



**CITY OF COLUMBIA**  
**AGENDA MEMORANDUM**

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**MEETING DATE:** May 17, 2016

**DEPARTMENT:** Planning and Development Services

**FROM:** *Krista Hampton, Director*

**SUBJECT:** TEXT AMENDMENT

**PRESENTER:** Krista Hampton / K. Brian Cook

**FINANCIAL IMPACT:**

Recommendation to City Council to Amend § 17-283 (Wireless Communication Facilities - Cell Tower) with a version that reflects current technology and law.

Proposal: Amend Chapter 17, Article III, Division 8, Amend §17-283 (Wireless communication facilities - cell tower) with a version that reflects current technology and law.

Applicant: K. Brian Cook, Zoning Administrator

PC Recommendation: Approve (7-0), 04/04/16 with condition to remove subsection (i)(14) from new version

Staff Recommendation: Approve

**ATTACHMENTS:**

- 2016-027 amend Sec 17-283 Wireless Communication Facilities - Cell Tower (PDF)

**ORDINANCE NO.: 2016-027**

*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 – Cell Tower*

BE IT ORDAINED by the Mayor and Council this \_\_\_\_ day of \_\_\_\_\_, 2016, 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Descriptions; Use and Dimensional Regulations, Sec. 17-283 Wireless Communication Facilities – Cell Tower is hereby repealed in its entirety and amended to read as follows:

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

(a) *Intent.* The purpose of this Section is to ensure that residents, public safety operations, and businesses in the City have reliable access to wireless telecommunications networks and state-of-the-art communications services while also ensuring that the placement of these facilities preserves the intrinsic aesthetic character of the community and is accomplished according to the City's zoning, planning, and design standards. Any person or company, including those holding franchises granted by the City, must comply with this section when erecting new wireless-communication facilities or adding on to existing facilities. This section applies to towers, and all other wireless communication facilities, and applies to facilities that are or will be located on the public streets, public property, right-of-ways, or on private property. This Section is meant to be consistent with Section 704 of the Telecommunications Act of 1996, Section 6409(a) of the Spectrum Act, and the FCC's interpretations of those Acts.

(b) *Definitions.* For the purposes of this section, the following words or phrases shall have the following meanings:

(1) *Antenna.* Is any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services, and microwave communications. Antennas include directional antennas (such as panels), microwave dishes, satellite dishes, omnidirectional antennas (such as whips), and other similar structures or devices. Antennas encompass all on-site equipment associated with the antenna, including transceivers, cables, wiring, converters, power supplies, equipment cabinets and shelters, and other comparable equipment. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

(2) *Base Station.* Is the equipment and non-tower supporting structure at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications service including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supply, and comparable equipment. A base station is distinct from a tower. The definition of base station is intended to be consistent with the FCC's interpretations of that word under Section 6409(a) of the Spectrum Act. An existing base station includes a structure that, at the time of the application, supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a "base station" as defined above, even if the structure was not built for the sole or primary purpose of providing such support.

(3) *Carrier on Wheels (COW).* A portable, self-contained wireless communication facility that is transported to a location to provide wireless services on a temporary or emergency basis.

(4) *Board of Zoning Appeals (BOZA).* The board that reviews requests for Special Exceptions.

(5) *Collocation*.

a. The placement of two or more provider's wireless communication antenna upon the same wireless communication facility; or,

b. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

(6) *Communication Tower*. Is a guy-wire communication tower, a lattice communication tower or a monopole communication tower only.

a. *Guy-Wire Communication Tower*. 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.

b. *Lattice Communication Tower*. A ground-mounted, many-legged, self-supporting tower created by the joining of structural members that supports wireless communication antenna.

c. *Monopole Communication Tower*. A ground-mounted, pole-shaped, self-supporting tower that supports wireless communication antenna.

(7) *Eligible facilities request* means any request for modification of an existing wireless tower or base station that involves:

(i) collocation of new transmission equipment;

(ii) removal of transmission equipment; or,

(iii) replacement of transmission equipment.

This definition does not include replacement of the underlying structure.

(8) *Eligible Support Structure*. Is any structure that falls within this Ordinance's definitions of a tower or base station.

(9) *Equipment Building or Cabinet*. Is an accessory structure that contains equipment necessary for the proper operation of wireless communication antenna.

(10) *Stealth Wireless Communication Facility*. 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, or bell tower.

(11) *Support Structure*. 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.

(12) *Tower*. A structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

(13) *Transmission Equipment*. Any equipment that facilitates transmission for any FCC-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, and other relevant equipment associated with and necessary to their operation, including coaxial or fiber optic cable, and regular and backup power supply. This definition includes equipment used in any technological configuration associated with any FCC authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast, and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband.

(14) *Transmission System*. Is broadly defined to include any telecommunications, broadcast, satellite, commercial mobile service, or other communications system that employs radio spectrum.

(15) *Wireless Communication Facility (WCF)*. The principal use that consists of a wireless communication antenna, support structure, and/or an equipment building or cabinet.

(16) *Zoning Administrator*. Means the City of Columbia's Zoning Administrator or his or her designee.

(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" and any other applicable subsection.

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**Table 3.**  
**Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure**

<b>Support Structure (Number for Reference Only)</b>	<b>Zoning Districts</b>	<b>Article I. Permitted?</b>	<b>Maximum Height in Feet</b>	<b>Minimum Setback from Single-family Residential Districts (See Note 1)</b>	<b>Minimum Setback from General Residential Districts (See Note 1)</b>	<b>Minimum Setback from Public ROW (See §17-283 (i)(10))</b>
1. New guy-wire communication tower or new lattice communication tower	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD		n/a			
	C-1, C-2, C-3, C-3A, MX-1		n/a			
	C-4, C-5, C-6, MX-2		n/a			
	M-1, M-2	Yes	225'	500'	500'	1' for every 1' of structure height
		By special exception and subject to §17-283 (h) 1	300'	500'	500'	1' for every 1' of structure height
	DD, ID, 5P, NC, DP	No	n/a			
2. New Monopole Communication Tower	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	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 (h) 1	180'	300'	300'	50'
	C-4, C-5, C-6, MX-2	225'	225'	300'	300'	0'
	M-1, M-2	Yes	225'	300'	300'	0'
		DD, ID, 5P, NC, DP	No	n/a		

<b>Support Structure (Number for Reference Only)</b>	<b>Zoning Districts</b>	<b>Article II. Permitted?</b>	<b>Maximum Height in Feet</b>	<b>Minimum Setback from Single-family Residential Districts (See Note 1)</b>	<b>Minimum Setback from General Residential Districts (See Note 1)</b>	<b>Minimum Setback from Public ROW (See §17-283 (i)(10))</b>
3. New LOW-PROFILE stealth wireless communication facility (aka cell tower)	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	By special exception and subject to §17-283 (h) 1 and 2.	60'	District minimum yard setback (See Note 2)	District minimum front yard setback (see note 2)	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (h) 1 and 2.	80'			
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to §17-283 (h) 1 and 2	100' (see note 3)			
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
	DD, ID, 5P, NC, DP	As permitted above with staff review subject to all requirements of 17-283.				
4. New HIGH-PROFILE stealth wireless communication facility (aka cell tower)	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (h) 1 and 2	180'	300'	n/a	District minimum front yard setback (see note 2)
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to §17-283 (h) 1 and 2		300'	150'	
	C-4, C-5, C-6, MX-2			150'	150'	
	M-1, M-2			150'	150'	
	DD, ID, 5P, NC, DP	As permitted above with staff review subject to all requirements of 17-283.				

<b>Support Structure (Number for Reference Only)</b>	<b>Zoning Districts</b>	<b>Article III. Permitted?</b>	<b>Maximum Height in Feet</b>	<b>Minimum Setback from Single-family Residential Districts (See Note 1)</b>	<b>Minimum Setback from General Residential Districts (See Note 1)</b>	<b>Minimum Setback from Public ROW (See §17-283 (i)(10))</b>
5. Existing structure ≤ 40' high and increase or add height ≤ 10'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	By special exception and subject to §17-283 (h) 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 (h) 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					
	DD, ID, 5P, NC, DP	As permitted above with staff review subject to all requirements of 17-283.				
6. Existing structure > 40' high and increase or add height ≤ 10'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	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(h)(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(h)(1)				
	C-1, C-2, C-3, C-3A, MX-1	Yes				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
	DD, ID, 5P, NC, DP	As permitted above with staff review subject to all requirements of 17-283.				

<b>Support Structure (Number for Reference Only)</b>	<b>Zoning Districts</b>	<b>Article IV. Permitted?</b>	<b>Maximum Height in Feet</b>	<b>Minimum Setback from Single-family Residential Districts (See Note 1)</b>	<b>Minimum Setback from General Residential Districts (See Note 1)</b>	<b>Minimum Setback from Public ROW (See §17- 283 (i)(10))</b>
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, RD-2	No		n/a		
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (h) 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(h)(1)				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
DD, ID, 5P, NC, DP	As permitted above with staff review subject to the requirements of this section.					
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, RD-2	By special exception and subject to §17-283 (h) 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 (h) 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					
DD, ID, 5P, NC, DP	As permitted above with staff review subject to all requirements of 17-283.					

<b>Support Structure (Number for Reference Only)</b>	<b>Zoning Districts</b>	<b>Article V. Permitted?</b>	<b>Maximum Height</b>	<b>Minimum Setback from Single-family Residential Districts (See Note 1)</b>	<b>Minimum Setback from General Residential Districts (See Note 1)</b>	<b>Minimum Setback from Public ROW (See §17-283 (i)(10))</b>
9. Existing structure ≤ 40' high and increase or add height > 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	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 (h) 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					
DD, ID, 5P, NC, DP	As permitted above with staff review subject to all requirements of 17-283.					
10. Existing structure > 40' High and Increase or Add Height > 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD, RD-2	No			n/a	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (h) 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(h)(1)				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
DD, ID, 5P, NC, DP	As permitted above with staff review subject to all requirements of 17-283.					

Notes:

- (1) Includes property zoned similarly within Richland or Lexington Counties as well as PUD-R.
- (2) See 17-275, Table 2, Schedule of Major Height and Area Requirements, as well as 17-276 and 17-278 for determination of appropriate setback from property line and/or public right-of-way.
- (3) Height may be increased by 30 feet only where the applicant demonstrates to the Board of Zoning Appeals that (a) the additional height is necessary to accommodate the collocation, and (b) the structure is designated and engineered to accommodate additional WCFs.

(d) *Application process for all WCFs.* Applications are located at the City of Columbia Zoning Division. Applications and an applicable fee must be submitted to the same office to initiate the approval process. All applications must contain the following:

- (1) An application form signed by the applicant.
- (2) A copy of lease or letter of authorization from the property owner indicating applicant's authority to pursue zoning application. Financial information need not be disclosed and may be redacted. Where the planned location is in a public right-of-way or on public property, an applicant must submit a copy of the franchise agreement authorizing the applicant's use of the right-of-way or property.
- (3) Site plans detailing proposed improvements which complies with the City's existing site-plan requirements. Drawings must depict all proposed improvements, including, but not limited to, property boundaries, setbacks, landscaping, fencing, topography, elevation sketch, and dimensions of improvement. Staff is interested in materials to be used, color options, and photographs or illustrations and examples of similar completed projects.
- (4) Where special exceptions are sought, information necessary for the board of zoning appeals to decide whether to grant a special exception. See Section 17-112 and this section.

(e) *Approvals required for WCFs and support structures.* Except as otherwise provided in subsection (f) below, any person or company, including those holding franchises granted by the City, must receive zoning approval before constructing WCFs or adding on to existing structures.

(1) *Staff review.* The Zoning Administrator may review and determine applications for antennas, collocations, certain WCFs, minor modifications to existing structures, and applications for COWs not to last more than 120 days. If the Zoning Administrator determines that the character or size of the proposed antennas, collocations, certain WCFs, or minor modifications should require further approval, the Zoning Administrator shall defer the application to the BOZA based on the criteria found in Table 3, "Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure" and any other applicable subsection.

(2) *Review procedure for WCFs and support structures.*

a. Within thirty (30) days of the receipt of an application, the City's Zoning Administrator shall either deem the application complete or inform the applicant in writing of the reasons why the application is deemed incomplete, specifying the code provision, ordinance, application instruction, or otherwise publicly-stated procedures that were not followed. If the application is deemed incomplete, the timeframe for the review process is suspended until the applicant submits a complete application. If the applicant fails to resubmit a complete application within sixty (60) days of receiving notice that its first application was incomplete, the application is considered withdrawn without prejudice and may only be resubmitted with a new application fee. For good cause shown, the Department may in writing extend the 60-day deadline.

b. Unless the review process is suspended in accordance with subsection (e)(2)(a) or if the applicant agrees to an extension of time, the Staff at the City's Zoning Department must issue a written decision granting or denying the application within ninety (90) days of the date of the initial application.

c. If the application is denied, the applicant will be informed in writing of why there is substantial evidence that application is inconsistent with City Ordinances.

d. Any applicant may appeal a decision approving, approving with conditions, or denying an application within thirty (30) days by filing an appeal with the Board of Zoning Appeals.

(f) *Approvals required for an "Eligible Facilities Request" for modifications to existing wireless towers or base stations.*

(1) The Zoning Administrator will approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) For purposes of subsection (f), a *substantial change* is a modification that substantially changes the physical dimensions of a tower or base station if it meets any of the following criteria:

a. For towers outside of public rights-of-way, it increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for those towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;

b. For towers outside of public rights-of-way, it protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet;

c. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;

d. It entails any excavation or deployment outside the current site of the tower or base station;

e. It would defeat the existing concealment elements of the tower or base station; or

f. It does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds identified above.

(3) *Other considerations*

a. For purposes of evaluating whether a modification is a "substantial change," the changes in height resulting from a modification should be measured from the original support structure in cases where the deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act on February 22, 2012.

b. Notwithstanding the provisions of this Section, the City of Columbia may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, safety codes, and with other laws codifying objective standards reasonably related to health and safety.

(4) *Review and approval procedure for an "Eligible Facilities Request."*

a. *Timeframe for review.* Within sixty (60) days of the receipt of an application for an eligible facilities request, the Zoning Administrator shall review and then approve the application, unless it determines that the application proposes a substantial change to the physical dimensions of a tower or base station or is otherwise inconsistent with the requirements of this Section.

b. *Tolling the timeframe for review.*

(i) The Zoning Administrator's timeframe for review will be tolled if the Zoning Administrator and the applicant mutually agree to toll the timeframe, or if the Zoning Administrator determines the application is incomplete.

(ii) To toll the timeframe for incompleteness, the Zoning Administrator must provide written notice within thirty (30) days of receipt of the application, identifying the missing information, specifying the code provision, ordinance, application instruction, or otherwise publicly-stated procedures that were not followed.

(iii) If the applicant makes a supplemental submission, the timeframe for review will begin running again, but may be tolled again if the Zoning Administrator provides written notice within ten (10) days after receiving supplemental information, specifying that the application is still incomplete, and identifying the missing information, specifying the code provision, ordinance, application instruction, or otherwise publicly-stated procedures that were not followed. If any supplemental submissions are incomplete, the Zoning Administrator must provide written notice of incompleteness within ten (10) days of receiving the supplemental submission. If the ten (10) day period in this subsection expires, the timeframe for review may not be further tolled for incompleteness.

c. *Interaction with Subsection (e).* If the Zoning Administrator determines that the application presents a substantial change or is otherwise not covered by Section 6409(a) of the Spectrum Act, the application will be considered under subsection (e), above. The timeframe for review subsection (e) will begin to run from the date

the Zoning Administrator issues its decision. The Zoning Administrator may request the applicant submit additional information, as required under subsection (e).

(g) *General Standards for WCFs.* In considering applications for WCFs, except as otherwise provided in subsection (f) above, the Zoning Administrator shall make all reasonable efforts insofar as practical to find that:

- (1) The proposed WCF would emulate an architectural or landscape feature typical of, or appropriate to, the surrounding area.
- (2) 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;
- (3) The proposed WCF would preserve existing vegetation;
- (4) The proposed WCF would preserve scenic view sheds; and,
- (5) 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.
- (6) Conceal conduit internally and streamline antenna and equipment.
- (7) Color match antenna and equipment with existing poles, buildings, and background.
- (8) Use decorative metal or fiberglass supports consistent with the redevelopment or esthetics efforts of the area.

(h) *Special Exception Criteria.*

(1) Standards for approval. In addition to the criteria for special exceptions set forth in section 17-112 (2), the BOZA shall, in considering any applications that require special exceptions relating to WCFs 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(h)(1) above, the BOZA 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:

- (i) The date, time and place of the hearing;
- (ii) 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;
- (iii) The description of the request to include the type and height of the facility requested.

(i) *Additional Criteria.*

(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. 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, a local individual landmark, or landmark district, staff must review and approve the design of the structure. To determine whether or not a proposed WCF would be "visible" as the term is used within 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. Stealth WCFs are considered visible in totality even though the associated wireless communication antenna and/or equipment building or cabinet may not be easily discernible.

(2) Eight-foot-high fencing shall be provided around any communication tower and associated equipment building or cabinet. Concertina wire, barbed wire, or other like security devices are expressly prohibited unless the devices are screened entirely and year round with landscaping that achieves the required screening at the time the landscaping is installed. Any existing concertina wire, barbed wire, or other like security fencing shall be either removed within one year of the date of adoption of this amendment to the zoning ordinance or screened entirely and year round with landscaping that achieves the required screening at the time the landscaping is installed.

(3) Around the base of any communication tower, outside of the fencing, at least one row of evergreen shrubs forming a continuous hedge at least five feet in height shall be provided, with individual plantings spaced not more than five feet apart. Additional landscaping, to include that associated with parking, is to be provided as required by all other relevant provisions of this article.

(4) Illumination. WCFs shall be illuminated only to the extent required by applicable federal or state statute or regulation.

(5) Signage. No signage is permitted, except:

- a. As is required by applicable state or federal law, rule, or regulation;
- b. As is required by standard industry practice for the purpose of identification, warning, emergency function or contact; and,

(6) Stealth WCFs that serve as or provide a public amenity may have up to six square feet of signage only for the purpose of dedication and/or announcing corporate sponsorship.

(7) Abandonment. A WCF and equipment that is no longer used for communication purposes must be removed within 120 days of the date it is taken out of service.

(8) Permit required. A zoning permit is required prior to the beginning of any site work or WCF construction.

(9) Color. New communication towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.

(10) Fall Zone Letter Required. A new communication tower, a new stealth communication WCF, or the support structure necessary to increase the height of an existing structure by more than 20 feet must be designed such that, in the event the WCF may fail structurally, it would not fall within a public right of way. The zoning administrator or his or her designee shall not issue a zoning permit for the support structures listed within this subsection until such time that the applicant provides a signed letter from a registered professional structural engineer certifying that the proposed WCF is designed as required above.

(11) Relocation of a WCF. Any WCF permitted in the public right-of-way shall be relocated at the expense of the WCF's owner in the event relocation is required due to roadway or utility improvements.

(12) Locations on City Property or Right of Way. Nothing in this section abrogates the City's discretion to deny the use of City property or right-of-ways. The City, in its proprietary capacity, retains the discretion to reject or allow.

(13) 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.

(14) No variance to the requirements of this section shall be granted by BOZA.

(15) Routine maintenance and swapping of like equipment shall be excluded from application, review, and zoning permitting.

(16) An existing utility pole located in the right of way may be replaced with a new pole of substantially like height and placement to better structurally support new equipment or to further the specific design and/or esthetic efforts of the City of Columbia.

Requested by:

Assistant City Manager Gentry

\_\_\_\_\_  
Mayor

Approved by:

\_\_\_\_\_  
City Manager

Approved as to form:

ATTEST:

  
Deputy City Attorney

\_\_\_\_\_  
City Clerk

Introduced:

Final Reading: