

The following ordinance was introduced by Mr. Aaron Caillouet in regular session convened on September 23, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. Aaron Caillouet, seconded by Mr. Lindel Toups.

ORDINANCE NO. 5539

ORDINANCE PROVIDING A VARIANCE FROM THE LAFOURCHE PARISH SUBDIVISION REGULATIONS (CHAPTER 22, ARTICLE VI, DIVISION 3, SECTION 22-414 – CONSTRUCTION) ON HIDALGO ESTATES SUBDIVISION, ADDENDUM 2 (WARD 1, DISTRICT 3) AS RECOMMENDED BY THE LAFOURCHE PARISH PLANNING COMMISSION AT THEIR AUGUST 28, 2014 MEETING.

BE IT ORDAINED, by the Lafourche Parish Council, convened in Regular Session on October 14, 2014, that:

SECTION 1.

WHEREAS, The Lafourche Parish Planning Commission met on August 28, 2014, in regular session to review proposed subdivisions and redivisions; and

WHEREAS, representatives of Hidalgo Estates Subdivision, Addendum 2, proposed development requested a variance of the Lafourche Parish Subdivision Regulations for tying into an existing adjacent cross street (Julia Street) off existing South Hidalgo Lane; this variance provides that:

Chapter 22, Article VI, Division 3, Section 22-414. Construction.

(a) *Construction of roads.* The arrangement of streets shall provide for the continuation of all streets between adjacent properties. All cross streets shall be completed to the property or development line. A temporary T- or L- shaped turnabout shall be provided on all temporary longitudinal dead end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutter whenever the street is continued. The planning commission may limit the length of temporary dead-end streets in accordance with the design standards of this article.

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. Aaron Caillouet, Councilman, District 3; 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 from the Lafourche Parish Subdivision Regulations (Chapter 22, Article VI, Division 3, Section 22-414- Construction) from tying into the existing adjacent cross street (Julia Street) off of existing South Hidalgo Lane; and

BE IT FURTHER ORDAINED, that the Lafourche Parish Council convened in Regular Session on October 14, 2014, and hereby grants a variance from the Lafourche Parish Subdivision Regulations (Chapter 22, Article VI, Division 3, Section 22-414- Construction) on Hidalgo Estates Subdivision, Addendum 2 (Ward 1, District 3) as recommended by the Lafourche Parish Planning Commission at their August 28, 2014 meeting; and

BE IT FURTHER ORDAINED, that a certified copy of the 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. Lindel Toups
	Mr. Aaron Caillouet	Mr. Phillip Gouaux
	Mr. Joseph "Joe" Fertitta	Mr. Jerry LaFont
	Mr. John Arnold	Mr. Daniel Lorraine

NAYS: None

ABSENT: Mr. Michael Delatte

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

October 20, 2014, at 2:00 p.m.

APPROVED: X

UNAPPROVED:

VETOED:

 /s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

October 21, 2014, at 11:45 a.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. 5539, enacted by the Assembled Council in Regular Session on October 14, 2014, at which meeting a quorum was present, and was finally adopted on October 21, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 29TH DAY OF OCTOBER, 2014.

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

DATE PUBLISHED: NOVEMBER 3, 2014

DATE EFFECTIVE: NOVEMBER 13, 2014