

Motion and  
Statement of Consistency with Comprehensive Plan  
UDO-250

I move that the following statement be adopted in support of a **Motion**  
**to Approve** Zoning Text Amendment UDO-250.

The zoning text amendment, proposed by City/County Planning and Development Services staff to amend Chapter B, Article II of the Unified Development Ordinances (UDO) to revise the transmission tower regulations, is in conformance with the recommendations of the Legacy Comprehensive Plan and is reasonable and in the public interest because:

1. The proposed text amendment requirement that all trees within a distance equal to tower height from new monopine towers, or new monopole towers in residential districts, be retained for the life of the tower, will lessen the aesthetic impact of such transmission towers on residential areas; and
2. The proposed text amendment that stands of trees located within a distance of tower height from proposed towers be on land in ownership, under lease, or under an easement of the tower operator, clarifies the existing transmission tower regulations and expectations under the ordinance to allow easier long-term enforcement of the ordinance.

Based on the foregoing Statement, I move adoption of UDO-250.  
Second:  
Vote:

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** November 24, 2014 **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on 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)
  
- B. Ordinance Proposed by Planning and Development Services Staff to Revise Chapter B of the *Unified Development Ordinances* to Revise Recently Adopted Transmission Towers Regulations

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended approval of the zoning text amendment.

**ATTACHMENTS:-**     YES         NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**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 Forsyth County Board of Commissioners, Forsyth County, 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 (F)**

**(A) Applicability**

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

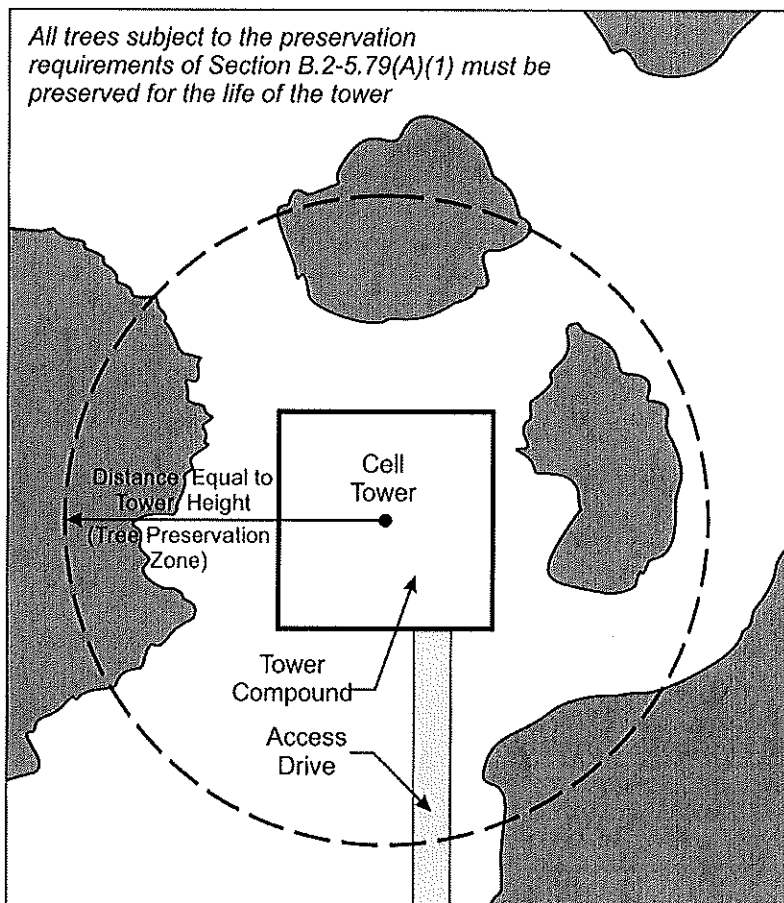
**(1) Types of New Telecommunications Towers**

**(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

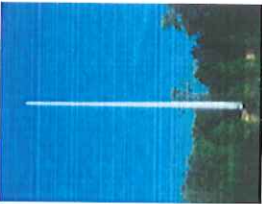


EXCUSED: None



---

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



**Comparison of Adopted Residential Transmission Tower Regulations – Winston-Salem and Forsyth County (July 2014)**

Tower Type			Forsyth County	Winston Salem
Concealed Towers (Unipoles, Monopines)	Maximum Height		180'	199'
	Minimum Lot Size		4 acres for towers on vacant residential lots or lots with residential uses	Same as Forsyth County
	Approval Process	Towers on lots with non-residential uses (churches, schools, etc.)	Towers up to 150' approved by zoning officer; towers between 150' and 180' approved by Board of Adjustment (Special Use Permit)	Towers up to 199' approved by City Council (Special Use Permit)
	GMA restrictions	Towers on vacant residential lots or residential lots with residential structures	Towers up to 180' approved by Board of Adjustment (Special Use Permit)	Towers up to 199' approved by City Council (Special Use Permit)
	GMA restrictions		Towers on vacant residential lots or lots with residential structures not allowed in GMAs 1 or 2	Same as Forsyth County
	Photosimulation Requirements		N/A	Required where concealed towers are over 120' tall
	Minimum Setbacks		100' from residential zoning, except concealed towers on vacant lots require setbacks equal to tower height (not less than 100'); 40 from other public streets; towers in any district must be setback tower height plus 20' from any occupied single family structure	100' from residential zoning, except concealed towers on vacant lots require setbacks equal to tower height (not less than 100'); 40 from other districts; towers must be setback tower height from public streets; towers in any district must be setback tower height plus 20' from any occupied single family structure
	Buffer Requirements		A type IV buffer is required where towers are located adjacent to residential zoning and there is no intervening structure; A type IV buffer is required where towers are located adjacent to nonresidential zoning and is within 200' of an adjacent street or zoning lot with no intervening structure	Same as Forsyth County

<b>Monopole Towers</b> 	<b>Maximum Height</b> <b>Minimum Lot Size</b>	180' N/A	199' 4 acres for towers on vacant residential lots or lots with residential uses Towers up to 199' approved by City Council (Special Use Permit)
	<b>Approval Process</b> <b>Towers on lots with non-residential uses (churches, schools, etc.)</b> <b>Towers on vacant residential lots or lots with residential structures</b>	Towers up to 180' approved by Board of Adjustment (Special Use Permit)  Not allowed	Towers up to 199' approved by City Council (Special Use Permit)
<b>Lattice Towers</b> 	<b>GMA restrictions</b> <b>Photosimulation Requirements</b> <b>Minimum Setbacks</b>  <b>Buffer Requirements</b>	N/A N/A 100' from residential zoning, except concealed towers on vacant lots require setbacks equal to tower height (not less than 100'); 40 from other districts and public streets; towers in any district must be setback tower height plus 20' from any occupied single family structure  A type IV buffer is required where towers are located adjacent to residential zoning and there is no intervening structure; A type IV buffer is required where towers are located adjacent to nonresidential zoning and is within 200' of an adjacent street or zoning lot with no intervening structure Not Allowed	N/A Required regardless of tower height 100' from residential zoning, except concealed towers on vacant lots require setbacks equal to tower height (not less than 100'); 40 from other districts; towers must be setback tower height from public streets; towers in any district must be setback tower height plus 20' from any occupied single family structure Same as Forsyth County
	<b>Approval Process</b>	Towers up to 180' approved by Board of Adjustment (Special Use Permit)	Towers up to 199' approved by City Council (Special Use Permit)

Note: Both Forsyth County and Winston-Salem have similar non-residential tower standards and review processes