

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZS-2017-06

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 12/27/16**  
Debra Ann Breaux  
136 Frickey Lane  
Des Allemands LA 70030  
504.338.3320; debrabreaux18@yahoo.com
- ◆ **Location of Site**  
Lot 850A, Sunset Ridge (430 Grand Bayou Road), Bayou Gauche.
- ◆ **Requested Action**  
Resubdivision of Lot 850A Sunset Ridge into Lots 850A-1 and 850A-2 where proposed Lot 850A-2 does not have frontage or width on a developed public street.

### SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**  
263,208.50 square feet (6.04 acres).
- ◆ **Current Zoning and Land Use**  
OL and undeveloped.
- ◆ **Surrounding Zoning and Land Uses**  
OL zoning surrounds the site. A mobile home and two homes across Grand Bayou Road abut the northwest corner of the site. The remaining surrounding land uses are undeveloped.
- ◆ **Plan 2030 Recommendation**  
*Wetlands:* Although a natural wetland is not considered a human use of land, substantial portions of the Parish are designated as wetlands. Most are likely to remain as such due to existing regulatory limitations on their development. The wetlands land use designation, which applies to these areas, acknowledges these limitations, but most importantly, highlight the value of wetlands to St. Charles Parish.
- ◆ **Traffic Access**  
The site has frontage on Grand Bayou Road, a collector, which connects to LA 306.

### APPLICABLE REGULATIONS

#### **Subdivision Ordinance, Section II. Subdivision Procedure**

C. Minor Resubdivisions. 2. In instances where a net increase of more than five (5) lots is proposed by subdivision or resubdivision and no public improvements are required, no formal preliminary plat shall be required. However, the presented plan of resubdivision shall conform to requirements outlined in Section II.C.3 of this section. Approval requires certification by the planning and zoning commission, determination and mitigation of impacts to public improvements, ordinance by the Council, and certification by the Parish President.

#### **AND**

4. Preliminary Plat Procedure c. Waiver or Modification of Specific Subdivision Regulations. Should the Director discover that specific aspects of the submitted Preliminary Plat fail to conform to the regulations contained in this ordinance, he may choose to forward the proposal for formal consideration by the Planning Commission and Parish Council if the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or modification of existing regulations. Any application for Preliminary Plat approval which contains a request for a waiver or modification of any subdivision regulation shall contain a specific reference to the request and

state the reasons that the request be granted. The Planning Commission, with a supporting resolution of the Council, may grant a waiver or modification of these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.

**AND**

**Zoning Ordinance, Section VI. A. 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 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 a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit. (Ord. No. 92-9-20, § II, 9-21-92)
    - (2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.
  - e. Cemeteries and mausoleums:
    - (1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet.
    - (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.

<b>ANALYSIS</b>
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The applicant requests resubdivision of a vacant lot comprising 6.04 acres into two lots. Both lots exceed the minimum 20,000 square feet for a lot in the OL zoning district; however proposed Lot 850A-2 is proposed with no street frontage "behind" proposed Lot 850A-1.

Lot 850-A1: 3.02 acres with 156' frontage or width on Grand Bayou Road

Lot 850-A2: 3.02 acres with no frontage; served by a "25' servitude for ingress & egress." At the time of writing this report, staff has asked the applicant to revise this servitude so that it clearly allows infrastructure and utilities as well.

This area of Sunset Ridge was divided into large lots in the 1920s. Lot 850 was subdivided into two lots 165' wide x 1600' deep in 2003. The configuration and lot size was already established in the area. Adjacent lots J and H to the north, were resubdivided around 2010, one into five lots, the other into four lots with the lots served by an access servitude off of Grand Bayou Road (a configuration like what is proposed here).

The applicant has stated the intention of building a residence on Lot 850A-2. Because Lot 850A-2 is landlocked, it will not comply with the Subdivision Ordinance. Approval of

this resubdivision will require a waiver to the required hard-surface frontage and Supporting Resolution by the Parish Council.

The Future Land Use Map recommendation for this property is *Wetlands*; that recommendation is under review by staff.

<b>DEPARTMENT RECOMMENDATIONS</b>
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**Approval, provided a revised plat identifying the servitude as an access and utility servitude and that the Commission and Council approve a waiver from the required frontage on a developed public street.**