



Staff Report
Text Amendment to UDC
Case #: TA-2022-08-00027

Attachments: Staff Report, Proposed Ordinance Language, Current UDC Language (Article 2.3.4)

City Council Introduction: Tuesday, July 26, 2022 (referred to Zoning Commission for review)

Zoning Commission Public Hearing: Thursday, September 8, 2022

City Council Final: Tuesday, September 27, 2022

City Council Request (Text Amendment): Review and recommendation of proposed ordinance for text amendment to the Unified Development Code Ordinance #14-5364, Article 2.3.4.E Preliminary Plat Review by City Planner (7) (d) (6) to revise consideration of new passage through a residential subdivision.

Site Information:

Location (Address): N/A – Text Amendment to UDC

Council District: Citywide – Text Amendment to UDC

Site Description: N/A – Text Amendment to UDC

Additional Information: This language change would add notice requirements within the impacted subdivision when a proposed development requires passage through an existing residential subdivision. It also makes clear in section 6, part of the criteria considered when approving or denying a subdivision, that comments received from the residents of the impacted subdivision shall be considered during this process.

Public Hearing:

For: Property Owners in Lakewood Subdivision

Against: NONE

Commission Recommendation:

Motion By: Ron Matthews to recommend approval of the proposed ordinance for text amendment to the Unified Development Code Ordinance #14-5364, Article 2.3.4.E Preliminary Plat Review by City Planner (7) (d) (6) to revise consideration of new passage through a residential subdivision.

Seconded By: Trey St. Romain

Vote:

For: Matt Sandifer, Kylan Douglas, Monica Perez, Ron Matthews, Trey St. Romain

Against: None

Ordinance to Read:

See proposed ordinance language provided by the City Council and City Attorney. Also attached within this packet.



CITY OF HAMMOND
ORDINANCE No. _____

**An Ordinance to Amend the Hammond Unified Development Code
Regarding Subdivision Approvals**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that the Hammond Unified Development Code, Article 2.3.4 be amended to add the language in bold type below:

Article 2. Administration

...

2.3 Procedures

...

2.3.4 Subdivision

...

E. Preliminary Plat Decision by Planning Commission

...

(7) The Planning Commission shall consider the following criteria in approving or denying a subdivision:

(a) The proposed development is consistent with the pertinent elements of the City of Hammond comprehensive plan and any other adopted plans.

(b) The proposed development will reinforce the existing or planned character of the neighborhood.

(c) The capacity of public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services.

(d) The subdivision demonstrates:

(1) Compliance with any prior approvals;

(2) Subdivision design appropriate for and tailored to the unique natural characteristics of the site;

(3) Adequate, safe and convenient arrangement of access, pedestrian circulation facilities, bicycle facilities, roadways, driveways, and off-street parking, stacking and loading space;

(4) Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater; and

(5) Adequate access for disabled or handicapped residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.

(6) Any adverse impacts on adjacent properties have been minimized or mitigated. **With respect to a proposed development that requires a new passage through a residential subdivision, primary consideration shall be given to the impact on the existing subdivision and the comments received from the residents of the impacted subdivision. A notice shall be posted by the City Building Official or other department member in a conspicuous place in the impacted subdivision before the public hearing of the Planning and Zoning Commission and the Hammond City Council and shall stay posted until the date of the meeting. The**

sign shall have printed on it, in bold type, the following: "A request for a proposed development has been made to the City of Hammond that requires a new passage through [name of subdivision] subdivision by extending [_____] street to [_____] street. A public hearing has been set for [date] at City Hall on [date] at [time]." The sign shall be not less than two feet wide by two feet in length and shall be made to resist discoloration and bending from wetness or weather. Though the sign is provided by the City, it is the responsibility of the applicant to ensure that the sign stays posted for the time required as above. The Commission or Council may decline to hear an application upon finding that the sign has been removed.

...

The above and foregoing ordinance having being duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, **2022** of the Hammond City Council and discussed at a public meeting held on _____, **2022**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Councilman _____ and Second by Councilman _____ the foregoing ordinance was hereby declared adopted on _____, **2022** by the following roll call vote:

Votes: Councilman Wells (), Councilman DiVittorio (), Councilman Andrews (), Councilwoman Gonzales (), Councilman Leon ().

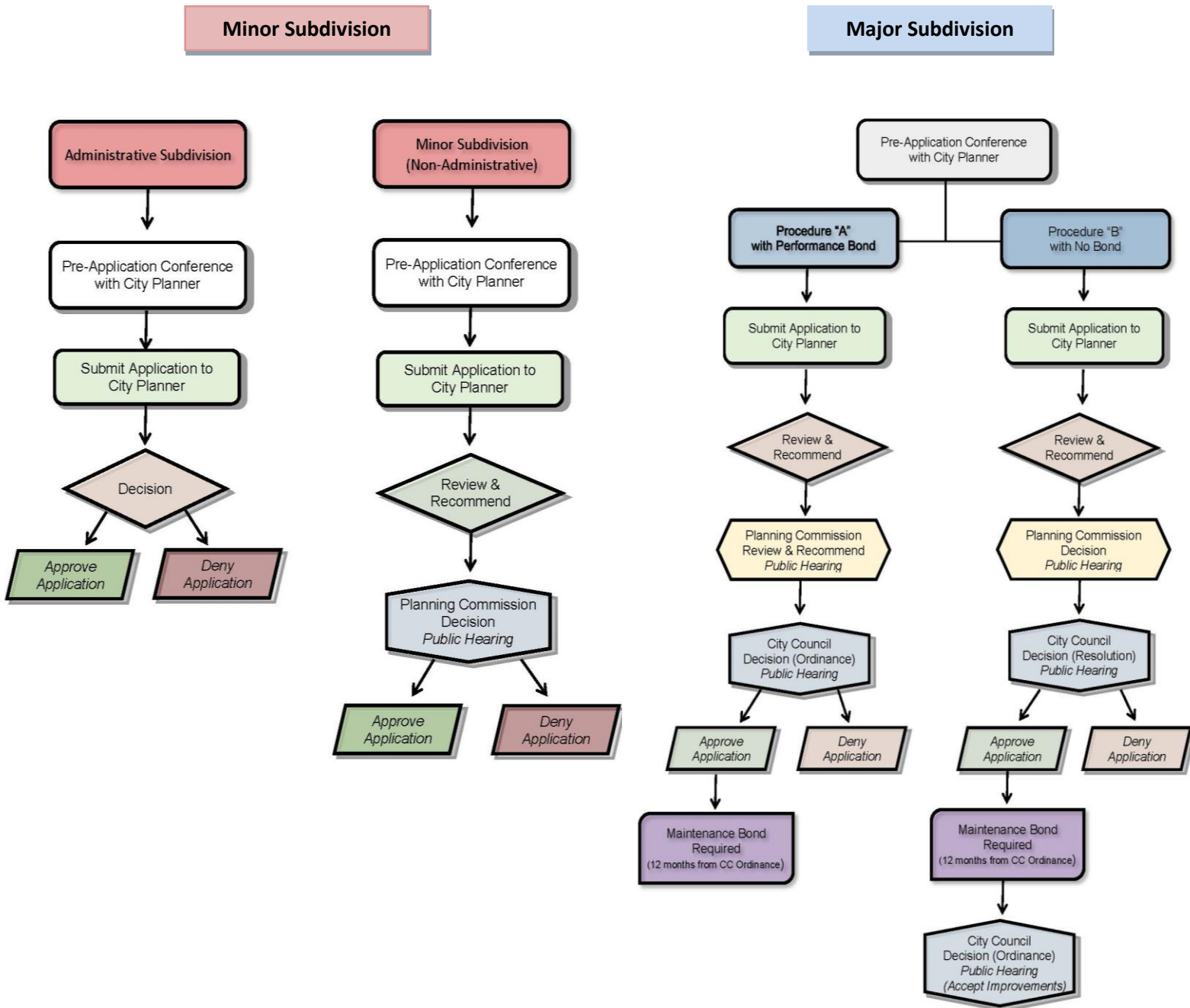
WHEREFORE the above and foregoing ordinance was declared duly adopted on the ____ day of _____, **2022**, at Hammond, Tangipahoa Parish, Louisiana.

Kip Andrews
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Lisa Cockerham, Clerk
Hammond City Council

2.3.4 Subdivision



A. When Required

No person may subdivide land except in accordance with the procedure and standards of this subdivision code.

(1) Major Subdivision

A Major Subdivision (Procedure A) is defined as a major subdivision where a Performance Bond is required because public improvements will be dedicated to the city at the completion of construction.

A Major Subdivision (Procedure B) is defined as a major subdivision where a Performance Bond is not required because public improvements will not be dedicated to the city at the completion of construction.

Major subdivision approval is required for:

- (a) Any subdivision of land not considered a minor subdivision or exempted by the provisions of [Paragraph 2.3.4 A \(3\)](#).
- (b) The creation of any number of lots where:
 - (1) New public or private streets are created;
 - (2) A private drive or private street provides access to more than three lots;
 - (3) Water or wastewater lines are extended;
 - (4) Drainage improvements through one or more lots must be installed; or
 - (5) A waiver of any Development Code standard is desired.

(2) Minor Subdivision

Minor subdivision approval is required for:

(a) 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 the following requirements:

- (1) Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section;
- (2) Does not involve more than two acres of land or three lots of record;
- (3) Does not reduce a lot size below the minimum area or frontage requirements established by this code; and
- (4) Otherwise meets all the requirements of this development code.

(b) Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the City of Hammond, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.

(3) No Subdivision Review Required

No subdivision review is required for the following:

- (a) The public acquisition of land for roads, water or wastewater infrastructure.
- (b) Any parcel of land, wherever located, upon which a servitude of passage is created for ingress or egress which does not create a through passage and is used exclusively as a driveway need not meet any street planning dimensions, except said servitude must be adequate in dimensions to provide for ingress and egress by service and emergency vehicles.

B. Application and Fees

- (1) A pre-application conference is optional for administrative subdivisions and mandatory for minor or major subdivisions.
- (2) All applications for subdivision review shall be filed in writing with the City Planner. See [Section 2.3.1](#).
- (3) All major subdivision applications shall be prepared and sealed by a land surveyor licensed in the State of Louisiana.

C. Specific procedures for Plat approval are listed in [Article 3](#).

D. Preliminary Plat Review by City Planner

- (1) The City Planner may refer the preliminary plat and application to other affected or interested agencies for review and comment.
- (2) The City Planner shall recommend approval, approval with conditions, or denial of the preliminary plat and application.
- (3) The City Planner may attach conditions required to make the preliminary plat and application comply with this development code.
- (4) The City Planner shall provide notice as set out in [Section 2.3.1](#).

E. Preliminary Plat Decision by Planning Commission

- (1) Following notice and a public hearing as required in [Section 2.3.1](#), the Planning Commission shall approve, approve with conditions, or deny the preliminary plat for a major subdivision.
- (2) The preliminary plat shall be approved or denied within 60 days of filing of a complete application, except where such time period is extended by the applicant.
- (3) The act of approving or denying a preliminary plat is a legislative function involving the exercise of legislative discretion by the Planning Commission, based upon data presented to it.

- (4) In deciding, the Planning Commission shall consider the recommendation of the City Planner, relevant comments of all interested parties and the review criteria below.
- (5) The Planning Commission may attach any reasonable conditions necessary to make the subdivision comply with this subdivision code, or to protect the health, safety and welfare of City of Hammond and minimize adverse impacts on adjacent properties.
- (6) Where the Planning Commission finds that unnecessary hardship results from strict compliance with this development code, a waiver may be granted. The Planning Commission shall find that due to the particular physical surroundings, shape or topographical conditions of the property, a particular hardship would result, as distinguished from a mere inconvenience. The granting of the waiver must not be detrimental to the public safety, health or welfare or injurious to other property or improvements. No waiver shall be granted based strictly upon financial considerations.
- (7) The Planning Commission shall consider the following criteria in approving or denying a subdivision:
- (a) The proposed development is consistent with the pertinent elements of the City of Hammond comprehensive plan and any other adopted plans.
 - (b) The proposed development will reinforce the existing or planned character of the neighborhood.
 - (c) The capacity of public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services.
 - (d) The subdivision demonstrates:
 - (1) Compliance with any prior approvals;
 - (2) Subdivision design appropriate for and tailored to the unique natural characteristics of the site;
 - (3) Adequate, safe and convenient arrangement of access, pedestrian circulation facilities, bicycle facilities, roadways, driveways, and off-street parking, stacking and loading space;
 - (4) Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater; and
 - (5) Adequate access for disabled or handicapped residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.
 - (6) Any adverse impacts on adjacent properties have been minimized or mitigated.
- (8) In the event that the Planning Commission denies any preliminary plat and application, the grounds for such denial shall be stated in the records of the Planning Commission.

Language of ordinance to be added to section (6).

F. Minor Subdivision Decision by City Planner

- (1) In deciding to approve, approve with conditions or deny the proposed minor subdivision, the City Planner shall consider relevant comments of all interested parties and the review criteria below.
- (2) The City Planner may attach conditions required to make the plat and application comply with this subdivision code.
- (3) A minor subdivision shall be approved in accordance with the requirements where it is:
- (a) Consistent with the pertinent elements of the City of Hammond comprehensive plan and any other adopted plans;
 - (b) Meets the requirements of this development code;
 - (c) Complies with any prior approvals, including specifically the preliminary plat and any conditions.
- (4) In order to be considered approved a minor subdivision must be signed by 2 of the following three people: City Planner, Planning Commission Chairman, or District Councilman.

G. Modification of Approved Subdivision

The City Planner is authorized to approve minor modifications to an approved subdivision. All modifications not listed as minor below shall be considered by the body that approved the original subdivision. The following modifications shall be considered minor:

- (1) Additional or wider easements that do not affect the general placement of buildings or general location of roadways;
- (2) Reduction in the number of lots;
- (3) Reduction of length of streets; or
- (4) Modification of public utility service.

H. Appeal

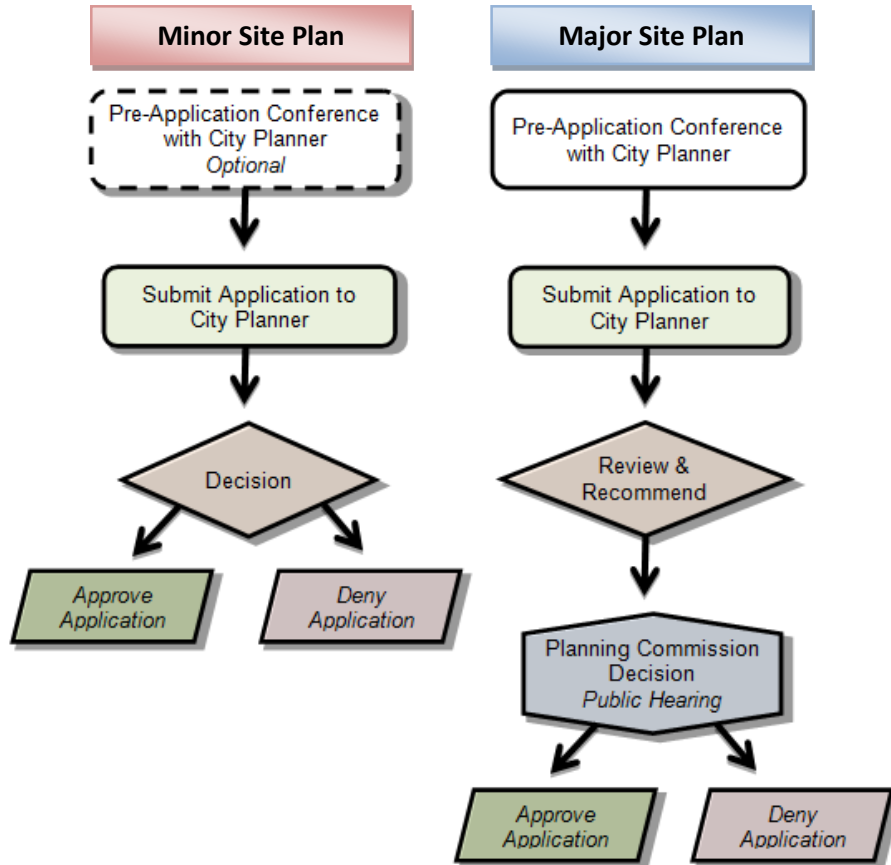
- (1) A final decision by the City Planner on a minor subdivision may be appealed to the Planning Commission. The Planning Commission shall review the subdivision as a major subdivision.

(2) A final decision by the Planning Commission on a major subdivision may be appealed to the city council.

I. Expiration

A preliminary plat expires after one year where a final plat application has not been filed. Each final plat for a phase of the preliminary plat extends the preliminary plat for an additional year. A final plat, once officially recorded, does not expire.

2.3.5 Site Plan Review



A. When Required

(1) Major Site Plan

Major site plan review by the Planning Commission is required for:

- (a) Construction of 10 or more residential units on a platted lot of record.
- (b) Construction or expansion of 5,000 or more square feet of Row House, Apartment, Mixed Use, Commercial or Industrial building types.

(2) Minor Site Plan

Minor site plan review by the City Planner is required for:

- (a) Construction or expansion of up to 5,000 square feet of Row House, Apartment, Mixed Use, or Industrial building types.
- (b) Construction of more than two, but less than 10, residential units on a platted lot of record.
- (c) Creation of more than 1,000 square feet of additional impervious surface (paving).