Text Amendment Report 2024-01-00033

Planning Commission, Zoning Commission, and Board of Adjustments

April 11, 2024

Abstract

Providing for consideration related to minor subdivision text amendment. The amendment makes the distinctions between major and minor subdivision more obvious. The amendment introduces the word, "major," before, "subdivision," in many places where its meaning has been customarily or broadly assumed. The amendment adds a new section for lot boundary adjustment to distinguish it from minor subdivision. The amendment allows zoning districts to shift with lot boundary adjustments in appropriate cases. The amendment removes any discontinuities between text and diagrams for minor subdivision. The amendment redefines glossary terms as necessary.

Text Amendment Report

Pursuant to UDC Subsection 2.3.2F, the Council's consideration is directed to the following four review criteria: 1) the proposed text amendment is consistent with the pertinent elements of the City of Hammond comprehensive plan and any other adopted plans, 2) the extent to which the text amendment is consistent with the remainder of this development code, 3) the extent to which the text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time; whether or not the text amendment corrects an error in this development code, 4) whether or not the text amendment revises this development code to comply with state or federal statutes or case law.

Section 1. Consistency with Adopted Plans

Nothing in the adopted plans is inconsistent with this amendment.

The Comprehensive Master Plan encourages small projects as a method for accomplishing community goals, including the redevelopment of large parcels. It also suggests large footprint developments should be scrutinized in favor of smaller scale projects. These objectives can be advanced by easing the process for undertaking minor subdivisions relative to major subdivisions.

Section 2. Consistency with the Remainder of the UDC

The subject of minor subdivisions required the redrafting of procedure related to major subdivision in several places. These changes are complementary and improve clarity. Where the Summary of Review Table (2.2.1) was inconsistent with written text related to minor subdivision, it has been corrected to reflect the text. In many cases appellate authority in text has been mistaken with primary decision-making authority, and needed to be codified differently in some places. Where reasonable, repetitive information has been removed.

Section 3. Causes for Amendment

Firstly, lot boundary adjustments are simple actions which effect a small area. For example, one lot owner purchasing the garden of an adjacent lot owner without effecting the character of either lot. The present language classifies this as a minor subdivision, which is an error which may require the submission of unnecessary information on the plats. Secondly, neither the concepts of minor or major subdivisions are new to the UDC, but the proposed amendment similarly will allow for more stratified submission requirements that are more reasonable to their distinct purposes. While a minor subdivision may concern the building of one house, a major subdivision may create a whole neighborhood, generate more public interestin the hearing process, and require greater coordination with local government services.

Section 4. Related Laws

Louisiana Law

According to RS 33:113 only parishes and municipalities with a population over 150,000 are eligible for processing minor subdivisions without public hearing prior to issuing a decision. Where permissible, this approach to subdivision is widely preferred among applicants. However, as neither Hammond or Tangipahoa are above this threshold we are obliged to maintain minor subdivision advertisement, notification, and hearings as is practiced for major subdivisions in all cases. An attorney general's opinion was discovered stating the sufficiency of approving minor subdivisions as final plats following one public hearing, rather than in two as is typical of major subdivisions involving infrastructure to be inspected against city quality standards.

RS 33:113 also suggests that minor subdivisions may be applied to any subdivision below six (6) lots, while Hammond sets a more restrictive threshold at below four (4) lots or two (2) acres. It was also found that many communities in Louisiana do not use acreage at all,

and use only the number of lots for distinguishing major and minor subdivisions. It may be preferable to raise the threshold for minor subdivision processing to below six (6), or to investigate with greater detail whether acreage can be excluded from the classification without compromising elements of Article 12, "Floodways, Floodplains, and Stormwater Management." This paragraph is included for discussion only and neither criteria are affected by this amendment.

RS 33:4724 provides that municipal government should determine the manner of processing rezoning cases so long as a public hearing is observed. In Hammond, rezonings are first heard by the Planning and Zoning Commission, and then heard by Council to be approved by ordinance. However, when a simple lot boundary adjustment crosses two distinct zones, their straightforward process for approval becomes as extensive and involved as any. This amendment creates a limited exception to rezoning procedure for lot boundary adjustments where the effect on the zoning map is clearly affirmative of the prior legislative intent. This should prevent unnecessary difficulty in receiving lot boundary adjustment approval in cases where zoning is implicated. As these exceptions would not apply to true rezonings, such as when a residential district is changed to an industrial one, it does not conflict with this statute.

Federal Law

It is reasonable to assume this amendment is consistent with federal law.

Case Law

It is reasonable to assume this amendment is consistent with pertinent case law.