

Exhibit J4b: Calcasieu Parish Zoning Ordinance Part B  
Chennault Site 2-2A

PARISH OF  CALCASIEU  
State of Louisiana  
ORDINANCE

ORDINANCE NO. 5788

AN ORDINANCE amending certain sections within Chapter 26 — Zoning, of the Code of Ordinances of the Parish of Calcasieu, Louisiana, related to the appeal and administrative process.

BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA, convened in Regular Session on the 18<sup>th</sup> day of February, 2010, that it does hereby amend sections of Chapter 26 -- Zoning, of the Code of Ordinances of the Parish of Calcasieu, Louisiana, as follows:

**SECTION I.** Sec. 26-8. Calcasieu Parish planning and zoning board, (f) Powers and duties, (2), is amended to read in its entirety as follows:

(f) *Powers and duties.*

(2) The board shall take final action on the following:

- a. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinances adopted pursuant thereto.
- b. Appeals to the board may be taken by any party aggrieved, or by any officer, department, board, or bureau of the parish affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the board, by filing with the officer from whom the appeal is taken, and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall immediately transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order, which may be granted by the board or by court of record on application or notice to the officers from whom the appeal is taken and on due cause shown. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
- c. Appeals from the Administrative Review process may be taken by the applicant to the Calcasieu Parish Planning and Zoning Board within seven (7) days of the date of the mailing of the notice of director's denial.

- d. To hear and decide applications to petition for zoning exceptions.
  - 1. No exception shall be granted by the board unless it finds the use for which such exception is sought will not, in the circumstances of the particular case and under any conditions that the board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.
- e. To hear and decide applications to petition for zoning variances.
  - 1. No variance shall be granted by the board unless it finds:
    - i. That there are special circumstances or conditions, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings;
    - ii. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose; and
    - iii. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**SECTION II.** Sec. 26-15.5. Procedures for applying for an application to petition for Administrative Review, is hereby renamed and the definition is amended to read as follows:

*Definition:* Director's approval is an administrative process to produce a decision as it pertains to an "Administrative Review" request found in Calcasieu Parish zoning districts. The administrative review process does not involve a public hearing unless a decision is appealed by the applicant to the Calcasieu Parish Planning and Zoning Board in accordance with subsection 26-8(f)(2).

**SECTION III.** Sec. 26-15.5. Procedures for applying for an application to petition for Administrative Review, (b) Director's approval procedures, is amended to read as follows:

- (b) Director's approval procedures:
  - (1) The applicant executes and files an application to petition with the division. The division may require supplementary data including, but not limited to, a site plan, building plans, and/or approval from department of health and hospitals.
  - (2) After the director of the division of planning and development has determined the application to be complete, a copy of the application shall be forwarded to the representing police juror for review, notice of the request shall be published at least two (2) times in the official journal of the parish, and fifteen (15) days shall elapse between the first publication and the date

of the notice of director's approval or denial. Unless appealed by the applicant, all decisions shall be final.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon adoption.

**BE IT FURTHER ORDAINED** that any ordinances or parts of any ordinances in conflict herewith are hereby repealed.

**BE IT FURTHER ORDAINED** that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**THUS PASSED AND ADOPTED** on this, the 18<sup>th</sup> day of February, 2010.

/s/ S. Mark McMurry  
S. Mark McMurry, Parish Administrator &  
Ex-Officio Parish Secretary

/s/ Kevin Guidry  
Kevin Guidry, President

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STATE OF LOUISIANA  
PARISH OF CALCASIEU

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original ordinance as adopted by the Calcasieu Parish Police Jury in Regular Session convened on the 18<sup>th</sup> day of February, 2010.

IN TESTIMONY WHEREOF, witness my official signature and the seal of the Parish of Calcasieu, Louisiana, on this the 18<sup>th</sup> day of February, 2010.

Kathy P. Smith  
Recording Secretary