




Office of the Planning Commission

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Frank M. Duke, FAICP
Planning Director

March 7, 2019

TO: Planning Commission
FROM: Frank M. Duke, FAICP, Planning Director 
SUBJECT: TA-2-19, Section 8.213, Rural Zoning (Sand and Gravel Mining)

Application Summary			
Applicant	Metro Council	Submittal Date	November 30, 2016
Code Section(s)	Section 8.213, Rural Zoning		
Areas Affected	Parishwide		
Planning Commission Meeting Date	March 18, 2019	Metropolitan Council Meeting Date	April 17, 2019
Request			
Summary of Change	This amendment deletes out-of-date and unused provisions from Section 8.213 and adds language regulating sand and gravel mining through the issuance of a Major Conditional Use Permit		
Findings			
Approval is recommended, based on consistency with the comprehensive plan, the need to simplify the Unified Development Code, and Council direction			

Case History

- The need to simplify the Unified Development Code (UDC) was recognized during the development of FUTUREBR
- Council directed revisions to Section 10.101, Natural Resource Overlay District One, to simplify the process for authorizing sand and gravel mining operations
- Staff met with industry representatives on May 12 and June 8, 2017
- A final version of the language, replacing the overlay with a Major Conditional Use Permit, was agreed upon on November 29, 2018
- Language within Section 8.213 regarding uses other than single family residential was repealed effective March 30, 2018

Comprehensive Plan Consistency

- These changes are consistent with the following provisions of FUTUREBR:
 - Land Use Action 6.1.1, which calls for ensuring regulatory processes are responsive, efficient, and customer friendly; and,
 - Land Use Action 6.1.2, which calls for making the UDC more customer friendly

Analysis

- The amendment updates Section 8.213 to eliminate language that is no longer in effect

- It changes the process for obtaining a permit to mine sand and gravel from an overlay to a Major Conditional Use Permit
- It revises standards for sand and gravel mining operations
 - Eliminates inconsistent provisions
 - Eliminates frontage requirements
 - Establishes a 100 foot setback from waterways
 - Establishes street yard buffer requirements
 - Requires fencing of the area used for mining
 - Sets hours of operation
 - Establishes bonding requirements to ensure reclamation after mining operations

Community Outreach/Notification

- Staff report will be available for public review on March 7, 2019 at <http://la-batonrouge.civicplus.com/AgendaCenter/Planning-Commission-12>
- Legal advertisement was published in the Advocate on March 8, 12, and 14, 2019

Findings:

Approval is recommended, based on consistency with the comprehensive plan, the need to simplify the Unified Development Code, and Council direction

Section 8.213 R Rural District

The purpose of the Rural district is to permit Agricultural and Low-Density Residential development. If an area is designated Agriculture/Rural on the Comprehensive Plan and is zoned Rural, all lots in a development shall be a minimum of one acre, If the area is designated as any other use on the Future Land Use Map, the maximum density allowed shall be 4.1 units per acre. In addition, churches, schools, public buildings, recreational facilities, and accessory uses normally compatible with surrounding low-density residential development may be permitted.

Manufactured homes may be permitted subject to the following conditions:

- A. Any manufactured home must be located at least 100 feet from a public street and 25 feet from adjacent property lines (unless the owner has the signed notarized consent of the adjacent property owner to place the manufactured home closer than 25 feet, in which case it shall be in accordance with the side yard requirement for Rural zones set forth in Chapter 11).
- B. Any property on which a manufactured home is proposed must have at least 100 feet of frontage on a public street or be located a minimum of 200 feet from a public street having a dedicated access thereto by a recorded instrument effective as to the third parties such as a dedicated private servitude of passage approved by the Planning Commission or as may be noted on an approved plat, which such methods are considered illustrative and not exclusive; and
- C. Only one manufactured home per lot or tract shall be permitted.

Conditional Uses

1. Bed and Breakfast

- a. Shall be located on a lot or tract with a minimum size of one acre.
- b. Must be owner occupied unless located on a tract of five acres or more.
- c. Homes that qualify based upon the 50 year old requirement and are not within a designated historic district or site shall not be located within a recognized residential subdivision unless the lot has frontage on a designated major street.
- d. Limited to four guestrooms
- e. All parking areas shall be completely screened from the street and adjacent residences.
- f. Guests are limited to a maximum stay of seven consecutive days.

2. Cemeteries, Columbaria and Mausoleums

- a. Must be located on a major street.
- b. Shall not be located within a recognized residential subdivision.

3. Commercial Horse Stables and Equestrian Facilities

Shall not be located within a recognized residential subdivision.

4. Day Care Centers

- a. Shall not be located within a recognized residential subdivision.
- b. Shall be within an owner-occupied house.
- c. May only operate between 6:30 a.m. and 6:30 p.m.
- d. A six foot solid wooden fence shall be provided between adjacent residences and outdoor play areas.
- e. All parking areas shall be completely screened from the street and adjacent residences.

5. Educational, Religious, and Philanthropic Institutions

6. Reception Halls with Alcohol

- a. Shall not be located within a recognized residential subdivision.
- b. Shall require approval by the Metropolitan Council as a Major Conditional Use.

7. Reception Halls without Alcohol

Shall not be located within a recognized residential subdivision.

8. Respite Care Center

- a. Shall not be located within a recognized residential subdivision.
- b. All parking areas shall be completely screened from the street and adjacent residences

9. Sand and Gravel Mining

Sand and gravel mining operations authorized through the approval of a Natural Resource Overlay District shall be considered as conforming to the requirements below provided that they operate in a manner conforming with the site plan approved as part of their original approval.

- a. A minimum of five contiguous acres shall be required.
- b. All excavation of dirt, sand, or gravel shall be at least:
 - (1) One thousand (1,000) feet from any residential dwelling;
 - (2) Three hundred (300) feet from any road right-of-way;
 - (3) One hundred (100) feet from any designated Wild and Scenic River or any tributary to a designated Wild and Scenic River;
 - (4) Fifty (50) feet from any abutting property lines, though this distance may be reduced to 25 feet if the neighboring property owner does not object; and,
 - (5) Outside any designated floodway.

- c. All sorting, crushing, loading, and equipment storage shall be located at least 300 feet from any residential dwelling or road right-of-way.
- d. Scales and related equipment shall be located at least 100 feet from any road right-of-way.
- e. A street yard buffer equivalent to an L4 buffer (without a wall) shall be required to ensure screening of all mining operations from the street. Existing vegetation, if preserved, may be used to meet this requirement.
- f. The entire area proposed for mining operations shall be fenced for security.
- g. All access roads shall be maintained with a dust-free surface for a distance of 100 feet from any road right-of-way or adjacent property lines.
- h. An area on the site, located at least 50 feet from any abutting property line, shall be designated for the storage of topsoil removed during mining operations so that the soil is available for use in the reclamation of the site.
- i. Excavation activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- j. A reclamation plan, showing how the area of excavation will be restored with slopes no greater than 4:1 (four feet horizontal to one foot vertical) upon cessation of mining and providing a plan for revegetation of the site, shall be provided as part of any application.
- k. A bond in the amount of \$500 per acre of the area proposed for excavation to ensure reclamation of the site shall be provided to the Planning Commission offices if the use permit is approved before any excavation activity is begun.
- l. The site shall be subject to inspection at least twice annually to ensure compliance with the approved use permit. If the inspection indicates noncompliance, a stop work order shall be issued and the bond forfeited in addition to any other penalties that might be pursued by the Parish.
- m. Shall require approval by the Metropolitan Council as a Major Conditional Use.

10. Shooting Ranges, Indoor

Shall be located at least 300 feet from the boundary of any residentially used property.

11. Shooting Ranges, Outdoor including Skeet Shooting Ranges

- a. A minimum of 45 acres shall be required.
- b. All shooting stations, targets, and firing lines shall be at least ½ mile (2,640 feet) from any existing day care facility, educational or religious institution, or occupied dwelling.

- c. The entire perimeter of the property shall be enclosed within a fence designed to restrict access to the designated shooting area.
- d. Properties where target shooting is proposed to be permitted shall comply with the following regulations, in addition to those listed above:
 - (1) The perimeter of the designated shooting area shall be planted with a buffer consisting of at least three staggered rows of a mix of evergreen and deciduous trees, understory bushes, and grasses planted as a series of windbreaks.
 - (2) An embankment consisting of a core material of compacted soil, rock, or crushed cement covered by rock-free earth and planted with grasses shall be provided along the entire length of any target line to serve as a backstop. The embankment shall be not less than 20 feet in height and not less than four feet in thickness at the top. It shall maintain a 1:1 slope or be terraced with timber or log retaining walls and shall be topped with an earthen mound.

12. Snowball stands

- a. Shall be a seasonal business that operates between April 1 and October 31 that is limited exclusively to the sale of snowballs.
- b. Shall not be located within a recognized residential subdivision unless located on a designated major street.
- c. Shall be located in a structure no more than 200 square feet in area that meets all required setbacks.
- d. All parking areas shall be completely screened from the street and adjacent residences.
- e. Signage shall be limited to one wall sign per street frontage with a maximum size of 20 square feet.

13. Wireless transmitting and receiving facilities

Such facilities shall comply with the requirements of Sections 14.4, Wireless Tower Communication, through 14.45, Waivers.