

SECTION XII. Amendments and Petitions

1. Initiation of Amendments:

The local legislative body may, from time to time, amend, supplement, or change the regulations, restrictions, or boundaries herein or subsequently established. Such amendment, supplement, or change may be initiated:

- A. By action of the legislative body by introduction of an ordinance or by adoption of a motion.
- B. By recommendation of the Parish Development Board.
- C. By petition of property owners.

2. Petitions:

Petitions by property owners for the amendment, supplementation, or change of the Zoning Ordinance shall be filed with the legislative body through the Parish Development Board. In filing such petitions, the following rules shall apply:

- A. No petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners or authorized agents of not less than fifty (50%) percent of the area of land for which a change of classification is requested, provided; however, that where any lot located in the aforesaid area is owned in division all co-owners must sign the petition for that lot to be included in the fifty percent area provision.
- B. Each petition for a change in the classification of property shall conform to such standards and requirements as the Parish Development Board shall adopt.
- C. Each petition shall be accompanied by a deposit of twenty-five (\$25.00) dollars for each text change not involving acreage or five (\$5.00) dollars for each acre of land or portion thereof for which a change of classification is proposed or recommended; the minimum fee, however, shall not be less than twenty-five (\$25.00) dollars regardless of acreage and the maximum fee shall not exceed two hundred (\$200.00) dollars, which shall apply for all areas of forty (40) acres or more. Under no conditions shall said sum or any part thereof be refunded for failure of said change to be adopted by the legislative body.
- **D. Whenever a petition is filed requesting a change or amendment to this Ordinance, and said petition has been finally acted upon by the Plaquemines Parish Council, or its successor, or when said petition has

**As amended by Ordinance No. 98-262, 10-22-98

received no action on the part of the Plaquemines Parish Council, or its successor, within one hundred twenty (120) days, or when said petition has been officially advertised for public hearing but has subsequently been withdrawn either before or after said public hearing has been held, then the Plaquemines Parish Council, or its successor, shall not consider any further petition proposing any change or amendment for the same property within a period of two (2) years from the date of the Plaquemines Parish Council's, or its successor's, final legal action on said petition or from the aforesaid one hundred twenty (120) day period in case action has not been taken by the Plaquemines Parish Council, or its successor, or from the date of withdrawal of said petition, provided; however, that said petition has been officially advertised. This provision shall not apply in cases where the Plaquemines Parish Council, or its successor, wishes to consider a petition involving a comprehensive zoning revision of an area larger than twenty (20) acres.

This provision shall not apply in cases where an owner wishes to resubmit his petition for the same property if such petition, because of a Zoning Moratorium, receives no action on the part of the Plaquemines Parish Council, or its successor, within one hundred twenty (120) days, provided, the Plaquemines Parish Council, or its successor, repeals the Zoning Moratorium before the expiration of the two (2) year limitation.

3. Amendment Procedure:

No amendment, supplement, or change of the Zoning Ordinance or Zoning District Map shall become effective unless and until:

- A. There shall have been held a public hearing in relation thereto before the Parish Development Board at which parties in interest and citizens shall have an opportunity to be fully heard.
- *B. The following notices shall be provided:
 - (1) Published Notice: For applications of zoning variances, zoning text amendments, zoning map amendments, and conditional use permits, a notice setting forth the date, time, place and purpose of the public hearing, the name of the applicant, and identification of the subject property must be published once a week for three (3) different weeks in the Official Journal of the Parish. At least fifteen (15) days shall elapse between the first publication and the date of the hearing.

*As amended by Ordinance No. 02-75, 4-25-022

- (2) **Posted Notice:** For applications involving zoning variances, zoning map amendments, conditional use permits, or a study of an area initiated by action of the Parish Council, a notification sign shall be placed on the property under consideration at least fifteen (15) days prior to the public hearing conducted by the Parish Development Board and shall be removed after final action is taken by the Plaquemines Parish Council. The notification sign shall be installed and removed by an appropriate Parish agency. Such notification sign shall be not less than two (2) feet by four (4) feet in size, mounted on lets or feet and shall contain language which will provide sufficient information for notification of the type of request scheduled for hearing, and other such language as determined necessary by the staff of the Planning, Permits, and Zoning Department to adequately advise the public as the nature of this request; such notification shall be in bold print or lettering and of sufficient size as to be legible from the nearest public street.

If the zoning area study is of such a large size that it is not feasible or practical for the posting of such signs or should posting not be done in strict accordance with the Ordinance, the appropriate advertisement placed in the Official Journal as per Section XII, Subsection 3, Paragraph B(1) shall be sufficient legal notice. Any defect in the posting of sign requirements in this Ordinance shall not invalidate any action taken by the Parish Development Board or Parish Council in accordance with the Ordinance.

No other mandatory types of notice shall be required; however, the Parish, by rule may provide for additional discretionary forms of notice.

- C. After the public hearing as provided above, the Parish Development Board shall have submitted its report and recommendations upon the proposed change and amendment to the legislative body. The legislative body shall not take official action upon the change and amendment until the report of the Parish Development Board has been received, provided; however, that if the report has not been filed within forty-five (45) days after the date of the public hearing, the legislative body may then take official action upon the change or amendment.
- *D. A final yea or nay vote shall have been taken on the proposal by the Plaquemines Parish Council, or its successor, within one hundred twenty (120) days from the introduction of any ordinance, or the adoption of a motion by the Plaquemines Parish Council, or its successor, or from the filing of a petition of property owners or owner in correct form.

*As amended by Ordinance No. 145, 3-10-76

- E. The provisions of this section do not apply in cases where there is a proposal to enact an entire new ordinance to change the text as a whole, or to change all of the Zoning District Map, or both, in which event the procedure set out in the enabling legislation shall be followed.

The provisions of this section also do not apply in cases where there has been placed a time period as a condition precedent to the zoning change, in which case if the property is not developed within such named time period the Plaquemines Parish Council may rezone such property to its prior classification without the necessity of following the procedures as stated above for rezoning except for a public hearing to be held before the Council with notice to the landowners of the subject property.

4. Standards for Conditional Uses:

A Conditional Use shall be authorized by the Council only when such use:

- A. Is necessary to promote the public interest at that location.
- B. Is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- C. Will not cause substantial injury to other property in the neighborhood in which it is to be located.
- D. Conforms to all district regulations of the applicable district in which it is to be located unless other provisions are specifically set forth in the requirements governing specific conditional uses.
- E. Conforms to any additional conditions which shall be deemed necessary by the Council, upon the recommendation of the Parish Development Board, to secure the general objectives of this Ordinance so as to not adversely affect other properties in the neighborhood.

5. Application Procedure for Conditional Uses:

Application procedures for Conditional Uses shall be as provided for in Section XII, paragraphs 1, 2, and 3.

*As amended by Ordinance No. 98-262, 10-22-98

SECTION XII. Interpretation

In interpreting and applying the provisions of this Ordinance, these shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that, where this Ordinance imposed a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this Ordinance shall control.

SECTION XIV. Validity

If any section, subsection, paragraph, sentence, or phrase of this Ordinance shall for any reason, be held to be unconstitutional by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which shall continue in full force and effect.

SECTION XV. Repeal of Conflicting Ordinances

All zoning ordinances or parts of zoning ordinances in conflict herewith are hereby repealed, provided, however, that all suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the Courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

ZONING DISTRICT MAPS

*The Zoning Maps which cover the entire jurisdictional area of the Parish of Plaquemines, Louisiana, are on file in the Planning, Permits and Zoning Department, Plaquemines Parish Government Building, Port Sulphur, Louisiana, where prints are available.

*As amended by Ordinance No. 89-135, 8-10-89