

**Planning Commission
Work Session
April 13, 2021
Page 1 of 11**

The meeting was called to order by Planning Chairwoman Karen Gautreaux. She read that in order to comply with Governor Edwards Executive Order 29 JBE 2021, masks will be required if you wish to attend the Planning and Zoning Commission meeting. We also ask for you to please respect social distancing for everyone's protection. Public comments and questions will be accepted prior to the meeting by email to permits@cityofmandeville.com. The Commission Secretary shall read the e-mails into the record relating to items posted to the agenda.

The secretary called the roll.

Commissioners Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, Karen Gautreaux and Mike Pierce.

Absent: None

Also Present: Cara Bartholomew, Director Planning Department; Elizabeth Sconzert, City Attorney, Mayor Clay Madden; Council Members: Rick Danielson, Jason Zuckerman, Jill McGuire, Dr. Skelly Kreller

Minutes:

Mr. Rhinehart motioned to approve the minutes of March 23rd, 2021, Mr. Adams seconded, the minutes were unanimously approved.

New Business:

P21-04-04 – Recommendation to the City Council regarding Ordinance 21-02 for the City of Mandeville to enact a 12-month amortization on Section 10.5.3.11 electronic message centers Appendix A-Comprehensive Land Use Regulations of the City of Mandeville Code of Ordinances and providing for other matters in connection therewith.

City Council Chairman, Mr. Rick Danielson presented on Ordinance 21-02.

The City Council introduced Ordinance 21-02 at their meeting on March 11, 2021. The ordinance is to amend the provisions of the Electronic Message Centers (EMC's) or Digital Signs.

In 2014, the City Council adopted Ordinance 14-03 which was codified as **Section 10.5.3.11** of the Comprehensive Land Use Regulations Ordinance - Appendix A of the City of Mandeville Code of Ordinances to address the use of Electronic Message Centers or digital signs (collectively "EMCs"). This ordinance allowed EMCs within the commercial zoning districts, specifically, B-1, B-2 & B-4 and adopted minimum requirements for EMC signage. EMCs were permitted to compromise the entire sign face of a monument sign. For example, a monument sign can have a maximum of 50 sq ft. of sign face, 100% of that sign face could have an EMC component.

In 2015, Ordinance 15-11 repealed the previous Land Use Regulations and replaced those regulations with the existing CLURO. With the adoption of the existing CLURO, the sign ordinance was reorganized, and the amortization of the EMCs was put into place. **CLURO Sections 10.5.3.11 (2) - Compliance Required for Existing EMC Signs** and **10.5.3.11 (3) - Amortization of Prohibited Electronic Message Centers** allowed owners of legally nonconforming EMCs to maintain the signs until January 1, 2021. In September 2020, a final notice regarding the amortization period was sent to the remaining eleven (11) electronic message center signs.

The City Council introduced Ordinance 21-02 March 11, 2021. This ordinance proposes to amend **Section 10.5.3.11(3)** supporting the continued prohibition of EMC's whose digital components account for more than 50% of the sign face. Signage whose digital components account for more than 50% of the sign face must comply in full with the amortization of Prohibited Electronic Message Centers and be removed by May 1, 2021. Signage whose digital components account for less than 50% of the sign face may continue to be maintained until January 1, 2022 subject to the provisions of **Section 10.5.3.11.2. Compliance Required for Existing EMC Signs.**

There are currently eleven (11) signs within the City limits which have an electronic message component, of those eleven (11), two (2) properties have turned the electronic message portion of the sign off, leaving nine (9) EMCs in operation. Of the eleven (11) with an electronic message component, four (4) signs contain over 50% EMC portion of the sign face.

The City Council has reviewed the findings set forth in **Section 10.5.3.11.3(a)**, and it believes that the size limitation of the digital component as in the proposed amendment is consistent with said findings. The Council also stated there may be compelling reasons for incorporating digital components as technology has evolved.

There have been several Supreme Court cases surrounding signs and First Amendment rights, since the development of our current Sign Code. The City Council supports a full review of Article 10 - Sign Code by a consultant who has extensive experience in sign regulations.

Amortization of Prohibited Electronic Message Centers

a. Findings. The City Council finds that nonconforming EMCs threaten the public health, safety and welfare because:

- (1) Research shows that the brightness of EMCs inhibits drivers' ability to detect objects in darker areas of the right-of-way, thereby increasing traffic safety risks;
- (2) Research shows that "transient adaptation" or the ability of drivers' eyes to adjust to ambient lighting conditions after viewing EMCs increases the risks of accidents;
- (3) EMCs are inconsistent with the desired character of the community and create a blighting influence on the character of the City;
- (4) EMCs conflict with the City's dark skies goals, objectives and requirements that lights be directed downward; and
- (5) EMCs create inordinate burdens on City inspections staff to monitor and ensure ongoing compliance with the City's sign standards due to the ease with which the signs may be reprogrammed.

Mr. Adams said it is really important that an emphasis is made and definitely needs to be done as soon as possible. Every digital sign out there is illegal and will remain that way until this ordinance is passed.

Ms. Sconzert made comments about whether or not they can regulate an EMC. She said the biggest concern is the constitutionality of it, the freedom of speech. The language needs to be carefully worded in the EMC. She doesn't want to put all the emphasis on the EMC and have the consultant look at the sign code as a whole. She said it is necessary to make sure the community standards are continued. The size, percentage of the sign face, and placement of the sign (zoning) can be decided upon. The case law supports price changes, but you cannot limit it to certain businesses. This is why it is important to have a consultant come in.

Mr. Lahasky asked Mr. Danielson what brought this up?

**Planning Commission
Work Session
April 13, 2021
Page 3 of 11**

Mr. Danielson replied it was a combination of a few things. The challenges years ago were large signs that flashed and changed colors. The question is should small signs be allowed to light gas stations and should they be brought back to a restrictive place.

Mr. Lahasky asked if there was a special consultant Mr. Danielson had in mind.

Mr. Danielson said no, he would be making a suggestion to council to hire someone with that experience.

Mr. Lahasky asked about how much a consultant would cost.

Mr. Danielson estimated \$30-\$40K.

Mr. Rhinehart said he noticed the ordinance has been modified a few times. Some wording was taken out and that it would be better for Planning & Zoning to figure it out.

Mr. Danielson agreed.

Mr. Rhinehart said the case summary already has proposed text change. If it isn't mentioned in the ordinance how would it allow those?

Ms. Bartholomew said there would have to make a text change to the CLURO (below):

10.5.3.11. Electronic Message Centers or Digital Signs

1. Electronic Message Centers Prohibited. Electronic Message Centers (EMCs) are prohibited in all zoning districts except when:

- a) Serving as a public directional or informational sign established by any public agency on publicly owned property or
- b) meeting the definition of an incidental sign.
- c) The Electronic message Center component is less than 50% of the total sign face

d. Amortization. Legally nonconforming EMCs whose Electronic Message Center component is less than 50% of the total sign face erected prior to the effective date of this ordinance may continue to be maintained indefinitely subject to the provision of Section 10.5.3.11.2 of this Sign Code. Legally non-conforming EMC's whose Electronic Message Center component is more than 50% of the total sign face must be removed by ~~until January 1~~ May 31, 2021 subject to the provisions of section ~~10.5.3.11.2 of this Sign Code.~~ Thereafter, unless such signs conform to the provisions of this Sign Code, they shall be removed.

Several citizens spoke opposing the electronic message signs. Ms. Gautreaux said the comments would be accepted into the record. There were approximately 45 emails submitted to the Commission prior to the meeting. Those emails are included in the record and are at the end of the minutes.

Citizens who spoke at the meeting with their opinion on the electronic signs:

Ernest Burguieres
241 Wilkinson
Against

Mike Holland
529 Barbara Place
Against

**Planning Commission
Work Session
April 13, 2021
Page 4 of 11**

Rhonda Alleman
1413 Rue Bayonne
President, Fontainebleau Property Owners Association
Against

Janet Smith
1164 Rue Chinon
Against

Suzie Wilson
203 Skipper Dr.
Against

Michelle Avery
766 Claire Dr.
President of her HOA
Against - No one was in favor from her neighborhood.

Tim Landry
1848 Florida St.
For - He said he is in favor of the signs.

P21-04-05 – Recommendation to the City Council regarding Ordinance 21-03 amending Section 17-86 of Chapter 17 of the City of Mandeville Code of Ordinances Appendix A – Comprehensive Land Use Regulations Section 5.1.15 of and providing for other matters in connection therewith.

The City Council introduced Ordinance 21-03, at their meeting held on January 28, 2021. The proposed ordinance addresses health and safety concerns under Section 5.1.15 Unsafe Buildings. The City Code of Ordinance proposed text change includes the provision that all buildings within the City must be connected to public sewer and water.

Section 5.1.15 of the CLURO be revised and amended to read as follows, the remainder of Section 5.1.15 to remain untouched as if incorporated herein in extenso:

All buildings or structures which are unsafe, unsanitary, *non-compliant with any ordinances or regulations of the City*, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to general public, or which in relation to existing use constitute a hazard to safety or health to the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or are not severally in contemplation of this section are unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair, rehabilitation or by demolition.

P21-04-06 / Z21-04-02 - Recommendation to the City Council regarding Ordinance 21-06 to affect the annexation a portion of ground situated in Section 45, T8S, R11E, St. Tammany Parish, Louisiana, into the corporate limits of the City of Mandeville designating and assigning the property for purposes of zoning as R-1, Single Family Residential District and providing for other matters in connection therewith.

The City Council introduced Ordinance 21-06, at their meeting held on April 8, 2021 to annex a parcel of ground measuring 125' x 69.8' at 493 Live Oak Street. The applicant is requesting the annexation, in accordance with the Survey prepared by Randal W. Brown & Associates, Inc. dated August 17, 2020.

The property is currently situated within St. Tammany Parish jurisdiction as a legally non-conforming Lot-of-Record that is buildable. The applicant currently owns the adjacent Lot

Planning Commission
Work Session
April 13, 2021
Page 5 of 11

86A, Sq. 5, within Old Golden Shores, being 142 Shannon Dr., located within the City Limits. The applicant purchased the adjacent parcel of ground with the intent to incorporate the property into her existing lot and extend the backyard by 69'.

The applicant is also requesting the property be zoned R-1 Single Family Residential District which is compatible with the surrounding area and adjacent property.

The parcel is considered a legally non-conforming lot of record, and once annexed will be under single ownership with the adjacent parcel, Lot 86A in Old Golden Shores. Under CLURO Section **4.2.4.5. Provisions for Legally Non-Conforming Lots-of-Record**, the parcel and Lot 86A become a single development site. The parcel will not be able to be resubdivided into two parcels unless a variance is requested. *"...lands involved shall be considered an undivided parcel" and ... "No portion of said parcel shall be used or sold which does not meet the minimum lot width, depth and area requirements established herein"*.

The City's Comprehensive Land Use Plan adopted August 1, 1989, revised January 2007, states annexation of certain areas as an objective of the City's Growth Management Plan and this annexation does comply with that objective. The Growth Management Agreement (Ord. 03-10) identifies the area to the west of Golden Shore Subdivision as Annexation Area 1. The property will be annexed into Council District 2.

P21-04-07 - Recommendation to the City Council regarding Ordinance 21-10 to revoke the dedicated portion of Monroe St. between Lamarque St. and Foy St. in accordance with the legal description and survey prepared by Randall W. Brown & Associates, dated October 11, 2019; declaring that the portion of Monroe St. as surplus and no longer needed for City use; disposing that portion of the Monroe St. at a private sale, authorizing the Mayor to execute all necessary documents; and assigning the property as R-1, Single Family Residential District providing for other matters in connection therewith. **(WITHDRAWN)**

R21-04-02 - Jacqueline Vidrine requests a resubdivision of a portion of Square 55 into Parcels A and A1, City of Mandeville, Zoned R-1, Single Family Residential District.

The applicant is requesting to resubdivide an existing 1.01 acre parcel into Parcel A and Parcel A1, in Square 55 of Town of Mandeville located on the corner of Montgomery St. and Foy St. The lot is irregular in shape, wrapping around the corner lot, being 738 Foy St. The Parcel measures 125.65' on Montgomery St. and 72.10' on Foy St. The applicant is requesting to subdivide the lot into two (2) parcels, being Parcel A and Parcel A1, with Parcel A having frontage on Foy St. and Parcel A1 having frontage on Montgomery St.

The applicant is also requesting a variance to **CLURO Section 7.5.1.3, R-1 Site Development** Regulations to the following:

Proposed Parcel A: 72.10' frontage on Foy St; 266.45' depth; Area of 20,007 sq ft. (.62 acres)

The frontage of 72.10' along Foy St. requires a variance due to the minimum lot width of 90' for the R-1 Single Family Residential District. The parcel widens out to 122.10' after the first 110' back. The average width of the proposed lot is 97.1' $(72.10 + 122.10/2)$. The applicant is requesting a variance of 17.99' from the minimum width of 90' to 72.10'. The parcel is compliant with the minimum lot area.

Proposed Parcel A1: 125.65' on Montgomery St., 131' in depth; area of 16,988.4 sq ft. (.39 acres) is compliant with all site development criteria for the R-1 Single Family Residential District.


**Planning Commission
Work Session
April 13, 2021
Page 6 of 11**

LOT AREA	Required Lot Area	Proposed	Variance Requested
Prop. Parcel A	10,800	20,007	None
Prop. Parcel A1	10,800	16,988	None


Lot FRONTAGE / Depth	Required Lot Frontage / Depth	Proposed	Variance Requested
Prop. Parcel A	90'x120'	72.01x266	17.99' frontage
Prop. Parcel A1	90x120'	125x131	None

Old Business: None

Ms. Gautreaux adjourned the Planning Commission Meeting.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

**Zoning Commission
Work Session
April 13, 2021
Page 7 of 11**

Chairman Nixon Adams, Zoning Commission Chairman, commenced the Zoning Commission Meeting.

Mr. Adams said any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

New Business:

V21-04-11 – Brad and Dawn del Rio requests a variance to CLURO Section 5.2.3.2 - Drainage Overlay District and Fill Sub-Area A, Sq. 77, Lots Part of 2 & 15, R-1 Single Family Residential District; 1331 Madison St.

Ms. Bartholomew presented the first case, V21-04-11. The applicant purchased a portion of lots 2 & 15 within Sq. 77 and intends to construct a single-family dwelling. The lot is 75x186 (13,950 sq ft.) fronting on the north side of Madison St, between Atalin St. and unimproved Albert St. and is zoned R-1, Single Family Residential.

The parcel is also located within the D-O Drainage Overlay District and Fill Sub-Area A which limits the placement of fill to a maximum of 6". A drainage plan drawn by Randle W. Brown & Associates dated March 12, 2021 has been submitted. The drainage plan shows existing elevations ranging from 4.9' MSL at the edge of the property line near the street to 1.5' MSL near the jurisdictional wetlands.

The applicant is requesting a variance to CLURO Section 5.2.3.2 Drainage Overlay District and Fill Sub-Area A, specifically to allow for 3' of fill to be placed under the roof shed and for the driveway. The drainage plan calls for the top of the slab (finished floor elevation) at 6.5' MSL requiring approximately 3' of fill for the driveway and under the roof line.

The proposed location of the single-family dwelling required exceptions to the front and side yard setback. In 2019, the Zoning Commission unanimously approved a request for an exception to the east side yard setback from the required 12' to 7' (30% allowable shift (3'6"), allows for a minimum of 8'3"), and the front yard setback from 25' to 15'. The Commission found the variance request to be acceptable due to the back half of the lot being within jurisdictional wetlands. Allowing for the encroachment in the front yard minimizes any adverse impacts to the wetlands. The variance for the east side setback allows for the driveway and side load access to be placed on the west side, allowing for the preservation for the maximum number of trees of the East Side.

In 2017, the previous owner of this lot was granted permission to demolish the structure on the lot and subsequently requested a variance to fill the parcel to be at 5.4' msl at the front of the lot slope down to 3.8 msl. That request was denied.

Public Works and Engineering have submitted the following Comments:

1. DPW does not recommend 3' of fill for the driveway. They should go from 4.9' natural ground to 6.5'.
2. Culvert may be required, but hard to tell without elevations showing how the ROW at Madison St. is sloped.
3. Slope arrows do not depict proposed grades. Everything appears to currently drain from Madison St to the wetlands. Changing the water flow will need to be reviewed by having the applicant develop a grading/drainage plan.
4. Owners should show where they will contain the runoff to not allow additional runoff onto the neighbors. (Grading/Drainage plan)

**Zoning Commission
Work Session
April 13, 2021
Page 8 of 11**

5. Additional Elevation shots should be taken at the adjacent property lines and at Madison St. to help determine the developments impact to current area drainage.
6. Existing grades of natural ground should remain outside of the foundation's footprint; however, some/minimal fill may be necessary to help convey the runoff away from the foundation. This should be shown on the grading/drainage plan.
7. Proposed grading and drainage plan with elevations/contours should be required.
8. Under any of the less restricted fill zones (Fill Sub-Area B, & Remainder of the City) fill is not allowed within 5 feet of the property line. If granted, there will be no exception to this requirement.
9. Under less restricted fill zones, fill over 2 feet is required to be contained, (sheeting, chain wall).
10. If sheeting or Chain wall is not within the scope, the highest elevation (of slab) allowed would be 4.5'.

The applicant submitted the following in the application: *The property at 1331 Madison Street consists of 2/3 wetlands with a buildable area of land that has a high point of 4.9 feet above sea level and a low point of 3 feet above sea level. Although the planned homesite will be a raised structure, the parking area will be adversely affected with flooding multiple times a year as observed by many homeowners near the water. There is also concern of land erosion since there are underground drainage pipes from the Prieto Marina that allow storm water to flow into the wetlands directly affecting the high ground of the property.*

The request for variance is for 210 cubic yards of fill which will raise only the driveway area under the house to 6.5 feet above sea level. This would at least raise the parking area above the usual flooding that is currently experienced multiple times a year by homeowners near the water in Mandeville. It will protect the cars and boat parked under the house as well as prevent further erosion since the property owner plans on building a bulkhead.

Relevant sections to the D-O Drainage Overlay District are included, as follows:

5.2.3.2 Drainage and Overlay District and Fill Sub-Area A

1. Grading and Fill. No change in elevation from natural grades shall be allowed except follows:
 - a. Up to six (6) inches of fill may be placed under the perimeter of the soffit or roof line of structures to achieve positive drainage from under the structure.
 - b. Existing sites may be graded, or surface or subsurface conveyances may be established to meet the City's requirement to convey water to the City's stormwater management system.
 - c. Grading changes shall not have an adverse impact on adjacent properties in accordance with State law.
 - d. Fill shall not be allowed within the dripline of existing trees required to remain or any vegetative protection area.
3. Driveways
 - a. Driveways shall be built at existing grade except that driveways may be elevated no more than six (6) inches if necessary, to access a garage or parking areas beneath the building and to help convey water to the City's stormwater conveyance system.

7.6.1.3. Areas Within D-O Drainage Overlay Districts

2. The D-O district includes any area that is below six (6) feet MSL, is adjacent to or includes areas of periodic inundation (5 ft. MSL or lower) subject to the regulations of the State Coastal Management Division, subject to Section 10 of the Rivers and Harbors Act and subject to Section 404 of the Clean Water Act.
3. For purposes of site development, the portion of the lot within the mapped boundaries of the D-O district shall be considered to be a parcel within the D-O District unless the applicant provides credible evidence that the natural grade of the area is above six (6) feet MSL.

7.6.1.4. D-O Site Development Regulations

For the purposes stated in the creation of this overlay district, no fill shall be placed and the vegetative matter shall be preserved undisturbed in the mapped boundaries of the D-O District except in compliance with the provisions of this CLURO. Any development of land shall only occur in the buildable area of lots outside of the D-O District, except in cases where the remaining buildable area of the site is insufficient to meet the requirements of the district in which it is located and to construct a proposed building in which case the following provisions shall apply.

1. Compliance with Grading, Fill and Foundation Supplement. In addition to the provisions of this section, development shall comply with the provisions of **Section 5.2.3.**
2. Construction in Buildable Area of Lot - When a previously subdivided or legally created lot of record or a single undivided parcel of land under the provisions of Article 4, Non-Conforming Lots, is deficient in required area or required buildable area due to areas of periodic inundation, as defined, or areas subject to state and federal jurisdiction as listed above, the owner may construct a single-family home in base residential districts or a non-residential building as permitted in the base zoning district on the non-conforming lot provided that the building is placed in such a way so as not to disturb the vegetation or require the placement of fill in the mapped boundaries of the D-O District; provided, however, that the proposed building site falls within the buildable area of the lot or lots under single ownership and meets all other requirements of the base district in which it is located.

V21-04-12 - Richards Collection Realty, LLC requests an exception to CLURO Section 10.5.3.3, Free Standing Signs specifically, maximum sign height and minimum setback, CLURO Section 10.5.3.5, Multi-Occupant Premises and Large Site Development maximum sign area and minimum lettering height for the replacement of a monument sign, Causeway Approach Shopping Center. Zoned B-2 Highway Business District, 1200 W. Causeway Approach. **(WITHDRAWN)**

V21-04-13 - Jacqueline Vidrine requests an exception to CLURO Section 7.5.1.3, R-1 Site Development Regulations, specifically minimum lot width, for the resubdivision of a portion of Square 55 into Parcels A and A1, City of Mandeville, Zoned R-1, Single Family Residential District.

The applicant is requesting to resubdivide an existing 1.01 acre parcel into Parcel A and Parcel A1, in Square 55 of Town of Mandeville located on the corner of Montgomery St. and Foy St. The lot is irregular in shape, wrapping around the corner lot, being 738 Foy St. The Parcel measures 125.65' on Montgomery St. and 72.10' on Foy St. The applicant is requesting to subdivide the lot into two (2) parcels, being Parcel A and Parcel A1, with Parcel A having frontage on Foy St. and Parcel A1 having frontage on Montgomery St.

The applicant is also requesting a variance to **CLURO Section 7.5.1.3, R-1 Site Development Regulations** to the following:

Proposed Parcel A: 72.10' frontage on Foy St; 266.45' depth; Area of 20,007 sq ft. (.62 acres)

The frontage of 72.10' along Foy St. requires a variance due to the minimum lot width of 90' for the R-1 Single Family Residential District. The parcel widens out to 122.10' after the first 110' back. The average width of the proposed lot is 97.1' $(72.10 + 122.10/2)$. The applicant is requesting a variance of 17.99' from the minimum width of 90' to 72.10'. The parcel is compliant with the minimum lot area.

**Zoning Commission
Work Session
April 13, 2021
Page 10 of 11**

Proposed Parcel A1: 125.65' on Montgomery St., 131' in depth; area of 16,988.4 sq ft. (.39 acres) is compliant with all site development criteria for the R-1 Single Family Residential District.

LOT AREA	Required Lot Area	Proposed	Variance Requested
Prop. Parcel A	10,800	20,007	None
Prop. Parcel A1	10,800	16,988	None

Lot FRONTAGE / Depth	Required Lot Frontage / Depth	Proposed	Variance Requested
Prop. Parcel A	90'x120'	72.01x266	17.99' frontage
Prop. Parcel A1	90x120'	125x131	None

Z21-04-02 – Recommendation to the City Council regarding Ordinance 21-06 to affect the annexation of a portion of ground situated in Section 45, T8S, R11E, adjacent to Golden Shores Subdivision Lot 86A, Section A, Square, 5, St. Tammany Parish, Louisiana, being 493 Live Oak St. into the corporate limits of the City of Mandeville designating and assigning the property as R-1, Single Family Residential District and providing for other matters in connection therewith.

The City Council introduced Ordinance 21-06, at their meeting held on April 8, 2021 to annex a parcel of ground measuring 125' x 69.8' at 493 Live Oak St. The applicant is requesting the annexation, in accordance with the Survey prepared by Randal W. Brown & Associates, Inc. dated August 17, 2020.

The property is currently situated within St. Tammany Parish jurisdiction as a legally non-conforming lot of Record that is buildable. The applicant currently owns the adjacent Lot 86A, Sq. 5, within Old Golden Shores, being 142 Shannon Dr., located within the City Limits. The applicant purchased the adjacent parcel of ground with the intent to incorporate the property into her existing lot and extend the backyard by 69'.

The applicant is also requesting the property be zoned R-1 Single Family Residential District which is compatible with the surrounding area and adjacent property.

The parcel is considered a legally non-conforming lot of record, and once annexed will be under single ownership with the adjacent parcel, Lot 86A in Old Golden Shores. Under CLURO Section **4.2.4.5. Provisions for Legally Non-Conforming Lots-of-Record**, the parcel and Lot 86A become a single development site. The parcel will not be able to be resubdivided into two parcels unless a variance is requested. *"...lands involved shall be considered an undivided parcel" and ... "No portion of said parcel shall be used or sold which does not meet the minimum lot width, depth and area requirements established herein".*

The City's Comprehensive Land Use Plan adopted August 1, 1989, revised January 2007, states annexation of certain areas as an objective of the City's Growth Management Plan and this annexation does comply with that objective. The Growth Management Agreement (Ord. 03-10) identifies the area to the west of Golden Shore Subdivision as Annexation Area 1. The property will be annexed into Council District 2.

4.2.4.5. Provisions for Legally Non-Conforming Lots-of-Record

1. If lot dimensions do not meet minimum standards and the lot has been in separate ownership from adjacent property continuously since passage of this CLURO, such lot may be used as a building site for a permitted use in conformance with the requirements of district in which the site is located.


**Zoning Commission
Work Session
April 13, 2021
Page 11 of 11**

2. When a substandard lot is used together with one or more contiguous lots for a single use or unified development, including lots used for off-street parking, all lots shall be considered a single lot for the purposes of these Land Use Regulations.
3. If two (2) or more contiguous lots-of-record or parts thereof are in single ownership and all or part of the lots do not meet the requirements for lot width, area, or buildable area lying outside of areas of periodic inundation (defined in Article 3) as established herein, the lands involved shall be considered an undivided parcel for the purposes of this CLURO. No portion of said parcel shall be used or sold which does not meet the minimum lot width, depth and area requirements established herein, except as follows:
 - a. the lot area of each lot meets the minimum area and buildable area requirements of the zoning district in which it is located; and
 - b. the lot width is no less than 85% of the minimum lot width required in the zoning district in which it is located.
4. When one or more lots abut one or more lots that do not meet minimum requirements, the lots may be reconfigured to increase the conformity of the substandard lots, provided that the remaining parcel or parcels conform to minimum standard.


Z21-04-03 – Recommendation to the City Council regarding Ordinance 21-10 to revoke the dedicated portion of Monroe St. between Lamarque St. and Foy St. in accordance with the legal description and survey prepared by Randall W. Brown & Associates dated October 11, 2019; declaring that the portion of Monroe St as surplus and no longer needed for City use; disposing that portion of the Monroe St. at a private sale, authorizing the Mayor to execute all necessary documents; and assigning the property as R-1, Single Family Residential District providing for other matters in connection therewith. **(WITHDRAWN)**

Mr. Clark made a motion to adjourn the meeting, seconded by Mr. Lahasky, all were in favor.

The meeting was adjourned at 8:07 p.m.



Alex Weiner, Secretary



Nixon Adams, Chairman
Zoning Commission