12.11 Standards for Telecommunication Towers and Antennas

Section 1. PURPOSE AND GOALS

The purpose of this ordinance is to establish general guidelines for siting of wireless communication towers, antennas and related equipment housing facilities. The goals are to:

(a) Minimize the total number of towers throughout the City of Gallatin City limits and its related planning region by:

- Encouraging strongly the location of antennas of at least three (3) wireless communications providers per existing or new tower, and by;
- Encouraging strongly wireless communication providers to initially maximize and to continue to update equipment, to the extent made possible by the then current technical state of art, to ensure the highest possible cell capacity in terms of number of calls handled (or other succeeding capacity measurement);

(b) Protect residential areas and land uses from potential adverse visual and/or safety impacts of towers, antennas and housing facilities;

(c) Encourage users of antennas to locate them, to the extent possible, on existing structures, such as lighting towers, water tanks or buildings, and encourage users of towers and antennas to locate them, to the extent possible, in nonresidential areas where the adverse impact on the community is reduced;

(d) When it is determined by substantial data that no alternate location of a tower is possible other than in a residential area, encourage strongly users to employ alternate tower (sometimes referred to as "stealth") designs or locations, such as modified clock towers, church spires, flag poles, artificial trees or building modifications;

(e) When new tower siting is the only available alternative, to require siting of the most visually intrusive and taller towers in the less developed, lower population areas and to require adequate landscaping, both of tower base and housing facilities, which will necessarily be more rigorous in residential areas where potential visual impact is greatest. Where higher visual impact towers are unavoidable, such as guyed lattice towers, to locate them in outlying areas of the community as defined by the radii measured from the City Hall of Gallatin set forth herein; and

(f) Encourage users to employ tower types and antenna configurations having the least visual impact on the community, such as monopole designs, and, if using horizontal cross-bar or star-antenna mounts is unavoidable, to blend or shield them into the tower, using “stealth shrouds.”

Site Selection Policies:

In order to accomplish the above goals and to protect and promote the public health, safety and welfare the City of Gallatin will use the following order of preference in siting wireless communications antennas and towers:

(a) Within any district, sites should be located in the following order of preference:

(1) Co-location of antennas on, or replacement of, existing towers and, in the process, adding additional co-locaters to the tower.
(2) On existing structures such as buildings, communications towers, water towers, smokestacks, and athletic, street or traffic light standards (See following figures 4,6,7, and 8).
(3) Using stealth designs involving mounting antennas within existing buildings or structures in the form of bell towers, clock towers, or other architectural modification of buildings, or by mounting antennas on artificial trees.
(4) In locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

(b) Certain types of wireless communications facilities are more appropriate in some districts than others. The District Use Standards contained in Section 7 provide the basis for modifications to the Zoning Ordinance concerning suitability of districts to accommodate the various types of wireless communications facilities. In addition to the Chart of Use Standards, this ordinance has established a set of uniform standards for visual impact applicable to the various type of facilities and districts. The policies balance wireless communications provider and home owner concerns and are based on the specific impacts of the different types of wireless communications in relation to the character of land uses found in the City of Gallatin and its planning region. For example, the policies recognize that guyed lattice towers generate the greatest impacts and, therefore, are most suitable at outside minimum distance radii from the historic downtown district as measured from the Gallatin City Hall (See following Figure 9).

THE USE OF EXISTING VERTICAL ELEMENTS TO MOUNT COMMUNICATION EQUIPMENT

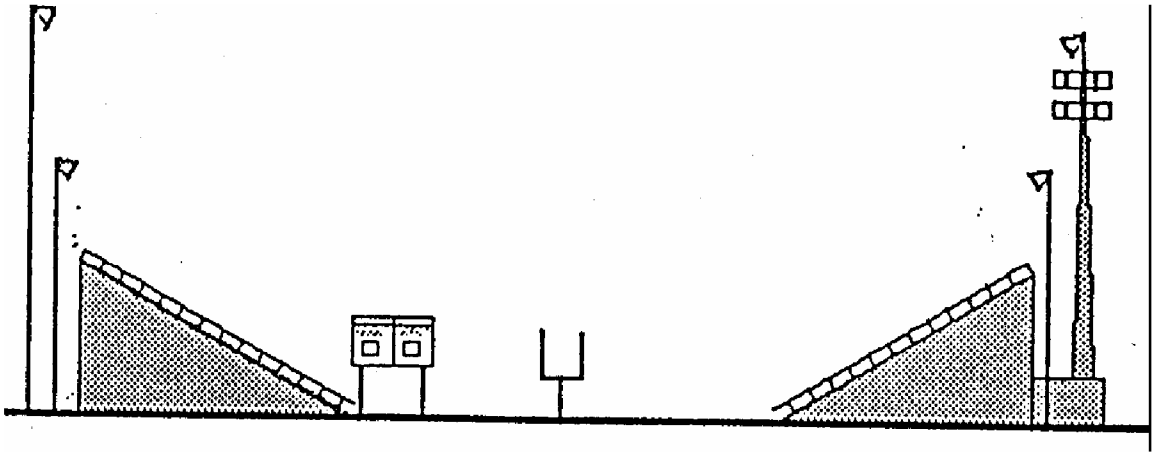


Fig. 4: Athletic Field Standards.

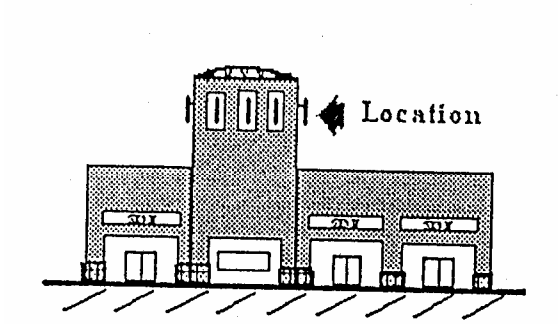


Figure 6: Commercial Architectural Features

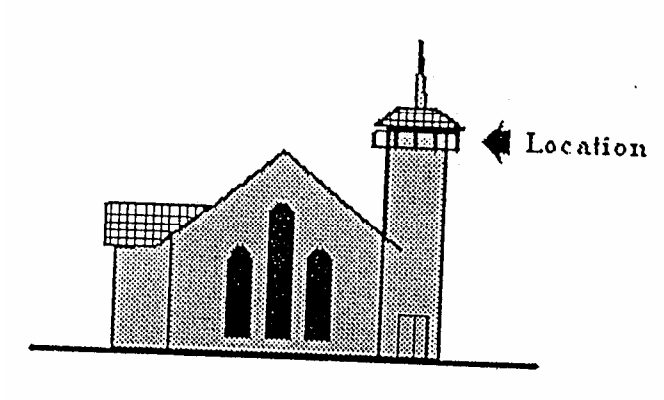


Figure 7: Church Steeples

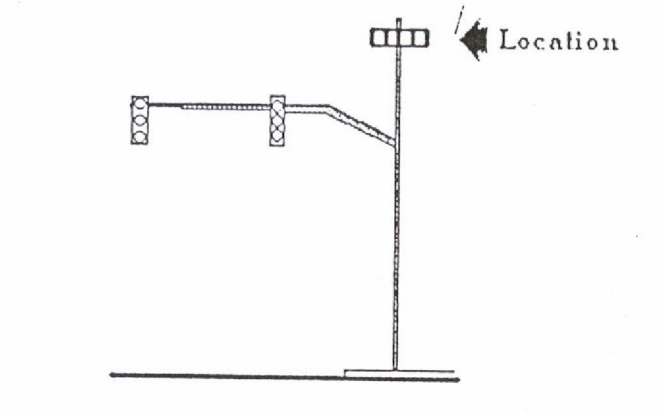


Figure 8: Street Lights and Signal Standards

Section 2. DEFINITIONS AND TYPES OF FACILITIES

As used in this ordinance, the following terms shall have the meanings set forth 'below:

(a) "Stealth" tower structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(b) Antenna. Any apparatus designed for telephone, data, radio, or television communications through the sending and /or receiving of electromagnetic waves.

(c) Cell. The area served by one (1) communication tower, estimated by one PCS service provider's engineer as presently about the area covered within a two and a half (2 ½) mile radius of the tower; however, as the number of phone users increases, this distance decreases, i.e., cells have to be split with additional towers/antennas.

(d) Co-location. The use of a single tower or other support structure and site by more than one wireless communications provider.

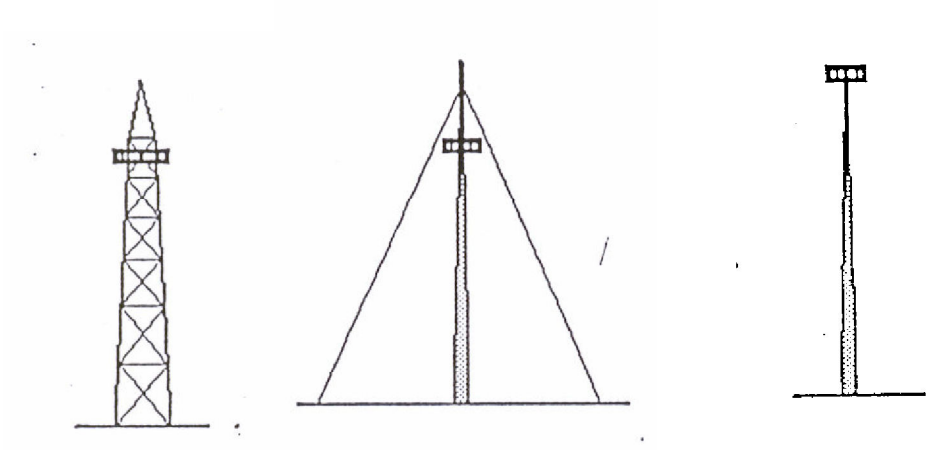
(e) FAA. The Federal Aviation Administration.

(f) FCC. The Federal Communications Commission.

(g) Height. 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 or lighting rod.

(h) Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, such as guyed lattice or monopole towers.

Figure 9: Tower Design



Lattice Tower Guyed Tower Monopole

Section 3. APPLICABILITY

(a) New Towers and Antennas. All new towers or antennas in the City of Gallatin shall be subject to these regulations, except as provided in Sections 3 (c) through (e) inclusive.

(b) Small Towers. This Ordinance shall not govern any tower, or installation of any antenna, that is less than forty (40) feet in height and is connected to a residence, except for the following requirements:

(1) All towers are subject to safety inspections.
(2) The fall zone of a small tower shall not equal a distance greater than the distance from the base to the property line.
(3) Small towers shall comply with the National Electric Code 810, Section B.
(4) Small towers shall be installed in accordance with the manufacturer's specifications and shall conform to the wind and ice loading specifications of the City of Gallatin.
(5) No small tower shall be located in the front of the building façade facing any street.

(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 Sections 4(f) and 4(g).

(d) AM, FM and Television Transmitting Antennas and Arrays. For the purposes of implementing this Ordinance, an AM, FM, or TV antenna array, consisting of one or more tower units and supporting ground system which functions as one broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the array. Additional towers may be added within the perimeter of the array by right.

(e) Amateur Radio Stations. Amateur radio stations (Hams) licensed under FCC Regulations, Part 97, shall be compliant with FCC 97.15 (a-e) and shall not be subject to the regulations of this Ordinance, other than as listed below:

(1) The normal fall zone of the amateur tower shall not equal a distance greater than the distance from the base of the tower to the property line.
(2) All towers are subject to safety inspections.
(3) Fall zones greater than the distance from the base of the tower to the property line shall require written permission from the affected property owner. This written permission shall be kept on file by the amateur station operator. The amateur station operator may be required to show this document to the City Codes Inspector.
(4) At no time shall the fall zone of the tower include a structure not owned by the amateur station operator, i. e., a neighbor's house or any other building having human occupancy.
(5) Amateur towers shall be in compliance with the National Electric Code 810, Section C.
(6) Amateur towers shall be installed in accordance with manufacturer's specifications and shall conform to the wind and ice loading specifications for the City of Gallatin.
(7) No Amateur tower shall be located in front of the building façade facing any street.
(8) Amateur towers greater than 100 feet from the base to the highest point of the tower shall require approval. Application must be made to the City Planning Office.

(f) Citizens Band Station. Citizens band stations (CB) shall be governed under Section 3. (b) above. CB stations shall be compliant with FCC Regulations Part 95 [For antenna heights see FCC 95.408 (c) (1-2)].

Section 4. GENERAL GUIDELINES AND REQUIREMENTS

(a) Principal or Accessory Use. For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. 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 non-conforming use or structure.

(b) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Office an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of

Gallatin, its planning region, or within five (5) miles of the border thereof, including specific information about the location, height, design, existing use and available capacity of each tower. The Planning Office may share such information with other applicants applying for administrative approvals or new tower permits under this ordinance or other organizations seeking to locate antennas or towers within the jurisdiction of the City of Gallatin, provided, however, that the Planning Office is not, by sharing such information, in any way representing that such sites are available or suitable for tower construction.

(c) Aesthetics. Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized (dull gray, not shiny) 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 the tower site into the natural setting and surrounding structures.

(3) If 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.

(d) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) State and 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 into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulation, 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 (See Penalties, Section 16).

(f) 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 City of Gallatin 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 (See Penalties, Section 16).

(g) Measurement For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Gallatin irrespective of municipal and county jurisdictional boundaries.

(h) 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 communications system in the City of Gallatin have been obtained and shall file a copy of all required franchises with the City.

(i) Public Notice. For purposes of this ordinance, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7 (f), in addition to any notice otherwise required by the Zoning Ordinance.

(j) Advertising. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.

(k) Tower Extension. To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 199 feet where permitted by district height regulations.

(l) Tower Safety Design. Towers shall be designed to collapse within the lot lines, and clear of any manned building or structure on or adjacent to the lot, in case of structural failure.

(m) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 9.

(n) Multiple Antenna/Tower Plan. The City of Gallatin encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

Section 5. EXCEPTIONS

(a) The provisions of this part of the Ordinance shall not apply to:

(1) Antennas or towers located on property owned, leased, or otherwise controlled by the City and under 50' in height.

(2) Antennas or towers located on property owned, leased, or otherwise controlled by the City and over 50' in height, and in accordance with Section 6 (a) and (b) of this part.

Section 6. ADMINISTIIATIVELY APPROVED USES

(a) General. The following provisions shall govern the issuance of administrative approvals for replacement of existing towers and antennas and adding new antennas to any existing tower, building, or other structure.

(1) The Zoning Administrator may administratively approve the uses listed in this Section.

(2) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Section 7 (a) and 7(b), if applicable, of this ordinance and pay a non-refundable fee as established by resolution of the City Council to reimburse the City of Gallatin for the costs of reviewing the application.

(3) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Sections 4, 7(c), 7(d), 7(e), 7(f) and 7(g).

(4) The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator 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 Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction, provided that the reconstructed tower shall have provisions for mounting the antennas of a minimum of three (3) telecommunications service providers as well as, at the tower base, space and concrete pads for the related accessory buildings.

(6) If an administrative approval is denied, the applicant has the right to appeal to the Planning Commission.

(b) List of Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:

(1) Locating antennas on existing structures or towers consistent with the terms of subsections of (a) and (b) below:

a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator 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 add more than twenty (20) feet to the highest point of the structure; and

(ii) The antenna complies with all applicable FCC and FAA regulations and does not require additional lighting pursuant to FAA or other applicable requirements; 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 Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one provider on existing towers shall take precedence over the construction of new towers, provided that such co-location is accomplished in a manner consistent with the following :

(i) A tower which is modified or reconstructed to accommodate the co-location of one or more additional antennas to provide the required minimum of three locators, shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

(ii) Height

a) An existing tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet per additional co-locator, including a lightning rod, for a minimum total of two co-locators, where allowed by the zone district maximum height and tower setbacks.

b) The height change referred to in subsection (ii) a) may only occur one time per communication tower.

c) The additional height referred to in subsection (ii) a) shall not require an additional separation as set forth in Section 7(f). The tower's premodification height shall be used to calculate such distance separations.

(iii) Onsite location

a) A tower which is being rebuilt to accommodate co-location of additional antennas may be moved onsite within fifty (50) feet of its existing location.

b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 7(f). The relocation of a tower thereunder shall in no way be deemed to cause a violation of Section 7(f).
d) The onsite relocation of a tower which comes within the setback distances to residentially zoned lands as established in Section 7(c) is prohibited.

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

Section 7. NEW TOWER PLACEMENT

(a) Siting Policy. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
(3) Existing towers or structures do not have sufficient structural strength/space to support applicant's proposed antenna and related equipment.
(4) 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.
(5) 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 the cost of new tower development are presumed to be unreasonable.
(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(b) Application Requirements. The applicant for a zoning permit for construction of a new communications tower must file with the Zoning Administrator an application accompanied by the following documents, if applicable, and a site plan shall be approved by the Planning Commission prior to the issuance of a building permit:

(1) Specifications. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.

(2) Site Plan (Nine Copies). A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, on-site land uses and zoning, Land Use Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(f), adjacent roadways, proposed means of access, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Zoning Administrator may require other information to be necessary to assess compliance with this Ordinance. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground, and the background of the site.

(3) Landscape Plan. A landscape plan showing specific landscape materials.

(4) Fencing Plan. Method of fencing, and finished color, and, if applicable, the method of camouflage and illumination.

(5) Tower Location Map. A current map, or update for an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city;

(6) Co-Location. The applicant shall provide copies of its co-location policy. Also, the applicant must submit an engineering report certifying that the proposed tower is compatible for co-location with a minimum of three (3) users. The latter provision may be waived by a governing body in a particular case.

(7) Propagation Maps. The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

(8) Antenna Capacity/Wind Load/Ice Load. A report from a structural engineer registered in Tennessee showing that the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.

(9) Separation Distance. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of existing tower(s) and owner/operator of the existing tower(s), if known.

(10) Antenna Owners. Identification of the owners of all antenna and equipment to be located at the site as of the date of application.

(11) Proof of Ownership/Owner Authorization. Legal description of the parent tract and leased parcel (if applicable). Proof of ownership (deed or title documentation) or a letter of authorization for the application from the owner of the real property on which the telecommunications facility is proposed to be located.

(12) FAA and FCC Information. All applications for permits in Gallatin shall be accompanied by a Determination of No Hazard from the FAA as well as all required FCC permit information.

(13) Visual impact Analysis. Pictures of any potential visual and aesthetic impacts on adjacent residential districts (Pictures taken to North, South, East, and West of site.).

(14) Reduction of Visual Impact. The applicant has taken reasonable measures to assure that the proposed communication tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area (i.e., adjacent public rights-of-way) in accordance with minimum standards of applicable federal and other regulations. Additionally, the applicant shall describe the proposed methods for minimizing the visibility of the proposed telecommunications facility, including but not limited to all screening, landscaping, cladding materials, and paint color or other treatment samples.

(15) Safety Codes. Applicant must show that all applicable health, nuisance, fire, and safety codes are met.

(16) Evidence acceptable to the City that the property owner and the telecommunications provider shall remove, at the property owner's and the telecommunications provider's cost and expense, the telecommunications facility and all equipment and restore the property to a condition substantially similar to that existing before the installation following abandonment of the facility or non-use for a period of six (6) months. Such removal shall not, however, include removal of installed landscaping unless approved by the City. Such evidence may be in the form of an executed agreement between the telecommunications provider and the property owner that is approved by the City Attorney. Such, an agreement shall provide that the agreement may not be terminated without the City's written consent and the agreement shall be enforceable by the City against the property owner and the telecommunications provider.

(17) Evidence that the telecommunications provider has obtained or secured a performance bond, letter of credit, or other surety ("performance guarantee") acceptable to the City Attorney in an amount of one hundred twenty percent (120%) of the estimated cost and expense of removing the telecommunications facility following abandonment of the facility or non-use of the facility for a

period of six (6) months. All performance guarantees shall authorize the City to obtain the funds secured by the guarantee upon the City's determination that the telecommunications facility is abandoned or no use of the facility has been made for a period of six (6) months. The amount of such performance guarantee shall be based upon an estimate obtained by the telecommunications provider which shall be subject to review and approval of the City Engineer. In the event that the City rejects an estimate as inaccurate, incomplete, or incorrect, the City may obtain, at its cost and expense, an estimate which shall be used for purposes of determining the amount of the performance guarantee. The telecommunications provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Expiration of a performance guarantee may, at the option of the City and following notice to the telecommunications provider, result in the expiration of the City's approval of the telecommunications facility.

(18) The applicant telecommunications provider shall provide proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damage caused by or arising from the operation and maintenance of the telecommunications site.

(19) The applicant shall notify adjoining property owners by certified letter concerning the project 14 days prior to public hearings before the Planning Commission.

(20) A description of the suitability of the use of existing towers, other structures or alternate technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(21) A description of the feasible location(s) of future towers or antennas within the City of Gallatin based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

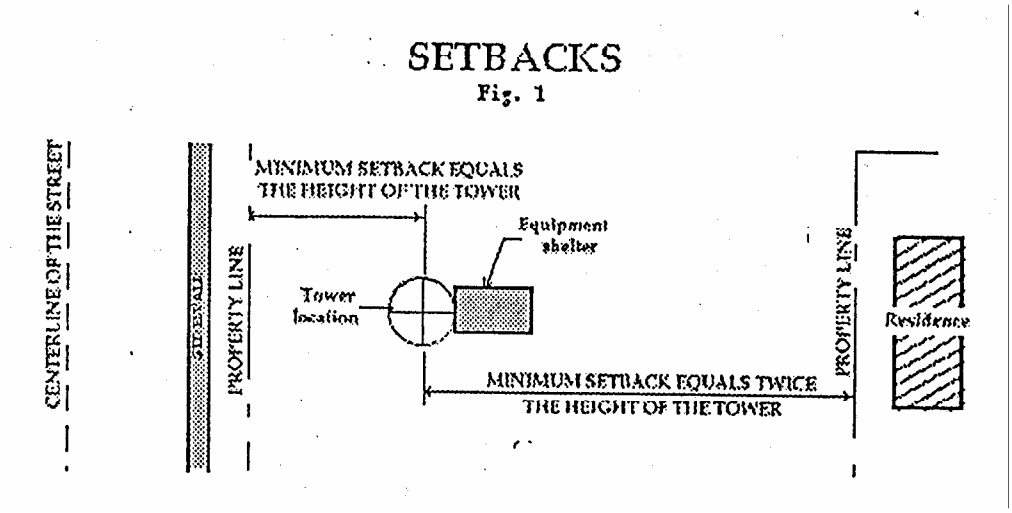
(c) Setbacks. The following setback requirements shall apply to all towers and antennas for which a site plan is required, except for alternate design ("stealth") towers when the latter towers are installed within or on a building or structure.

(1) All towers shall be set back from any adjoining lot line by a distance which is equal to one hundred percent (100%) of the height of the tower measured from finished grade from the base to the highest point of the tower, including antenna and/or lightning rod (Figure 1). In the event that any building or structure having human occupancy intervenes on a setback line measured from any tower, the required setback distance shall be measured from the tower to the nearest point of the occupied building or structure.

(2) The tower shall be set back from any residential property line or property designated historically or architecturally significant a minimum distance of two (2) feet for each one (1) foot of tower height.

(3) Anchor, guys, and accessory facilities shall satisfy the minimum zoning district setback requirements for primary structures.

(4) Wireless communication towers shall avoid locations, which are immediately adjacent to a public right-of-way. Towers shall be set back from the property line along the right-of-way at least one foot (1') for each one foot (1') of tower height (Figure 1).



(d) Maximum Heights By Zoning Districts. The following maximum height requirements shall apply to all towers and antennas, except alternate design ("stealth") towers when the latter towers are installed within or on a building or structure (See Footnote 1).

Maximum Tower Height (1)	Feet
All Residential Districts	50
All Commercial & Industrial Districts (2)	150
All Agricultural Districts	199

(1) Maximum height shall be measured from finished grade of base to highest point of tower, including antenna and/or lightning rod, and shall not exceed FAA Regulations; alternate design ("stealth") towers are excluded from these height regulations when sited within an existing building or structure and do not increase the height of the applicable building or structure by more than twenty (20) feet.

(2) Note minimum radii from Gallatin City Hall for siting of guyed lattice and freestanding monopole towers.

(e) Radii from City Hall. The following radii, measured in air miles from the Gallatin City Hall to the base of the tower, shall be the minimum distance for siting the following types of towers (in order of greater to lesser visual impact):

(1) guyed lattice towers: three (3) miles; and

(2) unguyed monopole towers (over 50 feet in height): two (2) miles.

(f) Separation distance between towers. 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 the following table.

MINIMUM SEPARATION DISTANCES BETWEEN TOWERS BY TYPE (IN FEET, BASE TO BASE) (1)

	Guy Lattice	Unguyed Monopole (50 ft. in height or greater)	Unguyed Monopole (Less than 50 ft. in height)	Stealth Design
Guy Lattice	13,200	6,600	3,300	1,650
Unguyed Monopole (50 ft. in height or greater)	6,600	6,600	3,300	1,650
Unguyed Monopole (Less than 50 ft. in height	3,300	3,300	3,300	1,650
Stealth Design	1,650	1,650	1,650	1,650

(1) Note minimum radii from Gallatin City Hall for siting of guy lattice or unguyed monopole (Stealth design excluded).

(g) Site Selection Policies. The following District Use Standards Chart contains regulations setting forth permitted and conditional uses by Zoning District which shall be followed in considering site plans for siting new towers.

WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS
DISTRICT USE STANDARDS
Facility Type (1)

District	Co-location On or Repl. of Existing Tower (5); Light Pole Mount	Roof or Building Mount	Stealth Design	Unguyed Monopole (2)	Guy Lattice (2)	Micro-cell or Repeater (4)
A	P	P	P	P	P	P
R-40	P	NP	P	NP	NP	NP
R-20	P	NP	P	NP	NP	NP
R-15	P	NP	P	NP	NP	NP
R-10	P	CU (3)	P	NP	NP	NP
R-8	P	CU (3)	P	NP	NP	NP
R-6	P	P (3)	P	NP	NP	NP
PRD	P	P	P	NP	NP	NP
CC	P	P	P	NP	NP	NP
CG	P	P	P	P	P	P
CS	P	P	P	P	P	P
PGC	P	P	P	NP	NP	NP
PNC	P	P	P	NP	NP	NP
MRO	P	P	P	NP	NP	NP
GO	P	P	P	NP	NP	NP
OR	P	P	P	NP	NP	NP
MU	P	P	P	NP	NP	NP
IR	P	P	P	P	P	P
IG	P	P	P	P	P	P
PBP	P	P	P	P	P	P

P= Permitted Use
CU=Conditional Use
NP=Not Permitted

(1) Shall meet height and separation distance regulations by zoning district and tower or antenna mount type.
(2) Shall meet minimum radii distance regulations from Gallatin City Hall.
(3) Shall be permitted only on multi-family dwellings of eight units or more.
(4) Repeater or satellites dishes shall be of the open grid design.
(5) Replacement towers shall conform to zoning district height and setback regulations.

N. B. Unguyed lattice towers of tapered design, base to top, are specifically excluded from all City of Gallatin zoning districts.

Section 8. VISUAL IMPACT & SCREENING POLICIES

The unique and diverse landscapes of the City of Gallatin and its planning region are among its most valuable assets. Protecting these valuable assets will require that location and design of wireless communication facilities be sensitive to the setting in which they are placed. This is especially true in the hilly parts of the City of Gallatin and its planning region where homes may be oriented to capture significant views and where sight distance is greater. Visual concerns should include both those found on and off site. The following policies have been incorporated into the modifications to the Zoning Ordinance establishing the visual impact and screening criteria applicable to wireless communications facilities.

The following visual policies are applicable to wireless communications facilities:

(a) Wireless communications facilities should be located and designed to minimize any adverse effect they may have on residential property values.
   (1) Colors and facility designs shall be used which are compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and shall prevent the facility from dominating the surrounding area.
   (2) Location and design of sites in commercial or industrial zones shall consider the impact of the site on the surrounding neighborhood, particularly the visual impact within the zone district.
   (3) Security fencing shall be colored or shall be of a design which blends into the character of the existing environment.
   (4) Freestanding facilities shall be located to avoid a dominant silhouette on top of ridges.

(b) Certain components of a site create a greater impact than other components. For example, the cross bar, star mount or other antenna mounting device and accessory building which may typically be part of a freestanding wireless communications facility or a micro-cell or repeater site, may create a strong visual impact in a residential, rural or hilly environment. A horizontal plane in a vertical setting can be intrusive, so the cross bar or other horizontal mounting device shall be placed below the tree line to adequately mitigate its visual effect or shall be covered with stealth shrouds to provide a smooth transition between the tower and the antenna mount. Wireless communications components shall be afforded maximum screening, using existing vegetation and/or topography to minimize visual impact on the surrounding community.

(c) Facilities shall be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.

(d) Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and

disturbance of the existing topography of the site shall be minimized, unless such disturbance will result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated, taking into consideration the site as built.

(e) At the time of rezoning, conditional use request or application for site plan approval, an evaluation of the visual impact shall be taken into consideration if vegetation is to be removed for wildfire mitigation.

(f) Innovative design shall be used whenever the screening potential of the site is low. For example, by using existing light standards and telephone poles as mounting structures (Figure 4 attached) or by constructing screening structures which are compatible with surrounding architecture, the visual impact of the site may be mitigated.

(g) Roof and/or Building Mount Facility. Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding 12 inches in diameter on a roof or building mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

(h) Security Fencing. Towers and equipment shelters shall be enclosed by security fencing not less than six (6) feet in height and also shall be equipped with an appropriate anti-climbing device. Access gate(s) shall be locked at all times when the site is not occupied.

(i) Landscaping. The following requirements shall govern the landscaping surrounding towers and equipment shelters for which a site plan is required; provided, however, that the Planning Commission may waive such requirements, as it deems appropriate.

(1) Equipment Shelters. The design of equipment shelters should be compatible with adjacent buildings, and should not encroach into required tower or building setbacks or landscape areas. Mechanical equipment shall not be visible from beyond the boundaries of the site (Figure 2). Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening and it shall be of such plant materials as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting outside the perimeter of the facilities and shall be permanently maintained.

(2) Towers. Trees, landscaping, and other screening devices shall be used to help screen the tower from adjacent residences. Placement of the landscaping or screening devices should be done so as to minimize the view of the tower from residential sites (Figure 3).

(3) 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, the Planning Commission may determine the natural growth around the property perimeter may be sufficient buffer.

(4) Existing trees within 200 feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle utilities. This provision may be waived by the Planning Commission in a particular case.

Section 9. BUILDING 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:

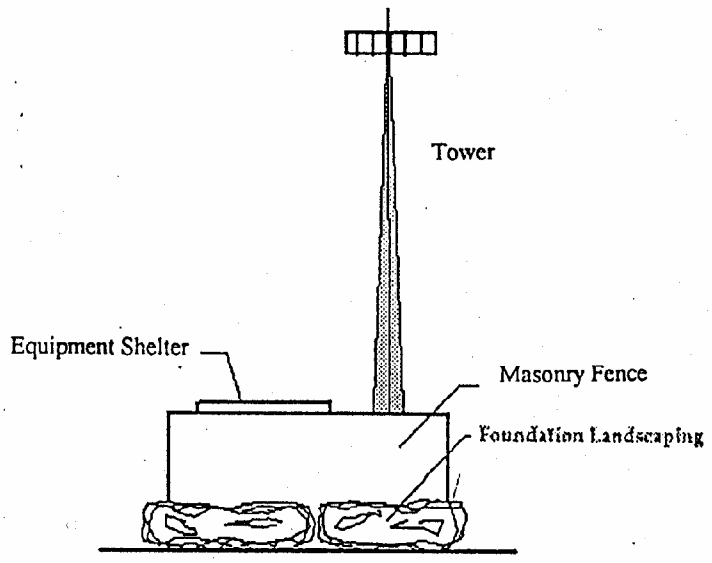
(1) For rooftop or other structure mounting, the cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, 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 or 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 the antennas shall be located in accordance with the following:

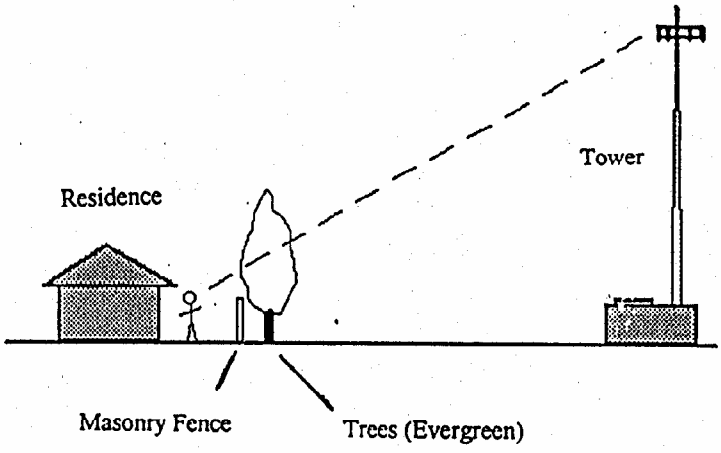
(1) In residential districts, the equipment cabinet or structure may be located:

In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet, a planted height of at least 48 inches and shall be permanently maintained.

Ground Mounted Equipment Screen
Fig. 2



Perimeter Landscape Screening
Fig. 3



(2) In industrial 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, a planted height of at least 48 inches, and shall be permanently maintained. 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 or cabinet, by a shadow box fence six (6) feet in height, or an evergreen hedge with ultimate height of 12 feet, a planted height of a least 60 inches, and shall be permanently maintained.

(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 Section 9(a) through (c) may be modified by the Zoning Administrator in case of administratively approved uses or by the Planning Commission in the case of permitted uses to encourage co-location.

Section 10. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of notice from the City of Gallatin notifying the owner of such equipment removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The site shall be revegetated to blend with the existing surrounding vegetation. The buildings may remain with the owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Failure to remove the tower, and related materials specified in this paragraph, within the ninety (90) day period shall result in forfeiture of the performance guaranty required under Section 7 of this ordinance.

Section 11. NON-CONFORMING USES

(a) Not Expansion of Non-Conforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provision of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

(b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the provisions of this ordinance.

(c) Rebuilding Damaged or Destroyed Non-conforming Towers or Antennas. Notwithstanding Section 10, bona fide non-conforming towers and antennas that are

damaged or destroyed may be rebuilt without having to first obtain administrative approval or a zoning permit and without having to meet the separation requirements specified in Section 7 (f). The type, height, and location of the tower onsite 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 to be abandoned as specified in Section 10.

Section 12. LOCAL GOVERNMENT ACCESS

Owners of towers shall provide the City co-location opportunities as a community benefit to improve radio communications for City departments and emergency services, provided it does not conflict with co-location requirements of Section 7.

Section 13. REPORTING, REVIEWS & FEES

(a) Required Yearly Report. The owner of each such tower or antenna shall submit a report to the City of Gallatin once a year, no later than July 1. The report shall state the current user status of each tower and antenna installed and operated in the City of Gallatin, its planning region or within five (5) miles of its planning boundary by each respective owner.

(b) Co-location Request Review by Tower Owners. Owners of wireless communication towers within the City of Gallatin or its planning region shall review written requests for co-location on the towers within 45 days of receipt and provide a written reply to the requesting provider within two (2) weeks of completion of its review; reasons for any denial shall be covered fully in the written reply and clearly explained. Failure to comply with this provision may result in revocation of a zoning permit.

(c) Third Party Review. The wireless communications industry uses various methodologies and analysis tools, including geographically based computer software, to determine specific technical parameters of a wireless communications facility, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances there may be a need for expert review by a third party of the technical data submitted by the wireless communications provider. The Planning Commission, or the Zoning Administrator, may require such a technical review, to be paid for by the applicant for the wireless communications facility. Selection of the third party expert may be by mutual agreement among the applicant and interested parties or at the discretion of the City with a provision for the applicant and interested parties to comment on the proposed expert(s) and review qualifications.

The expert review is intended to be a site-specific review of technical aspects of the wireless communications facility and not a subjective review of the site selection.

Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the Planning Commission, staff or interested parties. Based on the results of the third party review, the City may require changes to the application for the wireless communications facility that comply with the recommendations of the expert.

The expert review of technical submission shall address the following:

(1) The accuracy and completeness of submissions;
(2) The applicability of analysis techniques and methodologies;
(3) The validity of conclusions reached; and
(4) Any specific technical issues designated by the Planning Commission or the City Council.

Section 14. SEVERABILITY

The various parts, sections and clauses of this part of the ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 15. REPEALER

Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 16. PENALTIES

In addition to other remedies provided herein, any violation of this Ordinance may be punishable by penalty to the maximum allowed by the Gallatin City Charter. Each day shall constitute a separate violation hereof.