



BERKELEY COUNTY Planning and Zoning

PO Box 6122
Moncks Corner, SC 29461

APPLICATION FOR SPECIAL EXCEPTION PERMIT

Per Berkeley County Zoning Ordinance No. 01-8-35, Article 11.2
(SC Code of Law 6-29-800)

Date: _____ TMS#: _____ - _____ - _____ Zone: _____

Applicant: _____ Phone: _____

Applicant Address: _____ City/State: _____ Zip: _____

Site Address: _____ City: _____

Request for special exception permit relating to: Setback { } Bufferyard { } Height { } Parking { }
Other { }

Present Use of Property: _____

Ordinance Requires: _____

Applicant Requests: _____

There is a \$100.00 non-refundable fee. Please make checks payable to BERKELEY COUNTY.

The following information **MUST BE** submitted with this application:

1. **SITE PLAN** This should be on a copy of the recorded plat (8"x11") if available. Sketch showing **ALL** existing and proposed buildings, roads, driveways, parking spaces, fencing, etc., in relation to the request.
2. The Applicant hereby Appeals to the Board of Zoning Appeals for a Special Exception for use of the property described in this application as: _____ which is a permitted Special Exception under the district regulation in section _____ of the Zoning Ordinance.
3. The Applicant will meet the standards in Section _____ of the Zoning Ordinance which are applicable to the proposed Special Exception in the following manner:

4. List any concession or additional requirements that you agree to for the Board of Appeals to include If the request is approved: _____

5. If you are submitting any additional documents, please list what they are: _____

I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and benefit:

Applicant Signature

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Signature

11.7.1. *Communication towers. Special exception uses.*

1. *General.* The following provisions shall govern the issuance of special exception permits for towers or antennas either as primary or accessory uses by the board of zoning appeals.
 - a. If the tower or antenna is not an exempt use listed under subsection C or a conditionally approved use listed under subsection F of this section, then a special exception permit shall be required for the construction of a tower or the placement of an antenna.
 - b. In granting a special exception permit, the board of zoning appeals may impose conditions to the extent that the board of zoning appeals concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

2. *Towers.* Factors considered in granting special exception permits for towers. In addition to the general conditions required for consideration, the board of zoning appeals shall consider the following:
 - a. Proposed tower does not exceed the maximum height established by the applicable zoning district.
 - b. Proximity of the tower to residential structures and residential district boundaries. Towers shall be a minimum of 500 feet from existing residential, public, school, or church areas.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Design of the tower.
 - e. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures. Availability of suitable existing towers, other structures or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of zoning appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the board of zoning appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following (although nothing should be construed to infer that meeting one, some or all of the following shall entitle the applicant to approval):
 - (1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development by 25 percent are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
 - f. *Minimum distance between towers.* Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.
 - (1) Minimum distance between towers may be waived if applicant documents that existing towers in the area are incapable of supporting their equipment from a structural standpoint.
 - (2) Minimum distance between towers may be waived if applicant documents that transmission equipment on existing towers in the area would result in interference and impede their ability to transmit.
 - (3) Minimum distance between towers may be waived if applicant documents that the owner(s) of existing towers in the area refuses to make the tower space available at prevailing market rates for the Berkeley-Charleston-Dorchester market.

Types of Existing Towers	Lattice	Guyed	Monopole 50 feet or less in height	Monopole less than 30 feet in height
Lattice	5,000 feet	5,000 feet	1,500 feet	1,000 feet
Guyed	5,000 feet	5,000 feet	1,500 feet	1,000 feet
Monopole 50 feet or less in height	1,500 feet	1,500 feet	1,500 feet	1,000 feet
Monopole less than 30 feet in height	1,000 feet	1,000 feet	1,000 feet	1,000 feet

g. The board of zoning appeals may waive or reduce the burden on the applicant of one or more of these criteria if the board concludes and documents that the goals of this section are better served thereby.

H. *Tower abandonment.* A communication tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the staff and remove the tower within 60 days.

(Berkeley County Ordinance No. 04-11-68, 11-23-2004)