8, R-6, PUD, B-3, and O/I zoning districts and in all other zoning districts on properties located within eight hundred (800) feet of any R-20, R-8, R-6, PUD, B-3, and O/I zoning districts (measured from the base of the tower or other supporting structure to the zoning district line), wireless facilities shall meet all of the following standards:

- 10.89.8.1. Poles must not be metal or concrete. Poles must not conduct electricity.
- 10.89.8.2. Poles shall be no taller than fifty (50) feet.
- 10.89.8.3. All supporting structures and antennae must be a “concealed design” including all cabling and antennae inside a “hollow pole” or mounted on the pole.
- 10.89.8.4. All poles must be non-reflective, matte finish.
- 10.89.8.5. No new structures shall be located directly in front of residences unless replacing an existing pole.
- 10.89.8.6. All antennae must be hidden from view or designed so as not to be identified as antennae by a layperson.
- 10.89.8.7. Installation of all facilities shall be the least visibly intrusive type of installation that is not proven to be commercially or technologically impracticable and that will not serve to effectively prohibit the applicant from accomplishing its intended goal.
- 10.89.8.8. Utility poles are not considered support structures.
- 10.89.8.9. New telecommunication devices and support structures shall not be located closer than eight hundred (800) feet from new and existing structures.
- 10.89.8.10. All radios, network equipment and batteries shall be enclosed in a pedestal cabinet near the pole; or in a pole-mounted cabinet or under a pole mounted shroud.
- 10.89.8.11. Cabinets shall be consistent in size and be no larger than standard NCDOT streetlight signal cabinets.

**Planning staff has reviewed the above standards and finds multiple conflicts within:**

10.86.2 Allows for an administrative review with supplemental regulations but Section 6.5 Tables of Uses and Activities allows for wireless communication facilities by Special Use Permit only.

10.86.2. Administrative Review and Approval allows for new wireless support structures that are less than two hundred (200) feet in height, in any Industrial district and concealed wireless facilities that are one hundred fifty (150) feet or less in height, in any zoning district *except* residential districts while 10.89.8 in effect bans allow wireless facilities over 50 feet.

10.86.3. Special Use Permit states that wireless communication facilities shall be permitted in any district upon the granting of a special use permit. But in accordance with Section 6.5 Tables of Uses and Activities, not all (any) zoning districts allow for wireless communication facilities.

10.89.3. Height allows for administrative variances to the maximum height of wireless communication facilities. Variances are discretionary decisions that traditionally made by the Board of Adjustment.

10.88.1. Special Use Permit Process states that any wireless facility or wireless support structures not meeting the requirements of Section 10.86.2 may be permitted in all zoning districts upon the granting of a Special Use Permit while 10.89.8 in effect bans allow wireless facilities over 50 feet.

**Planning Staff Request and Recommendation:**

1. Consider the effect of Article 10.89.8 which effectively bans all new cells towers over 50 feet in height in within the Town of Smithfield's Planning and zoning jurisdiction.
2. If the current prohibition of wireless communication towers over 50 feet is not desired, consider alternative standards that will allow for them. Option may include:
  - To allow for wireless communication towers over 50 feet in closer proximity to residential zoned property
  - To allow for wireless communication towers over 50 feet in closer proximity to residential zoned property and require greater building setbacks or fall zones.
  - Allow for wireless communication towers over 50 feet within residential zones and require greater building setbacks or fall zones.
3. Consider the effectiveness of wireless communication tower concealment and the impact, if any, that non concealment may have on the general health, welfare and safety of the public at large.

## **ARTICLE 10. PERFORMANCE STANDARDS**

### **PART VIII. WIRELESS COMMUNICATION FACILITIES.**

#### **SECTION 10.84 PURPOSE AND INTENT.**

The purpose of this section is to facilitate the deployment of necessary telecommunication services that are the least visibly intrusive type of installation that is not proven to be commercially or technologically impracticable and that will effectively prohibit the applicant from accomplishing its intended goal(s).

#### **SECTION 10.85 SITING HIERARCHY AND PREFERENCES.**

The following list indicates the Town's preferences for facility locations, in descending order of preference:

- Antennae co-location on an existing tower or utility pole;
- Concealed (stealth) antennae on existing building/structure;
- New concealed (stealth) tower fifty (50) feet in height or less;
- New concealed (stealth) towers over fifty (50) feet in height;
- Building-mounted antennae and/or tower;
- New freestanding non-stealth towers (monopoles);
- New freestanding non-stealth towers (all other types).

#### **SECTION 10.86 APPROVALS REQUIRED FOR WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES.**

##### ***10.86.1. Expert Review of Application.***

The Town may charge up to one thousand dollars (\$1,000) per application for expert assistance with the application review for collocation studies. For studies other than collocation, the Town may charge a "reasonable and customary fee" under NCGS 160A-400.52(f) provided the fees are fixed in advance.

##### ***10.86.2. Administrative Review and Approval.***

The following types of applications are subject to the review process as provided in Section 5.5. No other type of zoning or site plan review is necessary.

***10.86.2.1.*** New Wireless Support Structures that are less than fifty (50) feet in height, in any zoning district.

***10.86.2.2.*** New Wireless Support Structures that are less than two hundred (200) feet in height, in any Industrial district.



## ARTICLE 10. PERFORMANCE STANDARDS

**10.86.2.3.** Concealed Wireless Facilities that are fifty (50) feet or less in height, in any residential district.

**10.86.2.4.** Concealed Wireless Facilities that are one hundred fifty (150) feet or less in height, in any zoning district *except* residential districts.

**10.86.2.5.** Monopoles or Replacement Poles located on public property or within utility easements or rights-of-way, in any zoning district.

**10.86.2.6.** Carrier on wheels or cell on wheels (COWs), in any zoning district, if the use of the COW is either not in response to a declaration of an emergency or disaster by the Governor, or will last in excess of one hundred twenty (120) days.

**10.86.2.7.** Small cell/e-pole devices.

**10.86.2.8.** Substantial modifications.

**10.86.2.9.** Collocations.

### **10.86.3. Special Use Permit.**

Any application for Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval pursuant to this Ordinance shall be permitted in any district upon the granting of a Special Use Permit in accordance with the standards for granting Special Use Permits set forth in Section 4.9.

**10.86.4. Exempt From All Approval Processes.** The following are exempt from all Town of Smithfield zoning approval processes and requirements, unless located within the Historic District Overlay: (*Amended 10/3/2017 see ZA-17-04*)

**10.86.4.1.** Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this Ordinance.

**10.86.4.2.** Ordinary Maintenance of existing Wireless Facilities and Wireless Support Structures. Nothing in this section requires an application and approval for routine maintenance or limits the performance of routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities.

**10.86.4.3.** Wireless Facilities, including Small Wireless Facilities, placed on existing or replacement Utility Poles subject to the following limitation: Each new Small Wireless Facility in the public right-of-way shall not extend more than ten (10) feet above the utility pole, or the wireless support structure on which it is collocated.

## **ARTICLE 10. PERFORMANCE STANDARDS**

**10.86.4.4.** COWs placed for a period of not more than one hundred twenty (120) days at any location within the Town of Smithfield or in response to a declaration of an emergency or a disaster by the Governor.

**10.86.4.5.** Non-tower wireless communications facilities are permitted by right in all zoning districts in a right-of-way.

### **SECTION 10.87 ADMINISTRATIVE REVIEW AND APPROVAL PROCESS.**

#### ***10.87.1. Content of Application Package - For All Sites.***

All Administrative Review and Town Council application packages must contain the following in addition to those requirements outlined in Section 5.5 and 5.6:

**10.87.1.1.** Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms.

**10.87.1.2.** Documentation from a licensed professional engineer if calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this Ordinance.

**10.87.1.3.** For collocations and substantial modifications, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas.

**10.87.1.4.** For substantial modifications, drawings depicting the improvements along with their dimensions.

#### ***10.87.2. Approval Schedule.***

**10.87.2.1. Applications for Collocation, Monopole or Replacement Pole, a Concealed Wireless Facility, a Non-Exempt COW, or a Substantial Modification.** Within forty-five (45) days of the receipt of a complete application for a Collocation, a Monopole or Replacement Pole, a Concealed Wireless Facility, a Non-Exempt COW, or a Substantial Modification, the UDO Administrator will:

**10.87.2.1.1.** Review the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the UDO Administrator provides notice that the application is incomplete in writing to the applicant within 30 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The UDO Administrator may deem

## ARTICLE 10. PERFORMANCE STANDARDS

an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, state, and local safety requirements. The UDO Administrator may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

**10.87.2.1.2.** Issue a written decision approval an eligible facilities request application within forty-five (45) days of such application being deemed complete. For a collocation application that is not an eligible facilities request, the UDO Administrator shall issue its written decision to approve or deny the application within forty-five (45) days of the application being deemed complete.

**10.87.2.1.3.** Failure to issue a written decision within forty-five (45) calendar days shall constitute an approval of the application.

**10.87.2.2. Applications for New Wireless Support Structures that are Subject to Administrative Review and Approval.** Within forty-five (45) calendar days of the receipt of an application for a New Wireless Support Structure that is subject to Administrative Review and Approval under this Ordinance, the UDO Administrator will:

**10.87.2.2.1.** Review the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the UDO Administrator provides notice that the application is incomplete in writing to the applicant within 45 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The UDO Administrator may deem an application incomplete if there is insufficient evidence provided to show that the eligible facilities request will comply with federal, state, and local safety requirements. The UDO Administrator may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

**10.87.2.2.2.** Issue a written decision approval on an eligible facilities request application within forty-five (45) days of such application being deemed complete.

**10.87.2.2.3.** Failure to issue a written decision within forty-five (45) calendar days shall constitute an approval of the application.

## ARTICLE 10. PERFORMANCE STANDARDS

### **10.87.3. Application Review.**

When considering applications for wireless telecommunication facilities, the Town shall comply with the requirements of NCGS Chapter 160A, Article 19, Part 3E, "Wireless Telecommunication Facilities," the Telecommunications Act of 1996, as amended, and the applicable U.S. statutes and FCC orders. The UDO Administrator's review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the UDO Administrator may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, the quality of its service to or from a particular area or site, or the radio frequency emissions that will be produced by the facility. The UDO Administrator may not require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. The UDO Administrator may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies. In reviewing an application, the UDO Administrator may review the following:

**10.87.3.1.** Applicable public safety, land use, or zoning issues addressed in its adopted regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

**10.87.3.2.** Information or materials directly related to an identified public safety, land development, or zoning issue including evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure, that residential, historic, and designated scenic areas cannot be served from outside the area, or that the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure, or replacement wireless support structure is necessary to provide the applicant's designed service.

**10.87.3.3.** The UDO Administrator may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring. Collocation on an existing structure is not reasonably feasible if the applicant shows by verifiable technical evidence that the collocation is technically or commercially impractical or the owner of the existing structure is unwilling to enter into a contract for such use at fair market value.

**10.87.3.4.** The Town may require such information as necessary to provide that the proposed location and the type of support structure will work.

## **ARTICLE 10. PERFORMANCE STANDARDS**

### **10.87.4. Building Permit.**

The Building Inspector shall issue a building permit following approval of the application under Administrative Review in accordance with the process and standards in this Ordinance.

### **SECTION 10.88 SPECIAL USE PERMIT PROCESS.**

#### **10.88.1. Special Use Permit.**

Any Wireless Facility or Wireless Support Structures not meeting the requirements of Section 10.86.2 or 10.86.4 above, may be permitted in all zoning districts upon the granting of a Special Use Permit, subject to:

**10.88.1.1.** The submission requirements of Section 10.88.1.2. below; and

**10.88.1.2.** The applicable standards of Section 10.89 below; and

**10.88.1.3.** The requirements of the special use permit process in Section 4.9.

#### **10.88.2. Content of Special Use Permit Application Package.**

All Special Use permit application packages must contain the following in addition to those requirements contained in Sections 4.9, 5.6, 10.87.1.

**10.88.2.1.** Written description and scaled drawings of the proposed Wireless Support Structure or Wireless Facility, including structure height, ground and structure design, and proposed materials.

**10.88.2.2.** Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Wireless Support Structure.

**10.88.2.3.** Line-of-sight diagram or photo simulation, showing the proposed Wireless Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.

**10.88.2.4.** A statement of the proposed Wireless Support Structure will be made available for Collocation to other service providers at commercially reasonable terms, provided space is available and consistent with Section 10.89.1 of this Ordinance.

#### **10.88.3. Approval Schedule.**

Within one hundred fifty (150) calendar days of the receipt of an application under this section, the Town Council upon recommendation of the Planning Board will:

**10.88.3.1.** Complete the process for reviewing the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the UDO Administrator notifies the applicant in writing, within thirty (30) calendar days of

## **ARTICLE 10. PERFORMANCE STANDARDS**

submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. The Town loses the ability to object that the application is incomplete if the applicant is not notified within 30 days. Upon receipt of a timely written notice that an application is deficient, the 150-day clock is stopped until more information is received at which point the 150-day clock starts again. If the application is still incomplete, the clock continues to run until the applicant is notified in writing. Applications are automatically approved after 150 days.

**10.88.3.2.** Make a final decision to approve or disapprove the application.

**10.88.3.3.** Advise the applicant in writing of its final decision. If the Town Council denies an application, it must provide written justification of the denial.

**10.88.3.4.** Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.

### **SECTION 10.89 GENERAL STANDARDS AND DESIGN REQUIREMENTS.**

Design standards apply to all communication towers, both staff approved and special use permit.

#### **10.89.1. Design.**

**10.89.1.1.** Wireless Support Structures shall be subject to the following:

**10.89.1.1.1.** Shall be engineered and constructed to accommodate a minimum number of Collocations based upon their height:

**10.89.1.1.1.1.** Support structures fifty (50) to one hundred (100) feet shall support at least two (2) telecommunications providers.

**10.89.1.1.1.2.** Support structures greater than one hundred (100) feet but less than one hundred fifty (150) feet shall support at least three (3) telecommunications providers.

**10.89.1.1.2.** The Equipment Compound area surrounding the Wireless Support Structure must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with Section 10.89.1.1.

**10.89.1.1.3.** There shall be no interference with local emergency communications or normal radio/television reception.

## ARTICLE 10. PERFORMANCE STANDARDS

**10.89.1.2.** Concealed Wireless Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.

**10.89.1.3.** Upon request of the Applicant, the UDO Administrator or Town Council may waive the requirement that new Wireless Support Structures accommodate the Collocation of other service providers if it finds that Collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer Antennas will promote community compatibility.

**10.89.1.4.** A Monopole or Replacement Pole shall be permitted within utility easements or rights-of-way, in accordance with the following design requirements with approval of the entity controlling the utility easement:

**10.89.1.4.1.** The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.

**10.89.1.4.2.** The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

**10.89.1.4.3.** The height of the Monopole or Replacement pole may not exceed by more than thirty (30) feet the height of existing monopole structure.

**10.89.1.4.4.** Monopoles and the Accessory Equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.

**10.89.1.4.5.** Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection 10.87.1.4.3 above.

**10.89.1.4.6.** Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to thirty (30) feet in height of the utility tower.

### **10.89.2. Setbacks.**

Unless otherwise stated herein, each Wireless Support Structure shall be set back from all property lines a distance equal to its engineered fall zone.

## ARTICLE 10. PERFORMANCE STANDARDS

### **10.89.3. Height.**

In residential districts, Wireless Support Structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Notwithstanding the foregoing, the UDO Administrator or Town Council shall have the authority to vary the foregoing height restriction upon the request of the applicant. With its waiver request, the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the UDO Administrator or Town Council, whoever has authority to approve.

### **10.89.4. Aesthetics.**

**10.89.4.1. Lighting and Marking.** Wireless Facilities or Wireless Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

**10.89.4.2. Signage.** Signs located at the Wireless Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which Wireless Facilities are located (i.e., approved signage at locations on which Concealed Facilities are located).

### **10.89.5. Accessory Equipment.**

Accessory Equipment, including any buildings, cabinets, or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Facility or Wireless Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

### **10.89.6. Fencing.**

**10.89.6.1.** Ground mounted Accessory Equipment and Wireless Support Structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the UDO Administrator or Town Council.

**10.89.6.2.** The UDO Administrator or Town Council may waive the requirement of Section 10.89.6.1 if it is deemed that a fence is not appropriate or needed at the proposed location.

### **10.89.7. Standards for Facilities in the Public Rights-of Way.**

Wireless telecommunication facilities may be placed in a publicly-owned right-of-way if all the following standards are met:

**10.89.7.1.** The public entity controlling the rights-of-way consents to the encroachment in writing.



## ARTICLE 10. PERFORMANCE STANDARDS

**10.89.7.2.** No antennae may be discernable as antennae by the average person from more than 250 feet, unless the standard of subsection 10.89.8 below applies. The stricter standard shall apply.

**10.89.7.3.** Wireless installations shall be on poles that meet or exceed current NESC standards and the wind and ice loading requirements of ANSI 222 Version G.

**10.89.7.4.** No open lattice work towers are permitted.

**10.89.7.5.** For Town-controlled rights-of-way:

**10.89.7.5.1.** The UDO Administrator approves the encroachment; and

**10.89.7.5.2.** The established encroachment fees are paid; and

**10.89.7.5.3.** If requested by the Town, the structure is designed to accommodate other reasonable attachments by the Town's electric utility department; and

**10.89.7.5.4.** Unless proven unfeasible by clear and convincing evidence, in lieu of installing new poles, any wireless installation in the public right-of-way shall replace a pre-existing distribution pole, secondary pole, or streetlight.

**10.89.8. Standards for the R-20A, R-10, R-8, R-6, R-MH, PUDS, and O/I Districts.** In the R-20, R-8, R-6, PUD, B-3, and O/I zoning districts and in all other zoning districts on properties located within eight hundred (800) feet of any R-20, R-8, R-6, PUD, B-3, and O/I zoning districts (measured from the base of the tower or other supporting structure to the zoning district line), wireless facilities shall meet all of the following standards:

**10.89.8.1.** Poles must not be metal or concrete. Poles must not conduct electricity.

**10.89.8.2.** Poles shall be no taller than fifty (50) feet.

**10.89.8.3.** All supporting structures and antennae must be a "concealed design" including all cabling and antennae inside a "hollow pole" or mounted on the pole.

**10.89.8.4.** All poles must be non-reflective, matte finish.

**10.89.8.5.** No new structures shall be located directly in front of residences unless replacing an existing pole.

**10.89.8.6.** All antennae must be hidden from view or designed so as not to be identified as antennae by a layperson.

## **ARTICLE 10. PERFORMANCE STANDARDS**

**10.89.8.7.** Installation of all facilities shall be the least visibly intrusive type of installation that is not proven to be commercially or technologically impracticable and that will not serve to effectively prohibit the applicant from accomplishing its intended goal.

**10.89.8.8.** Utility poles are not considered support structures.

**10.89.8.9.** New telecommunication devices and support structures shall not be located closer than eight hundred (800) feet from new and existing structures.

**10.89.8.10.** All radios, network equipment and batteries shall be enclosed in a pedestal cabinet near the pole; or in a pole-mounted cabinet or under a pole mounted shroud.

**10.89.8.11.** Cabinets shall be consistent in size and be no larger than standard NCDOT streetlight signal cabinets.

### **SECTION 10.90 MISCELLANEOUS PROVISIONS.**

#### ***10.90.1. Abandonment and Removal.***

If a Wireless Support Structure is Abandoned, and it remains Abandoned for a period in excess of twelve (12) consecutive months, the Town of Smithfield may require that such Wireless Support Structure be removed only after first providing written notice to the owner of the Wireless Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Wireless Support Structure within sixty (60) days of receipt of said written notice. In the event the owner of the Wireless Support Structure fails to utilize the Wireless Support Structure within the sixty (60) day period, the owner of the Wireless Support Structure shall be required to remove the same within six (6) months thereafter. The Town of Smithfield shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

#### ***10.90.2. Multiple Uses on a Single Parcel or Lot.***

Wireless Facilities and Wireless Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

### **SECTION 10.91 WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES IN EXISTENCE ON THE DATE OF ADOPTION OF THIS ORDINANCE.**

#### ***10.91.1. Facilities in Existence on the Date of Adoption.***

Wireless Facilities and Wireless Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.

## ARTICLE 10. PERFORMANCE STANDARDS

### ***10.91.2. Activities at Non-Conforming Wireless Support Structures.***

Notwithstanding any provision of this Ordinance:

***10.91.2.1.*** Ordinary Maintenance may be performed on a Non-Conforming Wireless Support Structure or Wireless Facility.

***10.91.2.2.*** Collocation of Wireless Facilities on an existing non-conforming Wireless Support Structure shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming structure and/or use and shall be permitted through the Administrative Approval process defined in Section 10.85; provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.

***10.91.2.3.*** Substantial Modifications may be made to non-conforming Wireless Support Structures utilizing the Special Use Permit process defined in Section 4.9 of this Ordinance.

**DRAFT ORDINANCE # ZA-19-??**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 10, PART VIII, WIRELESS COMMUNICATION FACILITIES**

**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 amend the maximum permitted height of telecommunication towers in and adjacent to residential zoned properties.

**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:

[Revise Article 10, Section 10.84.8 to allow for up to 199 foot telecommunication towers with a setback equal to the engineered fall zone.]

**PART 1**

**10.89.8. Standards for the R-20A, R-10, R-8, R-6, R-MH, PUDS, and O/I districts.** In the R-20A, R-10, R-8, R-6, PUD, B-3, and O/I zoning districts and in all other zoning districts on properties located within eight hundred (800) feet of any R-20A, R-10, R-8, R-6, PUD, B-3, and O/I zoning districts (measured from the base of the tower or other supporting structure to the zoning district line), wireless facilities shall meet all of the following standards:

**10.89.8.1.** All telecommunication towers shall be of monopole design. ~~Poles must not be metal or concrete.~~ Telecommunication towers must not conduct electricity.

**10.89.8.2.** ~~Poles~~ Telecommunication towers shall be no taller than fifty ~~(50)~~ 199 feet.

**10.89.8.3.** ~~All supporting structures and antennae must be a "concealed design" including All cabling and antennae~~ shall be concealed inside a "hollow pole" ~~or mounted on the pole.~~

**10.89.8.4.** All poles must be non-reflective, matte finish.

**10.89.8.5.** No new structures shall be located directly in front of residences unless replacing an existing pole.

~~**10.89.8.6.** All antennae must be hidden from view or designed so as not to be identified as antennae by a layperson.~~

~~10.89.8.7.6.~~ Installation of all facilities shall be the least visibly intrusive type of installation that is not proven to be commercially or technologically impracticable and that will not serve to effectively prohibit the applicant from accomplishing its intended goal.

~~10.89.8.8.7.~~ Utility poles are not considered telecommunication towers or support structures.

~~10.89.8.9.8.~~ New telecommunication ~~devices~~ towers and support structures shall ~~not be located closer than eight hundred (800) feet from new and existing structures.~~ be set back from all property lines a distance equal to twice its engineered fall zone.

~~10.89.8.10.2.~~ All radios, network equipment and batteries shall be enclosed in a pedestal cabinet near the pole; or in a pole-mounted cabinet or under a pole mounted shroud

~~10.89.8.11.~~ 10. Cabinets shall be consistent in size and be no larger than standard NCDOT streetlight signal cabinets.

**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 \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

M. Andy Moore, Mayor

ATTEST

\_\_\_\_\_  
Shannan L. Parrish, Town Clerk



# Planning Department Development Report

Thursday, December 19, 2019

**Project Name: Oakfield Towns**  
 Request: 18 lot Preliminary Subdivision  
 Location South Brightleaf Boulevard  
 Tax ID#: 15J10032D PIN#: 168206-48-5825  
 Project Status First Review Complete  
 Notes: Planning Board recommended approval

<b>Subdivision 2019-02</b>	
Submittal Date:	10/4/2019
Planning Board Review:	11/7/2019
Board of Adjustment Review:	
Town Council Hearing Date:	1/7/2020
Approval Date:	

**Project Name: Oakfield Towns**  
 Request: Rezone from R-20 to B-3  
 Location South Brightleaf Boulevard  
 Tax ID#: 15J10032D PIN#: 168206-48-5825  
 Project Status First Review Complete  
 Notes: Planning Board recommended approval

<b>Map Amendment 2019-02</b>	
Submittal Date:	10/4/2019
Planning Board Review:	11/7/2019
Board of Adjustment Review:	
Town Council Hearing Date:	1/7/2020
Approval Date:	

**Project Name: Oakfield Towns**  
 Request: 17 Unit Townhouse Development  
 Location South Brightleaf Boulevard  
 Tax ID#: 15J10032D PIN#: 168206-48-5825  
 Project Status Scheduled for Public Hearing  
 Notes:

<b>Special Use 2019-11</b>	
Submittal Date:	10/4/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	1/7/2020
Approval Date:	

**Project Name: Oritz Tires**  
 Request: Tire Dealer and Service  
 Location 116 South Brightleaf Boulevard  
 Tax ID#: 15027004 PIN#: 169419-60-2220  
 Project Status Scheduled for Public Hearing  
 Notes:

<b>Special Use 2019-12</b>	
Submittal Date:	10/4/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	11/12/2019
Approval Date:	11/13/2019

Project Name: **Dr. Laura Godwin DDS**  
Request: Medical office  
Location 121 Kellie Drive  
Tax ID#: 14075021R PIN#: 260405-09-8153  
Project Status **Approved**  
Notes: Under Construction

<b>Site Plan 2019-08</b>	
Submittal Date:	9/4/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/24/2019

Project Name: **Amends Article 3,4,6,& 7**  
Request: Adds a conditional zoning process  
Location  
Tax ID#: PIN:  
Project Status **In Second Review**  
Notes: Tabled

<b>Text Amendment 2019-04</b>	
Submittal Date:	7/5/2019
Planning Board Review:	10/3/2019
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Saint Ann Parking Lot Expansion**  
Request: 96 Additional Parking Spaces  
Location 4079 West US 70 Highway  
Tax ID#: 17Q99003 PIN#: 168617-01-1829  
Project Status **Approved**  
Notes: Under Construction

<b>Site Plan 2019-07</b>	
Submittal Date:	6/28/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/2/2019

Project Name: **Amends Article 10.15.4**  
Request: Amends Article 10.15.4  
Location  
Tax ID#: PIN:  
Project Status **Scheduled for Public Hearing**  
Notes: Tabled

<b>Text Amendment 2019-03</b>	
Submittal Date:	6/7/2019
Planning Board Review:	10/3/2019
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Johnston Regional Airport FBO**  
Request: FBO Hanger Addition  
Location 3149 Swift Creek Road  
Tax ID#: 15079017D PIN#: 168500-12-1015  
Project Status **Approved**  
Notes:

<b>Site Plan 2019-04</b>	
Submittal Date:	5/22/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/22/2019

Project Name: **The Wash House**  
Request: Coin Laundry  
Location 1131 North Brightleaf Boulevard  
Tax ID#: 14L10010B PIN#: 260411-65-5790  
Project Status **Approved**  
Notes: Under Construction

<b>Site Plan 2019-03</b>	
Submittal Date:	5/6/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/19/2019

Project Name: **American Pride Carwash**  
Request: Auto Wash  
Location 1205 North Brightleaf Boulevard  
Tax ID#: 14074001 PIN#: 260414-34-8508  
Project Status **Approved**  
Notes: NCDOT approval required

<b>Site Plan 2019-01</b>	
Submittal Date:	4/27/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/22/2019

Project Name: **Kamdon Ranch**  
Request: 110 Lot Division  
Location Swift Creek Road  
Tax ID#: 15I08020 PIN#: 167400-55-9495  
Project Status **Approved**  
Notes:

<b>Subdivision 2019-02</b>	
Submittal Date:	4/5/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/27/2019



Project Name: **O'Reilly's Automotive**  
Request: Retail Expansion  
Location 816 North Brightleaf Boulevard  
Tax ID#: 15006013A PIN#: 260413-02-4939  
Project Status **Approved**  
Notes: Failed final Inspection / No reinspection scheduled

<b>Site Plan 2018-11</b>
Submittal Date: 8/19/2018
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 11/18/2018

Project Name: **College Plaza**  
Request: Retail Center  
Location 1547 East Market Street  
Tax ID#: 15K10023L PIN#: 169308-99-5886  
Project Status **Approved**  
Notes: Under Construction

<b>Site Plan 2018-10</b>
Submittal Date: 8/9/2018
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 2/19/2019

Project Name: **Hampton Inn**  
Request: Free Standing Hotel  
Location 160 Towne Centre Place  
Tax ID#: 15L11001G PIN#: 260305-08-5727  
Project Status **Approved**  
Notes: Under Construction

<b>Site Plan 2018-08</b>
Submittal Date: 8/7/2018
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 3/28/2019

Project Name: **Amend Art 5**  
Request: Requires notice for preliminary sub'd  
Location  
Tax ID#: PIN#:   
Project Status  
Notes: Tabled

<b>Text Amendment 2018-06</b>
Submittal Date: 6/1/2018
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Amends Art 9**  
Request: Prohibits BOA use variances  
Location  
Tax ID#: PIN#:  
Project Status  
Notes: Tabled

<b>Text Amendment 2018-07</b>	
Submittal Date:	6/1/2018
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Amends Art 3**  
Request: HPC Ord to UDO and adds permitted work chart  
Location  
Tax ID#: PIN#:  
Project Status  
Notes: Tabled

<b>Text Amendment 2018-08</b>	
Submittal Date:	6/1/2018
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Tires and Wheels**  
Request: Auto Repair  
Location 2134 South Brightleaf Boulevard  
Tax ID#: 15A61047D PIN#: 168320-91-1779  
Project Status Approved  
Notes: Under Construction

<b>Site Plan 2017-09</b>	
Submittal Date:	8/8/2017
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/8/2018



Town of Smithfield  
Planning Department  
350 E. Market St Smithfield, NC 27577  
P.O. Box 761, Smithfield, NC 27577  
Phone: 919-934-2116  
Fax: 919-934-1134

## BOARD ACTIONS REPORT - 2019

November

### Town Council

Zoning Map Ammendments	0
Special Use Permit	1
Zoning Ordinance Amendments	0
Major Subdivisions	0
Annexations	0
Special Events	1
Town Plan	1

### Planning Board

Zoning Map Amendments	1
Zoning Ordinance Ammendments	0
Major Subdivisions	1
Town Plan Review	

### Board of Adjustment

Variance	0
Admin Appeal	0

### Historic Properties Commission

Certificate of Appropriateness	0
Historic Landmarks	0



**Town of Smithfield**  
**Planning Department**  
**350 E. Market St Smithfield, NC 27577**  
**P.O. Box 761, Smithfield, NC 27577**  
**Phone: 919-934-2116**  
**Fax: 919-934-1134**

## Permit Issued for November 2019

		Permit Fees	Permits Issued
Zoning	Land Use	700.00	7
Site Plan	Minor Site Plan	\$675.00	27
Zoning	Sign	\$300.00	6
	Report Period	\$1,675.00	40
	<b>Fiscal YTD Total:</b>	<b>\$8,050.00</b>	<b>125</b>

Z19-000154	Zoning	Land Use	Spanky's Christmas Trees	404 N Brightleaf Blvd
Z19-000146	Zoning	Sign	College Plaza	1547 E. Market St.
Z19-000153	Zoning	Sign	Hampton Inn	120 Towne Centre Place
Z19-000038	Zoning	Sign	Sound Station & Security	713 East Market Street
Z19-000147	Zoning	Sign	The Wash House	1331 N. Brightleaf Blvd
Z19-000148	Zoning	Sign	Perfume outlet	1025 Outlet Center Dr
SP19-000069	Site Plan	Minor Site Plan	pool house	107 North Lakeside Dr
SP19-000070	Site Plan	Minor Site Plan	Single Family Dwelling	118 Sturgeon Street
SP19-000072	Site Plan	Minor Site Plan	Single Family Dwelling	110 Sunfish Street
SP19-000073	Site Plan	Minor Site Plan	Single Family Dwelling	118 Sunfish Street
SP19-000074	Site Plan	Minor Site Plan	Single Family Dwelling	124 Sunfish Street
SP19-000075	Site Plan	Minor Site Plan	Single Family Dwelling	132 Sunfish Street
SP19-000076	Site Plan	Minor Site Plan	single Family Dwelling	138 Sunfish Street
SP19-000077	Site Plan	Minor Site Plan	Single Family Dwelling	150 Sunfish Street
Z19-000149	Zoning	Land Use	Remodel and Restoration	937 N Brightleaf Blvd
Z19-000150	Zoning	Land Use	Comfort Shield HVAC	937 N Brightleaf Blvd
Z19-000151	Zoning	Land Use	Ortiz Tires	116 S Brightleaf Blvd
SP19-000078	Site Plan	Minor Site Plan	Single Family Dwelling	132 Croatan Drive
SP19-000079	Site Plan	Minor Site Plan	Single Family Dwelling	189 Sturgeon Street
SP19-000080	Site Plan	Minor Site Plan	Single Family Dwelling	165 Sturgeon Street
SP19-000081	Site Plan	Minor Site Plan	Single Family Dwelling	157 Sturgeon Street

SP19-000082	Site Plan	Minor Site Plan	Single Family Dwelling	133 Sturgeon Street
SP19-000083	Site Plan	Minor Site Plan	Single Family Dwelling	125 Sturgeon Street
SP19-000084	Site Plan	Minor Site Plan	Single Family Dwelling	126 Sturgeon Street
SP19-000085	Site Plan	Minor Site Plan	Single Family Dwelling	131 Croatan Court
SP19-000086	Site Plan	Minor Site Plan	Single Family Dwelling	129 Croatan Court
SP19-000087	Site Plan	Minor Site Plan	Single Family Dwelling	190 Sunfish Street
SP19-000088	Site Plan	Minor Site Plan	Single Family Dwelling	198 Sunfish Street
SP19-000089	Site Plan	Minor Site Plan	Single Family Dwelling	181 Sturgeon Street
SP19-000090	Site Plan	Minor Site Plan	Single Family Dwelling	149 Sturgeon Street
SP19-000091	Site Plan	Minor Site Plan	Single Family Dwelling	141 Sturgeon Street
SP19-000092	Site Plan	Minor Site Plan	Single Family Dwelling	173 Sturgeon Street
SP19-000093	Site Plan	Minor Site Plan	Single Family Dwelling	176 Sunfish Street
Z19-000152	Zoning	Land Use	I & K Services	24 Noble Street
SP19-000094	Site Plan	Minor Site Plan	Accessory Structure	4330 Swift Creek Road
SP19-000095	Site Plan	Minor Site Plan	Accessory Structure	466 Cleveland Road
SP19-000096	Site Plan	Minor Site Plan	Single Family Dwelling	311 N. Fourth Street
Z19-000155	Zoning	Land Use	Five GIS Rex Properties	530-540 North Street
Z19-000156	Zoning	Land Use	Johnson Broadcast	1270 Buffalo
Z19-000157	Zoning	Sign	North State Acceptance	921 N Brightleaf Blvd