

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT
CASE NUMBER: 2022-19-R

Application Date: 10/17/2022

GENERAL INFORMATION

- ◆ **Name/Address of Applicant**
Stanley & Melinda Hebert
16520 Hwy. 90
Des Allemands, LA 70030
(504)-234-2966
- ◆ **Location of Site**
16520 Highway 90, Des Allemands
- ◆ **Requested Action**
Change of zoning from *C-3 Highway commercial district—Wholesale and retail sales* to *O-L Open Land District* on Lot 89A-2, Coteau de France or Ranson Tract.

SITE INFORMATION

- ◆ **Size of Site**
Lot 89A-2 consists of 87,120 sq. ft. (2 acres)
- ◆ **Current Zoning and Land Use**
Lot 89A-2 is zoned C-3; it is developed with a single-family residential house (PZSPU-2000-01).
- ◆ **Surrounding Zoning and Land Use**
C-3 zoning abuts to the north and south sides; O-L zoning is located across Highway 90 to the east; M-1 zoning is adjacent to the west side.

A site-built single family house is located on the abutting property to the north side; the properties abutting to the south and west, and across Highway 90 to the east are undeveloped and mostly wooded.

- ◆ **Future Land Use Recommendation**
Light Industrial: this designation includes such uses as warehouse and distribution activities, as well as office uses, repair facilities, light assembly and light manufacturing activities that do not involve emissions of odors, dust, fumes or excessive noise, consistent with the uses in the M-1 Light Manufacturing and Industrial zoning district.
- ◆ **Traffic Access**
Lot 89A-2 has 169.27 ft. of frontage on Highway 90, where it has driveway access.
- ◆ **Utilities**
Parish water is available along Highway 90. Public sewer is not available. The improvements on Lot 89A-2 were permitted with private sewer treatment (Permit No. 14386).

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

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

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

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Farming.
 - (2) Animal husbandry.

- (3) Farm family dwellings.
 - (4) Tenant dwellings.
 - (5) Site-built, single-family detached dwellings.
 - (6) Additional dwellings for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
 - (7) Manufactured housing.
 - (8) Mobile homes.
 - (9) Accessory buildings.
 - (10) Family subdivisions, provided that they conform to the St. Charles Parish Subdivision Regulations [appendix C].
 - (11) Farmer's market, provided that the criteria outlined in Special Provisions [subsection 3] is met.
 - (12) Any permitted uses under subsection 1.a. items (1) through (9) on a lot or property without frontage provided that a permanent right of passage to access the structure exist or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court.
 - (13) Lawn Care Service subject to the requirements of Section VII.
 - (14) Historic Home Site Bed and Breakfast.
 - b. Special exception uses and structures include the following:
 - (1) Religious institutions.
 - (2) Golf courses and golf practice ranges.
 - (3) Public parks and recreational areas.
 - c. Special permit uses and structures include the following:
 - (1) Child care centers.
 - (2) Public and private academic institutions (trade, business and industrial schools shall be located in the appropriate commercial or industrial zoning district).
 - (3) Cemeteries and mausoleums, provided that they meet the criteria outlined in Special Provisions [subsection 3].
 - (4) Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.
 - (5) Public stables and kennels.
 - (6) Cellular installations and PCS (personal communication service) installations.
 - (7) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
 - (8) *Reserved.*
 - (9) Fire stations with or without firefighter training facilities.
 - (10) Nonresidential accessory buildings.
 - (11) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
- a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet.
 - b. Minimum yard sizes:
 - (1) Front—Thirty-five (35) feet.
 - (2) Side—Ten (10) feet.
 - (3) Rear—Twenty (20) feet.
 - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, not withstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
 - c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.
 - d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches excluding gutter.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into the required front or rear yard.
3. Special Provisions:
- a. Additional dwellings on unsubdivided property:
 - (1) Additional dwellings on unsub- divided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) square feet of lot area.
 - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.
 - (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
 - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
 - b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication *Manufactured Housing Installation in Flood Hazard Areas*.
 - c. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.
 - d. Farmer's market:
 - (1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit.
 - (2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.

- e. Cemeteries and mausoleums:
 - (1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet.
 - (2) All cemetery or mausoleum sites must have a fence or screen planting six (6) feet high along all property lines adjoining all districts.
4. Prohibited Use: Medical waste storage, treatment or disposal facilities.

Appendix A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two or more of the following criteria are met:

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

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

- E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:
1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

REZONING GUIDELINE EVALUATION

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

1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* The proposed O-L zoning does not conform to the Light Industrial Future Land Use designation and is considered a spot zone. **The request does not meet the first guideline.**

2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and the proposed zoning does.* Lots 89A-1 (89A-1A-2), 89A-2, and 89A-3 (89A-3A) were rezoned from M-1 to C-3 in 1999 (PZR-1999-22) for the purpose of permitting single family houses as Special Permit Uses. Each lot has subsequently received Special Permit approval for a single family house, with two being permitted:
 - Lot 89A-2, PZSPU-2000-01, Permit No. 14386
 - Lot 89A-3A, 2019-11-SPU, Permit No. 37125
 - Lot 89A-1A-2, 2021-10-SPU, no permit, SPU expires December 2, 2021
 The development as detailed above has resulted in a residential land use pattern and character within what was expected to be a commercial/industrial corridor. A change to O-L, which permits single-family houses on large lots by right, aligns with the current use of both the subject site, and those residential uses existing or anticipated on abutting properties. **The request meets the second guideline.**

3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* The uses permitted in the O-L zoning district, which includes both site-built and manufactured single family dwellings, are compatible with the existing neighborhood character. The surrounding neighborhood consists largely of undeveloped and wooded property on large lots. The development that does exist, primarily along LA 631, J.B. Green Road, consists mostly of site-built houses and manufactured homes. The subject site itself is improved with a single family house, and adjacent properties have either been permitted with a single family house (89A-3A) or received the required Special Permit approval to permit a single family house in a C-3 district (89A-1A-2). Additional impacts to existing public facilities/infrastructure

is not expected given the site is already developed with a use permitted in the zoning district. **The request meets the third guideline.**

ANALYSIS

The applicant is requesting a rezoning from C-3 to O-L on Lot 89A-2, Coteau de France or Ranson Tract, municipal address 16520 Highway 90, Des Allemands.

The request meets the second and third guidelines for rezoning as detailed in the previous section.

The land use pattern and character has changed to the point where O-L zoning would allow for more reasonable use of the property compared to the existing C-3. And those uses permitted in O-L, which includes single family houses and manufactured homes, would be compatible with abutting sites and the larger area.

DEPARTMENT RECOMMENDATION

Approval.

***This request will be forwarded to the Parish Council for consideration with the Planning Commission's recommendation.**