

LAND USE REPORT

CASE NUMBER: PZR-2016-14

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:

[I.] *R-1A. Single family residential detached conventional 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) 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.

(Ord. No. 06-12-6, § II, 12-4-06)

- 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)
 - (8) 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: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet
 - b. Minimum yard sizes:
 - (1) Front—Twenty (20) feet
 - (2) Side—Five (5) feet
 - (3) Rear—Twenty (20) feet
 - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line. (Ord. No. 97-9-3; 9-8-97)
 - (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, § III, 8-18-08)
 - c. Accessory buildings:
 - (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - (2) The accessory building shall not exceed two-story construction.

- (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet. (Ord. No. 82-2-3, § II, 3-1-82)
- (4) Nonresidential accessory buildings shall not be permitted. (Ord. No. 12-7-4, § III, 7-2-12)
- d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

ANALYSIS

The applicant requests a change of zoning district from C-1 to R-1A on Lot 1-A, Dixieland Subdivision, municipal address 17898 River Road, Montz. The lot is developed with a single-family house that was most likely built before the site was zoned C-1 (1981). This is called a legally nonconforming land use, and Section IX.C. (1) states that it can continue:

The lawful use of any building or land existing at the time of the enactment of this ordinance, or amendments thereto, may be continued although such use does not conform to the provisions of this ordinance.

The applicant requests that the zoning be changed to match the development in order to secure a mortgage. This is not uncommon.

The St. Charles Parish Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. The FLUM designation for the lot is Neighborhood Commercial, which corresponds to all uses permitted in the C-1 district and some in the C-2 district. Both the C-1 and C-2 zoning districts allow R-1A uses as a Special Permit, however, so while the change may not seem to conform to the FLUM, it does not conflict with it. As the extension of an existing R-1A zoning district to encompass a property that is developed with a site-built, single-family house, granting the request would not create a spot zone. **The request meets the first criteria.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows for reasonable use of the subject property. In 1981, the C-1 zoning district that comprises the lot was 7.5 acres. The C-1 zoning was likely meant to develop with commercial uses for the 78 residential lots of Dixieland Subdivision (Phase I, 1977; Phase II, 1979); however, the Department has no record of C-1 uses being permitted in the zoning district. In 1985, .5 acres of the C-1 zone adjacent to the subject lot was changed to R-1A (ord. 85-3-11) and in 1996, another 3.5 acres adjacent to the subject lot was changed to R-1A (ord. 96-8-1). The result is two disconnected C-1 zoning districts split by the residential development of Dixieland Subdivision. These two rezonings that occurred adjacent to the site have made it triggered the requirement for a 10' wide landscape buffer and 6' high solid wood or masonry fence in order to permit a C-1 use on the subject property. While the subject lot has 98' of frontage, the designable width of the property is only 51' (the property is only 66' wide and requires a 10' wide landscaped buffer and a 5' wide side yard).

Considering the impact of the rezones to R-1A adjacent to the lot, the C-1 zoning does not allow reasonable use of Lot 1-A not only because of changes in the land use pattern but also because the site *is already developed with a site-built house*. **The request meets the second criteria.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character or overburden existing public infrastructure. The uses permitted in the R-1A zoning district would be more compatible with the existing neighborhood as the area is developed predominantly with site-built single family residences. The Departments of

Public Works and Wastewater and Waterworks indicate that there are services in the area to accommodate uses permitted in the R-1A zoning district. Public infrastructure would not be overburdened. **The request meets the third criteria.**

The rezoning request does not exceed three acres and does not require a corresponding change to the Future Land Use Map.

DEPARTMENT RECOMMENDATIONS

Approval