

# St. Charles Parish Department of Planning & Zoning

LAND USE REPORT  
CASE NUMBER: PZR 2015-20

## GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:**  
Ashley Plaisance  
406 Ellen St  
Ama, LA 70031
- ◆ **Location of Site:**  
Lot J-1 & J-2 of a Subdivision of the Property of the Heirs of Anatole Friloux;  
309 & 311 St. Marks St. Ama.
- ◆ **Requested Action**  
Change of land use zone from R-1A to OL
- ◆ **Application Date 8/21/15**  
Phone: 504.875.8708

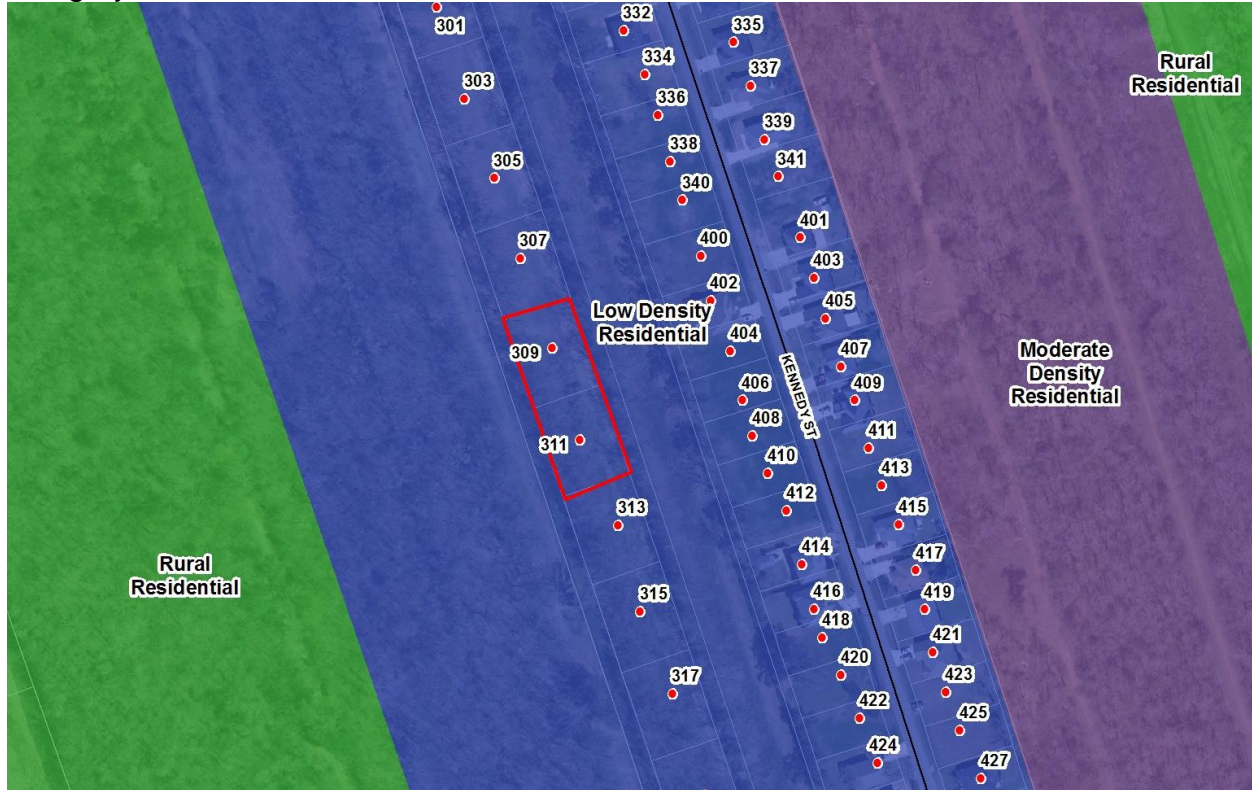
## SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel:** Approximately 28,534 sq. ft.
- ◆ **Traffic Access:** St. Mark Avenue is a developed public right-of-way that terminates approximately 300' north of this property. Access to adjacent single-family houses is via private shell road.
- ◆ **Existing Zoning & Land Use:** The lots are zoned R-1A, but vacant and wooded.
- ◆ **Surrounding Zoning & Land Use:** To the north, properties were rezoned to OL in 2013 & 14 and developed with single-family houses. To the west/upriver or across the access road, as well as to the south of along the access road, land is zoned R-1A but wooded and vacant. To the east/downriver or rear, land is zoned R-1A and vacant, but graded.



◆ **Plan 2030 Recommendations:** Low-Density Residential

"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."



**APPLICABLE REGULATIONS**

**Appendix A., Zoning Ordinance, Section XV Amendment Procedure:**

D. Rezoning Guidelines and Criteria: Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.
2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property. One or more of following examples may be used in evaluating reasonableness:
  - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
  - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
  - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

**Appendix A., Zoning Ordinance, Section VI. A. [I.] O-L. Open Land District:**

[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.

1. Use Regulations:
  - a. A building or land shall be used only for the following purposes:
    - (1) Farming.
    - (2) Animal husbandry.
    - (3) Farm family dwellings.
    - (4) Tenant dwellings.
    - (5) Site-built, single-family detached dwellings.
    - (6) Additional dwellings for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
    - (7) Manufactured housing.
    - (8) Mobile homes.
    - (9) Accessory buildings.
    - (10) Family subdivisions, provided that they conform to the St. Charles Parish Subdivision Regulations [appendix C].
    - (11) Farmer's market, provided that the criteria outlined in Special Provisions [subsection 3] is met.
    - (12) Any permitted uses under subsection 1.a. items (1) through (9) on a lot or property without frontage provided that a permanent right of passage to access the structure exist or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court. (Ord. No. 95-9-11, § I, 9-18-95; Ord. No. 97-9-12, § II, 9-22-97; Ord. No. 08-5-8, § I, 5-19-08)
  - b. Special exception uses and structures include the following:
    - (1) Religious institutions.
    - (2) Golf courses and golf practice ranges.
    - (3) Public parks and recreational areas.
  - c. Special permit uses and structures include the following:
    - (1) Child care centers.
    - (2) Public and private academic institutions (trade, business and industrial schools shall be located in the appropriate commercial or industrial zoning district).
    - (3) Cemeteries and mausoleums, provided that they meet the criteria outlined in Special Provisions [subsection 3].
    - (4) Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.
    - (5) Public stables and kennels.
    - (6) Cellular installations and PCS (personal communication service) installations. (Ord. No. 97-7-4, § III, 7-7-97)
    - (7) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street. (Ord. No. 03-1-12, § II, 1-21-03)
    - (8) Reserved. (Ord. No. 07-1-6, § III, 1-8-07; Ord. No. 08-5-8, § I, 5-19-08)
    - (9) Fire stations with or without firefighter training facilities. (Ord. No. 08-7-8, I, 7-21-08)
    - (10) Nonresidential accessory buildings
    - (11) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council. (Ord. No. 15-7-5)
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. (Ord. No. 08-8-9, § II, 8-18-08)
  - 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.
3. Special Provisions:
  - a. Additional dwellings on unsubdivided property:

- (1) Additional dwellings on unsubdivided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) square feet of lot area.
  - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.
  - (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
  - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
- b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication Manufactured Housing Installation in Flood Hazard Areas.
  - c. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.
  - d. Farmer's market
    - (1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit. (Ord. No. 92-9-20, § II, 9-21-92)
    - (2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.
  - e. Cemeteries and mausoleums:
    - (1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet. (Ord. No. 08-3-4, § 1, 3-24-08)
    - (2) All cemetery or mausoleum sites must have a fence or screen planting six (6) feet high along all property lines adjoining all districts. (Ord. No. 08-5-7, § 1, 5-19-08)
4. Prohibited Use: Medical waste storage, treatment or disposal facilities.

<b>ANALYSIS</b>
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The applicant requests a rezone from R-1A to OL in order to permit a single-family structure on two adjacent lots, J-1 and J-2, which she purchased in 2015. The 1980 plat that created the lots shows a 14' wide servitude for ingress and egress for the 30 lots of approximately 14,000 sq. ft. each (Subdivision of a Portion of the Property of the Heirs of Anatole Friloux, by Lucien Gassen, January 1 1980).

Both lots together total over 28,000 sq. ft. of area. Should the rezone pass, the lots will have to be resubdivided into one in order to meet the OL spatial requirement of 20,000 sq. ft. required to permit a house. Each lot already exceeds the required 50' width. The property was zoned OL from 1981-2008, when the Ama Zoning Study recommended a change to R-1A, which was subsequently approved (Ordinance 08-9-10).

The community-led Ama zoning analysis resulted in many R-1AM and OL zoning districts being converted to R-1A. Generally considered the most restrictive zoning district, R-1A permits single-family, site-built houses on 6,000 minimum sq.ft. lots when the lots front on a dedicated, hard-surfaced street right-of-way that provides community sewer, water, and drainage, with other utilities like telecommunications, gas, and electricity within the right-of-way (R-1B is actually more restrictive requiring 10,000 sq. ft. lots).

In the seven years since the rezone, no residential subdivisions have been built in Ama; 16 houses have been permitted in the community since 2008. The majority of the new houses would be considered infill development in existing subdivisions (Ama Heights and Seller's Village). Two of the 16 are on properties adjacent to the subject property on the undeveloped portion of St. Mark's Street on lots zoned back to OL.

In order to receive a recommendation for approval, " there should be reasonable factual proof by the proponent of a change that one or more ...criteria are met." The applicant has shown that this request meets the second criterion which states:

2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property. One or more of following examples may be used in evaluating reasonableness:
  - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
  - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
  - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.

The second guideline considers whether other land uses in the surrounding area have affected the subject property to the extent that it cannot be used or developed as the current zoning requires.

In this case, the development of two single-family houses on the 14' wide aggregate-surfaced access servitude, between the subject property and River Road makes it unlikely that a 50' wide street right of way will be developed to provide these two lots with the frontage and infrastructure that must be in place to permit a house on a lot zoned R-1A. The Department agrees that the second criterion is met as the land use pattern and character of this portion of St. Mark's Avenue has changed to the extent that the existing R-1A zoning no longer allows reasonable use of the applicant's property. The changes in recent years to the physical environment limit the usefulness of the land under the R-1A zoning district.

<b>DEPARTMENT RECOMMENDATIONS</b>
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**Approval.**