

1003.157B Telecommunication Tower Regulations

1. Scope of Provisions.

This section contains the Telecommunication Tower Regulations for St. Louis County. These regulations apply in the unincorporated area of St. Louis County, except that references herein to existing towers include any towers, whether in the unincorporated area of St. Louis County or not.

2. Statement of Intent.

The Telecommunication Tower Regulations establish provisions to encourage the co-use of towers and provide further regulations relating to towers.

3. Regulations to Establish the Co-use of Telecommunication Towers.

- (1) In all districts, no telecommunication tower of at least sixty (60) feet in height proposed within 1,500 feet of an existing telecommunication tower and/or antenna over sixty (60) feet in height shall be allowed unless the potential user demonstrates:
 - (a) Why the towers and antennas within 1,500 feet are not suitable for co-use;
 - (b) Additional tower height granted based on proposed co-use shall be subject to written verification of co-use agreement or lease agreement.
- (2) In all districts, no telecommunication tower of at least sixty (60) feet in height proposed within 1,500 feet of an existing telecommunication tower and/or antenna over sixty (60) feet in height shall be allowed unless the potential user demonstrates that the proposed tower will be made available for co-use on reasonable terms, and that all other potential telecommunication tower users were notified of the availability of this tower for co-use;
- (3) In all "R" Residential districts, no telecommunication tower of at least forty (40) feet in height, other than accessory amateur radio antennas, proposed within 1500 feet of any property zoned "C" commercial or "M" industrial shall be allowed unless the potential user demonstrates why such commercial or industrial property is not feasible for location of the telecommunications tower.

The showing required by this subsection shall be made to the Planning Commission for towers to be authorized by Conditional Use Permit, or to the Director of Planning for towers allowed as permitted uses. Determinations by the Planning Commission under this subsection may be appealed, protested or reviewed by the County Council in the same manner as approvals or denials of conditional use permits. Any determination by the Director under this subsection is subject to appeal to the Board of Zoning Adjustment.

4. Regulations

Permitted Uses

Notwithstanding other provisions of this Chapter, the following antennae and support structures are permitted uses in all districts:

- (1) Attachment of additional antennae or replacement of antennae or shelters to any existing tower on the effective date of the Ordinance or any tower approved subject to this the ordinance, which would not increase the established height of the tower. Any additional equipment shelters or cabinets must be located within the previously established compound area.
- (2) Antennae to be located on an existing building or structure, such as a water tower, billboard, etc., provided that the antennae does not extend more than five (5) feet above the roof line of the structure or building, or is concealed by approved architectural elements as approved by the Planning Commission, or extends not more than ten (10) feet above the roof line of a structure with a flat roof and is set back from all edges of the roof at least one foot for each foot of height above the roof.

- (3) Antennae attached to and extending not more than ten (10) feet above an existing electric transmission tower.
- (4) Towers and antennae accessory to governmental public safety agencies.

5. Minimum Yard Requirements

- (a) Telecommunication towers (exclusive of those on existing buildings or structures, or accessory to governmental public safety agencies) shall not be closer to a "PS" Park and Scenic District, "NU" Non-Urban District or "R" Residential District property a distance equivalent to the height of the proposed telecommunication tower, or such greater setback as required in the underlying zoning district.
- (b) However, in no case shall telecommunication towers be closer than fifty (50) feet to any street right-of-way.

6. Site Plan Requirements

- (a) Prior to approval of a proposed or replacement telecommunication tower, a site plan shall be submitted and approved in conformance with Section 1003.179 Site Plan Review Procedure.
- (b) The perimeter area of all telecommunication towers shall be landscaped as approved by the Department of Planning on the Site Plan. In non-urban and residential areas all telecommunications towers shall be landscaped with evergreen trees planted fifteen feet on center, and a mix of deciduous and flowering trees planted 30 feet on center. The evergreen trees shall be at minimum of six feet tall and all other trees shall have trunk diameters of a minimum of 2¹/₂ inches.

7. Height Requirements.

Notwithstanding any other provisions of this Chapter, telecommunication towers as permitted in this Ordinance shall comply with the provisions of Section 1003.161 Air Navigation Space Regulations.

8. Miscellaneous

- (a) Vehicle or outdoor storage on any tower site is prohibited.
- (b) On site parking for periodic maintenance and service shall be provided at antenna or tower locations.
- (c) Towers not occupied by an active antennae for 12 months must be removed at the owners expense, and the site restored to its original state.
- (d) All towers approved by conditional use permit shall be subject to review by the Planning Commission on the fifth anniversary of its effective date and each five years thereafter. Such review shall include: whether the tower is still needed and in use for its approved purpose; whether the approved height is still necessary; and whether the proprietor of the tower has complied with reasonable requests for co-use of the tower. A determination that the tower is no longer in use and is no longer needed shall terminate the conditional use permit, and the tower shall be removed. A determination that the owner of the tower has failed to comply with reasonable requests for co-use of the tower shall terminate the conditional use permit, and the tower shall be removed. A determination that the approved height is no longer needed shall automatically amend the conditional use permit to reduce the approved height, and the owner of the tower shall reduce the height of the tower to conform to the Planning Commission's decision. Determinations by the Planning Commission under this subsection may be appealed, protested or reviewed by the County Council in the same manner as amendments to conditional use permits.

- (e) Prior to the erection of any tower approved by conditional use permit, the applicant shall post a financial guarantee in the amount and form approved by the county counselor to ensure removal of a tower which is no longer used or needed or whose conditional use permit has been terminated, reduction in height of a tower where the original approved height is no longer needed, and restoration of the property. The owner of multiple towers may satisfy this requirement by an appropriate single instrument. (O. No. 18420 - Adopted 3/20/97).