

ACTION REQUEST FORM

DATE: August 12, 2014
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, Director of Planning and Development Services

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Planning and Development Services staff

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Planning and Development Services staff to revise Chapter B of the *Unified Development Ordinances* to revise recently adopted transmission tower regulations (UDO-250).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

UDO-250
AN ORDINANCE PROPOSED BY PLANNING
AND DEVELOPMENT SERVICES STAFF TO REVISE
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO REVISE RECENTLY ADOPTED TRANSMISSION TOWERS REGULATIONS

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B – Zoning Ordinance, Article II – Zoning Districts, Official Zoning Maps and Uses is amended as follows:

2-5 Use Conditions

2-5.79 TRANSMISSION TOWER (W)

(A) Applicability

Transmission towers which are principal or accessory uses shall meet the following requirements.

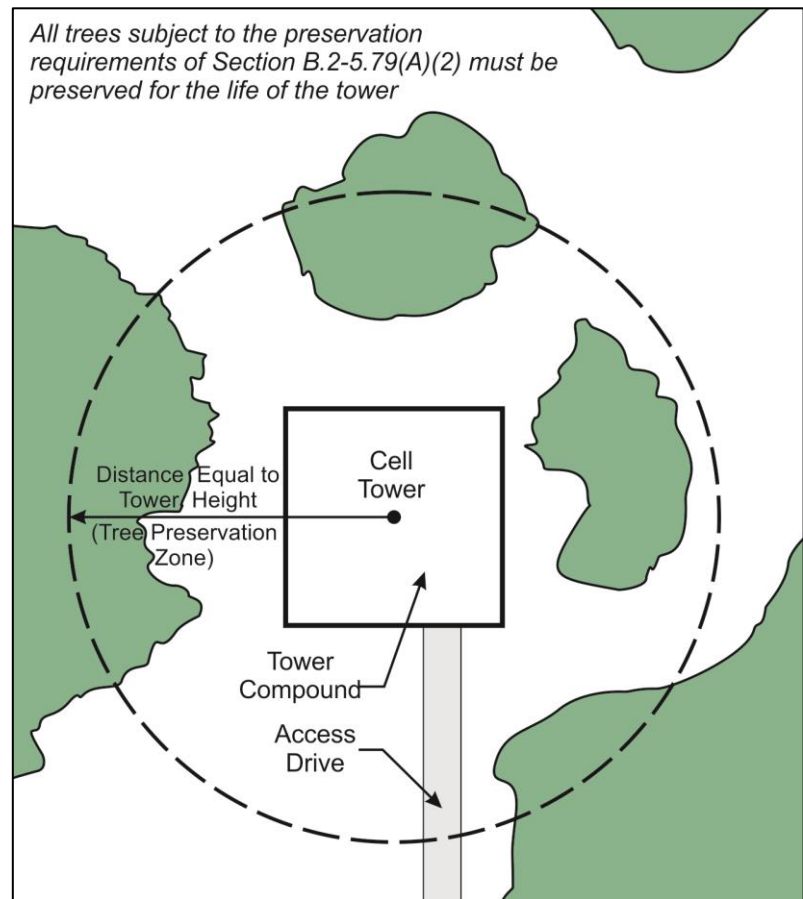
(2) Types of New Telecommunications Towers

(a) Towers with Concealed Antennae (Stealth Towers). Towers with concealed antennae (stealth towers) shall be designed to complement the physical landscape in which they are intended to be located. Examples of stealth towers include but are not limited to faux pine trees, unipoles/slick sticks (unipoles shall not have any appurtenances), bell towers, etc. New stealth towers shall be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties.

(i) Towers with concealed antennae with a height up to one hundred eighty (180) feet in the IP district, and up to one hundred ninety-nine (199) feet for all lots in other nonresidential districts shall receive approval from the Zoning Officer.

(ii) Towers with concealed antennae with a height of up to one hundred ninety nine (199) feet located in residential zoning districts shall be approved through the Elected Body Special Use Permit Process.

- (iii) Towers with concealed antennae with a height up to one hundred ninety nine (199) feet on vacant lots in residential districts or lots in residential districts containing a residential structure shall be approved through the Elected Body Special Use Permit Process. In addition, such towers may be located in GMAs 3, 4, and 5, but not in GMAs 1 or 2.
- (iv) Monopine towers or any tower designed with the appearance of a tree shall only be located within existing stands of trees. Where existing trees exist within a distance equal to tower height from any towers with concealed antennae, regardless of whether such towers are monopines or unipoles, such trees shall be retained for the life of the tower



- (v) Photosimulations depicting a proposed concealed tower within its surrounding context will be required where concealed towers over one hundred twenty (120) feet requiring Elected Body Special Use Permit review are proposed.

- (b) **Monopole Towers With Exposed Antennae.** New monopole towers with exposed antennae shall be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties.
 - (i) Monopole towers with exposed antennae with a height up to one hundred eighty (180) feet in the IP district shall be approved through the Board of Adjustment Special Use Permit Process.
 - (ii) Monopole towers with exposed antennae with a height up to one hundred ninety-nine (199) feet in nonresidential districts shall receive approval from the Zoning Officer.
 - (iii) Monopole towers with exposed antennae with a height up to one hundred ninety-nine (199) feet in residential districts shall be approved through the Elected Body Special Use Permit Process. Photosimulations for such towers shall be required and shall depict the proposed tower within its surrounding context. This photosimulation shall depict the monopole with the maximum number of antennae it is designed to hold.
 - (iv) Where existing trees exist within a distance equal to tower height from any monopole towers within residential districts, such trees shall be retained for the life of the tower

(G) Control of Land

All land necessary for improvements, including the transmission tower, buildings, fencing, ~~and~~ landscaping, and required stands of trees shall be in ownership of ~~or~~ , under lease by, or on an easement under the control of the tower operator.

2-5.79 TRANSMISSION TOWER (F)

(A) Applicability

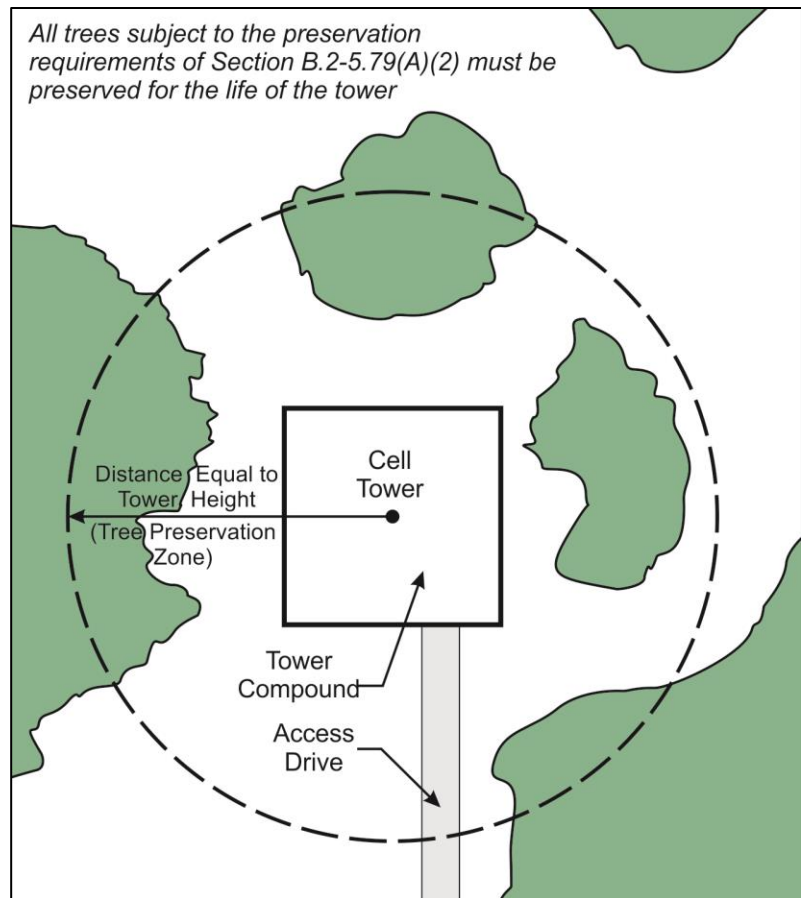
Transmission towers which are principal or accessory uses shall meet the following requirements.

(1) Types of New Telecommunications Towers

- (a) **Towers with Concealed Antennae (Stealth Towers).** Towers with concealed antennae (stealth towers) shall be designed to complement the physical landscape in which they are intended to be located. Examples of stealth towers include but are not limited

to faux pine trees, unipoles/slick sticks (unipoles shall not have any appurtenances), bell towers, etc. New stealth towers shall be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties.

- (i) Towers with concealed antennae with a height up to one hundred fifty (150) feet located on lots containing non-residential uses including but not limited to churches and schools in residential districts, up to one hundred eighty (180) feet in the IP district, and up to one hundred ninety-nine (199) feet for all lots in other nonresidential districts shall receive approval from the Zoning Officer.
- (ii) Towers with concealed antennae with a height of between one-hundred fifty (150) and one hundred eighty (180) feet located in residential zoning districts on lots containing non-residential uses, including but not limited to churches and schools, shall be approved through the Board of Adjustment Special Use Permit Process.
- (iii) Towers with concealed antennae with a height up to one hundred eighty (180) feet on vacant lots in residential districts or lots in residential districts containing a residential structure shall be approved through the Board of Adjustment Special Use Permit Process. In addition, such towers may be located in GMAs 3, 4, and 5, but not in GMAs 1 or 2.
- (iv) Monopine towers or any tower designed with the appearance of a tree shall only be located within existing stands of trees. Where existing trees exist within a distance equal to tower height from any towers with concealed antennae, regardless of whether such towers are monopines or unipoles, such trees shall be retained for the life of the tower



- (b) **Monopole Towers With Exposed Antennae.** New monopole towers with exposed antennae shall be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties.
- (i) Monopole towers with exposed antennae with a height up to one hundred eighty (180) feet in the IP district or residential districts shall be approved through the Board of Adjustment Special Use Permit Process. Such towers shall only be allowed in residential districts on lots containing non-residential uses such as schools, churches, and similar facilities.
 - (ii) Monopole towers with exposed antennae with a height up to one hundred ninety-nine (199) feet in nonresidential districts shall receive approval from the Zoning Officer.
 - (iii) Where existing trees exist within a distance equal to tower height from any monopole towers within residential districts, such trees shall be retained for the life of the tower

(G) Control of Land

All land necessary for improvements, including the transmission tower, buildings, fencing, ~~and~~ landscaping, and required stands of trees shall be in ownership of ~~or~~ under lease by, or on an easement under the control of the tower operator.

Section 2. This ordinance shall be effective upon adoption.

STAFF REPORT

DOCKET # UDO-250

STAFF: [Kirk Ericson](#)

REQUEST

This text amendment is proposed by Planning and Development Services staff to revise chapter B of the *Unified Development Ordinances* to revise recently adopted transmission tower regulations.

BACKGROUND

In winter 2014, both the Winston-Salem City Council and the Forsyth County Board of Commissioners adopted revised regulations for transmission towers. These regulations were adopted after a lengthy public involvement process which ultimately led to standards which allowed towers in residential zoning districts under prescribed conditions. One of these conditions was that only stealth towers and monopole towers would be allowed in residential zoning districts. Monopine towers, a type of stealth tower designed to look like a tree, were further limited to only be allowed within existing stands of trees. This requirement was included in the ordinance to eliminate the inharmonious appearance monopine towers can have when they are installed on sites without surrounding trees. However, when reviewing the first tower request proposed after the new tower standards were adopted, staff realized that there was no mechanism in the ordinance for ensuring that such stands of trees would be retained in perpetuity. This amendment is proposed to add language clarifying this requirement and to make other minor revisions to the recently adopted transmission tower requirements.

ANALYSIS

This text amendment adds language to the existing conditions for monopine towers requiring that all trees within a distance equal to tower height from a proposed monopine tower shall be retained for the life of the tower. This clarification will ensure that monopine towers will have less of a visual impact on surrounding areas. A graphic has also been added to the ordinance to assist petitioners in understanding which trees on a site must be retained.

This ordinance also includes a requirement that where other concealed towers (such as unipole towers or “slick sticks”), or monopole towers in residential zoning districts are located in existing wooded areas, all trees within a distance equal to tower height from the proposed tower shall be retained for the life of the tower. This change will lessen the aesthetic impact of such towers on residential areas.

As most cell towers are located on small portions of a larger site leased by a tower operator or communications company, language has also been added to this amendment requiring stands of trees to be on land in ownership, under lease, or on an easement under control of the tower operator.

This text amendment also clarifies that photosimulations for stealth towers are only required for towers requiring Elected Body special use permit review. This mirrors the requirements for photosimulations for monopole towers.

Staff believes the proposed ordinance clarifies the existing transmission tower regulations to allow easier long-term enforcement of the ordinance and to clarify expectations for petitioners. Staff recommends approval of this text amendment.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-250
JULY 10, 2014**

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the text amendment.

SECOND: Paul Mullican

VOTE:

FOR: Unanimous

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services

TO: Mayor Allen Joines and Members of the City Council
FROM: A. Paul Norby, Director of Planning and Development Services
DATE: August 12, 2014
SUBJECT: UDO-250 (Text Amendment proposing Changes to the Recently Adopted Transmission Tower Regulations)

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163

Planning staff will be briefing the Community Development/Housing/General Government Committee on UDO-250 (a text amendment proposing changes to the recently adopted transmission tower regulations) at its August 12, 2014 meeting.

UDO-250 codifies a requirement that when new cell towers are placed within an existing stand of trees, the trees within the tower height radius not required for construction of the tower shall remain.

If you have any questions or comments which you would like addressed before the Community Development/Housing/General Government Committee meeting, please contact me at 747-7061 or pauln@cityofws.org.

City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Forsyth County Commissioners: Richard V. Linville, Chairman; Gloria D. Whisenhunt, Vice Chair; Mark Baker; Walter Marshall; David R. Plyler, Bill Whiteheart; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair; Allan Younger, Vice-Chair; Tommy Hicks; Clarence R. Lambe, Jr.; Darryl Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith