

**ST. CHARLES PARISH  
PLANNING BOARD OF COMMISSIONERS  
NOVEMBER 5, 2020  
7:00 P.M.**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE**

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**PUBLIC HEARINGS:**

- 1 2020-11-Home Occupation**  
Lyle Gross for a home occupation – “A4ordable Fire Protection” – a business selling and servicing fire protection equipment at 240 Pioneer St, Hahnville. Zoning District R-1A. Council District 1.  
**Requires Planning Commission approval.**
- 5 2020-18-Rezoning**  
BMB Real Estate, LLC for a change of zoning district from M-1 to R-1M on approximately 7.2 acres of Lot D-2AA, Fairview Plantation Subdivision, near 10390 Airline Drive, St. Rose. Council District 5.  
**Requires Planning Commission recommendation and Council approval. Forward to Council December 7, 2020.**
- 14 2020-19-Rezoning**  
Stephen Aucoin for a change of zoning district from C-3 to R-1A(M) on Lots 26, 27, and 28, St. Rose Gardens, 716 St. Rose Avenue. Council District 5.  
**Requires Planning Commission recommendation and Council approval. Forward to Council December 7, 2020.**
- 23 2020-15-Minor Resubdivision**  
Terry & Perri Chiasson for a four lot family subdivision at 694 Grand Bayou Road, Bayou Gauche. Zoning District O-L. Council District 4.  
**Requires Planning Commission and Parish President approval.**
- 33 2020-16-Minor Resubdivision**  
Adam & April Bragdon for resubdivision of one lot into two at 614 Clayton Drive, Norco. Zoning District R-1A. Council District 6.  
**Requires Planning Commission approval and supporting resolution from the Council. Forward to Council November 16, 2020.**
- 42 2020-17-Minor Resubdivision**  
Billy & Julie Baker for resubdivision of one lot into three, Olivia Drive, Taft. Zoning District O-L. Council District 1.  
**Requires Planning Commission approval and supporting resolution from the Council. Forward to Council November 16, 2020.**
- 52 2020-04-Ordinance**  
Matthew Jewell, Parish President/Dept. of Planning and Zoning for an ordinance to amend the St. Charles Parish Code of Ordinances, Chapter 6 Buildings and Building Regulations, Article II, Section 6-14 Permit Application to require analysis of the impact of traffic generated by new development by adding part (n) Traffic Impact Analysis.  
**Requires Planning Commission recommendation and Council approval. Forward to Council December 7, 2020.**
- 54 2020-05-Ordinance**  
Matthew Jewell, Parish President/Dept. of Planning and Zoning for an ordinance to amend the St. Charles Parish Subdivision Regulations of 1981, to establish a process for analyzing the impact of traffic generated by new subdivisions at Section II. Subdivision Procedure, C. Minor Subdivisions, and Section II. Subdivision Procedure at paragraph E. Preliminary Plat 3. Preliminary Plat/Additional Submission Requirements, and Section IV. Design Standards.

**Requires Planning Commission recommendation and Council approval. Forward to Council December 7, 2020.**

**63 2020-06-Ordinance**

Matthew Jewell, Parish President/Dept. of Planning and Zoning for an ordinance to amend the St. Charles Parish Subdivision Regulations of 1981, to amend the major subdivision process to require partial infrastructure review at the Preliminary Plat phase; to amend the Construction Plan Approval process; to clarify that minor subdivisions are not intended to create substandard major subdivisions; to clarify requirements for drainage servitudes; to clarify language for dedications for parks; and to increase subdivision drainage design from the 10-year storm to the 25-year storm.

**Requires Planning Commission recommendation and Council approval. Forward to Council December 7, 2020.**

**74 2020-08-Ordinance**

Matthew Jewell, Parish President/Dept. of Planning and Zoning for an ordinance to amend the St. Charles Parish Zoning Ordinance of 1981 Section XV to clarify the language regarding staff analyses of rezoning requests and to require that a rezone request meet at least two rezoning guidelines and criteria in order to receive a recommendation for approval from Planning Staff.

**Requires Planning Commission recommendation and Council approval. Forward to Council December 7, 2020.**

**77 2020-09-Ordinance** Matthew Jewell, Parish President/Dept. of Planning and Zoning for

an ordinance to amend Chapter 25 Section 25-52 Paragraph (b)(2) to increase the requirement for overbank flooding protection of bayous and waterways.

**Requires Planning Commission recommendation and Council approval. Forward to Council December 7, 2020.**

**UNFINISHED BUSINESS** - Commission Resolution 20-1—to amend the Planning Commission rules for meetings to begin at 6:00 p.m. and end by 10:00 p.m.

**NEW BUSINESS –**

**MINUTES – October 8, 2020**

**ADJOURN**

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-11-HOP

### GENERAL APPLICATION INFORMATION

- ◆ **Name & Address of Applicant** **Application Date: 10/16/2020**  
Lyle Gross  
240 Pioneer St.  
Hahnville, LA 70057  
(404) 528-9948; A4DABLE1@yahoo.com
- ◆ **Business Name & Description**  
A4DABLE Fire Protection; a fire protection services business
- ◆ **Licensing and Permits**  
The Louisiana Office of State Fire Marshall
- ◆ **Business Vehicles and Equipment**  
The applicant uses a 2017 Chevy City Express for business purposes.



### SITE – SPECIFIC INFORMATION

- ◆ **Existing Land Use and Zoning**  
Single-family residence in an R-1A zoning district
- ◆ **Surrounding Land Uses and Zoning**  
The residence is located in a subdivision zoned R-1A and mostly developed with single-family residences.
- ◆ **Traffic Access and Parking**  
The house has a driveway that is approximately 40 ft. long and can stack up to two (2) vehicles.
- ◆ **Utilities**  
Standard utilities serve the site and parish representatives for water, sewer, and drainage have indicated that existing facilities can serve the business.

### APPLICABLE REGULATIONS

#### **Regulations for Home Occupations: St. Charles Parish Code, Appendix A. Section XXII** Section XXII. Regulations for Home Occupations.

Purpose: It is the intent of this section to regulate home occupations in residential uses. A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the appearance or character thereof or adversely affect neighboring. The intent of these regulations is to preserve the character of the neighborhood, to limit activities that may adversely impact the area, such as increasing noise, traffic, dust, smoke, emissions, and electromagnetic interference; and to foster the growth of small businesses in the community.

- A. When in compliance with the requirements of this section, a home occupation shall be similar in type or character, but not limited to the following uses: Art studio, Child care for

not more than six children, contracting services, Cosmetology, Crafting, Dressmaking, Alterations, Tailoring, Internet based sales, Professional offices, Teaching or tutoring inclusive of arts.

B. *Permit Process:*

1. Pre-Application Meeting: The Planning Director, or his designated staff, shall advise applicants of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish Code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. Application: A citizen who proposes appropriate activities at a residence that is not in violation of the Code of Ordinances may apply for a permit for a home occupation. The applicant must agree to follow operational regulations listed in Section C. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. Departmental Review: The Planning Director, or his designated staff, shall determine whether the proposed use complies with the operational regulations of this section.
4. Public Notice and Comment:
  - a. Once the Planning Director has determined that the proposed use meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
  - b. If objections to the proposed activity are submitted to the Planning Director, the application will be forwarded to the Planning Commission for public hearing and consideration.
5. Determination: The Planning Director, or his/her designee, shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:
  - a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state or federal permits or licenses.
  - b. Forward applications requiring state or federal permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and decision.
  - c. Deny the application.

C. *Operational Regulations:*

1. No dump truck, bus, construction vehicle, semi-truck, or vehicle of similar nature shall be permitted to park on the subject property as part of a home occupation. Any vehicle or trailer that will be used in the operation of a home occupation must be documented with photographs as part of the application process.
2. There shall be no signs posted which indicate the existence of the home occupation.
3. No non-resident employees or contractors associated with the home occupation will visit the home for business purposes—this includes, but is not limited to picking up work assignments, materials, or payment.
4. There shall be no outdoor storage of materials or products on the premises.
5. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
6. The home occupation shall not eliminate or impede required off-street parking.
7. The home occupation shall not cause any external effect such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential area, or in violation of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
8. The resident or residents engaged in the home occupation shall possess all required licenses including a St. Charles Parish Occupational License"; Department of Health and Hospitals; and other state or federal permits or licenses.
9. No alcoholic beverages shall be sold, offered, or provided in connection with the operation of a home occupation.
10. Home occupation permits are not transferrable as to person or location.
11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit.

D. *Revocation of Home Occupation Permit:*

1. A home occupational permit may be revoked by the Planning Director upon violation of any requirement of this Code, or of any condition or requirement of any permit granted,

- unless such violation is corrected within five (5) days of notice of such violation.
2. Any such permit may be revoked after three (3) violations of any requirements of this section, or of the conditions of such permit, or where the Planning Director finds that the continuation of the home occupation permit will have a detrimental effect upon the surrounding subdivision or neighborhood.
  3. The Planning Director may conduct a public hearing on the revocation of a home occupation permit.
- E. *Appeal:* Any and all appeals to the decision of the Planning Director/Planning Commission shall be to the St. Charles Parish Board of Adjustments in accordance with the provisions of section XIII of this Code.

## **FINDINGS**

The applicant requests a permit to domicile A4DABLE Fire Protection at his residence. The applicant has indicated that the majority of work will be done outside of the home to service, repair, and install fire extinguishers, kitchen fire systems, and exit/emergency lights at the customer's location.

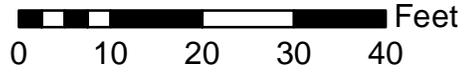
The applicant currently holds a certificate from the National Fire Protection Association and is waiting on approval from the Planning Commission for an Occupational License before applying for a license from the Louisiana State Office of Fire Marshall and registering with the Secretary of State.

The applicant has indicated he uses a 2017 Chevy City Express for business purposes. The house has a driveway providing access to Pioneer Street and which can accommodate up to two (2) cars.

No complaints or violations are on file for the property or the business owner; no code violations were apparent during a site visit performed on October 19th.

## **RECOMMENDATION**

**Approval.**



# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-18-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 10/6/2020**  
BMB Real Estate, LLC  
P.O. Box 339  
St. Rose, LA 70087  
(504)-400-2458; lorna@qualityfab.com
- ◆ **Location of Site**  
Parcel D-2AA, near 10390 Airline Drive, St. Rose
- ◆ **Requested Action**  
Rezoning of approximately 7.2 acres of Parcel D-2AA, Fairview Plantation Subdivision from M-1, Light Manufacturing and Industry to R-1M, Manufactured Home/Recreational Vehicle (RV) Park.

### SITE INFORMATION

- ◆ **Size of Parcel**  
50.6 acres, approximately 7.2 of which are subject to this rezoning.
- ◆ **Current Zoning and Land Use**  
M-1; the site is cleared and portions are used for private recreation.
- ◆ **Surrounding Zoning and Land Use**  
C-3 and M-1 zoning abuts across and along Airline Drive; Wetland to the rear.

Land to the west and southwest is vacant but cleared or clearing. Commercial and light-industrial uses exist along the corridor; near the site are heavy equipment rentals and repairs, a diner, fast food restaurant, a truck stop, and private recreation businesses, a driving range and paint ball course.

- ◆ **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.

Business Park: Although office uses are permitted within the Light Industry land use category and the associated M-1 zoning district, this zoning classification also permits a variety of industrial uses that would be incompatible with the development of a quality, planned corporate office, research or technology park. Therefore, this new land use category (and the zoning district that should be developed to implement it) would provide for the development of planned business, office, technology and research activities, with uses limited to these and directly related ancillary uses, such as shipping offices, office supply, hotels and restaurants. Business parks should be planned to incorporate consistent standards of development quality.

- ◆ **Traffic Access**

The site has 168.68 feet of frontage on Airline Drive. An aggregate driveway currently provides access; the Department of Transportation and Development may require a dust-free apron from Airline Drive for new development.

◆ **Utilities**

Sewer is not available. The representative from the Department of Waterworks and Wastewater stated the owner/developer would need to run a minimum 3-in. force main to the Parish manhole located approximately 650-ft. away.

Water is available, but the line is located on the south side of Airline Drive. The representative from the Department of Waterworks stated the owner would have to extend a water line under Airline Drive to tie into the Parish system.

<b>APPLICABLE REGULATIONS</b>
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**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.

**[IV.] R-1M. Manufactured home/recreational vehicle (RV) park:**

1. Use Regulations:
  - a. A building or land shall be used only for manufactured home and RV parks and accessory uses.
  - b. Special exception uses and structures include clubhouses, laundry facilities, rental offices, managers' homes, and/or accessory recreational facilities for park residents only.
2. Special permit uses:
  - a. Include RV parks of one-half acre provided 1) the Special Provisions for RV Parks [subsection 4 below], other than the minimum site requirement, are met, and 2) the request receives review and approval by the Planning Commission and a supporting resolution of the Council.
  - b. Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
3. Spatial Requirements: Shall conform to the Manufactured Home Park or RV Park regulations and design standards outlined as Special Provisions [subsection 4] below.
  - a. 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.
4. Special Provisions: Shall conform to either the Manufactured Home Park or [or] RV Park regulations and design standards noted below as they pertain to the total park use.

Manufactured home park:

- a. Location, space and general layout:
  - (1) The manufactured home park shall be located on a well-drained site [and] shall be so located such that its drainage will not endanger adjacent property and water supply.
  - (2) Any lot or portion of ground proposed to be used for a manufactured home park shall have sufficient frontage for construction of entrances and exits properly designed for safe movement of park traffic.
  - (3) Each manufactured home space shall contain a minimum of three thousand one hundred fifty (3,150) square feet, shall be at least thirty-five (35) feet wide and eighty (80) feet long, and

shall have its boundaries clearly defined. The space shall abut on an access drive which shall have unobstructed access to a public street or highway.

- (4) A patio slab of at least one hundred eighty (180) square feet shall be provided on each manufactured home lot and conveniently located at the entrance of each manufactured home.
  - (5) A minimum site of two (2) acres is required for a manufactured home park.
  - (6) Manufactured homes shall be parked on each space to conform to the following minimums:
    - (a) Twenty-five (25) feet clearance between coaches.
    - (b) Five (5) feet clearance between each coach and its respective site line.
    - (c) Ten (10) feet between coaches and any adjoining property lines.
    - (d) Twenty (20) feet between coaches and any public street right-of-way.
    - (e) Twenty-five (25) feet between coaches and any building or structure not used for accessory purposes.
    - (f) Accessory buildings must be a minimum of ten (10) feet from any manufactured home.
    - (g) Nonresidential accessory buildings shall not be permitted.
- [b. Reserved.]
- c. Parking: Sufficient paved parking shall be provided for the parking of at least one (1) motor vehicle for each manufactured home space plus an additional paved parking space for each three (3) lots to provide for guest parking for two (2) car tenants and for delivery and service vehicles.
  - d. Recreation: Not less than ten (10) percent of the gross area of the manufactured home park is to be set aside, designed, constructed and equipped as a recreational area. Recreation area design and equipment shall be approved by the St. Charles Parish Recreation Department Director.
  - e. Transportation system: All streets and access drives within the manufactured home park shall be constructed to required parish specifications as outlined in Subdivision Regulations [appendix C].
  - f. Sewage Disposal: Each manufactured home site shall be provided with a sanitary sewer connection, and each manufactured home park shall be provided with a collection and treatment system and public water supply in compliance with the standards of the Parish Health Unit and the State Health Department.
  - g. Garbage: If garbage hoppers are to be provided, then two (2) shall be provided for each twenty (20) manufactured home sites, and each hopper shall be screened from view by wood or masonry fencing.
  - h. Screen fences, walls and buffer screening: Fences should be installed where necessary for screening purposes such as around outdoor areas, laundry yards, refuse collection points and playgrounds. A six (6) feet opaque fence or masonry wall shall border the park, and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.
  - i. General: Individual manufactured home sites may be leased or rented but not subdivided or sold.
  - j. All improvements required in this section must be completed prior to the placement of any manufactured home on the site.

RV Park:

- a. Location, space and general layout:
  - (1) The RV park shall be located on a well-drained site [and] shall be so located such that its [its] drainage will not endanger adjacent property and water supply.
  - (2) Any lot or portion of ground proposed to be used for an RV park shall have sufficient frontage for construction of entrances and exits properly designed for the safe movement of park traffic.
  - (3) Each RV space shall contain a minimum of fourteen hundred (1,400) square feet, shall be at least thirty-five (35) feet wide, and shall have its boundaries clearly defined. The space shall abut on a driveway.
  - (4) A minimum site of one (1) acre is required for an RV park.
  - (5) RV's shall be parked on each space to conform to the following minimums:
    - (a) Twenty-five (25) feet clearance between RV's.
    - (b) Five (5) feet clearance between each RV and its respective site line.
    - (c) Ten (10) feet between RV's and any adjoining property lines.
    - (d) Twenty (20) feet between RV's and any public street right-of-way.
    - (e) Twenty-five (25) feet between RV's and any building or structure not used for accessory purposes.
    - (f) Accessory buildings must be a minimum of ten (10) feet from any RV.
    - (g) Nonresidential accessory buildings shall not be permitted.
- b. Parking: Sufficient area shall be provided for the parking of at least one (1) motor vehicle for each RV space plus an additional car space for each three (3) lots to provide for guest parking, two (2) car tenants and for delivery and service vehicles.
- c. Transportation system:
  - (1) Streets and access drives: All streets and access drives within the RV park shall be constructed to required parish specifications as outlined in subdivision regulations [appendix C].
  - (2) Driveway: All driveways within the RV park shall be designed and surfaced with appropriate materials which will provide adequate and safe means of transit for park residents.
- d. Recreation: Not less than ten (10) percent of the gross area of the RV park is to be set aside, designed, constructed and equipped as a recreational area. Recreation area design and equipment shall be approved by the St. Charles Parish Recreation Department Director.
- e. Utilities: Each RV site shall be provided with a sanitary sewer connection, and each RV shall be provided with a collection and treatment system and public water supply in compliance with the standards of the Parish Health Unit and the State Health Department.
- f. Garbage: If garbage hoppers are to [be] provided, then two (2) shall be provided for each twenty (20) RV sites, and each hopper shall be screened from view by wood or masonry fencing.

- g. Screen fences, walls and buffer screening: Fences should be installed where necessary for screening purposes such as around outdoor areas, laundry yards, refuse collection points and playgrounds. A six (6) feet opaque fence or buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.
- h. General: Individual RV sites may be leased or rented but not subdivided or sold.
- i. All improvements required in this section must be completed prior to the placement of any RV on the site.

### 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 R-1M zoning would not conform to the Light Industrial and Business Park designations of Future Land Use Map. Rezoning the area R-1M would create a spot zone, granting development of multiple residential uses on a small area when there are no residential uses in the vicinity and the comprehensive plan does not recommend residential uses in the vicinity. **The request does not meet the first criteria.**
  
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 site is located on a light industrial corridor that contains a mix of M-1 and C-3 zoning and is developed with light industrial uses and highway commercial uses along with general commercial uses like fast food and gas stations with convenience stores that support the heavier uses. The corridor has not changed to the extent that M-1 zoning no longer allows reasonable use of the property. Considering the size of the parcel, the amount of frontage on Airline Drive, the proximity to both I-310 and the Louis Armstrong Airport, M-1 zoning allows reasonable use. **The request does not meet the second criteria.**
  
3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* Representatives from the Departments of Public Works and Wastewater and Waterworks have indicated that facilities in the area are not likely to be overburdened by the number of dwellings that the proposed zoning would permit. However, R-1M permits only manufactured homes and RVs in residential parks. Residential uses in mobile structures would be negatively impacted by the traffic, including heavy truck traffic, dust, and noises that light-industrial and highway commercial uses generate. **The request does not meet the third criteria.**

### ANALYSIS

The applicant requests a change of zoning from M-1, Light Manufacturing and Industry to R-1M, Manufactured Home/RV Park on approximately 7.2 acres of Parcel D-2AA, adjacent to 10390 Airline Drive, St. Rose.

The request does not meet any of the three criteria for rezoning. The existing M-1 zoning does not prevent reasonable development or development of the property. Changing the zoning to R-1M does not conform to the FLUM, and it would be a spot zone that would permit residential use in portable structures in an area that is already developed with industrial and highway commercial uses that generate heavy traffic and noise.

Department records suggest the site may have been used as a construction and demolition debris landfill. Staff have requested documentation that the Louisiana Department of Environmental Quality (LDEQ) does not object to the proposed use.

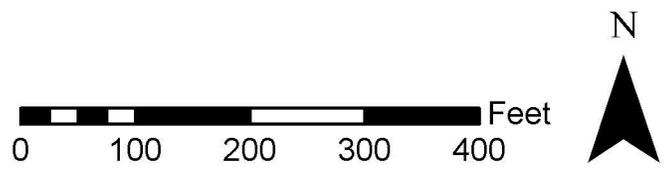
The site is over three acres, so if the rezoning is approved, a corresponding change to the FLUM designation to Manufactured Home/Recreational Vehicle (RV) Parks must also be approved.

### DEPARTMENT RECOMMENDATION

**Denial.**

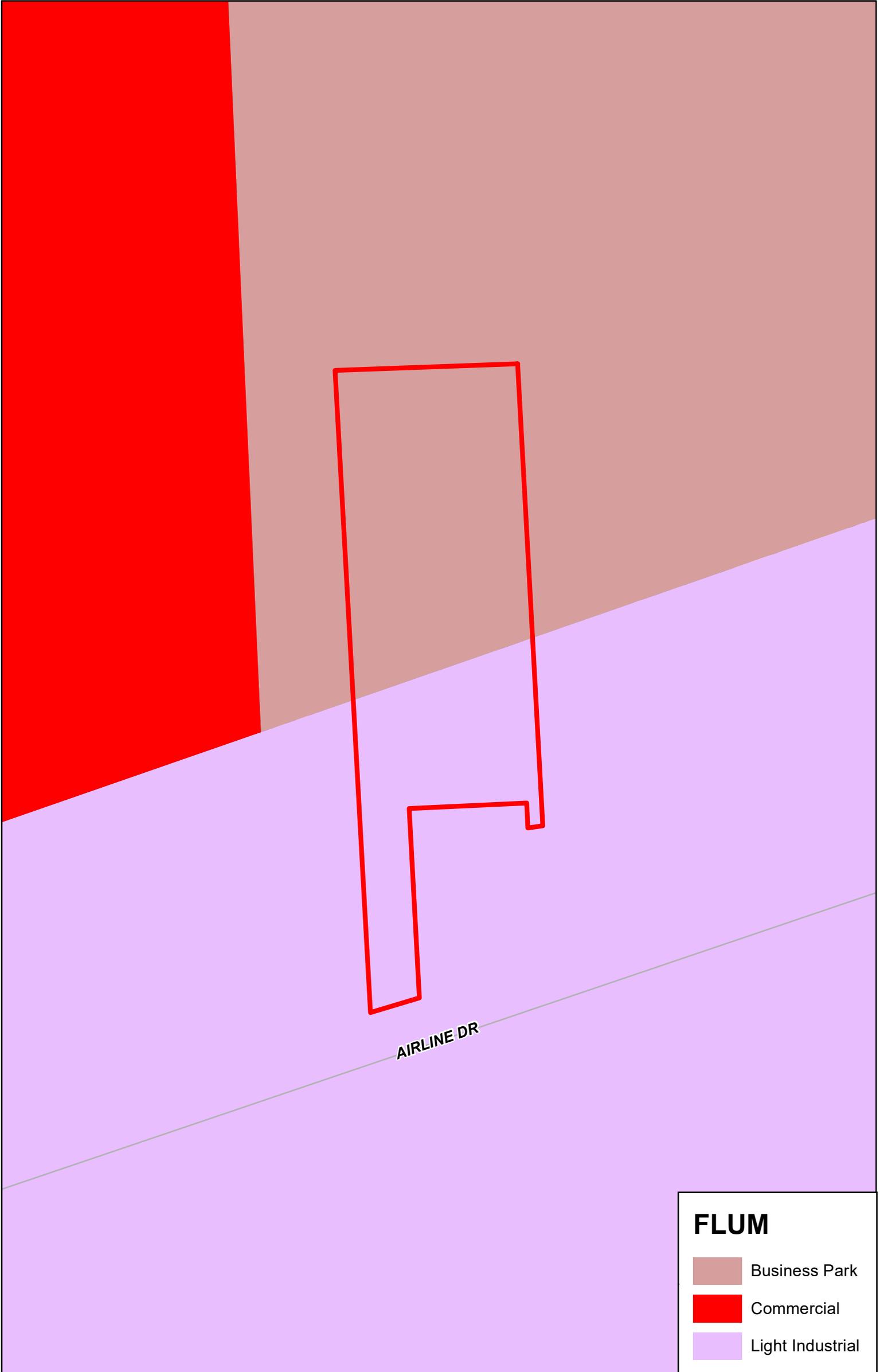
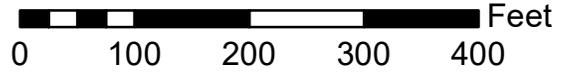


2020-18-R  
Requested by: BMB Real Estate, LLC  
M-1 to R-1M



Zoning	
	C3
	M1

2020-18-R  
Requested by: BMB Real Estate, LLC  
M-1 to R-1M



**FLUM**

	Business Park
	Commercial
	Light Industrial

FAIRVIEW PLANTATION  
 SEC. 39, T 12 S, R 9 E, S.E. DIST.  
 OF LA. EAST OF THE MISSISSIPPI RIVER  
 ST. CHARLES PARISH, LA.

Approval

3/20/17 *Tenell D. Wilson*

Date Council Chair

3/20/17 *Billy Beth*

Date Chairman Planning & Zoning Commission

3/23/17

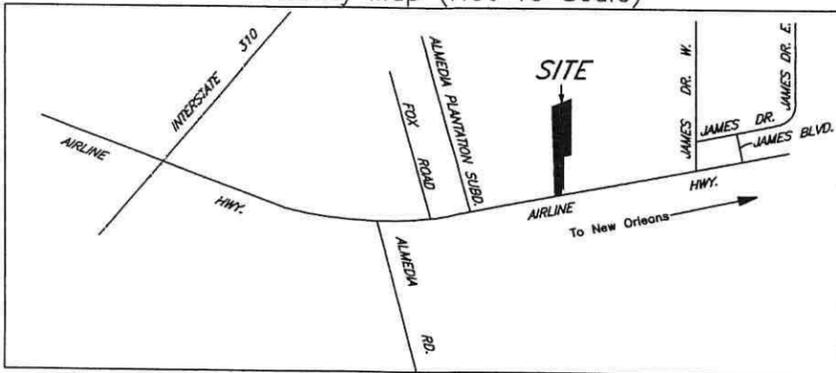
Date Parish President

Resubdivision of Parcel D-2A, Into Parcels D-2AA & D-2A-1, Fairview Plantation, Section 39, T 12 S, R 9 E, S.E. District of La. East of the Mississippi River, St. Charles Parish, La.

All necessary sewer, water and/or other utility extensions, relocations or modifications shall be made solely at the owner's expense.

This resubdivision was prepared using survey of Lot D-2A made August 4, 1999. Parcel D-2A was not resurveyed. Improvements and any encroachments that may exist on Parcel D-2A are not shown.

Vicinity Map (Not To Scale)



Recorded in The Clerk of Court's Office  
 St. Charles Parish on the 7 day of  
 April 2017, in Book 845  
 Folio 393, Entry # 422130

SUBD.

PLANTATION

ALMEDIA

PARCEL D-2AA

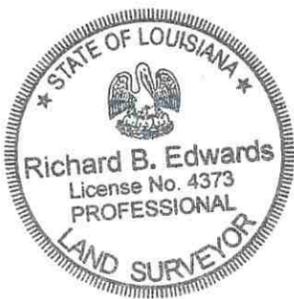
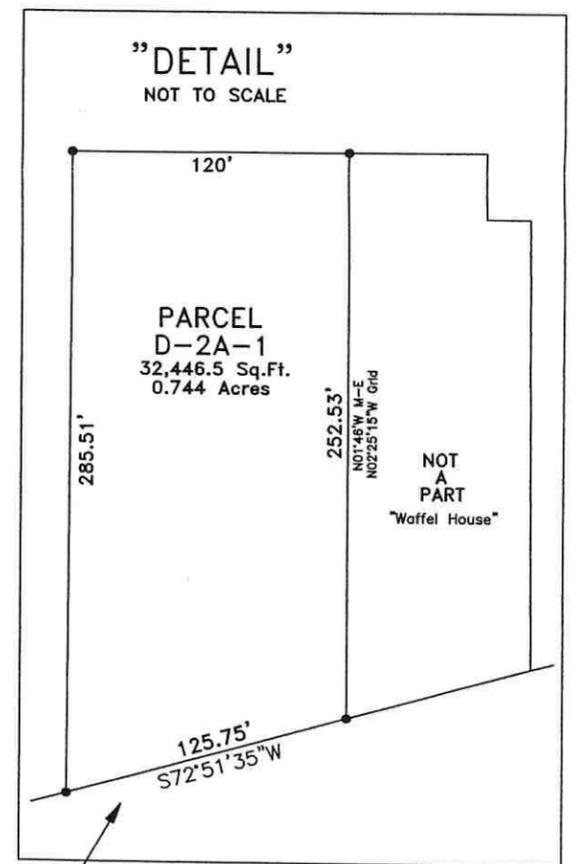
PARCEL D-2A

PARCEL D-2A

PARCEL D-2A-1  
 32,446.5 Sq.Ft.  
 0.744 Acres

PARCEL D-2C

"DETAIL"  
 NOT TO SCALE



SEE "DETAIL"

HIGHWAY



● Denotes 1/2" Iron Rod  
 Bearings are based on survey by  
 Mandle-Edwards Surveying, Inc. dated 8/4/99

THE SERVITUDES AND RESTRICTIONS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION FURNISHED US AND THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND RESTRICTIONS ARE SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS SURVEY. IMPROVEMENTS MAY NOT BE TO SCALE FOR CLARITY. THE DIMENSIONS SHOWN PREVAIL OVER SCALE.

March 1, 2017  
 SURVEY CERTIFIED TO: BMB Real Estate, LLC

BY *[Signature]*

I certify that this plat represents an actual ground survey made by me or under my direct supervision; surveyed as per the written property description furnished us; in accordance with the Louisiana "Standards of Practice for property boundary surveys" for a class C survey.

MANDLE-EDWARDS SURVEYING, INC.  
 LAND SURVEYORS - METAIRIE, LA.  
 4200 S. I-10 Service Road W., Suite 124  
 METAIRIE, LA. 70001 (504)733-2902  
 E-MAIL: info@mandle-edwards.com



**St. Charles Parish**  
**Department of Planning & Zoning**  
 14996 River Rd / P.O. Box 302 • Hahnville, LA 70057  
 Phone (985) 783-5060 • Fax (985) 783-6447  
 www.stcharlesparish-la.gov

Permit/Case #:	2020-18-R
Receipt #:	3359418
Application Date:	10/6/2020
Zoning District:	M-1
FLUM Designation:	CEL/BP
Date Posted:	

**APPLICATION FOR ZONING MAP AMENDMENT  
 (CHANGE OF ZONING DISTRICT OR REZONING)**

Fee: \$40 - \$200

Applicant: Lorna Bourgeois / BMB Real Estate LLC  
 Home address: 17 Shadow Lane Destrehan, LA 70047  
 Mailing address (if different): P.O. Box 339 St Rose, LA 70087  
 Phone #: 504-400-2458 Email: Lorna@qualityfab.com  
 Property owner: BMB Real Estate, LLC  
 Municipal address of property: 10392 Airline Hwy St. Rose, LA 70087  
 Lot, block, subdivision: D-2AA, Fairfiew Plantation Subd.  
 Change of zoning district from: M-1 to: R-1M  
 Future Land Use designation of the property: Light Industrial / Business Park  
 (A fact sheet on Future Land Use designations is available at the Planning and Zoning Department).

Your written responses below will be forwarded to the Planning and Zoning Commission and Parish Council to help them make a determination on the merits of your request.

Describe how you plan to use the property if the rezoning is granted: Manufactured home park with an estimate of 20 homes to be available for rent in a gated community accessible from Airline highway but not directly visible.

What types of activities occur on adjacent properties today? How is your proposed use compatible with the neighborhood?

St Rose Driving Range is next door and Waffle House would be directly in front of the park entrance making it a great location for the industrial/business workforce in the area.

Is there something about the property or the surrounding neighborhood that make the rezoning necessary?

The property is zoned for light industrial/Business park and will need to be rezoned for a manufactured home park conducive to the area.

How does your proposed use of the property comply with the Future Land Use designation for the property?

This zone would be less intense than industrial while creating temporary homes for the industrial/Business district and also permanent homes.

If the property is rezoned, but your project does not develop, explain how other uses allowed in the new zoning district are compatible with the existing neighborhood? A list of allowed uses is available at the Planning and Zoning Department.

The only use allowed for R-1M zone is a manufactured mobile home park. If our project does not develop, we will then reassess and rezone to meet our needs and the needs of the industrial area.

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-19-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 9/29/2020**  
Stephen E. Aucoin  
122 Dianne Drive  
St. Rose, LA 70087  
(985)-379-6231; stevea0108@gmail.com
- ◆ **Location of Site**  
Lots 26, 27, and 28, St. Rose Gardens, 716 St. Rose Avenue, St. Rose
- ◆ **Requested Action**  
Rezoning from C-3, Highway Commercial to R-1A(M), Single Family Residential-  
Manufactured Homes.

### SITE INFORMATION

- ◆ **Size of Site**  
Approximately 7,840 sq.-ft. (currently three lots)
- ◆ **Current Zoning and Land Use**  
C-3; the site was developed with a single-family home which was recently  
demolished (Code Solution 20-260; Permit 33617).
- ◆ **Surrounding Zoning and Land Use**  
R-1A(M) zoning is adjacent to the north side and across St. Rose Avenue; C-3  
zoning abuts the south side; R-1A is adjacent to the rear.

The surrounding area consists primarily of single family residential uses, both site-built and manufactured. Immediately adjacent to the north or on the left side of the site, zoning is R-1A(M) but developed with parking for an office/warehouse building.

- ◆ **Future Land Use Recommendation**  
*Neighborhood Commercial:* Neighborhood Commercial areas accommodate retail sales and services for the daily self-sufficiency of residents of a neighborhood or neighborhoods, such as convenience shopping, dry cleaners, hair salons and barber shops, day care centers, coffee shops, professional and business service offices, etc. Uses permitted in the C-1 (Commercial Office) zoning district are allowed in this district. Some uses that are permitted in the C-2 zoning district are also appropriate (e.g., bakeries, tailors, etc.).

*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.

- ◆ **Traffic Access**  
The site is 60-ft. wide on St. Rose Avenue, a two-lane state highway that connects River Road to Airline Drive.
- ◆ **Utilities**  
Representatives from the Department of Waterworks and Department of Public Works & Wastewater stated they have no objection to the request. Facilities are available and can accommodate the uses permitted in the proposed zoning district.

## APPLICABLE REGULATIONS

### **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.

### **[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density.**

1. Use Regulations:

- a. A building or land shall be used only for the following purposes:
  - (1) Site-built, single-family detached dwellings.
  - (2) Manufactured homes.
  - (3) Mobile homes.
  - (4) Accessory uses.
  - (5) Private recreational uses.
  - (6) Farming on lots of three (3) acres or more and at least one hundred fifty (150) feet frontage.
- b. Special exception uses and structures include the following:
  - (1) Additional residences for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
  - (2) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
  - (3) Showing and operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.

(Ord. No. 06-12-6, § II, 12-4-06)

- c. Special permit uses and structures include the following:
  - (1) Child care centers.
  - (2) Public and private schools (except trade, business and industrial).
  - (3) Golf courses (but not miniature courses or driving ranges) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
  - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all property lines a distance of at least one (1) foot for each foot of building height.
  - (5) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
  - (6) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

2. Spatial Requirements.

- a. Minimum lot size: five thousand (5,000) square feet per family; minimum width-fifty (50) feet.
- b. Minimum yard sizes:
  - (1) Front—fifteen (15) feet.
  - (2) Side—five (5) feet.
  - (3) Rear—five (5) feet.
  - (4) For lots with less than one hundred (100) feet depth, front setback shall be fifteen (15) percent of lot depth with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.
  - (5) 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:
    - (1) The accessory building shall not exceed two-story construction.
    - (2) Minimum setback of accessory buildings shall be three (3) feet.
    - (3) Nonresidential accessory buildings shall not be permitted.
  - 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 required front yard.
3. Special Provisions:
- a. Additional dwellings on unsubdivided property:
    - (1) Additional dwellings on unsubdivided property referred to in 1.b(1) above will be permitted at the rate of one (1) dwelling unit for each seven thousand (7,000) 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 Home Installation in Flood Hazard Areas.
  - c. Skirting or foundation plantings as approved by the Zoning and Regulatory Administrator in accordance with the manufacturer's installation instructions to ensure aesthetic compatibility with the residential character of the neighborhood. The entire underfloor of the home shall be completely enclosed, except for the required openings.
- Editor's note— The enforcement of this subparagraph c. was placed on a one-year moratorium expiring Sept. 5, 1990.
- d. 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.

## 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 request is not for a spot zone, since it would expand an existing R-1A(M) zoning district that is immediately adjacent. However, the Future Land Use Map shows a Neighborhood Commercial node around this site, however, the applicability of the node is secondary to the land use pattern of the neighborhood.

While the request does not technically meet the first guideline, the history of the property includes the Planning Department objecting to the 1983 rezone of the site to C-3 because it “allows uses that are incompatible with existing land uses in the neighborhood” followed by numerous complaints and violations against the property. Considering that there is a commercial node less than a mile away at the intersection of River Road, this commercial node near the Union Pacific Railroad may not be necessary. **The request fails 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 property consists of three 20-ft. wide lots; the minimum width for a C-3 lot is 70 ft. This nonconforming width limits the ability to develop C-3 uses. The history of complaints and violations on the adjacent property suggest that the existing C-3 zoning permits uses that negatively impact abutting residential uses (complaint IDs: 36247, 40446, 43144, 54911, 57161). Further, the property abutting the other side of the automotive repair was rezoned R-1AM earlier this year (2020-7-R; Ord. 20-8-1). This all suggests that C-3 zoning no longer permits *reasonable* use of the property within the surrounding neighborhood and the property should be rezoned. **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 single-family residential uses permitted in the R-1A(M) district, including site-built and manufactured homes, are compatible with the housing types and residential character of the surrounding neighborhood. Representatives from the Department of Waterworks and Department of Public Works & Wastewater have indicated that public facilities are available in the area, and development of the property that could be permitted if it is rezoned to R-1A(M), one single family residence, would not overburden facilities. **The request meets the third guideline.**

#### **ANALYSIS**

The applicant requests a change of zoning from C-3, Highway Commercial to R-1A(M), Single Family Residential-Manufactured Homes on a 7,840 sq.-ft. site adjacent at 716 St. Rose Avenue (Lots 26, 27, and 28, St. Rose Gardens Subdivision, St. Rose). The request meets the second and third rezoning guideline.

The subject lots were once part of eleven (11) contiguous lots under the same ownership. In 1974, the original property owner purchased Lots 26-30, which were developed with a single-family house and a metal building. On November 3, 1982, they purchased Lots 31-36, which were developed with a metal commercial building at the time. On October 19, 1981, all eleven (11) lots were zoned R-1A(M) as the result of the Comprehensive Zoning Ordinance (81-10-6). The owners requested and were granted a change of zoning of all their property to C-3; this permitted automotive repair activities to continue (Case #83-20, Ord. 83-12-1). The Planning Department objected to the 1983 zoning change, stating in a November 9, memo that C-3 zoning “allows uses that are incompatible with existing land uses in the neighborhood.”

Since the 1981 Comprehensive Zoning, single-family dwellings have been built and placed, renovated and upgraded in St. Rose Gardens. The community has a distinct residential character and is well-served by neighborhood commercial uses near River Road. Changing a portion of this highway commercial zoning district to residential would benefit the property owner and the surrounding neighborhood.

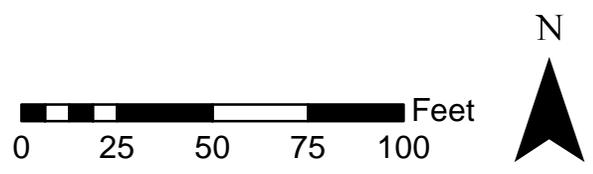
Although the site is under the three-acre threshold for requiring a change to the Future Land Use Map designation, staff recommend changing the designation on the site to match the adjacent Rural Residential designation.

The proposed zoning district requires lots to consist of 50 ft. in width and 5,000 sq-ft. If the rezoning is approved, the applicant has been advised that prior to applying for any building permits, the lots must be combined into a single conforming lot of record.

#### **DEPARTMENT RECOMMENDATION**

**Approval of the zoning change and a corresponding change to the FLUM, based on meeting the second and third rezoning guideline.**

2020-19-R  
Requested by: Stephen Aucoin  
C-3 to R-1A(M)



2020-19-R

Requested by: Stephen Aucoin

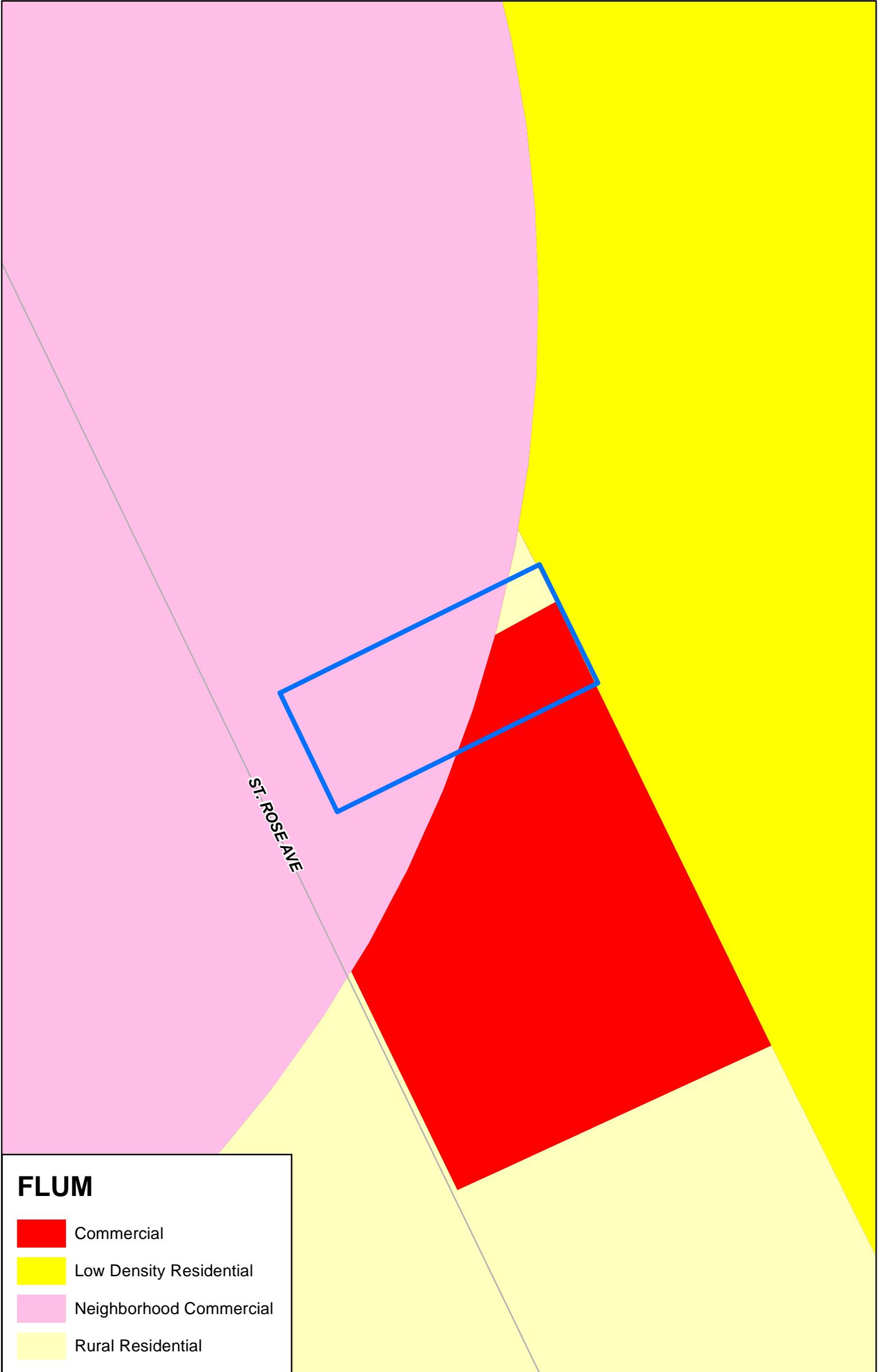
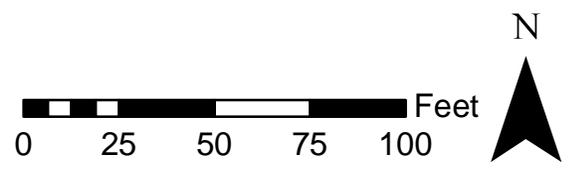
C-3 to R-1A(M)



2020-19-R

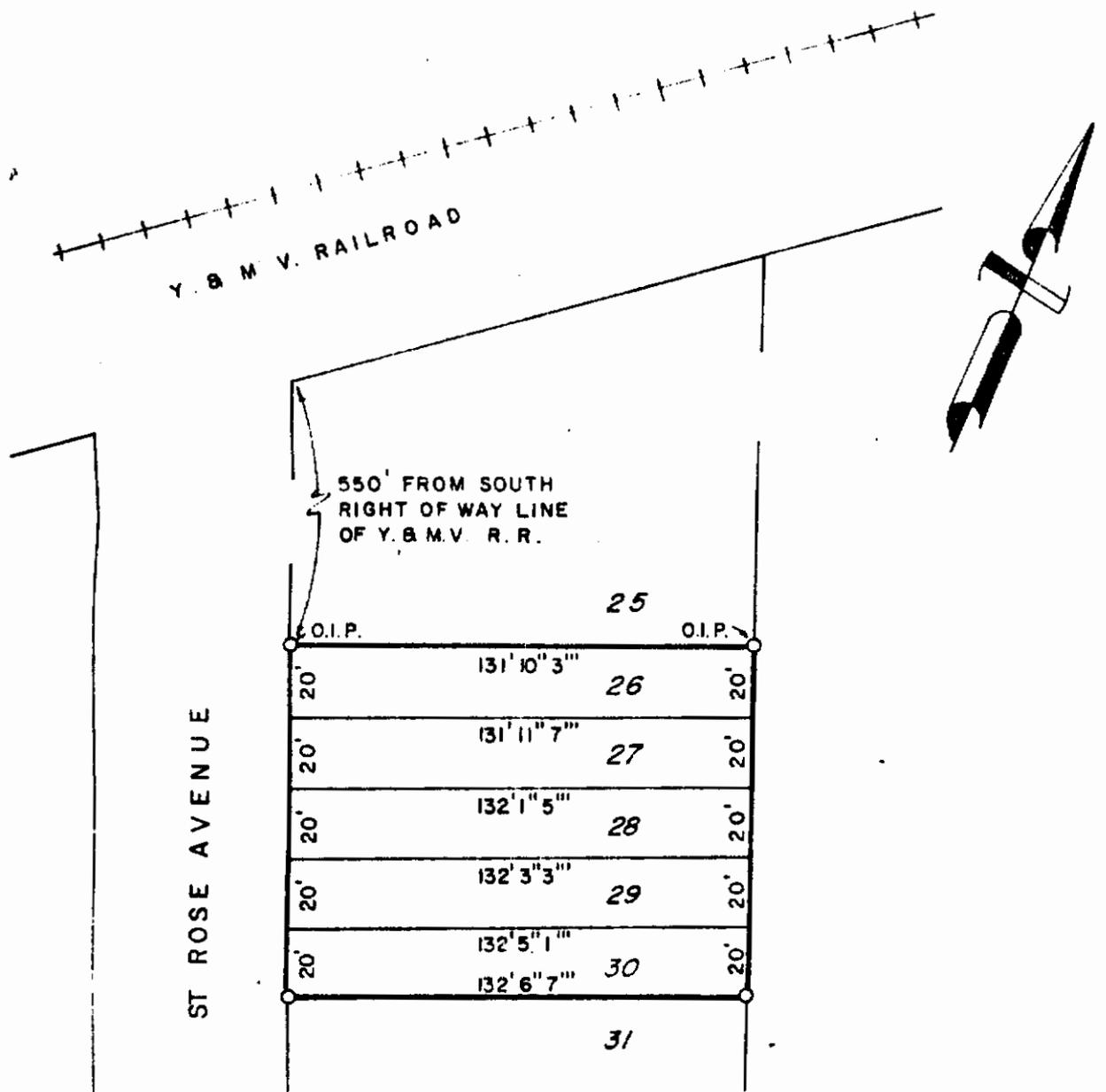
Requested by: Stephen Aucoin

C-3 to R-1A(M)



**FLUM**

-  Commercial
-  Low Density Residential
-  Neighborhood Commercial
-  Rural Residential



SURVEY PLAT OF LOTS 26, 27, 28, 29 & 30 OF ST. ROSE GARDENS COMPRISING A PORTION OF THE CARONIA TRACT ADJOINING ST. ROSE SUBDIVISION, ST. CHARLES PARISH, LOUISIANA PER PLAN OF ELBERT SANDERS DATED JULY 2, 1927.



LAPLACE, LA.  
JAN. 14, 1974

SCALE 1" = 50'  
O-IRON PIPE

*Harold J. Dwyer*  
LAND SURVEYOR



**St. Charles Parish**  
**Department of Planning & Zoning**  
 14996 River Rd / P.O. Box 302 • Hahnville, LA 70057  
 Phone (985) 783-5060 • Fax (985) 783-6447  
 www.stcharlesparish-la.gov

Permit/Case #:	<u>2020-19-R</u>
Receipt #:	<u>3383502</u>
Application Date:	<u>9/29/2020</u>
Zoning District:	<u>C-3</u>
FLUM Designation:	<u>Commercial</u>
Date Posted:	_____

**APPLICATION FOR ZONING MAP AMENDMENT  
 (CHANGE OF ZONING DISTRICT OR REZONING)**

Fee: \$40 - \$200

Applicant: Stephen E. Aucoin  
 Home address: 108 Amelia St., Destrehan La. 70047  
 Mailing address (if different): 122 Dianne Dr. St. Rose, LA 70087  
 Phone #: 985-379-6231 Email: stevea108@gmail.com  
 Property owner: Stephen E. Aucoin & Toni V. Aucoin  
 Municipal address of property: 714 St. Rose Ave, St. Rose LA 70087  
 Lot, block, subdivision: Lot 26, 27, 28  
 Change of zoning district from: R1C3, C3 to: R1 AM  
 Future Land Use designation of the property: Commercial  
 (A fact sheet on Future Land Use designations is available at the Planning and Zoning Department).

**Your written responses below will be forwarded to the Planning and Zoning Commission and Parish Council to help them make a determination on the merits of your request.**

Describe how you plan to use the property if the rezoning is granted: To place a mobile home for rental (residential)

What types of activities occur on adjacent properties today? How is your proposed use compatible with the neighborhood?

Auto mechanic shop on South of property  
warehouse North of property  
The street as well as other rental properties on same block

Is there something about the property or the surrounding neighborhood that make the rezoning necessary?

It is divided into 3 lots in which one is zoned R1 + the other 2 are zoned C3  
we would like all combined into R1-AM

How does your proposed use of the property comply with the Future Land Use designation for the property?

Residential doesn't fit w/ commercial zoning

If the property is rezoned, but your project does not develop, explain how other uses allowed in the new zoning district are compatible with the existing neighborhood? A list of allowed uses is available at the Planning and Zoning Department.

only residential use

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-15-MIN

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 09/29/2020**  
Terry & Perri Chiasson  
694 Grand Bayou Road  
Bayou Gauche, LA 70030  
(504)-214-8640; tchiasson\_iv@yahoo.com
- ◆ **Location of Site**  
Portion of Lot B-1, Sunset Drainage District; 694 Grand Bayou Road, Bayou Gauche
- ◆ **Requested Action**  
Subdivision of Portion of Lot B-1 into B-1-1, B-1-2, B-1-3, B-1-4 (1 lot into 4)

### SITE INFORMATION

- ◆ **Size of Parcel**  
Portion of Lot B-1 is 208,718 sq.-ft. (4.792 acres) and 196.26 ft. wide
  - Proposed Lot B-1-1: 87,118 sq.-ft., 196.26 ft. frontage on Grand Bayou Road
  - Proposed Lot B-1-2: 34,480 sq.-ft., 211.19 ft. wide, no frontage
  - Proposed Lot B-1-3: 20,473 sq.-ft., 266.81 ft. wide, no frontage
  - Proposed Lot B-1-4: 20,037 sq.-ft., 259.74 ft. wide, no frontage
- ◆ **Current Zoning and Land Use**  
O-L; the property is developed with a manufactured home, shown on proposed Lot B-1-1. The remaining lots would be vacant but cleared.
- ◆ **Surrounding Zoning and Land Use**  
O-L zoning is adjacent to each side and the front; W zoning is located to the rear.  
  
The subject site is located in a residential area with a rural character, where houses are typically located on large tracts.
- ◆ **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 area, acknowledges these limitations, but most importantly, highlight the value of wetlands to St. Charles Parish.
- ◆ **Traffic Access**  
Proposed lot B-1-1 would have 196.26 ft. of frontage on Grand Bayou Road. Other lots would be served by a 25-ft. wide access and utility servitude from Grand Bayou Road through the north portion of proposed lots B-1-1, B-1-2, and B-1-3 terminating at B-1-4.
- ◆ **Utilities**  
The subdivision regulations state that *'no parish services will be provided to residences of a family plot in the way of streets or maintenance, water, lighting or sewerage'*, but must tie-in to the parish sewer system, if available, at the owner's expense.

Sewer facilities are not available. The Louisiana Department of Health and Hospitals (DHH) has reviewed the plat and issued a letter of no objection to the resubdivision.

◆ **Development History**

The site is depicted on a 1925 map of the Sunset Drainage District showing tracts 846, 847, 848, and 849 abutting a canal that is now Grand Bayou Road.

The four tracts were subdivided in 1993 into nine 5-acre lots that varied in width on Grand Bayou Road (PZS-93-24 & PZS 93-34, surveys by R.P. Bernard, August 1, 1993 and August 23, 1993). Lot B-1 was created by these resubdivisions.

In 2016 the applicant transferred approximately 55 ft. adjacent to the levee to the Lafourche Basin Levee District. The portion is designated as Parcel 19-3 on a right of way map drawn by Stephen P. Flynn P.L.S. dated October 6, 2015.

A mobile home was permitted on the lot in 1994 and replaced in 2003 (Permits 10288-94 and 16900-03).

<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 I. General**

#### ***B. Definitions:***

*Family plot.* Property owned by a single family for a minimum of twenty (20) years. The development of this property shall be for the exclusive development and use of immediate members of that family and shall not exceed fifteen (15) parcels with a minimum size of ten thousand (10,000) square feet. The parcels can be developed without street frontage serviced by an access driveway. No parish services will be provided to residences of a family plot in the way of streets or maintenance, water, lighting or sewerage.

### **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.

**Appendix C. Section V. Administrative.**

B. Variations and Exceptions

3. Family Plot Subdivision

- a. Persons developing and residing in a family plot subdivision must tie-in to the Parish wide sewerage system when available at the expense of the owner.

**ANALYSIS**

The applicant requests a resubdivision one lot into four (4) in an OL zoning district. The property meets the requirements for a family plot subdivision because it has been in the same ownership since 1994. Each of the proposed lots exceeds the area requirement for both the O-L zoning district and for family plots. Only one proposed lot has frontage on an improved public street; community sewer is not available in the area. The Louisiana Department of Health and Hospitals (DHH) has reviewed the plat and a sewer drainage plan and issued a letter of no objection to the resubdivision

Proposed lot B-1-1 would have 196.26 ft. of frontage on Grand Bayou Road. The other proposed lots would be served by a 25-ft. wide access and utility servitude from Grand Bayou Road through the north portion of proposed lots B-1-1, B-1-2, and B-1-3 terminating at B-1-4. Family plot subdivisions do not require frontage on a public street, but they restrict the use of lots to the “exclusive development and use of immediate members of that family.”

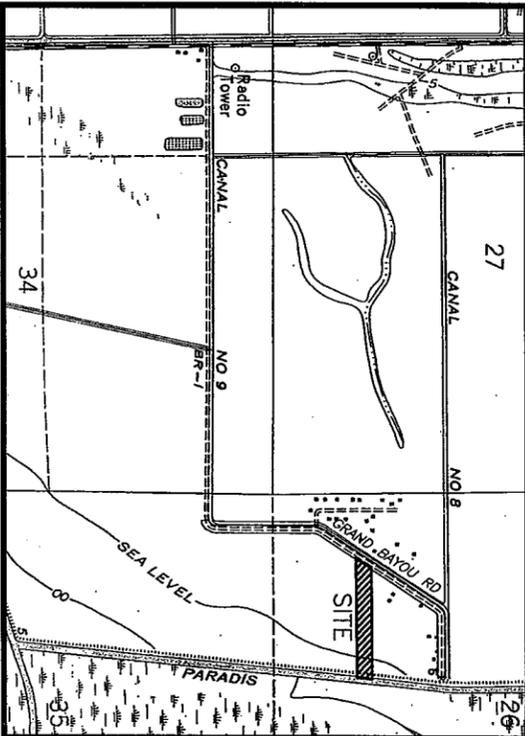
Similar large lots in this area, have been subdivided (Lot H-PZS 2006-08; Lot G-2006-09; Lot 850-2017-06). None met the requirement for a family plot at the time they were divided. They were approved with waivers from the requirement for lots to be arranged with frontage on an improved public street (Council Reso 5323; 5325; 6270).

The applicant specifically wishes to use the family plot provisions. This will make the property subject to the restrictions of a family plot.

The development potential of the property appears to be up to 15 dwellings if the plat is approved by either process. The definition of family plot allows up to 15 parcels; the provisions for additional dwellings on unsubdivided in the O-L zoning district allows 1 dwelling every 10,000 sf., maximum four (4) per lot, limited to family and relatives and for a period of two years.

**DEPARTMENT RECOMMENDATION**

**Approval.**



VICINITY MAP  
SCALE: 1" = 2000'

APPROVALS:

St. Charles Parish Planning and Zoning Commission Chairman \_\_\_\_\_ Date \_\_\_\_\_

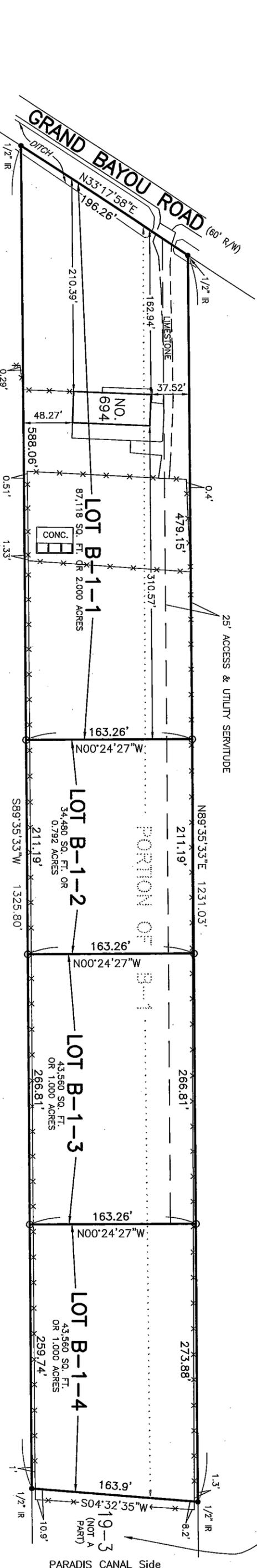
St. Charles Parish President \_\_\_\_\_ Date \_\_\_\_\_

Recorded in The Clerk of Court's office  
St. Charles Parish on the \_\_\_\_\_ day of \_\_\_\_\_ in Book \_\_\_\_\_  
Folio \_\_\_\_\_, Entry # \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

NOTE:  
ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY EXTENSIONS, RELOCATIONS OR MODIFICATIONS SHALL BE MADE BY AND SOLELY AT THE LOT OWNER'S EXPENSE.

NOTE:  
PARCEL 19-3, DESIGNATED ON REFERENCE PLAN NO. 2, DATED OCTOBER 6, 2015



- REFERENCE PLANS:
- RESUBDIVISION OF LOTS "A", "B", "C", "D" & "E" OF A PARTITION OF LOTS 846, 847, 848 & 849 OF SUB DRAINAGE DISTRICT NO. 3 OF SUNSET DRAINAGE DISTRICT INTO LOTS A-1, B-1, C-1, D-1 & E-1 BY R. P. BERNARD, DATED AUG. 23, 1993
  - LAFOURCHE BASIN LEVEE DISTRICT AND PARISH OF ST. CHARLES RIGHT OF WAY MAP WEST BANK HURRICANE PROTECTION LEVEE SUNSET DRAINAGE DISTRICT LEVEE BY RIVERLANDS SURVEYING COMPANY, STEPHEN P. FLYNN, P.L.S., DATED OCTOBER 6, 2015

RESUBDIVISION OF A PORTION OF LOT B-1  
OF SUBDIVISION OF A PARTITION OF LOTS 846, 847,  
848 & 849 OF SUB DRAINAGE DISTRICT NO. 3  
OF SUNSET DRAINAGE DISTRICT  
INTO LOTS B-1-1, B-1-2, B-1-3 & B-1-4  
IN SECTIONS 26 & 35, T14S - R20E  
ST. CHARLES PARISH, LOUISIANA  
SCALE: 1" = 100'  
SEPTEMBER 8, 2020

The servitudes shown on this survey are limited to those set forth per information furnished by the owner or his agent and there is no representation that all applicable servitudes are shown hereon. No title search or public record search was made in compiling data for this survey.

This is to certify that I have consulted the Flood Insurance Rate Maps and found that this property is in Zone X.



- LEGEND
- = FOUND
  - = 1/2" IRON ROD SET
  - IP = IRON PIPE
  - IR = IRON ROD
  - x- = FENCE

BEARINGS SHOWN HEREON ARE BASED ON THE LOUISIANA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (2011) ESTABLISHED BY USING LOUISIANA STATE UNIVERSITY'S CAG REAL TIME NETWORK.

I certify that this plat represents an actual ground survey performed by myself or under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey.

The interior property corners to be set upon approval of this resubdivision.

LOUIS J GASSEN, JR., PLS  
Registration No. 4945  
(985) 785-0745  
1026 Gassen Street  
Luling, Louisiana 70070

GASSEN SURVEYING, LLC

CERTIFIED TO PERRI LEBLANC, WIFE OF/AND TERRY L. CHASSON

## Chris Welker

---

**From:** Terry <tchiasson\_iv@yahoo.com>  
**Sent:** Friday, October 23, 2020 3:08 PM  
**To:** Chris Welker  
**Cc:** perri\_lynn@rocketmail.com  
**Subject:** Re: family subdivision

Yes we verify this is to be a family subdivision only . Thank you ,Terry & Perri Chiasson

Sent from my iPhone

On Oct 23, 2020, at 1:35 PM, Chris Welker <cwelker@stcharlesgov.net> wrote:

Terry and Perri,

We are wrapping up the report on your subdivision request which is scheduled to go before the Planning Commission on November 5<sup>th</sup>.

I know we discussed this being a family subdivision over the phone, but I noticed the application doesn't reference this being for a family subdivision. Just want to verify with you in writing that this is moving forward as a family subdivision, with lots to be sold to family members only.

Thank you,

**Chris Welker, AICP**

Planner II  
St. Charles Parish  
Department of Planning & Zoning  
Office: 985-783-5060  
Email: cwelker@stcharlesgov.net



**State of Louisiana**  
Louisiana Department of Health  
Office of Public Health

October 22, 2020

St. Charles Parish Planning Commission

**RE: RESUBDIVISION OF A PORTION OF LOT B-1 OF SUBDIVISION OF A PARTITION OF LOTS 846, 847, 848 & 849 OF SUB DRAINAGE DISTRICT NO. 3 OF SUNSET DRAINAGE DISTRICT INTO LOTS B-1-1, B-1-2, B-1-3 & B-1-4 IN SECTIONS 26 & 35, T14S – R20E, ST. CHARLES PARISH, LOUISIANA**

To Whom It May Concern:

The plot plan for the above referenced property has been reviewed and found to comply with the requirements of Part 13, Chapter 5, and Paragraphs 511.B.1. through 6., of the Louisiana State Sanitary Code:

1. A drainage plan, which includes perpetual maintenance, has been provided.
2. Lot size requirements for the installation of individual sewage disposal systems are met.

This office does not object to the (re-)division of this property from the standpoint of sanitation **pending receipt of the final plat to be recorded with the Office of the Clerk of Court for St. Charles Parish.** If unacceptable changes have been made to the referenced plat after the date of this letter, this office reserves the right to **rescind** our position and to object to the division.

Sincerely,

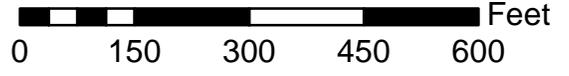
  
Chance Wooton  
St Charles Parish Sanitarian Parish Manager

Cc: Lauren Comeaux, Sanitarian Regional Director  
Louis J Gassen, Jr, Land Surveyor

2020-15-MIN

Requested by: Terry & Perri Chiasson

Family Subdivision: 4 Lots



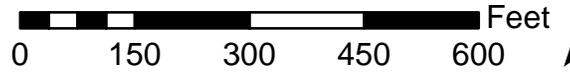
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2020-15-MIN

Requested by: Terry & Perri Chiasson

Family Subdivision: 4 Lots



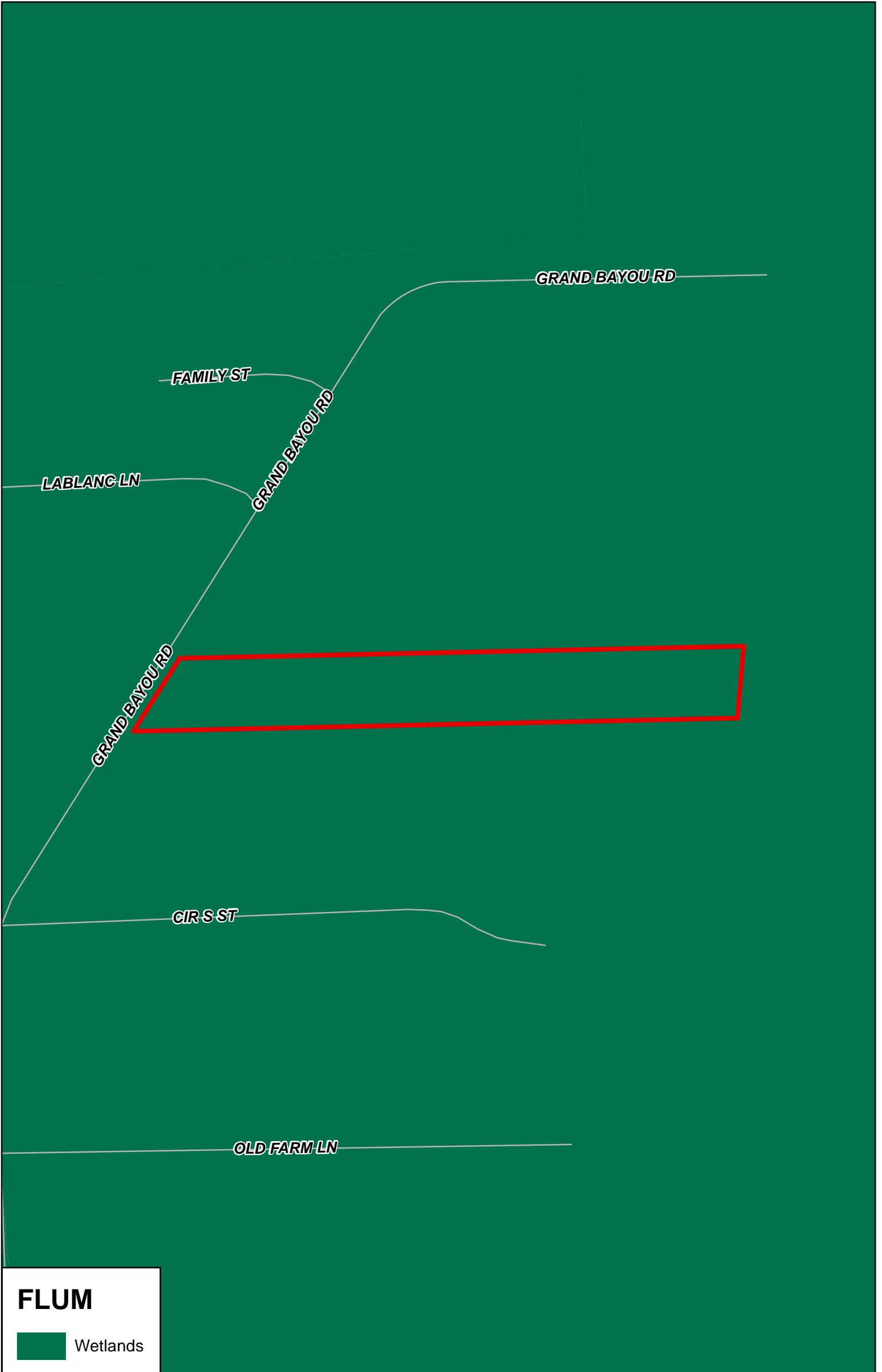
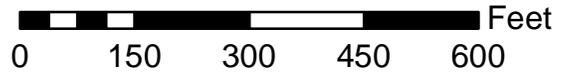
N



2020-15-MIN

Requested by: Terry & Perri Chiasson

Family Subdivision: 4 Lots



**FLUM**

 Wetlands

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-16-MIN

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 10/6/2020**  
Adam & April Bragdon  
530 Pine Street  
Norco, LA 70079  
(352)-563-8009; bragdon\_adam@yahoo.com
- ◆ **Location of Site**  
614 Clayton Drive, Norco
- ◆ **Requested Action**  
Resubdivision of Lot B into Lots B-1 and B-2 (one lot into two), with a waiver from the minimum required area for each lot.

### SITE INFORMATION

- ◆ **Size of Lots (proposed)**  
Lot B-1: 5,725 sq.-ft., irregularly-shaped (86.36 ft. at front, 49.31 ft. at rear)  
Lot B-2: 5,486 sq.-ft., 65 ft. wide
- ◆ **Current Zoning and Land Use**  
R-1A; developed with a single-family house on proposed Lot B-2
- ◆ **Surrounding Zoning and Land Use**  
R-1A zoning surrounds the site on each side; the site is in a developed single-family neighborhood consisting primarily of site-built single family houses, which are adjacent to each side and across Clayton Drive to the front. The properties to the rear are vacant.
- ◆ **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.
- ◆ **Traffic Access**  
Each proposed lot would have the minimum frontage or width on Clayton Drive, a 40-ft. wide right-of-way improved with an approximately 18 ft. wide asphalt surface at the site. Roadside drainage is open swale at the site; each proposed lot has an existing culvert/driveway. There are no utility poles along the frontage; they are located on the opposite side of the street.
- ◆ **Utilities**  
Representatives from the Departments of Public Works & Wastewater and Waterworks have no objection to the proposed subdivision.
- ◆ **Development History**  
The subject site, Lot B, was created in 1948 by a resubdivision action that combined four 70-ft. x 84.4-ft. lots into two lots and created a 210-ft wide right of-way paralleling the railroad (*Block "D" Lot "D" Subdivision, St. Charles Parish, H. E.*

Landry, June 9, 1948. The left or north side line of Lot B is the right-of-way line which is not perpendicular to Clayton Street.

Block D of Lot C Subdivision of Good hope was platted in the 1920s as five 84.4-ft deep lots, four of which were 70-ft wide/5908 sq. ft. and the one closest to the railroad was 60-ft. wide/5064 sq. ft. (*Map of Subdivision of Lot "C" Being a Subdivision of Good Hope Subdivision, S.P. Landry, C.E. March 1, 1938*)

## **APPLICABLE REGULATIONS**

### **Appendix A. Section VI. Zoning District Criteria and Regulations**

#### **[I.] R-1A. Single family residential detached conventional homes—Medium density.**

2. Spatial Requirements:
  - a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet
  - b. Minimum yard sizes:
    - (1) Front—Twenty (20) feet
    - (2) Side—Five (5) feet
    - (3) Rear—Twenty (20) feet
    - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.
    - (5) 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:
    - (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
    - (2) The accessory building shall not exceed two-story construction.
    - (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.
    - (4) Nonresidential accessory buildings shall not be permitted.
  - d. Permitted encroachments:
    - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
    - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

### **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.

**ANALYSIS**

The applicant requests a minor subdivision of one lot into two in an R-1A zoning district. Each proposed lot meets the minimum 60-ft. width requirement, but neither meets the minimum 6,000 sq. ft. area requirement. Proposed Lot B-1 is deficient 275 sq. ft., and B-2 is deficient 514 sq. ft. Proposed lot B-2 is developed with a house. Proposed lot B-1 is developed with a driveway and utilities. An emergency housing unit was permitted on it in 2006.

The surrounding neighborhood is developed with single-family houses on sites that exceed the minimum width and area for the zoning district. Most of the houses are built across more than one lot.

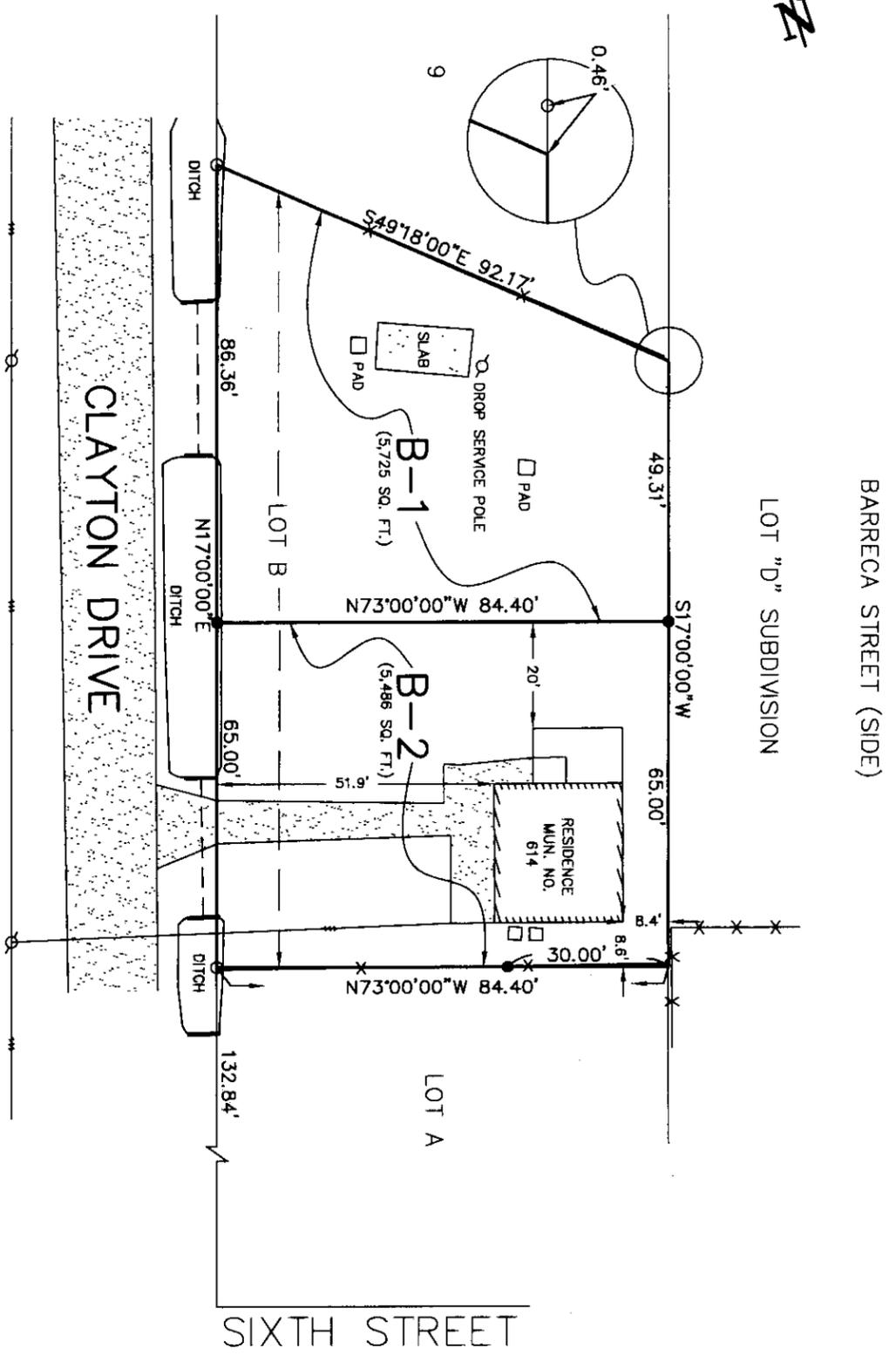
The applicant has requested a waiver, but has not stated the hardship that makes keeping the lot as one 11,211-sq. ft. lot with 151.36 ft. frontage.

**DEPARTMENT RECOMMENDATION**

**Denial.**



L & A RAILROAD (SIDE)

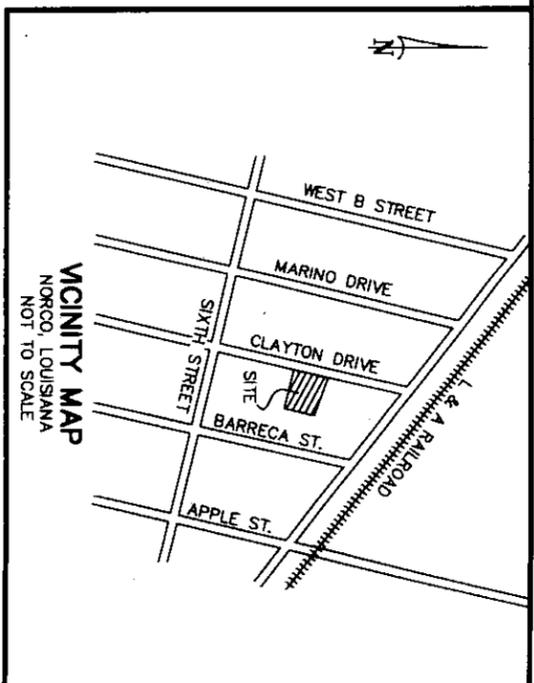


BARRECA STREET (SIDE)

LOT "D" SUBDIVISION

LOT A

SIXTH STREET



VICINITY MAP  
NORCO, LOUISIANA  
NOT TO SCALE

**OWNER:** ADAM D. BRAGDON  
614 CLAYTON DRIVE  
NORCO, LOUISIANA 70079  
504-401-8998

APPROVED:

PARISH PRESIDENT

DATE

DIRECTOR, DEPT. OF PLANNING AND ZONING

DATE

CERTIFICATION: THIS IS TO CERTIFY THAT THIS PLAT IS MADE IN ACCORDANCE WITH LA. REVISED STATUTES 33:5051 ET. SEQ. AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

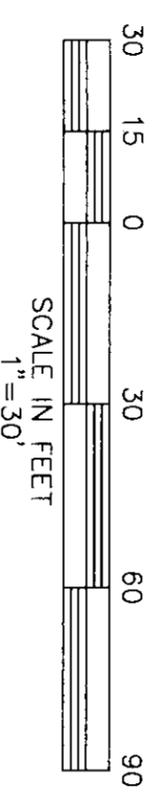
RECORDED IN THE CLERK OF COURT'S OFFICE  
ST. CHARLES PARISH ON THE \_\_\_\_\_  
DAY OF \_\_\_\_\_ IN BOOK \_\_\_\_\_  
FOLIO \_\_\_\_\_ ENTRY # \_\_\_\_\_  
ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY  
EXTENSIONS, RELOCATION'S OR MODIFICATIONS SHALL BE MADE BY  
AND SOLELY AT THE LOT OWNER'S EXPENSE

**TITLE:** SURVEY PLAT AND RESUBDIVISION OF LOT B OF BLOCK D OF LOT C SUBDIVISION OF GOOD HOPE SUBDIVISION INTO LOTS HEREN DESIGNATED AS LOT B-1 & LOT B-2 OF LOT B OF BLOCK D OF LOT C SUBDIVISION OF GOOD HOPE SUBDIVISION SITUATED IN SECTION 6, T-12-S, R-8-E, NORCO, ST. CHARLES PARISH, LOUISIANA.  
**DATE:** SEPTEMBER 23, 2020  
**SURVEY REFERENCE:** SURVEY OF LOT "B" OF THE RESUBDIVISION OF LOTS 1, 3, 5, 7 & 9 OF BLOCK "D" OF LOT "C" SUBDIVISION OF GOOD HOPE SUBDIVISION BY LUCIEN C. GASSEN DATED 1/29/1977.  
**BASIS OF BEARING:** TAKEN FROM REFERENCED SURVEY PLAT.  
**FLOOD NOTE:** THE SURVEYED PARCEL IS IN ZONE "AE" PER FEDERAL INSURANCE RATE MAP NUMBER 220160-0050C DATED 5/2/2003.  
**SURVEYOR'S NOTES:**

A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.  
B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.  
C. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.

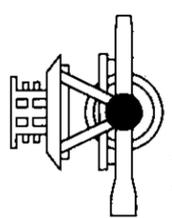
**LEGEND**

- 1/2" IRON ROD SET
- 1/2" IRON ROD FOUND
- X- FENCE
- O- POWER POLE
- ||- POWER LINE



DRAWN BY: KPB DRAWING NO. M7326\_WO3948

**RIVERLANDS SURVEYING COMPANY**



505 HEMLOCK STREET  
LAPLACE, LA. 70068  
1-800-248-6982  
985-652-6356

STEPHEN P. FLYNN  
P.L.S. LA. ST. REG. NO. 4668

## Chris Welker

---

**From:** April Bragdon <bragдона2@yahoo.com>  
**Sent:** Tuesday, October 13, 2020 2:22 PM  
**To:** Chris Welker  
**Subject:** Re: resubdivision application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Chris-  
I am requesting a waiver to the minimum lot area requirement.

Our names are Adam Bragdon. My family and I are residents of Norco. We not only live in Norco, I work in Norco at Valero St. Charles Oil Refinery and we also own a business in Norco! My children were educated in Norco and we also invest in Norco small businesses. As a result of our family's continued growth, our two oldest children have begun college while our youngest attends Norco Elementary. It's easy to see that many changes are right around the corner. The re-subdivision of this property gives us options to help with those coming changes and at the same time we continue to invest and grow in this same community. We sincerely appreciate your attention to this matter.

Thank you-  
Adam Bragdon

On Monday, October 5, 2020, 02:31:59 PM CDT, Chris Welker <cwelker@stcharlesgov.net> wrote:

Adam and April,

Thank you for dropping off your resubdivision application. Just a few things after taking an initial look:

- The application fee is \$70. The check was written for \$60. This won't hold anything up. Just let me know if you would like to provide a new check or process the payment by card over the phone to save another trip (3% card transaction fee, so would be \$72.10).
- This request will need a waiver to the minimum lot area requirement for the zoning district, which is 6,000 square feet. The two proposed lots come in just shy of that minimum. I will need something in writing from you requesting the waiver to the minimum lot area requirement. It should have some sort of statement as to the reason for the resubdivision and why the waiver is necessary. You can do this as a reply to this email.

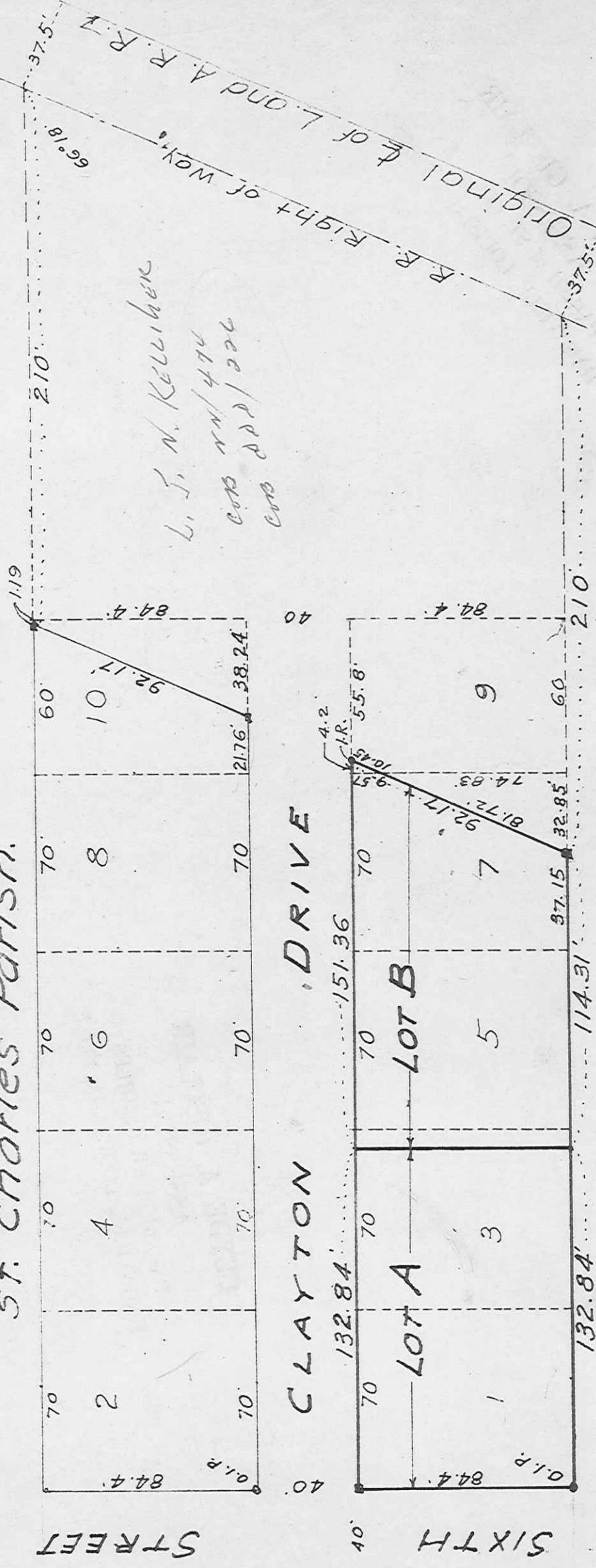
We can move forward getting this on the agenda for the November 5<sup>th</sup> Planning Commission meeting while taking care of the two above items. Since a waiver is necessary, if the request is approved by the Planning Commission it will then be forwarded to the Parish Council for a supporting resolution. So the entire process would wrap up towards the end of November.

Please let me know if you have any questions.

Lot C Subdiv  
Naco

# BLOCK "D"

## LOT "C" SUBDIVISION ST. CHARLES PARISH.



### FILED

JUN 21 1948

*J. Bell*  
Clerk of Court

Survey certified correct, made at the  
request of Dr. J. E. Clayton.

*H. C. Landry*  
C. E. N° 370

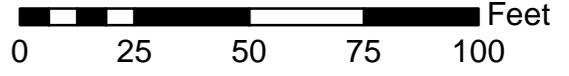
New Orleans, La  
June 9<sup>th</sup> 1948.

1"=50'

2020-16-MIN

Requested by: Adam & April Bragdon

Minor Subdivision: 1 lot into 2



N



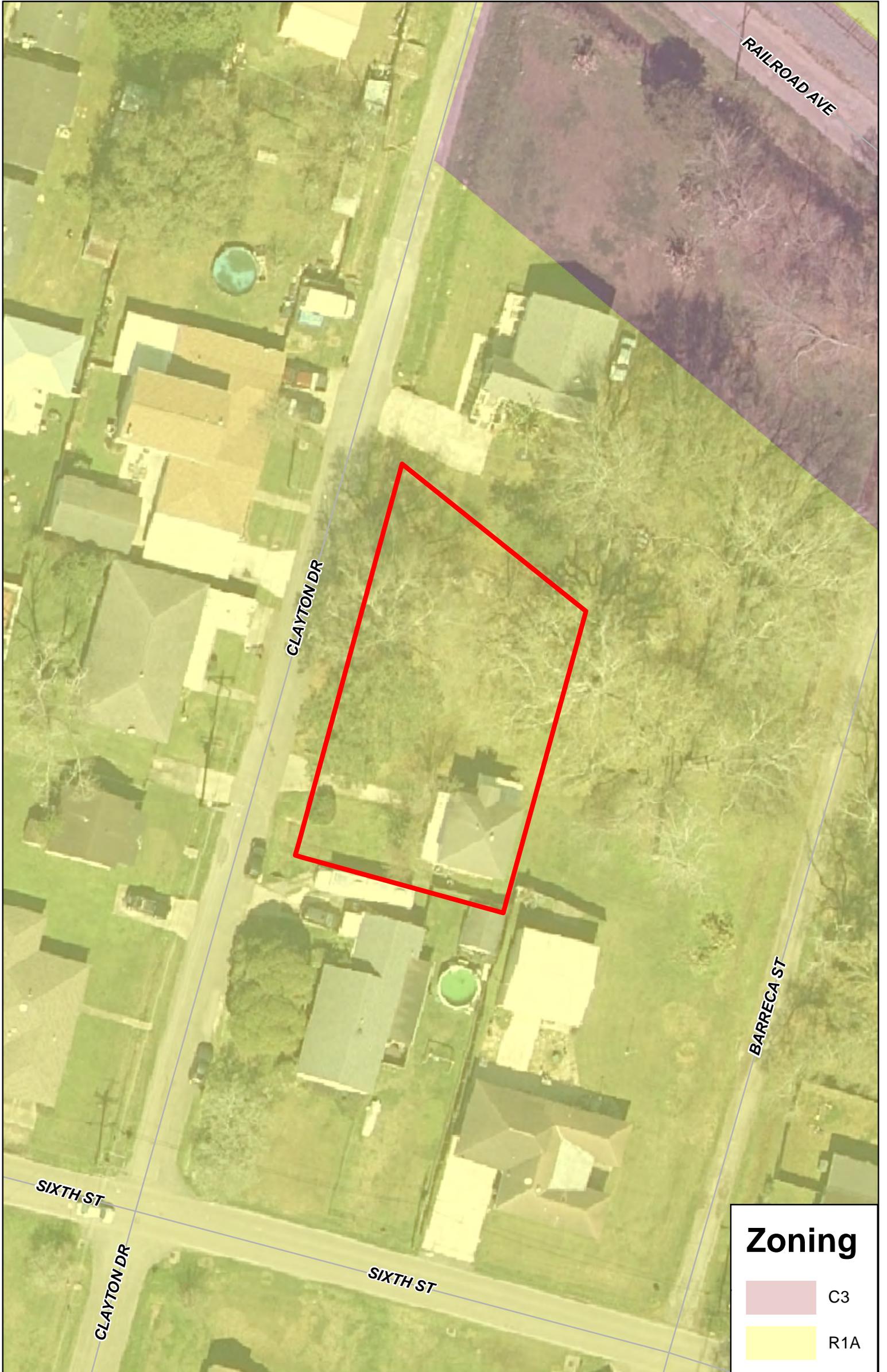
2020-16-MIN

Requested by: Adam & April Bragdon

Minor Subdivision: 1 lot into 2



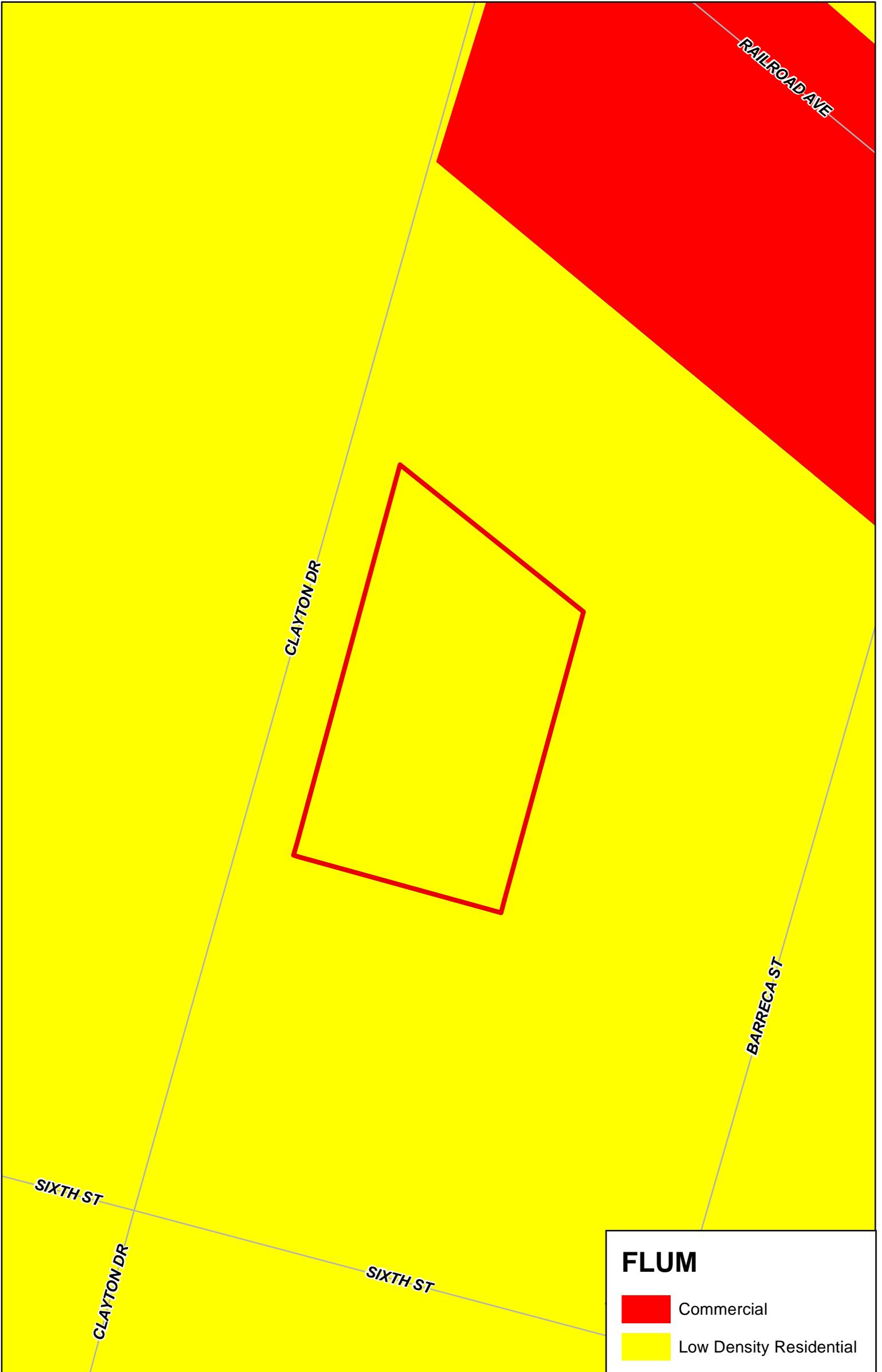
N



2020-16-MIN

Requested by: Adam & April Bragdon

Minor Subdivision: 1 lot into 2



**FLUM**

-  Commercial
-  Low Density Residential

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-17-MIN

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 10/6/2020**  
Julie & Billy Baker  
135 & 145 Olivia Drive  
Hahnville, LA 70057  
(504)-669-8393; jbaker61068@icloud.com
- ◆ **Location of Site**  
Olivia Drive, Taft, the Leon Heurtin Tract
- ◆ **Requested Action**  
Resubdivision of the Leon Heurtin Tract, into Lots 1A, 2A, & 3A (one lot into three), with a waiver from the required lot arrangement for proposed Lots 2-A and 3-A.

### SITE INFORMATION

- ◆ **Size of Lots (proposed)**  
Lot 1A: 47,044 sq-ft. (1.08 acres), approximately 93-ft. wide on River Road  
Lot 2A: 21,780 sq-ft. (.5 acres), approximately 233 feet wide on a private drive  
Lot 3A: approximately 27 acres accessible by Oliva Drive a 30-ft wide private access servitude, approximately 790 ft. long.
- ◆ **Current Zoning and Land Use**  
O-L from River Road to the T&P Railroad, M-1 for the remainder; the front portion of the site is developed with multiple residential structures, including two mobile homes shown on proposed Lot 1A, and a site-built house shown on proposed Lot 2A. The remainder of the site, which extends past Highway 3127, would consist of Lot 3A and is vacant and mostly wooded.
- ◆ **Surrounding Zoning and Land Use**  
B-2 zoning is located to the front; O-L zoning is adjacent to the rear; R-1A zoning is adjacent on the downriver side; M-2 zoning is adjacent on the upriver side.

The site is located in the sparsely developed area of Taft, situated between Hahnville and chemical plat located within the Union Carbide Industrial Area. The properties to each side are undeveloped and mostly wooded.

- ◆ **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.

*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.

*Business Park:* Although office uses are permitted within the Light Industry land use category and the associated M-1 zoning district, this zoning classification also permits a variety of industrial uses that would be incompatible with the development of a quality, planned corporate office, research or technology park. Therefore, this new land use category (and the zoning district that should be developed to implement it) would provide for the development of planned business, office, technology and research activities, with uses limited to these and directly related ancillary uses, such as shipping offices, office supply, hotels and restaurants. Business parks should be planned to incorporate consistent standards of development quality.

*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.

*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 area, acknowledges these limitations, but most importantly, highlight the value of wetlands to St. Charles Parish.

◆ **Traffic Access**

The improvements on the tract utilize Olivia Drive, a private road, to access River Road. The tract also has frontage on Highway 3127.

The subdivision would result in the following arrangements:

- Lot 1A: frontage on River Road; main access to the two mobile homes via Olivia Drive.
- Lot 2A: no frontage; access to River Road via Olivia Drive.
- Lot 3A: frontage on Highway 3127; a portion of the new Lot is located on the River Road side of the T&P Railroad, effectively separating it from its Highway 3127 frontage.

The plat shows a 30-ft. access and utility servitude beginning at River Road, running through proposed Lots 1A and 2A, and terminating at Lot 3A.

◆ **Utilities**

Representatives from the Departments of Public Works & Wastewater and Waterworks have no concerns or objections to the proposed subdivision.

The representative from the Department of Waterworks stated that the structures located on the site have water meters, and tie into the Parish water line at River Road.

The representative for the Department of Wastewater stated that Parish sewer is not available down Olivia Drive. The homes located on the site utilize private lines which tie into Parish sewer on River Road. The representative advised adding the location of the private lines to the plat.

◆ **Development History**

The Leon Heurtin Tract is currently developed with four (4) single-family structures. Two mobile homes were permitted in 1998 (Permit No. 12663 and 12860). A modular home was permitted in 2016 (Permit No. 29907). One of the structures has been described on a separate “Lot 2,” since at least 1949. Lot 2 is a legally non-conforming lot that is 40 ft. by 160 ft. within the Tract; it does not have frontage on an improved, public street (Permit No. 14109).

**APPLICABLE REGULATIONS**

**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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The applicant requests a minor subdivision of the Leon Heurtin Tract into three lots, 1A, 2A, and 3A with a waiver from the requirement that all lots be arranged on a developed, public street. The tract is developed with two mobile homes and a modular home. OL zoning permits up to four dwellings on an unsubdivided large tract like this for family members on a non-rental basis.

Each proposed lot exceeds the minimum 20,000 sq. ft. area required for lots in the O-L zoning district. Proposed Lots 2A and 3A do not meet geometric standards for lots because they are not arranged with frontage on an improved public street (Subdivision Regulations, Section III.B.3.).

The tract is approximately 93-ft. wide at River Road (96.5 ft. of frontage on skew) and 40-arperents deep or long, extending past Highway 3127. A 40-ft x 160-ft. area called Lot 2 was divided from it by a 1949 transfer or act of sale. Olivia Drive, a private gravel driveway, provides access to the house on Lot 2 and to the three dwellings on the tract, including the one closest to River Road. Parish sewer and water serve the dwellings from River Road tie-ins via private lines down the servitude. The plat shows a swale on

the north or up-river side of the gravel driveway within the 30-ft servitude which may be used for drainage.

The Department of Wastewater has advised that private utility lines should be included on the plat.

The O-L zoning district permits up to four dwellings for family on unsubdivided property at a rate of one (1) dwelling per 10,000 sq. ft. If the proposed resubdivision is approved, these provisions would permit up two (2) more dwellings on Lot 1A, one more dwelling on Lot 2A and four (4) more dwellings on Lot 3A. If the subdivision is approved, the zoning provisions would allow a total of ten (10) dwelling units. Permitting additional dwellings on Lots 1A and 2A may be unlikely considering how those proposed lots are already developed. Lot 3A has approximately 750,000 square feet between Lot 2A and the railroad where up to four dwellings could be permitted.

<b>DEPARTMENT RECOMMENDATION</b>
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**Denial.**



## Chris Welker

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**From:** Julie Baker <jbaker61068@icloud.com>  
**Sent:** Friday, October 23, 2020 8:47 PM  
**To:** Chris Welker  
**Subject:** Re: Olivia Drive subdivision

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am requesting a waiver for this lot because I needed it subdivided for the refinance of my home. The lot is (2A) and does not have specific frontage. Thank you.

Sent from my iPhone

On Oct 23, 2020, at 1:47 PM, Chris Welker <cwelker@stcharlesgov.net> wrote:

Thank you for the info.

We are wrapping up the report for this resubdivision, which we have scheduled to go before the Planning Commission on November 5<sup>th</sup>.

The subdivision ordinance requires lots have frontage on a public street. Since this subdivision request involves creating a lot (2A) without the required street frontage, a waiver from that specific requirement will need to be granted as part of any approval.

All I need is a request in writing from you asking for the waiver, and expressing why the specific lot arrangement is necessary.

You can provide that waiver request as a reply to this email.

Let me know if you have any questions.

Thank you,

**Chris Welker, AICP**

Planner II  
St. Charles Parish  
Department of Planning & Zoning  
Office: 985-783-5060  
Email: cwelker@stcharlesgov.net

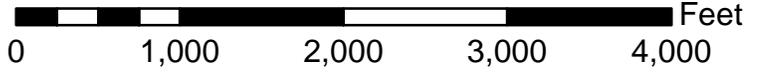
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**From:** Julie Baker <jbaker61068@icloud.com>  
**Sent:** Wednesday, October 21, 2020 3:35 PM  
**To:** Chris Welker <cwelker@stcharlesgov.net>  
**Subject:** Re: Olivia Drive subdivision

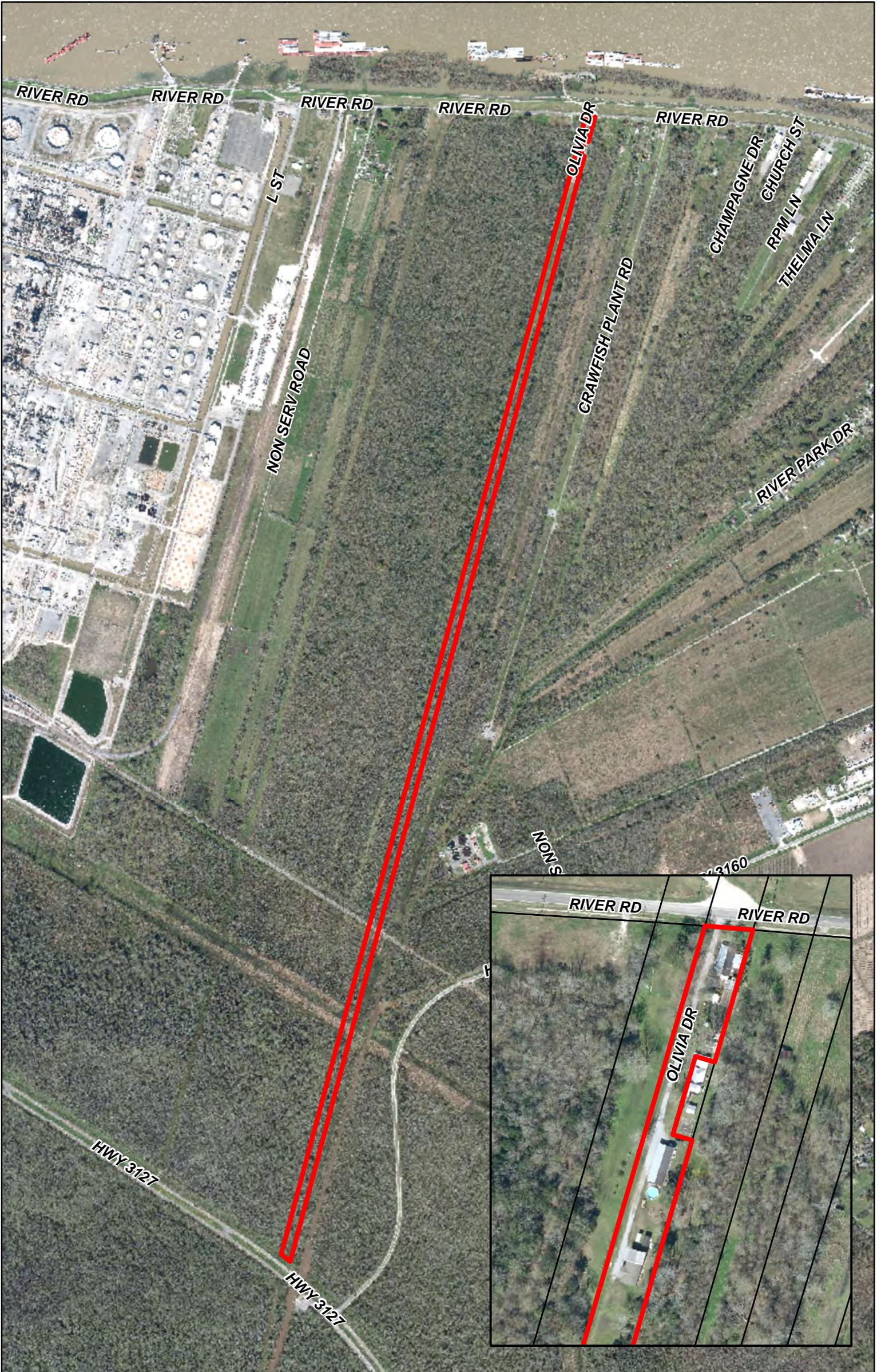
2020-17-MIN

Requested by: Julie & Billy Baker

Minor Subdivision: 1 lot into 3



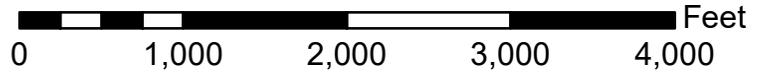
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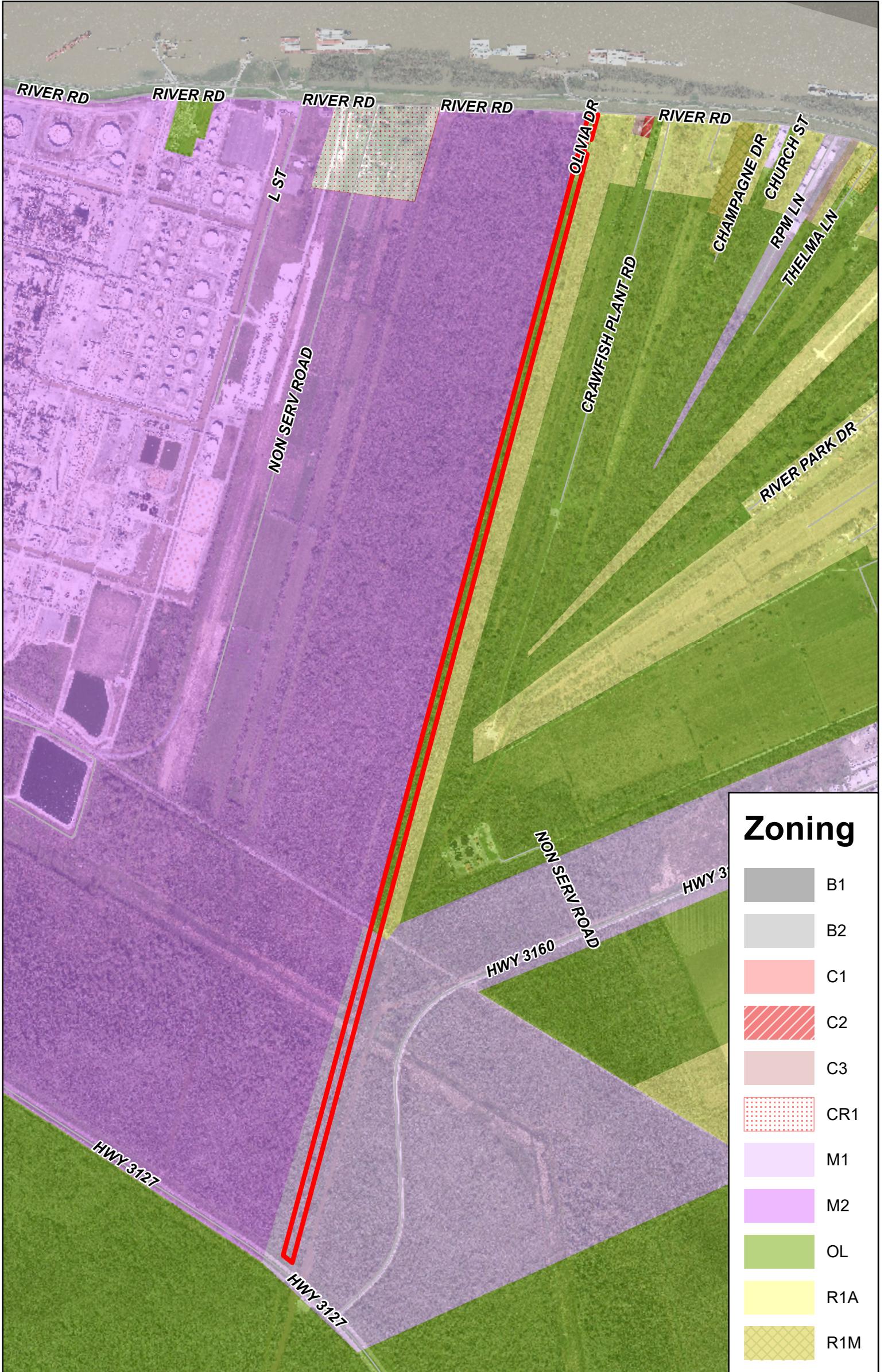
2020-17-MIN

Requested by: Julie & Billy Baker

Minor Subdivision: 1 lot into 3



N



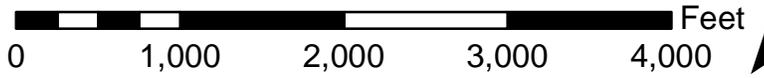
### Zoning

-  B1
-  B2
-  C1
-  C2
-  C3
-  CR1
-  M1
-  M2
-  OL
-  R1A
-  R1M

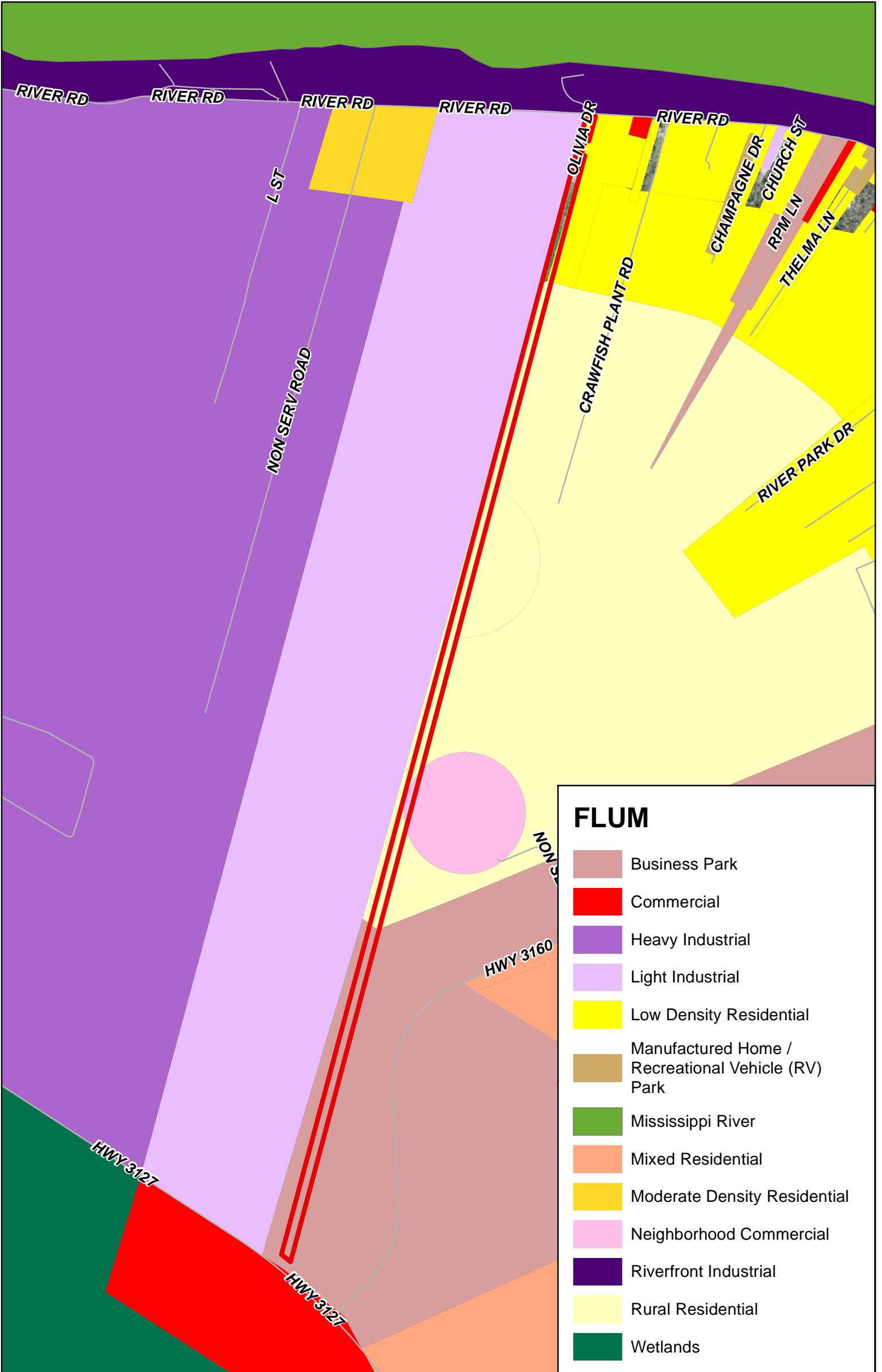
2020-17-MIN

Requested by: Julie & Billy Baker

Minor Subdivision: 1 lot into 3



N



# St. Charles Parish

## Department of Planning & Zoning

### Land Use Report

#### Case Number: 2020-04-ORD

#### Introduced by Matthew Jewell, Parish President/Dept. of Planning and Zoning

An ordinance to amend the St. Charles Parish Code of Ordinance, Chapter 6 Buildings and Building Regulations, Article II, Section 6-14 Permit Application to require a traffic impact analysis.

#### Background

A traffic impact analysis or study (TIA) is a document that reports the estimated effect that traffic generated by a proposed development will have on the capacity, the operations, and/or the safety of a street system. Parishes and municipalities throughout Louisiana require TIAs as part of the development process to protect their street system from congestion and maintain safe travel.

The Parish President, through the Department of Planning and Zoning, proposes that all new commercial/industrial developments and all expansions of 50% or greater requiring a building permit and all multi-family developments should be required to submit a TIA and has prepared standards and procedures to do so for adoption into the Subdivision Regulations of 1981, as amended.

The standard includes three levels an analysis based on the estimated level of traffic generated by new development.

The Parish Council discussed an ordinance to adopt a TIA at both regular Council meetings and Legislative Committee meetings.

#### Potential outcomes

- Improved street functionality for Parish residents.
- Improved and informed quantitative data for residents regarding traffic.
- Additional cost for developments that meet the threshold that requires a TIA.

#### Recommendation

Approval, as the attached ordinance is slightly revised to refer to the "ST. CHARLES PARISH Traffic Impact Analysis POLICY" by the number of the Council resolution if it is adopted.

2020-

**INTRODUCED BY: MATT JEWELL, PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO.** \_\_\_\_\_

An ordinance to amend the St. Charles Parish Code of Ordinances, Chapter 6 - Buildings and Building Regulations, Article II, Section 6-14. - Permit Application, to require a Traffic Impact Analysis as part of the permitting process for new development.

**WHEREAS,** the permitting process is routine, orderly, and intended to ensure safe, adequate, and proper construction practices; and,

**WHEREAS,** these requirements are necessary for understanding the impact of new development on existing infrastructure; and,

**WHEREAS,** these requirements do not include traffic analysis as part of the review for understanding the impact of new development on existing infrastructure; and,

**WHEREAS,** the St. Charles Parish Council wishes to add a traffic impact analysis as part of the review for new development to ensure quality of life remains high and the transportation network remains safe.

**NOW, THEREFORE, THE ST PARISH COUNCIL ORDAINS:**

**SECTION I.** That the Code of Ordinances, Chapter 6 Buildings and Building Regulations, Article II, Section 6-14 Permit Application, is amended as follows, with additional text in underline and deleted text in ~~strikethrough~~:

Sec. 6-14. - Permit application.

To obtain a permit, the applicant shall first file an application on a form furnished by the department of planning and zoning for that purpose. Such application shall contain, at minimum the following information:

(n) Traffic Impact Analysis. A Traffic Impact Analysis (TIA) is required for all new commercial, industrial, townhome, apartment, and multiplex construction. The TIA, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy as detailed in Appendix C. Subdivision Regulations.

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

And the ordinance was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

# St. Charles Parish Department of Planning & Zoning

## Land Use Report

### Case Number: 2020-05-ORD

#### Introduced by Matthew Jewell, Parish President/Dept. of Planning and Zoning

An ordinance to amend the St. Charles Parish Subdivision Regulations of 1981, as amended, to establish a process for analyzing the impact of traffic generated by new subdivisions at Section II. Subdivision, C. Minor Resubdivisions, and Section II. Subdivision procedure at paragraph E. Preliminary Plat 3. Preliminary Plat/Additional Submission Requirements and Section IV Design Standards.

#### Background

A traffic impact analysis or study (TIA) is a document that reports the estimated effect that traffic generated by a proposed development will have on the capacity, the operations, and/or the safety of a street system.

A TIA policy contains the specific requirements that a TIA document must meet for a jurisdiction.

Parishes and municipalities throughout Louisiana require TIAs as part of the development process to protect their street system from congestion and maintain safe travel.

The Parish President, through the Department of Planning and Zoning proposes that developers should be required to submit a TIA for major and minor subdivisions and has proposed a policy to do so.

The Parish Council has discussed an ordinance to adopt a TIA requirement and policy in both Legislative Committee meetings and regular Council meetings.

#### Potential outcomes

- Improved street functionality for Parish residents.
- More informed decision making for the Planning Commission.
- Improved and informed quantitative data for residents regarding traffic.
- Additional cost for some developments.

#### Recommendation

Approval

2020-

**INTRODUCED BY: MATT JEWELL, PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO.** \_\_\_\_\_

An ordinance to amend the St. Charles Parish Code of Ordinances, Appendix C – St. Charles Parish Subdivision Regulations of 1981, Section II. Subdivision procedure, C. Minor Resubdivisions, 2. Reserved, and Section II. Subdivision procedure, E. Preliminary Plat Requirements, 3. Preliminary Plat/Additional Submission Requirements, and Section IV. Design standards, to establish a process for analyzing the impact of traffic generated by new development.

**WHEREAS**, the Subdivision Regulations of 1981 establish the standards governing acceptable and proper land development patterns; and,

**WHEREAS**, these requirements are necessary for understanding the impact of new development on existing infrastructure; and,

**WHEREAS**, the St. Charles Parish Council wishes to add a traffic impact analysis as part of the review for new development to ensure quality of life remains high and the transportation network remains safe; and,

**WHEREAS**, these requirements include policies to ensure open space and sites for public use may be properly located and preserved as the parish develops; and,

**WHEREAS**, the St. Charles Parish Council wishes to ensure that the decision to accept a monetary fee in lieu of the dedication of land is solely at the discretion of St. Charles Parish.

**NOW, THEREFORE, THE ST PARISH COUNCIL ORDAINS:**

**SECTION I.** That the Code of Ordinances, Appendix C, Section II. Subdivision Procedure, C. Minor Resubdivisions, is amended as follows, with additional text in underline and deleted text in ~~striketrough~~:

C. Minor Resubdivisions

2. ~~Reserved~~ Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.

**SECTION II.** That the Code of Ordinances, Appendix C, Section II. Subdivision Procedure, E. Preliminary Plat Requirements, 3. Preliminary Plat/Additional Submission Requirements, is amended as follows, with additional text in underline and deleted text in ~~striketrough~~:

3. Preliminary Plat/Additional Submission Requirements.

- c. Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.

**SECTION III.** That the Code of Ordinances, Appendix C – St. Charles Parish Subdivision Regulations of 1981, Section IV. Design standards, is amended as follows, with additional text in underline and deleted text in ~~striketrough~~:

IV. – Design standards.

E. Traffic and vehicular movement

1. Traffic Control Signs, Signals, and Devices. The subdivider shall provide all necessary traffic control signs, signals, and devices for all new streets within the subdivision. All signs, signals, devices, and their installations shall conform to the most recent edition of the Manual on Uniform Traffic Control devices and the most recent edition of the Louisiana Standard Specifications for Roads, and Bridges. Street signs shall be comprised of 8" tall aluminum panels with green background, shall have no border, shall have 6" tall white letters, and shall be mounted on standard round galvanized steel pipe sign posts. A barricade shall be provided by the subdivider at all dead end streets which do not have cul-de-sacs. The barricade shall consist of: 1) galvanized corrugated sheet steel guardrail beams with flared end wings extending as near as possible from edge of

- travel way to edge of travel way, 2) a 30" x 30" Dead End sign set above a 30" x 30" Stop sign (W14-1 and R1-1 per Manual of Uniform Traffic Control Devices) mounted on galvanized U-channel (3 lbs per foot minimum) centered on the guard railing, and 3) 2 - 18" x 18" red reflective End of Road marker (OM4-3 per Manual of Uniform Traffic Control Devices) with each being mounted on a galvanized U-channel being set at 6' 3" to the left and to the right of the Dead End and Stop sign. All traffic control signs, signals, and devices shall be in place prior to dedication of the construction improvements to the Parish.
2. Railroad Crossings. Streets within the proposed subdivision which cross railroad rights-of-way shall, at railroad crossing, contain a median strip between opposing traffic lanes. Minimum length of median shall be thirty-five (35) feet from center of railroad crossing. Minimum curb height of median shall be eight (8) inches. Railroad crossing shall be protected with at least one (1) flashing light signal on each side of railroad crossing. Each sign shall include at least one (1) automatic gate that when activated to lower across roadway, extends to within one (1) foot of the median curb. All railroad crossing signs and devices shall conform to the most recent edition of the Manual on Uniform Traffic Control Devices and shall be in place before acceptance of construction improvements.
  3. Traffic Impact Analysis (Traffic Impact Analysis Policy). The Traffic Impact Analysis (TIA), including all required documentation, shall be submitted in accordance with the following TIA Policy.
    - a. Purpose. This policy establishes requirements for studies that provide information on traffic projected to be generated by all proposed developments. The purpose and intent of these requirements is to protect the health, safety, and welfare of the citizens and visitors of St. Charles Parish (hereinafter "The PARISH") by ensuring the provision of safe and adequate transportation facilities.
    - b. Objective. The objective of this policy is to establish requirements for the identification of potential traffic impacts, operational and/or safety, of proposed developments and potential mitigation where required. Traffic Impact Policies are a standard method utilized by all levels of government to address the contribution to traffic congestion by new or expanded development.
    - c. Applicability.
      - (1) A TIA is required for all subdivisions (new or expansions), all new commercial/industrial developments requiring a building permit, and all multi-family developments (townhomes, apartments, and multiplexes).
      - (2) Where expansion of an existing commercial/industrial facility will increase an existing building or paved area by 50% or more, the expansion shall also be subject to this policy.
      - (3) This policy does not apply to individual single family and two-family residences.
      - (4) Developments seeking access to state roadways where a review of a traffic impact study is performed by the Louisiana Department of Transportation and Development (hereinafter "The LADOTD") are not exempt from the requirements of this policy.
    - d. Required. The landowner, developer, and/or engineering representative (hereinafter "The APPLICANT") must provide an engineering study to document the anticipated impact of the proposed development on the existing transportation network. All information and analysis submitted by the APPLICANT must follow the requirements and methods outlined in this policy.
    - e. Procedure
      - (1) Pre-Application Meeting. The PARISH Department of Planning and Zoning (hereinafter "the DPZ") should be contacted prior to all new development applications, Plat Plan and Building Permit Applications, to arrange for a Pre-Application Meeting. If required, the APPLICANT shall submit a Traffic Scoping Information Form and the required supporting documentation to the Department of

Public Works (hereinafter “the DPW”) two weeks (14 days) prior to the Pre-Application Meeting. At this meeting, the DPW, or their designee, will determine the level of traffic impact analysis required, and shall discuss and develop the following Traffic Impact Analysis requirements based on project specific conditions:

- i. TIA Threshold
- ii. Study area
- iii. Data Collection Requirements which could include, but not be limited to:
  - Traffic Signal Inventory /phasing/timing
  - Seven-day, 24-hour volume counts
  - Turning movement counts
  - Daily volume counts
  - Classification counts
  - Field observations
  - Crash history
  - Travel times
  - Speed data
- iv. Trip generation and distribution which could include, but not be limited to:
  - Land Use Category
  - Daily trips
  - Peak hour trips
  - Internal Capture percentages
  - Pass by percentages
- v. Analysis requirements which could include, but not be limited to:
  - Capacity Analysis
  - Turn Lane Warrant Analysis
  - Signal Warrant Analysis
  - Safety Analysis
  - Roundabout Study
  - AutoTurn Analysis
  - Simulation Modeling
- vi. Incorporation of trips for other proposed developments within the study area and/or growth rate usage and methodology

A subsequent Traffic Scoping Meeting may be scheduled with the DPW Representative if more specific information or analysis are required.

- (2) State Roads. In instances where the APPLICANT is requesting access to a state roadway and/or where a traffic impact study is required by the LADOTD Traffic Impact Policy, the PARISH process should be initiated first. LADOTD should not be contacted until after the PARISH Pre-Application/Traffic Scoping Meeting unless the PARISH requests LADOTD attend. When the LADOTD process is initiated separately, the APPLICANT shall inform and invite the designated PARISH representative to LADOTD traffic impact meetings and copy him/her on subsequent correspondence. If the designated PARISH representative is not available or elects not to attend any meetings with LADOTD regarding traffic impacts/access connections, the APPLICANT shall provide him/her minutes of the meeting(s).
- (3) Review and Approval. The APPLICANT should provide the required stamped and signed TIA and supporting data to the DPW, or their designee, for review and approval. The DPW, or their designee, shall provide a TIA Approval Letter to the APPLICANT that clearly outlines any required mitigation.
- (4) Post-Approval. The TIA Approval Letter shall be included in the packet provided to the commissioners for projects requiring approval by the Planning Commission. The TIA Approval Letter shall be submitted with the Permit Application for projects requiring a building permit. A building permit will not be issued unless the

APPLICANT receives a TIA Approval Letter. Required mitigation measures, if any, shall be in place prior to issuance of a Certificate of Occupancy.

(5) Fees. The APPLICANT shall be solely responsible for the cost of preparation of any required Traffic Impact Studies. Review fees will be assessed in accordance with the St. Charles Parish Fee schedule.

f. TIA Threshold Levels. Generally, three (3) threshold levels of Traffic Impact Studies (Thresholds 1, 2, and 3) are defined to include, but not be limited to, the following requirements. The exact requirements based on site-specific and project specific elements will be defined at the Pre-Application Meeting. Threshold 2 and 3 Traffic Impact Analysis studies shall be stamped and signed by an approved registered Louisiana Professional Engineer who is a certified PTOE.

(1) Threshold 1 (Traffic Impact Analysis Statement Required) – If the proposed development results in less than forty (<40) peak hour trips, either AM or PM (whichever is greater) the APPLICANT will be required to submit the following items:

i. The proposed trip generation and distribution with source information;

ii. Traffic Scoping Information Form with Required Additional Information (may include revisions per the Pre-Application Meeting);

iii. Sight distance evaluation at proposed driveway locations.

(2) Threshold 2 (Traffic Impact Analysis Study Required) – If the proposed development results in greater than forty (>40) and less than four hundred (<400) peak hour trips, either AM or PM (whichever is greater) the APPLICANT will be required to submit the items for Threshold 1 plus the following additional items:

i. Capacity analysis for existing and proposed conditions at intersections within the study area established during the Pre-Application Meeting;

ii. Capacity analysis for proposed condition at the development driveways;

iii. Left turn lane, right turn lane and signal warrants at the development driveways;

iv. Recommendations for mitigating improvements to maintain or improve the existing Level-of-Service, as well as recommendations for driveway locations and configurations.

(3) Threshold 3 (Limited Traffic Impact Analysis Study Required) – If the proposed development results in greater than four hundred (>400) peak hour trips, either AM or PM, the APPLICANT will be required to submit the items for Thresholds 1 and 2 plus the following items:

i. Obtain summary of the crash history within the study area;

ii. Review crash reports and provide recommendations to improve safety.

g. Determination of TIA Threshold Levels. In general, applicants shall use the trip rates (use fitted equation if available) contained in the most recent edition of the Institute of Transportation Engineers' (ITE) *Trip Generation Manual* or count data from an equivalent site.

The peak hour trips are not the only threshold factor in deciding the analysis that will be required. At the discretion of the DPW, or their designee, other items which significantly influence the traffic movements or safety may require a higher level of study. These include but are not limited to the following:

(1) High volumes on surrounding roads affecting access to a proposed development

(2) Proximity of proposed access points to existing drives or intersections

(3) Areas currently experiencing excessive traffic congestion

- (4) Developments that include drive-thru operations
- (5) Lack of existing left turn lanes on adjacent roadways
- (6) Areas currently undergoing substantial growth
- (7) Inadequate sight distance at access points
- (8) High-accident areas
- h. TIA Content and Format. The contents of the TIA, as well as the TIA study area limits shall vary depending on the site and prevailing conditions. Content requirements shall be established by the DPW, or their designee during the Pre-Application Meeting.

Each TIA must take into account other proposed developments in the study area for which a TIA has been submitted or approved. This information shall be obtained and provided by the DPW, or their designee, and/or the LADOTD. A growth rate may be applied to existing traffic data in lieu of estimated trips for specific development if approved by the DPW in the Pre-Application Meeting.

The TIA study should be prepared in the following format:

- (1) Description of Study Area. A vicinity map and description of the study area shall be provided. The map shall include roadways that allow access to the site and are included in the study area. Documentation of the study area development established during the Pre-Application Meeting shall be included in the appendix.
- (2) Description of the Project. This description shall include the size of the parcel, access to the site, onsite circulation, and the existing and proposed uses of the site. In addition, the square footage of each use or number and size of units proposed shall be specified. A proposed site plan shall be included.
- (3) Existing Conditions. The existing conditions, in the vicinity of the project, shall be described including field observations. Existing traffic controls and geometrics (number of lanes, intersection configurations, etc.) on roadways or at intersections within the study area shall be described in detail.
- (4) Existing Traffic Volumes. Traffic data shall be collected/conducted at study area intersections during peak hours and dates approved by the DPW, or their designee. The TIA shall include a description of traffic count type, location of count and date of collection. A figure that presents AM and PM peak hour counts with turning movements and average daily traffic shall be included when applicable. Raw count data shall be included in the appendix.

Unless approved by the DPW at the Pre-Application Meeting, the counts shall be conducted during the school year (September through May) and during weeks that have no major school holidays (These holidays shall include, but are not limited to, Thanksgiving, Christmas Break, Spring Break, Mardi Gras, Labor Day, and Exam weeks). Counts shall not be conducted during special events in the area unless for a specific purpose.

- (5) Trip Generation Estimates. Traffic volumes expected to be generated by the proposed development shall be estimated. Trip generation calculations shall be included in the appendix.
- (6) Trip Distribution. Trips generated by the site must be distributed and assigned to the roadway network to determine the project's impacts. The methodology and assumptions which are used in the determination of trip distribution shall be described. For projects with several phases to be developed over several years, the trip distribution shall be estimated for the completion of each phase of the development as well as the final build-out of the development. A figure that presents the new trips distributed and assigned to the roadway network shall be included.
- (7) Projected Traffic Volumes within the TIA Study Area. Project generated, and distributed trips shall be estimated for intersections

in the study area, including proposed driveways. A figure that presents AM and PM peak hour projected volumes with turning movements shall be included. A detailed description shall be included of how the trips generated from other proposed developments are incorporated in the model or how the use of the growth rates approved by the DPW, or their designee, at the Pre-Application Meeting are being applied in the model.

- (8) Capacity Analysis. Capacity analyses provide an indication of how well the study area intersections serve existing and future traffic demands. A description of the methodology and Level of Service (LOS) definitions shall be included within the TIA. For existing and future conditions, LOS at all study intersections, inclusive of the site access locations, shall be calculated for signalized and unsignalized intersections using procedures contained in the *Highway Capacity Manual*. The LOS and delay shall be reported for each turning movement at each approach, each overall approach and the overall intersection as applicable in tabular format. Capacity analysis documentation shall be included in the appendix.

The objective of the APPLICANT shall be to maintain or improve the existing LOS. An overall LOS "D" shall be considered acceptable. Where LOS "D" is not existing or the existing LOS cannot be achieved with improvements/mitigation, a description of impacts, constraints, mitigation measures analyzed, and results shall be provided.

- (9) Warrant Analysis. Traffic signal and/or left/right turn lane warrants may be conducted and storage lengths recommended where applicable. Meeting warrants is not the only consideration for signalization and/or left/right turn lanes, engineering judgement must also be applied. Warrant analysis documentation shall be included in the appendix.
- (10) Crash Data. When required, three years of the most current crash data shall be obtained for intersections within the study area. The details of the safety analysis shall be determined on a project specific basis by the DPW, or their designee.
- (11) Traffic Improvements. Improvements to the network should be developed to address deficiencies. Improvements shall be analyzed to determine the expected impact.
- (12) Conclusions and Recommendations. The equivalent of an executive summary should be provided to describe the proposed project, the data collected, the analysis conducted, improvements considered and resulting recommendations.

i. Actions Based on TIA.

- (1) A proposed development which is subject to the TIA requirements of this policy may be disapproved when the results of the required TIA demonstrate that the proposed project will overburden the existing roadway system by causing a reduction in service of affected roadways, negatively impacts the safety of the roadway, or is below the adopted Level of Service (LOS) "D".
- (2) In the case where the existing Level of Service (LOS) is below "D", the required mitigating improvements shall improve the LOS to "D" or better.
- (3) An APPLICANT, in coordination with the DPW, or their designee, may modify the development proposal to reduce traffic-related impacts. Modifications to applications for projects may include, but shall not be limited to:
- i. Dedication of additional right of way
  - ii. Re-routing of traffic and proposed access points serving the proposed project
  - iii. Traffic signal timing and/or phasing adjustments (with coordination and approval from the owner of the signal)
  - iv. Restriping or reconfiguration of intersections

- v. Construction of additional lanes
- vi. Installation of a roundabout
- vii. Installation of a signal
- viii. Providing funding for infrastructure improvements
- ix. Any other recommendations by the DPW upon review
- j. Mitigation
  - (1) APPLICANTS will be responsible for the cost and implementation of identified improvement(s) to mitigate the traffic impact of their proposed development unless funding can be provided through a grant mechanism.
  - (2) If traffic mitigation is part of an approved Traffic Impact Analysis, all approved traffic improvements must be implemented prior to issuance of an occupancy permit that it is to be completed within construction of a subsequent phase.
  - (3) The APPLICANT shall meet all applicable requirements found in the Parish Zoning and Subdivision Ordinance Code.
  - (4) Mitigation shall comply with the St Charles Parish Master Plan in place at the time of application, if any. The APPLICANT shall verify with the DPW whether a Master Plan proposed route or improvement will affect the subject property. If so, access through the property and/or require Right-of-Way, may be required to be dedicated to the Parish as part of the APPLICANTS's mitigation efforts.
  - (5) The Parish has the right to place moratoriums in areas where reasonable operational conditions, as determined by the DPW, or their designee, are not able to be achieved with mitigation.
- k. Waiver/Exception from TIA Requirements.
  - (1) The Parish Engineer may waive the Threshold 1 requirements for any commercial construction project requiring a building permit through a written statement. The waiver shall note the most recent ITE Manual, the use code, and the proposed use of the development.
  - (2) The Planning Commission may not waive the traffic impact analysis submittal requirements of this policy without the consent of both the Department of Planning and Zoning and the Department of Public Works.

**SECTION IV.** That the Code of Ordinances, Appendix C – St. Charles Parish Subdivision Regulations of 1981, Section IV. Design standards, E. Miscellaneous, is amended as follows, with additional text in underline and deleted text in ~~strikethrough~~:

EF. Miscellaneous:

- ~~2. Traffic Control Signs, Signals, and Devices. The subdivider shall provide all necessary traffic control signs, signals, and devices for all new streets within the subdivision. All signs, signals, devices, and their installations shall conform to the most recent edition of the Manual on Uniform Traffic Control devices and the most recent edition of the Louisiana Standard Specifications for Roads, and Bridges. Street signs shall be comprised of 8" tall aluminum panels with green background, shall have no border, shall have 6" tall white letters, and shall be mounted on standard round galvanized steel pipe sign posts. A barricade shall be provided by the subdivider at all dead end streets which do not have cul-de-sacs. The barricade shall consist of: 1) galvanized corrugated sheet steel guardrail beams with flared end wings extending as near as possible from edge of travel way to edge of travel way, 2) a 30" x 30" Dead End sign set above a 30" x 30" Stop sign (W14-1 and R1-1 per Manual of Uniform Traffic Control Devices) mounted on galvanized U-channel (3 lbs per foot minimum) centered on the guard railing, and 3) 2-18" x 18" red reflective End of Road marker (OM4-3 per Manual of Uniform Traffic Control Devices) with each being mounted on a galvanized U-channel being set at 6' 3" to the left and to the right of the Dead End and Stop sign. All traffic control signs, signals, and devices shall be in place prior to dedication of the construction improvements to the Parish.~~

~~Railroad Crossings. Streets within the proposed subdivision which cross railroad rights-of-way shall, at railroad crossing, contain a median strip between opposing traffic lanes. Minimum length of median shall be thirty five (35) feet from center of railroad crossing. Minimum curb height of median shall be eight (8) inches. Railroad crossing shall be protected with at least one (1) flashing light signal on each side of railroad crossing. Each sign shall include at least one (1) automatic gate that when activated to lower across roadway, extends to within one (1) foot of the median curb. All railroad crossing signs and devices shall conform to the most recent edition of the Manual on Uniform Traffic Control Devices and shall be in place before acceptance of construction improvements.~~

~~32. Electrical Service/Street Lights. The subdivider shall provide street lights on all new streets within the subdivision. The street lighting system shall be based on the "American Standard Practice for Roadway Lighting" prepared by the American Standards Association. The street lighting system and electrical service shall be installed in accordance with the requirements of the local power company regulations. All general electrical service and street lighting systems within the subdivision shall be provided via underground feeder lines. All new installations of buried wire shall be encased in 1-inch PVC conduit. The minimum size and type of copper wire to the light poles shall be #8 THHN.~~

~~43. Reserved.~~

~~54. Monuments.~~

~~65. The subdivider shall be liable for any damages incurred to public and/or private property in the conduction of his work.~~

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

And the ordinance was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

# St. Charles Parish

## Department of Planning & Zoning

### Land Use Report

#### Case Number: 2020-06-ORD

Introduced by Matthew Jewell, Parish President/Dept. of Planning and Zoning

An ordinance to amend the St. Charles Parish Subdivision Regulations of 1981, as amended, to do the following:

- Discourage consecutive minor resubdivisions from creating major subdivisions
- Make construction approval an administrative decision
- Describe what phased subdivision construction is
- Require developers to submit a TIA, drainage impact report, sewer impact report, and documentation regarding phases along with an application for Preliminary Plat
- Clarify conditional approvals at Preliminary Plat
- Change Planning Commission approval for construction plans to an administrative approval with an appeal process to the Planning Commission
- Change the language regarding drainage servitudes as requested by the Department of Public Works and Wastewater
- Clarify that the Parish may, at its sole discretion, require fee in lieu of dedication for a recreation obligation
- Change the language in the design standards for drainage, as requested by the Department of Public Works and Wastewater, to require drainage and impact analyses to be based on the 25-year, 24-hour return frequency storm.

#### Background

The Subdivision regulations lack clarity about when approval of engineering studies must be completed for major subdivisions. The proposed ordinance would require more analysis to be completed at the Preliminary Plat phase and would change the design storm for drainage studies from a 10-year storm to a 25-year storm.

The changes would require a Preliminary Plat as well as a Drainage Impact Analysis, a Transportation Impact Analysis, a drainage impact report, and a sewer impact report to pass Departmental Reviews before the Planning and Zoning Commission is asked to consider a Preliminary Plat for a Major Subdivision.

The changes would also allow a major subdivision to go to construction with the Planning and Zoning Director's approval rather than the Planning and Zoning Commission's Approval, which requires a public hearing. If a major subdivision is ever denied approval by the Planning Director, the developer would have the right to appeal the denial to the Planning and Zoning Commission.

#### Potential outcomes

- Better analysis and mitigation of potential impacts of major subdivisions earlier in the Major Subdivision process
- More informed decision-making for the Planning Commission
- Streamlined construction approval process

#### Recommendation

Approval

## SUBDIVISION REGULATIONS OUTLINE with summary of edits proposed in bold

- I. General
  - A. Authority.
  - B. Definitions.
  - C. Responsibilities:
  - D. Jurisdiction.
- II. Subdivision procedure.
  - A. Pre-Application Orientation.
  - B. Administrative Resubdivisions.
  - C. **Minor Resubdivisions.** **\*\* Consecutive minors; note re: consecutive minors**
  - D. **Major Resubdivisions.** **\*\*Strike "Re" to make "major subdivision"; make construction approval administrative/Director rather than Planning Commission; add language re: Phases; require TIA, DIReport, SIReport, Phasing Document at Preliminary Plat; indicate which departments are responsible for reviews; describe phased subdivisions; clarify conditional approvals at Preliminary Plat; change Planning Commission approval to Planning director approval for Construction Plans; create an appeal process—if a construction approval is DENIED by Planning Director, Developer may appeal to Commission.**
  - E. Preliminary Plat Requirements.
  - F. Subdivision Construction.
  - G. Final Plat.
  - H. Acceptance of Improvements.
- III. Geometric standards.
  - A. Streets.
  - B. Blocks:
  - C. Lots:
  - D. **Servitudes and Rights-of-Way: change language as requested by DPW**
  - E. Building Lines.
  - F. **Parks, Playgrounds, School Sites, Etc. Clarify that "Parish" may, at its sole discretion, require fee-in-lieu of land for rec obligation**
  - G. Construction Access Route.
- IV. Design Standards.
  - A. Streets.
  - B. Sewage Systems.
  - C. Water System.
  - D. **Drainage. Change language as requested by DPW to require drainage and impact analysis to be based on the 25-year, 24-hour return frequency**
  - E. Miscellaneous:
    - 1. Sidewalks.
    - 2. Traffic Control Signs, Signals, and Devices.
    - 3. Electrical Service/Street Lights.
    - 4. Reserved
    - 5. Monuments.
- V. Administrative
  - A. Fees.
  - B. Variations and Exceptions.
  - C. Violation and Penalties.
  - D. Conflicting Provisions.
  - E. Effective Date.
  - F. Separability.

2020-

INTRODUCED BY: MATT JEWELL, PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend the St. Charles Parish Subdivision Regulations of 1981 to amend the major subdivision process to require partial infrastructure review as part of the Preliminary Plat phase, and amend the Construction Plan Approval process.

WHEREAS, the Subdivision Regulations of 1981 establish the standards governing acceptable and proper land development patterns; and,

WHEREAS, these requirements are necessary for the planning of growth and management of land; and,

WHEREAS, the minor subdivision process is not intended to create major subdivisions through successive minor subdivisions; and,

WHEREAS, phased development of major subdivisions helps meet market demands but may inadvertently create deficiencies in the infrastructure network; and,

WHEREAS, the issues of infrastructure and drainage impacts would be better addressed early in the decision-making process granting Commissioners and the residents of St. Charles Parish more confidence in the subdivision process; and,

WHEREAS, the formal construction approval is grounded in engineering infrastructure informed by the preliminary plat process; and,

WHEREAS, the St. Charles Parish Council wishes to ensure that quality of life remains high

**THE ST PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the St. Charles Parish Code of Ordinances, Appendix C, Section II. C. regarding minor subdivisions is amended to add item 2 as follows in **bold underline**:

**2. Consecutive Minor Subdivisions. The Minor Resubdivision process is not intended to create major subdivisions from multiple minor subdivisions. Whenever a minor subdivision results in a net increase of lots, parcels, or tracts, no application for a further increase of lots shall be considered by the Planning Commission for a period of two years from the date of recordation unless a majority of the Planning Commission votes to consider the consecutive request to resubdivide into additional lots. This restriction shall not prohibit a property owner from changing boundary lines by administrative resubdivision.**

**SECTION II.** That the St. Charles Parish Code of Ordinances, Appendix C, Section II. C. 3. regarding minimum requirements for minor subdivision plats is amended to add item "I" as follows in **bold underline**:

**I. The following note shall be added to resubdivision maps that result in a net increase of lots: No lot created by this act of subdivision shall be divided in such a way that another net increase in the number of lots occurs for a period of two years.**

**SECTION III.** That the St. Charles Parish Code of Ordinances, Appendix C, Section II. D *Major Resubdivisions*, is amended as follows, with additional text in **bold underline** and deleted text in ~~strikethrough~~:

D. ~~Major Resubdivisions.~~ For any **major subdivision**, ~~subdivision or resubdivision resulting in six (6) or more lots, including any remainder of the original lot, plat, tract, parcel, and/or any subdivision or resubdivision requiring dedication of public improvements, approval shall consist of preliminary plat approval~~ **by the Planning and Zoning Commission**, ~~and~~ construction approval by the **Director of** Planning and Zoning ~~Commission~~, and final approval by the Parish Council.

**1. Reserved. A pre-application meeting with the Department of Planning and Zoning, Department of Waterworks, and Department of Public Works and Wastewater is required prior to application acceptance.**

~~a. Stormwater Pollution Prevention Plan. For Major Subdivisions that involve more than one (1) acre and/or the required public improvements are deemed by the Planning Director to be insignificant, 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.~~

E. *Preliminary Plat Requirements.*

1. When Required. A formal preliminary plat shall be required for **major** subdivisions ~~except where no street, drainage, or sewer improvements are required.~~ (See Section II.C.).
2. Mandatory Submission Requirements. The preliminary plat shall conform to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The preliminary plat shall contain the following mandatory information:
  - a. The name(s) and address(es) of the owner(s) and subdivider(s).
  - b. The seal of the land surveyor preparing the plat and the date of preparation. The plat shall be dated within one (1) year of the subdivision application date.
  - c. A title block containing the subdivision name, location of the property, a true north arrow, and scale, both written and graphic. The preliminary plat shall be drawn to a legible scale.
  - d. Existing property lines, including width and names of bounding streets.
  - e. Section and township lines.
  - f. Zoning district boundary lines, only when such boundary lines bisect the proposed subdivision.
  - g. Location and dimensions of existing improvements, including municipal numbering where applicable.
  - h. Qualifying statement, as follows: "St. Charles Parish land use regulations, including setback standards, supersede private subdivision covenants where parish regulations are more restrictive."
  - i. Existing drainage ditches and canals and their respective servitudes.
  - j. Existing lakes and ponds.
  - k. Name(s) ~~and address(es)~~ of adjoining property owner(s) as they appear on the tax assessor's roles.
  - l. Name(s) of adjoining subdivisions.
  - m. Layout and dimensions, including area, of all proposed lots which shall be numbered consecutively.
  - n. Layout and dimensions of **existing and proposed** servitudes and rights-of-way, including sidewalks.
  - o. Existing bridges, culverts, watermains, sanitary and storm sewers, and other underground structures indicating pipe sizes, grades, and manholes.
  - p. Existing contours at one-foot intervals using mean sea level datum for ground slope within the subdivisions.
  - q. **Statement regarding P**roposed method and source of sewage disposal and/or treatment.
  - r. **Statement regarding P**roposed method and plan for drainage.
  - s. Location and size of any proposed school sites, park sites, playgrounds, or other special uses of land.
  - t. A composite road plan with graphic alignment, proposed street names, right-of-way widths, curve radii and tangent length, intended type of surfacing material, street lighting plan, and the location and type of any proposed railroad crossing(s) for subdivision access.
  - u. Vicinity map at a scale of one (1) inch equals two thousand (2,000) feet.
  - v. Statement of Dedication. Submission of the Preliminary Plat shall be accompanied by a written "Statement of Dedication," Indicating the subdivider's intent to submit a final "Act of Dedication" prior to approval of the Final Plat.
  - w. Statement regarding proposed phases (if any).**
3. Preliminary Plat/Additional Submission Requirements.
  - a. Drainage Impact Analysis. A Drainage Impact Analysis ~~shall be completed~~ by a Civil Engineer registered with the State of Louisiana ~~for all subdivisions of property of one (1) acre or greater.~~ The said Drainage Impact Analysis shall be prepared pursuant to the guidelines specified in these regulations.

- b. Traffic Impact Analysis. A traffic impact analysis, including all required documentation, shall be submitted in accordance with the Parish Traffic Impact Policy.**
  - ~~c. Preliminary Subdivision Storm Water Pollution Prevention Plan. A Stormwater Pollution Prevention Plan, including all required documentation, shall be submitted in accordance with Chapter 25—Stormwater Management and Erosion and Sedimentation Control., Section 25-14.~~
  - d. Drainage Impact Report. A technical report by a Civil Engineer registered with the State of Louisiana delineating how the proposed development will impact downstream drainage**
  - e. Sewer Impact Report. A technical report by a Civil Engineer registered with the State of Louisiana detailing how the proposed sewer plan will integrate with the St. Charles Parish Master Sewage Plan**
  - f. Phasing document. When a preliminary plat shows a subdivision being completed in phases, the subdivider shall submit a document that outlines the proposed schedule for development.**
4. Preliminary Plat Procedure.
- a. Submission Procedure. An application for subdivision approval, ~~and~~ the Preliminary Plat, **and additional submission requirements** shall be submitted to the Director of Planning and Zoning from the record owner(s) of the property being subdivided. If the property is in the name of a corporation, a resolution authorizing the subdivision or authorizing an individual to request such approval shall be submitted. A PDF file and five (5) original copies of the Preliminary Plat shall accompany the application. ~~Upon submission, the Preliminary Plat shall be stamped with the date of filing, and with an acknowledgment that the required filing fees have been paid.~~ **The Department of Planning and Zoning shall forward a copy of the plat and additional submission requirements to the appropriate Departments.**
  - b. Departmental Reviews. The Director of the Department of Planning and Zoning shall ~~then~~ review the Preliminary Plat for conformance with the relevant ~~land use~~ regulations. **The Director of the Department of Public Works and Wastewater shall review the Drainage Impact Analysis and the Traffic Impact Analysis.** The Director of Planning and Zoning shall inform the subdivider in writing within fifteen (15) calendar days of the date of receipt of the Preliminary Plat **and additional submissions, whether** the **application** ~~data submitted~~ does or does not meet the **standards and** objectives of these subdivision regulations. If the **application** ~~data submitted~~ does not meet the **standards and** objectives of these regulations, the reason(s) shall be so stated. When the Preliminary Plat is found to conform to these regulations, **and the Drainage Impact Analysis and Traffic Impact Analysis are approved by the Director of Public Works and Wastewater;** the Commission, through the Department of Planning and Zoning, shall schedule a public hearing on the proposed subdivision.
  - 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.
  - d. Public Hearing Notice. The Department of Planning and Zoning shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the

principal office of the Department of Planning and Zoning and at the building in which the public hearing shall be held. The public hearing shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to the following parties:

- (1) The subdivider and or the owners ~~(at the address(es) listed on the Preliminary Plat).~~
- (2) The owners of the land adjoining the platted land as their names appear on the tax assessor's records. If the subdivider owns the contiguous property, the next subsequent landowner shall be notified.
- (3) The St. Charles Parish Council through the Council Secretary.

**e. Phased Subdivisions: A preliminary plat may show construction and/or dedication of a major subdivision in phases. The Planning Commission may consider all phases of a subdivision on one preliminary plat. Should construction of any phase be interrupted for a period of six (6) months, the Preliminary Plat shall expire. The expiration shall not affect phases of the subdivision that have been constructed and dedicated.**

**e. f. Public Hearing/Decision Process. The subdivider or his representative shall be present at the public hearing to explain the proposal and to answer questions. The Department of Planning and Zoning may make recommendations to the Planning Commission regarding the layout of lots, blocks, streets and general orientation of the design.**

Following the public hearing, the Commission shall either:

- (1) Approve the Preliminary Plat as submitted.
- (2) Conditionally approve the Preliminary Plat with conditions stated in writing. **Conditional approvals may include any or none or the Planning Department's recommendations. Conditional approvals may be granted to ensure that the proposed subdivision conforms to the general safety and welfare of surrounding developments. Conditional approvals may be granted for all, some, or only one proposed phase(s) of a phased subdivision.**
- (3) Disapprove the Preliminary Plat within sixty (60) calendar days of the date of the public hearing unless the time is extended by mutual agreement between the Commission and the subdivider. **The reason(s) for disapproval shall be stated in writing to the subdivider.**

The reason(s) for disapproval shall be stated in writing to the subdivider. Approval or conditional approval shall be evidenced by the Commission Chairman's signature on the Preliminary Plat. Any conditions or requirements shall be referenced and attached to the Preliminary Plat and application. The Commission, through the Department of Planning and Zoning, shall notify the Parish President and the Parish Council of the decision regarding the presented Preliminary Plat. Approval or conditional approval **of a preliminary plat** shall be valid for a period of six (6) months from the date of the Commission decision, unless **specifically** extended by the Commission. Preliminary Plat approval **for phased subdivisions** of any successive phase of an approved subdivision **shall also** expires when **if** construction **within the subdivision, according to the phasing document** is interrupted on any such phase for a period of six (6) months or more.

#### F. *Subdivision Construction.*

1. Approval Procedure—~~Planning Commission~~ Approval **of the Planning and Zoning Department** Required. After receiving Commission approval of the Preliminary Plat and approval by the railroad company for installation of a new railroad crossing (if any) to be dedicated for public subdivision access, the applicant shall submit a PDF file and five (5) original full-size (24" x 36") copies of complete construction plans and specifications, and a PDF file of the site plan to the Department of Planning and Zoning for the area to be developed. The Department of Planning and Zoning shall distribute the PDF file and two (2) copies to the Department of Public Works and Wastewater, the PDF file and one (1) copy to the Department of Waterworks, and the PDF file to the members of the Parish Council for informational purposes only.

Upon the Department of Planning and Zoning receiving letters of **approval** ~~no~~ objection to the complete construction plans and specifications from the Directors of the Department of Public Works and Wastewater, the Department of Waterworks, the Contract Monitor (for street light plan), and Parks and Recreation (detailing the accepted recreation obligation), the complete construction plans and specifications **may be considered for approval by the Department of Planning and Zoning**, shall be forwarded to the Planning and Zoning Commission via the Department of Planning and Zoning. Upon receipt, the Planning and Zoning Commission shall, through the Department of Planning and Zoning, schedule a public hearing on the proposed construction approval for the subdivision. No construction work shall begin until formal construction approval by the **Director of Planning and Zoning Commission** is granted, the developer is notified of the approval by registered letter, and a Pre-Construction Review Meeting is held.

~~a. Public Hearing Notice. The Department of Planning and Zoning shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning and at the building in which the public hearing shall be held. The public hearing shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to the following parties:~~

~~(1) The subdivider and the owners (at the address(es) listed on the Preliminary Plat).~~

~~(2) The owners of the land adjoining the platted land as their names appear on the tax assessor's records. If the subdivider owns the contiguous property, the next subsequent landowner shall be notified.~~

~~(3) The St. Charles Parish Council through the Council Secretary.~~

~~a. Public Hearing/Decision Process. **When considering approval of the construction plans, the Director of Planning and Zoning shall either:** subdivider or his representative shall be present at the public hearing to explain the proposal and to answer questions.~~

~~Following the public hearing, the Commission shall either:~~

~~(1) Approve the Preliminary Plat for Construction **Plans** as submitted.~~

~~(2) Conditionally approve the Preliminary Plat for Construction **Plans** with conditions stated in writing.~~

~~(3) Disapprove the Preliminary Plat for Construction **Plans** within sixty (60) calendar days of the date of **submittal** the public hearing unless the time is extended by mutual agreement between the Commission **Director** and the subdivider. The reason(s) for disapproval shall be stated in writing to the subdivider.~~

Any conditions or requirements shall be referenced and attached to the Preliminary Plat and application. The Commission, through the Department of Planning and Zoning, shall notify the Parish President and the Parish Council of the decision regarding the presented Preliminary Plat and its Construction Approval.

**Documents related to the approval process shall be posted to the Parish website within ten business days of the Planning Director's approval.**

Construction approval of any phase of an approved subdivision expires when construction is interrupted on any such phase for a period of six (6) months or more.

**b. Appeals. Subdividers who have been denied approval of construction plans may appeal to the Planning Commission, through the Department of Planning and Zoning via certified letter, within 30 days of receiving written notice of denial.**

**(1) The Department of Planning and Zoning shall forward to the Planning Commission all construction plans, review memos, responses to review memos, and request for appeal.**

**(2) The Commission shall consider the stated reasons for denial, the submitted plans, and the regulations related to the specific reason for**

**denial. Aspects of the plan already found to be in conformity to the regulations shall not be further considered unless they would be altered in any way to achieve compliance with the Commission's actions.**

**(3) The Commission in voting shall either:**

- i. Uphold the original denial.**
- ii. Reverse the denial of the agency decision being appealed and order the Director of Planning and Zoning to approve the documents for construction. Such order shall take the place of the letter of approval for the agency in question as described in section F. Subdivision Construction.**

2. Construction Plan Mandatory Submission Requirements

- a. Construction Plan. All improvements shall conform to Section III, Geometric Standards, and Section IV, Designs Standards, as contained in these regulations. The basic requirements of construction plans for street, drainage, water, and sewer improvements include, but are not limited to, the following:

(1) Title Sheet. The title sheet shall show the following:

- a. Vicinity Map. The vicinity map shall show an area large enough to identify several surrounding landmarks or municipalities. The map shall be oriented so that the north arrow points upward.
- b. Layout Map. The layout map shall be drawn at a scale of one (1) inch equals two thousand (2,000) feet and shall show the general configuration of the subdivision and the immediate surrounding or connecting roadways or subdivisions. The scale shall be shown below the map.
- c. Subdivision Name. The name of the subdivision as it appears on the approved preliminary plat and the words "Construction Approval Subdivision Plans" shall be shown in bold letters. The subdivision name shall also be shown on the lower right hand corner of the title sheet. (Ord. No. 02-9-22, § I, 9-23-02)
- d. Index. The index to sheets in the plans will be shown in the upper left hand corner of the title sheet. The index shall include a list of all sheets in order by number and description.
- e. Signature. The signature and seal of a Professional Land Surveyor licensed to practice in the State of Louisiana.

- (2) Contour Map. The contour map shall be prepared covering the area of the subdivision and all additional areas of any watershed which drains into the property to be developed.

- (3) Storm Drainage System Plan. A layout map shall be prepared showing the proposed and existing subsurface storm drainage system and/or ditch drainage system within the subdivision, all outfall drainage systems, and individual drainage areas.

- (4) Sanitary Sewer System Plan. A layout map shall be prepared showing the proposed and existing sanitary sewerage systems.

- (5) Water Distribution System Plan. A layout map shall be prepared showing the proposed and existing water distribution systems.

- (6) Street Lighting System Plan. A layout map shall be prepared showing the proposed street lighting system.

- (7) Typical Section Sheet. A section sheet shall be provided showing the finished section of streets with all utilities included.

- (8) Plan Profile. A plan profile of all streets shall be provided including the following:

- a. Profile along centerline and each property line.
- b. Proposed finished centerline grade with station numbers and elevations.
- c. Grade of storm sewer and/or ditch drainage system.
- d. Size and grade of sanitary sewer lines.
- e. Design details of street, drainage, and sewerage improvements.

- (9) Base Flood Elevation Data. Base Flood Elevation (FEMA) data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.
  - (10) Soils Analysis, soil borings, and geotechnical reports shall be performed by a Licensed Professional Engineer. This shall apply to proposed subdivisions, which abut an existing or proposed Major Drainage Canal. The Department of Public Works shall determine specification of the soil analysis, soil borings, and geotechnical reports. Should analysis indicate substandard soils, the Department of Public Works shall require bulkhead construction or acceptable alternatives for the purpose of stabilizing the canal banks. (Ord. No. 99-12-8, § III, 12-6-99)
  - (11) Railroad Crossing(s). If roadway requires a railroad crossing for subdivision access, the subdivider shall submit with the construction plans a copy of the proposed railroad crossing agreement required by the applicable railroad company. The Parish Attorney shall review and return the proposed agreement with comments to the developer within two (2) weeks of the submittal date. Upon submittal of an agreement satisfactory to the Parish Attorney, the Parish President is given authority to execute the agreement as needed for construction of the railroad crossing. (Ord. No. 00-8-1, § III, 8-7-00)
- b. Recreation Impact Acknowledgement. After receiving Commission approval of the Preliminary Plat, the Director of Planning and Zoning shall submit a letter to the Director of Parks and Recreation detailing the land donation calculations and the fee calculations that the developer is to satisfy. A letter of reply from the Director of Parks and Recreation, detailing the accepted provisions, shall be submitted to the Director of Planning and Zoning before formal construction approval.
  - c. Wetland Delineation and/or Wetland Permits. Wetland Delineations must be approved by the U.S. Army Corps of Engineers/New Orleans District; Surveillance and Enforcement Section. If any portion of the property to be developed is designated as jurisdictional wetlands, then all wetland permits must be received prior to construction plan approval. All wetland documentation shall be approved, in writing, by the St. Charles Parish Coastal Zone Management Section before formal construction approval. (Ord. No. 99-3-16, § 1, 3-22-99)
  - d. Private Utilities. Concurrent with the submission of the Construction Plans, the Developer shall submit a letter to the Director of the Department of Planning and Zoning which shall:
    - (1) Identify the private utilities which are to serve the subdivision, and,
    - (2) Provide a statement that the Developer shall notify each of the private utility companies upon construction plan approval to indicate the need for the design and installation of their utilities.
3. Subsequent to approval of Construction Plans by the ~~Planning Commission~~ **Director of Planning and Zoning** and at least fourteen (14) days in advance of the Applicant's intent to commence subdivision construction activities, the Department of Public Works, the Department of Waterworks, and the Department of Planning and Zoning shall be notified by the Applicant in writing of the intent to commence subdivision construction so that a Pre-Construction Review Meeting may be scheduled and so that arrangements can be made to monitor the installation of improvements.
  4. Pre-Construction Review Meeting: Upon receipt of the Applicant's written request to begin construction activities, the Department of Public Works shall notify the Applicant, the Department of Planning and Zoning, and the Department of Waterworks of the time and date of the mandatory Pre-Construction review meeting.
 

During the Pre-Construction Review meeting:

    - a. An itemized listing of all remaining subdivision development fees shall be provided to the Applicant. The Applicant shall be advised that all outstanding fees must be paid to the Parish at least fifteen (15) days prior to Final Plat consideration by the Council.
    - b. At the conclusion of the Pre-Construction Review meeting, the Director of the Department of Public Works may issue a formal Notice to Proceed in writing for construction activities. In no event shall construction activities commence until such time that a formal Notice to Proceed is issued in writing.
  5. Construction Inspection. The Department of Public Works shall arrange for the inspection of construction activities and infrastructure. The inspection arrangements

shall be in place prior to the commencement of any work noted in the approved construction plans. The inspection shall be conducted by a licensed professional engineer registered with the State of Louisiana or by competent individuals having inspection experience working under the PE's direct supervision and instructions, all being employees of the Parish.

- a. The inspection direction and requirements shall be in accordance with an "Inspection Guidance" document for each subdivision that is to be constructed. The document is to be prepared by the Department of Public Works and approved for use by resolution of the Parish Council prior to the start of construction.
- b. The fees for construction testing shall be the actual billed cost of testing performed by an accredited independent material testing firm contracted by the Parish which shall be paid to the Parish by the developer or subdivider prior to Council approval of the final plat.
- c. The fee for construction inspection shall be the actual billed cost for any contracted inspection of a subdivision. The cost shall be borne by the Applicant and paid to the Parish prior to Council approval of the final plat.
- d. The various Parish departments shall have the right to perform any necessary testing and/or inspections supplemental to and/or in addition to that associated with 5.a above and to address issues/conflicts which may arise during construction in order to approve modifications to the approved construction plans or to provide direction as may be needed.

**SECTION IV.** That the St. Charles Parish Code of Ordinances, Appendix C, Section III. Geometric Standards, D. Servitudes and Rights-of-Way, 2. Drainage Servitude is amended as follows, with additional text in **bold underline** and deleted text in ~~strikethrough~~:

2. Drainage Servitude. ~~Whenever a drainage channel, stream, or water course exists or is provided for in a subdivision, a servitude or right-of-way shall be dedicated on each side of such facilities to provide for maintenance and construction. The minimum width shall be the top bank width of the drainage ditch plus twenty (20) feet on one (1) side and ten (10) feet on the opposite side.~~ **A drainage servitude shall be provided for all existing and proposed watercourses including swales, ditches, canals, and ponds. The minimum width of a drainage servitude shall be 20 feet. For larger watercourses, the minimum width shall be the top of the bank width of the watercourse plus 10 feet on each side of the watercourse.**

**SECTION V.** That the St. Charles Parish Code of Ordinances, Appendix C, SECTION III.F.1.b *Parks, Playgrounds, School Sites, Etc* "Fees in Lieu of Dedication" is amended as follows, with additional text in **bold underline** and deleted text in ~~strikethrough~~:

- b. Fees in Lieu of Dedication. ~~If the proposed dedication is unsuitable because of the area, location, or other reasons, the Parish shall~~ **At the sole discretion of St. Charles Parish, the Parish may** require the developer to pay a fee in lieu of such dedication. The amount of the fee shall be three hundred dollars (\$300.00) for each six thousand (6,000) square feet of residential area, up to a maximum fee of one thousand, five hundred dollars (\$1,500.00) per individual lot. Minor residential subdivisions containing only five (5) lots or less, and those subdivisions which require no infrastructure improvements (i.e., streets, sewerlines, etc.) shall be exempt from the provisions of Section [III] F. of these regulations.

**SECTION VI.** That the St. Charles Parish Code of Ordinances, Appendix C, Section IV. Design Standards, D. Drainage, 5. Drainage Impact Analyses, g, h, i, k, and o are amended as follows, with additional text in **bold underline** and deleted text in ~~strikethrough~~:

- g. The subdivision drainage and impact analysis and the subdivision drainage design shall be based on the ~~ten-year~~ **25-year, 24-hour return frequency** storm event.
- h. Subsurface drainage of drainage outfalls serving more than the subdivision will be based on the ~~ten-year~~ **25-year, 24-hour return frequency** storm event.
- i. Open channel drainage of channels serving more than the subdivision shall be based on a ten-year storm event with one (1) foot of freeboard existing in the channel above the ten-year water surface elevation.

- k. Ponding, retention or detention of stormwater shall not be used in the drainage impact analysis unless authorized in writing by the Director of Public Works. **The peak post-development flow rate from storm water runoff shall be equal to or less than the pre-development flow rate for 25-year, 24-hour return frequency storm event. A professional engineer shall design storm water detention**
- o. Subdivision subsurface storm sewers shall be designed for the ~~ten-year~~**25-year, 24-hour return frequency** storm. Outfall structures and outfall channels shall be designed for the ~~ten-year~~**25-year, 24-hour return frequency** storm. Collector street crossings shall be designed for the ~~ten-year~~**25-year, 24-hour return frequency** storm. Arterial street crossings shall be designed for the ~~ten-year~~**25-year, 24-hour return frequency** storm.

# St. Charles Parish Department of Planning & Zoning

## Land Use Report

### Case Number: 2020-08-ORD

#### Introduced by Matthew Jewell, Parish President/Dept of Planning & Zoning

An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, Section XV to clarify the language regarding staff analyses of rezoning requests and require a rezone request meet at least two rezoning guidelines and criteria in order to receive a recommendation for approval from Planning Staff.

#### Background

Section XV of the Zoning Ordinance describes procedures for amending the Official Zoning Map of St. Charles Parish. Part D of Section XV establishes three guidelines for evaluating a rezone request and states staff recommend approval when ONE of those guidelines are met. Staff summarize the guidelines as follows:

- Would the rezone move the Comprehensive Plan forward without creating a spot zone?
- Would the rezone change a zoning district that is so incorrect that the owner can't use the property?
- Would the rezone allow uses that are compatible with the existing neighborhood and that the existing infrastructure can handle?

While staff can consider unique circumstances, the guidelines in Part D are an analytical tool that help staff give clear, concise, and consistent analyses and recommendations. If a rezone request must meet two of the guidelines in order to receive a recommendation for approval, staff can give better analyses to ensure that rezones benefit both the property owner and the neighborhood or parish at large.

The Planning Commission forwarded a similar ordinance to the Parish Council in August. The Parish Council referred the ordinance to their legislative committee, and the Planning Director took recommendations to improve the ordinance.

#### Potential outcomes

If this ordinance is approved, staff will be better able to deliver recommendations against spot zones and against rezones that could result in burden to infrastructure or negative impacts to surrounding neighborhoods to support strong Council decisions on zoning.

#### Recommendation

Approval

**2020-**

**INTRODUCED BY: MATT JEWELL, PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO.** \_\_\_\_\_

An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, as amended, Section XV.D to require rezoning requests to meet a minimum of two (2) rezoning guidelines and criteria in order to receive a recommendation for approval from Planning Staff and also to clarify the language; and to amend Section XV.E to eliminate a typographical error.

**WHEREAS,** St. Charles Parish established zoning districts with certain boundaries “for the purpose of promoting the public health, safety, morals, and general welfare” which are depicted on the “Official Zoning Map of St. Charles Parish, Louisiana;” and,

**WHEREAS,** Zoning encourages neighborhoods to develop in an orderly way by grouping compatible uses and separating incompatible uses; and,

**WHEREAS,** Section XV establishes the procedure to amend the map or “rezone” property and identifies three *Rezoning guidelines and criteria* by which a request to rezone should be evaluated; and,

**WHEREAS,** The St. Charles Parish Council wishes to preserve the integrity of the “Official Zoning Map of St. Charles Parish, Louisiana,” by requiring a rezone request to meet **a majority** of the *Rezoning guidelines and criteria* in order to receive a recommendation for approval from Planning Staff

**NOW, THEREFORE, THE ST. CHARLES PARISH COUNCIL ORDAINS:**

That the St. Charles Parish Code of Ordinances, Appendix A.XV.D. is amended as follows, with additional text in underline and deleted text in ~~strikethrough~~:

D. Rezoning guidelines and criteria: ~~Before the Commission makes a recommendation or the Council rezones property; t~~There proponent for a change should be present reasonable factual proof ~~by the proponent of a change that~~ two ~~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, and that the proposed zoning does. ~~One or more of following examples may be used in evaluating reasonableness:~~ 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. **[INSERT A PARAGRAPH BREAK]**

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 also ~~and~~
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

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

And the ordinance was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_

# St. Charles Parish Department of Planning & Zoning

## Land Use Report

### Case Number: 2020-09-ORD

Introduced by Matthew Jewell, Parish President/Dept. of Public Works and Wastewater

An ordinance to amend the St. Charles Parish Code of Ordinance, Chapter 25 – Stormwater Management and Erosion and Sedimentation Control, Article IV, Section 25-52. – Post construction stormwater standards and requirements, paragraph (b)(2) to increase the level of storm event for overbank flood and property protection.

### Background

Chapter 25 of the Parish Code of Ordinances regulates stormwater quality. The standards in Section 25-52 (b)(2) regulate the rate at which new development sites discharge stormwater by restricting the post-construction stormwater discharge rate to the pre-construction rate when during a rain storm. Currently, the storm that developers have to plan for is “the ten-year, twenty-four-hour return frequency storm.”

2020-06-ORD proposes amending the design storm for drainage plans from the the ten-year, twenty-four-hour return frequency storm to the **25-year, 24-hour return frequency storm**. The 25-year storm is a more intense rainfall event; the change would increase the standard.

### Potential outcomes

If 2020-6-ORD and 2020-09-ORD are both approved by the Parish Council, the Parish will have a higher standard for Drainage Impact Analyses.

### Recommendation

Approval of both 2020-06-ORD and 2020-09-ORD.

**2020-\_\_\_\_\_**  
**INTRODUCED BY: MATT JEWELL, PARISH PRESIDENT**  
**(DEPARTMENT OF PUBLIC WORKS AND WASTEWATER)**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance to amend the St. Charles Parish Code of Ordinances, Chapter 25 – Stormwater Management and Erosion and Sedimentation Control, Article IV, Section 25-52. – Post construction stormwater standards and requirements, paragraph (b)(2) to provide downstream overbank flood and property protection for a 25-year, 24-hour storm event.

**WHEREAS,** Chapter 25 currently requires downstream overbank flood and property protection to be provided by requiring development sites to control the post-development peak discharge rate to the pre-development rate for a 10-year, 24-hour storm event; and,

**WHEREAS,** the St. Charles Parish Council wishes to increase this to post-development peak discharge rate to the pre-development rate for a 25-year, 25-hour storm event.

**NOW, THEREFORE, THE ST PARISH COUNCIL ORDAINS:**

**SECTION I.** That the Code of Ordinances, Chapter 25 – Stormwater Management and Erosion and Sedimentation Control, Article IV, Section 25-52. – Post construction stormwater standards and requirements, paragraph (b)(2), is amended as follows, with additional text in **bold underline** and deleted text in ~~strikethrough~~:

Sec. 25-52. - Post construction stormwater standards and requirements.

(b) Post-development stormwater management performance criteria.

(2) **Overbank flooding protection of bayous and waterways.** Downstream overbank flood and property protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the ~~ten~~**25**-year, ~~twenty-four~~**24**-hour return frequency storm event.

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

And the ordinance was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_