

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2020-3-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 2/20/2020**
Blake & Caitlin Comardelle
10493 River Road
Ama, LA 70031
(504)-259-0749; blakecomardelle@gmail.com
- ◆ **Location of Site**
An arpent tract designated as Lot 2, Block 2, Ama-Sections 34 & 36 located at municipal address 10493 River Road, Ama
- ◆ **Requested Action**
Rezoning of an approximately 2 acre portion of the above referenced site from R-1A, Single Family Residential and C-2, General Commercial to O-L, Open Land.

SITE INFORMATION

- ◆ **Size of Parcel**
The subject portion of the parcel consists of approximately 2 acres.
- ◆ **Current Zoning and Land Use**
Four different zoning districts encompass this long arpent tract: C-2 in the first 150 feet, followed by R-1A for 950 feet, O-L for 4,931 feet to the railroad tracks, and ending with W zoning in the final 2,700 feet.

The site is developed with a site-built single family house located in the C-2 zoned portion of the property. The remainder of the property is partially cleared, but mostly wooded.
- ◆ **Surrounding Zoning and Land Use**
With the exception of Batture zoning located to the front, the surrounding zoning mirrors that of the subject site, with C-2, R-1A, O-L, and W zoning adjacent to each side. W zoning is also adjacent to the rear.

The surrounding area consists primarily of single-family houses fronting River Road and low density single-family neighborhoods on local streets extending from River Road.
- ◆ **Future Land Use Recommendation**
General Commercial: the General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.

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.

Rural Residential: (less than 4 dwelling units per gross acre) this category includes low-density residential development that is consistent with the O-L, Open Land zoning district, and conservation subdivisions which retain large amounts of open space. The Rural Residential land use category is intended to help preserve the Parish's rural character, which residents, in the Vision Statement, expressed a desire to see retained. For this reason, this designation also allows for the continuation of agricultural activities and related uses, since agriculture is an important part of the community's rural heritage and identity.

◆ **Traffic Access**

The parcel has 92 feet of frontage on River Road

◆ **Utilities**

Utilities are available and representatives from the Departments of Waterworks and Public Works & Wastewater have no objection to a rezoning.

APPLICABLE 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.

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 A. Section XV. - Amendment procedure

D. *Rezoning guidelines and criteria*: 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 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.
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. One or more of following examples may be used in evaluating reasonableness:
 - 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. and
 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 (FLUM) and does not create a spot zoning that is incompatible with the surrounding neighborhood.* The proposed rezoning would not be considered a spot zone as it would expand adjacent O-L zoning and eliminate split-zoning on a tract, however, the FLUM recommends General Commercial and Low Density Residential on the portions of the tract that are requested to be changed. O-L zoning does not conform to General Commercial uses. **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.* The C-2 and R-1A zoning under consideration were established in a 2008 area-wide rezoning in Ama. The intent of the rezoning was to encourage more site-built housing and increase foster a wider variety of commercial uses. The area the subject tract falls within was specifically identified for up-zoning to R-1A because it is within a large, vacant area approximately 670 foot wide and close to the River which make it suitable for the type of single-family, site-built subdivisions that the community wanted. As with many ¼ arpent x 40 arpent tracts, it is not zoning that makes use of the property difficult, it is the historic pattern of parcelization and the need to consolidate multiple family tracts in order to create a development site. The C-2 and R-1A zoning do not prevent reasonable use of the property. **The request does not meet 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 existing neighborhood character consists of unsubdivided family property developed with multiple dwellings, long tracts developed with a single house near River Road and agricultural uses of vacant wooded area toward their rear, and moderate-density, single-family neighborhoods. The uses permitted by the proposed O-L zoning, which include site-built single-family homes, mobile homes, and agricultural uses, are compatible with the surrounding neighborhood character. Representatives from the departments of Waterworks and Public Works & Wastewater stated existing infrastructure would not be overburdened by the potential development permitted by the proposed O-L zoning, and have no objection to the rezoning. **The request meets the third guideline.**

ANALYSIS

The applicant requests a change of zoning from C-2, General Commercial and R-1A, Single-Family Residential to O-L, Open Land on approximately 2 acres of a 50-arpent tract designated as Lot 2, Block 2, Ama-Sections 34 & 36, municipal address 10493 River Road, Ama. If the rezone is approved, the tract will be zoned OL from the River Road to the railroad and Wetlands beyond.

The request meets the third rezoning criteria. The permitted uses in the proposed O-L zoning district would compatible with the existing neighborhood character and would not overburden existing public infrastructure.

DEPARTMENT RECOMMENDATION

Approval