



BARBARA JACOB-TUCKER
COUNCIL SECRETARY

101
ST. CHARLES PARISH
OFFICE OF THE COUNCIL SECRETARY

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FAXED
4-11-08

MEMORANDUM

DATE: APRIL 11, 2008

TO: MS. KIMBERLY MAROUSEK
PLANNING & ZONING DIRECTOR

FROM: BARBARA JACOB-TUCKER
COUNCIL SECRETARY

RE: PROPOSED ORDINANCES
AMEND APPENDIX A., SECTION X.
EXCEPTIONS AND MODIFICATIONS

AMEND APPENDIX A., SECTION VI.
ZONING DISTRICT CRITERIA & REGULATIONS

This is to formally request that you initiate the process to have the referenced placed on the Agenda for consideration by the Planning Commission at their meeting of May 8, 2008.

Thank you.

BJT/vb

enclosures

cc: Ms. Wendy Watkins w/enclosure

2008-

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____**

An ordinance to amend the Code of Ordinances, Appendix A. Section X. Exceptions and modifications B. Exceptions to area regulations 3. to change setback requirements from property line to servitude line.

WHEREAS, the St. Charles Parish Council adopted Ordinance No. 00-5-7 on May 1, 2000; and,

WHEREAS, Ordinance No. 00-5-7 has come into question by landowners in St. Charles Parish; and,

WHEREAS, the new setback requirement severely reduces the buildable area of lots; and,

WHEREAS, the net result of the setback requirement equates to an illegal taking of private property by St. Charles Parish without just compensation; and,

WHEREAS, servitude width requirements along major canals measured from top of bank in new subdivisions should be revised if deemed necessary by the Public Works Department.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Appendix A. Section X. Exceptions and modifications B. Exceptions to Area Regulations 3. shall be amended as follows:

AS WRITTEN

- 3. Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be twenty feet measured from the inner boundary of such servitude or right of way, notwithstanding any other provision of law, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.

REVISED

- 3. Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall in no case be less than five (5) feet measured from such servitude or right of way for said canal. Notwithstanding any other provision of law, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2008, to become effective five (5) days after publication in the Official Journal.

Amend Code Section X B

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____