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ORDINANCE 2015 – 4

AN ORDINANCE AMENDING THE PORT ROYAL CODE SO AS TO PROVIDE FOR THE REGULATION AND PERMITTING OF RADIO AND TELEVISION TRANSMISSION TOWERS

WHEREAS, the Town of Port Royal previously allowed the construction of radio and television stations or transmission towers several zoning districts, including the Highway Commercial District, the General Commercial District, and Limited Industrial District; and

WHEREAS, there are existing radio and television transmission towers located within the boundaries of the Town of Port Royal, permitted and built in conformity with then existing regulations; and

WHEREAS, with the recent passage of the Port Royal Code, no provision was made for the existence of these radio and television transmission towers to continue as an allowed use; and

WHEREAS, it is the desire of the Town of Port Royal to provide regulations and a procedure for the continued operation and potential expansion of the areas presently being utilized for radio and transmission towers by the creation of clustered towers, sometimes referred to as “tower farms,”

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Port Royal, South Carolina, duly assembled and with authority of same, after receipt of recommendations from the Metropolitan Planning Commission and required public hearing:

- Section 1. The Port Royal Code is amended in the following particulars:
- a. Section 4.1.30, the *Principal Use Table*, is amended by adding a new item 7, *Radio and Television Transmission Towers*, and providing that su

b. Table 4.1.40, *Transportation, Communication, Infrastructure* is amended by:

i. Inserting a new item 7, *Commercial or Public Radio or Television Transmitting and/or Receiving Towers, Tower Facility, and Tower Farms* as a Specific Use, and a Definition reading “The use of land, buildings, or structures for the above-ground transmission and/or reception of airborne public or commercial broadcast radio or television signals, including all transmitting and receiving towers, dishes and antennas, excluding amateur radio operator’s equipment. A Transmitting and/or Receiving Tower is a self-supporting lattice, guyed or monopole structure constructed from grade which supports service antennas to transmit or receive such commercial or public radio or television signals. A Tower Farm is the placement of more than one tower on a lot.

ii. Amending Item 6, *Wireless Communications Facility*, by amending the last sentence to read” *Does Not Include*: telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see “Infrastructure& Utilities), nor Commercial or Public Radio or Television Transmitting and/or Receiving Towers, Tower Facility, and Tower Farms as defined below.

c. Section 4.2.50 of the Conditional Use Regulations, *Transportation, Communications, Infrastructure*, is amended by adding a new Subsection 4.2.50.C as follows:

C. *Radio and Television Transmission Towers and Tower Farms*

1. Specific to Radio and Television Transmission Towers

a. Radio and Television Transmission Towers shall have all required federal permits and licenses, including the Federal Aviation Administration (FAA) and the Federal Communication Commission (FCC).

b. All new proposed sites must be at least six (6) acres in size, and the tower must be located at least two hundred feet from any existing public road or residence, unless the residence is part of the parcel upon which the tower is to be located, and the landowner specifically consents to the location of the tower.

c. All structures 150 feet or taller shall have lighting in accordance with FAA Advisory Circular AC 70/7460-1K, as amended, and FAA Advisory Circular AC 150/5435-

43E, as amended, and shall be red flashing strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA.

d. All existing towers must be maintained in accordance with FCC requirements, and provide commercially reasonable opportunities for location or collocation of commercial wireless (cellular) equipment on the tower. "Commercially reasonable" shall mean at prevailing market rates, without interference with the primary function of the tower as a radio or television transmission facility, or previously located wireless communication equipment on the tower or tower site.

2. Specific to Radio and Transmission Tower Farms.

a. On sites containing existing radio and television transmission towers as of January 1, 2015, additional towers may be constructed on the site, so as to create a "tower farm," on the following conditions.

i. The parcel containing the tower must be at least six (6) acres in size.

ii. The new tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties and residential structures; the "fall zone" shall be determined and certified by a South Carolina licensed engineer in a letter which includes the engineer's signature and seal, and shall be depicted on the plats and drawings submitted to the Town for approval.

iii. All applications for Tower Farms shall complete the Site Plan Review process as provided in Chapter 8 of the Port Royal Code. In addition to any Site Plan Review requirements, the application must contain the following items:

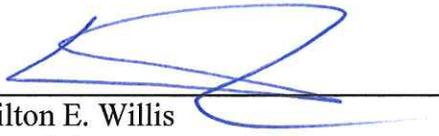
1. A site plan, drawn to engineer's scale, showing the location of the tower, guy anchors (if any), existing or proposed buildings and structures or improvements, including existing towers, guy wires and anchors, parking, driveways or access roads, fences, and protected trees affected by the proposed construction. If

there are no protected trees affected, a surveyor's statement on the Site Plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.

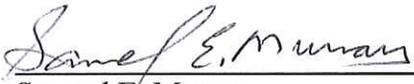
2. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings.
 3. Towers shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on the antenna or antenna supporting structure unless required by law.
- b. The provisions of Section 4.2.50.C.1 above shall apply to the tower design and requirements.

Section 2. This ordinance shall become effective immediately on adoption by Council.

REQUESTED BY:


Milton E. Willis
Town Manager

APPROVED BY:


Samuel E. Murray
Mayor

ATTEST:


Tanya L. Payne
Municipal Clerk

Introduced: February 11, 2015

Final Reading: March 11, 2015