

# VARIANCE PACKET



MAYOR  
JAN-SCOTT RICHARD  
CITY MANAGER  
BRENDA T. DUGAS  
CITY CLERK  
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COUNCIL  
MARK MOREAU  
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LEE DOMINGUE  
BLAINE ROY

# City of Scott Variance Application

Planning Commission or City Council

Applicant: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Property Location: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Property Owner Phone #: \_\_\_\_\_

Land Use District: \_\_\_\_\_ Application Fee: \$500 due at time of submittal

Flood Zone: \_\_\_\_\_ BFE: \_\_\_\_\_ Map #: \_\_\_\_\_ Date: 12/21/18

Ordinance No./Section No. of Request: \_\_\_\_\_

Reason for request: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Applicant is required, at his/her own expense, to comply with public notice requirements described in Chapter 40 (Land Use Code) outlines in the Scott Code of Ordinances, specifically publication of a legal notice, written notice to property owners within 300' of the applicants' property line and posting of the applicant's site with the appropriate signage. Documentation of these notices shall be provided to the City. Check with staff on Planning Commission Schedule and submittal deadlines.*

**For office Use Only:** Was Property Posted with Notice: Yes \_\_\_ No \_\_\_; Affidavit of Publication Received: Yes \_\_\_ No \_\_\_; Copies of Certified Notices to adjacent owners: Yes \_\_\_ No \_\_\_; Fee Paid Cash \_\_\_ or Check # \_\_\_; Deadline for submittal: \_\_\_\_\_ Planning Commission Meeting Date: \_\_\_\_\_; City Council Meeting Date: \_\_\_\_\_ Certified by: \_\_\_\_\_ Date: \_\_\_\_\_

Effective 12/02/21

Sec./ 40-102. Procedures

(5) *Public notice and hearing—Generally.*

- a. *Public notice required.* Required public notices are summarized in Table 2.1. More detailed information may be included with each specific procedure.

Application	Published	Posted	Written
Site Plan Review	*	*	
Code Exception	*	*	*
Text Amendment	*		
Map Amendment	*	*	*

- b. *Public hearing notice requirement.* All notices for public hearing shall contain the date, time, place, and specific subject matter of the hearing.
- c. *Written notice of public hearing.* Not less than 14 business days prior to a public hearing, the applicant must make a good faith attempt to notify the owners of record of all real property within 300 feet of the boundaries of the land upon which the application is being made by sending an official notice by certified U.S. mail of the time, place and subject matter of the hearing. Copies of the notices and certified mail return receipts shall be provided to the administrator prior to the date of the public hearing.
- d. *Posted notice of public hearing.* Posted notice in bold type shall be posted for code exceptions, map amendments, and applications for preliminary plat approval not less than 14 business days prior to a public hearing on signs **not less than 48 inches by 48 inches**, prepared, furnished and placed by applicant on all street frontages of the affected property. The applicant shall notify the administrator when notice has been posted as required by this section.
- e. *Published notice of public hearing.* Notice of the time and place of a public hearing shall be published at least three times in the official journal, if designated, or a newspaper of general circulation in the area; not less than 14 business days shall elapse between the first publication and the date of the public hearing.
- f. *Reconsideration.* No land for which an application for text or map change has been acted upon in a public hearing by the planning/zoning commission shall be considered again by the planning/zoning commission for the same classification for at least 12 months from the date such application was acted upon.

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(4) *Code exception.*

- a. *When required.* A code exception is required for certain land uses, which because of their unique nature are compatible with the permitted land uses in a given transect zone only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions.

b. *Application.*

1. A pre-application conference with the administrator is required.
2. All applications for a code exception shall be filed in writing with the administrator (see subsection (a)(3) of this section, common review procedures). The application shall include material necessary to demonstrate that the grant of a code exception will be in harmony with the general intent and purpose of this article, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material required may include but is not limited to the following, when applicable:
  - i. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading access, refuse and service areas, and required yards and open spaces.
  - ii. Plans showing proposed locations for utilities and easements.
  - iii. Plans for screening, buffering and landscaping.
  - iv. Proposed signs and lighting; including type, dimensions and character.

c. *Review by administrator.* The administrator may refer the application to other affected or interested agencies for review and comment.

d. *Public hearing and recommendation by the planning/zoning commission.*

1. Following notice and a public hearing as required by subsection (a)(5) of this section, the planning/zoning commission shall recommend approval, approval with conditions, or denial of the proposed code exception within 60 days of filing of a complete application, except where such time period is extended by the applicant.
2. In making this recommendation, the planning/zoning commission shall consider the recommendations of the administrator, relevant comments of all interested parties and the review criteria in subsection (b)(4)f of this section.

e. *Public hearing and decision by the city council.*

1. Following notice and a public hearing as required by subsection (a)(5) of this section, the council shall accept, accept with conditions, or deny the planning/zoning commission's recommendation on the code exception within 30 days of the planning/zoning commission's final action.
2. In making this decision, the council shall consider the recommendations of the administrator and the planning/zoning commission, relevant comments of all interested parties and the review criteria in subsection (b)(4)e of this section.
3. The city council may attach conditions to the code exception necessary to protect the health, safety and welfare of the community, minimize adverse impacts on adjacent properties, and ensure consistency with this article. Such conditions may include, but are not limited to, additional screening or buffering, limitations in scale or limitations to hours of operation.
4. Failure to act shall result in acceptance of the recommendation of the planning/zoning commission. This constitutes a final decision by the city council.

f. *Review criteria.* The planning/zoning commission and the city council shall consider the following criteria in approving or denying a code exception:

1. The proposed code exception is consistent with the pertinent elements of the City of Scott Comprehensive Plan and any other adopted plans.
2. The proposed development meets the requirements of this article.
3. The proposed development will reinforce the existing or planned character of the neighborhood and the city.

4. The code exception complies with any specific use standards or limitations in this article.
  5. Any adverse impacts on adjacent properties attributable to the code exception have been minimized or mitigated.
- g. *Effect of denial.* The final denial of a code exception application shall ban the subsequent application for the same or similar use at the same location for a period of 12 months.
  - h. *Appeal.* A final decision by the city council on a code exception may be appealed to the district court within 30 days.
  - i. *Expiration.*
    1. *Existing construction.* In an existing structure, the code exception shall expire after six months if the use is abandoned or discontinued.
    2. *New construction.*
      - i. A code exception shall expire after six months if a building permit application has not been filed.
      - ii. Where a code exception has been granted but no commencement of construction other than clearing and grubbing has been executed within six months from date of such conditional use permit, the property shall revert to its original state prior to such conditional use.
    3. Buildings that are actively available for lease and occupancy, or are being remodeled pursuant to permit shall not have its use considered abandoned or discontinued for 12 months.
  - j. *Revocation of the code exception.* If any conditions of a code exception or other requirements of this article are violated, the City of Scott may revoke the code exception.

**-- Example of Legal Notice for the newspaper (The Acadian Advocate):**

[acadianalegals@theadvocate.com](mailto:acadianalegals@theadvocate.com)

**Submission Process:**

We do not retype any legal notices. All ads must be sent electronically to [acadianalegals@theadvocate.com](mailto:acadianalegals@theadvocate.com)

Acceptable formats: Word document (preferred)

Typed text in the body of the email.

PDFs are accepted for Display ads only (not line ads).

Once submitted, you will receive a confirmation email acknowledging receipt.

After we process your ad, you will receive a proof for approval. Please reply with your approval to proceed with publication. Delays in approval may result in non-publication.

**PUBLIC HEARING NOTICE**

THE CITY OF SCOTT PLANNING COMMISSION WILL HOLD A MEETING ON \_\_\_\_\_ AT 6:00 PM  
 AT SCOTT CITY HALL 125 LIONS CLUB ROAD SCOTT, LA 70583 REGARDING (*Property Address and Proposed Use*)

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FOR

MORE INFORMATION CALL \_\_\_\_\_ AT \_\_\_\_\_.



## Public Notices Deadline Schedule

<u>Publication Day</u>	<u>Deadline</u>
Monday.....	@ 2PM Thursday
Tuesday.....	@ 12PM Friday
Wednesday.....	@ 2PM Sat, Sun, Mon
Thursday.....	@ 2PM Tuesday
Friday .....	@ 2PM Wednesday

Display ads with graphics, tables, or signatures deadline one full day earlier

***\*Please contact the Legals Department to schedule special deadlines and publications when necessary\****

This schedule will change beginning the week before a holiday in preparation for office closure. We observe nine holidays... New Year's, Martin Luther King Day, Mardi Gras, Memorial Day, Juneteenth, Fourth of July, Labor Day, Thanksgiving & Christmas

### AFFIDAVITS

Affidavits are processed 7 to 10 business days from the date of last publication and are mailed to the address on the account.

**Example of Legal Notice for certified mail to adjacent property owners within 300 feet:**

Date \_\_\_\_\_

Re: Property Located At \_\_\_\_\_

To Whom It May Concern:

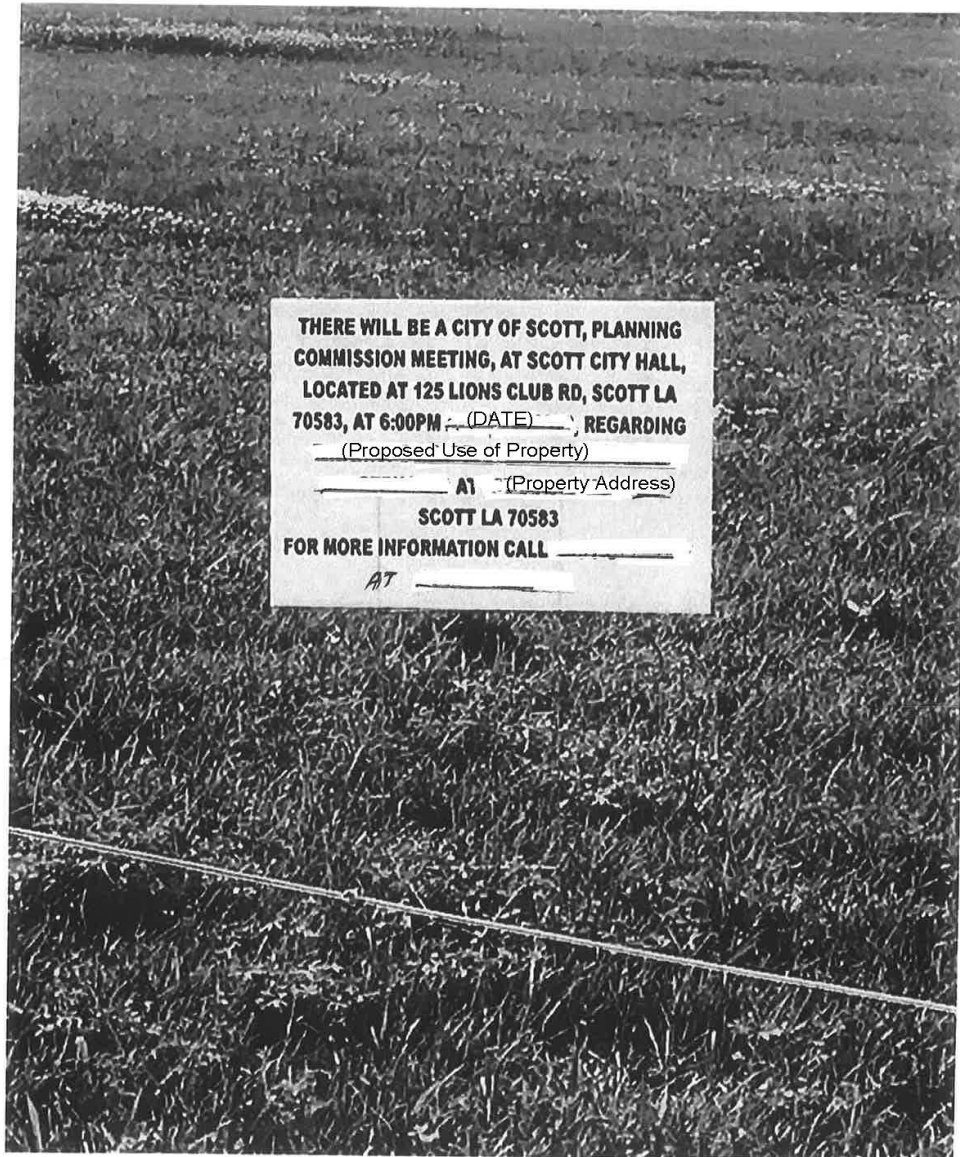
This letter is to inform you that there will be a City of Scott Planning Commission Meeting at Scott City Hall, 125 Lions Club Road, Scott, LA 70583 at 6:00 PM on \_\_\_\_\_ regarding the proposed use of the property located at \_\_\_\_\_ for \_\_\_\_\_.

For further information, please call \_\_\_\_\_ at \_\_\_\_\_.

Sincerely,

Name \_\_\_\_\_

SIGN MUST BE 48" x 48"



ORDINANCE NUMBER 2018-2

AN ORDINANCE AMENDING CHAPTER 40 (LAND USE CODE) TO PROVIDE A PROCEDURE FOR OBTAINING A VARIANCE TO THE LAND USE CODE

WHEREAS, the City Council for the City of Scott desires to amend Chapter 40 (Land Use Code) of the Municipal Code, specifically the Land Use Administrative Code, to provide a procedure to obtain a variance to the Land Use Code;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council for the City of Scott, in regular session assembled, that Chapter 40 (Land Use Code) of the Municipal Code, specifically the Land Use Administrative Code, is amended to add a new Sec. 40-107, to read as follows:

Sec. 40-107 Variance

Any variance to the Land Use Code (Chapter 40) shall require approval of the Planning/Zoning Commission and then, if approved, final approval by the City Council. A denial by the Planning/Zoning Commission is appealable by the applicant to the City Council. Before a request for a variance to Chapter 40 (Land Use Code) can be considered by the Planning/Zoning Commission, the applicant must comply with the Public notice and hearing procedures identical to those required by Sec. 40-102(a)(5) and by Sec. 40-102(b)(4) for code exceptions. For variance purposes, wherever Sec. 40-102(b)(4) refers to "code exception", the term "variance" shall be substituted therefor.

This ordinance shall become effective immediately upon its adoption. Any provisions of the Code or ordinances which are in conflict herewith are hereby repealed.

This ordinance having been submitted to a vote in regular session assembled of the Mayor and the City Council of the City of Scott, the vote thereon being as follows:

YEAS:	<u>Doyle Boudreaux</u>	<u>Troy Bergeron</u>	<u>Danny Hollier</u>
	<u>Terry Montoucet</u>	<u>Jan-Scott Richard</u>	_____
NAYS:	_____	_____	_____
ABSENT:	_____	_____	_____
ABSTAIN:	_____	_____	_____

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on this 7<sup>th</sup> day of June, 2018.

Shelley M. Gautreau  
SHELLEY M. GAUTREAU-CITY CLERK

Purvis J. Morrison  
PURVIS J. MORRISON-MAYOR

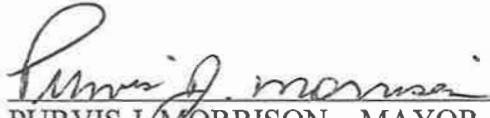
7<sup>th</sup> I certify that the above Ordinance was presented to the Mayor by me on the day of June, 2018.

Shelley M. Gautreau  
SHELLEY M. GAUTREAU-CITY CLERK

7<sup>th</sup> I acknowledge receipt of the above Ordinance from the City Clerk on the day of June, 2018.

Purvis J. Morrison  
PURVIS J. MORRISON - MAYOR

I hereby APPROVE the above Ordinance on this 7<sup>th</sup> day of June, 2018.

  
PURVIS J. MORRISON - MAYOR

7<sup>th</sup> I certify that the above Ordinance was received by me from the Mayor on the day of June, 2018.

  
SHELLEY M. GAUTREAU - CITY CLERK