

ORD

2005-0319

INTRODUCED BY: ALBERT LAQUE, PARISH PRESIDENT
(Department of Planning & Zoning)

ORDINANCE NO. 05-12-7

An ordinance to amend the St. Charles Parish Zoning Ordinance to regulate temporary emergency housing sites when a federal disaster has been declared so that such sites shall not exist for more than 3 years and shall pay for impacts to the public infrastructure.

- WHEREAS**, the potential for southeast Louisiana to be affected by disaster has become evident with Hurricanes Katrina and Rita; and,
- WHEREAS**, the recovery of the region from such disasters requires that people be able to reside close to their homes and workplaces; and,
- WHEREAS**, recovery from such disasters also may require that relief workers, first responders, insurance adjusters, contractors, engineers, and volunteers from other parts of the country are able to reside temporarily near affected areas; and,
- WHEREAS**, such temporary residence should be permitted but also must be regulated such that it does not adversely impact local infrastructure or property values; and,
- WHEREAS**, the St. Charles Parish Council wishes to protect the health, safety, welfare, and property values of the citizens of St. Charles Parish by ensuring that such temporary residence meets all State and Federal regulations and that temporary residences expire when the recovery needs of the region are met,

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I: That Appendix A. Section X. is amended to add the following:

H. *Exceptions and Modifications to provisions of this Zoning Ordinance for construction, location, and/or operation of Temporary Emergency Housing.* Notwithstanding other provisions of this Ordinance than those referenced, any person, firm, or public entity wishing to construct, locate, and/or operate temporary emergency housing developments in the aftermath of an event federally declared as a disaster shall comply with the following:

1. Definitions

- a. *Temporary Business Emergency Housing Development:* a special community designed to temporarily accommodate multiple Temporary Emergency Housing Units for relief, response, recovery and contract personnel in B-1, B-2, C-2, C-3, M-1, M-2 and M-3 zoning districts. The site does not require FEMA sponsorship and is a Special Exception Use.
- b. *Temporary Emergency Housing Unit:* a recreational vehicle (RV) or travel trailer used to provide transitional housing following a federally-declared disaster, for people who have been displaced because of the disaster and for relief, response, recovery and contract personnel brought in after an occurrence to restore an affected area or workplace to near normalcy. Specifically not included are mobile homes, modular homes or tents.
- c. *Temporary Residential Emergency Housing Development:* a special community sponsored by FEMA and designed to temporarily accommodate multiple Temporary Emergency Housing Units permitted as a Special Permit Use on land zoned O-L, R-1A, R-1A(M), R-1B, R-2, R-3, CR-1, and/or C-1.

2. Zoning Districts/Permit Requirements

- a. Temporary Residential Emergency Housing Developments may be permitted as a Special Permit Use in O-L, R-1A, R-1A(M), R-1B, R-2, R-3, CR-1 and C-1 zoning districts with approval by the Planning and Zoning Commission and a supporting resolution by the Parish Council. An application for a Temporary Residential Emergency Housing Development shall follow the Special Permit Process outlined in Section III. 67. b) of this Ordinance and shall be reviewed using the criteria outlined in Section IV. 9. of this Ordinance. The application shall also be subject to the following requirements and restrictions

- i. **Required Application Submissions.** The Applicant for a Temporary Residential Emergency Housing Development shall submit the following documents:
- (a) Completed application endorsed by the applicant and also by the current property owner.
 - (b) When the applicant is a corporation, a resolution authorizing a person or persons to act on behalf of the corporation shall accompany the application
 - (c) Copy of the recorded deed or Act of Sale for the property
 - (d) Names and addresses of abutting property owners as listed in Assessor's records.
 - (e) Site Plan: Eight (8) copies of a site plan, signed and dated by the applicant, and drawn to scale to meet requirements/restrictions listed in item ii below.
 - (f) Driveway permit from Department of Public Works or LA DOTD where applicable
 - (g) Permit or Letter of No Objection from Louisiana Department of Health and Hospitals for sanitary issues.
 - (h) Permit or Letter of No Objection from Louisiana State Fire Marshal
 - (i) Security contract: To satisfy requirement iv. b below.
 - (j) Solid waste contract: To satisfy requirement iv. c below.
 - (k) Surety Bond/Irrevocable Letter of Credit: the developer shall provide for a surety bond, letter of credit, or other Parish-approved security instrument executed in favor of the St. Charles Parish Department of Finance. The total amount of the bond, letter of credit, or other Parish-approved security instrument shall be based on the cost of maintaining the required contracts for services required by the developer for a 12-month period. An additional percentage, to be determined at the time of application, may be included to cover administrative & legal expenses that may be incurred in having the units removed by court action. If all units are not removed within 90 days after the permit expires, the Parish will collect the total amount of the bond money, letter of credit or whatever Parish-approved security instrument is accepted to help assist in paying expenses involved in having the remaining units removed as well as to pay for any additional parish expenses incurred because of the non-removal of the units. The Parish may immediately redeem the bond, letter of credit or other Parish-approved security instrument if the permit is revoked due to the developer's failure to maintain required contracts or to meet other obligations required by the Planning & Zoning Commission and/or the St. Charles Parish Council as stipulated during the approval process. The security instrument shall be submitted and approved by the Parish Legal Services Department before occupation of the development is permitted.
 - (l) Special Permit Application fee in accordance with Appendix IX to this Ordinance. Other fees shall apply as indicated in item iii below.
- ii. **Zoning/Site Restrictions/Density and Spatial Requirements.** The developer shall submit a site plan, drawn to scale, that meets the following restrictions:

- (a) Proposed site shall be a minimum of five (5) acres.
- (b) No unit shall be placed in required front, side, or rear yards of it's respective zoning district.
- (c) A minimum of 25 feet of open space shall be maintained between each unit in all directions and delineated explicitly on the site plan.
- (d) Each unit site shall be numbered consecutively, shall be a minimum 35' wide, shall indicate a parking area for at least one vehicle, and shall abut an access drive. Sites may provide a pad improved with a porous, aggregate-type material; however, pads are not required.
- (e) Access roads shall be a minimum 24' in width and shall be constructed with a porous, aggregate-type material.
- (f) Location of street lights.
- (g) The location of all service, maintenance, utility and security structures shall be clearly indicated.
- (h) In no case shall a site exceed 100 units.

iii. **Parish Review Process/Fee Assessment:** The Department of Planning and Zoning shall submit site plans to the following Departments/Agencies for review, request for revisions, and/or calculation of impact fees.

- (a) Department of Public Works: Drainage review and sewer development calculations
- (b) Department of Waterworks: Water availability and fees
- (c) Department of Recreation
- (d) St. Charles Parish Schools:
- (e) Local Fire District
- (f) St. Charles Parish Sheriff's Office
- (g) St. Charles Parish 911 Emergency Services

iv. **Operational Requirements:**

- (a) All fees assessed under item iii above shall be submitted to the Department of Planning and Zoning before the site is permitted to operate.
- (b) 24-Hour Security: 24-hour security shall be provided by the developer. The developer must contract with the St. Charles Parish Sheriff's Office or a licensed security service to provide service approved by the Sheriff's Office. A letter from the Sheriff's office will suffice as proof that this obligation has been addressed. Occupation of the site will not be allowed until the security obligation has commenced. Termination of the security contract prior to expiration of the permit shall result in the permit being revoked.
- (c) Solid Waste Removal: Dumpsters and disposal service shall be provided by the developer. The Parish may request a review of the agreement. Occupation of the site will not be allowed until the garbage/trash contract has commenced and the required dumpsters are located on site. Termination of the garbage service prior to expiration of the permit shall result in the permit being revoked.
- (d) Time Limit: A Special Permit Use for a Temporary Residential Emergency Housing Development shall be issued for an initial period of up to 18 months. The Planning and Zoning Department shall send notices by Certified Mail to the applicant 60 days and 30 days prior to that expiration date. Unless the applicant requests an extension 15 days prior to that expiration date under item i below, item ii will result.

- i. The applicant may submit a formal request for an extension up to 6 months through the Department of Planning and Zoning. The request may be granted upon review & approval by the Planning & Zoning Commission and Supporting Resolution by the Parish Council
 - ii. Special Permit Use expires:
 - (a) After the initial 18-month period & no extension is granted, or
 - (b) After a six-month or less extension has expired & no additional extension is granted, or
 - (c) After the last dwelling unit has been removed from the site, even if a balance of time remains on the initial period or an extension period.
 - (d) Except as noted in item e below, the Special Permit Use shall not exceed a total of 3 years
 - (e) Exception to the 3 year limit: Permits may extend past the 3-year limit up to another 3 year limit only if another federally-declared disaster occurs before the expiration of the current permit and the site is deemed acceptable and needed to provide temporary emergency housing for those affected by the subsequent disaster. This can be done by the Planning & Zoning Commission's approval and a supporting resolution by the Parish Council. All extensions caused by the subsequent federally declared disaster shall be for a 6-month or less period. The Planning & Zoning Commission and the St. Charles Parish Council will determine the number of extensions allowed to address subsequent disasters. All required contracts for security and garbage must be maintained and the surety bond/letter of credit must be maintained during subsequent disaster extensions.
- b. Temporary Business Emergency Housing Developments may be permitted in C-2, C-3, M-1, M-2, M-3, B-1, and B-2 zoning districts as a Special Exception Use issued by the Director of the Department of Planning and Zoning. The Application Submissions, Review Process and Fee Assessment, and Operational Requirements shall be the same as indicated above in items i, iii, and iv above with the exception of item iv. d, "Names and addresses of abutting property owners as listed in Assessor's records."
 - i. **Zoning/Site Restriction:** A six (6) foot high solid fence is required where the site abuts residential zoning or use.
 - ii. **Time Limit:** Initial 6 month period with 6 month extensions permitted up to a maximum of 3 extensions.

The foregoing having been submitted to a vote, the vote thereon was as follows:
YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS,
BLACK, DUHE, MINNICH
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 5th day of December, 2005, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: December 6, 2005
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: Albert D. Lee
RETD/SECRETARY: December 6, 2005
AT: 3:49 pm RECD BY: [Signature]