

**AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE VII, SECTION 7.7.4 “CONDITIONAL USES”, ARTICLE X, SECTION 10.4.14 “COMMUNICATION TOWERS”, AND ARTICLE XIII, SECTION 13.2 “SCREENING AND BUFFERING USES”** (the purpose of this amendment is to establish cell towers as a conditional use in the CN, Neighborhood Commercial District and amend said conditions and buffer requirements)

WHEREAS, on April 6, 1998, Dorchester County adopted Ordinance #98-06 providing approval criteria for communications towers; and

Whereas, over the years wireless has grown in popularity and now upwards of 55% percent of families rely on wireless exclusively for communication and 84% of E-911 calls come from a wireless device; and

Whereas, the County is desirous of facilitating the expansion of the local network to support its citizens, eliminate redundancy during permit review, and ensure appropriate siting/development requirements;

NOW, THEREFORE, BE IT ORDAINED by Dorchester County Council, duly assembled that the Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, as previously amended, is further amended by deleting Sections 7.7.4, 10.4.14 and 13.2 and substituting in lieu thereof the below sections bearing the same numbers:

**7.7.4 Conditional Uses**

The following uses may be permitted in the CN zoning district provided they conform to the performance standards or conditions listed for each in Section 10.4.

Use Group No.	Group Name
4	Multi-Family Residential, provided within the same structure as a commercial use.
11(b)	<u>Communication Towers and Antennae</u>
23(c)	Utilities

**10.4.14 Communication Towers**

(a) **Terms used in this subsection are defined as follows:**

- (1) **ABANDONED:** A tower or antenna device that has not been used for communications purposes for a period of 120 days or more. The device shall be presumed to be abandoned and out of service when there is no new application on file with the Administrator to resume service.
- (2) **ANTENNA:** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes and satellite dishes and omni-directional antennas such as whip antennas.

- (3) **CARRIER:** Any person or entity licensed by the FCC or a state agency to supply local or long distance telecommunications services to the general public.
  - (4) **CO-LOCATE:** Locating wireless communications equipment from more than one carrier on a single tower or site.
  - (5) **FAA:** Federal Aviation Administration.
  - (6) **FALL ZONE:** An area (generally circular) into which a structural engineer has predicted the communications tower will collapse under catastrophic failure caused by mechanical fatigue, seismic activity, high winds and/or icing conditions.
  - (7) **FCC:** Federal Communications Commission.
  - (8) **HEIGHT:** The vertical distance from the base of the tower (average grade) to the top of the structure given in feet and inches.
  - (9) **MPE:** Maximum permissible emissions.
  - (10) **OWNER:** The owner of the title to real property or the contract purchaser of real property, as indicated by the records contained in the Deed Registration Office (RMC) for Dorchester County.
  - (11) **RF:** Radio Frequency (An electromagnetic wave frequency intermediate between audio frequencies and infrared frequencies).
  - (12) **SITE:** A lot, tract or parcel of land that contains a communications antenna, its support structure or tower, accessory building(s), fencing, parking and may include other uses associated with or ancillary to cellular communications transmissions.
  - (13) **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. This does not include television reception antennas and satellite dishes or Communications Towers for amateur radio operations licensed by the Federal Communications Commission which are exempt from municipal zoning restrictions or Communications Towers under 100 feet in height used solely for educational communications purposes.
  - (14) **TOWERS:** Any ground or roof-mounted pole, spire or combination thereof taller than 15', including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting a telecommunications antenna, meteorological device or similar apparatus above grade.
- (b) **Co-location on Existing Towers or Structures:** Antennae proposed for co-location on existing towers or free standing non-residential structures may be permitted provided:
- (1) The height of the communications equipment will not exceed the height of the structure by more than twenty feet (20').
  - (2) The Applicant will provide proof of liability insurance coverage for the site of at least one million dollars (\$1,000,000.00)

(c) **Communications Towers and Antenna as a Conditional Use:** The County Zoning Administrator shall approve the location and construction of a Communications Tower in a zoning district where Use Group 11(b) is listed as a conditional use upon a finding that each of the following criteria is met:

(1) **Tower Height and Design:** In CN Neighborhood Commercial and CG General Commercial zoning districts the maximum tower height is one hundred ninety-nine feet (199') and the tower must be a monopole design. In all other districts where allowed as a conditional use, the height of a tower shall not exceed three hundred feet (300') and may be monopole, lattice or concealed design.

(2) **Notice to Certain Property Owners.** A photo of the sign(s) and copy of the mailed notification, as provided below, with the mailing list by TMS# shall be provided to the Zoning Administrator as part of the application process.

a. A minimum of one (1) sign measuring at least 2' x 3' shall be posted on the development property placed for maximum visibility from adjacent roads. Additional signs may be required at the discretion of the Zoning Administrator, such as to provide visibility from a major right of way. The applicant is responsible for sign removal. At a minimum, the sign shall include the following information: Property address, TMS#, proposed communication tower height, Zoning Administrator contact information.

b. The applicant shall provide notice by certified mail to property owners within 750' of the development property. At a minimum, this notice shall include:

Statement of application for a conditional use permit for construction of a communication tower with tower height and design type.

Address and TMS# for proposed development parcel with map showing tower location in relation to adjacent properties.

Statement that questions, concerns or comments may be directed to the Zoning Administrator with contact information for Zoning Administrator and final date for such comments to be submitted.

Statement that the Zoning Administrator may require the applicant to meet with property owners.

(3) **Setbacks and Fall Zone:** The fall zone shall be determined by a structural engineer licensed and certified in the State of South Carolina and may be described in detail or shown on the site plan and shall include the engineer's signature and impression seal. The proposed tower should be located such that adequate setbacks are provided on all sides to prevent the fall zone from encroaching onto adjoining properties. No structures unrelated to the communication tower will be located within the proposed Fall Zone. If it is not feasible for the fall zone to be contained within the development parcel, a recorded easement will be prepared and signed by the adjacent property owner to ensure that no structures are built within the fall zone.

(4) **Aesthetics and Property Value Preservation.** The proposed tower and associated improvements are subject to Special Areas Section 11.3 of this ordinance which address development in and around Ashley River Road and its associated scenic corridors. A balloon test or other graphic portrayal of the proposed tower may be required if it is within

ten thousand feet (10,000) of any landmark, building, site, object, district or property listed in that section.

- (5) **Co-locate:** To satisfy the intent to maximize the use of each tower and to reduce the number of towers needed, each conditional use permit application shall include a statement of RF compliance regarding the maximum number of antenna arrays that the tower can accommodate which will be signed and sealed by a qualified engineer licensed and registered in the State of South Carolina. The applicant must agree that Dorchester County will be provided space for communications equipment at no cost to the government, provided space is available, the equipment does not exceed the structural capabilities and there is no frequency interference.
- (6) **Proof of Attempt to Co-locate:** A permit for proposed tower site within fifteen hundred feet (1,500') of an existing tower shall not be issued unless the applicant supplies documentation showing that the existing tower does not meet the structural specifications and technical design requirements of the service provider or that a co-location agreement could not be obtained at a reasonable market rate. Reasonable market rate shall be determined by the applicant providing an average of the lease rates it pays for co-location sites in Dorchester County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the County Zoning Administrator who shall not be allowed to disclose it. The clustering of new towers on the same parcel, near existing towers is encouraged.
- (7) **Landscape plan.** The landscape buffer is intended to provide a continuous fence and vegetative screen around the tower base and ground equipment. To meet this intent, the landscape plan shall consider mature plant widths in selecting plant types. The landscape plan shall include a 30 foot perimeter buffer with an opaque fence eight feet in height placed around the tower base and ground equipment. A wood stockade fence may be allowed if approved by the Zoning Administrator. For every 100 linear feet, the buffer shall utilize plantings at the minimum rate of three trees with a width of 20 feet to 30 feet at maturity, four evergreen border trees with a width of 10 feet to 20 feet at maturity and 12 shrubs with a minimum width and height of 10 feet, as stated in the table below. Plant materials shall consist of at least 75% evergreen species. Existing vegetation shall be retained as feasible and count toward the required plantings. On-center spacing requirements in Section 13.3.6(b)(2) shall not apply.

Minimum Plant Count Per 100 Linear Feet at 30' Depth	
Trees 20' – 30' width	3
Evergreen border trees 10'- 20' width	4
Large shrubs 10' width and 10' height	12

- a. Trees may not be severely trimmed beyond the standards of ANSI A300 standards for Tree Care Operations. If aggressive trimming occurs, the property will be considered non-conforming and required to replace the trees with trees meeting the minimum size, spacing, and quantity standards of this section.
- b. Where there is a conflict between these buffer standards with any other buffer requirements in any other section of this ordinance, the standards provided in this section shall apply.
- (8) **Signs:** The proposed tower shall not include signage of any nature on any portion of the tower, except as required by applicable local, state or federal law rule or regulation. In

addition, signs for the purpose of identification, warning, emergency function or contact numbers may be placed as required by standard industry practice.

**(d) Building Permit Application Requirements:**

- (1) Drawings:** After approval of a conditional use permit, the applicant must provide the Department of Planning and Zoning with (2) two complete sets of drawings to include: A site plan consistent with Section 19.5 Site Development Plan, all elements as approved for the conditional use permit and construction drawings consistent with current building code standards as follows.
  - (2) Elevation Drawings:** Elevation Drawings shall show a cross section of the tower, the height and the typical design of the tower, guy wire locations, site structures, fences, barriers, buffers, typical materials to be used, colors and lighting.
  - (3) Structural Standards:** Each tower will be built to withstand minimum acceptable wind loads, seismic zone criteria and structural requirements of the International Building Code, as amended. The fall zone will be shown on the Site Plan and/or discussed in a separate letter signed and sealed by the Carrier's a qualified structural engineer licensed and registered in the State of South Carolina.
  - (4) Tower Removal Performance Bond:** Any Communication Tower owner seeking to erect a tower in Dorchester County shall provide the Zoning Administrator a Performance Bond made payable to Dorchester County for the removal of the proposed tower from the site should the tower become abandoned and/or deactivated. The amount of this bond shall be \$100.00 for each 10' of tower height. The tower owner is responsible for keeping this Performance Bond in effect anytime a tower remains erected in the County. An alternative has been developed for this requirement, the tower owner will prepare a check made payable to Dorchester County for the calculated amount. The County will invest these funds until such time as the tower has been removed. The Carrier may request reimbursement of these funds with interest, if and when the owner has removed the tower at his own expense.
  - (5) Proof of Liability Insurance Coverage:** The Carrier shall provide the Zoning Administrator proof of liability insurance coverage of a minimum of one million dollars (\$1,000,000.00) insuring the Carrier against liability at the proposed tower and site. Liability coverage must include the risk of tower failure or collapse and the risk of human injury or death from such an event.
- (e) Tower Removal:** The tower owner shall notify the Zoning Administrator that the tower / antenna has been decommissioned (tower ceases to be licensed by FCC) within sixty (60) days of actual cessation of operations. The tower owner, if not the same as the property owner, must affirm that its lease with the owner places responsibility for the costs of removal of such tower on the tower owner. The Administrator may request a copy of the lease. Lease information will be treated as a trade secret and shall not be made known to the public by the Zoning Administrator. Failure to remove the tower within one hundred twenty (120) consecutive days from the decommissioning date is a violation of the County Zoning and Development Standards Ordinance. It becomes a misdemeanor, which, upon conviction, shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00), or imprisonment for not more than thirty (30) days. Each day such violation continues shall be deemed a separate offense (Section 14.3).

Section 13.2 Screening and Buffering Uses

**Buffer Matrix – Adjacent Use Category to Be Buffered**

APA Function Code and Land Use		SFR	Other Res.	C	Ind.	Inst.	Ag.
<b>1000</b>	<b>Residential</b>						
1100-1	Single-family residence (attached & detached) and duplex	-	-	-	-	-	-
1100-3	Multi-family residence: 3-4 units	A	-	-	-	-	-
1100-5	Multi-family residence: 5-16 units	B	A	-	-	A	A
1100-17	Multi-family residence: 17+ units	BH	BH	A	-	A	<b>BH</b>
1100-M	Manufactured housing community	<b>C</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>
1200	Congregate housing: 10+ beds	B	A	-	-	-	<b>B</b>
1300	Accommodation services: 10+ beds (e.g., hotel)	BH	BH	A	-	A	AH
1310	Accommodation services: 1-9 beds (e.g., bed-&-breakfast)	A	-	-	-	-	-
<b>2000</b>	<b>General sales, services, rental, &amp; leasing</b>						
2000-I	Indoor sales/leasing: more than 10,000 SF GLA	BH	BH	A	-	B	AH
2000-O	Outdoor sales/leasing: >10,000 SF active area	B	B	A	-	B	A
2110	Auto sales, service, rental, & leasing	BH	BH	A	-	B	B
2500	Food services	B	B	-	-	A	A
<b>3000</b>	<b>Manufacturing and wholesale trade</b>						
3000	Manufacturing	<b>DH</b>	<b>DH</b>	<b>CH</b>	-	<b>DH</b>	<b>DH</b>
3500	Wholesale trade establishment	BH	BH	-	-	BH	AH
3600	Warehouse and storage service	<b>CH</b>	<b>CH</b>	B	-	<b>BH</b>	<b>CH</b>
3610	Junkyard and salvage yard	<b>DH</b>	<b>DH</b>	<b>DH</b>	<b>CH</b>	<b>DH</b>	<b>DH</b>
<b>4000</b>	<b>Transportation, communication, information, &amp; utilities</b>						
4110	Air transportation	<b>DH</b>	<b>DH</b>	<b>DH</b>	<b>D</b>	<b>DH</b>	<b>DH</b>
4120	Freight transportation - road and rail	<b>DH</b>	<b>DH</b>	<b>C</b>	-	<b>D</b>	<b>D</b>
4130	Passenger transportation	<b>B</b>	<b>B</b>	A	-	A	<b>B</b>
4170	Postal service	B	A	A	-	A	A
4200	Communications and information	B	B	-	-	A	A
4242	Library	A	A	-	-	-	-
4300	Utilities and utility services: 3,000 (or less) SF lot area	A	A	A	-	A	A
4300-3	Utilities and utility services: >3,000 SF lot area	<b>BH</b>	<b>BH</b>	<b>B</b>	A	<b>B</b>	<b>BH</b>
4340	Sewer, solid waste, and related services: >3,000 SF lot area	<b>DH</b>	<b>DH</b>	<b>DH</b>	<b>C</b>	<b>DH</b>	<b>DH</b>
<b>5000</b>	<b>Arts, entertainment, and recreation</b>						
5000-I	A&E, Rec. commercial - Indoor: >10,000 SF GLA	BH	BH	A	-	B	AH
5000-O	A&E, Rec. commercial - Outdoor: >10,000 SF active area	B	B	A	-	B	A
<b>6000</b>	<b>Education, public admin., health care, and other institutions</b>						
6560	Social assistance, welfare, and charitable services	A	A	-	-	-	A
6700	Religious institutions	A	A	-	-	-	A
<b>7000</b>	<b>Construction-related businesses</b>						
7000	Construction-related businesses	B	B	A	A	B	B
<b>8000</b>	<b>Mining and extraction establishments</b>						
8000	Mining and extraction establishments	<b>D</b>	<b>D</b>	<b>D</b>	<b>B</b>	<b>D</b>	<b>C</b>
<b>9000</b>	<b>Agriculture, forestry, fishing, and hunting</b>						
9100	Crop production	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
9140	Greenhouse, nursery, and floriculture	H	H	-	-	-	-
9200	Support functions for agriculture	B	B	A	-	B	A
9300	Animal production	<b>CH</b>	<b>CH</b>	<b>BH</b>	A	<b>BH</b>	<b>AH</b>
9400	Forestry and logging	<b>B</b>	<b>B</b>	<b>B</b>	A	<b>B</b>	<b>A</b>
9500	Fishing, hunting and trapping, game preserves	-	-	-	-	-	-

This Ordinance shall be effective upon third and final reading.

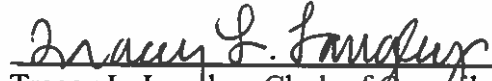
Approved and adopted on this 16<sup>th</sup> day of February, 2021.



William R. Hearn, Jr., Chairman  
Dorchester County Council

First Reading: 01/04/2021  
Second Reading: 02/01/2021  
Public Hearing: 02/01/2021  
Third Reading: 02/16/2021

ATTEST:

  
Tracey L. Langley, Clerk of Council