

2008-0145

INTRODUCED BY **V.J. ST. PIERRE, PARISH PRESIDENT**
(DEPARTMENT OF PLANNING AND ZONING)

ORDINANCE NO. 08-3-5

An ordinance to provide variance and waiver procedures for Special Exception and Special Permit Uses

WHEREAS, Ordinance # 98-9-2 provides that in cases where Special Exceptions and Special Permits are required for a proposed land use, the Zoning Board of Adjustments shall have no authority to grant variances, and,

WHEREAS, that provision of law removes the ability of the parish to evaluate individual circumstances based on unique land use considerations, and

WHEREAS, that provision leaves an applicant with no local appeal of Special Exceptions and Special Permits for waivers and variances, and,

WHEREAS, land use decisions should be made by the Parish of St. Charles and not remanded to the court system, and,

WHEREAS, the St. Charles Parish Planning Commission and the St. Charles Parish Council can and should review applications to waivers or variances for Special Exception and Special Permits

NOW, THEREFORE, THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

Section 1 That Appendix A Section III 67 is amended to read as follows

67 Special exception uses and special permit uses

a) Special exception uses Those building or land uses requiring approval by the Planning and Zoning Department prior to development of the use under question If a waiver or variance is required for a proposed Special Exception Use, it shall require a Special Permit for the same land use.

b) Special permit uses Those building or land uses requiring in-depth review and analysis by the Planning and Zoning Department and Commission Following review by the Planning and Zoning Department, a public hearing will be held by the Planning and Zoning Commission The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date Similar notification shall also be posted at the principal office of the Department of Planning and Zoning The public hearing shall be advertised in the official journal of the parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners Following this public hearing, the decision(s) of the Planning and Zoning Commission and/or Parish Council will be implemented by the Planning and Zoning Department Waivers and Variances to Special Permits may be considered under conditions set forth in Section IV.10. of this ordinance.

Section 2 That Appendix A. Section IV is amended by adding the following

10. Waiver or Variance to Zoning Regulations for Special Permit Uses. Should the Director discover that specific aspects of an application for Special Permit fail to conform to the regulations contained in this ordinance, he may choose to forward the proposal for formal consideration by the Planning Commission and Parish Council if the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or variance to existing regulations. Any application for Special Permit which contains a request for a waiver or variance shall contain a specific reference to the request and state the reasons that the request be granted. The Planning Commission, with a supporting resolution of the Council, may grant a waiver or variance to these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: RAYMOND

ABSENT: NONE

And the ordinance was declared adopted this 24th day of March, 2008, to become effective five (5) days after publication in the Official Journal

CHAIRMAN [Signature]

SECRETARY [Signature]

DLVD/PARISH PRESIDENT March 25, 2008

APPROVED _____ DISAPPROVED _____

PARISH PRESIDENT [Signature]

RETD/SECRETARY March 26, 2008

AT 10:15 a.m. RECD BY [Signature]