

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-3827

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: DEVELOPMENT/LEGAL

RESOLUTION TO AMEND THE ST. TAMMANY PARISH BOARD OF ADJUSTMENT RULES OF PROCEDURE PURSUANT TO THE ST. TAMMANY PARISH CODE OF ORDINANCES, SPECIFICALLY APPENDIX C OF THE UNIFIED DEVELOPMENT CODE, ARTICLE 3, SECTION 3.0104 (A.)

WHEREAS, it is in the best interests of the parish and its citizens to amend the St. Tammany Parish Board of Adjustment Rules of Procedure due to the fact that said procedures are outdated and need up updating in order to conform with current parish policies, standards and terminology; and

WHEREAS, the proposed amended Rules of Procedure are attached and affixed to Board of Adjustment Resolution No. 12-001.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that upon review of the proposed amendments to the St. Tammany Parish Rules of Procedure, the St. Tammany Parish Council hereby adopts same pursuant to the attachment.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 3 DAY OF OCTOBER , 2013, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

ST. TAMMANY PARISH BOARD OF ADJUSTMENT

RESOLUTION

RESOLUTION SERIES NO. 12-001

**A RESOLUTION TO AMEND THE ST. TAMMANY PARISH
BOARD OF ADJUSTMENT RULES OF PROCEDURE (BY-LAWS)**

WHEREAS, the St. Tammany Parish Board of Adjustment is charged with the responsibility of holding public hearings on behalf of the St. Tammany Parish governing authority relative to appeals and variance requests pursuant to Appendix C of the St. Tammany Parish Code of Ordinances Unified Development Code (UDC), Article 3.0104 (A.); and

WHEREAS, it is in the best interests of the parish to amend the Board's Rules of Procedure due to the fact that said procedures are outdated and in need of updating in order to conform with current parish policies, standards and terminology.

NOW, THEREFORE, BE IT RESOLVED BY THE ST. TAMMANY PARISH BOARD OF ADJUSTMENT, that it hereby amends its Rules of Procedure all as more particularly set forth attached, and recommends approval thereof by the St. Tammany Parish Council.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: Mr. Ballantine, SECONDED BY: Mr. Brookter

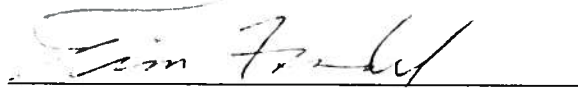
YEAS: Mr. Fandal, Mr. Brookter, Mr. Ballantine and Mr. Schneider

NAYS: Mr. Gordon

ABSTAIN: None

ABSENT: None

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 4th DAY OF DECEMBER, 2012, AT A REGULAR MEETING OF THE ST. TAMMANY PARISH BOARD OF ADJUSTMENT, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.



TIM FANDAL, CHAIRMAN
ST. TAMMANY PARISH BOARD OF ADJUSTMENT

ATTEST:



RON KELLER, SECRETARY
ST. TAMMANY PARISH BOARD OF ADJUSTMENT

~~RULES OF PROCEDURE FOR THE ST. TAMMANY PARISH~~
BOARD OF ADJUSTMENTS BY-LAWS
(Revised as of December 4, 2012)

ARTICLE I.
BOARD MEETINGS

1. Regular meetings of the Board shall be held (when needed) on the ~~second~~ **first** Tuesday of each month in the Parish Council ~~Chambers Meeting room of the Parish Courthouse in Covington~~ **located at 21490 Koop Drive, Mandeville, Louisiana.**
2. Special meetings may be held at the call of the Chairman, or at the request of three **(3)** ~~Board~~ members, **subject to public notice and** provided that each member shall be properly notified.
3. **The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.**
- ~~34.~~ All meetings ~~(other than executive meetings)~~ shall be open to the **general** public, **other than executive sessions that are authorized by L.A. R.S. 42:17.**
- ~~45.~~ A quorum of the Board shall consist of **at least** four (4) **Board** members.
- ~~56.~~ The appellant or applicant may appear in his own behalf or be represented by a duly authorized agent at said meeting. In the absence of any personal appearance on behalf of the appellant or applicant, the Board ~~may~~ proceed to dispose of the matter on the record before it.
6. **When** in the hearing of a case, the Board shall adhere to the following format:
 - (a.) **The case shall be read into the record** is established by **the** Board Chairman.
 - (b.) **The staff shall read the staff report into the record.**
 - (b. c.) **The appellant or applicant presents his/her side of the case (10 minutes maximum time).**
 - (c. d.) Interested property owner(s) presents his/her side of the case.
Opponents, if any, present their side of the case (10 minutes maximum time).
 - (d.) ~~Planning Advisory Board/Building Inspector/other official/presents his/her side of the case.~~
 - (e.) **The appellant or applicant offers his/her rebuttal, followed by rebuttal from the opponents, if any (5 minutes maximum time).**
 - (f.) **The floor is closed and the Board deliberates the case.** ~~Discussion of case by the Board.~~
 - (g.) Action **is** taken by the Board.

ARTICLE II:
APPLICATION AND ACTIONS

1. Every appeal or application for variation or modification from ~~Ordinance #523~~ **The Unified Development Code; hereinafter referred to as the “UDC”**, and/or **the Parish’s Flood plain Ordinance No. 791**, shall be made to the Board on the forms provided by the Board, and shall be accompanied by the payment of the appropriate filing fees. ~~filing fee of fifty (50.00) dollars. Checks shall be made payable to the Parish of St. Tammany.~~

~~The applicant’s form shall be accompanied by the data required in such forms, so as to supply the information necessary for a clear understanding and intelligent action of the Board.~~

The applicant’s form(s) shall be accompanied by the appropriate supporting documentation so that the Board can review same for the purposes of facilitating their review, deliberation and subsequent ruling on the case.

2. **The applicant filing for a variance from the “UDC” must either be the owner of the property in question, or have the owner’s written consent to represent same at the public hearing. In the case of an appeal where someone objects to a decision made by the Director of the Department of Development, the applicant need only be considered an aggrieved party or parties.**

The applicant must appear at the public hearing, or in his/her absence, be represented by a duly authorized agent. In the absence of any personal appearance by the applicant or applicant’s duly authorized agent, the Board may proceed to dispose of the variance or appeal case brought before it.

~~Action in each case must be based largely on the information so furnished.~~

~~The conditions of the approval of the Board will be incorporated in the resolution granting the approval.~~

- ~~After the Board of Adjustments has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change for use has taken place in accordance with the plans for which such special exception or variance was granted or if the Board does not specify some longer period than one year for good cause shown, and the provisions of the regulations of the ordinance shall thereafter govern.~~
2. ~~Applicants Applications for variations or appeals made to the Board shall be made to the Board only on official application forms.~~
3. All information and documentation called for by these forms shall be furnished by the

applicant in the manner therein prescribed.

- (a) Whenever consents from neighboring property owners are required, same shall be furnished by the applicant.
 - (b) Whenever notice to neighboring property owners are required, such notice shall be given on NOTICE OF HEARING forms as prescribed by the Board and evidence of such notice shall be provided.
4. The secretary shall reject all appeals and applications for variations unless made on the appropriately prescribed forms, ~~properly filled out~~, with all data and supporting documentation ~~all required data~~ attached.
5. No application for a variation or modification of the provisions of ~~Ordinance #523~~ the UDC and/or the Floodplain Ordinance No. 791 shall be accepted by the secretary, or be heard by the Board, except in a specific case and from an order, decision or determination made by the Director of the Department of ~~Planning~~ Development relative to the "UDC", or by the Floodplain Administrator relative to the Floodplain Ordinance. ~~Parish Administrator or Director of Public Works, on the grounds that the proposed plan or use of land is contrary to said ordinances.~~
6. All applications ~~Every appeal for application~~ for a variance or appeal ~~variation or modification~~ shall must be submitted ~~taken~~ within ~~forty-five (45)~~ thirty (30) days from the date of refusal of a permit by the Permitting Department of Permits, or from the date of order, ruling, decision or determination made by the Director of the Department of Development.
7. Any communication purporting to be an appeal or application for variation or modification shall be regarded as mere notice to seek relief until it is made in the form required by these rules.
8. The approval of a variance or of an appeal shall expire one year from the date of approval, except in those cases where, for good cause demonstrated, the Board specifies a longer period of time.
- ~~8. Appeals or applications taken after forty-five (45) days from the date aforesaid shall not be considered by the Board.~~

ARTICLE III:
THE DOCKET AND CALENDAR

1. Each appeal or application for a variance variation or modification filed in proper form with the required data shall be numbered serially, docketed and placed ~~upon~~ on the calendar of the Board by the Board secretary thereof. ~~The docket numbers shall begin anew on January~~

~~1st of each year, and shall be hyphenated with the number of the year in which the said appeal or application is filed.~~

2. All cases docketed shall be set for public hearing in accordance to the parish's "Application Cut-Off Dates" calender **which is created each new calender year and** as depicted and managed by the Department of **Planning Development**. ~~more that two (2) weeks next preceeding a regular meeting day, shall be automatically set for hearing on the succeeding regular meeting day. Cases docketed within two weeks or less of the regular meeting day shall be set for hearing on the next meeting day after the docketing of the appeal or application for variation or modification.~~
3. ~~All information called for by these forms shall be furnished by appellant or applicant in the manner therein prescribed, and whenever consents from neighboring property owners are required, same shall be provided. Whenever notice to neighboring property owners is considered a neccessity, such notice shall be given either on a NOTICE OF HEARING FORM (Form No. 203), and or by posting notice of the meeting on or near the subject property ten (10) days prior to the Board of Adjustments meeting date.~~
43. The calendar of cases to be heard by the Board shall be posted ~~on~~ **in** the **front** doors of the St. Tammany Parish Courthouse and the Administration Complex **Administrative Complex Building located at 21490 Koop Drive, Mandeville, Louisiana, at least** three (3) days before each regular meeting. In addition, legal notice of a Board Meeting shall be published in the official journal of the parish not less than three (3) times prior to conducting said meeting. A period of ten (10) days **or more** must have elapsed from the first **date of** publication ~~of the notice up to~~ **the** actual commencement of the Board Meeting.

ARTICLE IV:

FINAL DISPOSITION OF VARIANCE OR APPEAL OR APPLICATION

1. The final disposition of any appeal or application for a variance or modification shall be in the form of a **motion and subsequent hard copy** resolution. Where an appeal or ~~applicant~~ **application** for a variance or modification is granted, the resolution shall set forth the conditions and or stipulations of approval, if any, as mandated by the Board.

Where an appeal or application for a variance or modification is denied, the resolution shall state only that the appeal or variance request has been denied.

2. Any appeal or application for a variance or modification shall require four (4) yea votes of the Board in order to be approved. The vote of each member on each case shall be recorded **within** the resolution.
3. **The approval of a variance or of an appeal shall expire one year from the date of approval, except in those cases where, for good cause demonstrated, the Board**

specifies a longer period of time.

24. The ~~appellant or~~ applicant may withdraw his appeal or application for a variance at any time before a decision of the Board. ~~but~~ However, if an appeal or application is withdrawn after notice for public hearing, filing fees shall not be returned. ~~and a New~~ filings on the same property for the same variance shall not be allowed until after one (1) year from the initial withdraw date.

ARTICLE V:

AMENDMENTS OF SPECIAL EXCEPTION OR VARIANCE

AMENDMENTS TO AN APPROVED VARIANCE AND/OR APPEAL

- ~~1. The procedure for an amendment of a special exception or variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application except that where the Director of the Department of Planning Development determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application be filed. (Actually considered REHEARINGS):~~

1. Applicants that seek amendments to their variance or appeal that was approved by the Board must file formal notice with the Secretary of the Board requesting to be placed back on the Board's agenda under "Old Business" for their consideration. Said formal notice must be submitted to the Secretary within ninety (90) days from the date of the originally approved variance or appeal; otherwise, a new application for a variance or appeal, inclusive of new filing fees and documentation must be submitted.

ARTICLE VI:

BOARD OF ADJUSTMENT OFFICERS

- ~~1. The Board at its first meeting shall elect a Chairman and a Vice-Chairman, and so on thereafter at the first regular meeting of the Board in January of each year. the first regular meeting in the month of August of each year.~~

1. The Board shall elect a chairman and a vice-chairman on an annual basis. The election for officers shall be held on the first regularly scheduled meeting of the Board of each new calender year.
2. The chairman shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the chairman, the vice-chairman shall preside.
3. In the event that both the chairman and vice-chairman are absent, the Board members present shall appoint a chairman "pro-temp" by election to conduct said hearing.

- 4.3.** The chairman, subject to these rules and limitations as outlined in the ordinance creating this Board, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time.
- 5.4.** The chairman may ~~designate~~ **authorize** members of the Board to make personal inspections **relative to cases brought before it.** ~~when necessary from time to time, and unless directed by a majority of the Board, shall appoint such committee as may be found necessary.~~ **However, except during the hearing of the case, any member conducting a personal inspection shall refrain from discussing any substantive matters or issues relevant to the merits of the case with another member, a party or his/her representative, or a witness in the case.**
- 6.5.** The chairman shall report at each meeting on all official transactions that has not otherwise come to the attention of the Board.
- 7.6.** The chairman shall, subject to these rules, and further instructions from the Board, transact the official business of the Board, supervise the work of the secretary and exercise general disciplinary powers.
- 8.7.** The secretary, subject to the provisions of these rules, the direction of the Board and its chairman, shall conduct all correspondence of the Board; send out all notices required by these rules and the order of the Board; shall attend all meetings of the Board and all hearings; shall scrutinize all **variance and appeal** ~~appeals and applications for variations~~ to see that these rules are complied with; shall keep the dockets and minutes of the Board's proceedings; shall comply all required records; shall maintain the necessary files and indexes, and generally supervise all the clerical work of the Board and shall retain in the records the original **documentation** ~~papers~~ acted upon by the Board.
- 9.** It shall be the duty of the secretary to keep a true and correct record of all proceedings of the meetings, both general and special, in a book or books to be kept specially for that purpose. Certified copies of the minutes of all such proceedings shall be furnished by the Board (through the secretary) to the Director of the Department of Development and to the Director of Permits, **upon request.**

~~The secretary shall upon docketing any application for variance or appeal, variation or modification, or any appeal from the decision of the Director of the Department of Development or other official, notify any property owner or other person directly affected by the grant or refusal of such application and/or appeal by depositing in the United States Mails such notice addressed to such person at his last known place or residence (as furnished by the applicant or appellant).~~

~~Upon docketing of any appeal or application for variation, or modification the secretary shall see that all maps and plats are properly prepared.~~

- 10.** The secretary ~~may shall demand request from that~~ the appellant or applicant ~~such provide~~ additional information and data ~~as may be required or documentation prior to the meeting~~ **in order to facilitate the Board's review of the case.** ~~fully advise the Board with reference to the appeal or application whether such information and data is called for by the official forms or not. Any Failure or refusal on the part of the appellant or applicant to furnish such additional information or data may shall~~ **cause the Board to deny the variance or appeal request.** ~~be grounds for the dismissal of the appeal or application by the Board.—~~

**ARTICLE VII:
FORMS**

1. The forms used by the Board in the dispensing of cases **are** as follows:
- a.) Form No. 201 - Appeal Form
 - b.) Form No. 202 - Application Form
 - c.) Form No. 203 - Notice of Hearing Form (Notice to owners affected by the appeal or application.)
 - d.) Form No. 204 - Notice of Disposition of Zoning Case (Notice of final disposition to appellant or applicant.)
 - e.) Form No. 500 - Variance Application Form (from **parish** flood ordinance # ~~No. 791~~)
 - f.) Form No. 501 - Variance Notification Form from parish flood ordinance ~~No. 791~~
 - g.) Form No. 502 - Title Insert Agreement Form

**ARTICLE VIII:
MEETING MINUTE BOOK**

- 1.** The minute book shall be a well bound book, in which shall be recorded the resolution relating to each case acted **thereon**, together with a vote of each member of the Board, **and** those absent being so marked, together with all other actions of the Board.

**ARTICLE IX:
AMENDMENTS TO THE BY-LAWS**

- 1.** These rules may be amended or modified by an affirmative vote of not less than four (4) members of the Board, provided that such amendment be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting. **However, said amendments or modifications shall not be considered adopted until approved by the parish's governing authority.**

**ARTICLE X:
BOARD RESOLUTIONS**

1. Every resolution **proposed by the Board** not otherwise provided for **herein** shall require a

majority vote of the members present at a legally constituted meeting in order to be adopted.

**ARTICLE XI:
ADVICE OR INQUIRIES**

1. No informal requests for advice or moot questions will from any applicant, potential applicants or from third parties shall be considered by the Board or any individual members of the Board.

**ARTICLE XII:
ORDER OF BUSINESS AT REGULAR MEETINGS**

The order of business at all regular meetings of the Board shall be as follows:

- a.) Call the session to order.
- b.) Roll Call
- c.) Reading of the minutes ~~of~~ from the previous meetings
- d.) Communications/hearing of variance and appeal cases on the docket
- e.) Report of ~~C~~committees
- f.) ~~Unfinished~~ Old Business
- g.) New Business

**ARTICLE XIII:
STANDARDS AND REASONS FOR DECISIONS**

~~The Board herein adopts the following general standards and guidelines to insure achieving desirable goals and uniformity of action in the major those instances in which it is authorized to act. The records of the Board shall include a summary of the facts of each appeal or variance request and the reasons for the decision of the Board. Where an appeal or variance request and the reasons for the decision of the Board. Where an appeal or variance request is approved, the decision shall include a reference to the specific section or sections of this ordinance under which such action is taken.~~

1. The Board shall apply the following general standards in making their decisions relative to dispensing variance and appeal cases brought before it in order to insure consistency in their actions:
 - a.) Records of the Board's decisions shall include a summary of the facts of each variance or appeal request dispensed and the reasons for the Board's decisions.
 - b.) ~~When a request for a variance or appeal is granted by the Board, the record must include specific reference to the section or sections of the "UDC" ordinance~~

~~wherein relief was given.~~

- b.)** When a request for a variance or appeal is denied by the Board, a specific reason to take said action is not required.

ARTICLE XIV:
POLICY OF THE BOARD OF ADJUSTMENTS
DETERMINATIONS AND EXCEPTIONS

- 1.** It shall be the duty **and responsibility** of the Board of Adjustments to hear and make determinations on **variances**, appeals, or ~~variances or~~ modification requests in the following **nonexclusive** instances:
- ~~1.~~ **a.)** From applicants who have been refused a building permit because of a violation or conflict with the zoning **“UDC”** ordinance or the official zoning map and/or Flood Ordinance ~~No. 791~~, including errors, omissions or conflicts after receiving available information from the parish Department of Development. ~~concerning the intent of these ordinances in the related instance.~~
- ~~2.~~ **b.)** Where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative office in the enforcement of the zoning and/or flood hazard ordinances.
- ~~3.~~ **c.)** ~~Have the power~~ To permit exceptions to, or variations from, the zoning regulations and the flood hazard ordinance in cases or situations in accordance with the principle conditions and procedures specified in and subject to the limitations imposed by both ordinances.
- ~~4.~~ **d.)** To hear and determine cases of hardship whereby a landowner, under the strict enforcement of both **the “UDC” and flood plain** ordinances **is are** prohibited from a just and reasonable use of land, a use which must be compatible with the community at large.

SPECIAL USE EXCEPTIONS————

~~The authority of the Board to grant special use exceptions has not been established at this time.~~

B. — OTHER EXCEPTIONS

- ~~1. — Exceptions to parking and loading requirements are as follows:~~

- e.)a.)** Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full

provision of parking or loading facilities.

~~2. Special Yard Exceptions~~

- ~~f.)a.)~~ An exception in the yard regulations on a lot which abuts another lot on which the front, side or rear yard is similar to the exception applied for.
- ~~g.)b.)~~ An exception to an interior side yard requirement where such a side yard is contiguous to a permanent open space such as a park or playground.
- ~~h.)c.)~~ An exception where there are irregularities in the depth of existing front yards that reside on a corner lots. ~~on a street frontage on the side of a street between two intersecting streets so that any one of the existing depths, shall for a building hereafter constructed or extended be the required minimum front yard depth.~~

~~3. Special Height Exceptions~~

- ~~i.)a)~~ An exception to the height regulations in any district so as to relieve practical difficulties or particular hardships in cases where and when, by reason of exceptional narrowness, shallowness, or shape of a specific property at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary and exceptional practical hardship upon the owner of such property.

~~4. Adjustment of Zoning District Lines~~

~~In those instances where subdivisions or re-subdivisions would create a lot line which no longer coincides with an existing zoning district line, the Board of Adjustments shall have the authority to shift zoning district lines to coincide with the newly created lot line provided all of the following are met:~~

- ~~i.(a)~~ No objection is received from the Parish Planning Advisory Board Zoning Commission, Department of Development, staff, or administration.
- ~~ii.(b)~~ Such a shift shall not constitute a substantive change in the zoning ordinance that would adversely affect adjacent property.
- ~~iii.(c)~~ Such shift shall not grant a less restrictive classification to a lot of sufficient size or configuration as to constitute a building site unless said lot is separate from private property within a more restrictive zoning district by a street, canal or similar public right-of-way.

**ARTICLE XV.
POWERS TO GRANT VARIANCES**

1. **In order to be** consistent and in accords with the provisions of the zoning **“UDC”** ordinance, the Board shall have the power to grant **relief for variance requests, based on, but not limited to,** the following: ~~variances:-~~

~~A variation in the yard, lot width, depth or frontage, lot area per family, spacing of buildings, floor area ratio, open space ratio and parking requirements in any district so as to relieve practical difficulties or particular hardships in cases when and where, by reason of exceptional narrowness, shallowness, or shape of a specific property at the time of the enactment of such regulation or restriction or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditional of such property, the strict application of such regulation or restriction would result in peculiar and exceptional practical hardship upon the owner of such property. The granting of a variance or appeal shall comply as nearly as possible in every respect with the spirit, intent and purpose of Ordinance No. 523 and the granting of a variation shall be only for reasons of demonstratable and exceptional hardship.~~

- variation in the yard, lot width, depth or frontage of a lot
 - lot area per family
 - spacing of buildings and floor area ratios
 - open space ratios
 - parking requirements
 - landscape plantings and buffers
 - tree removal
 - building and tower heights and setbacks
 - signage requirements
 - building setbacks
2. The Board shall also have the authority to grant variances ~~within~~ **pursuant to** the provisions established by section D. Variance Procedures of the parish’s flood hazard ordinance No. 791 as amended.
3. **The Board shall not have the authority to grant variances or appeals based on varying the use of the land (i.e. permit a commercial use in a residential zoning district, permit an accessory structure on property prior to application for a building permit for a primary residence), or prohibited items cited within the “UDC”.**

**ARTICLE XVI.
CONDITIONS ATTACHED TO APPROVALS**

1. Within ~~these~~ **the “UDC”** regulations, special exceptions are permitted, provided that they

are approved by the Board of Adjustments, where the Board is authorized to ~~decide~~ **approve variances or** appeals or approve certain uses, and where the Board is authorized to approve ~~variances~~ **same**, such approvals, decisions, or authorizations shall be limited by such conditions as the case may require, including the imposition of any or all of the following: ~~specifications~~:-

a.)(1) Restriction of permitted outside signs or advertising structures except professional or directional signs.

b.)(2) Limitation of signs as to size, type, color, location **and/or** illumination.

c.)(3) Limitations of amount, direction, and location of outdoor lighting.

d.)(4) Limitations on **the** amount and location of off-street parking and loading spaces.

e.)(5) Specifications for cleaning or painting.

f.)(6) Limitations on type of roof **(subject to guidance from experts)**.

g.)(7) Limitations on type of construction materials **(subject to guidance from experts)**.

h.)(8) Limitations on connections or disconnections with other buildings **(subject to guidance from experts, including, but not limited to: The LA State Fire Marshall)**.

i.)(9) Limitations on exits or entrances, doors and windows.

j.)(10) Specifications on paving, shrubbery, landscaping, or ornamental or screening fences, walls or hedges.

k.)(11) Limitations on **the** time of day or night for operating.

l.)(12) Restrictions on store fronts.

m.)(13) Limitations on structural changes **(subject to guidance from experts)**.

n.)(14) Limitations on restrictions for control or elimination of noise or vibration.

o.)(15) Such other conditions that are deemed necessary and appropriate in carrying out the spirit and intent of both the ~~zoning~~ "UDC" and flood hazard ordinances.

DECISIONS OF THE BOARD

ARTICLE XVII.
GENERAL STANDARDS FOR GRANTING APPEALS

- 1.** In exercising the ~~above mentioned~~ **Board's** powers, ~~the Board may, in conformity with the provisions of this Article, it may~~ reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination ~~appealed from~~ **made by the Director of the Department of Development and/or Permits relative to appeals**, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the director of the department ~~Director of the Department of Development~~: from whom the appeal is taken.
- 2.** The concurring vote of four (4) members of the Board shall be necessary **in order** to reverse any order, requirement, decision or determination **made by** of the Director of the Department of Development **and/or Permits**, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variance of such ordinance. The decision, with reasons therefore, shall be filed in the Office of the Board (**i.e.** Department of Development) within ten (10) days of the actual vote. Failure to file the decision shall not delay issuance of permits in accordance with a favorable vote so long as conditions attached to said permits are in accord with the action of the Board.

STANDARDS AND GUIDELINES

- 3.** It ~~shall~~ be the duty of the Board of Adjustments to hear and make determinations on appeals in the following instances:

 - a.)1:** From applicants who have been refused a building permit because of a violation or conflict with the **"UDC"** zoning ordinance, the official zoning map, or the flood hazard ordinance, ~~including errors, omissions, or conflicts after receiving available information from the St. Tammany Parish Department of Development concerning the intent of the Zoning Commission in the related instance.~~
 - b.)2:** Where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative office **official** in the enforcement of the zoning **"UDC"** and flood hazard ordinances.

~~Have the power to permit exceptions to or variations from the zoning and flood hazard ordinances, in certain cases or situations, and in accordance with the principles, conditions and procedures specified in and subject to the limitations imposed by said ordinances.~~
- ~~**4.** In those instances where subdivisions or re-subdivisions would create a lot line which no longer coincides with an existing zoning district line, the Board of Adjustments shall have the authority to shift zoning ordinance lines to coincide with the newly created lot line~~

provided all of the following conditions are met:

- ~~(1) A favorable recommendation is received from the Parish Planning Advisory Board.~~
- ~~(2) Such shift shall not constitute a substantive change in the zoning ordinance that would adversely affect adjacent property.~~
- ~~(3) Such shift shall not grant a less restrictive classification to a lot of sufficient size or configuration as to constitute a building site unless said lot is separated from private property within a more restrictive zoning district by a street, canal or similar public right-of-way.~~
- ~~5. Where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of flood hazard ordinance No 791.~~

STANDARDS FOR VARIANCES

ARTICLE XVIII.

GENERAL STANDARDS FOR GRANTING VARIANCES

1. The Board of Adjustments shall not authorize a variance from the requirements of ~~these~~ the "UDC" ordinances unless it ~~shall~~ makes findings based upon the evidence presented to it that each ~~special~~ case shall indicate all of the following:
 - a.) Special conditions and circumstances exist which are peculiar to the land structure, or building involved and which are not applicable to other land^s.
 - b.) ~~The~~ Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by the other properties in the same district under the terms of the ~~zoning~~ ordinances.
 - c.) The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.
 - d.) Granting the variance requested will not confer on the applicant any special privilege which is denied by the ~~zoning~~ "UDC" or flood hazard ordinance to other lands, structures, or guidelines in the same district or similarly situated.
 - e.) The variance, if granted, will not alter the essential character of the locality.
 - f.) If ~~the~~ strict adherence to the regulations ~~for the property~~ would result in ~~a~~ an unnecessary demonstrable hardship upon the owner, ~~as distinguished from~~ as

opposed to a mere inconvenience or financial difficulties.

- g.) The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested ~~party or parties~~.
- h.) The granting of the variance will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located.
- i.) The proposed variance will not impair ~~an adequate supply of~~ light and air to adjacent properties, or increase ~~substantially~~ the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

VARIANCES FROM THIS ORDINANCE

~~Variances from this ordinance shall be in accordance with the standards and conditions of this section and may be granted only in the following instances:-~~

~~(a) To permit any yard, lot width or frontage less than the yard, lot width or frontage required.~~

~~(b) To reduce the requirements for lot area per family.~~

~~©) To allow a floor area ratio greater than that permitted.~~

~~(d) To reduce off-street parking or loading requirements.~~

~~(e) To reduce the requirements for space between buildings.~~

~~(f) To allow an open space ratio smaller than that permitted.~~

~~(g) To reduce the habital floor elevation of a building or structure under the conditions established in section D. of Flood Hazard Ordinance No. 791.~~

ARTICLE XIX. ~~XV~~ ABSENTEE BOARD MEMBERS

1. If a member should miss three (3) consecutive regular meetings, or miss four (4) regular meetings in one (1) year, this will be sufficient cause for removal from the Board.
2. **The process for removal of a board member shall be presented in the form of a resolution by a board or board members at a regularly scheduled meeting. Said resolution shall clearly and succinctly state the reasons as to why a particular board member should be removed from the Board.**

3. A simple majority vote of the board members present at a meeting requesting the removal of a particular board member for proper cause shall be sufficient to pass said resolution.
4. Upon passage of the resolution, said resolution shall be presented by the secretary of the Board to the parish council for their consideration.
5. A board member, under the provisions of this Article, can only be removed from the Board if the parish council concurs with the Board's resolution and passes its own resolution to confirm said removal.

ARTICLE XX
CONFLICTS - SEVERABILITY

1. The provisions set forth herein above are intended to be consistent with the provisions and authority set forth in Article 3 of the Unified Development Code, Section 3.0104 Board of Adjustment. In the event of a conflict between any provision of these By-laws and Section 3.0104, the provisions of Section 3.0104 shall be controlling. Further, if any provision set forth herein above shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions herein are hereby declared to be severable.