

ORDINANCE NO. 2024-03

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: June 12, 2024

First Reading: June 6, 2024

Final Reading: June 27, 2024

Date of Public Hearing: June 27, 2024



Mayor

ATTEST: Brenda K. Klock
City Recorder