

ORDINANCE NO.: 2011-034

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 Wireless Communication Facilities

BE IT ORDAINED by the Mayor and Council this 24th day of May, 2011, 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, Wireless Communication Facilities, is amended to read as follows:

Sec. 17-283. Wireless communication facilities (Cell Tower).

(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:

(1) *Co-location* means the placement of two or more provider's wireless communication antenna upon the same wireless communication facility.

(2) *A communication tower* is a guy-wire communication tower, a lattice communication tower, or a monopole communication tower only.

(3) *DDRC* is an abbreviation for "design development review commission".

(4) *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.

(5) *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.

(6) *Monopole communication tower* is a ground-mounted, pole-shaped, self-supporting tower that supports wireless communication antenna.

(7) *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.

(8) *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 wireless communication facility.

(9) *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

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commercial-free radio services; to television services; to telephone, pager, and beeper services; and to data or internet services.

- (10) 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 section 17-55.
 - (11) A *wireless communication facility* is the principal use that consists of a wireless communication antenna, support structure, and/or an equipment building or cabinet, also commonly known as a cell tower.
 - (12) *WCF* is an abbreviation for "wireless communication facility", also commonly known as a cell tower.
- (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 subsection (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 subsection (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 subsections (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 supersede Table 3, except for WCFs located within DD "Design Development" "5P" (Five Points), "ID" (Innovista Design) "NC" (North Main Corridor) and DP "Design Preservation" areas which are included within Table 3.

- (7) Expansion of nonconformity. Notwithstanding section 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 section 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.

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<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Article I. Permitted?</i>	<i>Maximum Height in Feet</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
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, MX-1					
	C-4, C-5, C-6, MX-2					
	M-1, M-2	Yes	225'	500'	500'	1' for every 1' of structure height
		By special exception and subject to §17-283 (d) 1	300'	500'	500'	1' for every 1' of structure height
Any with DD, ID, 5P or DP Appendage	No				n/a	
2. New Monopole 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	No				n/a
	C-1, C-2, C-3, C-3A, MX-1	By Special Exception, Subject to §17-283 (d) 1	180'	300'	300'	50'
	C-4, C-5, C-6, MX-2	Yes	225'	300'	300'	0'
	M-1, M-2	Yes	225'	300'	300'	0'
	Any with DD, ID, 5P or DP Appendage	No				n/a

Support Structure (Number for Reference Only)	Zoning Districts	Article II. Permitted?	Maximum Height in Feet	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 (aka cell tower)	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, MX-1	By special exception and subject to §17-283 (d) 1 and 2	100' (see note 4)			
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
	Any with DD, ID, 5P 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			
4. New HIGH-PROFILE stealth wireless communication facility (aka cell 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	By special exception and subject to §17-283 (d) 1 and 2	180'	300'	n/a	District minimum front yard setback (see note 3)
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to §17-283 (d) 1 and 2		300'	150'	
	C-4, C-5, C-6, MX-2			150'	150'	
	M-1, M-2			150'	150'	
	Any with DD, ID, 5P 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			

<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Article III. Permitted?</i>	<i>Maximum Height in Feet</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
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	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, MX-1	Yes				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P 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	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, MX-1	Yes				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P 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				

<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Article IV. Permitted?</i>	<i>Maximum Height in Feet</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
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	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (d) 1 and 2	Support structure < 20' above height of existing structure	n/a	0'	
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to 17-283(d)(1)				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P 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				
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	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, MX-1	Yes				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P 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				

Support Structure (Number for Reference Only)	Zoning Districts	Article V. 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))
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		n/a		
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	No		n/a		
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to §17-283 (d) 1 and 2	Support structure < 1 times the height of existing structure	n/a	0'	
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P 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				
10. Existing structure > 40' High and Increase or Add Height > 20'	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	By special exception and subject to §17-283 (d) 1 and 2	Support structure < 40' above height of existing structure	n/a	0'	
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to 17-283(d)(1)				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P 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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(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 WCF in the future subject to the engineering capabilities of the structure.

(2) *Additional standards for approval for stealth WCFs and certain existing WCFs upon existing structures.* In addition to the criteria for special exceptions set forth in section 17-112(2) and section 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:

- a. The proposed WCF would emulate an architectural or landscape feature typical of, or appropriate to, the surrounding area;
- b. 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;
- c. The proposed WCF would preserve existing vegetation;
- d. The proposed WCF would preserve scenic view sheds;
- e. 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. Where the proposed WCF would be located within or within 300 feet of 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 14 calendar days prior to the neighborhood information meeting, the applicant shall distribute flyers to the neighborhood president, if such 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.
- g. The applicant for a Special Exception under this section shall send a notice of the public hearing by Certified Mail Return Receipt Requested, to all property owners of parcels that are located within 1,000 ft. of the lot to contain the Wireless Communication Facility (Cell Tower) at least 14 calendar days prior to the hearing date. Addresses used for the mailing shall be the most current listed with the Richland County Tax Assessor. This notice shall contain the following information:
 - 1. The date, time and place of the hearing.
 - 2. A description to inform the public of the location of the property for which the special exception is requested, including the street address and the tax map reference.
 - 3. The description of the request to include the type and height of the facility (cell tower) requested.

Requested by:

Planning/Development Services Director


MAYOR

Approved by:


City Manager

Approved as to form:

City Attorney

ATTEST:

City Clerk

Introduced: 5/17/2011

Final Reading: 5/24/2011