

2021-4-ORD Matthew Jewell, Parish President/Dept. of Planning and Zoning an ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, Section III. Definitions, Section VI. Zoning District Criteria and Regulations, and Section VII. Supplemental use and performance regulations to add language regulating transmission towers in residential zoning districts.

Mr. Albert: So a few months ago we had an issue in a neighborhood where a neighbor constructed a tower in their rear yard in order to facilitate taking measurements of weather. There were challenges with that related to permitting but one of the challenges we were faced with we had to classify that within the accessory buildings structure definition and treat it as such. The question of whether or not those structures are appropriate in residential neighborhoods is a completely valid one. After sitting with the parish president and representatives from council we were asked to put together an ordinance that would provide some degree of remedy for residents who want to do this and at the same time make it so that there is some degree of control by the neighborhood when facing this. So what we're proposing is that these towers within residential properties would be subject to a special permit use so in effect anyone wanting to do something similar would come before this body and the neighbors would get an opportunity to weigh in on it, you all could request the engineering documents or anything as you see appropriate to the particular request. Special permit in the code allows for conditional approval and it allows for a lot more discretionary action on your part in response to neighborhood concerns. So this was our best attempt at trying to regulate something that was really only regulated from an interpretation previously.

Commission Keen: Would that include a business, i.e. someone wanting to put up cell tower or the government wanting to put up a new tornado warning system whatever the case might be?

Mr. Albert: those are regulated separately. The commercial ones are enumerated, these are specific to the zoning districts that we are talking about, otherwise it would fall under other regulations to we think already govern those things.

Commissioner Frangella: We'll open public hearing for 2021-4-ORD anyone here to speak for or against? Seeing none we'll close the public hearing for 2021-4-ORD. Any questions or comments?

Commissioner Petit: What was the height of the one that was put in and what are we talking about, I see this doesn't have any height requirements that would trigger right if I were to put up 4 ft. tower. How do we define the tower?

Mr. Albert: Transmission tower has a different definition in the code.

Commissioner Petit: Maybe it's in a different section?

Mr. Albert: Yes it already exists. Most of the time those structures that we're talking about here would require permitting. Something like what you're talking about would not require a permit.

These have to be reviewed for safety and compliance making sure that the engineering specs are being followed. I don't think that we're going to see these very often. Actually I think the most likely time you would see one would be a HAM radio tower.

Commissioner Petit: I guess my question is do you know the height of the one that brought this up?

Mr. Albert: There were 2. I think the first 1 was 29 ft. and the subsequent 1 that was code compliant was 32 or 33. The height is less intimidating than the actual base width which is a lot bigger than you would expect. Transmission towers are a structure or framework usually of a steel lattice construction principally intended to support radios, cellular communications, television, electric utility or any other electromagnetic transmission and receiving antenna or equipment.

Commissioner Petit: So it doesn't specify height?

Mr. Albert: No but you would have the opportunity to specify height as part of the permit request coming to you, if it's inappropriate for the neighborhood you could restrict it.

Commissioner Petit: It would come to either way correct?

Mr. Albert: Yes.

Commissioner Frangella: I guess that would include tv antenna?

Mr. Albert: If it's independently constructed and substantial enough to require a building permit to construct, unlikely.

Commissioner Keen: It's steel lattice, what about a flag pole?

Mr. Albert: Flag poles are different.

Commissioner Frangella: Any other questions or comments? Call for the vote.

YEAS: Ross, Petit, Schexnaydre, Keen, Dunn, Frangella, Galliano

NAYS: None

ABSENT: None

Commissioner Frangella: The motion passes unanimously.

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