

LUTAC

Louisiana Urban Technical Assistance Center

ST. JOHN THE BAPTIST PARISH COMPREHENSIVE PLANNING PROJECT

PHASE I, TASK I

Short Range Planning Evaluation

Permitting Procedure Review

Code Enforcement and Inspection

Subdivision Regulations and Zoning Ordinance

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The **Louisiana Urban Technical Assistance Center** is the professional public service arm of the **College of Urban and Public Affairs** at the **University of New Orleans**, providing technical assistance in urban planning and public administration to public agencies and non-profit organizations throughout Louisiana.

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I. INTRODUCTION AND SCOPE

In preparation for the development of a comprehensive land use plan, St. John the Baptist Parish Council and Administration contracted with the College of Urban and Public Affairs (CUPA) at the University of New Orleans (UNO), Meyer Engineers, Ltd., and Charbonnet and Associates to study the immediate needs of the Parish regarding planning and zoning. This study constitutes “Year 1” of a multi-year process.

Year 1 activities consist of two fundamental tasks. Task I is a review of the St. John the Baptist Parish planning and zoning policies and activities and the development of an administrative plan. Its component parts are:

1. Short Range Planning Evaluation - This is an evaluation of the existing land use regulation tools and procedures currently in place in St. John the Baptist Parish, including the following:
 - A review of the roles of the Planning and Zoning Commission, the Zoning Board of Adjustments and the Utility Board in the short term planning process, including a review of the cases and issues that are reviewed by each and the decisions rendered.
 - An evaluation of the Parish's GIS system and those layers necessary to proceed with comprehensive planning.
2. Permitting Procedure Review - A review of the procedures and organization currently used to process requests for subdivision, resubdivision, variances, rezonings and building permits for residential and commercial developments, and the development of recommendations to improve the efficiency of these procedures.
3. Code Enforcement and Inspection - A review of the procedures and organization currently used by the Parish to monitor and enforce compliance with Parish land use regulations, and the development of recommendations to improve the efficiency of these procedures.
4. Subdivision Regulations and Zoning Ordinance - A review of the Parish's primary land use control tools to identify any deficiencies within the regulations, including recommendations that identify which regulations should be updated to correct deficiencies.

Task II of the year 1 activities is the creation of a citizen participation and education

campaign to inform the citizens of St. John the Baptist Parish about comprehensive planning – both what it can do for the Parish and what it can't do – and the beginning of the citizen participation and visioning process. Task II will include the following:

1. Approximately twenty public presentations will be made to individual groups, including civic associations, business groups, homebuilders association, etc. Appropriate printed material will be supplied, and the presentations will utilize Power Point and other state of the art methods of providing information to the public.
2. A web site dedicated to the ongoing comprehensive planning process in the Parish will be developed to provide an interactive platform to both inform the public and to gather citizen input and comments.

This document contains the results of our Task I findings. It discusses comprehensive planning and basic planning tools, and presents the findings of our research in St. John the Baptist Parish. Task II activities are proceeding and documentation on Task II activities will be presented in fall 2002.

In addressing Task I we studied relevant sections of the Parish's Charter, which governs the operations of Parish government. We reviewed the planning- and zoning-related roles and actions of the Parish Council for 2001, the Planning and Zoning Commission meeting minutes for 2001, the Zoning Board of Adjustments meeting minutes from 1996 to 2001, and the Utility Board meeting agendas for 2001. We reviewed reports produced from June 2000 to July 2001, and interviewed the Director of the Planning and Zoning Department. We also reviewed the Parish's Subdivision Regulations and Zoning Ordinances, and studied the Parish's geographic information system (GIS) and consulted with Geographic Computer Technologies (GCT), the Parish's GIS consultant. As a result of this research we developed a series of recommendations for improving development- and enforcement-related policies and activities within Parish government.

St. John the Baptist Parish Comprehensive Plan

The process of developing a comprehensive plan is complex and requires the coordination of and input from elected officials, governmental agencies, private citizens, and interest groups. To succeed, all of these constituencies must come together to forge a consensus about the future development of St. John the Baptist Parish. This consensus will be the basis of Parish-wide goals that will guide the development of the comprehensive plan. The entire process will occur over a multi-year period.

Some of the benefits that the Parish will see from undertaking this process include

more efficient use of Parish resources and alleviation of some common planning-related problems, such as incompatible development, inconsistent zoning and traffic congestion. Once completed, the St. John Parish comprehensive plan will provide a blueprint to ensure that future development maintains the quality of life enjoyed by current residents, while putting in place safeguards to ensure that St. John Parish remains a desirable place to live well into the future.

II. COMPREHENSIVE PLANNING AND PLAN IMPLEMENTATION TOOLS

A "Comprehensive Plan", sometimes called a "Master Plan", is a statement of public policy for the physical development of a municipality or parish that has been adopted by the local planning commission and council. It contains a statement of development goals, objectives and policies, and a generalized land use plan for the physical development of the community. This designates, in map and policy form, the proposed general distribution and extent of the uses of the land for residences, commerce, industry, recreation, open space and public lands. In addition to the land use plan, the comprehensive plan can include in great detail specific elements or issues that are important to the community and that affect the use of land. These elements may address issues such as transportation, recreation, education, economic development and housing, as well as others.

Unlike many states, Louisiana law does not specify which elements should be included in the comprehensive plan, nor does it mandate planning by local governments. The law does say that if a local government adopts a plan, then the laws and policies of that community should be consistent with the goals and objectives of the comprehensive plan.

The development of the St. John the Baptist Parish comprehensive plan is mandated by Section 20-3, Sub-Chapter A of the Parish's Code of Ordinances. Sub-Chapter B explains the requirements for the contents of the plan. Sub-Chapters A and B of the Code are attached as Appendix A. **As the Parish proceeds with the development of the Comprehensive Plan it needs to ensure consistency with the language of Section 20-3, Sub-Chapter B of the Parish Code of Ordinances.**

The Zoning Ordinance and the Subdivision Regulations are generally the two most important land use regulation tools that a community has at its disposal. Therefore we begin our study with discussions of them.

Subdivision Regulations and Zoning Ordinance

Typically, the zoning ordinance and the subdivision regulations help the community implement the goals of the comprehensive plan. St. John the Baptist Parish adopted the current set of subdivision regulations on January 13, 1977 and the current Zoning Ordinance on June 14, 1984. We note that the Parish has no currently adopted comprehensive plan.

Both sets of regulations are based on the standard regulations adopted by many communities at that time, and both have been amended on numerous occasions to address changing issues and situations. However, these amendments have not been sufficient to keep up with the changing face of St. John the Baptist Parish. One of the goals of this

evaluation is to make recommendations for zoning ordinance and subdivision regulation amendments to address hot issues or areas of the regulations that are obvious and continual problems.

However, these will only be quick fixes. **The long-range goal of the Parish should be to complete the Comprehensive Plan and then perform a major overhaul of the subdivision regulations and the zoning ordinance that will implement the goals of that comprehensive plan.**

A. Zoning

Zoning can be defined as a legislative process through which the local governing body, under power delegated to it by the state zoning enabling law, divides the Parish into districts or zones, and adopts regulations concerning the use of land and the placement, spacing and size of buildings. A typical zoning ordinance consists of two parts, a map dividing the land into zoning districts and text which details the rules, regulations and restrictions on land uses for each of the designated zoning districts. The primary goal of zoning is to avoid or minimize disruptive land use patterns involving incompatible land uses.

1. The Origins of Zoning in America

Regulation of buildings in America is as old as the country itself. President George Washington, for example, issued an order in October 1791 that only brick could be used in certain parts of what is now Washington, DC. Early ordinances were enacted, in part, to address the social and economic challenges brought on by the Industrial Revolution and by massive immigration to the United States. Some communities enacted regulations restricting the use of combustibles in certain areas or limiting the location of slaughterhouses. In urban areas, building heights were limited. These laws sprang from the police power provision in the Constitution of the United States, which allows government to exercise reasonable controls in order to protect public health, safety and welfare.

With this foundation in place, New York City adopted the country's first comprehensive zoning ordinance in 1916. It had a zoning district map and established building regulations in those districts. Other cities followed the lead and adopted their own zoning ordinances. In 1922 the U.S. Department of Commerce, under President Herbert Hoover, published the Model Standard State Zoning Enabling Act, designed for adoption by states. This model act outlined the role and function of zoning and set out uniform standards that local governments could use to guide land development practices.

Zoning got a big boost four years later, in 1926, when the United States Supreme Court ruled in *Euclid v. Ambler Realty* that zoning did not violate the due process clause of the U.S. Constitution. As a result of this landmark ruling, zoning ordinances were adopted across the country. By 1940 zoning had become the most common means of regulating local land use in the United States.

2. Local Zoning - Louisiana and St John the Baptist Parish

Louisiana followed the rest of the country and adopted the Louisiana Zoning Enabling Legislation Act, which enables local governments to enact zoning, in 1946. The St. John the Baptist Parish Council adopted "The Comprehensive Zoning Ordinance of the Parish of St. John the Baptist, Louisiana" through Ordinance No. 84-38, on June 14, 1984. The ordinance consisted of text and a series of maps. Both the text and the maps have been amended many times since then, but remain in need of further revision. Through a review of the zoning ordinance, subdivision regulations and Utility Board provision we have identified the following problems with the zoning map and with the zoning ordinance itself which require immediate attention.

Regarding the zoning map, large areas of the Parish seem to be zoned incorrectly. For example, much of the west bank of the Parish is zoned R-1 Single Family Residential District when the actual predominant land use is agriculture. This causes problems when property owners try to develop anything, because R-1 Single Family is the most restrictive zoning category. It may be the case that the intent was to zone the area "R" – Rural but the "R" was misinterpreted as "R-1" Residential. **Therefore, the Parish zoning map must be revised to correct inappropriate zoning.**

The St. John the Baptist Parish Zoning Ordinance itself needs major revisions. Some problems that need to be addressed are:

- Parts of the text still refer to the Police Jury rather than to the Parish Council.
- The Ordinance is very vague in many places and therefore is subject to wide and inconsistent interpretation.
- The "definitions" section is inadequate and needs to be greatly expanded and updated to include the latest terminology.
- The list of specific land uses should be expanded and updated.
- There is little flexibility save liberal interpretations of vaguely written provisions.
- The rules or criteria for considering a variance request are broad and unclear. Specific criteria need to be developed to apply to such requests.

Other specific issues that need immediate attention include:

1. Mobile / Modular Homes – This is probably the most consistent and perplexing problem in the entire realm of development in the Parish. Though several recent changes to the review and approval process have been made, this issue consumes far too much time administratively in the Planning Department and with the Planning Commission. The recent changes put much of the decision-making

responsibility on the Commission but it seems this is an administrative function in most cases. **Decision-making concerning mobile/modular homes should be made an administrative responsibility.**

2. Parking Regulations – Although existing requirements are not necessarily out of line, the regulations are seriously lacking in the list of defined uses and especially in the requirements for multi-tenant developments. **Parking regulations should be revised to improve the list of defined uses and to deal with multi-tenant developments.**
3. Sign Control / Overlay District – The Overlay District was established along the major corridors to control the proliferation of billboards and the clutter of signs found along Airline Highway. The requirements also call for minimal landscaping. Local businesses have never been required to limit their signs and there have been some complaints and a rash of variance requests. This is one area where the Zoning Board of Adjustment has held firm but the Parish administration has felt pressure to reduce the requirements. **Requirements for sign control and landscaping in the Overlay District should be consistently enforced.**

B. Subdivision Regulations

The subdivision ordinance is another planning tool that, similar to the zoning ordinance, helps to implement plans and policies of the local community. The subdivision ordinance regulates the division of land into building lots and parcels for the purpose of sale, lease, or development. The regulations specify procedures to be followed when land is divided and built upon and specify improvements for that development, including streets and utilities. When used in conjunction with the zoning ordinance and local plans, subdivision regulations can help make the land development process orderly and consistent.

The current subdivision regulations of St. John the Baptist Parish were adopted by resolution on January 13, 1977. There have been a number of amendments over the years, most of which were adopted by Council ordinance. The most up to date portion of the Subdivision Regulations is “Construction Standards”, which sets minimum standards for public water, sewer, drainage and street development in the Parish. This was established by an amendment to the subdivision regulations, which was adopted on June 6, 1998 (Ord. No. 98-60) after extensive research, input and review by Parish staff and consultants.

These regulations are more current than the Zoning Ordinance, although they do need to be updated. For example, the older parts of the regulations still refer to the

“Police Jury” rather than to the Parish Council. They also should be updated to reflect any other changes in the review and approval procedure that may result from this review.

C. Geographic Information System (GIS)

The Parish’s original zoning map consisted of a series of aerial photographs with lines drawn on them to designate the various zoning districts. Therefore amending the zoning map and keeping it up to date and consistent was difficult. In 2000 the Parish went to a computer

mapping system that makes revising the zoning map much easier. The computer map is also part of the Parish's Geographic Information System (GIS).

GIS links maps with databases containing land-related information. These databases may include information of various types, such as topography, soil type, zoning, land use, infrastructure (including the street system, water and sewer lines, power lines, telephone lines), traffic control (lights, signs and speed limits), lot lines, property ownership, building permits and other related information. It can also store information about the locations of fires, accidents, code violations and other types of incidents or events.

Since the initial development of GIS in the 1960s, local and regional governments throughout the United States and elsewhere around the world have used this technology for a broad range of tasks, and GIS has become an important planning tool. Many governments instituted their geographic information systems for a single specific task, such as establishing a planning base of generalized maps, for coastal management, for property assessment tasks, for health services, or for predictive modeling of development. As these projects developed, the value of using a broad base of data from several government departments became apparent, and other government departments saw the benefits of participating in the GIS. Eventually many of these projects became enterprise-wide systems. Meanwhile, other jurisdictions began their planning with an enterprise-wide GIS as their goal. Officials of Monmouth County, New Jersey, which has implemented an enterprise-wide GIS, have estimated that 90 percent of the data maintained by local governments are geographically referenced.

The benefits derived from GIS have been substantial. They include:

- integration of data from numerous departments into a single system
- reduction or elimination of data redundancy among government departments
- faster map production and revision
- data currency
- improved accessibility of data to employees
- reduced time, redundancy, paperwork and cost
- standardization of data, hardware and software
- reduced training and support needs and costs
- improvement of information searching, retrieval, analysis and review throughout government
- increased productivity of employees and a more efficient workplace
- more efficient field operations
- improved monitoring and analysis of environmental data
- government-wide seamless customer services

- support of public relations and facilitation of coordinated government service provision
- reduced emergency vehicle response times
- improved provision of products, services and data to the community

As part of their GIS development, many jurisdictions have published and distributed information through the internet, and have established permit application processes through the internet. This has allowed increased involvement in decision-making and planning processes by stakeholders, and has reduced office visits, calls and interruptions by the public.

St. John the Baptist Parish currently has a GIS with an integrated Permit system and a Work Order system. It is oriented towards addressing the requirements of public works projects, and includes databases for: Permits, Projects, Inspections, Utility fees, Contractors, Street names, Street centerlines, Subdivision name and type, Work Requests, Equipment, Materials, and Personnel, etc. A parcel layer is almost complete, and a land use layer will soon be developed. The full list of data layers currently in the GIS is attached as Appendix B.

Based on the experiences of other local and regional governments, **we recommend that St. John the Baptist Parish continue to work with Geographic Computer Technologies (GCT), the Parish's GIS consultant, to develop an enterprise-wide GIS.** Land use planning, zoning, regulation and enforcement activities require types of information that are collected throughout Parish government, and other departments within Parish government use land-related information. With an enterprise-wide GIS the Parish government generally can enjoy the improvements in data access, office efficiency and other benefits that have been discussed above.

The GIS can have specialized data input screens for the different types of data that are to be stored, and in an enterprise-wide system different offices can enter and maintain their own data. Reports can be generated in preprogrammed formats or formats can be developed as needed. Data can be searched by specific types of information (such as a search for all schools or for all trailer homes) or by map areas (such as specific neighborhoods), and data from different departments can be easily combined, compared and coordinated to give a more complete view of any given situation. The results can then be displayed as a table, or graphically on a map, or both. The different types of data can be protected by passwords so that only authorized personnel can search, read or retrieve the data, so protecting the privacy of Parish residents.

Beyond simply reporting on land-related conditions in the Parish, GIS can be used as an analytical tool. For example, it can test development plans for zoning, setbacks, buffers, drainage, and compatibility of land use with its surroundings, and it can measure building density and green space. Performing these tasks through a GIS can provide a considerable improvement in service to the Parish Council, to the public and to the business community.

III. SHORT RANGE PLANNING EVALUATION

Several entities within St. John the Baptist Parish government are generally responsible for implementing and administering the existing land use regulations and procedures. These are the Parish Administration, including the various departments and offices reporting to the Parish President, the Parish Council, the Planning and Zoning Commission, the Zoning Board of Adjustments and the Utility Board. Each of these has a role in the administration of the various ordinances, regulations and policies governing land use in the Parish. Overviews of each of these bodies follow.

A. Parish Council

A review of the St. John the Baptist Parish Council ordinances for 2001 that relate to land use and zoning decisions reveals a consistent pattern. In 2001 the Council heard seven rezoning requests, eleven resubdivision requests, five requests for various stages of subdivision approval and four miscellaneous cases involving telecommunications towers, encroachment on public property and a sign moratorium. The decisions of the Council in the zoning, resubdivision and subdivision approvals were generally consistent with the recommendations made by the Planning and Zoning Commission and were generally based on sound planning principles and adherence to the Parish's adopted regulations. Detailed copies of the discussions of these requests, from the Parish Council minutes, are included as Appendix C.

The Council's role of establishing policy and adopting regulations is important in the land use planning and development process, since it guides the staff and Commission as they carry out their day to day administrative functions. **The Council and the Administration should continue to support the efforts of the Planning and Zoning Commission and the Planning Department in administering and enforcing the Parish's regulations.**

There are two specific areas of concern relating to the Parish Council. One of the rezoning cases (Ordinance MM1-05) was approved with the stipulation that a drainage servitude be granted to the Parish. The servitude was not granted by the property owners, who then sued the Parish when the rezoning was rescinded. The Parish won the case on the decision of the district court judge. The intent here is not to comment on the merits of that case, which was litigated. The stipulation for a servitude was based on legitimate Parish concerns for the health, safety and welfare of the citizens of the Parish. However, this case shows the need for some long-term infrastructure policies rather than ad hoc decisions. The Parish's concerns would be better served by the formulation of a coordinated plan of action to meet the Parish's infrastructure needs in a comprehensive way rather than through the ad hoc means of negotiating concessions in individual cases.

The Parish Council should formulate a coordinated plan of action to meet its infrastructure needs in a comprehensive way rather than through the ad hoc means of negotiating concessions in individual cases.

The second area of concern relates to consideration of Parish infrastructure needs in zoning and subdivision cases and in other actions. The Council authorized the recently completed St. John the Baptist Parish Drainage Master Plan prepared by the firm of Shread-Kuykendall, but other infrastructure needs should be addressed as well, including long-term Parish-wide water and sewer service needs and especially transportation. Development in the Parish over the last decade has increased traffic significantly on Parish roads, particularly in the LaPlace area. This growth is likely to continue making traffic congestion worse. Plans to address these issues must be formulated in a comprehensive manner with open public discussion of the issues. This is the only way to build consensus of vision that will bring consistency over the years as Parish Administrations and Council membership change. **We recommend that the Parish Council take more proactive steps to address the long-term infrastructure issues facing the Parish.**

The infrastructure problems – traffic congestion, sewer treatment capacity, etc. - are rather easy to identify. However, the solutions cost money, for which difficult decisions must be made. There are a number of options that the Council could consider to finance these infrastructure needs, once the needs have been identified. Bond elections, similar to the recently passed \$18 million bond refinancing election for recreation and street improvements, are one example. Other tools that Council could use to pay for the cost of providing new services include availability fees, impact fees and similar exactions.

B. Planning & Zoning Commission

Our review of Planning and Zoning Commission cases for 2001 revealed little out of the ordinary. In summary, five rezoning requests were approved, one rezoning request was denied, 12 resubdivisions and subdivisions in various phases of the approval process were approved, two telecommunication towers were approved, two trailer placement cases were approved and four trailer placements were denied. A review of the minutes supplied by the Planning and Zoning Department indicates that the Commission's meetings are well run, to the point, and with every indication that the decisions are based on the adopted regulations of the Parish. As an illustration, the minutes on the denial of the rezoning request case indicate a discussion of spot zoning as a reason for denial. Detailed copies of the discussions of these cases, from the Planning and Zoning Commission meeting minutes, are included as Appendix D.

These cases are generally typical of those heard in other Parishes and communities the size of St. John the Baptist Parish. The exception to this is the number of "trailer placement" requests. The Planning and Zoning Commission usually hears these cases due to the requirement in the Zoning Ordinance that a petition of the neighbors state that there is no objection to the trailer placement. Any objection to the placement of the

mobile home, specifically listed in Section 33:32 under “Prohibited Uses” in an R-1 Single Family zoning district, requires Planning Commission approval for the placement to proceed. These requirements and procedures actually belong on the Zoning Board of Adjustments agenda because they are variance requests. However, a new procedure was adopted in early 2002 that sets “compatibility” criteria requiring a public hearing with the Planning Commission. Use of this procedure is probably better than relying on the approval of the neighbors to determine if the use is permitted, but it still overlooks the fact that mobile homes are a prohibited use in R-1 districts, where all of these requests originate. The fact that recent Planning and Zoning Commission meeting agendas are dominated by “trailer placement” cases indicates a problem. For land use planning to succeed permitting must adhere to zoning ordinances. **It is apparent that mobile homes need to be permitted in more areas or a new zoning district needs to be created for areas where mobile homes are the dominant land use.**

The issue of mobile homes in St. John the Baptist Parish illustrates the primary land use regulatory problems in the Parish, which include out of date regulations, especially the Zoning Ordinance. It also illustrates the current need for a Comprehensive Land Use Plan. The deficiencies in the existing zoning ordinance are more apparent in the operations of the Planning Department and the meetings of the Zoning Board of Adjustments. However, the Planning Commission is forced to deal with these deficiencies as well.

An issue that the Planning and Zoning Commission shares with the Zoning Board of Adjustments (ZBA) is that both of the boards have a history of continual turnover. With experienced and knowledgeable members leaving regularly it is difficult to keep decisions consistent. There are several issues here:

1. According to state law, a commission member’s term is not terminated after a new council member is elected. Appointments are for staggered terms so as to keep politics out of the decision-making process at this level. This has not always been the case in St. John the Baptist Parish. **Appointments to the Planning and Zoning Commission and to the Zoning Board of Adjustments must follow the state law mandating staggered terms, and all efforts must be made to keep politics out of decision-making.**
2. More training on basic planning and zoning issues and laws is needed, especially for new members. Several members of the Planning and Zoning Commission have attended the Planning Commissioners Workshop sponsored by the LA Chapter of the American Planning Association. This training could be the reason that the Planning and Zoning Commission decisions over the last 7 years have been somewhat more consistent and in compliance with its authority than the

ZBA's have been. **This type of training should be required of all members of both boards, and new members should attend this or a similar workshop or training session within six months of being appointed. Council members could also benefit from this kind of training.**

- 3. The Council should make it a point to appoint members who are interested, will attend meetings regularly and are willing to attend minimal training sessions or workshops. Members who regularly miss meetings should be replaced.**

C. Zoning Board of Adjustments

We acquired the minutes of the Zoning Board of Adjustments (ZBA) for the last five years, reviewed and synopsised 99 cases acted upon by the Board (see Appendix E), and exercised our professional (not legal) judgment regarding the correctness of the Board's decisions. While the 99 cases involved only 6 denials and 1 partial denial, we believe that the Board's decisions to grant variances were valid in only 11 of the remaining 92 cases. The lack of clearly defined criteria in the zoning ordinance is a contributing factor to this situation. One particular concern is that the Administration and the ZBA are not strictly applying the "hardship" criteria in respectively recommending or granting variance requests. Variances to the regulations should not be granted just because it is inconvenient to someone or will cost more money to comply with the law than to not comply with the law. Suggested criteria which should be adopted are included as Appendix F. **The Administration and the Zoning Board of Adjustments must more clearly define its criteria for granting variances, and specifically must more strictly apply the "hardship" criteria in respectively recommending or granting variance requests.**

The Board's effectiveness is dependent upon the level of staff support and quality of staff reports and recommendations it receives. There has been recent improvement in the completeness of the minutes, but the record generally inadequately reflects the Board's rationales for granting variances. **Additional improvement is needed in the level of support and the quality of reports and recommendations that staff give to the Zoning Board of Adjustments.**

As previously mentioned, the issues of board member education, turnover and meeting attendance must also be addressed.

D. Utility Board

The Utility Board was established by Ordinance 86-92 and was officially created as of January 1, 1987. Its powers and duties are described in Section 28:375 (Sub-Chapter D) of the Code of Ordinances. Its stated duties are to "advise" the Parish President, through

the Department of Public Utilities, on various matters. These matters are generally larger policy issues and long term planning, but also include (i) “New services to commercial and industrial customers.”

A review of the Utility Board’s meeting agendas for 2001, supplied by the Planning Department, shows a significant proportion of the cases to be land-use related. They included 23 commercial building permit cases, seven industrial building permit cases, and 25 subdivision or resubdivision cases. There were three cases regarding the location of telecommunications facilities and one concerning a revision to the subdivision regulations regarding a minor drainage issue. There were 10 “non-domestic sewer permit” cases and numerous discussion items on drainage ditch and canal maintenance.

Several items discussed by the Board during 2001 can be considered long range planning items. One was a lengthy discussion with some Council members regarding water capital projects, including possible future additional water supply sources, water treatment and paying for future improvements. During 2001 the Parish also took a step toward improved drainage with the preparation of the Drainage Master Plan by the engineering firm of Shread-Kuyrkendal. This process was spearheaded by the Utilities Department and the Utility Board. Sewer treatment capacity was also discussed at several meetings and became an important issue with the Parish Council in 2002.

Our review of Utility Board cases reveals that the Board is trying to be proactive in long term utility planning but spends a significant amount of its meetings hearing cases that can be handled administratively. Although there may be a need for the Utility Board to review major subdivision plans and to be involved in long range utility planning, the board’s review of commercial and industrial permit requests is unnecessary and further complicates an already unwieldy approval process. The Public Works Department staff should be able to judge the availability of adequate water, sewerage and drainage infrastructure at a particular site. If services are available, “new services” are not necessary and therefore Utility Board approval is not required. If adequate services are not available, the Administration and the Public Works Department can require that the developer provide the necessary services or recommend other options. This would meet the “new services” requirement for Utility Board approval.

It is our recommendation that the Parish change its policy which requires that all commercial and industrial permit requests receive Utility Board approval; under the current regulations only those requests needing “new services” are required to go to the Utility Board. We also recommend that the Parish change the regulations to allow the Department of Public Utilities to review and determine the availability of utility services to a particular site, thus streamlining the approval process.

E. Code Enforcement and Inspection

A community's zoning and other land-use regulations are only as good as its ability to enforce them. Enforcement of these laws is difficult everywhere, in large cities and in small towns alike. It is particularly difficult in growing communities where enforcement previously was unenthusiastic but where growing pains and problems have forced a focus on enforcement.

This is the situation in St. John the Baptist Parish. The growth of the Parish in the last ten years has brought with it some of the issues of sprawl that Jefferson Parish, St. Charles Parish and St. Tammany Parish are experiencing. Pressure from citizens and new regulations are forcing the Parish towards more rigorous enforcement.

Code enforcement in St. John the Baptist Parish is the responsibility of the Planning and Zoning Department, which currently employs three Code Inspectors and one Subdivision Inspector. We reviewed a number of inspectors' activity reports dating from June 2000 to July 2001, interviewed the Planning Director regarding code enforcement and inspection activities, and reviewed the "Violation Inspection Report" form and the "Notice of Violation" form. As a result of this review we have a number of concerns regarding code enforcement and inspection, and a number of recommendations to make in order to improve the efficiency of these procedures. We consider that the areas that need attention and improvement include: the training of inspectors, office procedure, inspector utilization, and the format of the Violation Inspection Report form.

Our first concern is that different inspectors have different levels of knowledge and understanding of the ordinances and regulations that they are enforcing, and so carry out inspections and submit reports of varying quality. Some inspectors try to learn ordinances on their own, and in doing so make a significant contribution to their work in the community. Others may or may not ask questions about procedures or ask for assistance. This system of self-instruction and of learning by asking questions is commendable and at times is necessary. However, it results in gaps and inconsistencies in inspectors' knowledge and performance, and so should not be depended upon as the sole means of instruction. All inspectors generally fill out their forms correctly, but there are still inconsistencies in their reports. For example, some inspectors take measurements regularly and so frequently catch problems, while others only take measurements occasionally and so do not catch the same problems. Also, some inspectors are reluctant to point out conflicts in the field. This leads to a lack of compliance with regulations in the community and to an increase in requests for variances, and makes follow-up inspections by other inspectors difficult.

Our first recommendation is that formal training be given to the inspectors, to instruct them in what they are inspecting, in the ordinances that they are enforcing, and in the value of the work itself to the community. This training should be required in all areas

of Code and Subdivision inspection, including knowledge of Parish ordinances and the Southern Building Code, in conducting inspections and in reporting inspection results.

This will give the inspectors a common, basic level of knowledge and understanding of the work, and will result in work that is more consistent and more thorough. Therefore it will provide results that are more useful to the Planning and Zoning Board and to the Parish Council. Instruction in and enforcement of the Southern Building Code is particularly important. St. John the Baptist Parish has adopted the Southern Building Code, and lack of enforcement could put the Parish in a serious liability position. Not training inspectors in the Southern Building Code could cause insurance rates for Parish property owners to increase

Such training is available from a variety of sources. The Building Officials Association of Louisiana (BOAL), the Louisiana Floodplain Management Association, and the Code Enforcement Association of Louisiana (CEAL) each offer conferences and training seminars on topics related to code enforcement.. The Parish could also contract with one of their consultants or the Parish Engineer for some basic training. **We recommend that all training be conducted at a location other than the office in order to emphasize the importance of the training to the inspectors.**

We also recommend two changes to office procedure in order to improve the quality and use of the Violation Inspection Reports. All reports should be of a consistent and high quality, and should contain all of the necessary information. **Therefore, we recommend that the Violation Inspection Reports be checked regularly for completeness. In cases where required information (such as measurements) is missing inspectors should return to the site for that information.**

Our second recommendation concerning office procedures is that the Violation Inspection Reports be entered into a database in the Parish's computer system, with the ultimate intention of making it a layer in the GIS. The computerization of the Reports will allow for easy searching by any of a number of criteria, such as date, violation type, area or property. It will also allow the automation of certain tasks, such as generating lists of sites for follow-up inspections or lists of violation notices to be sent out, printing violation notices, and creating summary reports. Once a property layer has been added to the GIS, the Violation Inspection Reports can also be linked to the property data. This should be undertaken with the help of the Parish's GIS consultant.

Concerning the Violation Inspection Report form itself, we recommend that it include preprinted serial numbers. These numbers could be used for reference purposes in correspondence, as well as for entering the reports into a database (and ultimately the GIS). **We also recommend that the Report form include the official seal of the Parish, to add an official and professional appearance to the form.**

Additionally, the inspection activities of the Parish were only recently consolidated under the offices of the Department of Planning and Zoning, and the Planning Director is taking steps to ensure that inspection manpower is more effectively utilized. Our prior recommendations, including the establishment of training and increased attention to reporting standards may help her in making the best use of her inspection team. **The Parish Council and administration should support the Planning Director in her efforts to ensure that inspection manpower is more effectively utilized.**

Given that enforcement activities are now part of the Department of Planning and Zoning, the Parish Charter should be revised. Chapter 2, Sub-Chapter B Section 2:106 (D) establishes the Planning and Zoning Commission, and 2:107 (E) establishes the Department of Code Enforcement/Planning and Zoning. The current text of these sections is included in Appendix G. **These two sections of the Parish Charter should be consolidated.**

Public education regarding permitted land use and building practices is also an issue in enforcement, since an educated public will be more likely to comply with regulations. To this end we recommend that **the Parish make its Code of Ordinances available to the public by placing it on the Parish internet site at <http://www.sjbparish.com/>, accompanied by a publicity campaign.**

The Code of Ordinances text can be posted on the internet site in HTML format for reading online, while each chapter can be produced in individual PDF format files for downloading and printing. The publicity campaign can include the production of a brochure with brief discussions of

- Comprehensive planning
- Land Use Regulations and Zoning Ordinances
- Code enforcement and inspection
- Topics covered by regulations and ordinances, and
- Availability of regulations and ordinances for review.

Copies of the brochure can be distributed to Parish homes, businesses and landowners, and can also be made available in parish offices, including libraries and police stations. Sample text for a brochure is attached in Appendix H.

IV. PERMITTING PROCEDURE REVIEW

The established permitting procedures, described here, are fairly standard. The Parish recently moved the Planning Department into the same building as the Permitting Office, which we view as a positive step, since it should improve efficiency. **Additional staff and training are needed, and a standard report format should be adopted. This format should include more thorough analyses of cases, including the use of maps, graphics and photographs to assist the boards and commissions in the decision-making process.**

A. Procedures for a Rezoning Request

The following steps are required for a citizen or company to request a zoning map or text change.

1. Application form from Planning Department.
2. Return completed application and additional information to the Planning Department.
3. Schedule meeting for the Administrative Meeting (meets every Wednesday at 10:00 a.m. in the Percy Hebert Building Conference Room.).
4. Request goes to the Planning and Zoning Commission for a public hearing. P&Z makes a recommendation to the Parish Council.
5. Parish Council reviews the case, holds a public hearing and votes yes, no, or yes with modifications.

B. Procedures for Variance Request

The following steps are required for a citizen or company to request a variance or modification to the requirements of the zoning ordinance.

1. Variance application form from Planning Department.
2. Return completed application to the Planning Department.
3. Schedule meeting for the Administrative Meeting (meets every Wednesday at 10:00 a.m. in the Percy Hebert Building Conference Room.).
4. The request goes to the Zoning Board of Adjustment. The ZBA meets the fourth Wednesday of each month. As per state law and the St. John the Baptist Zoning Ordinance, the ZBA has final authority on variance cases, there is no appeal to the Council.

C. Procedures for a Minor Resubdivision Request

The following steps are required for a citizen or company to request a minor resubdivision.

1. Application form from Planning Department.
2. Return completed application to the Planning Department.
3. Schedule meeting for the Administrative Meeting (meets every Wednesday at 10:00 a.m. in the Percy Hebert Building Conference Room).
4. Request goes to the Planning and Zoning Commission. P & Z meets the second and fourth Monday of each month. P & Z makes a recommendation to the Parish Council.
5. Request goes to the Utility Board. The Utility Board meets the first and third Tuesday of each month. P & Z makes a recommendation to the Parish Council.
6. Parish Council reviews the case and votes yes, no, or yes with modifications.
7. The resubdivision plans are signed by the Parish President, the Council Chairman and the Planning Commission Chairman prior to recordation at the Courthouse.

The Parish also has procedures for Administrative Approval of a minor subdivision under which, if certain conditions are met, approvals can be given administratively without a public hearing. These conditions include the request involving 5 lots or less, the same number or fewer lots being created by the request, and no major utility installations being necessary. The following steps are required for a citizen or company to request "Administrative Approval" for a minor resubdivision:

1. Application form from Planning Department.
2. Return completed application and plan to the Planning Department.
3. Schedule meeting for the Administrative Meeting (meets every Wednesday at 10:00 a.m. in the Percy Hebert Building Conference Room).
4. The Parish President and Planning Commission Chairman sign the plans prior to recordation at the Courthouse.

D. Procedures for a Major Resubdivision Request / Approval

Major subdivision approvals, as in most communities' subdivision regulations, are divided into several categories or stages. Although each of these stages may go by a different name in various communities, in St. John the Baptist Parish these stages are divided into "Preliminary", "Conditional" and "Final Approval".

The following steps are required for a citizen or company to request a major resubdivision approval:

1. Application form from Planning Department.
2. Return completed application and plans to the Planning Department.
3. Plans are distributed to the Public Works Department and to the Parish Consulting Engineer for review and comment.
4. Schedule meeting for the Administrative Meeting (meets every Wednesday at 10:00 a.m. in the Percy Hebert Building Conference Room).
5. Request goes to the Planning and Zoning Commission. P & Z meets the second and fourth Monday of each month. P & Z makes a recommendation to the Parish Council.
6. Request goes to the Utility Board. The Utility Board meets the first and third Tuesday of each month. P & Z makes a recommendation to the Parish Council.
7. Parish Council reviews the case and votes yes, no, or yes with modifications.

V. LAND USE SURVEY AND CITIZEN PARTICIPATION AND EDUCATION

As the Parish proceeds with its preparations for the comprehensive land use plan, a land use survey of the developed areas of the Parish and a citizen participation and visioning process are to be carried out. These will result in the development of a catalog of current land uses, and the development of an overarching vision for the future of the community.

Land Use Survey

Geographic Computer Technologies (GCT), with consultation by the College of Urban and Public Affairs at UNO, will perform a land use survey of the developed areas of St. John the Baptist Parish using the American Planning Association's (APA) Land Based Classification Standards (LBCS). The land use data will be entered into the Parish's GIS to allow for storage, retrieval, analysis, and mapping of the land use data.

The methodology and format that will be used to gather the data will mirror the methodology and format used by CUPA in Jefferson Parish and Kenner, and will be in keeping with the Regional Planning Commission effort to standardize land use data collection throughout the metropolitan area. The survey will include all developed areas of the Parish, including those areas for which there are no parcels in the GIS parcel layer but which contain buildings signifying development.

Four teams of two individuals will each be given a set of parcel maps for the areas that they are to cover, survey forms to record their findings, problem (or "flagged data") forms to record errors or discrepancies that they find, and a copy of the LBCS for the purposes of classifying land uses. Each team will visit each parcel of property that is located on their parcel maps. The teams will record the land use that they find on each parcel, using four of the five characteristics or dimensions defined in the APA's LBCS:

1. Development Site Dimension
2. Structure Dimension
3. Activity Dimension
4. Function Dimension

Within the LBCS each of these dimensions is further subdivided into a series of more specific types, each of which is assigned a numeric code.

1. Site Dimension

The development site dimension refers to a lot or group of lots, including all buildings, which make up a unified development. Once identified by the field survey team, the development site is outlined on the map and coded with a unique identification number written both on the map and on the survey sheet. The appropriate site dimension code is identified from the LBCS and recorded in the proper location on the survey data sheet.

2. Structure Dimension

The structure dimension refers to the original intended use of each building or buildings on a development site. The field survey team identifies each building on a development site with a unique identifier, usually an integer starting at 1, and then determines the appropriate structure dimension code from the LBCS and records both on the survey data sheet.

3. Activity Dimension

The activity dimension refers to the general type of economic activity occurring in each building, or on the development site if the use requires no building. Each individual land use is assigned an activity code from the LBCS, which is recorded on the survey form.

4. Function Dimension

The function dimension refers to the specific economic activity occurring in each building, or on the development site if the use requires no building. The activity dimension is more specific than the function dimension in that it identifies the specific economic activity for each use. The function code from the LBCS is recorded on the survey form.

Survey/GIS/Data Entry

An evaluation of the existing St. John the Baptist Parish GIS indicates that, with small exceptions, there are sufficient GIS data layers in electronic format to undertake an LBCS survey. The only exceptions are incomplete parcel and address layers. However, the aforementioned data layers are sufficiently developed to begin LBCS land surveying. GCT will be responsible for printing all survey maps and field data sheets required by the survey teams.

The Parish uses ESRI's ArcView product line as their base GIS, which is compatible with the LBCS data being collected, and all maps required for the LBCS survey can be printed through ArcView. GCT is responsible for all data entry for the land use survey. Where there are missing lots in the parcel layer, survey teams will use the building footprints in that area to best delineate development sites on the field maps. Temporary polygons will be created during data entry to house the data until the missing lots can be added. Once official lots have been added to the Parish's GIS, GCT may need to re-visit these areas to ensure the integrity of the temporary development sites. This should not significantly affect the LBCS coding in these areas.

CUPA recommends that GCT data entry personnel be familiar with the field survey protocol used in collecting the data to ensure the integrity of the permanent development sites. Questions often arise during data entry, and familiarity with the survey protocol facilitates quick internal resolution of many of these problems.

What will the LBCS Survey Produce?

The completed LBCS survey will identify nearly every individual land use across St. John the Baptist Parish, and will provide the Parish with a complete snapshot of existing land use parish wide. This includes the capacity to map land use in more detail than most jurisdictions throughout the U.S.

Any and all of this information can be analyzed and mapped within the Parish's existing GIS database, providing the accurate land use coverages and maps essential to begin the comprehensive planning process. Other geographic layers can be added to facilitate the land use analysis required during the land use planning phase of the comprehensive planning process.

Benefits of an LBCS Dataset

As stated above, an LBCS survey is the first step in the comprehensive planning process. Several other benefits flow from having this type of detailed land use inventory. First, the land use management infrastructure within the Parish will have an improved capacity to analyze the impacts of development proposals, thus allowing for more informed land use decisions. Second, having this data will help administration personnel better serve the public by having quickly accessible land use and zoning information. Third, all Parish departments can use the data for their own departmental planning purposes, thus making it easier to coordinate Parish activities that either directly or indirectly affect land use.

LBCS Data Maintenance

Maintaining the LBCS data, once collected, is essential to ensure that the data remain a long-term asset to the Parish's land use management infrastructure. To accomplish this two main items need to be addressed. **First, the Parish's zoning codes and their accompanying list of permitted uses need to be linked to the LBCS's Function and Activity codes.** This will allow the LBCS data to tie into the zoning ordinance so that each permitted use in each zoning district corresponds to a land use function and activity code from the LBCS. **Second, a protocol for updating the land uses as new permits are issued must be developed and implemented.** Any permit type (building, occupancy, etc.) that has the potential to change an existing land use or allow a new use must be captured, linked to an LBCS function or activity code, and then identified in the GIS so that the land use codes can be updated. This is best accomplished by linking the various entities responsible for these types of permits into a main system that feeds into the land use GIS.

Phase I, Task II: Citizen Participation and Education Program – Description

An important step in building consensus for the future comprehensive planning effort in St. John the Baptist Parish is a well structured public educational campaign to

inform the citizens of the Parish about comprehensive planning and its benefits - both what it can do for the Parish and what it can't do - and to begin laying the groundwork for the citizen participation and visioning process. These goals will be accomplished through a series of public presentations (about 20) to individual groups, including civic associations, business groups, homebuilders associations, etc., and through the development of a St. John the Baptist Parish comprehensive planning informational Internet site.

Educational Presentations

The planning team, with the assistance of public officials from St. John the Baptist Parish, will identify individual citizen groups who will receive an educational presentation. These groups will be contacted by phone and letter, and asked to allow the planning team to make a presentation to their group.

Each educational presentation will consist of the following:

- A brief 20 slide community image survey (CIS)
- A PowerPoint educational presentation
- A review of the responses to the (CIS)

Community Image Survey (CIS)

The CIS works as a tool to help citizens begin to think about the type of community they want by responding to images that show examples, both good and bad, of various types of development, including residential, commercial, industrial, recreational, and others. Some images are local, either from St. John the Baptist Parish or the surrounding region, and some are from other areas in the U.S. The participants will mark their responses to the slides on a form that will be submitted to the organizers and recorded (anonymously). These responses will help the planning team begin to identify common perceptions among the citizens about issues of land use and urban design.

Educational Slide Show

Following the CIS, an educational slide show will be presented to help the citizens understand comprehensive planning, its benefits, the comprehensive planning process, what is included in a comprehensive plan, and what the citizen's responsibilities are in a comprehensive planning process.

CIS Review

A review of the responses given to the CIS will follow the educational slide show. Each citizen will have their survey sheet returned to them so that they can see how they rated each slide compared to the group average. As each slide or slide pair is shown, citizens will have an opportunity to comment about why they rated a slide a certain way.

The planning team will take notes during the review and incorporate the comments from each meeting into the final CIS analysis.

World Wide Web Site

An Internet site dedicated to the ongoing comprehensive planning process in the Parish will be developed to provide an interactive platform to both inform the public and to gather citizen input and comments. The site will identify meeting locations, offer an opportunity to take an online version of the CIS, and once data is available, allow viewing of land use maps. As major components of the project are completed, they will be posted to the Internet site.

VI. CONCLUSION: SUMMARY OF RECOMMENDATIONS

Through this study we have reviewed administrative entities, policies and activities concerned with land use planning and enforcement in St. John the Baptist Parish. We have identified and discussed a number of concerns that need to be addressed, and have developed a number of recommendations to improve the Parish's land use planning and enforcement. In this conclusion we present a summary of those recommendations.

1. As the Parish proceeds with the development of the Comprehensive Plan it needs to ensure consistency with the language of Section 20-3, Sub-Chapter B of the Parish Code of Ordinances, included in Appendix A.
2. The long-range goal of the Parish should be to complete the Comprehensive Plan and then perform a major overhaul of both the subdivision regulations and the zoning ordinance that will implement the goals of that comprehensive plan.
3. The Parish zoning map must be revised to correct inappropriate zoning.
4. The Parish Zoning Ordinance needs major revisions to:
 - Replace references to the Police Jury with references to the Parish Council
 - Reduce vague language and so reduce inconsistent interpretation
 - Expand and update the "definitions" section and the terminology
 - Expand and update the list of specific land uses
 - Add flexibility where warranted
 - Specify criteria that warrant granting a variance
5. Decision-making concerning mobile/modular homes should be made an administrative responsibility.
6. Parking regulations should be revised to improve the list of defined uses and to deal with multi-tenant developments.
7. Requirements for sign control and landscaping in the Overlay District should be consistently enforced.
8. The Subdivision Regulations need to be updated to replace references to the Police Jury with references to the Parish Council, and to reflect other changes in the review and approval procedures that result from this review.

9. St. John the Baptist Parish should continue to work with Geographic Computer Technologies (GCT), the Parish's GIS consultant, to develop an enterprise-wide GIS.
10. The Parish Council and the Administration should continue to support the efforts of the Planning and Zoning Commission and the Planning Department in administering and enforcing the Parish's regulations.
11. The Parish Council should formulate a coordinated plan of action to meet its infrastructure needs in a comprehensive way rather than through the ad hoc means of negotiating concessions in individual cases.
12. The Parish Council should take more proactive steps to address the long-term infrastructure issues facing the Parish.
13. Mobile homes need to be permitted in more areas or a new zoning district needs to be created for areas where mobile homes are the dominant land use.
14. Appointments to the Planning and Zoning Commission and to the Zoning Board of Adjustments must follow the state law mandating staggered terms, and all efforts must be made to keep politics out of decision-making.
15. Training on basic planning and zoning issues and laws should be required of all members of the Planning and Zoning Commission and of the Zoning Board of Adjustments, and new members should attend this or a similar workshop or training session within six months of being appointed. Council members could also benefit from this kind of training.
16. The Council should make it a point to appoint Commission and Board members who are interested, will attend meetings regularly and are willing to attend some minimal training sessions or workshops. Members who regularly miss meetings should be replaced.
17. The Administration and the Zoning Board of Adjustments must more clearly define its criteria for granting variances, and specifically must more strictly apply the "hardship" criteria in respectively recommending or granting variance requests. See Appendix F for recommended criteria for considering "hardship".
18. Improvement is needed in the level of support and the quality of reports and recommendations that staff give to the Zoning Board of Adjustments.

19. The Parish should change its policy which requires that all commercial and industrial permit requests receive Utility Board approval; under the current regulations only those requests needing “new services” are required to go to the Utility Board.
20. The Parish should change the regulations to allow the Department of Public Utilities to review and determine the availability of utility services to a particular site, thus streamlining the approval process.
21. Formal training should be given to the inspectors, to instruct them in what they are inspecting, in the ordinances that they are enforcing, and in the value of the work itself to the community. This training should be required in all areas of Code and Subdivision inspection, including knowledge of Parish ordinances and the Southern Building Code, in conducting inspections and in reporting inspection results.
22. All training regarding Code and Subdivision inspection should be conducted at a location other than the office in order to emphasize the importance of the training to the inspectors.
23. Violation Inspection Reports should be checked regularly for completeness. In cases where required information (such as measurements) is missing inspectors should return to the site for that information.
24. Violation Inspection Reports should be entered into a database in the Parish’s computer system, with the ultimate intention of making it a layer in the GIS.
25. Violation Inspection Report forms should include preprinted serial numbers and the official seal of the Parish.
26. The Parish Council and administration should support the Planning Director in her efforts to ensure that inspection manpower is more effectively utilized.
27. Chapter 2, Sub-Chapter B Section 2:106 (D) of the Parish Charter, which establishes the Planning and Zoning Commission, and 2:107 (E) of the Charter, which establishes the Department of Code Enforcement/Planning and Zoning, should be consolidated. See current text in Appendix G.
28. The Parish should make its Code of Ordinances available to the public by placing it on the Parish internet site at <http://www.sjbparish.com/>, accompanied by a publicity campaign.

29. The Permitting Office requires additional staff and training regarding permitting procedures, and should adopt a standard report format that includes more thorough analyses of cases, and the use of maps, graphics and photographs

30. GCT data entry personnel should be familiar with the APA LBCS land use field survey protocol that is used in collecting the land use data; this will ensure the integrity of the permanent development site data in the GIS.

31. The Parish's zoning codes and their accompanying list of permitted uses need to be linked to the LBCS's Function and Activity codes in the Parish's GIS.

32. A protocol must be developed and implemented for updating the land uses in the GIS database as new permits are issued.

APPENDICES

APPENDIX A:

ST. JOHN THE BAPTIST PARISH CODE OF ORDINANCES SECTION 20:3 SUB-CHAPTERS A & B CONCERNING PARISH PLANNING COMMISSION, POWERS AND DUTIES

A. A Parish Planning Commission shall make and adopt a master plan for the physical development of the unincorporated territory of a parish.

B. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show a commission's recommendations for the development of the parish or municipality, as the case may be, including, among other things, the general location, character, and extent of railroads, highways, streets, viaducts, subways, bus, street, and other transportation routes, bridges, waterways, lakes, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public buildings, schools, and other public property, the general character, extent and layout of public housing and of the replanning of blighted districts and slum areas; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, communication, power, transportation, and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as, in the case of a parish planning commission, a zoning plan for the control of the height, area, bulk, location, and use of the buildings and premises in urban areas or areas suitable for urbanization outside municipal limits. As the work of making the whole master plan progresses, a commission may from time to time adopt and publish a part of parts thereof, any such part to cover one or more major sections or divisions of the parish or municipality, as the case may be, or one or more of the aforesaid or other functional matters to be included in the plan. A commission may from time to time amend, extend, or add to the plan.

APPENDIX B:

ST. JOHN THE BAPTIST PARISH GIS LAYERS AS OF JUNE 2002

ADDRESS_POINT.shp	zone_change.shp
BUILDINGS.shp	ZONE_CHANGE_now.shp
COUNCIL_DISTRICTS.shp	zone_overlay.shp
divisionbprecincts.shp	sewer.dgn
FloodZone_LOMR.shp	sewerlines.dgn
flood_zones.shp sewer_fm.dgn	sewer_fm.dgn
goverment_facilities.shp	sewer_mh.dgn
hydro_canals.shp	sewer_text.dgn
hydro_lakesriver.shp	water.dgn
image_grid.shp	waterline.dgn
levee.shp	water_fh.dgn
LOTS.shp	water_pumps.dgn
parish boundary.shp	water_reservoir.dgn
precincts.shp	water_text.dgn
rail road.shp	water_valves.dgn
sewerlines.shp	ZONING.shp
sewer_mh.shp	zoning_grid.shp
storage_tanks.shp	hydrography_names.dgn
StreetEdge.shp	lot_number.dgn
STREET_CENTERLINE.shp	streetname.dgn
street_edge.shp	streetname_large.dgn
subdivisions.shp	

APPENDIX C:

ST. JOHN THE BAPTIST PARISH COUNCIL MEETING MINUTES

CONCERNING LAND USE-RELATED ORDINANCES, 2001

January 9, 2001

MMI-01 (Public Hearing Held) An ordinance to abandon that portion of Natli Drive right-of-way for encroachment and to clear title: 114 Natli Drive, permanent carport attached to the house, said carport measuring 18.3' x 22.2' within the encroachment area, to be abandoned in favor and to the property owner, was offered for adoption by Mr. Boucvalt, seconded by Mr. Duffy and **unanimously approved**.

There was no public comment on Ordinance MMI-01.

Councilman Duffy requested adoption of Ordinance MMI-01 as per the recommendation of the Finance Committee.

Councilman Lee stated this was introduced by administration and is their recommendation, along with the Finance Committee.

January 23, 2001

No public comment on Ordinance MM-71.

MM-71 (Public Hearing Held) An ordinance to re-zone Parcel 1 and portions of Lots 2A and 3A, Tiffany Drive, New Era Plantation Sub. from R-1 to C-3, LaPlace, was offered for adoption by Mr. Wilson, seconded by Mr. Duffy, and **unanimously approved**.

FEBRUARY 28, 2001

Mr. Duffy moved and Mr. Wilson seconded the motion to remove Ordinance MM1-05 off table. Vote on motion was unanimously approved with Messrs.: Rainey and Lee absent.

Public comments on Ordinance MM1-05. Steve Villavaso, attorney representing the Viasco family commented for the record they are happy they have a recommendation for approval on this zoning change, they think it is long overdue. This particular piece of property is the only R-1 piece in the entire corridor of Airline Highway surrounded on all sides by C-3. This situation presents itself in zoning as something called either a change or a mistake in the original zoning. This zoning change to rezone to C-3 would make it in accordance with all the other zoning on both sides and across the Airline Highway, would put this in conformance with the existing zoning. Think this zoning change is definitely warranted. Also, pointed out the current use of the property, and its current use has been there for at least twenty years and may go beyond that, is for industrial use, so the property actually has a legal non-conforming status to have a more intense zoning classification than what they are asking for, think C-3 is the property zoning; also, like to make sure that we had a drainage servitude that existed along side the property which had been there for some time and no plans to develop it, that old servitude had expired in 1998. Stated they are asking for a map change; in zoning, all that really means is we are changing the letters on your zoning map from R-1 to C-3, the map change in zoning terminology is something that does not subject the property to any other type of infrastructure analysis because there is no rational nexus you can make between what they are asking to do and the impact from what is going there; we are not changing anything there, not proposing new uses, the old uses, which are light industrial stay there and if in sometime in the future some other changes come along your rules provide for that, but under the current map change request which we think is warranted and agree with your recommendation, we think that any type of servitude is not warranted and would like to get that into the record and note for the record that would be in our opinion, arbitrary and capricious, to attach some condition to a simple map change from R-1 to C-3. Stated for the record he is an attorney, a city planner and has been for 25 years, member of the American Institute of Certified Planners which is the national organization which certifies urban and regional planners, also teach Land Use Law at UNO, taught at Tulane and Southern University, practice the art of planning and the science of land use law every day.

Councilman Duffy stated he and Councilman Wilson worked on the rezoning request, it has been pending before council for quite some time, it was sent back. The Planning Commission recommended it with the stipulation that we provide a 30' servitude for drainage, want to make sure that this is included in this ordinance, think it is extremely important for the future development of that area, a temporary servitude existed for years that designates the drainage need in that area, it is within our rights under rezoning to

make this request. Think it is prudent planning for the governing authority to require a 30' drainage servitude, which is well needed and long overdue.

Councilwoman Faucheux asked Legal Counsel about an ordinance in Section 33:3 about not amending the map, how does this stand with that ordinance. Charles Lorio stated he assumed she is referring to Title 33 of LA revised statutes and has not compared this ordinance with that statute prior to this time. Councilman Boucvalt asked if we don't have a recommendation from Legal Counsel? Mr. Lorio stated he did not have a comparison to give on Title 33. Councilwoman Faucheux stated she is referring to Section 33:3A1(c) of the parish's zoning ordinance. Legal Counsel, Barry Landry read out Section 33:3A1(c) (Replacement of the Official Zoning Map(s). If the official Zoning Map(s), or any portion thereof, becomes damaged, lost, destroyed or difficult to interpret by reason of the nature or number of changes, the Governing Authority may, by resolution, adopt a new official Zoning Map(s) which may correct drafting errors or omissions, but shall not amend the original official Zoning Map(s). The prior map(s) remaining shall be preserved as a public record together with all available records pertaining to the adoption or amendment) and stated he doesn't see where that would affect what they are attempting to do here; his understanding is this is a rezoning request to change from R-1 to C-3 that is simply a change; stated the section, he thinks, pertains to official maps being damaged or destroyed, that we can't just change zones arbitrarily, don't see where this zoning request falls within that section of that ordinance.

Councilman St. Pierre stated on the drainage issue, on that particular piece of property started as a small ditch behind the residences of LaPlace Park; parish made the ditch bigger to almost a small canal, because of the laterals coming from the LaPlace Park subdivision that funnels into this arterial, think we need this 30' right of way.

MM1-05 (Public Hearing Held) An ordinance for the re-zoning of a portion of Lot A, located behind Tiffany Drive and Airline Highway, and at the end of Arabie Street, from R-1 to C-3, LaPlace, St. John the Baptist Parish, Louisiana, with the stipulation that the owners of the property grant a permanent 30' servitude to the Parish for the maintenance of the drainage ditch behind the residents of LaPlace Park Subdivision on Magnolia Street. If said servitude is not granted to the Parish within 30 days, this re-zoning is rescinded, was offered for adoption by Mr. Wilson seconded by Mr. Duffy and vote on as follows: **5 YEAS**, (St. Pierre, Wilson, Boucvalt, Duffy), **2 NAYS**, (Wolfe, Faucheux) and **2 ABSENT** (Rainey, Lee). **Ordinance adopted.**

No Public Comment on Ordinance MM1-06.

MM1-06 An ordinance for the re-subdivision of Parcel M-3 into Parcels M-3-1 and M-3-2, Riverwood Subdivision, located on Highway 51, in Section 27, T11S-R7E, LaPlace, St. John the Baptist Parish, LA, was offered for adoption by Mr. Boucvalt Seconded by Mr. Duffy and **unanimously approved** with Messrs.: Rainey and Lee absent.

No Public Comment on Ordinance MM1-07.

MM1-07 An ordinance for the re-subdivision of Lots D and E of the C.L. Bougere Tract, Lot 8, Block B, and a 6.65' reserved strip of Terry Subdivision No. 1, into lots herein designated as Lots D-1, D-2, D-3, E-1, and E-2, located on Robin Street and Airline Highway, extending north to the section line, situated in Sections 28 and 63, T11S-R7E, LaPlace, St. John the Baptist Parish, LA, was offered for adoption by Mr. Boucvalt, seconded by Mr. Duffy and **unanimously approved** with Messrs.: Rainey and Lee absent.

No Public Comment on Ordinance MM1-08.

MM1-08 An ordinance for the re-zoning of Lots 2 and 3 of Jerry LeBlanc Subdivision, located on Hickory Street, Reserve, from C-3 to R-1, was offered for adoption by Mr. Wilson seconded by Mr. Duffy and voted on as follows: **6 YEAS** (St. Pierre, Wolfe, Wilson, Boucvalt, Duffy, Farlough), **1 NAY** (Fauchaux) and **2 ABSENT** (Rainey, Lee). **Ordinance adopted.**

MM1-09 An ordinance for the Re-subdivision of Lots 2 and 3, Square B, of the Jerry LeBlanc Subdivision, into lots herein designated as Lots 2A, 2B, and 3A, Square B, Jerry LeBlanc Subdivision, located on Hickory Street, in Section 86, T11S-R7E, Reserve, St. John the Baptist Parish, LA, was offered for adoption by Mr. Wilson seconded by Mr. Duffy and **unanimously approved** with Messrs: Rainey and Lee absent.

MARCH 13, 2001

No Public Comment on Ordinance MM1-15.

MM1-15 (Public Hearing Held) An ordinance for the re-subdivision of Lots A and B of the Nolan Vicknair property into Lots 1, 2 and 3, located on Periwinkle Lane, in Sections 6 and 71, T11S-R6e, Mt. Airy, St. John the Baptist Parish, LA, was offered for adoption b Mr. St. Pierre seconded by Mr. Duffy and **unanimously approved.**

No Public Comment on Ordinance MM1-16.

MM1-16 (Public Hearing Held) An ordinance for the re subdivision of a 6.046 acre tract of ground into Lots 1, 2 and 3, located on Airline Highway, in Section 20, T11S-R7E, LaPlace, St. John the Baptist Parish, LA, was offered for adoption by Mr. Duffy seconded by Mr. Boucvault and **unanimously approved**.

MARCH 27, 2001

No Public Comment on Ordinance MM1-20.

MM1-20 (Public Hearing Held) An ordinance to rescind Ordinance 98-111 granting conditional approval of The Myrtles II, Phase 2, for expiration of the 2-year allotted time between granting approval and actual construction. Mr. Boucvault moved and Mr. Duffy seconded the motion to adopt MM1-20. Vote on motion was **unanimously approved**.

No Public Comment on Ordinance MM1-21.

MM1-21 (Public Hearing Held) An ordinance for conditional approval of The Myrtles, Phase IV, being a re-subdivision of the remainder of Lot C and Lot A of a portion of Woodland Plantation Subdivision, into Lots 6 through 33, located off Main Street, in Section 27, T11S-R7E, southeast district of Louisiana, east of the Mississippi River, LaPlace, St. John the Baptist Parish, Louisiana, was offered for adoption by Mr. Boucvault seconded by Mr. Duffy and **unanimously approved**.

July 10, 2001

No Public Comment on Ordinance MM1-37.

Adrienne Labat, Planning & Zoning Director requested to amend Ordinance MM1-37 to include Parcel A. Legal Counsel Barry Landry stated he does not see a problem with including Parcel A in Ordinance MM1-37.

MOTION: Mr. Lee moved and Mr. Duffy seconded the **motion to amend Ordinance MM1-37 to include Parcel A**. Vote on motion was **unanimously approved** with Mr. Wolfe absent.

MM1-37 (Public Hearing Held)(As amended) An ordinance for final acceptance of Live Oak Landing, Phase IV, Lots 53 through 72, 76 through 104, 143 through 145, Parcel A, Parcel H-3, and a portion of St. Andrews Boulevard, LaPlace, St. John the Baptist Parish, Louisiana, with improvements, was offered for adoption by Mr. Lee, seconded by Mr. Duffy and **unanimously approved** with Mr. Wolfe absent.

August 14, 2001

Public comment on Ordinance MM1-45.

Ursin Hebert stated Parcel C was offered to the residents of Bayonne Drive Subdivision as common area.

Harold Flynn stated Parcel C is an old common area for the old Belle Terre One or Bayonne Drive Subdivision; the development company Belle Terre Land LLC stated if the group of residents re-institute their association, become a viable entity again, the development will donate Parcel C to them to remain in their neighborhood as common area.

MM1-45 (Public hearing held) An ordinance for the re-subdivision of Parcel H-7, Belle Terre Lakes Subdivision, Phase IV, Lot 818A-1 of Belle Terre Lakes Subdivision, Phase I, Belle Terre Office Park, Phase II, and other undesignated areas of Belle Terre into lots herein designated as Lots 818A-1-A and 818-B-1-A, and Parcels A, B, C, D, and H-9, Belle Terre I, said lots and parcels fronting on Belle Terre Boulevard, Cannes Drive, Chantilly Drive, Verdun Drive, Bayonne Drive, Lake Terrace Drive, and Parkview Drive, situated in Sections 20 and 21, T11S-R7E, LaPlace, St. John the Baptist Parish, Louisiana, was offered for adoption by Mr. Lee seconded by Mr. Duffy and **unanimously approved** with Mr. Rainey absent at this time.

No public comment on Ordinance MM1-46.

Councilman St. Pierre addressed Ms. Labat, Planning & Zoning Director, though not be completely correlated with the ordinance, in recent weeks there was a complaint on how some of the homes were being constructed, particularly with the roofs where finish roofing was put on some of those houses without felt.

Councilman Duffy called for a Point of Order stated Mr. St. Pierre was out of order, we are doing final acceptance of Palmetto Subdivision, it is under our requirements, we are not accepting houses and roofs on houses, we are accepting streets, drainage, water and sewer.

Councilman St. Pierre stated he specifically said it may be involved with the ordinance but had something that had some correlation. Councilman Duffy requested the Chair to rule. Chairman Farlough ruled to stick to the topic.

MM1-46 (Public hearing held) An ordinance for final acceptance of Palmetto Lakes Subdivision, Phase II, Lots 2 through 24 and 69 through 84, located on Palmetto Road and Tammy Drive, LaPlace, St. John the Baptist Parish, Louisiana, with all improvements, was offered for adoption by Mr. Duffy seconded by Mr. Boucvalt and voted on as follows: **7 YEAS** (Wolfe, Wilson, Boucvalt, Fauchaux, Lee, Duffy, Farlough) **1 NAY** (St. Pierre) and **1 ABSENT** (Rainey).

August 28, 2001

Public Comment on Ordinance MM1-44.

Daniel Lund, attorney representing Nextel stated at the last meeting they were requested by council to see if the site could be moved farther east; after conferring with Nextel, it was determined the site was as far as it could go; received calls from the most active opponent, Mr. Toler, asking if Nextel could use property about two tenths of a mile east near St. John Mini Storage; study showed why that would not work; originally had a site proposed west of the present location but was asked by administration to move it east; he sees this property in C-3 appropriate for this type of use; requested approval of ordinance.

Jim Toler stated the site is approximately 200 feet from his residential property; presented petitions with some 50 signatures opposing the ordinance; do not understand how administration can say this can go into the district, as C-3 states there can be no structure taller than 35 feet; I-1 District states no structure over 45 feet, and that a tower shall require a one foot setback for each foot of tower height; a 195 foot tower would have to set back 150 feet from the nearest property; in C-3 the zone we are talking about states no structure to exceed 35 feet, if Nextel wants to put a 35 foot tower he thinks they are within their right, but the ordinance states “no structure” and “assume a tower is a structure”; understand we have an overlay district where we are trying to enhance the major thoroughfares of the parish, just went through almost a year-long remodeling of Airline Highway putting in flower beds and trees, can’t understand how this 195 foot tower will

improve this section of LaPlace, and it can only be 35 feet tall as he reads it; presented pictures of a tower and the proposed site to council.

Sandy Remedies spoke in opposition to the ordinance; stated she is part owner Hudson Services on Walnut Street; heard this tower is going to be placed near her place of business and feel this will devalue their property; don't know about the effects radiation will have on community.

Christy Montegut, part owner of the property in question for placement of the tower, requested council to approve the ordinance; process has been on-going for 18 months, actually turned down Nextel initially when they asked for this site; weren't crazy about the site but that is the only place they could put it; not cell phone technology expert but we rely on Nextel, don't think they are deceiving anybody; if anybody's property is going to be affected, it will be his mother's as it is going next to her office building, next to her property; property is zoned C-3, the interpretation of the overlay district does not exclude towers, the 35 foot height restrictions applies to buildings, structures or signs, does not say anything about cell phone towers; think all guidelines and ordinances were complied with, been through the process of Planning & Zoning; "we are property owners who pay taxes and have rights too"; this tower will not pollute the environment, will not create a disturbance and helps provide better cell phone service to the residents of the parish; made sure this tower would be collapsible if for some reason it would collapse, it would fall in sections rather than 195 feet; requested them to allow other carriers to rent space on the tower to minimize further companies from wanting to put towers in LaPlace; don't see this as a hazard, haven't seen a scientific study showing this to be a hazard to health; requested council approve the ordinance.

Rusty Emerson stated he carries a cell phone and use Nextel services and lose signals past Airline Motors toward Kenner; it is a viable service; requested council approve ordinance for the public benefit and the service.

Conrad Baker requested council approve ordinance; anywhere along 51 and I-10, and close to I-310 we have no Nextel service; Nextel not only offers cell phone but two way radio service a lot of businesses use; this is where it needs to go to clear up the black spots.

Evelyn Toler stated they were told there were other sites considered, one on the Cali property on Airline by Cardinal Street, and was told they could not put the tower there because it was too close to the residents; then it was considered for the Lasseigne property, north of Airline; a group of people got with Mr. Boucvalt, Mr. Monica and Lloyd Johnson and his community, they didn't want it there; there are different sites where people did not want it, so it is winding up "we are getting this shoved down our throats", the bottom line is,

it does not belong there, it is too close to the Airline, too close to residents and businesses; think with all the improvements that has been put on Airline, you should not stick a big 195 foot tower there; why couldn't they put it behind Shady Nook Trailer Park across the Airline Highway? Requested council not approve the ordinance.

MM1-44 (Public hearing held) An ordinance for Conditional Use Permit to erect a 195' monopole telecommunications tower at 532 East Airline Highway, LaPlace

Councilman Boucvalt requested Chair for latitude, normally we open with some type of motion for discussion; have been working hard with people on both sides of the issue; commented the process of the introduction of ordinances came from a business wanting to locate here, it goes through the administrative process and the name of the councilman or councilman-at-large is put on the ordinance because it is their districts; yielded to council members who postponed the ordinance at the last meeting to make sure their concerns were addressed.

Councilman Wolfe stated he made the motion to delay the action; wanted to make sure the proper procedures were followed; still have questions in terms of the additional sites that Mr. Boucvalt and Mr. Monica were in on.

Adrienne Labat, Director of Planning & Zoning stated at the administrative meeting it was discussed and reviewed and then it went through engineering review, to the Utility Board, to the Planning Commission and now to council; explained when the Telecommunications Ordinance was passed allowing telecommunications towers in a C-3 Zoning District, as being allowed, there was a section added to C-3 that deals with sites and different things considered as far as compatibility, setbacks, (not really setbacks too much), yard requirements, etc.; at the end of that section the governing authority is allowed to authorize the permits for telecommunication towers without the tower going through the Zoning Board of Adjustments; this section was put in there to coincide with the height requirements of 35 feet, because that would be the reason they would have to go before the Zoning Board of Adjustments (read out section of ordinance), that section is put in there to go against the height requirements of buildings and structures for C-3, it was only put in there for telecommunication towers; as you grant the Conditional Use Permit for C-3, you also grant to modify the regulation of 35 feet height; when you grant that Conditional Use Permit, you are allowing the tower at that height (195'), the ordinance states the tower is 195'.

Councilman Wolfe stated he was not aware of that; need to make all parties involved are aware of the effect and changes; the general public is not aware of it; the people living within the radius of this tower should have known that; if we are within legal bounds and

don't have a problem supporting this, but want to make certain that we have explored every avenue possible not to impose any hardship into a community; at the last meeting it was said we could not do anything about it; legally and morally we are responsible to the people we serve, want to make sure we are legal and protected legally in terms of this issue.

Councilwoman Faucheux asked if the company asked if this would be a utility service? Ms. Labat stated they came with a request for a telecommunications tower. Councilwoman Faucheux asked Mr. Lund how many sites did they check? Mr. Lund replied they were required by the ordinance to check every existing structure in that area that would meet the height requirements in the area.

Chairman Farlough called for a motion to continue discussion.

MOTION: Mr. Boucvalt moved and Mr. Duffy seconded the motion to adopt MM1-44.

Councilman Duffy requested a representative from Nextel to answer Mr. Toler's questions and Legal Counsel's opinions.

Councilman Boucvalt stated he was involved in a conservation at another location; did exactly what he did this time, try to represent all the people in his district; at that time he had residents who were very concerned who did not want a tower in their location and fought for them, just as he did in this case; did all he could do, talked to people, talked to property owners, talked to the company; the reason it did not go where it went last time, he does not have a clue, it never came before this council, never went before administration; want to make sure all the constituents in District V know he will fight for everybody, but if that vote would have come before this council, he would have taken the same position; if we have a parish ordinance and it complies, and, it has gone through the whole process, he would have done the same thing, but it doesn't mean he won't fight for them, and he did that.

Mr. Lund stated it was his understanding administration did not want us to pursue sites farther west than this one, they wanted it as far east as possible; the site is essentially on the eastern edge of town, the properties adjacent are all zoned C-3, one is I-1, another industrial use is on a C-3 property next to ours, all of which is next to Mr. Toler's property; think this is the perfect site for this tower and meets the objectives of not only what they want to do, but what the parish wants them to do.

John Davolier of Nextel stated they considered the other property which is .2 miles away from Mr. Toler's property, our current candidate, it is .2 miles away from our current

candidate but if you look at the original design objective, it is much farther away from what they originally wanted, we have moved as far east as possible.

Mr. Toler asked if the two towers are going to be identical in size, scope, etc? Mr. Davolier explained the antennas on the original candidate are different, and the power settings; the design characteristics for the original site are different, this site has different antennas, need a higher site to cover more area; trying to cover I-10 and as far west as we could. Mr. Toler asked why not use the same type of antenna on this tower to get a larger coverage area? Mr. Davolier stated the primary objective is to off-load the traffic from Sector Two of the LaPlace site, as well as, to cover Airline Highway and US51, the coverage along I-10, we won't get that from this site; we have a proposed tower for Frenier; we have two towers, one is near Reserve.

Councilman Duffy asked if the company is also pursuing an additional tower in the Frenier area to serve the commuters along I-10 and I-55? Mr. Davolier replied yes. The tower in question is to serve the Airline Highway and the river going in to St. Charles Parish and to serve along 51 heading toward I-10; if we build one tall site or change the antennas to cover a large area, then the site is too tall and covers too large an area, it interferes with the other sites, the last thing is to build too many towers, as it is too expensive; we try to modify existing sites as much as possible; the first thing they do is try to modify anything existing to provide coverage. Councilman Duffy asked Legal Counsel Barry Landry to address the ordinance/application and explain if Nextel met all requirements by Telecommunications Act; do they have a viable application and legally are we in a position we have to approve this?

Barry Landry stated Nextel filed an application, went through the procedure, went before the Planning Commission to locate this tower in a C-3 zoned area; it is correct C-3 has a height limitation and also correct in your telecommunication ordinance, that can be waived; think the Planning Commission gave passage of waiver to that height requirements; as this is presented to you, the question is, will you also grant that waiver the telecommunication ordinance suggest you can do; think Ms. Labat said earlier, it is only for these type of towers that waiver can be granted; everything he reviewed and seen, suggest they have followed the procedures that have been established for seeking this type of conditional use permit, went before Planning Commission which was favorably resolved; are you legally bound to approve this? From a procedural standpoint, from his examination, they have followed all the procedures and therefore they come before you with a valid application; legally speaking each one of you has a vote, either for or against this, not bound to vote yes, or no, it is a policy decision you all need to make whether or not to approve this, but, yes, legally speaking they followed what they were suppose to follow.

Councilman Duffy asked if we deny this application and they take this to Edgard, saying we have no basis to deny it, what, in your opinion, is going to be the outcome?

Mr. Landry stated if Nextel files a lawsuit saying they have been arbitrarily denied this conditional use permit, then they go before a judge and argue just that, saying they followed all the procedures, they have the right to be granted a variance and they (council) did not grant us one; likewise there are arguments that can be made on behalf of the council; can't be the judge, think valid arguments can be made on both sides; if this council wants to adopt a policy that we will not grant that variance when those towers fall in C-3, then do that, but be consistent when you do that.

Mr. Toler stated an ordinance was rejected by council unanimously in 1999 for the same request by Sprint; a precedence was set at that time; it has been done in the past, it can be done again tonight.

Mr. Landry stated the council has the right to approve or disapprove the ordinance; think Nextel has in fact followed all procedures they should have up to this body for a vote.

Councilman Duffy stated the issue was that administration at the time denied Sprint the right to locate on our water tower behind this building, which at that time met the requirements of the area they were looking into; the council was not aware of that until it came to us and asked why they were not locating on the water tower? Why do we need another tower? there was argument with the Utility Board about welding on the tower, etc.; it was decided they should have been located back here to start with, that was the reason for denial, the vote was to deny, but we redirected Sprint to move back here. Have dealt with this for several months, view cell towers as power lines of the 21st Century, he was here when we approved the Cell Tower Ordinance, went through Planning Commission, went through much debate; think these locations should be as remote as possible; there are times we are not going to get the proper coverage, if we don't make some allowances; the City of New Orleans actually allows the towers in Residential Zoning, limited the height to 60'; the ordinance council passed in the late 90's allows them in industrial, rural and in some cases in C-3; while the buffer may not be as everybody would like, there is somewhat of a buffer in that area; it is a monopole, it is not a lattice tower which we did not allow in C-3, believe they met the criteria and have a valid zoning application and if we don't grant them this zoning application they can get it through another avenue; while that avenue may be the political out, have sat on this council when we've written checks for thousands of dollars because not only did they wind up with their rezoning, but wound up with damages for that and court cost, etc.; have to bit the bullet and vote to approve the ordinance.

Mr. St. Pierre stated on the pictures passed out by Mr. Toler, he noticed a sign placed on the fence of a tower and asked why the sign was placed if it was not for safety or

environmental purposes? Seems to be some inconsistency in the '99 ordinance and to what is proposed tonight, he is against it because more people spoke against it than for it.

Mr. Lund stated the sign warns people to stay 7 feet away from the antennas, these antennas are 195' in the air; no person other than a technician would be within 7' feet of these antennas; required to put the signs.

Councilman Lee stated there are three things he looks at when voting, one, is it legal? Or what is the best legal opinion? Ask fellow council members of the district the issue addresses, both district and at-large councilmen supports this; third, we are legislators, we govern St. John Parish; an administration recommendation has to be made.

Mr. Landry stated it is legal to pass this ordinance and grant this variance.

Ms. Labat stated they met all the requirements of our ordinances, all federal requirements and recommended approval.

Councilwoman Faucheux asked if there are plans to rectify these ordinances? We have electromagnetic radiation that needs to be taken into consideration, would like to see ordinances stricter for permits; invited Mr. Toler and others to participate.

Councilman Wolfe stated we have seen a turnaround of what is legal and not legal; we can take a position to approve or disapprove, if you take us to court, so be it, we still have the option to approve or reject; will do something that may surprise some people but will do what is best and legal.

The **vote on Ordinance MM1-44 passed** with 8 YEAS (Rainey, Wolfe, Wilson, Boucvalt, Faucheux, Lee, Duffy, Farlough) and 1 NAY (St. Pierre).

Public comment on Ordinance MM1-47.

Anthony Nobile representing Carl Monica stated they built the subdivision, complied with all parish requirements, have provided all information to Ms. Labat, requested council approve the ordinance.

Remy Amedee stated you are being asked for final acceptance of Plantation Oaks Subdivision Phase II; final means completed, electrical power and street light installation is not completed; the installation of two culverts under the KCS Railroad on the west side of Highway 54 has not been done; approximately 17 months ago Planning Commission, Utility

Board and council gave preliminary approval to this subdivision conditionally; that condition is for two culverts to be installed before the subdivision was to receive final approval; it is puzzling that the parish had a contractor install a culvert under this same railroad on the east side of 54, it took six weeks time to get the permit and work to be completed; followed this project through every phase at every meeting, lobbied many of you to pass something to put in writing to have the culverts installed, that has never happened; provided parish with information to convince the Army Corps of Engineers to dredge Hope Canal.

MM1-47 (Public Hearing Held) An ordinance for final acceptance of Plantation Oaks II, Lots 39 through 65 and Parcel H-1, located off Oak Park Boulevard, Garyville, was offered for adoption by Mr. St. Pierre seconded by Mr. Wolfe and **unanimously approved** with Mr. Rainey absent at this time; commended an employee of Planning & Zoning, George Tassin, for being respectful, courteous and very interested in the citizens of the subdivision to make sure their concerns are heard on an administrative level.

Chris Guidry stated the permit was verbally approved for installation of culverts under the KCS Railroad this past Friday and stated they would be mailing the permit to install the culverts.

Henry DiFranco, Director of Operations stated we had not received the permit yet as of last meeting, however, the permit came in the mail Monday for execution by the president then sent back to the railroad for their execution; the only other issue to be resolved before putting out for bid is the temporary construction servitude necessary from optic companies and other utilities along the railroad; Hartman Engineers are in the process of obtaining the servitudes, made them aware the permit has been received and they are expediting the servitude agreements; perceive can go out for bid in about two weeks, and probably an award within the next 60 days; all major hurdles are finally over.

September 11, 2001

No Public Comment on Ordinance MM1-51.

MM1-51 (Public Hearing Held) An ordinance for the re-subdivision of Stebbins Lumber and Supply Company, Inc. tract into Parcels A, B, C, and D, located Garyville Northern Street, in Sections 68 and 69, T11S-R6E, east of the Mississippi River, Garyville, St. John the Baptist Parish, Louisiana, was offered for adoption by Mr. St. Pierre seconded by Mr. Rainey and **unanimously approved** with Mr. Boucvalt absent.

October 9, 2001

No public comment on Ordinance MM1-58.

MM1-58 (Public hearing held) An ordinance to re-zone 110 acres located on River Road, east of Bayou Steel extending north to the St. John/St. Charles Parish line, LaPlace, from R-4 to I-3 for construction of an electrical power plant, was offered for adoption by Mr. Boucvalt seconded by Mr. Rainey and **unanimously approved** with Ms. Faucheux absent.

No public comment on Ordinance MM1-59.

MM1-59 (Public hearing held) An ordinance for the resubdivision of the Millet, Vicknair, and LaBranche Tracts, less and except 15.85 acres of the Vicknair Tract located located in St. Charles Parish, into Tracts Z-4 and Z-5, located on River Road, LaPlace, and extending to the section line, was offered for adoption by Mr. Rainey seconded by Mr. Duffy and **unanimously approved** with Ms. Faucheux absent.

No public comment on Ordinance MM1-60.

MM1-60 (Public hearing held) An ordinance to rezone 626 West 5th Street (McKennon Street) LaPlace, from R-1 to R-3 for construction of townhouses.

Councilman Boucvalt requested a stipulation if the town homes were not constructed, the property would revert to R-1. In discussion, it was learned no time limit was set for construction of the town homes. Councilman Duffy suggested to put a two-year limit much as parish does with subdivision approvals and would be consistent with that ordinance; this went in front of the Planning Commission, duly advertised, and it is the recommendation of the Planning Commission and administration for the stipulation.

MOTION: Mr. Boucvalt moved and Mr. Duffy seconded the **motion to amend Ordinance MM1-60 to predicate if town homes are not constructed with two-year period, property will revert to R-1. Vote on motion was unanimously approved** with Ms. Faucheux absent.

MOTION: Mr. Duffy moved and Mr. Boucvalt seconded the motion to adopt

Ordinance MM1-60, as amended. Vote on motion was **unanimously approved** with Ms. Faucheux absent.

No public comment on Ordinance MM1-61.

MM1-61 (Public hearing held) An ordinance for conditional approval of Hunt Run Village, a townhouse community, being a resubdivision of Lots 5, 12, and 13, into Lots 5A, 5B, 12A through 12C, and 13A through 13C, located on West 5th Street, LaPlace, St. John the Baptist Parish, Louisiana, was offered for adoption by Mr. Boucvalt seconded by Mr. Duffy and **unanimously approved** with Ms. Faucheux absent.

No public comment on Ordinance MM1-62.

MM1-62 (Public hearing held) An ordinance for a family resubdivision of Lot B-2 of the Mack E. Reine Tract into lots herein designated as Lots B-2-1, B-2-2, B-2-3, and B-2-4, being portions of Plots 3, 4, 5, 6, and 7 of Reine Subdivision, located off Airline Highway, in Section 31, T11S-R7E, southeast district of Louisiana, east of the Mississippi River, LaPlace, St. John the Baptist Parish, Louisiana, was offered for adoption by Mr. Boucvalt seconded by Mr. Duffy and **unanimously approved** with Ms. Faucheux absent.

No public comment on Ordinance MM1-63.

MM1-63 (Public hearing held) An ordinance for final approval for a 250' self-support lattice tower to be erected at 4235 Highway 18, Edgard, St. John the Baptist Parish, Louisiana, was offered for adoption by Mr. Rainey seconded by Mr. Wolfe and **unanimously approved** with Ms. Faucheux absent.

November 13, 2001

No public comment on Ordinance MM1-72.

MM1-72 (Public hearing held) An ordinance amending Ordinance 99-88 creating a parish wide moratorium on the permitting of Off Premise Signs permits (Outdoor Advertising Billboard Signs) until such time as a Comprehensive Signage Ordinance is created and adopted by the St. John the Baptist Parish Council, was offered for adoption by Mr. Duffy, seconded by Mr. Lee and **unanimously approved**.

No public comment on Ordinance MM1-73.

MM1-73 (Public hearing held) An ordinance to re-zone 9.44 acres behind the C-3 625' zoning line on Airline Highway, LaPlace, from R-1 to C-3, was offered for adoption by Mr. Duffy, seconded by Mr. Wilson and **unanimously approved**.

December 11, 2001

No public comment on Ordinance MM1-79.

MM1-79 (Public hearing held) An ordinance to re-zone the Thomas Citizen Tract, approximately 30 acres located on River Road, extending east to the St. John/St. Charles Parish line, from R-4 to I-3. This re-zoning will revert back to R-4 if all permits are not acquired within 2 years from the date of adoption, was offered for adoption by Mr. Rainey seconded by Mr. Duffy and unanimously approved.

No public comment on Ordinance MM1-80.

MM1-80 (Public hearing held) An ordinance to resubdivide Citizen Tract "Y" and Citizen River Tract to add 28.54 acres to Tract Z-4 and 3.15 acres to Tract Z-5, located on the east side of Bayou Steel on River Road, in Sections 39 and 52, T12S-R7E, southeast land district of the river, LaPlace, St. John the Baptist Parish, Louisiana, was offered for adoption by Mr. Rainey seconded by Mr. Boucvalt and **unanimously approved**.

No public comment on Ordinance MM1-81.

MM1-81 (Public hearing held) An ordinance to resubdivide Lot 2 of the Amy S. Boudreaux Tract into lots herein designated as Lots 2A, 3, 4, 5, 6, 7, 8, and 9, located on Peavine Road, in Section 8, T11S-R8E, Frenier, St. John the Baptist Parish, Louisiana was offered for adoption by Mr. Boucvalt seconded by Mr. Duffy and **unanimously approved**.

APPENDIX D:

**ST. JOHN THE BAPTIST PARISH PLANNING AND ZONING MEETING
MINUTES CONCERNING LAND USE-RELATED ISSUES, 2001**

March 19, 2001

Aleta Jones and Jonathan Johnson-Request to place a trailer at 257 East 14th Street, Reserve.

Mr. Gillies states just as a summary the Planning Commission gets these trailer placements when there's public opposition to placement of a trailer were the administration can not handle it. Mr. Gillies asked Mrs. Labat if she had any opposition in the placement of this trailer. Mrs. Labat states yes she does. Mr. Gillies opens to a public hearing. Mrs. Farlough 248 E. 14 St. is speaking in opposition. Mrs. Farlough states that she has resided at this address for almost 50 years. Mrs. Farlough states that her and her husband strongly object to placing a mobile home adjacent to their home. Mrs. Farlough states that there is approximately 30 ft. from her home to the site were Ms. Jones wants to place this trailer. Mrs. Farlough states that she is joined by other home owners that were not able to be with her. Mrs. Farlough asked for the members to not grant this trailer placement. Mrs. Farlough states that Mrs. Labat was going to forward the letters of opposition from these other people. Mr. Gillies states that they have the letters along with some pictures. Mrs. Farlough states that they have made a substantial financial investment in their home. Mrs. Farlough states that her home is valued at \$200,000. Mrs. Farlough states that she feels that Mr. Johnson and Ms. Jones placing a trailer there would put their life at risk. Mr. Gillies asks if she said her life. Mrs. Farlough states yes their life. Mr. Gillies asked Mrs. Farlough to tell them about the trailer placement. Mrs. Farlough states that the placement of this trailer would diminish the value of her property. Mrs. Farlough states that she is asking that the Planning Commission carefully consider the objection and to follow the written ordinance, and deny Mr. Johnson and Ms Jones the placement of this trailer. Mr. Fuselier asked Mrs. Farlough if her house cost \$200,000 to build. Mrs. Farlough said yes that is what it cost to build. Mr. Fuselier asked if there were any other trailers around. Mrs. Farlough states that there are, but a little more than 300ft. Mr. Gillies states that there are trailers at 274, 272, and 250. Mrs. Montegut asked Mrs. Farlough if she had an appraisal and she said no, she didn't think she needed one, but she was sure it would be less than \$200,000. Mr. Gillies asked if anyone else would like to speak on this.

Mrs. Jones states that Mrs. Farlough speaks of the value of her house, and that they already have trailers down East 14TH Street. Most of the street consists of trailer. Mr. Gillies states that there are 4 trailers down the lane. Mrs. Jones states that Mrs. Farlough once owned a trailer that was for rent on that land. Mrs. Jones asked if she could receive a copy of the letter that Mrs. Farlough presented to the members. Mr. Gillies stated that they are public record she could receive a copy. Mr. Gillies asked that she send a request to the administration. Mr. Johnson states the he doesn't understand why Mrs. Farlough is trying to stop him from putting a roof over his kids' heads. Mr. Gillies asked if there was no other place in the parish that he could place this trailer. Mr. Johnson states that the property is his people's property. Mrs. Montegut asked if he owned the property. Mr. Johnson stated that his Mother and Father own the property. Mrs. Bardell asked if they had a house there prior to Mrs. Farlough building her house. Mr. Johnson states that there was a house on the property before Mrs. Farlough was even living there on 14TH Street. Mr. Gillies asked if anyone else had anything to say on this issue. Mr. Farlough states that they are slipping trailers in. Mr. Farlough states that his wife has signed for people to put trailers across from them and before they could get the land cleared they had a shooting, so she had to take her name off the list. Mrs. Farlough states that if someone wants to put a house there, that's ok. Mr. Gillies asked if there were any questions. Mrs. Montegut asked the size of the lot. Mrs. Johnson states that the lot is 100 x 100. Mr. Gillies states that the public hearing is closed.

Mr. Joseph states that they have asked time and time again, Mrs. Labat we need you to do us a favor. Number 1 this trailer is being requested to be put in R-1. Mr. Joseph asked Mrs. Labat to read once again what is allowed in R-1 and what is not allowed in R-1. Mrs. Labat reads the list from the code of ordinance manual. Mr. Joseph asked Mrs. Labat also to read where mobile homes are permitted. Mrs. Labat states mobile homes are allowed in rural R-4 and mobile home districts. Mr. Joseph states that it seems to him like the same type of problem they had at the last meeting. Mr. Joseph states that he doesn't know if it is on them, the parish council the parish itself, some kind of way the parish needs to get involved and get property for people with mobile homes, where they are permitted to be placed at. Mr. Joseph states that they go through this at every meeting, and that frankly he is tired of going over it. Mr. Joseph states that no one seems to be stepping in place to get this issue solved, there are people back and forth bickering at each other and someone needs to step forward to take care of this. Mr. Joseph states that if the Planning Commission can look for a home for young boys that are in trouble, then they should be able to find land for people to place trailers, and rezone it to R-4 so we don't have these problems month after month. Mr. Gillies states that Mr. Joseph is correct there is not much land in St. John Parish that is zoned R-4 there is a lot zoned rural but it can not be developed. Mr. Gillies states that they have done some rezoning to R-4 in the past months. Mr. Gillies said he believes that if the parish is going to take it on themselves, it requires a compressive plan and that is what UNO has proposed to the parish and it's supposed to go

before the council. Mr. Gillies states that he believes they have gone on record many times requesting that the council use UNO to undertake this study, and that would address a lot of issues including the mobile home issue. Mr. Gillies states he doesn't believe that the system they have now works, it's permitted in some districts if you go through this petition process, it isn't fair or a good way to do it. Mr. Joseph states that just for the record he is for everyone having someplace to live, but them being a commission they have to go by the laws, by the rules. Mr. Joseph state that these rules were made long before any of them were put on the commission, that is why he is asking the administration if you have to go to the council again or what ever needs to be done to step up to the table on this issue, because it's a problem for them, it's a problem for the parish, it just seems to be pushed aside, every meeting we have to go through the same thing. Mr. Gillies asked if anyone has a motion on this issue. Mrs. Powell asked to hear from the administration. Mrs. Labat states she doesn't have any hardship proven from the petitioner. Mrs. Labat states it is not compatible with anymore than 30% of the existing structures on East 14TH Street within 600 ft. Mr. Gillies asked Mrs. Labat, so your recommendation would be to deny the placement of this trailer. Mrs. Labat states yes within the guidelines of the ordinance, yes. Mr. Gillies states that he has a recommendation from administration to deny. **Motion from Mr. Fuselier to deny. Seconded by Mrs. Montegut. Denied for incompatibly. Being no opposition. Motion carries.**

Gloria Preston and Wilfred Smith-Request to place a trailer at 194 Historic East Street, Garyville. Gloria Preston and Emma Simms state that they are the property owners. Mrs. Labat states that Ms. Preston came in and took Mr. Wilfred Smith off the application and put Mrs. Simms on, which is her grandmother. Mr. Gillies asks who owns the property. Ms. Preston states that Mrs. Simms is the owner of the property. Mrs. Labat states that Mrs. Preston said she and her and her grandmother would be buying the trailer. Mrs. Labat also states that she doesn't know if this is the same trailer as Ms. Preston and Mr. Smith were buying. Mrs. Montegut asked who is the purchaser. Ms. Preston states the both of them are buying the trailer. Mr. Gillies asked if there were any questions for Ms. Preston and Mrs. Sims. Mrs. Montegut asked Mrs. Preston to give more information of the fire. Ms. Preston states that the house had been vacant for about a year, and drug heads and crack heads had been going in, they had boarded it up a couple of times and somebody got in and burned it down. Mrs. Montegut asked if it was a complete loss, Ms. Preston stated yes it was. Mrs. Sims states that she wants to put a trailer on her property, her neighbor said she could not, but she doesn't see why, it is her property. Ms. Preston states the problem they have is that she used to live next door to the Mrs. Batiste before she moved on her own and her kids and Mrs. Baptists' grandkids never got along. Mrs. Batiste of 184 Historic states she would like for the Planning and Zoning board to not let Mrs. Preston and Mrs. Sims put a trailer there because she has a lot of problem with them. Mr. Gillies asked so that's your

objection, you have personal problems with them. Mrs. Batiste states yes a lot of problems. Mrs. Powell asked if she would object to anyone else putting a trailer there. Mrs. Batiste said yes she would. Mr. Gillies asked to hear what administration had to say. Mrs. Labat states there are 9 houses and 1 trailer within the 600', but she is proposing to put a doublewide that is skirted and would be compatible with the other structures in that area. Mr. Gillies asked Mrs. Labat so you're saying this is ok. Mrs. Labat states she is going by what is in the ordinance manual. Mrs. Labat states there's no hardship that she can see, the trailer has a pitch roof the same siding as the surrounding houses. Mr. Gillies asked what is the difference with this one from the last one. Mrs. Labat states the last one was a trailer with metal siding and a flat roof and it had 30% of existing structure were mobile homes, which was four, and eight houses. This one there's nine houses, one trailer. Mrs. Labat states there's no difference from this one and the other one, except for this one is compatible with the other structures on the street. Mrs. Montegut asked the size of the lot. Mrs. Labat states 100 x 105, the trailer is 24 x 48. Mr. Joseph states again for the record. Where is this trailer being requested to be placed. What zone is it? Mrs. Labat states R-1. Mr. Gillies states that's the whole point. Mr. Gilles asked for a motion. **Mr. Joseph made a motion to deny. Seconded by Mr. Spangenburg. Being no opposition. Motion carries.**

Gregory Melancon-Request to place a trailer at 211 East 28th Street, Reserve. Mr. Gillies states that one property owner refused to sign. Mr. Melancon states he wants to put a trailer on 211 East 28th street. Mr. Melancon states they only have one house within the 600' area. Mr. Gillies asked Mrs. Labat if the person not signing objected orally. Mrs. Labat states this lady is about 4 lots down the street. Mr. Gillies asked the address. Mrs. Labat states: 187 East 28th street. Mrs. Montegut asked if there are utility-hook ups already there. Mr. Melancon states yes there is. Mr. Gillies asked if anyone is there to object to placement of this trailer. Mr. Gillies asks administration for their comments. Mrs. Labat states there are no other trailers within 600'. Mrs. Labat states he has no objections, just that somebody wouldn't sign the petition. Mr. Joseph asked, then why are we here if there's no objections. Mrs. Labat states, you have to have 100% of the property owners' signatures in order for her to tell him he can place his trailer there. Mr. Gillies asked for a motion to move to allow the placement of this trailer. **Mrs. Bardell makes a motion to grant this trailer placement. Second by Mr. Luminians. Being no opposition Motion carries.**

April 16, 2001

Calvin Hicks-Re-subdivision of Lot 1 into Lots 1A, 1B, and 1C of the Amy Boudreaux Tract, located on the corner of Gary and Peavine Roads, in Section 8, T-11-S, R-8-E,

Frenier, St. John the Baptist Parish, Louisiana. Mr. Gillies asked for comments from Administration. Mrs. Labat states that this re-subdivision was before the Commission about 6-8 months ago where Mrs. Gray the prior owner of Lots 1 and 2 re-subdivided the property and sold Lot 1 to Mr. Hicks. Mrs. Labat states that Mr. Hicks wants to re-subdivide Lot 1 for his family, all the lots meet the zoning requirement, it has gone to the Utility Board, they recommended the approval of this re-subdivision and Administration also recommends approval. **Motion to approve as stated by Mr. Fuselier. Seconded by Mr. Luminias. Being no opposition. Motion carries.**

Grace Community Church-Re-zoning of 17.28 acres of property located between Lyons Drive and Persinger Street, LaPlace, from R-1 to R-3. Mr. Gillies states that he was asked to entertain a motion from the Commission. **Mrs. Powell states she would like to make a motion to recommend denial after discussion with the applicant. Seconded by Mr. Fuselier. Being no opposition. Motion carries.**

May 21, 2001

Allen Volion - Request to place a trailer at 107 South Apple Street, Garyville. Mr. Gillie asked to hear comments from Administration. Mrs. Labat states that Mr. Volion was unable to acquire all of the signatures within the 600' radius. Mrs. Labat states she went down the street and from Historic Front to Anthony Monica, which is a little further than 300', there are 14 houses and 6 trailers. Mrs. Labat states that this is a 40% ratio of trailers to homes. Mr. Gillies states that 40% of the street is trailers. Mrs. Labat states that the ordinance states a compatibility issue within 400', but it does not give you a ratio of how many to consider. Mr. Volion's girlfriend (Debra Johnson) states that she will read a letter stating what Mr. Volion wants to say because he did not bring his glasses. Ms. Johnson states that there are a few reasons why Mr. Brady does not want them to move on the property. Ms. Johnson states that the lot is a family lot and that Mr. Volion has been keeping it up. Ms. Johnson states that Mr. Volion does not understand why he has to pay rent when he could move on this lot and not have to pay nothing. Ms. Johnson states that Mr. Volion said that Mr. Brady wants to buy the property and that is why he does not want them to move there. Ms. Johnson states that Mr. Volion said that Mr. Brady said he could move the trailer on the lot but it would cost him some money. Ms. Johnson states that Mr. Brady also said they could buy his house and not have to move the trailer on the lot. Mr. Volion states his trailer would be about 40' from Mr. Brady's house. Mrs. Brady states that her reason for not wanting the trailer placed there is that for the past ten years they have been trying to put a lot of money into their home to make it appreciate and that it has appreciated 75% since they have moved there. Mr. Brady states that there are other reasons that are stated in the letter. Mrs. Brady states that they did sign for the other trailer to be placed down the street because that person is sick and his mother is also sick. Mrs. Brady states that they also signed for the first trailer for Mr. Volions' mother because she was sick. Mrs. Brady states that she believes that their property will depreciate in value if this trailer is placed there. Mr. Albert Volion of 133 South Apple Street states that he had the first trailer down the street and that all he is trying to do is get his brother and sister-in-law off Main Street and put them on a lot where they do not have to pay any rent. Mr. Fuselier asked if this was a hardship case. Mrs. Labat states that there was no hardship stated on the application. **Mr. Gillie's states that he would like to entertain a motion on this issue. Mr. Joseph makes a motion to deny for incompatibility, seconded by Mr. Spangenburg. Being no opposition, motion carries.**

June 18, 2001

Michael Powell – Request to re-zone Lot 15, Jean Marie Street, Reserve from C-3 to R-1. Mr. Gillies asked to here Administration's comments. Mrs. Labat states that Mr. Powell

owns Lot 15 on Jean Marie Street. This lot is the end of the 625' of C-3 zoning on Airline Highway. Mr. Powell wants to build his home on the lot and is requesting that it be rezoned to R-1 for that purpose. The next lot over is residential. Mrs. Labat states that Administration recommends approval of this re-zoning. Mrs. Powell asked if the property is rezoned to R-1 would it meet the minimum area requirement? Mrs. Labat states no it will not. Mrs. Labat states that it will have to go before the Zoning Board of Adjustments for a variance. **Mrs. Powell made a motion to approve the re-zoning, seconded by Mr. Luminais. Being no opposition, re-zoning approved.**

Rose Mary Bolden – Request to place a trailer at 197 East 12th Street, Reserve.

Mr. Gillies asked to here Administrations comments. Mrs. Labat states that Mrs. Bolden has been before the Planning Commission on November 15, 1999. It was denied. She is lacking several signatures. She has moved the trailer on the lot already because she was evicted from her previous place of residence. Mrs. Labat states that Mrs. Bolden received a letter from Social Security stating that they are cutting her benefits because she owns property and is not living on it. Mrs. Labat states that Mrs. Bolden could sell the lot and use the money to buy another lot or to help her with paying to live in a trailer park. Mrs. Labat states that Administration recommends denial for incompatibility with existing structures within 600'. Mr. Spangenburg asked if this is the same location as before. Mrs. Labat states yes it is. Mr. Gillies asked if anyone would like to speak on the objection of this trailer placement? Estelle H. Duhe 196 East 12th Street states they are breaking the zoning ordinance. Jean Marse Sr. 200 East 12th Street states that it will depreciate the value of their homes. Rose Mary Bolden states that she does not have any income now, her landlord evicted her from her lot and she does not have any place to go. Estelle Duhe states that they know she does not have any place to put her trailer, but they did not sign for her to put it there. Mrs. Bolden presents Mr. Gillies with a letter from herself stating that her income has stopped because she is not living on her lot. Mrs. Bolden states that she cannot live paying for a lot. Mrs. Bolden states that if she cannot move her trailer there, then it looks as if someone would buy her lot from her then she could buy another lot and live in peace. Mr. Joseph asked Mrs. Bolden if she was advised by anyone to move her trailer there. Mrs. Bolden states no she was not. Mrs. Bardell asked Mrs. Bolden if the lot belonged to her. Mrs. Bolden states that yes it does. Mr. Scott states that if the lot was for sale he would like to know how much. Mr. Gillies states that they could get together after the meeting to discuss this. Mr. Gillies asked for clarification from Administration. Mr. Gillies states that she is not in compliance with the ordinance, right. Mrs. Labat states no she is not. Mr. Gillies asked Mrs. Labat how long would she give Mrs. Bolden to vacate the property, 30 days?. Mrs. Labat states, yes. **Mr. Joseph makes a motion to deny on incompatibility. Mr. Luminais seconds the motion. Being no discussion, trailer placement denied due to incompatibility. Being no opposition, motion carries.**

Belle Terre Land – Re-subdivision of Parcel H-7, Belle Terre Lakes Subdivision, Phase IV, Lot 818A-1 of Belle Terre Lakes Subdivision, Phase I, Belle Terre Office Park, Phase II, and other undesignated areas of Belle Terre I into lots herein designated as Lot 818A-1-A and Parcels A, B, C, D, and H-9, Belle Terre I, Chantilly Drive, Verdun Drive, Bayonne Drive, Lake Terrance Drive, and Parkview Drive, situated in Section 20 and 21, T-11-S, R-7-E, LaPlace, St. John the Baptist Parish, Louisiana. Mr. Gillies asked to here comments from Administration. Mrs. Labat states that this re-subdivision is being requested to parcel out Lake Champagne and the weir and pump station to be turned over to the Lakes Subdivision Homeowners' Association. There are also portions of land that abut the rear of property owners in Carrollwood that may possibly be sold to those property owners. Administration recommends approval of this re-subdivision. Mr. Gillies states that there are a lot of questions about this re-subdivision and that he has asked Mr. Flynn to attend the meeting to help answer these questions. Mr. Flynn of 1105 Main Street states he is representing Belle Terre Land. Mr. Flynn states that this lake is a large irregular shaped piece of property that is developed on all sides of the lake by Landmark Land and Belle Terre Lakes Subdivisions. Mr. Flynn states that Lake Champagne has a mechanical well that feeds water into the lake system when needed and there is a weir on the northern end that controls the level of the lake. Mr. Flynn states that it is their intention that Parcel H-9 would become one of the commoner's parcels of Belle Terre Lakes Subdivision. They have for the past two years been paying for the maintenance and the operation of that well that keeps the lake at that level. Mr. Flynn states that also on the boundaries there are some commercial parcels on the north that border Lake Champagne and their boundaries have been adjusted to go out into the lake about 20' to 30' and leave the lake in the center. Mr. Flynn state that on the southern edge there are two parcels B and C, parcel B is about a 2 acre piece that accessed by Calais Drive and parcel C borders Bayonne. Mr. Flynn states that it is their intention to segment these things so they can be dealt with. Mr. Flynn states that Lake Champagne can fall under the maintenance and care of the lakes homeowners' association, the commercial parcels on the northern edge can be dealt with, as commercial property and parcel C will remain as it basically is. Mr. Flynn states that it is not Belle Terre Land intention at this time to change the zoning or use. Mr. Gillies states that if they would ever want to develop this land they would have to come back to the Planning and Zoning Board for approval. Mr. Flynn states that he will more than happy to meet with the people and discuss any concerns that they have. Mr. Flynn states that they will look at all of the concerns of the people. Mr. Gillies asked who maintains this property. Mr. Flynn states that the people have been caretakers of this property. Mrs. Rose of 160 Bayonne Drive states that they have taken care of the property since 1974. Mr. Luminas asked Mrs. Rose if she would be willing to buy this piece of property? Mrs. Rose states yes she would. Mrs. Rose asked what was the intention for parcel B. Mr. Flynn states that they have no intent of any development. Mr. Steve Lee, Councilman District 7, states that he has had conversation with some of the property owners over the past year about trying to solve the

problem about the access to the property behind these residents. Mr. Lee states all concerns will be taken care of before anything will be done. Mr. Lee states that they will have a public meeting to address the concerns of the neighbors. Mr. Adolph Hilken of 1550 Bayonne Drive states that he has posted the property and the people do not read the signs. Mr. Gillies states that they will make sure that Mr. Flynn is committed to making sure it's posted everywhere. Mr. Flynn states that the phone number at the office is 651-9090 if they see any problems, please call him. Mrs. Clark asked if their plan was to increase the size of the lake, chopping off part of there land. Mr. Flynn states no they are not. Mrs. Clark asked if you maintain a piece of property for so many years does it become their property. Mrs. Powell states that just because you cut the grass it does not mean you have the right to ownership of the land. Mrs. Powell states that there are certain procedures that you have to go through in civil court. Mr. Gillies states that is seem that there is an effort of the landowners to donate this to an association of homeowners to maintain, and pay taxes. Mr. Flynn states that he will set up a meeting with the property owners that have concerns. Mr. Gillies states that he along with Mr. Lee& Mr. Duffy will be happy to attend this meeting to help them come to a resolution. Mr. Hebert of 1817 Verdun states that when he bought his property he thought the property that runs around his property was common land that would never be taken away from them. Mr. Hebert states that they still have money in the account for the homeowners association. Mr. Hebert states that they still have a homeowners association, it just is not active. Mr. Hebert states that he does not see how they can just come in and take the land from them. Mr. Gillies states that the parish has Belle Terre Land listed as the landowner. Mr. Hebert states that their papers show common land all the way around the lake. Mrs. Powell states that this is beyond the scope of this board and matters such as this are something that parish government cannot get involved with. Mrs. Powell states this is a civil matter. Mr. Hebert states that he would like to see anything with parcel C tabled till the next meeting. Mr. Doug of 1709 Bayonne Drive states that he does not want to give the lake to the other side. **Mr. Luminais makes a motion to approve subject to a table of section C only. Seconded by Mr. Fuselier. Being no discussion. Motion carries.**

July 16, 2001

Perdido, LLC - Request to re-zone 626 West 5th Street (McKinnon Street), LaPlace, from R-1 to R-3 for construction of townhouses. Mr. Gillies asked to hear Administration's comments. Mrs. Labat states that they are proposing to take an existing trailer park and convert it to fee-simple-ownership townhouses. The property is L-shaped, with only 70' of frontage on West 5th Street. The three lots, 5, 12, and 13, are existing lots of record, with 12 and 13 being accessed by a private street, McKinnon Street. Our ordinance manual prohibits private streets and suggests bringing any in existence into the Parish system

whenever possible. Along with the re-zoning, the applicant is requesting a modification of the street width requirements. The proposal is a 20' right-of-way with a 15' road. At the Administration meeting, it was suggested that a cul-de-sac turn-around be constructed at the end of the entrance and the street widened 5' going west to the end. The Department of Public Safety and the Fire Chief have no problems with the design. In granting the modification, the Parish ensures that the lots front on a public street, thereby preventing a land lock situation. If the re-zoning is granted the applicant will come back through the subdivision process. Mrs. Labat states that Administration recommends approval of the re-zoning. Mr. Jackson states that the street will be 24' in the back it will be 15' in the front. Mrs. Labat states that the street will only be substandard in the front. Mrs. Labat states that the Fire Chief has no problem with this. Mr. Rueben Keating asked what would this allow to be placed there. Mrs. Labat states that there will be 8 townhouses two groups of 3 and 1 group of two. Mr. Fuselier asked what is a fee-simple townhouse? Mr. Chris Bellone, the developer of the townhouses states that a fee-simple townhouse is when you create a lot and you own from lot line to lot line front to back. Mr. Bellone states that the lot line runs down the middle of the wall. Mr. Bellone presented a picture of what the townhouses will look like when they are finished. Mr. Gillies asked Mr. Bellone if he would be willing to have a condition placed on this stating that this type of development would be placed at 626 West 5th Street. Mr. Bellone states that yes he would. **Mr. Fuselier states that he would like to make a motion that they approve this under the condition that Mr. Bellone will build what he has presented to the Planning & Zoning Board. Mr. Gillies states that he would like to have that put into public record. Mr. Gillies states that he would like to have the picture of the townhouses received into records as a public document. Seconded by Mr. Luminias. Being no opposition, motion carries.**

Nextel - Request to erect a 195' monopole telecommunications tower at 532 East Airline Highway, LaPlace. Mr. Gillies states that they have spent some time in between meetings discussing this. Mr. Gillies states that the further south that they go the more they would be putting the towers around houses. Mr. Daniel Lund is present representing Nextel. Mr. Lund states that they selected this spot because it will work for Nextel. Mr. Gillies asked what could be done to hide this tower. Mr. Lund states that they provide landscaping and a fence around the tower. Mrs. Powell states that within the overlay district that landscaping is required. Mrs. Powell states that before a permit is issued a landscaping plan needs to be submitted. Mrs. Powell asked the footprint of the building? Mr. Lund states that it will be 10' x 20'. Mr. Lund states that in the fenced in area they will have crushed limestone. Mr. Christy Montegut states that he would like for them to consider putting the tower at 532 East Airline Highway. Mr. Montegut states that there are not that many houses where they want to place this tower. **Mrs. Powell makes a motion for approval providing that they**

present Administration with a detailed landscaping plan. Mr. Luminais seconds the motion. Being no opposition, motion carries.

Belle Terre Land - Re-subdivision of Parcel H-7, Belle Terre Lakes Subdivision, Phase IV, Lots 818A-1 of Belle Terre Lakes Subdivision, Phase I, Belle Terre Office park, Phase II, and other undesignated areas of Belle Terre I into lots herein designated as Lots 818A-1-A and 818-B-1-A, and Parcels A, B, C, D, and H-9, Belle Terre I, said lots and parcels fronting on Belle Terre Boulevard, Cannes Drive, Chantilly Drive, Verdun Drive, Bayonne Drive, Lake Terrace Drive, and Parkview Drive, situated in Section 20 and 21, T-11-S, R-7-E, LaPlace, St. John the Baptist Parish, Louisiana. Mr. Gillies asked to hear Administration's comments. Mr. Gillies states that everything was approved at the June 18, meeting, except Parcel-C. Mrs. Labat states that Mr. Harold Flynn, Jr. met with a newly formed Homeowners' Association from the Bayonne/Verdun area. Mrs. Labat states that Belle Terre Land is willing to donate the land behind these landowners' houses to them as their common area and they will be responsible for its upkeep and liability. Mrs. Labat states that with that being done, Administration is recommending approval of this re-zoning. Mr. Flynn states that they had the meeting and the offer still stands with the existing Bayonne Drive residents as long as the homeowners association is reestablished and becomes a legal entity, then Parcel-C would be donated to their Association. Mr. Hebert 1817 Verdun, President of the Homeowners' Association states that the Association has not been activated yet, that they are waiting to go to the lawyers. Mr. Hebert states that they have 51 homes willing to join the Association. Mr. Hebert states that they took a vote to except the land 20' off the original shoreline. Mr. Hebert states that he can see some problems between B and C as far as the way the map was written. Mr. Hebert states that the map shows that he has 20' access along the lake and when he measured 20' out from his sewer line they hit the land on the other side. Mr. Hebert states that the whole thing is only 46' wide. Mr. Hebert states that they are showing it at 80' and 90'. Mr. Hebert states that they had a line showing their water rights they were going to give them and original water rights were all the way to the end of the island. Mr. Hebert states that he is not in favor of letting them have the water rights. Mr. Hebert states that he would like another 50' so that they could keep a buffer in between them and the commercial apartments. Mr. Hebert states that is why the common land was there. Mr. Adolph Hilken states he worked with Mr. Hebert on these measurements and they are correct. Mr. Flynn states that whatever Mississippi River, Belle Terre Land, and predecessors told these people, what their perception was he couldn't undo. Mr. Flynn states the only thing they have before them is that they agreed to in some way transfer the land that they visibly know as theirs. Mr. Gillies states that it is his understanding that they want an additional buffer on Parcel-B to buffer them from the town homes. Mr. Flynn states that he wants to proceed with the re-subdivision, and if they're capable of organizing their group Parcel-C

will be donated to them. Mr. Flynn states that as for giving them any more land, he would check boundaries again. Mr. Flynn states that he is sure that this is the way Belle Terre land wants to subdivide its land. Mr. Flynn states that they are comfortable with where they are at and want to proceed. **Mrs. Powell makes a motion to approve re-subdivision of parcel-C. Seconded by Mrs. Bardell. Being no opposition, motion carries.**

August 20, 2001

CVM Holding Co. – Re-subdivision of Stebbins Lumber and Supply Co., Inc. Tract into Parcels A, B, C, and D, located on Garyville Northern St., in Section 9 and 69, T-11-S, R-6-#. East of the Mississippi River, Garyville, St. John the Baptist Parish, La. Mr. Gillies asked to here Administrations' comments. Mrs. Labat states that Mr. Monica has buyers for a couple of these lots. The lots meet all zoning requirements and the Utility Board approved the re-subdivision two weeks ago. Mrs. Labat states that Administration recommends approval. Mrs. Powell asked how the property is zoned? Mrs. Labat states that it is R-1. **Mr. Spangenburg makes a motion to approve the re-subdivision as written. Seconded by Mrs. Powell. No opposition. Motion carries.**

September 19, 2001

Spectrasite – Request to construct a 250' lattice tower in an I-3 zoning district at 4235 Hwy. 18, Edgard. Mr. Gillies asked to hear Administrations comments? Mrs. Labat states that this is the last application that was received by the Planning & Zoning Department before the Council's moratorium. Mrs. Labat states that all paper work is in order. Mrs. Labat states that the zoning of I-3 allows the construction of a tower in this area. Mrs. Labat states that Administration recommends approval. **Mrs. Bardell makes a motion to approve. Seconded by Mr. Luminais. No opposition. Motion carries.**

Mary Tamplain – Family re-subdivision of Lot B-2 of the Mack E. Reine Tract into lots herein designated as Lots B-2-1, B-2-2, B-2-3, and B-2-4, being a portion of Plots 3, 4, 5, 6, & 7 of Reine Subdivision, located off Airline Highway, in Section 31, T-11-S, R-7-E, southeast district of La., east of the Mississippi River, LaPlace, St. John the Baptist Parish La. Mr. Gillies asked to hear Administrations comments? Mrs. Labat states that Mrs. Tamplain is re-subdividing family property owned by her for over 10 years. Mrs. Labat states that she wants to give lots to her children for construction of residences. Mrs. Labat states that this re-subdivision meets the criteria of a family re-subdivision and zoning ordinances. Mrs. Labat states that the Utility Board approved this last night. Mrs. Labat

states that Administration recommends approval. **Mr. Fuselier makes a motion to approve the re-subdivision. Seconded by Mr. Ford. No opposition. Motion carries.**

Perdido, LLC – Conditional approval of Hunt Run Village, Lots 5A, 5B, 12A through 12C, and 13A through 13C, located on W. 5th St., LaPlace, St. John the Baptist Parish, La. Mr. Gillies asked to hear Administrations comments? Mrs. Labat states that Mr. Caldwell is back with construction drawings of the McKinnon St. site. Mrs. Labat states that the Utility and Public Works Departments and their consulting engineer have reviewed the drawings. Mrs. Labat states that Mr. Savoie had some comments that have been addressed. Mrs. Labat states that Mr. Caldwell has submitted corrected drawings that comply with the parish ordinances and the engineer department’s comments. Mrs. Labat states that Mr. Savoie has reviewed these plans. Mrs. Labat states that Administration recommends approval of the subdivision with the modification for the street granted by the Planning Commission at their July meeting. **Mr. Ford makes a motion to approve. Seconded by Mrs. Powell. No opposition. Motion carries.**

Bonnie Carre’ Power – Request to re-zone 110 acres located on River Rd., east of Bayou Steel extending north to the St. John/St. Charles Parish line, LaPlace, from R-4 to I-3 for construction of an electrical plant. Mr. Gillies asked to hear Administration’s comments? Mrs. Labat states that this was before the Commission last month. Mrs. Labat states that to date there are no opposing letters or phone calls into the Planning and Zoning office. Mrs. Labat states that a letter was sent to St. Charles Parish as requested by Mrs. Powell. Mrs. Labat states that she has not received any letters from St. Charles Parish either. Mrs. Labat states that this project has Administration’s approval. Mr. Gillies asked if the last piece of property has been secured? Mr. Kevin with Sempra states that yes they do have a contract in place for this piece of property. Mr. Gillies asked when would that be brought to them? Mr. Kevin state that he hopes to bring it to them in the near further. Mr. Kevin states that they have filed with the Louisiana Department of Environmental Quality for an air permit and a water permit. Mrs. Powell asked how long do they anticipate it to take them to get all the permits needed? Mr. Kevin states that they are anticipating a 1-year process. Mrs. Powell asked if it would be possible to put some sort of time stipulation, such as that they would obtain the permits necessary within a 2-year period? **Mr. Fuselier makes a motion to grant the re-zoning with a stipulation if not built within 2-years it will go back to the original zoning. Seconded by Mrs. Powell. No opposition. Motion carries.**

Bonnet Carre’ Power – Re-subdivision of the Millet, Vicknair, and LaBranche Tracts, less and except 15.85 acres of the Vicknair Tract located in St. Charles Parish, into Tracts Z-4 and Z-5, located on River Road, LaPlace, and extending to the section line. Mr. Gillies

asked to hear comments from Administration? Mrs. Labat states that that re-subdivision follows in line with the re-zoning dealt with previously & brings all the tracts together. **Mr. Fuselier makes a motion to approve as stated. Mrs. Powell seconds the motion. No opposition. Motion carries.**

October 17, 2001

Dr. LaNasa - Request to re-zone 9.44 acres behind the C-3 625' zoning line on Airline Highway, LaPlace from R-1 to C-3. Mr. Gillies asked to hear comments from the Administration? Mrs. Labat states that where Dr. LaNasa wants to re-zone is along Airline Highway in between the Chevron Station and the graveyard. Mrs. Labat states that the request is to re-zone from the C-3 zoning line back to the railroad track. Mrs. Labat states that the area that is currently zoned R-1 it is one property away from the Parish jail. Mrs. Labat states that the close proximity of this type of land use, coupled with the graveyard on the other side, gives good cause to re-zone it to commercial. Mrs. Labat states that this property meets all requirements. Mrs. Labat states that Administration approves of the re-zoning request. Mr. Michael St. Martin was present to represent Dr. LaNasa. Mr. Fuselier asked what they plan on doing with this land? Mr. St. Martin states that there is no specific use planed. Mr. St. Martin states that there will probably be a retail type store located on this property. Mr. St. Martin states that they have been approached by a number of people to purchase this land, but with it being zoned half residential, people shy away from it. Mr. Fuselier asked if there was any talk about another jail going there. Mr. St. Martin states no. **Mrs. Montegut makes a motion to approve the re-zoning as stated. Mrs. Bardell seconds the motion. No opposition. Motion granted.**

Belle Terre Land – Preliminary approval of Canterbury Estates, Lots 1 through 121 and Parcels H-1 through H-9, being a subdivision of a portion of LaPlace Plantation, located north of Country Club Drive, in Section 68, T-11-S, R-7-E, southeast district of Louisiana, east of the Mississippi River, LaPlace, St. John the Baptist Parish, Louisiana. Mr. Gillies asked to hear Administration's comments? Mrs. Labat states that this subdivision proposal, in general, conforms to Parish specifications for preliminary approval. Mrs. Labat states that it would bring 121 more lots in the St. Andrews area and onto St. Andrews Boulevard. Mrs. Labat states that this developer has another development with a development agreement attached to it, which would open up another entrance/exit to this area. Mrs. Labat states that this agreement should be honored before any more traffic is placed onto St. Andrews Boulevard in any vicinity. Mrs. Labat states that the Administration does not approve of this plan until such time that the developer and the Parish can come to an agreement as to how traffic will be redirected off of St. Andrews

Boulevard. Mr. Flynn states that he is sure that this issue will be addressed. Mr. Greg Loisel, a resident of Canterbury Estates states that he and the other residents are concerned about the traffic that the new subdivision would bring. Mr. Loisel states that he is glad the Administration is looking at the additional access that is needed. If this were to be approved with out the additional access the traffic would be tremendous. Mrs. Labat asked Mr. Loisel if he saw the signs that were posted. Mr. Loisel states that the signs were posted in the back by the subdivision and he did not see them. Mr. Gillies states that a sign needs to be posted at the beginning of the street of the subdivision. Mrs. Labat states that is where she posted one of the signs. Mrs. Powell asked Mr. Loisel if they have a civic association? Mr. Loisel states that there is one in Belle Terre. Mrs. Powell asked if they have discussed the subdivision? Mr. Loisel states that he is not aware of it if they did. Mr. Flynn states that he is willing to meet with the people in that area to answer any question they have. Mr. Keith states that his feelings have not changed. Mr. Gillies states that they have had an agreement and one that was signed by Belle Terre Land. Mr. Gillies states that he feels that they have gone beyond the call of duty in giving them permission to build lots. Mr. Gillies states that they got to the point of where there was supposed to be another East – West access and that has fallen through. Mr. Gillies states that the principle is still the same with dumping all if this traffic on a two lane road, St. Andrew Blvd. the only way in and out. Mr. Gillies states that he is against this until they can resolve the issue of the East – West thoroughfare. **Mrs. Powell makes a motion to deny. Seconded by Mr. Fuselier. Mr. Gillies asked for a roll call vote. Ayes – 9, Nays – 0. Vote was unanimous. Being no opposition, motion carries.**

Lionel Bailey – Request to place a mobile home at 129 L&L Court, Edgard. Mr. Gillies asked to hear comments from the Administration. Mrs. Labat states that this mobile home meets the compatibility requirements, with two mobile homes in front of it and two on the side. Mrs. Labat states that the opponents have cited problems with the property owners and the tenants that live there now. Mrs. Labat states that their problems are a matter for the Sheriff’s Office. Mrs. Labat states that they would like a fence put up between the two properties. Mrs. Labat states that she does not feel that this is something that the Parish can impose at this time. Mrs. Labat states that however, she has explained to Mr. Bailey that if he wants to put any more trailers on this property, he would have to get it re-zoned for that use. Mrs. Labat states that a fence would be required at that time. Mr. Joseph asked why would Mr. Bailey have to re-zone the property? Mrs. Labat states to make it eligible to hold additional trailers. Mr. Joseph asked if it is zoned for trailers now? Mrs. Labat states no. Mrs. Labat states that Mr. Bailey has gone through the petition process for the mobile homes that are there. Mr. Gillies asked if this trailer meets all the setback requirements? Mrs. Labat states yes. Mrs. Harper of 133 Joseph Court states that they

had the same problems about two years ago, with him wanting to place a trailer at this location. Mrs. Harper states that they have problems with Mr. Bailey's tenants driving on their side of the property, down their street. Mrs. Harper states that they damage their property. Mrs. Harper states that they cannot deal with them. Mrs. Harper states they have spoken with Mr. Bailey about this and still cannot get anything done. Mrs. Harper states that 2 years ago in an open meeting Mr. Bailey agreed to follow what they had asked for. Mrs. Harper states that Mr. Bailey asked if he put a fence up would they sign for him to place trailers there. Mrs. Harper states that they agreed to it. Mrs. Harper states that they still have raw sewage on the ground. Mrs. Harper states he still has one water meter. Mrs. Labat states that she did place a call to the Utility Dept. concerning the water meter and the sewage. Mrs. Labat states that she has not received a call back about that. Mrs. Labat states that she does expect to hear something soon. Mr. Gillies asked Mrs. Harper if she has a copy of the agreement that she spoke of with Mr. Bailey agreeing to put a fence up. Mrs. Harper states no. Mrs. Harper states that Mr. Duffy asked a question if he would be willing to put a fence. Mr. Gillies asked if this was at a Council meeting. Mrs. Harper states yes. Mr. Gillies states that the minutes should reflect that. Mr. Gillies asked Mrs. Harper if she had a copy of the minutes? Mrs. Harper states no. Mrs. Labat asked Mrs. Harper if she knew what year this was. Mrs. Harper states about 2 years ago. Mr. Rainey states that this was before his term. Mr. Rainey states that he can get a copy of the minutes. Mr. Bailey states that he did not say he would put a fence. Mr. Bailey states he knows how sewage can be a problem and that this is not an issue. Mr. Bailey states that the road that the tenants use is a Road, put in by the parish. Mr. Bailey states that the person that is complaining lives in a trailer also. Mr. Bailey states that a person cannot tell him how to develop his property. Mr. Bailey states that he believes that this is a personal vendetta. Mr. Joseph asked Mrs. Harper if she signed a petition? Mrs. Harper states no. Mrs. Powell asked the square footage of the property? Mrs. Labat states 30 acres. Mrs. Powell asked how many mobile homes are currently on this lot? Mrs. Labat states two. Mrs. Powell asked how it is zoned? Mrs. Labat states R-1. Mrs. Powell asked how many lots? Mrs. Labat states 1 tract. Mrs. Powell states that only one dwelling per lot or tract is allowed. Mrs. Montegut asked how wide the property is by Hwy. 18? Mr. Bailey states 75'. Mr. Gillies asked Mr. Bailey if it is his intent to create a trailer park? Mr. Bailey states that it is his understanding that after he puts this one trailer it would have to be re-zoned before anymore would be allowed. Mr. Joseph states that time and time again areas are zoned for trailers. Mr. Joseph states this area is zoned R-1. Mr. Joseph states areas need to be re-zoned before the placement of a trailer. Mrs. Montegut asked Mr. Bailey if he was selling or renting the space? Mr. Bailey states he is renting. Mr. Ford states that he needs some kind of plans to show how this property is developed. Mr. Ford states that he needs something to show if they have the proper drainage, proper water. Mr. Bailey states he has proper drainage and proper water. Mrs. Bardell asked Mr. Bailey if he has the proper sewer? Mr. Bailey states yes. Mr. Gillies asked Mrs. Harper if she has any pictures? Mrs.

Harper states no. Mr. Byron Harper states that the mobile home is not the issue, the property is. Mr. Rainey states that Mrs. Millet has a copy of the minutes, he called her at home. Mr. Rainey states that Mrs. Millet states that she does remember the agreements made at a public meeting. Mr. Rainey states she would get them and forward them to Mr. Gillies. Mr. Gillies states that he believes that this looks like a trailer park. Mr. Fuselier asked if Mr. Bailey is allowed to put more than one trailer there? Mrs. Labat states that in the past it has been allowed this as long as they allow 65' x 100' to put the trailer. Mr. Gillies states that he does not remember doing that. Mr. Gillies states this look like a trailer park and if he wants a trailer park he believes Mr. Bailey should get a trailer park. Mr. Fuselier makes a motion to deny. Seconded by Mr. Ford. Mrs. Montegut asked how many trailer are allowed before it is considered a trailer park? Mrs. Montegut states that she remembers it being 5. Mrs. Powell states that it is 5 per acre. Mrs. Montegut asked how long would it take Mr. Bailey to get a trailer park approved. Mrs. Labat states a minimum of two months. **Mrs. Bardell makes a motion to re-open to public hearing. No second, motion denied due to lack of a second. Ayes – 9, Nays – 1.**

December 17, 2001

Belle Terre Land – Conditional approval of Live Oak Landing, Phases V and VI, Lots 136, 147 through 235, Parcels H-5 through H-8, Parcel B, and a portion of St. Andrews Boulevard, being a re-subdivision of a portion of LaPlace Plantation, located in Section 67, T-11-S, R-7-E, southeast district of Louisiana, east of the Mississippi River, LaPlace, St. John the Baptist Parish, Louisiana. Mr. Fuselier asked to hear comments from Mrs. Labat? Mrs. Labat states that the Administration and the developer have reached an agreement. Mrs. Labat states this is why it was turned down at a previous meeting. Mrs. Labat states that the Administration recommends that the project move forward. Mr. Flynn state that they have seen this before, but if the Commission has any questions that he will be happy to answer them. Mr. Fuselier asked what specifically did the Parish need in the past, before they would give their approval it? Mr. Flynn states that there was discussion concerning the original preliminary approval, pertaining to the extension of Woodland Drive from St. Andrews Boulevard to where it currently ends. Mr. Fuselier asked if all of this is going to happen now? Mr. Flynn states that it is set in motion in that agreement. **Mr. Spangenburg makes a motion to approve as stated, seconded by Mrs. Powell. Being no objection, motion granted Ayes – 7, Nays - 0**

APPENDIX E:

SYNOPSIS OF ZONING BOARD OF ADJUSTMENTS MEETING MINUTES, 1996-2001

	Date	Case Description
	4/17/95	Variance on side yard setbacks of 40' and front and rear setbacks of 203', to erect a 500' radio tower
	4/17/95	Variance on side yard setbacks of 94' 5 5/8" and 80' 11" rear yard setback for 180' tower
	6/21/95	Parking lot paving material - slag vs. hard surface
	6/21/95	Appeal of denial to place trailer next to residence
	7/26/95	Lot size variance of 3,050 sq. ft. from 6500' to 3450'
	10/24/95	Front yard setback variance of 1.9' for residence porch
	1/11/96	Office building front yard setback variance of 15', from 20' to 5'
	1/31/96	Area requirements for multiple structures on a single lot waived provided owner removes one mobile home from property within six months
Denied	2/21/96	Side yard setback variance of 4.6'. Homeowners' Association opposes.
	5/9/96	Rear yard setback variance of 3', from 10' to 7' for shed construction
	5/9/96	Front footage variance of 5', from 65' to 60', for re-subdivision of property into two lots. Restriction placed: R1 Zoning
	5/30/96	side yard setback waiver of 2' based on non-conformance of previously drawn plans with current requirement
*	9/30/96	Lot size variance for sewerage system
*	1/29/97	Lot depth variance, sq. footage ok
	1/29/97	Sign height variance from 50' to 65', sign variance from 50 sq. ft. to 173.7 sq. ft.
	11/21/96	After the fact waiver of corner lot setback requirements
*	11/21/96	Variance for 14' of depth space to enable access to rear of property
*-	3/17/97	Lot size dimension variance of 22' to subdivide family land
	3/17/97	Unauthorized variance
	4/30/97	Lot-depth variance of 21.88', from 100' to 78.12' to facilitate property split-up among heirs
	4/30/97	Rear yard setback variance from 10' to 5', side yard setback variance from 20' to 5'.to enable supermarket expansion
Denied	5/28/97	Roadway hard surface material requirement variance request to use slag to extend a trailer park denied
	7/30/97	Mobile home minimum sq. footage variance of 120 sq. ft., from 720' to 600'
	7/30/97	Rear yard setback variance of 5', from 10' to 5', for garage construction
*	8/27/97	Lot size variance for sewerage system

St. John the Baptist Parish Comprehensive Planning Project, Phase I, Task I

	8/27/97	Appeal of Zoning Administrator's decision to allow continued operation of mobile home park – removed from agenda
	10/29/97	Mobile home minimum sq. ft. variance from 720' to 576'
	10/29/97	Side yard setback variance from 10' to 5', plans drawn before new requirements.
*	10/29/97	Lot depth variance, sq. ft. ok
	11/26/97	Front and rear yard setback variances from 170' to 160.5 to erect
	11/26/97	Lot width variance from 100' to 20' for driveway access to rear of property stemming from re-subdivision
	2/11/98	Lot depth variance from 100' to 90' in conjunction with re-subdivision
	2/25/98	Setback variance of 140' to erect 250' cell tower
	4/29/98	Lot depth variance from 100' to 64.60 ft.
	4/29/98	Width variance of 5' on 53 lots (Flynn)
	4/29/98	Width variance of 5' on 53 lots (Belle Terre Land)
Denied	6/8/98	Two access roads in lieu of required street access for hotel in order to place sign; create legal lot of record without public street
	6/8/98	Side yard setback variance from 15' to 10' after the fact of construction -- supposed authorized by Zoning Administrator -- penalty imposed for no building permit
	6/24/98	Lot depth variance from 100' to 96'
*-	7/??/98	Lot depth variance from 100' to 60'
	10/28/98	Side yard variance of 1.8', rear yard setback variance of 6.1', to construct a boat storage shed
	10/28/98	Re-subdivision of lot portion to accommodate trailer park expansion, contrary to law prohibiting expansion of non-conforming use
	11/25/98	Lot creation without public street access; lot size variance from 6500' to 6145, as part of re-subdivision
	10/27/99	Rear yard setback variance of 5' for storage shed construction
Denied	10/27/99	5' setback variance to constrict on parish servitude
	12/29/99	Rear yard variance of 5' to construct garage on non-conforming lot
	8/25/99	Side yard setback variance from 15' to 10'
	8/25/99	Series of variances, 3 setbacks and funnel requirements for 8 lots involving a subdivision and rezoning. Variance granted if ROW to lots is private; otherwise moot
	8/25/99	Rear yard setback (no dimensions given) variance given contingent upon a rezoning
	9/5/99	Side yard setback variance from 15' to 13' on corner lot
	6/30/99	Side yard setback variance of 5' for covered garage construction
Removed	6/30/99	Appeal for revocation of fireworks permit granted by administration. Item removed.
Removed	6/30/99	Variance regarding lot creation without street access removed.

St. John the Baptist Parish Comprehensive Planning Project, Phase I, Task I

	6/30/99	Front yard setback variance of 19' from 25' to 6', an after the fact of construction accommodation for a carport
	6/30/99	Church youth center parking requirement of 48 spaces reduced by 17 with the proviso of a loading zone. Servitudes cited as hardship
	6/30/99	Front yard setback variance of 15' granted to enable residence's construction without affecting existing shed
	6/30/99	Rear yard setback variance from 10' to 4'9" to construct storage shed
	4/28/99	Side yard variance of 10', from 15' to 5', on the contention that the view of a yard will be obstructed
	4/29/98	Lot depth variance of 35.40', from 100' to 64.6', on three lots
	4/29/98	Lot size variance of 500 sq. ft. on 53 lots, citing sales hardship
	4/29/98	Same developer then granted 5' side yard waivers on same 53 lots
	12/30/98	Front yard setback variance of 0.9', no reason given
Tabled	12/30/98	Lot size and public access requirement variance request for 7 lots; tabled
Fine	3/31/99	Side yard setback variance request from 5' to 0' for carport after the fact of construction; approved with \$00 fine
	12/29/99	Rear yard setback variance of 5' to construct garage
Partially Denied	3/29/00	Rear yard setback variance of 5' and side yard setback variance of 5' to construct garage; side yard variance granted, rear yard variance denied
	8/30/00	Administration previously authorized 9 RV's to replace 9 trailers, appeal to add 10 th RV space granted
	1/31/01	Lot depth variance from 100' to 98.09', 98.75', and 99.41' on three lots respectively in conjunction with resubdivision
*	1/31/01	Lot depth variance from 100' to 76' for existing lot
	1/31/01	Side yard setback between structures variance from 15' to 13.29' and setback waiver on recently constructed garage (within 10' setback) due to odd lot shape
	1/31/01	Front setback variance from 20' to 9.9' to enable addition on part of structure on double frontage lot
Tabled	2/28/01	Rear yard setback variance of 4.4' for newly constructed shed; tabled
	2/28/01	Front yard setback variance of 11' for 12 mobile home lots
Fine	3/28/01	Rear yard setback variance of 4.4' for newly constructed shed; fine of \$100 plus stipulation that owner will tear down if servitude on which it is located is needed
	4/25/01	Side yard setback variance of 2.5' to construct garage on existing slab
Deferred	4/25/01	Side yard setback variance of 3' and rear yard setback variance of 6' for newly constructed shed, deferred pending investigation
	5/30/01	Front yard setback variance from 25' to 11' for trailer, citing similar setbacks for adjacent trailers
*	5/30/01	Driveway width variance from 15' to 25' to accommodate 18-wheelers serving hardware store, granted with landscaping proviso

St. John the Baptist Parish Comprehensive Planning Project, Phase I, Task I

	5/30/01	Lot depth variance from 100' to 91.92' for resubdivision of lots
Fine	5/30/01	Side yard and rear yard setback variances for newly constructed shed approved with \$100 fine
*	6/27/01	Lot width variance from 65' to 64.54'
Tabled	6/27/01	Rear yard setback variance from 10' to 5' for garage; tabled pending investigation
*-	6/27/01	Front yard setback variance from 25' to 21.11' for house construction on odd shaped lot

Miscellaneous - No Meeting Dates

- Overlay district corridor landscaping/setback variance tradeoff to accommodate parking lot construction at drugstore
- Parking space variance for hotel
- Signage size variance - drugstore
- Height variance - drugstore portico
- Side, rear, and front yard setback variances to construct house on existing 50'x80' lot
- Board interpreted "convenience store" to include fuel and liquor sales (C-1, C-2, C-3 zoning classifications vague)
- Signage size variance, motel
- Height variance of 27' for church
- Height variance of 5.2' for motel
- Signage size variance of 82 sq.ft. with proviso sign setback be increased by 15'
- Parking variance of 26 spaces for church
- Side yard setback variance of 10" for church construction
- Denied - Signage size variance for motel in overlay district
- Lot width variance from 100' to 30' to provide access to rear of elongated C-3 lot
- Side yard setback variance from 5' to 1.75' in C-1 district
- Denied - Signage size variance from 70 sq.ft. to 160' for drugstore

Legend:

- * indicates decisions that we consider fully valid
- *- indicates decisions that we consider were of lesser validity

APPENDIX F:

RECOMMENDED CRITERIA FOR CONSIDERATION OF A VARIANCE REQUEST

Section 33:184

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if regulations were strictly applied..
2. The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.
4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located
5. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.
6. The variation will not serve as a precedent, which, in effect, will rewrite a provision of the ordinance in question.

APPENDIX G:

PARISH CHARTER TEXT CREATING THE PLANNING AND ZONING

**COMMISSION AND THE DEPARTMENT OF CODE ENFORCEMENT/PLANNING
AND ZONING**

Chapter 2, Sub-Chapter B

Provisions Governing Operation of President and Council

SECTION 2:106. ADMINISTRATIVE DEPARTMENTS, OFFICES, AND AGENCIES

D. Planning and Zoning

1. The Planning Commission heretofore created by the St. John the Baptist Parish Police Jury shall continue in existence, and the members thereof holding office on the effective date of the Charter shall each continue to hold office until the expiration of the term for which he was appointed. As the terms of these members expire, their successors shall be appointed by the Parish Council.
2. If a zoning ordinance is enacted, the Planning Commission shall constitute the Zoning Commission for the Parish of St. John the Baptist, and shall exercise all the powers, duties and functions which are conferred or imposed on parish zoning commissions by the general laws of the State or by special laws applicable to St. John the Baptist Parish.

SECTION 2:107. ADDITIONAL ADMINISTRATIVE DEPARTMENTS CREATED

E. Department of Code Enforcement/Planning and Zoning. There is a created a Department of Code Enforcement/Planning and Zoning of the Parish of St. John the Baptist, State of Louisiana, providing for the appointment of a Director of Code Enforcement/Planning and Zoning and other matters in connection therewith. (Ord. No. 87-54, 7/9/87)

APPENDIX H:

SAMPLE TEXT FOR A PUBLICITY CAMPAIGN BROCHURE

**PLANNING FOR YOU
AND
FOR YOUR COMMUNITY**

Land use planning is a long-standing and well-respected practice in this country and elsewhere. Its goal is to ensure that community development maintains the quality of life that its residents enjoy and to ensure that the community remains a desirable place to live.

Land use planning is enacted through subdivision regulations and zoning ordinances. These regulations and ordinances designate certain areas of the community as being appropriate for certain types of buildings and activities, and set minimum standards to which these buildings and activities must conform. In this way regulations and ordinances attempt to maintain compatible and harmonious development throughout the community.

PLANNING IN ST. JOHN THE BAPTIST PARISH

St. John the Baptist Parish adopted its current set of subdivision regulations on January 13, 1977, and its current Zoning Ordinance on June 14, 1984. Both have been amended many times since.

The Parish's Comprehensive Zoning Ordinance consists of both a map and text. It divides the Parish into districts or zones, and details rules, regulations and restrictions on land uses for each of the designated zoning districts. These include the use of the land, and placement, spacing and size of buildings, among others.

The subdivision ordinance regulates the division of land into building lots and parcels for the purpose of sale, lease or development. It also specifies procedures to be followed when land is divided and built upon, and sets standards for improvements such as streets and utilities.

Procedures have also been developed for applying for permits of various kinds. These include simple building permits as well as requests for rezonings, variances, and subdivisions.

All construction projects, as well as other types of activities, must follow the zoning ordinances and the subdivision regulations, and may require permits.

ST. JOHN THE BAPTIST PARISH CODE OF ORDINANCES

To inform Parish residents of the ordinances and regulations, and to help them to comply, the Parish has placed its Code of Ordinances on its internet site at <http://www.sjbparish.com/>. The Code of Ordinances can be read online or can be downloaded in convenient PDF format. It can also be viewed at the St. John the Baptist Parish administrative offices, and at the public library. We advise you, and all Parish residents, to check any parts of the Code that appear to apply to you and to your activities.

The Parish's Planning and Zoning Department also employs Code and Subdivision Inspectors to assist in ensuring adherence to the ordinances and regulations. Violation of the regulations can result in fines or in orders to take remedial action. This is another way in which the Parish attempts to ensure the integrity of its communities and its quality of life.

The St. John The Baptist Parish Code Of Ordinances includes the following topics:

[... enter list of topics from the Code table of contents ...]

FOR FURTHER INFORMATION

If you have any further questions please contact the St. John the Baptist Planning and Zoning Department at 504-XXX-XXXX.