

**Zoning Modernization Project**  
**Final Recommendations**

May 27, 2015

*Ref. 2015-0191*  
*Ord. 15-7-5*

MERRITT C. BECKER, JR.  
**UNO TRANSPORTATION INSTITUTE**



# ST. CHARLES PARISH

## DEPARTMENT OF PLANNING & ZONING

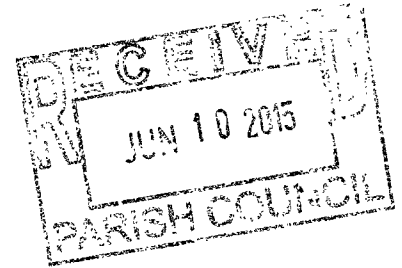
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PARISH PRESIDENT

MICHAEL J. ALBERT, AICP  
PLANNING DIRECTOR



**TO:** Parish Council, V.J. St. Pierre, Jr., Parish President  
**FROM:** Michael Albert, AICP, Director of Planning and Zoning  
**SUBJECT:** 2014 Zoning Code Modernization Phase I Report  
**DATE:** May 27, 2015

The Department of Planning & Zoning is proud to present the final recommendations of the 2014 Zoning Code Modernization project along with our partners at the University of New Orleans.

This project is the culmination of many months of work and is the direct output of the Parish's Comprehensive Plan. Working alongside UNO, Planning Staff sought to update the 1981 Zoning Ordinance according to the Scope of Services established under our shared cooperative agreement. The items identified in the scope came directly from items in the Comprehensive Plan through its various community meetings and stakeholder discussions.

Over the course of the project, two community meetings were planned. The first meeting was held with business leaders in the development community on December 17<sup>th</sup>, 2014. Minutes from that meeting are available for review. The second meeting is scheduled as an open house for the general public on June 4<sup>th</sup> prior to the Planning Commission meeting to better enable residents to pose questions to the Commission.

The following items have been addressed in the proposed changes. Staff has worked to present it in a manner which is in mark-up format and can be adopted by reference or edited as necessary following Commission, Council, or public discussion.

**Definitions:** The Zoning Code definitions have been updated for modernity and to rectify a significant problem in the structure of the Code. Regulatory aspects of Definitions have been largely relocated to other sections.

**Supplemental Regulations:** This is a newly added section of the Code that captures the regulatory aspects of our current Definitions and sets them apart. This section will be amended and updated as community needs change and grow. This section will be integral in Phase II of the Zoning Code update as we work to sort out and correct deficiencies in the permitted uses in the Code.

**Landscaping, Parking, and Loading Spaces:** These three issues were identified under the scope as requiring modernization, clarity, and technical guidance. They have been consolidated, rewritten, and updated under a new section titled: Site Development Regulations. This new section more accurately reflects the safety, convenience, and general welfare goals that the Parish seeks to guide in development of our built environment.

**Updates existing residential options:** Regulations for the implementation of “Mother-in-Law Suites,” also known as Accessory Dwelling Units have been added to the Supplemental Regulations section. This addition was prioritized by the Comprehensive Plan and is highly appropriate in a rural, large lot Parish like St. Charles. Townhouse regulations have also been updated and placed within Supplemental Regulations

**Home Occupations:** This section has been updated to give better guidance as to what a home occupation is, how it is regulated, and to what degree of public hearing is required. Home owners wishing to start a business that should have no impact on the neighborhood now have a less burdensome path to approval while neighborhoods have been given more power to require review of a proposed home occupation.

**Nonconformities:** This section represents one of the most challenging issues the Planning Division deals with on a routine basis. The updates to this section reflect better practices, clearly set forth a means for evaluating the legal status of a nonconformity, and clarify the important distinctions between nonconforming lots, buildings, sites, and uses.

**Special Use and Special Exceptions:** These changes clarify, update, and correct the process by which these applications are submitted and evaluated. Better guidance is given to both the Planning Commission and Council for making determinations on individual applications.

**Zoning Board of Adjustments Criteria:** The section dealing with the powers and duties of the Zoning Board of Adjustments has been updated for compliance with State Law. Specifically, instances where “use” were possible have been removed and the accepted criteria for evaluation of a variance under State Law has been added.

**Rezoning Guidelines and Criteria:** Special attention was paid to these sections to ensure that each step of the decision making process is clear and that the Planning report informs the Commission, which in turn informs the Council. The evaluative criteria have been modernized to reflect the actual issues that the Planning Division evaluates and the criteria for determining how those issues affect health, safety, and welfare have been spelled out.

**Fees:** UNO has provided a report with recommendations on the current fee structure.

One item from the original Scope of Services is proposed to move forward in a limited capacity. The proposed changes to how Mobile and Manufactured homes are regulated require significant community involvement and pose a potential significant impact to housing in the Parish. Staff has determined that this section should not move forward at this time; however we fully support the UNO recommendation regarding the skirting of mobile homes and recommend adopting it as part of this project.

**Mobile Homes and Modular Housing:** A single recommendation came from review of these materials: to remove the requirements for trailer skirting in the R-1AM Zoning District due to its potential disparate impact on housing. UNO prepared significant and comprehensive revisions to the requirements for mobile homes in the Parish; however, Planning Staff has

requested that these proposals not move forward at this time due to a lack of discussion with the community and Parish decision makers. This is a complex issue that only by preparing the baseline work in were we able to recognize the extent of the impact that changes would create.

Two items from the original Scope of Services will not be moving forward at all in Phase I as Planning Staff identified significant obstacles to their implementation. Each of these items has revealed significant potential impacts to development that require larger stakeholder involvement than was possible during this project as well as further individual attention to the technical implications that their implementation would have.

**Industrial Development Standards:** As proposed, the impact of these changes would not adequately address the unique needs and consideration of St. Charles Parish's industries. These standards should be considered and reevaluated at a smaller level such as the M-1 Zoning District and for certain C-3 Special Permit Uses. Further work on this matter is required before Planning Staff can support it.

**Transitional Buffers:** Further technical guidance is required as well as evaluations of the unique industries situated within the Parish before adoption of these changes. Unintended consequences of the initial drafts prevented the Planning Staff from supporting this section.

Completely updating and overhauling a Zoning Ordinance is a significant task that often takes communities years to accomplish. These Phase I updates begin to set up a framework for continued updates and corrections to the Code that will improve operations while creating minimal disturbances to established practices that the public is familiar with.

Planning Staff has focused on changes in this Phase that will better inform the decision making bodies of the Parish and will better enable the changes to uses in Phase II of the Zoning Code Update.

We look forward to working with residents and the Parish Council as we make progress on this endeavor.

Sincerely,



Michael J. Albert, AICP  
Director

St. Charles Parish Zoning Ordinance – Section III. Definitions

1 Section III. Definitions includes existing definitions, revised definitions, and new definitions.  
2 Existing code language is displayed as normal font; language recommended for removal is  
3 shown as ~~strike through font~~; new language is displayed in **bold font**.

4  
5 **DRAFT 05.26.2015 SUMMARY OF UPDATES:** The definitions section includes existing  
6 definitions, revised definitions, and new definitions. In order to increase clarity and improve the  
7 overall zoning ordinance organization, all regulatory language from existing definitions was  
8 removed and placed into the new "Supplemental Regulations" section. This section now serves  
9 to provide the public with simply definitions relevant to the zoning ordinance, without regulatory  
10 language.

11  
12 **SECTION III. Definitions.**

13  
14 For the purpose of this Ordinance, certain words and terms are hereby defined. Words used  
15 in the present tense shall include the future, the singular number shall include the plural and  
16 the plural the singular; the word "Building" shall include the word "Structure" and the word  
17 "Shall" is mandatory and not directory. "Commission" is the Parish Planning and Zoning  
18 Commission and "Planning Director" is the Parish Planning and Zoning Director.

19  
20 ***Abandonment:* The cessation of the use of a property or of a particular use for at least  
21 six (6) months. (Also see *discontinuance*).**

22  
23 *Accessory building or structure:* A subordinate structure, not sharing a common wall with the  
24 main structure, the use of which is incidental to that of the main structure. ~~The connection of  
25 such a subordinate structure to the main structure via a covered breezeway (unenclosed,~~

St. Charles Parish Zoning Ordinance – Section III. Definitions

52 **picture theaters, adult live entertainment businesses, adult nightclubs or massage**  
53 **businesses. These uses are further defined in (LA R.S.) 14:106. However, those**  
54 **massage businesses where all employees associated with massage meet the ethical**  
55 **and educational requirements specified by the American Massage Therapy**  
56 **Association, or equivalent national or state standards, are exempt from this**  
57 **definition.**

58

59 ~~*Aerial:* An antenna extending into the air. (Ord. No. 97-7-4, § 1, 7-7-97)~~

60

61 ***Alcohol Beverage Sales:* The sale of beer, wine, or other alcoholic beverages for on-**  
62 **or off-premise consumption.**

63

64 ***Alcohol beverage sales, off-premise:* The retail sale of alcoholic beverages in the**  
65 **original manufacturer sealed and labeled container in a business such as a**  
66 **grocery store, convenience store or liquor store for consumption off-site.**

67

68 ***Alcohol beverage sales, on-premise:* The sale of beer, wine, or other alcoholic**  
69 **beverages as the primary activity (e.g. bars, taverns, etc.) or as an incidental or**  
70 **secondary activity to another primary business activity (e.g. full-service or**  
71 **specialty restaurants, hotels, banquet halls) for consumption on-site.**

72

73 ***Alteration:* Any change, addition or modification in construction, use or occupancy.**

74

75 ***Anchorage:* A place designated for vessels to anchor.**

76

77 ***Antenna:* A metallic, graphite, fiberglass, or other device which is attached to a transmission**

St. Charles Parish Zoning Ordinance – Section III. Definitions

104 motorcycles or other motorized transportation vehicles. An automobile/vehicle  
105 dealership may contain an inventory of the vehicles for sale or lease either on-site or  
106 at a nearby location, and may provide on-site facilities for the repair and service of  
107 the vehicles sold or leased by the dealership.

108

109 *Automotive repair, major:* An establishment primarily engaging in the repair or  
110 maintenance of motor vehicles, trailers and similar large mechanical equipment,  
111 including paint, body and fender, and major engine and engine part overhaul, which  
112 is conducted within a completely enclosed building.

113

114 *Automotive repair, minor:* An establishment primarily engaging in the repair or  
115 maintenance of motor vehicles, including brake, muffler, upholstery work, tire repair  
116 and change, lubrication, tune ups, etc., which is conducted within a completely  
117 enclosed building.

118

119 *Bar:* An establishment serving alcoholic beverages in which the principal business is  
120 the sale of such beverages for consumption on the premises. A bar may include a  
121 micro-brewery on-site.

122

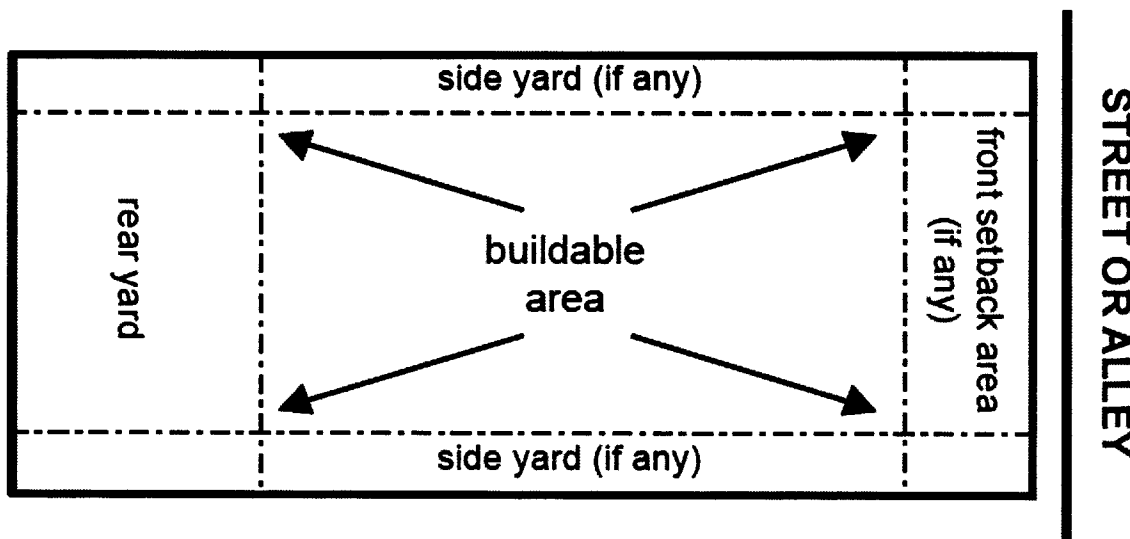
123 ~~*Barroom:* Any business establishment with the primary purpose being the sale of alcoholic~~  
124 ~~beverages for on-premises and off-premises consumption. Such operations require a Class~~  
125 ~~A—General retail liquor license through the St. Charles Parish Sheriff's Office and a Special~~  
126 ~~Permit Use through the Planning Commission as outlined in Section VI.C.IV.1.c. of these~~  
127 ~~regulations. This designation, and applicable land use regulations, shall also apply to night~~  
128 ~~clubs, lounges, and dancehalls. A Class A—General retail liquor license holder must derive~~  
129 ~~at least seventy five (75) percent of its total retail sales income from the sale of alcoholic~~

St. Charles Parish Zoning Ordinance – Section III. Definitions

155 **Brewery/distillery:** A facility for either the production and packaging of malt  
156 beverages of low alcoholic content for wholesale distribution, with a capacity of more  
157 than twelve thousand (12,000) barrels per year, or for the distilling of liquors, with a  
158 capacity of more than twelve thousand (12,000) gallons per year.

159  
160 **Buffer or buffer zone:** A strip of land established to protect one type of land use from  
161 another which is may be incompatible. The buffer may include landscaping, fencing or  
162 other buffering materials.

163  
164 **Buildable area:** The portion of a lot or site, exclusive of required yard areas,  
165 setbacks, landscaping, or open space within which a structure may be built.



166  
167 **Building:** ~~Any structure designed or built for the support, enclosure, shelter, or protection of~~  
168 ~~a person, animals, chattels, or property of any kind.~~ Any structure, either temporary or  
169 permanent, having a roof and designed, intended or used for the sheltering or  
170 protection of persons, animals, or property of any kind.

171  
172 **Building (main, primary, principal):** A building in which is conducted the principal



St. Charles Parish Zoning Ordinance – Section III. Definitions

199        **Carport:** An accessory structure consisting of a canopy or shed attached or adjacent  
200        to the main structure and open on two (2) or more sides for the purpose of providing  
201        shelter for one (1) or more vehicles.

202

203        **Car wash:** A commercial establishment engaged in the washing and cleaning of  
204        passenger vehicles, recreational vehicles or other light dirty equipment, whether  
205        automatic in an enclosed structure or by hand.

206

207        **Casino:** A building in which the primary use is legal gaming as defined by the State  
208        of Louisiana.

209

210        **Cellular installation:** Facility transmitting and receiving electromagnetic frequency  
211        transmissions in the 800—900 MHZ ultra-high frequency (UHF) range. (Ord. No. 97-7-4, 7-  
212        7-97)

213

214        **Cemetery:** Land used or dedicated for the burial of the dead, including crematoriums,  
215        columbariums, mausoleums and necessary sales and maintenance facilities.

216

217        ~~**Child care center:** Any place operated by a person, society, agency, corporation, institution,~~  
218        ~~or any other group that is licensed by the State of Louisiana wherein are received seven (7)~~  
219        ~~or more children under seventeen (17) years of age who are not related to such person, and~~  
220        ~~whose parents or guardians are not residents in the same house and with such person,~~  
221        ~~society, agency, corporation or institution responsible for the control and care of children~~  
222        ~~enrolled therein. (Ord. No. 88-11-19, 11-28-88)~~

223

224        **Church:** See House of worship

St. Charles Parish Zoning Ordinance – Section III. Definitions

249        *Commercial activity:* The exchange of goods, products, services, or property of any kind.  
250        The buying, selling, exchange, or associated storage of articles, including the manufacture  
251        or production of same for commerce. The term "commercial activity" shall not be construed  
252        to include the occasional and isolated sales or transactions by a person who does not hold  
253        himself out as engaged in business. (Ord. No. 96-7-5, § 1, 7-1-96)

254  
255        *Commission:* Same as Planning Commission of **St. Charles Parish**.

256  
257        *Communications equipment shelters:* A constructed or prefabricated building or other  
258        structure located on a telecommunications site designed principally to enclose equipment,  
259        switches, communication lines, and other related facilities used in connection with  
260        telecommunications transmissions. Communications equipment shelters shall not be  
261        considered as an accessory use for purposes of determining the required setback  
262        limitations. (Ord. No. 97-7-4, § 1, 7-7-97)

263  
264        *Community center:* A facility to be used as a place of meeting, recreation, adult  
265        training or social activity, and not operated for profit, which is open to the community  
266        and designed to accommodate the surrounding neighborhood or the larger  
267        community.

268  
269        *Community garden:* Neighborhood-based developments that provide space for  
270        community members to grow plants for beautification, education, recreation,  
271        community distribution or person use. These sites shall be owned and managed by  
272        public or civic entities, non-profit organizations, or other community-based  
273        organizations that are responsible for maintenance and operations.

274

St. Charles Parish Zoning Ordinance – Section III. Definitions

300 violation of civil or criminal law. Such facilities include adult detention centers,  
301 juvenile delinquency centers, jails or prisons.

302  
303 ~~Dancehall: A commercial enterprise offering dance-related entertainment facilities for adults,~~  
304 ~~including the sale of alcoholic beverages for on-premises and off-premises consumption.~~  
305 ~~Such operations require a Class A General retail liquor license through the St. Charles~~  
306 ~~Parish Sheriff's Office and a Special Permit Use through the Planning Commission as~~  
307 ~~outlined in Section VI.C.IV.1.c. of these regulations. See "Barroom", Section III.5. of these~~  
308 ~~regulations. (Ord. No. 94-11-2, § II, 11-7-94)~~

309  
310 **Day care center, adult:** A facility where, for a portion of a twenty-four (24) hour day,  
311 functionally-impaired adults that are not related to the owner or operator of the facility  
312 are supervised or participate in a training program. This excludes alcohol and drug  
313 abuse clientele, former inmates of prisons or correctional institutions or former  
314 patients of mental institutions who have been found not guilty by reason of insanity.  
315 An adult day care center does not include adult day care homes.

316  
317 A. **Day care center, small:** Up to fifteen (15) adults

318  
319 B. **Day care center, large:** Sixteen (16) to fifty (50) adults

320  
321 C. **Day care center, commercial:** Fifty-one (51) or more adults

322  
323 **Day care center, child:** A facility where, for a portion of a twenty-four (24) hour day,  
324 supervision and guidance of children that are not related to the owner or operator of

351

352 **B. *Day care home, large: six (6) twelve (12) children***

353

354 ***Density:* The number of dwelling units that are allowed on an area of land.**

355

356 ***Detention/Retention Pond:* A man-made basin designed to protect against flooding by**  
357 **storing stormwater for a limited period of time.**

358

359 ***Directional boring:* Method of installing underground pipes, conduits and cables in a shallow**  
360 **arc along a prescribed bore path using either a drilling fluid and directional cutting heads, or**  
361 **high pressure water jets to cut the desired bore hole below ground without needing an open**  
362 **trench. This shall include the process known as "hydro tunneling." (Ord. No. 12-4-16, § I, 4-**  
363 **23-12)**

364

365 ***Directional boring slurry:* Any viscous material removed by use of directional boring**  
366 **technology either containing drilling fluids, or simple water and soil mixtures. (Ord. No. 12-4-**  
367 **16, § I, 4-23-12)**

368

369 ***Discontinuance:* (Also see abandonment) The abandonment of a property or of a**  
370 **particular use for a period of at least six (6) months. The determination of**  
371 **discontinuance for non-conforming uses or structures shall be supported by**  
372 **evidence, satisfactory to the Planning and Zoning Department (e.g. the actual removal**  
373 **of equipment, furniture, machinery, structures, or other components of the non-**  
374 **conforming use and not replaced, the turning off of the previously connected utilities,**  
375 **or where there are no business receipts/records or any necessary licenses available**  
376 **to provide evidence that the use is in continual operation).**

St. Charles Parish Zoning Ordinance – Section III. Definitions

402 ***Dwelling, single-family:*** A building that contains only one dwelling unit including  
403 attached buildings in the case of townhouses.

404  
405 ***Dwelling, two-family:*** (also see *duplex*) A building that contains a maximum of  
406 two (2) attached dwelling units.

407  
408 ***Dwelling, multifamily:*** A building that contains more than two (2) dwelling units.

409  
410 ***Dwelling, townhouse:*** A building on its own separate lot of record containing one  
411 (1) dwelling unit that occupies space from the ground to the roof, and that is  
412 attached to one (1) or more other townhouse dwelling units by at least one (1)  
413 common wall.

414  
415 ***Dwelling unit:*** Any room or group of rooms located within a structure forming a  
416 single habitable unit with facilities which are used or intended to be used for  
417 living, sleeping, cooking, eating and sanitation by one family.

418  
419 ***Eave:*** The projecting sides of a roof overhanging the wall of a building.

420  
421 ***Encroachment:*** The extension or placement of any structure or component of a  
422 structure into a required yard, setback, or street right-of-way.

423  
424 ***Extraction:*** The removal from the premises of sand, gravel, shells, topsoil, minerals, or other  
425 natural resources from a lot or a part thereof.

452

453 **Fence:** A barrier, solid or otherwise used as a boundary or means of enclosure for  
454 protection, confinement, or concealment. ~~A structure serving as an enclosure, a barrier,~~  
455 ~~or a boundary and made of wood, masonry, or chain link galvanized metal.~~

456

457 ~~*Filling station:* Any building, structure, or land used for the dispersing, sale, or offering for~~  
458 ~~sale at retail of any automobile fuels, oils, or accessories, except that indoor car washing,~~  
459 ~~minor motor adjustment, and flat tire repair may be performed when incidental to the~~  
460 ~~conduct of a filling station.~~

461

462 ~~*Fire wall:* Fire walls shall be of non-combustible material having a fire resistance rating of~~  
463 ~~not less than four (4) hours and have sufficient structural stability under fire conditions to~~  
464 ~~allow collapse of construction on either side without collapse of the wall. Fire walls shall start~~  
465 ~~at the foundation and extend continuously through all stories to and above the roof except~~  
466 ~~where the roof is over fire resistive construction and the wall is carried up tightly against the~~  
467 ~~underside of the roof slab.~~

468

469 **Floor area:** The sum of the gross horizontal areas of the several floors of the main  
470 building but not including the area of roofed porches, terraces, or breezeways. All  
471 dimensions shall be measured between exterior faces of the walls. Or (existing in  
472 "Parking" - the square feet of floor space on all floors of a building within the exterior  
473 walls. It does not include porches, garages, basements or cellar space, stair wells,  
474 elevator shafts or mechanical equipment rooms, inner courts, corridors and malls  
475 from which goods or services are not offered or sold.

476

477 **Floor area ratio (FAR):** The total floor area of all buildings or structures on a zoning

St. Charles Parish Zoning Ordinance – Section III. Definitions

496 ~~Garage, private: An enclosed space for the storage of not more than three (3) motor~~  
497 ~~vehicles, provided that no business, occupation, or service is conducted for profit therein nor~~  
498 ~~space therein for more than one motor vehicle is leased to a non-resident of the premises;~~  
499 ~~and provided further that not more than one of the vehicles stored shall be a commercial~~  
500 ~~vehicle of not more than two-ton capacity. **An accessory building for the storage of**~~  
501 ~~motor vehicles.~~

502

503 ~~Garage, public: A building, land or portion thereof other than a private, or parking garage,~~  
504 ~~designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven~~  
505 ~~vehicles.~~

506

507 *Gardening: The growing of herbs, fruits, and vegetables for resident use only.*

508

509 **Gas/service station: A business where flammable or combustible liquids or gases**  
510 **used as fuel for motor vehicles are stored and dispersed from fixed equipment into**  
511 **the tanks of motor vehicles.**

512

513 **Government facility: A building or structure owned, operated or occupied by a**  
514 **governmental agency to provide a governmental service to the public, and shall**  
515 **include public works and public safety facilities.**

516

517 **Grade, finished: The average elevation of the ground surface that exists after man-**  
518 **made alterations, such as grading, grubbing, filling or excavating.**

519

520 **Grade, natural: The average elevation of the ground surface that exists or existed**  
521 **prior to man-made alterations, such as grading, grubbing, filling or excavating.**

St. Charles Parish Zoning Ordinance – Section III. Definitions

547 ~~site, and that shall certify compliance of each vendor with all applicable federal, state, and~~  
548 ~~local statutes and regulations. Such sponsoring entity shall obtain and maintain tax exempt~~  
549 ~~status under authority of the United States Internal Revenue Code, Section 501(c)(3) or~~  
550 ~~Section 521.~~

551  
552 ***Gross floor area:*** The total area of all the floors of a building, including intermediately  
553 floored tiers, mezzanine, basements, garages, unfinished attics, etc., as measured  
554 from the exterior surfaces of the outside walls of the building.

555  
556 ***Group home or community home:*** A single-family residential structure, specifically  
557 licensed by the State of Louisiana, for occupancy of unrelated persons.

558  
559 ***Hazardous material (or hazardous chemical):*** Material presenting dangers beyond the fire  
560 problems relating to flash point and boiling point. These dangers may arise from but are not  
561 limited to toxicity, reactivity, instability, or corrosivity. (Ord. No. 96-5-17, § 1, 5-20-96)

562  
563 ***Hazardous waste :*** A waste, or combination of wastes, regulated by Title 33, Part V of  
564 the Louisiana Environmental Regulatory Code (LAC 33.V), which because of its  
565 quantity, concentration, or physical, chemical or infectious characteristics may do  
566 either of the following: (1) cause or significantly contribute to an increase in mortality  
567 or increase or serious irreversible or incapacitating reversible illness; (2) pose a  
568 substantial present or potential hazard to human health or environment when  
569 improperly treated, stored, transported, disposed of or otherwise managed.

570  
571 ***Hazardous waste disposal facility:*** All structures, appurtenances and  
572 improvements on the land used for treatment, storage or disposing of hazardous



St. Charles Parish Zoning Ordinance – Section III. Definitions

596 flat roof, (b) the deck line of a mansard roof, or (c) the mean height between eaves and  
597 ridge for gable, hip and gambrel roofs.

598

599

600

601

602 *Historic home site bed and breakfast:* Accommodations for tourists and travelers which  
603 provide sleeping rooms within an historic home or on the historic home site in another  
604 historic structure. Historic home sites are identified as having a main structure that is over  
605 one hundred (100) years old and is located in a commercial or historic zoning district. (Ord.  
606 No. 13-7-6, § I, 7-1-13)

607

608 ~~*Home occupation:* A home occupation is an accessory use of a dwelling unit, conducted by~~  
609 ~~one (1) or more persons who reside at the property in question. The home occupation is~~  
610 ~~clearly incidental and secondary to the use of the dwelling for residential purposes and does~~  
611 ~~not change the character thereof or adversely affect the uses permitted in the residential~~  
612 ~~district of which it is a part. A home occupation shall meet the requirements of section XXII~~  
613 ~~of the Code of Ordinances, appendix A. (Ord. No. 86-7-6, 7-7-86; Ord. No. 87-4-11, 4-20-87;~~  
614 ~~Ord. No. 92-11-16, § I, 11-16-92) **A business, profession, occupation or trade**~~  
615 ~~**conducted within the principle structure of a residential use by a resident of the**~~  
616 ~~**dwelling which is incidental and secondary to the residential use of the dwelling,**~~  
617 ~~**does not change the essentially residential character of the use, and which complies**~~  
618 ~~**with the requirements of Section XXII Home Occupations.**~~

619

620 *Hospital:* A building ~~or portion thereof~~ designed or used for the diagnosis, therapeutic  
621 treatment, or other care of ailments of patients who are physically or mentally ill..

St. Charles Parish Zoning Ordinance – Section III. Definitions

648 machinery of any type, tools, appliances, fixtures, utensils, lumber, boxes or crates  
649 (fabricated or any material), pipe or pipe fittings, conduit or conduit fittings, inoperative motor  
650 vehicles, tires and other manufactured goods that are so worn, deteriorated or obsolete as  
651 to make them unusable in their existing condition or which are subject to being dismantled.

652 *Junkyard:* An open area where any waste, used, or secondhand materials are brought,  
653 sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited  
654 to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes  
655 an auto wrecking yard or the storage of keeping of one or more inoperative motor vehicles  
656 unless where otherwise specifically permitted but does not include uses established entirely  
657 within enclosed buildings. ~~All "junkyards" shall be required to be screened by a minimum of~~  
658 ~~seven-foot high solid wood or masonry fence. No person shall operate or cause to operate~~  
659 ~~any junkyard in the parish without first obtaining a license as required by Chapter 13, Article~~  
660 ~~VI, of this Code. (Ord. No. 84-12-6, 12-3-84)~~

661 *Landfill:* As defined by the Louisiana Administrative Code Section (LAC 33:VII. Subpart I.  
662 Section 115) and generally defined by Types of Facilities as follows:

663 *Type I Facility*—a facility used for disposing of industrial solid wastes. Any Type I  
664 Facilities shall only be allowed as an accessory use to an approved Industrial Facility.

665 *Type II Facility*—a facility used for disposing of residential and/or commercial solid  
666 waste.

667 *Type III Facility*—a facility used for disposing or processing of construction/demolition  
668 debris or wood waste, composting organic waste to produce a usable material, or  
669 separating recyclable wastes. As per LAC 33: VII Subpart I. Section 115,  
670 construction/demolition debris is further defined as: non-hazardous waste generally  
671 considered not water-soluble that is produced in the process of construction, remodeling,

St. Charles Parish Zoning Ordinance – Section III. Definitions

698 **for the performance**

699

700 ~~*Living unit:* The rooms occupied by a family. The living unit must include a kitchen.~~

701

702 ~~*Loading and/or unloading space:* A surface space within the main building or on the same~~  
703 ~~lot providing for the temporary standing, loading and/or unloading of trucks.; said space~~  
704 ~~having a minimum dimensions of forty-eight (48) feet in length, twelve (12) feet in width and~~  
705 ~~fourteen (14) feet in height, except as herein provided; and connected with an accepted~~  
706 ~~deeded right of way which affords ingress and egress for vehicles.~~

707

708 *Local public entity:* A facility or service operation which is domiciled in St. Charles Parish, is  
709 open to public use, and is supported all or in part by public taxes or levies on private citizens  
710 and/or concerns of St. Charles Parish. (Ord. No. 97-1-9, § II, 1-21-97)

711

712 ~~*Lot:* A parcel of land occupied or intended for occupancy by a use permitted in this~~  
713 ~~Ordinance including permitting buildings together with accessor buildings, the yard area and~~  
714 ~~parking spaces required by this Ordinance. **A parcel, tract, or area of land; established**~~  
715 ~~**by plat, subdivision, deed, or as permitted/created by law; to be separately owned,**~~  
716 ~~**used, developed, or built upon.**~~

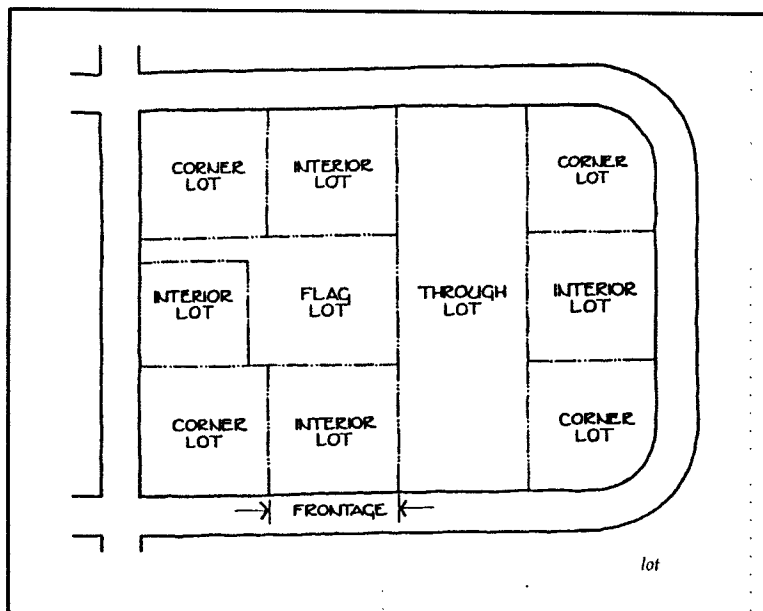
717

718 ***Lot area:* The total area within the lot lines of a lot, excluding any street rights-of-**  
719 **way.**

720

721 ***Lot, corner:* A lot or parcel of land abutting two (2) or more streets at their**  
722 **intersection or on two (2) parts of the same street forming an interior angle of less**  
723 **than one hundred thirty-five (135) degrees.**

St. Charles Parish Zoning Ordinance – Section III. Definitions



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~~Lot frontage: That required part of a lot (lot line) abutting on an improved, public street or way. For the purposes of determining required yard sizes on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage; for the purposes of determining required yard sizes on lots fronting curvilinear streets, the length of the arc between the side lot lines shall be considered lot frontage. (Ord. No. 07-1-6, §1, 1-8-07)~~

**Lot lines:** The lines bounding a lot.

**Lot of record:** A lot which is either part of a subdivision or a parcel of land which became legally established and defined by deed or act of sale prior to the date of passage of this Ordinance.

**Lounges:** See "Barroom."

St. Charles Parish Zoning Ordinance – Section III. Definitions

782 ***Marina:* A facility for the storage, servicing, fueling, berthing and securing of boats**  
783 **along with customary accessory uses.**

784  
785 *Mast:* A frame supporting antennas not exceeding thirty-five (35) feet in height which is  
786 mounted on a roof or some other structure. (Ord. No. 97-7-4, § 1, 7-7-97)

787  
788 *Medical waste:* ~~Shall include any solid~~ **Solid** waste which is generated in the diagnosis,  
789 treatment or immunization of human beings or animals, in research pertaining thereto, or in  
790 the production or testing of biologicals. (Ord. No. 90-9-4, § 1, 9-4-90)

791 *Medical waste storage facilities:* ~~Shall include any~~ all facilities in which medical waste is  
792 temporarily held at a central collection point, including but not limited to transfer facilities.

793 *Medical waste treatment or disposal facilities:* ~~Shall include any~~ and all facilities for the  
794 purpose of changing the character or composition of any medical waste so as to reduce or  
795 eliminate its potential for causing disease, including but not limited to decontamination by  
796 autoclaving and other methods; incineration; landfill disposal; or sanitary sewer disposal.  
797 (Ord. No. 90-9-4, § 1, 9-4-90)

798  
799 *Mineral extraction:* See "Extraction."

800  
801 *Mini-storage facility (self-storage facility):* ~~Any~~ **A** commercial structure offering storage space  
802 for lease to the general public for the storage of household goods, furniture, appliances,  
803 automobiles, boats, and other similar movables, ~~except for~~ **excluding** highly toxic,  
804 flammable, and/or combustible substances. **Recreational vehicles, motor vehicles, boats,**  
805 **RVs, and trailers are allowed as customary accessory uses.** (Ord. No. 98-3-17, § 1, 3-  
806 23-98)

St. Charles Parish Zoning Ordinance – Section III. Definitions

831 *Monopole (non-standard):* A monopole, or other freestanding structure containing antennas,  
832 which is designed to camouflage the appearance of a standard monopole, such as a clock  
833 tower. Non-standard monopoles shall be designed to be aesthetically compatible with the  
834 character of the surrounding area. Artificial tree designs shall not be permitted as non-  
835 standard monopoles. (Ord. No. 97-7-4, § I, 7-7-97)

836

837 ***Mortuary:* (See funeral home)**

838

839 ~~*Motel:* A group of attached or detached buildings designed, constructed, or under~~  
840 ~~construction or alteration for guest rooms or dwelling units intended primarily for automobile~~  
841 ~~transients, each unit having a separate entrance opening out of doors or into a foyer, with~~  
842 ~~parking space appropriately located on the lot for use by guests of the court, operation of~~  
843 ~~such court to be supervised by a person in charge at all hours. Motels include auto courts,~~  
844 ~~tourist courts, motor courts, motor hotels, and motor inns. Now "HOTEL / MOTEL"~~

845

846 *Night club:* See "Barroom."

847

848 *Nonconforming lot:* A lot of record which does not conform to the minimum requirements  
849 specified for the district in which it is located. (Ord. No. 88-9-24, 9-19-88)

850 ***Nonconforming site (structure):* A site upon which any of the following design**  
851 **aspects: building, structure, yard, parking, landscaping, buffering, or required**  
852 **setback; lawfully existed before the adoption or amendment of this ordinance, but**  
853 **which does not conform to all of the requirements contained in this ordinance or**  
854 **amendments thereto which pertain to the district in which it is located.**

St. Charles Parish Zoning Ordinance – Section III. Definitions

880

881 *Outdoor advertising signs (“Billboards”):* An attached or free standing structure constructed  
882 and maintained for the purpose of conveying to the public, information, knowledge or ideas.  
883 Such structure may be double faced or V type but shall contain no more than four (4) signs  
884 in any one unit and not more than two (2) signs side by side. The structure shall have a total  
885 length of not more than sixty (60) feet.

886 ***Outdoor storage yard:*** The storage of any material, as a principal use of the lot, or for a  
887 period of more than twenty-four (24) hours, including items for sale, lease, processing and  
888 repair not in an enclosed structure. Items within an outdoor storage yard must be owned or  
889 leased by the owner of the storage yard.

890

891 ~~*Package liquor retailer (package house):* A commercial enterprise which offers the sale of~~  
892 ~~alcoholic beverages for off-premises consumption either as its primary service or as a minor~~  
893 ~~aspect of that enterprise. Such retail or wholesale sales operations require a Class B liquor~~  
894 ~~license through the St. Charles Parish Sheriff's Office. (Ord. No. 94-11-2, § III, 11-7-94)~~

895

896 ~~*Panelized home:* A factory built home constructed to Southern [Standard] Building Code~~  
897 ~~Standards, and assembled on site from wall, floor and roof sections built in a factory—~~  
898 ~~sometimes with wiring and insulation in place behind the finished drywall. The panels may~~  
899 ~~be packaged with other factory built components for completion with traditional on-site~~  
900 ~~building techniques. (Ord. No. 87-1-13,~~

901

902 ***Parapet wall:*** The portion of the wall that extends above the roofline.

903

St. Charles Parish Zoning Ordinance – Section III. Definitions

930 **basketball courts, skateboard parks, playgrounds and field house which may have**  
931 **indoor recreation facilities.**

932  
933 *PCS (personal communication service) installation:* Facility transmitting and receiving  
934 electromagnetic frequency transmissions in the 1,850—2,000 MHZ ultra-high frequency  
935 (UHF) range. (Ord. No. 97-7-4, § I, 7-7-97)

936  
937 ***Permitted use:* A use meeting all of the requirements established by this Chapter for**  
938 **the district in which the use is located.**

939  
940 ***Personal service establishment:* An establishment or place of business primarily**  
941 **engaged in the provision of frequent or recurrent services of a personal nature.**  
942 **Typical uses include, but are not limited to, beauty shops, barbershops, tanning**  
943 **salons, massage parlors, shoe repair, personal item repair shops, Laundromats, dry**  
944 **cleaners, and tailors. Personal services establishments shall not include any adult**  
945 **establishments or uses.**

946  
947 ***Planned unit development (PUD):* A residential, commercial or mixed-use**  
948 **development guided by a total design plan in which one or more of the zoning or**  
949 **subdivision regulations, other than use regulations, shall be permitted to be waived**  
950 **or varied to allow flexibility and creativity in site and building design and location, in**  
951 **accordance with general guidelines.**

952  
953 ***Planning and zoning director:* Head of the St. Charles Parish Planning and Zoning**  
954 **Department or his duly authorized representative, who shall advise the Planning**



St. Charles Parish Zoning Ordinance – Section III. Definitions

974 ***Principal use:*** The primary use and chief purpose of a lot or structure.

975

976 ***Property line:*** See Lot line.

977

978 ***Public utility station:*** A structure or facility used by a public or quasi-public agency to  
979 store, distribute, and/or generate electricity, gas telecommunications and related  
980 equipment, or to pump or chemically treat water. This does not include storage or  
981 treatment of sewage, solid waste or hazardous waste.

982

983 ***Rated capacity:*** the maximum number of occupants, as determined by the Louisiana  
984 State Fire Marshal's Office.

985

986 ~~*Rear yard:* That portion of a lot to the rear of the main entrance of the building. (Ord. No. 88-~~  
987 ~~*5-3, 5-16-88)*~~

988

989 ***Recreational vehicle (RV):*** A structure or vehicle used as a temporary dwelling by  
990 vacationers, transient workers, etc., designed to be towed by a vehicle or self-propelled, and  
991 designed to be licensed as a vehicle. The structure may be used without connections to  
992 public utilities; provided however that self-contained, sanitary, water and electrical systems  
993 are installed. Additionally, the structure may be occupied in the R-1M District without the  
994 requirement to screen the chassis of the structure or vehicle. (Ord. No. 87-1-13, 1-5-87; Ord.  
995 No. 03-12-3, § I, 12-1-03)

996

997 ***Recreational vehicle (RV) park:*** A specially designed community or park which is designed  
998 to accommodate recreational vehicles for temporary, recreational or transient uses.

St. Charles Parish Zoning Ordinance – Section III. Definitions

1024 ~~Retail manufacturing: Baking, confectionery, dressing, dyeing, laundry, dry cleaning,~~  
1025 ~~printing, tailoring, upholstering, fabrication, and assembly businesses of similar or no more~~  
1026 ~~objectionable character. subject to the following provisions:~~

1027 ~~a. All goods or products manufactured or processed shall be sold at retail.~~

1028 ~~b. All such manufacturing or processing shall be done within a building.~~

1029 ~~c. All such sites are limited to no more than five thousand (5,000) square feet of~~  
1030 ~~building area.~~

1031 ~~d. No more than five (5) persons shall be employed at any one (1) time in the~~  
1032 ~~manufacturing process.~~

1033 ~~e. Such facilities are restricted only to U.S. Highway 90, U.S. Highway 61, and LA~~  
1034 ~~Highway 3127. (Ord. No. 88-9-8, 9-6-88)~~

1035 *School, business:* Privately owned schools offering instruction in accounting, secretarial  
1036 work, business administration, the fine or illustrative arts, trades, dancing, music, and similar  
1037 objects.

1038  
1039 *School, industrial or trade:* An establishment, public or private, offering training to students,  
1040 in skills required for the practice of trades and in industry.

1041 *School, private:* Privately owned schools having a curriculum essentially the same as  
1042 ordinarily given in public elementary or high school. The term includes day nurseries and  
1043 kindergartens.

1044 ***Servitude:* Same as easement. The right, granted by the property owner, to use a**  
1045 **portion of a lot for specified purposes, such as public utilities, drainage and other**  
1046 **public purposes, the title of which shall remain with the property owner, subject to**  
1047 **the right of use designated in the reservation of the easement.**

St. Charles Parish Zoning Ordinance – Section III. Definitions

1073 **of the State of Louisiana as a non-profit corporation or registered with the Secretary**  
1074 **of State of Louisiana.**

1075  
1076 *Special exception use:* Those building or land uses requiring **in-depth review and**  
1077 **consideration** approval by the **Director of the Planning and Zoning Department** prior to  
1078 development of the use under question. ~~If a waiver or variance is required for a proposed~~  
1079 ~~Special Exception Use, it shall require a Special Permit for the same land use.~~

1080  
1081 *Special permit uses:* Those building or land uses requiring in-depth review and analysis by  
1082 the Planning and Zoning Department and **approval of the Planning Commission and/or the**  
1083 **Parish Council when required by this Ordinance.** ~~Following review by the Planning and~~  
1084 ~~Zoning Department, a public hearing will be held by the Planning and Zoning Commission.~~  
1085 ~~The Planning and Zoning Department shall post a sign on the affected property which calls~~  
1086 ~~attention to the public hearing at least ten (10) days prior to that hearing date. Similar~~  
1087 ~~notification shall also be posted at the principal office of the Department of Planning and~~  
1088 ~~Zoning. The public hearing shall be advertised in the official journal of the parish at least~~  
1089 ~~three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall~~  
1090 ~~elapse between the first publication and the date of the hearing. Notice of the time and place~~  
1091 ~~of the public hearing shall be sent by certified mail not less than ten (10) days in advance of~~  
1092 ~~the hearing to all abutting property owners. Following this public hearing, the decision(s) of~~  
1093 ~~the Planning and Zoning Commission and/or Parish Council will be implemented by the~~  
1094 ~~Planning and Zoning Department. Waivers and Variances to Special Permits may be~~  
1095 ~~considered under conditions set forth in Section IV.10. of this ordinance. (Ord. No. 08-3-5, §~~  
1096 ~~1, 3-24-08)~~

1097  
1098 **Spot zone:** Rezoning a lot or parcel of land which gives to a single lot or a small area

St. Charles Parish Zoning Ordinance – Section III. Definitions

1124 **abutting property.**

1125

1126 ***Cul-de-sac:* A local street having an opening at one end and closed on the other**  
1127 **end, with facilities for vehicular turn around.**

1128

1129 ~~Structure: Anything constructed or erected, the use of which requires a location on the~~  
1130 ~~ground or attached to something having a location on the ground including advertising~~  
1131 ~~signs, billboards, back stops for tennis courts, fences and pergolas, and excluding utility~~  
1132 ~~power poles. A combination of materials constructed or erected with a fixed location~~  
1133 **on, above, or below the surface of land or water.**

1134

1135 ***Subdivision/Resubdivision:* See Appendix C Subdivision Regulations.**

1136

1137 ***Swimming Pool:* Any portable or permanent pool with water eighteen (18) inches or more**  
1138 **in depth and two hundred (200) square feet or more of water surface area intended for**  
1139 **recreational purposes including a wading pool but not including an ornamental reflecting**  
1140 **pool, fish pond or similar type pool less than eighteen (18) inches in depth located and**  
1141 **designed so as not to create a hazard or be used for swimming or wading.**

1142

1143 ***Tattoo parlor:* Establishments where services offered are tattooing, body piercing**  
1144 **and non-medical body modification.**

1145

1146 ~~*Tenant Dwelling:* A residential structure located on a bona fide farm and occupied by a non-~~  
1147 ~~transient farm worker employed by the farm owner for work on the farm.~~

St. Charles Parish Zoning Ordinance – Section III. Definitions

1172 ***Traffic impact analysis:*** An analysis of the effect of traffic generated by a  
1173 development on the capacity, operations and safety of the public street and highway  
1174 system.

1175

1176 ~~*Trailer:* Repealed by Ord. No. 87-1-13, 1-5-87.~~

1177

1178 *Transmission tower:* A structure or framework, usually of a steel lattice construction,  
1179 principally intended to support radio, cellular, telecommunications, television, electric utility  
1180 and/or any other electromagnetic transmissions, and receiving antennas and/or equipment.

1181 (Ord. No. 97-7-4, § I, 7-7-97)

1182

1183 *Trash/garbage storage area:* That area of a development used for the storage and  
1184 containment of refuse and refuse containers (i.e. dumpsters).

1185

1186 ***Travel trailer:*** See Recreational vehicle.

1187

1188 *Truck terminal:* a facility which sells fuel, lubricating oil, and other vehicular merchandise,  
1189 such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers. (Ord. No. 98-4-  
1190 17, § I, 4-20-98)

1191

1192 *Truck terminal (with video poker gaming facilities):* A facility covering at least ten (10)  
1193 developed contiguous acres which sells fuel, lubricating oil, and other vehicular  
1194 merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and  
1195 which also meets the criteria of the State of Louisiana for the placement of video poker  
1196 gaming facilities within said development. (Ord. No. 98-4-17, § I, 4-20-98; Ord. No. 01-5-18,  
1197 § I, 5-21-01)

St. Charles Parish Zoning Ordinance – Section III. Definitions

1223 yard shall be measured between the front line of the building and the street line.

1224 On corner lots, the front yard shall be considered as parallel to the street upon

1225 which the lot has the least dimension. This space is considered open space.

1226

1227 *Yard, rear:* A yard extending across the rear of the lot between the side lot lines

1228 and being the minimum horizontal distance between a rear lot line and the rear of

1229 the maximum main building. The rear yard shall be at the opposite end of the lot

1230 from the front yard. However, on through lots fronting two (2) streets, two (2)

1231 front yards shall be provided.

1232

1233 *Yard, required:* The minimum open space between a lot line and the yard line

1234 within which no structure is permitted to be located as provided in this Chapter.

1235

1236 *Yard, side:* A yard extending from the front yard to the rear yard between the side

1237 lot line within which no structure is permitted to be located as provided in this

1238 Chapter.

1239

1240 *Yard, through:* A through yard is any single zoning lot that is not a corner lot and

1241 that connects two generally parallel streets. On through yards fronting two (2)

1242 streets, two (2) front yards shall be provided.

1243

1244 *Zero lot line:* "Zero lot line" housing is single-family detached housing which shall have only

1245 one side yard. Zero lot line dwellings shall be constructed against the lot property line on

1246 one side of a lot.

St. Charles Parish Zoning Ordinance –  
Section IV. Special Exception Use and Special Permit Use

1 Special Exception Use and Special Permit Use were replaced in whole. Existing code language  
2 is displayed as ~~striketrough font~~ and the updated language is displayed in **bold font**.

3  
4 **DRAFT 05.26.2015 SUMMARY OF UPDATES:** Section IV. General Provisions. 9. Review and  
5 evaluation criteria/special permit use and special exception use and 10. Waiver or variance to  
6 zoning regulations for special permit uses were revised to improve the clarity and logical flow of  
7 the application review, evaluation, and waiver procedures. Existing paragraph-style formatting  
8 was replaced with numbering to decrease the bulk and intensity of the section and improve  
9 comprehension and legibility. The notice and revocation processes for SPUs and SEUs were  
10 also included in this section to increase convenience and ease for applicants as well as  
11 streamline the ordinance by placing items relevant to each other in the same location within the  
12 ordinance.

13

14 ~~Section IV General Provisions 9) Review and evaluation criteria/special permit use and special~~  
15 ~~exception use.~~

16

17 ~~9.—Review and evaluation criteria/special permit use and special exception use: The~~  
18 ~~appropriate decision-making agent and/or body shall review and evaluate each application~~  
19 ~~based upon the following relevant criteria:~~

20 ~~a.—Comparison with applicable standards established by the Comprehensive Land Use~~  
21 ~~Plan as applied to the proposed use and site.~~

22 ~~b.—Compatibility with existing or permitted uses on abutting sites, in terms of building~~  
23 ~~construction, site development, and transportation related features.~~

St. Charles Parish Zoning Ordinance –  
Section IV. Special Exception Use and Special Permit Use

48 ~~apply (such as if the special permit or special exception use is in design or permit stage and/or~~  
49 ~~under construction at the end of the twelve month period). Once a special permit or exception is~~  
50 ~~considered operational and ceases operation for a period of six (6) months, that special permit~~  
51 ~~or special exception use shall expire unless otherwise specified by law. Special permit or~~  
52 ~~special exception uses approved prior to the adoption of this ordinance shall expire in~~  
53 ~~accordance with the time periods as set forth above with the time period commencing upon~~  
54 ~~receipt of written notification by the planning and zoning department and adoption of this~~  
55 ~~ordinance. (Ord. No. 09-3-3, § 1, 3-2-09)~~

56 ~~10. Waiver or variance to zoning regulations for special permit uses. Should the Director~~  
57 ~~discover that specific aspects of an application for special permit fail to conform to the~~  
58 ~~regulations contained in this ordinance, he may choose to forward the proposal for formal~~  
59 ~~consideration by the Planning Commission and Parish Council if the literal enforcement of~~  
60 ~~one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship~~  
61 ~~because of peculiar conditions pertaining to the land in question. Financial hardships shall~~  
62 ~~not be considered as valid criteria for any such waiver or variance to existing regulations.~~  
63 ~~Any application for special permit which contains a request for a waiver or variance shall~~  
64 ~~contain a specific reference to the request and state the reasons that the request be~~  
65 ~~granted. The Planning Commission, with a supporting resolution of the Council, may grant a~~  
66 ~~waiver or variance to these regulations only when such requests meet the conditions of this~~  
67 ~~subsection (i, ii) and are not detrimental to the public interest.~~

68 ~~(Ord. No. 93-12-6, 12-6-93; Ord. No. 08-3-5, § 2, 3-24-08)~~

69

70 **9. Special Exception Uses and Special Permit Uses - The following general rules apply to**  
71 **all uses approved under this subsection:**





St. Charles Parish Zoning Ordinance –  
Section IV. Special Exception Use and Special Permit Use

149                   f. **Signage**

150                   g. **Height and bulk of structures**

151                   h. **Location and direction of site lighting**

152       **D. Conditions of approval may be applied to ensure compatibility of the proposed**  
153                   **use with existing uses in the same district and the surrounding area.**

154       **E. Any Special Exception Use or Special Permit Use which does not commence**  
155                   **construction or operation within 12 months after the date of approval shall expire.**  
156                   **One extension not to exceed six months may be granted at the Planning and**  
157                   **Zoning Director’s discretion.**

158       **F. Any Special Exception Use or Special Permit Use that ceases operation for a**  
159                   **period of six (6) months shall expire unless otherwise specified by law.**

160       **G. *Notice* - The Planning and Zoning Department shall post a sign on the affected**  
161                   **property which calls attention to the Planning Commission’s public hearing at**  
162                   **least ten (10) days prior to that hearing date. Similar notification shall also be**  
163                   **posted at the principal office of the Department of Planning and Zoning. The**  
164                   **public hearings shall be advertised in the official journal of the parish at least**  
165                   **three (3) times on at least three (3) separate weeks, and at least fifteen (15) days**  
166                   **shall elapse between the first publication and the date of the hearings. Notice of**  
167                   **the time and place of the public hearing shall be sent by certified mail not less**  
168                   **than ten (10) days in advance of the hearing to all abutting property owners.**

169       **H. *Revocation* - A Special Exception or Special Permit Use may be revoked by**  
170                   **ordinance of the Parish Council after a public hearing finding that any of the**  
171                   **following conditions or events have occurred:**

172                   1. **Violation the terms and conditions of the approval**

173                   2. **Uncorrected violations of the Zoning Ordinance**

174                   3. **Violation of the Parish Code of Ordinances**

St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

1 Section VIII. Parking, loading and landscape requirements was replaced in whole and is now  
2 titled Section VIII. Site Design Requirements. Existing code language is displayed as  
3 ~~strikethrough font~~ and the updated language is displayed in **bold font**.

4  
5 **DRAFT 05.26.2015 SUMMARY OF UPDATES:** General criteria for off-street parking was  
6 simplified and made more clear. Criteria was established for commercial/industrial parking  
7 standards. Handicap parking standards were revised to reflect ADA recommendations.  
8 Landscape requirements were revised to improve site design, flood mitigation, and  
9 environmental benefits. This formatting of this section was revised to improve communication  
10 and comprehension by the public.

11  
12 ~~Section VIII. Parking, loading and landscape requirements.~~

13 ~~A. *Policy Statement:* The regulations of this section are designed to alleviate or prevent~~  
14 ~~congestion of the public streets and to promote the safety and welfare of the public by~~  
15 ~~establishing minimum requirements for off-street parking, loading and visibility in accordance~~  
16 ~~with the use of the premises.~~

17 ~~B. *Design Standards:*~~

18 ~~(1) All parking facilities shall meet the following criteria:~~

19 ~~a. *General Criteria:*~~

20 ~~1. Any area where off-street parking is provided (including additional parking areas that are~~  
21 ~~not required by this ordinance) must be surfaced with permanent dustfree paving except for~~  
22 ~~single family residences in the O L District which must be surfaced with appropriate materials.~~

St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

45 ~~1. An unenclosed off street parking space is a paved area of not less than eight (8) feet, six~~  
 46 ~~(6) inches in width and nineteen (19) feet in length.~~

47 ~~2. An enclosed area shall be not less than ten (10) feet in width and twenty (20) feet in~~  
 48 ~~length.~~

49 ~~3. A handicapped parking space is an area not less than twelve (12) feet in width and~~  
 50 ~~twenty (20) feet in length. The following chart will apply:~~

Number of Required — Parking Spaces	Number of Handicapped Spaces Required
1 to 14	To be determined by the Planning Director
15 to 25	4
26 to 100	4
101 to 200	6
201 to 300	7
301 and above, for each 100 parking spaces or a fraction thereof	2

51 -  
 52 ~~Handicapped parking spaces shall be located as close as possible to elevators, ramps,~~  
 53 ~~walkways and entrances. Parking spaces should be located so that physically handicapped~~  
 54 ~~persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps,~~  
 55 ~~walkways and elevators.~~

56 ~~4. Area computations are exclusive of driveways in each case.~~

57 ~~5. Each parking space shall open directly upon an aisle or driveway which is connected to~~  
 58 ~~a street or alley by a paved driveway which affords ingress and egress for a vehicle without~~  
 59 ~~requiring another vehicle to be moved.~~

St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

84 ~~a full berth if facility is shared by an adjacent establishment) so as not to hinder the free~~  
85 ~~movement of pedestrians and vehicles over a sidewalk, street or alley.~~

86 ~~c. Off street loading and unloading spaces as described above shall be provided for all~~  
87 ~~new uses hereafter established, including the enlargement or increase of building capacity by~~  
88 ~~adding floor area.~~

89 ~~C. Off Street Car Parking:~~

90 ~~(1) General Requirements:~~

91 ~~a. The location of off street parking shall be not more than three hundred (300) feet distant~~  
92 ~~from the main building or use. The zoning classification of such land must be the same or more~~  
93 ~~restrictive than the classification of the lot upon which the main building is located.~~

94 ~~b. Area reserved for off street parking or loading in accordance with the provisions of this~~  
95 ~~section shall not be reduced in area or changed to any other use unless the permitted use which~~  
96 ~~it serves is discontinued or modified except where equivalent off street parking or loading space~~  
97 ~~is provided.~~

98 ~~c. Whenever a building or use is changed or enlarged in floor area, number of employees,~~  
99 ~~number of dwelling units, seating capacity or otherwise, to create a need under the~~  
100 ~~requirements of this article for an increase in parking spaces which exist at the time of the~~  
101 ~~change or enlargements, such additional spaces shall be provided on the basis of the change or~~  
102 ~~enlargement. No additional spaces shall be required for the first change or enlargement which~~  
103 ~~would result in an increase of spaces of less than ten (10) percent of those required before the~~  
104 ~~change or enlargement. This exception shall not apply to a series of changes or enlargements~~  
105 ~~which together result in a need for an increase in parking space of ten (10) percent or more.~~

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129 ~~the capability of adequately serving the visiting public. Appeals to the Zoning and Regulatory~~  
 130 ~~Administrator's decision may be brought before the Board of Zoning Adjustment for resolution.~~

Use	Parking Spaces Required
Single family and two family dwellings	2 spaces per dwelling
Townhouses in the R-1T District	2 spaces on the lot for each dwelling and an additional space for each 2 units for visitors and overflow
Multifamily dwellings	2½ spaces per each dwelling unit
Apartment hotels	1 space per dwelling unit
Manufactured home/RV park	1 space per dwelling unit on lot plus 1 space per each 3 lots
Hotel, motel	1 space per each dwelling, efficiency, or rooming unit
Religious institution	1 space for each 6 seats of rated capacity
Rectories, parsonages and parish houses	2 spaces for each resident
Convents, seminaries, monasteries	1 space for each 2 residents
Schools, public and private:	
Elementary	2 spaces per classroom, laboratory, or manual training shop
Junior high	4 spaces per classroom, laboratory, or manual training shop
Senior high	6 spaces per classroom, laboratory, or manual training shop
Colleges, universities, trade, industrial, and business schools	11 spaces per classroom, laboratory, or manual training shop
Schools, dancing and music	1 space per 200 square feet

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Manufacturing or industrial establishment	1 space per 2 employees on maximum work shift, plus 1 for each company or business vehicle maintained on the premises
Automobile service station	4 spaces, plus 1 space per service bay
Automobile repair shop	1 space per each 200 square feet of floor space
Homes for the aged, nursing homes, convalescent homes, orphan's homes and sanitariums	1 space for each 6 beds of rated capacity, plus 1 space for every 2 employees, and 1 space for each staff member
Beauty shop, and barbershop	1½ spaces per chair, plus 1 space for each employee
Used automobile, manufactured home, boat, RV and similar merchandise sales	5 spaces plus 1 space per employee
New automobile sales	1 space per 250 square feet of office and enclosed sales area
Warehouse	1 per employee on maximum work shift
Auto car wash	1 space per employee
Coin-operated laundromats	1 space per each 2 machines
Office or office building	1 space per 200 square feet of floor area
Fire stations	1 space per 300 square feet, plus one per fire truck parking bay

131

-

132

~~D. Landscape and Open Space Requirements.~~

133

~~(1) General Requirements for Commercial Development:~~

134

~~a. A minimum of fifteen (15) percent of the site, unoccupied by a structure, shall be~~

135

~~designated for landscaping and open space.~~

136

~~b. A minimum of sixty six (66) percent of this required open space shall be landscaped,~~

137

~~maintained and located in the front yard and required parking areas around the structure(s).~~

162 **B. *Off-street parking in general:***

163 **1. Off-street vehicle parking spaces shall be provided on the same lot upon which a**  
164 **principal use is permitted.**

165 **2. Any area where off-street parking is provided (including additional parking areas**  
166 **that are not required by this ordinance) must be surfaced with permanent dust-**  
167 **free paving except for single-family residences in the O-L District which must be**  
168 **surfaced with appropriate materials.**

169 **3. Off-street parking facilities shall be drained to eliminate standing water and**  
170 **prevent damage to abutting property and/or public streets and alleys.**

171 **4. Off-street parking areas shall be maintained in a clean, orderly and dust-free**  
172 **condition at the expense of the owner or lessee.**

173 **5. Minimum Area:**

174 **a. An unenclosed off-street parking space is a paved area of not less than**  
175 **eight (8) feet, six (6) inches in width and nineteen (19) feet in length.**

176 **b. An enclosed parking area shall be not less than ten (10) feet in width and**  
177 **twenty (20) feet in length.**

178 **c. Handicapped Parking shall be an area not less than twelve (12) feet in width**  
179 **and twenty (20) nineteen (19) feet in length.**

180 **6. Stacked parking may be allowed for residential uses.**

181 **7. No parking spaces will be permitted on corner lots within thirty (30) feet of the**  
182 **intersection with said thirty (30) feet to be measured from the property corner**  
183 **along the front and side property lines.**

184 **8. No parking spaces will be permitted closer to the roadway edge or curb than ten**  
185 **(10) feet.**



St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

- 210       **5. Parking spaces must be striped with four inch contrasting stripe: yellow on**  
211               **concrete; yellow or white on asphalt; or ADA compliant.**
- 212       **6. Where parking is perpendicular to a public sidewalk or property line, barrier**  
213               **curbing shall be installed two and one-half (2½) feet from the sidewalk or property**  
214               **line (see Figure 8-3)**
- 215       **7. Off-street parking areas shall be maintained in a clean, orderly and dust-free**  
216               **condition at the expense of the owner or lessee.**
- 217       **8. Adequate lighting shall be provided if off-street parking spaces are to be used at**  
218               **night. The lighting shall be arranged as not to interfere with traffic safety or cause**  
219               **a nuisance to abutting properties.**
- 220       **9. Handicapped parking spaces shall be located as close as possible to elevators,**  
221               **ramps, walkways and entrances. Parking spaces should be located so that**  
222               **physically handicapped persons are not compelled to wheel or walk behind**  
223               **parked cars to reach entrances, ramps, walkways and elevators.**
- 224       **10. In the case of mixed uses, uses with different parking requirements occupying the**  
225               **same building, or in the case of joint use of a building by more than one (1) use**  
226               **having the same parking requirements, the parking spaces required shall equal**  
227               **the sum of the requirements of the various uses computed separately.**
- 228       **11. In the instance of dual function of off-street parking spaces where operating hours**  
229               **of buildings do not overlap, the Planning and Zoning Director may grant an**  
230               **exception to allow the designed parking area to serve multiple uses.**
- 231       **12. Off-street parking areas shall not be used for the sale, repair, dismantling or**  
232               **servicing of any vehicles, equipment, materials or supplies.**
- 233       **13. Off-street parking shall be developed in accordance with the provisions of this**  
234               **section, and required parking shall not be reduced or changed unless specifically**  
235               **permitted.**

St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

<b>Convents, seminaries, monasteries</b>	<b>1 space for each 2 residents</b>
<b><u>Schools, public and private:</u></b>	
<b>Elementary</b>	<b>2 spaces per classroom, laboratory, or manual training shop</b>
<b>Junior high</b>	<b>4 spaces per classroom, laboratory, or manual training shop</b>
<b>Senior high</b>	<b>6 spaces per classroom, laboratory, or manual training shop</b>
<b>Colleges, universities, trade, industrial, and business schools</b>	<b>11 spaces per classroom, laboratory, or manual training shop</b>
<b>Schools, dancing and music</b>	<b>1 space per 200 square feet</b>
<b>Dormitories, fraternities and sororities</b>	<b>1 space for each 5 persons of the rated capacity</b>
<b>Private clubs, country clubs and lodges</b>	<b>1 space for each 4 persons of the rated capacity</b>
<b>Public library, museum or art gallery</b>	<b>1 space per 400 square feet of floor area, plus 1 per 2 employees</b>
<b>Hospital</b>	<b>1 space for each 2 beds, plus 1 space for each staff doctor, plus 1 space for each 2 employees, including nurses</b>
<b>Medical and dental clinics</b>	<b>1 space for each 200 square feet of floor area</b>
<b>Funeral home</b>	<b>1 space per 4 seats of the rated capacity</b>
<b>Mausoleum</b>	<b>Parking area equal to the ground floor area</b>
<b>Restaurant</b>	<b>1 space per 150 square feet</b>
<b>Retail store</b>	<b>1 space per 250 square feet of floor area</b>
<b>Personal service establishment</b>	<b>1 space per 250 square feet of floor area</b>
<b>Banks</b>	<b>1 space per 250 square feet of floor area</b>

Coin-operated laundromats	1 space per each 2 machines
Office or office building	1 space per 200 square feet of floor area
Fire stations	1 space per 300 square feet, plus one per fire truck parking bay

Refer to Section III for definitions of floor area and rated capacity.

For uses not specified or for which requirements are unclear, the number of spaces shall be determined by the Zoning and Regulatory Administrator on the basis of similar or mixed uses, number of persons served or employed, and the capability of adequately serving the visiting public.

250  
251  
252

**TABLE 8-2: HANDICAP PARKING REQUIREMENTS**

Number of Required Parking Spaces	Minimum Number of Handicapped Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 and above	ADA Standard 4.1.2 (5)

253  
254  
255  
256  
257  
258  
259

**D. Off-Street Loading Facilities**

1. Whenever a non-residential building is erected, altered, enlarged, converted or otherwise increased in size or capacity, the off-street loading facilities herein required shall be provided for uses that distribute or receive materials or merchandise by trucks or other commercial vehicles in accordance with Table 8.3.

St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

<b>20,000 – 100,000 sf GFA</b>	<b>1 loading space</b>
<b>100,001 – 200,000 sf GFA</b>	<b>2 loading spaces</b>
<b>Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 200,000 sf)</b>	<b>1 additional loading space</b>
<b>COMMERCIAL AND INSTITUTIONAL USE</b>	
<b>1,000 – 35,000 sf GFA</b>	<b>1 loading space</b>
<b>35,001 – 100,000 sf GFA</b>	<b>2 loading spaces</b>
<b>Each additional 50,000 sf GFA (this applies only for each additional full 50,000 sf over 100,000 sf)</b>	<b>1 additional loading space</b>
<b>INDUSTRIAL USES</b>	
<b>1,000 – 35,000 sf GFA</b>	<b>1 loading space</b>
<b>35,001 – 100,000 sf GFA</b>	<b>2 loading spaces</b>
<b>Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 100,000 sf)</b>	<b>1 additional loading space</b>

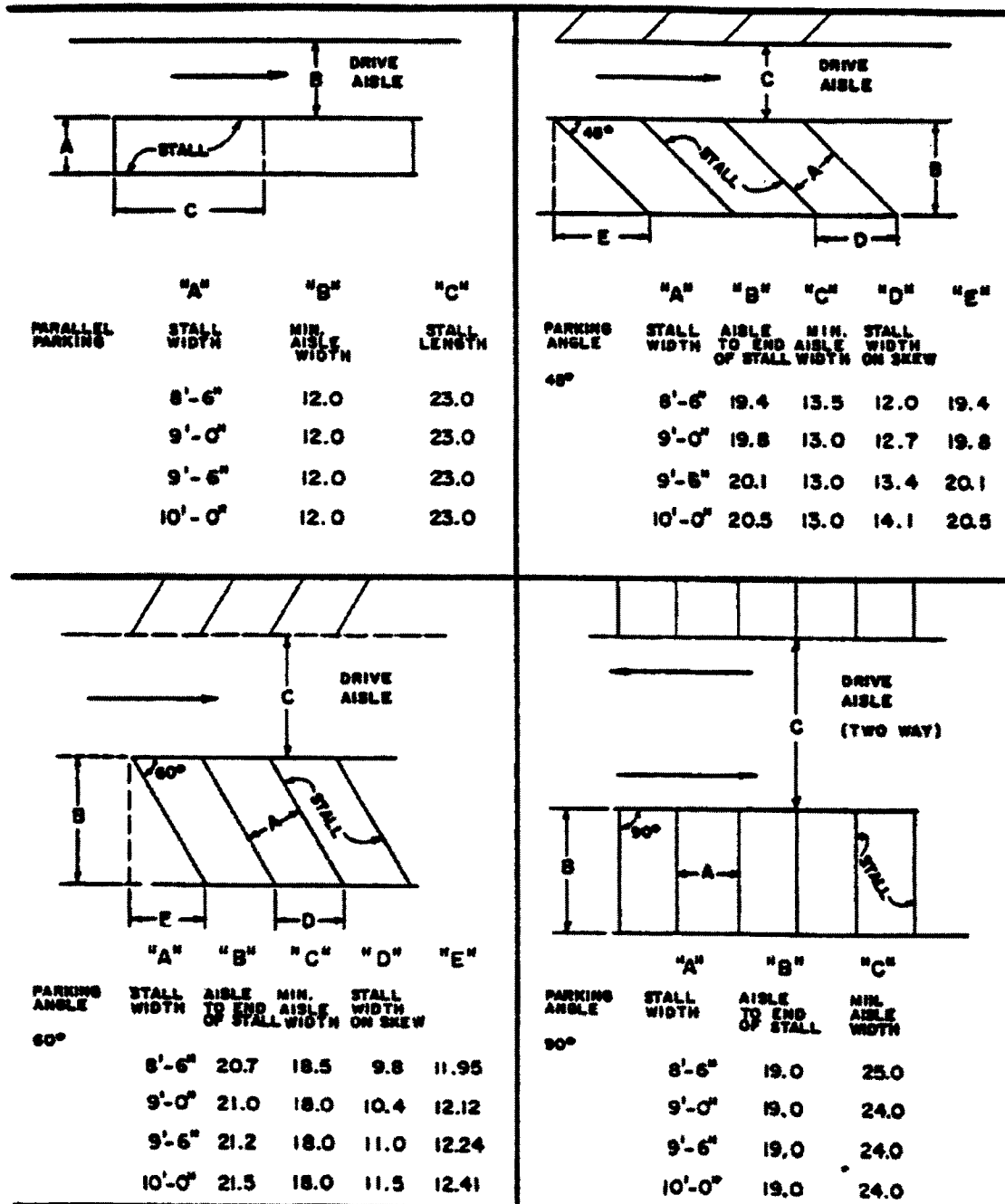
282

287

288 **FIGURE 8-2: PARKING DESIGN DETAILS—SPATIAL STANDARDS**

289

**TYPICAL SPACE REQUIREMENTS FOR SELF-PARKING AT VARIOUS PARKING ANGLES**



290

291

- 310           **b. Before any Final Certificate of Occupancy can be issued, the required and**  
311                   **approved landscaping shall be installed and inspected for compliance with**  
312                   **this ordinance.**
- 313           **c. Additional landscaping and/or buffering requirements specified in other**  
314                   **sections of this ordinance shall not serve to satisfy the landscape**  
315                   **requirements of this section except in cases where the location of the**  
316                   **required landscaping and/or buffering satisfies both requirements.**
- 317           **d. The landscape requirements of this section may not serve to satisfy**  
318                   **additional landscaping and/or buffering requirements specified in other**  
319                   **sections of this ordinance except in cases where the location of the**  
320                   **required landscaping and/or buffering satisfies both requirements.**

321           **4. Required Plantings.**

- 322           **a. A minimum of ten (10) percent of the site shall be designated for designed**  
323                   **landscaping.**
- 324           **b. A minimum five foot wide planting area shall be established between the**  
325                   **public rights-of-way and parking areas or structures. This planting area**  
326                   **may count towards the overall landscaping and open space requirements.**
- 327           **c. Planting materials should achieve a balance between low-lying vertical and**  
328                   **horizontal shrubbery and trees.**
- 329           **d. One tree planting for every five thousand (5,000) square feet of site area is**  
330                   **required.**
- 331           **e. One third (1/3) of the required tree plantings must be Class A Trees and the**  
332                   **remaining two thirds (2/3) of the required tree plantings may be Class B**  
333                   **Trees. A list of suggested Class “A” and Class “B” trees can be found at**  
334                   **the end of this section.**

361           d. **Dead or diseased plant materials must be removed. Replacement plant**  
 362                     **materials must be provided for any required plants that die or are removed**  
 363                     **for any reason.**

364           e. **Failure to Maintain**

365           a. **In the event that the owner of a landscaped area fails to maintain the**  
 366                     **area according to the standards of this paragraph, the Parish reserves**  
 367                     **the right to recover the cost of enforcement, including reasonable**  
 368                     **attorney fees.**

369           b. **The Parish may also, following reasonable notice and a demand that**  
 370                     **deficiency of maintenance be corrected, enter the landscaped area to**  
 371                     **take maintenance action. The cost of such maintenance shall be**  
 372                     **charged to the party having the primary responsibility for maintenance**  
 373                     **of the landscaped area.**

374           7. **Recommended Trees – the following list of trees indicate plantings that will meet**  
 375                     **the screening and shading requirements of this Ordinance. Plants were selected**  
 376                     **for inclusion on these lists according to general suitability as identified by the**  
 377                     **Louisiana State University (LSU) Agricultural Center, which may be updated**  
 378                     **periodically and used as a guide in making landscape planting decisions.**

379

<b>TABLE 8-4: CLASS A TREE LIST</b>	
<b>CLASS A TREES</b>	
<b>Common Name</b>	<b>Scientific Name</b>
<b>Ash, Green</b>	<b>Fraxinus pennsylvanica</b>
<b>American Linden, Basswood</b>	<b>Tilia americana</b>
<b>Bald Cypress</b>	<b>Taxodium disticum</b>
<b>Beech, American</b>	<b>Fagus grandifolia</b>
<b>Bitternut Hickory</b>	<b>Carya cordiformis</b>
<b>Black Gum</b>	<b>Nyssa sylvatica</b>
<b>Black Walnut</b>	<b>Juglans nigra</b>
<b>Cottonwood</b>	<b>Populus deltoides</b>

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Magnolia, Oriental	Magnolia soulangiana
Parsley Hawthorn	Crataegus marshallii
Persimmon	Diospyros virginiana
Pistachio	Pistacia chinensis
Plum, American	Prunus americana
Plum, Mexican	Prunus mexicana
Red Bay	Persea borbonia
Redbud	Cercis canadensis
River Birch	Betula nigra
Sassafras	Sassafras albidum
Silverbell	Halesia diptera
Vitex	Vitex agnus-castus
Wax myrtle	Myrica cerifera
Yaupon	Ilex vomitoria

381

382 E. Applicability.

383 The requirements of this section shall apply to new construction. For existing  
 384 sites and redevelopment the requirements of this section shall apply to all  
 385 additions of fifty (50) percent or more to the floor area. For existing sites and  
 386 redevelopment with additions of less than fifty (50) percent of the floor area, the  
 387 Zoning Regulatory Administrator shall determine the applicability of this section  
 388 to the required site plan.



St. Charles Parish Zoning Ordinance – Section IX. Nonconformities

1 Section IX. Nonconformities was replaced in whole. Existing code language is displayed as  
2 ~~striketrough font~~ and the updated language is displayed in **bold font**.

3

4 **DRAFT 05.26.2015 SUMMARY OF UPDATES:** The nonconforming lots section was refined for  
5 clarity. The nonconforming structures section now includes nonconforming sites in its title. The  
6 clarity of a permitted increase or enlargement of a nonconforming structure/site was improved  
7 by adding typical situations that warrant permission. Nonconforming use regulations were made  
8 more concise. The regulations for upgrading nonconforming uses were integrated into the  
9 nonconforming uses section. The process by which nonconforming uses lapse was also clarified  
10 and the process for determining continuation of such a use was codified.

11

12 **Section IX. Nonconformities.**

13 ~~*Purpose:* The purpose of this section is to outline provisions whereby nonconforming lots,~~  
14 ~~structures, and uses are gradually upgraded to conform with the spirit and intent of this~~  
15 ~~Ordinance or are eliminated.~~

16 ~~*A. Nonconforming Lots:*~~

17 ~~(1) Any lot of record which does not meet the requirements of this Ordinance shall be~~  
18 ~~considered a nonconforming lot of record.~~

19 ~~(2) When a lot of record has an area less than the minimum requirements for the district in~~  
20 ~~which it is located but was a lot of record in separate ownership from adjacent property~~  
21 ~~at the time of the passage of this Ordinance, or amendments thereto, such lot may be~~  
22 ~~used for any purposes permitted in the district in which the property is located.~~

St. Charles Parish Zoning Ordinance – Section IX. Nonconformities

47 ~~(7) Any nonconforming structure which existed before the passage of this Ordinance, and~~  
48 ~~does not conform with spatial provisions of this Ordinance, may be returned to active~~  
49 ~~use for purposes consistent with the zoning district in which it is located. Any such~~  
50 ~~structure returned to active use must meet all other land use regulations contained in~~  
51 ~~this Ordinance.~~

52 ~~(Ord. No. 94-3-10, 3-21-94)~~

53 ~~C. Nonconforming Uses:~~

54 ~~(1) The lawful use of any building or land existing at the time of the enactment of this~~  
55 ~~Ordinance, or amendments thereto, may be continued although such use does not~~  
56 ~~conform with the provisions of this Ordinance.~~

57 ~~(2) A nonconforming use shall not be extended or enlarged either in intensity of the activity~~  
58 ~~or by physical extension except when required to do so by law or by ordinance or the~~  
59 ~~property owner invokes the provisions of paragraph D. below.~~

60 ~~(3) No nonconforming use shall be extended to displace a conforming use.~~

61 ~~(4) No structural alteration may be made to a building that is nonconforming as to use,~~  
62 ~~unless said building is changed to a conforming use.~~

63 ~~(5) Once changed to a conforming use, no building or land shall be permitted to revert to a~~  
64 ~~nonconforming use.~~

65 ~~(6) Whenever the boundaries of a district are changed so as to transfer an area from one~~  
66 ~~district to another district of a different classification, the foregoing provisions shall also~~  
67 ~~apply to any nonconforming uses existing therein.~~

68 ~~(7) Structures legally nonconforming as to use that are destroyed by fire, storm, or other~~  
69 ~~acts of God may be rebuilt provided the restoration is accomplished with no increase in~~

St. Charles Parish Zoning Ordinance – Section IX. Nonconformities

95 ~~property in accordance with the provisions of section XV. If the rezoning request is~~  
96 ~~approved, the provisions of paragraph (a) above may be applied.~~

97 ~~(c) If in the case of either (a) or (b) above, the requirements of the zoning district or~~  
98 ~~other zoning regulations cannot be met (e.g. inadequate property in which to install~~  
99 ~~parking), a variance must be applied for the Zoning Board of Adjustments in~~  
100 ~~accordance with the provisions of section XIII. If the variance is approved the~~  
101 ~~owner may then proceed with the procedures outlined above as appropriate.~~

102 ~~(Ord. No. 88-9-24, 9-19-88)~~

103  
104 **Purpose:** The purpose of this section is to outline provisions whereby nonconforming  
105 lots, structures, and uses are gradually upgraded to conform to the spirit and intent of  
106 this Ordinance or are eliminated.

107 **A. Nonconforming Lots:**

108 **1) Any lot of record in existence before October 19, 1981 which does not meet the**  
109 **minimum width and/or area requirements for the zoning district in which it is**  
110 **located shall be considered a nonconforming lot of record.**

111 **a. Any portion of ground that does not meet the minimum width and/or**  
112 **area requirement for the zoning district in which it is located resulting**  
113 **from government action shall be considered a nonconforming lot of**  
114 **record.**

115 **2) If two (2) or more nonconforming lots of record or two or more portions of lots**  
116 **with continuous frontage in common ownership, and if one (1) or more of the**  
117 **lots does not meet the minimum width and/or area requirements for zoning**

142           **4) Legal nonconforming structures that are destroyed by fire, storm, or other acts**  
143                   **of God may be rebuilt provided the restoration is accomplished with no**  
144                   **increase in the building footprint immediately prior to damage.**

145           **5) Any nonconforming structure which existed before the passage of this**  
146                   **Ordinance, and does not conform with spatial provisions of this Ordinance,**  
147                   **may be returned to active use for purposes consistent with the zoning district**  
148                   **in which it is located. Any such structure returned to active use must meet all**  
149                   **other land use regulations contained in this Ordinance.**

150           ***C. Nonconforming Uses:***

151           **1) The lawful use of any building or land existing at the time of the enactment of**  
152                   **this Ordinance, or amendments thereto, may be continued although such use**  
153                   **does not conform to the provisions of this Ordinance.**

154           **2) A nonconforming use shall not be extended or enlarged either in intensity of**  
155                   **the activity or by physical extension except when required to do so by law.**

156           **3) No structural enlargement may be made to a building that is nonconforming**  
157                   **as to use, unless said building is changed to a conforming use.**

158           **4) Once changed to a conforming use, no building or land shall be permitted to**  
159                   **revert to a nonconforming use.**

160           **5) Structures legally nonconforming as to use that are destroyed by fire, storm,**  
161                   **or other acts of God may be rebuilt within one year provided the restoration is**  
162                   **accomplished with no increase in building footprint or floor area immediately**  
163                   **prior to damage.**

164           **6) Whenever a structure or land used in whole or in part for nonconforming**  
165                   **purposes becomes vacant for six (6) months or when the nonconforming use**

St. Charles Parish Zoning Ordinance –  
Section VI. Zoning District Criteria and Regulations

1 **MANUFACTURED HOUSING**

- 2  
3 • **Noting that the issue of skirting has been controversial in St. Charles Parish and**  
4 **further recognizing the potential disparate impact of the current regulations in the**  
5 **R-1AM Zoning District, UNO recommends that the following provision be**  
6 **eliminated:**  
7

8 Section VI Zoning district criteria and regulations [(1.) *R-1A(M). Single Family Residential Detached*  
9 *Conventional Homes, Manufactured Homes, and Mobile Homes*—Medium density.

10 ~~3. Special Provisions:~~

11 ~~e. Skirting or foundation plantings as approved by the Zoning and Regulatory~~  
12 ~~Administrator in accordance with the manufacturer's installation instructions to ensure~~  
13 ~~aesthetic compatibility with the residential character of the neighborhood. The entire~~  
14 ~~underfloor of the home shall be completely enclosed, except for the required openings.~~  
15

16 **NOTE: UNO recommends postponing a decision on revisions to this section until a**  
17 **future phase, for the following reasons:**  
18

- 19 • As in most communities, mobile homes, manufactured housing and related issues can  
20 be controversial. **Staff feels more public input is needed before this section moves**  
21 **forward.**  
22 • Many local regulations are derived from federal (HUD) standards and regulations. The  
23 LA Manufactured Housing Association has indicated HUD might be revising its  
24 standards and/or regulations and it would be prudent to wait to see what changes might  
25 be coming down.  
26

27 A. ~~Policy Statement~~ **Purpose** - It is the purpose and intent of this Section to regulate the  
28 placement of manufactured housing within St. Charles Parish in order to ensure that  
29 such structures are installed and maintained in a safe and quality condition.  
30

31 B. *Manufactured Housing Standards* – Manufactured homes and buildings are only allowed  
32 in those zoning districts where expressly permitted in ~~the district regulations of this~~  
33 ordinance. ~~in Section VI. Zoning District Criteria and Regulations of this zoning~~

St. Charles Parish Zoning Ordinance –  
Section VI. Zoning District Criteria and Regulations

59 requirements:

60

61 a. Individual manufactured housing units shall be skirted around the perimeter of  
62 the unit to conceal the underbody from view in a manner compatible with the  
63 appearance and construction of the manufactured housing unit.

64 b. The entire under-floor of the mobile home shall be completely enclosed by  
65 skirting or foundation plantings: the Director shall approve planting materials.

66 c. Skirting shall be installed in a manner to resist damage under normal weather  
67 conditions and shall be properly maintained.

68 d. All skirting shall be installed before the issuance of a certificate of occupancy. In  
69 the event that such installation is delayed due to weather, or for other similar  
70 reasons, a temporary certificate of occupancy may be issued for a period not to  
71 exceed ninety (90) days.

72 e. ~~The hitch tongue shall be removed.~~

73

74 8. ELEVATION – The lowest floor of a mobile home must be at least thirty-six (36)  
75 inches above grade, unless FEMA Base Flood Elevation Requirements dictate a  
76 higher elevation. New mobile homes over 67” and used mobile homes over 52”  
77 higher than natural ground grade require engineered foundation.

78

79 ~~9. The manufactured home shall have a pitched roof, except that no standards shall~~  
80 ~~require a slope of greater than a nominal three (3) feet in height for each twelve (12)~~  
81 ~~feet in width.~~

82

83 10. ANCHORING (TIE DOWN) – Tie down or anchoring systems are designed to resist

St. Charles Parish Zoning Ordinance –  
Section VI. Zoning District Criteria and Regulations

109 with 4" numbers.

110

111

St. Charles Parish Zoning Ordinance –  
Section VI. Zoning District Criteria and Regulations

137 duration. Such term may include travel trailer accommodations, provided that no  
138 more than twenty-five percent (25%) of the park is used for such purpose.

139  
140 *Modular Home* - Modular homes are houses divided into multiple modules or  
141 sections, which are manufactured in a remote facility and delivered to their intended  
142 site of use. The modules are then assembled on a permanent foundation without a  
143 permanent chassis, into a single residential building. Unlike other prefabricated  
144 construction, modular homes conform to all state, local and regional codes  
145 (International Building Code standards) where the structure is to be located.

146  
147 *Travel Trailer* – A vehicular, portable structure built on a chassis, designed to be  
148 used as a temporary dwelling and may be hauled along a highway. Sometimes  
149 called a *Recreational Vehicle (RV)*.

150

151



St. Charles Parish Zoning Ordinance –  
Section VII. Supplemental Use and Performance Regulations

1 Section VII. Supplemental Use and Performance Regulations to be inserted in its entirety into  
2 the previously reserved Section VII. Existing regulations or guidelines present in the definitions  
3 section or elsewhere in the Zoning Ordinance were moved to this new “Supplemental  
4 Regulations” section and revised accordingly. The core of the definition remains in the definition  
5 section—only regulations within the definition were moved. The existing regulations are shown  
6 in ~~striketrough font~~. New regulations or guidelines are displayed in **bold font**.

7

8 **Draft 05.26.2015** As part of adding Section VII Supplemental Use and Performance  
9 Regulations, the following additions to Section VI are required:

10

11 **Section VI Zoning district criteria and regulations.**

12 A. Open Land District: The regulations in the Open Land District are as follows:

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

14 1. Use Regulations

15 C. Special permit uses and structures include the following:

16 **11. Accessory Dwelling Units upon approval by the Planning Commission**  
17 **and supporting resolution of the Council.**

18

19 *B. Residential districts*—The regulations in the Residential Districts are as follows:

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

21 1. Use Regulations

22 C. Special permit uses and structures include the following:

23 **8. Accessory Dwelling Units upon approval by the Planning Commission**  
24 **and supporting resolution of the Council.**

25

52           ***Accessory Dwelling Units***

- 53           **a. Purpose – to offer a wider range of housing options within residential**  
54           **zoning districts.**
- 55           **b. Design and Development Standards for all Accessory Dwelling Units**  
56           **(ADU).**
- 57                   i. There shall be no more than one ADU permitted per lot.
- 58                   ii. No ADU will be permitted without a primary building.
- 59                   iii. An ADU may consist of part or all of a detached accessory structure  
60                   or it may consist of a portion of the primary structure.
- 61                   iv. There shall not be more than one bedroom in an ADU.
- 62                   v. An ADU shall use the electrical service of the primary structure.
- 63                   vi. The owner of the property on which the ADU is to be created shall  
64                   occupy the primary dwelling unit.
- 65                   vii. Setbacks for ADUs developed as part of the principal structure are  
66                   the same as the underlying zoning district.
- 67                   viii. Setbacks for ADUs developed as detached structures shall meet the  
68                   setbacks for accessory structures for the underlying zoning district.
- 69                   ix. The floor area of the ADU is limited to fifty percent of the floor area  
70                   of the primary dwelling unit, not to exceed 1,200 square feet.
- 71                   x. ADUs require one off-street parking space in addition to the parking  
72                   requirements of the underlying zoning district.

73           ***Bars, Dancehalls, Nightclubs, Taverns***

- 74           **a. A Class A liquor license is required through the St. Charles Parish Sheriff's**  
75           **Office.**

76           ***Churches/Religious Institution***

St. Charles Parish Zoning Ordinance –  
Section VII. Supplemental Use and Performance Regulations

103 e. If a restaurant contains a brewing facility on-site, a floor plan indicating the  
104 area reserved for brewing and a description of the facility and capacity.

105 f. **Outdoor Dining:** Outdoor dining is permitted as accessory to a restaurant  
106 and a retail goods establishment that sells food products, such as a  
107 delicatessen, bakery, or grocery, but shall comply with the following  
108 standards:

109 xi. Outdoor dining shall not interfere with pedestrian access or parking  
110 areas.

111 xii. Outdoor dining is permitted in a required yard, with the exception of  
112 any yard that abuts a residential district.

113 xiii. Outdoor dining areas shall not be located within a public right-of-  
114 way.

115 xiv. A distinct delineation shall be maintained between any public right-  
116 of-way and the outdoor dining area through the use of hardscape  
117 and architectural elements, such as a masonry wall, fence, planters,  
118 or bollards.

119 xv. On-site outdoor dining areas are included in calculation of parking  
120 requirements, where applicable.

121 ***Townhouses***

122 a. The maximum density for townhouse developments is twelve (12) units per  
123 acre.

124 b. In townhouse developments, structures shall front on a public street and  
125 be generally compatible with existing developments in the neighborhood.

126 c. ***Design Criteria***

St. Charles Parish Zoning Ordinance –  
Section VII. Supplemental Use and Performance Regulations

150                    **iv.    Zoning Regulator Administrator may require a six (6) foot**  
151                                    **landscape buffer, at maturity, along the sides and rear of any**  
152                                    **Townhouse development that abuts an R-1A, R-1B, or R-1A(M)**  
153                                    **district or any lot containing a single-family dwelling.**

154

St. Charles Parish Zoning Ordinance – Section XIII. Variances and BZA

1 Existing code language is displayed as normal font; language recommended for removal is  
2 shown as ~~strikethrough font~~; new language is displayed in **bold font**.

3 **DRAFT 05.26.2015 SUMMARY OF UPDATES:** The use variances were removed from the  
4 existing code language. State guidelines for variances were added to direct variances granting  
5 procedure.

6 **Section XIII. The Board of Adjustment is established and its powers and duties are**  
7 **prescribed.**

8 A. *[Created.]* A Board of Adjustment **has been** created pursuant to Title 33, Section 4727 of  
9 the Revised Statutes of Louisiana.

- 10 1. The word "Board" shall be used hereafter when reference is made to the Board of  
11 Adjustment.
- 12 2. The Board shall consist of seven (7) regular members all of whom shall be ~~landowners~~  
13 ~~and~~ qualified voters of St. Charles Parish. The initial terms of the members representing  
14 Districts I, III, V, and VII shall be two (2) years; the initial terms of the members  
15 representing Districts II, IV, and VI shall be three (3) years. Thereafter members shall be  
16 appointed for terms of four (4) years each; members shall be limited to serve two  
17 consecutive terms. Each District Council member shall nominate a representative that  
18 resides in their District to be considered for appointment by the Parish Council. Terms of  
19 the members holding office on the effective date of Ordinance No. 98-11-2 shall expire  
20 when the District appointments are in place or within sixty (60) days, whichever occurs  
21 first. If a member is not nominated or confirmed within sixty (60) days of any expired  
22 term or resignation, either of the two (2) Councilmembers At Large may nominate a  
23 person.

St. Charles Parish Zoning Ordinance – Section XIII. Variances and BZA

48           Such appeal shall be taken within a reasonable time, as provided by the rules of the  
49           Board, by filing with the officer from whom the appeal is taken and with the Board of  
50           Adjustment a notice of appeal specifying the grounds thereof. The officer from whom  
51           the appeal is taken shall forthwith transmit to the Board all the papers constituting the  
52           record upon which the action appealed from was taken. An appeal stays all  
53           proceedings in furtherance of the action appealed from, unless the officer from whom  
54           the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall  
55           have been filed with him that by reason of facts stated in the certificate a stay would, in  
56           his opinion, cause imminent peril to life or property. In such cases, proceedings shall  
57           not be stayed otherwise than by a restraining order which may be granted by the Board  
58           of Adjustment or by a court of record on application or notice to the officer from whom  
59           the appeal if [is] taken and on the cause shown.

60           6. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give  
61           public notice thereof, as well as due notice to the parties in interest, and decide the  
62           same within a reasonable time. Upon the hearing any party may appear in person or by  
63           agent or by attorney.

64    D. *Meetings of the Board.*

65           1. The Board shall hold at least one (1) regular meeting on the third Thursday of each  
66           month at a meeting time established by said Board, and the location of each meeting  
67           shall be the Parish Council Chambers in the Courthouse, Hahnville. If a meeting cannot  
68           be held for lack of a quorum on the date of the regular meeting an alternate meeting will  
69           be held the following Thursday at the same time and location. Special meetings may be  
70           called by the Chairman, Director of Planning, or at the written request of any four (4)  
71           members of the Board. In the event no applications are scheduled for public hearing, the  
72           regularly scheduled meeting may be canceled.

St. Charles Parish Zoning Ordinance – Section XIII. Variances and BZA

99 8. Advertising. The Board shall schedule and hold a public hearing to consider all  
100 applications.

101 a. The Board's secretary shall notify each petitioner at the address listed on the  
102 application, identifying the date and time of the public hearing. The Department  
103 of Planning and Zoning shall post a sign on the affected property which calls  
104 attention to the public hearing at least ten (10) days prior to that hearing date.  
105 (Ord. No. 92-10-8, § II, 10-5-92)

106 b. The Planning and Zoning Department shall post a sign on the affected property  
107 which calls attention to the public hearing at least ten (10) days prior to that  
108 hearing date. Similar notification shall also be posted at the principal office of the  
109 Department of Planning and Zoning.

110 c. The public hearing shall be advertised in the official journal of the Parish at least  
111 three (3) times on at least three (3) separate weeks, and at least fifteen (15) days  
112 shall elapse between the first publication and the date of the hearing.

113 d. Notice of the time and place of the public hearing shall be sent by certified mail  
114 not less than ten (10) days in advance of the hearing to all abutting property  
115 owners.

116 e. Following this public hearing, the decision of the Board will be implemented by  
117 the Planning and Zoning Department.

118 9. The Board's secretary shall give written notification of the action taken by the Board.

119 10. The Board shall specify that the Planning and Zoning Department should accept  
120 applications and review each application to insure that the necessary information has  
121 been included. No reapplication of a variance request or interpretation previously denied  
122 by the Board shall be accepted for the same property. This rule applies to all cases in  
123 which the identity of the thing applied for and the persons and/or entities involved are the  
124 same.

St. Charles Parish Zoning Ordinance – Section XIII. Variances and BZA

150 ~~4. To permit the expansion of or the reconstruction of a nonconforming building which has~~  
151 ~~been destroyed or partially destroyed by fire or Act of God where the Board shall find~~  
152 ~~some compelling public necessity requiring continuance of the nonconforming use, but~~  
153 ~~in no case shall such a permit be issued if its primary function is to continue a~~  
154 ~~monopoly.~~

155 ~~5. To permit the location of an individual house trailer in other than R-1A(M) or R-1M~~  
156 ~~Districts provided that:~~

157 ~~a. Property contains at least one acre and has adequate sewer systems to which a~~  
158 ~~trailer may be connected.~~

159 ~~b. Any such trailer be located at least one hundred (100) feet from the street and fifty~~  
160 ~~(50) feet from adjacent residences.~~

161 ~~c. Any such property have at least one hundred (100) feet of frontage on a parish~~  
162 ~~maintained road.~~

163 ~~6. To permit the location of individual house trailers in the A, R, and C Districts (except C-~~  
164 ~~3) in the event that a residence is destroyed by storm, fire, or Act of God, and such~~  
165 ~~trailer will be allowed only for the period of time that it takes to construct a new~~  
166 ~~residence, subject to the restriction in number 8 below.~~

167 ~~7. To permit the location of individual house trailers in conjunction with existing~~  
168 ~~residences in all districts in case of extreme hardship provided that:~~

169 ~~a. Board of Adjustment action will be based on a complete report by the Permit~~  
170 ~~Department to be submitted to the Board for its determination as to whether the~~  
171 ~~case is a true hardship.~~

172 ~~b. Any house trailer allowed to be located under the provisions of this section may~~  
173 ~~not be rented to anyone other than that person for which the permit was applied.~~



St. Charles Parish Zoning Ordinance – Section XIII. Variances and BZA

198 ~~a. Parcel to have a minimum of fifty thousand (50,000) square feet with a minimum of~~  
199 ~~twenty five thousand (25,000) square feet per dwelling.~~

200 ~~b. Servitude of passage for additional dwelling with a minimum of fifteen (15) feet~~  
201 ~~servitude maintained by the property owner with either shell or gravel not to~~  
202 ~~exceed seven hundred fifty (750) feet in length with sufficient means of turnaround.~~

203 ~~c. No dwelling will be allowed closer than twenty five (25) feet to any adjacent~~  
204 ~~dwelling.~~

205 ~~d. Utility services to dwellings are to be provided and maintained by applicant. Parish~~  
206 ~~will only maintain from existing street frontage.~~

207 **E. *Criteria.* Based upon the evidence presented at the public hearing, the Board of**  
208 **Zoning Adjustments shall evaluate the application or request by the standards**  
209 **below:**

210 **1. No variance will be considered or granted as to the permitted use as this could**  
211 **constitute a spot zone.**

212 **2. Special conditions and circumstances exist which are peculiar to the land,**  
213 **structure, or building involved and are not generally applicable to other lands,**  
214 **structures or buildings in the same zoning district.**

215 **3. Literal interpretation of the provisions of this Ordinance would deprive the**  
216 **applicant of rights commonly enjoyed by other properties in the same district**  
217 **under the terms of this Ordinance.**

218 **4. The special conditions and circumstances do not result from the actions of the**  
219 **applicant.**

St. Charles Parish Zoning Ordinance – Section XIII. Variances and BZA

244 Failure to maintain such conditions or restrictions as may be imposed constitutes  
245 grounds for revocation of the variance.

246 2. The terms of relief granted, including any conditions or restrictions, shall be  
247 specifically set forth in the approval.

248 3. The Planning Director shall keep records of all such appeals or applications and of  
249 all fees paid therefor and shall transmit all of such fees collected to the Director of  
250 Finance for deposit to the general fund of the Parish of St. Charles.

251 G. *Expiration of Approvals.* A variance expires one (1) year from the date of approval unless a  
252 building permit is obtained within such period and substantial construction is started or the  
253 use is commenced within such period. The Zoning Board of Adjustments may grant an  
254 extension of such period, upon written application, and with good cause shown, subject to  
255 verification that the approval standards of Paragraph E above are still met.

256 H. *Appeals to the Decisions of the ZBA.* Any person or persons, jointly or severally, including  
257 the petitioner of an appeal, aggrieved by a decision of the Board of Adjustment, or any  
258 taxpayer, or any officer, department, board, or bureau of the parish may then petition the  
259 court of records as provided in Title 33, Section 4727 of the Revised Statutes of Louisiana.  
260 (Ord. No. 98-11-3, 11-16-98)

261

262

St. Charles Parish Zoning Ordinance –  
Section XIV. Amendments, Section XV. Amendment Procedure

1 Existing code language is displayed as normal font; language recommended for removal is  
2 shown as ~~strike through font~~; new language is displayed in **bold font**.

3 **DRAFT 05.26.2015** SUMMARY OF UPDATES: an initial section defining the types of rezonings  
4 was created to improve the clarity used in describing the amendment process. “**Application**” has  
5 replaced the term “petition” for consistency and relevance. The initiation and application  
6 processes for amendments were simplified and language was reduced to improve  
7 comprehension. The council amendment procedure was simplified and made more clear.

8 **SECTION XIV. Amendments and ~~petitions~~**

9 **A. Types of Amendments. There are two types of amendments to the Zoning Ordinance:**

- 10 1. **Text Amendment – A revision to the text of the Zoning Ordinance.**  
11 2. **Map Amendment – Also known as a rezoning, changes the zoning district**  
12 **designation of a lot or lots.**

13 *B. Initiation of Amendments.* The Parish Council may amend, supplement, or change the  
14 **Zoning Ordinance or Zoning Map regulations, restrictions, or boundaries herein or**  
15 **subsequently established.** Such amendment, supplement or change may be initiated by:

- 16 1. ~~Introduction of an ordinance~~ **Request for Text or Map Amendment by a member of**  
17 **the Parish Council;**  
18 2. Recommendation of the Planning and Zoning Department through the Parish  
19 President; and  
20 3. **Application for Map Amendment by ~~Petition~~ of property owners, as specified in**  
21 **subsection B. of this section.**

St. Charles Parish Zoning Ordinance –  
Section XIV. Amendments, Section XV. Amendment Procedure

45 3. ~~Each petition shall be accompanied by a deposit of forty dollars (\$40.00) for each text~~  
46 ~~change not involving acreage or five dollars (\$5.00) for each acre of land or portion~~  
47 ~~therefor for which a change of classification is proposed or recommended; however,~~  
48 ~~the minimum fee shall not be less than forty dollars (\$40.00) regardless of acreage,~~  
49 ~~and the maximum fee shall not exceed two hundred dollars (\$200.00) which shall apply~~  
50 ~~for all acres of forty (40) acres or more. Under no conditions shall said sum or any part~~  
51 ~~thereof be refunded for failure of said change to be adopted by the Parish Council.~~

52 4. Whenever **an application** ~~a petition~~ is filed requesting a change or amendment to this  
53 Ordinance, and said **application** ~~petition~~ has been finally acted upon by the Parish  
54 Council, or when said **application** ~~petition~~ has received no action on the part of the  
55 Parish Council within ninety (90) days, or when said **application** ~~petition~~ has been  
56 officially advertised for public hearing but has subsequently been withdrawn either  
57 before or after public hearing has been held, then the Parish Council shall not consider  
58 any further **application** ~~petition~~ requesting or proposing such change or amendment  
59 for the same property within a period of one calendar year from the date of the Parish  
60 Council's final legal action on said **application** ~~petition~~ or from the aforesaid ninety-day  
61 period in case action has not been taken by the Parish Council, or from the date of  
62 withdrawal of said **application** ~~petition~~, provided, however, that said **application**  
63 ~~petition~~ has been officially advertised. This provision shall not apply in cases where the  
64 Parish Council wishes to consider **an application** ~~a petition~~ involving a comprehensive  
65 zoning revision of an area larger than one hundred (100) acres.

66 **SECTION XV. AMENDMENT PROCEDURE.**

67 A. The Council may amend this Ordinance when amendments are properly introduced as  
68 outlined in Section XIV. No such amendment shall be effective unless:

St. Charles Parish Zoning Ordinance –  
Section XIV. Amendments, Section XV. Amendment Procedure

94 with the Director of Finance the required and designated fee payable to the account of the  
95 Parish of St. Charles. (~~Ord. No. 92-10-8, § III, 10-5-92; Ord. No. 93-7-4, § II, 7-6-93; Ord.~~  
96 ~~No. 97-3-15, § V, 3-24-97)~~

97 C. ~~Any such protest herein described shall be filed in the Office of the Council Secretary at~~  
98 ~~least one week in advance of the Council meeting at which there is to be a public hearing~~  
99 ~~on a proposed amendment, and each such petition shall show the lot and square number,~~  
100 ~~subdivision name or description of each signer's property, along with the street address.~~  
101 (~~Ord. No. 93-8-5, § I, 8-9-93)~~

102 D. ~~Upon receipt of a petition for a change or amendment, the Council shall refer the matter to~~  
103 ~~the Commission which shall have thirty (30) days to render a recommendation upon the~~  
104 ~~merits of the amendment. The **A Planning Commissioner** member making a motion which~~  
105 ~~differs from the Planning Staff recommendation may render a written statement in suitable~~  
106 ~~form, for transmittal by the Secretary with the Commission and Staff reports to the Council.~~  
107 ~~In addition, any other member may submit a written opinion on the matter, which shall be~~  
108 ~~transmitted to the Council by the Secretary along with the Commission report. ~~These may~~~~  
109 ~~refer to the following guidelines and criteria.~~

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

113 1. **The proposed rezoning conforms to land development pattern established by the**  
114 **St. Charles Parish Comprehensive Plan Future Land Use Map and does not create**  
115 **a spot zoning that is incompatible with the surrounding neighborhood.**

116 2. **The Land-use pattern or character has changed to the extent that the existing zoning no**  
117 **longer allows reasonable use of the proponent's applicant's property and adjacent**

St. Charles Parish Zoning Ordinance –  
Section XIV. Amendments, Section XV. Amendment Procedure

140 ~~b. It does not create a monopoly, or limit the value or usefulness of neighboring~~  
141 ~~properties.~~

142 ~~c. It does not adversely affect the reliance that neighboring property owners or~~  
143 ~~occupants have placed upon existing zoning patterns.~~

144 ~~d. It does not create a spot zone, that is, an incompatible or unrelated classification~~  
145 ~~which would prevent the normal maintenance and enjoyment of adjacent~~  
146 ~~properties.~~

147 As far as possible, the The Planning Staff should base rezoning analyses on these criteria  
148 **but shall not be prohibited from factoring unique circumstances of the application**  
149 **into the analysis.** The Planning and Zoning Commission may state in its recommendations  
150 to the Council: ~~(i)~~ its concurrence with, or rejection of, any or all of the proponents' case for  
151 the suggested amendment, and/or ~~(ii)~~ its position relative to proponents' statements on the  
152 case. Planning Staff analyses and recommendations shall be forwarded to the Council  
153 along with the Commission's recommendations. (Ord. No. 93-8-5, § II, 8-9-93; Ord. No. 11-  
154 4-30, § III, 4-16-11)

155 **F. *Rezoning Approval Criteria:* Before the Council votes to approve a rezoning, there**  
156 **should be reasonable factual proof by the applicant that:**

157 **1) The proposed Map Amendment is in compliance, or is not in conflict, with the**  
158 **goals and recommendations of the St. Charles Parish Comprehensive Plan and**  
159 **Future Land Use. Map.**

160 **and**

161 **2) The proposed Map Amendment does not negatively impact the health, safety, and**  
162 **welfare of the community.**

St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

1 Section XXII. Regulations for Home Occupations was replaced in whole. Existing code  
2 language is displayed as ~~strike through font~~ and the updated language is displayed in **bold font**.

3 **DRAFT 05.26.2015 SUMMARY OF UPDATES:** The purpose of the Home Occupation  
4 Regulations was revised to provide more explanation of the intention of the regulations. The  
5 unexhausted list of commonly permitted uses of home occupations was expanded to reflect  
6 applicant trends in the Parish. The home occupation permitting process and operational  
7 regulations were made more clear and concise. The formatting of revocation was changed to  
8 provide more clarity and legibility. The appeal process was made more concise.

9

10 Section XXII. Regulations for Home Occupations.

11

12 ~~A. *General:* It is the intent of this section to regulate home occupations in residential zones. A~~  
13 ~~home occupation is an accessory use of a dwelling unit, conducted by one (1) or more~~  
14 ~~persons who reside at the property in question. The home occupation is clearly incidental~~  
15 ~~and secondary to the use of the dwelling for residential purposes and does not change the~~  
16 ~~character thereof or adversely affect the uses permitted in the residential district of which it~~  
17 ~~is a part.~~

18 ~~B. *Permit Process:*~~

19 ~~1. *Pre-Application Orientation:* The Planning Director, or his designated staff, shall advise~~  
20 ~~citizens of the regulations for home occupations such as appropriate activities for home~~  
21 ~~occupations, operational regulations, and consequences for violating operational~~  
22 ~~regulations. The Planning Director, or his designated staff, shall determine whether the~~  
23 ~~premises to be permitted is in compliance with the St. Charles Parish code of~~

St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

48 ~~neighboring properties, requirements for state permits and licenses, and take one of~~  
49 ~~the following actions:~~

50 ~~a. Issue a Home Occupational Permit with or without written conditions, for those~~  
51 ~~occupations that do not require state permit or license.~~

52 ~~b. Forward applications requiring state permits or licenses along with a~~  
53 ~~recommendation of the Department to the Planning and Zoning Commission for~~  
54 ~~public hearing and recommendation and to the Parish Council for public hearing~~  
55 ~~and decision.~~

56 ~~c. Deny the application.~~

57 ~~(Ord. No. 06-12-6, § 1, 12-4-06; Ord. No. 09-8-1, § 1, 8-3-09)~~

58 ~~C. Operational Regulations:~~

59 ~~1. All products produced for sale must be hand manufactured or grown on the premises~~  
60 ~~using only hand tools or domestic mechanical equipment. Such domestic mechanical~~  
61 ~~equipment shall not exceed two (2) horsepower per piece of equipment, and the sum~~  
62 ~~total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not~~  
63 ~~exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.~~

64 ~~2. All sales of products, including those produced or grown on the premises, and the~~  
65 ~~performance of all services shall take place off the premises. However, the Planning~~  
66 ~~Director may permit on-premises sales or the performance of services as a condition of~~  
67 ~~a home occupation permit when it may be found that such sales or services will not~~  
68 ~~produce any detrimental effects upon the surrounding neighborhood. This may include~~  
69 ~~but is not limited to snowball stands, tax and legal services. The Department may~~  
70 ~~impose conditions regulating the duration, scope, and size of operation.~~

71 ~~3. There shall be no signs posted which indicate the existence of the home occupation.~~



St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

95 ~~districts, and shall be additionally prohibited on residentially zoned lots which contain~~  
96 ~~more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)~~

97 ~~12. No alcoholic beverages shall be sold or provided in connection with the operation of a~~  
98 ~~home occupation. (Ord. No. 98-8-1, 8-3-98)~~

99 ~~13. Home occupation permit holders shall provide annual evidence of valid occupational~~  
100 ~~licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational~~  
101 ~~licensing shall be provided to the Department of Planning and Zoning by March 31st of~~  
102 ~~each calendar year. (Ord. No. 98-8-14, 8-17-98)~~

103 ~~D. *Revocation of Home Occupation Permit:* A home occupational permit shall be revoked by~~  
104 ~~the Planning Director upon violation of any requirement of this Code, or of any condition or~~  
105 ~~requirement of any permit granted, unless such violation is corrected within five (5) days of~~  
106 ~~notice of such violation. Any such permit may be revoked after three (3) violations of any~~  
107 ~~requirements of this section, or of the conditions of such permit, or where the Planning~~  
108 ~~Director finds that the continuation of the home occupation permit will have a detrimental~~  
109 ~~effect upon the surrounding subdivision. The Planning Director may conduct a public~~  
110 ~~hearing on the revocation of a home occupation permit.~~

111 ~~E. *Appeal:* In the event of the approval or the denial of any permit, or the revocation thereof, or~~  
112 ~~of any objection to the limitations or conditions, or the lack of limitations or conditions~~  
113 ~~placed thereon, appeal may be made in writing by the original applicant or resident of the~~  
114 ~~surrounding subdivision to the Board of Adjustments in accordance with the provisions of~~  
115 ~~section XIII of this Code.~~

116 ~~(Ord. No. 87-4-11, 4-20-87; Ord. No. 92-11-16, § II, 4-6-92)~~

117

143            occupation. The applicant must agree to follow operational regulations listed in  
144            Section C. When an applicant does not own the subject property, the applicant  
145            must provide notarized endorsement of the application by the property owner.

146            3. Departmental Review: The Planning Director, or his designated staff, shall  
147            determine whether the proposed use complies with the operational regulations  
148            of this section.

149            4. Public Notice and Comment:

150            a. Once the Planning Director has determined that the proposed use meets the  
151            general parameters of this code and the operational requirements of this  
152            section, the property shall be posted for ten (10) days with a sign stating that  
153            the resident has applied for a permit to operate a home occupation and that  
154            the Department of Planning and Zoning will receive and record public  
155            comment on the application for the same ten (10) calendar days.

156            b. If objections to the proposed activity are submitted to the Planning Director,  
157            the application will be forwarded to the Planning Commission for public  
158            hearing and consideration.

159            5. Determination: The Planning Director, or his/her designee, shall consider the  
160            nature of the home occupation, the operational regulations, the relationship of  
161            the proposed home occupation to neighboring properties, requirements for state  
162            permits and licenses, and take one of the following actions:

163            a. Issue a Home Occupational Permit with or without written conditions, for  
164            those occupations that do not require state or federal permits or licenses.

- 190           **7. The resident or residents engaged in the home occupation shall possess all**  
191           **required licenses including a St. Charles Parish Occupational License”;**  
192           **Department of Health and Hospitals; and other state or federal permits or**  
193           **licenses.**
- 194           **8. No alcoholic beverages shall be sold, offered, or provided in connection with**  
195           **the operation of a home occupation.**
- 196           **9. Home occupation permits are not transferrable as to person or location.**
- 197           **10. Home occupation activities which include the manufacture, sale, or repair**  
198           **firearms (or any related commercial activity) shall be prohibited in R-2 and R-3**  
199           **residential zoning districts, and shall be additionally prohibited on**  
200           **residentially zoned lots which contain more than one dwelling unit.**

201   ***D. Revocation of Home Occupation Permit:***

- 202           **1. A home occupational permit may be revoked by the Planning Director upon**  
203           **violation of any requirement of this Code, or of any condition or requirement**  
204           **of any permit granted, unless such violation is corrected within five (5) days**  
205           **of notice of such violation.**
- 206           **2. Any such permit may be revoked after three (3) violations of any requirements**  
207           **of this section, or of the conditions of such permit, or where the Planning**  
208           **Director finds that the continuation of the home occupation permit will have a**  
209           **detrimental effect upon the surrounding subdivision or neighborhood.**
- 210           **3. The Planning Director may conduct a public hearing on the revocation of a**  
211           **home occupation permit.**

MERRITT C. BECKER, JR.

# UNO TRANSPORTATION INSTITUTE

## Report on Fee Structure

### ***Revised Fee Structure For Land Use Applications.***

#### **Purpose of Fees**

Local governments across the country, including St. Charles Parish, charge fees for the array of requests for zoning and other land use regulation issues. These fees help defray the costs of staff time to receive the applications, review submittals, inspections, and other time spent processing the case. The fees charged generally do not fully cover the full costs of staff time, but do help defray at least some. The question is whether the fees charged by the Parish for rezoning requests, variance requests, subdivision approvals, etc. are fair or at least in line with other parishes and municipalities.

The following research was done to help determine an appropriate fee structure for St. Charles Parish:

- A look at the purpose of establishing fees.
- A random review of local governments in Louisiana, particularly southeast Louisiana.
- American Planning Association – a survey of local governments' fees in various communities along the Gulf Coast of Mississippi, Alabama, and Florida.
- Discussions with St. Charles Parish planning department staff regarding time and effort for each review process

#### **Findings**

- Compared to communities in other states, Louisiana municipalities and parishes charge much lower fees.
- Compared to other communities in southeast Louisiana, St. Charles Parish generally has lower fees for most, not all, applications and approval requests.

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## Report on Fee Structure

- *Rezoning* - In this category, St. Charles Parish is all alone at the low end of the scale at \$40.<sup>2</sup> Many communities, i.e., Mandeville, charge a base fee (\$75), then so much an acre involved in the request to a maximum of \$2,100. The chart below shows a wide range of fees by community but St. Charles is by far the lowest. The average fee for the initial base fee in the sample is **\$180**. Excluding the City of New Orleans, the average is **\$97.00**.

<i>Community</i>	<i>Request</i>	
	<i>Rezoning (map)</i>	<i>Text Change</i>
<i>St. Charles</i>	\$ 40.00	
<i>St. John</i>	\$ 200.00	\$ 40.00
	\$ 7,000.00	
<i>Mandeville</i>	\$ 75.00	
	\$ 2,100.00	
<i>Lake Charles</i>	\$ 500.00	
<i>New Orleans</i>	\$ 1,000.00	
	\$ 4,000.00	
<i>Kenner</i>	\$ 100.00	\$ 100.00
	\$ 5,000.00	
<i>Gretna</i>		
<i>Monroe</i>	\$ 250.00	\$ 100.00
	\$ 2,500.00	
<i>Jefferson Parish</i>		\$ 200.00

<sup>2</sup> St. Charles Parish Zoning Ordinance, Section XIV., B., 3.

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## Report on Fee Structure

- *Resubdivision (Minor)* - St. Charles Parish is more in line with other communities for fees for minor resubdivision requests. The average of the communities below is \$166.00.

<b><i>Community</i></b>	<b><i>Request</i></b>
	<b><i>Resub</i></b>
<b><i>St. Charles</i></b>	\$ 100.00
<b><i>St. John</i></b>	\$ 200.00
<b><i>Mandeville</i></b>	\$ 300.00
<b><i>New Orleans</i></b>	\$ 200.00
<b><i>Kenner</i></b>	\$ 100.00
<b><i>Jefferson Parish</i></b>	\$ 100.00

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## Report on Fee Structure

- *Home Occupation Permits*
  - Shreveport - \$50
  - St. John Parish \$50
  - Kenner \$75

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## Report on Fee Structure

### FEE SCHEDULE

<i>Comprehensive Land Use Plan Amendment</i>	\$ 250.00	
<i>Rezoning (map)</i>	\$200.00 plus \$100/acre over the first 2 acres, maximum \$5,000.00	
<i>Zoning Text Change</i>	\$ 100.00	
<i>Variance</i>	\$ 100.00	Residential
	\$ 200.00	Commercial
<i>Special Permit Use and/or Special Exception Use</i>	\$ 100.00	Residential
	\$ 200.00	Commercial
<i>Zoning Verification Letter</i>	\$ 75.00	
<i>Home Occupation Permit</i>	\$ 75.00	
<i>Resubdivision</i>	\$ 150.00	
<i>Subdiv - Major Preliminary Plat</i>	\$100 + \$25 per lot, maximum \$5,000	Residential
	\$100 + \$100 per acre, maximum \$5,000	Commercial
<i>Final Plat</i>	<i>Prior to Parish Council approval of the final plat, all administrative costs (advertising, notification, etc.) shall be reimbursed to the Parish.</i>	