

Public Comment
July 27, 2015

1. Thomas Markovich

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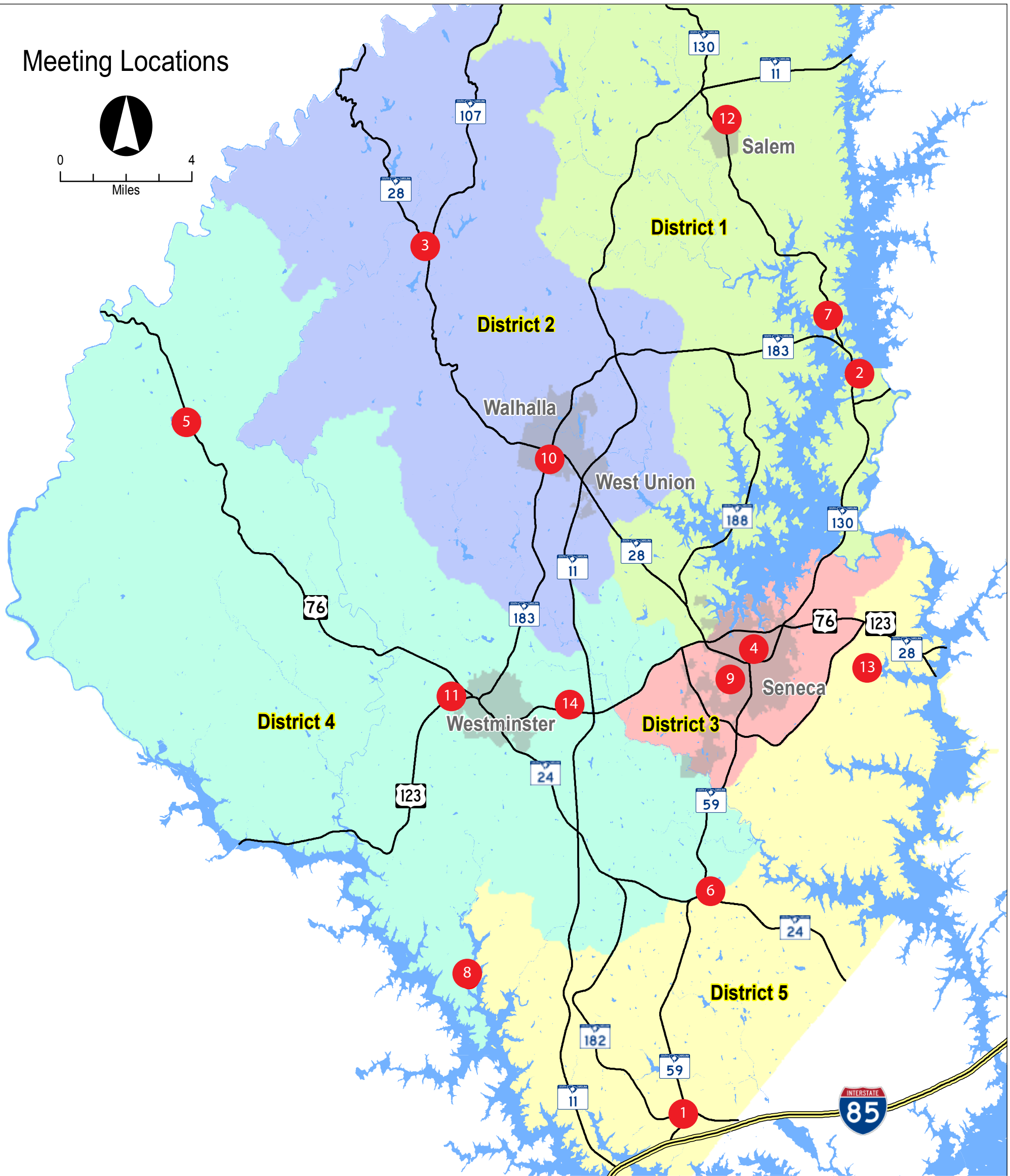
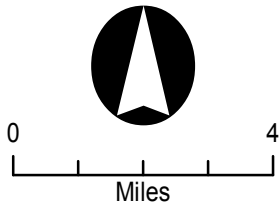
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Meeting #	Day	Date	Location	District	Commissioner
1.	Thu	8-13	5, Fair Play Community Center	5	Honea
2.	Mon	8-17	4, Duke, World of Energy	1	Kisker
3.	Thu	8-20	13, Mountain Rest Community Club	2	Richards
4.	Thu	8-27	7, Gignilliat Community Center	3	Ownbey
5.	Mon	8-31	12, Long Creek Community Center	4	Childress
6.	Thu	9-3	3, Crossroads Baptist Church	5	Honea
7.	Mon	9-7	10, Keowee Key Club House	1	Kisker
8.	Thu	9-10	6, Foxwood Hills Community Center	4	Childress
9.	Thu	9-17	21, Shaver Complex	3	Ownbey
10.	Mon	9-21	24, Walhalla Depot	2	Richards
11.	Thu	9-24	28, Westminster Depot	4	Childress
12.	Thu	10-1	18, Salem Community Center	1	Kisker
13.	Mon	10-5	17, Ravenel Elementary School	5	Honea
14.	Thu	10-8	29, Blue Ridge Electric Co-op	4	Childress

Meeting Locations



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Coordination Element

Overview

The impacts of a community's efforts to implement their plans and attain their goals are often not contained within its own boundaries. In fact, such impacts can often be seen far outside the limits of their jurisdiction, particularly when issues such as zoning, utility location, capital projects, or economic development come into play. Too often, however, little or no effort is made to avoid the unintended negative aspects of such impacts, with chance instead left to rule. In an effort to address this issue in the Oconee County area, a number of the planning commissions and planning staffs initiated the creation of this element, which, when amended into each community's comprehensive plan, will establish a formal avenue for expanding each party's knowledge of plans that may impact them in the future. In addition, through this increased coordination, jurisdictions will gain greater insight into potential opportunities for cooperation and partnerships, as well as increasing the chance of avoiding possible conflicts.

It should be noted that the adoption of this element is in no way intended to restrict participating jurisdictions in their planning options; to the contrary, it is meant to provide better clarity to planners as to what issues they need to address before they develop, which will allow more time and opportunity to explore the routes available to them. To that end, a number of the steps called for in this element focus on the development of a better understanding of each participating community's goals and aspirations.

The first efforts called for are aimed at developing the foundation necessary for a basic understanding of the goals of the various communities. These steps focus on three separate components: 1) the systematic sharing of information, 2) the identification of appropriate cooperative planning efforts, and 3) the identification of potential conflicts and development of appropriate solutions. After a basic understanding is gained, the next effort, which will likely represent the more difficult task, will be the review and development of recommendations for updating each participating jurisdiction's Future Land Use Map to try to reach the most reasonable consistency in land uses possible. Naturally, the effort should include widespread public input.

Strategies

The following strategies are intended to establish the conditions necessary to facilitate expanded jurisdictional cooperation in the Oconee County area:

1. Establish a formal process for the exchange of planning-related information between partnering jurisdictions in and around Oconee County. At a minimum, this process should include:
 - a. Regular meetings of each participating jurisdiction's planning staff to allow for periodic updates on anticipated and ongoing activities
 - b. Direct solicitation of input from potentially impacted partner jurisdictions on all proposed infrastructure, zoning, capital projects, and economic development activity
 - c. Staff from each jurisdiction presents an annual update for partner jurisdictions on progress on implementation of Comprehensive Plan goals/strategies.
 - d. Develop a joint priority list of planning issues, with appropriate goals and strategies
2. Review and report to each participating jurisdiction's planning commission on potential avenues for cooperation on the following issues:
 - a. Corridors
 - b. Transportation
 - c. Workforce Housing
 - d. Subdivision Regulation
 - e. Infill/Redevelopment
 - f. Growth Management
 - g. Priority Investment Areas
 - h. Other Issues Impacting Partner Jurisdictions
3. Upon satisfactorily completing the steps outlined in Strategy 1 and Strategy 2, develop a regional Future Land Use Map and create a list of suggested amendments designed to increase consistency in land uses across the area.



Coordination Element

Overview

Community efforts to implement comprehensive planning and attain established goals are often adversely impacted by decisions made elsewhere. Among the more common sources of such impacts are the location of roadways, stormwater management improvements, utilities, public and recreational facilities, and economic development projects, as well as the enforcement of (or lack of) land use and zoning standards. Although any negative effects on another community's efforts may be unintended, the affected individuals, businesses, industries, organizations, and government agencies are forced to deal with the consequences. In an effort to address such concerns, this Coordination Element has been developed to facilitate increased communication and cooperation among the various communities in and around Oconee County. The amendment of the element into each partnering community's comprehensive plan formalizes the process by which planners will proactively seek to identify shared goals, objectives, and policies intended to minimize potential conflicts and foster expanded opportunities for intergovernmental coordination and area-wide success.

The strategies below can be approached in phases, with the first two focusing on establishing the conditions necessary to effectively carry out the third. Initially, the effort emphasizes 1) the systematic sharing of information, 2) the identification and cooperation of all units of government and other agencies appropriate for cooperative planning efforts, and 3) the identification of inconsistencies, potential conflicts, and development of appropriate solutions.

After establishing the necessary understanding of all the pertinent issues, the next effort, which will likely represent the more difficult task, will be the creation of a Future Land Use Map and Zoning Code consistent with the mission and goals of the participating governments and regional planning agencies. Naturally, the effort should include widespread public input.

Strategies

The following strategies are intended to establish the conditions necessary to facilitate expanded jurisdictional cooperation in the Oconee County area:

1. Establish a formal process for the exchange of planning-related information between partnering jurisdictions in and around Oconee County. At a minimum, this process should include:
 - a. Regular meetings of each participating jurisdiction's planning staff to allow for periodic updates on anticipated and ongoing activities
 - b. Direct solicitation of input from potentially impacted partner jurisdictions on all proposed infrastructure, zoning, capital projects, and economic development activity
 - c. Staff from each jurisdiction presents an annual update for partner jurisdictions on progress on implementation of Comprehensive Plan goals/strategies.
 - d. Develop a joint priority list of planning issues, with appropriate goals and strategies
2. Review and report to each participating jurisdiction's planning commission on potential avenues for cooperation on the following issues:
 - a. Corridors
(Example: US 76/123, Bountyland Area, SC 59)
 - b. Transportation
(Example: Intersection Upgrades, Mass Transit)
 - c. Workforce Housing
(Example: Housing Coalition, Grants, Incentives)
 - d. Subdivision Regulation
(Example: Standards for Municipal Service Areas, Annexation Issues)
 - e. Infill/Redevelopment
(Example: Incentives)
 - f. Growth Management
(Example: Infrastructure Placement, Regulations)
 - g. Priority Investment Areas
(Example: Infrastructure, Mass Transit)
 - h. Other Issues Impacting Partner Jurisdictions
(Example: Land Use Consistency, Service Boundaries)
3. Upon satisfactorily completing the steps outlined in Strategy 1 and Strategy 2, develop a regional Future Land Use Map and create a list of suggested amendments designed to increase consistency in land uses across the area.

ARTICLE IV. COMMUNICATION TOWERS

ARTICLE IV. COMMUNICATION TOWERS ¹⁴¹

Sec. 32-131. Authority of Article Provisions.

Sec. 32-132. Definitions.

~~Sec. 32-133. Communications Tower and Antenna Permitted~~ Permitting Requirements.

Sec. 32-134.. General ~~Requirements~~ Provisions.

Sec. 32-135. Additional ~~Requirements~~ Provisions for Location Near the County Airport.

~~Sec. 32-136. Maximum height of freestanding communication towers.~~ Combine w/Sec. 32-132.

~~Sec. 32-137. Permitted height of building-mounted communication towers.~~ Combine w/Sec. 32-133.

Sec. 32-136. Application Requirements.

Sec. 32-137. Special Exceptions, Variances and Appeals.

~~Sec. 32-140. Additional criteria for evaluating special exceptions and variances.~~ Combined w/Sec. 32-139.

Sec. 32-138. Wi-Fi Towers

Sec. 32-139. Annual Report Required.

Sec. 32-140. Technical Assistance Required.

Secs. 32-141—32-170. Reserved.

Sec. 32-131. Authority of Article Provisions.

The authority to regulate communication towers in the county is pursuant to S.C. Code 1976, § 6-29-310 et seq.

(Ord. No. 1999-14, § 4.1, 4-4-2000)

Sec. 32-132. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural districts means those areas that are zoned in an agricultural district; or those areas in the Control Free District or the Traditional Rural District comprised primarily of farms, forested areas, or other areas that are undeveloped, not platted for development, and are otherwise not occupied by residential, commercial, and industrial uses.

Antenna means a device, dish or array used to transmit or receive telecommunications signals.

Board means the county zoning board of appeals.

Commercial districts means those areas that are zoned in a commercial district; or those areas in the Control Free District or the Traditional Rural District comprised primarily of business and commercial uses

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including, but not limited to, retail and wholesale establishments, offices, service providers, public buildings, service stations, shopping centers, restaurants, fast food establishments, etc.

Communication tower means a tower, pole, or similar structure which supports or performs as a telecommunications antenna operated for commercial purposes above the ground in a fixed location, freestanding, guyed, or on a building.

Height (of a communication tower) ~~means the distance from the base of the communication tower to the top of the communication tower.~~ The distance measured from grade to the highest point of any and all components of the structure, including antennae, hazard lighting, and other appurtenances, if any.

Industrial districts means those areas zoned in the Industrial District; or those areas in the Control Free District or the Traditional Rural District that are in use as or platted for use for industrial plants, factories, warehouses, public utilities, waste treatment facilities, solid waste facilities and ancillary uses such as parking lots, shipping facilities, depots and the like.

Performance standards means performance zoning as authorized by S.C. Code 1976, § 6-29-720(C) et seq.

Residential districts means those areas of the county that are:

(1) Zoned in a residential district; this is not to include the Residential and Lake Residential Zoning District, as defined in Chapter 38 "Zoning Enabling Ordinance" of Oconee County's Code of Ordinances;

(4) Zoned in the Control Free District or Traditional Rural District, and are predominantly residential in nature consisting of single-family or multifamily housing, residential subdivisions, residential manufactured housing units, or uses ancillary to residential uses such as churches, schools, neighborhood parks, neighborhood swimming pools etc.;

(2) Platted for the future development of residential uses; or

(3) Areas identified in the county comprehensive plan as future primary population areas.

Stealth tower means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flagpoles, etc.

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.

Tower Farms means those areas existing at the time of the adoption of these standards specifically designed and used to cluster communications towers.

Wi-Fi Tower means a communication tower used solely for the purpose of providing wireless internet service.

Cross reference— Definitions generally, § 1-2.

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Sec. 32-133. ~~Communications Tower and Antenna Permitted.~~ Permitting Requirements.

- (a) No communication facility shall be constructed unless it has first been approved as determined by the following table:

Land Use Permitting/Requirements for Communication Facilities

Land Use	Preselected Site Designated by County Study in 2000	New Tower	Wi-Fi Tower		Co-location on Existing Tower/Structure which would not exceed height standards
Agricultural	AR	S	AR if height < 85/100 feet	S if height > 85/100 feet	AR
Commercial	AR	S	AR if height < 85/100 feet	S if height > 85/100 feet	AR
Industrial	AR	S	AR if height < 85/100 feet	S if height > 85/100 feet	AR
Residential	AR	S	AR if height < 85/100 feet	S if height > 85/100 feet	AR
Airport District	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3	See Sec. 32-135 / Ch. 32 Art. 3
Local Historical District	X	X	X	X	AR
South Carolina Scenic Highway 11 (within 1000 feet of right of way)	X	X	X	X	AR
AR = Administrative Review Sec. 32-133.c S = Special Exception by Board of Zoning Appeals Sec. 32-133.d					

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(b) The maximum height for freestanding tower is as follows:

District	Maximum Height
Residential Areas	Not exceeding 175 feet
Commercial Areas	Not exceeding 200 feet
Industrial/Agricultural-Areas	Not exceeding 250 feet
Building/structure-mounted tower or co-locate	Not exceeding 20 feet

~~(a)~~(c) ~~Determination by planning director~~ Administrative Review. All applications for tower placement must be submitted to the County ~~planning director~~ Community Development Director or approved staff, for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the ~~planning director~~ Community Development Director or approved staff, may administratively approve applications for placement of towers:

- (1) As a communication tower and/or antenna in any area or zoning district co-located on existing towers or structures.
- (2) As co-locations, reconstruction or new construction in any area or zoning district within the footprints of existing electric utility company transmission line towers (such as Duke Power Company transmission line towers).
- (3) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.
- (4) As stealth towers in any area or zoning district provided the structure is designed and installed in such a way so as not to detract from or conflict with surrounding uses.
- (5) As a tower in a site preselected by the board as a recommended location based upon the County's county-wide communication tower site study.
- (6) As a Wi-Fi Tower.

Applications approved by the ~~planning director~~ Community Development Director or approved staff must comply with all other requirements of this article. The ~~planning director~~ Community Development Director or approved staff may refer any application to the Board for final review and approval as a special exception.

~~(b)~~ (d) Special exceptions granted by the board. Communication towers are permitted in the county for use only as a special exception. Applications for tower construction as are subject to review and approval by the Board, and must comply with all other requirements of this article. Priority in approving additional telecommunications facilities in the county shall be given to:

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- (1) Co-location on existing towers or structures, including electric utility company transmission line towers;
- (2) Reconstruction of, or new construction within the footprints of existing electric utility company transmission line towers;
- (3) New construction meeting the requirements of this article and proposed for location at a preselected site based upon the county's county-wide communication tower site study.
- (4) **Wi-Fi Towers**

Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that the alternatives are not technically feasible to provide adequate coverage for the County, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20 percent above the prevailing rate of leases in comparable Metropolitan Statistical Areas (MSA's) in the southeast, shall other sites be considered for approval. Towers approved by the board in residential districts shall be constructed as stealth designs. Towers in other districts may, at the discretion of the Board, be required to be constructed as a stealth design depending on the impact of the tower on the surrounding area. ~~Under no circumstances are communication towers permitted in locally designated historic districts. Under no circumstances may communication towers be built within 1,000 feet of the right-of-way of Scenic U.S. Highway 11.~~

- (e) *Appeals to the board.* Whenever there is an alleged error by the ~~planning director~~ **Community Development Director or approved staff** in an order, requirement, decision, or determination, an applicant may request a hearing before the Board. The Board has the authority to correct, reverse, or uphold the decision of the ~~planning director~~ **Community Development Director or approved staff**.
- (f) *Time limit for determination.* Failure of the ~~planning director~~ **Community Development Director or approved staff** to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit and may be appealed to the Board.
- (g) *Co-locations.* Co-locations on existing communication towers or other structures such as existing electric utility company towers which do not increase the height of the existing communication tower or structure are strongly encouraged. Co-locations, construction of freestanding structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in section 32-132. All new towers shall be designed to accommodate the principal provider and at least two additional carriers. At the discretion of the Board, new stealth towers shall also be designed to accommodate additional carriers. The County, prior to final approval, must be satisfied that the tower does make reasonable accommodations for an additional user. The applicant shall make unused tower space available at fair market value.

(Ord. No. 1999-14, § 4.3, 4-4-2000)

Sec. 32-134. General Requirements. Provisions.

- (a) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).
- (b) *Color.* Communication towers shall only be painted with a gray, non-reflective paint unless otherwise required by state or federal regulations.

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- (c) *Signs.* A single sign, two square feet in size which included the names of the companies operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.
- (d) *Removal.* A communication tower which use has been discontinued for a continuous period of one year shall be removed within 120 days of the date of the end of such period. Companies must notify the County within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.
- ~~(e) *Greenspaces.* If location in a residential district has been requested, the tower shall not be located on land designated for public recreational uses on the county land use plan.~~
- (e) *Security.* A freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight feet in height.
- (f) *Screening.* The purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. A communication tower, as pertains to this subsection, includes the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the county area. Such plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six feet within a three-year period from erection of a tower. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved unless a waiver has been granted by the [Community Development Director or approved staff Director](#) to selectively cut specified trees. If in extreme or unusual situations and where it is proven impossible to properly construct the plant material screen, the [Community Development Director or approved staff](#) may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish with a minimum height of six feet above ground level and constructed in accordance with applicable construction codes. A [Certificate of Occupancy](#) shall not be issued by the [Community Development Office](#) until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a [Certificate of Occupancy](#) may be issued only if the owners or developers provide to the County a form of surety satisfactory to the [County Attorney](#) and in an amount equal to 125 percent of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the [Community Development Director or approved staff](#)). The form of the surety shall be in conformity with the [Land Development](#) regulations for the County. All required planting must be installed and approved by the first planting season following issuance of the [Certificate of Occupancy](#) or bond will be forfeited to the county. The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.
- (g) *Antenna capacity; wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.
- (h) *FCC license.* The owner of a communication tower shall possess a valid FCC license for the proposed activity, or at the discretion of the board, the owner shall provide other substantial documentation in lieu of FCC licensing proving to the [Board](#) that the owner has a verifiable history of satisfactory communications tower construction and operation.

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- (i) *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae as provided for elsewhere in this article.
- (j) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
- (k) *Distance between towers.* A proposed communication tower shall not be permitted within 1,300 feet of an existing communication tower unless the applicant certifies to the Board that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (l) *Application of county land use regulations.* Land development regulations and other performance standards shall apply to the use, unless otherwise provided in this article.
- (m) *Minimum setbacks.* Minimum setbacks of communication tower (not including guy anchors) must be a minimum distance equal to one foot horizontally for every one foot in height plus 50 feet from:
 - (1) All lot lines of residential or commercial property.
 - (2) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the County.
 - (3) Properties or districts designated historic.
 - (4) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication facilities which meet the definition of stealth tower in Section 32-132 ~~article 4~~, may be permitted by special exception on these properties.
 - (5) The right-of-way of all streets and roads.

All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines.

(Ord. No. 2001-14, § 1, 7-10-2001)

Sec. 32-135. Additional Requirements Provisions for Location Near the County Airport.

- (a) With the exception of towers for aeronautical purposes, in no case may a communication tower penetrate any imaginary surface, as described in Chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport. All communications towers located within the first 12,000 feet of the approach surface of an existing or proposed runway at such facility, or within the horizontal surface associated with such runways as described in FAR Part 77, shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours, and red lights during nighttime hours.
- (b) A copy of any plans whereby a communication tower will be located within such 12,000 feet area shall be provided by the applicant to the county airport manager and the Community Development ~~planning~~ Director or approved staff for comment. Any comments shall be made within ten days of delivery to such manager with a copy to the Community Development ~~planning~~ Director or approved staff and the applicant. Prior to issuance of a building permit, the applicant shall provide documentation to the Community Development ~~planning~~ Director or approved staff that the proposed communications tower has been reviewed by the Federal Aviation Administration (FAA), if so required, and that a finding of no hazard to air navigation has been determined.

(Ord. No. 1999-14, § 4.5, 4-4-2000)

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~~Sec. 32-135. Maximum Height of Freestanding Communication Towers.~~ Combine w/Sec. 32-133.

~~Sec. 32-136. Permitted Height of Building-Mounted Communication Towers.~~ Combine w/Sec. 32-133.

Sec. 32-136. Application Requirements.

The following information shall be submitted for all applications for approval of a communication tower:

- (1) *Specifications.* ~~Two~~ Ten copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- (2) *Site plan.* ~~Two~~ Ten copies of a site plan drawn to scale showing property boundaries, communication tower location, communication 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 on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.
- (3) *Location map.* ~~Two~~ Ten copies of a current map, or update for an existing map on file, showing locations of applicant's antennae, coverage areas, facilities, existing communication towers, and proposed communication towers, serving any property within the county are required. An applicant may request that specific proprietary or confidential information be withheld from the public record.
- (4) *Owner authorization.* Written authorization from the site owner for the application.
- (5) *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts. *The visual impact analysis shall be provided in the form of a written report with accompanying photographs and drawings and shall assess the cumulative impacts of the proposed facility. The visual impact analysis report shall include but is not limited to the following:*
 - a. A photograph simulation of pre-development versus post-development views from eight different viewpoints surrounding the proposed site. Photographs shall be labeled with the line of sight, elevation, and date taken. Photographs should be taken from the from distances, including but not limited to, ½ mile, ¼ mile, 1/8 mile. Typically, images and graphic representations are based on information derived from an onsite 'balloon test.' The simulation must consider all vantage points accessible by the public.
 - b. An analysis of alternative tower structure design and color schemes
 - c. An analysis of the visual impact of tower base, accessory buildings, and overhead utility lines from abutting properties and streets
 - d. A balloon test shall be conducted for no less than 48 hours. The date of the balloon test shall be provided to the Community Development Department and test shall occur 10 – 15 days before the scheduled public hearing. The balloon shall be of a highly visible

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color such as red or orange. Photographs of the balloon test shall be provided from eight different viewpoints surrounding the proposed site.

- (6) *Alternative to co-location ~~or stealth design~~*. Co-located ~~or stealth designs~~ shall be required unless satisfactory documented evidence can be provided indicating that:
- (a) The proposed antenna and equipment cannot be accommodated and function as required;
 - (b) The applicant's technical design requirements are such that without unreasonable modifications they cannot function on any existing structure or communication tower under the control of applicant; and
 - (c) The applicant has considered all available publicly owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under Section 32-132(b) for priority of approval and the applicant has demonstrated that for the reasons described in Section 32-132(b) that these sites and/or locations are unsuitable for operation of the facility under applicable state and federal communications regulations, the applicant's technical design requirements and/or valid economic reasons.
- (7) *Stealth Design*. Stealth designs shall be prioritized when appropriate. No stealth facility may have antennas or ancillary equipment that is readily identifiable from the public domain as wireless communication equipment. Stealth facilities must be designed so they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the Community Development Director, or designee will consider the following criteria:
- (a) Overall height;
 - (b) The compatibility and blending of the proposed facility with the surrounding environment;
 - (c) The compatibility and blending of the proposed facility with the surrounding environment;
 - (d) Scale;
 - (e) Color; and
 - (f) The extent to which the proposed facility has been designed to reasonably replicate a non-wireless facility and not readily identifiable as a wireless communication facility (e.g. a silo, flagpole, steeple, or tree)
- (8) *Indemnity*. The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Community Development ~~planning~~ Director a written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the County, in a form approved by the County Attorney.
- (9) *Application fees*. All communication tower applications shall include a check made out to the County Treasurer in an amount to be determined by the Community Development ~~planning~~ Director, based upon a schedule of fees enacted by the County Council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.

(Ord. No. 1999-14, § 4.8, 4-4-2000)

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Sec. 32-137. Special Exceptions, Variances And Appeals.

- (a) *Special exception.* Communications towers are permitted in the county only by special exception, approved by the Board, within the criteria of the performance standards ordinance. The Board shall conduct a public hearing on each request for a special exception. All public hearings shall be advertised in a newspaper of general circulation in the county at least 15 days in advance of the hearing.
- (b) *Variance.* An applicant may submit a request to the Board for a variance from this or any other applicable land use ordinance. The Board shall hear and decide appeals for a variance from the requirements of the Performance Standards Ordinance when strict application of the provisions of the article would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing a unique, exceptional and otherwise unusual circumstance as provided for in general criteria for granting a variance in Article I of this chapter. Special exceptions and variances may be applied for simultaneously and considered by the Board simultaneously.
- (c) *Appeals.* Applications for appeal shall be submitted through the Community Development planning Director or approved staff to the Board. All appeals shall be accompanied by copies of the original application, supporting maps and documentation and shall include a detailed written summary of the alleged error or misinterpretation of this article by the Community Development planning Director or approved staff in not granting approval to the original application. A copy shall be provided for each Board member and the Community Development planning Director or approved staff, and other copies as may be required by the Community Development planning Director or approved staff. Appeals shall be heard by the Board within 45 days of submission of the completed application to the Community Development planning Director or approved staff.

(Ord. No. 1999-14, § 4.9, 4-4-2000)

~~**Sec. 32-139. Additional Criteria for Evaluating Special Exceptions and Variances.**~~
Combine w/Sec. 32-133.

Sec. 32-138. Wi-Fi Towers.

The following information shall be submitted for all applications for approval of a Wi-Fi Tower:

- (1) *Specifications.* ~~Two~~ Ten copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- (2) *Site plan.* ~~Two~~ Ten copies of a site plan drawn to scale showing property boundaries, communication tower location, communication 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 on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.
- (3) *Location map.* ~~Two~~ Ten copies of a current map, or update for an existing map on file, showing locations of applicant's antennae, coverage areas, facilities, existing communication towers, and proposed communication towers, serving any property within the county are required. An

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applicant may request that specific proprietary or confidential information be withheld from the public record.

- (4) *Owner authorization.* Written authorization from the site owner for the application.
- (5) *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts. The visual impact analysis shall be provided in the form of a written report with accompanying photographs and drawings and shall assess the cumulative impacts of the proposed facility. The visual impact analysis report shall include but is not limited to the following:

(a). A photograph simulation of pre-development verses post-development views from eight different viewpoints surrounding the proposed site. Photographs shall be labeled with the line of sight, elevation, and date taken. Photographs should be taken from the from distances, including but not limited to, ½ mile, ¼ mile, 1/8 mile. Typically, images and graphic representations are based on information derived from an onsite 'balloon test.' The simulation must consider all vantage points accessible by the public.

(b). An analysis of alternative tower structure design and color schemes

(c.) An analysis of the visual impact of tower base, accessory buildings, and overhead utility lines from abutting properties and streets

(d.) A balloon test shall be conducted for no less than 48 hours. The date of the balloon test shall be provided to the Community Development Department and test shall occur 10 – 15 days before the scheduled public hearing. The balloon shall be of a highly visible color such as red or orange. Photographs of the balloon test shall be provided from eight different viewpoints surrounding the proposed site.

This provision does not apply to those Wi-Fi Towers that are approved administratively under Sec. 32-133.a.

- (6) *Indemnity.* The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Community Development ~~planning~~ Director a written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the County, in a form approved by the County Attorney.
- (7) *Application fees.* All communication tower applications shall include a check made out to the County Treasurer in an amount to be determined by the Community Development ~~planning~~ Director, based upon a schedule of fees enacted by the County Council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.
- (8) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).
- (9) *Color.* Communication towers shall only be painted with a gray, non-reflective paint unless otherwise required by state or federal regulations.
- (10) *Signs.* A single sign, two square feet in size which included the names of the companies operating the equipment and a phone number for emergencies shall be displayed in a visible

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location on or near the communication tower. No advertising of any type may be attached to a communication tower.

- (11) *Removal.* A communication tower which use has been discontinued for a continuous period of one year shall be removed within 120 days of the date of the end of such period. Companies must notify the County within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.
- (12) *Security.* A freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight feet in height.
- (13) *Antenna capacity; wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.
- (14) *FCC license.* The owner of a communication tower shall possess a valid FCC license for the proposed activity, or at the discretion of the board, the owner shall provide other substantial documentation in lieu of FCC licensing proving to the Board that the owner has a verifiable history of satisfactory communications tower construction and operation.
- (15) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
- (16) *Application of county land use regulations.* Land development regulations and other performance standards shall apply to the use, unless otherwise provided in this article.
- (17) *Minimum setbacks.* Minimum setbacks of communication tower (not including guy anchors) must be a minimum distance equal to ~~one foot horizontally for every one foot in height plus 50 feet from~~ the fall zone of the tower as designated by an SC licensed engineer as measured from the following:
- (a) All lot lines of residential or commercial property.
 - (b) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the County.
 - (c) Properties or districts designated historic.
 - (d) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication facilities which meet the definition of stealth tower in Section 32-132, may be permitted by special exception on these properties.
 - (e) The right-of-way of all streets and roads.
- All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines.
- (18) Wi-Fi Towers shall comply with Sec. 32-135.

Sec. 32-139. Annual Report Required.

All companies that operate or maintain ownership of communication towers in the county shall submit an annual report to the county planning department no later than January 15 of each year. The report shall include a description of ~~all of its entire~~ active and inactive facilities located in the County, co-locations of its own equipment, co-locations of other companies using its facilities, and shall include telephone numbers and addresses for company officials and maintenance personnel.

ARTICLE IV. COMMUNICATION TOWERS

(Ord. No. 1999-14, § 4.11, 4-4-2000)

Sec. 32-140. Technical Assistance Required.

The Community Development planning Director or approved staff (prior to issuing a permit) and the Board (prior to issuing a permit by special exception or deciding an appeal or request for variance) may make use of technical consultants to review applications and to determine if the standards in this article are met. The permit applicant shall be required to bear the cost of the required technical services. The Community Development planning Director or approved staff shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the County Finance Department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

(Ord. No. 1999-14, § 4.12, 4-4-2000)

Secs. 32-141—32-170. Reserved.

FOOTNOTE(S):

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Cross reference— Utilities, Ch. 34. [\(Back\)](#)

~~ARTICLE IX.—BUILDING HEIGHT REGULATIONS~~

~~Sec. 32-601.— Title.~~

~~This article shall be known as the "Building Height Regulation Ordinance."~~

~~(Ord. No. 2009-16, § 1, 9-1-2009)~~

~~Sec. 32-602.— Authority.~~

~~The provisions of this article are adopted under authority of the South Carolina Local Government Comprehensive Planning Act of 1994, S.C. Code Title 6, Chapter 29.~~

~~(Ord. No. 2009-16, § 2, 9-1-2009)~~

~~Sec. 32-603.— Jurisdiction.~~

~~The regulations set forth in this article shall be applicable within the unincorporated areas of Oconee County, South Carolina.~~

~~(Ord. No. 2009-16, § 3, 9-1-2009)~~

~~Sec. 32-604.— Terms and definitions.~~

~~Except where specifically defined herein, all words in this article shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word "shall" is mandatory.~~

~~Structure means any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.~~

~~Structure height means the vertical distance measured from the average elevation of the finished grade at the front of the Structure to the highest point of the Structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County. Spires, cupolas, chimneys, antennae attached to a Structure, and/or projections from Structures, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of Structure height.~~

~~(Ord. No. 2009-16, § 4, 9-1-2009)~~

~~Sec. 32-605.— Requirements.~~

~~All proposed structures not specifically exempted by this article that are greater than 65 feet in height, or otherwise subject to the exemptions found in subsections 32-606(19) and (20) and greater than 199 feet in height, shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a special exception. In addition to the requirements for special exceptions established in chapter 32, article I of this Code, as amended, the board shall issue findings on each of the following criteria:~~

- ~~(1) Projected traffic and ability of existing roadways to accommodate the increase caused by the proposed structure.~~
- ~~(2) Anticipated cost of any specialized emergency response equipment and training required to serve the proposed structure.~~
- ~~(3) Potential noise, light, fumes, shadows, obstruction of air flow, and other negative secondary effects caused by the proposed structure that may impact existing uses and/or adjacent properties.~~
- ~~(4) The aesthetic and cultural character of the environs, specifically regarding any potential degradation by the proposed structure of scenic views, historic sites, significant landmarks, and other sensitive areas.~~
- ~~(5) Appropriateness of proposed structure in relation to the character of the community.~~

~~(Ord. No. 2009-16, § 5, 9-1-2009; Ord. No. 2014-28, § 1(Att. A), 12-16-2014)~~

~~Sec. 32-606. Exemptions.~~

~~The following structures shall be exempt from the standards governing height established by this article:~~

- ~~(1) Belfries.~~
- ~~(2) Chimneys.~~
- ~~(3) Church spires.~~
- ~~(4) Communication towers (to include amateur radio antennas).~~
- ~~(5) Conveyors.~~
- ~~(6) Cooling towers.~~
- ~~(7) Cupolas.~~
- ~~(8) Domes.~~
- ~~(9) Elevator bulkheads.~~
- ~~(10) Fire towers.~~
- ~~(11) Flag poles.~~
- ~~(12) Ornamental towers and spires.~~
- ~~(13) Public monuments.~~
- ~~(14) Public utility poles.~~
- ~~(15) Silos.~~
- ~~(16) Skylights.~~
- ~~(17) Smoke stacks.~~
- ~~(18) Stage towers or scenery lofts.~~
- ~~(19) Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property zoned as an Industrial District (ID) in accordance with chapter 38 of the Oconee County Code of Ordinances.~~
- ~~(20) Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property designated by Oconee County as county industrial parks.~~

~~Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a dwelling place for human habitation.~~

~~This section shall in no way exempt any structure from the application of standards or regulations contained in other chapters of this Code or other articles of this chapter, including, without limitation, any standards or regulations regarding height restrictions for certain areas of Oconee County, such as airport approach height restrictions.~~

~~(Ord. No. 2009-16, § 6, 9-1-2009; Ord. No. 2014-28, § 2(Att. B), 12-16-2014)~~

~~Sec. 32-607. Penalties.~~

~~Any violation of this article shall be considered a violation of the Oconee County Code of Ordinances and a misdemeanor, and shall be punishable as prescribed herein for each offense. Each day such violation continues shall constitute a separate offense of these regulations. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.~~

~~(Ord. No. 2009-16, § 7, 9-1-2009)~~

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Sec. 38-9.4. - Height.

1. Requirements.

All proposed structures not specifically exempted by this article that are greater than 65 feet in height, or otherwise subject to the exemptions found in subsection 38-9.4.2.(a).i. (18) and (19) and greater than 199 feet in height, shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a special exception. In addition to the requirements for special exceptions established in Chapter 38, Article 7 of this Code, as amended, the Board shall issue findings on each of the following criteria:

- (1) Projected traffic and ability of existing roadways to accommodate the increase caused by the proposed structure.
- (2) Anticipated cost of any specialized emergency response equipment and training required to serve the proposed structure.
- (3) Potential noise, light, fumes, shadows, obstruction of air flow, and other negative secondary effects caused by the proposed structure that may impact existing uses and/or adjacent properties.
- (4) The aesthetic and cultural character of the environs, specifically regarding any potential degradation by the proposed structure of scenic views, historic sites, significant landmarks, and other sensitive areas.
- (5) Appropriateness of proposed structure in relation to the character of the community.

2. Height

- (a) ~~The height of a building or structure shall be measured according to methods provided for in adopted building codes. The height of a tree shall be measured as the distance from the ground at the base to the highest point of vegetation.~~ Structure height is measured from the average elevation of the finished grade at the front of the Structure to the highest point of the Structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County.

i. Exemptions

The height limitations of this chapter shall not apply to the following:

- (1) Belfries.
- (2) Chimneys.
- (3) Church spires.
- (4) Conveyors.
- (5) Cooling towers.
- (6) Cupolas.
- (7) Domes.
- (8) Elevator bulkheads.
- (9) Fire towers.
- (10) Flag poles.
- (11) Ornamental towers and spires.
- (12) Public monuments.
- (13) Public utility poles.

- (14) Silos.
- (15) Skylights.
- (16) Smoke stacks.
- (17) Stage towers or scenery lofts.
- (18) Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property zoned as an Industrial District (ID) in accordance with chapter 38 of the Oconee County Code of Ordinances.
- (19) Structures, not otherwise exempt by this section, that are 200 feet or less in height, and located on property designated by Oconee County as county industrial parks.

ii. Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

iii. This section shall in no way exempt any structure from the application of standards or regulations contained in other chapters of this Code or other articles of this chapter, including, without limitation, any standards or regulations regarding height restrictions for certain areas of Oconee County, such as airport approach height restrictions.

- (b) Communication towers, antennas, and water tanks shall be exempt from district height requirements in these standards, but shall instead be subject to standards provided for in the Oconee County Unified Performance Standards Chapters of the Oconee County Code of Ordinances; however, all other district dimensional standards shall apply as specified.