

ORDINANCE NO. 4707

AN ORDINANCE AMENDING CHAPTER 126, ARTICLE III, DIVISION 3, OF THE BOSSIER PARISH CODE OF ORDINANCES “ZONING”, TO ADD SECTION 126-889 “TELECOMMUNICATIONS FACILITIES/TOWERS” TO CREATE REGULATIONS FOR THE APPROVAL AND INSTALLATION OF CELLULAR COMMUNICATIONS TOWERS FOR THE AREAS WITHIN THE FIVE-MILE JURISDICTION OF THE BENTON-PARISH METROPOLITAN PLANNING COMMISSION, TO ADD CERTAIN SECTIONS AND SUBSECTIONS

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 19th day of December, 2018, that Chapter 126, Article III, Division 3, of the Bossier Parish Code of Ordinances “Zoning”, be amended to add Section 126-889, as follows:

Section 126-889 Telecommunications Facilities/Towers

(a) Purpose

The purpose and intent of this Ordinance is to provide a uniform and comprehensive set of standards for the orderly development of telecommunications facilities consistent with applicable federal standards. The standards contained in this Ordinance are designed to minimize adverse visual impacts and operational effects of these facilities using appropriate design, siting and screening techniques while providing for the personal communications needs of residents, local business and government.

(b) Background

- (1)** In order to protect the public health, safety and welfare, it is necessary to insure that the siting of a telecommunications facility is compatible in scale and design with its locale and is sited so as to minimize adverse visual impacts on natural resources, neighborhoods, vistas, view corridors, architecture and structures.
- (2)** Location of telecommunications facilities on publicly owned sites is preferred because they already appear to be institutional or infrastructure uses. Telecommunications facilities may be more visually compatible with such facilities and may appear less noticeable than on other sites. Similarly, facilities on structures, which already have installations (co-location sites), appear less noticeable, up to the point where too many structures create visual clutter. Installations on commercial or industrial structures are also generally more compatible with and less noticeable than installations on residential structures due to the design, scale and location of such structures.
- (3)** Therefore, in order to protect the public health, safety and welfare, it is necessary to adopt the following regulations, which will avoid or minimize these impacts and will insure the proper design, location and scale of wireless telecommunications facilities.
- (4)** The Metropolitan Planning Commission (MPC) must approve all telecommunications facilities as a Planning Approval. In the unincorporated jurisdiction of the MPC, the Bossier Parish Police Jury shall hold a public hearing to review and ratify by majority vote, any approval of a Telecommunications facility by the Benton MPC.

(c) Submittal Requirements

Approval of a telecommunications facility or tower shall be submitted in accordance with the requirements of the application provided by the MPC staff.

(d) General Standards

- (1) All applications for a telecommunications facility require Planning Approval from the MPC. A preliminary and a public hearing are required, unless indicated otherwise herein.
- (2) Modifications to existing wireless communications facilities, such as but not limited to, the addition of new antenna arrays, shall be subject to the review and approval by the Executive Director or the MPC.
- (3) The applicant shall provide written notification to the Director upon cessation of operations on the site exceeding a 90-day period. The applicant shall remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations.
- (4) The applicant shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment/structure.
- (5) Telecommunication facilities must meet the building setback and yard requirements of the zoning classification it is located in.

(e) Location of Wireless Communications Facilities

- (1) Location preference for wireless communications facilities should be given to publicly owned structures, co-location sites and industrial or commercial sites. New wireless communications facilities should avoid sites located near residential areas unless the application includes information sufficient to demonstrate: the location and type of preferred sites which exist within the proposed or technically feasible coverage area; that good faith efforts and measures were taken by the carrier to secure the preferred locations sites; specific reasons why such efforts and measures were unsuccessful; and why the location of the proposed facility site is essential to meet the service demands of the applicant.
- (2) Preference shall also be given to locations for wireless communications facilities attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to buildings, water tanks, telephone and utility poles, signage and sign standards, traffic signals, light standards, and roadway overpasses.
- (3) Facade and roof mounted telecommunications facilities may be allowed in all zoning districts subject to MPC approval upon compliance with established development standards. Lattice, Guy-wired telecommunication facilities and freestanding monopoles are generally only permitted in the following districts: R-A, B-3, I-1 and I-2. However, stealthed facilities, may be approved by the MPC in B-1 and B-2 districts.

(f) Visual Requirements

- (1) All proposed telecommunications facilities shall be located so as to minimize their visual impact to the maximum extent feasible.
- (2) All façade-mounted telecommunications facilities shall be sited and designed to appear as an integral part of the structure.
- (3) Facade-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. To the extent feasible, facade-mounted antennas should not be

located on the front or most prominent facade of a structure and should be located out of the pedestrian line-of-sight, unless stealthing techniques reasonably eliminate visual impacts.

- (4) Whenever possible, equipment structures, back-up generators, and other equipment associated with building mounted antennas should be installed within the existing building compound. If this is not feasible, the equipment shall be screened, fenced, or landscaped to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable).
- (5) Roof-mounted antennas and associated equipment shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations. Where appropriate, construction of a rooftop parapet wall or other appropriate screening to hide the facility may be required.
- (6) No advertising signage or identifying logos shall be displayed on any telecommunications facility, except for small identification plates used for emergency notification or hazardous or toxic materials warning.
- (7) The applicants are encouraged to consider providing architectural treatments and to use “stealth techniques” to reduce potential visual impacts for all telecommunication facilities, and especially for those proposed in areas easily visible from a major traffic corridor, commercial center or residential area. Stealth techniques can be required as conditions of approval when determined to be necessary to mitigate adverse visual impacts.
- (8) The colors and materials of telecommunications facilities shall be chosen to minimize the visual impact of the facilities.
- (9) Landscaping, wherever appropriate, shall be used as screening to reduce the visual impacts of telecommunications facilities. Any proposed landscaping should be visually compatible with existing vegetation in the vicinity.
- (10) The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure by the Federal Aviation Agency.

(g) Landscaping/Vegetation of Telecommunications Towers

- (1) Existing trees and other screening vegetation in the vicinity of the proposed facility and associated access ways shall be protected from damage both during and after construction. Submission of a Tree Protection Plan may be required to ensure compliance with this requirement.
- (2) The emphasis of the landscape plan shall be to visually screen the proposed facility and stabilize soils on sloping sites.
- (3) Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area.

(h) Public Safety

- (1) In addition to providing visual screening, each telecommunications facility may require fencing, anti-climbing devices, electronic devices or other

techniques to prevent unauthorized access and vandalism; however, the use of fencing shall not add to the visual impact of the facility, and the design of the fencing shall be subject to MPC review and approval.

- (2) All security fencing or walls shall be designed to be graffiti-resistant. The applicant shall be responsible for graffiti-free maintenance of all telecommunication facilities.
- (3) The telecommunications facility shall be sited so as to provide a minimum fall zone measured by a radius that is equal to the height of the facility. (Exception: The fall zone requirement may be waived if the applicant provides a statement from a Louisiana-licensed engineer attesting that any damage resulting from tower failure, wind, ice loading or other factors that could impact the tower structure would be wholly limited to property that is under lease or ownership control of the applicant.) A fall zone is an area within which no other structure or property or use can be located around a telecommunications facility. This provision shall apply unless a dedicated easement is provided by the affected adjacent property owner(s).
- (4) The applicant shall provide the MPC with documentation that the applicant or telecommunication provider has coordinated with the spectrum manager, or other appropriate personnel at Barksdale Air Force Base, to identify technical parameters of the tower and the amount of spectrum occupied by the transmitted signal and the geographic area to be served by the communication device.

(i) Façade Mounted Stealth Telecommunications Facilities

- (1) Façade mounted telecommunications facilities may be allowed in all zoning districts subject to MPC approval and must comply with the development standards included herein.
- (2) Façade mounted antennas shall be camouflaged by incorporating the antennas as part of the dominant design element of the building.
- (3) Façade mounted antennas shall be painted and textured to match the existing structure.
- (4) Antennas and the associated mountings shall generally not project beyond a maximum of 18 inches from the face of the building.

(j) Roof Mounted Telecommunications Facilities

- (1) Roof mounted telecommunications facilities may be allowed in all zoning districts subject to MPC approval but must comply with the development standards included herein.
- (2) Freestanding roof mounted antennas shall not be allowed when they are located in the direct line of sight of significant view corridors or where they significantly affect scenic vistas. However, such facilities shall be allowed with incorporation of appropriate stealth techniques.
- (3) The height of freestanding roof mounted antennas including the support structure, shall not exceed the maximum height allowed for buildings in the zoning district in which the antenna is to be constructed plus nine feet, unless approved otherwise by the MPC.
- (4) All roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized.

- (5) All roof-mounted facilities shall be painted a non-reflective matte finish using an appropriated color that blends with the backdrop. The final choice of colors shall be determined by the MPC on a case-by-case basis.
- (6) The equipment cabinets, if located on the rooftop of buildings, shall be so located as to be minimally visible from public rights-of-way.

(k) Lattice and Guy-Wired Telecommunication Facilities

- (1) Lattice and guy-wired antennas are generally only permitted in R-A, I-1 and I-2 districts, subject to approval of MPC and must comply with the development standards included herein. However, lattice and guy-wired antennas may be approved by the MPC in B-1, B-2 and B-3 if they are stealthed.
- (2) Lattice and guy-wired telecommunications facilities shall generally not be allowed within 3,000 feet of an existing telecommunications facility, unless the MPC can make a determination that the cumulative visual impacts are not significant. Factors taken into consideration in this determination include but are not limited to: the type, number, height and proximity of existing structures within the same line of sight as the proposed facility.
- (3) Lattice and guy-wired antennas shall be no taller than 200 feet, including the height of the antennas. Any antenna higher than 200 feet requires a variance from the MPC.
- (4) Proposed lattice and guy-wired telecommunications facilities may require a visual analysis that includes photo simulations demonstrative of the appearance of the site prior to and after installation.
- (5) Lattice and guy-wired telecommunication facilities shall be painted using non-reflective matte finish; the final choice of colors shall be determined on a case-by-case basis by the MPC.
- (6) Landscaping shall be used to minimize any visual impacts. All proposed vegetation shall be compatible with existing vegetation in the area and shall be drought tolerant.

(l) Free Standing Monopoles

- (1) Monopoles are only allowed in R-A, B-3, I-1 and I-2 districts, subject to approval of a permit by the MPC and must comply with the development standards included herein. However, monopoles may be approved by the MPC in B-1 and B-2 if they are stealthed.
- (2) Freestanding monopoles shall be located and designed to minimize visual impacts. Freestanding monopoles in high visibility locations as determined by the MPC (as in some commercial areas), shall incorporate stealth techniques to camouflage them as a piece of art/sculpture, a clock tower, flag pole or other interesting, appropriate and compatible visual form.
- (3) Monopoles may not be located within the required front yard setback of any property, unless appropriate architectural elements for a stealth facility are incorporated in the design of the monopole.
- (4) Freestanding monopoles shall generally not be allowed within 1000 feet of each other, except when the visual impacts are not significant.
- (5) All monopoles shall be designed at the minimum functional height required.

- (6) As a condition of approval for all freestanding monopoles, all telecommunications carriers proposing a monopole shall provide a written commitment to the Director that they shall allow other wireless carriers to co-locate antennas on the monopoles where technically and economically feasible.
- (7) Minor modifications to the communications equipment design, location, elevations, and other elements of the above standards may be allowed, subject to the approval of the MPC if such modifications are in keeping with the architectural statement and layout design of the original approval.

(m) Co-Location of Telecommunications Facilities

- (1) Facilities should make available unutilized space for co-locations of other antennas and equipment.
- (2) Second and third tier co-location antenna projects shall not require a preliminary hearing. The Executive Director may approve the location through administrative review. He or she may also elect to forward the application to the MPC for public hearing for additional review if warranted as determined by the Executive Director.
- (3) All telecommunications carriers shall provide a letter to the Executive Director stating their willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible.
- (4) The letter shall also state that the wireless telecommunications facility and his or her successors and assigns agree to:
 - A. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
 - B. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties.
 - C. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location.
 - D. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

(n) Equipment Structures

- (1) Equipment structures shall be placed in areas so they are least visible from public rights-of-way and have minimal visual impacts. Wherever possible, equipment structures shall be located away from open spaces and required yard setbacks and shall be placed within the building envelope area. Any visible portion of an equipment structure shall be treated to be architecturally compatible with the surrounding structures and screened using appropriate techniques.

- (2) Proposed equipment structures must be screened from public view. Screening techniques may include landscape treatment and/or architectural treatment to make it compatible with existing buildings.
- (3) The equipment structure shall be the absolute minimum required to function. Any future additions to the equipment shall require MPC approval.
- (4) Additional acoustical baffling equipment or techniques may be required if the equipment structure exceeds acceptable noise levels.

The ordinance was offered by Mr. Cochran, seconded by Mr. Plummer. Upon unanimous vote, it was duly adopted on this 19th day of December, 2018.

RACHEL D. HAUSER
PARISH SECRETARY

GLENN BENTON, PRESIDENT
BOSSIER PARISH POLICE JURY