

ACADIAN TRACE REZONE

The Department recommends rezoning the area because the land use pattern has changed to the point that development of multi-family housing or the conversion of existing structures to multi-family housing is unreasonable, would not comply with the neighborhood's interest, and would adversely affect the enjoyment of adjacent properties.

PURPOSE

This report was completed in response to a proposed change of zoning district from R-3 to R-1A for Acadian Trace Subdivision. The area under consideration is approximately 27.5 acres developed with four cul-du-sac streets each originally built to serve 18 large lots for single-family development. Most of the lots are over 10,000 square feet. The report describes the development history of the area, existing conditions, and the potential number of housing units that could be permitted in the R3 zone.

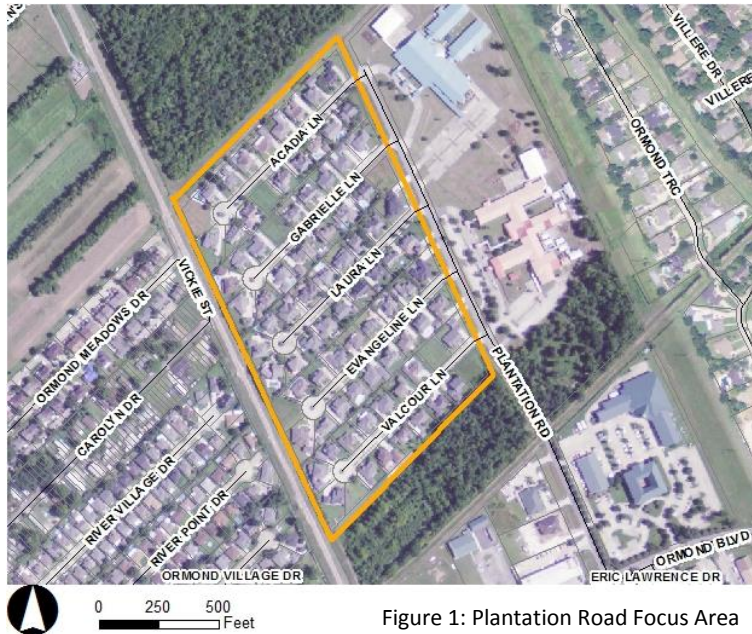


Figure 1: Plantation Road Focus Area

DEVELOPMENT HISTORY

Acadian Trace Subdivision consists of five cul-du-sac streets southwest of Plantation Road built and dedicated between 1995 and 1999, each with 18 lots (90 lots total). Prior to the street development, the area was five large lots, 1A, 2A, 3A, 4A, and 5A of Ormond Plantation, all zoned R-3, multi-family residential, with a strip of Lot 5A zoned OL (open land).

The 1981 zoning map shows the 30 acres of R3 adjacent to a 205 acre C2, general commercial zoning district. At the time, there was an effort to develop an east-west roadway, an extension of Earhart Expressway, directly to this area. The 30 acres of R-3 zoning was meant to encourage development of high-density residential development which would support the commercial node and also provide workforce housing where residents would have convenient access to the city. However, the east-west roadway did not develop, and C2 structures and uses developed only on properties with Boulevard frontage.

As the idea of an east-west roadway faded in the late 80s and early 90s, the huge C2 zone was rezoned in a piecemeal fashion and developed with single-family and multifamily housing:

- 22 acres of the rezoned to R3 and developed with 7.5 acres of apartments (ordinance 82-1-6)
- 7.5 acres rezoned MS & developed with assisted living (PZR 85-23; ordinance 86-1-1)
- 12.25 acres rezoned to R3T and developed with townhouses (PZR 82-12; ordinance 83-8-12)
- 58 acres rezoned to R-1A and develop with single-family houses (PZR 86-04; ordinance 86-3-10)
- 12 acres rezoned (from R3) to R-1A built with a vacant single-family subdivision (PZR 2005-07).

The focus area lay vacant and wooded during this development boom. In 1995, the first street was built and dedicated, Acadia Lane (PZS 94-40). Laura Lane was developed next (1996), then Gabrielle Lane (1997) and finally Evangeline and Valcour Lanes (1999). Although each street was developed with 18 lots intended for single-family houses (generally found in R-1A or R-1B zoning districts), only Gabrielle Lane was rezoned from R-3/OL to R-1A. Department records are unclear whether the developers were advised to rezone to R-1A or R-1B. Because the subdivisions were likely determined to meet R3 standards (minimum lot area is 10,000 square feet which most lots exceed), the department would not have been able to *require* rezoning to R-1A. Single-family houses *are* permitted in R-3 zoning, so the properties remained R-3.

Gabrielle Lane is the exception. It was rezoned to R-1A. This is likely because a portion of the lot that became Gabrielle Lane was zoned OL, which requires at least 20,000 square feet per lot (PZR 97-05).

DEVELOPMENT POTENTIAL UNDER CURRENT ZONING

All parcels located on Valcour Lane, Evangeline Lane, Laura Lane, and Acadia Lane are currently zoned R-3 – Multi-family residential, 2,500 square feet per family. The majority of the lots are developed with single-family houses the majority of the lots exceed 10,000 square feet (not all of the final plats for the subdivisions indicate the square footage per lot, but at least four lots are slightly less than the R-3 required 10,000 square feet). Under the current R-3 zoning, the Planning and Zoning Department would have to permit conversion of any house in this area to up to four dwelling units so long as the proposal complied with building codes, parking, and drainage requirements. Likewise, the Department would have to permit multi-family housing on the vacant properties so long as the proposal met building codes and parking and drainage requirements.

While the covenants on these properties may restrict the use to single-family houses, the Department of Planning and Zoning cannot enforce restrictive covenants. It's not uncommon for restrictive covenants to be more restrictive than the zoning ordinance. The zoning district allows 288 housing units in the R3 zoned streets and 18 on Gabrielle Lane. In other words, this 90 lot area could turn into **306** dwelling units under the current zoning. For this reason, we recommend approval of the rezone to R-1A.

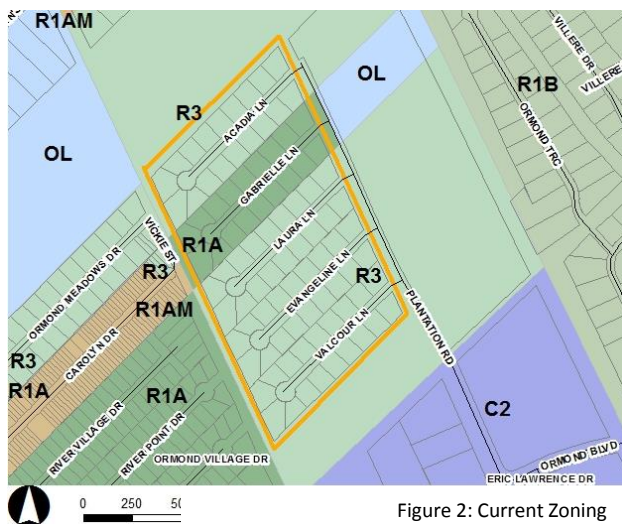


Figure 2: Current Zoning

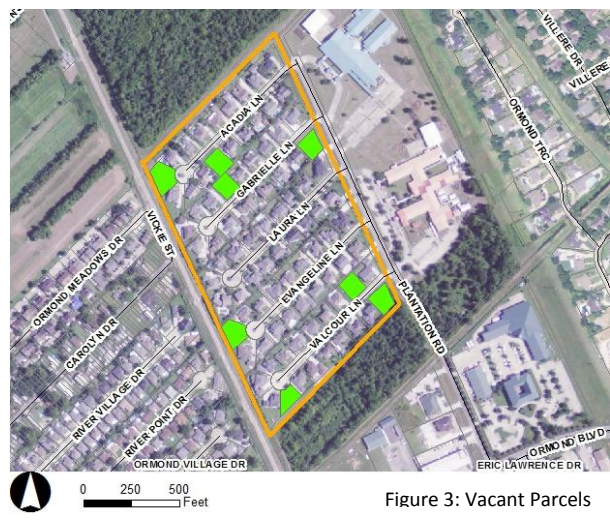


Figure 3: Vacant Parcels

Section VI. Zoning district criteria and regulations,

APPLICABLE REGULATIONS

B. Residential districts, VIII. R-3 Multi-family residential:

1. Use Regulations:

- a. A building or land shall be used only for the following purposes:
 - (1) All uses allowed in the R-2 district. (Ord. No. 88-5-5, 5-16-88)
 - (2) Multi-family dwellings including duplexes, apartments, apartment houses, townhouses, and condominiums.
 - (3) Boarding and lodging houses.
- b. Special exception uses and structures: As approved by the Planning and Zoning Commission
- c. Special permit uses and structures:
 - (1) Supplemental C-1 and C-2 uses. (Ord. No. 88-5-6, 5-16-88)
 - (2) *Reserved.* (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § IV, 4-3-95)
 - (3) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § VI, 10-5-92)

Section VI. Zoning district criteria and regulations, B. Residential districts, I. R-1A Single-family residential detached convention homes (medium density), R1-A zoning is described as areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities and which meet the architectural standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

1. Use Regulations:

- a. A building or land shall be used only for the following purposes:
 - (1) Site-built single-family detached dwellings
 - (2) Accessory uses
 - (3) Private recreational uses
- b. Special exception uses and structures include the following:

- (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
 - (2) Showing the 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 yard lines a distance of at least one (1) foot for each foot of building height.
 - (5) Modular, panelized and precut homes, provided that they are placed on a permanent foundation.
 - (6) *Reserved.* (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § II, 4-3-95)
 - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § I, 10-5-92; Ord. No. 92-12-9, §§ I, II, 12-7-92)