

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4135 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. COOPER PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____ SECONDED BY: _____

ON THE ___ DAY OF _____, 2009

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA., TO RECLASSIFY A CERTAIN PARCEL OF LAND LOCATED ON THE EAST SIDE OF LA HIGHWAY 1082, APPROXIMATELY EIGHT MILES NORTH OF THE INTERSECTION OF LA HIGHWAY 21 AND LA HIGHWAY 1082, WHICH PROPERTY COMPRISES A TOTAL OF 440.78 ACRES, FROM ITS PRESENT R-RURAL DISTRICT TO A-1 SUBURBAN DISTRICT. WARD 5, DISTRICT 2. (ZC07-05-023)

Whereas, the Zoning Commission of the Parish of St. Tammany, after hearing in accordance with law, Case No. ZC07-05-023, has recommended denial to the Council of the Parish of St. Tammany, Louisiana, and that the zoning classification of the above referenced area remains R-Rural District; and

Whereas, the St. Tammany Parish Council held its public hearing in accordance with law and adopted Resolution C-2132, concurring with the Zoning Commission's recommendation; and

Whereas, Aphelion Holdings, L.L.C., the owner of the property and applicant for the requested zoning change, has voluntarily entered into a Consent Judgment of the 22nd Judicial District Court, Case No. 2007-15551 "B", by and between Aphelion Holdings, L.L.C. and Old Military Road Preservation, L.L.C., whereby Aphelion Holdings, L.L.C. is bound to execute and record restrictive covenants for the subdivision known as Beau Lac Estates all as more particularly set forth therein and in the attached Declaration of Covenants, Conditions, and Restrictions Beau Lac Estates St. Tammany Parish, Louisiana (Exhibit "A"); and

Whereas, the St. Tammany Parish Council has found that it is in the best interest of the public health, safety and general welfare to designate the herein described property as A-1 Suburban District. Said property, comprising 440.78 acres, is located in Section 19 & 20, Township 5 South, Range 12 East, the complete boundaries and description of which being more particularly set forth on the attached Map captioned "Zoning Plan" (Exhibit "B"); and

Whereas, Aphelion Holdings, L.L.C. has agreed to develop the aforesaid 440.78 acre parcel under the A-1 Suburban District zoning, limiting the district to a maximum of sixty-five (65) lots per the attached "Plans for Beau Lac Estates" (Exhibit "C").

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

SECTION I: Resolution C-2132 is hereby rescinded and the zoning classification of the above described property is hereby changed from its present R-Rural District to A-1 Suburban District. The proposed development within said district shall be limited to a maximum of sixty-five (65) lots per the attached plan for the subdivision to be known as Beau Lac Estates (Exhibit "C").

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 Resolutions, 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.

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ORDINANCE COUNCIL SERIES NO. _____

PAGE 2 OF 2

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 _____ DAY OF _____, 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-_____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: AUGUST 27, 2009

Published Adoption: _____, 2009

Delivered to Parish President: _____, 2009 at _____

Returned to Council Clerk: _____, 2009 at _____