Planning Commission
Public Hearing
October 27, 2020

The meeting was called to order by Planning Chairman Karen Gautreaux and the secretary called the roll.

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

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; and Council Members Rebecca Bush, Skelly Kreller and Jason Zuckerman

The first case discussed had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was P20-10-06 Recommendation to the City Council regarding Ordinance 20-20 to effect the annexation of a portion of ground situated on 3.47 acres on Section 42/11 (NE Corner of West Causeway Approach and Shadow Oak Lane) into the corporation limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2, Highway Business District and providing for other matters in connection therewith and the zoning case discussed was Z20-10-03 Recommendation to the City Council regarding Ordinance 20-20 to effect the annexation of a portion of ground situated on 3.47 acres on Section 42/11 (NE Corner of West Causeway Approach and Shadow Oak Lane) into the corporation limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2, Highway Business District and providing for other matters in connection therewith

Ms. Scott presented that the City Council introduced Ordinance 20-20, at their September 24, 2020 meeting. The Ordinance was to annex a parcel of ground containing 3.47 acres on the northeast corner of West Causeway Approach and Shadow Oak Lane with a municipal address of 1201 West Causeway Approach. The request was in accordance with the Survey and legal description prepared by Fontcuberta Surveys Inc. dated August 31, 1992.

It was discussed at the work session that the original zoning request was B-2, Highway Business District, and it was agreed to amend the zoning to a Planned Combined Use District (PCUD). The site was currently undeveloped. The property was located in Infill Area 1 under the Growth Management Agreement. The City received 100% of the sales tax revenue in this area.

Ms. Scott stated that Mr. Adams had questioned the appropriate Council district and the ordinance could be amended to be included in District 1 instead of District 2. In 2021 there would be a redistricting of the City, but District 1 would be more consistent.

As previously discussed, seven of the nine previously annexed properties had been zoned Planned Commercial District with a hybrid ordinance based on Ms. Garvey's proposal of a previous annexation with the approval by the Fontainebleau Subdivision property owners. The more intense land uses were eliminated and the ordinance waived the resubmittal of the site plan provided it met the B-2 site development criteria of setbacks, parking and landscape requirements. If the ordinance was amended with the zoning and land uses then further approval of the site plan would be waived.

The staff met with the City Engineer and their Lighting Engineer about suggested language. With the residences input, the request was no outdoor music to be allowed. There were existing impacts for adjacent commercial properties with outdoor seating and music or speakers that were not being controlled. With this site being contiguous to nine residences that was the reason for the request. The 1999 ordinance had included a limitation of light poles in the rear 30' setback and the neighbor' current request was to also eliminate any light poles in the rear 30' setback. In this case, the depth of the property on the north side was 400' deep which required a 30' setback. The triangular shape of the property would have it narrow on certain portions of the property. There could be lower-level lighting allowed, but no light poles to create an adverse condition. The City's regulations required full cut off lenses and the staff felt the existing CLURO language was adequate with this provision.

Mr. Pierce asked on the previous ordinances, had there been complaints about waiving the site plan review. Ms. Scott said the uses were limited and reviewing the submitted plan for permitting had worked well.

Mr. Rhinehart clarified there would be no outdoor music in the ordinance. Ms. Scott said if the ordinance was amended to include the restriction, it would be effective for this property. Ms. Scott said the information had been forwarded to Mr. Lark representing Ms. Garvey. They were not in favor eliminating restaurants from the ordinance, and the music component was not discussed with Mr. Lark. Mrs. Garvey wanted to annex the property and there were not applications for development. Mr. Rhinehart said the concern at the last meeting was regarding the site plan, and a restaurant would be allowed by right. He asked to consider that one concession to the neighborhood of limiting the outdoor noise. Mr. Lahasky said the commission could not reasonably deny the annexation. A B-2 use would be harsher for the neighbors and this was a good compromise for the neighbors. His opinion was it would be annexed and it would be determined how restrictive the commission would be on the lighting. Mr. Adams said not annexing the property would not be in agreement with Sales Tax Agreement and counter to the Comprehensive Plan with this property being the highest preferred annexation area. Ms. Scott clarified there were uses that did require a Special Use Permit that would be approved by the commission on review of the site plan. The commission was in agreement to moving the restaurant

requirement to requiring a Special Use Permit requiring site plan review. Mr. Lahasky suggested there may be a business that wanted to have an annual crawfish boil with music and he would not want to prohibit any music.

Ms. Spranley read an email from Zachary Fields opposing the annexation attached to an email from Julie Shreve stating there were grave concerns about the potential uses and this was a green area. She asked for further review of the request. The email was attached to the minutes.

Council Member Rebecca Bush stated she was representing owners in District 1 and she understood the need to balance the right of the property owner. At the same time, the commission was balancing the right of the adjacent property owners. The balancing analysis was in favor of more restrictions and she felt the commission was working in the right direction addressing the lighting and music. She encouraged restrictions of the time and frequency issue. She proposed amending the ordinance to include foot candle measurement be performed on a regular basis. It was easier to change a light bulb than the height of a light pole.

Mark Shreve, 122 Longleaf Court, said a restaurant with music was an issue. Cinco de Mayo had at times shaken their windows at 9 p.m. They called the police and were told there was a permit for the noise to go beyond 10 p.m. Music at a crawfish boil would be a small occurrence. He would prefer there would be no bands or piped in music.

Council Member Dr. Skelly Kreller said the best scenario would be for the property to remain as green space; but the property owner had a right of development. He asked that the ordinance completely remove the rear pole lighting and asked if that would take precedence over the existing CLURO language. Ms. Scott said in a Planned District the language adopted in the ordinance governed the site which would be outside of the CLURO. The proposal would be more restrictive than the CLURO regulations. Dr. Kreller also asked if there could be a discussion with the owner to retain the property as green space with the City purchasing the property. Ms. Scott said that would be up to the City Council. Commercially zoned property was a revenue to the City, and there may be other priorities for property purchase. Dr. Kreller said the other properties were deep which could buffer more of the noise. With the triangular shape of the property much of the property would not be able to be used. Ms. Scott said the developable area would become more of a rectangular shape with the buffers and greenbelts.

Council Member Jason Zuckerman asked since the property was currently zoned similar to the City's highway commercial zoning, what would be the difference in uses? Ms. Scott said the proposal would be an amendment the zoning to Planned Combined Use District with a list of restricted uses, eliminating many of the B-2 zoning district uses. This

was consistent with the adjacent properties. The applicant was agreeable to changing the zoning to PCUD.

Cheryl Livaudais, 885 Shadow Oak Lane, said she moved to Mandeville in 2007 and liked Mandeville being quaint and having greenery. She was in favor of the property being retained as green space. She was concerned development would affect her property values especially with the existing loud music from Carretta's, Mandeville High School's band and Benedict's. She thought purchasing the property by the City or the adjacent owners was a good option.

Deborah Scheuerman, 110 Longleaf Court, said this was a long stretch along West Causeway with the shape of the lot. With tree removal there would be additional traffic noise. She requested consideration of any building height, lighting and noise if it must be developed.

Mr. Rhinehart moved to recommend annexation of the property with an amendment to the ordinance changing the zoning to PCUD, change the use of restaurants to require a Special Use Permit, and lighting restrictions as discussed, seconded by Mr. Adams. Mr. Clark asked did the City or Parish government provide more protection to the neighbors. Ms. Scott said as a PCUD, the City provided more limitations than the current zoning in the Parish. Mr. Adams said the Parish allowed automotive uses. Mr. Clark said as a point of leverage, did the Parish have a right to utilities. Ms. Scott said unless the City Council authorized it differently, to access utilities there must be an annexation. Mr. Clark said annexation was the best hope for lifestyle preservation. Mr. Lahasky said he was not sure everyone understood all of the permitted uses in the Parish. The owner had a right to develop the land, it could currently be developed as a gas station and in similar areas there was retail on the commercial thoroughfare with residential uses located behind it. Along West Causeway, it was similarly developed with the Sanctuary, Woodstone and on Highway 22 the Beau West subdivision. He supported Mr. Rhinehart's recommendation. He thought it should be located in District 1, restriction of noise to 9 p.m. regardless of the use and lighting. Ms. Bartholomew clarified that special use permits were reviewed by the Planning Commission. Ms. Scott clarified that Mr. Lahasky was asking to restrict noise to any use and not just a special use permit. Mr. Lahasky agreed there were some permitted uses like an office building that could have a crawfish boil with music and it should not be at 10 p.m. to disturb the neighbors. Mr. Adams was in agreement to an amendment to the motion, Mr. Rhinehart was in agreement to the amendment.

Mr. Rhinehart moved to recommend the annexation with a change of zoning to PCUD, a change restaurant uses to require a special use permit, have the property contained in District 1, lighting restrictions as discussed, and music no later than 9 p.m., seconded by Mr. Adams.

Ms. Spranley read zoom comments from an anonymous writer:

It is agreed that it's ok for others, it should be ok for this property by default. The aspect of use was consistent with other properties in the area.

The motion passed 7-0.

The next case discussed also had a corresponding zoning case and both cases were discussed in conjunction. The planning case was P20-10-07 Recommendation to the City Council regarding Ordinance 20-23 to effect the annexation of 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 and the zoning case was Z20-10-04 Recommendation to the City Council regarding Ordinance 20-23 to effect the annexation of 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

Ms. Scott presented that the City Council introduced Ordinance 20-23, at their meeting held on October 8, 2020 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 was currently situated within St. Tammany Parish jurisdiction as a legally non-conforming Lot-of Record that was buildable. The applicant currently owned the adjacent Lot 86A, Sq. 5, that was located in "old" Golden Shores, located within the City Limits. They purchased this parcel of ground with the intent to sell it as a buildable lot. The request for annexation was to provide city services – water and sewer to the parcel.

The parcel for annexation measured 125' frontage on Live Oak Street by a depth of 69.80', containing 8,725 square feet – which did not meet the minimum requirements for the R-1 zoning district. The R-1, Single Family Residential District required a minimum lot frontage of 90', minimum lot depth of 120' and minimum area of 10,800 square feet. Additionally, regarding setbacks, the minimum the front yard setback requirement was 25', rear 30' and each side 16'.

The parcel was considered a legally non-conforming lot of record, and once annexed and 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. "…*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".

In a similar circumstance, in 2002, the City annexed 505 Live Oak St, located to the North of the proposed annexation. This parcel was essentially the same dimension (100'x 69.8' and 6980 square feet), but the owner did not own any contiguous parcels, so the "contiguous lot regulation" did not apply to 505 Live Oak. However, due to the shape of the parcel, with wide frontage and very shallow depth (reverse of a typical lot), the ordinance set forth the required setbacks. The setback was reduced to 20% of the lot depth or 25', whichever the lesser (constructed with ~20' rear setback).

Ms. Scott stated that she had been incorrect at the work session and procedurally it was thought language could allow for the separation of the lot and setbacks. In discussion with the City Attorney, only the annexation and zoning could be the action of the commission under this ordinance. It would become a single development site and the owner was aware of this restriction. The owner had since made application for the November agenda for the separation of the lots to be two separate lots. The ability of the commission to allow the separation could not be transferred to the City Council. This was located in Infill area of the Annexation Growth Plan.

Ms. Spranley read a submitted email of opposition by Don Saucier, 400 Live Oak Street which would be attached to the minutes.

Mr. Fairley moved to recommend annexation, seconded by Mr. Lahasky and was unanimously approved.

The commission stated the next meeting would be on the Zoom platform.

Mr. Lahasky moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

_____ _____

Lori Spranley, Secretary

Karen Gautreaux, Chairwoman
Planning Commission

Zoning Commission
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The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

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Absent: None

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Mr. Adams announced that 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.

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The parcel for annexation measured 125' frontage on Live Oak Street by a depth of 69.80', containing 8,725 square feet – which did not meet the minimum requirements for the R-1 zoning district. The R-1, Single Family Residential District required a minimum lot frontage of 90', minimum lot depth of 120' and minimum area of 10,800 square feet. Additionally, regarding setbacks, the minimum the front yard setback requirement was 25', rear 30' and each side 16'.

The parcel was considered a legally non-conforming lot of record, and once annexed and 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. "*…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".*

In a similar circumstance, in 2002, the City annexed 505 Live Oak St, located to the North of the proposed annexation. This parcel was essentially the same dimension (100'x 69.8' and 6980 square feet), but the owner did not own any contiguous parcels, so the "contiguous lot regulation" did not apply to 505 Live Oak. However, due to the shape of the parcel, with wide frontage and very shallow depth (reverse of a typical lot), the ordinance set forth the required setbacks. The setback was reduced to 20% of the lot depth or 25', whichever the lesser (constructed with ~20' rear setback).

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Ms. Spranley read a submitted email of opposition by Don Saucier, 400 Live Oak Street which would be attached to the minutes.

Mr. Fairley moved to recommend annexation, seconded by Mr. Lahasky and was unanimously approved.

The next case discussed was CU20-10-06 Recommendation to the City Council regarding Ordinance 20-19 approving a Conditional Use Permit for the use designated under CLURO Section 6.4.42.3, Lodging (Transient) Short Term-Rental; Whole House Rental, located on 264 Jackson Avenue, zoned Planned Residential District

Ms. Scott presented that the applicant had applied for a Conditional Use Permit to operate a Short-Term Rental – Whole House located at 264 Jackson Avenue with three guest rooms and maximum guest occupancy of 8 guests**.** All in accordance with the site plan and floor plan prepared by Southern Country Designs, LLC dated May 29, 2012.

The applicant was requesting CUP to operate a Short- Term Rental – Whole House, in a single-family dwelling unit, located at 264 Jackson Ave. The dwelling unit is located on a parcel of ground that is part of a Planned Residential Development (PRD Ord. 05-36) approved for a total of nine (9) single family dwelling units, now known as the Harbor Landing Condominium development, the entire parcel consists of ~3.1 acres and is the north ½ of Sq. 74. It is bounded by Jackson Ave on front (253'), Harbor Field on South (532'), Little Bayou Castain on West (253') and Jefferson St (532') on north. This PRD development consisted of nine (9) building sites within this parcel, eight (8) of which are built. All building sites are accessed through a private, limestone driveway from Jackson Avenue. The single driveway wound through the site providing access to each building site.

The existing single-family dwelling, 264 Jackson Ave., was located between an undeveloped 3 acre parcel and 262 Jackson Ave. The dwelling was built c. 2012 as part of the Planned Residential District, known as Harbor Landing Condominiums. The building was accessed by a private limestone drive. The "building site" is 100'x110'. The residence is located 25.5' from the front 'property line', 28.25' from both side property lines, and 46.66' from the rear property line. The rear of the property backs up to City owned property.

The residence was 1,452 square feet. Based on the floor plan; there are 3 bedrooms "guest rooms" and 2 baths, with an additional 97 sq. ft of porch area.

The applicants were proposing to utilize this property solely as a Short-Term Rental, specifically Whole House Rental, for a total of 3 guest rooms and up to eight (8) occupants.

Parking:

9.1.4. Minimum Off-Street Parking Requirements by Use

Lodging (Transient)— Short-term Rental: Whole House Rental *1 per guest room but no less than 2 spaces for resident occupants*

Location requirements: *Parking shall be provided in accordance with Article 9, and shall be provided in side or rear yards and shall not be located in front yards.*

With 3 guest rooms proposed for the Whole House rental, the Parking requirement, *1 per guest room but no less than 2 spaces*, required 3 parking spaces, one per guest room. The residence was elevated and allowed for parking of 1 vehicle to be located under the structure. The remaining 2 required parking spaces were located in front of the structure. The location of the parking did not adversely impact the adjacent properties within this planned district development. All nine structures were accessed by a single private drive with individual driveways extending from this private drive.

The applicant had submitted the attestation portion of the Short – Term rental permit. Should the Conditional Use application be approved, the property would be inspected by the Mandeville Fire Chief before the administrative Short-Term rental permit is issued.

8.2.3.5. *Lodging (Transient) – Short Term Rentals*

A. All of the required approvals shall be obtained prior to establishment of the use including a Special Use Permit and Conditional Use approval depending upon the district in which the use is proposed to be located. In addition, an occupational license and a certificate of occupancy for the proposed use shall be obtained from the City. Any additional requirements of the state shall also be required to be satisfied.

B. STANDARDS

Short-term rentals, as defined in Article 6, shall be subject to the following general requirements in addition to the parking requirements as provided in Article 9 and the district regulations for the district in which the facility is located:

1. Short-term rentals shall meet all applicable building, health, fire, and related safety codes at all times as well as:
   a. That the property has current, valid liability insurance of $500,000.00 or more that covers use as a short-term rental property.
   b. That each short-term rental has working smoke alarms in every bedroom, outside each sleeping area, and on all habitable floors. If the rental unit has either natural gas service, or a propane system for cooking or heating, the unit must also have working carbon monoxide alarms in each bedroom, outside each sleeping area, and on every habitable floor. Combination smoke/carbon monoxide alarms are acceptable; and
   c. That each short-term rental has a properly maintained 2A10BC rated ABC type fire extinguisher in each short-term rental unit.
2. Common bathroom facilities may be provided rather than private baths for each guestroom.
3. Residence kitchens shall not be refitted to meet health department requirements for food preparation. Only continental breakfast food service, with foods purchased from a licensed food seller and served "as is" or only warmed at the bed and breakfast residence and/or inn may be allowed. No cooking facilities shall be permitted in the individual guestrooms.
4. A common dining area may be provided but cannot be leased for social events.
5. No exterior signage shall be permitted except in accordance with the regulations of Article 10 for the district in which the facility is located.

6. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
7. Parking shall be provided in accordance with Article 9 and shall be provided in side or rear yards and shall not be located in front yards.
8. Only one party of guests shall be permitted per Whole House Rental. A "party" shall mean one or more persons who as a single group rent a Whole House Rental pursuant to a single reservation and payment.
9. The owner/operator of the Short-Term Rental: Bed & Breakfast Residence shall be present during the guest's stay.
10. The operator of the Short-Term Rental: Bed & Breakfast Inn shall be present during the guest's stay.

Mr. Adams stated there was a lengthy discussion at the work session about the number of occupants. Ms. Scott said any violation whether noise or excess occupancy would be handled under the ordinance enforcement and the owner was allowed two enforcements before action would be taken on their permit. This was the sixth application and all but one had included the bedrooms plus a pull-out couch. Over the next year, the staff would know if there were additional regulations needed or if there were issues with the renters or property owners. There were existing regulations to address this through violations, fines or revocation of the permit.

Mr. Pierce said this was a two plus two for occupancy and HUD only allowed two plus one. Why did the City allow higher occupancy than federal guidelines? He said the implication was that we were consistent of two per bedroom. He stated Mandeville was not a high-density town. He would think that it would be a six person maximum. Ms. Scott said the City did not determine occupant numbers as a single family residence. Ms. Bartholomew said the applicant indicated the location for the sleeping arrangement. It would be up to the discretion of the commission to determine if the request was appropriate. Mr. Pierce said he was referencing rentals only because it affected the other neighbors that did not live with the same density. Ms. Scott said if the application stated the number of bedrooms and a pull-out couch it would be reasonable. Mr. Lahasky said the owners were in business for a profit and they were requesting the number of people they would be comfortable with in their home. It may not be eight every time it was rented. It was an option which increased the likelihood of renters. Mr. Pierce said it could always be an eight-person occupancy. Mr. Adams said if there was a noise problem, the police would be called to the site. Ms. Scott said there was no guideline set for the maximum number of occupants and it would depend on the reasonableness of the application. Ms. Gautreaux asked if the ordinance could be reviewed after a year of action. The answer was yes and it could be amended as needed. Ms. Bartholomew said to date, no administrative permits had been issued. Mr. Lahasky said the key was that it was suitable for the purpose. It was essentially a hotel where individuals can have more people in one centralized location. If

there were eight college kids making a lot of noise there were guidelines that would be held in place.

Mr. Rhinehart moved to recommend adoption to the City Council as presented, seconded by Mr. Fairley and was unanimously approved.

The last case discussed was Z20-10-05 Recommendation to the City Council regarding Ordinance 20-22 to rezone lot 3B, square 62, City of Mandeville, St. Tammany Parish, State of Louisiana, from B-1, Neighborhood Business District, to O, Open Space/Recreation; and providing for other matters in connection therewith

Ms. Scott presented that the applicant submitted a petition to rezone Lot 3B in Square 62 from B-1, Neighborhood Business District to O-Open Space/Recreation District. The City Council introduced Ordinance 20-22, at their meeting held on October 8, 2020 to rezone this property, in accordance with the resubdivision plat prepared by J. V. Burkes & Associates, Inc. dated October 7, 1998 and recorded on February 17, 2000.

The property was located on the Southwest corner of Florida Street and Jackson Avenue and measured 100' on Florida Street by a depth of 120' on Jackson Avenue, being .275 acres. The property was designated as "Wet" on the plat, with the ground elevations ranging from 2-3', according to the LSU AgCenter Flood Maps. The property is currently undeveloped. The adjacent lot to the west is, Lot 2, is owned by the City and zoned O, Open Space.

The applicant submitted the following statement:
The property is located at the west corner of Jackson Avenue and Highway 190. The property is currently zoned B-1 for commercial usage. We purchased the property on 9/18/2020 with the sole intent of preserving the current greens pace and natural drainage way. The property is fully wooded and provides significant benefit to underlying area drainage ways and paths. Future development of the property would negatively impact natural drainage, as well as destroy natural wildlife habitats.

Ms. Scott said Mr. McGuire had indicated at the work session the possibility of donating the property to the City at a future date.

Ms. Gautreaux moved to recommend the rezoning to Open space, seconded by Mr. Fairley and was unanimously approved.

Mr. Lahasky moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

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Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission

Planning Commission
Work Session
October 27, 2020

The meeting was called to order by Planning Chairman Karen Gautreaux and the secretary called the roll.

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

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner

Ms. Gautreaux announced that 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.

The only case discussed was P20-11-08 Recommendation to the City Council regarding Ordinance 20-21, amending the CLURO Section 8.1.1.4, Allowed Setback Encroachment (4) Mechanical Equipment and to provide for related matters

Ms. Scott presented that the City Council introduced Ordinance 20-21 at their meeting held on October 22, 2020. The proposed Ordinance would amend CLURO Section 8.1.1.4(4), to allow mechanical equipment within the required side yard setback, when existing mechanical equipment was present.

The proposed ordinance addressed the Zoning Commission's request to address the language contained in CLURO Section 8.1.1.4(4) allowed setback encroachments, due to numerous variances that have been requested and granted, due to the unintended consequence of Ordinance 18-09, which increased side yard setbacks based on a sliding scale with lot frontage.

Many citizens in Mandeville had placed mechanical and electrical equipment adjacent to their homes, and this equipment was previously outside of the smaller setbacks allowable for their property, but was presently within the larger setbacks that resulted after Ordinance 18-09 was enacted.

For those citizens with mechanical and electrical equipment in their side yard setbacks, Ordinance 18-09 created a hardship for those individuals as replacing existing equipment or adding other equipment such as pool filters or generators was in violation of Section 8.1.1.4, prohibiting mechanical equipment in side setbacks.

Proposed Ordinance 20-21, will amend the CLURO as follows:
Section 8.1.1.4(4) allowed setback encroachments:
Mechanical Equipment. Except as authorized for the elevation of existing structures, ***or where there is existing mechanical equipment located within the side setback***, heating, ventilation, air conditioning equipment or any other mechanical equipment shall not encroach into any required front or side setback.

The proposed language would allow applicants who had existing mechanical equipment to place additional equipment or replace existing equipment within the side yard setback; however, if there was no existing equipment located within the side yard setback, no new equipment would be allowed.

With COVID and hurricanes, there were numerous variance requests on the commission's agenda. Mr. Adams asked if electrical equipment could be considered which would remove the Judice's request from being necessary. Ms. Scott said electrical service would not be considered mechanical equipment.

Mr. Lahasky said electrical equipment was an interesting observation. In the rare case where the mechanical equipment was in a different location from the electrical panel, he asked if the commission would want to include the ability to place it near the electrical panel. Mr. Pierce said the ordinance provided a blanket approval. He asked if anyone envisioned a request other than generators or pool equipment. Ms. Bartholomew said to date, pool equipment and generators were the only requests. This would include the addition of any additional air conditioning equipment. Mr. Clark said the ordinance was to solve the generator issue and ease was not the only criteria. Mr. Pierce asked if there were any stipulations on how loud the equipment could be. Ms. Scott said to date there were two requests for pool equipment and the remainder of the requests were for generators. Ms. Scott suggested the sound of generators could be discussed under a separate ordinance. There had been a previous discussion that generators ran when no one had electricity. There had not been the experience of any other type of mechanical equipment creating an adverse effect. The ordinance was to alleviate the hardship created by the change in the setbacks on existing structures.

Mr. Pierce also said with the larger setbacks, the City was trying to get people to move their equipment to the rear yard. Ms. Scott said in new construction, the equipment was required to be outside of the setback. Mr. Pierce said with a blanket approval, no one would even look to place the equipment in any location other than the side yard. Ms. Bartholomew said in discussions with the applicants, most of the time the electrical and as hook up was located in the side yard which was the bottom line of the request for placement. Mr. Pierce said to run 20' of line was not a big deal. Mr. Lahasky said it was gas

as much as electrical. Mr. Pierce said it would not be as convenient, but it was not a hardship.

Mr. Rhinehart said it was written "or any other mechanical equipment" which seemed to be the open check. He suggested "any other mechanical equipment" should not be encroaching into the required side yard setback". Mr. Fairley said pool equipment was not noisy. Mr. Rhinehart said he had not been on the commission long enough to see many of the requests, but was trying to reach a middle ground because the language stated "any other" mechanical equipment. Ms. Scott said through practicality she could not think of any other equipment that had been placed in the side yard setbacks. Mr. Rhinehart said generators would run rarely except with electrical outages or hurricanes where pool equipment could run for weeks during the summer. Mr. Lahasky asked if pool equipment was louder than the air conditioning equipment. Mr. Fairley said it was not louder than air conditioning equipment. Mr. Rhinehart said it may not be as wide open as a check as thought. Mr. Pierce said it was a wide-open check and he did not know what would fall into it. Mr. Lahasky thought it was a valid concern, but he had not seen any other requests and he did not know what it would be. He suggested leaving air condition equipment, ventilation, generators and pool equipment in the ordinance and if something came up every five years to review the regulations. From experience all generators and pool equipment had been approved. If it was thought to be approved then it should be allowed to streamline the process.

Elizabeth Sconzert, City Attorney, said from statutory construction she would agree to remove any other language because we would not know what would be developed in the next few years. Ms. Scott said the staff would work with the City Attorney to amend the ordinance language with the discussion.

Mr. Lahasky moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

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Lori Spranley, Secretary

Karen Gautreaux, Chairwoman
Planning Commission

Zoning Commission
Work Session
October 27, 2020

The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

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

Absent: None

Also Present: Louisette Scott, Director, Planning Department; and Cara Bartholomew, Planner

The only case discussed was V20-11-31 Todd Judice requests an exception to Section 8.1.1.4, Setback Encroachment (4) Mechanical Equipment, lot 9, square 8, 234 Lamarque Street, zoned R-1

Ms. Scott presented that the applicants owned the property located at 234 Lamarque Street. The property was zoned R-1 Single Family Residential and improved with a Single- Family dwelling. The applicant was requesting to install a whole house generator within the south side yard setback. The lot frontage was 64.14', requiring a 12' minimum interior side yard setback on each side of the property.

The residence was located 10.1' from the southern property line, and 12' from the north property line. The house was built in 2017 in compliance with the CLURO regulations. At the time of construction, the mechanical equipment was placed in the rear of the structure. The applicants wanted to install a whole house generator, but due to the required specifications, they cannot place it in the rear, adjacent to the existing mechanical equipment. The existing electric panel was located on the south side of the house and the applicants were requesting a variance to place the generator within the required 12' setback, the proposed encroachment was of a maximum of 6'.

	Required	Proposed	Deficient
South Side Setback	12'	6'	6'
North Side Setback	12'	No Change	0'

Ms. Scott stated this case would have been an agenda item even with the adoption of the proposed CLURO amendment for generators because the existing mechanical equipment was not located in the side yard setback.

Mr. Clark asked the distance to the neighbor's window? Ms. Scott estimated 15'. The specification distance was 5'. Mr. Lahasky said considering the rear of the house was a wall of windows, the side of the house was logical and it was near the electrical panel. The next

door neighbor had their mechanical equipment on the same side of the house so it was the best location.

Mrs. Judice, applicant, said there were trees that as they grew would screen the equipment. Mr. Lahasky said a few slats in front of the mechanical equipment would be a good screening.

Ms. Scott asked the applicant what was the bfe. Mr. Judice said 7 or 8' and the platform would be 9 or 10'. Ms. Scott asked if the adjacent mechanical equipment met the bfe and it was answered that it was lower than the bfe. Ms. Scott said the house was at the bfe.

Mr. Lahasky moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

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Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission