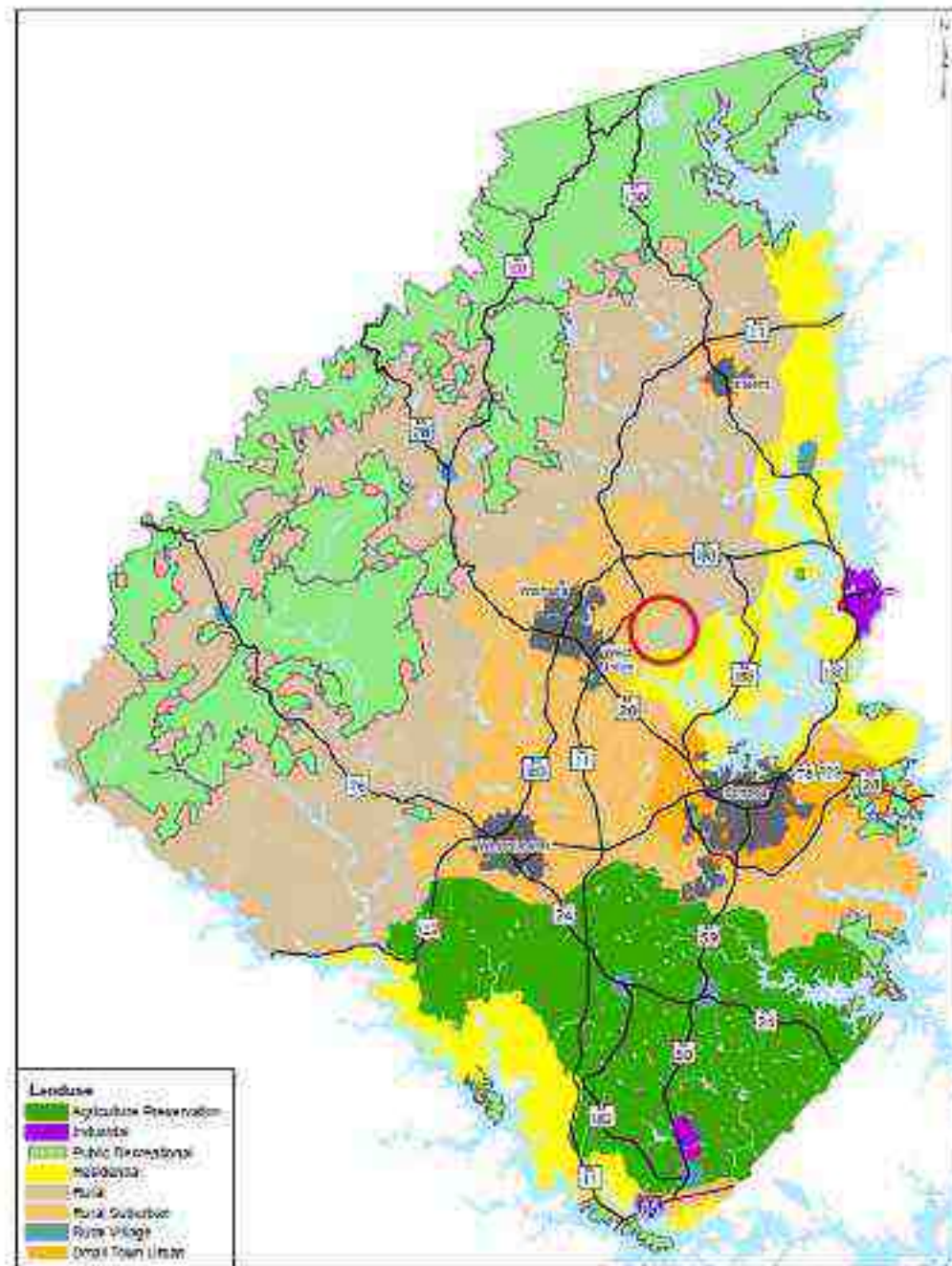


Ordinance 2016-26

(Sub 2016-1)

Burns Mill Rd. Request

Location on Future Land Use Map



Background

- The proposed ordinance, 2016-26 Burns Mill Rd. (Sub. 2016-01) Request stems from a subsequent rezoning request submitted by Mrs. Monica Oliver. The request consists of a portion of parcel 162-00-01-041 totaling approximately 9.9 acres. The parcel is located in the rural area on the Future Land Use Map and is currently zoned in the Traditional Rural District. As submitted, the portion of the parcel, currently in the Traditional Rural District, would be rezoned into the Community Commercial.
- One petitioner
- Would require subdivision of property if approved

Background



OCONEE COUNTY COMMUNITY DEVELOPMENT

Addressing | Codes | Planning | Planning & Zoning

A PETITION TO REQUEST THAT OCONEE COUNTY CONSIDER ENACTING ZONING STANDARDS PURSUANT TO SECTION 38.8.6 (SUBSEQUENT REZONING) OF THE OCONEE COUNTY CODE OF ORDINANCES

I hereby certify that I own a parcel 162-00-01-041 currently zoned in the Residential Single Detached district, and I support the consideration of amending the zoning map to reflect the following:

Community Commercial district

I acknowledge that the Oconee County Council, Oconee County Planning Commission, and Oconee County staff must take into consideration all public input and reasonable suggestions regarding the adoption of zoning standards, and that other input received may differ from the description stated above.

I acknowledge that the final zoning standards will be based on prudent application of applicable land use standards, and that all zoning is within the final and exclusive discretion making of Oconee County Council, so that no predetermined results of the zoning process can be guaranteed, including even whether such zoning does or does not occur.

PARCEL NUMBER	PROPERTY OWNER	SIGNATURE
162-00-01-041	David & Monica Oliver	Monica B. Oliver

verified by *[initials]* on 7/25

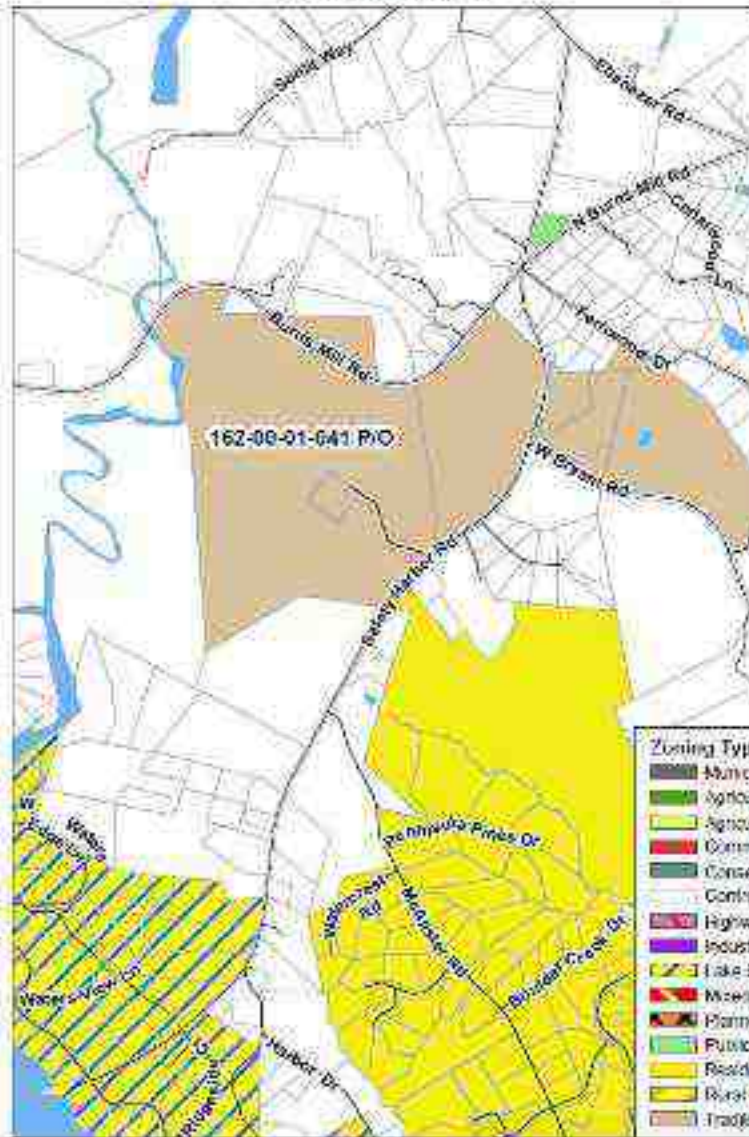
Received by station 7/25/2016 by *[initials]*
 - will need to submit plat showing unit layout view
 - applicant still in need of approval. To come

Background

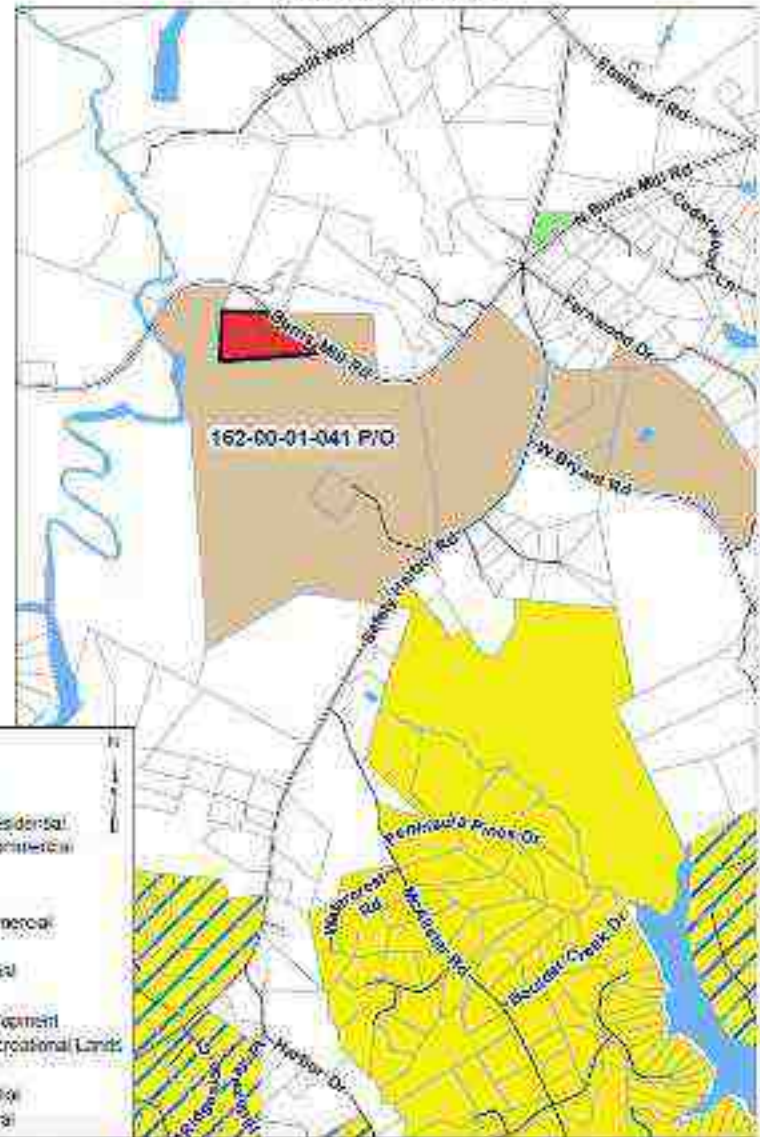
- **In accordance with Council's direction, which was provided during the August 16th regular meeting, staff compiled the attached letter to those individuals who signed petitions requesting to be rezoned as part of Ordinance 2016-26. The letters were mailed on September 1st. The petitioner requested to be rezoned into the Community Commercial District (CCD). Letters containing information related to the CCD was sent to the individual who requested CCD as well as surrounding property owners. Staff has a basic public input spreadsheet that we use to track phone calls/emails/walk-ins we receive about a rezoning ordinance. We have been tracking input to date for Ord. 2016-26 and the public input tracker will be presented to the Planning Commission as part of their review and consideration of Ord. 2016-26.**

Current/Proposed Zoning

Current Zoning



Proposed Zoning



Zoning Types	
	Municipality
	Agricultural
	Agricultural Residential
	Community Commercial
	Conservation
	Control Prod.
	Highway Commercial
	Industrial
	Lake Residential
	Mixed Use
	Planned Development
	Public and Recreational Lands
	Residential
	Rural Residential
	Traditional Rural

Public Input Received to Date

- Letters were sent to nineteen (19) properties
 - Within 300 feet

Burns Mill Rd

Public Input

Date	Method	Name	Comments
9/12/16	phone	Stevenson	general questions regarding the notice letter; adjacents
9/27/16	email	Graham	general questions regarding the request; sought additional information
10/7/16	email	Stevenson Fallon	opposition to the rezoning; requested 9/12/16 comments be amended

Sec. 38-10.9.

Community commercial district (CCD).

- Title: Community commercial district.
- Definition: Those areas well suited to supporting low intensity commercial activity centered around providing service to the adjacent community.
- Intent: This district is intended to protect rural areas, while allowing for the development of commercial and business establishments that are low intensity and provide basic goods and services to the surrounding community.

Staff Recommendation

- For the Commission to recommend that County Council take 2nd Reading on Ordinance 2016-26 as petitioned.

Discussion and Consideration by Commission

Greg Gordos

From: Josh Stephens
Sent: Friday, October 07, 2016 2:02 PM
To: Greg Gordos
Subject: FW: Burns Mill Rd Re-Zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Do the following to handle the email below:

1. Forward the below email to the planning commission as information.
2. Go to the sharefile and update the public comment excel sheet
3. Update the PC Backup for the meeting:
 - a. Copy and paste that updated public comment excel sheet into the powerpoint for the rezoning request
 - b. Add the email below to the backup
 - c. Resend the updated backup to Beth to repost online

Questions? Let me know when it is done so I can respond to the email below.

Josh

From: Stevenson, Kristen [<mailto:kristen.stevenson@zeiss.com>]
Sent: Friday, October 7, 2016 11:31 AM
To: Josh Stephens
Cc: clemsontigergirl@gmail.com; patbstevenson@gmail.com
Subject: Burns Mill Rd Re-Zoning

Hi Josh! I wanted to touch base and clarify how far in advance the proposed agenda of the County Council meetings are posted on the website. I did check the calendar and saw that the next County Council meeting will be on Tuesday, October 18th. I think you may have mentioned in our conversation earlier in the week that a proposed agenda was posted a week prior to the meeting but I wanted to email you and confirm that information.

Also, I saw the documents online pertaining to ordinance 2016-26 that documents my Mother calling in and commenting that she had no issues with the re-zoning. Our family respectfully requests that the documents be updated to reflect her opposition to the re-zoning. My Mother's is older and her hearing isn't the greatest, especially on the phone. I don't think that she really understood the potential significance of the re-zoning at the time she called into the county, especially since no specific details were provided to her.

Thank you for your help with this matter. I look forward to hearing back from you.

Have a great weekend.

Kristen Stevenson Fallon
Business Development Representative – SC / Eastern NC
Zeiss Vision Care Business Group

Mobile: 803-730-3432
Fax: 858-312-8728

kristen.stevenson@zeiss.com
www.zeiss.com/us/vision

Twitter: [@ZEISSVision](#)
Facebook: [ZEISS Better Vision](#)
Instagram: [@zeissvision](#)

ARTICLE IV. - COMMUNICATION TOWERS⁴¹

Footnotes:

--- (4) ---

Cross reference— Utilities, ch. 34.

Sec. 32-131. - Authority of article provisions.

The authority to regulate communication towers in the county is pursuant to S.C. Code 1976, § 6-29-310 et seq.

(Ord. No. 1999-14, § 4.1, 4-4-2000)

Sec. 32-132. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural districts means those areas that are comprised primarily of farms, forested areas, or other areas that are undeveloped, not platted for development, and are otherwise not occupied by residential, commercial, and industrial uses.

Antenna means a device, dish or array used to collect or radiate electromagnetic waves, for the purpose of transmitting or receive telecommunications signals.

Board means the county zoning board of appeals.

Commercial districts means those areas that are comprised primarily of business and commercial uses including, but not limited to, retail and wholesale establishments, offices, service providers, public buildings, service stations, shopping centers, restaurants, fast food establishments, etc.

Communication tower means a tower, pole, or similar structure which that supports or functions performs as a telecommunications antenna; that is constructed operated for commercial purposes above the ground level at in a fixed location; and that is ~~Communications towers either self-supporting, freestanding, guyed, or mounted~~ on a building or structures.


Height (of a communication tower) means the distance from the base of the communication tower to the top of the communication tower.

Industrial districts means those areas that are in use as or platted for use for industrial plants, factories, warehouses, public utilities, waste treatment facilities, solid waste facilities and ancillary uses such as parking lots, shipping facilities, depots and the like.

Performance standards means performance zoning as authorized by S.C. Code 1976, § 6-29-720(C) et seq.

Residential districts means those areas of the county that are:

- (1) Predominantly residential in nature consisting of single-family or multifamily housing, residential subdivisions, residential manufactured housing units, or uses ancillary to residential uses such as churches, schools, neighborhood parks, neighborhood swimming pools etc.;
- (2) Platted for the future development of residential uses; or

 Staff comment: It may be wise to delete the definitions of Agriculture, Commercial, Industrial, and Residential Districts here and simply make reference to the Zoning Districts in Chapter 38. The Zoning Use Matrix will also need to be amended.

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(3) Areas identified in the county comprehensive plan as future primary population areas.

Stealth tower means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flagpoles, etc.


Telecommunications (as defined in the Federal Telecommunications Act of 1996) means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(Ord. No. 1999-14, § 4.2, 4-4-2000)

Cross reference— Definitions generally, § 1-2.


Sec. 32-133. - Communications tower and antenna permitted.

(a) *Determination by planning director.* All applications for tower placement must be submitted to the county planning director for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the planning director may administratively approve applications for placement of towers **and associated antennas**:

 Staff comment: Notice provisions may be prudent.


- (1) As a communication tower and/or antenna in any district co-located on existing towers or structures.
- (2) As co-locations, reconstruction or new construction in any district within the footprints of existing electric utility company transmission line towers (such as Duke Power Company transmission line towers).
- (3) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.
- (4) As stealth towers in any district designed and installed in such a way so as not to detract from or conflict with surrounding uses.
- (5) As a tower in a site preselected by the board as a recommended location based upon the county's county-wide communication tower site study.

(6) —As an Individual communications tower and associated antennas that do not exceed 45 feet in total height in residential districts or 75 feet in commercial/industrial or agricultural districts.

 Staff comment: Change this to 75 feet with no reference to districts.

Applications approved by the planning director must comply with all other requirements of this article. The planning director may refer any application to the board for final review and approval as a special exception.

(b) *Special exceptions granted by the Board.* **Other than as permitted by Section 32-133 (a),** Communication towers are permitted in the county for use only as a special exception. Applications for tower construction as are subject to review and approval by the Board. Priority in approving additional telecommunications facilities in the county shall be given to:


 Staff comment: this is being reworded to reflect the nature of approval by staff versus Board and to harmonize with Chapter 38.

- (1) Co-location on existing towers or structures, including electric utility company transmission line towers;
- (2) Reconstruction of, or new construction within the footprints of existing electric utility company transmission line towers;

 Highlight

- (3) New construction meeting the requirements of this article and proposed for location at a preselected site based upon the county's county-wide communication tower site study.

Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that the alternatives are not technically feasible to provide adequate coverage for the county, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20 percent above the prevailing rate of leases in comparable Metropolitan Statistical Areas (M.S.A.'s) in the southeast, shall other sites be considered for approval. Towers approved by the board in residential districts shall be constructed as stealth designs. Towers in other districts may, at the discretion of the board, be required to be constructed as a stealth design depending on the impact of the tower on the surrounding area. Communication towers are not permitted in locally designated historic districts or within 1,000 feet of the right-of-way of Scenic U.S. Highway 11. ~~Under no circumstances are communication towers permitted in locally designated historic districts. Under no circumstances may communication towers be built within 1,000 feet of the right-of-way of Scenic U.S. Highway 11.~~

 Staff edit to make variance procedure more clear in its application.

- (c) *Appeals to the board.* Whenever there is an alleged error by the planning director in an order, requirement, decision, or determination, an applicant may request a hearing before the board. The board has the authority to correct, reverse, or uphold the decision of the planning director.
- (d) *Time limit for determination.* Failure of the planning director to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit and may be appealed to the board.
- (e) *Co-locations.* Co-locations on existing communication towers or other structures such as existing electric utility company towers which do not increase the height of the existing communication tower or structure are strongly encouraged. Co-locations, construction of freestanding structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in section 32-136. All new towers shall be designed to accommodate the principal provider and at least two additional carriers. At the discretion of the board, new stealth towers shall also be designed to accommodate additional carriers. The county, prior to final approval, must be satisfied that the tower does make reasonable accommodations for an additional user. The applicant shall make unused tower space available at fair market value.

(Ord. No. 1999-14, § 4.3, 4-4-2000)

Sec. 32-134. - General requirements.

- (a) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).
- (b) *Color.* Communication towers shall only be painted with a gray, non-reflective paint unless otherwise required by state or federal regulations.
- (c) *Signs.* A ~~single~~ sign, two square feet in size which included 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. This sign shall be in addition to any signage requirements set by state and federal regulators. No commercial advertising of any type may be attached to a communication tower.
- (d) *Removal.* A communication tower which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period. Companies must notify the county within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.

- (e) *Security.* A self-supporting freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight feet in height.
- (f) Screening. The purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. A communication tower, as pertains to this subsection, includes the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the county area. Such plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six feet within a three-year period from erection of a tower. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved unless a waiver has been granted by the planning director to selectively cut specified trees. If in extreme or unusual situations and where it is proven impossible to properly construct the plant material screen, the planning director may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish with a minimum height of six feet above ground level and constructed in accordance with applicable construction codes. A certificate of occupancy shall not be issued by the county codes department until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a certificate of occupancy may be issued only if the owners or developers provide to the county a form of surety satisfactory to the county attorney and in an amount equal to 125 percent of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the planning director or designee). The form of the surety shall be in conformity with the land development regulations for the county. All required planting must be installed and approved by the first planting season following issuance of the certificate of occupancy or bond will be forfeited to the county. The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.
- (g) Tower Antenna capacity; wind load. The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards based on the wind load presented by antenna, feedlines, and other associated hardware to be supported by the tower. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.
- (h) FCC authorization license. The owner of the antenna and transmission/reception equipment to be installed on the a-communication tower shall possess either a valid FCC license/construction permit or a statement establishing for FCC for compliance for the proposed operation activity, or at the discretion of the board, the owner shall provide other substantial documentation in lieu of FCC licensing proving to the board that the owner has a verifiable history of satisfactory communications tower construction and operation.
- (i) *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae as provided for elsewhere in this article.
- (j) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
- (k) *Distance between towers.* A proposed communication tower in excess of 100 feet; shall not be permitted within 1,300 feet of an existing communication tower in excess of 100 feet; in height unless the applicant certifies to the board that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (l) *Application of county land use regulations.* Land development regulations and other performance standards shall apply to the use, unless otherwise provided in this article.



Staff comment: This section is being reworded for clarity purposes.

- (m) **Minimum setbacks.** Minimum setbacks of communication tower (not including guy anchors) must be a minimum distance equal to one foot horizontally for every one foot in height plus 50 feet from:
- (1) All lot lines of residential or commercial property.
 - (2) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the county.
 - (3) Properties or districts designated historic.
 - (4) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication facilities which meet the definition of stealth tower in section 32-132 may be permitted by special exception on these properties.
 - (5) The right-of-way of all streets and roads.

All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines.

(Ord. No. 2001-14, § 1, 7-10-2001)

Sec. 32-135. - Additional requirements for location near the county airport.

- (a) With the exception of towers for aeronautical purposes, in no case may a communication tower penetrate any imaginary surface, as described in chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport. All communications towers located within the first 12,000 feet of the approach surface of an existing or proposed runway at such facility, or within the horizontal surface associated with such runways as described in FAR Part 77, shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours, and red lights during nighttime hours.
- (b) A copy of any plans whereby a communication tower will be located within such 12,000 feet area shall be provided by the applicant to the county airport manager and the county planning director for comment. Any comments shall be made within ten days of delivery to such manager with a copy to the planning director and the applicant. Prior to issuance of a building permit, the applicant shall provide documentation to the planning director that the proposed communications tower has been reviewed by the Federal Aviation Administration (FAA), if so required, and that a finding of no hazard to air navigation has been determined.

(Ord. No. 1999-14, § 4.5, 4-4-2000)

Sec. 32-136. - Maximum height of freestanding communication towers.

The maximum height of freestanding communication towers shall be as follows:

District	Maximum Height
Residential	Not exceeding 175 feet
Commercial	Not exceeding 200 feet
Industrial/agricultural	Not exceeding 250 feet

CTC Staff comment: we have found the current setback language has/can run contrary to the overall purpose of this project as the smaller towers will probably be deployed in higher density locations with smaller lots. Could this be changed to 1] drop the additional 50' requirement, 2] using an engineer designated fall zone (instead of the height of the tower) as a setback line. Fall zones are smaller as tower are designed to crumple down instead of falling over like a tree. This would help reduce the number of requested variances as most variance requests we have processed with towers are about setbacks. This issue has been presented to CTC.

CTC Staff Comment: this would be changed to 250 for all – and no districts identified.

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(Ord. No. 1999-14, § 4.6, 4-4-2000)

Sec. 32-137. - Permitted height of building-mounted communication towers.

A communication tower shall not exceed 20 feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.

(Ord. No. 1999-14, § 4.7, 4-4-2000)

Sec. 32-138. - Application requirements.

The following information shall be submitted for all applications for approval of a communication tower:

~~(1) (4) Structural~~ - Specifications. Two copies of the specifications for proposed structures ~~s and antennae~~, including description of design characteristics and material.

(2) Technical Specifications.

For each antenna to be installed

- Manufacturer and model number
- Frequency Band used for transmitting and Receiving
- Effective radiating power
- Mounting position above ground
- Study demonstrating compliance with FCC RF exposure limits (all antennas)

~~(32)~~ Site plan. Two copies of a site plan drawn to scale showing property boundaries, communication tower location, communication 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 uses on adjacent property. A site plan is not 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. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.

(3) Location map. Two copies of a current map, or update for an existing map on file, showing locations geographic coordinates of tower applicant's antennae, calculated coverage areas, facilities, location of existing nearby (within 3 miles) communication towers, and proposed communication towers, serving contiguous areas. any property within the county are required. An applicant may request that specific proprietary or confidential information be withheld from the public record.

(4) Owner authorization. Written authorization from the site owner for the application.

(5) Visual impact analysis. A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts.

(6) Alternative to co-location or stealth design. Co-located or stealth designs shall be required unless satisfactory documented evidence can be provided indicating that:

- a. The proposed antenna and equipment cannot be accommodated and function as required;

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- b. The applicant's technical design requirements are such that without unreasonable modifications they cannot function on any existing structure or communication tower under the control of applicant; and
 - c. The applicant has considered all available publicly owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under section 32-133(b) for priority of approval and the applicant has demonstrated that for the reasons described in section 32-133(b) that these sites and/or locations are unsuitable for operation of the facility under applicable state and federal communications regulations, the applicant's technical design requirements and/or valid economic reasons.
- (7) *Indemnity.* The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the planning director a written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county, in a form approved by the county attorney.
- (8) *Application fees.* All communication tower applications shall include a check made out to the county treasurer in an amount to be determined by the planning director, based upon a schedule of fees enacted by the county council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.

(Ord. No. 1999-14, § 4.8, 4-4-2000)

Sec. 32-139. - Special exceptions, variances and appeals.


- (a) *Special exception.* Communications towers are permitted in the county only by special exception, approved by the board, within the criteria of the performance standards ordinance. The board shall conduct a public hearing on each request for a special exception. All public hearings shall be advertised in a newspaper of general circulation in the county at least 15 days in advance of the hearing.
- (b) *Variance.* An applicant may submit a request to the board for a variance from this or any other applicable land use ordinance. The board shall hear and decide appeals for a variance from the requirements of the performance standards ordinance when strict application of the provisions of the article would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing a unique, exceptional and otherwise unusual circumstance as provided for in general criteria for granting a variance in article I of this chapter. Special exceptions and variances, may be applied for simultaneously and considered by the board simultaneously.
- (c) *Appeals.* Applications for appeal shall be submitted through the planning director to the board. All appeals shall be accompanied by copies of the original application, supporting maps and documentation and shall include a detailed written summary of the alleged error or misinterpretation of this article by the planning director in not granting approval to the original application. A copy shall be provided for each board member and the planning director, and other copies as may be required by the planning director. Appeals shall be heard by the board within 45 days of submission of the completed application to the planning director.

(Ord. No. 1999-14, § 4.9, 4-4-2000)

Sec. 32-140. - Additional criteria for evaluating special exceptions and variances.

- (a) *Application; conditions.* All application requirements imposed by section 32-138 must be met.

- (b) *Setback requirements; additional conditions.* The applicant must demonstrate that the proposed communication tower location is sufficient to satisfy setback requirements and must satisfy such other additional conditions, if any, necessary to remove dangers to safety and to protect adjacent property.
- (c) *Residential service area.* If location in a residential district has been requested, the applicant must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.
- (d) *Preferred locations in residential districts.* In the unusual circumstance the board shall grant a special exception and permit the location of a communications tower in a residential district, the communication tower shall not be located on a parcel occupied by a residential structure. Preferred locations may include, but are not limited to, schools, churches, and public utilities.
- (e) *Greenspaces.* If location in a residential district has been requested, the tower shall not be located on land designated for public recreational uses on the county land use plan.
- (f) *Priority of approval.* If a location is requested which does not meet the requirements under section 32-133(b) for priority of approval the applicant must demonstrate that all alternative sites and locations or combinations thereof provided for in section 32-133(b) have been considered by the applicant, and the applicant has demonstrated that for the reasons described these sites and/or locations or combinations thereof cannot adequately serve the area for valid technical or economic reasons and are unsuitable for operation of the facility under applicable communications regulations.
- (g) *Denial on substantial evidence.* The Federal Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. The board shall maintain a written record of all appeal proceedings and shall maintain supporting documentation for any and all decisions.

 Staff comment: To be edited / deleted with reference made to zoning use matrix.

(Ord. No. 1999-14, § 4.10, 4-4-2000)

Sec. 32-141. - Annual report required.

All companies that operate or maintain ownership of communication towers in the county shall submit an annual report to the county planning department no later than January 15 of each year. The report shall include a description of all of its active and inactive facilities located in the county, co-locations of its own equipment, co-locations of other companies using its facilities, and shall include telephone numbers and addresses for company officials and maintenance personnel.

(Ord. No. 1999-14, § 4.11, 4-4-2000)

Sec. 32-142. - Technical assistance required.

The planning director (prior to issuing a permit) and the board (prior to issuing a permit by special exception or deciding an appeal or request for variance) may make use of technical consultants to review applications and to determine if the standards in this article are met. The permit applicant shall be required to bear the cost of the required technical services. The planning director shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the county finance department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

(Ord. No. 1999-14, § 4.12, 4-4-2000)

Secs. 32-143—32-170. - Reserved.

- **Sec. 38-1.6. - Exemptions (grandfathering).**

Any lawfully existing land use or structure present at the time zoning regulations are adopted and/or amended by county council shall be exempt from these regulations or such amended regulations, respectively, until such a time as the intensity of use changes, or the use is abandoned as outlined in [section 38-4.1](#). Nonconforming (or grandfathered) uses shall be subject to the standards listed in [Article 4](#), "Nonconforming Uses", of this chapter.

- **Sec. 38-4.0. - [Use.]**

Existing language:

Any usage of a parcel or structure lawful at the time these regulations or any amendment thereof become effective shall be allowed to continue as a nonconforming usage, subject to the restrictions listed herein. For purposes of this article usage shall be construed to include, without limitation and in addition to the usual meaning of the word, usage expressly and explicitly approved, indicated and stated in a deed restriction, restrictive covenant, or other form of land use restriction imposed or obtained in a private, arm's length, contractual transaction which is reduced to a matter of public record, and actually recorded as a public record, at the time of enactment of Ordinance 2007-18 on November 6, 2008.

Amendatory language redlined:

Any usage of a parcel or structure lawful at the time these regulations, including any amendments thereto, or any amendment thereof, become effective shall be allowed to continue as a nonconforming usage, subject to the restrictions listed herein. For purposes of this article usage shall be construed to include, without limitation and in addition to the usual meaning of the word, a usage expressly and explicitly approved, indicated, and properly stated in writing and recorded by the Register of Deeds for Oconee County, which is contained in (1) a plat approved by Oconee County, (2) a deed restriction, (3) a restrictive covenant, or (4) another form of land use restriction imposed or obtained in a private, arm's length, contractual transaction, ~~which is reduced to a matter of public record, and actually recorded as a public record, at the time of enactment of Ordinance 2007-18 on November 6, 2008.~~

Clean Version:

Any usage of a parcel or structure lawful at the time these regulations, including any amendments thereto, become effective shall be allowed to continue as a nonconforming usage, subject to the restrictions listed herein. For purposes of this article usage shall be construed to include, in addition to the usual meaning of the word, a use expressly and explicitly approved, indicated, and properly stated in writing and recorded by the Register of Deeds for Oconee County, which is contained in (1) a plat approved by Oconee County, (2) a deed restriction, (3) a restrictive covenant, or (4) another form of land use restriction imposed or obtained in a private, arm's length, contractual transaction.

To further remedy setback-related issues, the following is also presented for Commission review and comment:

Sec. 38-10.2. – Control Free District (CFD).

The control free district is intended to be the initial zoning district for all parcels within the jurisdiction at the time of initial adoption of zoning in Oconee County, only; any parcel subsequently rezoned to any other district shall not be a part of the control free district at any future date.

*Dimensional requirements:**

	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
Residential Uses	Greater than or equal to 1/2 acre	N/A	N/A	25	5	10	65
	Less than 1/2 acre to greater than or equal to 1/4 acre	N/A	N/A	15	5	5	65
	Less than 1/4 acre	N/A	N/A	10	5	5	65
Nonresidential Uses	Minimum Lot Size		Min. Width (ft.)	Minimum Yard Requirements			Max. Height
	Min. Lot Size			Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	Greater than or equal to 1/2 acre		N/A	25	5	10	65
	Less than 1/2 acre to greater than or equal to 1/4 acre		N/A	15	5	5	65
Less than 1/4 acre		N/A	10	5	5	65	

Comment [DR1]: To be discussed.

Public Comment
October 3, 2016

1. *Tom Mac Kovich*

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