

ORDINANCE NO. 4584-15

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS AND, ARTICLE X, 10.3, SUBMITTAL AND REVIEW OF THE TRANSMISSION TOWER REGULATIONS OF THE ZONING CODE OF THE CITY OF JOHNSON CITY, TENNESSEE CONCERNING VESTING RIGHTS OF DEVELOPMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Article II, Definitions and Article X, Section 10.3 Submittal and Review of the Transmission Tower Regulations of the Zoning Code of the City of Johnson City, Tennessee be and the same is hereby amended and modified as follows:

Amend Article II, Definitions to include the following definitions:

ELIGIBLE SUPPORT STRUCTURE. Any tower or support building and equipment as defined in this section, provided that it is existing at the time the relevant application is filed with the city.

SUBSTANTIAL CHANGE. A modification substantially changes the physical dimensions of a eligible support structures if it meets any of the following criteria:

- A. Increase in height. For towers structures other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

- B. Increase in width. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support.
- C. Excessive equipment cabinets. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- D. Expands tower site. It involved any excavation or deployment outside the current site;
- E. Buffers. It would not violate any buffer requirements; or
- F. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

Amend Article X, Transmission Tower Regulations

10.3 - SUBMITTAL AND REVIEW

10.3.1 ADMINISTRATIVE REVIEW:

- 10.3.1.1 The following uses shall be subject to administrative review by the Chief Building Official:
 - A. The co-location of an antenna array on an existing tower structure or existing structure such as a building, water tank, or light pole. The existing tower structure must meet the latest standards for wind and ice loads;
 - B. The placement of additional support buildings or equipment;

- C. A replacement tower structure which does not exceed the height of the existing tower structure. If the existing tower structure encroached into the minimum setback, the replacement tower structure shall conform to minimum setbacks;
- D. A temporary facility; and
- E. Any modification to an existing tower structure which is not a “substantial change”.

10.3.1.2 The following shall be submitted to the Chief Building Official for administrative review:

- A. A site plan drawn to scale indicating the location and height of the tower structure and any new improvements including any additional site and tower structure modifications; and
- B. Review fee.

10.3.1.3 Within thirty (30) days of receiving an application, the Chief Building Official shall determine if the application is complete. If the application is deemed incomplete, it must be stated what specific provisions of the code are deficient. Once new information is submitted, the city has ten (10) days to determine if the new information completes the application. Second or subsequent notices that the application is incomplete may not specify missing information not contained in the original notice of incompleteness.

10.3.1.4 Within sixty (60) days of receiving a complete application, the Chief Building Official shall notify the applicant of approval or reason for denial. If the Chief Building Official fails to notify the applicant within sixty (60) days of receiving a completed application, the application shall be deemed approved.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 7/02/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 7/16/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 8/06/2015
APPROVED AND SIGNED IN OPEN
MEETING ON THE 6th DAY OF
August, 2015
FOLLOWING PASSAGE ON THIRD
READING

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
CITY ATTORNEY