

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF BLACKSBURG, SOUTH CAROLINA, ARTICLE V, REQUIREMENTS BY DISTRICT, SECTION #507, I INDUSTRIAL DISTRICT, TO ALLOW CELLULAR TOWERS:**

**WHEREAS**, the Town of Blacksburg desires to modify or amend the Town Zoning Ordinance to include cellular towers as a conditional use in Section #507, the I Industrial District and Section #505, the GC General Commercial District.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Town of Blacksburg, State of South Carolina

That the Official Zoning Ordinance of the Town of Blacksburg, Article V, Requirements by District, Section #507, I Industrial District, 507.3 Conditional Uses shall be amended by adding the following:

- k) Cellular Towers.
  - a. Conditions. The permitted conditions for cellular towers are as follows:
    - 1. Illumination. Communications towers shall be illuminated only as required by the federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA).
    - 2. Color. Communications towers shall not be painted, unless otherwise provided for by the state or federal regulations.
    - 3. Signs. A single sign, two square feet in size which includes 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. Additional signs required pursuant to local, State and Federal law or necessary for displaying safety and warning information shall be permitted. No advertising of any type may be attached to a communication tower.
    - 4. Removal. A communication tower which is not used for a continuous one (1) year period shall be removed within one hundred twenty (120) days. Companies must notify the city within thirty (30) days if telecommunications cease operations at the tower or antenna. All structures, fencing, screening and other improvements must be removed and the site returned to its original condition at the company's expense.
    - 5. Security. A freestanding communication tower and associated structures shall be secured and controlled through the construction and maintenance of a continuous and solid wood, brick, or treated masonry fence of at least eight (8') feet in height

to surround the tower and associated structures and include a gate to provide authorized access.

6. Landscaping. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5') feet shall be planted with a maximum spacing of five (5') feet around the immediate perimeter of the security fence surrounding the communication tower and associated structures. An appropriate plant material shall be evergreen and at least three (3)-gallon container plants or twenty-four (24") inches tall at the time of planting. The plants shall be of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the area. At least one (1) row of evergreen trees with a minimum caliper of one and three quarters of an inch (1.75") at the time of planting shall be installed at a maximum spacing of twenty-five (25') feet within a fifty (50')-foot radius of the communication tower.
7. The tower owner(s) and their agents shall be responsible for providing, protecting and maintaining all required landscape material in healthy condition, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall comply with the approved landscape plan.
8. A certificate of occupancy shall not be issued by Cherokee County until any required landscaping is completed. When the occupancy of a structure is desired prior to the completion of the required landscaping, a certificate of occupancy may be issued only if the owner or developer provide to the city a form of surety satisfactory to the city attorney and in an amount equal to one hundred twenty-five (125%) percent of the costs of the remaining plant materials, and installation (with the costs agreed to by the zoning administrator). All required landscaping shall be installed and approved by the first planting season following issuance of the certificate of occupancy or bond will be forfeited to the city and the business license to operate the tower shall be revoked until the planting is completed.
9. Antenna capacity, wind load. The communication tower shall be designed to withstand winds in accordance with ANSI/TIA-222-G (latest revision) standards. Certification from a structural engineer registered in the state, submitted prior to the issuance of a building permit, shall constitute proof that such standard has been met.
10. License. The owners of a communication tower shall possess a valid FCC license for the proposed activity.
11. Design for multiple use. A new communication tower shall be designed to accommodate additional antennas equal in number to applicant's present and reasonably anticipated future requirements.

12. Safety codes. A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
  13. Distance from existing towers. No communication tower shall be located within twelve hundred (1,200) feet of an existing tower.
  14. Setbacks. A communication tower (not including guy anchors) must be minimum distance equal to three times the height of such tower from residentially zoned property. If the proposed tower does not border an adjacent residential property then the setbacks shall be the height of the tower from a residential dwelling, unit, school, church or similar place of worship, park or playground. Certification from a structural engineer registered in the state, submitted prior to the issuance of a building permit, shall constitute proof that such standard has been met.
  15. Heights.
    - (i) Freestanding towers. The permitted height of freestanding communication towers shall be a maximum one hundred eighty (180') feet.
    - (ii) Building-mounted towers. The permitted height of building mounted communications tower shall not exceed twenty (20') feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.
- b. Application requirements. Submit all required documents to the Town of Blacksburg and Cherokee County.
- The requirements for application are as follows:
1. Specifications. One (1) copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
  2. Site plan. A site plan drawn to scale showing property boundaries, communication tower location, communications 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 use on adjacent property. A site plan may be 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. Other equipment may be added to the communication tower without additional permits or inspections if electrical wiring is not required.
  3. Location map. A current map, or update for all existing maps on file, showing locations of proposed antennas, facilities, existing

communication towers, and proposed communication towers, serving any property within the city.

4. Antenna owners. Identification of the owners of all antennas and equipment to be located on the site.
5. Owners authorization. Written authorization from the property owner for the application.
6. Proof of Insurance. Applicant must certify that the proposed facility will contain only equipment meeting FCC rules, and must file with the zoning administrator proof of liability insurance or financial ability to respond to claims up to \$2,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the city, in form approved by the city attorney.
7. Application fees. All applications for approval of a communication tower must be accompanied by a fee of \$5,000.00 and, if applicable, any additional fees required by the city on applications for special exceptions or variance.

c. Findings of Fact: The Zoning Board shall make a recommendation to Town Council regarding the application. Town Council will review and make the final decision to issue a Conditional Use Permit. The permit will be issued or declined in written form by Zoning Administrator. The permit will only be issued when the Town Council makes an affirmative finding for each of the following:

1. That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;
2. That the use meets all required standards set forth in this Ordinance;
3. That the use is a benefit of the public;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area and in general conformity with the Town of Blacksburg Comprehensive/Strategic Plan.

That the Official Zoning Ordinance of the Town of Blacksburg, Article V, Requirements by District, Section #505, GC General Commercial District, 505.3 Conditional Uses shall be amended by adding the following:

j) Cellular Towers

a. Conditions. The permitted conditions for cellular towers are as follows:

1. Illumination. Communications towers shall be illuminated only as required by the federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA).
2. Color. Communications towers shall not be painted, unless otherwise provided for by the state or federal regulations.
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6. Landscaping. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5') feet shall be planted with a maximum spacing of five (5') feet around the immediate perimeter of the security fence surrounding the communication tower and associated structures. An appropriate plant material shall be evergreen and at least three (3)-gallon container plants or twenty-four (24") inches tall at the time of planting. The plants shall be of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the area. At least one (1) row of evergreen trees with a minimum caliper of one and three quarters of an inch (1.75") at the time of planting shall be installed at a maximum spacing of twenty-five (25') feet within a fifty (50')-foot radius of the communication tower.
7. The tower owner(s) and their agents shall be responsible for providing, protecting and maintaining all required landscape material in healthy condition, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall comply with the approved landscape plan.
8. A certificate of occupancy shall not be issued by Cherokee County until any required landscaping is completed. When the occupancy of a structure is desired prior to the completion of the required landscaping, a certificate of occupancy may be issued only if the owner or developer provide to the city a form of surety satisfactory to the city attorney and in an amount equal to one hundred twenty-five (125%) percent of the costs of the remaining plant materials, and installation (with the costs agreed to by the zoning

administrator). All required landscaping shall be installed and approved by the first planting season following issuance of the certificate of occupancy or bond will be forfeited to the city, and the business license to operate the tower shall be revoked until the planting is completed.

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  4. Antenna owners. Identification of the owners of all antennas and equipment to be located on the site.
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1. That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;
  2. That the use meets all required standards set forth in this Ordinance;
  3. That the use is a benefit to the public;

4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area and in general conformity with the Town of Blacksburg Comprehensive Plan.

That the Official Zoning Ordinance of the Town of Blacksburg, Article V, Requirements by District, Section #505, GC General Commercial District, 505.2 Permitted Uses shall be amended by changing the following:

w) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations.

First Reading: September 9, 2014

Second Reading: July 7, 2016

Done in regular meeting, duly assembled, 7th day of July, 2016.

\_\_\_\_\_ Mayor \_\_\_\_\_ Attest: Town Clerk  
\_\_\_\_\_ Council Member  
\_\_\_\_\_ Council Member  
\_\_\_\_\_ Council Member  
\_\_\_\_\_ Council Member