

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000005 Case History

Planning Commission Meeting: June 4, 2025
Public Hearing and First Reading: July 1, 2025
Second Reading:

CASE INFORMATION

Applicant: Town of Kiawah Island

Application: The Town of Kiawah is requesting to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to amend Sec. 12-103. – Conditions of Use to modify standards regarding communication tower infrastructure in order to enhance public safety and quality of life issues regarding cellular coverage.

Key Factors of the Proposed Ordinance:

The proposed amendment introduces a tower height provision of up to 150' along with clarifying procedurally tower request greater than 150' in height. The proposed amendment clarifies the submittal requirements and simplifies the retention of expert assistance provisions. New towers would be required to consider future collocation opportunities.

RECOMMENDATION BY THE PLANNING COMMISSION

Pursuant to §12-158(3) of the *Land Use Planning and Zoning Ordinance* "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of Planning Commission members present, and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Pursuant to §12-158(5) of the *Land Use Planning and Zoning Ordinance* "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications, or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present, and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in the exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendment until the Town Council has rendered its decision on the proposed amendment.

APPROVAL CRITERIA

Pursuant to §12-158(6) of the *Land Use Planning and Zoning Ordinance*, (6) Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- a. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;
- b. The proposed amendment is consistent with the purposes and intent of this article;
- c. The purpose of the proposed amendment is to further the general health, safety and welfare of the

Town of Kiawah Island;

- d. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

PLANNING STAFF REVIEW

In the Fall of 2024, planning staff begin engaging with tower companies regarding cellular coverage and opportunities for improvement. At the December 3, 2024 Town Council meeting, representatives from tower companies provide a community update on the challenges to improved coverage for Kiawah.

Over the course of several months, an established work group composed of members of the Infrastructure and Public Works Committee, Planning Commission, and Planning and Public Works staff and Kiawah Island Community Association, have met with various providers to include AT&T, Verizon and T-Mobile to better understand the opportunities and challenges for Kiawah regarding cellular coverage.

The proposed changes are not solely for residents' quality of life but for public safety. Public Safety officials, code enforcement, including Barrier Island Ocean Rescue have shared issues with signal at various points on the island.

On May 1st the Town's Infrastructure and Public Works Committee made recommendations regarding modification to the Town communication tower ordinance and broader infrastructure, including support of 150' tower heights. Please note this recommendation within support material. This recommendation follows several meetings and workgroup sessions held with providers and cell tower companies regarding the need for additional height because of Kiawah's tremendous tree canopy. Tangential to the proposed ordinance changes, the Infrastructure and Public Works Committee is engaging with providers for comprehensive strategy to address island wide coverage to include Freshfields Village.

Following this recommendation, the Town began a comprehensive revision of its communications tower ordinance. The proposed changes are attached. The proposed ordinance amendment is one of many prongs that are connected to larger desired outcomes regarding infrastructure, in particular improved cellular coverage island wide.

Planning staff finds the proposed amendment satisfies the approval criteria pursuant to §12-158(6) and recommends approval.

PLANNING COMMISSION MEETING JUNE 4, 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

TOWN COUNCIL MEETING PUBLIC HEARING AND FIRST READING

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Infrastructure & Public Works Committee Recommendation to Planning Commission and Town Council on Cellular Communications Coverage Improvements

Background/Problem Statement: There are issues affecting Kiawah cellular coverage for all three major national wireless communications providers. These issues include:

- Coverage gaps resulting in dropped calls or no signal
- Poor signal strength resulting coverage gaps and poor indoor coverage
- Slow data speeds making it difficult to download web pages and use more robust apps

These issues are both quality of life as well as public safety issues. Examples of public safety issues are potential inability to dial 911 in emergencies and that many public safety tools operate across cellular networks. Critical infrastructure such as power, water, and sewer communicate over cellular networks as well.

Discussion:

Members of the I&PWC committee along with Town Staff conducted a series of meetings over the last several months with the three major national wireless communications providers and the two primary tower companies on Kiawah to understand the current coverage provided, what if any limitations constrained them from providing better coverage, and possible solutions to improving coverage (the current Planning Commission Chair and a KICA rep also participated on many of those meetings).

All the providers and tower companies stated the primary limitations to coverage improvement are insufficient tower height to get all their radios above the tree canopy and the requirement for stealth radios which attenuate signal strength.

The I&PWC considered possible concerns about tower height and more visible non-stealth radios. Staff, the I&PWC Chair, and Planning Commission Chair also conducted site visits to evaluate increased height and non-stealth radios. One cell site (Sora Rail) is already 160' and does not seem to adversely affect the aesthetics. It is likely Kiawah will require three additional 150' towers at existing sites to provide needed coverage. The I&PWC believes the need for modern cellular communications for quality of life and public safety supercedes possible aesthetics concerns. The cell tower sites are primarily in remote locations and even the current towers above the tree canopy are not overly noticeable.

Recommendations:

- Amend Town zoning ordinances to allow up to three new 150' cellular towers
 - This was the unanimous recommendation from the wireless and tower providers
 - This allows up to 4 cellular providers on a tower at 120', 130', 140' and 150' levels. 10' vertical separation is required between provider radios. This also allows for a 4th emerging provider to be hosted and provider coverage.

- Note: cellular service is sold to consumers not only directly from the wireless provider but also through 3rd parties. Examples: Xfinity cellular uses the Verizon network, Cricket uses the AT&T network, and Mint Mobile uses the T-Mobile network. Dish is the emerging 4th national carrier and it is reasonable to expect them to need tower placement in the next several years. Allowing for this 4th carrier is an important capital consideration for the tower companies in determining willingness to invest in the new, taller towers.
- Amend Town zoning ordinances to no longer require stealth radios
 - Removing this constraint allows for stronger signals which increases coverage and data speed

Copy to:

Town Administrator
Public Works Director
Planning Director
Clerk

From: Robert Edgerton <robert.edgerton@icloud.com>
Sent: Thursday, April 24, 2025 10:24 PM
To: Craig Harris
Cc: Michael Sosnowski; John Taylor
Subject: Re: Cellular Towers

The worst places for cell coverage for us are the areas around Ocean Marsh Road, Blue Heron Pond Road, Falcon Point Road, and Ocean Park. Those have consistently been dead zones for many years.

You're correct about last 4th of July- I think the sheer volume of connected cellular devices overwhelmed the towers and we basically experienced what I would consider a cell service blackout for several hours. Our MDT's, cell phones, and other connected devices were unable to get an open cell to connect to receive incoming data or make outgoing calls. I think this event was island-wide, but for sure effected the entire beachfront.

-RE

On Apr 23, 2025, at 2:06 PM, Craig Harris <charris@kiawahisland.org> wrote:

Rob/Soz,

John's team has been did a deep dive into cellular towers throughout the island. I believe this will be a major step in getting our communication better across the board. Moreover, John asked if you and your guys keep us posted on any communication failure/problems so we can illustrate for public safety purpose. For example, 2024 4th of July festival, we had no connection throughout the entire day while on the beach or near the Sanctuary. A concise but brief example with location is all he needs.

Thanks!



Craig Harris Sr.

Director of Public Safety

Direct: 843-973-8121

Cell: 843-806-7826

charris@kiawahisland.org

www.kiawahisland.org

4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

Get Social

Sec. 12-103. Conditions of use.

(m) *Communications towers.*

(1) *Purpose and legislative intent.* The Federal Telecommunications Act of 1996 affirmed the Town of Kiawah Island's authority concerning the placement, construction and modification of wireless telecommunications facilities. The regulations of this section are designed to site communications towers on Kiawah Island. It is the intent of this article to allow for the harmonious co-existence of communications towers and other land uses. It is also the intent of this article to reduce the overall negative impact of communications towers by:

- a. Reducing the number of towers needed through a policy of encouraging collocation; and
- b. Encouraging the following, if collocation is not feasible:
 - 1. The use of stealth tower design, as defined in subsection (m)(~~43~~) of this section;
 - 2. The clustering of towers (tower farms);
 - 3. The placement of towers away from roadways;
 - 4. The provision of effective screening; and
 - 5. The location of communications equipment on existing structures.

(2) *Collocation exemption.* Proposed communications equipment collocating on existing towers and structures without adding to their height shall require only a zoning permit and shall not be subject to the requirements of this section.

(3) Tower height provision.

a. Communications towers, may be permitted up to a maximum height of 150 feet subject to the requirements set forth in this section.

- 1. The height of the tower shall be measured from the base of the tower to the tower's highest point inclusive of any antennas. For stealth towers placed on buildings or other structures, the height shall be measured from natural grade to the highest point.

b. Communication towers may exceed the maximum height limits established in this article provided that a special exception is granted by the Board of Zoning Appeals pursuant to the provisions of Section 12-161. Requests for such special exceptions must be submitted and approved prior to the approval of site plan review and any issued zoning permit. Applicants must demonstrate the need for additional height is necessary to meet the service provider objectives, and that no practical alternative location or technology could achieve the same service coverage.

(~~43~~) Stealth tower provision.

- a. For the purposes of this section, the term "stealth tower" means a communications tower not exceeding 120 feet in height designed to unobtrusively blend into its existing surroundings so as not to have the appearance of a communications tower and is designed to hide, obscure, or conceal the presence of the towers and antennas. Examples of stealth towers include, but are not limited to, antenna tower alternative structures, architecturally roof-mounted antennas, building-mounted antennas painted to match the existing or proposed trees and landscaping, antenna structures designed to look like light poles or electrical utility poles, artificial trees, clock towers, flagpoles, steeples, water towers or water tanks.

-
- b. All proposed stealth tower designs must be approved by the Planning Director.
 - c. A complete zoning permit application for a stealth tower that meets all requirements of this article shall be approved.
- (54) *Preapplication meeting.* Prior to submitting a formal application for a zoning permit for a communications tower the applicant is required to attend one or more preapplication meetings. The purpose of the preapplication meeting is to address key issues which will help to expedite the review and permitting process. The Planning Director may conduct a site visit at the preapplication meeting.
- (65) *Zoning permit submittal requirements.* Prior to zoning permit approval, all applications for communications towers shall complete the site plan review process as provided in section 12-162. In addition to any site plan review requirements, the application must contain the following items:
- a. A site plan, drawn to engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, fences and protected Grand Specimen Trees affected by the proposed construction. If there are no Grand Specimen Trees affected, a surveyor's statement on the site plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.
 - b. The site plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners and across view corridors. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view as determined by the Planning Director. Required materials will be based on installation of a 25-foot buffer around the fenced area.
 - c. Elevation drawings of the proposed building and structures. The height and typical design of the tower and buildings, typical materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any communications towers, facility and/or antenna and the basis therefor.
 - d. Additionally, color and material samples shall be provided. The tower must be located no closer to a residential structure than a distance equal to 1.5 feet for each foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure.
 - e. A six-foot nonclimbable fence must be placed around the tower and any associated building. Guy wires may be fenced separately.
 - f. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
 - g. For the purposes of collocation review and review of efforts at siting a tower on the same lot near an existing tower, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings, or other structures are not available or suitable for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by staff communication with persons doing business within the industry). Additionally, the applicant shall make every effort

to build the proposed tower in such a manner as may allow other telecommunication users to collocate.

- h. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a collocation agreement could not be obtained at a reasonable market rate. In the event of the situation set forth in this subsection, the clustering of new towers on the same parcel near existing towers is permitted.
- i. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting that shall be as unobtrusive and inoffensive as permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the communications towers are located.
- j. Communications towers shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the names of the owners and operators of the antennas, as well as emergency phone numbers. The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law.
- k. A copy of the tower's proposed search rings illustrating signal strength for each carrier at their heights.
- l. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
- m. Structural drawings for the proposed tower.
- n. Proposed new towers shall illustrate adequate space on the proposed communications tower to accommodate at least four (4) carriers, ensuring the structural capacity to support their equipment.
- o. The applicant shall furnish a visual impact assessment which shall include:
 - 1. A zone visibility map which shall be provided in order to determine locations where the tower may be seen.
 - 2. Pictorial representations and rendering of before and after view from key viewpoints both inside and outside the Town including, but not limited to:
 - (i) Major highways and roads;
 - (ii) State and local parks;
 - (iii) Historic districts;
 - (iv) Preserves and historic sites normally open to the public; and

- (v) Any other location where the site is visible to a large number of visitors, travelers or residents.

(vi) Any other location as determined by the Planning Director.

- 3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.

(76) Retention of expert assistance and reimbursement by the applicant.

- a. The Town, pursuant to its professional services procurement policy, may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
- b. ~~An~~ The applicant shall ~~deposit with the Town funds sufficient to reimburse the Town for all~~ be reasonable-responsible for any costs incurred for these services including but not limited to of ~~the~~ consultant and expert evaluation and consultation to the Town in connection with the review of any application, including the construction and structural evaluation and inspection of the tower, and modification of the site, once permitted and any recertification requests. ~~The initial deposit shall be \$8,500.00. The application will not be processed until receipt of this initial deposit. The Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted. If, at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The applicant shall not be entitled to receive any interest earnings on unused funds.~~
- c. ~~The total amount of the funds needed as set forth in subsection (m)(6)b of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification. The applicant shall submit a deposit in the amount of \$5,000 within 15 days of a completed application to be used towards necessary review, analysis and inspection of any construction or modification. The applicant shall not be entitled to receive any interest earnings or unused funds.~~
- e. Town Council may authorize the waiver of any required costs or deposit pursuant to this subsection.

(87) Surrounding property owner notification.

- a. In order to better inform the public, in the case of a new communications towers, the applicant shall hold a balloon test as follows:
 - 1. Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of three-foot diameter brightly colored balloon at the maximum height of the proposed new tower.
 - 2. The dates, (including a second date, in case of poor visibility on the initial date) shall be provided to the Planning Director ten days after receipt of the complete application notice.
 - 3. The dates shall be set at minimum 15 days prior to the Planning Director making a final decision on the zoning permit.

4. The balloons shall be flown for ten consecutive hours between 8:00 a.m. and 6:00 p.m.

b. The Town may consider alternative plan to a balloon test as appropriate and approved by the Planning Director.

b.c. Once the application is deemed complete by the Planning Director for a communications tower zoning permit, the Planning Department shall provide parties in interest, personal, posted and newspaper notice in accordance with the requirements of section 12-156. The public notice shall include the dates of the balloon tests as provided by the applicant and the date the Planning Director must make a final decision on the zoning permit.

(98) *Time limit for staff review.* Upon receipt of an application deemed complete by the Planning Director for a communications tower zoning permit, the Planning Director shall have a maximum of 45 days to act on the application. The 45 days begins from the date the applicant is sent written notice of a complete application from the Planning Director. Failure to act on the application within 45 days will result in the applicant being granted a zoning permit.

(109) *Zoning permit approval criteria.*

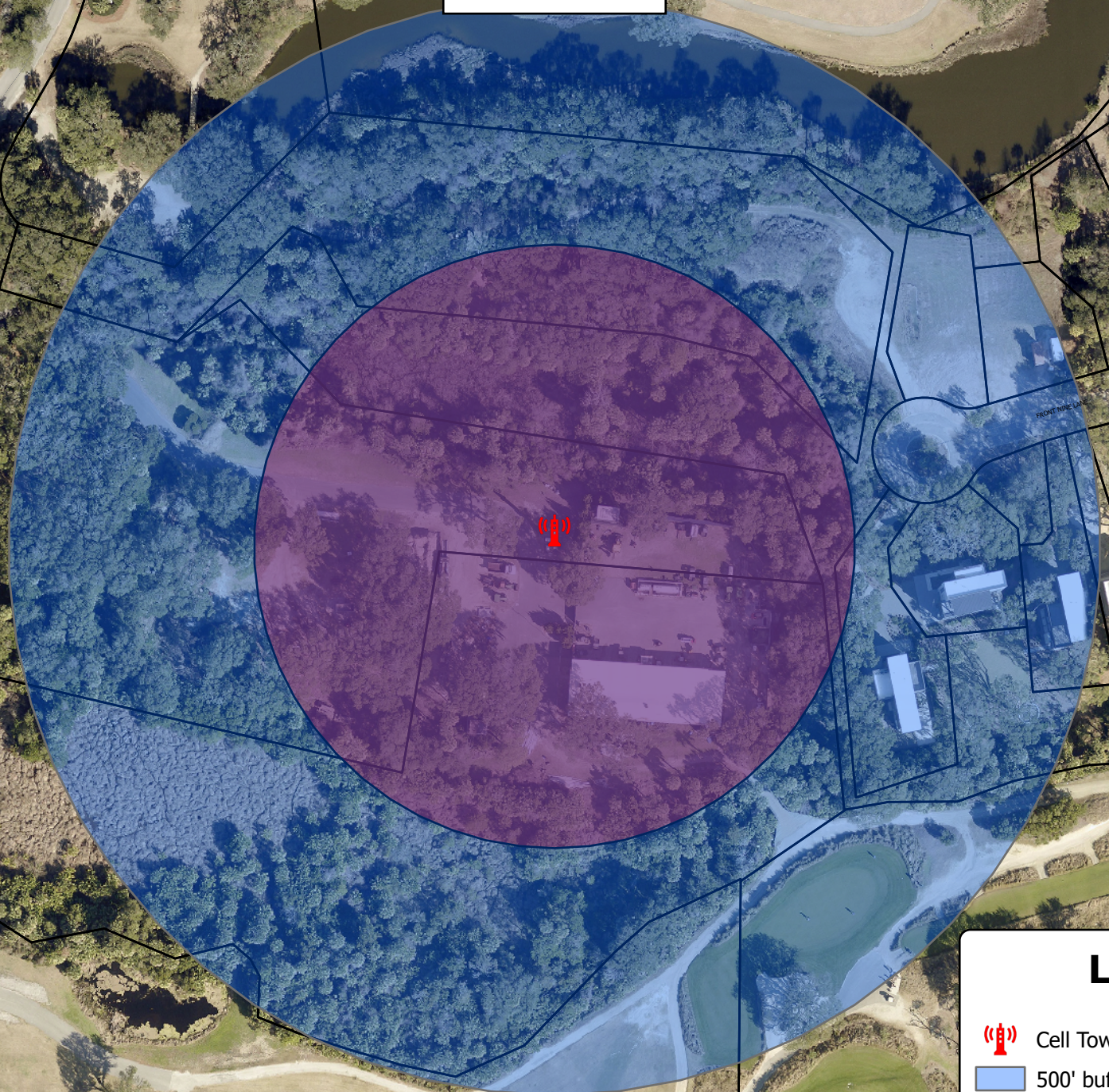
- a. A complete zoning permit application for a stealth-communication tower that meets all requirements of this article may be approved, approved with conditions or denied.~~shall be approved.~~
- b. Upon review of a complete application, no zoning permit shall be issued for a communications tower, until the Planning Director determines that the proposed tower complies with the following criteria and standards:
 1. The location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical site officially designated scenic roads or rivers and that the tower is designed to blend into the environment and minimize visual impact.
 2. If a completely new tower is necessary, the applicant must provide written proof of attempts at collocation and siting a tower on the same lot near an existing tower were proven not feasible or practical.
 3. The applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
 4. Staff shall review and approve the color and materials to be used for the proposed tower.
 5. If the Planning Director finds a proposed communications tower will have a substantially negative impact on a surrounding area or adjoining property, the use shall fall under the special exception (S) provisions of this article.
- c. In determining whether the use shall fall under the special exception (S) provisions the Planning Director may consider one or more of the following items:
 1. The proposed use will be detrimental to adjacent land uses including historical sites;
 2. The proposed use will have a negative aesthetic visual impact;
 3. The proposed use will have an adverse affect on the environment (not including radio frequency emissions); and
 4. The proposed use is contrary to the public health, safety or welfare.

(1110) *Tower abandonment.* A 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 50 days. Towers which are not maintained by the owner according to the Town building code shall be removed by the owner within 60 days. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.




(Code 1993, § 12A-302; Ord. No. 2005-08, § 12A-302, 10-12-2005; Ord. No. 2006-08, § 2.1(12A-302), 11-7-2006; Ord. No. 2016-04, § 1, 9-6-2016; Ord. No. 2023-22, § 2(Exh. A), 11-28-2023)

DRAFT

Area Map



Legend

-  Cell Tower
-  500' buffer
-  275' buffer

0 125 250 500 Feet



Kiawah Island Golf Resort
One Sanctuary Beach Drive
Kiawah Island, SC 29455

05.28.2025

Town of Kiawah Island
Planning Department
4475 Betsy Kerrison Pkwy
Kiawah Island, SC 29455

Subject: Stakeholder Support for Draft Section 12-103 – Communications Towers Regulation

Dear Planning Director and Members of the Town Council,

On behalf of Kiawah Island Golf Resort, I am writing to express our support for the proposed updates to Section 12-103 of the Town Code, addressing the conditions for the use, placement, and permitting of communications towers on Kiawah Island.

As one of the island's largest employers, hospitality leaders, and a long-standing steward of Kiawah's pristine environment and guest experience, we recognize the growing need for modern, reliable telecommunications infrastructure. At the same time, we are equally committed to ensuring that all development aligns with the island's natural beauty, environmental values, and low-impact architectural character.

The draft ordinance represents a thoughtful and balanced approach that we strongly endorse. By encouraging collocation, stealth design, and tower clustering, the Town is advancing the necessary modernization of infrastructure while minimizing the visual and environmental footprint of new installations. These strategies align closely with our commitment to protecting the scenic views, tranquility, and overall guest experience that define Kiawah Island as a world-class destination.

We particularly support the ordinance's:


- Emphasis on visual impact assessments and buffer zones;
- Strict height and siting criteria to preserve view corridors and residential character;
- Comprehensive preapplication processes that ensure transparency and collaborative planning;
- Use of performance bonding and maintenance requirements to ensure long-term site responsibility;
- Provisions for public notification and visibility testing, which foster community trust.

Reliable telecommunications service is vital not only for residents and emergency preparedness, but also for the resort's operations and the needs of thousands of guests and international visitors.

The permitting standards, combined with the option for professionally supported application reviews, offer a fair and accountable pathway for meeting these needs without compromising the values that make Kiawah exceptional.

We appreciate the Town's work in revising Section 12-103 and encourage its adoption. The ordinance provides a clear and enforceable framework for infrastructure expansion while honoring the principles of design excellence, and community input. Kiawah Island Golf Resort remains committed to supporting these values and stands ready to collaborate further during implementation and review processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger M. Warren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Roger M. Warren, PGA
President