

ORDINANCE NO. 13-7-212

**AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE
TO PROVIDE FOR THE REGULATION OF
TELECOMMUNICATIONS TOWERS**

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-201 through 13-7-210, and 13-7-301 through 13-7-310, empowering Brighton to enact Municipal and Regional Zoning Regulations and,

WHEREAS, the Brighton Planning Commission has seen fit to amend the Municipal Zoning Ordinance to provide for the regulation of telecommunications towers and,

WHEREAS, pursuant to Tennessee Code Annotated 13-7-203 and 13-7-303 a public hearing was held before this body on SEPTEMBER 14, 1999 pursuant to a notice published in the Covington Leader at least fifteen days in advance of the hearing;

NOW, THEREFORE, BE IT ORDAINED BY THE BRIGHTON REGIONAL AND MUNICIPAL PLANNING COMMISSION:

SECTION I That Article V, Section 1, sub-section 2 "Special Exceptions" be amended to read as follows:

Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4 "Telecommunications Tower Requirements."

SECTION II. That Article V, Section 2, sub-section 2 "Special Exceptions" be amended to read as follows:

Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4 "Telecommunications Tower Requirements."

SECTION III.

That Article VI, Section 1, sub-section 2 "Special Exceptions" be amended to read as follows:

Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4 "Telecommunications Tower Requirements."

SECTION IV.

That Article VI, Section 2, sub-section 2 "Special Exceptions" be amended to read as follows:

Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4 "Telecommunications Tower Requirements."

SECTION V.

That Article VIII be amended by adding Section 4 "Telecommunications Tower Requirements" to read as follows:

Section 4 TELECOMMUNICATIONS TOWER REQUIREMENTS

1. Purpose - The purpose of this section is to protect the health and enhance the safety of the residents of the Town of Brighton by providing provisions relative to controlling the height, number and light emission of telecommunication towers in the Town.
2. Applicability - All new telecommunication towers 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 with the provisions of the Site Plan Review requirements in Article 8, Section 8.1 of this ordinance and the following provisions;

- a. All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antenna 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 1 mile radius of the proposed tower cannot be utilized.
4. Permitted Uses - All telecommunications towers shall be governed by the uses permitted and uses permitted on appeals section of each district with all uses being governed by the Standard Industrial Coding Manual.
5. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed in a lattice type manner and any tower that is not specifically permitted as a use permitted or permitted on appeal the Town of Brighton shall be specifically prohibited.
6. Type - All new telecommunications towers that exceed a height of 25 feet shall be of a monopole type structure. No lattice type telecommunication towers or antennas shall be permitted in the Town of Brighton.
7. Accessory Uses and Structures
- a. A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the Town of Brighton. 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 2 accessory buildings or structures at the base of the power line structure or water tower.

8. Structural Requirements

- a. All new telecommunications towers not on an existing utility structure within the Town of Brighton shall be designed to accommodate a minimum of 3 antennae arrays.
- b. All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.
- c. All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice.

9. Setback

- a. All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 20 percent of the tower height or the district yard requirements, whichever is greater. The setback shall be measured from the security fence to any surrounding property lines.
- b. In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, 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.

10. **Co-Use of Utility Structures**

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

11. **Height**

No tower shall exceed a height of 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 Brighton shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers within a one 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 towers, 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 8 feet or the height of the accessory structures, whichever is greater.
14. **Landscaping** - All freestanding towers and utility structures shall have a 4 foot wide landscaping strip around the perimeter of the security fence. The landscaping strip 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 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 in accordance with access control regulations within this ordinance.
 - b. No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.
16. **Lighting**
- a. **Towers:** No artificially lighted tower shall be permitted in the Town of Brighton. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), 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 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 the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately, the public welfare so requiring it.

1st Reading SEPT 14, 1999

2nd Reading OCT 12, 1999

A. W. Smil
Mayor

Bonnie K. Baker
City Recorder