

516. Public Utilities

Utility installations will be allowed in all zoning districts provided the review as required by section 6-29-540 of South Carolina State Law is complete and the requirements stated herein are met.

When a conflict exists between any standards herein and those of any other county ordinance the more restrictive standards shall apply.

516.1 Intent

This section provides standards relative to the construction and location of utility installations necessary to support the needs of the citizens and all applicable utility providers within Horry County.

This section is further established to:

1. Provide for the appropriate screening and security of utility infrastructure to preserve the health, safety and welfare of the citizens of Horry County; and
2. Provide for the appropriate screening and security of utility infrastructure to preserve property values in Horry County; and
3. To preserve view planes throughout the county, thereby stabilizing and enhancing the aesthetic and economic vitality and values within which such views are preserved.

516.2 Applicability

The standards established herein shall apply to all freestanding utility installations and associated equipment not excluded from section 516.5.

516.3 Definitions

Area

The square footage of the parcel on which the utility is located.

Electrical Utility

Corporations and persons, their lessees, assignees, trustees, receivers, or other successors in interest owning or operating in this State equipment or facilities for generating, transmitting, delivering, or furnishing electricity for public uses or for the production of light, heat, or power to or for the public, or any portion thereof, for compensation.

Equipment compound

The fenced area designated for principal equipment and all associated structures necessary for the safe operation of a utility.

Fence

An 80% or greater opaque fence or wall measuring at least six (6) feet in height.

Height

The vertical distance measured from the highest point of a structure to the average elevation of the corners at the finished grade.

Public or any portion thereof

The public generally, or any limited portion of the public, including a person, private corporation, municipality, or any political subdivision of the State for which the service is performed or to which the commodity is delivered and whenever such corporation or person performs a service or delivers a commodity to the public, or any portion thereof, for which compensation is required such corporation or person is hereby declared to be a public utility.

Public Utility

Corporations and persons generating, transmitting, distributing, transporting and/or collecting in any manner electricity (electrical utility) heat (other than means of electricity), water, sewerage and communications (telephone utility) to the public, or any portion thereof, for compensation.

Residential subdivision

Any subdivision creating a right-of-way from which four (4) or more residential parcels access. Residential parcels utilizing shared private driveways are not considered subdivisions.

Telephone Utility

Corporations and persons, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the land transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

516.4 Requirements

All utilities not excluded in section 516.5 shall be required to secure the equipment compound with a fence as defined herein.

Utility installations are subject to the landscaping requirements of Overlay Zones if located therein (Horry County Zoning Ordinance, Article VII Sections 723.3, 723.4, 723.5, 723.6, 723.7, 723.9, and 723.11).

Equipment compounds shall be landscaped and maintained with a buffer of plant materials. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible, or replaced to present a natural, undisturbed appearance in keeping with the intent of this section. The buffer shall consist of a single row of evergreens no less than twenty-four (24) inches in height at the time of planting and spaced a maximum six (6) feet on center along the outside perimeter of a fenced enclosure. Such plants shall be capable of reaching a height of no less than five (5) feet within two (2) years of planting, reaching a height at maturity no less than eight (8) feet.

In instances where these landscape and buffer requirements cannot be met, a site specific screening plan for each utility installation shall be submitted for review by the Zoning Administrator. A utility may establish different landscaping and buffer areas than those established herein if an agreement is reached for such with the applicable development, neighborhood, adjacent property owners or jurisdiction. Upon plan submittal, the Zoning Administrator or designee shall have up to fifteen (15) days to review and provide any comments.

Dying, diseased, or dead vegetation shall be removed by the property owner from a buffer provided minimal disturbance occurs to healthy plant materials earmarked to be retained. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

1. In locations where the visual impact of equipment compounds would be minimal, or where the requirements of this section are otherwise impracticable, the landscaping and screening requirements of this section may be reduced or waived by the Zoning Administrator. Examples of instances whereby the Zoning Administrator could waive the landscaping requirements are:
 - a. If the facility is in a wooded area. The applicant may choose to retain a natural vegetated buffer strip of undisturbed trees that is at least five feet (5') in depth, and at least six feet (6') in height, around the perimeter of the facility. The area shall remain undisturbed in appearance, except where minimally necessary to allow for an access drive.

- b. If the facility is located in an area that is under cultivation during the growing season, the planting of additional screening vegetation is not required. The intent of this subsection is to allow for the maximum use of productive farmland. In this instance it will be suitable to screen the fenced enclosure with a coated fence or fabric wrap.

516.5 Exclusions

Overhead transmission/distribution lines and underground utilities of any type and/or use shall be exempt from the standards set forth herein.

The landscaping requirements in section 516.4 are only applicable to utility installations purchased after the effective date of this ordinance.

Utility installations occupying less than seven hundred fifty (750) square feet in area shall be exempt from the standards set forth herein.

Telecommunication towers covered under Article XVI of the Horry County Zoning Ordinance.

516.6 Prohibited

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with all regulations established in this ordinance and upon performance of all conditions herein set forth.

New wastewater and sewer treatment facilities are prohibited from locating within one thousand (1,000) feet of a residential subdivision as defined herein. Existing wastewater and sewer treatment facilities shall be exempt from the standards set forth herein.

516.7 Review Procedures

The supplemental information listed below shall be submitted for a utility installation to the Horry County Planning and Zoning Department.

1. Utility Owner(s). Identification of the owner(s) of all infrastructure to be located on the site;
2. Copy of all pertinent permits, if secured, required by federal or state authorities to operate said utility installations.
3. Location Map (to scale). A current County map showing the location of the facility and any existing residential subdivisions as defined herein within one (1) mile of the proposed location (measured from the parcel boundary);
4. A site plan, at a scale no less than 1" = 100', that illustrates the following:
 - a. A boundary survey of the proposed utility location site. (The survey shall meet all requirements of the Horry County Land Development Regulations {Chapter 18 of the County Code for Final Plats});
 - b. A description of the principal structure and all associated equipment to support the operation of a utility;
 - c. The location, height/depth of transmission lines and/or underground equipment to a distance of twenty five (25) feet from the equipment compound fencing;
 - d. Screening and landscaping.

516.8 Appeal

Any person aggrieved by a decision of the Zoning Administrator may appeal such decision to the Board of Zoning Appeals. Appeals shall be submitted within thirty- (30) days of the decision being rendered upon the utility installation application.