

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4444

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BINDER/DAVIS

PROVIDED BY: PLANNING

INTRODUCED BY: MR. COOPER

SECONDED BY: MR. BINDER

ON THE 4 DAY OF NOVEMBER, 2010

ORDINANCE TO AMEND THE ST. TAMMANY PARISH UNIFIED DEVELOPMENT CODE, VOLUME I (ZONING) ARTICLE 2, DEFINITIONS, SECTION 5.25 - I-2 INDUSTRIAL DISTRICT, SECTION 5.26 - I-3 INDUSTRIAL DISTRICT, SECTION 5.26A - I-4 INDUSTRIAL DISTRICT AND SECTION 8.01 MINIMUM STANDARDS RELATIVE TO SOLID WASTE TRANSFER STATION (ZC10-08-094)

WHEREAS, the Unified Development Code of St. Tammany Parish does not specifically identify the use of solid waste transfer station as a use in the text of these regulations; and

WHEREAS, such a use is clearly industrial in nature and may have a significant impact upon surrounding properties; and

WHEREAS, a complete and public review of the siting and design of such a use is appropriate and necessary for the protection of the health, safety and welfare of the citizens of St. Tammany Parish; and

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Unified Development Code, Volume I, (Zoning) be amended:

In Article 2 DEFINITIONS, add a new paragraph (maintaining alphabetical order) as follows:

Solid Waste Transfer Station: A facility where solid waste materials, including yard waste, demolition materials, and household refuse, are transferred from smaller vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites inclusive of Non-Processing Transfer Stations and Type II-A Facilities as defined by Louisiana Administrative Code 33.VII.115.

In Section 5.25 I-2 Industrial District, add a new section as follows:

5.2502A CONDITIONAL USES – Uses that may be approved by the Parish Council following a site specific review as outlined in the Section 5.2505 of this section.

21. Solid Waste Transfer Facility

In Section 5.25 I-2 Industrial District, add a new section as follows:

5.2505 Industrial Conditional Use Process and Procedure

2In order to accomplish the general purpose of these regulations, there are certain uses which must be recognized in addition to the regular permitted uses of a district because of unusual characteristics or the service they provide the public. Because the principle objective of this zoning ordinance is to promote an orderly arrangement of compatible building and land uses, these conditional uses require special regulation to achieve a compatibility with existing or planned development. Often the effect of these uses on the surrounding environment cannot be foreseen and evaluated until a specific site has been proposed. The conditions controlling the location and operation of such conditional uses are established by the following provisions of this ordinance.

A. Authority, Conditions and General Standards for Approval of Conditional Uses

1. Approval

2The Zoning Commission shall have the authority to permit the Conditional Uses of land or structures listed in each zoning district. However, if a formal appeal is lodged with the Director of Planning, the final decision of any request to such approval or denial made by the Zoning Commission shall rest with the Parish Council.

2. Conditions

2a. All regulations of the district in which a conditional use is located shall apply to such uses, except where specific differences in requirements of any section of these regulations apply, or where requirements are specifically amended by the conditions under which the conditional use is granted.

b. Zoning Commission may attach such conditions to the conditional use as are necessary to assure continuous conformance to all applicable standards and requirements.

2c. Failure to observe the conditions of the Commission, imposed pursuant to the issuance of the conditional use, shall be deemed to be a violation of these regulations and may be grounds for revocation of the conditional use.

2d. The Zoning Commission may approve uses subject to the regulations, and to any additional requirements imposed in the public interest to cover circumstances unique to the selected site including a drainage analysis of the site by an independent engineering firm.

3. General Standards

2a. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site shall be such that the use will be in harmony with the land uses in the district in which it is located.

b. Time limit requirement for length of permit use.

2c. Hours of operation for use, buffering and/or landscaping above the minimum parish requirements.

2d. The location, nature and height of structures, walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and structures.

2e. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety

f. Conditional Uses may be approved on lots of less than the minimum lot size in any zoning district and the Zoning Commission may require alternate standards for landscaping and parking.

2g. Conditional uses are not transferable. Once the use has ceased activity, a new permit must be acquired to occupy the site or reactivate the previous use.

4. General Criteria

2In deliberating on any application, the Zoning Commission shall not grant approval of any Conditional Use Permit unless it makes findings based upon the evidence presented to it that each case shall indicate the following:

2a. The permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.

2b. The permit, if granted, will tend to preserve and advance the property and general welfare of the neighborhood and community

c. The granting of the Conditional Use Permit will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the

property is located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or permit inadequate parking, or increase the danger of fire, or substantially affect or overburden existing drainage or sewerage systems, or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emissions of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisances.

5. Expiration

2The petitioner shall have one (1) year to obtain the appropriate building permits or occupy the site from the date of approval of the St. Tammany Parish Zoning Commission, unless otherwise stipulated by the St. Tammany Parish Zoning Commission

B. Procedures

21. Application

2a. An application verified by the owner of record or authorized agent of said owner of the property involved shall be filed with the Department of Planning for the attention of the Zoning Commission upon a form prescribed therefore, which shall contain, or be accompanied by, all required information.

2b. A Transportation Impact Analysis (TIA) study shall be required for all conditional uses in accordance with the requirements for TIA's as described in the St. Tammany Parish Subdivision Regulations & Ord. 499.

2. Public Hearings

2Upon receipt of such verified application, the Department of Planning shall notice of a Public Hearing by posting the affected site in a conspicuous place at least fifteen (15) days prior to the intended permit hearing. A record of pertinent information presented at the public hearing shall be made and maintained by the Zoning Commission as part of their permanent record relative to the applicant.

3. Determination

2The Zoning Commission shall then make its findings and the permit decision shall not become effective for ten (10) days, during which time an appeal can be made in written form to the Parish Council through the Parish Department of Planning. The procedure for appeals to the Parish Council is contained within Section 18-056.01 of the Parish Code of Ordinances.

In Section 5.26 I-3 Heavy Industrial District, add a new section as follows:

5.2602A CONDITIONAL USES & Uses that may be approved by the Parish Council following a site specific review as outlined in the Section 5.2605 of this section.

21. Solid Waste Transfer Facility

In Section 5.26 I-3 Heavy Industrial District, add a new section as follows

5.2605 Industrial Conditional Use Process and Procedure

2In order to accomplish the general purpose of these regulations, there are certain uses which must be recognized in addition to the regular permitted uses of a district because of unusual characteristics or the service they provide the public. Because the principle objective of this zoning ordinance is to promote an orderly arrangement of compatible building and land uses, these conditional uses require special regulation to achieve a compatibility with existing or planned development. Often the effect of these uses on the surrounding environment cannot be foreseen and evaluated until a specific site has been proposed. The conditions controlling the location and operation of such conditional uses are established by the following provisions of this ordinance

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2a. All regulations of the district in which a conditional use is located shall apply to such uses, except where specific differences in requirements of any section of these regulations apply, or where requirements are specifically amended by the conditions under which the conditional use is granted.

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2c. Failure to observe the conditions of the Commission, imposed pursuant to the issuance of the conditional use, shall be deemed to be a violation of these regulations and may be grounds for revocation of the conditional use.

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2a. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site shall be such that the use will be in harmony with the land uses in the district in which it is located.

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2e. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety.

2f. Conditional Uses may be approved on lots of less than the minimum lot size in any zoning district and the Zoning Commission may require alternate standards for landscaping and parking.

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In Section 5.27 I-4 Heavy Industrial District, add a new number 7. as follows:

5.2703A CONDITIONAL USES & Uses that may be approved by the Parish Council following a site specific review as outlined in the Section 5.2606 of this section.

1. Sanitary landfills for the disposal of solid waste
2. Atomic generating plants.
3. Chemical Processing Plants
4. Shipbuilding and repair
5. Asphalt batching plant, except those temporarily erected for a specific construction project.
6. Concrete batching plants, except those temporarily erected for a specific construction project.
7. Solid Waste Transfer Facility

In Section 8.01 Minimum Standards for Specific uses, add a new item AX. as follows:

AX. Solid Waste Transfer Facility - Any Solid Waste Transfer Facility as defined in Article 2 of these regulations shall comply with all applicable standards of the St. Tammany Parish Code of Ordinances, Chapter 9, Garbage and Trash and all applicable standards of the Louisiana Administrative Code, Title 33 - Environmental Regulatory Code (LAC 33)

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 Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

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 1 DAY OF January, 2010; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: NOVEMBER 11, 2010

Published Adoption: _____, 2010

Delivered to Parish President: _____, 2010 at _____

Returned to Council Clerk: _____, 2010 at _____