

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4592

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: STEFANCIK

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: STEFANCIK

SECONDED BY: ARTIGUE

ON THE 2 DAY OF JUNE, 2011

ORDINANCE AMENDING ORDINANCE C.S. NO. 10-2399, AND THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA., TO RECLASSIFY CERTAIN PARCELS LOCATED ON THE EAST SIDE OF SLAUGHTER ROAD, SOUTH OF LA HIGHWAY 36, WEST OF REED ROAD, WHICH PROPERTY COMPRISES APPROXIMATELY 14.09 ACRES OF LAND MORE OR LESS, FROM THE PRESENT ZONING DISTRICTS TO A-2 (SUBURBAN DISTRICT-1.45 ACRES) HC-2 (HIGHWAY COMMERCIAL DISTRICT-0.37 ACRES) AND I-2 (INDUSTRIAL DISTRICT-12.27 ACRES). (WARD 6, DISTRICT 6) (ZC10-07-069)

WHEREAS, during the comprehensive rezoning of the unincorporated areas of St. Tammany Parish, the property described herein below was classified as depicted on attached Exhibit 1-Zoning Per Comprehensive Rezoning; and

WHEREAS, in January 2010, after the comprehensive rezoning was completed, an application was filed to rezone the subject property, which was assigned Parish Zoning Case No. ZC10-03-038. During the public hearing before the Zoning Commission, the Commission discovered what was believed to be an error in zoning the plaintiffs' property during the comprehensive rezoning process. The Commission adopted a resolution recommending that the existing zoning of plaintiffs' property be revisited by the Parish Council. In due course, the Parish Council referred the matter of the zoning classification of plaintiffs' property to the Zoning Commission for recommendation. The matter was assigned Parish Case No. ZC10-07-069; and

WHEREAS, after public hearing held in accordance with law, Case No. ZC10-07-069, the Zoning Commission of the Parish of St. Tammany made its recommendation to the St. Tammany Parish Council regarding the zoning classification of the subject property; and

WHEREAS, following an appeal of the Zoning Commission's recommendation and the public hearing before the St. Tammany Parish Council, held on November 4, 2010, the St. Tammany Parish Council made its determination and, in accordance therewith, adopted Ordinance Calendar No. 4423, C.S. No. 10-2399, ordaining that the zoning classifications of the subject property be changed from its present classification to A-2 (Suburban District-12.02 acres) HC-2 (Highway Commercial District-0.37) & I-1 (Industrial District-1.7 acres). Ordinance Calendar No. 4423 references Exhibit "A" for complete boundaries. See Exhibit-Rezoning Per ZC10-07-069 for boundaries and zoning classification per Ord. Cal. No. 4423; and

WHEREAS, following the adoption of Ordinance Calendar No. 4423, a Petition for Declaratory Judgment, Inverse Condemnation, Writ of Certiorari, Writ of Mandamus and Damages was filed to institute the proceedings captioned John L. Hendrix and Jean Marie Wolfe Hendrix v. St. Tammany Parish and the St. Tammany Parish Zoning Commission, 22nd Judicial District Court No. 2010-16976 "J"; and

WHEREAS, in connection with the aforesaid proceedings, Counsel for St. Tammany Parish and the Director of the Department of Planning conducted a thorough inspection of the entire property, the existing facilities, appurtenances and equipment utilized in the ongoing operations. The findings of Counsel and the Director of Planning were duly reported to the St. Tammany Parish Council for consideration of the rezoning of the property and resolution of the litigation by consent judgment; and

WHEREAS, the St. Tammany Parish Council has found it necessary, for the purpose of protecting the public health, safety and general welfare, and to provide for the appropriate zoning classification of

the property as set forth herein below, to amend Ordinance C.S. No. 10-2399. For complete boundaries and zoning classification, see attached Exhibit 3-Rezoning Pursuant to Ordinance Cal. No. 4592.

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

SECTION I: The zoning classification of the property described above and depicted on attached Exhibit "3", comprising approximately 14.12 acres more or less, shall be as follows: The 0.37 acre parcel or area that is currently designated as HC-2 (Highway Commercial) shall remain HC-2 (Highway Commercial); the 1.45 acre parcel or area that is currently designated as A-2 (Suburban District) shall remain A-2 (Suburban District); the 1.71 acre parcel or area is hereby changed from its current I-1 (Industrial District) designation to I-2 (Industrial District); and the 10.59 acre parcel or area is hereby changed from its current A-2 (Suburban District) designation to I-2 (Industrial District). See attached Exhibit 3-Rezoning Pursuant to Ordinance Cal. No. 4592 and Consent Judgment 22nd JDC No. 2010-16976"J".

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 herein above.

SECTION III: Legal Counsel for St. Tammany Parish is authorized to enter into a Consent Judgment, in the proceedings captioned John L. Hendrix and Jean Marie Wolfe Hendrix v. St. Tammany Parish and the St. Tammany Parish Zoning Commission, 22nd Judicial District Court No. 2010-16976 "J". The permitted uses of the property reclassified as I-2 (Industrial District), the 1.71 acres and 10.59 acres respectively, shall be subject to the terms, conditions and limitations to be set forth in the Consent Judgment that is authorized hereby and attached hereto, which are as follows: (1) The current owners of the property, John L. Hendrix and Jean Marie Wolfe Hendrix, shall install an opaque fence, not less than six (6') feet in height, along the entire boundary line of the property zoned I-2 (i.e., the 1.71 acre and 10.59 acre parcels) wherever the boundary line of said I-2 property abuts residentially zoned properties along Slaughter Road (i.e., the A-2 Suburban District properties). The fence installation shall be completed within six (6) months of the date the Consent Judgment is signed by the Court; (2) The current owners, and any subsequent owners, shall not use Slaughter Road in connection with the operations and use being conducted on the I-2 properties. Specifically, no vehicles or equipment shall travel on Slaughter Road beyond the southern boundary of the 1.71 acre site zoned I-2 (Industrial District) as reflected on Exhibit 3; (3) Only those uses permitted in by the provisions governing the A-2 (Suburban District) shall be allowed on the 1.45 acre site on Slaughter Road and designated as A-2 (Suburban District); and (4) The following uses are strictly prohibited on the 1.71 acre site and the 10.59 acre site designated as I-2 (Industrial District): sanitary systems used for the collection and disposal of garbage, sewage, septage, sludge and other wastes, including a biological treatment facility to process septage and municipal sewage sludge, processing and non-processing waste transfer stations and any garbage or waste activity that is licensed and regulated under Chapter 9 Garbage and Trash of the St. Tammany Parish Code of Ordinances.

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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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 7 DAY OF July, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: _____, 2011

Published Adoption: _____, 2011

Delivered to Parish President: _____, 2011 at _____

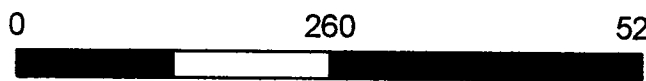
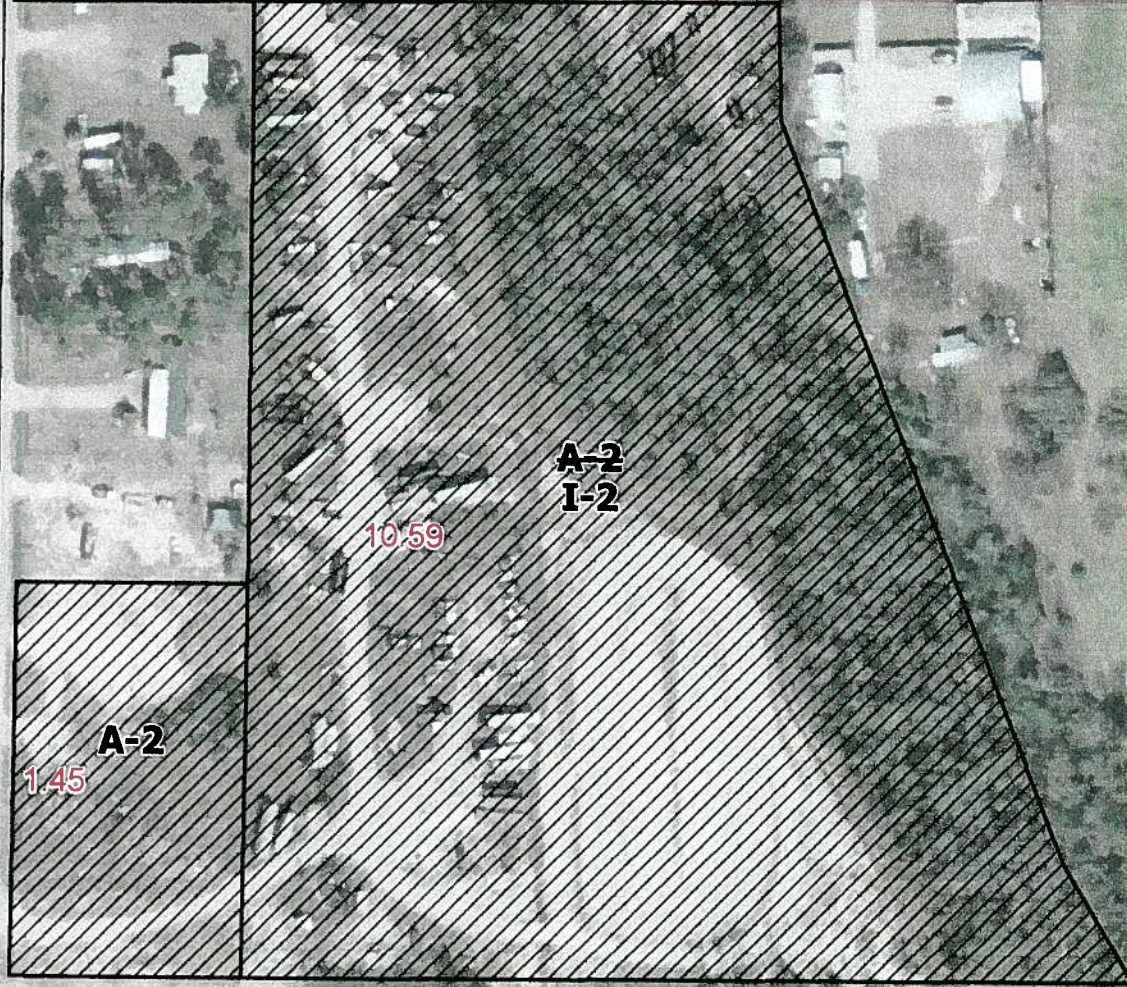
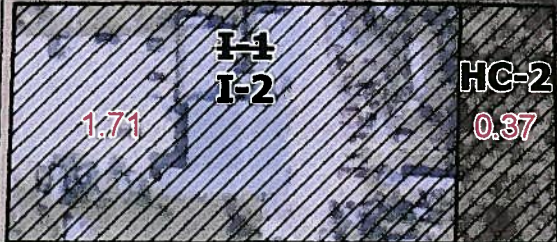
Returned to Council Clerk: _____, 2011 at _____

REED RD

HICKORY HWY

SLAUGHTER RD

BURNS RD



520 Feet **EXHIBIT 3 – REZONING PURSUANT TO**
ORDINANCE CAL. NO. 4592
 and CONSENT JUDGMENT
 22ND JDC NO. 2010-16976 “J”

