

TOWN OF MCCONNELLS  
COMMUNICATION TOWER PUBLIC SERVICE USE REQUIREMENTS

(A) Intent. To facilitate the siting, construction, installation, and operation of cellular towers in The Town of McConnells in a manner that promotes economic development and ensures the protection of the health, safety and general welfare of the citizens while avoiding adverse impacts to adjacent land uses and property owners.

(B) Purpose. This section is adopted for the following purposes:

- (1) To promote cellular communications in the rural areas adjacent to the town of McConnells.
- (2) To preserve the dignity and aesthetic quality of the natural and built environment;
- (3) To conserve and ensure access to the town's natural and scenic resources; and
- (4) To preserve the physical integrity of land in close proximity to residential areas.

(C) Definitions.

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONMENT.** To give up, discontinue, withdraw from. Any cellular tower that ceases to operate on a continuous basis for 12 months will be considered abandoned.

**APPROVAL AUTHORITY.** The Town of McConnells .

**CAMOUFLAGE DESIGN.** An innovative approach to hiding, blending or disguising communication towers and/or locating the tower on a parcel of property so as to not be easily visible to neighboring residences, roadways, or other significant features.

**COMMUNICATION ANTENNA.** An antenna operated by a communications provider. This definition does not include ground based receiving antennae up to five meters in diameter, including antennae less than one meter in diameter used for space-based services for residences, or antennae less than two meters in diameter used in non-residential areas for space-based services; or antennae legally operated by FCC-licensed amateurs.

**COMMUNICATIONS PROVIDER.** Any entity required to be licensed or whose over the air emissions are regulated by the FCC.

**COMMUNICATIONS TOWER or TOWER.** A structure more than 60 feet in height used primarily for the support of one or more antennae erected on the ground or a similar structure of up to 25 feet in height above the highest point on a physical structure. The height of the tower must include any antenna that extends above the top of the tower. This code does not apply to any tower less than 100 feet in height used solely to support antennae operated by a licensed amateur radio operator or to towers licensed by the Federal Communications Commission (FCC) for radio and television broadcasts or to towers used by York County or its designee for county public service uses, including but not limited to public safety, firefighting, law

enforcement, medical, emergency or 911 public service uses, and potentially used for any subsidiary commercial co-locator user designated by the county.

**DECOMMISSIONING PLAN.** A document that details the planned shut down or removal of a cellular tower from operation or usage.

(D) Setbacks. All buildings, structures, equipment, and parking areas related to the cellular tower shall be setback at least:

- (1) 1 and 1/2 times the height of the tower from all property lines;
- (2) 1 and 1/2 times the height of the tower from all public rights-of-way; and
- (3) 500 feet from all public rights-of-way along a designated South Carolina Scenic Byway.

(E) Bufferyards and screening. The buffer must be 15 feet in width and meet the following two requirements:

- 1) An evergreen buffer must be planted to achieve 80% to 85% blockage within seven years. The buffer must be planted as shown in the diagrams provided with the following plantings:
- 2) The plantings must have 16 type A plants and 32 type B plants per 100 feet. As shown in fig. 1

(F) The maintenance of required bufferyards will be the responsibility of the cellular tower owner. All such yards will be properly maintained so as to assure continued buffering. Dead trees will be removed; debris and litter will be cleaned; and fences will be maintained at all times. Failure to do so is a violation of this chapter and may be remedied by the Town of McConnells in the manner prescribed for other violations.

(G) A minimum six foot tall chain link fence is permitted for the site and must be screened from rights-of-way and adjacent properties. The Town of McConnells shall determine the most effective placement of the fence in relation to the vegetative buffer to meet screening requirements.

**Fig. 1 ) Required buffer plant types (no substitutes allowed):**

Type A Plants ( <b>6 'at installation</b> )	Type B Plants ( <b>18" high or 15" spread at installation</b> )
Leyland Cypress	Compacta Holly
Wax Myrtle	Dwarf Burfardi Holly
Cryptomeria, Japanese	Helleri Holly
Nellie R. Stevens Holly	Dwarf Yaupan Holly

Emily Bruner Holly	Carissa Holly
Greenleaf Holly	Grey Owl Juniper
	Sea Green Juniper

**APPROVAL REQUIREMENTS AND CRITERIA.**

(A) The Town of McConnells may issue a permit for a communication tower only upon approval of a communication tower permit application, information and evidence provided during the review and requirements and standards and all approval criteria established by this code. In considering an application for approval, the approval authority shall consider, in addition to the application requirements, general requirements, development standards and technical requirements contained in this code, efforts by the applicant to employ camouflage design, efforts by the applicant to reduce aesthetic impact, evidence of the need for an additional communication tower, and evidence received during the public hearing regarding the probable impact of the proposed communication tower public service use on uses and conditions in the general area.

(B) If approved, all communications providers must obtain a permit prior to locating an antenna upon the approved tower, and the applicant shall submit to the Town of McConnells a notarized letter annually confirming that the tower continues to be used only as approved by the approval authority.

(C) A permit may be issued and the town of McConnells may permit a communication tower provided the applicant has complied with all application requirements, general requirements, development standards and other requirements of this code and satisfied all approval criteria applicable. The approval authority shall use all information required by this code to determine the appropriateness of the proposed location.

(D) Communication towers shall be prohibited in areas of higher residential development and historical sites.

(E) The following requirements shall be applicable to all applications for communication tower public service uses.

(1) The applicant shall be a communications provider as defined in this code, or if the applicant is not a communications provider as defined in this code, the applicant must submit evidence that one communications provider as defined in this code has executed an agreement to locate and operate antennae on the proposed communications tower;

(2) The applicant shall submit evidence satisfactory to the approval authority that the proposed communication tower is necessary to provide wireless communication services for one communication provider, and the proposed communications tower is not speculative;

(3) The proposed communication tower is designed to current technical and structural standards and can and will accommodate the co-location of additional antennae by other communications providers;

(4) No communication tower shall be approved within a 2,640-foot radius of an existing communication tower unless an existing tower within a 2,640-foot radius of the proposed tower site cannot meet reasonable structural specifications or technical design requirements of the applicant and space on an existing tower within a 2,640-foot radius of the proposed tower site is not available for co-location at fair market value;

(5) The applicant shall submit evidence of the necessity for the location of a communication tower at the proposed site. The applicant may submit evidence such as the wattage, power, coverage, range of commercially available telephones and any other such information which may support the application for the proposed tower. The approval authority may request other such information as needed to thoroughly evaluate the necessity of the tower and its location;

(6) The applicant shall certify that the proposed tower meets all applicable Federal Communication Commission rules and will be operated in compliance with Federal Communication Commission rules and regulations;

(7) The applicant shall certify that the proposed tower will not have an adverse effect on air space associated with the Rock Hill-York County Airport and/or Chester County Airport and conforms to Federal Aviation Administration rules and regulations.

(8) The applicant shall submit a site-impact analysis, such as balloon modeling, computer generated renderings of the location, photographs with superimposed scaled renditions of the tower or other such submittals showing the potential visual and aesthetic impact of the proposed communication tower on properties and uses within 2,640 feet of the proposed tower site;

(9) No communication tower shall be located less than one and one-half the height of the tower (measured from the base) from any residential, religious or educational structure;

(10) All applicants for a communication tower public service use and all communications providers locating or proposing to locate an antenna on a proposed or existing communication tower shall submit written evidence on a yearly basis, that the applicant, communications provider and owner of the tower have procured and maintain in force one or more public liability insurance policies with policy limits of not less than \$1,000,000 for liability claims for personal injury, death or damage to property.

(11) All communication towers requested shall be of camouflage design and construction.

(12) All applicants for a communication tower Must submit a decommission plan to comply with decommission requirement.

(F) In addition to all other requirements and standards of this code, the approval authority shall consider information and evidence submitted and the following communication tower public service use criteria and standards in determining the appropriateness of the proposed communication tower location as a public service use:

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

(2) That the use meets all required conditions and specifications;

(3) That the use will not substantially injure the financial value of property in the immediate area;

(4) That the use is a public necessity;

(5) That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the immediate area in which it is located and in general conformity with the code.

(6) Whether the applicant has met with property owners and residents of the immediate area in which the proposed tower would be located to explain the design, intended use, need for and potential impact of the proposed tower.

(G) Based on consideration of the evidence received during the public hearing, and from the application requirements, general requirements, development standards, other requirements and criteria of this code and the probable impact of the proposed use on property, uses and conditions in the immediate area, the approval authority may approve or deny a request for a communication tower public service use.

#### **APPLICATION REQUIREMENTS.**

(A) Any person desiring to obtain a permit for construction of a communications tower or placement of a telecommunications antenna on an existing structure must file an application and fee with the Town of McConnells.

(B) The application must include the following information and/or documents:

(1) A site plan showing property boundaries, required setbacks, existing structures, latitude and longitude, uses of adjacent property. The site plan must also indicate the proposed tower location, site elevation, tower height, guy anchors, driveway and parking, fencing and landscaping. Required landscaping and bufferyards must be installed outside of and along the security fence as required in fig. 1.

(2) The application for a building permit must contain a certification from a professional engineer registered in the State of South Carolina indicating that the proposed installation, including the tower, antenna, and appurtenances, including any accessory buildings meet the requirements of the building codes. This certification must include wind and ice loading as specified. Manufacturer sealed certifications must be sufficient to satisfy the engineer's certification requirement. When manufacturer sealed certifications are submitted to satisfy the engineer's certifications requirement, the contractor must certify on the approved site plan that the installation will be in accordance with the manufacturer sealed certifications and/or specifications;

(3) Tower application fee: One-thousand dollars for the processing of the public service use application. Building permit, site permit and other permit fees will be in addition to the tower application fee. The application fee for adding antennae to an existing structure will be \$150 for site plan review. The \$1,000 application fee may be applied to another site request if the approval authority or the applicant requests a deferral to identify a more appropriate site elsewhere. This waiver will not apply in those cases where withdrawals are granted or votes of denial occur;

(4) Manufacturer's typical specifications for the proposed structure and antenna, including design characteristics and material. Design characteristics must be sufficient for building permit review of wind and ice loading and foundation requirements;

(5) A map showing all of applicant's antenna sites that serve York County;

(6) A list of other users of the proposed tower;

(7) Written and notarized authorization from the owner of the site, if the applicant is not the owner;

(8) A copy of FCC form 854, Application for Antenna Structure Registration or the same information in a similar format if the tower is not subject to FCC registration. Any information on form 854 may be referenced on other documents;

(9) A copy of the FCC license or other evidence of FCC approval of the proposed installation. If applicant has not applied for FCC license(s), applicant shall indicate what service(s) are to be provided by reference to FCC license application or other FCC standards and/or requirements. If no FCC license is required, applicant must indicate the purpose of the tower;

(10) A checklist covering applicable requirements for permit.

(11) Any additional information determined to be reasonably necessary by the Town of McConnells for determination that all applicable regulations are met.

#### **GENERAL REQUIREMENTS.**

General requirements for all structures are applicable to communication towers. All applicable health, nuisance, noise, fire, building, and safety code requirements shall apply in addition to the specific requirements of this code. Regulations covering visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general regulations shall apply to the use.

#### **DEVELOPMENT STANDARDS FOR TOWERS.**

(A) Communication towers must be a blending color such as light gray, unless required to be painted by the Federal Aviation Administration. Properly maintained unpainted galvanized steel color will meet this condition.

(B) Communication towers must not be lighted unless required by the federal review authority. When lighting is required, lighting may be strobe during the daylight hours. After dusk and before dawn, lights must only be red if allowed by the federal review authority. Lights must be shaded to minimize visibility from the ground.

(C) Towers are subject to the permitting setback standards but must satisfy the following if more restrictive:

(1) For guyed towers, the setback must be measured from a line connecting the outermost anchor points for guy wires. For self supporting towers, the setbacks must be measured from the foundation plus one-tenth the height of the tower;

(2) A tower must be a minimum distance of 2,640 feet from property or structures designated architecturally or historically significant by the Town of McConnells.

(3) A tower must be located a minimum distance equal to one and one-half times the tower height from any single-family residence, church or school (measured from the base of the tower).

(D) A single sign, approximately two square feet in size, must be placed in a visible location on or near the tower identifying the owner, the street address and owner's identification code of the tower and an all-hours emergency telephone number. Such sign may also identify other users of the tower.

(E) Towers and all associated structures must be totally enclosed by a security fence. A chain link fence having a minimum height of six feet topped with barbed or razor wire or equivalent measure will meet this requirement.

(F) Towers shall be constructed with sufficient space within the security fence to accommodate all cabinets or buildings to house equipment and apparatus for the maximum number of antennae, which could be co-located on the tower.

(G) All access roads and storage areas shall be established on a minimum 20 foot wide surveyed easement to a public right-of-way.

#### **ADDITION OR CHANGE OF ANTENNAE TO EXISTING TOWERS.**

(A) This section applies to the following cases:

(1) An antenna to be co-located on an existing communication tower;

(2) Transfer of ownership of an existing antenna to a provider not already using the communication tower;

(3) Installation of an antenna not included in structural, wind, and ice loading submissions previously approved;

(4) Any addition or change must not cause the tower to exceed the height limitations set forth in this code.

(B) Any person subject to this section shall submit three applications to the Town of McConnells showing updates to meet the current site plan requirements for Communication Tower construction. Once the site plan is approved the Town of McConnells will forward an application to the building Inspection department. Such application must include the information required by this section, any information required under the electrical or building codes. The Town of McConnells will approve this application if all requirements of this section are met.

(C) Information required to the extent that such information has changed from previous submittal(s).

(D) Information showing:

(1) That the additional loading on the tower will not exceed the tower's design as previously submitted and a certification from a professional engineer registered in the State of South Carolina indicating that the proposed installation, including the tower, antenna, and appurtenances, including any accessory buildings meet the requirements of the building codes. This certification must include wind and ice loading as specified.

(2) Changes that will be made to the tower to accommodate the additional antenna(e).

**APPLICABILITY.**

(A) A tower shall not be approved unless it is used to support operating antennae or is itself an antenna. Construction of approved towers must be commenced within 90 days of approval authority approval, and a final inspection of approved towers shall be made within 180 days of the issuance of a construction permit. An extension, not exceeding 90 days, may be granted at staff's discretion provided written documentation of a hardship is submitted as part of the request for extension. If any tower is not used for a period of more than 180 days, then the tower must be removed within 30 days following the expiration of the 180-day time frame. Any change in the use of a tower (height extension, and the like) must be approved in accordance with applicable sections of this code prior to implementation of the changes.

(B) Owners of existing towers who have previously registered their towers will be grandfathered to the extent of the location, height, setbacks of such towers. Any future improvements other than those related to location, height, setbacks, or improvements on the sites of such towers shall conform to all requirements of all applicable codes, including this subchapter. For purposes of this division, registration will mean submission of all information required by this code.

(C) The provisions of this code shall not apply to county public service uses, including, but not limited to, communications towers used by The Town of McConnells or York County or its designee for Town of McConnells and or York County public services uses, including but not limited to public safety, firefighting, law enforcement, medical, emergency, 911 public service uses, and potentially used for any subsidiary commercial co- locator user designated by the county.