

ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF SALTILLO, TENNESSEE TO INCLUDE LANGUAGE CONCERNING PROVISIONS FOR TELECOMMUNICATION STRUCTURES

WHEREAS, Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the Town to enact the Saltillo Zoning Ordinance and provide for its administration, enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the Town to adopt said Ordinance; and,

WHEREAS, the Saltillo Planning Commission has reviewed said proposed amendment pursuant to Section 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the Saltillo Board of Mayor and Aldermen; and,

WHEREAS, the public hearing was held before the Saltillo Board of Mayor and Aldermen pursuant to Section 13-7-203, Tennessee Code Annotated, the time and place was published with fifteen days advance notice; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the adoption of a zoning ordinance by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Saltillo, Tennessee that the text of the Saltillo Zoning Ordinance be amended as follows:

SECTION 1. That Chapter III, General Provisions of the Saltillo Zoning Ordinance be amended to add a definition for Telecommunication Tower Structure in sequential order to read as follows:

Telecommunication Tower Structure: - A wireless transmission facility constructed as a lattice tower with or without guy wires. Said tower may be an alternative tower structure or a monopole tower, primarily for the purpose of supporting an antenna array; and support buildings and equipment; excluding equipment under thirty (30) feet in height used for amateur radio communications.

SECTION 2. That Chapter III, General Provisions of the of the Saltillo Zoning Ordinance be amended to include a new section providing provisions for Telecommunication Tower Structures to read as the following:

2. Telecommunication Tower Structure Requirements

1. Purpose

The purpose of this section is to protect the following health and enhance the safety of the residents of the Town of Saltillo by providing provisions relative to controlling the height, number and light emission of telecommunication tower structures in the Town.

2. Applicability

All new telecommunication tower structures which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

3. Plan Requirement

Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance to with the provisions of the Site Plan Review Requirements in the Saltillo Zoning Ordinance and the following provisions:

- (a) All new telecommunications tower structures not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antennae arrays and accessory structures.
- (b) A letter of intent from the owner allowing for the shared use of the tower.
- (c) A letter from a professional engineer certifying that the tower's 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 all existing towers within one (1) mile radius of the proposed tower cannot be utilized.

4. Uses Permitted on Appeal

All telecommunication structures are only allowed in Mixed Use Districts as uses permissible on appeal.

5. Prohibited Uses

Any tower that is not specifically permitted as a use permitted on appeal.

6. Type

Lattice or monopole type telecommunications towers are allowed.

7. Accessory Uses and Structures

- (a) A telecommunications tower structure, as defined in Chapter III, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any zoning district in the Town of Saltillo. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows

for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

- (b) A utility structure shall be limited to no more than two (2) accessory buildings or structures at the base of the power line structure or water tower.

8. Structural Requirements

- (a) All new telecommunications tower structures not on an existing utility structure within the Town of Saltillo shall be designed to accommodate a minimum of three (3) antenna arrays.
- (b) All telecommunication tower structures on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.
- (c) All new telecommunications tower structures, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 mph with half and inch radial ice.

9. Setback

- (a) All telecommunications tower structures and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 100 percent of their height. The setback shall be measured from the security fence to all of the surrounding property lines.
- (b) In instances when telecommunications tower structures and accessory structures are constructed adjacent to a residential district or use, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height plus (10) feet.

10. Co-Use of Utility Structures

The co-use of existing utility structures in the Town of Saltillo shall be encouraged on existing power line structures exceeding 30 feet in height and water towers.

11. Height

No tower shall exceed 150 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet.

12. Shared Use

The shared use of existing towers within the Town of Saltillo shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower structure shall demonstrate, through documentation, that no existing towers within a one (1) mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons:

- (a) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.
- (b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- (c) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
- (d) Geographic service requirements would prevent the co-use of an existing tower or utility structure.

13. Security

All telecommunications tower structures, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.

14. Landscaping

All freestanding towers and utility structures shall have a four (4) foot wide landscaping strip around the perimeter of the security fence. The landscaping strips shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight (8) feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

15. Vehicle Access/ Parking

- (a) 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.
- (b) No parking spaces shall be required for the site since the site shall not have workers that remain at the sited on a full or part-time basis.

16. Lighting

- (a) Towers: No artificially lighted tower shall be permitted in the Town of Saltillo. If the Federal Aviation Administration (FAA) requires the proposed tower to be lighted, then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
- (b) Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

17. Removal of Obsolete Towers

Any telecommunications tower structure that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

SECTION 3. That Chapter V, Provisions Governing Mixed Use Districts", Uses Permissible on Appeal of the Zoning Ordinance of Saltillo, Tennessee be amended to include the following language regarding Telecommunication Tower Structures to read as follows:

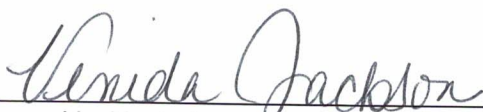
Telecommunication Tower Structures as regulated in Chapter III, General Provisions of the Zoning Ordinance of Saltillo, Tennessee.

SECTION 5. BE IT FURTHER ORDAIN that this Ordinance shall become effective immediately upon its adoption, THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRING IT.

Approved on this 2nd day of May, 2023.

Attest


Greg Billings, Mayor


Venida Jackson, Town Recorder