

September 22, 2004

Chuck Greene, Area Director  
Bell South Telecommunications, Inc.  
380 Knollwood Street, Suite 305  
Winston-Salem, NC 27103

RE: ZONING TEXT AMENDMENT UDO-125

Dear Mr. Greene:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office  
Renee Henderson, City Secretary

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

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

Request for Public Hearing on Zoning Text Amendment proposed by Bell South to amend Chapter B Article III Section 3-4.6 regarding Utility Screening. (UDO-125)

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

**SUMMARY OF INFORMATION:-**

Zoning Text Amendment proposed by Bell South to amend Chapter B Article III Section 3-4.6 regarding Utility Screening. (UDO-125)

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

**ATTACHMENTS:-**     YES             NO

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

**ACTION REQUEST FORM**

**DATE:** September 22, 2004  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by Bell South to amend Chapter B Article III Section 3-4.6 regarding Utility Screening. (UDO-125)

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by Bell South to amend Chapter B Article III Section 3-4.6 regarding Utility Screening. (UDO-125)

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

**DOCKET #:** UDO-125

**STAFF:** Glenn Simmons

### **REQUEST**

Text amendment to Chapter B, Article III, Section 3-4.6 of the *Unified Development Ordinances* (UDO) proposed by BellSouth Communications, Inc. to modify the dimensional thresholds for above ground equipment boxes which require supplemental landscape screening.

### **BACKGROUND**

Currently, UDO section 3-4.6 "Utility Service Area Screening Standards" requires all "utility service area structures" exceeding three feet in height and five feet in width be screened with vegetative screening or an opaque fence or wall. This provision applies only to such structures located within one hundred feet of a public street right-of-way. Recently this requirement has become an enforcement concern for the Inspections Division since BellSouth's utility boxes marginally exceed the current dimensional allowances for routine placement without the screening requirement. Typically such boxes are 58 inches (4 ft- 10 inches) high and 56 inches (4 ft-8 inches) wide. Staff understands such boxes are standardized in size and BellSouth attempts to locate such boxes in inconspicuous locations. BellSouth proposes to allow the slightly larger boxes to be installed without the supplemental screening. Staff notes that such boxes are required by the State of North Carolina and the Federal Communications Commission to meet universal customer service requirements and are different from larger, remote terminal structures for which BellSouth is not asking for any ordinance changes. Further staff notes, according to BellSouth's request that the smaller boxes do not require any external power for operation.

### **ANALYSIS**

While Planning Staff is always mindful of the incremental and cumulative effects of visual clutter in the landscape, staff also appreciates the needs of public and quasi-public utilities to provide cost efficient products and services to the citizens of Winston-Salem and Forsyth County. In this instance, standardized utility boxes of the size noted in the request are not substantially larger than the current size threshold which is currently exempt from screening requirements. Further, staff is of the opinion that to screen such boxes with additional fencing of landscape materials may actually do more to focus attention to these structures than if they were inconspicuously located according to BellSouth installation practice.

While Planning Staff is hopeful that new technologies will allow for future new equipment to become smaller, staff acknowledges the practical needs of BellSouth to locate such boxes where needed without the additional expense and problems associated with additional screening.

### **RECOMMENDATION**

### **APPROVAL.**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

In response to a question by the Planning Board, Chuck Green, Bell South, 380 Knollwood Street, Suite 305, Winston-Salem, NC 27103 indicated that he had contacted Duke Power, Piedmont Natural Gas, and Time Warner Cable to get their feedback on this request. They were all supportive.

MOTION: Dara Folan moved approval of the zoning text amendment.

SECOND: Jerry Clark

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning

**UDO 125**  
**AN ORDINANCE AMENDING**  
**CHAPTER B "ZONING ORDINANCE"**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**RELATED TO UTILITY SERVICE AREA SCREENING STANDARDS**

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Section 3-4.6 "Utility Service Area Screening Standards" is hereby amended as follows:

**3-4.6 UTILITY SERVICE AREA SCREENING STANDARDS**

**(A) APPLICABILITY**

Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding ~~three (3) feet~~ five (5) feet or horizontal dimensions in excess of five (5) feet and are located less than one hundred (100) feet from the nearest street right-of-way.

**(B) SCREENING**

Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.

- (1) Installation Height.** Plantings shall have a minimum installation height of eighteen (18) inches, be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.
- (2) Fences or Walls.** Fences or walls shall be opaque, of masonry, stone, or wooden material, or of the same material as that of the principal building, if applicable, and of a height and width equal to or greater than the utility service structures that are being screened.

NOTE: Items to be deleted are indicated with a ~~strike through~~. Items to be added are indicated with an underline.

**(C) RESPONSIBLE PARTY**

Screening for utility service areas in a street right-of-way is to be installed by the utility or party who installed the service; in all other instances the property owners shall install required screening. Where screening for public utility service areas is to be provided by private property owners, such screening shall be installed only after consultation with the utility who owns the device to be concealed. No screening shall be installed that would impair the safe operations, maintenance, or function of the utility equipment.

**Section 2.** This Ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strike through~~. Items to be added are indicated with an underscore.

**UDO 125**  
**AN ORDINANCE AMENDING**  
**CHAPTER B "ZONING ORDINANCE"**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**RELATED TO UTILITY SERVICE AREA SCREENING STANDARDS**

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

**Section 1.** Section 3-4.6 "Utility Service Area Screening Standards" is hereby amended as follows:

**3-4.6 UTILITY SERVICE AREA SCREENING STANDARDS**

**(A) APPLICABILITY**

Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding ~~three (3) feet~~ five (5) feet or horizontal dimensions in excess of five (5) feet and are located less than one hundred (100) feet from the nearest street right-of-way.

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**(C) RESPONSIBLE PARTY**

Screening for utility service areas in a street right-of-way is to be installed by the utility or party who installed the service; in all other instances the property owners shall install required screening. Where screening for public utility service areas is to be provided by private property owners, such screening shall be installed only after consultation with the utility who owns the device to be concealed. No screening shall be installed that would impair the safe operations, maintenance, or function of the utility equipment.

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**CHAPTER B "ZONING ORDINANCE"**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**RELATED TO UTILITY SERVICE AREA SCREENING STANDARDS**

Be it ordained by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Section 3-4.6 "Utility Service Area Screening Standards" is hereby amended as follows:

**3-4.6 UTILITY SERVICE AREA SCREENING STANDARDS**

**(A) APPLICABILITY**

Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding ~~three (3) feet~~ five (5) feet or horizontal dimensions in excess of five (5) feet and are located less than one hundred (100) feet from the nearest street right-of-way.

**(B) SCREENING**

Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.

- (1) Installation Height.** Plantings shall have a minimum installation height of eighteen (18) inches, be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.
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**(C) RESPONSIBLE PARTY**

Screening for utility service areas in a street right-of-way is to be installed by the utility or party who installed the service; in all other instances the property owners shall install required screening. Where screening for public utility service areas is to be provided by private property owners, such screening shall be installed only after consultation with the utility who owns the device to be concealed. No screening shall be installed that would impair the safe operations, maintenance, or function of the utility equipment.

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**RELATED TO UTILITY SERVICE AREA SCREENING STANDARDS**

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Section 3-4.6 "Utility Service Area Screening Standards" is hereby amended as follows:

**3-4.6 UTILITY SERVICE AREA SCREENING STANDARDS**

**(A) APPLICABILITY**

Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding ~~three (3) feet~~ five (5) feet or horizontal dimensions in excess of five (5) feet and are located less than one hundred (100) feet from the nearest street right-of-way.

**(B) SCREENING**

Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.

- (1) Installation Height.** Plantings shall have a minimum installation height of eighteen (18) inches, be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.
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**RELATED TO UTILITY SERVICE AREA SCREENING STANDARDS**

Be it ordained by the Town Council of the Town of Walkertown, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Section 3-4.6 "Utility Service Area Screening Standards" is hereby amended as follows:

**3-4.6 UTILITY SERVICE AREA SCREENING STANDARDS**

**(A) APPLICABILITY**

Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding ~~three (3) feet~~ five (5) feet or horizontal dimensions in excess of five (5) feet and are located less than one hundred (100) feet from the nearest street right-of-way.

**(B) SCREENING**

Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.

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**Section 2.** This Ordinance shall be effective upon adoption.

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**RELATED TO UTILITY SERVICE AREA SCREENING STANDARDS**

Be it ordained by the Town Council of the Town of Lewisville, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Section 3-4.6 "Utility Service Area Screening Standards" is hereby amended as follows:

**3-4.6 UTILITY SERVICE AREA SCREENING STANDARDS**

**(A) APPLICABILITY**

Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding ~~three (3) feet~~ five (5) feet or horizontal dimensions in excess of five (5) feet and are located less than one hundred (100) feet from the nearest street right-of-way.

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