

ORDINANCE 16-24

AN ORDINANCE TO AMEND ORDINANCE NO. 86-47, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, BY AMENDING ARTICLE IV (GENERAL PROVISIONS), SECTION 8.1, DEVELOPMENT CATEGORIES, AND BY CREATING ARTICLE IV (GENERAL PROVISIONS), SECTION 21, PROVISIONS FOR TELECOMMUNICATION TOWERS, TO INCLUDE PROVISIONS FOR TELECOMMUNICATION TOWERS

WHEREAS, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and the general laws of the State of Tennessee, have right to enact and amend the Spring Hill Zoning Ordinance 86-47. Said amendments being within the adopted Comprehensive Plan purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the Spring Hill Municipal Planning Commission has created a precedent of promoting safe and orderly development standards; and

WHEREAS, the Spring Hill Municipal Planning Commission has recommended to the Board of Mayor and Aldermen on the 10th day of October, 2016 to amend Zoning Ordinance 86-47 of the City of Spring Hill, as hereafter described;

BE IT ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE BOARD OF MAYOR AND ALDERMEN:

Section 1. That Article IV (General Provisions), Section 8.1, Development Categories, is repealed and replaced as attached hereto.

Section 2. That Article IV (General Provisions), Section 21, Provisions for Telecommunication Towers, is created as attached hereto.

Section 3. That Article (Exceptions), Section 4 be amended to strike transmission towers from the height limit exceptions.

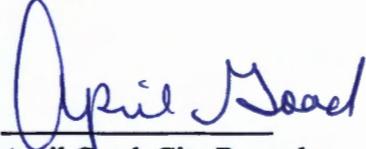
BE IT FURTHER ENACTED, that all ordinances or parts of ordinances in conflict herewith, be and same hereby, are repealed or modified as the case may be.

BE IT FURTHER ENACTED, that this Ordinance shall take effect from and after its adoption the public welfare requiring it.

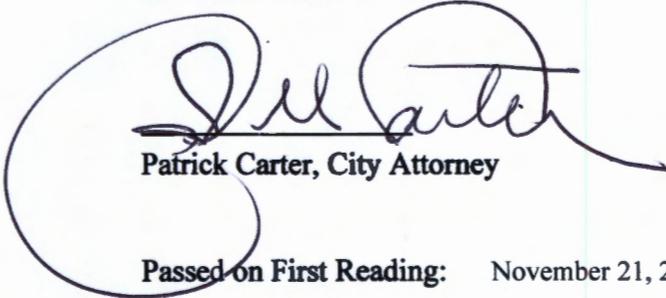
PASSED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, this, the 21st day of November, 2016.


Rick Graham, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


Patrick Carter, City Attorney

Passed on First Reading: November 21, 2016

Passed on Second Reading: December 19, 2016

SUBJECT: ORD 16-24 (Provisions for Telecommunication Towers)

DATE: November 7, 2016

ATTENTION: Board of Mayor and Aldermen (BOMA)

DEPARTMENT HEAD: Dara Sanders, Planning Director



STAFF MEMORANDUM

Proposal: Due to the absence of basic criteria in the Zoning Ordinance, the Planning Department was directed by the Mayor and City Administration to draft provisions to govern new telecommunications towers in Spring Hill. Our neighboring municipalities and jurisdictions have adopted a variety of different types of telecommunications towers and various levels of provisions.

Staff has proposed minimal provisions that would govern the tower height, tower design, and the submittal information that must be provided when a property owner/applicant is proposing a new site. The details of the proposal are attached to this report, and below is a summary of staff's proposal:

Section	Proposal
Article IV, Section 8.1	Require that all new telecommunication towers or structures obtain Planning Commission approval of a site plan application prior to construction
Article IV, Section 21	Add a new section outlining the requirements of telecommunication towers or structures
	List new AM, FM, and television towers as exempt from these regulations
	Limit new towers to 200 feet in height and require stealth towers (see attached exhibit)
	Require information indicating the tower specifications, identifying existing surrounding towers, justifying the need for an additional tower, and showing the fall zone should the tower collapse
	Adopt an abandonment clause that authorizes the City to require the removal of abandoned towers
Article XI, Section 4	Strike radio and transmission towers from the height limit exceptions

Planning Commission recommendation: On October 10, 2016, the Planning Commission forwarded this request to the Board of Mayor and Aldermen with a recommendation for approval.

Article IV, General Provisions

Section 8.1, Development Categories

(b)(1)(e) Telecommunication towers or structures

Section 21, Telecommunication Towers or Structures

21.1 Purpose

The purpose of this section is to provide guidelines for the regulation of telecommunication towers, antennae and associated structures.

21.2 Definitions

As used in this ordinance, the following terms shall have the meanings set forth below:

(a) Antenna - An apparatus designed for telephone, data, radio, or television communications.

(b) Cell - The area served by one communication tower.

(c) Co-location - The use of one tower to support more than one wireless communications provider.

(d) FAA – The Federal Aviation Administration.

(e) FCC – The Federal Communications Committee.

(f) Stealth Tower - A tower constructed with concealed antennae and designed to blend in with its surroundings.

(g) Tower – Any structure designed to support one or more antennas.

21.3 Applicability

All new towers are subject to these regulations, except for the following:

(a) AM, FM and television towers

(b) Pre-existing towers

21.4 General Requirements

(a) Height: The maximum height of any tower shall not exceed 200 feet. Maximum height is measured from the finished grade of the base to the highest point of the tower, including any component that is placed at the top of the tower (ex. antennae, lightning rod, etc.).

(b) Aesthetics: All new towers shall be of stealth type construction. This requirement may be appealed to the Board of Zoning Appeals. The design of buildings and related structures at the tower site shall blend in with the natural surroundings or with surrounding structures. Any approved tower shall be

painted to blend in with its surroundings or when appropriate Tennessee Sky Blue.

(c) **Co-location:** To reduce the number of towers in the community, co-location is strongly encouraged.

(d) **Lighting:** Towers shall not be artificially lighted unless required by the FAA or other applicable authority.

(e) **State and Federal Requirements:** All towers must meet or exceed current standards and regulations of the FAA and FCC.

(f) **Siting Preferences:**

1. Placement on existing towers, structures or buildings
2. Co-location on an existing tower
3. Stealth tower design

21.5 Submittal Requirements

The applicant must demonstrate why the chosen location is the most suitable site for the tower or why co-location is not possible. The following items must be submitted:

- (a) Tower specifications
- (b) Site plan
- (c) Landscape plan
- (d) Fencing plan
- (e) Location map indicating the proposed site and all existing towers within a five-mile radius
- (f) Co-location analysis
- (g) Fall zone analysis
- (h) Coverage and capacity map
- (i) FCC/FAA information
- (j) Antenna owner information
- (k) Renderings of the proposed tower and accompanying structures at the tower site indicating color and typical appearance from nearby streets

21.7 Abandonment

Any tower, not continuously operated for a period of six (6) months, shall be considered abandoned and the owner shall remove the tower within 90 days of notification.

Article XI, Exceptions and Modifications

Section 4, Exception of Height Limits – strike radio towers and transmission towers