

2005-0145

**INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPT. OF PLANNING & ZONING)**

An ordinance approving and authorizing the establishment of a Home Occupation under the operation of "Fogarty's Maintenance" – a cemetery maintenance business at 238 Ormond Village Drive, Destrehan, LA, as requested by Michael Fogarty.

WHEREAS, Section XXII B.2.b. of the Zoning Ordinance stipulates Planning & Zoning Commission approval for home occupations if negative commentary from affected residents is received by the Planning & Zoning Department; and,

WHEREAS, The application for home occupation - "Fogarty's Maintenance" – a cemetery maintenance business at 238 Ormond Village Drive, Destrehan, LA, as requested by Michael Fogarty received negative commentary from affected residents of the subdivision in question; and,

WHEREAS, After public hearing, the Planning & Zoning Commission approved the Home Occupation on May 3, 2005; and,

WHEREAS, Section XI C.2. of the Zoning Ordinance stipulates that if the Planning Director determines a permit request to be in compliance with Zoning Ordinance requirements but considers the proposed land use to be detrimental to the public health, morals, or general welfare of the Parish, he shall refer the application to the Parish Council for review; and,

WHEREAS, The property has been the subject of previous violation complaints, including improper storage of equipment, though no violations are evident at present; and,

WHEREAS, The applicant, Michael Fogarty states publicly that the home occupation is for office administration purposes and that equipment is to be stored off-site or out of view on-site.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the described home occupation application by Michael Fogarty for "Fogarty's Maintenance" – a cemetery maintenance business at 238 Ormond Village Drive, Destrehan, LA, is hereby approved.

SECTION II. That the Department of Planning & Zoning is hereby authorized to grant Michael Fogarty a home occupation permit for a cemetery maintenance business.

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

YEAS: HILAIRE, FABRE, BLACK, DUHE

NAYS: MARINO, FAUCHEUX, RAMCHANDRAN, WALLS

ABSENT: MINNICH

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY.