

ARTICLE VIII. BOARD OF ADJUSTMENT

Sec. 1. Creation and appointment

A board of adjustment is hereby created and established. The word "Board" when used in this article shall be construed to mean the Board of Zoning Adjustment. The board shall consist of seven (7) members appointed by the St. Martin Police Jury. Each member of the Board shall be a resident and elector of St. Martin Parish. Initial Board Commissioners shall be appointed as follows: Two (2) for two (2) years, two (2) for three (3) years, two (2) for four (4) years, and one (1) for five (5) years; after which commissioners so appointed shall serve staggered terms of five (5) years each. All members shall be removed for cause by the governing authority, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Sec. 2. Organization

The Board shall elect its own chairman who shall serve for one (1) year. The Director of Planning and Development shall serve as the secretary of the Board of Zoning Adjustment but shall not be considered as a voting member of the Board. It shall be the duty of the secretary to keep a true and correct record of all proceedings of the Board.

Sec. 3. Records

The Board shall keep minutes of the proceedings and records of its examinations and other official actions. The minutes of the Board shall show the vote of each member upon each question or, if failing to vote, indicating that fact. All minutes and records shall be filed immediately in the Office of the Board and shall be public records. Certified copies of all decisions of the Board shall be furnished upon request by the Director of Planning and Development.

Sec. 4. General Procedures

The Board shall adopt rules of procedures not in conflict with any state act or parish ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, on in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. All testimony presented at a public hearing, objections thereto and rulings thereon shall be taken down by a reporter. In exercising its powers and duties, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end, shall have all the powers of the Director of Planning and Development. A majority of members shall constitute a quorum. The concurring vote of a majority of member

shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant ordinance, or to effect any variation in the ordinance.

Sec. 5. Appeals

Appeals to the board may be taken by any party aggrieved, or by any officer, department, commission, board, bureau of other agency of the zoned area affected by any decision of the Director of Planning and Development.

Such appeals shall be taken within a reasonable time, by filing with the Director of Planning and Development and with the Board a notice of appeal specifying the grounds thereof.

The Director of Planning and Development shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the director of Planning and Development certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would in his opinion, cause an imminent peril to life and property.

In such case, proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Adjustment or by court of record on application or notice to the Director of Planning and Development and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time.

Upon the hearing, any party may appear in person or by agent or by attorney.

No petition for the same property will be considered by the board of Adjustment for a period of one (1) year from the date of the public hearing.

Sec. 6. Powers and Duties

The Board of Zoning Adjustment shall have the following powers and it shall be its duty:

(a) To hear and decide appeals involving the interpretation of any provision of this chapter or where it is alleged there is error in any order, requirement, decision, or determination made by the Director of Planning and Development in the enforcement of this chapter.

(b) In hearing and deciding appeals, the Board shall have the power to grant exception in the following instances:

- (1) Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, permit the less restricted portion of such lot to extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
- (2) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as described in the zoning district definitions, where the district boundaries are uncertain, or where the street layout actually on the ground varies from the street as shown on the Parish map.
- (3) Permit the erection and use of a building or the use of land for railroads or public utility purposes.
- (4) Permit unenclosed roadside stands for the sale of products raised on the premises, commercial amusements, or recreational developments for temporary or seasonal periods.
- (5) Permit temporary buildings, that are used in conjunction with construction work only, in any district during the period that construction work is in progress, but such temporary building shall be removed upon completion of the construction work.
- (6) Permit land in R-2 (Mixed Residential District) within three hundred (300) feet of a use permitted in and R-3 (Multi Family Residential District) to be improved for the parking spaces required in connection with the permitted use but only when there is positive assurance that such land will be used for such purpose during the existence of the permitted use.

No exception shall be granted by the Board of Adjustment unless it finds the use for which such exception is sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board of Adjustment may require such supplementary data including, but not limited to, a plot plan, a site plan, or a building plan. Furthermore, in the granting of any exception, the Board of Adjustment shall prescribe any performing standards including, but not limited to, landscaping, greenbelts, buffering, fencing, and all other applicable standards it deems to be necessary, desirable, and reasonable.

(c) To vary or adapt the strict application of the yard requirements to height restrictions, or parking regulations in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptionally physical conditions, whereby such strict application would deprive the owner of reasonable use of the land in accordance with the use regulations of this chapter; to wave or reduce the parking requirements whenever the use of a building or land is so extraordinary as to make unnecessary the full provisions of parking facilities, or whenever it can be shown that provisions of required off-street parking space within three hundred (300) feet of the main building is not feasible and would impose an unreasonable hardship as contrasted with merely granting an advantage of a convenience. In granting any variance, the Board of Adjustment shall prescribe any conditions that it deems to be necessary or desirable. No variance shall be granted by the Board of Adjustment unless it finds:

- (1) That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings.
- (2) That, for reason fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- (3) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sec. 7. Court review

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the zoned area jointly or severally aggrieved by any decision of the Board of Zoning Adjustment, may present to the civil district court of the Parish of St. Martin, within thirty (30) days after filing of the decision of the office of the Board, a writ or certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the state.

Sec. 8. Fees

Each petition concerning a variance or exception for ten (10) acres or less shall be accompanied by a deposit of two hundred dollars (\$200.00). For petitions involving more than ten (10) acres, a fee of twenty (\$20.00) per acre shall be charged up to one thousand dollars (\$1,000.00). Therefore the minimum fee for any appeal will be two hundred dollars (\$200.00) regardless of acreage. The maximum fee for any appeal shall not exceed one thousand dollars (\$1,000.00) which shall apply for all areas of fifty (50) acres or more. This fee shall be paid to the Director of Planning and Development at the time of notice of appeal filed, which the Director shall forthwith pay over to the St. Martin Parish Treasurer to the credit of the general operating fund of the Planning Commission.

ARTICLE IX. ADMINISTRATION

Sec. 1. Purpose

The purpose of this article is to describe the functions of the departments, commissions, and governing bodies as they are involved in administering the zoning ordinance; to outline the standards and procedures to be followed in administering the zoning ordinance in respect to amendment, issuance of a certificate of zoning compliance, and permitting exceptions and planned unit development.

Sec. 2. Function of the Planning Commission

It shall be the duty of the St. Martin Parish Planning Commission to receive for the Police Jury, and process in accordance with the ordinance, petitions for changing the zoning classification of land and revisions of amendments to the zoning text.

When proposals or requests have been filed with the Planning Commission in proper form, the commission will advertise a public hearing. The Planning Commission will prepare and forward the results of the public hearing with recommendations to the St. Martin Police Jury.

Sec. 3. Function of the Director of Planning and Development

The Director of Planning and Development shall issue development permits which are in accord with the provisions of this ordinance, review plans for construction and installation of signs, issue certificates of zoning compliance at the same time as he issues the development permit providing the building or structure meets the requirements of this ordinance, be responsible for the enforcement of the ordinance, conduct inspections of construction to ensure that it complies with the provisions of the ordinance, and maintain a set of up-to-date zoning maps and zoning texts.

Sec. 4. Functions of the Police Jury

It shall be the duty of the St. Martin Parish Government to receive, evaluate, and decide affirmatively or negatively on petitions for zoning amendments after receiving a report and recommendations resulting from a public hearing. This report and recommendation will come from the Planning Commission.

Sec. 5. Functions of Civil District Court

The Civil District Court of the parish is the proper judicial body to receive, within thirty (30) days after the date of an official decision by the Police Jury relating to zoning matters and writs of certiorari from any party aggrieved by any such conditions.

Sec. 6. Enforcement

It shall be the duty of the Director of Planning and Development to enforce this ordinance. It shall also be the duty of all officers and employees of the St. Martin Police Jury and especially of all members of the Sheriff's office to assist the Director of Planning and Development by reporting to him upon new construction, alterations, relocations, repairs, or land uses, or upon seeming violations. Appeal from the decision of the Director of Planning and Development may be made to the Board of Zoning Adjustment as provided in Article VIII of this ordinance.

Sec. 7. Development permits

No building or structure shall be erected, altered, repaired, or relocated until a permit therefore has been issued by the Director of Planning and Development. The application for and issuance of such permits shall be in accordance with the requirements of the development code, except that no permit shall be issued until application for a certificate of zoning compliance has been made and approved.

Sec. 8. Certificate of zoning compliance

No change in the use or occupancy of land or of an existing building shall be made, nor shall any new buildings be used or changed in use until a certificate of zoning compliance shall have been issued by the Director of Planning and Development stating that the proposed use of the building or land complies with the provisions of this ordinance. Applications for a certificate of zoning compliance shall be made coincident with the application for a development permit. After determining that the proposed erection, alteration, repair, relocation, or change in use is in compliance with the provisions of this chapter, each such application shall be approved by the Director of Planning and Development.