

Sumter City Council

FIRST READING/PUBLIC HEARING

SEPTEMBER 16, 2025

OA-25-02, Telecommunications Towers in CBD Zoning District (City)

I. THE REQUEST

Applicant: City of Sumter

Request: Amend *Article 3, Exhibit 3-5*, and *Article 5.b.4.a.* to allow telecommunications towers via special exception use in the Central Business District (CBD).

II. Purpose

The City of Sumter has initiated an amendment to the *City of Sumter Zoning & Development Standards Ordinance* to update the use table found in *Article 3, Exhibit 3-5* to provide a mechanism for special exception use approval for telecommunications towers in the Central Business District (CBD), and to update the regulations found in *Article 5.b.4.a.* that further regulate the design and placement of telecommunications towers.

III. Telecommunications Towers in the Central Business District

Communications towers of different types have proliferated to perform necessary functions in our society. However, based on the necessary fact that towers are highly visible structures, they can detract from the visual quality of an area. There are multiple design techniques to minimize the visual impact of towers.

The Telecommunications Act of 1996 fundamentally changed the way the telecommunications industry, including telephone, wireless, and cable TV providers, are regulated at the federal level, with corresponding impacts on state and local regulation. While communities cannot ban towers outright, the Act does preserve the abilities of state and local governments to regulate siting of these facilities, with several significant restrictions.

Specifically, the Act prohibits state or local regulations from:

- (1) unreasonably discriminating among providers of functionally equivalent services, and;
- (2) prohibiting the provision of wireless services.

The Act also bars states and municipalities from regulating the placement, construction, and/or modification of personal wireless service facilities on the basis of environmental effects of radio frequency (RF) emissions if the facility complies with FCC regulations.

Under the City of Sumter's current *Zoning and Development Standards Ordinance*, telecommunications towers are subject to special exception use approval in all but one district

The zoning district in which telecommunications towers are currently not permitted in any way is the Central Business District (CBD). There is one non-conforming tower in the CBD not subject to discontinuance (SCETV tower at the corner of N. Harvin St. and E. Hampton Ave.).

While placement of telecommunications towers in downtown areas are discouraged as a general practice, there are situations where construction/installation of such facilities are in the best interest of the community. For this reason, use of Special Exception application and criteria in *Article 1.h.4.c.* to the Board of Zoning Appeals offers a mechanism for the City to evaluate and regulate this type of facility through an individual review process.



Two revisions are proposed to accomplish this Ordinance Amendment's intent:

2

Second, *Article 5.b.4.a.* would be amended to include additional details regarding the special exception approval requirement for telecommunications towers built in the CBD zone, with the specific caveat that locating towers and antennas in the CBD is strongly discouraged as a general rule.

V. Proposed Text Amendment

The proposed amendment includes revisions to *Article 3, Exhibit 3-5* and revisions to *Article 5* as outlined in Exhibit 1.

VI. Staff Recommendation

Staff recommends approval of this request. This ordinance amendment will allow the Sumter City-County Board of Zoning Appeals to consider, on case-by-case basis, telecommunications towers in the CBD zone.

VII. Planning Commission – August 27, 2025

The Sumter City – County Planning Commission, at its meeting on Wednesday, August 27, 2025, recommended approval of the request.

VIII. SUMTER CITY COUNCIL – SEPTEMBER 16, 2025 – FIRST READING/PUBLIC HEARING

Exhibit 1

**OA-25-02, Telecommunications Towers in the
Central Business District (City)**

**Ordinance Amendment
Strike-Thru**

Amend Article 3, Exhibit 3-5 as follows:

Exhibit 5: Permitted Uses in All Zoning Districts

Key: P: Permitted Use – C: Conditional Use – S: Special Exception Use

**Asterisk denotes conditions listed in "Notes" column applies only in the specified zoning district where asterisk is present.*

NAICS Code	NAICS Description	R-15	R-9	R-6	GR	RMF	PO	NC	LC	GC	CBD	LI-W	HI	AC	CP	Notes	NAICS (2 Digit)
517	Communications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Ref Article 5	51 - Information

Amend Article 5.b.4., Communication Towers and Antennae as follows:

5.b.4. Communication Towers and Antennae: These regulations will permit the placement of communication towers and antennae in locations which will allow telecommunication services to be rendered in conformity with the authority specified in the Federal Telecommunications Act of 1996. A communications tower and/or antenna may be treated as a conditional use without further review by the Zoning Board of Appeals upon the determination by the Zoning Administrator that all applicable conditions in this Ordinance are met. If the Board reviews a case and imposes additional conditions, the use is listed as a *permitted special exception* after a public hearing as similarly required in *Article 5.a.4*.

- a. Districts in which communication towers and antennas are conditionally permitted with specified height limitations:

1. **Residential (R-6, R-9, R-15, GR, RMF):** Towers and antennas are always special exceptions in all residential districts subject to *Article 1.h.4.c. of this ordinance* and must be approved by the Board of Zoning Appeals.

2. **Commercial (GC, LC, NC, PO):** Free-standing or guyed tower with height not to exceed 180 ft., and heights exceeding 180 feet requires a Special Exception use approval from the Board of Zoning Appeals.

~~2.3.~~ **Commercial (CBD):** Location of towers and antennas in the Central Business District (CBD) is strongly discouraged, and must be approved as a special exception use by the Board of Zoning Appeals in accordance with Article 1.h.4.c. Towers located in the CBD may be subject to more stringent landscaping and fencing standards required by the Board of Zoning Appeals and/or Design Review Board.

~~3.4.~~ **Industrial (LI-W, HI):** Free-standing or guyed tower with height not exceeding 320 ft. ~~is permitted~~; Heights exceeding 320 ft. require ~~a permitted~~ special exception ~~permit use approval~~ from the ~~Zoning~~ Board of Zoning Appeals.

~~4.5.~~ **Conservation (CP):** Same as residential.

~~5.6.~~ **Agricultural Conservation (AC):** Same as industrial.

- b. Permitted Height Above Structures in All Districts: Tower and/or antenna mounted on buildings, water tanks, or structures other than a free-standing or guyed communications tower must not exceed more than 30 ft. above the highest part of a structure.
- c. Variances: Variances from conditions imposed by this Section may not be granted by the Zoning Board of Appeals. However, variances from other general regulations not a part of this section may be granted under standards set forth in *Article 1.h.4.c.* of this Ordinance.
- d. Application Requirements: The application~~nt~~ for a permit for construction of a communications tower or the placement of a communications antenna on an existing structure other than a tower previously permitted must be filed with the Zoning Administrator ~~an application~~ accompanied by a ~~fee~~ of \$500.00 and the following documents:

Exhibit 2

**OA-25-02, Telecommunications Towers in the
Central Business District (City)**

**Ordinance Amendment
Clean Text (as proposed)**

Amend Article 3, Exhibit 3-5 as follows:

Exhibit 5: Permitted Uses in All Zoning Districts

Key: P: Permitted Use – C: Conditional Use – S: Special Exception Use

**Asterisk denotes conditions listed in "Notes" column applies only in the specified zoning district where asterisk is present.*

NAICS Code	NAICS Description	R-15	R-9	R-6	GR	RMF	PO	NC	LC	GC	CBD	LI-W	HI	AC	CP	Notes	NAICS (2 Digit)
517	Communications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Ref Article 5	51 - Information

Amend Article 5.b.4., Communication Towers and Antennae as follows:

5.b.4. Communication Towers and Antennae: These regulations will permit the placement of communication towers and antennae in locations which will allow telecommunication services to be rendered in conformity with the authority specified in the Federal Telecommunications Act of 1996. A communications tower and/or antenna may be treated as a conditional use without further review by the Zoning Board of Appeals upon the determination by the Zoning Administrator that all applicable conditions in this Ordinance are met. If the Board reviews a case and imposes additional conditions, the use is listed as a *permitted special exception* after a public hearing as similarly required in *Article 5.a.4*.

- a. Districts in which communication towers and antennas are conditionally permitted with specified height limitations:
 1. **Residential (R-6, R-9, R-15, GR, RMF):** Towers and antennas are always special exceptions in all residential districts subject to *Article 1.h.4.c.* and must be approved by the Board of Zoning Appeals.
 2. **Commercial (GC, LC, NC, PO):** Free-standing or guyed tower with height not to exceed 180 ft., and heights exceeding 180 feet requires a Special Exception use approval from the Board of Zoning Appeals.
 3. **Commercial (CBD):** Location of towers and antennas in the Central Business District (CBD) is strongly discouraged, and must be approved as a special exception use by the Board of Zoning Appeals in accordance with *Article 1.h.4.c.* Towers located in the CBD may be subject to more stringent landscaping and fencing standards required by the Board of Zoning Appeals and/or Design Review Board.
 4. **Industrial (LI-W, HI):** Free-standing or guyed tower with height not exceeding 320 ft.; Heights exceeding 320 ft. require special exception use approval from the Board of Zoning Appeals.
 5. **Conservation (CP):** Same as residential.
 6. **Agricultural Conservation (AC):** Same as industrial.
- b. Permitted Height Above Structures in All Districts: Tower and/or antenna mounted on buildings, water tanks, or structures other than a free-standing or guyed communications tower must not exceed more than 30 ft. above the highest part of a structure.
- c. Variances: Variances from conditions imposed by this Section may not be granted by the Zoning Board of Appeals. However, variances from other general regulations not a part of this section may be granted under standards set forth in *Article 1.h.4.c.* of this Ordinance.
- d. Application Requirements: The application for a permit for construction of a communications tower or the placement of a communications antenna on an existing structure other than a tower previously permitted must be filed with the Zoning Administrator accompanied by a fee of \$500.00 and the following documents:

ORDINANCE NUMBER ____
(OA-25-02)

**AN ORDINANCE TO AMEND ARTICLE 3, EXHIBIT 3-5, AND ARTICLE 5,
SECTION 5.B.4.A. OF THE CITY OF SUMTER ZONING AND DEVELOPMENT
STANDARDS ORDINANCE TO ALLOW TELECOMMUNICATIONS TOWERS
VIA SPECIAL EXCEPTION USE IN THE CENTRAL BUSINESS DISTRICT**

WHEREAS, the request by the City of Sumter to amend Article 3, Exhibit 3-5, and Article 5, Section 5.b.4.a. to allow telecommunications towers via special exception use in the Central Business District (CBD) has been duly considered by the Planning Commission and all requirements of Article One Section U (Amendment Authorization and Procedure) and all other applicable sections of the CITY ZONING ORDINANCE NUMBER 1722 have been met; and

WHEREAS, the request has been forwarded to City Council with a recommendation for approval from the Planning Commission, and City Council concurs with their recommendation for approval.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND SUMTER CITY COUNCIL, IN
MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF THAT:**

Article 3, Exhibit 3-5, and Article 5, Section 5.b.4.a of the City of Sumter Zoning and Development Standards Ordinance are hereby amended to read as shown in the attached document(s) entitled: *"ATTACHMENT TO ORDINANCE NUMBER ____."*

ALL OTHER SECTIONS OF ORDINANCE NUMBER 1722, THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE OF THE CITY OF SUMTER, SOUTH CAROLINA, AND SUBSEQUENT AMENDMENTS, SHALL REMAIN AS PREVIOUSLY ADOPTED.

ADOPTED IN COUNCIL ASSEMBLED THIS 7TH DAY OF OCTOBER 2025.

CITY OF SUMTER, SOUTH CAROLINA

David P. Merchant, Mayor

James B. Blassingame, Mayor Pro Tempore

Calvin K. Hastie, Sr., Councilman

Colin C. Davis, Councilman

Gifford M. Shaw, Councilman

Anthony Gibson, Councilman

Rebecca Lynn Kennedy, Councilwoman

ATTEST:

Linda D. Hammett, City Clerk

Public Hearing: September 16, 2025
First Reading: September 16, 2025
Second/Final Reading: October 7, 2025