

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2021-10-MIN

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 8/4/2021**

Cheryl Mahler 234 Maple Street Hahnville, LA 70057 (504)-458-9749 cheryl.mahler@att.net	Richard Hamilton 108 Cottage Drive Luling, LA 70070 (504)-400-1009 richard643114@aol.com
Diane M. Carter 124 American Bank Lane Hahnville, LA 70057 (985)-783-6849	Brett & Amy Duke P.O. Box 191 Hahnville, LA 70057 (504)-232-3046 saycheese99@gmail.com
- ◆ **Location of Site**  
Lee Lane, Hahnville
- ◆ **Requested Action**  
Resubdivision to certify four lots (C, E, F, G) that have been sold within a tract

### SITE INFORMATION

- ◆ **Size of Lots (proposed)**  
Approximately 40,000 sq. ft.
- ◆ **Current Zoning and Land Use**  
O-L, Open Land; Lot C is developed with a single family house. Lots E, F, and G are vacant but cleared.
- ◆ **Surrounding Zoning and Land Use**  
OL zoning surrounds the site. The tract is zoned R-1A for approximately 500 ft. and OL from that point. It is developed with 6 dwellings, one of which is on proposed Lot C. The adjacent tracts have residential uses close to River Road and are vacant but cleared thereafter.
- ◆ **Plan 2030 Recommendation**  
*Low Density Residential:* (from 4 up to 8 dwellings per gross acre) this category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.  
*Residential / Mixed Use:* This land use designation applies in areas appropriate for large scale, creatively planned developments where the predominant use is residential, but where a variety of housing types at varying densities are encouraged, as well as compatible, local serving commercial and service uses. Development under this land use category is anticipated to take the form of Planned Developments (PD's) as well as Traditional Neighborhood Developments (TND's).
- ◆ **Traffic Access**  
The proposed lots do not have frontage on a developed, public street. They are approximately 1,500 ft. from River Road on Lee Lane, a 15-ft. wide servitude of passage surfaced with limestone (prior to 2002, Lee Lane was a 20-ft wide servitude).

◆ **Utilities**

Water can serve the sites and there are utility poles with electrical service along Lee Lane. Community sewer is not available; the Department of Health and Hospitals has provided a letter of no objection approving the use of individual sewer facilities.

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. Zoning District Criteria. A.[I.] O-L. Open Land District:**

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 rite of passage to access the structure exists or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court.
  - 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, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
  - c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.
  - d. Permitted encroachments:
    - (1) Overhangs projecting not more than twenty-four (24) inches excluding gutter.
    - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into the required front or rear yard.
3. Special Provisions:
  - a. Additional dwellings on unsubdivided property:
    - (1) Additional dwellings on unsubdivided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) square feet of lot area.
    - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.

- (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
  - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
  - b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication *Manufactured Housing Installation in Flood Hazard Areas*.
  - c. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.
  - d. Farmer's market
    - (1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit.
    - (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 C. Section II. Subdivision Procedure**

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

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

<b>ANALYSIS</b>
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This is the second request to certify properties that have been in separate ownership on Lee Lane, a 15-ft. wide private driveway, in Hahnville. The proposed lots, C, E, F, and G are shown on a 1992 survey titled, "Partition of a portion of the upper half of Lot 23 of Fashion Plantation..." by RP Bernard, PLS.

All the properties shown on the 1992 plat (A, B, C, D, E, F, and G) have been transferred and are in separate ownership. Lot D, which is not a part of this request, was created or certified as a legal lot of record in April 2021 as it was shown on the

partition map (2021-2-MIN). The property owners permitted a single-family house soon after the resubdivision; it is nearing completion (permit 36386). Proposed Lot C is developed with a single-family house that was permitted and built in 1996 (231 Lee Ln; 1183-96); the other properties are vacant but cleared.

Three other properties on the parent tract are in single-ownership, and developed with houses, but they are not subject to this resubdivision request (1, 1B, and 23-1). Department records suggest the all the houses on the parent tract (on property 1, 1B, 23-1, and C) were permitted by right of provisions in the OL zoning that allow up to four (4) dwellings on unsubdivided property under certain conditions.

Each proposed lot exceeds the minimum 20,000 square foot area for a lot in the OL zoning district; however, none of the proposed lots is arranged on a developed public street.

The applicants have submitted a Letter of No Objection to the resubdivision from the Department of Health and hospitals which indicates that each proposed lot is suitable for individual sewer treatment. Property owners have been advised that other Parish utilities are available from River Road.

The applicants have been advised that this subdivision action supercedes the provision of the OL zoning that permits up to four (4) dwelling units on unsubdivided property (permitted use #6 and Special Provisions a in the OL zoning district criteria). If approved, each lot would permit any other OL uses including a primary dwelling unit, and a property owner could request a Special Permit for an accessory dwelling unit.

If approved, the lots created as part of this resubdivision could not be further subdivided for a period of two (2) years.

<b>DEPARTMENT RECOMMENDATION</b>
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<b>Approval provided a waiver from the required arrangement on a public street is approved.</b>
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