

The following ordinance was introduced by Mr. John Arnold in regular session convened on March 25, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. John Arnold, seconded by Mr. Phillip Gouaux.

ORDINANCE NO. 5446

ORDINANCE PROVIDING A VARIANCE FROM THE LAFOURCHE PARISH SUBDIVISION REGULATIONS ON TRACT E-1 & E-2 REDIVISION OF PROPERTY BELONGING TO EDWARD J. GOUBERT JR. & PAULA GOUBERT, (WARD 11, DISTRICT 5) AS NOT RECOMMENDED BY THE LAFOURCHE PARISH PLANNING COMMISSION AT THEIR FEBRUARY 27, 2014 MEETING.

BE IT ORDAINED, by the Lafourche Parish Council, which convened in Regular Session on April 8, 2014, that:

SECTION 1.

WHEREAS, the Lafourche Parish Planning Commission met on February 27, 2014 in regular session to review proposed subdivisions and redivisions; and

WHEREAS, representatives of the Tract E-1 & E-2 Redivision of Property belonging to Edward J. Goubert Jr. & Paula Goubert proposed development requested a variance from the installation of a fire hydrant as stated in the Lafourche Parish Subdivision Regulations:

Chapter 22, Article VI, Division 5, Sec. 22-482. - Fire hydrants.

Except as provided for in subsection (1) of this section, three-way steamer fire hydrants shall be required for all public subdivisions. Fire hydrants shall be located no more than 600 feet apart with no lot frontage along a street exceeding 300 feet from any fire hydrant measured along the centerline of the street, or as approved by the parish water district. This spacing may be altered slightly to conform to the location of lot lines. Fire hydrants should be located as near to block corners as possible. All underground utilities including fire hydrants shall be installed before any final paving of a street shown on the subdivision plat.

- (1) In those instances where the existing water main is less than six inches or receives water from a line less than six inches, said line should be upgraded to a minimum of an eight line or meets state standards, whichever is greater.
- (2) Along existing public rights-of-way with existing water facilities that meet our regulations in all other aspects, a fire hydrant shall be located a maximum of 500 feet from any proposed lot line.

Chapter 22, Article V, Division I, Sec. 22-121. - Variances.

- (a) Generally. Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with this article and/or that the purposes of this article may be served to a greater extent by an alternative proposal, it may recommend to the parish council variances to these subdivision regulations so that the substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of this article; and further provided that the planning commission shall not recommend approval of variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this article are carried out; and
- (4) The variances will not in any manner vary the provisions of the development ordinance, master plan or the parish base map.

WHEREAS, this ordinance was sponsored for Administration by Mr. John Arnold, Councilman, District 5; and

WHEREAS, the Lafourche Parish Planning Commission *does not recommend* that the variance is justified and would violate the integrity of the subdivision regulation as a whole; and

THEREFORE, BE IT ORDAINED, that the Lafourche Parish Council convened in Regular Session on April 8, 2014, and hereby grants a variance from the Lafourche Parish Subdivision Regulations on Tract E-1 & E-2 Redivision of Property belonging to Edward J. Goubert Jr. & Paula Goubert (Ward 11, District 5) *as not recommended* by the Lafourche Parish Planning Commission at their February 27, 2014 meeting.

BE IT FURTHER ORDAINED, that the Lafourche Parish Council does hereby grant a variance of **Section 22-482. Fire Hydrants** – A fire hydrant will not have to be installed along the existing public rights-of-way with existing water facilities within five-hundred (500') feet of the proposed property lot lines since there is only a three (3") inch water line along the existing public right of way. A dry hydrant is located approximately three hundred forty-five (345') feet from Tract E-1 and a dry hydrant is located approximately five hundred forty (540') feet from Tract E-2.

BE IT EVEN FURTHER ORDAINED, that a certified copy of this Ordinance shall be forwarded to Lafourche Parish Government: Department of Planning & Permitting, and the Office of the Parish Administrator; and

SECTION 2. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not effect other provisions, items or application of this ordinance which can be given affect without the invalid provisions, items or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All Ordinance or parts of Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

SECTION 4. This Ordinance shall be published in the Official Journal of the Lafourche Parish Council in the manner provided by law.

SECTION 5. This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said Council, was then submitted to an official vote as a whole, the vote thereon being as follows:

YEAS: Mr. Jerry Jones
Mr. Michael Delatte
Mr. Joseph “Joe” Fertitta
Mr. John Arnold
Mr. Lindel Touns
Mr. Jerry LaFont

NAYS: Mr. Phillip Gouaux
Mr. Daniel Lorraine

ABSENT: Mr. Aaron Caillouet

SECTION 6. This Ordinance shall become effective on the tenth day after final publication.

/s/ Daniel Lorraine
DANIEL LORRAINE, CHAIRMAN
LAFOURCHE PARISH COUNCIL

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

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Delivered to the Parish President on

April 14, 2014, at 8:30 a.m.

APPROVED: X

UNAPPROVED:

VETOED:

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

April 14, 2014, at 3:00 p.m.

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I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5446, enacted by the Assembled Council in Regular Session on April 8, 2014, at which meeting a quorum was present, and was finally adopted on April 14, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 23RD DAY OF APRIL, 2014.

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

DATE PUBLISHED: April 28, 2014

DATE EFFECTIVE: May 8, 2014