

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5004

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: BINDER/BRISTER

PROVIDED BY: DEVELOPMENT

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. TANNER

ON THE 6 DAY OF JUNE , 2013

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA, TO RECLASSIFY A CERTAIN PARCEL LOCATED ON THE NORTH SIDE OF WEST PORTER’S RIVER ROAD, WEST OF I-59, BEING 39311 WEST PORTER RIVER’S ROAD, PEARL RIVER AND WHICH PROPERTY COMPRISES A TOTAL 0.889 ACRE OF LAND MORE OR LESS, FROM ITS PRESENT A-4 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO AN A-4 (SINGLE-FAMILY RESIDENTIAL DISTRICT) & RO (RURAL OVERLAY), (WARD 8, DISTRICT 9). (ZC13-04-019)

WHEREAS, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC13-04-019, has recommended to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area be changed from its present A-4 (Single-Family Residential District) to an A-4 (Single-Family Residential District) & RO (Rural Overlay) see Exhibit "A" for complete boundaries; and

WHEREAS, the St. Tammany Parish Council has held its public hearing in accordance with law; and

WHEREAS, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare, to designate the above described property as A-4 (Single-Family Residential District) & RO (Rural Overlay).

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened that:

SECTION I: The zoning classification of the above described property is hereby changed from its present A-4 (Single-Family Residential District) to an A-4 (Single-Family Residential District) & RO (Rural Overlay).

SECTION II: The official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning reclassification specified in Section I hereof.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 11 DAY OF JULY, 2013; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: MAY 30, 2013

Published Adoption: \_\_\_\_\_, 2013

Delivered to Parish President: \_\_\_\_\_, 2013 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2013 at \_\_\_\_\_

**Exhibit "A"**

**ZC13-04-019**

A certain parcel of land located in Section 42, Township 8 South, Range 14 East, near the Town of Pearl River, St. Tammany Parish, Louisiana, more particularly described as follows, to-wit:

Commence at an iron rod set at the intersection of the north right of way of West Porters River Road with the west right of way of Interstate Highway 59, said point being the point of beginning and measure:

South 80 degrees 19 minutes 12 seconds west, 178.45' Actual Measure (South 80 degrees 21 minutes 50 seconds west, 178.17', Title Call) along the north right of way of West Porters River Road to an iron rod found, thence, departing said right of way, measure,

North 00 degrees 00 minutes 45 seconds east, 120.00', Actual Measure, (North, 120.00' Title Call) to an iron rod set, thence measure,

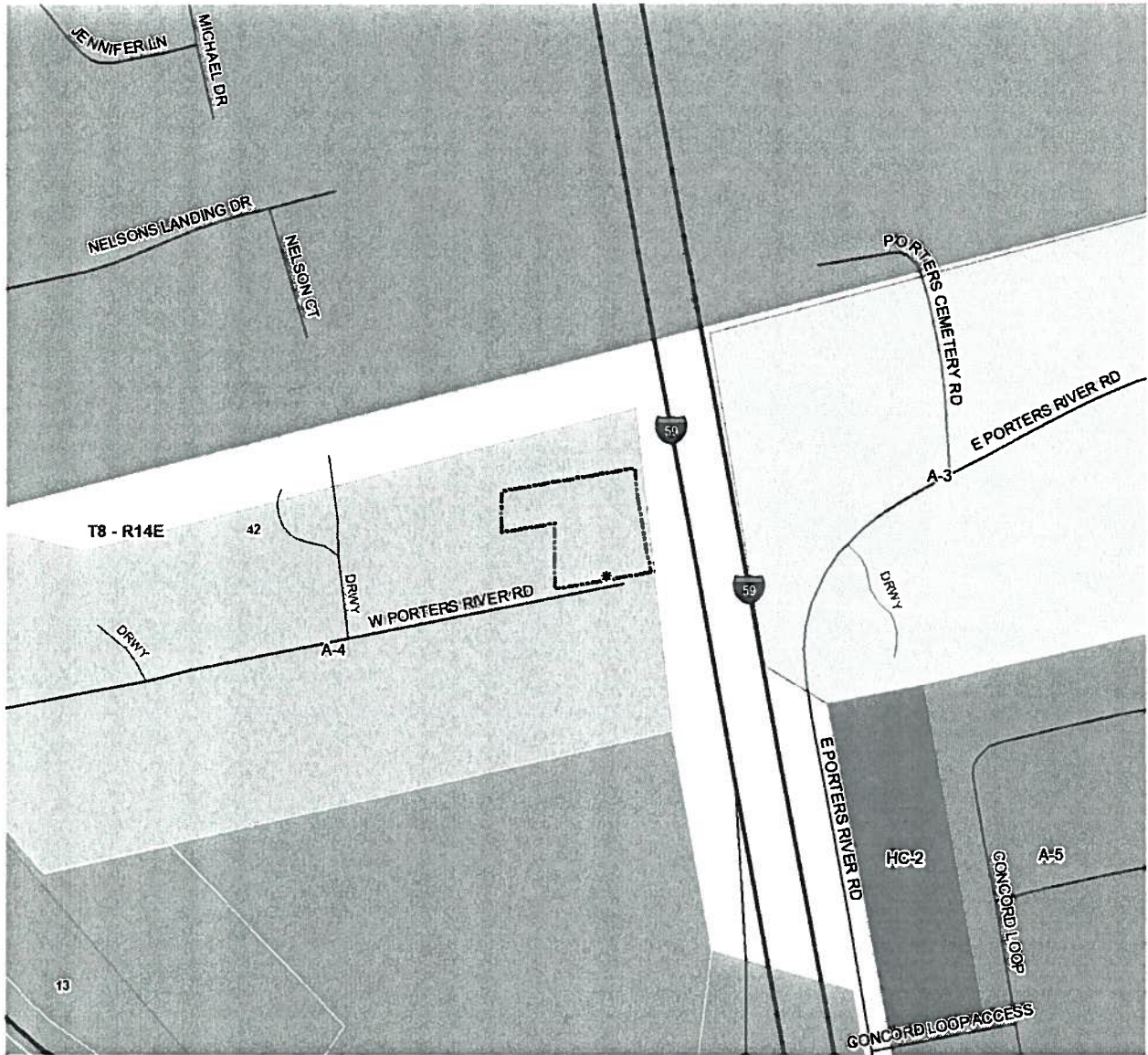
South 80 degrees 19 minutes 12 seconds west, 100.00' Actual Measure, (South 80 degrees 21 minutes 50 seconds west, 100.00' Title Call) to an iron rod set, thence measure,

North 00 degrees 00 minutes 45 seconds east, 74.98', Actual Measure, (North, Title Call) to an iron rod set, thence measure,

North 80 degrees 20 minutes 45 seconds east, 247.65' to an iron rod set on the west right of way of Interstate Highway 59, thence measure along said right of way

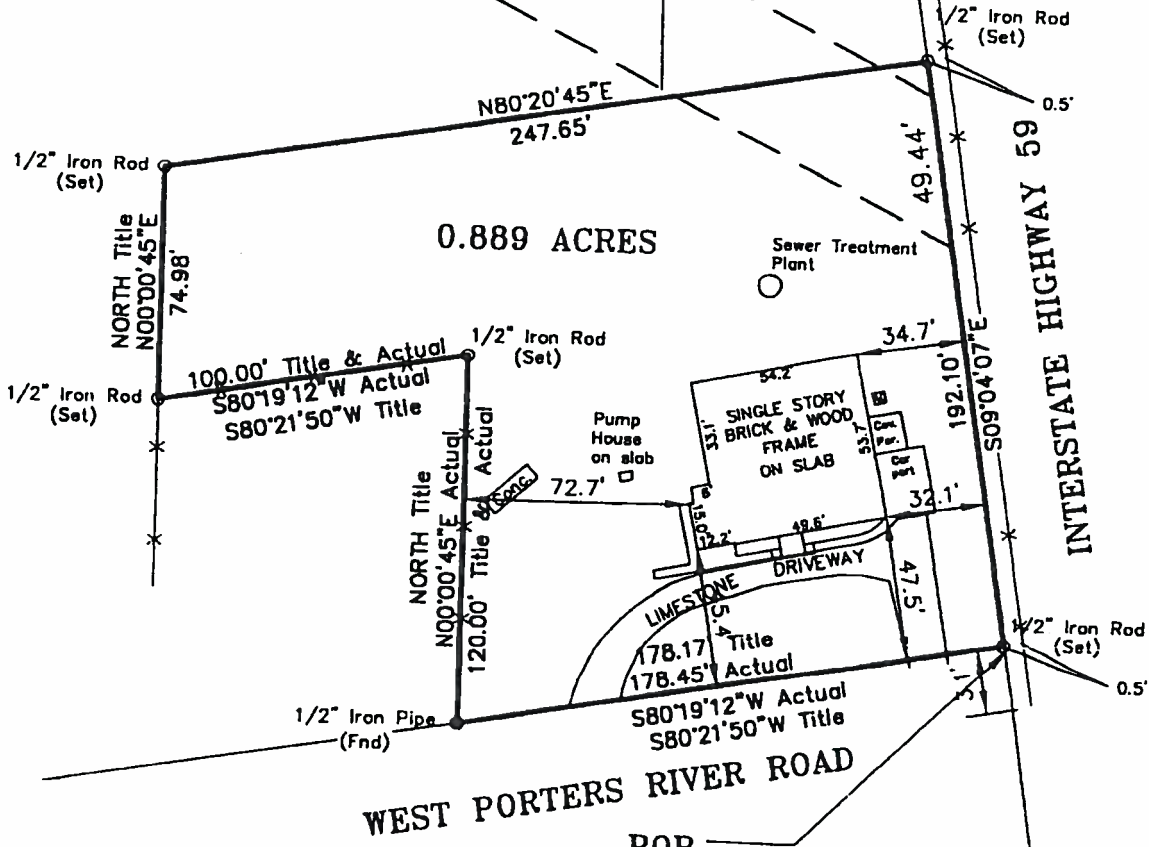
South 09 degrees 04 minutes 07 seconds east, 192.10 feet to an iron rod set on the north right of way of West Porters River Road and the point of beginning.

**CASE NO.:** ZC13-04-019  
**PETITIONER:** Lesley Ezkovich  
**OWNER:** Lesley Ezkovich & Ryan & Hailey Tierney  
**REQUESTED CHANGE:** From A-4 (Single-Family Residential District) to A-4 (Single-Family Residential District) & RO (Rural Overlay)  
**LOCATION:** Parcel located on the north side of West Porter's River Road, west of I-59, being 39311 West Porter River's Road, Pearl River; S42,T8S,R14E; Ward 8, District 9  
**SIZE:** 0.889 acre



2013-04-019

40' DRAINAGE RIGHT OF WAY AS SHOWN ON INTERSTATE 59 RIGHT OF WAY MAP, STATE PROJECT NO. 453-01-04, SHEET 8, DATED 10/23/59, REVISED 11/03/60.



0.889 ACRES

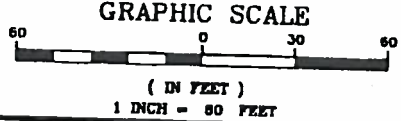
WEST PORTERS RIVER ROAD

INTERSTATE HIGHWAY 59

POB  
POINT AT WHICH THE NORTH RIGHT OF WAY OF WEST PORTERS RIVER ROAD INTERSECTS THE WEST RIGHT OF WAY OF INTERSTATE HIGHWAY 59. (AS PER LEGAL DESCRIPTION)

Reference: Survey by Albert A. Lovell & Assoc. No. 94263, dated 6/04/81.  
Reference: Survey by J.V. Burkes & Assoc., Inc., No. 1043894, dated 11/03/04.  
Source of Title calls: Legal description and property sketch furnished by client.

- LEGEND
- 1/2" Iron Rod Set
- 1/2" Iron Rod Found
- ⊕ Cross



BUILDING SETBACKS  
(\* Verify Prior to Construction)  
Front Setback.....  
Side Setback.....  
Rear Setback.....

ADDRESS: 39311 W. PORTERS RIVER RD.

I CERTIFY THAT THIS PLAN DOES REPRESENT AN ACTUAL GROUND SURVEY AND THAT TO THE BEST OF MY KNOWLEDGE NO ENCROACHMENTS EXIST EITHER WAY ACROSS ANY OF THE PROPERTY LINES, EXCEPT AS SHOWN.

PROPERTY IS SURVEYED IN ACCORDANCE WITH THE LOUISIANA "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" FOR A CLASS C SURVEY. BEARINGS ARE BASED ON RECORD BEARINGS UNLESS NOTED OTHERWISE.

ENCUMBRANCES SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. ENCUMBRANCES OF RECORD AS SHOWN ON TITLE OPINION OR TITLE POLICY WILL BE ADDED HERETO UPON REQUEST, AS SURVEYOR HAS NOT PERFORMED ANY TITLE SEARCH OR ABSTRACT.

F.I.R.M. No. 225205.0430.D  
F.I.R.M. Date 4/21/1999  
ZN: AE B.F.E. 18  
\* Verify prior to construction with Local Governing Body.

DRAWING NO. 1044120  
DATE: 11/24/2004

**J.V. Burkes & Associates, Inc.**  
SURVEYING ENGINEERING ENVIRONMENTAL  
2990 East Gause Blvd., Suite B  
Slidell, Louisiana 70461  
E-mail: jvbassoc@jvburkes.com

DRAWN BY: BC  
CHECKED BY: MD  
SCALE: 1" = 60'



Phone: 985-649-0075 Fax 985-649-0154  
Mississippi Phone: 228-435-5800  
DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL OF SURVEYOR.

A 0.889 ACRE PARCEL  
LOCATED NEAR THE TOWN OF PEARL RIVER,  
IN SECTION 42, T-8-S, R-14-E,  
ST. TAMMANY PARISH,  
LOUISIANA

CERTIFIED TO: MARIA MUTH

SURVEYED BY:  
*Sean M. Burkes*  
SEAN M. BURKES  
LA REG. No. 4785

# ADMINISTRATIVE COMMENT

## ZONING STAFF REPORT

**Date:** April 29, 2013

**Case No.:** ZC13-04-019

**Posted:** 04/16/13

**Meeting Date:** May 7, 2013

**Determination:** Approved

### GENERAL INFORMATION

**PETITIONER:** Lesley Ezkovich  
**OWNER:** Lesley Ezkovich & Ryan & Hailey Tierney  
**REQUESTED CHANGE:** From A-4 (Single-Family Residential District) to A-4 (Single-Family Residential District) & RO (Rural Overlay)  
**LOCATION:** Parcel located on the north side of West Porter's River Road, west of I-59, being 39311 West Porter River's Road, Pearl River ; S42,T8S,R14E; Ward 8, District 9  
**SIZE:** 0.889 acre

### SITE ASSESSMENT

#### ACCESS ROAD INFORMATION

**Type:** Parish

**Road Surface:** 2 lane asphalt

**Condition:** Good

#### LAND USE CONSIDERATIONS

##### SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Undeveloped/Residential	Town of Pearl River
South	Undeveloped & Cell Tower	A-4 (Single-Family Residential District)
East	I-59	
West	Residential	A-4 (Single-Family Residential District)

#### EXISTING LAND USE:

**Existing development?** Yes

**Multi occupancy development?** Yes

#### COMPREHENSIVE PLAN:

**Residential** - Areas that provide for dwelling units. Such areas may vary in site design, structure design, and in the density of units per acre. Certain areas such as "village or town residential" may include mixed uses and would have the highest number of units per acre, while "Rural residential" would have the lowest number of units per acre, and may include agricultural or open space uses as well. In between these two types of residential areas would be varying levels of single-family detached dwellings, multi-family attached residential, and planned subdivisions for manufactured homes.

#### STAFF COMMENTS:

The petitioner is requesting to change the zoning from A-4 (Single-Family Residential District) to A-4 (Single-Family Residential District) & RO (Rural Overlay). The site is located on the north side of West Porter's River Road, west of I-59, being 39311 West Porter River's Road, Pearl River. The 2025 future land use plan calls for the area to be developed with residential uses. There is an existing single family residence on the property. The owner is requesting a Rural Overlay to operate a kennel on the site. Staff does not have any objections to the request considering that the rural overlay allows the uses permitted under A-4 zoning and also allows for agriculture related uses, including kennel.

#### STAFF RECOMMENDATION:

The staff recommends that the request for a RO (Rural Overlay) designation be approved.