

ORDINANCE NO. 213

AN ORDINANCE TO AMEND MOUNT CARMEL MUNICIPAL CODE TITLE 14, "PLANNING AND ZONING", CHAPTER 2, "ZONING ORDINANCE" RELATING TO COMMUNICATION FACILITIES.

WHEREAS, Mount Carmel Municipal Code Title 14, Chapter 2, provides rules and regulations relating to land usage within the corporate limits of the Town of Mount Carmel, Tennessee; and

WHEREAS, the Town of Mount Carmel, Tennessee, Board of Mayor and Aldermen desires to create and establish regulations for communication; and

WHEREAS, the Town of Mount Carmel, Tennessee, has received and expects to receive requests to site wireless communication towers and antennas within the corporate boundaries; and

WHEREAS, to more fully enforce the rules and regulations of the Mount Carmel, Tennessee Municipal Code; and

WHEREAS, the public health and welfare of the citizens of the Town of Mount Carmel, Tennessee, require it;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF Town of Mount Carmel, Tennessee, as follows:

SECTION I. Chapter 2 of Title 14 of the Code of Ordinances shall be amended by adding to Article III. "Definitions" the following in proper alphabetic order and renumbering the subsections thereafter:

(11) COMMUNICATIONS FACILITIES: A land-use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. The facilities include structure, towers, and accessory buildings.

SECTION II. Chapter 2 of Title 14 of the Code of Ordinances, shall be amended by adding the following subsection to Article V, "General Provisions":

Section (P). Communication Facilities. Communication towers for mobile telephone services and other radio and television services which provide for the needs of the citizens of the municipality will use the following standards to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice trough engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed. Application for a building permit for such communication facility shall include:

(1) A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, demonstrates the tower's compliance with applicable structural standards, building codes, electrical codes, and fire codes; and describes the tower's capacity, including the number and type of

antennas it can accommodate. In case of an antenna mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

(2) An adequate report inventorying existing towers and antenna sites within a reasonable distance from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

- a) Unwillingness of the owner to entertain a cellular telephone facility proposal;
- b) The equipment would exceed the structural capacity of the existing approved tower and facilities;
- c) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- d) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
- e) Other reasons make it impractical to place the equipment proposed by the applicant on existing and approved towers or facilities.

(3) A site plan shall be approved by the Mount Carmel Regional Planning Commission prior to the Building Inspector issuing a permit. The following standards shall be used in design of the facilities:

- a) **Setback** - Minimum setback shall be 100% of the height of the tower. Setback shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. Ground structures shall not be located within required setbacks;
- b) **Landscaping and Screening** - The visual impact of a telecommunication facility shall be mitigated from nearby views by an evergreen screen located outside the fence. This screen may consist of evergreen trees having a minimum height of 6' at planting and a minimum height of 15' at maturity, or a continuous hedge with 3' height at planting and 6' height at maturity. Sites may be exempted from the landscaping requirement provided the Building Inspector finds the vegetation or the topography of the site provides a natural buffer.
- c) **Fencing** - A chain-link fence or solid wall not less than 8' in height from finished grade shall be provided around each communication facility. Access to the facility shall be through a locked gate.
- d) **Lighting** - The facility shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. All lighting shall be oriented inward so as not to project unto surrounding property.
- e) **Radiation Standards** - All proposed communications facilities shall comply with current standards of the

Federal Communications Commission or American National Standards Institute for non-ionizing electromagnetic radiation (NEIR) and electro-magnetic fields (EMF). Each request for a building permit shall be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.

f) Aircraft Hazard - Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.

g) Equipment Storage - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site unless repairs are being made.

h) Removal of Obsolete or Unused Facilities - All obsolete or unused communications facilities shall be removed by the property owner within 12 months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.

I) Signs and Advertising - The use of any portion of a tower for signs or advertising purposes, including banners, streamers, etc. is prohibited. Warning signs or identification signs will be permitted.

j) Maintenance - Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and prevent dangerous conditions occurring on the site.

k) Access and Parking - All access roads and parking areas for facilities adjacent to platted subdivisions, or developed areas shall be paved as required by the Zoning Ordinance and Subdivision Regulations. The requirements may be waived by the Building Inspector for rural or undeveloped areas.

l) Changes to Communication Facilities - Any changes to antennae, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.

Section III. Chapter 2 of Title 14 of the Code of Ordinances shall be amended by adding to Article VI "Provisions governing use districts", Section G "Low-Density Residential Districts R-1", Subsection (9) "prohibited uses" the following:

a) Communication facilities.

Section IV. Chapter 2 of Title 14 of the Code of Ordinances shall be amended by adding to Article VI "Provisions governing use districts", Section G "Mobile Home Park District R-5", a new subsection as follows:

3) Communication facilities are prohibited.

Section V. Chapter 2 of Title 14 of the Code of Ordinances. Article VI, “Provisions governing use districts”, shall be amended by adding the following new section:

Section N. Communications Facilities. The following districts may include communications facilities as special exceptions permitted only with approval of the Mt. Carmel Regional Planning Commission:

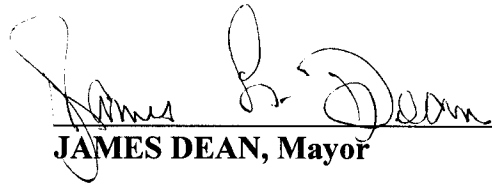
R-2 Medium Density Residential District
R-3 Medium Density Residential District
R-4 High Density Residential District
Professional Office and Service District 0-1
Neighborhood Business Districts B-1
Central Business District B-2
Shopping Center Districts B-4

SECTION VI. LEGAL STATUS PROVISIONS.

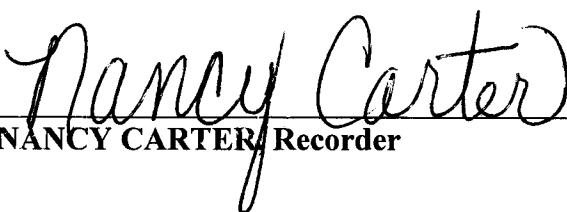
A. Conflict With Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

B. Validity. If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

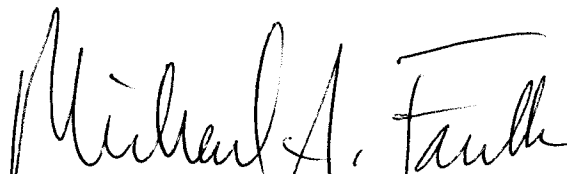
C. Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.


JAMES DEAN, Mayor

ATTEST:


NANCY CARTER, Recorder

APPROVED AS TO FORM:


LAW OFFICES OF MICHAEL A. FAULK

FIRST READING	AYES	NAYS	OTHER
HENRY BAILEY	<i>absent</i>		
EUGENE CHRISTIAN	<i>✓</i>		
JAMES DEAN, MAYOR			
GARY LAWSON	<i>✓</i>		
GEORGE PIERCE	<i>✓</i>		
THOMAS WHEELER	<i>✓</i>		
CARL WOLFE	<i>✓</i>		
TOTALS			

PASSED FIRST READING: 3-23-00

SECOND READING	AYES	NAYS	OTHER
HENRY BAILEY			
EUGENE CHRISTIAN			
JAMES DEAN, MAYOR			
GARY LAWSON			
GEORGE PIERCE			
THOMAS WHEELER			
CARL WOLFE			
TOTALS			

PASSED SECOND READING: 7-27-00

PUBLISHED ON:
DATE:
NEWSPAPER:

apt. Times News

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN 4-1-00

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 4-1-00, and appearing 1 consecutive weeks (times), as per order of _____

Town of Mount Carmel

Signed YM Jackson

THE Mount Carmel Board of Mayor and Aldermen will hold a Public Hearing on Thursday, April 27, at 7:00 p.m. on the following Ordinances:

ORDINANCE NO. 212. An Ordinance amending Title 18, Chapter 2 of the Code of Ordinances to establish and maintain a schedule of rates and charges for the use of and service rendered by the sewerage system; and to fix the effective date of this Ordinance.

ORDINANCE NO. 213. An Ordinance to amend Mount Carmel Municipal Code Title 14, "Planning and Zoning," Chapter 2, "Zoning Ordinance" relating to communication facilities.

The public is invited to comment.

Pub. It: 0407/00.

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this, 7th, April day of 2000, YM Jackson of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of his knowledge and belief.

Susan Hilton

NOTARY PUBLIC

My commission expires 1-23-02