

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3733 As Amended ORDINANCE COUNCIL SERIES NO. 08-

COUNCIL SPONSOR: MR. BILLIOT PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. THOMPSON

ON THE 17TH DAY OF JANUARY, 2008

ORDINANCE AMENDING AND REENACTING SECTION 18-051.05 OF THE CODE OF ORDINANCES OF ST. TAMMANY PARISH TO PROVIDE FOR JUDICIAL REVIEW OF COUNCIL DECISIONS.

WHEREAS, the decisions of the Board of Adjustment, in determining and applying the regulations and restrictions adopted pursuant to Title 33, Subpart H. Zoning Regulations for Parishes, are subject to judicial review upon the filing of a duly verified petition that shall be presented to the court within thirty days after the filing of the decision in the office of the board; and

WHEREAS, in order to provide for uniform judicial review of all decisions determining and applying the regulations and restrictions adopted pursuant to Title 33, Subpart H. Zoning Regulations for Parishes, it is necessary to amend the Code of Ordinances of St. Tammany Parish to provide for judicial review of Council decisions that determine and apply such regulations and restrictions.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 18-051.05 of the Code of Ordinances of St. Tammany parish is hereby amended to read as follows:

ARTICLE IV. ST. TAMMANY PARISH ZONING COMMISSION

Section 18-051.05 ~~Parish Council As Final Authority on Appeal~~ Review of Zoning Decisions:

A. Appeal to the Parish Council. Any person claiming to be aggrieved by a decision of the Parish Zoning Commission may appeal to the Parish Council, through the Parish Department of Planning, in written form within ten (10) days following the Commission's hearing. The appeal may be heard by the Parish Council at its next regularly scheduled meeting following the ten-day appeal period. The Parish Council shall have the exclusive right to overturn any Zoning Commission decision by a majority vote of the membership of the Parish Council.

B. Review of Council Decisions. Any person or persons jointly or severally aggrieved by any decision of the Parish Council relative to a request for amendment, supplement, or change to the regulations, restrictions, zoning district, land use category, or boundaries may file a petition to the Twenty-Second Judicial District Court in and for the Parish of St. Tammany for the issuance of a writ of certiorari or for other appropriate legal proceedings. The petition shall be filed within thirty days after the decision of the Council becomes final, which shall commence on the day following the effective date of the Council's resolution or, when the adoption of an ordinance is required, the day following the effective date of the ordinance. The actions of the Parish Council shall be subject to review on the grounds of abuse of discretion, unreasonable exercise of police powers, an excessive use of powers granted to the Council, or the denial of the right of due process. However, the right of judicial review shall not be limited to the foregoing grounds.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance 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 of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective immediately upon final adoption.

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MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE
FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING
OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2008 AND BECOMES
ORDINANCE COUNCIL SERIES NO. 08-_____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: January 10, 2008
Published adoption: _____, 2008

Delivered to Parish President : _____, 2008 at _____
Returned to Council Clerk: _____, 2008 at _____