

**APPENDIX A**

**COMMUNICATION TOWER ORDINANCE**

**Ordinance No. 97/98-2**

**Approved: September 16, 1997**

TOWN OF DANDRIDGE, TENNESSEE

ORDINANCE NO.: 97/98-2

RECOMMENDATION BY DMPC: \_\_\_\_\_, 1997

FOR ADOPTION; \_\_\_\_\_ AGAINST ADOPTION

PUBLIC HEARING NOTICE: \_\_\_\_\_, 1997 (15 days prior to hearing date)

\_\_\_\_\_, (newspaper/date)

PUBLIC HEARING HELD: \_\_\_\_\_, 1997

1ST READING: 05 August \_\_\_\_\_, 1997

2ND READING: 05 August \_\_\_\_\_, 1997

3RD READING: 16 September \_\_\_\_\_, 1997

AN ORDINANCE AMENDING THE "ZONING ORDINANCE OF THE TOWN OF DANDRIDGE, TENNESSEE", IN ACCORDANCE WITH 13-7-201, et seq. TENNESSEE CODE ANNOTATED

WHEREAS, the Board of Mayor and Alderman of Dandridge, Tennessee, desires to create and establish regulations for telecommunication towers; and

WHEREAS, the Town of Dandridge has received or expects to receive requests to site wireless communication towers and antennas within the municipal boundaries; and

WHEREAS, the Town of Dandridge finds that it is in the public interest to permit the siting of wireless communication towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the Town of Dandridge to permit the siting of wireless communication towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the Town of Dandridge to protect and promote the public health, safety and welfare by regulating the siting of wireless communication towers and antennas;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Dandridge, Tennessee, that the "Zoning Ordinance of the Town of Dandridge, Tennessee" be amended as follows:

Section 1. Chapter 4 is hereby amended by adding Section 11-410. Wireless Telecommunication Towers and Antennas, as set out below:

11-410. Wireless Telecommunication Towers and Antennas.

The purpose of this section is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage user of towers and antennas to locate them, to the extent possible, in areas where

the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape, screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Board of Zoning Appeals shall give due consideration to the Town of Dandridge's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites of the location of towers and antennas.

#### 11-410.1. DEFINITIONS

As used in this section the following terms shall have the meanings set forth below:

- (a) Alternative Tower Structures means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas of towers.
- (b) Antennas means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- (c) Backhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (d) FAA means the Federal Aviation Administration.
- (e) FCC means the Federal Communications Commission.
- (f) Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (g) Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

#### 11-410.2. APPLICABILITY

- (a) New Towers and Antennas. All new towers or antennas in the Town of Dandridge shall be subject to these regulations, except as provided in 11-410.2. (b) through (d), inclusive.
- (b) Amateur Radio Station Operator/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under thirty feet in height and is owned and operated by a radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers 30 and found within this ordinance shall continue to apply.
- (c) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of 11-410.3 (f) and (g).
- (d) AM Array. For the purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as on AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the perimeter of the AM array. Additional tower units may be added within the perimeter of the AM array by right.

#### 11-410.3. GENERAL REQUIREMENTS

- (a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (c) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the town an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town of Dandridge or within Dandridge's planning region thereof, including specific information about the location, height, and design of each tower. The Town's Building Inspector may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Town of Dandridge, provided, however that the Building Inspector in not, by sharing such information, in any way representing or warranting that such sites are available or suitable for tower construction.

- (d) Aesthetics. Towers and antennas shall meet the following requirements:
- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - (3) In an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (g) Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town of Dandridge concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons 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 or antenna at the owner's expense.
- (h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in

the Town of Dandridge irrespective of municipal and county jurisdictional boundaries.

- (i) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town of Dandridge have been obtained and shall file a copy of all required franchises with the town.
- (j) Public Notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice of all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in 11-410.6(b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
- (k) Signs. No signs shall be allowed on an antenna or tower.
- (m) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of 11-410.7.
- (n) Multiple Antenna/Tower Plan. The Town of Dandridge encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Application for approval of multiple sites shall be given priority in the review process.

#### 11-410.4. EXCEPTIONS

- (a) The provisions of this part shall not apply to:
  - (1) antennas or towers located on property owned, leased, or otherwise controlled by the town and under 30' in height.
  - (2) antennas or towers located on property owned, leased, or otherwise controlled by the town and over 30' in height, and in accordance with 11-410.5(a) and (b) of this part.

#### 11-410.5. ADMINISTRATIVELY APPROVED USES

- (a) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.
  - (1) The Town Building Inspector may administratively approve the uses listed in this Section, except for those proposed to be located within the overlay zones H-1 (Historical) District and FP (Floodplain) District. Any wireless telecommunication tower or antenna within these districts shall be reviewed as a special exception use and be subject to the requirements of 11-410.6 of this ordinance, except that no such use shall violate any provision for such districts properly adopted under the authority of 13-7-401, et seq., and 13-7-201, Tennessee Code Annotated. In preparing an application for administrative approval, certain

information outlined in 11-406.6 is required from the applicant in order for the Building Inspector to make a determination as to whether or not such approval may be granted. If the Building Inspector is unable to issue an administrative permit, the information provided will be made a part of an application for a special exception.

- (2) Each applicant for administrative approval shall apply to the Building Inspector providing the information set forth in 11-410.6(b)(1) and (3) of this ordinance and a nonrefundable fee as established by resolution of the Board of Mayor and Alderman to reimburse the Town of Dandridge for the costs of reviewing the application.
  - (3) The Building Inspector shall review the application for administrative approval and determine if the proposed use complies with 11-410.3 and 11-410.6(b)(4) and (5) of this ordinance.
  - (4) The Building Inspector shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Building Inspector fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
  - (5) In connection with any such administrative approval, the Building Inspector in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - (6) If an administrative approval is denied, the applicant shall file an application for a special exception pursuant to 11-410.6 of this part and other applicable provisions of the special use permit found in Chapter 11 of this ordinance.
- (b) List of Administratively Approved Uses. The following uses may be approved by the Building Inspector after conducting an administrative review:
- (1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna.
  - (2) Locating antennas on existing structures or towers consistent with the term of subsections (a) and (b) below:
    - (a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Building Inspector as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

- (i) The antenna does not extend more than thirty (30) feet above the highest point of the structure; and
  - (ii) The antenna complies with all applicable FCC and FAA regulations; and
  - (iii) The antenna complies with all applicable building codes.
- (b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Building Inspector and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
- (i) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Building Inspector allows reconstruction as a monopole.
  - (ii) Height
    - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
    - (b) The height change referred to in subsection (iii)(a) may only occur one time per communication tower.
    - (c) The additional height referred to in subsection (iii)(a) shall not require an additional distance separation as set forth in 11-410.6. The tower's premodification height shall be used to calculate such distance separations.
  - (iii) On site location
    - (a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within fifty (50) feet of its existing location.

- (b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
- (c) A relocated on site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to 11-410.6(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of 11-410.6(b)(5).
- (d) The on site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in 11-410.6(b)(5) shall only be permitted when approved by the Building Inspector.

(3) New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district provided a licenses professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Building Inspector concludes the tower is in conformity with the goals set forth in Section 1 and the requirements of 11-410.3, the tower meets the setback requirements in 11-410.6(b)(4) and separation distances in 11-410-6(b)(5) and all other provisions in 11-410.6, and the tower meets the following height and usage criteria:

- (i) for a single user, up to ninety (90) feet in height;
- (ii) for two users, up to one hundred twenty (120) feet in height; and
- (iii) for three or more users, up to one hundred fifty (150) feet in height.

(4) Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the Building Inspector is in conformity with the goals set forth in 11-410 of this ordinance.

(5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

#### 11-410-6. SPECIAL EXCEPTIONS

- (a) General. The following provisions shall govern the review of requests for a special exception for towers or antennas by the Board of Zoning Appeals.
  - (1) If the tower or antenna is not a permitted use under 11-410.4 of this ordinance or permitted to be approved administratively

pursuant to 11-410.5 of this ordinance, then a special exception shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.

- (2) Applications for special exceptions shall be subject to the procedures and requirement of Chapter 11 of this ordinance, except as modified in this part.
- (3) In granting a special exception, the Board of Zoning Appeals may impose conditions to the extent the Board of Zoning Appeals concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.
- (5) An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Board of Mayor and Alderman to reimburse the Town of Dandridge for the costs of reviewing the application.

(b) Towers.

- (1) Information required. In addition to any information required for applications for special exceptions pursuant to Chapter 11 of this ordinance, applicants for a special exception for a tower shall submit the following information:
  - (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Building Inspector to be necessary to assess compliance with this ordinance.
  - (ii) Legal description of the parent tract and leased parcel (if applicable).
  - (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
  - (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to 11-410.3(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of

the existing tower(s) and the owner/operator of the existing tower(s), if known.

- (v) A landscape plan showing specific landscape materials.
- (vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (vii) A description of compliance with 11-410.3(c), (d), (e), (f), (g), (i), (l), and (m), 11-410.6(b)(4) & (5) and all applicable federal, state or local laws.
- (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (ix) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (x) A description of the feasible location(s) of future towers or antennas within the Town of Dandridge based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) Factors Considered in Granting Special Exceptions for Towers. In addition to any standards for consideration of special exception applications pursuant to Chapter 11, the Board of Zoning Appeals shall consider the following factors in determining whether to issue a special exception, although the Board of Zoning Appeals may waive or reduce the burden on the applicant of one or more of these criteria if the Board of Zoning Appeals concludes that the goals of this ordinance are better served thereby:

- (i) Height of proposed tower;
- (ii) Proximity of the tower to residential structures and residential district boundaries;
- (iii) Nature of uses on adjacent and nearby properties;
- (iv) Surrounding topography;
- (v) Surrounding tree coverage and foliage;
- (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

- (vii) Proposed ingress and egress; and
  - (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in 11-410.6(b)(3) of this ordinance.
- (3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed

new tower or antenna development shall not be presumed to render the technology unsuitable.

- (4) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- (i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
  - (ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
- (i) Separation from off-site uses/designated areas.
    - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
    - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units <sup>1</sup>	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower <sup>2</sup> whichever is greater
Vacant unplatted residentially zoned lands <sup>3</sup>	200 feet or 200% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	200 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

(ii) Separation distances between towers.

- (a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

<sup>1</sup>Includes modular homes and mobile homes used for living;

<sup>2</sup>Separation measured from base of tower to closest building;

<sup>3</sup>Includes any unplatted residential use properties without a subdivision plan or valid development plan approval and any zoned land greater than duplex.

Table 2:

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft. in Height or Greater	Monopole Less Than 75 Ft. in Height
Lattice	5000	5000	1,500	750
Guyed	5000	5000	1,500	750
Monopole 75 Ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft. in Height	750	750	750	750

- (6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.
- (7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this ordinance would be better served thereby.
  - (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
  - (ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
  - (iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots,

natural growth around the property perimeter may be sufficient buffer.

#### 11-410.7. BUILDINGS OR OTHER EQUIPMENT STORAGE

(a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (1) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
- (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.
- (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(b) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

- (1) In residential zoning districts, the equipment cabinet or structure may be located:
  - (i) In a front or side yard provided the cabinet or structure is no greater than 12 feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 40 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.
  - (ii) In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
- (2) In commercial and industrial zoning districts the equipment cabinet or structure shall be no greater than 20 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the

street from the structure of cabinet by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches.

- (c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.
- (d) Modification of Building Size Requirements. The requirements of 11-410.7 (a) through (c) may be modified by the Building Inspector in case of administratively approved uses or by the Board of Zoning Appeals in case of uses permitted by special use to encourage collocation.

#### 11-410.8. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Dandridge notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owners' expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

#### 11-410.9. NONCONFORMING USES

- (a) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirement of this ordinance.
- (c) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding 11-410.8, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in 11-410.6 (b)(4) and (5). The type, height, and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in 11-410.8.

Section 2. Section 11-701., R-1 (low Density Residential), is hereby amended by adding as a permitted use, the following:

Wireless communication towers and antennas, as set out in 11-410.5 and in accordance with applicable provisions of Section 410. Wireless Telecommunication Towers and Antennas. Installations which may not be permitted under the provisions of 11-410.5 may be considered as a special exception.

Section 3. Section 11-701.1. Special Exceptions is hereby amended by adding the following:

Wireless telecommunication towers and antennas, in accordance with 11-410.6 SPECIAL EXCEPTIONS, and other applicable sections of this ordinance.

Section 4. Section 11-702. R-2 (High Density) Residential is hereby amended by adding as a permitted use, the following:

Wireless telecommunications towers and antennas, as set out in 11-410.5 and in accordance with applicable provisions of Section 11-410. Wireless Telecommunication Towers and Antennas. Installations which may not be permitted under the provisions of 11-410.5 may be considered as a special exception

Section 5. Section 11-702 is hereby amended by adding the following:

11-702.1. Special Exceptions. The following uses may be permitted on review by the Board of Zoning Appeals pursuant to Section 11-1104:

Wireless telecommunication towers and antennas, in accordance with 11-410.6. SPECIAL EXCEPTIONS, and other applicable sections of this ordinance.

Section 6. Section 11-704. B-1 (Central Business) District is hereby amended by adding as a permitted use, the following:

Wireless telecommunication towers and antennas, as set out in 11-410.5 and in accordance with applicable provisions of Section 11-410. Wireless Telecommunication Towers and Antennas. Installations which may not be permitted under the provisions of 11-410.5 may be considered as a special exception.

Section 7. Section 11-704. B-1 (Central Business) District is hereby amended by adding the following:

11-704.1. Special Exceptions. The following uses may be permitted on review by the Board of Zoning Appeals pursuant to Section 11-1104:

Wireless telecommunication towers and antennas, in accordance with 11-410.6. SPECIAL EXCEPTIONS, and other applicable sections of this ordinance.

Section 8. Section 11-705. B-2 (General Business) District is hereby amended by adding as a permitted use the following:

Wireless telecommunication towers and antennas, as set out in 11-410.5 and in accordance with applicable provisions of Section 11-410. Wireless Telecommunication Towers and Antennas. Installations which may not be permitted under the provisions of 11-410.5 may be considered as a special exception.

Section 9. Section 11-705. B-2 (General Business) District is hereby amended by adding the following:

11-705.1. Special Exceptions. The following uses may be permitted on review by the Board of Zoning Appeals pursuant to Section 11-1104:

Wireless telecommunication towers and antennas, in accordance with Section 11-410.6. SPECIAL EXCEPTIONS, and other applicable sections of this ordinance.

Section 10. Section 11-706. M-1 (Industrial) District is hereby amended by adding as a permitted use, the following:

Wireless telecommunication towers and antenna, as set out in 11-410.5 and in accordance with applicable provisions of Section 11-410. Wireless Telecommunication Towers and Antenna. Installations which may not be permitted under the provisions of 11-410.5 may be considered as a special exception.

Section 11. Section 11-706. M-2 (Industrial) District is hereby amended by adding the following:

11-706.1. Special Exceptions. The following uses may be permitted on review by the Board of Zoning Appeals pursuant to Section 11-1104:

Wireless telecommunication towers and antennas, in accordance with Section 11-410.6. SPECIAL EXCEPTIONS, and other applicable section of this ordinance.

Section 12. Section 11-708. B-3 (Interstate Business) District is hereby amended by adding as a permitted use, the following:

Wireless telecommunication towers and antennas, as set out in 11-410.5 and in accordance with applicable provisions of Section 410. Wireless Telecommunication Towers and Antennas. Installations which may not be permitted under the provisions of 11-410.5 may be considered as a special exception.

Section 13. Section 11-708 is hereby amended by adding the following:

11-708.1. Special Exceptions. The following uses may be permitted on review by the Board of Zoning Appeals pursuant to Section 11-1104:

Wireless telecommunication towers and antenna, in accordance with Section 11-410.6. SPECIAL EXCEPTIONS, and other applicable section of this ordinance.

Section 14. Section 11-709. R-3 (High Density) Residential is hereby amended by adding as a permitted uses, the following:

Wireless telecommunication towers and antennas, as set out in 11-405.5 and in accordance with applicable provisions of Section 410. Wireless Telecommunication Towers and Antennas. Installations which may not be permitted under the provisions of 11-410.5 may be considered as a special exception.

Section 15. Section 11-709.1. Special Exceptions is hereby amended by adding the following:

Wireless telecommunication towers and antennas, in accordance with 11-406.6. SPECIAL EXCEPTIONS, and other applicable section of this ordinance.

Section 16. This ordinance shall take effect following its final passage, the public welfare requiring it.

  
TOWN RECORDER

  
MAYOR