

## **Division 16. Telecommunication Tower Standards**

### **Section 17-311. Telecommunication towers and antennas: general provision.**

The Director shall have the authority to regulate the construction and operation of telecommunication towers and antennas for the public safety.

### **Section 17-312. Definitions.**

The following definitions apply to this Division:

- (a) Accessory use: a use incidental to, subordinate to, and subservient to the main use of the property.
- (b) Antenna: transmitting and/or receiving device for personal wireless service that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas, and satellite earth stations.
- (c) Guyed tower: a telecommunication tower that is supported, in whole or in part by guy wires and ground.
- (d) Monopole tower: a telecommunication tower consisting of a single pole or spire self supported by a permanent foundation constructed without guy wires and ground anchors.
- (e) Self- support/lattice tower: a telecommunication tower that is constructed without guy wires and ground anchors.
- (f) Stealth Building-Mounted Antenna: antennas which are mounted on an existing structure with or without a mast and, which are painted to match the color of the exterior material of the structure and placed so as not to obscure any significant architectural feature of the structure.
- (g) Stealth facility: any telecommunication facility which is designed to blend into the surrounding environment.
- (h) Telecommunications towers: a guyed, monopole or self support/lattice tower, constructed as a free-standing or guyed structure, containing one or more antennas used in the provision of commercial wireless services.

### **Section 17-313. Location of telecommunications towers.**

- (a) Telecommunication Towers may be permitted in the following districts, subject to the applicable minimum standards.
  - (1) Industrial district
  - (2) 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) Telecommunication towers may be permitted as a conditional use in the following zoning districts, subject to the applicable minimum standards: Mixed use corridors (MU); Crossroad commercial (CC); Medium intensity residential (RM); Transition district (T); Business park (BP); Conservation (C); Rural (R), Industrial (IND) and Airport (A)

**Section 17-314. Applications for new construction of telecommunication towers.**

- (a) When seeking a building permit for a new tower location, the applicant must provide the following information to the Director:
  - (1) The location of all towers, buildings, or other structures which could serve as a platform for telecommunication antennas within a two mile radius of the proposed tower site.
  - (2) A full explanation outlining the reasons that the proposed telecommunications antennas cannot be placed on the towers, buildings, or structures listed. This explanation must be given on each structure individually.
- (b) If the inability to secure a suitable lease arrangement prevents a telecommunication 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 Director.
- (c) Priority Given to Co-location. Co-location of communications antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single-use telecommunication towers.

**Section 17-315. Minimum standards.**

Except where the terms of a development agreement modify these requirements, every telecommunications tower must meet the following minimum standards.

- (a) Site Development Plan. Prior to the issuance of a building permit, a site development plan including a horizontal and bird's-eye view of proposed construction, which shall depict items a-h shown below, shall be presented for approval to the zoning official. Each application for a proposed Telecommunication Tower shall include all requirements for site development plan approval pursuant to the Ascension Parish Development Code. The Zoning Official may 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 at the time of application. The site development plan shall include:
  - (a) type of structure (guyed tower, self-support, or monopole)
  - (b) height of the structure
  - (c) setback from the perimeter of the tower or monopole to any residence or structure within a distance equal to 100% the height of the tower plus thirty (30) feet.

- (d) setbacks of the perimeter of tower from adjacent property lines
  - (e) vicinity map showing 500 ft. radius
  - (f) location and configuration of all accessory buildings and/or external equipment cabinets
  - (g) paving and curb cuts
  - (h) fencing and proposed landscaping
- (b) Statement of engineer.
- (1) 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 structures 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 or guyed towers shall be able to accommodate three (3) users.
  - (2) Said statement shall be presented to the Permit Department before a permanent tower shall be issued. The Engineer who stamps the construction plans shall be an independent registered Civil Engineer, not an employee of the tower or communication company.
  - (3) Additionally, upon completion a statement shall be submitted by the Engineer stating that the structure was built according to the plans.
- (c) Each application to allow construction of a Telecommunication Tower shall include a statement that the construction and placement of the tower:
- (1) Is in compliance with Federal Aviation Administration (FFA) regulations.
  - (2) Is in compliance with the rules and regulations of other federal or state agencies that may regulate telecommunication tower sitting, design and construction.
  - (3) Is in compliance with current radio frequency emissions standards of the Federal Communication Commission.
  - (4) Will not unnecessarily interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties.

**Section 17-316. Lease and/or title to property.**

All sites shall have a lease and/or title with legal description tied by metes and bounds to a government section corner.

**Section 17-317. Height and setbacks.**

- (a) Elevations. All elevations shall be based on the Flood Insurance Rate Maps.
- (b) Height and setbacks. Height and setbacks and related location requirements shall be as follows:
  - (1) The height of a telecommunications tower shall not exceed two hundred and fifty (250) feet. Tower height shall be measured from the ground to the highest point of the tower or any antenna/lighting rod, whichever is higher.
  - (2) Telecommunication Towers shall conform with the setbacks established for the underlying zoning district.
  - (3) Monopole, lattice or guyed Telecommunication Towers shall not be located within seven hundred and fifty (750) feet of any existing monopole, lattice or guyed telecommunication tower.
  - (4) All buildings and other structures to be located on the same property as a telecommunication tower shall conform with the setbacks established for the underlying zoning district.

**Section 17-318. Buffering.**

- (a) An eight (8) foot fence or wall as measured from the finished grade of the site, shall be required around the base of any telecommunication tower and around any necessary buildings or structures.
- (b) Landscaping consistent with the requirements of Section 17-318 of the Ascension Parish Development Code, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The Parish may require landscaping in excess of the requirements of the Parish Code in order to enhance compatibility with adjacent residential and non-residential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall.
  - (1) Landscaping consistent with perimeter and on-site requirements shall be installed around any accessory buildings or structures.
  - (2) 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 telecommunication tower, unless repairs to the tower are being made.

**Section 17-319. Removal of abandoned or unused facilities.**

The owner of a telecommunication tower which has been abandoned or is unused shall provide the Zoning Official with a copy of the notice to the FCC of intent to cease operations. Within 90 days of the date of ceasing operations, the obsolete tower and accessory structures shall be removed. Telecommunication 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 zoning may extend this time period or waive this requirement if it is shown that the facility has not been abandoned.

**Section 17-320. 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, except as required by any federal agency. This does not apply to an installation where an outdoor advertising sign is used as the base foundation for an antenna installation.

**Section 17-321. Accessory building or structures.**

All accessory buildings or structures shall meet all building design standards as listed in this Code, and in accordance with the provisions of the Southern Building Code and shall conform to FEMA requirement. All accessory buildings or structures shall require a building permit issued by the building department.

**Section 17-322. Colors.**

Except where superseded by the requirements of other parish, state, or federal regulatory agencies possessing jurisdiction over Telecommunication Towers, Telecommunication Towers shall be constructed of galvanized or unpainted metal or shall be painted in a neutral colors, designed to blend into the surrounding environment such as gray.

**Section 17-323. Lighting.**

When lighting is required and is permitted by the FAA other federal or state authority, it shall be of a dual mode type.

**Section 17-324. Antennas on existing towers.**

Notwithstanding the above provisions of this ordinance, Antennas shall be permitted to be placed on existing towers or structures with sufficient loading capacity. A permit shall be obtained from the Permit Office prior to commencing construction. The permit application shall include a site plan which depicts all proposed ancillary building and equipment cabinets. The permit fee for placing antennas on existing towers or other structures shall be five hundred dollars (\$500.00).

**Section 17-325. Fees.**

Fees for communication tower construction shall be two thousand dollars (\$2,000.00) per tower and shall be collected by the Permit Office. These fees may be changed as deemed necessary.

**Section 17-326. Replacement of existing towers.**

Towers in existence as of June 1, 1999 may be replaced with a tower of equal or less visual impact after approval by the Planning Director. However, if the proposed new tower would not be consistent with the minimum standards under this section, replacement must be approved by the Planning Commission.

**Section 17-327. Antennas not located on telecommunications towers.**

Antennas shall be permitted as follows:

- (a) Stealth rooftop or building mounted antennas may be permitted as an accessory use in the following zoning districts.
  - (1) Mixed use corridor district (MU)
  - (2) Transition district (T)
  - (3) Crossroad commercial district (CC)
  - (4) Business park district (BP)
  - (5) Rural district (R)
  - (6) Industry district (IND)
  - (7) Conservation district (C)
- (b) Stealth rooftop or building mounted antennas shall only be conditionally permitted as a use in the following zoning districts subject to minimum standards: Medium intensity residential district (RM).
- (c) Minimum standards. Building or rooftop antennas shall be subject to the following minimum standards:
  - (1) No commercial advertising shall be allowed on an antenna, unless such antenna is actually located on an existing, approved sign;
  - (2) No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Aviation Administration;
  - (3) 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
  - (4) 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.
  - (5) 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.

**Section 17-328. Transfer of use.**

Approved telecommunications towers or antennas may be transferred to successor and assigns of the approved party, subject to all of the conditions which applied to initial approval of subject tower.

**Section 17-329. Bond.**

Before any communication tower may be erected, the person so desiring is required to post a bond in the amount of thirty thousand dollars (\$30,000.00) to be maintained with the Parish, naming the Parish as obligee to insure that all public property will be repaired and/or returned to its pre-construction state. The bond is to be held by the Parish until the construction project is completed

and the Department of Public Works certifies that all public property has been repaired and restored to its former condition.

**Section 17-330. Conditional uses for telecommunication towers and antennas.**

- (a) Approval. The Zoning Commission shall have the authority to permit the Conditional Use of land or structures as those uses relate to the location of Telecommunication Towers and Antennas. However, if a formal appeal is lodged with the Zoning Board of Adjustment, the final decision of any request to such approval or denial made by the Zoning Commission shall rest with the Zoning Board of Adjustment.
- (b) Conditions.
  - (1) All regulations of the district in which a conditional use is located shall apply to such uses, except where specific differences in requirements of any section of these regulations apply, or where requirements are specifically amended by the conditions under which the conditional use is granted.
  - (2) Zoning Commission may attach such conditions to the conditional use as are necessary to assure continuous conformance of all applicable standards and requirements.
  - (3) Failure to observe the conditions of the Commission, imposed pursuant to the issuance of the conditional use, shall be deemed to be a violation of these regulations and may be grounds for revocation of the conditional use.
  - (4) The Zoning Commission may approve uses subject to the regulations and to any additional requirements imposed in the public interest to cover circumstances unique to the selected site, including a drainage analysis of the site by an independent engineering firm.
- (c) General standards.
  - (1) The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to the streets giving access to the site shall be such that the use will be in harmony with the land uses in the district in which it is located.
  - (2) Time limit requirement for length of permit use.
  - (3) Hours of operation for use, major buffering and/or landscaping above the minimum parish requirements.
  - (4) The location, nature and height of structures, walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land structures.
  - (5) parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety.

- (6) Conditional Uses may be approved on lots of less than the minimum lot size in any zoning district, and the Zoning Commission may require alternative standards for landscaping and parking.
- (7) Conditional uses are not transferable. Once the use has ceased activity, a new permit must be acquired to occupy the site or reactivate the previous use.

**Section 17-331. General criteria.**

In deliberating on any application for a Conditional Use Permit, the Zoning Commission shall not grant approval of any Conditional Use Permit unless it makes findings based upon the evidence presented to it that each case shall indicate the following:

- (a) The permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.
- (b) The permit, if granted, will tend to preserve and advance the property and general welfare of the neighborhood and community.
- (c) The granting of the Conditional Use Permit will not be detrimental to the public welfare or seriously affect or be injurious to the other property or improvements in the neighborhood in which the property is located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or permit inadequate parking, or increase the danger of fire, or substantially affect or overburden existing drainage or sewerage systems or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisance.

**Section 17-332. Expiration.**

The petitioner shall have one (1) year to obtain the appropriate building permits or occupy the site from the date of approval of the Ascension Parish Zoning Commission, unless otherwise stipulated by the Ascension Parish Zoning Commission.

**Section 17-333. Procedures.**

- (a) Application. Any application verified by the owner of record or authorized agent of said owner of the property involved shall be filed with the Zoning Commission upon a form prescribed therefore, which shall contain, or be accompanied by, all required information.
- (b) Public hearings. Upon receipt of such verified application, the Zoning Commission shall issue a notice of Public Hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the intended permit hearing. A record of pertinent information presented at the public hearing shall be made and maintained by the Zoning Commission as part of their permanent record relative to the applicant.
- (c) Determination. The Zoning Commission shall then make the findings and the permit decision shall not become effective for ten (10) working days, during which time an appeal can be made in written form to the Zoning Board of Adjustment. Should the

next scheduled Zoning Board of Adjustment meeting occur prior to the expiration of the appeal period, the appeal must be filed in time for placement on the regularly scheduled agenda. The Zoning Board of Adjustment may sustain the conditional use by majority vote or may overturn the decision of the Zoning Commission by a vote of three-fifths (3/5ths).

**Section 17-334. Fees.**

- (a) Any application submitted for conditional use shall be accompanied by a fee of \$335.
- (b) The application submitted by the owner of the property involved and requesting an appeal of the decision of the Ascension parish Zoning Commission shall be accompanied by a fee of \$150.00.

**Commentary:** Sections 17-311 to 17-334 were added to the Development Code by two ordinances passed by the Ascension Parish Council at a regular meeting on January 20, 2000.

*[Sections 17-335 to 17-350: Reserved.]*