

APPEAL # 3

ZC Approved: 11/01/2023



ST. TAMMANY PARISH

MICHAEL B. COOPER
PARISH PRESIDENT

RECEIVED
NOV 06 2023
BY: [Signature]

THE PETITIONER OR ANY AGGRIEVED PERSON HAS TEN (10) DAYS TO APPEAL THE DECISION OF THE ZONING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING & DEVELOPMENT. A COPY OF THE APPEAL REQUEST IS PROVIDED BELOW.

APPEAL REQUEST

DATE: 11/2/2023

Case No. 2023-3471-ZC:

Text Change to STP Code of Ordinances
Sections 130-918, 130-945 and 130-969
To Remove Apartments from the
Definition of Lodging

2023-3471-ZC

Text change: AN ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES SECTIONS 130-918, 130-945, 130-969 TO REMOVE THE TERM APARTMENTS FROM THE DEFINITION OF LODGING AS SET FORTH IN THOSE ORDINANCES

POSTPONED FROM THE SEPTEMBER 5, 2023 MEETING, OCTOBER 10, 2023 MEETING

We are hereby appealing to the St. Tammany Parish Council at its next appropriate regular scheduled meeting on the above referenced matter of an adverse decision of the St. Tammany Parish Zoning Commission.

This letter shall serve as official notice to put the above referenced matter on the Parish Council agenda.

Sincerely,

PLEASE SIGN YOUR NAME, PRINT NAME UNDERNEATH THAT AND PUT MAILING ADDRESS AND PHONE NUMBER BELOW PRINTED NAME.

[Handwritten Signature]
(SIGNATURE)

PRINT NAME: JEFFREY D. SCHOEN

ADDRESS: P.O. BOX 1810 COVINGTON, LA 70434

PHONE #: 985-842-4801

ST. TAMMANY PARISH COUNCIL
ORDINANCE

ORDINANCE CALENDAR NO. 7324

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. AIREY

PROVIDED BY: COUNCIL STAFF

INTRODUCED BY: MR. DAVIS

SECONDED BY: MR. FITZGERALD

ON THE 13TH DAY OF JULY, 2023

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES SECTIONS 130-918, 130-945, 130-969 TO REMOVE THE TERM APARTMENTS FROM THE DEFINITION OF LODGING AS SET FORTH IN THOSE ORDINANCES.

WHEREAS, it is necessary to amend the St. Tammany Parish Code of Ordinances Sections 130-918, 130-945, 130-969 to remove the term apartments as set forth in those Sections as a clarifier for the term "lodging"; and

WHEREAS, the existence of the term apartments in those Sections as a parenthetical exemplar of the listed permitted use of "lodging" was intended to address transient uses, however, the term apartments has been applied in instances to allow for non-transient lodging in the form of residential apartments; and

WHEREAS, in order to ensure that this improper application of the term lodging to permit residential apartments in areas zoned highway commercial zoning is not allowed, an amendment to the St. Tammany Parish Code of Ordinances is required.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that, the St. Tammany Parish Code of Ordinances Sections 130-918, 130-945, 130-969 be amended as follows:

Sec. 130-918. - Permitted uses.

(a) Use by right subject to any minimum standards as listed in [section 130-2213](#).

(b) All uses permitted in the HC-1 district and:

(12) Lodging, 100 rooms or less (including ~~apartments~~, hotels, and motels).

Sec. 130-945. - Permitted uses.

(a) Use by right subject to any minimum standards as listed in [section 130-2213](#).

(b) All uses permitted in the HC-1 district and:

(12) Lodging, 200 rooms or less (including ~~apartments~~, hotels, and motels).

Sec. 130-969. - Permitted uses.

(a) Use by right subject to any minimum standards as listed in [section 130-2213](#).

(b) All uses permitted in the HC-2 district and:

(6) Lodging, greater than 100 rooms (including ~~apartments~~, hotels, and motels).

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 be 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 PARISH COUNCIL ON THE 3RD DAY OF AUGUST, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

JAKE AIREY, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JUNE 28, 2023

Published Adoption: _____, 2023

Delivered to Parish President: _____, 2023 at _____

Returned to Council Clerk: _____, 2023 at _____



ZONING STAFF REPORT
2023-3471-ZC

MICHAEL B. COOPER
PARISH PRESIDENT

PLANNING & DEVELOPMENT
Ross Liner
Director

985-898-2529

21454 Koop Drive, Suite 1B, Mandeville, LA 70471

stpgov.org/planning

Location: Parish Wide – Unified Development Code Text Change

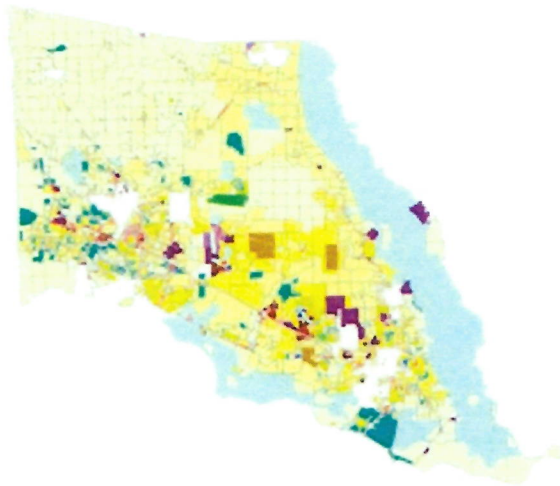
Ordinance Calendar No: 7324

Commission Hearing: September 5, 2023 - Postponed

Commission Hearing: October 10, 2023 – Postponed

Commission Hearing: November 1, 2023

Determination: Approved, Denied, Postponed



An Ordinance to amend the St. Tammany Parish Code of Ordinances Sections 130-918, 130-969 to remove the term "apartments" from the definition of lodging as set forth in those ordinances

OVERVIEW/HISTORY

1. The St. Tammany Parish Council introduced Ordinance Calendar No. 7324, which is a proposal to remove the term "apartments" from lodging as a permitted use. The permitted use is currently shown as "**Lodging, greater than 100 rooms (including apartments, hotels, motels)**" in the following ordinances:
 - a. Section 130-918 – Permitted Uses within the HC-2 Highway Commercial District
 - b. Section 130-945 – Permitted Uses within the HC-2A Highway Commercial District
 - c. Section 130-969 – Permitted Uses within the HC-3 Highway Commercial District
2. The St. Tammany Parish Land Use Regulation Zoning Ordinance No. 523 was the governing ordinance for the Parish prior to 2007 and listed "Hotels and Motels of 150 or less rooms" and "Apartment-Hotels" as conditional uses under the C-2 Highway Commercial District.
3. The current governing ordinances replaced Ordinance No. 523 in 2007 (Council Series No. 07-1548) and listed apartments as a permitted use under the HC-2 Highway Commercial District (Sec. 130-918) and the HC-3 Highway Commercial District (Sec. 130-969). The HC-2A Highway Commercial District was added to the Unified Development Code in 2012 and listed apartments as a permitted use inclusive of the lodging use allowing 200 rooms or less (Sec. 130-945[Council Series No. 12-2783]).



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LEGAL NONCONFORMING¹

1. There are currently four apartment complexes located within St. Tammany Parish that are zoned with the HC-2 Highway Commercial District or HC-3 Highway Commercial District zoning classifications (see Table 1). Removing the term "apartments" from the defined "Lodging, greater than 100 rooms (including apartments, hotels, motels)" use would make these four developments legal non-conforming². All non-conforming uses must adhere to the additional regulations listed within Chapter 130, Article III – Nonconformities. A reference to this section of the ordinance can be found below.

"Sec. 130-161. - Legal nonconforming buildings.

Any building or structure lawfully existing at the time of enactment of the ordinance from which these regulations are derived may be continued as legal nonconforming building or structure even though said building or structure does not conform with the provisions of these regulations for the zoning district in which it is located. Similarly, whenever use district shall be changed thereafter, then the existing lawful use may be continued. Legal nonconforming buildings shall be subject to the following regulations:

1. *Alterations.* Structural alterations to a legal nonconforming building or structure may be permitted only when there is not an increase in the cubical content of the building.
2. *Expansions.* Expansions including structural additions to a legal nonconforming building or structure may be permitted, provided:
 - a. The total expansion shall not exceed 25 percent of the total area of the existing structures or uses.
 - b. The proposed expansion shall not infringe on the side, front and rear yard requirements for the particular district in which the legal nonconforming use is located.
 - c. The parking requirements for the use shall be satisfied.
 - d. The proposed expansion will not merely serve as a convenience to the applicant, but will relieve some demonstrated hardship.
 - e. The proposed expansion shall not result in a diminution of surrounding conforming uses, or cause any diminution or depreciation of property values of any surrounding property nor alter the essential character of the locality.
 - f. The proposed expansion will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a parking hazard, or permit inadequate parking, or increase the danger of fire, or substantially overburden existing drainage or sewerage systems, or endanger the public safety nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisances.
 - g. Any proposed expansion of a nonconformity shall not require the rezoning of adjacent properties to accommodate said expansion (i.e., provide additional required parking).
3. The petitioner shall have six months to obtain the appropriate building permits or occupy the expansion from the date of approval of the parish zoning commission, unless otherwise stipulated by the parish zoning commission".

¹ Blue text indicates new language which has been added for the November 1, 2023 Zoning Commission report.

² *Nonconforming use* means a use which lawfully occupied a building or land at the time of adoption of the ordinance from which these regulations are derived and which does not conform with the use regulations of the district in which it is located.



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TABLE 1: Multi-Family Zoning Classifications Consistent with Existing Apartment Developments³

Apartment Complex	Acreage	Density	Current Zoning	Appropriate Zoning
Woodland Grove Apartments	2.63 acres	40 units	A-6 Multiple Family Residential & HC-2 Highway Commercial	A-7 Multiple Family Residential District The maximum net density permitted shall not exceed one unit per 2,500 square feet of property
Stone's Throw Apartments	5.8 acres	64 units	HC-3 Highway Commercial District	A-7 Multiple Family Residential District The maximum net density permitted shall not exceed one unit per 2,500 square feet of property
The Fairlane	3.9 acres	86 units	HC-3 Highway Commercial District	A-8 Multiple Family Residential District The maximum net density permitted shall not exceed one unit per 1,500 square feet of property
Artesia Apartments	14.28 acres	264 units	HC-3 Highway Commercial District	A-8 Multiple Family Residential District The maximum net density permitted shall not exceed one unit per 1,500 square feet of property

³ Blue text indicates new language which has been added for the November 1, 2023 Zoning Commission report.
Zoning Commission
October 10, 2023
Department of Planning and Development
St Tammany Parish, Louisiana
2023-3471-ZC



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2023-3471-ZC

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Table 2: Existing Apartment Buildings within HC Zoning Classifications

Apartment Complex	Address	Date Constructed	Zoning When Constructed	Current Zoning	Permit #
Woodland Grove Apartments	61325 Airport Road, Slidell	Prior to 1985	A-6 Multiple Family Residential & C-2 Commercial	A-6 Multiple Family Residential & HC-2 Highway Commercial	Unknown
Stone's Throw Apartments	61333 US-11, Slidell	Prior to 1998	C-1 Highway Commercial District	HC-3 Highway Commercial District	Unknown
The Fairlane	101 Holiday Square Blvd, Covington	2006	C-2 Highway Commercial District	HC-3 Highway Commercial District	Conditional Use Permit
The Green NorthPark	2021 Sullivan Lane, Covington	2016	PBC-1 Planned Business Campus	PBC-1 Planned Business Campus	2016-26967 2016-26968 2016-33893 2017-33894 2017-33895 2017-33896 2017-33897 2017-33898
Artesia Apartments	8382 Westshore Drive, Covington	2016	HC-3 Highway Commercial District	HC-3 Highway Commercial District	2016-27749 2016-27750 2016-27751 2016-27752 2016-27753 2016-27754 2016-27755 2016-27756 2016-27757 2016-27758 2016-27759 2016-27760 2016-27761
Turtle Creek Apartments – Annexed per Resolution # C-5068	4424 Emerald Road, Mandeville	2018	A-8 Multiple Family Residential District	O/R Office Residential District - Mandeville	2018-38701-LC 2018-38764 2018-38765 2018-38767



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LODGING, GREATER THAN 100 ROOMS (INCLUDING APARTMENTS, HOTELS, MOTELS)

1. The term "lodging" does not have a definition in the Unified Development Code. Merriam-Webster defines lodging as:
 - a. a place to live: dwelling;
 - b. sleeping accommodations, a temporary place to stay;
 - c. a room the house of another used as a residence.
2. The term "apartment building" is defined in the Unified Development Code as follows: "Apartment building means a multiple-family dwelling originally designed and constructed to accommodate four or more apartments, designed with more than one dwelling unit connected to a common corridor or entranceway in contrast to single- or two-family dwellings converted for multiple-family use or other attached dwellings (party-wall type) as defined herein".
3. The term "apartment hotel" is defined by the Unified Development Code as follows: "Apartment hotel means a building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store or coffee shop, when such uses are accessible only from the lobby. Lodging as board is provided for a single family indicates a group and offer for compensation and it is open to the public in contra-distinction to a boardinghouse, lodging house or an apartment which are defined separately".
4. Hotel is defined by the Unified Development Code as follows: "a facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities".
5. Motel is defined by the Unified Development Code as follows: "an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient, automobile tourists".

MULTI-FAMILY DWELLINGS

1. Multi-family dwellings are defined in the Unified Development Code as follows: "a dwelling containing three or more dwelling units designated with more than one dwelling unit connecting to a common corridor or entranceway, originally constructed for said purpose, and not including converted dwellings or attached row dwellings (party-wall type) as defined herein".
2. While the definition of "multi-family dwellings" and the definition of "apartment building" are distinct within the Unified Development Code, the Department of Planning and Development has traditionally considered them the same development type. Because of this, apartments, or multi-family dwellings are currently permitted in the following zoning classifications:
 - a. A-6 Multiple-Family Residential District
 - i. Purpose - The A-6(D) Multiple-Family Residential District is intended to provide medium density residential development in an urbanized location where it may serve as a transitional district between less intense commercial or industrial environments. This district is to be served by central utility systems, be convenient to commercial and employment centers, and have easy access to thoroughfares and collector streets. To protect the intentions of the district, permitted activities are limited to residential uses, both private and public, and utility uses. All strictly



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commercial uses are prohibited in the A-6(D) district. Planned unit development overlays may be used in the A-6(D) Multiple-Family Residential District.

- b. A-7 Multiple-Family Residential District
 - i. Purpose - The A-7(D) Multiple-Family Residential District is intended to provide high density residential development in an urbanized location where it may serve as a transitional district between less intense commercial or industrial environments. This district is to be served by central utility systems, be convenient to commercial and employment centers, and have easy access to thoroughfares and collector streets. To protect the intentions of the district, permitted activities are limited to residential uses, both private and public, and certain utility uses. All strictly commercial uses are prohibited in the A-7(D) district.
- c. A-8 Multiple-Family Residential District
 - i. Purpose - The A-8(D) Multiple-Family Residential District is intended to provide high density residential development in an urbanized location where it may serve as a transitional district between less intense commercial or industrial environments. This district is to be served by central utility systems, be convenient to commercial and employment centers, and have easy access to thoroughfares and collector streets. To protect the intentions of the district, permitted activities are limited to residential uses, both private and public, and certain utility uses. All strictly commercial uses are prohibited in the A-8(D) district.
- d. HC-2 Highway Commercial District
 - i. Purpose - The purpose of the HC-2 Highway Commercial District is to provide for the location of moderately scaled, more intense retail, office and service uses, generally located along major collectors and arterials designed to provide services to a portion of the parish.
- e. HC-2A Highway Commercial District
 - i. Purpose - The purpose of the HC-2A Highway Commercial District is to provide for the location of moderately scaled, more intense retail, office and service uses, generally located along major collectors and arterials designed to provide services to a portion of the parish.
- f. HC-3 Highway Commercial District
 - i. Purpose - The purpose of the HC-3 Highway Commercial District is to provide for the location of larger-scale, heavy commercial retail, office and service uses with primary accesses being collectors constructed for the development or arterials roadways.

MID-RISE RESIDENTIAL BUILDINGS/HOTELS, MOTELS, AND CONVENTION CENTERS

1. The Unified Development Code currently does not have a definition for "mid-rise" or "high-rise" residential buildings. While the definitions of "multi-family dwellings" and "apartment building" are distinctly labeled within the Unified Development Code, the Department of Planning and Development has traditionally considered them the same development type as "mid-rise residential buildings" and "high-rise residential buildings" as indicated in the permitted uses listed in the Land Use Development Code 523, the current Unified Development Code, and as shown in Table 2.
2. "Mid-rise residential buildings" is a permitted use within the PBC-1 Planned Business Campus District.



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- a. PBC-1 Planned Business Campus District Purpose –
 - i. The purpose of the PBC-1 district is to provide for Class A office space with supporting uses in a campus-type setting. This district is located particularly near the intersection of major arterials or a major and a minor arterial. The PBC -1 district is intended to provide flexibility in meeting the needs of both the public and private sectors for large-scale office development.
 - ii. The site must be large enough to accommodate internal traffic flows, parking, buffer and landscape, and a variety of uses and building types is a characteristic of this district. In no case shall the PBC-1 district be less than ten acres in area.
- 3. "High-rise residential buildings" is a permitted use within the PBC-2 Planned Business Campus District.
 - a. PBC-2 Planned Business Campus District Purpose –
 - i. The purpose of the PBC-2 district is to provide for Class A office space with supporting uses in a campus-type setting. This district is located particularly near the intersection of major arterials or a major and a minor arterial. The PBC-2 district is intended to provide flexibility in meeting the needs of both the public and private sectors for large-scale office development.
 - ii. The site must be large enough to accommodate internal traffic flows, parking, buffer and landscape, and a variety of uses and building types is a characteristic of this district. In no case shall the PBC-2 district be less than 20 acres in area.

STAFF FINDINGS

- 1. The term "apartments" located within the defined "Lodging, greater than 100/200 rooms (including apartments, hotels, motels)" is currently listed as a permitted use within the HC-2 Highway Commercial District, the HC-2A Highway Commercial District, and HC-3 Highway Commercial District, which totals 6,560 acres of property within the Parish. Removing the term "apartments" from the aforementioned zoning districts will reduce the zoning classifications in which apartments, or multi-family developments are permitted by 71% (see Table 3).

Table 3: Zoning Classifications Which Currently Allow Multi-Family Residential/Apartments

Zoning Classification	# of Acres in STP	Permitted Uses
A-6 Multiple Family Residential	809 acres	Multiple-Family dwellings
A-7 Multiple Family Residential	160 acres	Multiple-Family dwellings
A-8 Multiple Family Residential	157 acres	Multiple-Family dwellings
PBC-1 Planned Business Campus	1,109 acres	Mid-Rise Residential Buildings
PBC-2 Planned Business Campus	384 acres	High-Rise Residential Buildings
HC-2 Highway Commercial District	4,245 acres	Lodging, 100 rooms or less (including apartments, hotels, motels)
HC-2A Highway Commercial District	57 acres	Lodging, 200 rooms or less (including apartments, hotels, motels)
HC-3 Highway Commercial District	2,258 acres	Lodging, greater than 100 rooms (including apartments, hotels, motels)
Total:	9,179 acres	

- 2. With over 273,000 residents, St. Tammany Parish is the fourth most populated Parish in the state (US Census Bureau 2022). Research has shown that the top most populated Parishes within Louisiana allow apartments as a permitted use within various types of commercial districts including "light commercial", "neighborhood commercial", "residential mixed", "business core districts", and "heavy commercial" districts (see Table 4). If the St. Tammany Parish Council removes the term



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"apartments" from the list of permitted uses within the HC-2, HC-2A, and HC-3 districts, it would cause St. Tammany Parish to be the only Parish of the 7 most populous Parishes that does not allow apartments in commercial zoning classifications.

Parish	Population (100,000)	Commercial District Zoning Classification
1. East Baton Rouge Parish	450,000	Light Commercial One (LC1) Light Commercial Two (LC2) Light Commercial Three (LC3) Heavy Commercial One (HC1) Heavy Commercial Two (HC2) Business (C5)
2. Jefferson Parish	425,000	Neighborhood Commercial District (C-1) General Commercial District (C-2) General Offices (GO-1) General Offices (GO-2) Core District Residential (CD-R) Business Core District (BC-1) Business Core District (BC-2) Mixed Use Corridor (MUC) Office Warehouse District (OW-1)
3. Orleans Parish	369,000	All Suburban Neighborhoods Non-Residential Districts and All Commercial Center Districts
4. St. Tammany Parish	273,000	A-6 Multiple Family Residential A-7 Multiple Family Residential A-8 Multiple Family Residential PBC-1 Planned Business Campus PBC-2 Planned Business Campus HC-2 Highway Commercial District HC-2A Highway Commercial District HC-3 Highway Commercial District
5. Lafayette Parish	247,000	Residential Mixed (RM1) Residential Mixed (RM2) Mixed-Use Residential (MN) Downtown (D) Commercial Mixed (CM) Commercial-Heavy (CH)
6. Caddo Parish	229,000	General Commercial Zoning District (C3) Urban Corridor Commercial Zoning District (C-UC) Urban Village Commercial Zoning District (C-UV) D-1 Downtown Zoning District
7. Calcasieu Parish	202,000	Light Commercial District (C-1) General Commercial District (C-2) Central Business Commercial District (C-3)(Conditional Use Permit Required)

- Staff has determined that research, review, and rezoning of specific HC-2 Highway Commercial, HC-2A Highway Commercial, and HC-3 Highway Commercial properties may be an appropriate action to reduce the intensity of specific sites rather than removing apartments from permitted uses within existing Highway Commercial zoning classifications.
- If the Zoning Commission moves to recommend approval for the draft ordinance to remove the term "apartments" from the HC-2, HC-2A, and HC-3 Districts, staff recommends the Parish Council rezone the four apartment complexes that are zoned HC-2 Highway Commercial District or HC-3 Highway Commercial District to the appropriate zoning classification listed in Table 1 which would allow the existing uses to be compliant with the correct zoning classification.⁴

⁴ Blue text indicates new language which has been added for the November 1, 2023 Zoning Commission report.
Zoning Commission
October 10, 2023
Department of Planning and Development
St Tammany Parish, Louisiana
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Consistency with New Directions 2040

The proposed text change is inconsistent with the following goals, policies, and strategies of the Comprehensive Plan:

- i. Goal 1.8: A variety of safe, affordable, and attractive housing types will meet the needs of our diverse community.
- ii. Strategy 1.8.1: Maintain zoning classifications for mixed use development at various scales and intensities.
- iii. Strategy 1.8.3: Continue efforts to ensure that renters and homeowners have access to healthy housing without the presence of housing quality problems. Educate landlords above required standards of quality in their rental properties and warn them about potential violations of fair housing rules.
- iv. Strategy 1.9.2: Encourage infill development on vacant lots in existing neighborhoods.
- v. Strategy 4.5.3: Ensure that new development and redevelopment does not price out and displace long-term residents, elderly and poorer residents.