

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

MITCHELL J. LANDRIEU
MAYOR

JARED E. MUNSTER, PH.D.
DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-14-03

DATE: November 17, 2014

FROM: Jared E. Munster, Ph.D., Director

TO: City of New Orleans Board of Zoning Adjustments

RE: Authority of the Board of Zoning Adjustments to Vary the Standards of Section 1.4 of the Comprehensive Zoning Ordinance with respect to properties bearing the LRS-1, Lakeview Single-Family Residential Zoning Designation.

The question presented to the Director is whether the provisions of the Comprehensive Zoning Ordinance (CZO), Ordinance 4,264 MCS, as amended, allow for a waiver of Article 1, Section 1.4 within the LRS-1, Lakeview Single-Family Residential Zoning District. It is the determination of the Director of Safety and Permits that the Board of Zoning Adjustments is not able to consider this request because a second structure containing a dwelling unit is not a permitted use within the LRS-1 Zoning District.

In evaluating whether a waiver is permissible, one must first refer to the underlying, base zoning district within which a property is situated. In the LRS-1 Zoning District, the Permitted Uses within the District are found in Article 9A, Section 9A.1.3 of the CZO. Within that section, the CZO clearly states that permitted uses include detached single-family dwellings and two-family residential dwellings subject to certain conditions proscribed by the Ordinance. The CZO provides that two-family residential dwellings are only permitted within the LRS-1 Zoning District when a) a two-family dwelling is the immediate previous use of the structure; and, 2) when such a structure is demolished, it may be rebuilt within one (1) year of demolition. Neither of these circumstances would speak to establishing or re-establishing a second dwelling unit on a single parcel.

As the plain text of the Ordinance does not allow us to consider two separate structures as a “two-family dwelling” (see Article 2, Section 2.2.72), we must evaluate this type of request as multiple detached single-family dwellings on a single development site. The Ordinance does not contemplate the term “detached single-family dwellings” within a Single-Family Zoning District as allowing multiple single-family dwellings on a single parcel. Article 3, Section 3.1 provides LRS-1 as being a Single Family Residential District, just as the RS-1, RS-1A, RS-2, LRS-2, and LRS-3 Districts. To read the ordinance as allowing multiple single-family dwellings on a lot in a district where property is clearly zoned for single-family use would be to undermine the foundation of the CZO and Euclidian Zoning.

In sum, the Director is making the following two determinations: 1) two structures each containing a single dwelling unit cannot be considered a “two-family dwelling” for the purposes of the CZO, pursuant to the definition provided therein; and, 2) only one detached single-family dwelling may be established per lot or development tract in a single-family residential district.

