

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: HO 2014-05

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 8/13/14**
Todd and Corinne Gray
T C Commercial Enterprises, LLC
23 Weinnig Drive
Luling, LA 70070
937.469.4404/937.396.9655
Toddgray01@yahoo.com; gray@kona-ice.com
- ◆ **Location of Site:**
The home office and storage of the Kona Ice truck and trailer would be 23 Weinnig Drive. The commissary, required for licensing by the State Dept. of Health Office of the Sanitarian, permitted at 14386 River Road, New Sarpy.
- ◆ **Description of business:**
Sno-ball business using home office, one motorized food-serving unit and one food-serving trailer.

SITE – SPECIFIC INFORMATION

- ◆ **Existing Land Use and Zoning:**
Single family residence in an R-1A zoning district.
- ◆ **Surrounding Land Uses and Zoning:**
The site is surrounded by single-family residences in R-1A zoning.
- ◆ **Traffic Access and parking:**
The property is developed with a one car garage and wide driveway that could stack as many as three vehicles. The applicants propose to park the motorized unit and the trailer behind a privacy fence, out of sight of the roadway and neighboring properties.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

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). 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.
- 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)

FINDINGS

On 8/13/2014, the Grays obtained permit 45-229FS from the Sanitarian to operate one Kona Ice unit stored at the residence and using the Seafood Pot (14386 River Road, New Sarpy) as a commissary. Per the Sanitarian, this type of food service permit requires that any time the mobile unit is used, it must return to the commissary for discharge of water and cleaning; these types of permits generally limit the service area to a 50 mile radius from the commissary; and, the permit is for the motorized unit only to operate. Should they wish to operate an additional trailer, they must obtain a separate permit for it. They applied for a home occupation permit that same day.

The request appears before the Planning Commission because of the need for this food service permit. The applicants indicate that the business model is to operate only at event locations: birthday parties, fairs, festivals and similar events and that the mobile units will be stored out of sight of the roadway and neighboring properties behind a privacy fence on the southern or right side of the house.

The completed application for a home occupation shows that the business owner agrees to the operational regulations for home occupations. They have been informed that zoning compliance and a permit for a home based business does not negate any restrictive covenants on the property they are renting.

DEPARTMENT RECOMMENDATIONS

Approval with the following stipulation:

- 1. All food service units must be parked out of view from the street and neighboring properties.**