

**Kershaw County Planning and Zoning Commission  
Regular Work Session Minutes  
August 11, 2014, 5:30 p.m.  
County Council Chambers, 515 Walnut Street  
Camden, SC 29020**

Members in Attendance: Richard Simmons, Henry Walker, Claude Eichelberger and Beth Smith

Members Absent: David Brown and Jeter Pittman

Staff in Attendance: Carolyn Hammond and Rhonda Darity

**Call to Order**

The Chairman, Richard Simmons, called the meeting to order at 5:39 p.m.

**Public Comment Period**

Gerald Morris spoke on behalf of the rezoning request for 1314 Skyview Drive.

Bill Gregory informed the Commission that he would like to have the proposed sketch plan for Hound Hollow approved.

**Approval of Minutes**

Claude Eichelberger motioned that the minutes of the July 14, 2014 regular meeting be approved. The motion was seconded by Beth Smith and all voted in favor.

**Rezoning Request of Gerald Morris for 1314 Skyview Drive from R-10 to B-2**

Carolyn Hammond informed the Commission that this rezoning request was tabled at the Commission's last meeting. The proposed re-zoning meets the majority of the Comprehensive Plan land use policies and objectives and is contiguous to the IGA property, zoned B-2. Although the proposed re-zoning is compliant with the majority of the objectives, the subject property is located in an established residential neighborhood. Re-zoning this parcel to B-2 would not prohibit potentially incompatible commercial development in this residential neighborhood; however, the commercial facility located on Mr. Morris's property has co-existed with the existing residences for nearly 35 years as a Sealtest Dairy distribution facility, an auto repair shop, and a storage facility. Given the history of the site, it would not be accurate to state that this commercial property has encroached on an established residential area. During last month's meeting the Commission voted to allow Support Activities for Transportation as a conditional use in B-2 zoning districts. After a brief discussion the Chairman called for a motion. Henry Walker made a motion to approve the request to rezone this parcel to B-2. Claude Eichelberger seconded and all voted in favor.

**Sketch Plan Review – Hound Hollow Subdivision, Phase II**

Ms. Hammond informed the Commission that Hunter Elliott Farm is classified in the ZLDR as a Large Acreage Single Family Residential Development on Private Roads. Phases I and II were developed several years ago and the developers are now ready to move to Phases IIA and IIB with the addition of 16 lots. The ZLDR normally doesn't require that this type of development go before the Planning Commission for sketch plan approval, but because this is a subdivision of a parcel into more than ten lots, it does. The applicant has met all the requirements in order to qualify. A homeowners' association has been established and registered with the Secretary of State. Covenants outline the maintenance of the roads. The roads have the required right-of-way and have been preliminarily approved by the Kershaw County Public Works Director. Staff, therefore, recommends that the Commission approve the sketch plan as submitted.

After a brief discussion the Chairman called for a motion. Claude Eichelberger made a motion to approve the sketch plan as submitted. Henry Walker seconded and all voted in favor.

### **Consideration of Amendments to the Zoning and Land Development Regulations**

The following amendments were discussed:

#### **Amendment to the Maximum Size of Freestanding Signs**

This amendment would change the maximum sign surface area for free standing signs located at single occupancy sites from thirty-two (32) square feet to forty (40) square feet. After a very brief discussion, Henry Walker made a motion to approve the amendment. Claude Eichelberger seconded and all voted in favor.

#### **Amendments to Section 3:3.12 Communication Towers and Antennas**

Last fall, County Council made several amendments to the cell tower regulations. The distance between towers was decreased, the fall zone was better defined, and provisions were made so the fall zone could not be within a public roadway. After considerable deliberation, Council came to the consensus that cell towers are a necessary part of the County's infrastructure and, while they may not be attractive, they were vital to our economy and public safety. Because of this, individual citizens were not given a mechanism to protest the location of a proposed tower. Council, still wanting to give the citizens a voice, did add a provision where citizens with property near a proposed tower had an opportunity to meet with the Planning Director and the cell tower applicant at a public information session to express their concerns and have their questions answered. The public information session has proven ineffective, and the Planning Commission was asked to consider an amendment to give citizens a voice while still enabling the expansion of this necessary infrastructure. On August 11, 2014, the Kershaw County Planning and Zoning Commission unanimously approved the following amendment to the ZLDR and recommended it to County Council for their consideration.

#### **Amend the definition of a "dwelling" in Article 2 (Definitions) from:**

**Dwelling** - A building or portion of a building arranged or designed exclusively for human habitation.

TO

***Dwelling***— A dwelling shall be defined as a single unit providing complete independent living facilities designed, arranged, used, or intended for use by one or more persons living together and maintaining a common household, and which shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, (but excluding lodging units located in hotels or motels), including and limited to single-family, single-family detached, townhouse, triplex, zero lot line, duplex, multi-family, or patio dwellings.

#### **Amend Article 2 (Definitions) to add a definition of "Tower Notification Zone":**

***Tower Notification Zone*** – An area within 1¼ times the height of the tower or antenna from the center of the base of a communications tower or antenna.

#### **Amend Section 3:3.12, Communication Towers and Antennas, to read as follows:**

##### **3:3.12 COMMUNICATION TOWERS AND ANTENNAS**

Where conditionally permitted by Table 3-3 of the Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR), communication towers and antennas shall adhere to the following regulations:

- A. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- B. All applicable safety code requirements shall be met.
- C. The tower or antenna shall not be painted or illuminated unless otherwise required by State or Federal regulations. Furthermore, at night, the warning lights on the tower shall be red (not white).
- D. No tower or antenna shall be located within 1,500 feet of an existing tower or antenna.
- E. Towers or antennas (towers) shall be exempt from the maximum height requirements of this Ordinance, except when adjacent to a residential zone or use, a freestanding tower must be separated from any such residential property line and/or use or a public road by a distance equal to one (1) foot for each one (1) foot in height, except where the adjoining property owner or owners grant an easement to be recorded in the office of the Register of Deeds to allow the fall zone to occur within the adjoining owner's property so long as no structure is in the fall zone easement area. Towers and antennas located within the Airport Overlay District are subject to maximum structure elevations calculated for the proposed location.
- F. Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
  1. A processing fee as set by County Council.
  2. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
  3. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses, **tax map numbers, and property owner names** on adjacent property (Site plan not required if antenna is to be mounted on an approved existing structure.).
  4. A current map or update of an existing map on file showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records serving any property **in Kershaw County**.
  5. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
  6. Identification of the owners of all antennae and equipment to be located on the site.
  7. Written authorization from the site owner for the application.
  8. Evidence that a valid FCC license for the proposed activity has been issued.
  9. A line of sight analysis showing the potential visual and aesthetic impact on residences. Towers shall be located to minimize visual and aesthetic impact on residences.
  10. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
  11. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written indemnification of Kershaw County Government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to Kershaw County, in form approved by the County Attorney.
  12. **The applicant shall supply a list of all properties containing legally existing habitable dwellings located within the Tower Notification Zone of the proposed tower or antenna, their tax map numbers, property owner names, and current mailing addresses.**
  13. Applicant will supply additional information to determine if other zoning requirements are satisfied.
- G. **Once the communication tower or antenna application is approved by the Planning Official; the Planning Official shall notify, by registered mail, all owners of property containing legally existing habitable dwellings located within the Tower Notification Zone of the proposed tower**

or antenna. Such property owners shall be given thirty (30) days in which to file, to the Planning Official, an objection to construction of the proposed tower. In the event that an objection is filed, the applicant may then apply to the Board of Zoning Appeals for a Special Exception one calendar month before the Board's regularly scheduled meeting. The Board shall act on Special Exception requests regarding communication towers and antennas within 60 days of the date of application submittal. Notice of the hearing shall be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the community, as well as due notice to the parties of interest. When approving a Special Exception request for a communications tower or antenna, the Board of Zoning Appeals may approve a Special Exception only when all of the following criteria are met:

- a. The use meets all of the required communication tower and antenna regulations as outlined in Article Three (3) of this Ordinance.
- b. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services.
- c. The use will not violate neighborhood character nor adversely affect surrounding land uses.
- d. The specific proposed location is crucial to the provider's network.
- e. The tower is necessary because co-location space on another tower is unavailable or the location is incompatible with the provider's network needs.

Upon approval of the permit, the Board may attach any specific conditions such as time limitations or requirements that certain conditions to be met before use can commence. The reasons for the Board's decision and any conditions attached to the approval shall be entered in the minutes of the meeting.

- H. Permit application for the co-location of an antenna on an existing tower shall be accompanied by the following:
1. A processing fee as set by County Council.
  2. One copy of typical specifications for proposed antennae, including description of design characteristics and material.
  3. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records serving any property.
  4. Identification of the owners of all antennae and equipment to be located on the site.
  5. Written authorization from the site owner for the application.
  6. Evidence that a valid FCC license for the proposed activity has been issued.
  7. A written agreement to remove the antenna within 180 days after cessation of use.
  8. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written indemnification of Kershaw County government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to Kershaw County, in form approved by the County Attorney.
  9. Applicant will supply additional information to determine if other zoning requirements are satisfied.

~~H. Once the communication tower or antenna application is approved by the Planning Official, the applicant shall notify by registered mail, all owners of property adjacent to the proposed communication tower or antenna site that a tower application is pending. Upon request of any adjacent property owner, a public information session shall be held and attended by the applicant and Planning Official. Adjacent property owners shall be given fifteen (15) days after notification to request such information session which shall take place within fifteen (15) days after an information session is requested. Upon a finding that the application is complete and in compliance with the Ordinance, the communication tower or antenna permit shall be issued.~~

After a brief discussion the Chairman called for a motion. Claude Eichelberger made a motion to approve the amendments. Beth Smith seconded and all voted in favor.

**Staff Report on County Council Actions Concerning the Planning Commission**

There was nothing to report at this time.

**Other Items**

Carolyn Hammond informed the Commission that she has received some calls concerning sidewalks in subdivisions. She asked the Commission to think about requiring new subdivisions to install sidewalks. It would make a nicer product; promote a sense of community and better health.

Henry Walker would like for the Lake Wateree Water Quality Buffer to be looked at.

**Adjournment**

At 6:30 p.m., the Chairman called for a motion to adjourn. The motion was made by Henry Walker, seconded by Claude Eichelberger and all voted in favor.

Respectfully submitted,

*Rhonda Darity*

Rhonda Darity  
Secretary