

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZR-2018-03

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 04/03/18**  
Clyde McCully for Woodlands RV Park, LLC  
324 Eula Street  
Paradis, LA 70080  
504-473-6012; cemccu2@hotmail.com
- ◆ **Location of Site**  
Lot Q, Estay Subdivision; located at the un-improved end of Wisner Street, Paradis
- ◆ **Requested Action**  
Rezoning of Lot Q from R-1M, Manufactured Home/RV Park to O-L, Open Land

### SITE INFORMATION

- ◆ **Size of Parcel**  
Lot Q is approximately 54,740 square feet / 1.26 acres
- ◆ **Current Zoning and Land Use**  
R-1M, Manufactured Home/RV Park. The property is cleared and fenced. Miscellaneous items are storage on it.
- ◆ **Surrounding Zoning and Land Use**  
The lot is surrounded by R-1A(M) zoning. Mobile homes are adjacent to the Barber Road side; wooded land is adjacent to the rear and Boutte sides; a shed is located across Wisner.
- ◆ **Future Land Use Recommendation**  
Moderate Density Residential – This category includes single family detached dwellings developed consistent with the R-1AM zoning district; attached dwellings such as duplexes, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-2 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.
- ◆ **Traffic Access**  
The portion of Wisner Street that would front Lot Q is shown on the Estay Subdivision Map by David E. Cloud, Sr, PLS, revised April 20, 2006. The street is public, but remains unimproved with no utilities or surfacing in front of this lot.
- ◆ **Utilities**  
Representatives of Public Works & Wastewater and Waterworks indicated that utilities exist in the area and potential development will not overburden the system, but these utilities do not extend to the site. Representatives will allow private service lines within the Wisner Street right-of-way to serve the site; private lines within the public right-of-way would not be maintained by the Parish.

### APPLICABLE REGULATIONS

#### Appendix A. Section VI.

#### [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 right of passage to access the structure exist 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. (Ord. No. 92-9-20, § II, 9-21-92)

- (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 A. Section XV. - Amendment procedure**

- A. The Council may amend this Ordinance when amendments are properly introduced as outlined in Section XIV. No such amendment shall be effective unless:
  1. The Planning Commission has received a full analysis report from the Planning and Zoning Department on the merits of the proposed amendment and the Commission has held a public hearing on the proposed amendment offering standard public notice according to the Commission rules; and
  2. The Council has received a full analysis which includes a recommendation from the Planning and Zoning Department on the merits of the proposed amendment and including a recommendation from the Commission contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed amendment; and
  3. The Council has held a public hearing on the proposed amendment offering standard public notice according to the Council rules.
- B. Following review by the Planning and Zoning Department, a public hearing will be held by the Planning and Zoning Commission. The Planning and Zoning Department 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. 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 all abutting property owners. Following this public hearing, the recommendation of the Planning and Zoning Commission shall be forwarded to the Parish Council by the Planning and Zoning Department.
- C. A Planning Commissioner making a motion which differs from the Planning Staff recommendation may render a written statement in suitable form, for transmittal by the Secretary with the Commission and Staff reports to the Council. In addition, any other member may submit a written opinion on the matter, which shall be transmitted to the Council by the Secretary along with the Commission report.
- 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.

F. *Withdrawal of applications:*

1. Any application which the applicant wishes to withdraw from a Planning Commission public hearing must be withdrawn by written notice to the Department of Planning and Zoning not later than the Wednesday at noon preceding the Commission meeting, and following such withdrawal will not be accepted for readvertisement for six (6) months, except on majority vote by the Commission.
2. When application is duly advertised and not withdrawn as set forth above, a public hearing shall be held by the Commission and a report forwarded to the Council along with any application received. Said application may be withdrawn from Council action only by written request to the Council Secretary before Thursday at noon preceding the public hearing. Any such application withdrawn in this manner shall not be accepted for re-advertising for one (1) year.
3. Any rezoning application withdrawn after Commission action but prior to Council action may be refiled with the Commission in less than one (1) year provided that the Commission approves a written request showing there is evidence not previously considered or extenuating circumstances.
4. Any rezoning application denied by Council shall be prohibited for applying for the same map amendment for a period of one (1) year from the date of denial.

## 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 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 Moderate Density Residential designation plans for residential uses at a greater density, including mobile/manufactured homes, duplexes, and zero lot line developments. It also considers neighborhood serving uses and commercial uses in the CR-1 district. While the O-L district does permit mobile homes, the minimum 20,000 square feet lot size does not create the density called for by the Comprehensive Plan. The proposed O-L zoning would also be a spot zone as it would not expand any existing O-L zoning district and would not be done in furtherance of the Comprehensive Plan. **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 land use pattern and character of the surrounding neighborhood has not changed to the extent that existing zoning no longer allows reasonable use of the property. The surrounding area has been zoned R-1A(M) and developed with mobile homes since the 1981 parishwide zoning. Lot Q was zoned R-1M in 2011. Although the owner has not developed a mobile home park or RV park, it cannot be said that R-1M zoning no longer allows reasonable use of the property. The development of Lot Q with uses permitted in the R-1M district would be in character with the existing land-use pattern and character. **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.* Uses permitted in the O-L district include agricultural uses, single-family homes, manufactured/mobile homes, parks, churches, and child care centers. These uses would be compatible with existing neighborhood character and would likely have a smaller impact on existing utilities compared to the development of a mobile home/RV park. While the potential uses would not overburden existing utilities, these utilities do not extend to the subject site. Private sewer and water lines would likely need to be extended to Parish utilities. **The request complies with the third guideline.**

## ANALYSIS

The applicant is proposing a zoning change to Lot Q from R-1M to O-L. Lot Q was zoned R-1A(M) with the 1981 Parish-wide zoning; rezoned from R-1A(M) to C-3 in 2007 (PZR 2007-08; ord., 07-8-4); from C-3 to R-1M in 2011 (PZR 2011-11; ord. 11-11-9). No commercial use or RV Park has ever been permitted on the lot. Commercial uses are unlikely to develop in this residential area so far from Hwy 90 and with substandard frontage; likewise, an RV park did not develop on the property. Considering the

frontage and the continuing use of the lot for storage of personal property, a change to OL zoning is appropriate.

The request meets the third review guideline. The uses permitted in the O-L zoning district would not be incompatible with the existing neighborhood character. While private utility lines would need to be extended from the site to reach existing Parish utilities, the downzoning from R-1M to O-L would limit the development which can occur compared to the R-1M district, and not overburden existing utilities/infrastructure.

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval, due to meeting the third guideline.**