

**2014-0101**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**

An ordinance to amend the Code of Ordinances, Appendix A, Section VI. Zoning district criteria and regulations., J. AV-1 Aviation District., Policy statement and 4. Transportation System.

**WHEREAS,** when considering a rezoning to the AV-1 zoning district, tax revenue implications should be a major factor taken under consideration; and,

**WHEREAS,** increasing the Parish's tax base at times and/or the potential loss of taxes must be strongly considered when considering a rezoning to AV-1 and measured against concerns expressed by the citizens; and,

**WHEREAS,** the potential of losing a business and its tax revenues and having to possibly make it up by adding another millage needs to be considered when considering a rezoning to the AV-1 zoning district; and,

**WHEREAS,** the need for the integration of the currently non-existing AV-1 zone into the Parish's zoning districts needs to be weighed against the public's opposition to such a district despite its proposed creation outside of an airport as intended by the codes; and,

**WHEREAS,** the creation of a zoning district, which is not in the Parish's Land Use Plan, should not be considered spot zoning when there are no other such zones in the Parish to be able to compare it to in relationship to another zone to in order to say it's a spot zone; and,

**WHEREAS,** tough decisions have to be made sometimes such as one regarding the creation of an AV-1 zones which may have public outcry in opposition and despite it sometimes not being in conformance with the rezoning regulations; and,

**WHEREAS,** having a heliport at a place such as Troop B on Williams next to the Interstate In Jefferson Parish warrants approving AV-1 zoning in the St. Charles Parish provided it is adjacent to an interstate and irrespective of it not having the proper access to the interstate as required by the Parish codes; and,

**WHEREAS,** a commitment from businessmen that may be interested in operating a private heliport within a proposed AV-1 zoning district, to not fly over or to not fly over as much as possible, any nearby residential neighborhood, should weigh heavily in the Council's decision making process when considering the creation of an AV-1 zone despite objections which may come from residents within such a residential neighborhood; and,

**WHEREAS,** the position of taking no position by a public agencies such as school boards should be considered as not being opposed to the creation of an AV-1 zoning district when the proposed zoning is nearby to a school; and,

**WHEREAS,** a helicopter flying over a house can be loud, but the Parish cannot regulate where a helicopter flies so it is out of the Council's jurisdiction and creating a point of concentration where they will fly to live should not be considered as having an impact on the neighbors any more than if the place the helicopters were to live was not there at all.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the St. Charles Parish Code, Appendix A, Section VI. Zoning district criteria and regulations., J. AV-1 Aviation District., Policy statement and 4. Transportation System is hereby revised to read as follows:

**AS WRITTEN**

*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.

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.

#### **AS REVISED**

##### *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 **minimal and/or limited incompatibility** 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 **unnecessary** 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.

4. Transportation System: All uses within the AV-1 Aviation District, **with the exception of heliports and helistops**, 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. **Heliports and helistops shall be served by and have access from an improved Parish street at a minimum.**

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

YEAS: TASTET, FLETCHER

NAYS: SCHEXNAYDRE, WILSON, WOODRUFF, HOGAN, FISHER-PERRIER

ABSENT: BENEDETTO, COCHRAN

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON  
APRIL 21, 2014.

2014-0101 Failed AV-1 District (03-06-14)