

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT
CASE NUMBER: 2022-2-R

GENERAL INFORMATION

- | Application Information | |
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| <p>◆ Name/Address of Applicant
 Artis Nelson (for John & Margarette Nelson)
 3839 Loyola Court
 Decatur, GA 30034
 (404)-409-7713; nelchaart@gmail.com</p> | <p>Application Date: 2/1/2022</p> |
| <p>◆ Location of Site
 Lots 10 & 11, Block N, Magnolia Ridge Park Subdivision; 359 Lily Street, Boutte</p> | |
| <p>◆ Requested Action
 Rezoning from <u>R-1A</u>, Single family residential detached conventional homes—Medium density to <u>R-1A(M)</u>, Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density</p> | |

SITE INFORMATION

- ◆ **Size of Site**
The total area of the proposed zoning is 12,000 sq. ft. (0.27 acres). Both individual lots measure 60 ft. on Lily Street and consist of 6,000 sq. ft.
- ◆ **Current Zoning and Land Use**
R-1A; vacant and cleared.
- ◆ **Surrounding Zoning and Land Use**
R-1A zoning is located to the front and on each side. The two lots immediately adjacent to the rear are zoned R-1A(M).

The property is located in a developed residential neighborhood consisting primarily of site-built houses. Some manufactured homes are present in the neighborhood, including six (6) which are legally non-conforming to the R-1A district. Specifically, a site-built houses is adjacent to the Acorn Street side, and two manufactured homes are located to the rear, fronting on Ash Street. The properties directly across Lily Street and adjacent to the Pine Street side are vacant and cleared.

- ◆ **Zoning History**
The existing R-1A zoning district dates to 1981. Despite this site being within an established R-1A zoning district, a manufactured home was permitted on Lot 10 in 1999 (Permit No. 134120-99). This manufactured home is no longer present and both lots are now vacant. Another six (6) manufactured homes were identified within the R-1A district, making them legally non-conforming uses.

An R-1A(M) zoning district was established in the area with the adoption of Ordinance No. 82-7-11 in July of 1982. This is where the majority of the manufactured homes are located. A spot zoning from R-1A to R-1A(M) was approved in 1987 on the two lots immediately adjacent to the rear of the subject site (Ordinance No. 87-12-9). These lots are developed with manufactured homes.

- ◆ **Future Land Use 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**

Access comes from Lily Street, a local road improved with an asphalt surface approximately 17 ft. wide. Lots 10 and 11 each have 60 ft. of frontage on Lily Street, which exceeds the required width for the R-1A(M) zoning district.

◆ **Utilities**

The infrastructure layer in GIS shows Parish water, sewer, and drainage facilities are available on Lily Street.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

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

Policy statement: This district is composed of areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities, and which meet the architectural and aesthetic standards of a permanent residence. Additionally, mobile homes which meet the special provisions below are allowed.

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.
 - (4) Accessory uses to golf courses and country clubs limited to the following:
 - Art studios
 - Churches and Religious Institutions
 - Commercial recreation facilities
 - Commercial schools
 - Personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
 - Professional offices, examples include but are not limited to doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance
 - Restaurants and cafeterias
 - 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), country clubs, and accessory commercial uses on such properties.
 - (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.
 - (7) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.
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, not withstanding 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. *Reserved.*
- 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.

Appendix A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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. 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.

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

REZONING GUIDELINE EVALUATION

Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that two 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 Low Density Residential Future Land Use designation provides for manufactured homes on individual lots as permitted in the proposed R-1A(M) zoning district. But the proposed zoning would be considered a spot zone. Despite expanding on the R-1A(M) zoning adjacent to the Ash Street side, it should be noted this R-1A(M) district is a spot zone, permitting of uses which are an exception in a neighborhood consisting primarily of site-built houses. An existing spot zone should not be used to justify another map amendment. Approval of the current request would be an expansion of this spot zone, and further the incompatibility of uses within what is a defined R-1A zoning district. **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 and the proposed zoning does.* The existing zoning still allows for reasonable use of the property. Both lots meet the minimum area requirements of the existing zoning district and can be developed with site-built homes right now. This development would be more in character with the larger area, but even more so on Lily Street itself, which consists of 19 dwellings, 17 of which are site-built. This development pattern is mirrored on Ash Street, on the lots which abut the rear of the Lily Street properties. Of those 12 residential dwellings, nine (9) are site-built houses. **The request fails 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 change of zoning would allow for the permitting of two manufactured homes instead of two site-built homes. This difference in use would not present any more of a burden on existing infrastructure, but it would be incompatible with the existing neighborhood character. With the exception of a spot zoning adjacent to the rear, the subject site is located within an established R-1A zoning district with defined boundaries separating it from an R-1A(M) district to the north and west. There is a presence of manufactured homes in the area, including some developed alongside and amongst site-built houses, but these manufactured homes are either located within established boundaries an R-1A(M) zoning district (Ord. No. 82-7-11), or are legally non-conforming. They are an exception to the prevailing neighborhood character of site-built houses, and should not be used to justify the proliferation of manufactured homes within the R-1A district. This is especially apparent on Lily Street itself, where each lot is zoned R-1A, and of the 19 existing dwellings, only two (2) are manufactured homes. **The request fails the third guideline.**

ANALYSIS

The applicant is requesting a rezoning from R-1A to R-1A(M) on Lots 10 & 11, Block N, Magnolia Ridge Park Subdivision. One of the lots is addressed as 359 Lily Street, Boutte.

The request does not meet any of the rezoning guidelines. It would be considered a spot zone, the existing R-1A district still allows for reasonable use of the two lots, and the permitting of manufactured homes would go against the character of a neighborhood consisting primarily of site-built houses.

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any of the rezoning guidelines.