

COMMUNICATION TOWERS

INDEX

	<u>SECTION</u>	<u>PAGE</u>
Article I	Definitions	1
Article II	Application for Construction of a Communication Tower	1
Article III	Approval Criteria	3
Article IV	Co-location on Existing Structures	6
Article V	Administrative Provisions	6
Article VI	Legal Status	7

ARTICLE I

DEFINITIONS

100. “Communication Tower:” as used in this ordinance shall mean a tower, pole, or similar structure of any size which supports wireless telecommunication equipment, transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, above ground in a fixed location, free-standing, guyed, or on a structure. This definition does not include communication towers for amateur radio operators licensed by the Federal Communications Commission (FCC), which are exempt from local zoning restrictions. A Communication Tower may also be utilized as part of a mobile system for purposes of providing short-term emergency, supplemental or specialized wireless telecommunications services.
101. “Telecommunications,” as defined in the Federal Telecommunications Act of 1996, means the transmission between or among points specified by the user, of information of the user’s choosing without change in the form or content of the information as sent and received.
102. “Antenna” means any device, dish or array used to transmit or receive telecommunication signals.
103. “Height” of a communication tower is the distance from the base of the tower to the top of the structure.

ARTICLE II

APPLICATION FOR CONSTRUCTION OF A COMMUNICATION TOWER

200. An applicant seeking to construct a communication tower in Georgetown County shall make formal application to the Planning Commission. Such application shall include documentation indicating that a good faith effort has been made and was unsuccessful to co-locate on existing communication towers, buildings or other structures, and that no suitable facilities within the desired coverage area were available. Documentation shall include coverage maps, letters from adjacent tower owners, and calculations provided by a specialist with appropriate radio frequency credentials. A permit for a proposed tower site within 2000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant’s structural specifications and technical design requirements, or that a co-location agreement could not be obtained. Specifically, the applicant shall state one or more of the following:
 - 200.1 proposed antennae and equipment cannot be accommodated and function as required in accordance with applicable communications regulations, including the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act; or with the applicant’s technical design requirements, without unreasonable modifications to an existing tower or structure; or that existing towers are not within the applicant’s tower site search area; or that

leasing fees cannot be obtained at prevailing market rates for Georgetown County; or

- 200.2 private property that must be acquired, or available county-owned property, is unsuitable for such use by the applicant for reasons stated in 200.1, above.
201. The applicant shall state a willingness to allow other users to co-locate on the proposed tower, subject to the engineering capabilities of the structure, frequency considerations, reservation of space for future expansion, and availability at prevailing market rates for Georgetown County.
202. Additionally, the applicant shall furnish the following documentation to complete the formal application to the Planning Commission:
 - 202.1 a site plan drawn to scale delineating property boundaries, applicable underlying zoning setbacks, tower location and height, guy wires and anchors (if required), transmission building and other accessories, parking areas and driveways, landscaped areas, fences, adjacent land uses and adjoining property owners; photographs of the site and immediate area, and photographs or elevation drawings depicting design of proposed structures and landscape treatment;
 - 202.2 with the best information available, a map or update of an existing map on file locating the applicant's existing towers, which are serving property within the county;
 - 202.3 a recommendation from an engineer registered in the State of South Carolina of a tower-type appropriate for this intended use, indicating its antennae capacity by type and number, providing certification that it is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards, providing certification that adequate setbacks are established on all sides to prevent the tower's fall zone from encroaching onto adjoining properties in accordance with 300.14, below, and certification that the tower has sufficient structural integrity to accommodate multiple users; upon approval of this application by the Planning Commission, and prior to issuance of a building permit, an engineer registered in the State of South Carolina shall verify that the tower to be installed conforms to the aforementioned recommendation;
 - 202.4 with the best information available, identification of the owners of all antennae and equipment to be located on site;
 - 202.5 a copy of a signed lease or written authorization from the property owner;
 - 202.6 evidence of a valid license (for the intended occupant of the communication tower), and/or FCC Form 854 Tower Registration, if filed; the applicant may file the tower registration after Planning Commission approval is obtained, and provide a copy as a condition of approval of the application;
 - 202.7 if determined to be necessary by Planning and Development staff, the applicant shall provide a sight analysis utilizing photographic superimposition or a balloon

test to illustrate the potential visual and aesthetic impacts on nearby residential areas, historic resources, primary corridors and view sheds; the type of analysis and the areas for study shall be determined by staff; to the extent a balloon test is required, notice of the time and place shall be published in newspapers of general circulation in the county at least fifteen (15) days in advance of the event; the applicant shall make available photographs of the results of the test(s) at the public hearing;

ARTICLE III

APPROVAL CRITERIA

300. The Planning Commission may approve construction of a communication tower in certain zoned areas of the county, as defined in 300.10, below, subject to verification that co-location and application documentation are in order, and the following criteria are met:
- 300.1 the proposed communications tower, antennae or accessory structure(s) shall be placed in a location in which visual impacts on natural and historic resources shall be minimized, while allowing the facility to function in accordance with minimum standards imposed by applicable communications regulations and design requirements;
 - 300.2 the applicant shall demonstrate that all conditions for approval contained within the zoning ordinance for the area are met including application of setback requirements of the underlying zoning district; that all applicable building code requirements are met; and that the permitted use shall not endanger the safety of residents, employees, travelers, or neighboring properties, particularly in the likelihood of structural failure;
 - 300.3 if required, the applicant shall comply with the requirements of the National Environmental Policy Act (NEPA) and Section 110 of the National Historic Preservation Act (NHPA), by preparing and filing an environmental checklist or a draft environmental assessment (EA) evidencing an administratively complete environmental review process with the FCC prior to beginning operations for any personal wireless facility to be located on or in the view shed of wilderness areas, wildlife preserves, areas of endangered species, historic districts or areas with historic properties, Indian religious sites, flood plains or designated wetlands; and shall submit a copy of the environmental checklist or draft (EA) to the county and the State Historic Preservation Office;
 - 300.4 the applicant shall comply with Section 106 of the National Historic Preservation Act with regard to the properties affected by this project, by obtaining a written opinion from the South Carolina State Historic Preservation Officer (SHPO), that based on documentation submitted by the applicant the proposed tower shall cause no adverse effect on properties eligible for or listed on the National Register of Historic Places; nor shall the project have an adverse effect on a road or river which has been officially designated as a scenic road or river; and shall submit a copy of the written opinion to the county;

- 300.5 where any request for written opinion from the State Historic Preservation Office (SHPO) is required, notice of such request for opinion shall be copied to designated local organizations who shall be identified by Planning and Development staff; where any Environmental Assessment (EA) is required by the State Historic Preservation Office, notice of such EA filing with specific instructions on how interested citizens and organizations can review and comment on any EA or requests, shall be published by the applicant in newspapers of general circulation in the county at least one (1) week prior to the actual date of the EA filing;
- 300.6 the proposed tower shall not contain signs on any surface, except as is required by applicable state or federal law, rule, or regulation; signs for the purpose of identification, warning, emergency function or contact may be placed as required in accordance with standard industry practice; commercial messages shall not be displayed on the tower;
- 300.7 towers which exceed minimum height thresholds as established by the Federal Aviation Administration (FAA) shall comply with FAA requirements for marking;
- 300.8 if lighting is mandated by the FAA, lighting shall not exceed FAA minimum requirements; nighttime strobe lighting shall not be used unless required by the FAA, FCC or other regulatory agency; lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements;
- 300.9 the tower owner and each co-located antennae owner shall provide written certification from a radio frequency specialist that the proposed facility will not radiate power density levels or collective power density levels for all co-located antennae that exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever proves the stricter requirements;
- 300.10 the applicant shall demonstrate conformance with tower height limitations hereby established for the following zoning districts in which such towers shall be allowed (*Amended Ord. 2010-27 and Ord. 2011-24*):

Limited Industrial (LI) – free-standing or guyed tower with height not to exceed 199 feet is permitted;

Heavy Industrial (HI) – free-standing or guyed tower with height not to exceed 360 feet is permitted;

Forest Agriculture (FA) - free-standing or guyed tower with height not to exceed 500 feet is permitted.

Forest Agriculture/Residential (FA/R) – free-standing or guyed tower with height not to exceed 500 feet is permitted.

Forest Agriculture/Commercial (FA/C) – free-standing or guyed tower with height not to exceed 500 feet is permitted.

Exceptions to height limitations shall be considered and may be granted by the Planning Commission only if unforeseen technological needs arise, and/or if it can be demonstrated that the requested height extension serves the greater public good.

300.11 Towers mounted on water tanks and similar structures shall be allowed in all zoning districts but only in accordance with FAA height limitations within the vicinity of airports. The height of a tower and/or antennae mounted on a building, water tank, or other structure, other than a free-standing or guyed communications tower, shall not be more than 30% of the structure height on which it is mounted.

300.12 Free-standing towers shall not be permitted in residential districts, nor within restricted areas delineated in the Georgetown County Airport Master Plan, or within the limits of an Overlay Zone as defined in Articles XVI and XVII of the zoning ordinance. Furthermore, a communication tower must not be located any closer to a residential structure than a distance equal to one (1) foot for each foot in height of the proposed tower, as measured from the base of the tower to the residential structure, or the certified fall zone, whichever proves to be the lesser distance. In the case of a tower on another structure, the setback shall be measured from the base of the structure. *(Amended Ord. 2011-07)*

300.13 A communication tower may be utilized as an accessory use on property upon which a conforming principal use has previously been established, in all but residential zoning districts, restricted areas delineated in the Georgetown County Airport Master Plan, and within designated Overlay Zones. This action is subject to Planning Commission approval and the following conditions:

300.1301 the tower must be of a type that incorporates concealment design and technology, e.g. “stealth,” and to the extent possible, shall be concealed from view;

300.1302 the tower shall comply with all underlying zoning requirements of the district in which the principal use is located, and height limits shall be established by the Planning Commission;

300.1303 and any additions, removal of antennas or modifications that may alter its appearance shall require prior approval of the Planning Commission.

300.14 All communication towers must be located such that adequate setbacks are provided on all sides to prevent the tower’s fall zone from encroaching onto adjoining properties. The fall zone, in each case, shall be determined by an engineer registered in the State of South Carolina, by certification in a letter that includes the engineer’s signature and seal.

300.15 An existing communication tower may be replaced in any zoning district or in the unzoned areas of the county with a new communication tower, subject to the following conditions and upon approval by the Planning Commission:

- 300.1501 the height of the replacement tower shall not exceed the height of the original tower by more than fifty (50') feet, and the increased height shall not exceed the maximum heights set forth in 300.10 herein. The addition of up to fifty (50') feet in height of any existing tower may occur only once;
- 300.1502 The replacement tower shall conform with the separation standards as set forth in 300.12 and 300.14, and shall require new fall zone certification from an engineer registered in the State of South Carolina;
- 300.1503 the replacement tower must be designed and equipped with the technological and structural capability to accommodate co-location on the proposed tower, subject to the engineering capabilities of the structure, frequency considerations, reservation of space for future expansion, and availability at prevailing market rates for Georgetown County.;
- 300.1504 the existing tower owner must provide staff with an affidavit signed by at least one other wireless carrier stating that it needs a tower and agreeing to co-locate on the replacement tower.
- 300.1505 the replacement tower must conform to the landscaping and buffering requirements in force at the time the replacement tower permit application is filed.

ARTICLE IV

CO-LOCATION ON EXISTING STRUCTURES

- 400. Co-location on existing communication towers, or as an ancillary use on an existing structure, shall be permitted upon review of documentation submitted to Planning and Development staff. Application for co-location shall contain certification in accordance with 300.9 that the resulting array of antennae will not exceed approved FCC power density levels.

ARTICLE V

ADMINISTRATIVE PROVISIONS

- 500. Towers no longer in service. Towers that are no longer used for communication purposes shall be dismantled and removed by the owner within 120 days of the date the tower is taken out of service, and the area shall be returned to its previous natural condition. A fine of one hundred dollars (\$100.00) shall be imposed for each day the tower remains in place beyond the 120 day limit.

501. Towers in need of reconstruction. Should a tower owner determine that an existing tower no longer meets current technological needs, is structurally deficient, or needs to be expanded to accommodate additional users, request for reconstruction of such tower shall be submitted to the Planning Commission for review and approval.
502. Temporary Permits. A 30-day temporary permit may be issued by the Zoning Administrator for mobile or temporarily fixed structures designed to provide short term emergency, supplemental or specialized telecommunications services. Such temporary permits may be extended by action of the Planning Commission for a period not to exceed 120 days.
503. Penalties. Any person violating provisions of this Ordinance shall be guilty of a Misdemeanor and, upon conviction, shall be fined as determined by a court of competent jurisdiction for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the county from taking other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VI

LEGAL STATUS

600. Conflict with other Ordinances. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the County of Georgetown, the most restrictive shall in all cases apply
601. Validity. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.
602. Repealer and Savings Clause. The existing zoning ordinance of Georgetown County “Requirements For Location of Communication Towers,” (#97-13), enacted in May, 1997, as amended, is hereby repealed. The adoption of this ordinance, however, shall neither affect nor prevent any pending or future prosecution of or action to abate any existing violation of said ordinance enacted in May, 1997, as amended, if the violation is also a violation of the provisions of this ordinance. All zoning maps previously adopted, pursuant to the Zoning Ordinance enacted in December of 1973, as amended, and any modifications or changes are to remain in effect.
603. Effective Date. This Ordinance shall take effect and be in force on the third reading of the Georgetown County Council, and after its passage, the public welfare demanding.