

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
TOWN OF CLOVER)

ORDINANCE 17-10

AN ORDINANCE AMENDING THE ZONING AND LAND DEVELOPMENT ORDINANCE OF THE TOWN OF CLOVER SO AS TO AMEND ARTICLE 3, CONDITIONAL USE REGULATIONS, SECTION 3.2, COMMUNICATION TOWERS AND ANTENNAS.

WHEREAS, the Clover Planning Commission reviewed the conditional use regulations regarding communication towers and antennas and approved recommendations to strengthen the regulations for these uses; and

WHEREAS, as required by law and after proper public notice, a public hearing was held on the ____ day of _____, 2017.

WHEREAS, the Town Council finds that it is necessary to amend Section 3.2, Communication Towers and Antennas, of the Zoning and Land Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED in Council duly assembled this ____ day of _____, 2017, that Section 3.2, Communication Towers and Antennas, of the Zoning and Land Development Ordinance is amended as follows:

Section 3.2, Communication Towers and Antennas

Where conditionally permitted as a principal use by Table 1, communication towers and antennas shall adhere to the following regulations:

1. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements. Prior to the issuance of a permit for a new tower the applicant shall submit documentation indicating a good faith but unsuccessful effort was made to co-locate on an existing communication tower, building or other structure, and that no suitable facilities within the desired coverage area were available. Documentation shall include coverage maps, letters from adjacent tower owners, and calculations from a specialist with appropriate radio frequency credentials.
2. All applicable safety code requirements shall be met, including those of the US Fish and Wildlife Service to minimize harm to birds.
3. Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
4. No tower or antenna shall be located within 2,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet

the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.

5. The height of a tower or antenna may not exceed 199 feet. A tower or antenna mounted on a building, water tank or other structure shall not exceed 20% of the height of the structure.
6. Towers or antennas shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The setback will be calculated as the aggregate distance of the zoning setback, tower fall zone, and 10% of the height of the tower or antenna.
7. Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - a. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
 - b. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, fall zone (as determined by a structural engineer, licensed & certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - c. Identification of the owners of all antenna and equipment to be located on the site.
 - d. Written authorization from the site owner for the application.
 - e. Evidence that a valid FCC license has been issued.
 - f. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
 - g. A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the Town.
8. Towers no longer in service shall be dismantled and removed by the owner within 120 days of discontinuance. Towers in need of repair or reconstruction shall require a permit.

Effective Date. This ordinance is effective immediately upon its adoption.

Severability. If any part of this Ordinance is held to be invalid or unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such invalid or unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

AND IT IS SO ORDAINED.

Mayor

Council:

(Town Seal)

Attest:

Town Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____