

LAND USE REPORT
CASE NUMBER: 2019-4-R

♦ **Name/Address of Applicant**
Olivia Dufrene Zeringue
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Paradis, LA 70080
(985)-758-7767 or (504)-559-2900

◆ **Location of Site**
Lot 9, Block M, Townsite of Paradis; 15296 Highway 90, Paradis

◆ **Size of Parcel**
Lot 9 is 5,000 square feet, 50 feet wide

◆ **Surrounding Zoning and Land Use**
C-2 is adjacent to the front and each side while R-1A(M) is adjacent to the rear.

◆ **Future Land Use Recommendation**
General Commercial: Includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial–Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.

[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.
 - (6) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the 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. (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.
 - 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. 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.
 - 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:* 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.

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.* Plan 2030 recommends *General Commercial* for this site, which only provides for commercial uses permitted in the C-2 and C-3 districts. R-1A(M) uses, which include mobile/manufactured homes, are not included in the residential uses permitted in commercial zoning districts as Special Permits. A request for R-1A(M) does not conform to the Comprehensive Plan. **The request fails the first criteria.**
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.* Block M is like most blocks in the Townsite of Paradis—comprised of 50-foot wide lots in residential use. Even the lots with Highway 90 frontage in Block M are in residential use and have been since the 50s or before (one lot is developed with a communication utility substation). Developing this 50-foot wide, 5,000-square foot lot for commercial use would be difficult. In addition to the parking, loading, and landscape requirements for any commercial use, the lot would be subject to a 10-foot wide landscape buffer on both sides and the rear. The C-2 zoning does not allow reasonable use of the property because of the surrounding neighborhood, especially the uses on abutting sites. **The request meets the second criteria.**
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 existing neighborhood along Highway 90 consists of a mix of residential and commercial, including a mobile home adjacent to the subject property. The neighborhood between Hwy. 90 and Old Spanish Trail is primarily residential, and includes mobile homes. At 5,000 square feet, the property is only capable of handling a single residence. In addition to mobile homes, the other uses permitted in the R-1A(M) zoning district capable of being located on a property of this size would be not be more impactful to existing utilities than the C-2 uses currently permitted. The uses permitted in the R-1A(M) zoning district would neither be incompatible with the existing neighborhood nor overburden existing infrastructure. **The request meets the third criteria.**

ANALYSIS

The applicant requests a change of zoning from C-2, General Commercial to R-1A(M), Single Family Residential-Mobile Homes on Lot 9, Block M, Townsite of Paradis. The site is 5,000 square feet with 50 feet of frontage on Highway 90, making it legally non-conforming for the C-2 zoning district, but conforming to the required area and width for the proposed zoning district.

Lot 9 has been zoned C-2 since 1981. In 1999, the property owner was granted a variance to allow a mobile home in the C-2 zoning district (ZBA 99-24) and placed the mobile home (permit 14169-99). Generally, a permit can be issued to replace an existing mobile home with another mobile home in any zoning district, but this site has been vacant for more than six (6) months. Since 1999, planning staff have learned that Board of Zoning Adjustments does not have the authority to vary or waive the use restrictions of the zoning districts. The correct process to permit a mobile home on the property is to change the zoning district to R-1A(M).

The request meets both the second and third guidelines for rezoning. The existing C-2 zoning does not allow for reasonable use of the subject property because it is undersized and surrounded by residential uses. R-1A(M) zoning would not permit uses that are incompatible with the neighborhood or burdensome to infrastructure.

Because the site is less than three (3) acres, approval does not require an amendment to the Future Land Use Map.

DEPARTMENT RECOMMENDATION
Approval