

ORDINANCE NO.: 2004-065

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 17, Planning, Land Development and Zoning,
Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations,
Sec. 17-283, Communication towers*

BE IT ORDAINED by the Mayor and Council this 21st day of July, 2004 that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-283, Communication towers, is amended to read as follows:

Sec. 17-283. Wireless Communication Facilities.

- (a) *Intent.* It is the intent of this section to provide a definition of wireless communication facilities and to provide regulations for placement of them.
- (b) *Definitions.* For the purposes of this Section, the following words or phrases shall have the following meanings:
- (a) "Co-location" means the placement of two or more provider's wireless communication antenna upon the same wireless communication facility.
 - (b) A "communication tower" is a guy-wire communication tower, a lattice communication tower, or a monopole communication tower only.
 - (c) "DDRC" is an abbreviation for "Design Development Review Commission".
 - (d) A "guy-wire communication tower" is a ground-mounted tower supported by guys extending from various points upon the tower to anchors at the base of the tower that supports wireless communication antenna.
 - (e) A "lattice communication tower" is a ground-mounted, many-legged, self-supporting tower created by the joining of structural members that supports wireless communication antenna.
 - (f) A "monopole communication tower" is a ground-mounted, pole-shaped, self-supporting tower that supports wireless communication antenna.
 - (g) A "stealth wireless communication facility" is a structure fabricated in a manner that aesthetically masks its appearance as a wireless communication facility, including but not limited to a flagpole, tree, light standard, and bell tower.
 - (h) A "support structure" is a structure that supports wireless communication antenna and/or an equipment building or cabinet including but not limited to an existing structure, guy-wire communication tower, lattice communication tower, a monopole communication tower, and stealth communication facility.
 - (i) "Wireless communication antenna" is the one or more components of a wireless communication facility that directly radiate and/or receive any signal related to AM, FM, two-way, private, and commercial-free radio services; to television services; to telephone, pager, and beeper services; and to data or internet services.

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- (j) An “equipment building or cabinet” is an accessory structure that contains equipment necessary for the proper operation of wireless communication antenna and in all other ways conforms to the definition of Accessory Building or Use within §17-55.
 - (k) A “wireless communication facility” is the principal use that consists of a wireless communication antenna, support structure, and/or an equipment building or cabinet.
 - (l) “WCF” is an abbreviation for “wireless communication facility”.
- (c) Districts Where Permitted, Height, and Setbacks. WCFs may be located in accordance with, and built to a height outlined within, Table 3, “Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure,” except that:
- (1) Where a new communication tower or a new stealth WCF would be visible from property listed within the National Register of Historic Places, the South Carolina State Historic Preservation Officer must issue a letter stating that the design would have no adverse effect before the Zoning Administrator or his or her designee shall issue a zoning permit;
 - (2) Where a new communication tower or a new stealth WCF would be visible from property listed within a locally designated architectural conservation district, historic commercial district, or landmark district, the DDRC must review and approve the design of the structure against the standards outlined within sub-section (e) below before the Zoning Administrator or his or her designee shall issue a zoning permit;
 - (3) Where a new communication tower or a new stealth WCF would be visible from property designated as a local landmark, the DDRC must review and approve the design of the structure against the standards outlined within sub-section (e) below before the Zoning Administrator or his or her designee shall issue a zoning permit; and
 - (4) Where the above sub-sections would require a “no adverse effect” letter from the State Historic Preservation Officer and review and approval by the DDRC, both requirements shall be fulfilled before the Zoning Administrator or his or her designee shall issue a zoning permit.
 - (5) Procedure to determine “visible”. To determine whether or not a proposed WCF would be visible as the term is used within sub-sections (c) 1-3 above, apply a line of site six feet above grade from the property line of any property that would be within a 1,000-foot radius from the proposed WCF. To be certain, stealth WCFs are considered visible in totality even though the associated wireless communication antenna and/or equipment building or cabinet may not be easily discernable.
 - (6) Applicability of supplementary districts. Any permissibility, location, or height restrictions of a supplementary district located within Division 9 of this Article shall supercede Table 3, except for WCFs located within DD “Design Development” and DP “Design Preservation” areas which are included within Table 3.

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- (7) Expansion of nonconformity. Notwithstanding §17-201 et seq., which regulates nonconformities, no WCF proposed upon an existing structure permitted in accordance with Table 3 shall be construed to expand or otherwise exacerbate an existing nonconformity.
- (8) Stability of nonconforming structures. Notwithstanding §17-201 et seq., which regulates nonconformities, where an applicant proposing to use an existing structure for a WCF provides documentation from a certified structural engineer that the existing structure cannot support the WCF, and where the existing structure does not comply with the use or bulk requirements (i.e. height, setbacks) of the Zoning Ordinance, the applicant may request a special exception from the Board of Zoning Appeals to demolish the existing structure and rebuild it. To grant such a special exception, the Board of Zoning Appeals shall find that the new structure is similar in all outwardly appearances to the original structure. To be certain, this provision does not negate any reviews and approvals that would otherwise be required by Table 3 of this Section, and this provision does not authorize an increase in or additional height to the existing structure except as allowed within Table 3 of this Section.

TABLE 3.
PERMISSIBILITY OF AND BULK REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES
ACCORDING TO SUPPORT STRUCTURE
(Page 1 of 5)

Support Structure (Number for Reference Only)	Zoning Districts	Permitted?	Maximum Height	Minimum Setback from Single-family Residential Districts (See Note 1)	Minimum Setback from General Residential Districts (See Note 2)	Minimum Setback from Public ROW (See §17-283 (m))
1. New Guy-wire Communication Tower Or New Lattice Communication Tower	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No			n/a	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD					
	C-1, C-2, C-3, C-3A C-4, C-5, C-6					
	M-1, M-2		225'	500'	500'	1' for every 1' of structure height
2. New Monopole Communication Tower	Any with DD or DP Appendage	No	By Special Exception and Subject to §17-283 (d) 1	500'	500'	1' for every 1' of structure height
	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No			n/a	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	No			n/a	
	C-1, C-2, C-3, C-3A	By Special Exception and Subject to §17-283 (d) 1	180'	300'	300'	50'
	C-4, C-5, C-6	Yes	225'	300'	300'	0'
	M-1, M-2	Yes	225'	300'	300'	0'
	Any with DD or DP Appendage	No			n/a	

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PERMISSIBILITY OF AND BULK REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES
ACCORDING TO SUPPORT STRUCTURE
(Page 2 of 5)

Support Structure (Number for Reference Only)	Zoning Districts	Permitted?	Maximum Height	Minimum Setback from Single-family Residential Districts (See Note 1)	Minimum Setback from General Residential Districts (See Note 2)	Minimum Setback from Public ROW (See §17-283 (m))	
3. New LOW-PROFILE Stealth Wireless Communication Facility	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By Special Exception and Subject to §17-283 (d) 1 and 2	60'	District Minimum Yard Setback (See Note 3)	District Minimum Front Yard Setback (See Note 3)		
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By Special Exception and Subject to §17-283 (d) 1 and 2	80'				
	C-1, C-2, C-3, C-3A C-4, C-5, C-6 M-1, M-2	By Special Exception and Subject to §17-283 (d) 1 and 2	100' (See Note 4)				
	Any with DD or DP Appendage	By Special Exception, Subject to §17-283 (d) 1, and Subject to review and approval by DDRC in accordance with §17-283 (e)	Same Height and Setback Requirements as Underlying Zoning District				
		No	n/a				
4. New HIGH-PROFILE Stealth Wireless Communication Facility	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By Special Exception and Subject to §17-283 (d) 1 and 2	180'	300'	n/a	District Minimum Front Yard Setback (See Note 3)	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By Special Exception and Subject to §17-283 (d) 1 and 2					300'
	C-1, C-2, C-3, C-3A C-4, C-5, C-6 M-1, M-2	By Special Exception and Subject to §17-283 (d) 1 and 2					150'
	Any with DD or DP Appendage	By Special Exception, Subject to §17-283 (d) 1, and Subject to review and approval by DDRC in accordance with §17-283 (e)					150'
		Same Height and Setback Requirements as Underlying Zoning District					150'

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ACCORDING TO SUPPORT STRUCTURE
(Page 3 of 5)

Support Structure (Number for Reference Only)	Zoning Districts	Permitted?	Maximum Height	Minimum Setback from Single-family Residential Districts (See Note 1)	Minimum Setback from General Residential Districts (See Note 2)	Minimum Setback from Public ROW (See §17-283 (m))
5. Existing Structure ≤ 40' High and Increase or Add Height ≤ 10'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By Special Exception and Subject to §17-283 (d) 1 and 2	Support structure ≤ 10' above height of existing structure	n/a	n/a	0'
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By Special Exception and Subject to §17-283 (d) 1 and 2				
	C-1, C-2, C-3, C-3A	Yes				
	C-4, C-5, C-6					
	M-1, M-2					
Any with DD or DP Appendage	Where Underlying Zoning District is "Yes" or "By Special Exception", DDRC Approval Also Required (§17-283 (e))	Same Height and Setback Requirements as Underlying Zoning District				
6. Existing Structure > 40' High and Increase or Add Height ≤ 10'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	Yes for Co-location upon Existing Communication Towers and No Increase to Height of Tower; All Others By Special Exception and Subject to §17-283 (d) 1	Support structure ≤ 10' above height of existing structure	n/a	n/a	0'
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	Yes for Co-location upon Existing Communication Towers and No Increase to Height of Tower; All Others By Special Exception and Subject to §17-283 (d) 1				
	C-1, C-2, C-3, C-3A	Yes				
	C-4, C-5, C-6					
	M-1, M-2					
Any with DD or DP Appendage	Where Underlying Zoning District is "Yes" or "By Special Exception", DDRC Approval Also Required (§17-283 (e))	Same Height and Setback Requirements as Underlying Zoning District				
7. Existing Structure ≤ 40' High and Increase or Add Height > 10' and ≤ 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	Support structure ≤ 20' above height of existing structure	n/a	n/a	0'
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By Special Exception and Subject to §17-283 (d) 1 and 2				
	C-1, C-2, C-3, C-3A	By Special Exception and Subject to §17-283 (d) 1				
	C-4, C-5, C-6					
	M-1, M-2					
Any with DD or DP Appendage	Where Underlying Zoning District is "Yes" or "By Special Exception", DDRC Approval Also Required (§17-283 (e))	Same Height and Setback Requirements as Underlying Zoning District				

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TABLE 3.

PERMISSIBILITY OF AND BULK REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES ACCORDING TO SUPPORT STRUCTURE (Page 4 of 5)

Support Structure (Number for Reference Only)	Zoning Districts	Permitted?	Maximum Height	Minimum Setback from Single-family Residential Districts (See Note 1)	Minimum Setback from General Residential Districts (See Note 2)	Minimum Setback from Public ROW (See §17-283 (m))
8. Existing Structure > 40' High and Increase or Add Height > 10' and ≤ 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By Special Exception and Subject to §17-283 (d) 1 and 2	Support structure ≤ 20' above height of existing structure	n/a	n/a	0'
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD					
	C-1, C-2, C-3, C-3A	Where Underlying Zoning District is "Yes" or "By Special Exception", DDRDC Approval Also Required (§17-283 (e))				
	C-4, C-5, C-6 M-1, M-2		Any with DD or DP Appendage			
9. Existing Structure ≤ 40' High and Increase or Add Height > 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	Support structure ≤ 1 times the height of existing structure	n/a	n/a	0'
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	No				
	C-1, C-2, C-3, C-3A	By Special Exception and Subject to §17-283 (d) 1 and 2				
	C-4, C-5, C-6 M-1, M-2					
10. Existing Structure > 40' High and Increase or Add Height > 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By Special Exception and Subject to §17-283 (d) 1 and 2	Support structure ≤ 40' above height of existing structure	n/a	n/a	0'
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD					
	C-1, C-2, C-3, C-3A	By Special Exception and Subject to §17-283 (d) 1				
	C-4, C-5, C-6 M-1, M-2		Any with DD or DP Appendage			

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Support Structure (Number for Reference Only)	Zoning Districts	Permitted?	Maximum Height	Minimum Setback from Single-family Residential Districts (See Note 1)	Minimum Setback from General Residential Districts (See Note 2)	Minimum Setback from Public ROW (See §17-283 (m))
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NOTES:

- (1) Includes property zoned similarly within Richland or Lexington Counties as well as PUD-R where the land use is single- or two-family residential.
- (2) Includes property zoned similarly within Richland or Lexington Counties as well as PUD-R where the land use is residential other than single- or two-family residential.
- (3) See §17-275, Table 2. SCHEDULE OF MAJOR HEIGHT AND AREA REQUIREMENTS as well as §17-276 and §17-278 for determination of appropriate setback from property line and/or public right-of-way.
- (4) Height may be increased by 30 feet only where the applicant demonstrates to the Board of Zoning Appeals that (a) the additional height is necessary to accommodate co-location and (b) the structure is designed and engineered to accommodate additional wireless communication facilities.

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- (d) *Special exception criteria.*
- (1) *Standards for approval.* In addition to the criteria for special exceptions set forth in section 17-112 (2), the board of zoning appeals shall, in considering any applications for special exceptions relating to WCF's find that:
- a. The proposed WCF would not endanger the safety of residents, employees, or travelers, including but not limited to the likelihood of the failure of such structure;
 - b. The proposed WCF would not be located where it would substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties;
 - c. The proposed WCF, if a communication tower, is not located within 1,000 feet of another communication tower;
 - d. The proposed user has attempted to co-locate upon existing WCFs; and,
 - e. The proposed user will allow other users to co-locate upon the proposed WCF in the future subject to the engineering capabilities of the structure.
- (2) Additional standards for approval for stealth WCFs and certain WCFs upon existing structures. In addition to the criteria for special exceptions set forth in §17-112 (2) and §17-283 (d) 1 above, the board of zoning appeals shall, in considering applications for special exceptions for stealth WCFs and certain WCFs upon existing structures, find that:
- (1) The proposed WCF would emulate an architectural or landscape feature typical of, or appropriate to, the surrounding area;
 - (2) The proposed WCF would respect, and to the extent possible compliment, the style, height, bulk, mass, material, and color of existing buildings, structures, vegetation, or uses within the surrounding area;
 - (3) The proposed WCF would preserve existing vegetation;
 - (4) The proposed WCF would preserve scenic view sheds; and
 - (5) The proposed WCF would respect existing topography, including minimizing the extent to which the proposed WCF would be a dominant feature upon a hill, crest, ridgeline, or other topographical high point.
 - (6) Where the proposed WCF would be located within a D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, or RD zoning district, the applicant shall conduct a neighborhood information meeting at least 14 calendar days prior to the public hearing at the Board of Zoning Appeals. At least calendar 14 days prior to the neighborhood information meeting, the applicant shall distribute flyers to the neighborhood president, if such a person is registered with the Columbia Council of Neighborhoods, and all property owners within 1,000 feet of the proposed location, informing said persons of the date, time, location, and general topic of the meeting.
- (3) *Site plan and other documentation.* A site plan, elevation drawing, photographs and other appropriate documentation must be submitted with any application for special exception for a WCF including but not limited to the following information:
- a. The site plan must include the location of the WCF, guy anchors (if any), the equipment building or cabinet and other accessory uses, parking

access, fences, and adjacent land use. Landscaping and required buffering must also be shown.

- b. Elevation drawings must clearly show the design of the WCF and materials to be used.
- c. Photographs must show the proposed site and the immediate area.
- d. Submittal of other detailed information which supports the request, such as “before” and “after” images, topography, and aerial views, is encouraged at the option of the applicant.

(e) *Standards for DDRC approval for WCFs.* Where charged with review and approval, the DDRC shall, in considering applications for WCFs, find that:

- (1) The proposed WCF would emulate an architectural or landscape feature typical of, or appropriate to, the surrounding area;
- (2) The proposed WCF would respect, and to the extent possible compliment, the style, height, bulk, mass, material, and color of existing buildings, structures, vegetation, or uses within the surrounding area;
- (3) The proposed WCF would preserve existing vegetation;
- (4) The proposed WCF would preserve scenic view sheds; and
- (5) The proposed WCF would respect existing topography, including minimizing the extent to which the proposed WCF would be a dominant feature upon a hill, crest, ridgeline, or other topographical high point.

(f) *Landscaping and fencing.* Landscaping and fencing are to be provided as follows:

- (1) Eight-foot-high fencing shall be provided around any communication tower and associated equipment building or cabinet. Concertina wire, barbed wire, or other like security devices are expressly prohibited unless the devices are screened entirely and year round with landscaping that achieves the required screening at the time the landscaping is installed. Any existing concertina wire, barbed wire, or other like security fencing shall be either removed within 1 year of the date of adoption of this amendment to the Zoning Ordinance or screened entirely and year round with landscaping that achieves the required screening at the time the landscaping is installed.
- (2) Around the base of any communication tower, outside of the fencing, at least one row of evergreen shrubs forming a continuous hedge at least five feet in height shall be provided, with individual plantings spaced not more than five feet apart. Additional landscaping, to include that associated with parking, is to be provided as required by all other relevant provisions of this article.

(g) *Illumination.* WCFs shall be illuminated only to the extent required by applicable federal or state statute or regulation.

(h) *Signage.* No signage is permitted, except:

- (1) as is required by applicable state or federal law, rule, or regulation;
- (2) as is required by standard industry practice for the purpose of identification, warning, emergency function or contact; and

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- (3) stealth WCFs that serve as or provide a public amenity may have up to 6 square feet of signage only for the purpose of dedication and/or announcing corporate sponsorship.
- (i) *Abandonment.* A WCF that is no longer used for communication purposes must be removed within 120 days of the date it is taken out of service.
- (j) *Permit required.* A zoning permit is required prior to the beginning of any site work or WCF construction.
- (k) *Co-location.* At the time of the zoning permit application for a new communication tower, satisfactory evidence shall be submitted that alternative towers, buildings, or other structures are not available for use within the applicant's communication tower site search area that are structurally capable of supporting the intended wireless communication antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
- (l) *Color.* New communication towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.
- (m) *Fall zone letter required.* A new communication tower, a new stealth communication WCF, or the support structure necessary to increase the height of an existing structure by more than 20 feet must be designed such that, in the event the WCF may fail structurally, it would not fall within a public ROW. The Zoning Administrator or his or her designee shall not issue a zoning permit for the support structures listed within this sub-section until such time that the applicant provides a signed letter from a registered professional structural engineer certifying that the proposed WCF is designed as required above.

This ordinance is effective as of final reading.

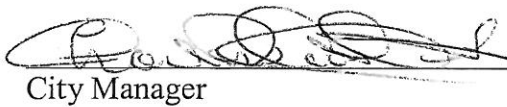
Requested by:

Marc Mylott, Zoning Administrator



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 7/14/2004

Final Reading: 7/21/2004

ATTEST:



City Clerk

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