

The following ordinance was introduced by Mr. Michael Delatte in regular session convened on May 27, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. Michael Delatte, seconded by Mr. Jerry Jones.

ORDINANCE NO. 5473

ORDINANCE PROVIDING A VARIANCE FROM THE LAFOURCHE PARISH SUBDIVISION REGULATIONS (CHAPTER 22, ARTICLE VI, DIVISION 3, SECTION 22-417. STREET CLASSIFICATION BY ADT, DESIGN STANDARDS FOR ROADS) ON MAGNOLIA LANDING SUBDIVISION, PHASE “D” (WARD 1, DISTRICT 2) AS RECOMMENDED BY THE LAFOURCHE PARISH PLANNING COMMISSION AT THEIR APRIL 24, 2014, MEETING.

BE IT ORDAINED, by the Lafourche Parish Council, convened in Regular Session on June 10, 2014, that:

SECTION 1.

WHEREAS, The Lafourche Parish Planning Commission met on April 24, 2014, in regular session to review proposed subdivisions and redivisions; and

WHEREAS, representatives of Magnolia Landing Subdivision, Phase “D” proposed development requested a variance for not meeting the minimum radius of one-hundred (100’) feet as required in the Lafourche Parish Subdivision Regulations for the design of the road as follows:

CHAPTER 22, ARTICLE VI, DIVISION 3, SECTION 22-417. STREET CLASSIFICATION BY ADT. (Average Daily Trips) Design Standards for Roads:

Minimum radius of curve (feet) is one-hundred (100’) feet for Residential Local Road

CHAPTER 22, ARTICLE V, DIVISION I, SECTION 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.

(b) *Conditions.* In recommending approval of variances to the parish council, the planning commission may attach such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this article.

WHEREAS, this ordinance was sponsored for Administration by Mr. Michael Delatte, Councilman, District 2; and

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

THEREFORE BE IT ORDAINED, that the Lafourche Parish Council does hereby provide a variance of Chapter 22, Article VI, Division 3, Section 22-417. Street Classification by ADT. Design Standards for Roads:

Minimum radius of curve (feet) is one-hundred (100') feet for Residential Local Road

BE IT FURTHER ORDAINED, that the Lafourche Parish Council convened in regular session on June 10, 2014, and hereby grants a variance from the Lafourche Parish Subdivision Regulations (Chapter 22, Article VI, Division 3, Section 22-417. Street Classification by ADT, Design Standards for Roads) on Magnolia Landing Subdivision, Phase "D" (Ward 1, District 2) as recommended by the Lafourche Parish Planning Commission at their April 24, 2014 meeting.

BE IT 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.

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 Toups
Mr. Phillip Gouaux
Mr. Jerry LaFont
Mr. Daniel Lorraine

NAYS: None

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**

Delivered to the Parish President on

June 16, 2014, at 9:10 a.m.

APPROVED: X

UNAPPROVED:

VETOED:

 /s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

June 17, 2014, at 1:05 p.m.

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. 5473, enacted by the Assembled Council in Regular Session on June 10, 2014, at which meeting a quorum was present, and was finally adopted on June 17, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 25TH DAY OF JUNE, 2014.

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

DATE PUBLISHED: JUNE 30, 2014

DATE EFFECTIVE: JULY 10, 2014