

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3279 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR STEFANCIK/DAVIS PROVIDED BY: PLANNING

INTRODUCED BY: MR. BURKHALTER SECONDED BY: MR. BAGERT

ON THE 4TH DAY OF MAY, 2006

AN ORDINANCE TO AMEND ST. TAMMANY PARISH LAND USE REGULATIONS (ZONING ORDINANCE NO. 523, SECTION 3.03.AN RELATIVE TO MINIMUM STANDARDS FOR TOWERS AND ANTENNAS AND SECTION 10 RELATIVE TO DEFINITIONS (ZC06-04-031)

WHEREAS, communications in an emergency situation plays an important role in the protection of life and property in St. Tammany Parish;

WHEREAS, the wireless telecommunications system is an integral port of general and emergency communications;

WHEREAS, the interruption of electrical power caused by Hurricane Katrina brought to light a weakness in general and emergency communication systems;

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Parish Land Use Regulations (Zoning Ordinance NO. 523, Section 3.03.AN relative to Minimum Standards for Towers and Antennas, and Section 10 relative to Definitions as follows:

AN. TOWERS AND ANTENNAS (Amended 3/7/2002 OCS# 02-0448)

In addition, the following standards will be applicable for permitted and conditional uses.

I. Towers

A. Towers may be permitted in the following, subject to the applicable minimum standards.

1. On property owned by the Parish, provided however, the Parish shall authorize the application and use of Parish property after the applicant executes a lease agreement acceptable to the Parish. The Parish shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

B. Towers may be allowed as a conditional use in the following zoning districts, subject to the applicable minimum standards: R-Rural, SA-Suburban Agriculture, LC-Light Commercial, C-1 Neighborhood Commercial, C-2-Highway Commercial, C-3-Planned Business Center, M-Industrial, and ID-Institutional.

C. Minimum Standards. Except where a conditional use exception is granted, every tower must meet the following minimum standards.

1. Prior to the issuance of a building permit, a site development plan shall be presented for approval to the Department of Planning. Each application for a proposed tower shall include all requirements for site development plan approval. The Director of Planning may at the time of application waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site, including but not limited to, light standards or power poles; or for co-location sites with two or more carriers .

2. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Louisiana, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the Building Code and any associated regulations; and describes the tower's capacity including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users and at a minimum, self-support/lattice shall be able to accommodate three (3) users.
3. Height\setbacks and related location requirements shall be as follows:
 - a. The height of a tower shall not exceed two hundred and fifty (250) feet. Tower height shall be measured from the crown of the nearest public street.
 - b. Towers, not located on Parish owned property, shall be setback from the property line a distance equal to the height of the tower or shall conform with the setbacks established from the underlying zoning district, whichever is greater.
 - c. Monopole or lattice s towers shall not be located within seven hundred and fifty (750) feet of any existing monopole, lattice or guyed tower.
 - d. All buildings and other structures to be located on the same property as a tower shall conform with the setbacks established for the underlying zoning district.
4. Buffering
 - a. Where a tower site abuts a suburban agricultural, single family or duplex residentially zoned parcel, or an industrially zoned parcel abutting anything but industrial, the planting area shall be a minimum of 25 feet in depth. The planting area shall contain a minimum of one (1) Class C tree (see definition) for every 10 feet of lot perimeter with a minimum height of 4 feet tall. Additionally, an 8 feet opaque fence with one (1) vine per 10 feet of fence or a 6 foot fence with 70 percent opaque screen of evergreen shrubs shall be provided.
 - b. Where a tower site abuts a non residentially zoned parcel, the planting area shall be a minimum of 5 feet in depth. The planting area shall contain a minimum of one (1) Class C tree (see definition) for every 30 feet of lot perimeter with a minimum height of 4 feet tall. Additionally, an 8 feet opaque fence or a 6 feet fence with 70% opaque screen of evergreen shrubs shall be provided.
5. Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
6. Removal of abandoned or unused facilities. All abandoned or unused tower facilities shall be removed by the tower owner/operator within one-hundred eighty (180) days of the cessation of use, Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision. The Director of Planning may extend this time period or waive this requirement if it is shown that the facility has not been abandoned.

The Parish shall have the right to cause the removal of the facility, including BTS (base transceiver station) and all other items of property related to the tower and its function, in the event of discontinuation of use beyond one-hundred eighty (180) days. The property owner shall be responsible for and shall reimburse the Parish for any and all direct and indirect costs associated with such action including but not limited to attorneys' fees, demolition and disposal costs, overhead, and insurance.

7. Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited. This does not apply to an installation where a Outdoor Advertising sign is used as the base foundation for an antenna installation.
8. Accessory buildings or structures. All accessory buildings or structures shall meet all building design standards as listed in this Code, and be in accordance with the provisions of the Southern Building Code. All accessory buildings or structures shall require a building permit issued by the Department of Permits.
9. Colors. Except where superseded by the requirements of other parish, state, or federal regulatory agencies possessing jurisdiction over towers, towers or monopoles shall be constructed of galvanized or painted metal. Painted metal shall be designed to blend in with pale blue sky or surrounding environment.
10. Each application to allow construction of a tower shall include a statement that the construction and placement of the tower:
 - a. is in compliance with Federal Aviation Administration (FAA) regulations.
 - b. is in compliance with the rules and regulations of other federal or state agencies that may regulate tower siting, design and construction.
 - c. is in compliance with current radio frequency emissions standards of the Federal Communications Commission (FCC), and
 - d. will not interfere with any public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties.
11. A red obstruction lighting system will be utilized on all towers, and support structures more than 165 feet (46 m) AGL and less than 200 feet (61 m) in height, as follows:
 - a. at least one red flashing beacon should be installed at the top of the structure in such a manner as to ensure an unobstructed view of one or more lights by a pilot,
 - b. two or more steady burning white lights should be installed on diagonally or diametrically opposite positions as a height equal to one-half of the total structure height.
 - c. if a rod, antenna, or other appurtenance located on the tower, 20 feet or less in height, is incapable of supporting a red flashing beacon, than the beacon may be placed at the base of the appurtenance. If the mounting location does not allow unobstructed viewing of the beacon by a pilot, then additional beacons should be added.
 - d. if a rod, antenna, or other appurtenance is located on the tower, and exceeding 20 feet in height, is incapable of supporting a red flashing beacon, a supporting mast with one or more beacons should be installed adjacent to the appurtenance. Adjacent installations shall not exceed the height of the appurtenance and shall be within 40 feet of the tip to allow the pilot an unobstructed view of at least one beacon.
 - e. the provisions of this section may be waived through a Conditional Use Permit, following a written recommendation by the Director of the applicable Mosquito Abatement District.
12. If a Mosquito Abatement District is established in an area with a tower that has been granted a waiver, the tower will have to comply with the lighting standards as established according to the Parish lighting guidelines within six (6) months of inclusion in the District.
13. The applicant shall provide evidence that a certified letter has been sent to the applicable Mosquito Abatement District and the Fixed Base Operator (FBO) for the Greater St. Tammany Airport and the Slidell Municipal Airport. The letter shall contain the exact location and height of the tower and shall be sent to be received

prior to construction.

14. Guyed Towers in excess of 50 feet in height are expressly prohibited.

15. An emergency response plan for each tower must be filed with the Office of Homeland Security and Emergency Preparedness. All telecommunication towers must be out fitted in accordance with the most recent edition of the National Fire Protection Association's publication - NFPA 110 -- Emergency and Standby Power Systems, including but not limited to emergency power sources, generators, etc., so as to be able to continue the operations of said tower during power outages for a period of at least one week.

Said mandatory operations shall include, but is not limited to, 1) the provision of telecommunication services during the emergency situation and 2) the continuous operation of all lighting systems required under Section I.C.11 of these regulations. Said plan shall be reviewed and if necessary updated each April.

D. Existing towers.

1. Notwithstanding the above provisions of this section, antennas shall be permitted uses if placed on existing towers with sufficient loading capacity after approval by the Director of Planning.
2. Notwithstanding the above provisions of this section, towers in existence as of January 1, 1997, may be replaced with a tower of equal or less visual impact after approval by the Director of Planning. However, if the proposed new tower would not be consistent with the minimum standards under this section, replacement must be approved by the Parish.

3. An emergency response plan for each tower must be filed with the Office of Homeland Security and Emergency Preparedness. All telecommunication towers must be out fitted in accordance with the most recent edition of the National Fire Protection Association's publication - NFPA 110 -- Emergency and Standby Power Systems, including but not limited to emergency power sources, generators, etc., so as to be able to continue the operations of said tower during power outages for a period of at least one week.

Said mandatory operations shall include, but is not limited to, 1) the provision of telecommunication services during the emergency situation and 2) the continuous operation of all lighting systems required under Section I.C.11 of these regulations. Said plan shall be reviewed and if necessary updated each April.

II. Antennas not located on towers.

A. Antennas shall be permitted as follows:

1. Stealth rooftop or building mounted antennas may be permitted as an accessory use in the following zoning districts:
 - a. R Rural
 - b. C Commercial
 - c. I Industrial
 - d. ID Institutional
2. Stealth rooftop or building-mounted antennas shall be conditionally permitted as uses only in the following zoning districts, subject to the minimum standards:
 - a. SA Suburban agriculture
 - b. A-6 Multiple Family

B. Minimum standards.

1. Building or rooftop antennas shall be subject to the following minimum standards:
 - a. No Commercial advertising shall be allowed on an antenna, unless such antenna is actually located on an existing, approved sign;
 - b. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Aviation Administration.
 - c. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than fourteen (14) feet in height; and
 - d. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty five percent (25%) of the roof area.
 - e. Each application shall contain a drawing and description of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.

III. Shared Uses

- A. Notwithstanding any other provision of this article, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of facilities on existing or new towers shall be encouraged by:
 1. issuing permits only to Qualified Shared Facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or
 2. giving preference to Qualified Shared Facilities over other facilities in authorizing use at particular locations.
- B. For a facility to become a "Qualified Shared Facility," the facility owner must show that:
 1. the facility is appropriately designed for sharing; and
 2. the facility owner is prepared to offer adequate space on the facility to others on fair and reasonable, nondiscriminatory terms.
- C. Co-location of communications antennas by more than one provider on existing or new towers shall take precedence over the construction of new single-use Telecommunications towers.
- D. For any tower approved for shared use, the owner of the tower shall provide notice of the location of the tower to the Parish.
- E. When seeking approval of a new tower location, the applicant must provide the following information to the Department of Permits, at the of application for conditional use and/or building permit, for review by the Zoning Commission and/or staff to determine the appropriateness of the proposed new tower location:
 1. The location of all towers, buildings, or other structures which could serve as a platform for antennas within a two mile radius of the proposed tower site.
 2. A full explanation outlining the reasons that the proposed antennas can not be placed on the towers, buildings, or structures listed. This explanation must be given on each structure individually.
 3. If the inability to secure a suitable lease arrangement prevents an antenna from being placed upon an otherwise suitable tower, building or structure, the points of disagreement, including but not limited to proposed lease payments, must be provided to the Zoning Commission.

4. Prior to the issuance of a permit for a new tower or co-location, each carrier must provide intermodulation studies by a licensed engineer analyzing the proposed transmission of the carriers and the existing transmissions of public agencies. This study must demonstrate and certify that the carriers signals will not interfere with the signals of the public agencies.

IV. Transfer of Use

- A. Approved Telecommunications towers or antennas may be transferred to successor and assigns of the approved party, subject to all of the conditions which apply to initial approval. Transfer of ownership of towers shall be reported to the Department of Permits within thirty days (30) of transfer.

V. Annual Inspections

- A. All towers shall be inspected for compliance with applicable Parish Regulations on **each April by the Office of Homeland Security and Emergency Preparedness**, ~~an annual basis according to a schedule developed by the Department of Planning.~~ An inspection fee will be charged in accordance with Section 2-09.00 of the St. Tammany Parish Code of Ordinances. The owner/agent shall provide a current structural evaluation of the tower, upon request of the **Office of Homeland Security and Emergency Preparedness** ~~Director of Planning.~~
- B. Failure to pay for inspection or the failure of any tower to comply with applicable parish regulations may result in fines of \$100.00 per day.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS that it amends the St. Tammany Parish Land Use Regulations (Zoning Ordinance No 523), Section 10 – Definitions, as follows:

Add a new _____, Section 10 – Definitions

_____. **NFPA 110 -- Emergency and Standby Power Systems - National Fire Protection Association's standards establishing performance requirements for power systems providing an alternate source of electrical power to loads in buildings and facilities in the event that the normal power source fails.**

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT: