



ST. TAMMANY PARISH
 DEPARTMENT OF PLANNING
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APPEAL # 7

PC Approved:
10/11/11

A PETITIONER OR ANY AGGRIEVED PROPERTY OWNER HAS TEN (10) DAYS IN WHICH TO FILE AN APPEAL REGARDING A DECISION OF THE PLANNING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING ON OR BEFORE THE TENTH DAY.
 (NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

APPEAL REQUEST LETTER

DATE: 10-20-11
 TO: ST. TAMMANY PARISH COUNCIL
 FROM: CARLO HERNANDEZ
 RE: AGGRIEVED BY DECISION MADE BY THE ST. TAMMANY PARISH PLANNING COMMISSION

I, CARLO HERNANDEZ, hereby request that the St. Tammany Parish Council review the below mentioned case and consider reversing the decision made by the St. Tammany Parish Planning Commission at their _____ meeting.

The case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

PROPOSED AMENDMENTS TO ORDINANCE 499
SECTION 40-645.00 MINOR SUBDIVISION REVIEW

I therefore, respectfully request that the St. Tammany Parish Council consider my appeal at their next appropriate regularly scheduled meeting.

This letter shall suffice as official notice to be placed on the docket of the next appropriate regularly scheduled meeting of the St. Tammany Parish Council; whereby, I shall give truthful testimony and present evidence to support my appeal request.

(PLEASE PRINT THE FOLLOWING INFORMATION)

APPELLANT'S NAME: CARLO HERNANDEZ

ASSOCIATION TO CASE (PLEASE CHECK ONE): Developer Neighbor Group

ADDRESS: 2818 MESA COURT

CITY: MANDENVILLE STATE: LA ZIP: 70448 PHONE NO: 626-7578

SIGNATURE: Carlo Hernandez

XC: ALL ST. TAMMANY PARISH PLANNING COMMISSIONERS

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4653
COUNCIL SPONSOR: MR. GOULD
INTRODUCED BY: _____
ON THE 6 DAY OF OCTOBER, 2011

ORDINANCE COUNCIL SERIES NO. _____
PROVIDED BY: COUNCIL ATTORNEY
SECONDED BY: _____

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, APPENDIX B, CHAPTER 40, SUBDIVISION REGULATORY, ORDINANCE NO. 499, SECTION 40-045.00 MINOR SUBDIVISION REVIEW, PARTICULARLY PARAGRAPHS B AND D THEREOF.

WHEREAS, state law, specifically LSA-R.S. 33:113.1, authorizes administrative procedures for approving or certifying certain plats involving minor modifications of existing parcels of land. Said statute expressly provides that "The categories of such modifications qualifying for such administrative approval or certification are: (1) The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers" and meets all other requirements set forth therein; and

WHEREAS, in establishing the administrative procedures and requirements for the administrative review and approval of minor modifications of existing parcel in compliance with the state law requirement, the word "addition" in paragraph A(1) of R.S. 33:113.1 was omitted from paragraph B(1) of Section 40-045.00; and

WHEREAS, the Unified Development Code allows for the creation of any new lot in a commercially or industrially zoned district (i.e., NC, HC, PBC, MD and I) that is not less than twenty-thousand (20,000) square feet. The minor subdivision ordinance currently requires a minimum lot size of one (1) acre; and

WHEREAS, the Parish Council has determined that it is in the best interest of public health, safety and welfare to amend and reenact paragraphs B and D of Section 40-045.00 of Subdivision Regulatory Ordinance No. 499 for the purpose of allowing the addition of a boundary line and to provide that the minimum lot size for commercially zoned property is the minimum lot size provided for in the Unified Development Code for the creation of a new lot.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Appendix B, Chapter 40 Subdivision Regulatory Ordinance 499, Section 40-045.00 Minor Subdivision Review, particularly paragraphs B and D thereof, is hereby amended and reenacted to provide as follows:

**APPENDIX B, CHAPTER 40
ST. TAMMANY PARISH CODE OF ORDINANCES
SUBDIVISION REGULATORY ORDINANCE NO. 499**

SECTION 40-045.00 MINOR SUBDIVISION REVIEW

B. Administrative Approval: A public hearing shall not be required, and administrative approval of a minor subdivision is hereby authorized, in those instances set forth in this paragraph. For purposes of this paragraph, a minor subdivision means the approval or certification of certain plats involving minor modifications of existing parcels of land. The categories of such modifications qualifying for such administrative approval or certification are set forth in number (1) and (2) herein below:

1. Minor subdivisions that consist of the realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers provided the application meets all of the requirements of this Section and the following requirements:

- a. Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section.
- b. Does not involve the combining of existing lots that would result in the creation of more than five lots.
- c. Does not reduce a lot size below the minimum area or frontage requirements established by ordinance.

d. Otherwise meets all the requirements of the subdivision regulations, including all applicable regulations of this Section that are set forth herein below, and the applicable zoning ordinances.

2. Minor subdivision approval may also be granted, when the following criteria are met:

a. The subdivision will result in the creation of five or less lots, all of which must have direct frontage on a public road.

b. The subdivision will not result in the creation of any new public streets.

c. When the single parcel to be subdivided is located north of the Urban Growth Boundary Line, said parcel may be divided into no more than two parcels. The front parcel must meet the public road frontage requirements, which are as set forth below, and the other (rear) parcel may be created as a flag lot, to be accessed via a strip of land, or may be created to be accessed via a servitude that otherwise meets all other flag lot requirements below.

(I) For purposes of this Section, a flag lot is a lot created so that it is accessed via a strip of land with a minimum frontage and width between thirty (30) and sixty (60) feet. The access strip shall maintain said width for the entirety of its length. The minimum lot size for a flag lot, excluding the area of the access strip, is the minimum lot size requirement for the zoning district in which the property is located. The flag lot shall be required to meet all other minimum standards for the underlying district, including but not limited to minimum lot width, setbacks, and other zoning requirements on that portion of the lot not part of the access strip.

(ii) The combined frontage of the front and rear lot shall meet the minimum lot width of the underlying zoning.

(iii) The minimum lot size for a rear lot, excluding the area of the access strip, is the minimum lot size requirement for the zoning district in which the property is located.

(iv) The rear lot shall be required to meet all other minimum standards for the underlying district, including but not limited to minimum lot width, setbacks, and other zoning requirements on that portion of the lot not part of the access strip.

(v) For purposes of Section 40-045.01, the access strip shall be considered a private drive accessing one lot or parcel.

(vi) The common property line between the two parcels shall be considered front yard for the purposes of these regulations.

(vii) The proposed minor subdivision otherwise meets all of the requirements for administrative approval that are not in conflict with the particular requirements of paragraph B(2)(c).

d. All lots created shall meet the minimum lot size and dimension standards for the zoning district in which they are located pursuant to the Unified Development Code—Volume 1 (Zoning) or, for zoning districts other than commercial and industrial zoning districts (i.e., NC, HC, PBC, MD and I), a minimum of one (1) acre in size, whichever constitutes the greater area. The calculation for the area of a lot shall be exclusive of any public street right of way or private drive.

e. The Department of Environmental Services determines that the proposal is in compliance with Section 40.036 Sanitary Provisions, Ordinance 499.

f. The Department of Engineering Determines that the proposal is in compliance with Section 40.037 Drainage, Ordinance No. 499.

g. Does not reduce a lot size below the minimum area or frontage requirements established by ordinance.

h. Otherwise meets all the requirements of the subdivision regulations, including all applicable regulations of this Section that are set forth herein below, and the applicable zoning ordinances.

D. Public Hearing Required: Except as otherwise provided for herein above, a public hearing before the Planning Commission shall be required for the approval of minor subdivisions that result in the creation of five or less lots from an existing parcel, when any of the circumstances listed immediately below are applicable. In all such cases, any person aggrieved by a decision of the Planning Commission may appeal to the Parish Council. The appeal procedures of Section 18-036.05 of the Code of Ordinances shall apply.

1. When one or more of the lots proposed to be created from the existing parcel do not have direct frontage on a public road. However, to be approved, at least one lot must have direct frontage on a public road.

2. When any lot proposed to be created from an existing parcel is not a minimum of one acre in size.

3. When the minor subdivision of an original parcel of property to create five or less lots has received minor subdivision approval under the provisions of this Section as amended hereby, or under the provisions of this Section as it existed prior to the effective date of this Ordinance, no further subdivision of the original parcel, or any of the lots created by minor subdivision of the original parcel, will be allowed unless approved by the Planning Commission. See herein below provision of this Section entitled Limitation on Further Subdivision.

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 any other provision 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 COUNCIL HELD ON THE 3 DAY OF NOVEMBER, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO. 11-.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: SEPTEMBER 29, 2011
Published Adoption: _____, 2011
Delivered to Parish President: _____, 2011 @
Returned to Council Clerk: _____, 2011 @