

SUB-CHAPTER 2.25
EXCEPTIONS AND MODIFICATIONS

SECTION

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14-2.2501. Lot of record. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient land to enable him to conform to the yard and other requirements of this ordinance, such lot may be used by said owner or a subsequent owner as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Board of Zoning Appeals to the requirements for the district in which it is located. For each foot by which a lot of official record at the time of adoption of this ordinance is less than fifty (50) feet in width, two (2) inches may be deducted from the required least widths of either side yard and four (4) inches from the least sum of the widths of both side yards; provided, however, that no side yard shall be less than four (4) feet in width. (Ord. No. 338, Sec. 14 (A))

14-2.2502. Front yards. The front yard requirements of this ordinance shall not apply on lots where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of a lot, within the same block and zoning district as such lot, is greater or less than the minimum required front yard depth. In such case the depth of the front yard on such lot shall not be less than the average front yard depths on such developed lots. (Ord. No. 338, Sec. 14 (B))

14-2.2503. Exceptions to height limits. The height limitations of this ordinance shall not apply to parapet walls not exceeding four feet in height, church spires, belfries, cupolas, domes, monuments, water towers, ventilators, observation towers, transmission towers, elevators and cooling towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials. (Ord. No. 338, Sec. 14 (C))

14-2.2504. Group housing projects. In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing project shall be done by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, and will insure substantially the same character of occupancy, and a density of a land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is located.

In no case shall the Board of Zoning Appeals authorize a use or a building height or building area prohibited in the district in which the housing project is to be located. (Ord. No. 338, Sec. 14 (D))

14-2.2505. Special uses. No building or occupancy permit shall be issued for the construction or occupancy for any special uses such as:

- (1) Radio broadcasting towers and antennae.
- (2) Storage tanks for use in connection with the handling in bulk for wholesale of gasoline and volatile inflammable liquids, including facilities and structures adjunct to same.
- (3) Storage of heating or illuminating gas. Until and unless the location of such uses shall have been approved by the Board of Zoning Appeals and subject to such conditions as the Board may make to protect the public. All buildings and structures adjunct to the bulk or retail sale or handling of gasoline and volatile inflammable liquids shall be of fireproof construction and all equipment used in connection with and handling of gasoline and volatile inflammable liquids shall be in strict conformity with Regulation No. 1 of State of Tennessee, Department of Labor, Division of Fire Prevention, and in so far as applicable and not in conflict with the provisions of said Regulation No. 1, shall conform with the requirements set forth by the National Board of Fire Underwriter's in publication entitled "Suggested Fire Prevention Ordinance", Edition of 1943. (Ord. No. 338, Sec. 14 (E))

14-2.2506. Public utilities and public services. The provisions of this ordinance shall not be construed as to limit or interfere with the construction, installation operations and maintenance for public utility purposes, of water and gas pipe mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewer mains and incidental appurtenances. (Ord. No. 338, Sec. 14 (F))

14-2.2507. Monumental Signs or Structures. No building or occupancy permit shall be issued for the construction or occupancy of any monumental sign or structure otherwise contrary to other provisions of this ordinance unless by special exception given by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood of the district where the proposed project is to be located. The provision applies to appurtenances intended to announce major residential and commercial developments as may be also approved by the Planning Commission as well as public facilities.

14-2.2508. Property identification signs. For purposes concerning the general safety and welfare of the City's residents and business developments, and as a means of providing property identification, property owners will be required to erect property identification signs within locations where ground-mounted signs are not permitted and within all zoning districts, excluding low-density residential zones. These signs shall be constructed in a uniform manner of concrete or stucco and shall measure six (6) feet in width and 30 inches in height. All such signs shall be located five (5) feet back from the property line and must be located on the side from which public access is provided. The sign must include the name of the principal use and the street number, with the street number itself to be nine (9) inches in height and the letters in the name to be 12 inches in height. Five (5) inches will be the dedicated area for the top and bottom margins (two and one-half inches for each), with four (4) inch spacing between the name and street number. All property identification signs shall be externally or internally illuminated. (As amended by Ord. No. 1049, Section 1)

14-2.2509. Commercial telecommunications towers. Towers may be permitted within all non-residential zoning districts. The below definitions (which shall have meanings as set forth for the purpose of this ordinance) and provisions, as followed, apply:

(1) Definitions:

a. "Accessory ground equipment and structures" is any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

b. "Administrative approval" is an approval the Zoning Administrator or designee is authorized to grant after an administrative review. This process is not subject to an approval by the planning commission.

c. "Administrative review" is an application evaluated by the Zoning Administrator or designee. This process is not subject to a review by the planning commission.

d. "Alternative tower structure" is a structure such as a clock tower, bell steeple, light pole or other similar alternative-design mounting structure or building feature that camouflages or conceals the presence of antennas, towers and accessory equipment.

e. "Antenna" is any exterior transmitting or receiving device mounted on a tower, building or alternative tower structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

f. "Co-location" is the placement or installation of one (1) or more additional wireless facilities on an existing tower or approved alternative tower structure.

g. "Fall Zone" is the area a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

h. "Opacity (fence screening)" is the degree of openness for which light or views are blocked or obscured by fencing, when viewed horizontally from grade level to the top of the fence for each fence section between supports. Fences are said to sufficiently block or obscure areas where screening is required, if they have an 80 percent or greater opacity (as documented).

i. "Opacity (vegetative screening)" is the degree of openness for which light or views are blocked or obscured by vegetative landscaping, when viewed horizontally from grade level to the top of a continuous planting of trees or shrub hedges. Trees or shrub hedges are said to sufficiently block or obscure areas where screening is required, if they have been planted to produce (within two (2) years from the time of planting) an 80 percent or greater opacity (as documented).

j. "Tower" is any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(2) Determination of need: Applicants shall provide a notarized statement that no suitable existing tower(s) within the coverage area are (i) available for a co-location or (ii) qualify to meet the needed coverage area. Propagation maps shall also be included to identify before and after coverage.

(3) Co-locations: Towers shall provide for co-locations and such shall be included in the determination of need, unless otherwise approved by the planning commission.

(4) Setbacks: Towers shall be setback from adjacent property boundary lines by a minimum distance equal to its engineered fall zone. The setback shall be measured by projecting a straight line from the centerline of the tower to all adjacent property boundary

lines. Guy wires for towers and above ground supports for guy wires shall be setback from side and rear property lines a minimum of ten (10) feet. No guy wire shall be located in a required front yard setback. Accessory ground equipment and structures shall be setback according to the zoning district requirements where the tower is to be located.

(5) Height: Towers shall not exceed 200 feet in height and shall comply with Federal Aviation Administration (FAA) regulations, which may include additional height limitations. The overall height of a tower shall be measured from the surrounding grade to the top of the structure, including the base pad and any antenna or lightening rod. The height of a tower shall not be determined, nor restricted, by the height limitations of a zoning district. Accessory ground equipment and structures shall be limited to the height requirements within zoning district where the tower is to be located.

(6) Screening requirements: The base of towers, to include all accessory ground equipment and structures, shall be screened from public view. These improvements shall be securely fenced within a perimeter of no less than six (6) feet in height and have a screening opacity of 80 percent or greater, when viewed horizontally from grade level to the top of the screen. The perimeter fencing shall also be buffered by planting at least one healthy row of evergreen trees or shrubs capable of forming a continuous hedge, which may be used to support the required fencing opacity. Said trees or shrubs shall be capable of growing to at least six (6) feet in height, within two years of planting, and maintained in a healthy condition. A break in the hedge shall be allowed for access by maintenance personnel and vehicles. New or existing vegetation, earth berms, existing topographic features, walls, fences, buildings, as well as similar features other than those described above, may be used to meet the requirements of these regulations if the planning commission finds that they achieve the same degree of screening. No screening may be required when (i) not visible from adjoining property or (ii) not otherwise visible from a dedicated public right-of-way. Further, a screening waiver may be necessary for the continued operation of agricultural or forestry uses. No screening will be required when such is explicitly prohibited by Federal Communications Commission Regulations (FCC).

(7) Administrative approvals: Co-locations, to include accessory ground equipment and structures, may be administratively approved, as well as the replacement of antenna, ground equipment and accessory structures. Alternative tower structures, such as antennas and accessory equipment disguised/hidden on buildings or structures may also be administratively approved. An administrative approval does not exempt an applicant from building or other necessary permitting requirements. Further, administrative approvals do not apply in instances where (i) an existing perimeter will be expanded and/or (ii) an existing tower will be extended.

(8) Special Exception: The Board of Zoning Appeals (BZA) may grant a special exception approval to locate a tower within a residential zoning district. Consideration shall be subject to the procedures and requirements as set forth for granting a special exception and may include conditions to the extent the BZA concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

(9) Appeals: The setback requirements may be waived through an appeal to the Board of Zoning Appeals (BZA). The BZA may grant a variance if the applicant demonstrates that the tower with the waiver will not adversely affect adjacent property or constitute a safety hazard. Further, any person dissatisfied with the decision, rules and regulations contained herein or resulting from this ordinance shall have the right of appeal. An appeal shall be submitted in accordance with the rules and regulations set forth by the Alcoa Board of Commissioners. (As amended by Ord. #1042, Section 1, #15-344 and #15-344, Jan. 2015).

14-2.2510. Legal status provisions. The below legal status provisions are described, as follows:

(1) 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 Alcoa, Tennessee, the most restrictive in all cases shall apply.

(2) Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid 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.