

St. Charles Parish

Department of Planning & Zoning

Land Use Report

Case Number: 2021-4-ORD

Introduced by Matthew Jewell, Parish President

An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981 (as amended) Section VI, and Section VII, in order to permit transmission towers in the OL, R-1A, R-1A(M), R-1B, R-1M and R-2 zoning districts.

Background

The Parish Council requested provisions for review of transmission towers as accessory structures in residential zones.

Staff reviewed the Zoning Ordinance, the Louisiana State Uniform Construction Code, (building code), state regulations regarding amateur radio antennas, and federal regulations regarding amateur radio antennas. Staff suggest that the permit process would be best managed as a Special Permit because the process requires in depth review of plans and also provides for a public hearing in front of the Planning and Zoning Commission. Requests that are approved by the Planning Commission would also have to pass building code review.

The Louisiana building code requires permitting for transmission towers regardless of zoning district.

Federal regulations require that local laws provide reasonable accommodations to amateur radio operators licensed by the FCC (Amateur Radio Preemption 101 FCC 2nd 925 1985, 2001,

Louisiana Revised Statute 33:102.1 restricts local ordinances as follows:

If any parish or municipality adopts an ordinance or regulation involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance or regulation must:

- (1) Reasonably accommodate amateur communications
- (2) Represent the minimal practicable regulation to accomplish the parish's or municipality's legitimate purpose.
- (3) not limit the height of an antenna or its supporting structure to less than twenty feet above the maximum height allowed for any structures or buildings located in the zone or district where the antenna is located under applicable codes, regulations, or ordinances...

Potential outcomes

Any property owner in the OL, R-1A, R-1A(M), R-1B, R-1M, R-2 could apply for a permit to erect a transmission tower as an accessory to a residential use.

The Planning Director would have the authority to permit transmission towers in the OL District, subject to building code approval.

The Planning and Zoning Commission would have the authority to permit transmission towers in residential zoning districts, subject to building code approval.

Transmission or receiving attached to a permitted structure would not be affected by the amendment—that equipment could continue to be placed without review or approval.

Recommendation

Approval