



ORDINANCE NO. 6322 of 2023

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE TO AMEND VOLUME II OF THE CODE OF ORDINANCES OF THE PARISH OF CADDO, AS AMENDED, THE CADDO PARISH UNIFIED DEVELOPMENT CODE, RELATIVE TO WIRELESS TELECOMMUNICATIONS, WITH ALL THEIR PROVISIONS INCLUDED HEREIN, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Caddo Parish Commission desires to encourage wireless telecommunication infrastructure investment by providing a fair and predictable process for the deployment of wireless telecommunication facilities, while enabling the Caddo Parish Commission to promote the overall interests of the public health, safety and welfare; and

WHEREAS, the Caddo Parish Commission recognizes that wireless telecommunication facilities are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to homes, businesses, schools within Caddo Parish; and

WHEREAS, the Caddo Parish Commission intends to fully comply with state and federal law to the extent it preempts local municipal control, and

WHEREAS, the Caddo Parish Commission, on recommendation of the Shreveport-Caddo Parish Metropolitan Planning Commission, adopted the Caddo Parish Unified Development Code;

WHEREAS, the Caddo Parish Planning and Zoning Commission has determined that certain provisions in that Code should be changed to address recent issues and improve the application and administration of that Code and land use within the Planning and Zoning Commission's jurisdiction within Caddo Parish;

WHEREAS, the Caddo Parish Commission, having considered the recommendations of the Caddo Parish Planning and Zoning Commission, agrees that such changes are desirable.

NOW, THEREFORE, BE IT ORDAINED, by the Caddo Parish Commission in due, legal and regular session convened, that volume II of the code of ordinances of the Parish of Caddo, as amended, the Caddo Parish Unified Development Code, to add provisions and procedures for wireless telecommunications found within Article 2. –Definitions and Rules of Measurement, Article 5. –Uses, Article 6. –Use Standards, and Article 22. –Wireless Telecommunications, and shall be amended as follows:

I. Article 2, Section 2.2 is amended to read as follows:

ARTICLE 2. – DEFINITIONS AND RULES OF MEASUREMENT

2.2– GENERAL ABBREVIATIONS

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J. "SUP" is an abbreviation for "special use permit."

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M. "WTFP" is an abbreviation for "wireless telecommunications facility permit."

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II. Article 2, Section 2.3 is amended to read as follows:

ARTICLE 2. – DEFINITIONS AND RULES OF MEASUREMENT

2.3- DEFINITION OF GENERAL TERMS

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~~Co-Location. Placement of wireless telecommunications equipment from more than one service or service provider on a single tower or site.~~

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III. Article 5, Section 5.2 is amended by substituting Exhibit B hereto in place of the existing Table 5-1.

IV. Article 5, Section 5.3 is amended to read as follows:

ARTICLE 5. – USES

5.3- USE DEFINITIONS

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~~Wireless Telecommunications. Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:~~

- ~~1. Antenna. A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.~~
- ~~2. Facility. A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.~~
- ~~3. Eligible Facility. A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.~~

Wireless Telecommunications. A specific location at which a structure that is designed or intended to be used to house, support or accommodate Antennas or other transmitting or receiving equipment is located. This includes without limit, Towers and support structures of all types and kinds, including but not limited to buildings, church steeples, silos, water Towers, signs, street light poles, utility poles, traffic signal poles , or any other any other structure that is used or is proposed to be used as a support structure for Antennas or the functional equivalent of such.. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

1. Antenna. An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission (FCC) authorization, for the provision of personal wireless services and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under Part 15 of Title 47. Antenna has the same meaning as provided in 47 C.F.R. §1.6002 (b), as may be amended.
2. Collocation. Has the same meaning as provided in 47 C.F.R. § 1.6002(q), as may be amended and means:
 - a. Mounting or installing an antenna facility on a pre-existing structure, and/or
 - b. Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
3. Eligible Facility. An existing wireless tower or base station that has the same meaning as provided in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as "[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower

or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment." An eligible facility application shall be acted upon administratively and shall not require a Special Use Permit, but shall require administrative review and approval.

4. Facility. A set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator. A facility includes any pole, pipe, culvert, conduit, duct, cable, wire, fiber, amplifier, pedestal, antenna, transmission or receiving equipment, other electronic equipment, electrical conductor, manhole, appliance, sign, pavement structures, irrigation system, monument sign, monument mailbox and any other similar equipment, for public or private use.
5. Non-Eligible Facility. Facilities and structures that do not meet the requirements of an eligible facility as provided by this Article, and any applicable requirements set forth in Chapters 82 and 105 of the Shreveport City Code. Any applicant wanting to construct a non-eligible facility shall require Special Use Permit approval.
6. Tower. A structure that has the same meaning as provided in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as "[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless telecommunications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site." Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

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V. Delete Article 6, Section 6.1, Subsection "LL," as referenced hereto in Exhibit C.

VI. Add Article 22, as referenced hereto in Exhibit D.

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BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption.

BE IT FURTHER ORDAINED, that all ordinances or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form:

Donna J. Grazies
Parish Attorney
5/19/23

Date

I, Jeff Everson, Clerk to the Caddo Parish Commission, hereby certify that the foregoing is a true copy of the transaction of said body in Regular Session convened on the 4th day of May, 2023, and is so recorded in Minute Book No. 69 at Page 836.

Given under my hand and seal of office this 16th day of May, 2023.

Jeff Everson
Jeff Everson
Clerk of Parish Commission
Caddo Parish, Louisiana

RECOMMENDED UDC CODE TEXT AMENDMENTS. 23-1-CTAP.

The Caddo Parish Unified Development Code (UDC) undergoes regular review to ensure that the Code promotes sound, stable, and desirable development to correct errors in the text or to accommodate changed or changing conditions within an area. Periodically, revisions are required to reflect the changing nature of business in our community. These proposed amendments—regarding wireless telecommunications—including to amend the following articles: (1) *Article 2. – Definitions and Rules of Measurement*, (2) *Article 5. – Uses*, (3) *Article 6. – Use Standard*, as well as (4) add a new article titled *Article 22. – Wireless Telecommunications*.

Staff is requesting the Shreveport UDC be amended as follows: [strikeout indicates deleted text, underline indicates added text].

Explanation for proposed code text amendments: The primary proposed amendment addressing wireless communications in 23-1-CTAP is the introduction of a newly created *Article 22. Wireless Telecommunications*. This proposed amendment brings the Caddo Parish UDC into compliance with federal laws and regulations to incorporate current wireless technology, as well to address application processing requirements (i.e., the "shot clock"). The remainder of the proposed wireless telecommunications amendments relate to sections of the UDC identified as areas needing to be clarified, removed, or updated as a result of the proposed Article 22.

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1. Add the following new abbreviations "SUP" and "WTFP" in ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT, SECTION 2.2 GENERAL ABBREVIATIONS in the Caddo Parish UDC.

2.2 GENERAL ABBREVIATIONS

The following abbreviations are used within this Code:

- J. "SUP" is an abbreviation for "special use permit."

- M. "WTFP" is an abbreviation for "wireless telecommunications facility permit."

2. Delete, in its entirety, the term "Co-Location" in ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT, SECTION 2.3 DEFINITION OF GENERAL TERMS in the Caddo Parish UDC.

2.3 DEFINITION OF GENERAL TERMS

Co-Location. Placement of wireless telecommunications equipment from more than one service or service provider on a single tower or site.

3. Repeal and replace following uses to TABLE 5-1 in ARTICLE 5. USES, SECTION 5.2. USE MATRIX. In addition, revise and update the "USE STANDARD" citations on the right-side of TABLE 5-1 according to where each "PRINCIPAL USE" is cited in the proposed Article 23. WIRELESS TELECOMMUNICATIONS, as applicable:

Delete the following principle uses

- ~~Wireless Telecommunications – Stealth Design~~