

HEARING EXAMINER REVIEW PURPOSE AND ELIGIBILITY

Purpose: As established by Ordinance No. O-129-97, and amended by Ordinance No. O-241-2000, the purpose of the Hearing Examiner Review Process is to permit the administrative review of minor non-controversial developments. All plats must comply with the applicable subdivision regulations.

Creation of New Lots: To qualify for a Hearing Examiner's Review, the property must meet the following criteria:

- The development must create no more than five (5) lots.
- The applicant is not providing for the creation of any new public or private streets. If a private street is the main access to the property, it must have been recorded in the Courthouse prior to June 30, 1998.
- The applicant owns no property adjacent to the proposed development, or in the event he does, the applicant shall not have submitted any other application for a subdivision of property from the total property owned by the applicant within one (1) year prior to the current plat.
- The development under review does not exceed five (5) acres.

SUBMITTALS THAT DO NOT REQUIRE A PUBLIC HEARING:

Boundary Line Adjustment: For the realignment or shifting of lot boundary lines within an approved subdivision. The following criteria must be met:

- The proposal does not involve the creation of any new street or public improvement.
- The proposal does not involve more than five (5) lots of record.
- The proposal does not reduce a lot size below the minimum area or frontage requirements established by ordinance.
- The proposal must otherwise meet all requirements of the applicable Subdivision Regulations and the Zoning Ordinance.

Severed Tracts: Parcels of land where a portion has been expropriated or has been dedicated, sold or otherwise transferred to the parish or municipality, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.

HEARING EXAMINER REVIEW PROCESS

SUBMITTAL & ELIGIBILITY:

The proposal is submitted to the Planning, Zoning, and Codes (PZC) Development Review staff in accordance with the Hearing Examiner's Checklist, included in this packet. The PZC staff will determine if the submittal is complete and eligible for the Hearing Examiner's Review. Packets which are incomplete or not clearly eligible for the Hearing Examiner's Review will not be placed on the agenda.

If the packet is not complete, the PZC staff will immediately contact the applicant to correct the deficiency. If the packet is not eligible for this review, the PZC staff will immediately contact the applicant to resubmit a packet for full plat review.

PROCESSING FOR THE CREATION OF NEW LOTS:

The agenda will be set in accordance with the attached schedule, or any subsequent update to be done on a yearly basis. All eligible submissions will be placed on the agenda.

Notice will be mailed to the applicant, adjacent property owners, etc., in accordance with the applicable regulations, ten (10) days before the scheduled hearing.

During the week between the mailing of notices and the hearing, the Development Review Committee (DRC) membership will review the proposals and return comments to the PZC staff.

The PZC staff will provide the applicant with the proposed conditions of approval. If the applicant agrees to the conditions, as noted by the Hearing Examiner, and no opposition has been raised to the proposal, a ruling of tentative approval will be granted. The proposal will then be placed upon the consent agenda of the Planning and Zoning Commission and the issuance of building permits will be allowed, once all requirements are addressed.

If the proposal encounters opposition, or if the applicant wishes to appeal any requirements set forth by the Hearing Examiner, the proposal will be placed upon the next available Planning and Zoning Commission Agenda for a full public hearing.

Once all requirements of approval are completed, the plat will be recorded with the Lafayette Parish Clerk of Court.

PROCESSING FOR BOUNDARY LINE ADJUSTMENTS AND SEVERED TRACTS:

Submittal deadlines shall be the same as those established for submittal of new lots. The appropriate departments within the Lafayette Consolidated Government will review the plats and return comments to the PZC staff.

The PZC staff will provide the applicant with the proposed conditions of plat approval. If the applicant agrees to all conditions, he will submit corrected plats for recordation. Once all of the conditions have been met, the plat will be recorded with the Lafayette Parish Clerk of Court.

If the applicant wishes to request a waiver of any condition, the proposal will be placed on the next available Hearing Examiner Agenda. At that point, the procedure will follow the procedures set forth above for the creation of new lots.

CERTIFICATION FOR SUBDIVISION PLAT

The applicant and the surveyor preparing the subdivision plat which is the subject of this application hereby represents, warrants and certifies to the Lafayette Consolidated Government that:

The information delivered in connection with this application with respect to the names and addresses of the property owners within three hundred (300) feet of the proposed subdivision is true and accurate and that each applicant and surveyor have conducted all necessary investigations to confirm its accuracy. The names and addresses of the owners of the property located within three hundred (300) feet of the proposed subdivision delivered to Lafayette Consolidated Government are true and correct and were obtained from the most current tax rolls as periodically updated by the Lafayette Parish Tax Assessor.

In the event the PZC development staff or the Commission determines, at any time prior to the action being taken by the Commission with respect to any preliminary plan, that the information (or any portion thereof) contained in the application for preliminary plan approval is incorrect, then the PZC development staff or the commission may deem the application incomplete, and the same shall be returned to the applicant without further action by the PZC development staff or the Commission. The PZC development staff or the Commission shall not be obligated to further review the application until the information (or any portion thereof) shall be corrected to the satisfaction of the PZC development staff.

Applicant

Date

Surveyor

Date

SIGN REQUIREMENTS

NOTE: SIGNS ARE REQUIRED FOR HEARING EXAMINER AND PLANNING COMMISSION APPLICATIONS.

1. Sign must be weatherproof.
2. Sign must be posted in location nearest the public right of way to the proposed development.
3. Sign must be 4' x 4' in size and must be a minimum of 4 feet off the ground when posted.
4. Sign must be in color **green**.
5. Sign must state the following information:
 - A. Name and type of the proposed development or subdivision.
 - B. The total number of proposed lots.
 - C. Applicant/Developer's name, telephone and fax number. Names shall include all principals, partners, shareholders or members of any applicant or developer entity.
 - D. Date, time and location of the public hearing with respect to the proposed subdivision.
 - E. The statement: **"A subdivision is proposed for this site"**.
6. Sign must be posted **fourteen (14)** days prior to the Planning Commission meeting and **seven (7)** days prior to the Hearing Examiner meeting.
7. Sign must be removed within **seven (7)** working days following the public hearing, unless the decision of the Commission or Hearing Examiner is appealed.

NOTE: IF SIGN IS NOT POSTED TIMELY, THE APPLICATION WILL BE REMOVED FROM THE AGENDA.

HEARING EXAMINER'S CHECKLIST

The following items must be submitted for review by the Hearing Examiner:

Creation of New Lots:

- Completed Hearing Examiner Application
- Completed Hearing Examiner Checklist
- Twenty (20) folded** copies of the proposed plat
- One **(1)** copy of the proposed plat on 8 ½" x 11" paper
- Filing Fee - (made payable to Lafayette Consolidated Government):
 - \$100 – Residential Reviews
 - \$500 – Commercial Review
- Recordation Fees – \$50 (or greater, if actual recording costs exceed \$50)
- Affidavit of Ownership completed with owner's signature
- Certification for Subdivision Plat with applicant's and surveyor's signature
- Names and addresses typed on Avery 5160 Mailing Label Format and e-mailed to Elsie Lindon (elindon@lafayettegov.net)** of all property owners within 300' of the proposed subdivision. This includes property owners across all adjacent streets as well as mailing labels for the subject property owner/applicant and surveyor. **The application will not be placed on the Meeting Agenda without proper mailing labels being received by submittal deadline to the PZC.**
- Act of Dedication of Streets and/or Servitudes

Boundary Line Adjustments and Severed Tracts:

- Completed Hearing Examiner Application
- Completed Hearing Examiner Checklist
- Ten (10) folded copies** of the proposed plat and one **(1)** copy on 8½" x 11" paper
- Filing Fee - \$100 (made payable to Lafayette Consolidated Government)
- Recordation Fees – \$50 (or greater, if actual recording costs exceed \$50)
- Affidavit of Ownership completed with owner's signature

All proposed plats shall contain the following information:

- Section, Township and Range
- North Arrow, both plat and vicinity map must be oriented in the same direction.
- Name, address, and telephone number of property owner(s) and the subdivider
- Names and addresses of all adjacent property owners (including across the street)
- The survey must be a minimum Class C stamped survey with all appropriate metes and bounds located thereon.
- Dimensions and bearings of Lot Lines
- The number of lots
- The total acreage
- Minimum lot frontage and area
- A vicinity map showing the location of the proposed subdivision, and the entirety of the tract to be divided
- A title block which includes the subdivision name, type of subdivision (residential or commercial), scale and preparation date
- Scale (both written and graphic) for the plat and vicinity map
- The names of abutting subdivisions and in the case of abutting unplatted property, the notation "Unplatted"
- Utility legend, indicating source of water, sewer, electrical, etc.
- The location and names of existing roads, watercourses, and easements located in the subdivision and abutting property
- The Surveyor's name, address, stamp and signature
- The location of the one hundred (100) year flood zone
- Distance from the nearest intersection, for accurate addressing

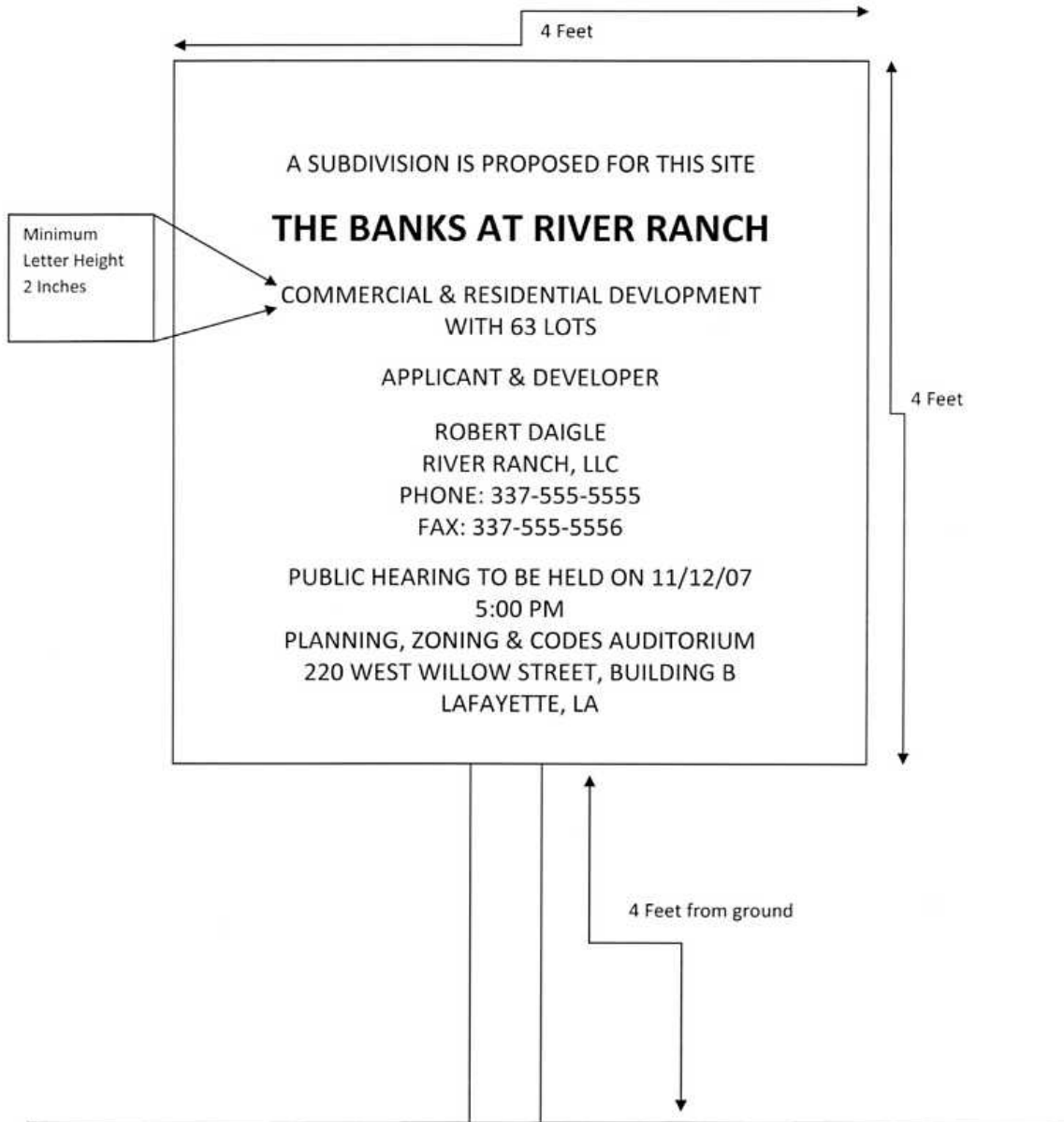
HEARING EXAMINER SCHEDULE – 2010

Meeting Time: 8:30 a.m.
220 West Willow Street, Building B
Lafayette, LA 70501

Submittal Deadline	Post Signs	Comments to Surveyors	Hearing Date
December 28, 2009	January 8, 2010	January 14, 2010	January 15, 2010
January 11, 2010	January 22, 2010	January 28, 2010	January 29, 2010
January 25, 2010	February 5, 2010	February 11, 2010	February 12, 2010
February 8, 2010	February 19, 2010	February 25, 2010	February 26, 2010
February 22, 2010	March 5, 2010	March 11, 2010	March 12, 2010
March 8, 2010	March 19, 2010	March 25, 2010	March 26, 2010
March 22, 2010	April 2, 2010	April 8, 2010	April 9, 2010
April 5, 2010	April 12, 2010	April 22, 2010	April 23, 2010
April 19, 2010	April 30, 2010	May 6, 2010	May 7, 2010
May 3, 2010	May 14, 2010	May 20, 2010	May 21, 2010
May 17, 2010	May 28, 2010	June 3, 2010	June 4, 2010
May 28, 2010	June 11, 2010	June 17, 2010	June 18, 2010
June 21, 2010	July 2, 2010	July 8, 2010	July 9, 2010
July 2, 2010	July 16, 2010	July 22, 2010	July 23, 2010
July 19, 2010	July 30, 2010	August 5, 2010	August 6, 2010
August 2, 2010	August 13, 2010	August 19, 2010	August 20, 2010
August 16, 2010	August 27, 2010	September 2, 2010	September 3, 2010
August 30, 2010	September 10, 2010	September 16, 2010	September 17, 2010
September 13, 2010	September 24, 2010	September 30, 2010	October 1, 2010
September 27, 2010	October 8, 2010	October 14, 2010	October 15, 2010
October 18, 2010	October 29, 2010	November 4, 2010	November 5, 2010
November 1, 2010	November 12, 2010	November 18, 2010	November 19, 2010
November 12, 2010	November 26, 2010	December 2, 2010	December 3, 2010
November 29, 2010	December 10, 2010	December 16, 2010	December 17, 2010

ALL SUBMITTALS ARE DUE TO PLANNING BY NOON ON THE DAY LISTED

“SAMPLE ONLY”



PROPOSED DEVELOPMENT SIGN

ACT OF DEDICATION OF SERVITUDE(S)

BE IT KNOWN, that on this ____ day of _____, 20____ before me, the undersigned Notary Public, duly commissioned and qualified as such in and for the aforesaid Parish and State, and in the presence of the undersigned competent witnesses, personally came and appeared:

Who, after being first duly sworn, did depose and declare that:

Appearer is the owner of certain property more fully described as follows, to wit: That certain parcel of ground, together with all improvements thereon, and all rights, ways, privileges, servitudes, advantages and appurtenances thereon and thereunto appertaining to be known and declared as _____ Subdivision, Phase ____, located in the City and/or Parish of Lafayette as shown and set forth in that certain plat of survey prepared by _____, Registered Land Surveyor, dated the ____ day of _____ 20 ____, a copy of which is attached hereto and made a part hereof.

Appearer has submitted the hereinabove-referenced plat of survey to the Lafayette City-Parish Department of Planning, Zoning and Codes in order to have plat approval issued by said Department. In connection therewith and in order to obtain such approval, Appearer does by these presents dedicate, create and establish exclusively in favor of the City-Parish, for the ultimate benefit of the public and any other persons, entities or estates who are given authority by the City-Parish to use same or who as a result of this dedication may derive any benefit there from, any and all rights of way, rights of passage, utility servitudes, drainage servitudes, and all other items shown on the plat of survey referenced herein.

Appearer declares that in connection herewith, Appearer grants a perpetual predial servitude(s) in favor of the City-Parish and such other persons, entities or estates who are given authority by said Government to use the servitudes, rights of passage, rights of way and other items shown on the attached plat of survey, or who may as a result of this grant of servitude derive any benefit there from, and in connection therewith agrees that the City-Parish and any such individuals, entities and estates as are authorized by the City-Parish shall have access to said servitudes for the purpose of constructing, repairing, maintaining, upgrading, improving or otherwise operating any and all utility, drainage and other improvements, and in connection therewith, may, within the confines of said servitudes as shown on the plat, clear brush, trees and other items or obstacles as may interfere with the free use of said servitudes; construct drainage, electric, sewer, and water and other utility facilities; remove all obstacles which would hamper or preclude the exercise of the servitude; and otherwise have full access for the purpose of utilizing and maintaining the servitudes and any improvements hereafter or heretofore constructed therein, or thereon. Appearer agrees to provide for the perpetual maintenance of any and all drainage ditches, including roadside ditches and other sewage receptors of effluent and other discharges from any and all sewer systems, to the extent they have not been accepted for maintenance by Lafayette Consolidated Government, on the property within the subdivision and to perform and have performed all actions necessary to maintain, clean, clear or improve said waste water discharge as necessary and/or required by law.

In connection with the exercise of the use of the servitudes created hereby, the City-Parish, for the ultimate benefit of the public and any other persons, entities or estates, shall have such access as is appropriate or reasonably necessary, both within and without the actual confines of the servitudes, as same are shown on said plat, to access said servitudes in order to maintain same, improve same, construct appropriate improvements, structures and appurtenances with regard thereto, in accordance with the relevant provisions of the Louisiana Civil Code, and in particular Article 745 thereof.

The purpose of this Act is to dedicate to the City-Parish, for the ultimate benefit of the public, all utility servitudes, rights of way and other matters as reflected on the plat of survey and to provide for the use and enjoyment of same by the public. In that regard, however, this dedication is made in favor of the City-Parish, which will have full authority to regulate the use of said servitudes, rights of way, rights of passage and other items shown on said plat. The servitudes shall be subject to full use by the Lafayette City-Parish Consolidated Government and those authorized by it for the purposes for which they are intended by those having the need or responsibility of providing utilities, drainage or other services to the properties or estates to be serviced or benefited by said servitudes, whether contiguous or not.

THUS DONE AND PASSED on the date first hereinabove written, before me, Notary, and in the presence of the undersigned competent witnesses, after due reading of the whole.

WITNESS:

NOTARY PUBLIC