



AGENDA
FARRAGUT MUNICIPAL PLANNING COMMISSION

November 17, 2016
7:00 p.m. Farragut Town Hall

For questions please either e-mail Mark Shipley at mshipley@townoffarragut.org or Ashley Miller at amiller@townoffarragut.org or call them at 865-966-7057.

1. Citizen Forum
2. Approval of agenda
3. Approval of minutes – October 20, 2016
4. Discussion and public hearing on a preliminary plat for Peterson Road Extension, Parcels 69 and 69.01, Tax Map 142, located off of Kingston Pike, 7.753 Acres (Goodworks Unlimited, LLC, Applicant)
NOTE: The applicant has requested to postpone action on this item and submit a revised plat for consideration in December.
5. Discussion and public hearing on a site plan for Phase I of the Villages of Farragut Senior Living Community, Parcel 69.02, Tax Map 142, located at 208 Smith Road, 23.06 Acres (Goodworks Unlimited, LLC, Applicant)
NOTE: The applicant has requested to postpone action on this item and submit a revised site plan for consideration in December.
6. Discussion and public hearing on a text amendment to the Farragut Zoning Ordinance, Chapter 3., Section XII., General Commercial (C-1), Subsection B.12., to amend the provisions to allow for outdoor kennel facilities (Dog Days Canine Playschool, Applicant)
7. Discussion on a request for a text amendment to the Farragut Zoning Ordinance, Chapter 4., Section III., Antennas and Towers, to provide for new telecommunications provisions
8. Discussion on measures to help strengthen the implementation of the adopted Architectural Design Standards

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**MINUTES
FARRAGUT MUNICIPAL PLANNING COMMISSION**

October 20, 2016

MEMBERS PRESENT

Rita Holladay, Chairman
Ed St. Clair, Vice-Chairman
Ed Whiting, Secretary
Ralph McGill, Mayor
Louise Povlin, Alderman
Noah Myers
Betty Dick
Rose Ann Kile
Drew Carson

MEMBERS ABSENT

Jack Coker, Youth Representative

Staff Representatives: Mark Shipley, Community Development Director
Ashley Miller, Assistant Community Development Director

Chairman Holladay called the meeting to order at 7 p.m.

CITIZEN FORUM

None.

APPROVAL OF AGENDA

A motion was made by Commissioner St. Clair to approve the agenda and reflect the postponement of Item's 5 and 6 that were withdrawn at the request of the applicants. The motion was seconded by Commissioner Povlin and the motion passed unanimously.

APPROVAL OF MINUTES

A motion was made by Commissioner St. Clair to approve the September 15, 2016 minutes. The motion was seconded by Commissioner Dick and the motion passed 7-0-2 with Commissioners Povlin and Mayor McGill abstaining.

AGENDA ITEMS

DISCUSSION AND PUBLIC HEARING ON A MINOR SUBDIVISION PLAT FOR THE SAMUEL GUINN PROPERTY, PARCEL 76.02, TAX MAP 142, LOCATED AT THE CORNER OF RUSSFIELD DRIVE AND WEST HERITAGE DRIVE, ZONED R-2, 1.11 ACRES, AND A VARIANCE REQUEST FROM THE SUBDIVISION REGULATIONS REQUIREMENT TO CONSTRUCT SIDEWALKS AND OTHER PEDESTRIAN FACILITIES ON RUSSFIELD DRIVE AND WEST HERITAGE DRIVE (John Cronan, Applicant)

Staff recommended approval of the variance to not construct sidewalks along the affected public street frontages of these lots given the minor nature of the subdivision.

A motion was made by Commissioner Myers to approve the variance. The motion was seconded by Commissioner St. Clair and the motion passed unanimously.

Staff recommended approval of the plat subject to the following items being addressed as verified in writing by the Town staff:

- 1) The approval of the plat will have to be conditioned on sewer being extended to the property. The Town will not sign off on the plat and thus it cannot be recorded until sewer has physically been extended to both lots and is in place;
- 2) Please remove the extra acreage noted on Lot 1;
- 3) Please revise the rear setback to reflect the correct setback of 25 rather than 30 feet;
- 4) Please include the full phone number of Samuel Guinn; and
- 5) Please correct the flood note to address some typographical errors, include the map date, and the signature of the surveyor.

A motion was made by Commissioner St. Clair to approve the plat subject to Items 1-5. The motion was seconded by Commissioner Myers and the motion passed unanimously.

DISCUSSION AND PUBLIC HEARING ON A PRELIMINARY PLAT FOR PETERSON ROAD EXTENSION, PARCELS 69 AND 69.01, TAX MAP 142, LOCATED OFF OF KINGSTON PIKE, 7.753 ACRES (Goodworks Unlimited, LLC, Applicant)

This item has been postponed at the request of the applicant and will be discussed in November along with the site plan for the Villages of Farragut Senior Living Community.

DISCUSSION AND PUBLIC HEARING ON A CONCEPT PLAN FOR EASTON PARK, PARCEL 59.11, TAX MAP 152, LOCATED AT 11739 TURKEY CREEK ROAD, 34 LOTS, 15.447 ACRES (Site Incorporated, Applicant)

This item has been postponed at the request of the staff and this has been conveyed to the applicant. There are a number of remaining comments that deal with the arrangement of open space and the road alignment. The staff will need to work out these issues with the applicant prior to planning commission consideration.

DISCUSSION AND PUBLIC HEARING ON A TEXT AMENDMENTS TO THE FARRAGUT ZONING ORDINANCE, CHAPTER 3., SECTION IX., ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT (R-4), SUBSECTION C.11., TO AMEND THE SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (Gregory Huddy, Applicant)

Staff recommended approval of Resolution PC-16-17.

A motion was made by Commissioner Povlin to approve Resolution PC-16-17. The motion was seconded by Commissioner Dick and the motion passed unanimously.

DISCUSSION ON A REQUEST TO AMEND THE 2012 COMPREHENSIVE LAND USE PLAN FOR A PORTION OF PARCEL 116.01, TAX MAP 130, NORTH OF FARRAGUT COMMONS AND CHAPEL POINT AND PARCELS 96 AND 96.01, TAX MAP 142, LOCATED ON GRIGSBY CHAPEL ROAD FROM MEDIUM DENSITY RESIDENTIAL TO CIVIC/INSTITUTIONAL (Diversified Holdings, Inc., Applicant)

For discussion purposes only.

DISCUSSION ON A REQUEST TO REZONE A PORTION OF PARCEL 116.01, TAX MAP 130, NORTH OF FARRAGUT COMMONS AND CHAPEL POINT, FROM R-2 AND FPD TO R-4 AND FPD, PARCELS 96 AND 96.01, TAX MAP 142, LOCATED ON GRIGSBY CHAPEL ROAD, FROM R-4 TO S-1, 19.73 ACRES (Diversified Holdings, Inc., Applicant)

For discussion purposes only.

DISCUSSION ON A REQUEST TO AMEND THE 2012 COMPREHENSIVE LAND USE PLAN FOR PARCEL 44, TAX MAP 152, LOCATED AT 430 VIRTUE ROAD, 87.1 ACRES, FROM MEDIUM DENSITY RESIDENTIAL TO OPEN SPACE CLUSTER RESIDENTIAL (Glen Glafenhein, Applicant)

For discussion purposes only.

DISCUSSION ON A REQUEST TO REZONE PARCEL 44, TAX MAP 152, LOCATED AT 430 VIRTUE ROAD, 87.1 ACRES, FROM A AND FPD TO R-1/OSR AND FPD (Glen Glafenhein, Applicant)

For discussion purposes only.

DISCUSSION ON A TEXT AMENDMENT TO THE FARRAGUT ZONING ORDINANCE, CHAPTER 3., SECTION XII., GENERAL COMMERCIAL (C-1), SUBSECTION B.12., TO AMEND THE PROVISIONS TO ALLOW FOR OUTDOOR KENNEL FACILITIES (Dog Days Canine Playschool, Applicant)

For discussion purposes only.

DISCUSSION ON AMENDMENTS TO THE TEXT OF THE FARRAGUT ZONING ORDINANCE, TO ALLOW FOR FOOD TRUCKS WITHIN COMMERCIAL ZONING DISTRICTS (Pat O'Brien, Applicant)

For discussion purposes only.

DISCUSSION AND PUBLIC HEARING ON A TEXT AMENDMENT TO THE FARRAGUT ZONING ORDINANCE, CHAPTER 4., SECTION III., ANTENNAS AND TOWERS, TO PROVIDE FOR A NEW TELECOMMUNICATION PROVISIONS

For discussion purposes only.

PUBLIC HEARING ON PROPOSED LOCATIONS FOR NEW UTILITIES

None at this time.

ADJOURNMENT

The meeting adjourned at 9:46 p.m.

Edwin K. Whiting, Secretary

MEETING DATE: November 17, 2016

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion and public hearing on a text amendment to the Farragut Zoning Ordinance, Chapter 3., Section XII., General Commercial (C-1), Subsection B.12., to amend the provisions to allow for outdoor kennel facilities (Dog Days Canine Playschool, Applicant)

INTRODUCTION AND BACKGROUND: This request was discussed last month as a workshop item. The applicant has asked that the Town's existing provisions that relate to kennels be re-visited so that an outdoor fenced area could be provided. Currently, a kennel, which is defined as "any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept," is permitted in the General Commercial (C-1) Zoning District provided the following development criteria are met:

- a. The building shall be sound proofed to prevent the noise of barking dogs being heard outside the building. A certification verifying the sound proofing capabilities must be submitted with the site plan; and
- b. No outdoor fencing shall be located on the premises.

The applicant has an existing dog day care facility (which is most similar to a kennel as treated in the zoning ordinance) in Farragut that pre-dates the above requirements. They will be moving and desire to stay in Farragut to continue to serve their existing customers. As mentioned above, the applicant would like to be able to have an outdoor area that would be fenced where the staff could take the dogs. The dogs would only be permitted outside with staff supervision.

The current criteria associated with kennels is intended to lessen the likelihood of a nuisance. Kennels can be smelly and noisy and potentially unsightly. During the discussion last month, the planning commission was receptive to having this re-visited provided that certain protections would be in place. An adjacent business owner and some residents in the abutting subdivision spoke to the commission about their desire to ensure that whatever was permitted would not create a nuisance.

DISCUSSION: The staff has attempted to provide some language that would address both the applicant's request and potential impacts to abutting property owners. Ordinance 16-25 provides for outdoor fences for commercial kennels but only for recreational purposes and establishes a number of provisions designed to minimize any potential adverse impacts associated with a commercial kennel.

The staff has added specific noise based parameters that would address noise both within the space and outside the space. The numbers used were largely based on a sound analysis that was prepared by a registered engineer for the applicant's desired lease space at 10875 Kingston Pike. For comparison purposes, the staff has included in the packet some typical decibel readings for different noises. The Town does not have a noise ordinance so if the proposed parameters are adopted any noise complaint would have to involve an updated sound analysis from a qualified engineer.

Given the uniqueness of this use, something else to consider is whether a kennel should be subject to a use on review rather than simply considered a use by right. In this manner, prior to a site plan review from the Planning Commission, a kennel use in a given location would be reviewed by the Board of Zoning Appeals at a separate public hearing. This would provide for more consideration of the surrounding context and a more robust public engagement process.

RECOMMENDATION: Included in your packet is Resolution PC-16-18 which recommends approval of Ordinance 16-25. Depending on how the discussion evolves, this item may not be ready for a recommendation to the Board of Mayor and Aldermen.



October 3, 2016

Dog Days, Doggie Daycare
C/o Harriet Williams
690 Shadywood Lane
Knoxville, TN 37923

Re: Sound Reduction Barriers.

Dear Harriett:

Based on my visit to the property at 10875 Kingston Pike, Knoxville (Farragut), Tennessee, I am pleased to confirm that the construction is more than suitable to eliminate undesirable community noise levels from you proposed activities inside the building. The wall consisting of gypsum wall board on wooded studs, with fiberglass insulation meet the requirements of GA File WP 3245 of the US Gypsum Association. This generic design has been tested for sound transmission loss in accordance with ASTM E 413 to yield an STC rating of 50-54 dB. That means that any noise inside the building created by the dogs would be reduced by a minimum of 50 dB.

The lack of a specific target requires that the discussion of suitability of your facility be addressed in relative terms. The typical ranges of sound pressure levels included in community noise standards in the US are 43-56 dB in residential areas, 53-65 dB in commercial areas and 58-70 dB in industrial areas. Your facility would be considered a commercial area. Also, outdoor noise can be expected to be annoying if it exceeds 10 dB above background. The background at the south side of your site (the longest wall) is dominated by the highway noise from Kingston Pike. This was estimated to be between 55-60 dB in your proposed parking area. Your facility would have to produce 65-70 dB outside to create an annoyance. That would require an ear shattering 115-120 dB inside your facility. I would expect the noise of barking dogs not to exceed 80 dB inside (consistent with your measurements of 75 dB), yielding less than 30 dB outside and well below the current ambient and well within typical community standards for commercial areas. Based on the ambient noise, the sound barrier construction and the worst-case expectation from your facility, your activities will not create a community noise issue.

If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth W. Dungan".

Kenneth W. Dungan, P.E.



1310 Centerpoint Boulevard
Knoxville, TN 37932
Phone 865/531-5955
Fax 865/531-0428
e-mail pdtek@pdtek.com

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.

Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/environ10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

RESOLUTION PC-16-18

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO 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 3. SPECIFIC DISTRICT REGULATIONS, SECTION XII., GENERAL COMMERCIAL DISTRICT (C-1)., SUBSECTION B. 12., TO ALLOW FOR NEW REQUIREMENTS ASSOCIATED WITH KENNELS

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on November 17, 2016;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 16-25.

ADOPTED this 17th day of November, 2016.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

ORDINANCE: 16-25
PREPARED BY: Shipley
REQUESTED BY: Staff
CERTIFIED BY FMPC: November 17, 2016
PUBLIC HEARING: _____
PUBLISHED IN: _____
DATE: _____
1ST READING: _____
2ND READING: _____
PUBLISHED IN: _____
DATE: _____

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 3. SPECIFIC DISTRICT REGULATIONS, SECTION XII., GENERAL COMMERCIAL DISTRICT (C-1), SUBSECTION B. 12., TO ALLOW FOR NEW REQUIREMENTS ASSOCIATED WITH KENNELS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 3, Specific District Regulations, 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 3, Specific District Regulations, Section XII. General Commercial District (C-1), Subsection B., 12., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- 12. Commercial kennels, provided the following development criteria are met:
 - a. Any outdoor structures (e.g. fences) associated with the kennel shall not be visible from public streets;
 - b. Boarding of animals shall be confined to the interior of a structure designated for this purpose;
 - c. Outdoor fences are permitted solely to provide an area for exercise and waste elimination and shall be used only with on-site supervision. Outdoor fences shall adhere to the following specifications:
 - a. Opaque with no openings as viewed from the outside of the fence and a minimum of six (6) feet in height;
 - b. Properly maintained and constructed of durable, low maintenance materials that are earth tone, black, or white in color and contain no signage. No chain link fencing

- shall be permitted;
- c. Set back at least fifty (50) feet from an adjacent property that is not zoned residential or agriculture. Such measurement shall be a straight line distance from the nearest portion of the fence to the nearest portion of the property that is not zoned residential or agriculture;
 - d. Set back at least one-hundred fifty (150) feet from an adjacent property that is zoned residential or agriculture. Such measurement shall be a straight line distance from the nearest portion of the fence to the nearest portion of the property that is zoned residential or agriculture;
 - e. Shall be reviewed as part of a site plan process through the Planning Commission and shall not interfere parking spaces, access ways, and/or pedestrian access;
- d. The square footage of fenced areas shall not exceed one-fourth (1/4) of the gross square footage of the interior space associated with the commercial kennel;
 - e. Fenced areas shall be properly maintained in a clean and sanitary condition so as to be free from offensive odors or other nuisances and shall not adversely affect public health;
 - f. Fenced areas with a non-vegetated surface shall be designed and constructed to drain to the sanitary sewer. An alternative would be for the wash water to drain to an infiltration area (rain garden, bioswale, pervious concrete, etc.,) adjacent to the impervious area to promote infiltration, reduce runoff, and provide treatment of the wash water before it reaches a stream or other waterway. Fenced areas, regardless of their size, that are associated with a commercial kennel shall be covered by the Town's Special Pollution Abatement Permit to ensure proper stormwater practices are maintained on the site.
 - g. The indoor space devoted to the kennel shall be sound proofed to prevent the noise of barking dogs from exceeding 80 decibels (dB) inside and 30 dB outside the facility. A certification from a registered engineer qualified to make such an assessment shall be provided to verify compliance with these decibel requirements.

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 _____, 2016, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

MEETING DATE: November 17, 2016

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion on a text amendment to the Farragut Zoning Ordinance, Chapter 4., Section III., Antennas and Towers, to provide for new telecommunications provisions

INTRODUCTION AND BACKGROUND: As you know, prior to last month's Planning Commission meeting a workshop was conducted with Larry Perry, a local telecommunications expert, in relation to telecommunications and what the Town may need to address to be more current with legal requirements and the latest technologies.

Due to the likelihood of additional small cell applications and recent court decisions, one of the items on the Community Development Department's work program is to update the Town's telecommunications regulations. Currently, telecommunications are addressed in two different sections of the Town's zoning ordinance.

In the Specific Districts Section of Chapter 3, the Town provides for a zoning district entitled Telecommunications Tower Overlay Zone (T). This overlay was created to address the placement of monopole commercial telecommunications towers, such as the recently installed tower off of Concord Road. As currently written, when an applicant wishes to erect a monopole tower, they must first request a rezoning to the Tower Overlay. The Tower Overlay is not an option where the property is currently zoned residential. Consequently, if a tower is proposed on property currently zoned residential, the base zoning of the property would also need to be changed from residential to non-residential. The Tower Overlay is also not an option in the Mixed Use Town Center as adopted by the Board of Mayor and Aldermen.

After discussing the Tower Overlay with Larry Perry, due to the length of time involved in the rezoning process, the Town's current Tower Overlay provisions will need to be revisited. Basically, due to recent court decisions, an application must be acted on within 60 days of submittal. The Town's rezoning process extends well beyond this 60 day time frame. Mr. Perry will be working with the staff on addressing this issue as part of the update to the telecommunications provisions.

The second section of the Town's zoning ordinance that addresses telecommunications is in Chapter 4, General Provisions and Exceptions, Subsection III. – Antennas and Towers. This subsection is somewhat outdated and addresses provisions for dish antenna, amateur radio towers, and other antenna placements, excluding the monopole commercial telecommunications towers provided for in Chapter 3. As part of Mr. Perry's evaluation of the Town's existing provisions, the existing language in the Antennas and Towers subsection has remained but additional definitions and provisions for small cell/distributed antenna systems (DAS) have been added. The draft also provides for new provisions related to monopole commercial telecommunications towers that will likely replace the existing provisions in Chapter 3.

As you know, recently a request was considered for the placement of small cell structures in three different locations in the Parkside Drive area. It is likely that additional requests for these type of structures will be submitted in the near future from other service providers. The update to the Town's existing provisions will address these newer technologies so that the Town will have some parameters in place when applicants request such systems.

As part of this workshop item, the staff will go through the draft ordinance amendments and note some questions that have been conveyed to our consultant. A copy of the staffs' questions that were forwarded to Larry Perry is included in your packet along with the draft ordinance.

Questions related to proposed modifications to the Town's draft telecommunications provisions:

- 1) Should the Town retain (and if so modify) its existing Tower (T) Overlay Zoning District for new commercial monopole towers?
- 2) Does the rezoning process required in association with the T Overlay comply with the 60 day (stop watch) time frame within which an application must be acted on? If the rezoning process is in motion does this constitute acceptable "action" in relation to an application submittal?
- 3) Can the Town continue to prohibit new commercial monopole towers on property zoned residential or within the Mixed Use Town Center?
- 4) Can the Town prohibit small cell/DAS on properties zoned residential?
- 5) Can the Town continue to require at least three (3) providers on a new commercial monopole tower?
- 6) Can the Town require at least two (2) providers (preferably 3) on a new small cell structure? How could a requirement for underground structures affect this? Would this require a taller pole than 26 feet?
- 7) In lieu of underground (since an antenna will still be needed) can the Town specify that another option for all small cell structures is that they be contained within the pole (provided the pole width does not exceed the width of a standard pole by more than) and the newest stealth application measures (e.g. the 3M tape) be used for the antenna?
- 8) How can we best provide for ordinance language that will allow for technological improvements that will likely occur in the areas of stealth, co-location, 5G, containing all small cell structures within an increasingly smaller pole, etc., so that the ordinance will not have to be amended in the near future to account for such advancements?
- 9) What wording can we include in these provisions and the subdivision regulations to provide for the infrastructure needed for underground small cell/DAS when roads are constructed or re-constructed? In other words provide for the conduit and underground space related to small cell and DAS;
- 10) The draft ordinance has some height allowance conflicts. Can the Town require all new small cell/DAS (that is permitted above ground) to be on poles or structures that do not exceed the maximum building height of the zoning district where such structures are proposed? The draft ordinance provides for up to 50 feet but many zoning districts have maximum building heights of 35 feet. Will 35 work in a small cell/DAS application? Should (can) the height be further limited to 26 feet, the maximum height permitted for a parking lot light pole?
- 11) The ordinance will need to more clearly address when an application is complete and

the 60 day stop watch (within which an application must be acted on) is activated. For example, if a lease agreement related to the use of public infrastructure is incomplete but being worked on by the Town Attorney and staff in association with a submitted application, does the incomplete agreement mean that the application itself (and thus the 60 day stop watch) is still incomplete? How does a rezoning request that is being acted on but could take 3-4 months to complete fit in with the 60 day time frame for acting on an application?

- 12) The draft ordinance provides for a tower that could exceed 200 feet. Unless this is a legal necessity can the Town limit all towers (as it does now) to a maximum height of 200 feet?
- 13) Are there legal requirements for who must be notified as part of a request to install a new commercial monopole tower? The draft ordinance would send notifications to property owners up to 1,000 feet from a proposed tower site. The Town currently notifies property owners that abut the subject property. Is this sufficient?
- 14) The draft ordinance talks about small cell/DAS applications that are “exempted.” What are these? Should any such applications be exempted from a review?
- 15) The draft ordinance mentions that up to 10 small cell structures could be considered per application. Should the ordinance have this provision or just limit each request to a separate application so that each is reviewed on its merits?
- 16) The ordinance may need to more clearly spell out what specifically is considered a “non-structure” small cell system. Should these not also be reviewed in a manner similar to “structural” small cell systems?
- 17) How would a requirement for at least 2 co-locations on a small cell structure be affected by a requirement for such structures to be underground? Would each entity have its own antenna on the pole?
- 18) Can the Town require the new 3M antenna strips (or any comparable or better product in terms of stealth) for all new small cell poles so that the antenna are blended more with the pole and do not protrude from the pole?
- 19) The “minor” adjustments noted in the draft ordinance need to be re-visited. The staff would probably recommend deleting this entirely and requiring any modification to a telecommunications structure to be considered as part of a formal application process. Is this acceptable?

TELECOMMUNICATIONS ORDINANCE UPDATE - DRAFT

A. DEFINITIONS: For the purposes of these regulations, the following definitions 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 these regulations to file for approval under these regulations.

APPLICATION: An Application is the completed ~~site plan application form or forms~~ and all accompanying documents, exhibits, and fees required of an Applicant by ~~the Town of Farragut Staff, the Planning Commission, or the applicable Legislative Body~~ as part of a submission for review

BASE STATION: A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communication between user equipment and a communication network. The term does not include a Tower as defined in this section or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Small Cell Systems).

The term includes any structure other than a tower that, at the time the required Application is filed with the Planning Commission under this subsection, supports or houses equipment described in sub-paragraph (A) of this definition that has been reviewed and approved under the applicable zoning or siting process even if the structure was not built for the sole or primary purpose of providing such support.

The term does not include any structure that, at the time the required Application is filed with the Planning Commission under this definition, does not support or house equipment described in this definition.

CELLULAR TELECOMMUNICATIONS SERVICES: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION: Locating ~~two (2)~~ ~~three (3)~~ or more transmission Antennas or Related Equipment on the same Antenna Structure.

MONOPOLE: A structure that consists of a single pole structure, designed and erected on the ground or on top of a structure (*how is this applied?*), to support communications antennas and connected appurtenances.

NON-TOWER WIRELESS COMMUNICATION FACILITIES (*how does this differ from small cell/DAS?*): Wireless communications facilities other than tower-based wireless communications that are located on buildings, utility poles as defined by this section, and other existing structures.

PERSONAL COMMUNICATION SERVICES: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S.C. sec. 332(c).

PLANNING COMMISSION: The term "Planning Commission" shall mean the Farragut **Municipal** Planning Commission in the State of Tennessee.

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

RIGHT-OF-WAY: The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, 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 distributes radio frequency signals from a central hub through a high capacity signal transport medium to a specific area. The term includes mini commercial towers, small cells, distributed antenna systems, mini cell, or similar systems.

SMALL CELL TOWER: Any structure under fifty (50) feet in height with an antenna or transmitter that is 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. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, or similar systems.

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

STEALTH TECHNOLOGY: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communications towers, antennas, and other facilities, which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to facilities constructed to resemble light poles, flag poles or other streetscape amenities. ~~Stealth technology may also include placing structures underground. The use of additional features such as flags, decorative street lamps and banners or signs may be utilized to blend the proposed facility into the visual backdrop.~~

TOWER/STRUCTURE: A structure 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.

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 these regulations, Overhead Utilities include but are not limited to power lines and communications lines.

UTILITY POLE: A structure originally constructed 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 pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole.

UTILITY, UNDERGROUND: Utility infrastructure that is located primarily underground as determined by Staff. For purposes of these regulations, utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, ~~small cell system/DAS~~ and communications lines. *This definition does not include electric transformers, switch boxes, telephone pedestals and telephone boxes, traffic boxes, and similar devices which are ground mounted. (with the small cell/DAS, shouldn't these components be underground?)*

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.

E. TELECOMMUNICATION ANTENNA STRUCTURES/TOWERS

The following conditions **apply** to all applications for telecommunication antenna structures/towers:

A. APPLICATION REQUIREMENTS.

Applications for a new telecommunications structure (tower, monopole, etc.) shall include the following:

1. A development site plan, per the requirements of Chapter 4 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;
2. A landscape plan, per requirements of Chapter 4 of this Ordinance;
3. A map showing other towers/antenna support structures within a 1 mile radius of the proposed site showing their height and ground elevations at the base;
4. 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;
5. A list of other possible alternative sites within a mile radius that were considered for possible use by applicant for the structure and the reason they were unsuccessful in each instance;
6. The name(s) and address of the initially proposed FCC licensed entity to use the structure;
7. Documentation from the FAA indicating whether lighting will be required for the structure and whether it is a Hazard to air navigation;
8. **A recorded covenant or deed that runs with the land that provides for the owner of the telecommunications structure(s) 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;**
9. **A recorded covenant or deed that runs with the land that provides for the owner of the telecommunications structure(s) to construct such structure(s) within one year (1) from the date of approval by the Town;**
10. 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/structure owners in the area;
11. **A copy of the lease agreement or letter from the property owner giving permission for the application request;**
12. **A plat reflecting all newly established easements associated with a telecommunications structure, in addition to all recorded covenants or deeds;**

13. Any other document that the planning staff or its consultant may request.

B. PROCESSING OF APPLICATIONS.

Planning Commission staff shall review and take final action on Applications for all new Antenna Structure/towers within sixty (60) days of a completed Application. This time period will not begin until the filing fee is submitted and the application is deemed complete by Staff. Staff shall notify the applicant once the application is deemed complete and provide the deadline for the Staff review period. **As applicable, Staff or the** Planning Commission shall either approve, approve with conditions, or deny the Application. 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.

1. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of Planning Commission in the administration of these regulations may appeal the action to the **Board of Mayor and Aldermen Town Council**. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by the Planning Commission. The appeal shall be filed with Staff along with an appeal fee of **one hundred** dollars (\$100). Town will fix a reasonable time for hearing the appeal and give public notice, as well as written notice to the appellant, the jurisdiction where the proposed structure is located, and the owner of right-of-way or property (if different from the jurisdiction) at least ten (10) days prior to the hearing.
2. An applicant claiming to be injured or aggrieved by any final action of the Town shall 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.

C. DESIGN STANDARDS FOR TELECOMMUNICATIONS STRUCTURES/ TOWERS:

1. At the time of Application submittal, the Applicant shall provide information demonstrating compliance with the following requirements. 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 special 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.
2. All Antenna Structures shall be constructed **with stealth technology as a pole or Monopole structure, unless Stealth or Camouflage technology is used, or unless a waiver is granted**. All cables and wires shall be installed inside the **stealth** Monopole structure.
- ~~3. Unless required by state and/or federal regulations, all Antenna Structures shall be a neutral color.~~
4. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of

the tower, but not less than fifty (50) feet.

5. An Antenna Structure, or alternative antenna tower structure (what could this be?), may be a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than ten (10) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the Applicant's justification that the additional height meets the criteria identified herein. (should this be an option?)
6. Antenna Structures/Towers shall not be illuminated, except in accordance with state or federal regulations.
7. 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.
8. ~~Woven wire or chain link (eighty (80) percent open)~~ or Solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall be eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.
9. ~~A twenty-five (25) foot planted buffer strip, as specified in Chapter 4, shall be provided along all property lines or lease lines. The buffer strip/landscape plan may be submitted as part of the site plan submittal. If a pre-existing structure is being used for stealth purposes, the buffer strip planting may be waived by the Planning Commission.~~
~~Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on-center. The screening shall be placed in a ten-foot perimeter area surrounding the compound.~~
10. Any site to be purchased or leased for the installation of an Antenna Structure/ Tower, or alternative antenna tower, and ancillary facilities, shall be at least large enough to include the twenty-five (25) foot planted buffer strip around the compound, unless located on a preexisting structure such as a building, water tank, etc. that is being used for stealth compliance purposes.
11. All driveways and off-street parking areas shall be paved and properly drained ~~comply with the requirements of the applicable local zoning ordinance.~~
12. 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.

13. All new Antenna Structures/Towers shall be designed and constructed to accommodate a minimum of ~~two (2)~~ **three (3)** additional service Providers.
14. All option and site lease agreements shall not prohibit the possibility of co-location.
15. Structures/towers locating **in a residential zone** shall be located on a lot in a location that would have the least impact on the natural setting and adjacent properties and in a location most compatible with surrounding properties. The Planning Commission shall have the authority to approve a proposed communications structure/ tower only at a different location on the same property if it determines an alternative location is more appropriate.
15. A antenna structure/ tower **in a residential district shall be constructed with stealth technology must be camouflaged** in the form of an alternative tower structure such as an flag pole, light pole, or steeple so that it is compatible with the natural setting and surrounding structures as determined by the Planning Commission.
17. For purposes of this Ordinance, any special use request, variance request, or appeal of an administratively approved used or special use require public notice to all abutting property owners and all property owners of properties that are located within a one thousand (1000) foot radius from the proposed site.**(is this a federal requirement? If not, we would propose removing this portion of the section)**
18. To ensure the structural integrity of structure/tower, the owner of such a structure/tower shall ensure that it 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 structure fails to comply with codes and standards and constitute a danger to person or property, then upon notice being provided to the owner of the structure, the tower shall have thirty (30) days to bring such structure into compliance with such standards. Failure to bring such structure into compliance within said thirty (30) days shall constitute grounds for the removal of the structure at the owner's expense.

D. DESIGN STANDARDS FOR SMALL CELL/ DAS SYSTEMS

The purpose of this section is to establish general guidelines for the construction, siting and implementation of wireless communications antenna structures/towers.

1. **PRE-APPLICATION CONFERENCE:** Applicants must contact Staff and request a pre-application conference. Upon receipt of this request, Staff will set up the meeting which shall include Staff, the Applicant, any applicable Utility providers, the local jurisdiction, and the owner of the right of way or property on which the Small Cell System/DSA is proposed to be installed. This meeting will allow for early coordination by identifying existing structures that might be suitable for collocation and identifying any other items which are in conformance/nonconformance with the Comprehensive **Land Use Plan, Architectural**

Design Standards, local zoning ordinance, and/or the provisions of these regulations. 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 should supply the Provider's preferred locations, structure design style and structure height one week prior to the pre-application meeting or upon request for such meeting.

2. APPLICATION SUBMITTAL: All proposed Small Cell Systems/DAS, **except those exempted (what would those be?)**, shall be subject to administrative review and approval by **Staff the Planning Commission**. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of these regulations, **the Architectural Design Standards** and the Comprehensive **Land Use Plan**. One Application for multiple proposed structures within the same Small Cell System is encouraged whenever possible. Where Staff 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 special conditions or circumstances make one or more requirements unreasonable, Staff may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver, shall be requested in writing by the Applicant.

3. REQUESTED APPLICATION INFORMATION: All information contained in the Application and any updates, except for any map or other information that specifically identifies the proposed location of the Antenna Structure then being reviewed shall be deemed confidential and proprietary. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Tennessee's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction.

a. An application fee shall be submitted based upon the following table:

Number of proposed Small Cell Structures	Fee
1-3	\$ <u> </u> per Structure
4-6	\$ <u> </u> per Structure
7-10	\$ <u> </u> total

b. Applications are limited to **ten (10) Structures per Application (may be reduced)**. Multiple Structures may only be included on a single Application if they are located within the Town.

c. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the Application.

d. A statement of the telecommunications objectives for the proposed 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 that would have fewer

aesthetic impacts while providing comparable service.

e. A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, 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.

f. A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.

g. A full description of the number and dimensions of all Small Cell Structures and dimensions of the underground vault proposed to be installed including, but not limited to, the height of the structure and any equipment cabinets or buildings associated with the installation.

h. A site development plan, signed and sealed by a professional engineer registered in Tennessee, showing the proposed location of the Structure and existing structures within five hundred (500) feet of the proposed site. For Applications in which multiple structures are proposed, an overall site development plan showing all proposed locations within the Town or unincorporated area must be provided.

i. Where 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 of all antennas and equipment enclosures.

j. Written approval from the property owner stating the Applicant or provider has permission to construct a facility on their property. In the case of public Right-of-Way or public property, written approval must be submitted from the duly-authorized representative of the governing body holding ownership.

k. Photographs of view shed from each proposed Structure location, taken in at least four directions.

l. Description of whether other Overhead Utilities exist within five hundred (500) feet of the proposed antenna location and any intended usage by the applicant.

m. A letter from the local utility company indicating the approval of any of the utility's facilities proposed by the applicant.

4. SMALL CELL STRUCTURE LOCATION AND DESIGN REGULATIONS: A new Small Cell System is subject to design review and approval by the Planning Commission. The design criteria required for the new Small Cell Systems is determined by the type of location or zoning district in which the facility is to be located.

a. NON-STRUCTURE SMALL CELL SYSTEM LOCATIONS: No administrative review by The Planning Commission approval is required for antennas locating on existing

telecommunications structures, water structures, buildings, Utility Poles (as defined by this regulation) or other existing structures. These non-Structure locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.

DRAFT

5. NEW SMALL CELL SYSTEM STRUCTURE LOCATIONS IN ALL ZONING

DISTRICTS: The regulations in this subsection apply to all new Small Cell System Structures. Temporary, mobile or wheeled cellular antenna Structures shall not be permitted without prior approval from the Town. **(may just need this section)**

- a. New Small Cell Structures shall not exceed the maximum building height for the zoning district within which they are located.
- b. New Small Cell Structures shall be designed and constructed to accommodate a minimum of ~~two (2)~~ **three (3)** service providers.
- c. New Small Cell Structures may be located on public or private **nonresidential** land or within a public Right-of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
- d. **If a new small cell structure is located in an area with primarily underground utilities, such new small cell structure(s) shall be placed underground.**

If a new small cell structure is located in an area with primarily overhead utilities, the use of stealth application for all small cell structures shall be required and such measures shall be specifically addressed as part of the application.

- e. New Small Cell Structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the Stealth Technology, such as a design intended to look like a street light pole.
- f. New Small Cell 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.

~~g. If a new Small Cell Structure is located in an area with primarily Underground Utilities, or where no adjacent Overhead Utility lines exist, it shall not utilize Overhead Utility lines. In instances where an antenna is proposed to be constructed within a historic or commercial district with established public or private design control measures, regulations herein, shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where additional local design review processes exist, such as Certificates of Appropriateness or Design Review Boards, such approvals may be required.~~

Facilities in residential areas are strongly encouraged to be **Non-Structure Wireless Communication Facilities (define)**, which are exempt from these regulations.

- h. **The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.**

i. New Small Cell Structure shall not be located within five hundred (500) feet of an existing Small Cell System Structure. Multiple carriers are permitted and encouraged to locate on one Structure, where possible.

j. Reasonable efforts shall be made to locate new Small Cell Structures in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:

Interstate
Arterial
Collector
Local

k. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses from the most to least preferred: Co-locate on an existing structure whenever possible, which is exempt from these regulations.

Institutional.
Industrial.
Commercial.
Public parks.
Agricultural.
Residential

~~6. NEW SMALL CELL SYSTEM STRUCTURE LOCATIONS IN RESIDENTIAL ZONES:
The regulations in this subsection apply to Small Cell Structures to be located within, or immediately adjacent to, residential zoning districts as defined herein.~~

~~a. Facilities in residential areas are strongly encouraged to be Non-Structure Wireless Communication Facilities, which are exempt from these regulations.~~

~~b. New Small Cell Structures and Antenna or Related Equipment shall be camouflaged by Stealth Technology. Examples of appropriate Stealth Technology for residential areas includes, at a minimum, Structures with all cables, wires, Transmission Equipment, electric meters, power equipment, etc. installed inside the Small Cell Structure. Other types of stealth technology may be approved by Staff.~~

~~c. All poles and antennas shall be uniform grey or black in color, unless another color is integral to the Stealth Technology as approved by Staff.~~

~~d. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.~~

~~e. New Small Cell Structures should avoid areas without Overhead Utilities. If a Small~~

~~Cell Structure is located in an area with primarily Underground Utilities it must adhere to Stealth Technology that incorporates the telecommunications equipment into a streetscape amenity such as a decorative lamp post, street light or other approved design. In areas with Overhead Utilities, cylindrical antennas are required.~~

~~f. In residential areas, a Small Cell Structure shall not be located closer than the height of the proposed Structure to an existing or proposed residential structure, or no closer than thirty (30) feet, whichever is greater.~~

~~g. Efforts should be made to locate new Small Cell Structures in the yard location where other overhead utilities are located.~~

~~h. New Small Cell Structures within residential areas should be located to avoid obstructing the view of building facades by placing the Structure at a corner, intersection or along a lot line.~~

~~i. New Small Cell Structure shall not be located within five hundred (500) feet of an existing Small Cell System Structure. Multiple carriers are permitted and encouraged to locate on one Structure, where possible.~~

~~j. Reasonable efforts shall be made to locate new Small Cell Structures in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:~~

- ~~Interstate~~
- ~~Arterial~~
- ~~Collector~~
- ~~Local~~

~~7. — NEW SMALL CELL SYSTEM STRUCTURE LOCATIONS IN NON-RESIDENTIAL ZONES: The regulations in this subsection apply to Structures to be located within non-residential zoning districts.~~

~~a. In instances where a facility is proposed to be constructed in the right of way within one hundred (100) feet of a residential zone or use, even if the antenna's physical location is within a non-residential zone, regulations shall be followed.~~

~~b. Antennas in commercial, institutional, or park areas are encouraged to be installed as Non-Structure Wireless Communication Facilities, which are exempt from this regulation.~~

~~c. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses from the most to least preferred: Co-locate on an existing structure whenever possible, which is exempt from these regulations.~~

- ~~Institutional.~~
- ~~Industrial.~~

~~Commercial.
Public parks.
Agricultural.~~

~~d. Equipment enclosures, including electric meters, should be nearly the same width as the pole or as small as possible. Ground mounted equipment boxes should be screened from view with shrubs or other appropriate screening as approved by Staff.~~

~~e. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.~~

~~f. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by Staff.~~

~~g. Cylindrical antennas shall be required, unless another antenna style is integral to the Stealth Technology as approved by Staff.~~

~~h. There shall be no more than a four (4) inch offset between the pole and pole mounted equipment enclosures.~~

E. EVALUATION CRITERIA FOR ALL ANTENNA STRUCTURE/TOWERS:

Evaluation of the proposal shall be based upon the following criteria.

1. Agreement with the various elements of any adopted Comprehensive Land Use Plan, Architectural Design Standards, and where applicable, any other adopted plan.
2. The extent to which the proposal is consistent with the purposes (are these clear?) of these regulations.
3. 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.).
4. The extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
5. The extent to which the proposed Antenna Structure/Tower is camouflaged (i.e., use of Stealth Technology, underground, etc.).
6. The extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs).

F. AMENDMENTS TO APPROVED PLANS

Any amendments to approved plans, except for the minor adjustments outlined below, shall be

made in accordance with the procedure required by _____, subject to the same limitations and requirements as those under which such plans were originally approved. These regulations also apply to modifications and amendments to approved plans.

The following activities shall be considered minor adjustments from the original approval of an Application for towers not located in public Rights-of-Way. Changes are measured cumulatively from the original approval of the tower or Base Station. *Are 1-5 really minor?*

1. Tower height increases of less than ten (10) percent or twenty (20) feet, whichever is less.
2. Support structure height increases of less than ten (10) percent or ten (10) feet, whichever is less.
3. New equipment extensions from a tower horizontally of less than twenty (20) feet or width of tower at elevation of change.
4. Structure or new item extensions on a Non-Tower Wireless Communication Facility horizontally less than six (6) feet from existing structure.
5. The addition of ~~four (4)~~ two (2) or fewer new equipment cabinets within the boundaries of the leased/owned site.
6. Any excavation or deployment within the current boundaries of the leased/owned site and any access/Utility easements.
7. Concealment elements of the tower are not defeated.

Activities that comply with all other conditions in any prior approval not related to the limits set forth above.

MEETING DATE: November 17, 2016

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion on measures to help strengthen the implementation of the adopted Architectural Design Standards (ADS)

INTRODUCTION AND BACKGROUND: This item is being presented for discussion purposes only and involves different aspects of the Town's adopted ADS. As you know, in the spring of 2015 the Town adopted its first set of architectural requirements after working for months with a consultant from Boulder, Colorado.

The adopted standards not only address the appearance of buildings but also how a site is presented. Included in your packet is your personal copy of the adopted ADS along with the checklist that was adopted to accompany the ADS. As outlined in the ADS, with the exception of very small projects, landscaping and signage, the Planning Commission has the primary review authority for implementing the ADS.

Since the adoption of the ADS, the Commission has reviewed a number of site plans where different aspects of the ADS were applied. The Commission has also approved a number of text amendments that, in terms of site design, provide for an opportunity for greater adherence to the ADS. From the staffs' perspective the ADS has helped provide for more attractive developments in terms of both the building and the site. The ADS has been very successful in many regards and is clearly helping to enhance the Town's already high quality built environment.

However, as with any document, there are sometimes provisions that may be subjective and more difficult to implement. For example, some of the site plans that have come before the Commission since the adoption of the ADS have presented questions concerning the amount of parking (namely sites being over parked), the style of buildings and whether they were compatible with the context, and the colors proposed on different buildings and whether they were in keeping with the objectives of the ADS.

The staff is presenting this item to assess whether the Commission would desire adopting more objective measures to assist in these seemingly problematic aspects of site plan review. For example, with regards to parking, the staff would propose the following to be more in keeping with the ADS and recent zoning ordinance amendments related to building setbacks and parking lot landscaping:

- 1) Unless an applicant could provide a demonstrated need, a maximum number of permitted parking spaces should be established (perhaps no more than 10% greater than the minimum number of spaces required). This could potentially be applied to only larger parking lots where more than a certain number of parking spaces are required. Smaller parking lots are typically more adversely affected if they lack enough parking.

For analysis purposes, the required and provided parking for some select developments in the Town are as follows:

- a. Bank of America: 14 parking spaces required and 31 parking spaces provided;
 - b. Chili's: 48 parking spaces required and 90 parking spaces provided;
 - c. JCPenney: 422 parking spaces required and 460 parking spaces provided;
 - d. Lakesedge Retail Center: 99 parking spaces required and 166 parking spaces provided;
 - e. Home Federal Bank: 17 parking spaces required and 50 parking spaces provided.
- 2) Another option may be that an additional interior landscaped island would be required for every 5 spaces that an applicant proposes above the minimum required. This would provide an applicant with the ability to have more spaces but also provide the community with a more robustly landscaped parking lot;
 - 3) Establish additional opportunities to share parking;
 - 4) Provide for an opportunity for a developer to have up to 30% of the required parking allocated for compact cars. The Town currently requires a minimum of 9½ foot wide parking spaces. For many cars this is too wide. A compact space may be 8-8½ feet in width;
 - 5) Provide an applicant with an opportunity to reduce parking where they could prove that the adopted standards would clearly be in excess of what would be needed. Currently, there is no flexibility in lessening the number of required parking spaces. Of course, uses and tenants will likely change over time and this would have to be factored into such a request.

These modifications would not only advance the ADS but also provide for more flexibility and potentially lower development costs. These provisions would assist in a more efficient use of land and resources.

In terms of the style of buildings and compatibility with the surrounding context, the staff would like to gauge the Commission's thoughts on whether and to what extent a desired building style or form should be promoted. From the staffs' perspective, the goal could be to encourage a more consistent building style and form so as to avoid a series of adjacent buildings with very different architecture that lack cohesion (e.g. along the south side of Parkside Drive). Is there a building style or form that the Town would most desire or wish to encourage or discourage? If so, how would this be addressed? One approach may be to include visual examples of acceptable building styles and then apply the most appropriate style to the surrounding context or the plan of development envisioned for the area on the future land use map.

In terms of colors proposed on buildings, there have been some projects where certain accent colors were not muted or earth tone. Some of the questionable colors have been yellow, blue, and red. The staffs' thought on this would be for the Planning Commission to consider adopting by resolution a series of earth tone colors that an applicant could choose from for both their primary and accent colors. In this manner, both the Commission and an applicant would know what colors would be allowed and there would be more predictability in the approval process.

The staff has included in the packet some examples of what adopted color palettes may entail. These color palettes clearly indicate that an applicant would have many options to choose from. The end result would be a building with colors that would be more in keeping with the ADS.

These are all items for discussion that could greatly benefit the Commission as it continues to apply the ADS to projects that are presented to them. This also provides an applicant with more flexibility (in terms of parking) and more clarity in terms of what the Town's expectations may be in relation to building style/form/color.

Aside from these site plan related considerations, at a future meeting, the staff will also be looking into the subdivision regulations to address and provide for more flexibility in relation to street widths, the placement and arrangement of pedestrian/bicycle facilities, the appearance of streets, visual street enhancements that would promote traffic calming, and how to implement low impact development applications in relation to new or modified streets. These directly relate to a number of the site design guidelines provided for in the ADS and could have a very positive visual and functional impact on how the Town's public infrastructure is used and presented.

earthtone

EARTHTONE

R **G** **B** **HEX**

73 **56** **41** **#493829**

129 **108** **91** **#816C5B**

169 **161** **140** **#A9A18C**

97 **51** **24** **#613318**

133 **87** **35** **#855723**

185 **156** **107** **#B99C6B**

143 **59** **27** **#8F3B1B**

213 **117** **0** **#D57500**

219 **202** **105** **#DBCA69**

64 **79** **36** **#404F24**

102 **141** **60** **#668D3C**

189 **208** **156** **#BDD09F**

78 **97** **114** **#4E6172**

131 **146** **159** **#83929F**

163 **173** **184** **#A3ADB9**

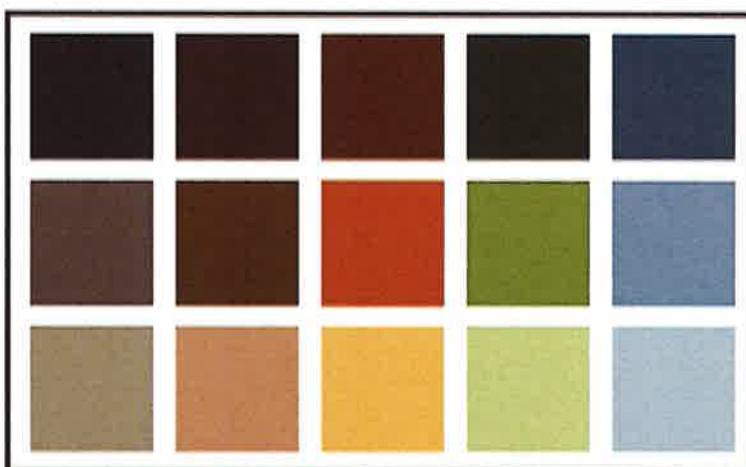
Earth



EARTH TONE

C M Y K

	C	M	Y	K
A	30	50	60	80
B	20	30	40	50
C	10	15	30	30
D	20	70	00	70
E	15	50	00	50
F	5	20	40	20
G	10	80	100	50
H	0	55	100	10
I	0	5	50	5
J	55	25	85	70
K	50	5	80	25
L	25	0	40	5
M	55	30	20	50
N	30	15	10	30
O	20	10	10	10



EARTHSTONE-I	EARTHSTONE-D	EARTHSTONE-G
EARTHSTONE-F	EARTHSTONE-H	EARTHSTONE-A
EARTHSTONE-F	EARTHSTONE-J	EARTHSTONE-E
EARTHSTONE-L	EARTHSTONE-A	EARTHSTONE-J
EARTHSTONE-F	EARTHSTONE-D	EARTHSTONE-M