

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.

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.

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