



PLANNING & ZONING COMMISSION AGENDA

July 29, 2021 6:00pm

Abita Springs Town Hall

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from June 24, 2021 Meeting**

PLANNING:

ZONING:

PUBLIC HEARING:

- Proposed amendments to Code of Ordinances Sec. 9-223 regarding side yard setbacks for corner lots

DISCUSSION:

- Proposed rezoning 71000 block of Dundee Street
- Proposed subdivision 22503 Level Street
- Draft Stormwater Management Ordinance
- **Public Comment**
- **Announcements**
- **Adjournment**

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The following minutes are from the Planning & Zoning Commission meeting on Thursday, June 24, 2021 in the Abita Springs Town Hall at 6:00 p.m.

Commissioner Gruning called the meeting to order, and all stood for the Pledge of Allegiance. Commissioners in attendance included Barbara Jackson, David Gruning, Bryan Gowland, and John Pierce. Eric Templet was absent. Leanne Schaefer and Mark Fancey were also present.

The Commission reviewed the draft minutes from the May 27, 2021 meeting. Commissioner Gruning noted a minor typo that was corrected. Commissioner Pierce said that he did not attend the meeting and a correction is needed. Commissioner Gowland motioned to accept the minutes of the May 27, 2021 meeting as amended. Commissioner Jackson seconded the motion. All commissioners were in favor.

Planning Commission

No agenda items.

Zoning Commission

Discussion:

Proposed subdivision – 22503 Level Street

The property owner was not present. Commissioner Gruning motioned to table this item. Commissioner Jackson seconded the motion. All commissioners were in favor.

Request to amend Code of Ordinances Section 9-231 – Short term rentals

Lee Lukinovich presented a proposal to amend the short-term rental regulations to allow a rental on a property adjacent to that of the applicant. He is building a new residence across the street from his current home and would like to use his current home as a short term rental. Mr. Lukinovich said that the proposal would be in keeping with the intent of the law to minimize offsite impacts from use of a home as a short term rental. He feels that living adjacent to the property proposed for a rental he would be aware of any improper activity by renters. He suggested amending the ordinance to allow a short term rental within a certain proximity of the owner's residence, such as within a half block.

John Pierce asked if some type of variance process might be possible. Barbara Jackson said that she was part of the discussion when the ordinance was developed. She said it was not the type of ordinance that lends itself to a variance. Bryan Gowland said the only way available would be to amend the ordinance. He said it would be impossible to meet the standards for a variance where some type of stated hardship is necessary. Barbara Jackson said the ordinance had been fine tuned for the purpose of limiting the number of rentals. Jackson said there was concern homes would be purchased for the sole purpose of using them as commercial enterprises that would affect property values.

Discussion ensued regarding the proof of homestead exemption required by the ordinance and whether the owner was expected to be on-site. Bryan Gowland said the ordinance was designed to protect residential areas from loud parties. Leanne Schaefer said the intent of the ordinance was to prevent a large number of off-site rentals and to ensure that the owner of a rental would be responsive.

David Gruning asked if staff could look into this issue. He asked if he could contact the Town attorney for more information.

Lee Barrios said she came to the meeting to be part of the discussion and she has several points to discuss. First, she agreed that the Commission should get an opinion from the Town attorney. Second, she will request audio tapes of meetings when this issue has been discussed. She said one of the main concerns when the ordinance

was developed was that people would buy residential properties for commercial use as short-term rentals. She said the ordinance was meant to restrict homes from becoming full-time rentals. She cautioned the commission not to violate open meetings law.

Request to amend Code of Ordinances Section 9-210(b) – Non-conforming lots and Section 9-223(a)(3) - Side yard setbacks

Ray Pasqua made a request to reinstate lot of record provisions and repeal the contiguous lot law. He said that under current standards, full blocks with 10 platted lots can only be developed on six (6) lots. Bryan Gowland said the contiguous lot law did a lot for Abita Springs. He said the law requires that lots platted at 50 feet wide must be 75 feet wide to be considered a buildable lot. For lots platted at 60 feet wide, buildable lots must be 90 feet wide. Gowland said that at the time the law was enacted Abita springs was being overrun by growth. He said the ordinance was a growth management regulation.

Ray Pasqua responded that Abita Springs was built on small lots and times have changed. He said it is more expensive to extend utility lines to serve large lots and that larger lots encourage sprawl. Barbara Jackson said it would be useful to see the lots on a map.

David Gruning said that the Commission had discussed this item and no action would be taken at this time.

Proposed amendments to Code of Ordinances Section 9-223 regarding side yard setbacks for corner lots

The Commission reviewed a draft amendment that would reduce the required side yard setback for corner lots (street side) from 30 feet to 20 feet. Bryan Gowland made a motion to direct staff to schedule a public hearing to consider the proposed amendment. Barbara Jackson seconded the motion. All commissioners were in favor.

Draft Stormwater Management Ordinance

Discussion of the draft ordinance was deferred to the July 29, 2021 meeting.

Commissioner Gowland motioned to adjourn the meeting. Commissioner Jackson seconded the motion. All commissioners were in favor. The meeting adjourned at 7:10 p.m.

Kristin M. Tortorich, Planning Director

Date



July 22, 2021

To: Planning & Zoning Commission

From: Kristin Tortorich and Mark Fancey

Subject: Proposed amendment to Code of Ordinances Sec. 9-223 regarding side yard setbacks for corner lots

At the May 27, 2021 Planning & Zoning Commission meeting, the Commission asked staff to draft an amendment to Sec. 9-223 reducing the required side yard setback for corner lots (street side) from 30 feet to 20 feet. The amendment is shown below.

Corner lot setback standards for single-family residential zones in Abita Springs and other towns and cities in the area are shown in the table below.

Proposed amendment to Code of Ordinances Sec. 9-223:

New language is shown **bold and underlined**. Language proposed for deletion is shown ~~struck through~~.

Sec. 9-223. - Yards and appurtenant structures in residential districts.

- (a) In the residential, commercial, multifamily, mobile home, historic, historic residential districts and townhouse district where single family residential use is sought the minimum dimensions of yards shall be as follows:
- (1) *Front yard.* There shall be a front yard of not less than 30 feet between the front property line at the street and the wall of the building adjacent to the front property line.
 - (2) *Rear yard.* There shall be a rear yard having a depth of not less than 20 percent of the lot depth or 25 feet, whichever is greater.
 - (3) *Side yard.* There shall be two side yards, one on each side of the main building.
 - a. Interior side yard setbacks. The side yard setback on the side of a lot adjacent to an interior lot line shall be a minimum of 20 feet in width, except on buildable lots measuring 75 feet or less in width, in which case the side yard on the interior lot line side of the building shall measure a minimum of 15 feet in width.
 - b. Corner lot side yard setbacks. The side yard setback on the street side of a corner lot shall be a minimum of **20** 30 feet, ~~except on buildable lots measuring 75 feet or less in width or those abutting that dedicated part of Warren St., not opened as of the effective date of this ordinance, in which case the side yard on the street side of the corner lot shall measure a minimum of 20 feet in width.~~
 - (4) *Driveways.* All private driveways shall be at least five feet from the property line.

City/Town	Zone	Minimum Lot Size	Minimum Lot Width	Corner Lot Side Yard Setback (interior)	Corner Lot Side Yard Setback (street side)
Abita Springs	Residential District	10,800 sq. ft. 90 X 120 ft. (w/ alleyways)	90 ft.	20 ft.	30 ft.
		13,500 sq. ft. 90 X 150 ft. (w/o alleyways)	90 ft.	20 ft.	30 ft.
		9,000 sq. ft. 75 X 120 ft. (Originally platted at 50 ft wide)	75 ft.	20 ft.	20 ft.
Covington	Single Family Residential RS-1	8,400 sq. ft.	60 ft.	5 ft.	8 ft.
	Single Family Residential RS-2	10,500 sq. ft.	75 ft.	7.5 ft.	10 ft.
	Single Family Residential Large Lot	19,600 sq. ft.	140 ft.	15 ft.	15 ft.
Hammond	Residential Single Family RS11	11,250 sq. ft.	75 ft.	10 ft.	15 ft.
	Residential Single Family RS11A	11,250 sq. ft.	75 ft.	10 ft.	15 ft.
	Residential Single Family RS8	8,000 sq. ft.	65 ft.	10 ft.	15ft.
	Residential Single Family RS5	5,000 sq. ft.	50 ft.	5 ft.	10 ft.
	Residential Single Family RS3	3,000 sq. ft.	40 ft.	5 ft.	8 ft.
Mandeville	Single Family Residential R-1	10,500 sq. ft.	90 ft.	8-20 ft. ¹	15 ft.
	Single Family Existing Residential RX-1	5,000 sq. ft.	50 ft.	8-20 ft.	15 ft.
Pearl River	R1 Single Family Residential	10, 800 sq. ft.	90 ft.	10 ft.	10 ft.
Ponchatoula	A5 Single Family	6,500 sq. ft.	65 ft.	8-10 ft. ²	8-10 ft.
	A6 Single Family Urban	11,250 sq. ft.	75 ft.	8-10 ft.	8-10 ft.
Slidell	A1 Suburban	20,000 sq. ft.	100 ft.	10 ft.	10ft.
	A2 Single Family Residential	12,000 sq. ft.	100 ft.	10 ft.	10 ft.

¹ Side yard setback varies based on lot frontage.

² Side yard setback varies based on lot width.