

**CITY OF HAMMOND**  
**ORDINANCE NO. \_\_\_\_\_**

**An Ordinance to Amend Ordinance #14-5364 C.S.**  
**To Provide Relative to Communication Towers**

**BE IT ORDAINED** by the City Council of Hammond, Louisiana, that:

1. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to certain provisions that make up Article 11.5 Communication Towers/Satellite to read as follows:

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**ARTICLE 11**

**ARTICLE 11.5 COMMUNICATION TOWERS/SATELLITE**

**11.5.1 In General**

- A. Satellite Dishes/Antennas shall be considered accessory uses of a lot and thus shall not be located in front or the required side yards in residential districts. Rear yards may be used for placement however. Antennas may be located inside of the required front and side yards in commercial and industrial districts.
- B. Satellite Dishes/Antennas shall be placed no closer to the right-of-way than the building set back line allows in any zoning districts.
- C. Rooftop placement of dishes shall be prohibited in all residential districts. Rooftop placement in commercial and industrial districts is permissible where height regulations are followed and where acceptable methods of anchoring are used. (See below.)
- D. Definitions as relating to this Ordinance:
  - 1) "Communications tower" as used in this Ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.
  - 2) "Telecommunications," as defined in the Federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
  - 3) "Antenna" means a device, dish, or array used to transmit or receive, on a commercial basis, telecommunications signals.
  - 4) "Height" of a communication tower is the distance from base of the tower to the top of the structure. The base shall be the bottom of a building or other structure if the antenna is located on a building or other structure.

**11.5.2 Communications tower and antenna permitted only as conditional use.**

- A. A communication tower and/or antennae may be permitted upon determination that all of the applicable conditions in this Ordinance are met and that Zoning Commission conditional approval is granted.
  - 1) Zoning Districts in which conditional uses are not permitted:
    - Residential, including RS-11, RS-8, RS-5, RM-2, RS-3, RS-11.A, and RM-3. (Not permitted)
    - Mixed Use and Commercial MX-N, MX-C, and MX-CBD. (Not permitted)

- 2) **Zoning Districts in which conditional uses are permitted; height limitations:**  
-**Commercial:** Free standing or guyed tower with height not exceeding (C-H, C-N only) 180 feet is a conditional use; height exceeding 180 feet requires special variance.  
-**Industrial:** Free standing or guyed tower with height not exceeding 180 (Districts I-L & I-H) feet is conditional use; height exceeding 180 feet requires special variances.

B. Application Requirements. The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure must file a building application accompanied by the normal building fee and the zoning fee of \$100.00 and the following documents, if applicable:

- 1) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
- 2) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is still required if antenna is to be mounted on an approved existing structure.
- 3) A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property in the City.
- 4) A report from a structural engineer showing 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.
- 5) Identification of the owners of all antennae and equipment to be located on the site.
- 6) Written authorization from the site owner for the application.
- 7) Evidence that a valid FCC license for the proposed activity has been issued.
- 8) Building permit and zoning application forms completed.
- 9) A written agreement to remove the tower and/or antenna within one year after cessation of use.
- 10) Additional information as required to determine that all applicable zoning regulations are met.

#### **11.5.2 Conditions concerning communication towers.**

- A. Applicant must show that all applicable conditions are met.
- 1) 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 and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements. Minimum lot sizes must be at least that required by the applicable zoning district in which the facility is located or 4,000 square feet where no lot size is defined.
  - 2) Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements on any existing structure or tower under the control of applicant.

- 3) When lighting is required and is permitted by the FAA or other federal or state authority, it shall be oriented inward to as not to project onto surrounding residential property.
- 4) Prior to consideration of a building permit for location on private property which must be leased or acquired, applicant must show that available publicly owned sites (excluding public parks) are unavailable or unsuitable for operation of the facility under applicable communication regulations and needed technical design requirements. A tower is not allowed if suitable space can be found on an existing communication tower or existing tower site within the search area that the new site is to serve.
- 5) Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.
- 6) Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
- 7) A communications tower or antenna must be properly marked with top lighting in relation to FCC and/or FAA safety requirements.
- 8) A permit for a proposed tower site or structure in the City limits shall not be issued unless the applicant certifies that an existing site does not meet applicant's structural specifications and applicant's technical design requirements, or that collocation agreement could not be obtained.
- 9) In no cases will barbed wire or razor wire be permitted as fencing material at site. Other types of fencing shall be allowed in accordance with this Ordinance. The cellular transmission tower shall be constructed of a material with a neutral color and shall be designed to blend in with the surrounding landscape and uses.
- 10) Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general building and zoning regulations except height shall apply to the use. Setback and height conditions in this section apply.
- 11) A tower must be a minimum distance equal to one-half the height of the tower from property designated historic by the City. It must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.
- 12) The distance between the base of the commercial transmission towers, radio towers, masts, aerials, and/or antennae, and any residential zoning district or residential structure shall not be less than the height of the structure from the top of the antenna to grade. The distance between the building upon which the commercial rooftop transmission or radio tower is located and any residential zoning district shall not be less than the total height of the building plus the height of the rooftop transmission or radio tower.

#### **11.5.4 Abandonment of communication towers.**

In the event the use of any communication or transmission tower has been discontinued for a period of one year or more, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official and the Tax Collection Official of the City who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have 60 additional days within which to (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower and related structures.

**11.5.5 Amateur Radio Facilities (HAM operators)**

This part of this ordinance in no way regulates or abridges the rights of amateur radio operators to continue their operations or to engage in future, lawful operations in accordance with all applicable FCC, federal, state, and/or local regulations. This Ordinance does not restrict such operators from locating their facilities, up to 65 feet in height, in residential areas of the City as accessory uses in accordance with present City Zoning restrictions. However, building permit applications and site plans must still be submitted to the City and a building permit obtained, before construction or erection of any antenna or antenna support structure related to amateur radio stations.

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2. All Ordinances in conflict therewith are repealed.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on \_\_\_\_\_, 2015 of the Hammond City Council and discussed at a public meeting held on \_\_\_\_\_, 2015; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by \_\_\_\_\_ and a Second by \_\_\_\_\_ the foregoing ordinance was hereby declared adopted on \_\_\_\_\_, 2015, by the following roll call vote:

Votes: Johnny Blount ( ) Jason Hood ( ) Janice Carter Beard ( ) Lemar Marshall ( ) Mike Williams ( ) Motion carried approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2015, at Hammond, Tangipahoa Parish, Louisiana.

\_\_\_\_\_  
Mike Williams  
President, Hammond City Council

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Pete Panepinto  
Mayor, City of Hammond

\_\_\_\_\_  
Whitney Statham, Clerk  
Hammond City Council