

*Ad.*

**2008-0221**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**

**ORDINANCE NO.** 08-8-9

An ordinance to repeal the Code of Ordinances, Appendix A. Section X. Exceptions and modifications B. Exceptions to area regulations by inserting the setback requirements from servitudes along major drainage canals within Minimum Yard Requirements of Spatial Requirements subsections for all Zoning Districts.

**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,** servitude width requirements along major canals measured from top of bank in new subdivisions should be revised if deemed acceptable 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A. Section X. Exceptions and modifications B. Exceptions to Area Regulations 3 indicated in the following shall be repealed:

- 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

**SECTION II.** That the Code of Ordinances, Appendix A, Section VI. Zoning District Criteria and Regulations shall be amended by adding to A. [I] (OL) 2 Spatial Requirements: b. Minimum Yard Sizes:

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, notwithstanding any other more restrictive setbacks, 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.

**SECTION III.** That the Code of Ordinances, Appendix A., Section VI. Zoning District Criteria and Regulations shall be amended by adding to B [I] (R-1A) 2. Spatial Requirements: b. Minimum Yard Sizes.

- (5) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, notwithstanding any other more restrictive setbacks, 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.

**SECTION IV.** That the Code of Ordinances, Appendix A., Section VI. Zoning District Criteria and Regulations shall be amended by adding to B. [II.] (R-1AM) 2. Spatial Requirements. b. Minimum Yard Sizes:

- (5) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, notwithstanding any other more restrictive setbacks, 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.

**SECTION V.** That the Code of Ordinances, Appendix A., Section VI. Zoning District Criteria and Regulations shall be amended by adding to B. [III.] (R-1B) 2 Spatial Requirements: b. Minimum Yard Sizes.

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, notwithstanding any

other more restrictive setbacks, 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

**SECTION VI.** That the Code of Ordinances, Appendix A , Section VI Zoning District Criteria and Regulations shall be amended by adding to B. [IV ] (R-1M) 3. Spatial Requirements:

- a. Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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.

**SECTION VII.** That the Code of Ordinances, Appendix A., Section VI. Zoning District Criteria and Regulations shall be amended by adding to B. [VII.] (R-2) 2. Spatial Requirements: b. Minimum Yard Sizes:

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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.

**SECTION VIII.** That the Code of Ordinances, Appendix A., Section VI Zoning District Criteria and Regulations shall be amended by adding to B. [VIII.] (R-3) 2. Spatial Requirements: b Minimum Yard Sizes:

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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

**SECTION IX.** That the Code of Ordinances, Appendix A., Section VI. Zoning District Criteria and Regulations shall be amended by adding to adding to C. [I.] (CR-1) 2. Spatial Requirements: b. Minimum Yard Sizes:

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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.

**SECTION X.** That the Code of Ordinances, Appendix A , Section VI. Zoning District Criteria and Regulations shall be amended by adding to adding to C [II ] (C-1) 2 Spatial Requirements: b. Minimum Yard Sizes:

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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

**SECTION XI.** That the Code of Ordinances, Appendix A , Section VI. Zoning District Criteria and Regulations shall be amended by adding to adding to C. [III.] (C-2) 2. Spatial Requirements: b. Minimum Yard Sizes:

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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.

**SECTION XII.** That the Code of Ordinances, Appendix A , Section VI. Zoning District Criteria and Regulations shall be amended by adding to adding to C. [IV.] (C-3) 2. Spatial Requirements b. Minimum Yard Sizes.

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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

**SECTION XIII.** That the Code of Ordinances, Appendix A., Section VI. Zoning District Criteria and Regulations shall be amended by adding to adding to D [I ] (M-1) 2. Spatial Requirements: b. Minimum Yard Sizes.

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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.

**SECTION XIV.** That the Code of Ordinances, Appendix A , Section VI. Zoning District Criteria and Regulations shall be amended by adding to adding to D [II.] (M-2) 2. Spatial Requirements. b. Minimum Yard Sizes.

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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.

**SECTION XV.** That the Code of Ordinances, Appendix A , Section VI. Zoning District Criteria and Regulations shall be amended by adding to adding to D [III.] (M-3) 2. Spatial Requirements: b. Minimum Yard Sizes.

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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.

**SECTION XVI.** That the Code of Ordinances, Appendix A , Section VI Zoning District Criteria and Regulations shall be amended by adding to adding to I. [I.] (MS) 2. Spatial Requirements: b. Minimum Yard Sizes.

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right of way, not withstanding any other more restrictive setbacks, 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:

YEAS: SCHEXNAYDRE, RAYMOND, BENEDETTO, HOGAN, LAMBERT

NAYS: AUTHEMENT, TASTET, COCHRAN, NUSS

ABSENT: NONE

And the ordinance was declared adopted this 18th day of August, 2008, to become effective five (5) days after publication in the Official Journal.

Amend No. 99-12-8

CHAIRMAN

SECRETARY

DLVD/PARISH PRESIDENT

APPROVED

DISAPPROVED

PARISH PRESIDENT

RETD/SECRETARY

AT

RECD BY.

*[Handwritten signatures and initials]*  
 8-19-08  
 2:50 p.m.