

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: HO 2012-15

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 9/10/12**
Cajun Sweet Shop, LLC
Christine or Jackie Bartley
9601 Red Church Lane
Destrehan, LA 70047
985.764.1356 / 504.609.9043
- ◆ **Location of Site:**
Same
- ◆ **Applicant's description of business:**
"Strictly online business of candy sales. No shipping or receiving at all. No company vehicle."

SITE – SPECIFIC INFORMATION

- ◆ **Existing Land Use:**
Single-family residence
- ◆ **Surrounding Land Uses and Zoning:**
The property is zoned R-1A and surrounded by R-1A zoning developed with single-family uses.
- ◆ **Traffic Access and parking:**
The available driveway on the site measures approximately 72' x 10' property that can stack as many as four vehicles.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

- A. General: It is the intent of this section to regulate home occupations in residential zones. A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.
- B. Permit Process:
 - 1. Pre-Application Orientation: The Planning Director, or his designated staff, shall advise citizens 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 under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00) for those home occupations that require state permits and/or licenses and twenty-five dollars (\$25.00) for those home occupations that do not require state licenses or permits. The applicant will agree to follow operational regulations. 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 activity complies with the operational regulations of this section. The operational regulations are a guideline.
 - 4. Public Notice and Comment:
 - a. Once the Planning Director has determined that the proposed activity 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. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
5. Determination: The Planning Director 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 permit or license.
 - b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
 - c. Deny the application.
(Ord. No. 06-12-6, § I, 12-4-06; Ord. No. 09-8-1, § 1, 8-3-09)
- C. Operational Regulations:
1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
 2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
 3. There shall be no signs posted which indicate the existence of the home occupation.
 4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § I, 8-18-03)
 5. Only the residents of the premises shall be engaged in the home occupation.
 6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
 7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
 8. The home occupation shall not eliminate required off-street parking.
 9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions 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.
 10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
 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. (Ord. No. 96-7-4, 96-7-4)
 12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
 13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)
- D. Revocation of Home Occupation Permit: A home occupational permit shall 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. 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. The Planning Director may conduct a public hearing on the revocation of a home occupation permit.
- E. Appeal: In the event of the approval or the denial of any permit, or the revocation thereof, or of any objection to the limitations or conditions, or the lack of limitations or conditions placed thereon, appeal may be made in writing by the original applicant or resident of the surrounding subdivision to the Board of Adjustments in accordance with the provisions of section XIII of this Code.
(Ord. No. 87-4-11, 4-20-87; Ord. No. 92-11-16, § II, 4-6-92)

FINDINGS

On September 10, the Planning and Zoning Department was notified that Cajun Sweet Shop, a candy maker, was in operation without zoning compliance and required permits/registrations from other agencies. The owners have ceased operations while they pursue zoning compliance,

building code compliance, and compliance with the LA Department of Health and Hospitals, Food and Drug Division (DHH). The request appears before the Planning Commission because of the need for DHH approval.

A site inspection on September 19 showed that a kitchen had been added on to an existing accessory building (shed). The owners are working with the Building Official to bring the new kitchen into compliance with the building code.

The addition expanded the accessory building toward the main structure (the house) such that 18" separates the buildings. Under the Zoning Ordinance, this condition requires us to treat the accessory building (both the kitchen addition and the original shed) to be considered "attached" to the main building. The shed originally was built 5.5' from the rear property line. The resulting condition is a violation of the 20' required building setback from the rear property line. Staff anticipates that if Cajun Sweet Shop can comply with DHH and the Building Official's requirements, they will apply to the Zoning Board of Adjustments for relief from the required rear yard.

Staff has advised the owners that the regional food business incubator, Edible Enterprises (917 Third Street, Norco) provides a DHH licensed kitchen and ancillary services to support exactly this type of business.

DEPARTMENT RECOMMENDATIONS

Approval contingent upon compliance with building code requirements, setback requirements, and Department of Health and Hospitals/Food and Drug requirements.