

Ord.

**2016-0431**

**INTRODUCED BY: LARRY COCHRAN, PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO. 17-2-10**

An ordinance to amend the St. Charles Parish Code of Ordinances, Appendix A, Zoning Ordinance of 1981 and Appendix C, Subdivision Regulations of 1981 to allow for garden home developments as a Special Permit Use with approval from the Planning Commission and supporting resolution from the Parish Council.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the Code of Ordinances, Appendix A.VI.B.[I].1.c. Special permit uses in the R1(A) zoning district is hereby amended as follows—with ~~strikethrough~~ to be deleted and **bold** to be added:

**(9) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.**

**SECTION II.** That the Code of Ordinances, Appendix A. VI.B.[II].1.c. Special permit uses in the R-1A(M) zoning district is hereby amended as follows—with ~~strikethrough~~ to be deleted and **bold** to be added:

**(7) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.**

**SECTION III.** That the Code of Ordinances, Appendix A. VI.B.[III].1.c. Special permit uses in the R-1B zoning district is hereby amended as follows—with ~~strikethrough~~ to be deleted and **bold** to be added:

**(10) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.**

**SECTION IV.** That the Code of Ordinances, Appendix A. VII. Supplemental Use and Performance Regulations be amended as follows—with ~~strikethrough~~ to be deleted and **bold** to be added:

***Garden Home Developments***

**General.** In order to encourage superior residential developments through a flexible planning process, Garden Home Developments may be permitted in the R-1A, R-1A(M), and R-1B zoning districts as a Special Permit Use after an approval by the Planning Commission and a supporting resolution from the Parish Council. The proposed development should present a superior design that would not be possible under conventional zoning and is in accordance with the goals and policies of the comprehensive plan. The minimum size required for a Garden Home Development shall be three (3) acres.

**1. Submission Requirements.** The following items shall be included with all applications for Garden Home Developments.

**a. *Design requirements.***

- i. *Common open space.*** Common open space shall be provided in all Garden Home Development design proposals. At least one-half of the minimum required open space land must be free of delineated wetland areas in order to be readily accessible and usable for active and passive recreation. Significant natural features shall be incorporated into common open space whenever possible.
- ii.** The common open space shall be designed as a contiguous area if possible and shall be interspersed with residential areas so as to provide pedestrian access.
- iii.** The area set aside and preserved for open space shall aggregate no less than 25 percent of the total site area.
- iv.** Draft covenant restrictions detailing the perpetual maintenance of common open space must be submitted. Proof of recordation of these restrictions must be submitted to the Department of Planning and Zoning along with the recordation of a Final Plat.

**Sketch Plan and Pattern Book approval.** The following additional items shall be reflected on or shall accompany the special use plan application:

**b. Sketch Plan Requirements**

- i. A development phasing plan if proposed, which clearly defines the boundaries of each phase of the development and indicates the number of dwelling units to be constructed in each phase. Each phase shall be assigned a number which represents that phase's order in the construction sequence of the development.
- ii. Special emphasis will be directed to flood control prevention plans. Proposed drainage patterns must be shown on the Sketch Plan.
- iii. A general erosion and sediment control plan and program.
- iv. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land.
- v. Restrictions of all types which will run with the land and become covenants for this development.
- vi. Accurate dimensions of common open space areas specifically indicating those areas to be developed for active recreation. Where common space areas are to be developed, the exact location of the structures in common open space will be illustrated. A detailed timeline for installation of open space amenities must be included for consideration.
- vii. Locations and dimensions of parking areas and pedestrian walkways.

**c. Pattern Book Requirements**

- i. Architectural renderings illustrating exterior elevations of typical dwelling units.
- ii. Statements and illustrations of the materials to be used in construction and their compatibility with surrounding neighborhoods and other codes relating to construction.
- iii. Total acreage of development, land uses in each area, total number of dwelling units, average gross residential density, average lot area and lot width by unit type, and gross residential density in each section.

**2. Design standards.** The design standards and dimensional requirements shall be in accordance with Section VI of the Zoning Ordinance except that the Planning Commission may alter or waive any of these requirements where the developer can demonstrate that such action is desirable and consistent with the objectives of this section and the comprehensive plan.

**3. Review process.** Garden Home Developments shall be subject to the following review and approval process.

- a. The developer shall submit a Special Permit Use Application to the Parish Planning Commission and present a sketch plan, a pattern book of housing types, and a statement documenting the project's compliance with the goals of the comprehensive plan for review.
  - i. The sketch plan shall show proposed lots, the layout of streets, open space, and any requests to vary the dimensional requirements related to lot size or buildable area.
  - ii. The pattern book should detail the general form, bulk, mass, and facade materials of proposed housing as well as examples of unit types.
  - iii. The Parish Planning Commission shall approve the Special Permit Use if they find that the proposed project is of a design and type that would not be possible under the existing zoning and furthers the goals and policies of the comprehensive plan through its neighborhood design. The Planning Commission may impose conditions on its approval.
- b. If approved, the Special Permit Use, sketch plan, pattern book, and developer's statement shall be reviewed by the Parish Council. The Parish Council may issue a supporting resolution of the Planning Commission approval, deny the supporting resolution, or refer the application back to the Planning Commission noting any deficiencies to be addressed before the application is reconsidered.
- c. If the Special Use Permit is approved, the supporting materials become the approved development standards for the project and supersede the zoning requirements of the underlying zoning as specified in the

approval. Building and site development plans must conform to the approved Special Permit Use.

i. The Director of Planning and Zoning has the authority to hold a public hearing to reconsider the Planning Commission's approval if the development deviates from its approved Special Permit Use and supporting documentation.

d. The applicant may submit plans under the Major Subdivision processes in Appendix C of the Parish Code of Ordinances utilizing the approved standards as outlined in the Special Use Permit.

4. **Expiration.** The Special Permit Use approval expires three years from the approval of the Planning Commission unless the submission of an application for subdivision construction is approved by the Planning Commission in accordance with the Special Permit Use.

a. If a subsequent subdivision application expires according to the provisions of Appendix C, Subdivision Regulations, the approved Special Permit Use for a Garden Home Development also expires.

**SECTION V.** That the Code of Ordinances, Appendix C. II. Subdivision procedure.

4. Preliminary Plat Procedure. amended as follows—with ~~strikethrough~~ to be deleted and **bold** to be added:

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.

**1) Waivers to Preliminary Plats of specific Subdivision or Zoning requirements as approved under the Special Permit procedure for Garden Home Developments may be approved on the Preliminary Plat by the Planning Commission with a supporting resolution of Council.**

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, WOODRUFF,  
BELLOCK, FLETCHER, FISHER-PERRIER  
NAYS: NONE  
ABSENT: NONE

And the ordinance was declared adopted this 20th day of February, 2017 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Tennell D. Wilson  
SECRETARY: [Signature]  
DLVD/PARISH PRESIDENT: [Signature]  
APPROVED:  DISAPPROVED:   
PARISH PRESIDENT: [Signature]  
RETD/SECRETARY: [Signature]  
AT: 11:30a RECD BY: [Signature]