

|                           |                       |
|---------------------------|-----------------------|
| <b>ORDINANCE:</b>         | <b>17-08</b>          |
| <b>PREPARED BY:</b>       | <b>Shipley</b>        |
| <b>REQUESTED BY:</b>      | <b>Town Staff</b>     |
| <b>CERTIFIED BY FMPC:</b> | <b>March 16, 2017</b> |
| <b>PUBLIC HEARING:</b>    | _____                 |
| <b>PUBLISHED IN:</b>      | _____                 |
| <b>DATE:</b>              | _____                 |
| <b>1ST READING:</b>       | _____                 |
| <b>2ND READING:</b>       | <u>04/27/2017</u>     |
| <b>PUBLISHED IN:</b>      | _____                 |
| <b>DATE:</b>              | _____                 |

**AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 4., GENERAL PROVISIONS AND EXCEPTIONS, SECTION III., ANTENNAS AND TOWERS, TO PROVIDE FOR NEW REQUIREMENTS**

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 4, General Provisions and Exceptions, of the Farragut Zoning Ordinance, Ordinance 86-16,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance is hereby amended as follows:

**SECTION 1.**

The Farragut Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section III., Antennas and Towers, is amended by deleting it in its entirety and substituting in lieu thereof the following:

III. – Telecommunications.

The following requirements shall apply to dish antennas, amateur radio towers (excluding Towers, as defined in this Ordinance), Towers, Non-Tower Wireless Communication Facilities, and Small Cell Support Structures.

A. The following conditions shall apply to dish antenna placements in all zones:

1. No text, pictures, logos, or advertising shall be displayed on any surface of the dish antenna.

Installation of the required screening shall be done concurrently with the construction of the base mount for any dish antenna.

3. Where screening is required, the dish antenna shall be screened from view from public rights-of-way and from adjacent property by any combination or single treatment of vegetative or structural barriers. The screening shall provide eighty (80)

percent opacity at a height of seven (7) feet within two (2) years of its installation. Defective or dead screening shall be replaced to maintain the screening of the dish antenna while the dish antenna remains in its permitted location.

4. The dish antenna or any required screening shall not penetrate any recorded easement.
- B. The following conditions shall apply to dish antenna placements in residential and agricultural zoning districts:
1. Only one (1) dish antenna shall be permitted per lot, parcel, or tract.  
No freestanding dish antenna shall exceed eleven (11) feet in height, as measured at its highest point above the surrounding grade.
  3. No dish antenna with a dish size greater than twenty-four (24) inches shall be placed on any roof or attached to any principal or accessory structure. Dish antennas with a dish size of twenty-four (24) inches or less may be placed on a roof or wall of a principal or accessory structure provided it does not project above the roof line, it is not visible from any public rights-of-way, and it does not violate any required setback.
  4. Freestanding dish antennas shall be set back from the side and/or rear property lines a minimum distance equal to at least two (2) times the height of the mounted dish antenna or the minimum distance for accessory structures whichever is greater.
  5. Screening shall be required for all dish antenna with a dish size greater than twenty-four (24) inches.
- C. The following conditions shall apply to dish antenna placements in Community Service, Commercial, and Office Zoning Districts:
1. Only one (1) dish antenna shall be permitted per business.  
A ground-mounted dish antenna shall not exceed eleven (11) feet in height, as measured at its highest point above the surrounding grade. A roof-mounted dish antenna shall not exceed eleven (11) feet above the attachment of the base mount to the roof.
  3. The maximum building height shall apply, relative to the particular zoning district in which the dish antenna is to be located.
  4. Dish antennas may be permitted to be located in the rear yard or on the roof. A dish antenna with a dish size of twenty-four (24) inches or less may be permitted to be attached to a wall provided it does not project above the roof line, it is not visible from any public rights-of-way, and it does not violate any required setback.
  5. Rear yard placements of the dish antennas may not be located in any other required buffer zone or screening required for other purposes.
  6. Screening shall be required for all rear yard placements of dish antennas.
  7. Roof-mounted dish antennas shall be screened on three (3) sides. The open side shall correspond with the directional requirements of the dish antenna.

D. The following conditions shall apply to amateur radio towers and other antenna placements, excluding Towers, as defined in this Ordinance:

1. All amateur radio towers and antennas shall be setback a minimum of ten (10) feet from all rear and side property lines, plus an additional one-third (1/3) of a foot for each one (1) foot of tower/antenna height over thirty-five (35) feet tall. Setbacks shall be measured from the farthest most protrusion of the amateur radio tower and its appurtenances.

All guy wires shall be set back from the side and/or rear property lines a minimum of ten (10) feet.

3. No amateur radio tower shall exceed seventy (70) feet in height and the combined total height of an amateur radio tower and its antenna shall not exceed one hundred (100) feet in height.
4. A certified survey shall be submitted at the discretion of the building official which shall verify amateur radio tower and antenna heights, and setbacks for the tower, its appurtenances, and the guy wires.
5. No amateur radio tower, antenna, or guy wires shall be located within a front yard or on any recorded easement.
6. No amateur radio tower shall be placed on a roof.
7. A maximum of one (1) amateur radio tower greater than thirty-five (35) feet in height shall be permitted per lot, parcel, or tract that is less than five (5) acres. If a lot, parcel, or tract is greater than five (5) acres, a maximum of one (1) amateur radio tower per five (5) acres shall be permitted.
8. An amateur radio tower shall be fenced, walled, or protected in some manner so as to prevent uncontrolled access by children from the street or from adjacent properties. Said wall, fence, or protection shall be maintained in good condition.
9. All amateur radio towers shall be removed when no longer in service.

E. The following terms shall apply to commercial cellular Towers and Small Cell Support Structures, as provided for in the remainder of this Ordinance. For terms not defined herein, the Federal Communications Commission ("FCC") definition shall apply.

*Antennas or Related Equipment:* Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes Utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Towers.

*Applicant:* An Applicant is a person or entity who is authorized by the provisions of this Ordinance to file for approval under these regulations.

*Application:* An Application is the completed site plan application form and all accompanying documents, exhibits, and fees required of an Applicant by the Town of Farragut as part of a submission for review.

*Base Station:* Equipment at a fixed location that enables Federal Communications Commission (“FCC”) licensed or authorized wireless communication between user equipment and a communication network.

*Cellular Telecommunications Services:* A retail telecommunications service that uses radio signals transmitted through cell sites and switching stations.

*Co-Location:* Locating more than one (1) transmission Antenna or Related Equipment on the same Small Cell Support Structure or Tower.

*Monopole:* A structure that consists of a single vertical pole without guy wires, designed and erected on the ground to support communications antennas and connected appurtenances. A monopole could be either a Tower or a Small Cell Support Structure but would not include Non-Tower Wireless Communications Facilities since those are not originally designed to support communications antennas and connected appurtenances.

*Non-Tower Wireless Communications Facilities:* Wireless communications facilities other than Tower-based wireless communications. This would include facilities mounted to existing structures that were not originally intended to accommodate wireless communications facilities, such as buildings, Utility Poles, water towers, steeples, billboards, flags, etc.

*Ordinance:* Shall refer to this and any other applicable sections of the Farragut Municipal Code, as amended.

*Planning Commission:* The term "Planning Commission" shall mean the Farragut Municipal Planning Commission in Farragut, Tennessee.

*Planning Jurisdiction:* The Planning Jurisdiction includes those areas of Knox County, Tennessee, which fall under the jurisdictional authority of the Planning Commission.

*Right-of-Way:* The surface of and space above and below any real property in the municipality in which the federal government, state government, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, state, municipality, or municipal authority. Private Rights-of-Way and other government-owned lands not listed above shall not be considered a Right-of-Way. The phrase "in the Right(s)-of-Way" means, in, on, over, along, above and/or under the Right(s)-of-Way.

*Small Cell System/Distributed Antenna System (“DAS”):* A network of remote antenna nodes that distribute radio frequency signals from a central hub through a high capacity signal transport medium to a specific area.

*Small Cell Support Structure:* For purposes of this Ordinance, a Small Cell Support Structure could include a Monopole or a Non-Tower Wireless Communications Facility

that is erected within the public Right of Way or on private property and that does not exceed the lesser of either the maximum building height permitted in the associated zoning district or no more than three (3) feet above the predominant height of the shortest existing Utility Poles in the immediate area. Any other Monopole shall be considered a Tower, as defined herein, and subject to the regulations that would apply to Towers.

Small Cell Support Structures are constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Staff: Those employees of the Town of Farragut assigned to support and/or administer the powers and duties prescribed to the Farragut Municipal Planning Commission.

Stealth Technology: Design techniques applied to telecommunication structures that will help conceal them or make them less visible to the casual observer. Such techniques may include, but are not limited to, facilities constructed to resemble light poles, trees, flag poles, steeples, or other streetscape elements. Stealth Technology may also include concealment wrap and similar technologies and placing applicable structures underground.

Tower: A support structure and all appurtenances constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of any telecommunications services or Personal Communication Services. This would include traditional Monopole commercial cell towers and Transport Poles. For purposes of this Ordinance, a Tower is differentiated from a Small Cell Support Structure in that a Tower is a Monopole that may exceed the permitted building height of the associated zoning district and is not permitted within the public right-of-way.

Transport Poles: A type of Tower that includes microwave backhaul. Transport poles are subject to all requirements associated with a Tower.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility: Has the meaning as defined in *Tennessee Code Annotated*.

Utility, Overhead: Utility infrastructure that is located primarily above ground as determined by Staff. For purposes of this Ordinance, Overhead Utilities include but are not limited to power lines and communications lines.

Utility Pole: A structure used for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the public Right of Way or Utility easements. A Small Cell Support Structure may be incorporated onto a Utility Pole provided such pole does not extend, with the application of Small Cell Support Structures, to a height greater than three (3) feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet.

Utility, Underground: Utility infrastructure that is located primarily underground as determined by Staff. For purposes of this Ordinance, underground utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, certain Small Cell Support System/DAS structures, and communications lines.

Wireless Communications Facility: The set of equipment and network components including antennas, transmitters, receivers, Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.

F. Towers. The following provisions shall apply to Towers, as defined herein.

1. Application Requirements

Pre-Application Filing Meeting. Prior to filing an application for a Tower a pre-application meeting with the Staff is required. At this meeting the applicable provisions associated with the requested Tower can be reviewed and discussed. An application will not be accepted if the required pre-application meeting has not been completed.

An Application for a new Tower shall include the following as applicable to the request:

- a) A completed site plan application and filing fee;
- b) A development site plan, per the requirements of this Ordinance, showing but not limited to the following: the location of the structure, identification of structure type, location of any proposed equipment cabinets or buildings, identification of adjacent land owners;
- c) A map and plan for how fiber optics are being extended to the property and to the proposed Tower and, where applicable, the Non-Tower Wireless Communications Facility. Fiber optics shall be placed underground in areas with primarily underground utilities and an additional Right of Way Permit from the Town shall be obtained for any work conducted within the Right of Way. Any fiber optics proposed outside the Right of Way or not within existing platted utility easements shall require an easement to be platted and presented to the Staff and the Planning Commission for approval;
- d) A landscape plan, per the requirements of this Ordinance;
- e) A map showing other Towers within a one (1) mile radius of the proposed site showing their height and ground elevations at the base;
- f) A map and other documentation which demonstrates the coverage area for the proposed Tower as related to the coverage areas of the alternative sites referenced below;
- g) A certified survey showing a circular setback for the Tower, access road and road elevations to the site, adjacent property lines, existing landscaping features, identification of all nonresidential buildings and structures, property owners, existing

- topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed ten (10) feet, and all utility lines and easements;
- h) A list of other possible alternative sites within a one (1) mile radius that were considered for possible use by Applicant for the structure and the reason they were unsuccessful in each instance;
  - i) The name(s) and address of the initially proposed FCC licensed entity to use the structure;
  - j) Documentation from the Federal Aviation Administration (FAA) indicating whether lighting will be required for the Tower and whether it is a Hazard to air navigation;
  - k) A recorded covenant or deed that runs with the land (or alternate assurance approved by the Town Attorney) that provides for the owner of the Tower to remove such structure(s) at his/her expense if the structure has not been used for a period of six (6) months or more;
  - l) An affirmation by the applicant not only that the Tower is currently needed to provide adequate coverage, but committing that if the site plan is approved, the Tower and related equipment will be constructed and in use within twelve (12) months of the approval. The affirmation will also acknowledge that as time passes, municipal planning circumstances will change, and agreeing to reapply for site plan approval if the Tower approved by the original site plan is not timely constructed within the twelve (12) month period if the Tower is still desired.
  - m) A letter from an appropriate officer of the Applicant company stating that charges made to any user of the structure will be consistent with the charges made by other Tower owners in the area;
  - n) A copy of the lease agreement or letter from the property owner giving permission for the Application request;
  - o) Where applicable, a plat reflecting all newly established easements associated with a Tower, in addition to all recorded covenants or deeds;
  - p) Pre-addressed and unsealed postage stamped envelopes to be used by the Staff to notify property owners that are within a 1,000 foot radius of the Tower as measured from the base of the Tower; and
  - q) Any other document that the Staff, Planning Commission, or their consultant may request.

## 2. Processing of Applications

- a) Staff shall review all Applications for new Towers within 30 days of Application filing to determine if an Application is complete. During this time frame, the Staff may request a third party consultant review to verify certain applicable information.
- b) Staff shall issue initial comments to the Applicant within this 30 day time frame so that the Applicant can address any identified deficiencies. Once Staff comments have been addressed the Staff shall notify the Applicant in writing that the Application is complete. As applicable, the Staff or the Planning Commission shall then either approve, approve with conditions, or deny the Application within sixty (60) days of the date the Application is determined to be complete. If the Town does not make a final decision within the required sixty (60) days, the Application shall be deemed to be approved as submitted.

- c) Requests for co-locations on existing Towers shall be subject to obtaining a building permit. A site plan review will not be required for a co-location, provided the co-location is determined by Staff to comply with all applicable provisions of this Ordinance.
- d) An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Staff or Planning Commission in the administration of this Ordinance may appeal the action to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by the Staff or Planning Commission. The appeal shall be filed with the Staff along with an appeal fee of one hundred dollars (\$100). The Staff will fix a reasonable time for hearing the appeal and give public notice, as well as written notice to the appellant and the owner of right-of-way or property (if different from the jurisdiction) at least ten (10) days prior to the hearing.
- e) An applicant claiming to be injured or aggrieved by any final action of the Town rendered by the Board of Zoning Appeals may appeal from the final action to the Circuit Court of Knox County Tennessee. Such appeal shall be taken within thirty (30) days after such action.

### 3. Design Standards for Towers

- a) At the time of Application submittal, the Applicant shall provide information demonstrating compliance with the applicable provisions of this Ordinance. Where the Planning Commission finds that circumstances or conditions relating to the particular Application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such conditions or circumstances make one or more requirements unreasonable, the Planning Commission may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver, along with justification for each, shall be requested in writing by the Applicant.
- b) All Towers, as well as Non-Tower Wireless Communications Facilities mounted on top of existing buildings or other structures, shall be constructed with Stealth Technology that has been approved by the Planning Commission. All cables and wires shall be installed inside the stealth Monopole structure. Stealth Technology shall not apply to existing Towers, unless such Towers are replaced or an existing lease is re-negotiated to provide for Stealth Technology. Replacement Towers shall be constructed with Stealth Technology.
- c) All Towers that are proposed on property that is not zoned residential and does not abut property that is zoned residential shall be set back a minimum of one-half ( $\frac{1}{2}$ ) of a foot for each one (1) foot of Tower and Antenna height or fifty (50) feet, whichever is greater. Setbacks shall be measured from the farthest most protrusion of the Tower and Antenna to the nearest point of any property line.
- d) All Towers that are proposed on property that is zoned residential or Towers that are proposed on property that is not zoned residential but abuts property that is zoned residential shall be set back a minimum of one (1) foot for each one (1) foot of Tower and Antenna height. Setbacks shall be measured from the farthest most protrusion of the Tower and Antenna to the nearest point of any property line.



- e) All equipment shelters, cabinets, fencing, and all other structures accessory to a Tower shall be set back a minimum of fifty (50) feet on property that is not zoned residential and that does not abut property that is zoned residential. All equipment shelters, cabinets, fencing, and all other structures accessory to a Tower shall be set back a minimum of sixty (60) feet on property that is zoned residential or property that is not zoned residential but abuts property that is zoned residential. Setbacks shall be measured from the farthest most protrusion of the structure(s) to the nearest point of any property line.
- f) All access ways leading to a Tower and/or its accessory structures shall be set back a minimum of ten (10) feet from all side and rear property lines.
- g) Towers and attached antennae, including a lightning rod, that are proposed on property that is not zoned residential shall not exceed a height of one-hundred sixty five (165) feet. This also applies to a Non-Tower Wireless Communication Facility that is constructed on top of another building or structure with the height being the overall height of the building/structure and Tower together, measured from the average grade at the building or structure plane to the highest point. The setback requirements in this Ordinance shall apply regardless of whether the Tower is a Monopole or a Non-Tower Wireless Communication Facility constructed on top of another building or structure.
- h) Towers and attached antennae, including a lightning rod, that are proposed on property that is zoned residential shall not exceed a height of seventy-five (75) feet. This also applies to a Tower that is constructed on top of another building or structure with the height being the overall height of the building/structure and Tower together, measured from the grade to the highest point. The setback requirements in this Ordinance shall apply regardless of whether the Tower is a Monopole or a Non-Tower Wireless Communication Facility constructed on top of another building or structure.
- i) No accessory building or structure for a Tower shall exceed fifteen (15) feet in height.
- j) Towers shall not be permitted within the area adopted as the Mixed Use Town Center, as shown in the Comprehensive Land Use Plan Update, as amended.
- k) Towers shall not be illuminated, except in accordance with state or federal regulations.
- l) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
- m) Fencing used to enclose Towers and their accessory structures shall be properly maintained and in compliance with state or federal regulations.
- n) The fenced area that encloses the Tower and its accessory structures shall be landscaped with non-exotic, non-invasive plant material that is reviewed and approved as part of a landscape plan that shall accompany the Application. This material shall meet the minimum sizes provided for in the Town's landscaping requirements and shall include species and a spacing arrangement that will screen the fenced area from view. A landscape maintenance letter of credit shall be provided to cover the maintenance of the approved plant material for a minimum of 2 years. If an existing structure is being used for Stealth purposes as part of a Non-Tower Wireless Communication Facility, the plant material requirements may be waived by the Planning Commission.
- o) Existing trees around a Tower site shall be preserved and may count toward fulfilling a portion or all of the landscaping requirements stipulated in this Ordinance.
- p) All driveways and off-street parking areas shall be constructed with a non-erodible improved surface, such as asphalt, concrete, permeable pavers, that is properly drained and maintained.

The driveway shall be a minimum width of twelve (12) feet and a maximum width of twenty-four (24) feet. The composition of the driveway and off-street parking areas shall be designed by the Applicant's engineer and shall be based on the heaviest vehicles that are likely to use such facilities. A turn around area is also required for emergency responders and shall be a component of the approved design.

- q) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) total square feet in area.
- r) All new Towers shall be designed and constructed to provide for Co-Location unless an Applicant can clearly demonstrate that Co-Location is not feasible given a proposed Tower's height. A Tower design, including Stealth Technology, and placement shall provide for any anticipated height extension that may occur in the future. Additional height shall require additional Co-Location. Options for Co-Location shall be reviewed with the Staff and Planning Commission based on the height and placement of the proposed Tower.
- s) All option and site lease agreements shall permit the possibility of Co-Location.
- t) To ensure the structural integrity of a Tower, the owner of such Tower shall ensure that the Tower is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for structures that are published by the Electronic Industries Association, as amended from time to time. If upon inspection, the Town of Farragut concludes that a Tower fails to comply with applicable codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the Tower, the owner shall have thirty (30) days to bring such Tower into compliance with such standards. Failure to bring such Tower into compliance within said thirty (30) days shall constitute grounds for the removal of the Tower at the owner's expense.

G. Small Cell Support Structures and Distributed Antenna Systems (DAS). The following provisions shall apply to Small Cell Support Structures and DAS, as defined in this Ordinance.

#### 1. Application Requirements

*Pre-Application Filing Meeting.* Prior to filing an application for a Small Cell Support Structure or DAS, a pre-application meeting with the Staff is required. At this meeting the applicable provisions associated with the request can be reviewed and discussed. An Application will not be accepted if the required pre-application meeting has not been completed.

This meeting will allow for early coordination by identifying existing structures that might be suitable for co-location or that might qualify as Non-Tower Wireless Communication Facilities. This will also help identify any other issues which may relate to (i) the use of Right of Way or Utility Poles and/or (ii) the application to the proposed request of any other local zoning, subdivision regulations, or other rules, regulations or adopted plans, including, but not limited to the Comprehensive Land Use Plan and Architectural Design Standards. The meeting will provide an opportunity for an initial discussion regarding

proposed structure locations, design, and the Application submittal and approval process. Coordination with utilities for possible use of pre-existing structures will be required. Applicants shall supply the provider's preferred locations, structure design, style, and structure height at least one week prior to the pre-application meeting or upon request for such meeting.

Unless provided for otherwise, all proposed Small Cell Support Structures/DAS shall be subject to Staff review and approval by the Planning Commission. Certain Non-Tower Wireless Communication Facilities Applications, including co-locations, may be reviewed and approved by the Staff provided the Staff determines that a more formal review with the Planning Commission is not necessary based on the location and/or physical characteristics of the proposed facilities.

Applications for Small Cell Support Structures or DAS shall include the following information as applicable to the request:

- a) A completed site plan application and filing fee. Applications are limited to three (3) Structures per Application.
- b) A development site plan, signed and sealed by a professional engineer registered in Tennessee, showing the proposed location of each Small Cell Support Structure and any existing Small Cell Support Structures within five hundred (500) feet of each proposed location. This plan shall specifically identify, for each location, existing Utility Poles within five-hundred (500) feet and their predominant physical characteristics (type, material, height, color, etc.). The plan shall address whether an existing Utility Pole is proposed to be used to accommodate a Small Cell Support Structure or whether a new Monopole is being requested. The plan shall also address if an existing Utility Pole is being replaced in order to accommodate a Small Cell Support Structure.
- c) A map and plan for how fiber optics are being extended to the Small Cell Support Structure/DAS and, where applicable, the Non-Tower Wireless Communications Facility. Fiber optics shall be placed underground in areas with primarily underground utilities and an additional Right of Way Permit from the Town shall be obtained for any work conducted within the Right of Way. Any fiber optics proposed outside the Right of Way or not within existing platted utility easements shall require an easement to be platted and presented to the Staff and the Planning Commission for approval.
- d) For Non-Tower Wireless Communications Facilities proposed on buildings or other structures that are not within the Right of Way, the development site plan shall include the proposed Small Cell Support Structures, their physical characteristics, and Stealth Technology applications that would be proposed based on the proposed location and context.
- e) An indication of existing improvements, such as pedestrian facilities, accesses, landscaping, and Underground Utilities, that are within twenty-five (25) feet of the proposed Small Cell Support Structure(s) and any other information that may be pertinent to or impact the decision on where to place the structure and its related equipment.
- f) A map and other documentation which demonstrates the coverage area for each proposed Small Cell Support Structure. This shall include a statement of the

- telecommunications objective(s) for each proposed Small Cell Support Structure location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the Applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites or other applications that would have fewer aesthetic impacts while providing comparable service.
- g) A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the FCC, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.
  - h) A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.
  - i) A full description of the number and dimensions of all Small Cell Support Structures to be installed including, but not limited to, all underground structures, antennae, the height of above ground structures and any equipment cabinets or buildings associated with the installation.
  - j) Where structures are permitted above ground, a vertical profile sketch or drawing of the structures, signed and sealed by a professional engineer registered in Tennessee, indicating the height of the structure and the placement and physical dimensions of all antennas and equipment enclosures.
  - k) For Non-Tower Wireless Communications Facilities to be mounted on existing Utility Poles or replacement Utility Poles, the profile sketch shall verify compliance with the height parameters provided for in this Ordinance.
  - l) Written approval from the property owner(s) stating that the Applicant or provider has permission to apply to construct a facility on their property (e.g. on an existing building with a Non-Tower Wireless Communication Facility in the form of a Small Cell Support Structure). In the case of non-Town owned Utility Poles, the utility provider shall acknowledge permission for the Applicant to apply to use their Pole(s) for Small Cell Support Structures. Monopoles within the Right-of-Way or proposed on Town-owned Utility Poles shall be considered by the Staff and Planning Commission, as representatives of the Town, as part of the Application review. Final approval to use Town-owned property for Small Cell Support Structures shall be acknowledged in writing by the duly-authorized representative of the Town. A lease agreement or a franchise agreement with the Town will typically be required as a condition of Staff or Planning Commission approval.
  - m) Photographs of view shed from each proposed Small Cell Support Structure location taken in at least four directions.

## 2. Processing of Applications

- a) Staff shall review all Applications for new Small Cell Support Structures within 30 days of Application filing to determine if an Application is complete. During this time frame, the Staff may request a third party consultant review to verify certain applicable information.
- b) Staff shall issue comments to the Applicant within this 30 day time frame so that the Applicant can address any identified deficiencies. Once Staff comments have been addressed the Staff shall notify the Applicant in writing that the Application is complete. As applicable, the Staff or the Planning Commission shall then either

approve, approve with conditions, or deny the Application within sixty (60) days of the date the Application is determined to be complete. If the Town does not make a final decision within the required sixty (60) days, the Application shall be deemed to be approved as submitted.

- c) An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Staff or Planning Commission in the administration of this Ordinance may appeal the action to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by the Staff or Planning Commission. The appeal shall be filed with the Staff along with an appeal fee of one hundred dollars (\$100). The Staff will fix a reasonable time for hearing the appeal and give public notice, as well as written notice to the appellant and the owner of right-of-way or property (if different from the jurisdiction) at least ten (10) days prior to the hearing.
- d) An applicant claiming to be injured or aggrieved by any final action of the Town rendered by the Board of Zoning Appeals may appeal from the final action to the Circuit Court of Knox County Tennessee. Such appeal shall be taken within thirty (30) days after such action.

### 3. Design Standards for Small Cell Support Structures/DAS

The regulations in this subsection shall apply to Small Cell Support Structures and DAS. Temporary, mobile or wheeled cellular antenna structures shall not be permitted without prior approval from the Staff or, where applicable, the Planning Commission.

- a) Monopole Small Cell Support Structures shall include Stealth Technology and shall not exceed the lesser of either the maximum building height for the zoning district within which they are located or three (3) feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet of the proposed Monopole. Small Cell Support Structures that involve replacing existing Utility Poles shall be subject to adhering to the height of the Utility Pole that is being replaced plus an additional three (3) feet. Replacement Utility Poles that will more effectively accommodate a Stealth Technology shall be prioritized as part of the Application review process.
- b) Non-Tower Wireless Communication Facilities that incorporate Small Cell Support Structures shall include Stealth Technology appropriate for the proposed location and context. With the exception of Utility Poles, Non-Tower Wireless Communications Facilities shall not exceed the lesser of either the maximum building height permitted in the associated zoning district or ten (10) feet above the height of the existing structure on which the Small Cell Support Structures are proposed. In relation to Utility Poles, Non-Tower Wireless Communications Facilities shall not extend more than three (3) feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet.
- c) Small Cell Support Structures shall be designed and constructed to accommodate a minimum of two (2) service providers. Based on the proposed location and context, this may be exempted for Non-Tower Wireless Communications Facilities.
- d) Small Cell Support Structures shall not interfere with other utilities, encroach onto or over sidewalks and other pedestrian or bicycle facilities, interfere with landscaping, visibility, or other matters of public safety.

- e) Small Cell Support Structures proposed in an area with primarily underground utilities shall be placed underground with the exception of an antenna. All wiring shall be concealed within the pole and antenna and the antenna shall include Stealth Technology appropriate for the location and context.
- f) Small Cell Support Structures proposed in an area with primarily overhead utilities shall apply Stealth Technology that is appropriate for the location and context.
- g) Where wiring to an antenna cannot be concealed within a Utility Pole (e.g. wooden poles), all wiring to the antenna shall be concealed within the most Stealth conduit possible that matches the color of the Utility Pole.
- h) Small Cell Support Structures proposed on property zoned residential shall be encouraged to be Non-Tower Wireless Communication Facilities (such as those contained behind building parapets or concealed within other existing structures) that include Stealth Technology appropriate for the location and context.
- i) Where an Applicant can clearly demonstrate that employment of a Non-Tower Wireless Communication Facility is not possible on a property zoned residential, all Small Cell Support Structures shall be placed underground. In all cases, antennas proposed on property zoned residential shall be concealed with concealment wrap or a similar application.
- j) Small Cell Support Structures shall not be illuminated, except to fulfill certain state or federal regulations, or where illumination is integral to the Stealth Technology, such as a design intended to look like a street light pole.
- k) Small Cell Support Structures shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the Stealth Technology such as a design which integrates a decorative banner.
- l) The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
- m) Small Cell Support Structures shall not be located within five hundred (500) feet of an existing Small Cell Support Structure unless an Applicant can clearly demonstrate that such distance prohibits the carrier's ability to provide service. Multiple carriers are permitted and encouraged to locate on one Small Cell Support Structure, where possible.
- n) Reasonable efforts shall be made by the Applicant and assessed as part of the Application review process to locate new Small Cell Support Structures in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:

Interstate  
Arterial  
Collector  
Local

- o) Reasonable efforts shall be made by the Applicant and assessed as part of the Application review process to locate new Small Cell Support Structures based on the following hierarchy of zones and land uses from the most to least preferred:

Commercial  
Institutional  
Public parks

Agricultural  
Residential

H. Factors to Consider in Evaluation of Applications

As part of Staff and Planning Commission review of Applications filed for telecommunications facilities, the conformity of the Application with the foregoing requirements, including but not limited to the following, shall apply:

1. The Application is consistent with the objectives of this Ordinance.
2. The adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.) that provide for the ability to comply with the provisions of this Ordinance.
3. The extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
4. The extent to which the proposed telecommunications facility is camouflaged (i.e., use of Stealth Technology).
5. The extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs, Utility Poles, etc.).
6. An Applicant's compliance with all Town requirements with respect to previous Applications.

I. Amendments to Approved Plans

Amendments to approved plans shall be reviewed by the Staff once the Application for the associated amendment is deemed complete and, where applicable, forwarded to the Planning Commission for consideration and approval. Evaluation of the amendment shall be based on the applicable criteria of this Ordinance.

**SECTION 2.**

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

---

Dr. Ralph McGill, Mayor

---

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this \_\_\_\_ day of \_\_\_\_\_, 2017,  
with approval recommended.

---

Rita Holladay, Chairman

---

Edwin K. Whiting, Secretary

**FARRAGUT MUNICIPAL PLANNING COMMISSION**