

**INTRODUCED BY: CURTIS JOHNSON, COUNCILMAN, DISTRICT 5
(Department of Planning & Zoning)**

ORDINANCE NO. 99-12-3

An ordinance amending the Code of Ordinances, Appendix A, the Parish of St. Charles Zoning Ordinance of 1981, by adding Subsection J. to Section VI, whereby establishing a zoning district for aviation uses to be identified as the AV-1 Aviation District.

WHEREAS, The St. Charles Parish Council desires to implement zoning criteria specific to aviation uses; and,

WHEREAS, such zoning criteria will ensure compatibility of aviation uses with surrounding land uses; and,

WHEREAS, the effect of these land use regulations shall guide the safe and uniform development of future aviation uses and expansions to existing uses in St. Charles Parish.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Appendix A, Section VI. is hereby amended through the addition of Subsection J, (Aviation District). The subsection will read as follows:

J. AV-1 Aviation District

Policy statement: This district provides for airports, airfields, airstrips, aviation-related facilities and compatible industrial operations of all types. Certain aviation-related uses and other uses, which may require compliance with certain conditions to ensure compatibility with other land uses in the district and in St. Charles Parish as a whole, are permitted only conditionally, as provided herein. No use permitted in an AV-1 district shall cause injury or damage to adjacent land uses, property or the public health, safety or welfare. Compliance with all applicable safety and operational standards and regulations of the Federal Aviation Administration and other applicable federal aviation regulatory authorities shall be deemed in compliance with this subsection's requirements, as applied to navigational and flight operational uses.

1. Use Regulations:

a. Only the following uses are authorized as permitted uses within land specified as AV-1 (Aviation District):

- (1) All uses permitted in the C-3 zoning district, subject to C-3 regulations.
- (2) Airports, exclusive of any use listed or described in Subsection J.2. of this section as a special permit use and the following facilities and services when developed, maintained, and/or operated as components of an airport:
 - a. airport terminals, including concourses,
 - b. uses within an airport terminal and/or concourse that are compatible with and appropriate to the general purpose of such a facility,
 - c. food service,
 - d. beverage service,
 - e. vehicle rental,
 - f. hotels, retail shops
 - g. bus stops,
 - h. parking lots and garages (not including connections to or intersections with parish streets, roads and/or other parish public ways outside the airport perimeter),
 - i. airport fences,
 - j. interior airport roads (not including connections to or intersections with parish streets, road and/or other parish public ways outside the airport perimeter),
 - k. warehouses,
 - l. airport fire prevention, suppression, and training facilities, and
 - m. airport administration and security offices.

- (3) Metal works and machine shops.
 - (4) Welding shops.
 - (5) Cold storage warehouses.
 - (6) Produce warehouses and other warehouses if their use is related to air transportation.
 - (7) Major roadway construction approved by the St. Charles Parish Council.
 - (8) Electrical power plants, light and power substations, and other public utilities drainage, sewage, waterworks, sewerage treatment plants and similar facilities, when mandated by the Parish of St. Charles or its governing authority.
 - (9) Pumping stations, exclusive of fuel pumping stations.
 - (10) Relay stations.
 - (11) Utilities, roadways, lighting, and signage intended or designed to serve as or be an accessory to the uses listed in this subsection.
 - (12) Monopoles, aerials, antennas, transmission towers, masts, and communications equipment shelters subject to the requirements and restriction found in Appendix A, Section X, Subsection G. *Exceptions and modifications to all Provisions for Construction and/or Operation of Cellular and Personal Communication Service Installations Within the Parish of St. Charles, State of Louisiana.*
- b. Signs: on-premise signs are permitted in the AV-1 Aviation District and shall comply to Appendix A, Section XXI. Subsection G. *Requirements for On-Premise Signs.*
- c. Prohibited Uses:
- (1) residential uses, except for airport hotel facilities and overnight facilities on the premises for employed public safety personnel, watchmen and/or caretakers; M-3 uses.

2. Special Permit Uses

The following uses are prohibited unless and until specifically authorized by a special permit use granted pursuant to approval of the St. Charles Planning and Zoning Commission with a supporting resolution of the Parish Council:

- (1) Taxiways, or any extension thereof.
- (2) Airfields, or any extension thereof.
- (3) Runways, or any extension thereof.
- (4) Aviation aprons, or any extension thereof.
- (5) Airstrips, or any extension thereof.
- (6) Airport terminals not existing as of the effective date of the ordinance by which this amendment was first adopted; and any change to an airport terminal, the effect of which may result in an alteration to its footprint, an increase in its square footage, and/or an increase in the height of its structural elements.
- (7) Concourses not existing as of the effective date of the ordinance by which this amendment was first adopted; and any change to a concourse, the effect of which may result in an alteration to its footprint, an increase in its square footage, and/or an increase in the height of its structural elements.
- (8) Rail terminals.
- (9) Connections or intersections of the exits and/or entrances of garages and/or parking lots and/or of airport interior roads with parish roads, streets, and/or other parish public ways.
- (10) Tramways.
- (11) Intermodal transportation facilities.
- (12) Air cargo facilities.
- (13) Hangars.
- (14) Heliports.
- (15) Helistops.
- (16) Railroads, railway yards and other related appurtenances.
- (17) Fuel gas storage, if the use is developed in accordance with, and complies fully with all state and federal regulations.

- (18) Fuel gas distribution stations, if the use is developed in accordance with, and complies fully with all state and federal regulations.
 - (19) Gasoline storage and distribution, if the use is developed in accordance with, and complies fully with all state and federal regulations.
 - (20) Any use which is permitted in an M-1 and M-2 District; **applicable buffer requirements within the respective zoning district shall apply.**
 - (21) Any utilities, roadways, lighting, signage, drainage and/or fuel facilities intended to or designed to serve or be an accessory to any other use listed in this Section.
 - (22) Electrical power plants, light and power substations, and other public utilities, drainage, sewage, waterworks, sewerage treatment plants and similar facilities, when not mandated by St. Charles Parish or its governing authority.
 - (23) Use, or designation, or preparation for use of any area of an airport for emergency purposes that may have the potential to affect the health, welfare and safety of person inside and/or outside the perimeter or an airport.
 - (24) Red label chemicals and products as defined by O.S.H.A. production and storage, if the use is developed in accordance with, and complies fully with all state and federal regulations regarding hazardous or obnoxious uses.
 - (25) Any other use which may, by ordinance be specially authorized as a hazardous and obnoxious use in an M-1 Light-Industrial District (Appendix A, Section VI, Subsection D [I], 4. a.), provided that such hazardous and obnoxious uses comply fully with all state and federal regulations regarding hazardous or obnoxious uses.
3. Height and Area Regulations
 - a. Lot Area: a lot in the district shall be a minimum of ten thousand (10,000) square feet (as in M-1 district) with a minimum width of one hundred (100) feet).
 - b. Structures: no structure shall be constructed, placed, or extended within 100 feet of any public way or within 100 feet of any boundary of the AV-1 Zoning District. Such a 100 foot buffer area shall be maintained in turf and/or plant material, or as landscaped, dust-free off-street parking area. This provision shall not apply to any uses or structures allowed in C-3 zoning districts,
 - c. Parking: for each use permitted within the AV-1 Aviation District, adequate off-street parking shall comply with the regulations set forth in Appendix A, Section VIII of the Zoning Ordinance of 1981. Such parking shall not be located within 100 feet of any boundary of the AV-1 District, unless a compact hedge or row of shrubbery of at least four (4) feet in height is provided between such parking area and district boundary. In no case shall such parking area be located closer to district boundary than ten (10) feet.
 - d. Notwithstanding any other provision to the contrary, height restrictions in and around the AV-1 Aviation District shall conform to all applicable state and/or federal regulations.
 - e. Prior to receipt of a Certificate of Zoning Compliance for any building or structure within the AV-1 District, the plat or site plan for such building or structure, in conformity with all applicable zoning requirements, shall be filed with the Department of Planning & Zoning.
 4. Transportation System: all uses within the AV-1 Aviation District shall be served by and have access only from interior access roads located within said district to carry vehicular traffic to and from major entrances and exits serving the airport, and designated and constructed according to plans approved by the Parish Engineer. The AV-1 Aviation District location shall be served by a Federal or State Highway, or by any form of passenger carrying rail transit.

5. Special Provisions:
- In addition to complying with the regulations of this amendment, all uses of property within the AV-1 Aviation District shall comply with all applicable and enforceable FAA regulations.
 - In the event of any conflict between the provisions of this Ordinance and FAA regulations, the stricter regulations shall prevail, except to the extent that federal law may require otherwise.
 - Where a conflict exists between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.
 - Notwithstanding any other provision to the contrary, except as otherwise provided in this Ordinance, the Parish Council, within its sound discretion, may in an Ordinance approving a conditional use, require subdivision or resubdivision as a condition precedent to the effectiveness of a special use permit.
 - Notwithstanding any provisions within this amendment, no airport, airfield, and/or similar aviation use, any structure associated with such a use or located within the AV-1 Aviation District shall be permitted unless they comply with state and/or federal regulations.

6. Severability:

If any section, subsection, sentence, clause, word, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION II. That the St. Charles Parish Code of Ordinances, Appendix A, Section VI, D.[II] M-2 Heavy Manufacturing and Industry: 1.a.(5) Airports, be removed;

SECTION III. That the St. Charles Parish Code of Ordinances, Appendix A, Section XXI. Sign Regulations. G. be amended as the following:

- On premises signs in the C, M, M-S, and AV-1 districts shall be allowed at the rate of one (1) square foot of sign area for each foot of frontage of the site for each two hundred (200) feet of frontage or fraction thereof.

And,

- On premise signs in the C, M, M-S, and AV-1 districts shall be limited to a height of thirty (30) feet, unless further restricted by other provisions of these regulations

SECTION IV. That the St. Charles Parish Code of Ordinances, Appendix A, Section V. 1. Zoning districts and boundaries be amended to add, "AV-1 Aviation District."

NOW, THEREFORE BE IT ORDAINED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby provide that the Code of Ordinances, Appendix A, the St. Charles Parish Zoning Ordinance of 1981, Parish of St. Charles, State of Louisiana be amended through the addition of Subsection J, (Aviation District).

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: RAMCHANDRAN, MINNICH, ALEXANDER, CHAMPAGNE, ABADIE, AUTHEMENT

NAYS: NONE

ABSENT: JOHNSON, DUHE, SIRMON

And the ordinance was declared adopted this 6TH day of December, 1999, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
 SECRETARY: [Signature]
 DLVD/PARISH PRESIDENT: 12-8-99
 APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]
 RETD/SECRETARY: 12-9-99
 AT: 10 AM RECD BY: [Signature]