

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: 2022-16-MIN

GENERAL INFORMATION

- ◆ Name/Address of Applicant

Louis J. Brady  
206 Court Street  
Luling, LA 70070  
(504)-952-0695; ljbrady2245@gmail.com

Application Date: 5/3/2022
- ◆ Location of Site

10847 River Road, Ama
- ◆ Requested Action

Resubdivision of properties called Lot 3 and Lot A into Lots A3-1 & A3-2, a calculated tract A3-3, and a batture parcel

SITE INFORMATION

- ◆ Size of Lots (proposed)

Lot A3-1: 326,014.57 sq. ft (7.484 acres) approx. 53 ft. wide  
Lot A3-2: 323,884.15 sq. ft. (7.435 acres) approx. 53 ft. wide  
Tract A3-3: approximately 9 acres (Calculated not surveyed)  
Batture portion (Not shown)
- ◆ Current Zoning and Land Use

R-1A, Single family residential detached conventional homes—Medium density; O-L, Open Land District; W-1, Wetland; Batture

Lot A is developed with a residential use. Both lots are zoned R-1A approximately 1,600 feet deep from the front along River Road, O-L zoning exists to the south between the R-1A zoning to the Union Pacific Railroad, W-1 zoning exists to the south of the Union Pacific Railroad, and Batture district zoning exists to the north across Highway 18 (River Road).
- ◆ Surrounding Zoning and Land Use

The lots are surrounded by R-1A, R-1A-M, O-L, W-1, Wetland, and Batture zoning districts.

The area consists of single-family site-built houses on large lots and mobile homes. Along Highway 18 (River Road), Mount Zion Baptist Church is located to the south and a post office is located to the north at Vernons Lane.
- ◆ Flood Zone and Elevation

Proposed Lots A3-1 and A3-2 are in zone X (AE4' to the south) / DFIRM x (AE 0.5' to the south)
- ◆ Plan 2030 Recommendation

*Riverfront Commercial:* This designation applies to areas generally zoned B-1, Non-industrial Batture zoning district, and allows commercial uses that are water-dependent (such as riverboat docks and barge tie-ups), or water-related (such riverfront restaurants, fishing camps, etc.) Boardwalks, esplanades, piers, street ends, and other public open spaces that offer vistas and waterfront views are also allowed in this district, with the intent to enhance access to the river at appropriate locations.

*Low Density Residential (from 4 up to 8 dwellings per gross acre):* This category includes the Parish’s predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.

*General Commercial:* The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.

◆ **Traffic Access**

Proposed lots A3-1 and A3-2 front along Highway 18 (River Road).  
Proposed tract A3-3 does not have frontage/ access to a street.  
The proposed batture parcel will have river frontage and access.

◆ **Utilities**

Parish water, sewer, and drainage are present along Highway 18 (River Road).

◆ **Development History**

A 2020 Act of Donation for the property references a plan of H.E. Landry, Civil Engineer and Surveyor, dated July 24,1939; and describes the lot with a front along “a public road” (River Road). The description of Lot 3 references a survey by H.E. Landry, Parish Engineer, dated June 22, 1931; and describes the lot as “24 feet in width at front on said River, by a depth between parallel lines to the 40 Arpent Line”. The Act of Donation also describes a Batture in front of lots A and B.

**APPLICABLE REGULATIONS**

**Appendix A. Section VI. Zoning District Criteria**

E. *Batture districts:* The regulations in the Batture District are as follows:

[II.] *B-1 Non-industrial batture district.*

- 1. Use Regulations:
  - a. Land shall be used only for the following purposes:
    - (1) Barge mooring (if no obnoxious odors exist).
    - (2) Those activities not related to other manufacturing or industrial activity.
    - (3) Recreation facilities.
    - (4) Restaurants.
    - (5) Riverboat docks.
    - (6) Site-built hunting or fishing camps.
    - (7) Aids to navigation (as deemed necessary by the U.S. Coast Guard).
- 2. Prohibited Uses:
  - a. Manufacturing; industrial; and resource extraction activities, excepting logging activities.
  - b. Medical waste storage, treatment, or disposal facilities.

[I.] *R-1A. Single family residential detached conventional homes*—Medium density.

*Policy statement:* This district is composed of areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities and which meet the architectural standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

- 2. Spatial Requirements:
  - a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet.
  - b. Minimum yard sizes:
    - (1) Front—Twenty (20) feet.
    - (2) Side—Five (5) feet.
    - (3) Rear—Twenty (20) feet.
    - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.
    - (5) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, not withstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.

[I.] *O-L. Open Land District:*

*Policy statement:* This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential,

commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

2. Spatial Requirements:
  - a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet. (Ord. No. 07-1-6, § II, 1-8-07)
  - b. Minimum yard sizes:
    - (1) Front—Thirty-five (35) feet.
    - (2) Side—Ten (10) feet.
    - (3) Rear—Twenty (20) feet.
    - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
  - c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.
  - d. Permitted encroachments:
    - (1) Overhangs projecting not more than twenty-four (24) inches excluding gutter.
    - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into the required front or rear yard.

F. *Wetlands District*: The regulations in the Wetlands District are as follows:

[I.] *W-1. Wetlands District*:

1. Use Regulations:
  - a. Automatically permitted uses: None.
  - b. Special exception uses and structures:
    - (1) Low intensity uses permitted as a N.D.S.I. Permit (No Direct Significant Impact) by the Louisiana Department of Natural Resources.
    - (2) Low intensity uses permitted as a general permit by the U.S. Army Corps of Engineers.
  - c. Special permit uses and structures:
    - (1) Coastal dependent uses ineligible for listed Special Exception Uses and Structures, as per approval of the St. Charles Parish Coastal Zone Advisory Committee with supporting resolution of the Council.
    - (2) Other compatible uses, as per approval of the St. Charles Parish Coastal Zone Advisory Committee with supporting resolution of the Council.
2. Spatial Requirements: None.
3. Transportation Requirements: None.
4. Special Provisions: None.

## **Appendix C. Section II. Subdivision Procedure**

### **C. Minor Resubdivisions.**

1. In instances where a net increase of five (5) or fewer lots is proposed by subdivision or resubdivision and no new or additional public improvements are required, no formal preliminary plat shall be required. The plan of resubdivision shall comply with requirements outlined in section II.C.3 of this section, and with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations. The Planning and Zoning Commission may approve or deny the application. The basis for denial shall be stated at the meeting and on the record of the Planning and Zoning Commission.
3. Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information:
  - a. Location of the property.
  - b. Name(s) and address(es) of the owners.
  - c. Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.
  - d. Existing property lines and lot numbers, including names and width of adjoining streets.
  - e. Proposed property lines and revised numbers of proposed lots.
  - f. Location and dimensions of existing buildings.
  - g. Layout and dimensions of all existing, proposed, and required servitudes and rights-of-way, including but not limited to servitudes for sidewalks, utilities, access, drainage ditches, and canals.
  - h. Existing lakes and ponds.
  - i. North arrow and scale.
  - j. The following note shall be added to all resubdivision maps: All necessary sewer, water and/or other utility extensions, relocations or modifications shall be made solely at the lot owner's expense.
  - k. Stormwater Pollution Prevention Plan. For Minor Subdivisions that involve more than one (1) acre, the MS4 Administrator may require the submittal of a Stormwater Pollution Prevention Plan and/or Post Construction Stormwater Permit, including all required documentation, in accordance with Chapter 25—Stormwater Management and Erosion and Sedimentation Control.
  - l. The following note shall be added to resubdivision maps that result in a net increase of lots: No lot created by this act of subdivision shall be divided in such a way that another net increase in the number of lots occurs for a period of two years.

## **Appendix C. Section III. Geometric Standards B. Blocks**

3. Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations. When the subdivision of a parcel of land does not permit a normal street arrangement due to size or location of the land, there may be established a street with a cul-de-sac or turning circle which provides proper access to all lots. A cul-de-sac or turning circle, as described in Section III.A.2.e., shall be required at the end of dead end streets when the length of the dead end street exceeds the width of two (2) lots.

## **Appendix C. Section III. Geometric Standards C. Lots:**

1. Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.
  - b. Width. The lot width at the minimum building setback line shall not be less than that specified by the St. Charles Parish Zoning Ordinance.

## **ANALYSIS**

The applicant requests a resubdivision of Lots 3 and A into two lots, A3-1, A3-2, a large tract A3-3. The deed also appear to include batture property. At the time of writing this

report, the applicant has been advised that the application should also divide the batture area.

Proposed lots A3-1 & A3-2 exceed the required 6,000 sq. ft. area, but do not meet the required 60 ft. width for a lot in the R-1A zoning district. Although the lots are 61.06 ft. long on the skew of River Road, the lots are approximately 53 ft. wide. At the time of writing this report, the applicant is preparing a request for a waiver from the required width.

The proposed remaining tract A3-3, is bounded by the Union Pacific Railroad on the south side and the forty arpent line on the north. It is is not arranged with frontage on a public street. Access to this remaining tract should be provided with a servitude through either Lot A3-1 or A3-2.

The batture property that is described in existing Lot 3 but not shown on the plat would have access from River Road and the Mississippi River.

Staff have recommended that the applicant:

- Describe the need for a waiver from requirements.
- Resolve the discrepancy between legal descriptions of the lots and the survey to divide the entire holding as part of the resubdivision.

<b>DEPARTMENT RECOMMENDATION</b>
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<p><b>The Department cannot recommend approval unless access to proposed Tract A3-3 is preserved and waivers from the required width is granted for proposed Lots A3-1 and A3-2.</b></p>
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