

## St. Charles Parish Department of Planning & Zoning

**LAND USE REPORT**  
**CASE NUMBER: PZR-2016-16**

## GENERAL APPLICATION INFORMATION

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| <p>◆ <b>Name/Address of Applicant</b><br/>         Lynette Lane<br/>         5 Jasmine Lane<br/>         St. Rose LA 70087<br/>         504.258.0605; nettielane@gmail.com</p>   | <p><b>Application Date: 11/7/16</b></p> |
| <p>◆ <b>Location of Site</b><br/>         Lot 63 and 74 of part of Lot 10, Prospect Plantation (between 224 and 228 Clement Street, New Sarpy).</p>  |   |
| <p>◆ <b>Requested Action</b><br/>         Change of zoning from <b>R-1A</b>, Single Family Residential Detached Conventional Homes-Medium Density to <b>R-1A(M)</b>, Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes-Medium Density.</p> |   |

## SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**  
(Per map) 4,800 square feet; 60 feet of frontage on Clement Street.
- ◆ **Current Zoning and Land Use**  
R-1A, Single Family Residential Detached Conventional Homes; undeveloped.
- ◆ **Surrounding Zoning and Land Use**  
R-1A zoning. The surrounding neighborhood consists primarily of site built single family homes. Manufactured and modular homes are scattered throughout the surrounding neighborhood, mainly along Annex and Terrace Streets. There is also vacant and undeveloped land in the area, mostly along St. Charles Street. Site built single family homes are located to each side of the site and directly across Clement Street from the subject site while the property to the rear is undeveloped.
- ◆ **Plan 2030 Recommendation**  
*Low Density Residential:* This category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A and R-1B zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1A(M). Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ **Traffic Access**  
The site has 60-feet of hard-surface frontage on Clement Street, a local street that connects to River Road.

## APPLICABLE REGULATIONS

**Appendix A., Zoning Ordinance, Section XV *Amendment Procedure*:**

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.

**AND:**

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

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.
  - 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) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
    - (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. (Ord. No. 92-10-9, § II, 10-5-92)
    - (6) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council. (Ord. No. 15-7-5)
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. (Ord. No. 99-8-6, 8-2-99)
    - (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, 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. (Ord. No. 08-8-9, § IV, 8-18-08)
  - 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. (Ord. No. 12-7-4, § IV, 7-2-12)
  - 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. Skirting or foundation plantings as approved by the Zoning and Regulatory Administrator in accordance with the manufacturer's installation instructions to ensure aesthetic compatibility with the residential character of the neighborhood. The entire underfloor of the home shall be completely enclosed, except for the required openings.
- Editor's note— The enforcement of this subparagraph c. was placed on a one-year moratorium expiring Sept. 5, 1990.
- 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.

**AND:**

**Section III. - Definitions.**

*Spot zone:* Rezoning a lot or parcel of land which gives to a single lot or a small area privileges not extended to other land in the vicinity and which is not done in furtherance of the comprehensive plan or to serve the best interest of the community.

<b>ANALYSIS</b>
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The applicant requests a change of zoning district from R-1A to R-1A(M) on Lots 63 & 74, Subdivision of part of Lot No. 10 of lower portion of Prospect Plantation, located between 224 & 228 Clement Street, New Sarpy. The purpose of the rezoning is to permit a mobile home on the site. At the time of writing this report, staff are trying to help resolve a problem with the legal description of the property. The applicant states that her mobile home will replace one that was once on the property and will fit in with the other mobile homes recently placed in the neighborhood

In order to receive a recommendation for approval, an applicant for rezoning must show that the request meets all the criteria of at least one of three guidelines.

The first guideline states that a rezoning must follow the future land use recommendations of Plan 2030 and also not create a spot zone—"give to a single lot or small area privileges not extended to other land in the vicinity." Plan 2030 recommends this site for *Low Density Residential*, which includes the Parish's predominantly single family detached subdivisions, and *individual mobile homes on small platted lots zoned R-1A(M)*. But since rezoning to R-1AM would create a spot zone, it will conflict with one of the criteria of the first guideline. The St. Charles Terrace and Annex Subdivisions were zoned R-1A in 1981. Since then a total of eight (8) requests for R-1AM rezoning have been processed by the Department; the Department recommended for denial in each case; four (4) of those received approval by the Council; three (3) mobile homes have been permitted as a result. The majority of the subdivision is zoned R-1A and developed with site-built construction. **The request fails the first guideline.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point that the existing zoning no longer allows reasonable use of the applicant's property. The site is more suitable for site-built construction. It abuts a single-family residential home on its River Road side, is located in a neighborhood zoned R-1A, and a majority of development in the neighborhood consists of site built single family residential uses. So if the rezoning request is approved it will result in a land use incompatibility, which **fails the second guideline.**

The third guideline states that a rezoning may be considered if the permitted uses will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure. A mobile home on the site would likely not overburden public facilities or infrastructure but would be out of character with the existing neighborhood that consists primarily of site-built single-family residential homes. It is for this reason that the department concludes that **the request fails the third guideline.**

The site is below the three acre threshold that mandates a corresponding Future Land Use Map amendment. Therefore, if the zoning is changed, the map does not need to be amended.

<b>DEPARTMENT RECOMMENDATIONS</b>
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**Denial**