

**SPRING CITY MUNICIPAL PLANNING  
COMMISSION AGENDA  
Thursday, May 9<sup>th</sup>, 2024, 6:00 PM**

- Leon Locke, Chairman
- Jeromy Hixson, Vice-Chairman
- Lee Booker, Secretary
- Woody Evans, Mayor
- Sue Crockett

- A. CALL TO ORDER AND THE ESTABLISHMENT OF A QUORUM**
- B. APPROVAL OF MINUTES FROM THE PREVIOUS MEETING**  
From the Meeting of Thursday, April 11, 2024.
- C. REPORTS OF OFFICERS, COMMITTEES, AND STAFF**
- D. OLD BUSINESS**
  - 1. Telecommunications Structures Zoning Ordinance Amendment
  - 2. Any Properly Presented Business
- E. NEW BUSINESS**
  - 1. Kemmer Hill Club Subdivision concerning Double Wides/Manufactured Homes
  - 2. Any Properly Presented Business
- F. HEARING OF PERSONS HAVING BUSINESS BEFORE THE COMMISSION**
- G. ADJOURNMENT**

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**Next Regularly Scheduled Meeting: June 13, 2024**

## SPRING CITY PLANNING COMMISSION MEETING MINUTES

April 11th, 2024

The meeting was called to order by Chairman Leon Locke at 6:00 p.m.

Present:

Chairman: Leon Locke-Present

Vice-Chairman: Jeremy Hixson-Present

Mayor: Woody Evans-Present

Secretary: Lee Booker-Absent

Member: Sue Crockett-Present

Also in attendance was City Manager Stephania Motes, Jonathon Rush SETD., City Recorder Brenda Dodson.

Motion was made by Sue Crockett and seconded by Jeremy Hixson to approve the March 14, 2024 meeting minutes. **ALL AYES, MOTION CARRIED**

**REPORTS:** No Reports

**NEW BUSINESS:**

Planner Rush presented a new ordinance to the Board for review and discussion. The Ordinance is to add telecommunications structure regulations to the zoning ordinance of the Town of Spring City. The ordinance was read and discussed by the board members with Planner Rush and changes were requested. The changes will be made to the ordinance and be presented to the Board at the next planning commission meeting.

**OLD BUSINESS:**

There was no Old Business brought before the Board.

Motion was made by Sue Crockett to adjourn the meeting.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO ADD TELECOMMUNICATIONS STRUCTURE  
REGULATIONS TO THE ZONING ORDINANCE  
OF THE TOWN OF SPRING CITY, TENNESSEE**

**WHEREAS**, the authority granted in Tennessee Code Annotated (TCA) Section 13-7-201, allows for the zoning of territory within a municipality; and

**WHEREAS**, TCA Section 13-7-204, authorizes amendments to the zoning ordinance; and

**WHEREAS**, in accordance with TCA Section 13-7-203(a), an advertised public hearing was held prior to the adoption of this zoning ordinance amendment; and

**WHEREAS**, in accordance with TCA Section 13-7-203(b), the Spring City Municipal Planning Commission approved and recommended the zoning amendment herein described to the Spring City Board of Commissioners;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Spring City, Tennessee that the Spring City Zoning Ordinance be and hereby is amended as shown below:

**Section 1:** Article III, Section **3.02. DEFINITIONS**. is hereby amended with the addition of the term “**Telecommunications Structure**.” The term shall read as follows:

**Telecommunications Structure.** A building, tower, or other structure and equipment used for the transmission, re-transmission, broadcast, or promulgation of telephone, telegraph, radio, television, or other electronic communications signals. This definition shall not include utility structures.

**Section 2:** Article VI, Use Provisions for Residential Districts, Section **6.01B. USES PERMITTED ON APPEAL**. is amended with the addition of an item “7,” which shall read as follows:

7. Telecommunications structures as regulated in Section 14.13.

**Section 3:** Article VII, Use Provision for Commercial Districts, Section **7.02B. USES PERMITTED ON APPEAL**. is amended with the addition of an item “4” which shall read as follows:

4. Telecommunications structures as regulated in Section 14.13.

**Section 4:** **Article VIII, Use Provisions for Industrial Districts, Section 8.01B USES PERMITTED ON APPEAL**. is amended with the addition of an item “3” which shall read as follows:

3. Telecommunications structures as regulated in Section 14.13.

**Section 5:** **ARTICLE IX SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS** is hereby amended with the addition of Section **9.14. TELECOMMUNICATIONS STRUCTURE REGULATIONS**. The new section shall read as follows:

**9.14. TELECOMMUNICATIONS STRUCTURE REGULATIONS.**

1. Purpose.

The purpose of these regulations is to (1) protect residential and other land uses from potential adverse impacts of telecommunications structures, (2) minimize visual pollution through careful consideration of the design, screening, and siting of towers, and (3) to minimize potential damage to adjacent properties.

2. Use Permitted on Review.

In any zoning district where they are permitted, telecommunications structures shall be considered a “Use Permitted on Appeal.” All applications for the construction of telecommunication structures must go before the Spring City Board of Zoning Appeals as regulated in Section 12.07. of this ordinance. In addition to the application requirements listed in that section, applications for telecommunication structures shall also include the following:

- A. Proof of contract with property owner for tenant lease.
- B. Proof of insurance by the tenant.
- C. A letter from a professional engineer certifying the proposed structure meets the requirements of all relevant building codes and meets all applicable Federal Communication Commission requirements. The letter should also include the structure’s capacity to accommodate collocating antennas.
- D. Drawings of the proposed structure prepared by a licensed engineer. In addition to those requirements laid out in section

12.07. of this ordinance, these drawings must include:

- a. Existing or proposed means of ingress and egress to the structure.
- b. All buildings and roads within a 200-foot radius of the structure unless the proposed structure is taller than 200 feet. In that case, all buildings and roads within a radius of 100% of the proposed structure's height must be shown.
- c. All proposed landscaping.

If an application for a telecommunication structure is denied by the Board of Zoning Appeals, the Board shall submit to the applicant the reason for denial in writing as required by the Federal Communication Commission.

3. Setbacks.

The following setbacks are required for all telecommunications structures:

- A. All telecommunication structures shall be setback a distance of 200 feet or 100% the height of the tower, whichever is greater, from all residences and roads.
- B. Telecommunication and accessory structures shall meet the setback requirements of the zoning district in which they are located.

4. Landscaping.

An eight (8) foot high, eight (8) foot deep landscaped buffer is required surrounding the base of a telecommunication structure. This buffer shall consist of trees, shrubs, and other vegetation. This requirement can be waived by the BZA if the proposed structure is located in a well-forested area or in a location where the natural topography provides adequate shielding.

5. Vehicle Access Control.

The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with these regulations.

6. Lighting

A. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets, and shall be arranged so as not to shine onto any neighboring property or public street. A lighting plan shall be submitted along with the site plan to the Spring City Planning Commission for review and acceptance.

7. Security

The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures whichever is greater.

8. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and all other provisions of this Ordinance shall be required.

- A. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial user's accessory structure and the location of two (2) future accessory structures.
- B. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
- C. A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
- D. A letter indicating why existing towers within one (1) mile of the proposed tower's location cannot be utilized.
- E. A site plan reviewed and approved by the Spring City Planning Commission.

9. Obsolete Towers.

In the event that a telecommunication structure has been out of operation for a period of six (6) or more months, the owner of the structure shall be responsible for its removal. A time period of one (1) year shall be provided from the time the structure is deemed to be out of service for the owner to either activate the structure or remove it from the site. Failure to remove the structure at the end of this time period shall be subject to penalties outlined in Article XII of this ordinance.

**NOW, THEREFORE, BE IT FURTHER ORDAINED THAT** this Ordinance shall be effective immediately from and after its date of final passage.

RECOMMENDED BY THE PLANNING COMMISSION: \_\_\_\_\_

**Date Advertised:** \_\_\_\_\_

**First Reading:** \_\_\_\_\_

**Final Reading:** \_\_\_\_\_

**Date of Public Hearing:** \_\_\_\_\_

\_\_\_\_\_

Mayor

**ATTEST:** \_\_\_\_\_

City Recorder

## ARTICLE VI. USE PROVISIONS FOR RESIDENTIAL DISTRICTS

### SECTION

- 6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT
- 6.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- 6.03 R-3 HIGH DENSITY RESIDENTIAL DISTRICT
- 6.04 RP RESIDENTIAL PROFESSIONAL DISTRICT

### 6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT

This residential district is intended to have relatively low population densities and to be used for single-family residences. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

#### 6.01A USES PERMITTED

1. Single-family dwellings, manufactured residential dwellings, except mobile homes. (Amended 7/12/01)
2. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
3. Public and semi-public recreational facilities.
4. Substations, such as electric, telephone, or gas, provided that:
  - a. Structures are located and placed not less than fifty (50) feet from any property line;
  - b. Structures are enclosed by a woven-wire fence at least eight (8) feet high;
  - c. No vehicles or equipment are stored on the premises; and
  - d. The lot is suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the front and side of property lines.
5. Bed and Breakfasts, provided they front or abut upon a state numbered highway and they must comply with the requirements of Spring City Ordinance 22-03. (added 8/5/04)

#### 6.01B USES PERMITTED ON APPEAL

In the R-1 Low Density Residential District, the following uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.



**STATE OF TENNESSEE**  
**OFFICE OF THE**  
**ATTORNEY GENERAL**  
**P.O. BOX 20207**  
**NASHVILLE, TENNESSEE 37202**

October 25, 2001

Opinion No. 01-159

Placement of Double-Wide Trailers in Trailer Parks

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**QUESTIONS**

1. Does Tenn. Code Ann. § 13-24-201 operate to preclude the placement of double-wide trailers in trailer parks by deeming them “residential dwellings”?
2. Does any state statute or regulation prohibit the placement of double-wide trailers in trailer parks?
3. Does the term “manufactured residential dwelling,” as that term is used in Tenn. Code Ann. § 13-24-201, apply to both single and double-wide trailers?
4. Does any state statute or regulation prohibit a “manufactured residential dwelling” from being placed in a trailer park?

**OPINIONS**

1. No, Tenn. Code Ann. § 13-24-201 does not operate to preclude the placement of double-wide trailers in trailer parks.
2. No, this office is aware of no state statute or regulation that would prohibit the placement of double-wide trailers in trailer parks.
3. As used in Tenn. Code Ann. § 13-24-201, the term “manufactured residential dwelling” includes double-wide trailers, provided such dwellings have the same general appearance as site-built homes; however, the term “manufactured residential dwelling” does not include single-wide trailers if such dwellings are constructed as a single self-contained unit and mounted on a single chassis.
4. No, this office is aware of no state statute or regulation that would prohibit a “manufactured residential dwelling” from being placed in a trailer park.

## ANALYSIS

Your request addresses the effect of Tenn. Code Ann. § 13-24-201 on the placement of double-wide trailers in trailer parks. Section 13-24-201 provides that, “[n]otwithstanding any provision of the law to the contrary, no power or authority granted by this code to regulate zoning or land use planning shall be used to exclude the placement of a residential dwelling on land designated for residential use solely because the dwelling is partially or completely constructed in a manufacturing facility.” Tenn. Code Ann. § 13-24-201(a) (1999). The statute further provides that, as used therein, the term “residential dwelling” does not apply to “factory-manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis, and as further defined in § 68-126-202(4), (6) and (7).” Tenn. Code Ann. § 13-24-201(b) (1999). In enacting § 13-24-201, the legislature indicated that the statute should have no effect on “any zoning or other regulations whether state or local concerning such factory-manufactured mobile homes.” *Id.* The legislature also provided that, in order to qualify for § 13-24-201’s protection, “[s]uch manufactured residential dwelling shall have the same general appearance as required for site-built homes.” Tenn. Code Ann. § 13-24-202 (1999).

In *Tennessee Manufactured Housing Ass’n v. Metropolitan Government*, 798 S.W.2d 254, 256 (Tenn. Ct. App. 1990), the Court of Appeals observed that the legislature enacted § 13-24-201 “to prevent local zoning ordinances from excluding certain types of manufactured ‘residential dwellings’ from residential districts.” After examining § 13-24-201’s reference to “factory-manufactured mobile homes” in light of the statute’s legislative history, the court concluded that § 13-24-201 “protects all manufactured residential dwellings, except for motor homes, recreational vehicles, and ‘manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.’” *Tennessee Manufactured Housing Ass’n*, 798 S.W.2d at 259. The court specifically concluded that § 13-24-201’s “protection extends to double-wide manufactured homes.” *Id.* at 260.

In accordance with the Court of Appeals holding, the term “manufactured residential dwelling” includes double-wide trailers, provided such dwellings have “the same general appearance as required for site-built homes.” *Id.* at 259 (quoting Tenn. Code Ann. § 13-24-202 (1987)). However, the term does not necessarily include single-wide trailers. If a single-wide trailer is “constructed as a single self-contained unit and mounted on a single chassis,” then it will not qualify as a “manufactured residential dwelling” entitled to § 13-24-201’s protection. Tenn. Code Ann. § 13-24-201(b) (1999).

Although the court concluded that a double-wide manufactured home would qualify as a manufactured residential dwelling entitled to § 13-24-201’s protection, such a conclusion has no effect on the placement of a double-wide trailer or any other type of dwelling in a trailer park. Section 13-24-201 merely serves to protect some types of manufactured homes from the effects of exclusionary zoning; the statute does not operate to exclude these manufactured homes from trailer parks or any other residential areas.

This office is aware of no state statutes or regulations that would exclude double-wide trailers or other manufactured homes from trailer parks; however, this office also is unaware of any state statute or regulation that would prohibit the owner or developer of a trailer park from excluding such structures. For example, a trailer park owner or developer could justifiably limit the size of a dwelling to be placed in the trailer park subject to lot size limitations and other factors. *See, e.g.*, Tenn. Att’y Gen. Op. No. 98-116 (June 25, 1998) (opining that, although state statute prohibited local governments from imposing different land use and zoning restrictions upon modular homes than they impose upon site-built homes, “[n]othing in Tennessee law prohibits developers from including in their deeds restrictive covenants of this nature”).

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PAUL G. SUMMERS  
Attorney General and Reporter

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MICHAEL E. MOORE  
Solicitor General

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MARY ELLEN KNACK  
Assistant Attorney General

Requested by:

The Honorable Jim Vincent  
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