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Executive Summary

City Council Resolution 1491, adopted on October 6, 2009, directed South Central Planning and Development Commission (SCPDC) to conduct a Review of the City of Thibodaux Zoning Ordinance. The zoning ordinance created in the 1970’s did not address current issues such as location of modular homes and the location of new regulatory zones (i.e. industrial and aviation). Other concerns included visibility at intersections and in some instances conflicting requirements. Thus, the council requested that South Central Planning and Development Commission (SCPDC) provide professional assessment and recommendations based upon comparative analysis and best practices of other like communities.

To this end, the zoning review incorporated public input to allow residents, key stakeholders and city officials the opportunity to provide substantive input and/or express concerns regarding zoning issues. Interviews were conducted with the mayor, code enforcement staff, members of the planning commission, and members of the chamber of commerce. During the interviews participants were allowed to draw on large maps to identify all zoning issues of concern. Overwhelmingly, interviewed subjects identified nonconforming uses of structures as a primary concern. During discussions, administrative staff also advised us of several issues that the zoning ordinance did not adequately address.

During the Planning and Zoning Commission meeting held on September 8, 2010, SCPDC presented a draft of the Thibodaux Zoning Review to the Commission and the public to solicit comments. Participants raised a broad range of issues. They grappled with the complexities of non-conforming uses and the urgent need to update the current zoning ordinance. Many had reservations about the procedures practiced by the board of adjustments relative to decisions being fairly applied to all. Participants called for additional zoning studies, a comprehensive planning process and zoning update, support for neighborhood commercial districts, clarity regarding visibility at intersections and fence height requirements for commercial properties in R3 districts. In an effort to address the expressed concerns of the participants, SCPDC staff has revised our recommendations to include better clarity regarding visibility at intersections and fence height requirements for parking lots in R3 zones. Additionally, we have included an explanation of the State law regarding the role of the board of adjustments to address the public concerns.

SCPDC has compiled these findings and recommendations in this report to summarize each for the city administration, planning and zoning commission and city council. Once SCPDC understands the direction the city government wishes to take on each recommendation, a draft change to the zoning ordinance will be prepared.

When completed, the draft amendments to the zoning ordinance will be submitted to the planning and zoning commission and the city council for consideration through the normal public hearing and approval process. SCPDC staff will be present to outline issues of concern expressed during the interviewing process, the range of alternatives including recommended solutions, and an evaluation of the consequences of each of the solutions. Public meetings/and or hearings will be held to educate residents on the results of the review and to allow them an opportunity to comment on the findings, and recommended courses of actions as presented in the review.

City Council Request

City Council Resolution 1491, adopted on October 6, 2009, directed South Central Planning and Development Commission (SCPDC) to conduct a Review of the City of Thibodaux Zoning Ordinance. The zoning ordinance created in the 1970’s did not address current issues such as location of modular homes and the location of new regulatory zones (i.e. industrial and aviation). Other concerns included visibility at intersections and in some instances conflicting requirements. Thus, the council requested that SCPDC provide professional assessment and recommendations based upon comparative analysis and best practices of other like communities. However, during the process, SCPDC was of the impression that the prevailing matter of concern and impetus for the zoning review is the impact of nonconforming uses on the local economy. A nonconforming use is “a land use that was legal when it began operation but that is no longer permitted in the zone district where it is located.”

1 Elliott, Donald L. A Better Way to Zone Ten Principles to Create More Livable Cities.
Areas of Concern

Nonconforming Uses

The following statement was provided by the City of Thibodaux Chamber of Commerce and delineates their concerns regarding the area economy and nonconforming uses within the city.

“The City of Thibodaux Chamber of Commerce was especially concerned because of anecdotal evidence that current grandfathering provisions in the zoning ordinance had the potential to lead to blighted properties in the residential zones of the city. In March of 2009, a sub-committee of the Board was appointed and charged with reviewing City zoning to determine whether the potential problem was widespread enough to warrant further action by the Board.

Using the current zoning ordinance and zoning map, members of the ad hoc Zoning Committee drove through all the streets in residential zones R-1, R-2, and R-3 in order to gain an understanding of the number of nonconforming properties and how the loss of their grandfather status might affect the property and the community. It is important to note that the committee did not question whether the nonconformity was proper, but that the nonconformance existed in the eyes of untrained observers.

The committee members found well over one hundred instances of nonconformity. The most common type was a structure or structures expressly prohibited in a particular residential zone (e.g., an apartment building in a neighborhood zoned R-1). The numbers of nonconformities cited is somewhat misleading, because they greatly understand the actual situation. For example, there are apartments and condominiums (now prohibited) in multiple buildings in R-1 zones. The committee has counted an entire complex as a single nonconformity.

In fact, each individual tenant or condominium owner is at risk if the grandfather status were to be lost. In the event of significant hurricane damage, would each condominium in a building (or building in a complex) be treated as a separate nonconformity? If a single condominium is vacant for more than six months, how does that affect the other condominiums in the building or complex?

There are instances where businesses are located in zones which prohibit them. In some cases, the demise of a business due to a loss of a nonconforming use exception may actually be detrimental to the neighborhood, and not in accordance with the spirit of zoning which seeks to separate incompatible properties.

Of concern is what happens to the property if the “nonconforming use” status is lost due to reasons such as the owners desire to make extensive improvements, vacancy for more than six months, or storm damage requiring substantial repair costs. Several examples are included in the attached Notes.

As discussed with you in our April 27 meeting, the Chamber is respectfully asking the City of Thibodaux to take the following actions:

1. A qualified professional should be hired to conduct a comprehensive review of the present zoning in the City of Thibodaux including the processes in which zones are created, changed, and variances granted.

2. A qualified professional city planner should be retained on a full or part-time basis in order to plan future growth of the city.

While a perfect system is not likely to exist, given that the city changes over time, it is in the best interest of the community that the ordinances and associated processes be thoroughly reviewed and re-written or revised as necessary. The comprehensive review should take place as quickly as possible and periodic reviews should be included in future city plans.

Major points to be made:

• Current grandfathering provisions have the potential to result in many vacant, blighted commercial buildings in residential neighborhoods in the event of hurricane damage, attempts to improve the buildings, vacancy longer than six months, and/or change in type of business (i.e. usage).

• There are many nonconforming structures in residential neighborhoods that have the same potential for blight. (e.g., apartments, mobile homes, churches, multiple residences on one lot, yard size nonconformity, etc.)

• In some parts of the city, there are no buffers between R-1 and commercially zoned areas. When the zones jump from C2 to R2 or R1, the ability to have allied business located within the same area is lost.

• E.g., a nonconforming house sits on property and is grandfathered because it does not conform to yard size minimums. If the grandfathering is lost, the property owner likely cannot sell the house for residential use. An existing mortgage loan in jeopardy of not being serviced.

• Hurricane causes damage resulting in the house being uninhabitable for more than 6 months.

• Hurricane causes damage costing more than 50 percent of the house’s value to repair.

• The homeowner wants to update/remodel the house at a cost of more than 50 percent of the value.

• E.g., a nonconforming commercial building is left vacant for 6 months or longer, the “grandfather” variance is done away with and the building can only be used for something that is in present conformity regardless of its original use or intended use.

• A building housing a defunct auto-repair shop cannot be used except as an auto-repair shop.

• A warehouse cannot be used to house a construction company office. Recommendations may include

• The city should contract with a qualified firm to review the current zoning ordinance and (the processes associated with its implementation) and make recommendations as to needed revisions.
Manufactured/Mobile/Modular Homes

The city council had received several complaints from citizens residing within a designated R-3 zoned area regarding new regulations which would allow for modular homes to be placed within those neighborhoods. The citizens expressed concerns about the effect this decision would have on property values.

In an effort to be responsive to its constituents, the council called for a study to examine the impact of allowing manufactured homes within an R-3 zoning district. On May 18, 2010, the city council adopted Resolution 1550 calling for a ninety (90) day moratorium on the issuance of any and all permits for the placement of manufactured homes within R-3 zoning districts in the City of Thibodaux. Resolution 1550 is an extension of Resolution 1527 adopted on February 18, 2010 which was an extension of Resolution 1484 adopted on August 18, 2009.

Placement of New Activities in Appropriate Zoning Districts

There were several cases in which the staff felt that the zoning ordinance didn’t address unforeseen uses that left the staff in a quandary as to which district the use would be most appropriately placed.

Recreational vehicle parks and campgrounds are not found in the schedule of zoning districts. While it is true that such activity would have been unforeseen in an older densely developed community like Thibodaux, the city has annexed new areas and now is being approached by those interested in creating such a commercial enterprise. It is also becoming common to find a number of such parks in the South Central Region filled with temporary workers who are involved in offshore activities or disaster recovery efforts.

The Zoning Administrator requested the Planning and Zoning Commission determine the correct district classification for a recycling business. None of the existing zoning districts identify such establishments. A local businessman has inquired about the proper location of a recycling business that would salvage vehicles, boats and practically anything that could be refurbished and sold. There is only one other recycling business that has the potential of doing massive recycling of steel objects. Moreover, this type of business has the increased potential to pollute the environment with petro-chemicals and other poisonous elements that may leak from items being recycled. In an effort to support economic growth and protect the safety of residents, the Planning and Zoning Commission decided that they should clearly define the word “recycle” to assist in placing strict controls on such a business should they choose to allow one to exist within the city limits.

Airport zoning was another case of such a use unaccounted for in the current zoning text. However, it is felt that providing for an airport zone is a little premature at this time in the City of Thibodaux. The existing city airport is entirely within Terrebonne Parish. Also there is insufficient open land within the city to situate an airport and the required buffer zones. Should the city decide to annex land near its existing airport or elsewhere, it will be required to conduct public hearings to obtain the citizens views on whether the land should be annexed and if it should be annexed to include an airport. At that time it would be appropriate to consider how to classify the property as the current ordinance requires all land to be annexed as residential R-1 and then reclassified. A thorough study of the property to be annexed, the perimeter uses, and FAA clear zone requirements would have to be analyzed to determine if this is at all feasible given the specific piece of property.

Blighted Properties

The city’s staff expressed concerns about blighted properties. The city does not have a method to deal with this issue through its zoning ordinance. However, removal of blighted properties is not normally part of a zoning ordinance. Blight is normally addressed through building codes or nuisance abatement ordinances such as junk in the public view, high grass, etc. More will be discussed on this later.

Parking

The staff told SCPDC that parking was an issue. Thibodaux’s older neighborhoods were first laid out in an era that predates automobile use and the current zoning ordinance. It appears that parking requirements for uses are uniform through a commercial district and older neighborhoods in the same kind of zoning district have inadequate space for some uses, while the newer neighborhoods may have more parking area than necessary.

Conflicting Interpretations

The city’s staff expressed concern about unclear passages in the zoning ordinance that resulted in varying interpretations regarding specific definitions, open space, height and set back requirements. Wording of the ordinance was either too vague or regarding specific definitions, open space, height and setback requirements. Wording of the ordinance was either too vague or there were conflicting passages that resulted in more than one way to implement the regulatory requirement. This included Section 601 Visibility at Intersections, Sections 602/704.2 Height Restrictions, the method of calculating the allowable maximum lot coverage and a definition of professional services. The staff also indicated that procedures for submitting variance requests and zoning text or map changes were subject to interpretation and that these issues should be addressed as well.

2 May 11, 2009 Letter to Mayor Charles Caillouet: Request for a Comprehensive Zoning Review
Methodology

Local government decisions regarding zoning affect all citizens' quality of life. Therefore, the zoning review incorporated citizen participation to allow key city officials and local residents the opportunity to provide substantive input and/or express concerns regarding zoning issues. SCPDC staff conducted interviews with the mayor, code enforcement staff, members of the planning commission, and members of the Thibodaux Chamber of Commerce. During the interviews participants were allowed to draw on large maps to identify all zoning issues of concern. Overwhelmingly, interviewed subjects identified nonconforming uses and/or structures as a primary concern. During the interview process, code enforcement staff discussed the city's moratorium on modular homes.

Additionally, public hearings were held to solicit comments and to provide feedback to citizens on how important their input is to the zoning review process. To ensure that all local citizens and stakeholders had an opportunity to participate public notices were published in the local newspaper and letters were sent to local developers. It was through this process that participants identified industrial use zoning as an issue. Subsequent meetings were held with the city's staff that provided additional issues confronting them on a daily basis and needed clarity.

SCPDC compiled these findings and recommendations in a draft report to summarize each for the city administration, planning and zoning commission and city council. A presentation to the planning commission and a public hearing was held on September 8, 2010. A final report incorporating the comments and suggestions was subsequently presented to the Planning Commission in October. Once SCPDC understands the direction the city government wishes to take on each recommendation, a draft change to the zoning ordinance will be prepared.

Upon completion, the draft amendments to the zoning ordinance will be submitted to the planning and zoning commission and the city council for consideration through the normal public hearing and approval process. SCPDC staff will be present to outline issues of concern expressed during the interviewing process, the range of alternatives including recommended solutions, and an evaluation of the consequences of each of the solutions. Public meetings and/or hearings will be held to educate residents on the results of the review and to allow them an opportunity to comment on the findings, and recommended courses of actions as presented in the review.

Comparative Analysis

For this review, three cities were chosen as comparables. These cities – Hammond, Pineville, and Ruston – were chosen because of their similarities to Thibodaux. These cities are similar in size, population makeup, economic characteristics, and educational characteristics. Each city has a university, similar forms of government, and similar downtown areas. Other cities containing universities, such as Hattiesburg and Natchitoches, were ruled out because certain census characteristics were considered too different, or there were no available zoning maps for a proper comparison.

Table 1, below, is an approximation of the percentage of each city's area devoted to a particular type of zone. Data for the City of Hammond was provided by Hammond's Planning Department and data for the City of Thibodaux was made available by the SCPDC GIS department. Neither Pineville nor Ruston responded to data inquiries, so this data was rebuilt using zoning maps provided online.

The data shows that the largest zoning type in each comparison city is residential and the second largest zoning type in all but one of the cities is a combination of business and/or commercial. The City of Hammond devotes the largest percentage of its land to industrial uses, 29%. Thibodaux devotes the lease, only 1%.

Attachment “A”, below, contains data from the 2000 Census on the four cities. The Census Bureau provides data on population, general demographic characteristics, social characteristics (education, disability status, veteran status, etc.), economic characteristics (incomes, types of employment, industry, etc.), and some housing characteristics. For this analysis, factors included are population (including population density), race, occupation, industry, housing occupancy, value and age of homes, and educational attainment.

To summarize the census data, all the comparable cities are predominately White with Black being the next highest reported race; all cities report “management, professional, and related occupations” as the number one occupation, followed by “sales and office occupations”; and all cities reported “education, health and social services” as one of the top two industries (Thibodaux ranks this industry second and “agricultural, forestry, fishing and hunting, and mining” first. Hammond, Pineville, and Ruston all ranked “education, health, and social services” first with “retail trade” second). Each city also is comparable in that approximately 90% of all housing units are occupied. The cities also are close in the median household income (approximately $25,000) and the per capita income (approximately $15,000). Thibodaux, Hammond, and Pineville are close in educational attainment with approximately 70% of the population graduating high school and approximately 22% holding a bachelor’s degree or higher.

In conclusion, based on the 2000 Census data, available zoning data, and the presence of a university, it can be determined that Hammond, Pineville, and Ruston are acceptable comparison cities for this study.
### Table 1 – Thibodaux Zoning

<table>
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<tr>
<th>Category</th>
<th>Sq. Feet</th>
<th>PCT</th>
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<tbody>
<tr>
<td>Business</td>
<td>-</td>
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<tr>
<td>Commercial</td>
<td>34,227,064</td>
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<tr>
<td>Residential</td>
<td>122,147,174</td>
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<tr>
<td>Industrial</td>
<td>1,972,926</td>
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<tr>
<td>Mixed Use</td>
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<td>-</td>
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<tr>
<td>Other</td>
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<tr>
<td>Total</td>
<td>158,347,165</td>
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### Table 1 – Hammond Zoning

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<td>Business</td>
<td>13,181,434</td>
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<td>Commercial</td>
<td>69,016,508</td>
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<td>Residential</td>
<td>156,991,115</td>
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<td>Industrial</td>
<td>97,298,299</td>
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<td>Mixed Use</td>
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<tr>
<td>Other</td>
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<tr>
<td>Total</td>
<td>336,487,359</td>
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### Table 1 – Pineville Zoning

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<td>12,052,113</td>
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<td>Residential</td>
<td>19,853,096</td>
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<td>Industrial</td>
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<tr>
<td>Other</td>
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<td>Total</td>
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### Table 1 – Ruston Zoning

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<td>Commercial</td>
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<td>Residential</td>
<td>321,460,809</td>
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<td>Industrial</td>
<td>47,634,069</td>
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<td>Mixed Use</td>
<td>4,266,905</td>
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<td>Other</td>
<td>82,981,746</td>
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<td>Total</td>
<td>579,826,487</td>
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<tr>
<td>Subject</td>
<td>Thibodaux Number</td>
<td>Thibodaux Percent</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Total population</strong></td>
<td>14,431</td>
<td>100.0</td>
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<tr>
<td><strong>Area</strong></td>
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<td></td>
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<tr>
<td>Density</td>
<td>5.5 sq. mi (X)</td>
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<tr>
<td><strong>Density</strong></td>
<td>2,636.8 / sq mi</td>
<td>(X)</td>
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<tr>
<td><strong>Race</strong></td>
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<tr>
<td>One race</td>
<td>14,301</td>
<td>99.1</td>
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<tr>
<td>White</td>
<td>9,242</td>
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<td>Black or African American</td>
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<td>Native American</td>
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<td>Asian</td>
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<td>Pacific Islander</td>
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<td>0.0</td>
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<td>Other</td>
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<tr>
<td>Two or more races</td>
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<td>0.9</td>
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<td>Hispanic or Latino (of any race)</td>
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<td>1.0</td>
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<td><strong>Occupation</strong></td>
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<td>Management, professional, and related occupations</td>
<td>2,006</td>
<td>32.9</td>
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<td>Service occupations</td>
<td>1,142</td>
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<tr>
<td>Sales and office occupations</td>
<td>1,673</td>
<td>27.5</td>
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<td>Farming, fishing, and forestry occupations</td>
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<td>Construction, extraction, and maintenance occupations</td>
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<td>Production, transpiration, and material moving occupations</td>
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<td>12.1</td>
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<tr>
<td><strong>Industry</strong></td>
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<tr>
<td>Agricultural, forestry, fishing and hunting, and mining</td>
<td>197</td>
<td>32.0</td>
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<td>Construction</td>
<td>271</td>
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<td>Manufacturing</td>
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<td>Wholesale trade</td>
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<td>Retail trade</td>
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<td>15.1</td>
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<td>Transportation and warehousing and utilities</td>
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<td>3.9</td>
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<td>Information</td>
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<td>1.6</td>
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<td>Finance, insurance, real estate, and rental and leasing</td>
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<td>Subject</td>
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<td>Hammond</td>
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</tr>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
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<td></td>
<td></td>
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<tr>
<td>Professional, scientific, management, administrative, and waste management services</td>
<td>320</td>
<td>5.3</td>
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<td>Education, health and social services</td>
<td>1,910</td>
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<td>Arts, entertainment, recreation, accommodation and food services</td>
<td>523</td>
<td>8.6</td>
</tr>
<tr>
<td>Other services</td>
<td>274</td>
<td>4.5</td>
</tr>
<tr>
<td>Public administration</td>
<td>408</td>
<td>6.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Occupancy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total housing units</td>
<td>6,004</td>
<td>100.0</td>
</tr>
<tr>
<td>Occupied housing units</td>
<td>5,500</td>
<td>91.6</td>
</tr>
<tr>
<td>Vacant housing units</td>
<td>504</td>
<td>8.4</td>
</tr>
<tr>
<td>Homeowner vacancy rate</td>
<td>1.2</td>
<td>(X)</td>
</tr>
<tr>
<td>Rental vacancy rate</td>
<td>7.3</td>
<td>(X)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Attainment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population 25 years and over</td>
<td>8,399</td>
<td>100.0</td>
</tr>
<tr>
<td>Less than 9th grade</td>
<td>1,375</td>
<td>16.4</td>
</tr>
<tr>
<td>9th to 12th grade, no diploma</td>
<td>1,154</td>
<td>13.7</td>
</tr>
<tr>
<td>High school graduate (includes equivalency)</td>
<td>2,529</td>
<td>30.1</td>
</tr>
<tr>
<td>Some college, no degree</td>
<td>1,351</td>
<td>16.1</td>
</tr>
<tr>
<td>Associate degree</td>
<td>191</td>
<td>2.3</td>
</tr>
<tr>
<td>Bachelor's degree</td>
<td>1,140</td>
<td>13.6</td>
</tr>
<tr>
<td>Graduate or professional degree</td>
<td>659</td>
<td>7.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent high school graduate or higher</td>
<td>69.9 (X)</td>
<td>70.9 (X)</td>
</tr>
<tr>
<td>Percent bachelor's degree or higher</td>
<td>21.4 (X)</td>
<td>25.8 (X)</td>
</tr>
<tr>
<td>Median household income (dollars)</td>
<td>26,697 (X)</td>
<td>24,067 (X)</td>
</tr>
<tr>
<td>Per capita income (dollars)</td>
<td>16,966 (X)</td>
<td>15,145 (X)</td>
</tr>
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</table>
**Nonconforming Uses**

A nonconforming use is a use that legally existed prior to establishment of a zoning ordinance or change in zoning classification and which is allowed to be maintained. It may include an activity, a building or lot that does not conform to dimensional restrictions. Nonconforming use clauses are designed to allow lawfully existing uses to continue without threatening the entirety of the zoning ordinance. However, limitations may be imposed on nonconforming uses to discourage their continuation and to gradually bring all activities within a given zoning district into compliance. It is typical to find a limiting clause in a zoning ordinance that terminates a nonconforming use after the use is abandoned for a specified period of time. Sometimes the nonconforming uses are allowed to continue only for a specified number of years in order to phase in the newer restrictions more quickly. The right to conduct the nonconforming use runs with the property and not ownership. Change in ownership does not affect the nonconforming status. Nonconforming uses are not allowed to be extended over a greater area or enlarged in size; however, nonconforming uses are allowed to be repaired due to fire, wind, explosion, flood, acts of God, etc, within a specified time frame. This is not a replacement or enlargement of the structure or use, but a replacement to its prior size. Some communities limit the right to restore a structure that has been damaged due to neglect and lack of maintenance. Ordinances may allow a use to be changed to one of equal or more conforming status, but would never allow a use to become less conforming. Also if the nonconforming use is changed to a conforming use, it loses its legal nonconforming status after the prescriptive period is up.

The timeframe of the prescriptive period varies from one community to the next, 6 months, one year, 12 months, 18 months and so on. Some are more strict, some less. The timeframe is designed to address how quickly the community desires to bring about change and enforce compliance with the new zoning standard.

Nonconforming uses, structures, and lots are different from illegal uses, structures and lots that were established after the zoning regulations were enacted.

**Louisiana**

In Louisiana, such illegal nonconforming uses may become “legal” if the municipality or parish is aware of the use and does not take action to enforce compliance within five years of the date the zoning agency was notified in writing of the violation. The timeframe is shorter for signs and billboards, one year, and longer for violations in historic districts, 10 years.

After Hurricanes Katrina and Rita, the Louisiana legislature enacted a special exemption regarding nonconforming uses. Act No. 737 of 2006 amended Title 33 to require that nonconforming use status not be lost between August 29, 2005 and August 28, 2007.

With regard to nuisance abatement, Louisiana legislation allows the courts to order closure of a nonconforming use for at least six months and one day as part of an order of abatement.

**Above and Left:** examples of nonconforming structures in residential zones.
Excerpts from Louisiana Revised Statutes Regarding Nonconforming Uses

LARS 9:5625. Violation of zoning restriction, building restriction, or subdivision regulation

A.(1) All actions civil or criminal, created by statute, ordinance, or otherwise, except those actions created for the purpose of amortization of nonconforming signs and billboards enacted in conformity with the provisions of R.S. 33:4722, which may be brought by parishes, municipalities, or their instrumentalities or by any person, firm, or corporation to require enforcement of and compliance with any zoning restriction, building restriction, or subdivision regulation, imposed by any parish, municipality, or an instrumentality thereof, and based upon the violation by any person, firm, or corporation of such restriction or regulation, must be brought within five years from the first act constituting the commission of the violation.

(2) Where a violation has existed for a period of two years prior to August 1, 1956, except those actions created for the purpose of amortization of nonconforming signs and billboards enacted in conformity with the provisions of R.S. 33:4722, the action must be brought within one year from and after August 1, 1956.

(3) With reference to violations of use regulations all such actions, civil or criminal, except those actions created for the purpose of amortization of nonconforming signs and billboards in conformity with the provisions of R.S. 33:4722, must be brought within five years from the date the parish, municipality, and the properly authorized instrumentality or agency thereof if such agency has been designated, first had been actually notified in writing of such violation.

(4) Except as relates to nonconforming signs and billboards, any prescription heretofore accrued by the passage of two years shall not be interrupted, disturbed, or lost by operation of the provisions of this Section.

B. In all cases where the prescription provided for herein has accrued, the particular property involved in the violation of the zoning restriction, building restriction or subdivision regulation shall enjoy the same legal status as land uses, construction features of buildings or subdivisions made nonconforming by the adoption of any zoning restriction, building restriction or subdivision regulation. However, the governing authority may provide for the removal of nonconforming signs and billboards in accord with the provisions of R.S. 33:4722.

G.(1) The provisions of this Section shall not apply to property or areas which have been identified as historic districts, historical preservations or landmarks by any historic preservation district commission, landmarks commission, or the planning or zoning commission of a governing authority; however, the prescriptive period within which to bring an action to enforce a zoning restriction or regulation or a violation thereof shall be ten years from the first act constituting the commission of the violation.

Excerpt from Louisiana Revised Statutes

Nonconforming Uses Affected by Hurricanes Katrina and Rita

LaRS 33:4882. Building and zoning regulations in local governmental subdivisions; nonconforming use

A. Notwithstanding any provision of law or municipal or parish ordinance or resolution to the contrary, the governing authority of any municipality or parish and any agency of any such municipality or parish shall not allow and shall not cause any building or land to lose its nonconforming use status because, during all or part of the period of August 29, 2005, through August 28, 2007, as a result of damage caused by Hurricane Katrina or Hurricane Rita, it is temporarily vacant or operations normally carried on in such building or on such land have been temporarily discontinued.

B. Notwithstanding the provisions of Subsection A of this Section, the governing authority of any parish having a population in excess of four hundred thousand, based on the latest federal decennial census, may by ordinance reduce the time period of August 29, 2005, through August 28, 2007, provided in Subsection A of this Section.

Nuisance Abatement

13§4715. Order of abatement

A. If it is established in an action under the provisions of this Subpart that maintenance of a nuisance exists and that the owner knew of its existence, an order of abatement may be entered as part of the judgment rendered in the case. The order of abatement shall direct the effectual closing of the premises for a period of five years, unless sooner released. However, for a nonconforming use of the premises, the order of abatement shall direct the effectual closing of the premises for at least six months and one day.

B. Any person who in any manner uses premises he knows have been so directed to be closed shall be guilty of contempt of court and punished therefor as provided in R.S. 13:4714.
City of Thibodaux

An ideal illustration of this point is the neighborhood zoned R-2 Residential which is bound by Canal Boulevard, 9th Street, McCulla and Cleveland Streets, and Gerald T. Peltier Drive. The Thibodaux Zoning Ordinance defines R-2 Residential as follows:

R-2 Residential: This district allows both single-family and multiple-family dwellings and a limited amount of services that are compatible with residential living. Density is determined and controlled by lot sizes. All “Permitted” uses in the R-1 District shall be allowed uses in R-2 District.

- Permitted
  • Cemeteries
  • Multiple-family dwelling units
  • Single personal office for, professional and medical services

- Prohibited
  • Adult Novelty shop
  • Fraternity and sorority houses
  • Grocery stores
  • Outdoor advertising
  • Mobile homes
  • Religious institutions
  • Social Gathering Establishments for Minors
  • All uses in Districts R-3 thru M-2

With just a cursory review, interview subjects identified the following nonconforming uses within the identified neighborhood: four (4) bars, one (1) motel, one (1) beauty shop, two (2) clothing stores, four (4) churches, Lafourche Parish Maintenance Building, one (1) mason lodge, one (1) carnival krewe clubhouse, one (1) reception hall, and one (1) mechanic shop. A more detailed land use study might reveal that far more nonconforming uses exist within this area and other areas throughout the older parts of the city.

Consequently, participants acknowledged the challenges to owning a nonconforming building particularly structures utilized for commercial uses. Business owners complained that the existing regulations concerning nonconforming uses are too constraining and inhibit economic growth. Some interview participants in the business community complained that they cannot do improvements to their buildings because it would exceed the 10% of the current replacement cost of the nonconforming structure. Participants also noted that if their nonconforming buildings were damaged by fire or an act of God by more than 50% of its replacement cost, then it cannot be rebuilt to its original nonconforming status. This could mean financial ruin to the business owner forced to endure such a tragedy. Additionally, some felt that the six months vacancy limitation on nonconforming uses is a too restrictive time limit. A small business owner may have to briefly cease operations due to tough economic times, hardships due to a disaster or personal crisis. While the owner may have full intentions of resuming business operations, some participants felt that the six month limitation did not allow enough time. Participants also noted that due to existing regulations business owners cannot expand their nonconforming buildings to grow with current demands. They are losing money because they are not able to compete in a competitive market. Examples cited by participants are as follows:

A local bike shop located within an R3-Residential district. The owner has worked for the city repairing generators pre and post Hurricane Gustav. He was nearly forced to close his business because needed repairs to his shop would have been over 50% of the replacement cost. Another business owner hearing of the situation and wanting to help offered his vacant building for storage only to find that his building was also in nonconforming status. Apparently, it had been vacant beyond the six (6) months even though electricity to the building had never been discontinued.

A local gas station is located in an R1-Residential district as a grandfathered nonconforming use. The owner would like to add a convenience store to his existing structure; however, he is prohibited from doing so due to the restrictions on expanding nonconforming structures. Without the convenience store addition, the owner may not be able to keep his business.

Thibodaux’s zoning ordinance provides very detailed directions for treatment of nonconforming uses breaking out how lots, uses of land, structures, and structures and land together are to be treated. The ordinance appears to cover all of the requirements basic to treatment of nonconforming uses but the time limitations vary for different uses and activities.

Section 804 requires a zoning compliance certificate be issued to the owner or occupants of a nonconforming use within three months of a change in the code creating the nonconformance. If the application is not made, the ordinance language seems to indicate that the city will assume the use is compliant. One thing that might be confusing however is two different prescriptive times for nonconforming uses. Section 403 stipulates that nonconforming uses of land or land with minor structures lose their nonconforming status if discontinued or abandoned for 18 months. On the other hand, Section 405 concerning nonconforming uses of structure or of structures and premises in combination has a prescriptive period of six consecutive months or 18 months during any 3-year period. Also, Section 2003 discusses a prescriptive period of six months for nonconforming signs.

Misconceptions Revealed

Interview participants revealed several misconceptions regarding grandfathered nonconforming uses. Some believed that nonconforming grandfather status is lost upon the death of the owner or sale of the property. In the case of a condominium or apartment, some thought that the grandfathered status is lost if one unit of the condo/apartment has more than 50% damage, and if one unit of the condo/apartment has been vacant for more than six (6) months then it was susceptible to losing its legally nonconforming status. None of these are true based upon the language found in the city zoning code. Also, some believed that all of the public schools are in split zones. The Thibodaux Zoning Ordinance provides that the board of adjustment may permit as a special exception the extension of the regulations for lots that are divided by district boundaries (Section 200.8).
Nonconforming Use Examples

Legend - Zoning
- C-1 Commercial
- C-2 Commercial
- C-3 Commercial
- M-1 Industrial
- M-2 Industrial
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Residential
- TND Trad Neigh Dev
Comparable Cities – Nonconforming Use Codes

City of Hammond

Hammond has grouped nonconforming uses into four categories: Legal Nonconforming Uses, Legal Nonconforming Sites, Legal Nonconforming Structures and Legal Nonconforming Lots. Comments in this report focus on legally nonconforming uses and structures. The City of Hammond Zoning Ordinance includes standard terminology relative to the treatment of nonconforming uses. It stipulates that a legal nonconforming use can incur damages of less than 75% of the fair market cost and still be restored to its original nonconforming condition. Legal nonconforming status is lost after three months of consecutive non-use. This is the most restrictive time period of all comparable areas. However, the ordinance does include an “Expanded Conditional Use” clause which originates with the zoning board and is given final approval by the city council. Owners of nonconforming properties left vacant for more than three (3) consecutive months can request an Expanded Conditional Use. This status is granted to the original owner and cannot be transferred to a new owner. The conditional use cannot depreciate the property values of neighboring properties, it must protect and encourage “prosperity and general welfare” of the community, and it cannot be a hazard in any way to the community in which it is located.

City of Pineville

The City of Pineville zoning ordinance treats nonconforming uses in much the same way as other typical zoning ordinances. In Pineville, the building loses its nonconforming status after 12 continuous calendar months of vacancy or conforming use. The nonconforming building cannot be rebuilt if damages exceed 75% of the replacement value. Finally, the building or land cannot be extended or enlarged unless it is in conformance with the ordinance. This includes the addition of exterior features such as balconies, signs and porches.

Comments

With regard to the City of Thibodaux Zoning Ordinance, Section 2200 “Grandfathering Provisions” for signs should probably be removed to avoid confusion. Section 405’s prescriptive period may be harder to enforce as monitoring activity and frequency of use over three (3) years can be difficult, in particular in creating clearly documented information in advance of enforcement action and most especially if no certificate of zoning compliance was issued within three months of a change. The 18 consecutive months is simpler for both the public to understand and for the city to establish a good record regarding activity. Also Section 405 allows that “destruction” of a structure is at 50% of its value. It is possible that if the city is considering making the ordinance more lineate, it might want to increase the percentage of value.

The decision to adjust the nonconforming clauses of Thibodaux’s ordinance should be based upon how quickly the city desires to move uses into conformity or how much leniency it feels is necessary to keep a property in the market for reuse.

The following pages contain excerpts from the comparable cities for comparison. Specific passages are bolded in order to highlight text that is referred to in the narratives.
City of Hammond Nonconforming Uses

2.25 Continuation and Termination of Legal Nonconforming Uses and Structures Reestablishment

An existing nonconforming use may not be reestablished after the nonconforming use or activity of the building or land has ceased for a continuous period of 3 months (90) days.

**Damage or Destruction** – In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than seventy-five (75%) percent of the estimated fair market value of such structure then, except in otherwise provided herein, that structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is seventy-five (75%) percent or less of the fair market value of the structure as it existed immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within 18 months of the date of such damage or destruction.

**Relocation** – No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall hereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. Nonconforming uses of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.

**Change in Use** – A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this Section, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven (7) days. A change in use shall be determined by the totality of the circumstances in the judgment of the Building Official.

2.251 Criteria for the Repair of Legal Nonconforming Uses and Structures

a. **Ordinary Repair Maintenance** - Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, that this Section shall not be deemed to authorize any violation of this Section.

b. **Exception for Repair by Public Order** - Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this Ordinance in such a manner that does not extend or increase an existing nonconformity may be made with the same kind of materials as those of which the building is constructed.

Expanded Conditional Use – A conditional use, which expands permissible usages, must originate with the Zoning Board and must comply with all procedural requirements and limitations of a rezoning. An expanded Conditional Use is a personal right and expires upon a change in ownership of the property from the person or persons originally granted the conditional use. Those uses in this ordinance specified exclusively as conditional uses shall be considered for all purposes as Expanded Conditional Uses. Approval of any expanded conditional use shall be by passage of an ordinance by the City Council. In deliberating on any application for an expanded conditional use, the Council shall not grant approval thereof unless it makes findings based upon the evidence presented to it that each case shall indicate all of the following: a) the permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality. b) the permit, if granted, will tend to preserve and advance the prosperity and general welfare of the neighborhood and community. c) the granting of the expanded conditional use will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or affect or overburden existing drainage or sewerage systems, or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gasses, dust, smoke, noise or vibration, light or glare or other nuisances.
City of Pineville Nonconforming Uses

Section 3. Nonconforming Uses of Lots, Land or Structures, or Structures and Land

Article 301. Intent.
Within the districts established by this ordinance or amendments that may later be adopted where there exists lots, structures, and uses of land and structures which were lawful before the adoption of this ordinance, but which would be prohibited under the terms of this ordinance or future amendment, it is the intent of this ordinance to permit these nonconforming uses to continue but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

Article 302. Continuation of nonconforming uses of land and/or structures.
Any use of a structure and/or land existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued subject to the following provisions:

1. The use of the building and land cannot be changed to another nonconforming use.

2. If the nonconforming use has ceased for a period of twelve (12) continuous calendar months, it shall not be reestablished provided that if the lessee of any building or place used or occupied for nonconforming purposes under a bona fide lease shall at any time before the expiration of said lease discontinue occupancy or use of said building or place shall again obtain control of its occupancy and use. This exception shall not apply, however, if the lessor for any reason be entitled legally to regain possession and does not by legal or other effective means attempt to do so.

3. A nonconforming building shall not be rebuilt after damage exceeding seventy-five (75) per cent of the replacement value of the building immediately prior to damage.

4. A nonconforming use of a building or portion thereof, or land or portion thereof, shall not be extended or enlarged except in conformity with this ordinance. “Extended” is construed to include attachment of signs or display material on land outside of the building, or the attachment of racks, balconies, or other projections from the buildings, providing, however, that dwellings which are nonconforming only as to height and/or yard areas may be structurally altered or enlarged as provided for in Article 201 of Section 2 of this ordinance.

Article 303. Repairing nonconforming buildings and completing construction of nonconforming buildings.
Nothing in this ordinance shall be deemed a prohibition against strengthening or restoring to a safe condition a building or portion thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby deemed to include the placing of construction materials in permanent position and fastening these materials in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

Article 304. Nonconforming lots of record.
In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single nonconforming lot which is of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the area requirements for the district, provided, however, that the building placed upon said lot shall conform to the yard requirements of the district as closely as possible in the opinion of the board of adjustment.
City of Ruston Nonconforming Uses

Sec. 29-10. Nonconforming uses.

The lawful use of any building, structure or premises existing on the effective date of this chapter may be continued, although such use does not conform with the provisions of this chapter, provided the following conditions are met:

(a) Unsafe structures. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

(b) Alterations. A nonconforming building or structure may be altered, improved or reconstructed, provided such work is not to be extended exceeding, in aggregate, an annual cost ten percent of the market value of the building or structure, unless the building or structure is changed to a conforming use.

(c) Extensions. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the effective date of this chapter, shall not be deemed the extension of such nonconforming use.

(d) Changes. No nonconforming building, structure or use shall be changed to another nonconforming use.

(e) Restorations. Nothing in this chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or act of God, subsequent to the effective date of this chapter, wherein the expense of such work does not exceed 60 percent of the market value of the building or structure at the time such damage occurred.

(f) Wear and tear. Nothing in this chapter shall prevent the reconstructing, repairing or rebuilding of a nonconforming building or structure, or part thereof, existing on the effective date of this chapter, rendered necessary by wear and tear, deterioration or depreciation, provided the cost of such work shall not exceed ten percent of the market value of such building or structure at the time such work is done, nor prevent compliance with the provisions of the city relative to the maintenance of buildings or structures.

(g) Abandonment. A nonconforming use of a building or premises which has been abandoned shall not be returned to such nonconforming use after such abandonment. A nonconforming use shall be considered abandoned when:

(1) The intent of the owner to discontinue the use is apparent;

(2) The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year, unless other facts show an intention to resume the nonconforming use;

(3) It has been replaced by a conforming use; or

(4) It has been changed to another use under permit from the board of adjustment.

(h) Displacement. No nonconforming use shall be extended to displace a conforming use.
Mobile, Manufactured and Modular Homes

In regulating mobile/manufactured or modular homes, care must be taken not to create undue hardship or exclusionary zoning practices. Clear definitions should be used as mobile, manufactured and modular are not interchangeable terms in building and zoning codes. Manufactured homes are those built after 1974 to a HUD standard and modular homes are built to site built home standards but are made in a factory. In 2001, the American Planning Association issued a policy statement regarding manufactured homes. In that statement, the APA pointed out that in 1999 one-third of all new single-family homes sold were factory built. The report summarizes a thorough analysis of the issues involved and notes that “...Balance between housing needs and the need for stability of existing single-family neighborhoods is vital to communities...” and that “Manufactured housing, if not properly placed and sited, can conflict with established neighborhood development patterns.” However, the policy statements go on to caution against the exclusion of this housing source as it may also act to exclude young families, first time homebuyers, older adults, and others with limited incomes.

Nine years later, manufactured homes remain a favored housing choice due to affordability.

Modular homes may be moved to a site on wheels, but unlike mobile homes or manufactured homes modular homes are not built on a chassis. Following are some pictures of mobile, manufactured and modular homes found on various websites.
What exactly is a manufactured home? The answer may surprise you. A manufactured home is a single-family house constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards (better known as the HUD Code).

Factory-Built Homes

Many types of structures are built in the factory and designed for long-term residential use. In the case of manufactured and modular homes, units are built in a factory, transported to the site and installed. In panelized and pre-cut homes, essentially flat subassemblies (factory-built panels or factory-cut building materials) are transported to the site and assembled. The different types of factory-built housing can be summarized as follows:

Manufactured Homes: These are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single- or multi-section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally-regulated national building code. On-site additions, such as garages, decks and porches, often add to the attractiveness of manufactured homes and must be built to local, state or regional building codes.

Modular Homes: These factory-built homes are built to the state, local or regional code where the home will be located. Modules are transported to the site and installed.

Panelized Homes: These are factory-built homes in which panels - a whole wall with windows, doors, wiring and outside siding - are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-Cut Homes: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.

Mobile Homes: This is the term used for manufactured homes produced prior to June 15, 1976, when the HUD Code went into effect. By 1970, these homes were built to voluntary industry standards that were eventually enforced by 45 of the 48 contiguous states.

What is a manufactured home?

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

What is the difference between manufactured and modular homes?

Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis. Modular homes are constructed to the same state, local or regional building codes as site-built homes. Other types of systems-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms.
Louisiana

Louisiana Revised Statutes 51:911.21, et seq, is the State’s “Uniform Standards Code for Manufactured Housing”.

Modular homes are built to the Louisiana State Uniform Construction Code, which is the International Building Code (IBC) standards, the same code that applies to site-built homes. A major difference between modular and manufactured homes is the HUD requirement that manufactured homes be constructed on a permanent chassis. While it has been said that the HUD code is more performance based than the IBC, there are similarities between the two. Modular homes are mostly built within large factory buildings. The houses or components of such are then transported to a site where construction is completed. While modular homes might be transported again, just like older wood homes on piers, they really are not meant to be moved around. In Louisiana, modular homes must be installed by a licensed residential contractor.

The Louisiana Revised Statutes defines modular housing separately in Title 40. In post Katrina-Rita Louisiana, interest in modular homes increased as people searched for ways to quickly replace the massive number of homes lost during the two storms. The Louisiana Speaks project, an attempt of the state’s Louisiana Recovery Authority to develop a recovery plan for the state’s hardest hit regions, included the publication “Louisiana Speaks Pattern Book” by Urban Designs Associates. The report contains the following definition for modular house.

“Modular House: Houses composed of multiple, factory-built units, or modules, that are up to 90% finished when shipped from the factory to the house site. Walls, floors, ceilings, stairs, and some interior work are built in a conditioned factory. The modules are individually shipped on flat-bed trailers to the site where they are placed by crane on permanent foundations. Mechanical, electrical, and plumbing are roughed-in at the factory and finished on-site.”

Excerpt from the Louisiana Revised Statutes
51.911.22. Definitions

As used in this Part, unless the context requires a different definition:

(1) “Code” means the National Manufactured Home Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended, and federal regulations promulgated pursuant thereto, along with any construction or installation-related standards adopted by the Louisiana Manufactured Housing Commission.

(4)(a) “Developer” means any person, group of persons, firm, partnership, corporation, association, company, or legal entity who sells or offers for sale to the public a lot together with a manufactured home permanently installed and fixed on a foundation on the lot and designed as a single family residence. For purposes of this Part, “developer” shall include “contractors” and “residential contractors” as defined in R.S. 37:2157.

(b) “Developer” shall not include an individual selling his personal residence, or a real estate broker or real estate salesman retained by a person to sell a manufactured home together with immovable property on which the manufactured home is located.

(5) “Manufactured home” and “manufactured housing” means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Further, the terms “manufactured home” and “manufactured housing” may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development or to factory-built, residential dwellings that are mounted on a chassis.

(6) “Manufactured home broker” means an individual agent who acts as an intermediary or negotiator between a buyer and a seller.

(7) “Manufacturer” means any person who manufactures manufactured housing.

(8) “Mobile home” means a factory-built, residential dwelling unit built to voluntary standards prior to the passage of the National Manufactured Housing Construction and Safety Standards Act of 1974. This term includes and is interchangeable with the term “house trailer”, but does not include the term “manufactured home”, as only manufactured homes are built to federal construction standards.

(d) A developer, or a contractor licensed as a developer under the provisions of R.S. 51:911.24, or a real estate broker or real estate salesman retained by a person to sell a manufactured home together with immovable property on which the manufactured home is located.

(e) A manufactured housing community or park owner that sells less than three manufactured homes in a twelve-month period, provided the community or park owner has owned and leased the manufactured home being sold for more than one year.

3 Louisiana Recover Authority; Louisiana Speaks Booklet
Modular housing is built to look more like permanent housing than its older predecessors, manufactured or mobile homes. The post-storm flurry of interest in modular homes resulted in a variety of modular home designs that resembled traditional homes typical to South Louisiana, popularly known as “Katrina Cottages.”

Regardless of the nature of the construction, all commercial and industrial buildings must meet the state building codes and the Life Safety Code (fire protection standards.) Many of the definitions above are designed for those used for homes as fire codes and other factors will be used in determining the suitability of manufactured or modular buildings for commercial activities. In fact, use of modular homes in commercial enterprises is not new. There are many examples of prefabricated buildings being used for storage, small offices and other commercial activities. The construction of the building, as long as it meets all relevant building, fire and floodplain codes, is less important than its appearance, in particular when used in historic districts. In such cases appearance or aesthetic codes are important.

Excerpt from Louisiana Revised Statutes 40:1730.71. Installation of modular housing

A. Installation of a modular home with a value of less than thirty-seven thousand five hundred dollars shall be done pursuant to the Louisiana State Uniform Construction Code. Installation shall be done by a contractor licensed by the Louisiana Manufactured Housing Commission under R.S. 51:911.26 et seq. who may obtain local permits for the installation.

B. Installation of a modular home with a value equal to or greater than thirty-seven thousand five hundred dollars shall be done pursuant to the Louisiana State Uniform Construction Code. Installation shall be done by a residential building contractor licensed by the State Licensing Board for Contractors under R.S. 37:2150 et seq.

C. For the purposes of this Section, the value of the installation shall not include the cost of the component parts of the modular home in the condition each part leaves the factory. The seller shall maintain an itemized list of all other related costs. The installer, if not the seller, shall also maintain an itemized list of all installation costs.

D. For the purposes of this Section, “modular home” means a structure designed for residential occupancy, designed and constructed to the standards of the Louisiana State Uniform Construction Code, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location. The term does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. §§5401-5426.

Misconceptions Regarding Modular Homes

Relative to the issue of modular homes, many participants used the words mobile, modular and manufactured homes interchangeably. Interviewed subjects used the term “modular home” when explaining the nature of the moratorium. However, Resolution 1550 adopted by the city council on May 18, 2010 uses the terms “mobile home” and “manufactured home” interchangeably. The city code enforcement staff explained that while there seems to be some confusion on the correct term, the true intent of the resolution is to address the issue of modular and/or manufactured homes being placed in R-3 residential districts.

City of Thibodaux

All new homes located in Thibodaux, regardless of the manner in which these are built, must meet the wind standards of the state building code, HUD and the city’s floodplain management codes. New homes built or installed in Thibodaux must be designed to meet the standards required for Wind Zone III. Homes must also be properly elevated and tied down.

The Thibodaux Zoning Ordinance does not distinguish between mobile, manufactured, or modular homes. The one definition is for “Dwelling, Mobile.” The definition seems to be all inclusive. Mobile homes are prohibited in both R-1 and R-2 Districts. One mobile home per lot is allowed in R-3 and R-4 Districts. Mobile and manufactured homes may have difficulty meeting the standard city lot size. Thibodaux’s R-3 minimum size lot is 6,000 square feet with a minimum width of 60 feet at the front building line. This will make it difficult for the newer manufactured homes which may be 80 feet long to fit on a 100 feet deep lot and still meet all of the setback requirements, 20 feet front yard, etc. The R-4 District has a smaller minimum lot size of 5,000 square feet with a minimum frontage of 50 feet. This no doubt results in the need for variances to accommodate such structures. Modular homes on the other hand are typically designed to be permanently situated on a site-built foundation and are built with city lots in mind.

Mobile or manufactured homes are not prohibited in the C-1 District which is the historic Central Business District. This may cause some conflicts between the desires to protect the unique architectural and historic aspects of the older business district with the placement of modern appearing mobile, manufactured or even modular homes in the District. The C-3 District contains a clause regarding replacement of a nonconforming mobile home. The mobile home cannot be replaced with another mobile home in a C-3 area within six (6) months of the time it was removed. Mobile home parks are allowed in C3 Zones. It seems they may be allowed in R-4 and C-1 Districts as there are no exclusions for such. However, this again would conflict with the C-1 goal of protecting the historic downtown.
Comparable Cities—Mobile, Manufactured and Modular Home Codes

As aforementioned, all modular homes are required to meet state, local and regional building codes. Therefore, zoning regulations in all comparable areas treat modular homes the same as site built homes. This section will analyze and compare how each community addresses the issue of mobile and manufactured homes.

City of Hammond

The City of Hammond defines mobile and manufactured homes as a transportable building, built on a chassis or towable, and designed to be used without a permanent foundation. The mobile home can be no more than five (5) years old at the time of approval. The definition does not include travel trailers, pickup coaches, motor homes, camping trailers or recreational vehicles. Mobile and manufactured housing must be skirted and anchored. Both mobile and manufactured homes must meet Class A (new mobile home which meets the latest HUD standards and appearance standards for single family home), Class B (meets the latest HUD standards but does not meet aesthetic standards for single family housing), or Class C built after January 1, 1994 and complies with recent or prior HUD regulations, meets minimum housing codes and is not older than five (5) years. Mobile homes are permitted in the more rural areas which are zoned R-S, Suburban District.

City of Ruston

Ruston is very restrictive regarding the location of manufactured homes. The zoning ordinance provides the correct definition of manufactured homes, but uses it interchangeably with “mobile home”. In all but several instances manufactured homes are confined to mobile home subdivisions or mobile home tracts. Mobile home subdivisions are designed to accommodate the different configuration of manufactured housing which tends to be longer and narrower than site built homes. Like any other subdivision, these developments must meet all of the subdivision or development codes regarding layout of streets, public utilities and other site requirements. But the size of the lots and the zoning set back requirements may vary so that a typical manufactured home can be situated on the lot without the need for variances. Lots are meant to be sold to individual homeowners who place their own manufactured or mobile homes on their lots. This is different from a manufactured home park which is generally owned and managed by a single property owner. The manufactured home park drive or “street” may or may not be of the same standard as public roads as all is contained under private ownership. Spaces are leased to the manufactured home owner. Sometimes individual homes are rented or leased, too. Ruston’s M-1 mobile home subdivision district allows “all uses as permitted and regulated in a R-3 multi-family district.” The R-3 zone is designed to provide high density residential dwellings including apartments and rooming houses. This seems to be a little contradictory to the development of manufactured home subdivisions which seems to envision low density single family uses.

Ruston does allow at least two exceptions to this rule. A manufactured home is allowed as a dwelling for a watchman or custodian living on the business site in industrial zones. A conditional permit may be obtained for a temporary use of a manufactured home as a dwelling in other zones.

City of Pineville

An overlay district is a special kind of zoning tool. An overlay district lessens or adds protection as needed for special situations within a particular district. Regulations of the overlay district provide other stipulations for particular land uses. A highway corridor overlay is a typical kind of overlay district found in heavy commercial areas where building setbacks, height limitations and aesthetic requirements may be different for the one primary transportation corridor in the district, for example Canal Street versus other streets in a the same commercial district of Thibodaux. Overlay districts are also sometimes used to create historic districts. There are also “floating” overlays which apply to certain site specific conditions the location of which could be found in any district, perhaps a wetland overlay district, which would apply to any defined wetlands, despite the zoning district within which the wetland area is found.

Pineville uses an overlay district to regulate mobile homes, the Mobile Home Overlay District. In their overlay district “mobile” and “manufactured” home is used interchangeably. The overlay only applies within R-2 Districts. Additional requirements include appearance regulations requiring the manufactured home to resemble other residential structures homes in the district, provision of outdoor storage space and a paved drive strip, and the mobile home must have been manufactured within the past five years (see Section 16.07).

As can be seen in the accompanying excerpts from the Pineville R-2 zones, manufactured homes are allowed if they meet the additional requirements of the overlay zone. Mobile homes that don’t comply with the new regulations are treated as nonconforming. Also the mobile or manufactured home that isn’t part of an approved trailer or mobile home court must obtain an annual permit. This approach has merit in that it can easily be applied in other communities without the need to restructure all individual residential zones. It also treats manufactured homes more like site-built homes. Nonconforming status does not apply to dilapidated mobile homes which have been condemned under the city’s standard procedures.

No reference was found in Pineville’s zoning ordinance to “modular” homes so it wasn’t clear how these were being treated. SCPD contacted Pineville and spoke to their Code Enforcement and Zoning Officer. He said the overlay district was adopted in 2004. The Pineville council decided where mobile homes would be allowed and the overlay district is for these areas. In the Old Town Historic District, mobile homes are restricted to only one street. Individuals who move a mobile home onto a lot not in the overlay area will not be able to hook up to utilities. There are also two mobile home parks within the city. Homes in the parks are not required to follow the rules for homes on a single lot, but one of the park owners does follow the require-
ments. Pineville finds the overlay pretty easy to enforce. Since 2004 the city granted only one variance for a property adjacent to the overlay district and the city subsequently decided to enlarge the overlay district to include the property. With regard to modular homes not on a chassis and built to IBC standards, Pineville would treat these like a site-built home but thus far they have received one permit request for such a home and the owners changed their mind before bringing the modular home on site.

Like Hammond, new permits for manufactured homes can only be issued if the home is no more than five years old. An emergency clause allows the use of temporary or emergency residential purposes in any zoning district with the approval of the zoning commission due to a person’s illness or incapacity. This allows the home to be located in proximity to a relative but places the additional burden on the zoning compliance officer of recertifying the home every six months. This seems generous, but once established the structure may be hard to remove once the emergency is no longer an “emergency”. Finally, the R-2 District contains an exception for mobile homes on lots of two (2) acres or more, which might be something that would not be of value in Thibodaux where lots are generally smaller.

The following pages contain excerpts from the comparable cities for comparison. Specific passages are bolded in order to highlight text that is referred to in the narratives. The entire Pineville Overlay District and Ruston “Mobile home subdivisions and mobile home parks” texts are provided herein for informational purposes.

**Hammond Mobile/Manufactured Homes**

**2.9 Temporary Trailers, Buildings & Mobile Homes**

a) Mobile Homes legally located and existing in Hammond at the time this Ordinance is passed may continue to be occupied. These Mobile Homes may be upgraded and replaced, regardless of the zoning district they occupy, if the upgrading and replacement meets current City requirements on anchoring, skirting, model, year, and condition. Mobile Homes/Manufactured housing are defined in the “Definitions” section of this Ordinance.

Development of Mobile Home parks in the City is not permitted.

**All new and allowable replacement Mobile Homes shall meet the following standards:**

1. Conform to the 1994 HUD minimum standards for Mobile Homes and be no older than 5 years.
2. Conform to the FEMA standards adopted by the City of Hammond at the time of permitting.
3. All Mobile Homes must have a manufacturer approved, vented skirting, completely enclosing the area between bottom of the Mobile Home and the natural ground.
4. Other than porches and exit steps, no additional structures will be allowed to attach to the Mobile Home.
5. The allowable area of porches shall not exceed 15% of the total area of the Mobile Home.
6. All exit steps and porches must meet all City of Hammond building codes and ordinances.
7. Mobile Home movers must contact the City Building Department at least 7 days before moving the Mobile Home for placement and occupancy in the City. Should a Mobile Home meet the standards of Section 2.2(c) of this Zoning Ordinance regarding “Nonconforming Provision,” it may be replaced with another Mobile Home within 6 months of its removal, as stated in Section 2.25(b) of this Zoning Ordinance, provided the replacement Mobile Home meets all the standards outlined above.
   a. Newly placed Mobile Homes (not meeting the condition above) must be located in an R-S residential district, and meet that District’s requirements, if that Mobile Home is not replacing one that was previously at that location within the past 6 months.
   b. In existing Mobile Home parks that have platted lots or spaces for sale or rent, Mobile Homes may be placed regardless of the Zoning District. These Mobile Home parks must be recognized by the Building Department as legally existing on the date Ordinance #2550 was enacted.
   c. Mobile Home permits are not issued by the Building Department until an application has been completed by the applicant, proof of permission to place that Mobile Home has been legally given by the land owner, the Mobile Home has been inspected by the City, properly placed on the property, skirted, and anchored.
   d. Mobile Homes may not be moved into the City for occupancy unless an application for such as first been completed and City Building Department staff has been made aware of the date that the Mobile Home will be moved.
   e. Mobile Homes illegally placed in the City or moved without Building Department approval must be removed within 30 days from the date the owner or mover receives notice from the City.
   f. Mobile Homes are not permitted in the City for commercial purposes but may be allowed only as a temporary use for construction projects, special events, or as temporary offices for not more than one year. These temporary Mobile Homes or construction trailers that are permitted will not be used for residential occupancy. These temporary uses must be permitted by the City Building Department and a $25.00 permit fee per temporary Mobile Home/construction trailer will be collected by the City. Temporary buildings in general are not permitted for occupancy and must be at removed at the end of the one year period allowed by the Zoning Board.
Pineville Mobile Home Overlay District

SECTION 16. MHO--MOBILE HOME OVERLAY DISTRICT

Within the corporate limits, the following regulations shall apply to the new installation of mobile homes or manufactured housing:

Article 16.01. Purpose.
The MHO district is established for the purpose of allowing placement of a single-family home on an individual lot in areas zoned for residential development as a permanent use.

Article 16.02. Applicability.
The MHO district is an overlay district that modifies the standards of the underlying base district. The MHO district may only be applied in areas zoned R-1 or R-2 Residence district and shall be indicated on a supplemental drawing to the official zoning map entitled “mobile home overlay districts”. All regulations of the underlying base district that are not in conflict with the regulations of the MHO district shall apply. In the event of conflict between regulations of the MHO district and the underlying base district, the regulation of the MHO district shall control.

Article 16.03. Permitted Uses.
Only owner-occupied single-family mobile homes shall be permitted by right in the MHO district.

Article 16.04. Minimum lot area.
The minimum area of lots in the MHO district shall be no less than five thousand (5,000) square feet, although lots of greater size shall be encouraged.

Article 16.05. Minimum dimension.
Each mobile home shall have a minimum size of twelve (12) feet in width and sixty (60) feet in length; or a total floor area of not less than seven hundred twenty (720) square feet.

Article 16.06. One unit per lot.
The regulation requiring a separate building site to be provided and maintained for each principal structure shall apply in the MHO district. Each mobile home shall be considered as one single-family unit.

Article 16.07. Installation standards.
Prior to the installation of any mobile home in a MHO district, the owner of said mobile home shall secure a permit from the building inspector for the placement of said mobile home. Said permit shall require the following conditions be met prior to connection to the Pineville water or/and sewer system:

(1) Each mobile home shall be permanently sited (nonmobile), i.e. secured in place with mobile home stands which shall provide an adequate and stable foundation for the placement of anchors and tie-downs such as screw augers, arrowhead anchors, or other devices.

(2) As to site preparation, the under-home ground shall be cleaned of all vegetation and organic material, such as stumps, roots, etc., except grass not exceeding three (3) inches in height. The area beneath and around the house shall be sloped or properly drained so that water will not accumulate under the home. Pier foundations or stands shall be set on stable soil or compacted fill.

(3) Pier foundations shall be a minimum of three-and-one-half-inch by sixteen-inch solid concrete pad or equivalent, precast or poured in place, or other approved by the building inspector. Piers maybe constructed of regular eight-inch by eight-inch by sixteen-inch concrete blocks, open cells or solid, centered on the footing or foundation. A one-inch or two-inch by sixteen-inch treated or hardwood plate, or other approved material shall completely cover the top of the pier with shims, one-fourth-inch minimum and one-and-one-half-inch maximum, centered and driven tight from both sides of the I-beam.

(4) All piers with a height of thirty-six (36) inches to forty-eight (48) inches shall be double tiered with blocks interlocked and capped with two (2) four-inch by eight-inch by sixteen-inch solid concrete blocks set side by side and perpendicular to the I-beam and shimmed as noted earlier. Pier height is measured from the top of the pier foundation to the top of the concrete block stack.

(5) Piers over forty-eight (48) inches in height shall be designed by a professional engineer licensed to practice within the state with design calculation provided to the building inspector with the permit application.

(6) The minimum distance between the finished grade under the mobile home and the bottom of the I-beam shall be twelve (12) inches.

(7) Piers are to be installed off center of the anchors so as not to interfere with the proper alignment of the strapping. The installer shall refer to the manufacturer’s set up manual for the ultimate load requirements for anchors at the different tie points on the home.

(8) Piers shall be installed or constructed to evenly distribute the loads. Steel piers with mechanical adjustments shall be securely attached to the frame of the mobile home.
Pineville Mobile Home Overlay District (Continued)

(9) All towing apparatus, wheels, axles, and transport lights shall be removed after final setup.

(10) The mobile home shall have the longest axis or front oriented parallel, or within a ten-degree deflection of being parallel to the lot frontage, if at all possible with the existing lot width dimension. A perpendicular-to-the-lot-frontage setting is permitted only when there is insufficient lot width; and provided that the lot size is not reduced to accomplish that purpose, and shall be verified by the building inspector.

(11) The mobile home shall have exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in the standard residential construction consisting of one or more of the following:
   1. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
   2. Cedar or other wood siding;
   3. Wood grain, weather resistant, press board siding;
   4. Stucco siding; or,
   5. Brick or stone.

(12) A mobile home shall have a roof pitch minimum vertical rise of three and one-half (3 1/2) feet for each twelve (12) feet of horizontal run.

(13) A mobile home shall have a roof finished with a class C or better roofing material that is commonly used in standard residential construction.

(14) A mobile home shall have an eave projection for all roof structures of no less than six (6) inches, excluding any gutters.

(15) A mobile home shall have stairs, porches, entrance platforms, ramps or other means of entrances and exits installed or constructed at all exterior doors, with porches or platforms, each having a minimum area of twenty-four (24) square feet. Hand railing must be provided.

(16) A mobile home shall have a minimum storage area of eighty (80) square feet, which may be part of a garage or separate storage building constructed or installed at the same time as the dwelling unit.

(17) Tie-downs or anchors shall be provided as follows:

   Footing or foundations
   a. Spot footing shall have a minimum spacing of ten (10) feet, center to center, measured along the frame rail or I-beam.

   Tie-downs and ground anchors
   b. Tie-downs shall be provided as follows:

   Table Inset:

<table>
<thead>
<tr>
<th>Length of Frame</th>
<th>Number of Ties</th>
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<tr>
<td>Up to 30 feet</td>
<td>2 per side</td>
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<tr>
<td>30 feet to 50 feet</td>
<td>3 per side</td>
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<td>50 feet to 70 feet</td>
<td>4 per side</td>
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<tr>
<td>Over 70 feet</td>
<td>5 per side</td>
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c. Ground anchors shall be bolted in concrete, screw auger or anchor driven or any other type manufactured and approved for such use. Anchors shall be galvanized, high tensile steel, not less than five-eighths-inch diameter, with a drop forged closed eye. All anchors shall not be less than four (4) feet in length, installed to full depth, according to manufacturers recommendation, with only the eye protruding above grade for connecting the tie-down system.

d. Connections to the mobile home I-beam frame shall be a five-eighths-inch or larger drop forged closed eye bolted through a hole drilled through the frame or by any other approved and adequate wrap-around or clamp method.

e. Not less than five-eighths-inch drop forged turnbuckles with closed eyes and screw pins shall be attached to the frame above and ground anchor below and securely tightened in place. Steel straps or cables may be used in lieu of turnbuckles if they are of equal or greater strength and are securely tightened in place with a tensioning tool and clamped.

(18) The area beneath a mobile home must be fully enclosed with skirting within sixty (60) days of placement. Skirting must be noncombustible material or material that will not support combustion and that is specifically designed and sold for use as skirting or as approved by the building inspector. Skirting shall be vented in accordance with building code requirements. Skirting must be properly maintained.

(19) A paved driveway with a minimum width of ten (10) feet shall be provided with automobile parking off of the public right-of-way of at least two spaces. Parking may be in tandem. Paved shall mean either asphalt, concrete or brick pavers.
Pineville Mobile Home Overlay District (Continued)

(20) Where the lot adjoins R-1 Residence district, a six-foot-tall solid wood fence shall be installed as a screen at the common property line.

(21) Each dwelling unit shall have a separate electrical, water, gas, and sewer taps and connections.

(22) The manufactured home shall have a date of manufacture of less than five (5) years from the date of permit move-in application.

(23) Manufactured homes installed within zone A on the flood hazard boundary map of the city shall be anchored to resist flotation, collapse or lateral movement.

(24) No canopies, carports, utility rooms, or storage rooms may be attached to the mobile home.

Article 16.08. Existing mobile homes located outside MHO district.

Mobile homes that are located within the existing corporate limits that are not located within the MHO district shall be considered as an authorized and permitted nonconforming use. Such structures may remain with the following restrictions:

(1) The mobile home shall remain as a single-family dwelling only.

(2) No additions shall be made to the mobile home as rooms, covers over roofs or other attached additions.

(3) Carports, utility rooms and storage rooms shall not be attached to mobile homes; canopies may be attached as a porch to the front or rear of the mobile home if such structure is free standing and not dependent on the mobile home as a supporting structure.

(4) The mobile home is provided with tie-downs and ground anchors as earlier noted herein.

(5) The mobile home shall have fully enclosed skirting as provided in article 16.07(18). The skirting shall be properly maintained.

(6) In the event that a nonconforming use mobile home is destroyed by fire or act of God, the remaining structure shall be removed and a replacement mobile home shall be permitted. The replacement mobile home shall comply with the “installation standards” noted in article 16.07. This provision shall not apply to dilapidated mobile homes that are condemned under provisions of local ordinances or state statutes; i.e. no replacement mobile home will be permitted to be installed at a condemned site.

Article 16.09. Installation of mobile home for temporary or emergency/hardship purposes.

The use of a mobile home or manufactured home for temporary or emergency residential purposes shall be permitted in any zoning district upon certification by the building inspector and approval of the zoning commission that certain emergency conditions exist where illness or physical incapacity of an individual necessitate the close proximity of a relative or other person to care for said individual and where denial of said use would cause an economic hardship on the parties involved:

1. Said use shall be permitted only if fifty-one (51) per cent or more of the property owners situated within a four-hundred-foot radius of the boundaries of the property involved sign a petition in favor of the use.

2. All of the zoning requirements related to yard areas and other zoning regulations shall be met.

3. Separate utility taps for water, sewer, gas, and electric shall be required.

4. Said use of the mobile home shall be permitted only for that period of time during which said emergency exists, and the existence of said emergency shall be recertified to the building inspector no less than every six (6) months by the property owner.

5. All other provisions regarding tie-downs, anchors, etc. covered elsewhere herein shall be met.

Article 16.10. Moving permit.

No mobile home shall be moved into the city for placement on any site within the city limits without first securing a moving permit. The permit fee shall be as established by the mayor’s office and set on an annual basis. The requirement of a moving permit shall not apply to mobile homes or manufactured homes in transit.

Article 16.11. Annual registration permit.

A annual permit shall be required for each mobile home covered under this section. As evidence of a valid permit, the city shall issue a permit sticker or decal, which shall be placed on the window nearest the front door. The permit fee shall be twenty-five dollars ($25.00) per year, with no credit for partial year installations. The permit will expire on the 31st of December of each year. Prior to issuance of a new permit the Building Inspector shall inspect each mobile home under this section for compliance to provisions contained therein. The requirement for an annual permit does not apply to mobile homes installed within an approved mobile home park.


To assist in the enforcement of the provisions of this section, no water or electrical service shall be permitted to be connected to a newly installed mobile home until such time as the building inspector has visited the installation and made an inspection for compliance with the provisions of article 16.07, Installation standards.
Pineville Mobile Home Overlay District (Continued)

For the purpose of this section, the terms mobile home and manufactured housing are assumed to be interchangeable. The terms shall have the following meaning as noted in the R.S. title 51, chapter 2, part XIV-B:

1. “Mobile home” means a factory-built, residential dwelling unit built to voluntary standards prior to passage of the National Manufactured Housing Construction and Safety Standards Act of 1974.
2. “Manufactured home” or manufactured housing” means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., as amended. Notwithstanding any law to the contrary, the terms “manufactured home” and “manufactured housing” may be used interchangeably and apply only to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.

Mobile homes and manufactured housing units installed shall be in addition to the requirements set forth herein conforming to the minimum installation standards as established in R.S. title 51, chapter 2, part XIV-B.

Article 16.15. Construction trailers.
The prohibition of mobile home or other manufactured housing provided in this section shall not apply to the placement of temporary construction trailers used as an office related to a permitted construction project.

Excerpt from the R-2 District, Pineville Zoning Ordinance
SECTION 6. R-2 RESIDENCE DISTRICT
Within all R-2 Residence Districts, as shown on the official zoning map, the following regulations shall apply:

Article 6.01. Uses permitted.
(1) Any use permitted in R-1 Residence Districts.
(2) Two-family dwellings, three- and four-family dwellings and apartment houses.
(3) Home occupations such as beauty shops, barbershops, reducing salons, flower shops, antique and curio shops, knitting or sewing shops, private music and art instructions, with not more than one nonresident employee.
(4) Signs, not exceeding two (2) square feet in area.
(5) All of the above-allowed occupations are to be conducted so as not to constitute a nuisance or be obnoxious or result in a disturbance of the peace and quiet of the neighborhood.
(6) Manufactured housing or mobile homes shall only be newly placed within areas designated as being within the MHO Mobile Home Overlay district included in the appendix under section 16.
(7) Mobile homes, trailers, or other manufactured housing not falling under the provisions of Article 6.01(6) or Article 6.01(8) shall be prohibited from being installed within the city limits. Those units that are existing as of December 1, 1999, shall be considered as an authorized and permitted nonconforming use. Such structures may remain with the following restrictions:
   (a) It shall be used as a single-family dwelling only.
   (b) No additions shall be made to the mobile home as rooms, covers over roofs or other attached additions.
   (c) Carports, utility rooms and storage rooms shall not be attached to mobile homes, canopies may be attached as a porch to the front or rear of the mobile home if such structure is free standing and not dependent on the mobile home as a supporting structure.
   (d) The mobile home is provided with tie-downs and ground anchors as provided in Article 6.01(6)(o).
   (e) The mobile home has fully enclosing skirting as provided in Article 6.01(6)(p). The skirting must be properly maintained.
   (f) An annual permit shall be required for each mobile home covered under this section. As evidence of a valid permit the city shall issue a mobile home permit sticker which shall be placed on the window nearest the front door. The permit fee shall be twenty-five dollars ($25.00) per year. The permit will expire on the 31st of December of each year. Prior to issuance of a new permit the building inspector shall inspect each mobile home under this section for compliance to provisions of skirting and tie-downs contained herein.
   (g) In the event that a nonconforming use mobile home is destroyed or partially destroyed, by fire or Act of God, the remaining structure shall be removed and no replacement mobile home shall be permitted. This provision shall also apply to dilapidated mobile homes that are condemned under provisions of local ordinances or state statutes.
   (h) The prohibition of mobile home, trailers or other manufactured housing provided in this section shall not apply to the placement of temporary construction trailers used as an office related to a permitted construction project.
Excerpt from the R-2 District, Pineville Zoning Ordinance (Continued)

(8) Mobile homes, trailers or other manufactured housing not falling under the provisions of Article 6.01(6) shall be permitted under the following conditions:
   (a) Property contains at least two (2) acres and has connection to the city sewage collection system.
   (b) The mobile home, trailer or manufactured house must be located at least one hundred (100) feet from the street and fifty (50) feet from adjacent residences.
   (c) Property shall have at least one hundred (100) feet of frontage on a public-maintained road.
   (d) A petition of endorsement having the owner’s name, lot number or other suitable property description and signatures of fifty-one (51) percent of the property owners within five hundred (500) feet radius of the boundaries of the property involved.
   (e) Provisions covered in Article 6.01(7)(a), (b), (c), (d), (e) and (f) shall apply.
   (f) A mobile home, trailer or manufactured home permitted to be located under the provisions of this section may not be occupied by or rented to anyone other than the owner of the property to whom the permit provided in Article 6.01(7)(f) was issued.

(9) The use of a mobile home or manufactured home for temporary or emergency residential purposes shall be permitted in any zoning district upon certification by the building inspector and approval of the zoning commission that certain emergency conditions exist where illness or physical incapacity of an individual necessitate the close proximity of a relative or other person to care for said individual and where denial of said use would cause an economic hardship on the parties involved.
   (a) Said use shall be permitted only if fifty-one (51) percent or more of the property owners situated within a 200-foot radius of the boundaries of the property involved sign a petition in favor of the use.
   (b) All of the zoning requirements pertaining to yard areas and other zoning regulations shall be met.
   (c) Separate utility taps for water, sewer, gas, and electric shall be required.
   (d) Said use of the mobile home shall be permitted only for that period of time during which said emergency exists, and the existence of said emergency shall be recertified no less than every six (6) months.
   (e) All other provisions regarding tie-downs, anchors, etc. covered in Article 6.01(7)(a), (b), (c), (d), (e) and (f) shall be met.

Ruston Manufactured/Mobile Homes

Sec 29-5. Definitions. Manufactured home means a structure, manufactured in one or more sections, which is built on a permanent metal chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities and includes plumbing, heating and electrical systems, manufactured in accordance with federal standards under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401--5426).

Sec 29-50. D-1 light industrial district. (NOTE: same language found in D-1B light industrial/business district and D-2 heavy industrial district)
   (a) Description and purpose. The D-1 light industrial district shall permit limited fabricating, compounding, assembly or treatment of articles or materials, except nuisance industries and heavy manufacturing processing raw materials. All raw materials must be stored, and all assembly operations must be carried out inside an enclosed building or structure.
   (b) Permitted buildings and uses. The following buildings and uses shall be permitted in a D-1 district:
      (1) Any use permitted in a B-4 Highway Business District; provided, however, that no building or structure, or portion thereof, shall be erected, converted or moved onto any lot for dwelling purposes, except living quarters used by watchmen or custodians of industrially used property by special permit from the zoning administrator. Such living quarters, which may also be occupied by the immediate family of the watchman or custodian, may be in the form of a manufactured home.

Sec 29-72. Conditional use permit for temporary manufactured home.
A conditional use permit, as provided in section 29-12, may be granted for the placement and occupation of a manufactured home for a period not to exceed one year, in an area not covered by an M-1 or M-2 zoning classification.

Sec 29-73. Removal of temporary structure upon expiration of permit.
On or before the date of the expiration of any temporary conditional use permit for the placement and occupation of a manufactured home unless another temporary conditional use permit has been issued prior to such expiration, the holder of such permit and/or the owner or lessee of such structure shall remove such structure from the city or to a site within the city which has an appropriate zoning classification; and, after such permit expiration, it shall be unlawful for any person to occupy any structure on the site for which such permit has expired.
Mobile home subdivisions and mobile home parks.

Sec. 29-60. Mobile home subdivisions and mobile home parks.
This section deals with the following:
(a) The creation, development and use of mobile home subdivisions and mobile home parks;
(b) The classification of mobile home subdivisions and mobile home parks; and
(c) The regulations and restrictions of mobile home subdivision and mobile home park classifications.

Sec. 29-61. Additional mobile home definitions.
In addition to the definitions set forth in section 29-5, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Area regulations. See the area requirements under the appropriate classifications in this chapter since area regulation requirements vary.

Camper means a portable structure built or placed on a vehicular chassis, and designed to be used as a temporary dwelling. Such term shall include pickup coaches, motorized campers and any vehicle, renovated vehicle or accessory to a vehicle which is used as a temporary dwelling.

Lot means a plot of ground within a subdivision or park, designed to accommodate one mobile home or travel trailer unit. Such term shall also include the terms “stand” and “stall”.

Mobile home means a movable or portable dwelling on wheels or rigid supports, built on a vehicular chassis, connected to utilities and designed for year-round living.

Mobile home park means a unified development of mobile home lots arranged on a tract or site under single ownership, or ownership of platted individual lots, and designed to accommodate mobile homes on a permanent basis.

Mobile home subdivision means a unified development of mobile home lots arranged on a tract or site, platted for such purpose, which lots may be sold to owners of mobile homes situated on such lots and designed to accommodate mobile homes on a permanent basis.

Off-street parking means areas or spaces provided off of the street for parking or storage of vehicles. In the case of dedicated streets and roads, such spaces shall be off of the right-of-way. In the case of privately owned, undedicated streets and roads, such spaces shall be clear of the street pavement and ditches.

Single ownership means when an entire subdivision or park is collectively owned by one or more persons, firms or corporations, as opposed to separate ownership of individual site.

Transient mobile home park means a unified development of mobile home lots arranged on a tract or site, under single ownership, and designed to accommodate mobile homes for short durations.

Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and to be towed behind a motor vehicle and being of an overall length of not more than 32 feet.

Travel trailer park means a unified development of lots arranged on a tract or site, under single ownership, and designed to accommodate travel trailers or campers for a period not exceeding 30 days.

Uses means the purposes for which a development is designed, intended, occupied or maintained. (Refer to the appropriate classification.)

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward by other than plants or trees.

Sec. 29-62. Nonconforming uses of mobile homes and travel trailers.
No mobile home, travel trailer, camper, or other recreational vehicle shall be placed and occupied in any area not covered by an M-1 or M-2, zoning classification as of the effective date of this chapter, except in areas already approved for such use by the board of adjustment prior to such date, or mobile homes which are permitted to be placed in areas for which a temporary or emergency permit for such use has been lawfully issued pursuant to the provisions of this chapter, or which otherwise possess lawful nonconforming status as provided in this section. No mobile homes, travel trailers, campers, or other recreational vehicles shall be parked in a public dedication or right-of-way, unless such area is designated for parking, in which case said vehicles shall not be parked in the designated parking area for longer than a 24-hour period. All mobile homes, travel trailers and campers located and occupied upon areas not covered by an M-1, M-2, zoning classification as of, the effective date of this chapter, shall be considered to be located in nonconforming use areas and are subject to the provisions of section 29-10.
Sec. 29-63. Failure to comply.
(a) Failure to comply with the provisions of this chapter shall be reason for termination of city utility services.
(b) This section shall not be construed as prohibiting the imposition of penalties for a violation of any of the provisions of sections 29-60--29-74.

Sec. 29-64. M-1 mobile home subdivision district.
(a) Permitted uses. The following uses shall be permitted in an M-1 mobile home subdivision district:
   (1) All uses as permitted and regulated in a R-3 multi-family district.
   (2) Single-family occupancy of mobile homes.
   (3) Off-street parking shall comply with regulations as prescribed in section 29-81.
(b) Area regulations. The minimum area to be zoned in an M-1 district shall be five acres. Where an adjacent area is already zoned M-1 or M-2, the area of the adjacent development may be used to help satisfy the minimum area requirement, provided that the combined M-1 and M-2 area will not be less than five acres.
(c) Development standards.
   (1) Minimum lot, 6,500 square feet.
   (2) Minimum lot frontage, 50 feet
   (3) Minimum lot depth, 130 feet.
   (4) Minimum lot setback requirements:
      a. Front yard, 30 feet the full width of the lot.
      b. Side yard, 10 feet the full length of the lot.
      c. Rear yard, 20 feet the full width of the lot.
(d) Streets. Streets and/or roads in an M-1 district shall have a minimum right-of-way width of 60 feet, and shall be dedicated to public use. Streets shall be paved with a hard surface. Street pavement, shape and drainage features shall meet the specifications of, and be acceptable to, the city.
(e) Subdivision approval. Subdivision plans shall be submitted for approval pursuant to the requirements of chapter 24 of this Code.
(f) Special conditions. The following special conditions shall apply in an M-1 district:
   (1) No mobile home shall be permitted less than 100 feet from an RED, R-25, R-15, R-10 or R-1 residential district or less than 50 feet from an R-2 residential district.
   (2) Fencing. A solid, opaque (non-metal) fence, with a minimum height of eight feet, or an equivalent berm, shall be constructed on lot lines common with RED, R-25, R-15, R-10, and R-1 zoned property.
   (3) Nonresidential uses within a mobile home subdivision shall comply with regulations as prescribed in section 29-32.
   (4) The mobile home wheels shall be removed, and the mobile home shall be set on a permanent foundation. The base of the mobile home shall be skirted with an attractive screening device.
   (5) Not more than one mobile home unit shall be permitted on each minimum lot area. However, when two or more mobile homes are permanently joined together to form one combined structure and used for single-family occupancy, the combined structure shall be considered as a single mobile home unit, provided that all other provisions of this section are met.
   (6) Additional restrictions may be imposed by the planning and zoning commission as a recommended condition for granting the zoning application by the board of aldermen.

Sec. 29-65. M-2 mobile home park district.
(a) Uses. Uses permitted in the M-2 mobile home park district shall be the same uses permitted in an M-1 mobile home subdivision district.
(b) Off-street parking. Off-street parking shall comply with regulations as prescribed in section 29-81.
(c) Area regulations. The minimum area to be zoned as an M-2 district shall be three acres. Where an adjacent area is already zoned M-2 the area of the adjacent development may be used to help satisfy the minimum area requirement if the combined M-2 area will not be less than three acres.
(d) Development standards.
   (1) Minimum lot area, 6,500 square feet.
   (2) Minimum lot frontage, 50 feet
   (3) Minimum lot depth, 130 feet.
   (4) Minimum lot setback requirements:
      a. Front yard, 30 feet the full width of the lot.
      b. Side yard, 10 feet the full length of the lot.
      c. Rear yard, 10 feet the full width of the lot.
(e) Streets. Streets and/or roads in an M-2 district shall be paved with a hard surface. Street pavement, shape and drainage features shall meet the specifications of the city.

(f) Site plan. A site plan shall be submitted to the planning and zoning commission along with the zoning application for recommendation to the board of aldermen. The plan shall be drawn to scale, and shall accurately show the location and dimension of each street, lot line and park boundary line; access from a public street or road; off-street parking spaces; and any other information necessary to determine service requirements.

(g) [Plan of proposed park ] A plan of the proposed mobile home park shall be submitted to the planning and zoning commission.

(h) Special conditions. The following special conditions shall apply in an M-2 district:

1. No mobile home shall be permitted less than 100 feet from an RED, R-25, R-15, R-10, or R-1 residential district or less than 50 feet from an R-2 residential district.

2. A solid, opaque (non-metal) fence, with a minimum height of eight feet, or an equivalent berm, shall be constructed on lot lines common with RED, R-25, R-15, R-10, and R-1 zoned property.

3. Nonresidential uses within a mobile home park shall comply with regulations as prescribed in section 29-32.

4. The base of each mobile home shall be skirted with an attractive screening device.

5. Not more than one mobile home unit shall be permitted on each minimum lot area. However, when two or more mobile homes are permanently joined together to form one combined structure and used for single-family occupancy, the combined structure shall be considered as a single mobile home unit, provided that all other provisions of this section are met.

6. Additional restrictions may be imposed by the planning and zoning commission as a recommended condition for granting the zoning application by the mayor and board of aldermen.

7. At least ten percent of the total mobile home park area shall be provided for open space, exclusive of streets and parking areas, and shall be collectively distributed so as to provide serviceable recreational areas to the mobile home park occupants.

Comments

The Pineville overlay may be something to consider in Thibodaux. This would give the city the flexibility to allow mobile and manufactured homes to co-exist with site built homes when the factory built models provide an appearance that blends in with the character of the neighborhood. Modular homes should be treated like other site-built homes.

Several caveats are offered with adopting this approach verbatim. The annual permit procedure seems cumbersome although it would be the best way to track movement of homes off and on property. Some of the language shows that Pineville’s municipal boundaries may be encompassing areas that are more rural than Thibodaux’s immediate surrounds and care would have to be taken to eliminate such language. The same is true of set back and dimensional requirements like fencing. The fencing requirements might conflict with other portions of the Thibodaux code. Use of such a district will take time to develop beyond the scope of this report but is definitely something that the city might want to explore more over the next year. Research on how the overlay was developed, implementation, whether other towns have employed this tool for manufactured homes, etc., should all be accomplished prior to quickly enacting such.

Limiting manufactured homes to five (5) years in age would help to eliminate older homes that have deteriorated and perhaps don't meet current wind and tie-down standards. This is something that would be easy to implement and might help begin to phase in newer manufactured homes that more closely resemble site built homes. Additionally, the separation of manufactured home parks into their own district as Ruston did is probably not necessary. This is another form of residential development that occurs in a higher density area and could probably be allowed in other commercial districts. Thibodaux’s placement of mobile home parks in C-2 Commercial area seems appropriate.

A nearby example of a manufactured home subdivision is found at Woodland Heights on La. Hwy. 20 just north of Thibodaux. This is single family subdivision but lots are laid out to accommodate the different dimensions of a manufactured home. It is low density development and could probably be accommodated in other low density zones already existing in Thibodaux’s code. Development of such a policy might also mean amending other codes like subdivision regulations and perhaps the floodplain management code. Prior to going through the exercise of writing draft amendments and considering amending local policies to accommodate manufactured home subdivisions, the city should consider whether there is really a demand for such within the confines of Thibodaux.
Placement of New Activities in Appropriate Zones

During meetings with the city's staff and the planning commission issues and questions were raised concerning uses not identified in the Thibodaux Zoning Ordinance. The following is a discussion of those topics brought to the attention of SCPDC, which have been of concern to the staff.

Recreational Vehicle Parks and Campgrounds

This item is discussed first as much of the previous discussion on mobile and manufactured homes is relevant. A recreational vehicle is neither. The recreational vehicle is meant for temporary habitation and travel. It is never removed from a chassis. The recreational vehicles could be a self contained vehicle or a trailer that is pulled. It might also be a modified van or truck. Recreational vehicles parks and/or campgrounds might also allow tent camping. These parks or campgrounds might be publicly owned and operated or a private enterprise. At any rate, these are not residential uses.

**Louisiana**

Definitions found in Louisiana Law for both motor home and recreational vehicles specify the “temporary” nature of each. “Motor homes” are self-propelled and self-contained while “recreational vehicles” includes motor homes and those that are towed. Such vehicles must be licensed for travel on public roadways just like any other vehicle. The park or campground must meet all state building code requirements, in particular sanitary and electrical codes as each pertains to provisions for the recreational vehicles and campers.

**City of Thibodaux**

The following definition is found in the Thibodaux Zoning Ordinance.

“Travel Trailer: A vehicular, portable structure built on chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.”

The Thibodaux definition for “Dwelling, Mobile Home” clearly states that “A travel trailer is not to be considered a mobile home.” The Thibodaux zoning ordinance addresses parking of motorized and recreational vehicles in R-1 zones in Section 607. Mobile home park owners sometimes accommodate recreational or motorized vehicles as many workers, who move from site to site, in particular with the construction industry, are now using these when assigned to any one location for an extended period of time. Although not specified in Thibodaux’s ordinance, recreational vehicle campgrounds and similar facilities would probably be best located into Thibodaux’s C-3 Commercial District where mobile home parks and sales are allowed.

**Comparable Cities – Recreational Vehicle Parks and Campgrounds**

**City of Hammond**

Hammond distinguishes between municipal recreation and private recreation activities. Private recreation activities are allowed in their heaviest, highway commercial C-3 zone.

**City of Pineville**

Recreational vehicles are identified as travel trailers and only allowed in travel trailer parks. Travel trailer parks are treated the same as mobile home parks and can only be located in the Mobile Home Overlay District previously discussed.

**City of Ruston**

Ruston identifies recreational vehicles as a Camper or a Travel Trailer and only allows recreational parks or campgrounds in the M-1 or M-2 District previously described.
Excerpt from Louisiana Revised Statutes

Distribution and Sale of Motor Vehicles Section

Section 32:1252 Definitions

(28) “Motor home” means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four of the following permanently installed systems which meet American National Standards Institute and National Fire Protection Association standards in effect as of the date of manufacture, two of which shall be systems specified below in Subparagraph (a), (d), or (e) of this Paragraph:

(a) Cooking facilities.
(b) Ice box or mechanical refrigerator.
(c) Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.
(d) Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.
(e) Heating or air-conditioning system, or both, separate from the vehicle engine or the vehicle engine electrical system.
(f) A one hundred ten/one hundred fifteen volt alternating current electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

(39) “Recreational vehicle” means a motorized or towable vehicle that combines transportation and temporary living quarters for travel, recreation, and camping. For purposes of this Chapter, a “recreational vehicle” includes new and used motor homes, new and used travel trailers, new and used fifth-wheel travel trailers, new and used folding camper trailers, and slide-in truck campers.

Hammond Recreational Vehicles

“Definition of Mobile Building or Home/Manufactured Housing…

The following shall not be included in this definition:

1. Travel trailers, pickup coaches, motor homes, camping trailers or other recreational vehicles.
2. Manufactured modular buildings, meeting the requirements of the City of Hammond adopted building codes.…”

Recreational Vehicle – A vehicle intended for temporary living quarters in a recognized recreational setting and not for occupancy within the City of Hammond.

Pineville Recreational Vehicles

Travel trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and to be towed behind a motor vehicle or powered independently, with an overall length of not more than thirty-two (32) feet. A travel trailer is not to be confused with a single-family dwelling built or placed on the premises as a permanent structure.

Travel trailer park: Any premises on which one or more pickup coaches or travel trailers are parked or situated and used for the purpose of supplying to the public a parking space for one or more such coaches or trailers.

Unit: Any mobile home or travel trailer as defined above.

Ruston Recreational Vehicles

See the previous inset and discussion under Mobile and Manufactured Homes for allowed uses in the M-1 and M-2 District.
Recycling Operations

Waste management is always a heated issue. Every community generates waste, but few want to provide for its disposal in town. Living near a waste reduction or landfill operation can cause both perceived and real nuisance problems and health concerns for nearby residents. Deciding to locate a waste reduction or disposal site involves great scrutiny, including analysis of environmental conditions, soils, etc., and while these operations are strictly regulated by the state, they may be subject to local zoning considerations. Waste disposal sites are typically allowed in heavy industrial sites or may require special permits or only be allowed as “conditioned uses.”

Recyclable items are part of the waste stream, too. There is a great interest in promoting recycling as a way to reduce the waste stream. Recycling is typically separated into nonhazardous and hazardous activities. There are also several steps in the process of collecting the recyclable material and its return to market. The location within any specific zoning district will depend on the nature of the activity and the materials being handled.

Placement of recycling bins at convenient locations is usually not a problem. This is a convenience to residents who want to engage in recycling and bins can be placed at central locations to collect recyclable items like newspapers, plastic or glass. Recycling bins are not usually considered a nuisance as residents support this activity. Bins however should be placed at locations that have adequate ingress and egress and that have some supervision in order to avoid overflow of waste or problems with illegal dumping of non-acceptable items. Location of recycling bins at public facilities like government complexes or schools is common, but commercial enterprises are often willing to offer space for bins as a community service. Recycling bins are only designed for municipal household items like paper, plastics, etc. These do not normally accept liquid materials at all or do they take hazardous recyclables like paint, aerosol cans, oil, tires, grease, large cardboard boxing materials, etc. Some communities partner with waste handlers to collect such items on community wide clean up days and some stores accept such materials from their customers as a convenience but also because they may get credit from suppliers for the item or it may be a requirement of the store’s operation, as is frequently seen with used automobile tires or batteries. The stores transfer the recyclable waste on to companies that recycle the materials. Stores that accept recyclable materials don’t hold them for long but they should always be contained and stored in a safe, preferably indoor space.

The next step in a recycling process might be a transfer station. This is similar to a waste transfer station where small trucks bring the collected waste to a station where it is then placed on larger trucks that haul the waste greater distances to a landfill or other waste disposal or reduction site. This provides the ability to have smaller trucks on neighborhood streets and still reduce the cost of waste collection, as transportation is a primary cost in the waste collection and disposal process. These facilities are normally located within very heavily commercialized or light industrial sites. Recyclers may use this method, too, to consolidate long trips to the location of the next phase of the operation, separation of recyclable elements into separate streams. Even though the waste is not stored on site, it is likely that nuisance odors and the constant flow of large trucks would interfere with the neighborhood commercial or residential life.

Recyclable materials are normally brought to a warehouse style facility and off loaded there into indoor separation systems. A variety of methods may be used, but often times the items are dumped onto large conveyor belts and hand separated into plastics, paper, glass, aluminum and so on. This is an assembly line process that is similar to many other light industrial activities. Materials may be semi-processed for transport by separating, shredding, bundling and/or compressing into packages of similar size. The materials are then loaded on to other trucks and transported to a client who wants to purchase the used material to convert into a product for resale. Materials may be temporarily stored onsite until sold to a client. The bulk of the activity takes place indoors and is largely unseen by the general public. But again, the movement of large trucks in and out of the facility and the potential for nuisance noise and odors would probably require such a facility to be located in the most heavily commercialized or light industrial locations.

The process described thus far is one that pertains to household recyclables not considered hazardous wastes. Other preliminary separation activities may be performed on hazardous materials or ones that have the potential to cause contamination. Commercial and industrial recycling no doubt involves other requirements that might be regulated much more stringently. Recycling used oil products for example may involve other steps not described herein.

The final step in the process would be converting the new recycled material into a marketable product, recycled paper usually goes back to the paper mill where it is added into the paper making process, glass and plastics may be separated by color and melted back into a liquid form and included in other manufacturing operations. These kinds of operations should be considered manufacturing operations as a product is being made from a new raw material. The industrial classification the specific activity would fall in will vary from one community to the next as some communities have one industrial or manufacturing district and others have varying levels of industrial classifications.

Under the Louisiana Revised Statutes it appears that the recycling manufacturing operation is treated as solid waste facilities. The city may want to have its attorney research this should it be interested in developing standards for recycling facilities.
Excerpt from Louisiana Revised Statutes 30:2153.

Definitions
(1)(a) “Solid waste” means …..

(b) The definition of solid waste shall not include any of the following:

(i) Uncontaminated scrap metal materials which are purchased for resale to be recycled or reused and are not destined for disposal ….

(iv) Automotive fluff which results from the shredding of automobiles by a scrap metal recycling facility authorized under the laws of the state of Louisiana and from which metals have been recovered to the maximum extent practicable by the scrap metal recycling facility….

(3) “Resource recovery” means the process by which materials, excluding those under control of the Nuclear Regulatory Commission, which still have useful physical or chemical properties after serving a specific purpose are reused or recycled for the same or other purposes, including uses as an energy source.

(4) “Resource recovery and management facility” means any solid waste disposal area or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste, excluding any “processing, treatment, or disposal facility” as defined in R.S. 30:2173.

30:2184. Commercial hazardous waste recycling and resource recovery facilities; standards

A. Without exception and irrespective of any limiting provision thereof, commercial recycling and resource recovery facilities, including any facility heretofore determined to be a recycling or resource recovery facility, which accept hazardous waste or hazardous waste products for a fee and which as a part of their process subjects hazardous wastes or hazardous waste products to combustion to accomplish recovery or recycling of materials or energy, shall be strictly subject to the provisions of the Louisiana Hazardous Waste Control Law and any rule or regulation adopted thereunder or any permit, license, order, or schedule of compliance required thereunder. The purpose of this Section is to extend the Louisiana Hazardous Waste Control Law to provide specifically for the inclusion of all commercial recycling and resource recovery facilities, including any facility heretofore determined to be a recycling or resource recovery facility, which accept hazardous waste or hazardous waste products for a fee and which as a part of their process subjects hazardous wastes or hazardous waste products to combustion to accomplish recovery or recycling of materials or energy.

B. The secretary shall, within one hundred and eighty days of July 19, 1988, amend the rules and regulations promulgated under the Louisiana Hazardous Waste Control Law or any permit, license, order, or schedule of compliance, as necessary, to establish standards for commercial recycling and resource recovery facilities, including any facility heretofore determined to be a recycler or resource recovery facility, which accept hazardous waste or hazardous waste products for a fee and which as a part of their process subjects hazardous wastes or hazardous waste products to combustion to accomplish recovery or recycling of materials or energy. These standards can be no less restrictive than general facility standards for hazardous waste treatment, storage, and disposal facilities, including requirements concerning emergency procedures, waste analysis, manifest of hazardous wastes, inspection procedures, closure, and financial assurance and shall apply irrespective to the purpose of burning, whether for energy recovery, materials recovery, destruction, or some other purpose. Additionally, any rules or regulations promulgated pursuant to this Section shall, at a minimum:

(1) Require the development of a detailed trial burn plan by such facilities. The secretary shall designate those Principal Organic Hazardous Constituents (POHCs) in waste or waste products that are to be accepted by the facilities, are considered the most difficult to destroy, and are present in significant concentrations; and shall specify one or more of these hazardous constituents to be monitored during the trial burn. A trial burn conducted in compliance with this Section and under the supervision of the secretary after July 1, 1988, and which meets all the requirements herein provided shall be deemed in compliance herewith. The following, at a minimum, must be monitored during the trial burn:

(a) The exhaust gas must be analyzed for emissions of each POHC and for emissions of oxygen and hydrogen chloride.

(b) The destruction and removal efficiency (DRE) must be computed for each POHC.

(c) The emission of particulates and carbon monoxide must be quantified.

(d) The fugitive emissions from the boiler or furnace must be identified.
City of Thibodaux

Thibodaux allows “Assembly and finishing of material or products in enclosed buildings” and “Transfer and transportation terminals” in M-1 Industrial Districts. The preliminary separation of nonhazardous recyclables into individual streams or a recycling transfer station might be allowed in M-1. This would be dependent upon either operation being entirely enclosed and not producing any excessive noise, smoke, odors, dust, gases or other deleterious effects of industrial activity. The Thibodaux ordinance prohibits processing of raw materials in M-1 zones so all recycling activities beyond collection, preliminary separation operations or transfer stations would have to be located in the M-2 Industrial District. The size of the lot would be dependent upon the size of the operation and the ability to adequately handle the amount of large trucks that might be entering and leaving the site at any given point of day or night. Such an operation would most likely be best situated on a major commercial thoroughfare due to the volume and size of trucks involved in such an operation or the content of the recyclable materials.

Comparable Cities - Recycling Operations

City of Hammond

A transfer station and a preliminary separation process would probably be allowed in an I-1 Light Industrial District. The processing of converting the recycled material into a new raw product and manufacturing of something from it will probably depend on the nature of the recyclable and the end product.

Hammond can require a buffer zone between industrial uses and other uses. This is a tool that can lessen the impact of noise, glare, odors and other nuisances that are caused from an industrial process on adjacent uses.

City of Ruston

Processing of some recycled materials into a finished product might be allowed in the I-1 District, as it states “…The manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials…”

Ruston also requires a buffer zone between industrial uses and other uses. Vegetation is required in the buffer area. The owner has to submit a landscape plan for approval and is required to maintain the green space.

City of Pineville

The City of Pineville contains only one industrial classification. It appears that all phases of the recycling process previously described, with the exception of household recyclables collection bins, would be included in the industrial classification with the exception of collection points.

Pineville requires a buffer zone between commercial and residential districts, but no mention is made about buffer zones for industrial uses.

Comments

Thibodaux could allow recycling bins as incidental uses on the site of other public or private operations. However these should be carefully sited away from homes at centers of neighborhood activity with adequate ingress and egress where a public or a private entity can monitor the sites for compliance. Other recycling activities would be in an M-1 or M-2 zone depending upon the materials being handled and the processes involved in the specific activity. Anything more than the collection points, transfer stations or preliminary operations should be in Thibodaux’s M-2 which allows processing of raw materials.

Buffer zones are one way to lessen the impacts of industrial activities on surrounding properties. To make the buffer zone perpetual, the city should require that either it be contained within the industrial property boundary and deed restricted or be donated to the city. The buffer remains open land and can be planted with vegetation to help reduce noise, glare and odors. The buffer might be open green space or could be used for passive recreational purposes.
Hammond

2.4(14) L-Light Industrial District
(a) The Light Industrial District represents industrial uses that engage in light manufacturing and processing activities that generally are not considered dangerous to nearby residential or commercial areas. No residential uses, aside from plant caretaker's/watchman's quarters, are allowed in this District.
(b) Premises may be used for the following purposes: (Note: only listed those pertinent to this report)

- Publishing, printing plants
- Warehouse
- Product distribution centers not related to on-site heavy industrial manufacturing
- Storage yards
- Salvaging yard (auto, scrap metal)
- Transportation and truck terminals
- Storage (only) of petroleum and similar products
- Junk yard and auto wrecking provided that all of these uses when located outside the confines of an enclosed and secured building shall be screened from public view by wall and/or fences or other screening of not less than 6 feet in height in a manner that will shield said item from public view
- Other light manufacturing and processing approved by the Planning and Zoning Commission

2.4(15) H-Heavy Industrial District
(a) The Heavy Industrial District represents industrial uses that engage in manufacturing or processing activities that are generally considered nuisance generating and/or potentially dangerous to residential or commercial areas. Therefore, residential and most commercial uses are prohibited in this District.
(b) Premises may be used for the following purposes:
- Any use permitted in L District
- Caretaker's quarters
- Manufacturing of chemical products
- Smelters
- Processing of metal (steel, aluminum) products and by-products, along with other processing systems that may involve the continued use and storage of chemicals, cleaners, and by-products.
- Petroleum processing and animal slaughterhouses
- Other heavy industrial uses as approved by the Planning and Zoning Commission
- Paper and products mill

SECTION 3 REGULATION OF ACCESSORY BUILDINGS AND USES

3.1 Fences, Shrubs and Buffer Zones
(b) Solid, non-opaque fences at least 6 to 8 feet high (depending upon the case involved) may be required by the Building Official as a shield between residential and commercial or industrial uses, or between commercial and commercial uses, that cause an obvious nuisance to a residential or commercial use. Said fence shall be placed at the expense of the party creating the nuisance, as determined by the Building Official. In cases of disagreement between the party(s) involved and the Building Official, an appeal may be filed to the Hammond Board of Adjustments (Hammond Zoning Commission). Where vehicle parking exists adjacent to a fence, fences shall be protected from damage and parked vehicles by a curb, or wheel stops, and a 2 foot deep green space area. This must be installed at the expense of the party creating the nuisance on their property only. (see Fence definition, Section 9). Use of only bushes and trees (without also a man-made fence) cannot serve as a buffer fence unless pre-approved by the Zoning Board with rules outlined for maintaining the plant material and keeping it a certain height. Before placement of a fence, a fence permit must be obtained from the Hammond Building Department and the fence design and proposed location or placement on a parcel, (as indicated on a survey or parcel map) or lot must be approved by the City.
Pineville Zoning Ordinance Appendix A

SECTION 10. I INDUSTRIAL DISTRICT

Within all I Industrial Districts, as shown on the official zoning map, the following regulations shall apply:

Article 10.01. Uses permitted.

(a) Any use permitted in R-2 Residence, C-1 or C-3 Business Districts provided further that any type of activity including all types of manufacturing, processing, fabricating, warehousing, distributing, transporting, storing, repairing, terminals, power plants, contracting, wharves, docks, railyards, stables, stockyards, kennels, agricultural pursuits or processing, pumping or electrical stations, junk yards, utility stations.

(b) The above and other uses may be permitted, provided they are not in conflict with any other ordinance, and, provided further that such uses are approved by the governing body and subject to such safeguards, as this body may establish.

(c) In approving uses the governing body will be guided by the following standards:

(a) Any use which emits odors, gas, or dust which is unpleasant, obnoxious, or injurious to health, will be required to design and construct necessary buildings, enclosures, filtering systems, or other facilities necessary for eliminating or reducing the intensity or concentration of such odors and/or dust to a level which will not be detrimental to zoned residential districts close to the particular use. In determining what is “detrimental,” inspection of similar facilities operating in other locations with particular attention to the appearance and condition of adjacent residential area will assist the governing body in making a determination. Study of court decisions involving cases where damage has been claimed by residents living near such odor or dust emitting plants may be used as an instrument to interpret this paragraph.

(b) Proper provision must be made for storage of raw materials and wastes to prevent unsanitary conditions or the breeding of flies, insects and rodents. A safeguard against such conditions may be the requirement to store such materials in tight buildings or bins.

(c) If the industrial operation requires aboveground storage of explosive materials, the industry may be required to acquire sufficient land area surrounding the plant to minimize danger to people and property adjacent to the industry. A similar requirement may be established for an industry engaging in an activity which creates noise or vibrations.

(d) Disposal or escape of waste products into existing drainage structures or sanitary sewers without proper treatment is prohibited.

Commercial Landscaping Ordinance Appendix C

Section 8. Buffer zone requirements for commercial developments.

(a) Where commercial development abuts any part of a residential district, a buffer zone shall be required. The buffer shall be part of the yard requirements and run the entire length of the abutting lot line(s). The buffer shall be included in the landscape plan.

While the buffer can be a natural forest, vegetative screen or wooden fence, a natural forest is encouraged as being in keeping with the character and atmosphere of Pineville.

Ruston Industrial Zones

Sec. 29-50. D-1 light industrial district.

(a) Description and purpose. The D-1 light industrial district shall permit limited fabricating, compounding, assembly or treatment of articles or materials, except nuisance industries and heavy manufacturing processing raw materials. All raw materials must be stored, and all assembly operations must be carried out inside an enclosed building or structure.

(b) Permitted buildings and uses. The following buildings and uses shall be permitted in a D-1 district:

(1) Any use permitted in a B-4 Highway Business District; provided, however, that no building or structure, or portion thereof, shall be erected, converted or moved onto any lot for dwelling purposes, except living quarters used by watchmen or custodians of industrially used property by special permit from the zoning administrator. Such living quarters, which may also be occupied by the immediate family of the watchman or custodian, may be in the form of a manufactured home.

(2) The manufacturing, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products, except the rendering or refining of fats and oils.

(3) The manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials, such as aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horns, leather, paper, plastics, precious or semiprecious metals or stones, shell rubber, tin, tobacco, wood (excluding sawmills), tars and paint not involving a boiling process.

(4) The manufacturing of pottery and figurines, or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
Ruston Industrial Zones (Continued)

(5) The fabrication and assembly of lightweight or thin-gauge sheetmetal products, including, but not limited to, the production of ductwork for heating and air conditioning systems, metallic louvers, gutters and ventilators.

Sec. 29-51. D-1-B light industrial/business district. (Note: only listed those pertinent to this report)

(a) Description and purpose. The D-1-B light industrial/business district shall permit most compounding, assembly or treatment of articles or materials, except nuisance industries and heavy manufacturing processing raw materials.

(b) Permitted buildings and uses. The following buildings and uses shall be permitted in a D-1-B district:

1. Any use permitted in a D-1 Light Industrial District; provided, however, that no building or structure, or portion thereof, shall be erected, converted or moved onto any lot for dwelling purposes, except living quarters used by watchmen or custodians of industrially used property by special permit from the zoning administrator. Such living quarters, which may also be occupied by the immediate family of the watchman or custodian, may be in the form of a manufactured home…

3. Foundry casting lightweight nonferrous metal, not causing noxious fumes or odor.

4. The sale, storage and sorting of junk, waste, discarded or salvaged materials, machinery or equipment, but not including processing.

(c) Uses permitted in D-1-B light industrial/business districts by special permit from the board of adjustment. The following uses shall be permitted in the D-1-B light industrial/business district by special permit from the board of adjustment:

6. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacturing.

7. Petroleum products manufacturing or wholesale storage of petroleum.


9. Processing of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling.

15. Any other trade, industry or use that will not be more injurious, hazardous, noxious or offensive than the uses authorized by this section.

Sec. 29-5. Definitions.

Buffer zone means a landscaped area identified on a site plan or by a zoning ordinance, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Sec. 29-80. Supplementary regulations (d) Landscape requirements.

(1) Intent. The intent of the landscaping requirements set forth in this subsection are as follows:

(a) The provisions of this subsection shall be interpreted toward the preservation of the natural aesthetic qualities of the city, and to enhance the beautification and quality of life in the city. The focus of this subsection is on retaining and enhancing the quality of our environment with street trees, screening of objectionable views and the implementation of a minimum standard landscaping for commercial properties.

(b) Aid in stabilizing the environment’s ecological balance by contributing to the processes of air movement, air purification, oxygen regeneration, groundwater recharge and stormwater runoff control, while, at the same time, aiding in the abatement of noise, glare, heat and dust.

(c) Provide visual buffering between land uses of differing character and off-street parking.

(d) Protect the public health, safety and general welfare.

(e) Safeguard and enhance property values, and protect public and private investments.

(f) Encourage innovation and quality in landscape and architectural design.

(2) Applicability. The landscaping requirements set forth in this subsection shall apply to the following new developments:

(a) New developments with street frontage in B-1, B-2, B-3, B-4, excluding single-family residences.

(b) New duplex or multi-family developments in R-2, R-3, B-1, B-2, B-3 or B-4 districts.

(c) New business or commercial uses located in D-1, D-1B or D-2 districts; this shall apply only to those uses located in industrial zoning which also are allowed in B-1, B-2, B-3 or B-4 districts.

(4) Landscape plan submission. The landscape plan must be submitted, in conjunction with the required site plan, to the building inspections department with the application for a building permit for work on the property. The landscape plan can either be a separate print or be included on the required site plan print.

(6) Landscape guidelines.

(a) A minimum of five percent of the total property shall consist of landscaping on the front half of the property…
Visibility at Intersections

Another concern mentioned during our discussions with the city’s staff was regarding the visibility at intersections in residential areas. Typically zoning ordinances will limit the heights of vegetation, fences, signs and other structures at street intersections so a motorist’s view of oncoming traffic is not blocked. This is a safety matter. The area within which vegetation and structures are limited is referred to as a “sight triangle”. Thibodaux staff expressed concern relative to the lack of clarity in the way the city ordinance describes how to create the sight triangle. The current method used is to pivot from the center of an intersection and to strike an arc radius at 50 feet. This arc would then determine the area in which nothing can be built or located in a manner that results in obstruction of a motorist’s view in all directions. In comparing the current restriction to the other like communities, Thibodaux’s current practice is more prohibitive than the others as it provides a greater distance, which creates greater clearances. However, the area that must remain without obstructions is literally determined by the width of the street. Meaning the smaller the street, the greater the sight clearance, and vice versa, the greater the street width the smaller the non-obstruction area. During discussions between SCPDC and the city’s staff, it became apparent that the general rule for calculating the sight triangle may be inappropriate at intersections that do not intersect at perfect 90 degree angles. The Thibodaux staff found the ordinance language especially difficult to employ at a number of intersections where one or more diagonal streets intersected streets laid out in a grid pattern. Himalaya Street was noted as an example.

City Thibodaux Zoning

The directions for calculating the sight triangle within the Thibodaux ordinance are found in two places. In the definition of a sight triangle, the city outlines the method for calculating a right triangle using 150 feet along intersecting streets. Also, the definition of “Yard” reinforces the notion that heights are limited where visibility might be obstructed.

Article XVIII. Definitions

Sight triangle: An area adjacent to street intersections maintained clear of visual obstructions; a triangle so constructed that two (2) sides thereof are superimposed upon the intersecting street centerlines for a distance of one hundred fifty (150) feet back from the point of intersection of the centerlines, the third and closing side terminating at the respective points one hundred fifty (150) feet from the point of centerline intersection.

Yard: A required open space measured from the building wall with a maximum overhang of two (2) feet other than a court unoccupied and unobstructed by a structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard acce-

sories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

An illustration is included that shows how the sight triangle should be drawn using the definition in the Thibodaux ordinance. The Thibodaux zoning ordinance continues with explanations and restrictions regarding the height of structures and vegetation in the sight triangle in several places. However, in residential zones the right triangle created to ascertain the sight clearance area is shortened to 50 feet on two sides so the clear area is also smaller.

“Sec. 601. Visibility at intersections in residential districts.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 and 10 feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

2005.1. Visual obstruction: Signs in a sight triangle shall not obscure vision between heights between three (3) and seven (7) feet above grade.”
Comparable Cities - Visibility at Intersections

The review of comparable towns was not completely satisfactory in finding suggestions for clarity. Thus SCPDC looked at two larger communities that are more involved in traffic management issues. Terrebonne requires 30 feet for two sides of its right triangle but also provides a smaller area for the sight triangle along private driveways. Along driveways the distance is 15 feet.

As the Thibodaux staff pointed out, many intersections just do not fit the strict interpretation of the language in the Thibodaux ordinance. One method to clarify technical standards of this nature is to provide a graphic. This helps both the staff and the public understand how the calculations are made. A graphic representation of a sight triangle labeled “Typical Intersection” was found in a traffic management guidebook in the SCPDC library. The Lafayette City Parish Consolidated Government provides detailed directions for determining the sight triangle under their traffic codes. There is also an illustration of the method to be used in calculating the sight triangle. Factors used in calculating the sight triangle include the number of street lanes and the posted speed limit. The standard is based upon a 2004 AASHTO guide.

American Association of State Highway and Transportation Officials (AASHTO) is a source often used to develop such guidance. AASHTO develops and issues guidance based upon traffic engineering principles for determining many issues related to traffic safety.

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Excerpt from the Terrebonne Parish Consolidated Government Zoning Ordinance

Section 28-72 Supplementary area regulations

(c) Visibility at Intersections On a corner building site in any district in which a front yard is required, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points thirty (30) feet from the point of intersection measured along such street lines."

(f) Visibility for driveway egress. In any district, no fence, wall, structure, tree, shrub or planting more than three (3) feet in height shall be erected, placed or maintained in such a manner as to prevent a clear, unobstructed view of approaching traffic for the driver of a vehicle within fifteen (15) feet from the driveway’s street line.

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Above: Illustrating method to calculate Typical Intersection Sight Triangle

Left: Sight Triangle Illustration from Lafayette City Parish Consolidated Government Code.
Excerpt from the Lafayette City Parish Consolidated Government Traffic Code

Sec. 86-102. Sight triangle—Obstruction of view at intersections.

(a) It shall be unlawful to construct or maintain, or permit to remain, any fence, sign, movable object, hedges, bushes or other plants which exceed 36 inches in height measured from the street level on any lot where the fence, sign, movable object, hedges, bushes or other objects obstruct the line of sight at street intersections as defined in this section. The sight line and the curb lines of the major street and minor street represent sight triangles that are to be free from obstructions as noted in this section. The sight distance shall be measured from a point along the minor street intersection approach located 14.4 feet from the intersection of the centerline of minor street with the curb line extension of the major street. This point shall be established at three and a half feet above the minor street pavement elevation. From this point a vehicle driver shall be able to view an object from a predetermined distance measured along the center of the lane of the intersecting major street. This object shall be visible from a height of three and a half feet above the pavement of the major street. The required distance varies with the posted and/or 85th percentile operating speed of the major street and the number of lanes on the major street. Sight distance for various speeds and number of lanes for the intersection roadways are specified in Table (A)1. The area required to be free from obstructions for intersections on the inside of a horizontal curve of a major street require additional sight distance restrictions than a street intersection at 90 degrees.

(b) The following table identifies the minimum clear sight distances and related areas to be free from obstructions for intersections of minor streets and major streets with various numbers of lanes and speed limits:

Table (A)1. Minimum Required Sight Distances/Required Sight Triangles *

<table>
<thead>
<tr>
<th>Total number of lanes on major street</th>
<th>Minimum cross street/intersection sight distances in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>posted speed limit on major street</td>
</tr>
<tr>
<td></td>
<td>20 mph</td>
</tr>
<tr>
<td>2</td>
<td>225</td>
</tr>
<tr>
<td>3</td>
<td>240</td>
</tr>
<tr>
<td>4</td>
<td>250</td>
</tr>
<tr>
<td>5</td>
<td>265</td>
</tr>
</tbody>
</table>

* 85 percent speed may be used in lieu of existing speed limit.

The value noted within Table (A)1 is measured in accordance with the following graphic figure:

GRAPHIC LINK: TableA1

(c) When the director determines, upon the basis of engineering and traffic investigation, that a traffic hazard exists as noted in this section, the director shall notify the owner by mail, return receipt requested, and order the hazard be removed within ten calendar days from receipt of said notification.

(d) Upon notification by the director, the property owner shall remove any tree, shrub, sign, or other obstruction that restricts the view of motor vehicle operators that has been determined to constitute a traffic hazard by the director.

(e) Failure of the property owner to comply with the director’s request to remove the obstruction identified by the director within ten days shall constitute a misdemeanor and is subject to punishment in accordance with section 1-9.

(f) Failure of the property owner to comply with the director’s request to remove the obstruction identified by the director within ten days shall also constitute permission of the property owner for city-parish consolidated government personnel to cause the removal of identified obstruction. Costs incurred by city-parish consolidated government associated with this action shall be paid by the owner of the property. If not paid within 90 days from request to pay, a property tax lien shall be attached to the subject property.

(g) The provisions of this section shall apply to existing obstructions as well as to new construction of fences or signs or placement of movable objects, or new planting of hedges, bushes or other plants.

(h) Utility structures and traffic and/or street signs, where necessary as determined by the director, and existing buildings are excluded from the provisions of this section.
City of Hammond

Hammond uses 30 feet to create the two of the right triangle sides. The clearance area is uniform for all districts.

City of Pineville

Curiously, we found no such language in the Pineville zoning ordinance. However, a search of their code revealed similar language in the ordinance setting standards for Mobile Home and travel Trailer Parks.

City of Ruston

Ruston’s ordinance distinguishes between general “access ways” (minimum of 10 feet for two sides of the triangle) and public streets, requiring a minimum of 25 feet along two sides of the sight triangle. The difference is that these are minimum requirements which might provide greater flexibility in addressing issues on a case by case basis given the different dynamics occurring at differing intersections.

Comments

Given the typical street widths of Thibodaux, the language of the ordinance is appropriate in most cases, but the area should be based upon measurement of straight lines creating a sight “triangle” rather than an arc. The triangle is a right triangle, formed by a straight line joining the intersecting street lines at points which are set at an appropriate distance from the point of the intersection measured along each street segment. The examples from Terrebonne and Lafayette illustrate the method. Establishing a minimum uniform length for two sides of the right triangle like Ruston did, might help give the city more flexibility in addressing varying conditions on different kinds of streets. A more detailed method like Lafayette’s based upon traffic engineering principles would provide specific guidance. For other more complicated calculations involving multilane boulevards, diagonal crossings, curved intersections or traffic circles, it is suggested that the city consider referring to guidance issued by AASHTO.

Excerpt from Hammond Zoning Ordinance

2.5(a) Additional Yard and Wall Regulations
(b) On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than 3 feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection measured along said street line.

City of Ruston

Sec. 29-80. Supplementary regulations.
(d) Landscape requirements (6) (e).

The line of sight safety triangle at either side of an access way intersecting with a public street shall not be less than ten feet in length along the access way and public street right-of-way. The line of sight safety triangle at the junction of two public streets shall not be less than 25 feet along each public street right-of-way. Such line of sight safety triangle must be essentially clear of obstructions between the heights of three and eight feet above grade to allow for vehicular visibility.
Fence Height requirements

Zoning ordinances often require solid fencing and/or vegetation along property lines between two different types of uses that are located directly adjacent to each other. This is especially common when a commercial activity occurs next door to a residential use. The thought behind the requirement is to shield the residences from noise, lights, and other nuisances. Thibodaux has such language in the zoning ordinance requiring a buffer between parking areas and residential or related uses. Discussions with the administrative staff revealed that a conflict exists within the zoning ordinance regarding the height requirements of the required fence and the maximum height allowed along the perimeter of the 20 foot required front yard. This issue is of particular concern in R3 districts. The conflicting directions are a safety concern as the required fence is protruding into the line of sight of adjacent property owners, not unlike the previous discussion on intersections.

City of Thibodaux

The definitions define “yards” and include stipulations regarding the height of structures in a front yard. The ordinance prohibits fences or walls in excess of 30 inches if it impedes vision across the yard. The same is true of vegetation that is between 30 inches and 10 feet, probably allowing for taller trees that do not have low branches. On the other hand, property owners located in an R3 zone must provide a solid fence and screening that is six feet high if they have 10 or more parking spots within twenty (20) feet of a dwelling unit, school, hospital, or other institution for human care. The ordinance again prohibits any fencing, walls or hedges higher than two and one half feet (30 inches) tall along the front yard.

Article XVIII Definitions

Yard, Front: …In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and 10 feet. …

Section 602 Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.

Section 704.2 No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by a wall or fence of solid appearance or a tight evergreen hedge having a height of not less than 6 feet.

Comparable Cities – Fence Height Requirements

City of Hammond

Hammond’s ordinance details height limits for different types of fences and within different zoning districts. When used as a buffer between residential and commercial uses the fence may be eight feet high. But overall it appears that no fence may obstruct sight clearances and nothing may be higher than 36 inches above grade if the object is within the sight triangle and four feet elsewhere. The fences may not obstruct the sight clearance at intersections.

City of Ruston

Ruston generally requires fencing or vegetation between residential and most other uses. A good example is the found in the B-4 Highway Business District. This one specifically states the fencing or planting stops at the building line. SCPDC contacted the City of Ruston Planning Department. The Ruston staff members advised that fencing may be erected at the property line but it cannot exceed three (3) feet in height. However, property owners are allowed to erect fencing higher than three (3); if it is at least five (5) feet within the property line.

City of Pineville

The city’s commercial landscape ordinance requires a buffer along commercial/residential boundaries and it must run the entire length of the abutting lot lines. However, no vegetation can obstruct vision at vehicle intersections. The use of “vehicle” rather than “street” intersections is interesting because it might be interpreted to mean any point where vehicles intersect, not just street intersections. This would then include private driveways, alleys, parking lots, etc.

Comments

Fencing or vegetative screens are ways to help reduce impacts of one kind of use upon another. Such requirements also help to preserve the aesthetic quality of a neighborhood. However, extension of a buffer into a front yard is of concern from a public safety view if it blocks the view of vehicular traffic and pedestrians, too. The simple solution would be to add language to Section 704.2 of the Thibodaux zoning ordinance similar to that found in Ruston’s ordinance where the screening stops at the front building line. Since Thibodaux has older neighborhoods with zero lot lines (no front setbacks) such language would have to be qualified. Wording to the effect that any fence or vegetative buffer or screening must be installed “…so as not to block the view for public safety purposes” might be appropriate. Another suggestion is to provide a reduced height for screening in the front yard areas.
Excerpt from Hammond Zoning Ordinance

SECTION 3 REGULATION OF ACCESSORY BUILDINGS AND USES

3.1 Fences, Shrubs and Buffer Zones

(a) No fence, shrub, or plant material, more than three feet above grade at the centerline of the street may be located within 30 feet of a street intersection.

(c) Woven wire fence less than 4 feet in height may be placed on any part of a lot but shall not extend into a street right-of-way and shall not obstruct, in whole or in part, the sight clearance needed at intersections as determined by the City, State, or any applicable governing authority. Other types of fences of less than 4 feet in height may be placed on any part of a lot but shall not extend into a street right-of-way and shall not obstruct, in whole or in part, the sight clearance needed at intersections for safety. Decorative wrought iron or simulated wrought iron fences of up to 6 feet in height may be placed in front yard areas adjacent to roadways.

(d) Solid fences of stone, vinyl, stucco, wood, concrete or woven wire fences of up to 8 feet in height may be erected on those parts of a lot that are as far back or farther back than the required front building set back line (set back from adjacent streets), or the front point of any primary structure thereof, whichever distance is greater. (residential or commercial)

(e) Open wire fences for tennis or badminton courts may be erected to a height of ten feet if such courts are located inside of rear yards.

(f) Open wire fences in industrial and commercially zoned districts may be erected to a height of 10 feet. Barbed wire fencing may not be used within residential district of the City.

Fences next to parking lots must be protected by wheel bumper stops.

(g) Solid fences may be erected up to 8 feet in height if such fences are being used as the buffer between commercial and residential property.

Wire fences shall have a minimum of 1&1/2 inches diameter galvanized pipe supports placed no more than 7 feet apart. Wood fencing material shall be of a weatherproofed wood.

All fences shall be shown and described as part of any applicant's building permit application.

The property owner(s) will be responsible for maintaining the condition of the fence.

Ruston Zoning Ordinance

Sec. 29-43. B-4 highway business district

(b) Development standards.

(8) Screening shall be provided the length of rear lot lines adjacent to residentially zoned districts and along side lot lines adjacent to residentially zoned districts, extending from the rear of the property line to the front face of the building. Screening shall consist of an opaque (nonmetal) fence with a minimum height of eight feet, unless varied by the zoning commission, or a plant material screen with a minimum height, at planting, of four feet, and ultimate height of at least six feet, and expected to become 70 percent visually opaque within 12 months of installation.
Parking and Storage of Certain Vehicles in Commercial Zones

The city’s staff noted that while the Thibodaux’s zoning ordinance addresses the removal of abandoned vehicles in residential areas, it does not mention the removal of abandoned vehicles on commercial property. Moreover, the city does not have a separate abandoned automobile code or nuisance codes that tackles this issue. Most cities (comparable cities included) have abandoned vehicles or nuisance codes that deal with the issue of deserted cars. This is typically not an issue covered in the zoning ordinance. In Louisiana, there are a number of state laws that pertain to junked or abandoned vehicles, junk in general, high grass and blighted or unsafe buildings. Excerpts from some of these are included for examples. The city could adopt one or more separate ordinances using the procedures spelled out in the statutes for removal of junk or addressing other nuisances. The procedures may vary for removal of unsafe buildings, junked material or junked vehicles, but all include some very basic steps. Property owners given notice that they are in noncompliance and provided a time frame for correcting the problems. If the owner fails to respond, a citation or second warning may be issued after which the city may take steps to enforce the ordinance. If the city incurs cost in enforcing the ordinance, such as cutting the grass, the owner is billed for the public’s cost and if they do not reimburse the city within the appropriate amount of time, a lien may be placed on the property and funds are collected as part the tax assessment. In the case of junked vehicles, a towing company may tow the vehicle and after 30 days, can crush or dismantle it.

City of Thibodaux

The city zoning ordinance prohibits the placement of unlicensed vehicles on residential properties except when stored in a completely enclosed vehicle.

Section 608 Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

Comparable Cities – Abandoned Vehicles

City of Hammond

Hammond’s ordinance requires a notice to remove the abandoned or junked vehicle from private property within 10 days of receipt of notice. If the letter cannot be delivered, the vehicle is tagged.

City of Ruston

Ruston’s ordinance allows city officials to enter onto private property to

City of Pineville

Pineville distinguishes between abandoned and nuisance vehicles. The abandoned vehicles include those on public property and those on private property without the owner’s permission. The nuisance vehicle is one that exhibits one or more indicators that it is inoperable, including flattened tires, no movement within the past 30 days, no license plate, etc. The city posts a notice on the vehicle indicating it must be removed within 5 days after which time; the city can take action to remove the nuisance.

§33:La. Revised Statutes 33:4876
Abandoned automobiles, major appliances and other junk; disposition of

A. The governing authority of any municipality or parish may enact ordinances regulating or prohibiting the storing or abandoning of junk, wrecked or used automobiles or motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items, on any vacant lot, or any portion of any occupied lot, neutral ground, street or sidewalk, within the municipality or parish.

B. The term “junk, wrecked or used automobiles or motor vehicles” as used herein shall mean any motor vehicle which is totally inoperable, left unattended on any portion of any occupied lot, neutral ground, street or sidewalk, and is so damaged or dismantled as to be a total loss. The term “total loss” shall mean that the cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle, as determined by any recognized national appraisal book. The ordinance shall provide for the removal and disposition of such junk motor vehicles after notice of not less than ten days either placed on the vehicle itself or given to the owner, if known. Any vehicle which remains on the public ways or private property described above after notice given as provided in the ordinance shall be considered as public property and disposed of by the municipality or parish as the governing authority may designate. In the case of other abandoned property set forth in Subsection A, the notice shall be given to the owner of the lot or parcel of ground upon which the junk material is located, and the cost of removing said material shall constitute a special lien collectible in the same manner as special assessments are collectible by law.

C. In the exercise of the authority herein granted, the governing authority may provide for the removal of such abandoned junk by the municipality or parish and for the collection of the cost of removal, not to exceed two hundred dollars, from the owner of the material and, among other things, may require, but not by way of limitation, that any vacant lot or portion of any occupied lot used for the storage of junk, as herein defined, shall be surrounded or enclosed by a board fence or other enclosure.
Comments

The best way to handle junked vehicles and other junk items is through those processes spelled out in Louisiana legislation. These state laws are the guide for these kinds of regulations but there are some that apply to cities and some to parishes. Some may apply to both. Successful examples can be found elsewhere in similar or surrounding communities. It is suggested that the city review the state laws with their attorney to determine which apply to Thibodaux.

**Louisiana Revised Statutes 33:1728.2. Procedure for disposal of junk vehicles**

...  
C. As used in this Section:

(2) “Junk vehicle” means a vehicle in such a state of deterioration that it cannot be profitably restored and has a fair market value of five hundred dollars or less by using the rough trade-in value shown in the most recent National Automobile Dealers Association Guide.

(3) “Owner-operator” means a person or legal entity who owns or operates a business engaged in the towing or storage of vehicles, and has a vehicle licensed as a towing vehicle under R.S. 32:1716.

D. Each owner-operator who possesses a vehicle which meets the criteria set forth in Paragraph (C)(2) of this Section may make application for crushing of the vehicle at the expiration of thirty days or make application for dismantling of the vehicle at the expiration of thirty days from mailing of the notice, by certificate of mailing, on a form provided by the Department of Public Safety and Corrections, office of motor vehicles, upon satisfaction and submission of each of the following requirements:...

**Hammond**

Sec 20-17. Art. II. Abandoned, Junked, or Inoperative Vehicles and Mobile Homes

(d) When a junked, abandoned, wrecked or used motor vehicle has been located on private property for a period in excess of thirty (30) days, or when a vehicle is determined to be an abandoned vehicle, the department or official shall be authorized to send a letter by certified or registered mail, return receipt requested, ordering the owner or occupant of said property to remove or enclose vehicle within ten (10) days from the date of receipt of said letter. In the event the letter is not deliverable, the department or official shall place a notice on said abandoned vehicle providing for a period of ten (10) days to remove or relocate such vehicle(s). After the expiration of the time provided for above without further notice to owner or reputed possessor, the city shall be authorized to have said vehicle removed from said property and tow or convey it to a scrap or junk dealer for purchase by said dealer as scrap or junk or for storage at a designated pound.

**Pineville**

ARTICLE I.5. ABANDONED VEHICLES

Sec. 9-8. Definitions.

(1) Abandoned, junked, or wrecked motor vehicles. Any motor vehicles which is totally inoperable, left unattended on any unused portion of any occupied lot, neutral ground, street or sidewalk, or vacant lot and is so damaged or dismantled as to be a total loss.

Sec. 9-9. Keeping prohibited vehicles; declared nuisance.

It is unlawful for any person to keep or deposit, or allow be keeping or depositing, abandoned, stripped, wrecked or junked vehicles on property situated within the municipality, and the presence of abandoned, stripped, wrecked, or junked vehicles is hereby declared to be a public nuisance.

Sec. 9-12. Removal.

The City of Pineville may remove and dispose of abandoned, wrecked, or junked motor vehicles as allowed by Louisiana law including, but not limited to, the provisions of R.S. 32:476 and R.S. 33:4876.
Ruston Article III

Sec. 21-32. Definitions.
Abandoned vehicle means a motor vehicle that is left for more than three days in any of the following circumstances:

(a) Unattended on public property
(b) on the shoulder or within the right-of-way of an interstate, four-lane highway, two-lane highway, or any road, street or thoroughfare within the corporate limits of Ruston.
(c) Illegally on public property
(d) On private property without the consent of the owner or person in control of the property.

Nuisance vehicle means a motor vehicle where any one or more of the following factors are present and which, in the aggregate, evidence that the motor vehicle is not being used and maintained as an operating motor vehicle and the condition of the motor vehicle or the surrounding area does not indicate that active on-going efforts are underway to return the motor vehicle to operating condition within the immediate future. The factors which may indicate that a motor vehicle is a nuisance vehicle include one or more of the following:

(a) The motor vehicle is partially dismantled, partially disassembled or wrecked, or lacks major mechanical or body parts;
(b) The motor vehicle is not capable of movement under its own power in the manner in which it was originally intended, or is otherwise inoperable for use as a motor vehicle;
(c) Based upon the records of the city or from the condition of the motor vehicle, it is readily apparent that it is and has remained inoperable for a period in excess of 30 days;
(d) The motor vehicle has one or more tires missing ……;
(e) The motor vehicle does not have a current license plate, registration, motor vehicle inspection sticker and/or it is evident that the motor vehicle is not currently operable in a legal manner;
(f) The motor vehicle is located in an area of a growth of weeds, grass or other noxious vegetation over six inches in height;

Sec. 21-34. Right to enter property.
(a) In the enforcement of this article, such persons charged with its administration and enforcement may enter upon private or public property at reasonable times to examine the vehicle or parts thereof, or to obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof, in accordance with the provisions of this article.
(b) Contractors or permittees who have been contracted by the city to remove an abandoned or nuisance vehicle, or parts of abandoned or nuisance vehicle, shall be authorized to enter upon private or public property to cause such removal.

Sec. 21-51. Abatement of nuisance vehicles.
(a) Whenever any motor vehicle is found to be a nuisance vehicle, a notice shall be posted on the windshield of the vehicle directing that the vehicle is to be removed within five days, not to include weekends or legal holidays, and shall direct that the failure to remove the vehicle from within the corporate limits of the city may result in the vehicle being removed by the city, or by a tow truck operator on behalf of the city.
(b) If the nuisance vehicle is not removed within five days, not to include weekends or legal holidays, from date of posting the notice, the nuisance vehicle may be removed and disposed of by a tow truck operator on behalf of the city, with all costs of towing and storage to be collected from the property owner, vehicle owner or lien holder retrieving the vehicle, or from the sale or disposition of the vehicle, as otherwise provided by law. If the nuisance vehicle is found again at another location within the corporate limits of the city after the initial posting of notice, the vehicle may be removed by the city, or by a tow truck operator on behalf of the city, without further notice being required.
(c) In addition to the notice to be placed upon the windshield of the nuisance vehicle, as provided above, notice shall also be provided to the property owner at the address reflected on the most recent tax roll (if such owner can be reasonably determined) or registered owner of the motor vehicle and any registered lien holders (if such owner and/or lien holders can be reasonably determined) at the address reflected by the records of the Louisiana Office of Motor Vehicles, by certified U.S. Mail or by personal service through city marshal personnel or city police personnel. If service by certified mail or personal service is unsuccessful, publication one time in the official journal of the city shall be deemed sufficient.
Variance Requirements

Many states have modeled their enabling zoning legislation on the “Standard State Zoning Enabling Act” first drafted in the 1920’s by the U.S. Department of Commerce. Most states including Louisiana used this model in drafting state laws enabling cities and parishes/counties to adopt local zoning ordinances. The “Standard State Zoning Enabling Act” provides for the creation of a board of adjustment but it is not a required element. The same is true of Louisiana Law, which is based on the 1920’s model. In both the 1920’s model and Louisiana Law, the board, although not mandatory, is set foreseen as an integral part of the administrative process and great detail is provided about the board, its terms of office, meetings, public hearings, records, etc. The reason may be that an administrative appeal board was a new idea in the 1920’s. The local legislative body may provide for the appointment of a board of adjustment for municipalities. The statute begins with the opening statement “The local legislative body may provide for the appointment of a board of adjustment......” In fact in some small towns, there is no board and appeals are forwarded to the town council. The board is an appeal body that hears testimony and decides if the requirements of the zoning ordinance should be lessened to avoid undue hardship and grant a waiver or variance. Decisions must be made within the context of the zoning ordinance. A classic example of a variance would be the lessening of setback requirements on preexisting lots that are smaller than the standard lot size of the newer zoning ordinance. Another might be to allow a use that is in harmony with surrounding properties and upholds the intent of the ordinance, for example a school or church in a residential area where such is normally prohibited. Any rule adopted by the board must be approved by the governing authority prior to its being used. A new law requiring four (4) hours of training for planning commissioners also applies to members of a board of adjustments.

City of Thibodaux

The Thibodaux zoning ordinance is based upon La. Revised Statutes 33:4727 with the exception that it distinguishes between “special exceptions” or uses and “variances” which are specific to the property (setbacks, heights, etc.) According to the city’s staff, there has been confusion over specific language in the Thibodaux ordinance that refers to the content of applications for variances. Understanding the submitted variance requirements Section 1003.1 has been the source of much confusion particularly paragraphs (c) and (d). The administration advised that most citizens simply do not understand what it means.

Section 1003.1

(c) That the special conditions and circumstances do not result from the actions of the applicant;

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

or:

That there are special conditions and circumstances concerning the particular application for which the board of adjustment feels that the interest of zoning and the city as well as the neighborhood would best be served by granting the variance.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Excerpts from La. R.S. 33:4727. Board of adjustment; membership; powers and procedures; appeals from decisions

A. (1) The local legislative body may provide for the appointment of a board of adjustment, and in the regulations and restriction adopted pursuant to the authority of R.S. 33:4721 through R.S. 33:4729 may provide that the board may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules contained therein.

(5) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to R.S. 33:4721 through 33:4729; however, any rules adopted by a board of adjustment, zoning administrator, or other official or official body appointed by the governing authority shall not be effective until approved in writing by the governing authority...

C. (3) The board of adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of R.S. 33:4721 through R.S. 33:4729 or of any ordinance adopted thereto.

(b) To hear and decide all matters referred to it or upon which it is required to pass under the ordinance.

(c) In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to vary or modify the application of any of the regulations or provisions of the ordinance relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done...

Comparable Cities – Variance Requirements

City of Hammond

The planning commission of the City of Hammond acts as the board of adjustments. As the board of adjustment, it does not appear to have the power to vary uses, only dimensional requirements. However, it does have the power to interpret the zoning ordinance. This is a common power delegated to the many boards of adjustments but absent in Thibodaux’s ordinance. It seems to be an extension of the notion that the board is hearing appeals from a decision of the administrator.

City of Ruston

Ruston provides for both special permits and variances. However in most of the zoning districts, the kinds of uses that can be granted as special exceptions are identified. An example from the D-1-B light industrial/business district is provided.

City of Pineville

The Pineville City Council acts as the board of adjustments and hears all appeals.

Comments

None of the comparable communities had language like that causing confusion in Thibodaux as far as could be ascertained. Zoning decisions cannot be arbitrary and capricious. They must be equally applied to everyone and protect the general welfare of the public. To this end, Section 1003.1 paragraph (c) requires that the applicant seeking the variance prove that he/she did not cause the problem prior to requesting the variance. Paragraph (d) requires the applicant to prove to the board that approval of his/her request would not result in the applicant receiving treatment different from others in the surrounding area and that the request is not for a nonconforming use or structures. The onerous is on the applicant to provide proof of other similar cases that the board of adjustment may have approved in the past. These are standard questions in considering variance requests. The city may want to consider an approach like that taken by Pineville and list the kinds of uses that are acceptable special exceptions. This is a common practice and could help alleviate some of the confusion and give clear direction to the board of adjustments.

Hammond

SECTION 5 - ADMINISTRATION AND ENFORCEMENT

5.5 Powers and Duties

The Board of Zoning Adjustments shall have the following powers and duties:

(a) To hear and decide appeals involving the interpretation of any provision of this Ordinance or when it is alleged that there is error in any order, requirement, decision, or determination made by the Building Official concerning this Ordinance.

(b) Hear and decide appeals involving the boundaries of the zoning district.

(c) Decide on structures and uses that are for temporary or seasonal purposes (such as Christmas tree sales or fireworks stands) that may not typically be included in the Zoning Ordinance.

(d) To review and grant variances to the zoning district regulations when it is found that:
   • Strict application of the zoning district regulations would cause an unreasonable hardship to the property owner/owners, unless the hardship was actually created by the applicant.
   • There are special demonstrable circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the district, and that strict application of the provisions of this ordinance under these conditions would deprive the applicant of any reasonable use of such land or building.

Pineville

SECTION 12. METHOD OF APPEALS

Appeals to mayor and board of aldermen may be taken by any person or corporation aggrieved or affected by this ordinance by filing of a written appeal, specifying the grounds thereof; and after due public notice said applicant will be heard at a public hearing. Upon the hearing any party may appear in person or by an attorney. The decision of the mayor and board of aldermen shall be rendered within a reasonable time and shall be binding.
Ruston

Excerpt from Sec. 29-100. Board of adjustment.

(b) Powers and duties. The board of adjustment shall have all of the powers and duties prescribed by law and this chapter, which are more particularly specified as follows:

(1) Interpretation. Upon appeal from a decision by an administrative official, the board of adjustment shall decide any question involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect to such district boundary location.

(2) Special permits. The board of adjustment shall issue special permits for any of the uses for which this chapter requires the obtaining of such permits from the board of adjustment; or for the extension of a building or use, as such existed on September 15, 1959, into a contiguous more restricted district for a distance not exceeding 100 feet, but not for any other use or purpose. In granting any special permit, the board of adjustment shall prescribe any conditions that it deems to be necessary to, or desirable for, the public interest. However, no such special permit shall be granted by the board of adjustment unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the general purpose of this chapter. In determining its finding, the board of adjustment shall take into account the character and use of adjoining buildings and buildings in the vicinity, the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

(3) Variances. The board of adjustment shall vary or adapt the strict application of any of the requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings involved, but in no other case. In granting any variance, the board of adjustment shall prescribe any conditions that it deems to be necessary or desirable.

However, no variance in the strict application of any provisions of this chapter shall be granted by the board of adjustment unless it finds that:

(a) There are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not generally apply to land or buildings in the neighborhood, and that such circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building.

(b) For reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the minimum variance that will accomplish such purpose.

(c) The granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and buildings in the vicinity, the board of adjustment, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and traffic conditions in the vicinity.

Excerpt from Sec. 29-51. D-1-B light industrial/business district.

(c) Uses permitted in D-1-B light industrial/business districts by special permit from the board of adjustment. The following uses shall be permitted in the D-1-B light industrial/business district by special permit from the board of adjustment:

1. Alcohol manufacturing.
2. Brick, tile or terra cotta manufacturing.
3. Freight classification yard.
4. Lampblack manufacturing.
5. Soap manufacturing.
6. Tar distillation or tar products manufacturing.
7. Wool pulling or scouring.
8. Any accessory use customarily incidental to a use authorized by this section.
9. Any other trade, industry or use that will not be more injurious, hazardous, noxious or offensive than the uses authorized by this section.
10. Any use of a building which is permitted in a D-2 industrial district and which exists in a D-1 or D-1-B industrial district on the effective date of this chapter, may be expanded by not more than 25 percent in square feet floor area or cubical content if a special permit is granted from the board of adjustment.
Off Street Parking Requirements

The amount of off street parking required for various uses is always delineated in zoning ordinances. This is because most people now use automobiles to get around especially in small towns or rural neighborhoods where public transit is lacking or insufficient and distances between destinations make walking or biking difficult. Even when the destination is not far, the personal difficulty encountered in biking or walking to it may make driving an automobile a more practical solution. Also, use of the public right of way for parking is not really acceptable.

As time passes streets may need to be widened, the volume and speed of traffic on a street may make parking dangerous, parking on a narrow street may hinder safe passage of other vehicles and, quite frankly, the street is a common space that belongs to all of the public and is not exclusive to one property owner or another. There isn't enough room on the street to accommodate everyone's parking needs so no one use can count it as their space. Automobiles take up substantial space, typically 20 feet by 10 feet spaces are allowed per car. In some instances, as often seen in parking garages, smaller spaces may be reserved for small vehicles. In addition to the spaces, driving lanes need to be provided to access multiple spots. All in all, parking can take up substantial land in an urban area. One estimate indicates that six to 40 percent of the land in American cities is devoted to parking.

Zoning ordinances generally provide a range of required parking spaces based upon various uses. A residential lot may be required to have one or two off street parking spaces while a grocery store would have much more. Sometimes the number is based strictly on the kind of use, at other times the required amount may hinge on the gross sales area or the number of professional offices or service providers in the building.

City of Thibodaux

The Thibodaux administrative staff has encountered several questions and issues regarding parking as required in the zoning ordinance. In particular, they noted that sometimes the required parking is too much and at other times it is too little. The staff used the case of a medical clinic that has met the parking requirements as delineated in the city's zoning ordinance; however, the tremendous number of patients visiting the clinic has far exceeded the allotted parking space. The administration is concerned that the required parking for a medical clinic may not be enough for future development. Section 701.1 of the Thibodaux's zoning ordinance states the following:

“No land shall be used or occupied, and no building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.”

Thibodaux's current zoning ordinance requires clinics to have one (1) parking space for every 500 feet of gross floor area.

Comparable Cities – Off Street Parking

City of Hammond

The City of Hammond requires medical clinics to have one (1) space for every 250 square feet of building.

City of Ruston

In the City of Pineville, the zoning ordinance stipulates that medical and dental clinics and offices must have three (3) spaces for each doctor's or dentist's office plus one space for each examining room.

City of Pineville

One parking space for every 200 square feet of building is the parking requirement for a medical clinic within the City of Ruston. Moreover, Ruston allows businesses with different peak times to share parking thereby reducing the number of required parking spaces. The applicant must provide an analysis conducted by either the Urban Land Institute or the Institute of Traffic Engineers shared parking guides.

Comments

It is difficult to determine if Thibodaux's required parking for all medical clinics will need to be increased. One successful medical clinic that exceeds its parking requirements does not mean that all medical clinics will need more parking. There are several variables to consider (i.e. type of doctors within a clinic, number of doctors at a clinic, location, type of patients, etc.) Increasing the number of required parking spaces may be too much for some medical clinics and still not enough for others. A zoning study to look at the parking needs and trends of the various medical clinics throughout the city would help to determine the parking demands of such facilities.

City of Pineville

Article 402 Off-street parking spaces required.
The following off-street parking spaces shall be provided: ….

(b) For places of public assembly:
   (5) For hospitals, one and one-half (1 1/2) spaces for each hospital bed.
   (6) For nursing homes, one space for each three (3) hospital beds.

(c) For the following uses, off-street parking is to be provided:
   (1) For medical and dental clinics and offices, three (3) spaces for each doctor's or dentist's office plus one space for each examining room.

5 "Parking Spaces", Mark Chiles 1999
City of Hammond

SECTION 4 OFF-STREET PARKING AND LOADING REQUIREMENTS

4.05 Commercial
All commercial uses shall provide at least the following off-street parking spaces, buffered from landscaped areas by concrete bumpers:

(a) Office buildings and banks - 1 space/250 feet.
(b) Business, professional and medical including clinics but not hospitals - 1 space/250 square feet.
(c) Shopping goods, retail - 1 space/250 sq. ft. …
(f) Personal services, including barber shops, hair studios/beauty salons, body piercing and adornment, massage therapy, and similar type services - 1 space/150 sq. ft.
(g) Restaurants - 1 space per 75 square feet of customer service area (not including kitchen and storage area), whether such area is inside or outside of a building, plus the required handicapped parking spaces. For projects with mixed uses, the restaurant customer service area is calculated based upon the floor plans that show the portions of the building or store used for restaurant customer service area. When a restaurant has no customer seating and is a driveup only, 1 space per 75 square feet of floor area (generally for employees) is required….

(s) Central Business District (CBD) - off-street parking as required in this section, shall not be required in those portions of the downtown Central Business District zoned C-1. Available on-street and public parking mall shall be used as parking. Portions of the Central Business District zoned other than C-1 may be exempt from off-street parking requirements upon proof that adequate legal public onstreet parking is available adjacent to or near the property being considered. This shall be decided upon by the Zoning Commission and the Zoning Administrator. The Central Business District is defined as Blocks 42, West ½ of 43, 49, w½ of 48, 58, 59, 50, south half of 41, 57, 56, 55, 63, 62, 61, 72, 73, 76, and west half of 75 (as indicated on the Official Zoning Map).

NOTE: Some buildings combine two or more uses stated in Section 4.05 above (such as restaurant/bars or gas stations/convenience food store) and it will be the judgment of the building-zoning official to determine the proper number of parking spaces based upon the primary use of the building. Conflicts in this determination will resolved by the Zoning Commission.

NOTE: all required parking spaces for commercial properties must be paved with asphalt or concrete finished, as approved by the Building Department.

Ruston

Sec. 29-81. Off-street parking and loading.
(a) Required. Except as otherwise provided in this chapter, off-street parking shall be provided in connection with the erection or increase, by unit or dimension, of any building or structure, in the following amounts:

<table>
<thead>
<tr>
<th>TABLE INSET: Use Parking Space Required.....</th>
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<tbody>
<tr>
<td>Clinics, including veterinary</td>
</tr>
<tr>
<td>General business, commercial and personal</td>
</tr>
<tr>
<td>personal services establishments but not</td>
</tr>
<tr>
<td>including supermarkets</td>
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<tr>
<td>Hospitals</td>
</tr>
<tr>
<td>1 space for each 200 square feet of gross</td>
</tr>
<tr>
<td>floor area</td>
</tr>
<tr>
<td>1 space per each 300 square feet of gross</td>
</tr>
<tr>
<td>floor area</td>
</tr>
<tr>
<td>1 space for each 2 beds plus 1 space for</td>
</tr>
<tr>
<td>each staff doctor, plus 1 space for each 2</td>
</tr>
<tr>
<td>employees, including nurses, Hotels, transient 1 space for each guest bedroom plus one additional space for each 4 employees</td>
</tr>
</tbody>
</table>

(b) Shared parking. When any lot contains two or more uses having different peak parking characteristics and demand patterns, the zoning administrator may consider a reduction in required parking based upon an analysis of either the Urban Land Institute (ULI) or Institute of Traffic Engineers (ITE) shared parking guides. The study shall be provided by the applicant and must be performed by a registered professional engineer, licensed in the state of Louisiana, or other qualified professional. A legal agreement between property owners may be required, which shall be provided to the zoning administrator, if the parking is to serve two or more separate properties.

(c) On-street parking credit. For lots fronting existing public parking spaces within the public right-of-way, the number of required on-site parking spaces may be reduced at the zoning commission's discretion. The on-street parking credit shall not exceed 20 percent of required parking. Zoning commission approval of the on-street parking credit does not confer any parking preference to the lot fronting on-street, public parking spaces.
Maximum Lot Coverage

Zoning ordinances are developed with the public health and safety in mind. At its inception, zoning was devised as a way to create healthier living environments and move away from situations created when overcrowded rental dwellings were located next to noxious industrial uses as occurred in rapidly changing urban environments during the industrial revolution. One notion universal to zoning ordinances is that open space should be provided in order to promote public health. Most zoning ordinances accomplish this through setback and open space requirements. These area dimensional standards that are measured from a property line inward to a designated point. Establishment of “maximum lot coverage” limits is another way to preserve open space and limit density of development. It is also a way to preserve permeable surface and meet flood protection goals, important in South Louisiana. Such limits seem to generally be in addition to dimensional setback requirements. The amount of space calculated by the maximum lot coverage percentage is in effect the buildable space on a lot. Definitions of maximum lot coverage can be found in zoning literature and several examples are included.

City of Thibodaux

During SCPDC’s interviews with the city’s staff concern was expressed regarding the intent of the language used to direct the “maximum lot coverage” within residential zones. The Thibodaux zoning ordinance does not define maximum lot coverage. However, maximum lot coverage of 50% is included as a dimensional requirement in each residential district. The search of the Thibodaux zoning ordinance revealed no other use of the term. The existing wording does not delineate whether the 50% maximum coverage includes detached garages or storage structures, pools, or any other structures that cover the lot. The Thibodaux zoning ordinance does contain the following definition for “Buildable Area” which somewhat helps to identify what is meant by maximum lot coverage, but it really doesn’t give direction on what must be included in calculating the allowed 50% coverage.

Buildable Area: The portion of a lot remaining after required yards and setbacks have been provided.

Comparable Cities – Maximum Lot Coverage

City of Ruston

Ruston does not define maximum lot coverage although they do stipulate the maximum lot coverage percentage in several zoning districts. There are seven business districts and a table provides the maximum lot coverage for each ranging from 35% in neighborhood commercial areas to 100% in the central business district. Public institutions have no requirement. The Tech Village District also has a maximum coverage allowance of 70%. The maximum lot coverage is described as the floor area ratio. However, the city regulates its typical residential lots by use of setback requirements which are more rigorous than those used in the City of Thibodaux that provides for greater front, rear, and side yards). As stated their mix-use regulation is governed by what is called a Floor Area Gross.

SCPDC contacted Ruston planning department to learn how use of setback requirements affects city development. According to their city planner the setback regulations have served them well but recently the city began a comprehensive plan update called “Ruston 2021.” Many citizens have expressed interest in Smart Growth initiatives being included in their residential areas. Thus, the city is now focusing on making residential lots more compact and allowing greater density in development, helping to focus on pedestrian activity.

City of Pineville

Pineville uses typical setback standards as a way of maintaining open space on residential lots. No reference to maximum lot coverage was found in the Pineville ordinance.

Comments

Cities are using setbacks to define the buildable space and thus the area of the lot that can be covered. “Maximum lot coverage” does not seem to be a uniform standard employed to maintain open space, but it used and it does have advantages. Use of “maximum lot coverage” helps to keep the building space in proportion to the size of the lot. It makes since when rigid setback distances do not fit an area that has a mix of lot sizes. However, a good definition of maximum lot coverage and a clear method for calculating the percentage would help alleviate confusion.
Definitions of Maximum Lot Coverage

Example 1 from Anderson's American Law of Zoning, 4th Edition

**Maximum Lot Coverage**

(a) All Structures. The surface coverage of all enclosed buildings and structures shall not exceed fifty percent (50%) of the entire site.

(b) Accessory Uses and Structures. The maximum lot coverage of Accessory Uses and Structures shall be regulated pursuant to Section 1262.01.E, Coverage of Accessory Structures.”

Example 2 from the New York City Zoning Glossary found online at http://www.nyc.gov/html/dcp/html/zone/glossary.shtml

**Open Space**

Open space is the part of a residential zoning lot (which may include courts or yards) that is open and unobstructed from its lowest level to the sky, except for specific permitted obstructions, and accessible to and usable by all persons occupying dwelling units on the zoning lot. Depending upon the district, the amount of required open space is determined by the open space ratio, minimum yard regulations or by maximum lot coverage.

Example 3 from an informational brochure “BU-3 Zoning Information Liberal Business District” prepared by the Miami-Dade County Planning and Zoning Department found online at http://www.miamidade.gov/planzone/Library/brochures/BU-3.pdf

**What is Lot Coverage?**

It is the percentage of the overall area of the site that the building occupies (building area under roof at ground level/total lot area = lot coverage percentage).

**Maximum Lot Coverage**

Maximum lot coverage shall be 40% of net lot area.

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**Ruston**

**Sec. 29-5. Definitions.**

Floor Area, Gross.; for the purpose of determining the ratio of the floor area of a building to the area of the lot, means the sum of the gross horizontal areas of the several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces or walls of the building, including walls or other enclosures of enclosed porches.

**Sec. 29-29. Tech Village District (TVD)**

(h) Development standards. The following development standards shall apply, unless varied by the board of aldermen during the conditional use permit approval process.

(1) Area requirements:

*Maximum coverage.* Maximum lot coverage is 70 percent.
Amendment Procedures

Louisiana state laws spell out the basic procedures for changes to zoning text and amendments to the zoning map. Although changing the text of the ordinance is different from changing the district boundaries, the procedure to be followed is the same. Basically an applicant files a request for a change, the planning staff reviews the application and if it is complete, it is forwarded to the planning commission. The planning commission holds a public hearing and after the hearing makes a recommendation as to whether the change should be made or not to the city council. The city council holds its own public hearing and either approves or denies the change thereafter. Whether the application is one initiating with the city council or a member of the public, the process is the same. The planning commission’s is only a recommendation because both the change to the map and the change to the zoning text require ordinances, which only the city council can approve.

City of Thibodaux

The city’s staff indicated to SCPDC that there is some confusion about the amendment procedure. Members of the public and some of the commissioners and council seemed to believe that if the planning commission denied a zoning change the matter ended there. In listening to the problems noted, it sounds as though individuals may be confusing the zoning change process with a subdivision approval process. The planning commission’s approval of a subdivision of land is final. The council can override the denial by a two-thirds majority vote. However, the commission cannot accept streets, utilities or other infrastructure for perpetual maintenance. Only the council can do that.

Following are excerpts from Article XIV of the Thibodaux ordinance regarding the matter. Pertinent passages are bolded.

“ARTICLE XIV. AMENDMENTS

The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed or repealed; provided, however, that the legislative body shall not hold any public hearings or take any action until it has first referred the request to the municipal zoning commission. It shall be the duty of the zoning commission to recommend approval or rejection of any request for zoning amendments, modifications, supplements or changes thereto.

Before making any recommendation to the legislative body of the municipality, the zoning commission shall hold a public hearing. Notice of the time and place of the hearing shall be published at least 3 times in the official journal of the municipality, and at least 10 days shall elapse between the first publication and the date of the hearing. After the hearing has been held by the zoning commission, it shall make a report of its findings and recommendations to the legislative body of the municipality.

In order to change, amend, modify or repeal any portion of this zoning ordinance, the city council, after receipt of the report from the zoning commission, as outlined above, shall introduce such change in ordinance form and shall call for a public hearing at which parties in interest will have an opportunity to be heard. …”

Both the state law and the city’s zoning ordinance require the planning commission to make a report to the council, note the word “shall” in both texts. The council cannot take action until the report has been received.

Comparable Cities – Amendment Procedures

City of Hammond

Hammond’s ordinance is very similar.

City of Ruston

Ruston’s ordinance again is very similar but it does spell out an appeal procedure to the board of adjustments should the city council deny a zoning change.

City of Pineville

Again, the Pineville ordinance tracks the state legislation.

Comments

The wording within the city’s ordinance appears to be correct under the state laws pertaining to zoning. However, a source of the confusion could be that the planning commission is acting both as the planning commission when it reviews and acts on subdivisions and as the zoning commission when it acts on zoning. An informational brochure might be helpful to clarify the process. Participation in four hours of training on planning and zoning as offered by the American Planning Association is mandatory for new planning commissioners. But periodic refresher courses might be helpful for both the council and commissioners.

LaR.S. Section 33:4726. Zoning commission; recommendations; public hearing

A. In order to avail itself of the powers conferred by R.S. 33:4721 through 4729, the legislative body of the municipality shall appoint a zoning commission whose function it shall be to recommend the boundaries of the various original districts as well as the restrictions and regulations to be enforced therein, and any supplements, changes, or modifications thereof. Before making any recommendation to the legislative body of the municipality, the zoning commission shall hold a public hearing. Notice of the time and place of the hearing shall be published at least three times in the official journal of the municipality, or if there be none, in a paper of general circulation therein, and at least ten days shall elapse between the first publication and date of the hearing. After the hearing has been held by the zoning commission, it shall make a report of its findings and recommendations to the legislative body of the municipality. The legislative body shall not hold its public hearings or take action until it has received the final report of the zoning commission.
Hammond

6.2 Approval of Amendment

The City Council of Hammond may revoke this Ordinance, or any section thereof, upon its own motion or upon recommendation from the Planning and Zoning Commission. Amendments shall not become effective except by the favorable vote of two-thirds of all the members of the Council. Official public notice must be advertised before any vote.

No amendment or supplement to this Ordinance or to the Zoning Map shall become effective until:

(a) The Council has received a final report from the Planning and Zoning Commission on the merits of the amendment.
(b) The Council has held a public hearing(s) upon the proposed amendment at which parties in interest shall have an opportunity to be heard. Notice of the proposed amendment and of the time and place of the hearing shall have been published once a week in three different weeks in the official journal of the municipality; at least fifteen (15) days shall elapse between the first publication and the date of the hearing. The public hearing may be held in conjunction with regular City Council meetings. Applicants may appeal a decision of the Zoning Board to the Council only once.

Pineville

Article 13.02. Procedure; public hearing; protest against change.

No regulations or restrictions shall become effective:

(1) Until after a public hearing at which parties in interest have an opportunity to be heard. A public hearing may be held by the mayor and board of aldermen. In such case notice of the time and place of the hearing shall be published once a week in three (3) different weeks in the official journal. At least fifteen (15) days shall elapse between the first publication and the date of the hearing. In addition to notice by publication, and at least ten (10) days prior to the hearing, a good faith attempt to notify the owner or owners of record of the properties to be zoned or rezoned in municipal zoning shall be made by the sending of an official notice by regular mail of the time and place of the hearing and subject matter of the regulations and restrictions. Notwithstanding the foregoing, however, when more than ten (10) parcels are to be zoned or rezoned by enactment of a zoning ordinance, the advertisement in the official journal required herein shall be considered adequate notice to the property owners.

Ruston

Sec. 29-101. Amendments

(a) Amendments to this chapter or the official zoning map may be initiated by the mayor and board of aldermen on its own motion or by the planning and zoning commission on its own motion. Amendments may also be initiated by any person by filing a written application for such amendment with the zoning administrator or other official designated with processing zoning applications. All proposed amendments shall be referred to the planning and zoning commission for a report.
(b) An application for a change in zoning classification, other than changes initiated by the mayor and board of aldermen, shall be filed on a completed form supplied by the city. No such application shall be considered or acted upon unless such application is duly signed by all applicants and the concurrence of the:
   (1) Owners of the entire land area to be included within the proposed district;
   (2) Owners of all structures then existing on the land area to be included within the proposed district.
(c) Any applicant denied a favorable recommendation of his/her request for rezoning, who desires a review by the board of aldermen, must, within ten days from the date of such denial by the Zoning Commission, file a written appeal with the Zoning Administrator.
(d) Following the disapproval of an application by the Board of Aldermen for the changing of all, or a portion of, a parcel of property from one zoning classification into another zoning classification, another application for the reclassification of such property, or any portion thereof, into the same zoning classification for the same proposed specific use shall not be filed until a period of at least 18 months shall have elapsed after the date of such disapproval.
Recommendations

Comprehensive Plan and Zoning Update

The City of Thibodaux's Zoning Ordinance was adopted in 1979 with some minor revisions made in 2008. Of all comparable areas, the City of Thibodaux has the oldest ordinance by far. The City of Hammond revised their entire zoning ordinance in 2007. The cities of Ruston and Pineville made revisions to their ordinances in 2005 and 2008 respectively. Like trying to wear a pair of old shoes from 1970 the City of Thibodaux Zoning Ordinance no longer fits. Obviously the city has grown and its needs have changed since the last zoning revisions. The issues that are creating challenges for the current zoning ordinance are: 1) an increasing population with an amplified need for mixed income housing; 2) economic changes which alter the assumptions about how much commercial and industrial land is needed and how to adjust the built environment to accommodate new types of jobs that are competitive in a global market; 3) the ability to protect lives and property from the effects of a natural disaster and allow for an efficient recovery.

To this end, it is our strongest recommendation that the city should undertake a comprehensive planning and zoning update process. A comprehensive planning process will inventory existing land uses and plan for future growth. Through an extensive citizen participation process it will allow the community to address and plan for existing and future challenges based upon its own values.

Upon the completion of the comprehensive planning process, the city should conduct a comprehensive update to the zoning ordinance. The new zoning ordinance will serve as a tool to implement the comprehensive plan. Under the supervision of the planning and zoning commission and the city council planners would incorporate citizens input through a series of public hearings as they worked to 1) develop a recommended course of action for revising the zoning ordinance; 2) research and recommend appropriate language to resolve zoning and other regulatory issues; 3) produce a final Comprehensive Zoning document (inclusive of zoning maps) for adoption by the City of Thibodaux Council.

Should the city choose not to proceed with a comprehensive planning and future land use zoning process, at the very least the language of the zoning ordinance should be refined to better define the hierarchy of existing zoning classifications and to address conflicts with land use. Additionally, zoning terms should be updated to clarify terminology and procedures and to help prevent new development from interfering with existing residential, commercial, industrial, and open space.

Hire a Professional Planner on Staff

As previously stated, many participants had common misconceptions about the true intent of the ordinance relative to nonconforming uses. Some believed that nonconforming grandfather status is lost upon the death of the owner or sale of the property. In the case of a condominium or apartment, some thought that the grandfathered status is lost if one unit of the condo/apartment has more than 50% damage, and if one unit of the condo/apartment is vacant for more than six (6) months then it was susceptible to losing its legal nonconforming status. None of these opinions are accurate. Additionally, in the case of modular homes, many participants use the terms mobile, modular and manufactured homes interchangeably. In fact Resolution 1550 adopted by the city council on May 18, 2010 uses the terms “mobile home” and “manufactured home” interchangeably. These misconceptions can only exacerbate the problem. As this report has clearly demonstrated, there are significant differences between mobile homes, modular homes and manufactured homes. It is our recommendation that, if the budget permits, the city should hire at least one or two professional planners to address concerns and questions of the public, planning commission and council on a regular basis. Moreover, the planning department could routinely research zoning issues and conduct zoning studies as they are referred by the planning commission and/or council. Having a dedicated staff to tackle zoning/land use issues and address public concerns would assist in minimizing much of the public’s bewilderment regarding zoning problems.

Zoning Study

As aforementioned, through interviews and map exercises, interview participants were able to identify numerous nonconforming uses around the city. However, without doing a more detailed zoning study, it is impossible to determine the extent of nonconforming uses and the incompatibility of such uses within each neighborhood throughout the entire city. This cursory review does demonstrate enough inconsistencies among land uses to warrant a more detailed study. Areas identified by participants could possibly be neighborhoods in transition and prime candidates for a zoning change. This report is simply to identify the problem(s) and offer some suggestions to address those concerns. Therefore, it is our strongest recommendation that the council call for a more detailed zoning study to be performed on areas of concern.

A zoning study is called by the planning commission or the council. A resolution is drafted clearly delineating the target area by the bounding streets and the nature of the study. The study will determine what land uses exist within the target areas in order to ascertain any need for rezoning; planners will gather the necessary information in preparation for the study. A detailed study will actually verify land uses and ensure accuracy of the property addresses. The planner will catalogue information on building and housing types within the target study area. Once this information is manually gathered, the planner will enter the information into the Geographical Information System (GIS). A database is created based on the parcels that make up the study areas. The Planner records the data fields of the information such as number of units, type of land use, and if it is a single-family or multi-family residence. The Planner will also verify and crosscheck for address accuracy in GIS. Once all of the data has been entered into the database, the planner is able to accurately analyze the information. Through this data the planner can extract information according to feature locations.
and attributes to discover spatial relationships between land uses. An example of this is identifying how many commercial properties are located within single-family style residences. Maps are then generated to illustrate the findings. The results could indicate that the neighborhood is actually in transition and a zoning change is the best action.

**Nonconforming Uses**

A Nonconforming use means that the existing use is not authorized for the zoning district in which it is located. The concept of nonconformities arises from adopting new codes for areas that already have some development. Such development is referred to as legal or “grandfathered” nonconforming uses. However, limitations may be imposed on nonconforming uses to discourage their continuation and to gradually bring all activities within a given zoning district into compliance with the new standard. Thus, it is typical to find a limiting clause in a zoning ordinance that terminates a nonconforming use after the use is abandoned for a specified period of time. Several approaches to address this issue are listed below. While it is our strongest recommendation for the city to take on a two step approach of a comprehensive plan and a comprehensive zoning update to address the zoning concerns, it is the political culture and landscape that will make the ultimate decision.

With regard to the City of Thibodaux Zoning Ordinance, Section 2200 “Grandfathering Provisions” for signs should probably be removed to avoid confusion. Section 405’s prescriptive period may be harder to enforce as monitoring activity and frequency of use over 3 years can be difficult, in particular in creating clearly documented information in advance of enforcement action and most especially if no certificate of zoning compliance was issued within three months of a change. The 18 consecutive months is simpler for both the public to understand and for the city to establish a good record regarding activity. Also Section 405 allows that “destruction” of a structure is at 50% of its value. It is possible that if the city is considering making the ordinance more lineate, it might want to increase the percentage of value.

The decision to adjust the nonconforming clauses of Thibodaux's ordinance should be based upon how quickly the city desires to move uses into conformity or how much leniency it feels is necessary to keep a property in the market for reuse. It should be noted that without a more detailed zoning study the council could possibly create a bigger problem by changing the clause to be more restrictive or lenient. Many of the land uses in older neighborhoods could have actually changed since the zoning ordinance was adopted in 1979. It is conceivable that the zoning for those neighborhoods should be changed to fit the current uses. If the grandfathering provisions were changed to become more restrictive, it has the potential to increase the number of vacant properties within several neighborhoods. Additionally, if the provisions were changed to become more lenient, it could leave residents without a tool to remove extremely egregious uses out of their communities.

**Nonconforming Use Short-term Recommendations**

**Option 1 More Restrictive Approach:**

If it is the council’s policy to eliminate nonconformities as soon as possible, then the approach taken by the City of Hammond would accomplish this goal. In the City of Hammond, nonconforming uses lose their grandfather status after three months of consecutive non-use. This is the most restrictive time period of all comparable areas. However, the ordinance does include an “Expanded Conditional Use” clause which originates with the zoning board and given final approval by the city council. Owners of nonconforming properties left vacant for more than three (3) consecutive months can request an Expanded Conditional Use. This status is granted to the original owner and cannot be transferred to a new owner. The conditional use cannot depreciate the property values of neighboring properties, it must protect and encourage “prosperity and general welfare” of the community, and it cannot be a hazard in any way to the community in which it is located. The City of Hammond does permit a legally nonconforming use to incur damages up to 75% of the fair market cost and still be restored to its original nonconforming condition.

While this approach will eradicate the city of the nonconforming use, it would create a different problem. Again, it is difficult to ascertain how many nonconforming uses actually exist within areas of concern without doing a detailed zoning study. The city has not updated its zoning since 1979 and has never done a zoning study on any of these areas. Many of these neighborhoods may well be in transition and the nonconformities could actually outnumber the legal uses. This strict law has the potential of leaving numerous buildings abandoned and out of commerce. If this approach is the council’s desire, then again it is strongly recommended that a zoning study be conducted and possibly zoning changes recommended prior to enforcing such an ordinance.

**Option 2 Increase Damage Percentages and Length of Vacancy Time:**

If it is the council’s desire to take a quick and uncomplicated approach, then increasing the percentage of allowable damage to nonconforming uses and extending the vacancy rule would fulfill that desire. Instead of only permitting damages to a structure of up to 50% of its value, the city might consider increasing the percentage of assessed value (i.e. 60%, 70%, 75%, etc.), and increasing the length of time a structure can remain vacant (i.e. 12 or 18 months) might be enough to quickly assuage the concerns of the business community. This option can provide immediate relief especially to those in the business community; however, it only superficially tackles the real problem. Nonconforming uses may still exist in large numbers. The egregiousness of the uses is uncertain. This option would allow for the extended continuation of the nonconformities. If a truly offensive use is located near a residential neighborhood, this option would allow it to remain for some time.
Nonconforming Use Long-term Recommendations

**Option 1 Zoning Study:**

As aforementioned, many of the land uses in the older neighborhoods could actually be in some stage of transition and very different from the original uses in 1979 when the zoning ordinance was adopted. It is impossible to determine the number of non-conforming uses and the offensive nature of each use without doing a detailed zoning study. Many of the land uses could have changed and residents within the community may enjoy the convenience of having the new uses nearby. If the grandfathering provisions are made more restrictive, it could create more vacant structures within the community. A more lenient provision could make it difficult for residents to rid the neighborhood of an egregious use. The council has the potential to create bigger problems by changing the grandfathering requirements without understanding the dynamics of the neighborhood. It is possible that the current zoning should be changed to more accurately reflect the transitioning neighborhood. Therefore, it is our recommendation that the council call for a zoning study to be conducted within those neighborhood(s) that are grappling with the non-conformity issue.

**Option 2 Mixed Use Zone:**

More suppleness in zoning would permit more mixed use districts which is a current trend in zoning and a possible long term solution for the City of Thibodaux. Contemporary zoning trends are shifting away from the rigid separation of uses for the sake of strict uniformity within a district. These trends embrace the fact that variation is acceptable and often desirable by the public. In the neighborhoods that may contain uses that would be nonconforming in a traditional zoning district that requires uniform uses (and the nonconformity is desirable), the council should consider a mixed use district. This avoids the creation of nonconforming uses and may also achieve a vibrant, diverse neighborhood that benefits the community. Mixed use zoning would allow for more integration of uses within neighborhoods. Compatible development does not require identicalness. Mixed use zoning focuses on the impact, character, compatibility of uses and urban form – which means that nonconformity may be welcomed in a neighborhood. The primary objectives of the mixed use zone are:

1. **Integrate Uses** - Allow for a mix of uses which will make communities more walkable and reduce driving to work, shopping and social activities.
2. **Structural Life Safety** – Eliminate any use that will have a negative impact on safety of the public.
3. **Quality of Life Issues** -
   - Eliminate uses involving hazardous materials, such as gasoline stations in single-family neighborhoods.
   - Eliminate uses that produce significant noise, such as body shops or paint shops within residential neighborhoods.
   - Eliminate uses that have been deemed incompatible such as adult entertainment establishments near schools or uses that have large trip generation characteristics, such as drive-through restaurants.

The purpose of zoning regulations is to protect the health, safety and public welfare. As such, mixed use zones take into account that not all nonconformities are harmful. Therefore, nonconformities can be separated into categories of detrimental and benign. Detrimental nonconformities are those that have a negative impact on the health and safety of the public welfare. Examples are uses involving hazardous materials (i.e. gasoline stations in single-family neighborhoods; uses that produce significant noise, such as body shops or paint shops, uses that have been deemed incompatible, such as adult entertainment establishments near schools; or uses that have large trip generation characteristics, such as drive-through restaurants). Due to their harmful impacts, detrimental nonconformities should be subject to limitations and eventual removal or modifications into compliance with current standards. A benign nonconformity does not necessarily lead to eventual removal of the nonconforming situation and does not have a negative impact on the health and safety. However, it may have a negative impact on public welfare (i.e. lack of landscaping, too few parking spaces, or minimal deviations from dimensional standards). If the council calls for a zoning study and it is determined that the target area has numerous commercial nonconformities near residential areas, it is highly recommended that the council consider changing the zoning to a mixed use zone.

**Manufactured, Mobile and Modular Homes**

The Pineville overlay may be something to consider in Thibodaux. This would give the city the flexibility to allow mobile and manufactured homes to co-exist with other site built homes when the factory built models provide an appearance that blends in with the character of the neighborhood. Modular homes should be treated like other site-built homes.

**Manufactured and Mobile Homes Short-Term Recommendation**

**Option 1 Age Limitation for Manufactured Homes:**

Limiting permits for new manufactured homes to those no older than five (5) years in age would help to eliminate older homes that have deteriorated and perhaps don't meet current wind and tie-down standards. This is something that would be easy to implement and might help begin to phase in newer manufactured homes that more closely resemble site built homes.

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Option 2 Manufactured Home Parks are Not Needed:

The separation of manufactured home parks into their own district as Ruston did is probably not necessary. This is another form of residential development that occurs in a higher density area and could probably be allowed in other commercial districts. Thibodaux's placement of mobile home parks in C-2 Commercial area seems appropriate.

Manufactured and Mobile Homes Long-Term Recommendation

Option 1 An Overlay Zone:

Several caveats are offered with adopting this overlay approach verbatim from the City of Ruston Zoning Ordinance. The annual permit procedure seems cumbersome although it would be the best way to track movement of homes off and on property. Some of the language shows that Pineville's municipal boundaries may be encompassing areas that are more rural than Thibodaux's immediate surrounds and care would have to be taken to eliminate such language. The same is true of set back and dimensional requirements like fencing. The fencing requirements might conflict with other portions of the Thibodaux code. Use of such a district will take time to develop beyond the scope of this report but is definitely something that the city might want to explore more over the next year. Research on how the overlay was developed, implementation, whether other towns have employed this tool for manufactured homes, etc., should all be accomplished prior to quickly enacting such.

A nearby example of a manufactured home subdivision is found at Woodland Heights on La. Hwy. 20 just north of Thibodaux. This single family subdivision has lots laid out to accommodate the different dimensions of a manufactured home. It is a low density development and could probably be accommodated in other low density zones already existing in Thibodaux's code. Development of such a policy might also mean amending other codes like subdivision regulations and perhaps the floodplain management code. Prior to going through the exercise of writing draft amendments and considering amending local policies to accommodate manufactured home subdivisions, the city should consider whether there is really a demand for such within the confines of Thibodaux.

Modular Home -Short-term Recommendations

Option 1 New Definitions/Education:

The terms mobile, modular and manufactured homes appear to be used interchangeably. Interviewed subjects used the term "modular home" when explaining the nature of the moratorium. Moreover, Resolution 1550 adopted by the city council on May 18, 2010 uses the terms "mobile home" and "manufactured home" interchangeably. A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.

Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis. Structures correctly referred to as mobile homes were either built prior to the 1976 HUD Code, or, if the homes were built after 1976, they fail to meet HUD Code standards. Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis.

Modular homes are constructed to the same state, local or regional building codes as site-built homes. Each comparative city permitted modular homes to be located within all residential areas. Legally, there is no basis to restrict these homes from residential neighborhoods. The confusion regarding the terms probably contributes to the heightened fears regarding modular homes. It is our recommendation that the council immediately include the definition for each housing type within the zoning ordinance.

Option 2 Specify Locations and Regulations:

Since modular homes are subject to the same building code regulations as site-built homes, they cannot be restricted from residential areas. It is our recommendation that the zoning ordinance specify which residential areas manufactured homes will be permitted. Currently, the zoning ordinance permits mobile homes in R-3 areas. However, it is unclear if manufactured homes are allowed in those areas as well.

Modular Home Long-term Recommendation

Option 3 Design Review:

Code enforcement staff discussed some aesthetic concerns regarding modular homes. Apparently, the concerns of the city officials and residents are modular homes that do not conform to the design character of the neighborhood. We strongly recommend that the city adopts design standards for modular homes. Language should be included within the zoning ordinance that would require skirting (if home is on a chassis) and type of material to be utilized to build the modular home. Plans should be subject to a design review by the Code Enforcement Staff.
**Industrial Zones**

Under the Louisiana Revised Statutes it appears that the recycling manufacturing operation is treated as solid waste facilities. The city may want to have its attorney research this should it be interested in developing standards for recycling faculties.

**Industrial Zones - Short-term Recommendation**

Option 1 Recycling Activities:

We recommend that recycling bins or collection points should be carefully sited away from homes but at centers of neighborhood activity with adequate ingress and egress where a public or a private entity can monitor the sites for compliance. Under Thibodaux’s ordinance the preliminary separation of nonhazardous recyclables into individual streams or a recycling transfer station might be allowed in M-1. This would be dependent upon either operation being entirely enclosed and not producing any excessive noise, smoke, odors, dust, gases or other deleterious effects of industrial activity. Otherwise the recycling separation operation, the transfer station and the recycling processing would all have to be located in M-2 Industrial District. The size of the lot would be dependent upon the size of the operation and the ability to adequately handle the amount of large trucks that might be entering and leaving the site at any given point of day or night. Such an operation would most likely be best situated on a major commercial thoroughfare due to the volume of large truck traffic or the content of the recyclable materials.

Option 2 Buffer Zones:

Buffer zones are one way to lessen the impacts of industrial activities on surrounding properties. To make the buffer zone perpetual, the city should require that either it be contained within the industrial property boundary and deed restricted or be donated to the city. The buffer remains open land and can be planted with vegetation to help reduce noise, glare and odors. The buffer might be open green space or could be used for passive recreational purposes.

**Visibility at Intersections**

There is a lack of clarity in the way the current ordinance describes the sight triangle. The method used is to pivot from the center of an intersection and to strike an arc radius at 50 feet. This arc would then determine the area in which nothing can be built or moved such that it obstructs the view of motorists and pedestrians. Thibodaux’s current sight clearance distance of 50 or 150 feet is more restrictive than the other comparable cities. Furthermore, it does not take into account the different angles at street intersections and the number of lanes or width of a street.

Given the typical street widths within Thibodaux, 50 feet is an appropriate distance, but the method used should be creation of a right triangle rather than an arch, as illustrated earlier in this report.

**Sight Triangle Short-term Recommendation**

In the short-term, the city should consider amending its ordinance to denote that the distance used to create the right angle is a minimum distance, as noted in the Ruston ordinance, and that is for typical 90 degree intersections. The ordinance could state that irregular intersections will be evaluated on a case by case basis, allowing the city staff to make recommendations for the differing dynamics. This might help give the city more flexibility when it runs into unusual circumstances.

**Sight Triangle Long-term Recommendation**

The city may want to further explore current AASHTO policies and consider a more detailed ordinance like that found in Lafayette’s traffic codes. Such a regulation would consider the number of lanes, traffic speeds and volumes, and posted speed limits.

**Fence Height Requirements**

Fencing and vegetative screening are commonly required along shared property lines to buffer competing uses. The devise helps to preserve the aesthetic quality of the neighborhood and to provide for public safety. Corner lots and front lots present a problem for these kinds of buffering tools. The sight triangle previously described would address fencing at corner lots. As it relates to properties located within R3 districts that have more than ten (10) parking spaces and are not located on a corner lot, lower fence heights should be required within the required twenty (20) feet front yard. Two to three feet might be an appropriate range for such fencing or screening as it would be below the seated driver’s field of vision and thus not obscure his/her view of the street in all directions. It would also help the pedestrian who is crossing the driveway or path in front of the vehicles.

**Parking and Storage of Certain Vehicles in Commercial Zones**

While the Thibodaux’s zoning ordinance addresses the removal of abandoned vehicles in residential areas, it does not mention the removal of abandoned vehicles on commercial property. Moreover, the city does not have an abandoned automobile code or nuisance codes that tackles this issue. Most cities (comparable cities included) have abandoned vehicles or nuisance codes that deal with the issue of deserted cars and which are based upon language in Louisiana laws. This is typically not an issue covered in the zoning ordinance. Therefore, it is our recommendation that the city create an abandoned vehicle or nuisance code to affectively tackle the issue of abandoned cars and blight.
Variance Requirements

The basic framework for approval of zoning variances is one established by state law. Confusion has arisen over the requirements of information to be submitted for variance requests in Section 1003, particularly subsections C and D. The administration advised that most citizens simply do not understand what these paragraphs mean.

Zoning decisions cannot be arbitrary and capricious. They must be equally applied to everyone and protect the general welfare of the public. To this end, subsection C requires that the applicant seeking the variance prove that he/she did not cause the problem for which the variance is needed. That is to say, that the applicant is not seeking the variance after the fact. Subsection D is requiring that the applicant prove to the board of adjustment that their approval is not giving the applicant special treatment. The onerous is on the applicant to provide proof of other similar cases that the board of adjustment may have approved in the past. These are standard questions in considering variance requests.

A listing of the kinds of uses that are allowed as special exceptions by zoning district might help the board of adjustment in its review of requests for such and give the public a better understanding of what kind of requests might be made.

It should also be noted that the board of zoning adjustments is required to obtain four hours of training on planning and zoning per the Louisiana state laws, just like planning commissioners. While not required, periodic update will help the board stay on top of changes in the laws, court cases and other factors that can only improve their decision making and help them better understand some of the terminology used in the zoning ordinance.

Off Street Parking Requirements

Thibodaux’s current zoning ordinance requires clinics to have one (1) parking space for every 500 feet of gross floor area. The City of Hammond necessitates that medical clinics must have one (1) space for every 250 square feet of building. In the City of Pineville, the zoning ordinance stipulates that medical and dental clinics and offices must have three (3) spaces for each doctor’s or dentist’s office plus one space for each examining room. One parking space for every 200 square feet of building is the parking requirement for a medical clinic within the City of Ruston. Moreover, Ruston allows businesses with different peak times to share parking thereby reducing the number of required parking spaces. The applicant must provide an analysis conducted by either the Urban Land Institute or the Institute of Traffic Engineers shared parking guides.

It is difficult to determine if required parking for all medical clinics within the City of Thibodaux will need to be increased. One successful medical clinic that exceeds its parking requirements does not mean that all medical clinics will need more parking. There are several variables to consider (i.e. type of doctors within a clinic, number of doctors at a clinic, location, type of patients, etc.) Increasing the number of required parking spaces may be too much for some medical clinics and not enough for others. A zoning study to look at the parking needs and trends of the various medical clinics throughout the city would help to determine the parking demands of such facilities.

Maximum Lot Coverage

Comparable cities use their setback requirements to regulate define the buildable area lots. Maximum lot coverage allows buildings to be scaled to the lot size, a useful tool in densely developed or mixed use neighborhoods that have varying lot sizes. Use of the coverage percentage keeps structures in proportion, helping to improve the aesthetics of an area. It is recommended that the City of Thibodaux consider adding verbiage to the existing ordinance concerning that will define and clarify how to calculate maximum lot coverage. An example follows. This example is based upon definitions in use by other communities.

Maximum Lot Coverage: The Maximum Lot Coverage will be determined by the summation of all covered buildings that are habitable to a maximum of 50% (Fifty Percent) of the subject lot, and those structures that are considered accessory and detached (boat houses, pool houses, garages, etc..) will be allowed to cover a maximum of 30% (Thirty Percent) of the subject lot rear yard. In no case will accessory structures be allowed within the front yard of any district.

Note: The use of percentages of Maximum Lot Coverage shall not be misconstrued as to replace the set back requirements delineated within District Regulations (Maximum Yard Requirements) or setbacks.

Amendment Procedures

The city’s amendment procedures appear to follow those outlined in the Louisiana Revised Statutes. These are the basic procedures all communities in the state are following. Education is important as the rules may be amended from time to time and the various duties of the planning commission involve similar procedures that might be getting mixed up. SCPDC recommends preparation of an informational brochure outlining the steps involved in zoning changes and other matters that come before the board might help educate the public and be a useful tool for the commission and staff to keep abreast of changes.
Appendix

Minutes of the April 14, 2010 Planning and Zoning Committee Meeting
Minutes of the September 8, 2010 Planning and Zoning Committee Meeting
The first item on the agenda was to consider a request by Leonard Chauvin, Inc. on behalf of Roger Braud for final plat approval of division of a 9.136 acre tract of land into Lots C, D, E, F, G, H & I situated on the south side of Gerald Peltier Dr. approximately 250’ south of intersection of Gerald Peltier Dr. and Ledet St. in Section 27, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana. This is a subdivision that was presented to the commission a few months back whereby the family owned this tract of land on Ledet St. and they wanted to divide it into different lots. We got approval to do that contingent upon installing sewer taps for each lot which over the past few months we have been in the process of doing and now we're completed and we've submitted all of that information to the city and I believe it has been inspected and approved by the city and we're asking for final approval on the plat. Mr. Braud stated Leonard those sewer taps were extended all the way across the road so that each lot has its sewer tap. Mr. Chauvin replied that is correct. Mr. Braud stated I don’t see that there are any utility servitudes across the front of these lots, is there any reason why we’re not including that servitude. Mr. Chauvin replied well I don’t there would be a problem with putting it but all the utilities are street ward of the property line. Mr. Braud stated the only problem I see is that if sometime in the future and this specific servitude is not only for the city, you’ve got cable TV, telephone, electric and possibly sometime in the future the city may decide they want to change that out that gas line and it would be nice to have that servitude. I think it is needed and we ought to require it, we require it on all other lots to put in a servitude and I think we ought to require a 12’ servitude. These are fairly big lots, I mean it is 350’ deep and I see we’ve got arrows on each lot and I would assume that those arrows represent either the slope of property or the drainage. Mr. Chauvin replied well I don’t see any drainage lines here. Mr. Braud stated access for drainage. Mr. Breaud stated access for drainage and I guess I would ask and none of these lots have been graded out or cleared out at this time and it is not in the plans to do that under this development. Mr. Chauvin replied that is correct. Mr. Breaud stated I guess I would ask Errol if you get a building permit request for Lot F where a guy who wants to pave all of this lot and build some kind of commercial development, what is your stance on drainage or what should we do as far as looking at drainage to make sure this thing works. In a normal subdivision we would have, we would grade the lots and slope to the road and right here we're subdividing lots and we’re not doing anything on drainage, what would happen if somebody does come to you for a building permit to build on this lot. Mr. Price replied basically all I would look at is that he doesn’t drain on his neighbor’s property. Mr. Breaud stated and we'd try to comply with these four arrows with everything from the back lot would come to the roadside ditch along Ledet Street, is that…. Mr. Price replied you can shoot for that but most of the time you’re going to end up, people are going to turtle back their lots and you will have some water probably flowing to the rear but as long as they don't drain on the neighbor of the rear property. If we slope to the back, how would we not cause problems along the back, the city has no servitude and we don’t want any drainage servitudes on the back property line. Mr. Price stated the only thing we can control is that they have to leave enough room, basically I judge 5 to 10 feet on the sideline property if they add no fill is basically what you have right now. Mr. Breaud stated in your building permit phase you could make sure that the side lot lines can include some kind of swale to get the water from the back of the lot. Mr. Price stated we look at that now on all projects that you don’t drain on your neighbor, but all you're allowing is not to add the fill along the property line now as far as saying that the water is going to drain to the front or to the public ditch along Ledet Street, the lots are, whatever situation the lots are in right now is the way they are going to stay, but the thing is we have no control if somebody comes in and wants to haul dirt in there and not even do any construction, we don’t even see it. They can come and elevate the lot at 12” and the city is not involved. Mr. Breaud stated well they've got to come to you for a building permit. Mr. Price replied no, but if he's not going to build, he just wants to fill the lot. Mr. Breaud stated if we get a commercial guy, if we get McDonald’s that wants to build on Lot F and he's going to raise the lots and he is going to slope the back half of the parking lot off to the back property line, we're going to allow him to do that. I mean we’ve got an opportunity to make provisions here if we need to put something on this plat we can do it. You know as soon as this happens and we start trapping water and these are deep lots, that is why I
am really raising the question, it is kind of hard to bring water 350’ from the back to the front but if
do that happen and we start trapping water in between the back property lines you’re going to
have every developer and every neighbor calling up the city because we’ve got a problem and you
have no way to correct it right now. Right now we’ve a situation where we can do something about
it and I am asking you what is the best way for you all to handle it. Mr. Price stated well I think that
would have to be for the Public Works Director, I hate to dump it on him, I can work with him as far
the building department but that is… Mr. Faucheaux, Public Works Director replied the point is
valid, ok but we don’t have the engineering or surveying license but that needs to be presented
and be recommended by the Board and I think if they did that... Mr. Breaud replied I can
understand the guy wanting to develop or subdivide the property and not going out there and clear
and grade that area and put some kind of wording on the plat along the lot, we probably can put that
any development along these lots shall be engineered to drain the lots to the ditch along Ledet Street
or something to that effect before any kind of development to make them drain to the roadside
ditch. But other than that if we just let them turtleneck the lots and slope to the back we’re going to
have a tremendous problem along this back property line. They’re going to be coming to the City
for the correction and you’re not going to have a way to correct it. Mr. Kearns stated you know
they’re not going to be able to build enough for 300’ feet. Mr. Breaud stated they could make it
slope but I mean there is the chance that he could put the swale like Errol is talking about, he could
put a swale along the property line and slope the swale to drain into the ditch. Mr. Chauvin stated I
think we could propose to put a note on here that would say that, maybe explain the drainage
arrow, that it indicates that the drainage for that lot when developed have to be designed to drain to
the front ditch along the front ditch along Ledet St. I don’t think there would be a problem with that
if that is ok with the City or you can even take it further that the plan has to be submitted by a
professional engineer or something to that extent. Mr. Breaud stated so I mean when it goes to
Errol for review when he comes and gets his building permit if that note is on here well then Errol
has got something to make this part or something to make that tooth. Mr. Breaud then asked if there
are any public comments on this particular item, if not, a motion was
Mr. Price stated even right now with our private
servitudes and you know by putting that on there so that fences don’t get constructed on it and
they block the drainage but it serves the purpose and as deep as those lots are it needs to be
perfected somehow and maybe it could be on the left side of every lot to where five forths or what
have you at least one person is going to have to provide or not put a fence on it. Mr. Breaud stated
that becomes a problem if you put a fence on that property line it is hard to get a swale to drain
but if we put the note on the plans I think that forces the developer that is going to get a building
permit to do something to make sure that the property will drain adequately and I think that we can
handle it that way if everybody is satisfied. Mr. Price stated the thing about it is you can’t stop him
from putting a fence on it even if you’ve got a swale. Mr. Faucheaux stated but if it is noted with a
dashed line - servitude and it is specified… Mr. Price stated even right now with our private
servitudes we still allow them to put a fence on it, we never stopped them from putting a fence
down, we just don’t allow a permanent structure a servitude. Mr. Chauvin stated we really don’t
know what they’re going to do on these lots and we’re kind of trying to pre-engineer that you know
we want to put a swale on the side, it would be better just to require them to come in with a
drainage plan by an engineer I think that could be approved by the City. Mr. Breaud stated I’d like
to see that, if you can put that wording on this plat - that would be satisfactory to me so at least
when he is reviewing the building permit he can go back to the guy and say based upon this plat
you’ve got to engineer the drainage to make sure that the water is going to come to the front.
However he decides to do it, if he decides to put sub-surface drainage or put a swale down the
middle of the lot but at least he is not trapping all the water on the back property line and he is
going it to where it is supposed to go; so I’m other comments? Mr. Chauvin stated no, that is really what I wanted to hear I think that is the better idea. Mr.
Breaud then asked if there were any public comments on this particular item, if not, a motion was
made to accept final approval of the survey of the division of lots with the condition that a 12’ utility
servitude along the front those lots be included on the plat and that a note be designated that the
drainage for these lots shall be engineered drainage plans approved by the City prior to the issuance of a building permit was made by Mr. Kearns and it was seconded by Ms. Erwin, all
members were in favor, motion carried.

The second item on the agenda was to consider a request by T. Baker Smith, Inc. on behalf
of Jaron Land Development Co., L.L.C. for sketch and final plat approval of subdivision of
Tract C within the Audubon/South Acadia Park Subdivision situated on the south side of S.
Acadia Road approximately 25’ south/east of Preferred Place in Section 32, T15S-R16E, City
of Thibodaux, Lafourche Parish, Louisiana. Mr. Matt Ledet of T. Baker Smith, Inc. came
forward representing Jaron and they were there to request the final approval of Tract “B” there was a typo and it we called it Tract C but it will be Tract "B" filled and
recorded. This tract sits right next to Preferred Place which is an accepted road by the City, there
is sewer tap and also drainage that services the property, also water and gas, telephone, all
utilities provided and also there is a street light. Mr. Breaud stated ok, as you all recall we
approved the dedication of Preferred Place several months ago I guess and this is an adjacent
tract. Matt, I would ask the same question I asked previously, I see we’ve got all these drainage
arrows sloping to Preferred Place and when you go out there and you look at the land right now it
hasn’t been graded to slope to the road and I’m assuming that when the building permit is applied
for it would be the same thing, that when Errol reviews it this property would have to be graded to
Mr. Breaud replied ok, we’ll call you back for Phase II in a little while. Mr. Breaud then asked if taps for the phase that we’re starting now and I anticipate that being in place within fifteen days.

The public comments. Mr. Brian Fontenot came forward and stated he was there on behalf of Sternfels Ltd. The agenda is to discuss Phase II which would be the street. Mr. Breaud then asked if there were any other comments, Errol, any further comments… Mr. Faucheaux…; are there any public comments or a motion? Ms. Erwin stated she moved to accept the final plat approval of the subdivision of Tract B of the Audubon/South Acadia Park Subdivision with the stipulation that the drainage be sloped to Preferred Place. Mr. Breaud stated with one further clarification, on the original plats we have it was Tract C, the tract is really designated as Tract B, the motion was seconded by Mr. Kearns, all members were in favor, motion carried.

The third item on the agenda was to consider a request by Milford & Associates, Inc. on behalf of Gambetta, L.L.C. for final plat approval of Coloney’s Courtyard town home development – Phase I to be located on the west side of Louise St. approximately 113’ south from corner of Wolfe St. located in Sections 18 & 19, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana. Mr. Gene Milford of Milford & Associates came forward and stated he was there on behalf of Gambetta, these are the four lots that are on Louise St., two of which were advertised as a reserved section that are going to be Phase II, the next item on the agenda. The property has been marked and the only thing I’m currently aware of is that the sewer taps have not been installed as of now and there has been no information supplied by them. Mr. Breaud stated you’re request tonight is for final approval, I think two months ago or something we gave you sketch and preliminary approval for these phases and in that approval, we had designated a couple of things that we wanted changed and I think there was a private drainage servitude and I think you have shown that on this plat, one other request that I guess we had made that I don’t think has been addressed is the access from the rear lots and I know that is on the agenda later tonight, we didn’t enforce that on that, I just wonder if you had any communication with the owner and if he is expected to do anything with that. Mr. Milford replied we did and we discussed it at length, these two lots have access to public, the rear will have access to the public street, so therefore on these four lots it really becomes a moot issue because each lot side would be like this, so in Phase II there is one I think three structures each on each side of the road, maybe four, where it would be an issue. I know we sat down at length and discussed that and I believe they are probably going to something dealing with cross access from yard to yard, how they’re intend on exactly accomplishing that I am not aware of. Mr. Breaud stated with approval of Phase I there would be a division of four lots and in between those four lots there would be a street that you’re dedicating under Phase II, Phase II may not get built immediately, so we could end up with two lots which I guess have all the utilities other than a sewer service, is there any reason why the sewer service won’t be installed? Mr. Milford replied I cannot answer that, I just know why they have not physically been done; I believe they would like to do it at the same time as they construct the structures themselves but as far as I know they have not been installed. Mr. Breaud is it planned to go ahead and start Phase II and install the sewers immediately, do you know? Mr. Milford stated I believe that is the case. Mr. Breaud stated any approval of these lots would have to include sewer service - we could do a conditional approval that sewer services get installed but we can’t sign off on the plat until the service is actually in place. Mr. Breaud then asked if there were any comments from the commissionera. Mr. Kearns stated that was also my concern, the sewer. Mr. Milford stated the sewer line is on the other side of the street, it is not a complex or tedious, it is right across the street. Mr. Kearns replied but it still is not there. Mr. Milford replied that is correct, yes, sir. Mr. Breaud stated none of those servitudes are showing on the deal, where is like water service and all; they’re on the opposite side, the water lines and the water main? Mr. Milford replied I believe it is on the same side, if I recall the fire hydrant is on the same side of the street that we’re on. Mr. Breaud then asked Mr. Price if he had any problem with this. Mr. Price replied no, as long as we have a condition for the sewer service. Mr. Breaud stated Mr. Faucheaux, do you have any comments. Mr. Faucheaux replied I have a question, why the road going to stop, it said proposed street. Mr. Breaud stated under Phase I there would be no road, under Phase II it is going to dead end at the two in the back; that is the next item on the agenda is to discuss Phase II which would be the street. Mr. Breaud then asked if there were any public comments. Mr. Brian Fontenot came forward and stated he was there on behalf of Sternfels & Berthelot, we’re going to be the contractor for Gambetta Properties, let your records reflect we have reached a contractual agreement with LA Construction to go ahead and put the four sewer taps for the phase that we’re starting now and in fifteen days, Mr. Breaud replied ok, we’ll call you back for Phase II in a little while. Mr. Breaud then asked if anybody wanted to make a motion. Ms. Erwin stated I’ll move to approve final plat approval of
The fourth item on the agenda was to consider a request by Milford & Associates, Inc. on behalf of Gambetta, L.L.C. for preliminary plat approval of Colonel's Courtyard town home development – Phase II to be located on the west side of Louise St. approximately 113’ south from corner of Wolfe St. located in Sections 18 & 19, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana.  Mr. Gene Milford of Milford & Associates representing Gambetta, L.L.C. came forward and stated this serves as Phase II for the Colonel's Courtyard.  As with Phase I, I think we have addressed the terms that you had and brought up and discussed in Phase I and like we had talked a little bit, I think the last item there was the ingress and egress for the rear of those lots.  There was additional private drainage that was added to the rear lots that we were addressing some of the concerns that you had, it is not public drainage to the rear of the lots, it will be private and it will not be something that the City is asked to take over.  I think we have addressed all of the other comments that you had and we ask that grant preliminary approval.

Mr. Breaud stated the difference in his request I guess is from Phase I and Phase II, Phase I was a final request, so upon installation of sewer services they can go ahead and start construction on those lots.  On Phase II he's asking for a preliminary approval which would allow them to go to construction to install the infrastructure and roadway and utilities and come back to us for final approval before they can actually start building anything on the lots.  So as you recall a couple of months ago we had requested about this drainage servitude, the City doesn’t want any servitude on the back property lines and we requested you add a private drainage servitude so they can maintain their own drainage.  A while back we had requested that the fence be taken off the back of the development so that they City could have access to that main drainage artery because there is a main drainage canal behind it and they could maintain that ditch.  Mr. Breaud then asked if there were any comments by the commissioners.  Mr. Kearns stated let me see if I can remember the comments, because I'm looking on the back and it says public utilities drainage and maintenance servitude.  Ms. Erwin stated that is on the back of the development.  Mr. Breaud stated that is an existing ditch, there is a public ditch next door, is that the parish line?  Mr. Milford replied that is the rear of the Thibodaux High stadium.  Mr. Breaud stated it is between the stadium and this development and there is not much room on the other side to maintain it because they have a tree line that you can't hardly get through and I think all of those other developments are pretty much like that with dead ends and streets on the back side.  Mr. Breaud then asked Mr. Price if he had any further comments.  Mr. Price stated the only question I had, I know you all had discussed that "T" turnaround, when you have that parking, the fourth parking, how much do you have left where a car can actually turn around?  Mr. Milford replied I'd have to look into it.

Mr. Price stated just want to bring this up and go on record as saying this is going to be our second or third one that we’re doing this or that Planning and Zoning is doing and the last one that was done, you go down there and you can’t turn around because the person that bought the last town house puts his boat on it.  So I just want to go on record saying that this does not work for a turn around, they use it as a private parking spot.  Mr. Breaud replied well is that part of the development or is that more of a policing operation where... Mr. Kearns stated let me ask you this question, if the boat was not there, could you turn around.  Mr. Price replied correct but he issue on the last one was it was a private drive.  Mr. Breaud stated this is public dedication, this whole triangle back over here is publicly dedicated, you've got a 50' servitude plus the two turn a rounds in the back so legally nobody is supposed to be parking on the roadway and it sound like it is more of a policing item that a subdivision regulation.  Mr. Price replied I just noticed that sometimes you go to turn around and it is not there.  Mr. Breaud stated let me ask you, Gene, we've got in our survey regulations that the turn around can either be a cul-de-sac type or it can be a "T" turn around, the "T" turn around is supposed to meet ASCO regulations, are we meeting those turning radiuses and all as far as you know.  Mr. Milford replied as far as I know, yes sir.  Mr. Breaud stated I think we reference it in the subdivision regulations we meet the ASCO regulations and we’ve got a minimum turning radius and a minimum “T”, I’ve never gone back and checked it.  It looks like a 23’ radius, is that what I’m looking at Gene, that would be 23’.  I mean a car or a bus would have to back up there is no such thing as they’re just going to turn around or they’re going to have to make a turn to get out.  Mr. Milford replied there is a multi turning movement which is what all "T" turn a rounds are.  Mr. Breaud stated and I don’t know if this will accommodate a bus turning lane. Mr. Milford stated I wouldn’t expect a school bus going down it is such a short street. Mr. Eric Faucheaux stated what about a garbage truck how is that going to, is there going to be a common collection point for the garbage or will it be curb side or...?  Mr. Breaud stated how these things have been operating on these other short streets Errol, I know we’ve got some on Canal Boulevard with these little short turn a rounds.  Mr. Price replied they’re actually trying to back down the street, that is a problem and they’ve not been on record.  Those large garbage trucks are trying to get around, like when they’re backing on Plantation to get to Plantation Ridge, they’ve got to block the whole traffic to try and back down there.  Mr. Breaud replied I know one of the thing we need to do is review our regulations if we see a problem let’s go ahead and change the regulations to require, if we don’t want to mess with "T" turn a rounds lets take them out and just go with a cul-de-sac so we can have a proper turning radius.  I know what you’re talking about, this started a while back in Rienzi where we accepted a couple of these "T" turn a rounds and now we’ve got double in the city, let’s revisit the ordinance and see if we should allow it and if it is not working, let’s change the ordinance.  If he is complying tonight I don’t think we can do anything else, does anybody else...
have any comments; are there any public comments? Mr. Kearns stated I'll make a motion that we accept the preliminary plat for Phase II of the Colonel's Courtyard, the motion was seconded by Ms. Erwin, all members were in favor, motion carried.

The fifth item on the agenda was to consider a request by Errol Price, Zoning Administrator for the Planning and Zoning Commission to determine the correct district classification placement for a recycling business. Mr. Price stated that is one of the businesses that we don't have in any district and I'm asking the board to decide where they want to put one, if they want one. I have somebody that inquired about opening up a recycling business full fledged, he's looking at vehicles, boats, anything that he could buy and refurbish or re-sell. Mr. Breaud stated right now don't we have a couple of people doing some recycling in the city? Mr. Price stated one that I am aware of, on the corner of Plantation and Canal. Mr. Breaud stated that is the only place in town that is doing any kind of recycling. Mr. Price replied that I'm aware of, that is correct. Mr. Breaud stated that is not to aesthetic to have that on your main roadway coming through town, so I'm not in favor of that location personally. I looked through there and I know that in an "M-1" or an "M-2", in an "M-2" they talk about raw materials and in M-1 they talk about transfer and storage as an activity and that is the only place that I can see it could possibly exist if we want to allow it at all. You know we're talking about recycling, this could be something more massive than just aluminum cans, it could be any kind of steel structure, I don't know if that would happen in the city but once you classify or put it. Mr. Kearns stated well my concern is what about items with contaminant, they could recycle transformers or anything else, what happens if he brings in, if he recycles automobiles what is he going to do with that oil? Mr. Price replied I don't have that answer because the thing is it is a business and you all need to decide if you want a certain type of recycling, do you want it at all or do you want, I don't want to, I told this gentleman that I was not going to give his name or anything because it is not his particular business, this is a zoning request for anybody that would want to put recycling in the city. Mr. Kearns I understand, yes he is not asking for a variance… Mr. Price stated no, what he is asking for is if he would get it, he's asking to recycle everything and he said it will probably look like a dump yard. Ms. Erwin stated I think it is very important that we have a definition of recycle before we get involved with saying which district that we want it in, I think recycling can be just left up to interpretation and I think we need to be specific. Mr. Kearns replied I agree, think we need to define recycling. Mr. Faucheaux came forward and stated I think Lafourche Parish right now, Byron Talbot is in the process of building a recycling plant and they have some pretty strict requirements as far as containment, nothing can touch the ground but you are absolutely correct, it needs to be defined if there was to be any recycling allowed, there are various forms of recycling, it could be scrap metal, plastic containers, and so on. Ms. Erwin stated in lieu of the review of our zoning ordinance, I move to table, Mr. Kearns replied I second that. Mr. Breaud replied ok, it has been moved, and let's clarify that that is a good point and later on the agenda today the City has hired South Central Planning to do a study of the zones in the city so I think this the perfect opportunity for South Central Planning to add this to their task, to come up with some definition of recycling and like I said they've got some strict recycling rules in containment and fence coverage where things are hidden, maybe we would consider it but I think the starting point would be let's get the definition of the recycling. Do we want that to come back to this board or just delay action until South Central Planning makes their report, can we hold off that long? Mr. Price replied correct, he is aware of all of the issues and the last I spoke with him it is leaning more on it not happening and I figured since he brought it up I brought the issue up anyway. Ms. Erwin stated I think it is a valid issue. Mr. Kearns stated there are several important issues that are connected with it, like we're talking right now about, well yes what type of recycling would you allow within the city limits, and then what restrictions would you put on that recycling process, so it is not just so much as it takes an M-1 or M-2 and say yes, you can recycle there but it is to define what are we going to call a recycling processing plant or yard or whatever the case may be and then what would you allow to happen in there. So we need to look at what the parish, their restrictions and get some sort of guidelines, South Central Planning is going to come in with some sort of guidelines so. Mr. Breaud stated ok, Ms. Erwin your motion was to table, do you want to table until the next meeting or do you want to table it to defer action until South Central Planning comes back with their... Ms. Erwin stated I move to defer action until the review is complete by South Central Planning, the motion was seconded by Mr. Kearns, all members were in favor, motion carried.

The sixth item on the agenda was to consider a request by Errol Price, Zoning Administrator for the Planning and Zoning Commission to review suggested revisions to Article VIII, Town House Developments, Section 18-192 (4) Separation requirements with the addition of (4)-c. No town house shall be constructed without a rear yard exit discharge. The exit discharge shall provide a direct and unobstructed access to a public way. (Definition for exit discharge and public right of way: refer to Chapter 10 Means of Egress in the IBC 2006 Code Book) The exit discharge shall be at least five (5) feet wide, level and paved to the public way.” Mr. Price stated this was basically brought up because when we were looking at town houses back to back, there is a possibility that someone can get trapped along the rear yards and that is why I want to see this board have a little discussion on it to get some input. Mr. Breaud stated and what does the IBC code say, does it say that it is a requirement, does it talk about town houses or how is that described in the IBC? Mr. Price replied no, the IBC code, that is the definition, it just gives you the definition exactly from leaving, let's say the exit would be the door or the entrance to the house through a public right of way, a street or alley, a public exit, not private
Mr. Breaud stated we could require that it cross his development whenever he is developing it at that time. Mr. Breaud stated the only problem I see is you know with you not wanting to pave it... Mr. Andolsek replied no, I'm not saying I don't want to pave it, I'm just saying do you want a sidewalk on the side of your house in case you've got a fire and you want to get out from the back fence you know you'd have d. so I think you need to, when you put a yard exit discharge I think it is great, I just think we need to come up with a better method in all circumstances for how you want to grant it and I don't have an answer, I'll be happy to help some of it but I don't know if this is the answer in all circumstances. It is the answer when you've got a street on the side, that is easy but when it backs up to a bayou or ditch that is something else. Mr. Breaud stated once we call it a public access or right of way does this mean that this developer is dedicating this alleyway to the city. Mr. Price replied this is not a public, no, it is going to a public way, Mr. Breaud stated it has to go to a public way, so this would still be a private type servitude not dedicated to the city and it would be up to that developer to maintain and take on the liability, he's taking on the liability of other people that is coming out. Mr. Andolsek stated well technically what would happen in my opinion they'll get easement on the lot so you would actually buy it so if you actually own that strip in the back of your house and someone else trips in the back yard they could probably sue you. You're bringing up a lot here, somebody is going to have the liability, normally in a servitude it is split on both sides, I guess that is still the method to do but if you're backing up to somebody's property that is not a developer it is not the same. Mr. Breaud stated we're calling this an emergency access and you know we care know what is going to happen in that alley way you're going to have everybody walking on the back of your property to access their property. Mr. Breaud stated what Errol is saying is good. Mr. Andolsek stated it is just a discharge, to give Errol some opportunity to make decisions when he give a permit, I mean just to allow discharge is that too vague, Errol, I mean if they've got a way to get out of the back yard is what you're looking for, so I mean as long as they provide that. Mr. Breaud stated if they don't put a high fence you can jump over it. Mr. Andolsek replied but again, I don't have the answer and I don't know if tonight is the night to answer it but I don't know if you can write everything down you need to write. Mr. Price stated but even if you take away paved... Mr. Andolsek replied I'm ok with paved, it is just paved to the public way, oh, an access to the public way, that would be better because you can have access on grass and get to the public way. Mr. Price replied you'd still have the liability though for crossing on your neighbor's property. Mr. Andolsek replied hopefully as long as you can define it, I don't even know if it has to be a servitude, as long as they have access to the public way; as long as you prove that they can get out of the back yard and get to the public way. Now if somebody does restrict it with a fence I mean that would be up to you to not allow a fence, but because if a fire breaks out at Clay's house they're probably going to go through the neighbor's yard to get to his back yard anyway. Mr. Price replied but you see there is no way for me to control it and force somebody puts a fence after the building has been completed, six months after and we're not around there, they could actually put a fence across it and we're not going to be aware of it. Mr. Breaud replied there is one place I'm thinking right now that we've got this in Rienzi. Mr. Andolsek replied it is on Rienzi but look, the ones that back up to the Western Sizzlin have no way out, I mean every apartment in Thibodaux doesn't have back way out so this started because of two guys that had a feud and I understand them wanting access and if the man would have got it the
The seventh item on the agenda was to consider a request by Errol Price, Zoning Administrator for the Planning and Zoning Commission to review suggested clarifications to rear yard setback in Article VIII, Town House Developments, Section 18-192 “(5) Yards. There shall be a twenty-five (25) foot yard along sides and rear of each town house site where it adjoins a lot containing detached single family dwellings in R-1, R-2, R-3 and R-4 or vacant lots in R-1, R-2, R-3 and R-4 districts. This twenty-five (25) foot yard setback shall not apply where the adjoining vacant property in R-2, R-3 and R-4 districts has deed restrictions in place prohibiting the construction of a detached single family dwelling on the vacant property. And a five (5) foot side and ten (10) foot rear yard setback shall apply in any other circumstances not addressed herein.” Mr. Price stated this is trying to clear up the ordinance that is on the books already, the issue was that if you had a set of townhouses that are actually sold as individual units would that be considered a single family dwelling? This is some kind of language to straighten that up to say two things, if you have a vacant property next to it and it falls into an “R” zone and if there is a restriction in the deed saying that they cannot build a single family dwelling well then they’d be allowed to go with the lesser of the yard setback. Mr. Price stated a townhouse is not permitted in an R-1 right. Mr. Price replied no but if you have an R-1 vacant lot, they could build a single family dwelling so then it would affect the townhouse on their rear yard. Mr. Kearns stated if there was another “R” district… Mr. Price stated at the boundary if you had an R-1 District next to an R-2 and the rear of those townhouses would face, the rear of the townhouses would be against an R-1. Mr. Kearns replied I follow you, it would be buttting up against it. Mr. Price stated you’d have to have 25’. Mr. Andy Andolsek of J. B. Levert Land Company came forward and stated that what Errol has in this clarification is that you are now putting detached because once you build a townhouse the way it was written you couldn’t build another set next to them even if it was zoned for town homes but I agreed with these setback regulations and I talked to him before about this. The only issue I have is what about undeveloped property, when it adjoins undeveloped, so it is difficult to try to clarify that and put it in because it could be changed to an R-3 or to a C-2 later but if it is undeveloped should you keep the 25’ setback. Like in my instance, Errol is telling me I can’t build townhouses next to my other townhouses because it is undeveloped and I guess if we go and develop it it would be developed but as long as it is undeveloped it does not qualify. So I guess my question is you can’t answer every question but would you allow variances in places where in cases you have a can field on the side of it would you allow units to be closer than 25’, if that is the case and a variance can be granted well then I think that is acceptable but if variances ever become taboo then we have to put more into these ordinances. Mr. Breaud then asked Mr. Andolsek if he had any other suggestions on how we can fix it. Mr. Andolsek replied well you can put undeveloped property but you know again, like Errol stated what happens if somebody goes and builds a house but the only thing is if it is undeveloped property, he knows what is there before. This language was put in to protect somebody who had a subdivided lot already who was planning on building their dream home and if somebody puts a commercial building right on the side of it, that is what it is there to protect, not an open lot that has no utilities and it is undeveloped, I mean if the unit is there first then well at least you knew what was there first. So if you include undeveloped in here it would satisfy Mr. Price but if it would later develop into a residence you would be closer than 25’. Mr. Breaud stated how are you defining undeveloped property, if it is a lot of record. Mr. Andolsek replied if it is a lot of record it is developed, I mean I’m talking about raw land, if you want to call it raw land. Mr. Price stated the location that you have right now, a can field like you say… Mr. Andolsek replied it is zoned R-3. Mr. Price stated it is zoned R-1. Mr. Andolsek replied well no, some of it is zoned R-3. Mr. Price stated some of it by the church in the back of it. Mr. Andolsek replied well the church is zoned R-3 too but it still give you the… Mr. Price stated but right in back of the doctor in back of the property behind the fire station is zoned R-1, correct? Mr. Andolsek replied that is R-3, everything on that section, all the way from the ditch all the way to the… Mr.
Price started so the only thing that would be R-1 would be far in the back towards Rosedown. Mr. Andolsek stated way across right, so anyway I’m ok with it if we add undeveloped and I’m just going to ask again, can a variance be granted I mean do I get a yes or a no or is it not definite. Mr. Breaud stated the only one that can ask for a variance would be granted is not a lot line offset your request for a variance would be to allow this in a particular district depending upon… Mr. Andolsek stated if I built a subdivision and I want to include duplexes and single family mixed because I am considering it, could you grant a variance so I don’t have to be 25’ assuming if I left enough room, more than a normal development you know it is that type of thing but it would be within a development and you knew what you were getting in to before. Mr. Kearns stated so you can actually be penalized for having undeveloped land. Mr. Andolsek replied oh yes, but there are regulations are here to protect the people of the city and I am just asking for it when this thing was written, I mean I was all for leaving 25’ in between lots of condos but if you build duplexes or smaller units you would be penalized so that is where you almost need to be able to come and ask for a variance if you’re not building something massive. Mr. Kearns stated I hate to throw it onto a variance though. Mr. Andolsek replied but every situation is different. Mr. Breaud stated there are only two entities that can grant a variance this board can grant certain variances and the Board of Adjustments are the only ones who can grant variances on side lot line offsets, we can’t grant that but neither one of us can guarantee you that you can ever grant a variance, there are lot of things that come into play and I am not going to argue either way. Mr. Andolsek replied correct. I understand but getting back to this, if we can undeveloped property I would be ok, thank you. Mr. Breaud then asked if there were any further public comments, Mr. Kevin Belanger stated Errol are you ok with adding undeveloped? Mr. Price replied no because you’ve got R-2, R-3… Mr. Price replied no, I’m adding the R-1. Mr. Faucheaux stated right but… Mr. Andolsek stated undeveloped or R-1, anything but R-1, because if it was in R-1 it would be single family but if it was in R-2 then it could be multi-family. Mr. Kearns stated like Errol was saying you can have an R-2 butting against and R-1 so. Mr. Andolsek replied but then again if you put in undeveloped property in R-2, R-3, and R-4 and it was abutting an R-1 undeveloped you couldn’t do it. Mr. Price stated then you couldn’t do it. Mr. Breaud stated I’m ok with that wording - Errol does that work for you? Mr. Price replied yes, that would work so that way if it is R-1 you definitely can’t do it. Mr. Breaud asked Mr. Kearns if he wanted to make that motion. Mr. Kearns stated read it, say it as it should be. Mr. Breaud replied do you want me to do that? Mr. Kearns replied yes. Mr. Breaud stated we’re saying I think Andy you’ve got the wording in front of you, we want to take off vacant lots and put undeveloped lots. Mr. Andolsek stated adjoining vacant property in R-2, R-3 and R-4, and raw property or undeveloped property in R-2, R-3, and R-4 right? Mr. Breaud replied all right. Mr. Andolsek replied yes and then district and then go on from there. Mr. Breaud so we’re talking about the fifth line only taking R-2, R-3, play undeveloped property, scratch R-1 out of it, R-2, R-3, R-4. Mr. Andolsek replied or you can put you are right, adjoining vacant property or undeveloped property. Mr. Faucheaux replied all you need to say undeveloped is it already going to be in a zone. Mr. Price stated take the R-1 that is basically all you have to do. Mr. Andolsek replied well it is already there, then you are right, I just killed time. Mr. Breaud stated all right, I would entertain a motion to adopt the wording and leave out the R-1 district. Mr. Price stated after the vacant lot. Mr. Breaud stated after the vacant lot. Mr. Kearns stated after the vacant lot, I so move. Mr. Breaud stated it has been moved by Mr. Kearns and seconded by Ms. Erwin, all members were in favor, motion carried.

The eighth item on the agenda was to have a Town Hall meeting with local developers to discuss the City of Thibodaux’s Zoning Ordinance. On October 8, 2009 the City of Thibodaux awarded the South Central Planning and Development Commission (SCPDSC) a contract to assist in the review of the City Zoning Ordinance. As part of this contractual agreement, SCPDC will meet with members of the Planning Commission, City Administration, Developers, and the general public to review concerns and determine issues that are relevant in the Thibodaux Zoning Ordinance. Mr. Breaud stated I only see one developer here tonight, we have Mr. Kevin Belanger with South Central Planning that is going to explain and give us a presentation on what their mission is. Mr. Kevin Belanger came forward and stated thank you Mr. Chairman, I am the C.E.O. of South Central Planning Commission. Thank you for having us here tonight we are going to conduct a little bit of a public hearing, I would ask if it is not too much of a problem for the members of the commission to maybe take yourself and bring yourself you want maybe we could just adjourn for it and if you want it would be granted and just conduct the open meeting afterwards if that would be preferable to you all or do you want to do it under the guise of your meeting. Mr. Belanger stated we have some boards way out here that we would like you to see and you won’t be able to see them seated up there. Mr. Breaud stated we’ll continue the public meeting and we’ll sit down in the audience and come back and convene up here in case there is any other action or anything that we want to do. So we’ll turn it over to you right now and we’ll go sit in the audience. Mr. Belanger replied ok, well thank you again we going to have at least two minutes just to be able to spread out the boards and the just maybe two minutes for it and the reason for this meeting is to hear comments from you all as well as the public on issues that you feel are a problem within the existing zoning ordinance and just being here tonight we’ve heard
several of which those we will content with and those that we hope to hear by the comments that we will received, so I'll help distribute these boards. Mr. Belanger stated I know they are a little difficult to see, with me tonight is Ms. Simone Caesar, she is a planner who is heading up the rezoning. Part of what we wanted to do is give you food for thought of what other communities of like size and development patterns for liking what they're doing in the hierarchy of the zoning and what we want to do is to be able to what I'd like to do is maybe take 4 or 5 minutes for you to be able to just come out and look at the maps, get a feel for what they are, we tried to choose these locations because of their population, their population make up, they are university towns, etc. We're not here tonight, I want to preference all of this, we're not here tonight to talk about specifics of conflict, what we want to hear are generalities, we want to be able hear that you feel that maybe there should be, it called today undeveloped land, instead of I heard it called other areas they are called open land and vacant agricultural property, maybe that could help to define your problems in some of your issues on open land or what we call undeveloped property. So it we could for just 4 or 5 minutes, just get up and look at these maps, try to look at the hierarchy and the types of differences of the hierarchy and then what we will do is try to look into some comparisons as what Thibodaux has and then we'll ask questions and stimulate a little discussion. Mr. Kearns stated Kevin what you don't have is a description... Mr. Belanger we actually have it, there is no way we would have put it on a board but if you want to look at some of those descriptions of the hierarchies of the zoning, we have it. Mr. Kearns replied yes. Mr. Belanger stated we can forward that to you. Mr. Kearns replied yes I'd be curious to see how they are defining what those zones. Mr. Belanger replied ok, let's go ahead and get stared, what I'd like to do at this point is call up Ms. Simone, she is going to stimulate some of the discussion, first of all there are no dumb questions, we want to hear all of your input, if you can't make it tonight, you can please email it to us and we will give out a pamphlet so that you can kind of follow along, does everybody have access to that. Ms. Simone Caesar came forward and stated good evening everyone, my name is Simone Caesar and I am the lead planner on the zoning review for the City of Thibodaux. I’m here to open the floor up so you can just open discussion but before I do that I wanted to give a little back ground as to what you might expect, last year, about the 2nd of last May, the local chamber of commerce did an informal survey where they went to the R-1, R-2 and R-3 areas to identify non-conforming uses and they found several I believe there was like about 104 properties and it caused some concerns to them and they brought that to the City and the concern became what happens when these grandfathered non-conforming uses become vacant, how would that impact the City economically and so with that the City asked us, South Central Planning to come in and do a zoning review. Part of that review will require us to look at the vague areas in the ordinance and identify those areas and be able to see if there, look at clarity and hierarchy of the zone, also compare it to other places that we were looking at the maps here, what are other people doing. Just bringing up similar issues based on ways to build on something that is successful, can that be replicated here, will that work here in the City of Thibodaux. In addition and the reason it brings us here tonight is that we’re holding several meetings to get your input as developers, as the planning commission, as the administrators here in the City and as the public at large. Now each of you received a booklet and it is just a booklet of discussion questions and it is not meant to be everything but it just meant to browse through it is to generate thought and conversation and like I said you can go through and read every page or you may come across one question that really generates some thought and compassion to you and we can discuss that. As Kevin mentioned earlier I put my card on the book so maybe there’s things after the meeting that you’ll remember and say “ah” here’s a thought and you can email that information to me as well. What I wanted to do is as I mentioned is open the floor up for discussion and as Kevin touched on the purpose of tonight’s meeting is not to speak about your specific issue, what is happening at your house on your lot but what is happening in zoning around you as a resident here and if there was a change made to this zoning how will it not just affect you but the residents at large, will it change the quality of life for all citizens or what. We admit zoning issues may cause problems but if we could just improve it, just fix this quality of life here would improve significantly. So those are the kind of issues that we’re looking at to address them and as I said also the thing to identify is that there wasn’t enough buffer so there are some areas that didn’t have buffers between residential and commercial and so that was a concern also so with that I’m going to open the floor up, does anyone have any issues that they would like to discuss? I also have the maps here, these maps were, as our team drove around we looked at some of the areas and identified areas where we thought maybe some conflicting uses, we’re not quite sure what was happening, so we blew those areas up and put those on a map and so I’d like, these big maps, I have 10 here because as we talk we could also identify locations that you all are targeting and that would help us better understand the issue of what is happening. So with that I’d like to open the floor up, if anyone has anything they would like to discuss. Mr. Kearns asked do you still have the other maps that you had shown me that already had the writing on them. Ms. Caesar replied not with me. Mr. Kearns stated but you do have them. Ms. Caesar replied I do, yes, they're in my office, I've still got those, that's my working maps. Ms. Caesar stated I have a question or comment I guess, zoning in my opinion is the biggest contributor or detractor of property value so if something is zoned R-1 it is the most restricted use so the property values are the lowest and we get into the 2’s of course the values of the use increases so by changing zoning on people who own property that are already established you could punish them greatly and I don’t know what the plan is if you’re going through and do an apprehensive change on what is there but keep in mind if that happens I think I mean it could be detrimental to some and it can enhance others. If you sold a piece of property the way I look at it, to somebody for what the value
was today and then the zoning is changed tomorrow and Wal Mart bought it, wouldn’t you feel
shorted that you weren’t able to take advantage of that new zoning so whatever happens we’ve got
to always keep in mind that you’re affecting people’s livelihood one way or the other if we change
zoning. Ms. Caesar replied well this is a zoning review and it is not an empty shell study and we’re
not going to be changing zoning, what we’re doing is taking in information, listening to the
citizens, hearing what the issues are for zoning, going out and doing a look ourselves, not a
detailed land use study but just hearing the issues. We’ll be bringing that back and make
recommendations and the recommendations may be that further study is needed, many of the
citizens identified this as an issue, this is a concern and we recommend further study be done
because we see the issues that the residents are bringing up. So, no zoning change will come
from this it is just what will come from our view of the next steps that should be taken. Mr. Andolsek stated meaning like a non-conforming use should you allow them to stay in
that use. Ms. Caesar replied and what other cities are doing to address those issues. Mr.
Andolsek asked well do you have any, can you give an example of what other places are doing
because that is another factor that these people got a zoning change coming on and they may
to spend a lot of money to open a facility and then the building code says if they closed down
for six months, Errol is that right then that use is terminated, I mean what are other places doing.
Mr. Belanger stated what we’re wanting to do really is to evaluate the uses that are allowed within
each one of the categories or the hierarchy as we call it, we heard tonight that there were some
issues or conflict with one of the classifications that isn’t specifically identified of today’s uses, 25
gros s years ago they don’t have some of those uses that are out there today, computer repair facilities, I
know Errol adjusted it in our zoning right now but there are some other examples. What we want
to do is here you all as developers have come to this planning commission or have gone to the
zoning commission for re-zoning, what have you found to be the biggest hindrances in achieving
some of the things that you’ve been trying to do. What were those conflicts? We heard tonight the
setback requirements and we’re going to evaluate is that relevant to all the other areas and how can we address it through zoning, it may
not be able through zoning so. Mr. Andolsek stated I’m used to the old zoning and I know it was
enhanced a while back but it used to carry forward and I always thought that was the way it should
go because if it was allowed in R-1, it should be allowed in R-2 and R-3 should have had R-1 and
R-2, that way you’ve covered every base I think with everything and you try to prevent the specifics
that I think they’re all specific as far as leaving out a use. Mr. Belanger replied well that is called up
zoning and down zoning, some areas don’t allow that, like for example you can’t build a residential
home in a commercial zone. Mr. Andolsek replied well I think that stops at that point though. Mr.
Belanger stated some areas do allow it. Mr. Price stated now you actually can. Mr. Andolsek
stated but if you can, then you don’t have the issue with bar playing music. Mr. Belanger stated
well what it does is it presents other problems in the future that if somebody builds a residence and
sells it and it is going to another family then it becomes a quality of life issue. That comes into
developing a comprehensive plan as to where do you want to see your town grow and how you
want to developments to occur, where do you want that growth to occur. What we’re focusing on
right now is the zoning ordinance and what we’re doing is holding back development and
today or conflicting development; that is what we’re trying to focus on. Ms. Erwin stated well the
problems that we are normally faced with are non-conforming use and our ordinance that only
allows them to upgrade or to repair, that not only becomes a problem but on the opposite end of
that is residents, the residents from this area are very happy I guess is a good word to keep their
residential districts residential and so I think it is having to not hinder economic development and
development for businesses while also making sure that we don’t have blighted properties in a
non-conforming use and that is the trouble. Ms. Caesar stated and that is where our study could
come in because that was used to be commercial but the buildings weren’t used up and six months so
now they can’t be used at all in neighborhoods so the result is an entire neighborhood having these problems. Mr. Kearns stated but in the same token you have a demand for those
mom and pop locations, there is a demand for people that want to come in and put light
commercial in residential areas, grocery stores. Mr. Andolsek stated you can do that in R-4. Mr.
Kearns stated in R-4 but you can’t do that in other areas so now you have a building that is going
to enter a state of disrepair, there is nothing that you can do with it, economically there is
absolutely nothing you can do with it, so what does it do to the property values of the adjoining
property, it going to naturally bring those property values down and yet at the same time there is a
demand for that building. If someone would come in and put something in there that would
enhance that neighborhood that is one of the things that we saw when we did that study. Ms.
Erwin stated what if the residents of that particular neighborhood don’t want the gas station or the
convenience store right across the street. Mr. Kearns stated well maybe in some of those areas
they don’t but in other areas they do. Ms. Erwin replied and granted but there are a lot of them that
don’t, we’ve heard that numerous times that is all I’m saying. Mr. Belanger stated well the focus
again to evaluate the hierarchy, are there enough of these that indicate enough uses for this particular town and we talked tonight about manufacturing or
industrial, I heard recycling, manufacturing and recycling these are all particular uses that you want
to be able to allow for but can you allow for and where so when you look on here in your M-2’s, you
have one site, ok, you have a few more right here, are these, are the permitted uses reasonable
and do you want to maybe break it out even more and say ok we’re going to allow these uses to
continue but maybe we should create an industrial an I-1, I-2 and I-3 and maybe reclassify some of
those particular areas by allowing those uses but expanding other particular uses in areas that you
want these to be allowed in because right now you had a conflict tonight I heard Errol who asked

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about the recycling, is that something that we want to allow. Mr. Price stated the other one since we're talking about that one is an RV park, where do you want an RV park at. Mr. Belanger replied these are the things, the types of uses that you have today are not relevant to today's times and what we're going to be doing, we're going to be recommending to you food for thought for consideration for future zoning changes, not zoning changes but code changes to the ordinance so that you can maybe allow for those permitted uses but then you could create RV park with it tied with a RV-1, let's say we call it a RV-1, you're not going to have it on the map, that's not going to happen until a zoning revision is done but you won't be able to approve any because you don't have any type for it, do you get what I'm saying but at least you would have put it into your ordinance as a prelude to coming with a full fledged revision to the zoning ordinance to the zoning plan. So what I'm saying is put together the map, the allowable uses don't even say right now is put not to say that they are allowed today on this zoning map, they aren't certainly but where are you going to be five or ten years from now. Mr. Tommy Eschete stated Kevin when you focus on the insides of what you're doing now, identify areas and I'm going to bring one that comes to mind, South Thibodaux, along what I call South Canal Boulevard, that area may be in a position I guess where you have blighted property, you have vacant property and soon to be more vacant property and you have residential uses, are you going to identify areas like that that really need to be re-developed or that you would expand the restriction so that it would be conducive to re-development because an area like that really needs to be re-developed. Mr. Belanger replied that would be through your zoning update, your zoning... Mr. Eschete stated what I am asking is would you identify a weak area like that, what the zone should be now, do you identify an area like that and say this is something really is kind of glaring at us and we need to look and see what would make this conducive to re-development. It may be a hodge-podge of mixed commercial uses but you know.... Mr. Belanger stated you may add a commercial use inside of the... Mr. Eschete replied right, what can we do or would you identify a tract like that would say you know a different scenario we would use to fragment that we need specifically concerned with we don't in that particular area. Mr. Belanger stated there is no doubt in my mind by looking at what you have in other areas now that you don't have enough variety, enough variation and what we need to do is expand those hierarchies and variations to allow you for the potential recycling but make sure that when you go through that zoning process that you allow for it in suitable locations. What we're talking about doing is creating a game plan on how you would go through setting up what will be allowed in the city of Thibodaux, we're not saying where because it is already done for right now; what we're saying is what do we want to see, what uses do we want to see total. I've seen that challenge all over the country, very few places don't have it listed, they lose ... I'm just saying that is just one particular thing, I see nightclubs kind of like a gentleman's club and stuff like that popping up in a very unsuitable location, you have to address those types of issues. You can't be, you can't restrict people from coming in and doing things like that. Now when we talked about the recycling, it may be killed based on the criteria by DEQ that would prohibit it from being within 4 or 5 miles of a residence. There are some other restrictions that would prohibit it so what we're going to have to be very careful about what we say what we want to see if we know it is within whatever given area of the city of Thibodaux has. So what we want to know tonight, have any of you experienced and I know you have, have you experienced the lack of ability to be able to do things in one of these particular zoning classifications that you would have liked to have done but it just didn't allow you. Mr. Andolsek stated I mean but there are many of times. Mr. Belanger stated what is it. Mr. Andolsek stated I'll give you an example, I think it's in C-3 you may be able to have a garage, a repair shop but you can't maybe have a cabinet shop. So if you've got things that are very related unless you can tell me why, is there a difference in noise or what but if you look at it, sometimes it just doesn't make any sense to me why one is in there and one is not in there. Mr. Price stated conceptually you can have a cabinet shop in a C zone but there is where I look at when I presented it to the board was how much traffic was coming in, if you're going to build cabinets the noise of the trucks making deliveries and if you just have a plumbing or electrical business the people leave to do their work and that's the way I addressed it. Mr. Kearns stated you can't have roofers in that same R zone and they leave everyday. Mr. Price stated actually a roofer would fall under... Mr. Kearns stated it's in R-2, R-3. Mr. Price stated no we had plumbers and electricians in R-2, you have to go all the way to R-4 but you've got the cabinets and roofers because they could actually build their valleys with sheet metal in their shop and that is why it is similar to your mechanical guys because they do all their duct work in the shop and it is the noise and all, your electricians and your plumbers are the only two that we actually let go in an R-3 area because they can't plumb there, they have to go out. Mr. Belanger stated good point. Mr. Andolsek stated well that actually clarified it but when you read it and you say well this one can go and this one can't, they do look like the same thing sometimes but I guess one does a little bit more but if there was a method. Mr. Kearns stated basically we have an area where we have an M zone and a C zone and in between these two we've got an R district and like we talked about earlier there was no buffer, no logical buffer that we could have we've got commercial on the other end and we've got commercial on the other end, we ought to start stepping this thing down. Mr. Kearns stated right, you would do a rezoning and that should get cleaned out, now the R-2 may become non-conforming but over time you would hope that that would get cleaned out or flushed out. Mr. Breaud stated I'd like to make some comments, I think we've got a very successful zoning and planning ordinance in place right now, can it be tweaked to actually make it better, it think it can be tweaked. This zoning ordinance has been in existence since the '70's and it is established and everybody knows the districts and what is allowed in the districts. When you sit and look at our zoning map right here and you compare that to these zoning maps on this side of the room with
Hammond, you see we’ve got massive areas that are zoned different classifications. You go in here and every block or lot, they’re going in and they’re changing zoning because of people’s requests ok; I like our zoning, we’ve got blocks, massive blocks and we’re saying we allow residential here we’re allowing commercial here and everybody that has been in the city this has been in existence for 70 something years and if we start changing zoning right now we open up a can of worms. The main thing that we’ve got to agree on is I think is a philosophy and I’m going to read this paragraph under the first thing of zoning, it talks about characteristic of use, which were lawful before this ordinance was passed or amended but which was prohibited, regulated or restricted under the terms of this ordinance or future amendments, it is the intent of this ordinance to permit these non-conformities to continue until they are removed but not to encourage their survival and to get to go with. If we want to start changing what exists now and allowing these non-conforming and I understand what we’re talking about, we’d don’t want to deter development but we’ve got to look at the times right now and a lot of this development is because of the time and the economy, it doesn’t have anything to do with the zoning, we could zone this thing open zone for anything and it doesn’t mean you’re going to attract any more businesses that are in here now. I really feel we could increase the ordinance but if we start changing our zoning masses I think we’re asking for trouble. Personally I don’t think we have a big problem with zoning in this town, I think we are ahead of the game, we are ahead of a lot of these other guys, that when you see these types of zoning maps that is after thoughts and they went back and they changed things after things were done. We’ve designated those areas, there is probably some stuff that we can do in classifications to clear them up to make sure that we’ve got everything accounted for but we need to read in the plot what do we want, do we want zoning in the city you know, if we want to allow different things in every part that we’ve got right now well let’s just get rid of the zoning ordinance. The zoning ordinance has been in existence and it is working well I think, yes we’ve got some isolated stuff, now and then the Chamber will come back and say this building is at those classifications and tweak those items but let’s look at all the other items that go back and change zoning, personally and I’m just one member of this thing but I am totally against it. Yes, we’re going to make recommendations, I know it slipped up a couple of times we’re talking about re-zoning, we’re not re-zoning, we’re changing classifications, this recommendation is going to go in front the Council and it is going to be tweaked but I guarantee you this board is going to make a recommendation or South Central Planning is going to make a recommendation and that is going to go in front of the Council and the chances are that is going to influence the decisions of the Council and I just wanted to express my concerns on this thing and I’m sure I’ve got some opposition that doesn’t but I have here and I think it is and believe you me I go to many other planning commissions in other parishes in other cities and I think we’re well ahead of the game. So I encourage you all not to slip behind and not to start re-zoning everything like you see on this map here, that’s my comments. Mr. Belanger stated if I can just comment to clear a little more what you said, you’re absolutely right as a zoner, as a planner, you’re dream is to zone huge blocks, not spot zone, that is something you always try never to do. When you’re taught in college because you can sustain those developments a lot better and Clay is absolutely right, that when you look at the ducks but the problem is the city of Thibodaux doesn’t have a fence around it, people are coming in and putting pressures upon you asking you to do certain uses, I’m not saying you re-zone but I think you revive your ordinance to allow for more particular uses that are relevant to today’s times. The economies have changed and the activities have changed and that is what we’re focusing on. Our recommendation I can assure you is not going to be to go to your Council just to ask for a re-zoning, that is not what our effort is all about but our effort is to evaluate whether or not the availability of existing uses today can be permitted within the existing confinement of the hierarchy that you have. We talked today about some of the things that we put in the zoning ordinance and we didn’t address in the zoning ordinance and there are those other things that we’re going to have to focus on and hopefully make a recommendation as to how to address it, we will make a recommendation on how to address it. So, I’m not thinking that we need to do a flat out re-zoning because I think there are some areas that I see personally as a planner, as a transportation planner that if you had to evaluate it from a conceptual standpoint there are some main corridors that in my opinion don’t have enough “usable properties for commercial activities.” Now that is my opinion but that is not going to be reflected in this report so I think the best example we can use is what just came up tonight, the manufacturing/recycling, where do you put it, how does it get categorized there, I hadn’t read the zoning too much lately but it is in M-2, does it have more to do with M-2 or do you really want to put it out of your permitted uses or do you want to allow that in M-2 and create maybe another zone that you may consider in the future. Mr. Breaud stated now some of that non-conforming and I think it was mentioned tonight about if 50% of a building is damaged well then he’s got to conform to the guidelines, it is easy to go in there and change that 50% to 80% you know it is not the intent - we rezoned the doctor’s offices the other day because if we had a hurricane or if he had a fire he couldn’t rebuild his doctor’s offices well that is not our intent. You know we can change the 50% to 60% or 90%, we can change the time frame from six months to twelve months. We can change the dollar value, I think we’ve got a thousand dollars in here and it has probably been in here since 1970, we can change the dollar value to something else. So those things are the type of stuff that I’m talking about tweaking and we won’t fall into these problems that we’re falling into and I think that is a simple fix to the problem. We’re pretty stringent and I have to give the credit to Marguerite I guess on this in our sign ordinance, Marguerite has been steadfast since day one about not allowing billboards down Canal Boulevard and all those electronic signs, now a lot of people may think that is attractive and they want it and that is it. You know we’ve been told and Andy comes to us many
times, McDonald’s is not coming to your town because they can’t put this big 100’ sign up there, well we’ve got two McDonald’s in town right now you know and they’re going to come, if they want to be here they’re going to come. When I first started I didn’t quite agree with Marguerite but I go to Houma everyday and I go down Martin Luther King and it is a hodgepodge of signs and messages and it really distracts from the city. So I think we’ve got a clean Canal Boulevard and me and Marguerite don’t always agree on stuff but I’ve got to give her some credit on that. Ms. Kathy Benoit of the Chamber of Commerce stated I think a big concern ought to be those properties that were grandfathered in when the sign ordinance was adopted in 1979 that have been vacant now and abandoned for 25 years and how much longer are they going to continue to be vacant and abandoned, it’s a lot of that. Mr. Andolsek stated I agree with you saying not changing these use and that is kind of where the city has changed the got everybody looking at some of these issues because they changed and that is what I think they need to look at is what was there before, what we’ve got today, I’m not saying that any side is right but it put some people in financial difficulty and maybe that is what we’ve got to balance between a C-2 or C-3, an address that got kicked out of one and you know and let them submit it. That is where the issue came, before that we never really had anybody complain because the zoning was in place for so long but when it changed about three or four years ago is where… Mr. Breaud stated I’m sure we could give them the old classifications but I think where the problem came in with Errol is we had so many vague classifications, we didn’t know what classification… Mr. Andolsek stated but I think if they look at the old and the new together it would maybe make all of that clear, I thought Errol had done such a good thing but it wasn’t. Mr. Breaud stated we were having the Board of Adjustments coming here and granting variances and we don’t want to be like that, we want to have a classification for everything and that is what Errol attempted to do and there were some disputes with even our own commissioners about how many square foot or how many parking spots and all in these different classifications and that is something else you all may want to look at. Mr. Andolsek stated no, I think what they did was good but you just can’t think of everything at one time, I mean it is impossible. Mr. Breaud stated we’ve still got a moratorium in place now too, right Errol, on the trailers that we looked at. Mr. Kearns stated but you’ve got other stuff going on too and Jo Ann Mathews was explaining to us, they had to go in for a variance after Gustav to do repairs on the elementary school because it was the National Guard Armory and the swimming pool and all of that is in a different zone and somehow or another the school itself got caught in between two residential zones and she found that she couldn’t do the repairs, she had to go before the variance board. Now they came back in there and essentially rezoned. Mr. Price stated no, those two lots we rezoned them. Mr. Kearns stated no, I think what they did was good but you just can’t think of everything at one time, I mean it is impossible. Mr. Breaud stated no that was the armory. Mr. Kearns stated the armory, the swimming pool and she’s not I don’t know this; this is what she is telling me. Mr. Price stated no the armory had issues with the government; we don’t even go in that place we aren’t allowed. Mr. Gene Richard stated Errol what is the issue with the moratorium with the trailers, you are waiting for… Mr. Price stated for you all to make a recommendation because what was happening in an R-2 and R-3, they were conditionally permitted but when we changed the district regulations we put prohibited in R-2 and permitted in R-3. Then the storm came, people didn’t want them having it in R-3 so they put a moratorium for 6 months and that expired… Mr. Belanger stated we need to make a decision on where that hierarchy, where that placement needs to be. Mr. Price replied that is correct and so they gave another 90 days. Mr. Andolsek stated the conditionally permitted thing that is a thing of the past. Mr. Price replied yes. Mr. Belanger asked what wait, was the square footage issue? Mr. Breaud stated on the number of parking spaces required based upon the classification they were in. Mr. Belanger stated have they ever been put, probably not. Mr. Breaud stated well we attempted to tweak it because of your study, Mr. Belanger stated ok, so you all had started to undertake it. Mr. Breaud stated Errol had presented some stuff to us and we made some recommendations to change some numbers and when it went in front of the council the council decided to table it until your evaluation was done. Mr. Belanger stated I’d like to get a copy of that if you don’t mind. Mr. Faucheaux stated I have a comment I know that you have a list of questions that you put together it talks about population growth, economic development and this is all information that you all have. Mr. Belanger replied yes, we have it. Mr. Faucheaux stated all right based on that information relative to grants and… Mr. Belanger stated oh, you’re talking about the arrow money. Mr. Faucheaux replied yes. Mr. Belanger replied ok. Mr. Faucheaux stated so there is all of this information in all of that so with all that information you should be incorporating that information so that rather than tweaking maybe recommend a specific zone be created and you know you can create, I understand you might be developing a new zone and it may not be on the map but at least you’ll have it in the ordinances so that it can be considered. Mr. Belanger replied right. Mr. Faucheaux stated and the next step is ok that may not be possible to be done within the existing city limits but perhaps new land that might be annexed could be considered. Mr. Belanger stated and you hit it right on the head, some of the terminology in C-1 will likely all be kept, we will expand on that. We will expand on the C-2, we may say hey you need a C-4 but you don’t have any and these are the things that probably should be allowed and it is going to be a recommendation, it is not going to be something that you’re going to adopt and keep. All it is going to do is give you food for thought and say you know it did work over here, it worked over there we ought to consider it. We’re not talking about rezoning, don’t mix the too up, it is permitted uses within the hierarchy, ok. Now, you may have to lessen up some of the zoning here in this large block by allowing a little more with the C-3, you might have a C-4 in it. Mr. Faucheaux stated but that would be rezoning that you’re not recommending. Mr. Belanger stated
but we’re not recommending but once you would rezone it, it would be allowed. Mr. Faucheaux stated if we had a C-4. Mr. Belanger stated if you had a C-4. Mr. Faucheaux stated perhaps we might have some new infrastructure or business that you want to provide. Mr. Belanger stated it is going to be two parts of our recommendation, one is going to be to amend what you have right now as a recommendation and two will be for new considerations of other zones. You don’t have open land, you just have undeveloped you know, open land you could put cattle on it, can you put cattle on open land right now in your zone, undeveloped property. Mr. Faucheaux stated well cattle might be defined. Mr. Belanger stated but you have some open land, I mean I know of several, can you put cows there, can you put pigs, can you do that? Mr. Price stated in an R-1 you can put chicken pens. Mr. Andolsek stated you can put chicken pens in R-1 and R-2. Mr. Belanger stated but my point is can you put agricultural uses on undeveloped property. Mr. Faucheaux replied hopefully we’ll allow that in there. Ms. Erwin stated unfortunately you’d have to have a zone for undeveloped property I mean that is what would probably need to be done. Mr. Belanger stated so everything in the city limits has been developed or… Mr. Andolsek and Ms. Erwin replied no. Mr. Belanger stated why would you have a zone for undeveloped or open land. Mr. Andolsek stated well your master plan so that is why it is zoned like that so you can look to the future because is open and undeveloped hoping it will be later. Someone asked if that would include green space. Mr. Breaud stated well green space and open land are two different things, green spaces are devised for parks and things like that, open land is open land that we can have agriculture. Mr. Breaud stated like Andy said when we look at the master plan for zoning, when we got the Nicholls property on Levert Land annexed into the city, we looked at the master plan and we said we want this side the east side of Canal Boulevard to be residential and we want the west side to be commercial and the road is going to be the buffer so we encouraged that kind of development, it was part of the master plan that is what we wanted to do. We didn’t want that piece on the west side to be raw land or pasture land and then we started having mixed uses in there and that was all part of the long term planning of saying this is what is going to be zoned residential and Andy came back to us and we rezoned that stuff a couple of times because the uses changed on it but I think it is better to do it that way than just to open it up to anything and then we’ve got a lot of mixed uses in it. Ms. Benoit stated yes but that was being developed but in the old parts of town that have been here for like 150 years. Mr. Breaud stated do you want to go back and change all of the stuff that has been there for a 100 years. Mr. Belanger stated so what we want you to think about, you don’t need to comment tonight, this is going to be probably ongoing for the next month and a half or two months before we make a recommendation for you and hopefully we’ll get that done by the end of June and we’ll submit it to the council but between now and then feel free to call, feel free to come by and discuss it with us or send us an email. She’s been trying to meet with the individual planning commissioners and administration and hear some their concerns but we wanted to open it up to the general public as well. Mr. Eschete stated when you’re talking about uses and reviewing uses to see whether we need to change them and I agree with Clay saying there’s no need to really change the zoning graphic per say but are you going to look at all at the administration of the zoning ordinance from the standpoint that we hear people say it is so cumbersome to go before the Board of Adjustments and go through the variance process and go on and so forth. I’ve heard that in other jurisdictions they actually consolidate and merge their zoning into one board so that you don’t have to go through all of these obstacles to get something as simple as a variance for a side yard setback or something like that. Is that something that you’re going to look at? Mr. Belanger replied we’re going to look at that, that’s not a problem and I’d say I’m pro that. Mr. Eschete stated you said this was written over the years and that is one of the things that have caused problems and it may be that it is to our advantage to actually have a board that handles variances and zoning so that you don’t have the issues that come up when you have a Board of Adjustments that is dictating actually what is going on in zoning as opposed to just granting variances and maybe if you do away with and eliminate all of these conditional permitting, the need for a separate variance board kind of goes away. I don’t know if Errol has really thought about it or not. Ms. Becnel stated what has been problematic for us too is that you can have two very similar situations and one person will be given a variance and the other won’t. Mr. Breaud replied not at this board I guarantee you that, I know what you’re talking about but it is not this board I don’t believe, I think we’re pretty uniform with our decision making and we’ve been to court and were successful in defending that. That is the biggest thing is being uniform in your decision making and I agree, I know exactly what you’re saying. Mr. Belanger stated you know the terms of arbitrary you can enter get into a problem of capricious, those are the issues. Mr. Breaud stated I think maybe you’re not aware so much as Tommy there’s a different board for the Board of Adjustments and normally I think the state law and you may want to check into this Kevin is the zoning and planning commission is supposed to be at two separate meetings, we do planning and zoning together, Terrebonne Parish it is the same board but they convene as one and then start another one but they do have a different Board of Adjustment, I’m not sure that is a requirement. You may, you said you’re going to make a recommendation to the Council and… Mr. Belanger replied no actually it is to this Board. Mr. Breaud stated well that is wanted to you to say because I’d invite you to read the amendments that it has got to come to this board. Mr. Belanger replied no, it comes to this board, I apologize. Mr. Belanger stated all right are there any other comments, if no we appreciate your time for being here tonight, please call us.

Mr. Breaud stated the meeting is adjourned.
CONFERENCE MINUTES
PLANNING & ZONING COMMISSION
February 22, 2010

Members present: Clay Breaud, Marguerite Erwin, Mark Kearns and Robert Mire
Members absent: Melvin Adams

Also present: Eric Faucheaux, Public Works Director, Errol Price, Zoning Administrator and Ruby Maggio, Secretary

Mr. Breaud stated we didn’t receive any minutes so we’ll just postpone action on the minutes until next month.

OLD BUSINESS:
The first item under old business was to consider a request by Marguerite Erwin that the Planning & Zoning Commission form a sign ordinance review committee for the purpose of reviewing the sign ordinance. Mr. Breaud stated Ms. Erwin do you have a few names that you would like to present to serve on this committee. Ms. Erwin replied actually I haven’t checked with one of them but I’m hoping that he will agree to, Mike Delaune has expressed interest, I found out from Cathy Benoit from the Chamber, Cathy Bourgeois has agreed to serve on it, myself and Andy Andolsek and I’m still looking for someone from Thibodaux Beautification. Mr. Breaud stated ok, would you like to put that in the form of a motion so we can create the committee, and the committee is going to function to review the sign ordinance and make recommendations back to this commission and also she would like to appoint one more person, she’s got four right now and you’d like five, or if you’ve got more, you’d be open for more? Ms. Erwin replied sure. Mr. Breaud replied right now we have a motion on the floor to appoint those four people, do you want to repeat those four names, Marguerite. Ms. Erwin replied actually the names are myself, Mike Delaune, Andy Andolsek and Cathy Bourgeois. Mr. Breaud stated so we have a motion on the floor, the motion was seconded by Mr. Kearns, all members were in favor, motion carried.

The next item on the agenda was to consider a request by Councilman Chip Badeaux for the Planning & Zoning Commission to consider amending Article V of the Thibodaux Zoning Ordinance (Schedule of District Regulations) in order to eliminate the requirement of fifty percent (50%) maximum lot coverage in R-1, R-2, R-3 & R-4 zones. Mr. Breaud stated if you remember last month we tabled this because it was advertised for only the R-2, R-3, R-4 zones and they wanted to add the R-1 Zone so it is back on the agenda tonight. What I would like to do based upon recommendations which is the next item on the agenda, South Central Planning was contracted by the City to study some issues and make recommendations and one of those issues happened to be maximum lot coverage; I’d like to call Kevin Belanger up here to discuss, in his booklet on page 64 and 65 and then your recommendation is on page 75 addresses this somewhat so I would like you first to give us your opinion on this and then if you can define the purpose of maximum lot coverage I would like for you to do that also. Mr. Kevin Belanger came forward and stated thank you Mr. Chairman, my name is Kevin Belanger, C.E.O. of South Central Planning & Development Commission, if you turn to page 64 in our research we did do a comparative analysis to various cities that are comparable in size, comparable to economy, having a university in much of the hierarchy that you all have in zoning. We did look at Pineville, Ruston and Hammond and with the comparative analysis we found that many of those particular cities do utilize maximum lot coverage and I’ll get to the definition in a minute when it comes to overlay zones or mixed use zones but they tend to let the setbacks regulate the particular size of a lot in their cities. Unfortunately when you do that you can have a variety of size of developments within one neighborhood. The uniqueness of having a maximum lot creates or allows for continuity within any one particular subdivision. Now the unfortunate thing is if you have varying lot sizes then you will have varying abilities to build out on that lot. The maximum lot coverage where we are
recommending if you turn to page 75 we do recommend that you change or add to your definition and I'll read it as verbatim and then the recommendation, it says, "the maximum lot coverage will be determined by the summation of all covered buildings that are habitable to a maximum of 50% of the subject lot and those structures that are considered accessory and detached, i.e., boat houses, pool houses, garages, etc. shall be allowed to cover a maximum of 30% of the subject lot rear yard. In no case will accessory structures be allowed within the front yard of any district." What this provides is a landscape inside of cities, historical or not historical district as a means of keeping things consistent and we as planners with South Central Planning are recommending to keep the uniqueness of your city intact that you would enable this to be added as a definition. Mr. Kearns stated I have a quick question for you, this would not also include driveways, patios, open spaces that aren't covered or anything habitable and anything that are uncovered structures such as a pool house, etc. now when you talk about coverage of impervious concrete or any other substances that goes back and falls back to your drainage issues within your respective city or parish that would not technically be covered in this but you or may not have provisions that drive that. Mr. Breaud stated Kevin there have been questions on you know we have side lot line offsets and rear lot line offsets and front line offsets that was adequate enough that we could eliminate this minimum coverage what is your feelings on that, you know on smaller lots that may be true, on larger lots that maybe not true. Mr. Belanger replied well as I've said you're not going to approve a subdivision with quote, unquote varying lot sizes, you're going to try to keep some continuity in the integrity of the subdivision, fortunately the City of Thibodaux has already been built and many of those particular lots have already been carved out and created. In the use of and I'll give you a comparison right here in Terrebonne, they do have a maximum lot coverage definition that is similar to this but not as specific and they do not allow anything to be built in the front yard, everything has to be to the rear. They do list accessory structures and their ratio I think is 33% or 35%, so we're minimizing it a little bit more so that you are not overbearing to the size lot that you have, I wish you would like to keep your lot in as good condition as possible so I thought setbacks might fit in place with everybody and everybody would be pleased with some people are going to buy there, they are 50 by 100 you know or 75 by 100 but they're very 20 thousand dollars today, commercial is the same thing. So I was just trying to simplify the situation and trying to make better use of the value of the land that is going to continually climb and you know as the gentleman said there are some lots in North Thibodaux that we just tore down, some people are going to buy there, they are 50 by 100 you know or 75 by 100 but they're very small so I thought setbacks might fit in place with everybody and everybody would be pleased with that. Mr. Breaud stated on those small lots though and you go back and you calculate the lot coverage and you use the offsets you're going to have to give up on offsets not to get the lot coverage so on the smaller lots you're going to end up offsets. Councilman Badeaux stated I think I might have talked about it last time on a 100 by 100 we were only talking about a 10% difference you know. So they can go to the setbacks now and that is the other point, no matter what size lot you have know, if that person decides instead of building deep he wants to go five feet to each end, they can; so it is not a complicated issue, it is simply giving the person that has the property a little bit more value and making this a little simpler for everybody to understand that when you build you're simply using the setbacks. I'd appreciate a yeah vote but do what you wish. Mr. Breaud stated there are other questions for Mr. Badeaux. Mr. Kearns stated not Mr. Badeaux, I wish we would get someone else to... Mr. Breaud stated yes, we're
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Mr. Gary Palmer, 314 Melrose Drive came forward and stated what about places like garden homes where they're specific homes but they pretty much fill up the lot. Mr. Breaud stated that is different zones and different rules apply to that they can build up against the lot line, they've got zero lot lines on those specific applications. Mr. Jeff Donnes came forward and stated Mr. Chairman what happened when you are in an R-2 or R-3 and you're trying to do either residential or commercial uses, you're eliminating or you're limiting what you can do with these places both ways I mean it is just, you need to use more of the land than anything else with the value of these things coming up. Mr. Breaud stated do we want to allow houses to build closer than five foot side line offsets, I don't think people want that especially the houses that are existing now to allow their neighbor to come build up against the property line or decrease the front lot or decrease the back lot width when the subdivision has already been established and everything in that other subdivision is complying to that rule or is non-conforming and it is grandfathered in. Some other issues that we are getting ready to discuss in this thing right here is in non-conforming uses about changing the percentage of damaged areas such as if we get a hurricane if we would increase the 50% damage to 75% which would allow them to continue having the grandfather clause in so in some of those cases that would apply that they could build back what they have now. That is just my opinion on some of that, building something too big on a lot I think in newer subdivisions that developers should be, if the market demand is for bigger houses well the developer should be creating bigger lots to fit those houses on. Mr. Donnes replied well that is the question of money, the market is going to drive those issues. Mr. Breaud stated I realize that but if they can drive a bigger house they can drive a bigger lot. Mr. Donnes stated look at Rienzi, Rienzi is sitting on 100 x 100 lots and that is fine, Rienzi says I only want you to have a minimum of 1,400 square feet, it is not Rienzi that is building 3,000 or 4,000 square foot living houses on those lots, it is the individual, it is the public saying this is what I want. Again, government is sitting back there going no, we don't want you to have it and all they are saying is okay, listen here is the minimum lot size you're going to have to set the lot coverage and we're going to eliminate the maximums. My thinking is let the public decide a lot of time what they want in these subdivisions. Mr. Breaud stated that we have that process in place, we have a Board of Adjustments that you can go in front of the Board of Adjustments to get a variance for certain things and that is what that board is set up for. When we're talking about setting ordinances right now, we're trying to set an ordinance city wide which pertains to everything, existing lots of record, new lots of record, new developments and everything so there is not one size that is going to fit all. Mr. Donnes relied I understand. Mr. Breaud stated and that is why that Board of Adjustments was created to grant those variances in hardship cases and it doesn't matter. So right now it is a philosophy yes, do you want to give up on everything, you know like Mr. Belanger said do you want a nice aesthetic looking area or do you want to just crowd everything on a lot. Now we've got area, we've got townhouse ordinances, we've got these other ordinances for condos that allow zero lot line, but when somebody is buying in those areas they know that they're going to have somebody up against the property line but they knew that going in. Right now if we have people grandfathered in and they bought a house and have been living there 30 years and they knew the rules at that time was they wasn't going to have anybody within 10 feet of their property line and now we're getting ready to change the rules and it is going to open up a whole can of worms for those people that are existing there now, that's my feelings on it. Does anybody have any questions for Mr. Donnes, do you have any more comments, Mr. Donnes. Mr. Donnes replied my only concern I looked at Jake's development over here and he's got 40 foot wide lots and 50 foot wide lots and they're going to be building big houses in there and they're going to cover 60 to 70% of those lots with structure. Now what are you going to do with a development like that. Mr. Breaud stated those rules were set up going in, everybody knows, buy a lot in that development that those rules apply and they can build close. Mr. Donnes replied but you're not going to infringe on those subdivisions. Mr. Breaud replied the rules are set on that, that is a T.N.D. District. Mr. Donnes replied well that is the only T.N.D., now let's take that, Rienzi has got the same subdivision but because they're not a T.N.D. you are going to impose your will on them, it is the same subdivision, it is not a governmental entity, they've got a subdivision set up but yet you all won't let them do what you are going to let a T.N.D. do, correct? Mr. Breaud stated that is because it was set up that way in the district, we're not proposing to change anything right now, it is being presented to us to make a change and we have to vote tonight on whether we want to allow this change or deny the change on the recommendation to the Council. Mr. Donnes stated and you are going to make the final decision tonight. Mr. Breaud stated we're going to make a recommendation to the Council tonight. Mr. Kevin Belanger came forward and stated just one thing I guess for clarification purposes, we want you and the public to understand that what we're recommending is not more restrictive but what it is doing it is bringing clarity and allowing the Planning Department to understand what is going to be considered lot coverage. The way was written before it was just 50% so that including the dwelling, the structures, all the appurtenance that went with the property that only had to total 50%, am I correct Emery? Mr. Price replied correct. Mr. Belanger stated so what we're recommending to you is almost like a middle ground of what is being requested by some tonight and I think what the Planning Commission wants to head towards. The basis of creating a maximum lot is to continue to bring unity or consistency to the neighborhood, without it you will not have it and we're providing at a minimum of 20% open area and that is key in a residential area - that is all I have to say. Mr. Breaud stated I definitely think we need to enhance the definition of it, Errol we spoke about this last month and Errol's definition or interpretation of the code, they didn't have a definition but he was only using the structure itself, not any side structure or concrete driveway so we definitely
need to get a definition on what lot coverage is or what it includes. Mr. Belanger stated just to bring a little clarity to what a T.N.D. and a Rienzi type neighborhood, one is more pedestrian friendly and one is more automobile friendly. When you have more pedestrian friendly neighborhoods you want to be able to use the streetscape up to the actual sidewalk so that you build out more on the lot, the lots are typically smaller; but in a regular neighborhood where you have more accessibility by vehicles you want to open it up, you want to have that openness for sight purposes and just the visual aspects. Mr. Breaud replied thank you, sir. Mr. Anthony Lafaso of 1007 Highway 20 came forward and stated the rule does create blight, if there is any question, drive by 711 East 1st Street. I’ve been here many times, I’ve been before you guys quite a few times, I had a gas station there, I tried to turn it into a convenience store and a few times by every board, even under hardship rules as you mentioned earlier and therefore it is now blighted property. The lot is too small to be able to put a residence on it but it can’t be a commercial property, although it has since it was formed in 1960 when it was zoned C-3 when it was formed and somewhere along the way it became R-1 but it is too small to put a house on it but it can’t be a commercial property, so it is a blighted property, so there are some issues. Mr. Breaud stated but these rules don’t really apply those circumstances I don’t think. Mr. Lafaso replied 100%, yes sir, they do, because if I take my setback requirements and all my minimums and all of that and put it there I cannot put a house on there that anyone can live on. I think after setback requirements and after the 50% rule or whatever the question is at hand and that is not even why I came tonight but I would like to talk about it, but with all that at hand I think I can probably put about 700 or 800 square feet on there and that is really not much. Mr. Breaud stated and if that was residential and what you are preaching is to eliminate the side offset where you could build a structure up against the property lines on all three sides. Mr. Lafaso replied at least I could do something with it as an R-1, right now I can’t do anything, there is really no point for me to tear the building down and make it green space because I would be going to cost me money, of the hundreds of dollars presenting my case to you and to the courts and to everyone involved and all the judges said that you guys were more important that they were when it comes down to zoning and it comes down to all of these different laws. I had a professional come before and I don’t want to get too far into the zoning because I’m sure I’m going to be back up here again but I had a professional who helped write the state laws for zoning, the gentleman mentioned earlier about all the different towns that he researched with colleges and things like that, my question is when has their zoning been changed, when has their stuff been addressed? If there’s hasn’t been addressed since the 60’s then what good is it on things that haven’t been changed within any times other manners to fit what is going on in today’s world. I have a filling station, I changed oil, tires and gasoline, if you have young kids ask them where do you buy gas and I guarantee you there is not a single one of them that will tell you that when you pull up to a filling station somebody is going to put gas in your tank for you unless you are fortunate enough to be able to spend 15 or 20 cents more and go to a full service station, the prices of gas are too high today. You go to a convenience store to buy gas, that is what a gas station is today, that is what that building was and that real estate was since its inception but it got zoned out of it. Mr. Breaud stated I hope you understand the rules and regulations for zoning, you know, in the parish there is no zoning and there is a reason for having zoning, if we don’t want to have side offsets, if we don’t want to have minimum coverage, if we don’t want to have sign ordinances well then we need to get rid of zoning in the City of Thibodaux and I don’t think that is in the best interests of the residents of the City of Thibodaux. Mr. Lafaso stated I guess my point is it does create blight. Mr. Breaud stated do you think you neighbors you know in the same situation you’re talking about if you had a neighbor on either side, do you think they would appreciate you building up against the property line. Mr. Lafaso stated I’ve got a commercial business on the other side of me; that is the only structure there, it is a commercial business, I can’t run my commercial business but they can run theirs. Mr. Breaud stated I’m not going to sit here and argue with anyone, there is a purpose for the offsets you know. Mr. Lafaso replied I understand the purpose for the offsets, I just wanted to make it clear that it will create blight and I think that it really needs to be considered to be changed. Mr. Breaud replied thank you for your comments. Mr. Breaud then asked if there were any other public comments. Councilman Badeaux came forward and stated Clay throughout the conversation you mentioned it three times tonight that would you appreciate somebody building right there, whether we have the 50% maximum or not, on the setback situation today as it exists you can still build 5’, ok, so it makes no difference they have the right to do it right now. Mr. Breaud stated no but some of the talk was to eliminate the offset and that is why I was clarifying it. Councilman Badeaux stated I’m not trying to eliminate the offset, I’m just saying lets simply eliminate the 50% and simply use our setbacks. Mr. Breaud stated I understand your request Chip. Councilman Badeaux replied all right, thank you. Mr. Breaud then asked if there were any further comments, does anybody want to make a motion, item fails for a lack of motion, so item is denied.

NEW BUSINESS:

The next item was to have South Central Planning & Development Commission hold a public hearing to have an open discussion to review concerns and determine issues that are relevant in the City of Thibodaux’s Zoning Ordinance. Mr. Kevin Belanger of South Central Planning & Development Commission came forward and stated well Mr. Breaud if I may I want to thank the Planning Commission, I’d like to thank the City Council and the Administration of Thibodaux for allowing us to be able to perform this review for you. I have Ms. Simone Caesar and
she will go through a short power point, I think it is about 15 or 20 minutes and highlighting the aspects of our report and without any further adieu and holding up this process because I'm sure you have other business to attend to. Mr. Breaud stated let me just ask, you're going to go through a whole presentation, do you want comments or go through the presentation and come back on comments on different items or how do you want to approach this? Mr. Belanger stated I think we can take comments as we go through it, that way it is pertinent if someone has an issue. Ms. Caesar stated actually I think it would be best if we wait until after I complete the presentation so we can speed through. Mr. Belanger replied right because we'll dim the lights a little bit, that may be a better approach. Mr. Bread stated what we would like to do, we were only presented this booklet last night and I know nobody on this commission has had a chance to read the whole thing so what we would like and do your presentation and we'll come back and have discussions on items but I would like for this to be presented back to the Commission to act on what recommended changes or modifications as they see fit. Mr. Belanger replied that is correct and if I may just to give the public and yourselves just a little insight as to how this process needs to take place, tonight we're presenting it to you for your consideration and suggestions. We will then probably within the next 30 days finalize that document with all of the bells and whistles that will be in it, there will be no more additional verbiage outside of the professional edits that we may elect to take hearing the concerns that you have and then we will present that back to you as a final form in which you will accept, reject parts, portions, all of it in its entirety or whatever as a recommendation to the full Council and then they will ultimately make a decision for acceptance or not. So if we can we can dim the lights. Ms. Simone Caesar stated good evening everyone, I am the lead planner on the Thibodaux Zoning review and that is this document right here - there are extra copies over in the corner there for anyone that would like to grab one. It is over 75 pages so I will not be presenting this whole document tonight but I will be highlighting basically the areas of concern that was brought to our attention and our findings and recommendations and then I will turn it back over to the Planning Commission to kind of move as they like, it if they'd like to take comments or not. Mr. Bread then asked if everyone could see and hear, if they'd like to change chairs in order to see, feel free. Ms. Caesar stated back in October of 2009 the Council drafted a resolution, 1491 directing South Central Planning to conduct the Thibodaux Zoning Review. One of the biggest areas of concern for the zoning review was non-conforming uses, as we heard a little of that tonight. Another issue was a moratorium that was called on modular homes but what we will discuss a little later is that there seems to have been some confusion on the terminology of modular, mobile or manufactured homes. Other issues were placement of new activities in appropriate zoning districts, blighted properties, parking and conflicting interpretations. We used a two prong approach for the methodology, citizen participation and comparative analysis, our staff interviewed the Mayor, code enforcement staff, members of the Planning Commission, members of the Chamber of Commerce. We held a public meeting at the end of one of the Planning Commission meetings and then we are here tonight presenting and to hear your comments. We held subsequent meetings with the administration staff and tonight what we have is the compiled draft of our findings and recommendation and will hear some of the comments back as to things we need to do editing to. We'll complete the final draft and present it to the Planning Commission and the Council for a hearing and it will go through that public hearing process. For our comparative analysis we chose three cities, Hammond, Pineville and Ruston and that is because they were similar in character to the City of Thibodaux. They were similar in size, economic characteristics, educational characteristic, all three were college towns so they seem like a good match with the City of Thibodaux. Our findings are recommendations, our biggest recommendation is that the City of Thibodaux should undertake a comprehensive planning process. What we found is that the zoning ordinance was 31 years old and so they are new challenges as the gentleman was eluding to a little earlier, there are new challenges today, there is increasing growth, need for housing, an increasing need for houses, those economic changes so the demand for land for commercial and industrial businesses and there is a need to protect the community from natural disasters that we've seen in these past few years. A comprehensive plan will take the City through an inventory process, we'll inventory the existing land and what is here and the land uses and through a citizen participation process we'll determine the direction that the City would like to go through, how we are growing, you know we're a growing city so what direction do you want to grow, how do you want to develop. One of the tools of a comprehensive plan, to implement a comprehensive plan is zoning so once you've undertaken the comprehensive planning process then you should undertake a zoning update to go hand in hand with that comprehensive plan. As I said before it is an implementation tool for the planning and whatever planner is selected the steps that they would take is develop recommended course of action for revising the zoning ordinance, they'll research and recommend appropriate language to unresolved zoning issues and they'll produce a final comprehensive zoning document which includes a map, a zoning map as well. Another finding that we had was that the zoning review just did cursory, through this process we've done a cursory review of some of the issues here. As I sat down with interview participants with a map, they identified several non-conforming uses and that is just sitting down with a map, that wasn't actually going out and doing a detailed zoning study. So through this exercise we've identified possibly two areas that need a zoning study, one is definitely non-conforming uses the other one is possibly off street parking for medical clinics. The zoning studies typically are called by the Council and they identify the target areas, they give the bounding streets and identify the specific issues to be studied.
Another finding that we had was many of the issues that were brought up were things that would be routine if you had a planner on staff, they could do the routine research such as maximum lot coverage or the visibility at intersections, they can do a zoning study on a regular basis, they could look up the non-conforming uses or go out and actually do the land use study, they could look at the parking issue and actually see, it could be looked at, it could be determined what those issues are. They can educate the public so the confusion about what is modular, what is mobile, you know what is manufactured, a planner on staff could easily address those issues and add that to the zoning ordinance. So if the budget permits that would be a recommendation to at least get a professional planner who can assist the Planning Commission and the Council in addressing some of these issues.

Non-conforming uses, as I stated before this was a big issue here in the City and what was told to us was that the Chamber sent the Mayor a letter basically expressing their concern about the grandfathering provision and the non-conforming ordinance. They felt like it had the potential of causing some economic problems as we kind of heard a little earlier where businesses may lose their grandfathering status and left, just abandoned in the neighborhood so the Chamber apparently formed a committee and did an official zoning study. Well they found about 100 instances of non-conforming uses, again as I mentioned before just through a cursory review with the map, just looking at maps and not actually going out and doing that study because that is not what the zoning review was about, it was enough to give credence to the fact that there are, or seem to be plenty non-conforming uses, enough so to warrant a study. Within the ordinance itself the language seems to be a little confusing about non-conforming uses, there is two prescriptive times for loosing the grandfathering status, Section 403 stipulates that the uses of land, or land with minor structures looses it grandfathering status after being vacant for 18 months and Section 405, structures or structures on premises can loose its grandfather status after being vacant for 6 consecutive years. Inconsistent basis if it is vacant for 18 months or two. So over a 3 year period it can loose it non-conformity as well. That seems a little challenging for staff, probably you, Errol, to keep up with, you know has it been 18 months, has it been 3 months, 6 months. Section 203 discusses a 6 month loss of grandfathering status for signs and the Thibodaux Zoning Ordinance Section 22, the grandfathering provision for signs we felt probably should be removed to eliminate confusion. So our recommendation again we want to say that the non-conforming, the grandfathering clause, the changing in the terminology, the percentages, the length of time is really dependent on what the City would like to do and we didn’t know that. So what we offered in all of these recommendations are plans and now what we need is the feedback as to the direction that the City would like to go in and a short term recommendation, what we found in the City of Hammond was that they had a 3 month vacancy time limitation, after 3 months, if the structure had been vacant for 3 months, you loose your grandfathering status. They did provide, on a case by case basis, conditional use status and they would review that on a case by case basis. Their percentage of damage that was allowed was up to 75%, if the City is interest in taking a more strict approach perhaps that is one that they would like to use. Or you could increase the percentage of time such as the cities of Pineville and Ruston. If the city wants to take a more lenient approach to non-conforming use, perhaps that is the model that you can use. For our long term recommendation I do want to caution that without doing a zoning study to understand the dynamics in these neighborhoods, these could be neighborhoods in transition, considering that your zoning ordinance hasn’t been updated in 31 years, these neighborhoods could have been single family residential areas and now they may be something else in the year 2010, so if you take a more strict approach you could actually be creating even more problems by creating even more vacant property. If you take a more lenient approach without doing a study then you take away your community to actually get rid of an egregious, offense use if it is located in the neighborhood, so the recommendation would be to actually do a land use study in the identified neighborhoods, the neighborhoods that clearly they have some non-conforming issues to do a study in those areas to understand that the zoning need to actually be changed. Then once the zoning is updated to match the uses in that neighborhood then you can look at, ok we want to take a stricter approach now or we want to do a more lenient approach, whatever is the Council’s choice. Another option could be if the neighborhoods were, they’ve been in existence now, they’ve been operating and these non-conformities for years, many people may be comfortable with that, they may like having the convenience of having whatever this is in their neighborhood, so another option could be creating a mixed use zone where ok maybe this non-conformity, if it is not detrimental, if it is a community use, a neighborhood use that the neighborhood likes, it the lot size is not quite right, it doesn’t quite meet conformity but the neighborhood enjoys the convenience perhaps then you might consider a mixed use zone for that area. It is just an option and again without studying what is actually in those neighborhoods; it is difficult to make a strong recommendation one way or the other. As I mentioned before there was an issue with manufactured, mobile and modular homes, there was some confusion surrounding the term, Resolution 1550 called for a moratorium and it used the words manufactured and mobile interchangeably but in an interview participants clearly stated that the moratorium was on modular homes and those are three different things. So our short term recommendation is to clarify in the ordinance what is mobile, modular and manufactured. What we found, this is HUD definition is that manufactured homes are built to HUD standards and they met those HUD specifications, mobile homes were built either prior to the 1976 HUD code or they are built to industry standards and not HUD standards, modular homes have to meet the same building
code inspections, they have to pass those same inspections as site built homes. Legally you cannot restrict a modular home from any neighborhood, it is like any single family housing but mobile and the manufactured homes you can restrict to certain areas. So again it is our recommendation to include those definitions in the zoning ordinance; also you may want to put an age limitation on the manufactured home at the time of application and you might want to specify the location of the manufactured and mobile home. The long term recommendation is an overlay zone, what we found in the City of Pineville was that there were certain areas that mobile homes and manufactured homes were restricted to; however, they had to have certain design standards in the rest of the neighborhood, so if it was a driveway, if it was skirting, the overlay zone required them to maintain their structure in a certain manor and what we understood with the modular homes was that they are concerned that modular homes were coming in on a massive so if that is the case, then you can require design review for those homes as well, they would have to meet certain standards before they could go in that neighborhood.

Industrial zones, there was an issue, there were some businessmen looking to place industrial zones into the community and so locating those zones was an issue, where we could put those and what we found was under State laws, it appears that recycling, manufactured recycling operations was treated the same as solid waste, so that is something you may want the City Attorney to look at, under Thibodaux’s ordinance the preliminary separation of non-hazardous recyclables is located in M-1, but this is dependent or should be dependent on either the operation being entirely enclosed or the level of pollution that this business would actually generate. The size of the lot would also be a factor in where the location, you know where it would be located and the ability to handle the truck movement going in and out and it probably should be situated on a major highway or a major road, commercial thoroughfare. We recommend putting buffers there to lessen the impact of the pollution, the noise, the air, whatever pollution may come from it and to make it perpetual. We recommend that the property boundary be deeded or donated to the City, the buffer remains open, like green space it could be made to look very aesthetically pleasing and blend in.

Visibility at intersections, this was another issue that came up and the clarity as to how to make this clear in the ordinance. The current method used is to pivot to the center of the intersection and to strike an arc radius of 50 feet, the arc would determine what could be built or moved into to obstruct the motorists view, the area of non-obstruction is determined by the width of the street. Our recommendation is given the typical street width within the City of Thibodaux is to keep it at 50 feet as the distance and instead of creating an arc, a straight line joining streets at point which is set at a distance of 50 feet from the intersection is optimal.

The fencing regulation, we were told that property owners that were located in R-3 with 10 or more parking spaces have to have a setback of 20 feet and a 6 foot fence or screening enclosing the parking; however in Section 602 of the ordinance it prohibits the fencing or the walls along the front of the yard greater than 2 ½ feet so our recommendation is to preserve the aesthetic quality of the neighborhood and to provide for public safety, so our recommendation is to permit fencing possibly higher than 2 feet along the font of the property. What we found in the other comparable cities is that they allow at least 4 feet with the exception of those lots that are on the corner, provided that the property is set back 20 feet and not on a corner and again that is based on the fencing regulations of Hammond and Pineville which perhaps could work here as well.

Abandoned cars were brought up as an issue, we were told that the ordinance allows for or deals with abandoned cars on private property but not commercial. Typically abandoned vehicles is not an issue that is addressed in the zoning ordinance, so usually that is handled in your nuisance codes and in all three comparable cities they had ordinances that addressed junk vehicles codes, so we recommend that the city create such ordinances to address those issues as well.

The variance requirements, the staff advised us that there was some confusion with Section 1003.1, subsection C & D, subsection C requires that the applicant seeking the variance prove that he or she did not cause the problem for which the variance is needed. Subsection D is requiring that the applicant prove that by approving the variance the Board is not giving the applicant special treatment, the burden is on the applicant to give that, to provide that proof and that is pretty much standard language.

For off street parking we found that the number of patients at a successful local medical clinic exceeded the number of required parking spots. The administration would like to resolve the issue for the future, they weren’t sure if this was going to be a trend, so they wanted to address this before it becomes a problem. Medical clinic parking requirements for the City of Thibodaux is one parking space for every 500 feet of floor area, for the City of Hammond it is one parking space for every 250 square feet of building, for the City of Pineville it is 3 spaces for every doctor’s office plus one space for each examining room and for the City of Ruston it is one space for every 200 feet of floor area. Our recommendation and you could certainly use any of those models but it is difficult to determine by the success of one medical clinic that all the medical clinics in Thibodaux would need to increase their parking, there are so many variables there that is in play, the type of doctors within the clinic, the number of doctors within the clinic, the location, the type of patients, if it is a free clinic or what have you. So increasing the parking space requirement could be too much for
some clinics and not enough for others, so again a zoning study to look at what the needs are for the medical clinics is what is being recommended.

We discussed maximum lot coverage a little earlier but as was stated the zoning ordinance does not define the maximum lot coverage but it is enumerated in percentages within the ordinance. The existing wording does not delineate whether 50% includes the garage, pools, additional floors, home occupations or any other uses that places demand on the total lot coverage. So it is our recommendation that there should be some clarity added to the verbiage and the definition here which was read a little earlier but the maximum lot coverage will be determined by the summation of all covered buildings that are habitable to a maximum of 50% of the subject lot and those structures that are considered accessory and detached, boat houses, garages, etc. will be allowed to cover a maximum of 30% of the subject lot rear yard. In no case will accessory structures be allowed within the front yard of any district. (The use of percentages of the maximum lot coverage shall not be misconstrued as to replace the setback requirement in the regulations).

That concludes the presentation.

Mr. Breaud stated Simone thank you very much for a very good presentation, it was really informative, I think you’ve addressed all of these comments or issues that were brought up. You know on a lot of the issues I think you didn’t necessarily give a definitive recommendation but I fully understand why. I think you presented all of the options to us, I think what we’re looking for tonight it looks like there are twelve items for discussion that were brought up, I guess the best way to handle this is to go back through each one of them, get public input on them, have some discussions and then maybe when you come back next month some of these can be incorporated and then we can fine tune it at that time. With that being said the first, Ms. Caesar is there anything else that you would want to say or is that the right approach. Ms. Caesar replied it is open for public input on the first option was a zoning study, then Mr. Breaud stated the finally what they have planned is to hire a zoning person to make recommendations from time to time with that being said I guess does anybody on the commission want to make any comments based upon the item. If you look in the back, if everybody has a book the last pages in the back are the 12 options that were presented, there is a write up on each of the 12 so if you want to follow with us, turn to Option 1, Non-conforming use – Long term recommendations, Option 1, Zoning Study, we’ll open it up to comments on that particular item and South Central we will record our comments and try to give some insight on that. Any commissioners would like to discuss, Mr. Kearns? Mr. Kearns stated I think when the original idea campt was going to happen that it was going to be a zoning study so as a recommendation I would still stay that we need that study done. Mr. Breaud stated and I think that is probably a little more than a long term solution I think you know as a result of the zoning study is that we’re going to find one district or whatever may have a 100 non-conforming uses and may have 100 conforming uses. So at that time the study will give you the results of that and say well should we have mixed use in here, should we divide the district up into two different zones if the non-conforming is all in one area but I think you’re going to find them mixed in there so the only way we’re going to know that is with a study. I think you’re going to have to isolate some areas because I don’t think you want to do the whole city at one time but I think this would be an ongoing deal, long term to be able to do this and I think it is a good idea and it needs to be done, there is a lot of discussion about non-conforming uses within a district. Are there any other comments from the commissioners, if not public comments, does anybody in the public that would like to discuss whether they feel like this is needed or not needed. Mr. Anthony Lafaso came forward and stated there is need to review, the definition of a non-conforming use doesn’t fit the zone correct, but if it is non-conforming it was there before. I can’t go into an R-1 and put a Wal Mart, I can’t do it, so I was there prior to the ordinance, the zone came in after I was there, that makes me non-conforming, I didn’t create the non-conforming it was created on top of me. I understand the whole grandfather thing that is fine and dandy. I don’t know that we need a study, just go and look ok, this is commercial, this is used as commercial, I’m going to use my property again as an example, everything around it is commercial, there is a street, it is a major highway. If I’m not mistaken it is still probably the longest highway in the country, thousands of cars a day connects Nicholls State University to Canal Boulevard, it is a ton of traffic, now across the street there is a neighborhood. I can bring court records of those people I hired to present to the judges - that is a boundary when we’re talking zoning, a major highway is considered to be a boundary and can be a boundary between zone, so why do we need to spend money on a study, say this is commercial. There are other areas throughout the city we can go and look at multiple areas, they are non-conforming but it is all commercial so why do we need to spend money on somebody to tell us, their use is commercial even though they are non-conforming, it might have been R-1 but it is still being used as commercial. Again and I have posed the question before and I will pose it again as far as the other cities that were used in the study in the presentation or when I was there the zones, one of the specifics things, they were talking about parking for doctor’s offices, what makes their parking requirements better than the City of Thibodaux’s. I’d like to see, I’d be interested to see when were their zones created and when was all of this done. New Orleans is going through a big deal right now in fact the person who is going through the things for New Orleans is the same gentleman that I mentioned earlier that was an expert witness for us who is used with the State to take care of zoning and look at things with zoning. You’ve got a building here that can’t be used as anything, you’ve got a lawyer’s office, I’m sorry, excuse me, an insurance office here, a commercial business, you’ve got another insurance office, you’ve got another dentist office, you’ve got a
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you now, when you go and say just change these one or two that may be the only two in that whole
Breaud stated I think we all agree with that, Tony, we've got to identify on a map what percentage
shouldn't be in R-1, shouldn't be in R-2, we know that and there is more that just one or two.  Mr.
map with us, and we look around, we can tell there is a problem.  There are certain buildings that
and we can look, we can see where there are issues, if we know the zone, if we take our zoning
my point was we've all been here for a long time, we can take our cars around, we can ride around
customary, all the time.  Mr. Lafaso replied and I agree 100%, maybe I misspoke earlier, I guess
is how cities that have planning or zoning departments and planners on staff, that is done
then yes, there is a need then to change the zoning to fit the uses that are there and typically that
definition to the theory of a spot zone, I fully understand the differences.  Ms. Erwin stated so you
documentation in front of me to be able to say the exact definition of a spot zone and the exact
zones, all above R-1.  There are a lot of spot zones if we call it that and again I don't have all of my
also to the R-4 that goes all the way back and I say R-4 or R-3, it encompasses multiple other
limits of Thibodaux, it is one of the biggest, there is a major road that separates those two and
there are a lot of other areas in Thibodaux that are separated by major thoroughfares, major roads.
There has to be a study, plain and simply there has to be a study.  Mr. Breaud stated I agree with
most of what you are saying, I don't know if we can simplify it as much as you would like because
the whole purpose once again of zoning is to create a massive of R-1 Zone, or R-2 or R-3 such
that when somebody builds a house they know that they're not going to have a commercial
establishment next to them.  Now simplifying these things you know we've got some non-
conforming uses, we've got a building in here that is a non-conforming use, one thing that I
wouldn't want to see is in the City is spot zoning, non-conforming use and make it a district in itself
and next door is another district.  Mr. Lafaso replied I agree with you 100%.  Mr. Breaud stated so that is a lot of what the non-conforming uses are, it is not saying
you've got 6 businesses over here that are non-conforming and we can make that a district in itself,
I think you've got a mixture of residential, commercial, residential and it is mixed all the way
through and I think that is why the study needs to identify, without the study we don't know what
that is.  Mr. Lafaso replied and I'll agree with that but I think it can be done by looking around, jump
in a car and ride around Thibodaux and you mentioned the spot zoning and that is what everybody
threw at me just now.  We were looking to spot zone.  If you look at the piece of property I talked about and I'm not the only one, again, but you draw a line over and we're going
commercial, commercial, commercial all the way to Canal Boulevard.  In fact, if you start where
they have the pretty Thibodaux sign on East 1st Street, LA 1, on one side of Thibodaux and you
drive all the way to the other pretty Thibodaux sign, there is one residence and it is unoccupied
along the entire batture, again, we've gone through all of this before, we've done it before it has
been done.  Mr. Breaud stated that wasn't the request, the request was for what area when it was
made.  Mr. Lafaso replied well you are right, it was one area to be tied in though, to be tied into the
R-4 next door which originally that the R-4 next door was willing to come in with us, the R-3, R-4
however we worked it, whatever negotiations we came to which never did of course pass, but tie in
also to the R-4 that goes all the way back and I say R-4 or R-3, it encompasses multiple other
zones, all above R-1.  There are a lot of spot zones if we call it that and again I don't have all of my
documentation in front of me to be able to say the exact definition of a spot zone and the exact
definition to the theory of a spot zone, I fully understand the differences.  Ms. Erwin stated so you
would agree that a study needs to be done.  Mr. Lafaso stated I would say a study has to be done
if that is what is necessary in to do it but I don't know that necessarily.  Ms. Caesar stated I just wanted to add some clarity about the study, many cities that have a zoning
department studies are routine, they are done all of the time.  Mr. Lafaso replied I understand that.
Ms. Caesar stated I'm just trying to add some clarity for this discussion, they're done all of the time
and it is done just like this, those residents will come with an issue or non-conformity, the Council
will draw up the neighborhood, whatever area this is, the Council gives the bounding streets, even
specifics as to which side of the street and the planners will go out into that neighborhood,
whatever that area is, with a map and do a detailed land use study.  Detailed to the point where
even if it is a residential structure they are identifying if they are single family, multi-family, how
many units are in it and so by the time that map is filled in you can almost count, it is 1, 2, 3, 4 how
ever many uses that are there.  Ms. Erwin stated so you really know the percentages and it is not just the number of structures but the percentage of whole.  Mr. Lafaso replied and I understand
and that has to be done, I understand.  Ms. Caesar replied the zoning can’t be arbitrary, I has to be
based on something but if you are arguing to change the zoning then once this is done and you're
looking at the map and you say, wow, ok yes this is more of commercial as opposed to residential,
then yes, there is a need then to change the and typically that is how cities that have planning or zoning departments and planners on staff, that is done
customary, all the time.  Mr. Lafaso replied and I agree 100%, maybe I misspoke earlier, I guess
my point was we've all been here for a long time, we can take our cars around, we can ride around
and we can look, we can see where there are issues, if we know the zone, if we take our zoning
map with us, and we look around, we can tell there is a problem.  There are certain buildings that
shouldn’t be in R-1, shouldn’t be in R-2, we know that and there is more that just one or two.  Mr.
Breaud stated I think we all agree with that, Tony, we've got to identify on a map what percentage
you now, when you go and say just change these one or two that may be the only two in that whole
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know that our organization is what got a lot of this conversation started. For years, I've worked for Cathy Benoit, President and C.E.O. of the Thibodaux Chamber of Commerce and as you probably

Breaud replied got you, is there anybody else on Option 1 that would like to say anything. Ms. Harang stated a study needs to be done but it needs to be done now, not long term. Mr. Harang

Mr. Breaud stated thanking you for your input, good comments, thank you. Does anybody else in the public like to speak on this issue. Mr. Alex Mabry of 111 Hackberry St. came forward and stated I am the owner of Chubbey's Ice Cream right now, we're having some issues. As the gentleman was saying before, Canal Boulevard, Highway 1 and St. Mary Street are pretty much the only places that you can put a commercial business in this town and I've been doing research and studying for the last 3 or 4 weeks just like he has, it sounds like he's been doing it for years but if you start from Houma and come straight down Canal Street and you count the number of businesses and the properties that are for sale, residential/commercial, it is pretty much every one on the street until you get past my business. They've got some other people that are making that an R-2 Zone which I am familiar with, in order for Thibodaux to grow these issues have to be addressed, I've never lived in a place or been to places where they have so much issues with businesses, definitions, whether it is commercial, whether it is residential, just in general and the problem is that all the major intersections are zoned R-2, R-3 and you go across the canal, like you said Wal Mart is commercial it is not right and then you go to where I'm trying to move which is down the street, one street over on President Street is commercial. What man go on the next street and put a commercial business right in the middle of a subdivision, I don't see if you're riding and I'm sure you are familiar with it, where on that the closet house, I don't even know if it is a house or business, is the lady who does palm reading but from the funeral home, actually you've got the church, the funeral home, Ann's Florist all the way down that side now is pretty much businesses. The house that was by a residence between Tosky's and the funeral home is for sale and it is listed in the paper as residential/commercial. You go right across the street, Donnes has another house for sale that is listed residential/commercial and that is not why I am here tonight but I agree that a study needs to be done in the City. Because businesses like me, I'd love to be in front of Wal Mart, if I could have been there from day one, that is where I would have been. I don't sell steaks, I don't sell baked potatoes, I have a low margin of income for that business. I did it for kids in this community to have a place to go with their grandfathers and fathers to enjoy ice cream. I've outrun my spot, I'm trying to renovate and get moved down the street, actually I'm moving from and R-2 to an R-3 and in the restrictions it has no restaurant, no take out, no snowball stands but yet I can put a Chinese massage parlor right there. It doesn't balance out and we need more things in this city. Thibodaux is dying. I hate to say it you go to Houma, it is 10 to 1, I am in the food industry I sell food for a living, I work for Cisco foods, our growth here is zero because nobody has a place to build a building, nobody has a place to come. There is no restaurants on this side of town, none, there is no place you can take your family to eat, every place you've got to go is on the other side or the North side of Thibodaux or downtown Thibodaux. There is no growth in this area, it is like at a standstill, I tried to bring a business here and tried to change things around especially in the local neighborhood and it is an issue that needs to be addressed. That is my first time at a board meeting and I appreciate your giving me a chance to speak but that is what I see every day, I'm on the road 600 or 700 miles a week, I go to Morgan City, Thibodaux, Houma, I'm watching these communities grow and Thibodaux is not growing and it is going to be a problem in 20 years when you have kids and grandkids that have to find jobs and support Nicholls State University, there is not going to be anything here. It is something to consider and look at, I appreciate it. Mr. Breaud replied thank you for your comments, this is a public hearing, this is what we want to hear, is there anybody else from the public that would like to address this issue. Mr. Ben Harang of 515 Blake Court came forward and stated I am a realtor with Donnes Real Estate, I understand zoning, I'm not a fan of zoning, everybody that knows me probably understands that. The biggest problem with the zoning in the City in my mind is the off street parking requirements. I can site you example after example, we had a house in the 500 block of Canal Boulevard that was a residence, some attorneys from Houma wanted to buy it, it was 3,500 square feet including the 2nd floor. The zoning required 16 or 18 off street parking spots, they got frustrated and feed up, they had a purchase agreement to buy it, they didn't want to go through the hassle, it was ludicrous to require that many parking spots for 4 people that worked it in the building because the upstairs was going to be used for storage. Somebody is now renovating the house as a residence, there is a lawyer across the street, a lawyer ran somebody out of Thibodaux. Mr. Breaud stated and I don't want to cut you off but we're going to talk about parking as a separate issue to, do you want to address this now or do you want to wait until we get to the parking issue. Mr. Harang replied so you're taking 12 of them one at a time. Mr. Breaud replied yes, 12 of them one at a time, you've got anything you would like to say about this particular issue. Mr. Harang stated a study needs to be done but it needs to be done now, not long term. Mr. Breaud replied got you, is there anybody else on Option 1 that would like to say anything. Ms. Cathy Benoit, President and C.E.O. of the Thibodaux Chamber of Commerce and as you probably know that our organization is what got a lot of this conversation started. For years, I've worked for
If not we’ll go to Option 3, it is really number 5, Manufactured, Mobile and Modular Homes, South Central Planning has presented some short term recommendations and also some long term recommendations and also tried to help out with the definition of the differences between these two. They have made some recommendations, Simone do you want to expand on your recommendations at this time? Ms. Erwin stated I just have one question on this one on age limitations for manufactured homes, you’re talking about the structure itself and when it was titled, like putting a limitation. Ms. Caesar replied at the time that it is applying for a permit, correct and we found in comparable cities that that was standard that they would have a five year age limitation. Ms. Erwin replied five years. Ms. Caesar replied yes, it couldn’t be older than five years at the time of application, Mr. Price replied wow, ok. Mr. Breaud asked if there were any comments. Mr. Jeff Donnes came forward and stated Simone could you go over the differences of manufactured and mobile homes. Ms. Caesar replied what we found with the HUD definition and it goes into details in the document itself, I’m not sure of the page but manufactured homes have to meet HUD standards, I think it is 1976 HUD standard and it could be brought in on a chassis and it could sit on a chassis. Mobile homes do not meet HUD standards, they are either older than those 1976 codes that were established or they are built to just mobile home industry standards but not to the HUD standards and they come in on a chassis as well. The modular homes are built, they have to meet the same building code standards as site built homes, typically they are not on a chassis but I’ve heard here there was an incident where one was on a chassis and as I mentioned before you could require design standards for those as well. Ms. Erwin stated on page 25, it gives a great definition of each one is, even more detail which I though was really good. Ms. Caesar replied and there are pictures of each type. Mr. Donnes stated now Errol, presently all of them are not allowed to be brought into the City, correct. Ms. Caesar replied but I think that’s why the Council cleared up the moratorium saying if they had in mind when they passed this moratorium he was including all that came in on wheels, so there are modular homes right now that are coming in on wheels so right now I’m treating the moratorium as anything that comes in on wheels or a chassis as restricted, in other words they have a moratorium on it. Mr. Donnes replied so Simone what you are saying is if I am correct, that the modular homes should be treated like any stick build home, whether they come in on a chassis or not. Ms. Caesar replied because they still have to meet building code standards, so legally they can’t be restricted out of residential areas. Mr. Donnes stated right now legally they can’t be restricted coming in or the change is going to be, and I’m just trying to get clarification here. Mr. Breaud stated I think this is the purpose right now is to get clarification because it is still a grey area and that is why the moratorium is in place and I think until these recommendations are agreed upon by the Council that is going to stay a moratorium I think. Mr. Kevin Belanger of South Central Planning came forward and stated and I think that is why we identified this as misconception, the definitions are the true definitions that were found by HUD, you cannot discriminate from a modular home when they are under scrutiny of the same IRC that every regular stick built home is being constructed to. So my suggestion, I knew the Council has directed anything on wheels, technically every house built comes in on wheels whether it has the concrete, the wood, where it is assembled is another issue, if it assembled on site generally that is stick built but if it assembled at a plant in North Carolina and it is assembled to the criteria or to the regulations instituted by the International Building Codes you cannot discriminate from them being located in a regular stick build home. There have been challenges upon challenges of Councils all across America trying to keep them out as mobile homes or quote manufactured homes. There is a huge distinction and we caution you from continuing that practice.
Mr. Breaud stated Kevin in your recommendations, you’ve got some short term recommendations and you’re given Option 1 and Option 2, are you all looking at input from the public and from the commission on which direction to select Option 1 or 2 or just general comments and you are going to put something together, when you come back on the next one you’re going to be giving options again or they’re going to have... Mr. Belanger replied no, we’re going to give you a recommendation and you know the sentiment has to be what is the views of this planning commission, do you want to be lenient or do you really want to shape this City into a zoning mecca, if you want to continue to fight the challenges 20 or 30 years from now, continue on the path that you are on, you’ll continue to have them but if you want to delineate those, I mean the gentleman that spoke earlier about the issue on LA 1 I can’t agree with him more but that is why you have zoning to flush out the needs of what the City is envisioning itself to develop as and without that course of action and I would stand to say that if he, if that would have been done and it would have been changed to his preference he may not have had the challenges he is facing today but the fact is you have a zoning plan and without it being changed you’re kind of bound to be consistent and not arbitrary and capricious to those other neighbors adjacent to him, so. Mr. Breaud stated you know I think that has been the position of this Board, that we have not been arbitrary and capricious, we’ve been pretty much following you know and that is not to say I don’t think this Board would like to see some leniency because we hear the sentiments of the groups that come in and I think we are open to do it but I think we all kind of agree that if we’re going to have zoning in the City of Thibodaux there has to be some guidelines to follow. We can’t just give up on zoning after we’ve been having zoning for 30 years, people have inherited, you know their whole inheritance and to build a facility, they know what zone they are in, they know what they are living so I don’t think they want to give up all of the zones right now. I think there is a lot of work like Ms. Cathy said that can be done, we can do this comprehensive study and make some changes and those changes don’t have to be spot zoned where we are just changing one or two spots, let’s go back to Mr. Lafaso’s deal, I think the way he would have to come to this Board with a request to rezone all the batture like he said, of all the commercial areas on LA 1 he may have gotten a different result but I think it came in with more of a spot zone type of deal and I think that was the denial and I see I woke him up again. Mr. Lafaso came forward and stated I don’t mean to disagree with you but I have again tons of records and we did ask, we asked for a lot more, we weren’t asking for a specific property, we were asking for a ton of different properties to be rezoned because it was all a bunch of different zones all impaled in it, it might not have been a perfect square, it might not have been a circle, it might of made kind of a little zig zag here and there but it was more, a lot that being said that is again, what five years ago, under the recommendations Number One, we kind of skipped ahead to the zoning study and the comprehensive planned zoning update, page 66, number one, I agree with that as well that we need to re-look at everything that there is of the City zoning from what an R-1 is to what a C-3 is, what it allows, what it doesn’t allow. There are a lot of things in there that really are pretty much outdated and I think all of that needs to be reviewed, she made the comment during her presentation, that to me is a very big deal because you could get a good laugh at reading some of the stuff that is so outdated that doesn’t apply to either residential nor commercial business today. I think the whole, the zoning as a whole needs to be reviewed, everything and again as Mr. Harang pointed it out, it needs to be done now, business is suffering, the gentlemen mentioned about businesses leaving the City and it is pretty tough if we start loosing all of our businesses within this City what are we going to be left with. Property taxes from residents help fund some of these lights, they don’t fund it all, I know I got a pretty hefty tax bill that comes the end of the year that comes to the City and most commercial businesses owners as well have hefty tax bills and that is money that comes in, that is funds that come in, they create jobs, they help generate the City so if we can’t run the business going to lose a lot more than just the businesses, we’re going to loose a lot more than that little bitty piece of real estate sitting at 711 East 1st Street that is falling apart now because it is a blighted property, we’re going to loose a lot more than that and that is what we have to consider in this zoning plan. It is not just about that, again real estate is my business, commercial real estate is what I do and zoning filters into that 100% but there are a lot more issues that just that, I mean this gentleman said he was looking to do an ice cream shop, well what does that hurt, an ice cream shop. I understand zones are there but if he is going to move up a zone and can’t do it and he is going from one to the next, there’s issues all the way around not just in specific zones within specific areas but from the start to the end of that big thick zoning plan, thanks again. Mr. Breaud replied ok, are there any other comments on modular homes, Errol do any one of these options resolve you issues on the moratorium. Mr. Price replied the definition does, that was always my interpretation of the definition, it doesn’t make any difference how the modular comes in, if it is a modular home, it meets all the inspection reports, it meets all of the building codes we’re not looking at the cosmetics of it, the definition should be no issue. Mr. Kearns stated does that effectively end that issue? Mr. Price stated the Dat is up to the Council. Mr. Kearns replied but I mean this information, does... Mr. Price replied if the Council accepts the definition, keep in mind now, no matter how it looks, if it meets the definition of a modular home it can be put in any zone. Mr. Kearns replied right and that is kind of what I’m asking the question, in lieu of the clarity of that definition does that put that other issue to rest. Mr. Price stated I really can’t answer that, I can’t say what the Council is thinking, as far as going into this it was a lot of how it looked and not how it was built. Mr. Belanger came forward and stated Mr. Chairman I think the real concern about people having modular homes being located in a residential area is the way it looks similar to a manufactured home because you would think that
you would see wheels under it, you can also stipulate the skirting to be equal to the type of material that is I guess consistent with the neighborhood. Let’s say, i.e., if you had brick homes in the neighborhood, the definition should read that the skirting, there shall be skirting to abut to the main floor where the materials will be of such type as which is consistent of the neighborhood so you would have a brick skirting. If you have a wood based home, you might want to put a trellis or lattice work or some sort of wood siding to balance it but you certainly for aesthetic purposes don’t want to just leave it there and make it look like a trailer when it really isn’t but it could look but you’re trying to preserve the quality of life for those adjacent dwellings and property values, so by doing that you would possible be able to reach and achieve that. Mr. Breaud replied thank you, does anybody else have any comments on modular or mobile homes that we would like to discuss. Mr. Ben Harang came forward and stated correct me if I’m wrong but there is nothing in the Planning & Zoning that requires brick or wood frame construction, right? Mr. Breaud replied not presently. Mr. Harang stated if it meets the building code so because it is a modular home and there is a brick house on one side and a wood frame on the other side you would be required to have a brick skirting. Mr. Belanger replied it could be a preference of the zoning administrator to require that individual to create whatever skirting that he would require. Mr. Harang stated at the administrator’s discretion? Mr. Belanger replied that is correct. Mr. Price replied if the zoning commission would put it into an ordinance. Mr. Belanger stated if it is put into the zoning ordinance, right now it isn’t. Ms. Erwin stated only if there is a design standard. Mr. Belanger replied there is no design standard right now, we’re saying that you can create that. Ms. Caesar replied to fit into the character of the neighborhood. Mr. Belanger replied to keep the integrity of the neighborhood. Mr. Kearns stated if that was an issue that would be one way to solve all of the issues. Mr. Harang replied you see my concern is that there is no design standard right now on a stick built house so you would require the same thing on stick built as modular. Mr. Belanger replied it is possible, it is very possible. Mr. Harang stated if not, if you wouldn’t you were offering against the moratorium again. Mr. Kearns stated what you are saying is it should be uniform across the board. Mr. Harang replied sure, sure and then it kind of jumps out at you how ludicrous it is. Mr. Breaud stated and you wouldn’t want to be discretionary where Errol makes the judgment. Mr. Harang replied I don’t think Errol wants it to be discretionary. Mr. Price replied I’ve got enough problems and then you start getting into the design of people’s homes. Mr. Breaud replied ok, good comments. Mr. Belanger replied just as a point of information that type of action is done quite a lot in historical districts, visual interpretations, there is nothing that disallows this city from incorporating design standards and it is done all over this country. Now, he is about fairly correct, you need and so if you’re going to look at doing it on a modular you ought to consider it as well for any off surface home, to keep it as a base of consistency. Mr. Breaud replied thank you. Mayor Charles Caillouet came forward and stated I just have some confusion maybe I can get it clarified and I just looked at this the last day and a half so I don’t remember the exact pages these are on but the whole issue about the resolution that was passed by the Council to put a moratorium to stop certain things from happening in R-3 is that correct? Ms. Caesar replied the modular home issue. Mayor Caillouet replied it was always my impression it wasn’t a modular home it was the mobile home and manufactured home because that has come up to the Council several times and gone to get a permit to put a manufactured home into the R-3 and it has been denied because there is a moratorium in effect; but when I read here you said it was the intent, the moratorium’s intent was to stop modular homes from being built in R-3’s. Ms. Caesar replied what I was saying is that the term seems to be used interchangeably so I was being told at the interviews that the moratorium was on modular homes but I’m reading the resolution and it is saying mobile and manufactured homes so the terminology, the words were being used interchangeably so what we offered were clear definitions as what this really clear what the intent was. Mayor Caillouet replied I don’t have the resolution in front of me, what did the resolution say. Mr. Price replied manufactured. Mayor Caillouet replied that is what I don’t understand, who was making comments that it was modular, the intent. Mr. Price replied a couple of Council meetings ago, I asked the Councilman Chairman to clear it up because of the modular building allowed to come on North Canal Boulevard and I was notified that I should have not given a permit because modular was not allowed that their interpretation was any structure that came in on wheels was considered under the moratorium and that is why the issue started to be confusing. Mayor Caillouet replied that is why again when you do your resolution it specifically says what is involved and you don’t go back and give intents because the modular home was put on Midland, that is the issue we dealt with when this came up and a number of people have been denied the right to put mobile homes or manufactured homes in R-3’s all waiting on this moratorium to end and they are permitted in R-3’s, so that is why I’m trying to figure out the language that came about in this report that says it was the intent of that resolution to stop modular homes. As far as I know that was never the intent of that resolution and again it is the Council’s resolution but I don’t know why that is being put into this. Mr. Price stated that there was no definition in the moratorium to tell the difference so I had to treat them all. Mayor Caillouet replied again I go back to the definition, whatever the terminology that was in there but I was curious as to who was saying it was to apply to modular because when it first came up it was all about Midland; on Midland Dr. there was a modular home to be placed there and that was oh, no, that was fine that can go in any district. That was the comment that you made, it can go in residential, the law says it can and that was put there and then now later on there is a different interpretation of this because that moratorium is still in effect and it has got to come to an end some kind of way. Mr. Breaud replied I agree - how long the moratorium has been in effect now,
nine months or a year? Mr. Price replied it is going to be a year. Mr. Breaud replied you know when I started saying we need to do something immediately I think we need to do some immediate stuff and then we’ll have some long term solutions but to have a moratorium for a year to me is getting a little bit on the ridiculous side, we need to move forward with it. Mr. Jeff Donnes came forward and stated will South Central Planning be the one helping you all make decisions on what goes where, Clay? Mr. Breaud replied most definitely, we’re going to rely on their professional opinions on recommendations, we may not agree with everything but we’re going to listen to them and that is why I was glad to see the options, they can’t answer all of the questions, some of these I mean we can’t answer them all. That is why we’re asking for the public input, some of these things are going to end up being some political decisions probably down the road, we’re not a police board, we would like to make our recommendations on what is best for the health and safety of the City and we’ll make that recommendation to the Council, if the Council decides they don’t like our recommendation and they want to change it well so be it, but we’re going to make our recommendation based on sound, professional advice. Mr. Donnes replied ok.

So they will make this recommendation, a recommendation specifically too, Simone on manufacture and modular homes and where to put it to you all. Mr. Breaud replied yes. Mr. Donnes replied ok. Mr. Breaud stated the way I see this is next month they’re going to come back to us with some changes and take some options out and it is going to be up to this board to agree to those options or say we don’t like that option we want to go to the other one and then from that point forward we’ll make a recommendation to the City Council with those recommendations.

Ms. Jenny Morvant, City Council Administrator came forward and stated I’m confused also Errol because when the conversation came up at the meeting concerning the building on North Canal, it was my understanding that Mr. Badeaux explained to you that if you had a plan that was specifically stamped modular that he no problem with that, he has issues with the aesthetics of the building but he concurred with your decision to allow that permit. You also mentioned the Head Start building and a modular to issue the permit, so I don’t understand; I don’t recall we had to go back and look into the minutes because he made the statement that nobody would arrest me and bring me to jail if I gave a permit and his understanding was that anything that came on wheels was prohibited. Ms. Morvant stated I think his concern was he felt that anything that come on wheels could not be considered modular but once I explained to him about the plans and the specs that you submitted to me that it was clearly stamped that it meet the 2006... Mr. Price replied he agreed to let that one and when we brought up the Head Start program that is when he made the statement, you do what you think and then nobody is going to come and arrest you. Mr. Price replied well I’m not going to issue a permit if I’m not sure and the law is clear and that is why I asked him. Ms. Morvant stated the moratorium in my opinion was intended for manufactured, mobile type homes because there was no definition of modular the Council, it was their intent and what they are really waiting for to release this moratorium is precise definitions as Simone has in here that, they by all means want that included as a recommendation from the Board. Mr. Breaud replied thank you and I think this will go a long way to get the definitions out so that is why I think we need to move on this as quickly as possible, does anybody else like to make any comments? Mr. Badeaux replied I thought I understood before I walked in here, Simone is it your recommendation or suggestion or opinion to the Planning and Zoning Commission that it is not legal to not allow modular homes built to construction standards where ever a stick construction can be built. Ms. Caesar replied you cannot prohibit a modular home from going into a residential area because it adheres to the same building codes as a site built home. Mr. Badeaux replied so call it what you want if there is a set of stamped construction plans and those plans meet the building codes that should be able to go wherever a stick built home could go. Ms. Caesar replied if it is a modular home, yes. Mr. Badeaux replied with the construction plans built to those standards and specific. Ms. Caesar replied that the makers stated they would have to provide the inspections, they would have had to have gone through the inspection process during the course of construction, it wouldn’t just be a set of plans, am I correct with that, Errol? Mr. Price replied correct, Louisiana law says that it can be built at a factory, they actually have to submit us the inspection reports, they have to give us the name of the inspector, the time and the date it was done and what inspection was done on each item. Mr. Badeaux replied ok, so if it was built in North Carolina, there are inspections that are required where ever they are built. Mr. Price replied they have to meet the Louisiana codes. Mr. Badeaux replied the National Codes, National standard now isn’t it? Mr. Price replied the International is standard but not all states adopted it, if you go to Florida, they’ve got the Florida code. I’ll give you an example, the company that deals mostly in Thibodaux is from Alabama, their plans had an engineer’s stamp and they’ll stamp all of the states and they’ll state each code that they built it according to, a lot of your codes are close and then we get the plans and we review them; then we would request the inspection reports of when it was built. Mr. Badeaux stated and they have those? Mr. Price replied most of the time they have those, the last issue I had the company went bankrupt and they cannot get them so it is up to the owner now on how they are handling that. Mr. Badeaux replied all right. Mr. Breaud stated that the thing to make sure before anyone in the City buys a modular home that they make sure that it meets the codes and the inspections that the City requires before you bring it down here and you have it delivered. Does anybody else want to make comments on modular and mobile homes, if not we’ll move forward to Industrial Zones.

Industrial Zones – Short term and long term recommendations on Industrial Zones, I think what brought this up there was somebody requesting having a recycling transfer station within the City of Thibodaux and I think South Central Planning has come back and basically says the buffer
remains open land, it can be planted with vegetation to reduce noise and glare, basically under Option 1, such an operation would most likely be best situated on a major commercial thoroughfare due to the volume of large trucks. I think what you're saying Simone is not in and M-1 and M-2 zones and there are two of those in the City. Does anybody want to make a comment on that, we're talking about industrial zone and recycling activities. No comments, commissions, public, does anybody feel like we should be allowing a recycling zone in the City limits, recycling zones could be much more than recycling aluminum cans and bottles, it opens it up to a lot bigger stuff. Mayor Caillouet came forward and stated my opinion of it, we need something like that, we have some recycling, they are turning in aluminum cans, they turn in metal, I mean you're talking about Canal Boulevard coming in and in mind you've got an eyesore sitting right there off of Plantation Road. We've got a lot of materials that are stolen in different houses that are traded in at these places so I think we'd need some type of issue that comes up that deals with the issue of recycling particularly just maybe because of the times, the copper, metals and everything else are being stolen out of houses and going to these places and I just wanted to make that comment. The other comment on behalf of Mr. Belanger, he had to leave, he got called away to something else, so he won't be here any longer, he wanted to let you know that. Mr. Breaud replied ok, no further comments on industrial zones.

We'll go to visibility at intersections, I think this was a problem that came about in the existing codes we have a site obstruction of a 50' radius and if you strike a 50' radius from the center line of the arc of the intersection you get an arc sight distance and you sight of vision is not along an arc, it is from Point A to Point B across it and this caused a problem for a developer because he was wanting to put a fence up and if you would draw the arc it was backing him up further than what his building was so I think the true definition is the way South Central Planning has presented it here. You back off the intersection 50' and you draw a diagonal line across it and that is your vision sight and that is what he would build fences up to that point but no further than that. Are there any comments? Mr. Kearns stated and again, I'm just, I guess I need to just sit and think about this but I'm thinking in terms of like Highway 308 and LA 1 where you've got outside curves to the bayou, I don't know how that would... Mr. Breaud stated there is a little graph on Page 74, if you look at their little graphs... Mr. Kearns replied yes I was looking at that for...Ms. Erwin stated but does that make a difference the wider the street is? Mr. Breaud replied well it does but your sight obstructions is not on a curvature it is a diagonal distance so on a narrower street with the 50' you're going to have a further setback whereas on wide streets you'll be further in. Errol you may want to elaborate on you were confronted with this issue at one time, Mr. Price stated basically I always interpreted it as a radius until it was brought to my attention of having it done this way, I hate to pass the buck but Eric brought up a good idea on how a radius could actually cause a conflict so if he doesn't mind. Mr. Eric Faucheaux, Public Works Director, came forward and stated the only thing that I saw with, you know the line is ok but it doesn't address, you still may have a conflict where the radius, when your roads don't intersect at a 90% angle, ok, so imagine if you will you have to go 50' way into a street that is coming in on a diagonal on the short angle, you know you're going to go way out 50' and then connect your line, it may not give you the visibility that is needed and we had talked about that in the meeting but it wasn't addressed. I don't know if maybe perhaps that is all you were able to come up with but if I had a little White board or something I would explain it to you. Mr. Price stated if you have the short angle and you're looking, your car is coming at that angle and you're going to look to the right, you're actually don't see because you are already facing towards the left, you're trying to make that left turn, you can't actually turn because you are already at that angle so that is cutting down on that percentage. Mr. Breaud stated maybe Simone you can draw up those little graphs and take a look at them on the obtuse side of an acute angle that the sight vision may not be enough and we need to look at this I think on narrow streets as well as four lane intersection streets. Mr. Jeff Donnes stated is there a difference between larger intersections could be addressed. Ms. Erwin stated no in this definition but I think it does make a difference. Mr. Breaud stated it would be where you would measure the 50', do you measure it from the median side of the lane or do you take it from the inside land, it would be my thoughts that you would take it from the inside lane, the center line of the inside lane. Mr. Faucheaux stated you know one particular point too like if North and South Acadia expands and grows you know and you have subdivisions going off of it, that is a longer, it is a wider intersection so I don't know how you would apply it to that but also it may be on a curb... Mr. Kearns replied that is what I was bringing up because 308 does that, it makes that big outside curb when you get to the intersection of Lafourche Dr. and 308. Mr. Price stated the issue that was brought up with this was on the corner of Lynn and Plantation and that is a bad intersection; that is not a true 90 – it is way off. Mr. Kearns replied right, exactly. Mr. Price stated you might have like 60 degree so if you want to turn this way you can't see going back that way. Mr. Faucheaux replied the problem is in the acute angle, you really can't affecting the property that much as you would an arc even but it is something that needs to be... Mr. Breaud stated Simone can you investigate that a little further. Mr. Donnes did you have any further comments? Mr. Donnes replied no, my concern was on larger streets, this seems to be for regular 50' streets, what do you do with the larger ones. Mr. Breaud replied I think we need to clarify that if we do have a four lane highway, where do we measure the 50' if that is the answer. Ms. Erwin replied or a three lane, we have a lot of three lane intersections now. Mr. Breaud stated ok, are there any other comments on intersections, visibility at intersection, if not we'll move to item 8.
Mr. Breaud stated Item 8 is fence height requirements, I’m not sure where exactly this takes place all of the time, it looks like I wasn’t really aware of this but we are requiring some fencing on 10 parking spaces or more and 6’ height and based on the recommendations that we reduce that height from 6’ to 4’. Mr. Price stated this happened on 10th Street and Canal Boulevard, Teche Federal Bank, so the first house you get to they needed a fence, well she can’t see to back out of her driveway if we enforce the 6’ high. Mr. Breaud stated ok so the recommendation on this thing is to go to a four foot fence and that would allow visibility over the top of it. Ms. Caesar replied that is just a suggestion based on what was going on in a comparable city and you all would have to get input if this would actually work here. Mr. Price replied my question was can you see over a 4’ fence, I know you just maybe picked that number but how, when you’re going to back out if you have a small amount of space? Mr. Breaud asked well like I said in the comparable cities that was the level that they used and there was a reason there was a 20’ setback required and in Ruston I think it was only 5’ and they could go even higher than 4’ height, it was only a 5’ setback. Again without having gone out and studied it this is a suggestion based on what is happening in the comparable cities and reading their ordinances and talking with their zoning administrator but does it fit you all, that is the input that you need. Mr. Breaud asked can you take a look at that specific intersection that Errol is talking about and see if it would be reduced to a 4’ height fence if that would resolve that issue. Mr. Price stated I have the same thing on the corner of Cherry St. and Magnolia St. to the end. Mr. Breaud stated you can check those intersections and if the 4’ height doesn’t work you can come up with something different. Mr. Breaud then asked if anybody else had comments on fence height requirements, if not, we’ll move to Number 9.

Mr. Breaud stated Number 9 is parking and storage of certain vehicles in commercial zones, I’m sorry abandoned cars. The recommendation is that the City create an abandoned vehicle or nuisance code to address issue of abandoned cars and blight. Ms. Caesar replied that is typically not covered in the zoning ordinance. Mr. Breaud asked how much of an issue, do we have this quite a bit, Errol? Mr. Price replied yes it does come up, the question I have is should we leave residential in there or create an ordinance that would cover commercial and residential as far as a City ordinance and take it out of zoning? That is just a question that I have for you all to look at. Ms. Erwin replied the recommendation is taking it out of zoning. Mr. Breaud stated right now there is nothing in zoning to address that right now. Mr. Price replied in residential they do, if you don’t have a current license plate it has to be stored in a garage. Mr. Breaud stated so the question would be also and put it into… Ms. Caesar replied in most cities it is not even handled in the zoning ordinance it is a nuisance. Mr. Breaud asked if there were any other suggestions that anybody had, Simone do you have enough information on that item to move forward. Ms. Erwin replied I think the City needs that but I think the recommendation is let the City Council take that under advisement. Mr. Breaud stated I know the public is here maybe for certain items but you are open to discussion, that is what South Central Planning is trying to get is open discussion from anybody that would guide them into a direction. I know Errol is confronted with stuff every day and probably knows more than any of us on all of these problem areas and we’re going to rely on him a lot to tell us whether these recommendations or these options will solve these problems or not and if they’re not we need to look for other solutions so I would ask Simone to get with Errol on some of these things and make sure that we’re resolving the problems. You know making laws for the sake of making laws is not accomplishing anything; we need to make sure that we are addressing the issues.

Mr. Breaud stated all right if there is nothing else, we’ll go to Number 10 on Variance Requirements – Zoning decisions cannot be arbitrary and capricious and that is what we keep on preaching up here and we try to base our decisions on. We’ve got a zoning ordinance that everybody knows, we try not to make our decisions on our own judgment, we’ve got books that we look at which is the zoning ordinance, subdivision regulations, we read these things every time one of these issues come up and we try to base our decisions on this book. A lot of times we get people up here asking us to be more lenient on something, well it is our position to follow law, if we don’t like the laws we need to get the laws changed you know and that is what we are here for today, we are making recommendations to the City Council to change the laws. So we’re not sitting up here with our own personal judgment trying to make decisions on what should be done, we try to use this book as our guidelines to make these decisions and if people don’t like the laws we need to get the laws changed and that is part of what we are doing tonight. So with that being said does anybody wants variance requirements. Mr. Ben Harang came forward and stated you’re talking about the variance committee now. Mr. Breaud replied no, no this is different. Mr. Price replied I am the one that brought this up, they have four questions that you have to answer to go in front of the Board of Adjustments and C & D were two of them that every time somebody comes and put an application they have problem with and I asked South Central Planning to go in detail and explain what we were supposed to be looking for and it really boils down to D, that the burden is on the applicant to prove to the Board of Adjustments why they should be given this variance. Going to these board meetings I am trying to reverse it, right now the Board is trying to prove to the applicant why they should be approving or denying it, I am trying to go according to what the law says that the applicant come in and put on their case to prove to the Board, I wanted to understand exactly with question D, what they had to answer on that. Mr. Harang replied my question about variances and the Board of Adjustments is how can they grant a waiver that is not arbitrary and capricious, you’re going by the book. Mr. Breaud replied we’re not the Board of Adjustments. Mr. Harang replied I
Mr. Harang replied that is the way it should be. Mr. Harang replied I understand that. Mr. Breaud replied but it is a separate Board from us. Mr. Donned stated but under you, under your guidelines. Mr. Breaud replied no. Mr. Kearns replied completely separate from us. Ms. Erwin replied under the zoning guidelines, Mr. Donned replied and when I say under your guidelines if you classify something in an R-3 then they shouldn't be able to take a component of R-2 or R-4 and put it in a 3. Mr. Kearns replied we can't tell you what they should or shouldn't do. Mr. Price replied I don't bring up those issues any more since the District Regulations were looked at back in December of '08, the Board of Adjustments cannot get involved into re-zoning so if a business is not allowed in a zone it is prohibited and if it is not listed then it comes to the Planning & Zoning Commission to find out what zone they're going to put them in, what district. Mr. Donned replied so it is the intent to make the variance committee to read their own rules. Mr. Breaud replied that is always the case, there is always a case where we can't grant a variance for, side lot line offsets and stuff like that have to go back to the Board of Adjustments. We can grant certain variances but there are certain ones that we cannot, that have got to go in front of the Board of Adjustment. Mr. Donned stated you would change the zoning if could be in area, you wouldn't change the variances, you would change the zoning, you could change the zoning to fit the structure. Mr. Breaud replied well keep in mind, we're an advisory board, if we're changing laws, we can't change a law, we can make a recommendation to the Council to get a law changed, ok so what that means is that the laws that are on the books right now is what we are following right now and that is what we base our decisions on. Mr. Harang stated since the Planning and Zoning Commission and the Board of Adjustments are so closely intertwined, regardless of who works for who or who appoints who because if you do the zoning and they give people variances that is doing the same thing as far as I am concerned. Mr. Price replied they can't give variances on changing a district, the Board of Adjustments can say that, I'll give you an example, in R-4 you're allowed a mobile home, the Board of Adjustments can't say I'm going to give you a variance and put it in an R-3 or R-2. Mr. Harang replied I understand but take parking for instance, the zoning requirements can require a certain number of parking spaces, the Board of Adjustments can waive parking spaces. Mr. Price replied correct. Mr. Harang replied ok, therein lies the problem where the zoning and the Board of Adjustments, what you all do here is not necessarily carried out out there, could we ask that the study being done include the Board of Adjustments and what they can and cannot do, is that outside of the scope of Planning & Zoning? Mr. Breaud replied well I think that is something that they can address and I think it is addressed in here it is just in my opinion the Board of Adjustments is not following some of the rules in here. If you read some of this stuff it says you not suppose circumstances and I don't think that is being followed all of the time you know. Mr. Kearns replied it is supposed to really be for a hardship. Ms. Cathy Benoit replied I'd like to follow up on what Ben said and we at the Chamber often receive complaints because X, Y, Z got a variance to sell fried chicken but A, B, C asked for the same variance and did not. So I think it has all be incorporated and viewed at the same time, everybody has to be on the same page and an exception cannot be made for one business and not the other or even a resident for that matter. Ms. Erwin stated do you find as many since the... Mr. Price replied we don't send them at all, since '08... Ms. Erwin replied you don't even send them anymore since the ordinance has changed so much from '08. Mr. Price stated since December of '08 we do not send any client that comes in and asks for a variance to change a district regulation, no, it is either permitted or prohibited and if it is not listed than they come here to find out what district the Planning & Zoning Commission wants to put them in. It used to be conditionally permitted but in December of '08 that was changed. Ms. Erwin replied that is what created the problem. Mr. Price stated they still go to the Board of Adjustments for parking variances, they need to go for fence variances, setbacks; they have to go to the Board of Adjustment for that there is a whole section, it is Section 1003 in the zoning ordinance that addresses variances and in the last sentence of that, and there are about 10 paragraphs and in the last paragraph, the last sentence says "under no circumstances shall the Board of Adjustments grant a variance to grant a use non-permissible under the terms of this ordinance in the district involved or any other use expressly or by implication prohibited by the terms of this ordinance in said district" so that tells me something right here and there is a whole section on variances in here and I think if that section was enforced and followed that they would not have to address that; but if it is not clear and you feel like it is not we can get South Central Planning to look at that issue also and give us their opinion on those actions. Mr. Harang replied
Mr. Breaud replied all right Number 11 – Off Street Parking Requirements – Mr. Harang. Mr. Ben Harang came forward and stated do you want to hear me say it again? Mr. Breaud replied I cut you off a little bit so, some back and tell us… Ms. Erwin stated do you have any recommendations. Mr. Harang came forward and replied it is a tough one that I don’t know if you can come up with one, with a cookie cutter to require them, but it just seems like you get into situations that it is just so unreasonable and then people give up because they don’t want to go through the bureaucracy of doing architectural drawings to get somebody’s opinion on whether they can do anything to do what they want and they’re spending money, wasting time to get it done. I don’t have a good solution for it but I know it restricts commerce and business in the City. Ms. Erwin replied so do you think that you actually look at every single different business out there and put a different requirement, it gets very cumbersome and… Mr. Harang replied it does. Mr. Breaud replied we’ve heard the arguments on both sides that we’re being too restrictive with the parking and some think it is not enough. We even brought up some situations you know, with the little Wing Stop over there, you can’t find a parking spot when you try to get in that place and then you’ve got some other places that have all kind of parking area. So I think Simone and South Central Planning’s recommendation is that those areas would have to be investigated individually with some kind of recommendation. Mr. Harang replied we used the entire square footage of a two story building with the upstairs being used as storage, climate controlled storage and there was no way to get around going to the Board of Adjustments and they got frustrated at the process and stopped, you know instead of… Ms. Erwin stated but do you believe the Board of Adjustments would have granted that variance. Mr. Harang replied probably not, I don’t think they would have, I don’t have anything to base that on but I don’t think they would have, so it is a problem. Mr. Kearns stated so you’re saying if I’m understanding you correctly, what you’re saying is look you shouldn’t throw that storage into the mix when you’re figuring out the parking area. Mr. Harang replied that is a solution to this particular problem. Mr. Kearns replied used the square footage of where people are going to be and not where boxes are kept. Mr. Harang replied or maybe based on the number of employees because employees and customers are the ones that need the parking, not the square footage. Ms. Erwin replied but then you take something like North Canal, I don’t remember what store you used, but there is never any parking there because they only have two employees, but that place is packed well if you go back on that center and my speculation is with the parking requirements, if you go back and get the uses and the square footage of those buildings I would venture to guess that the parking does not meet the requirements on that particular location. Mr. Breaud replied you see on thing we want to avoid, we don’t want to get too lenient on it because the worst situation you can have, if we don’t have enough parking spaces at businesses then we start getting parking on the public right of ways and we’re blocking vision and we’re having safety problems and everything else, so you don’t want to get too lenient on the parking requirements. If you create yourself some serious problems you know. That may have to be looked at on an individual basis and Simone we need you to look at that a little bit more I guess you know I’d love to say we’ve got 500 square feet go down to 250 square feet and everybody is going to be happy but when we go and we end up with 4 parking spaces and we get 10 cars parked on the side of the road then nobody is going to be happy. Mr. Harang stated and that is based on the use and the employee and customer volume. Mr. Breaud stated and we don’t know what kind of business and how popular that business is going to be going in. Mr. Harang replied but a professional business, if you have two attorneys in an office you’re probably not going to have more than two clients at a time talking to you, you know. Ms. Erwin replied so your speculation is with the parking requirements, if you go back and get the uses and the square footage of those buildings I would venture to guess that the parking does not meet the requirements on that particular location. Mr. Breaud replied you see on thing we want to avoid, we don’t want to get too lenient on it because the worst situation you can have, if we don’t have enough parking spaces at businesses then we start getting parking on the public right of ways and we’re blocking vision and we’re having safety problems and everything else, so you don’t want to get too lenient on the parking requirements. If you create yourself some serious problems you know. 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Ms. Erwin replied yes, which gets cumbersome. Mr. Breaud replied I know you made some comparisons Simone, but if you can look at another use parking. Ms. Caesar replied within the document there is a table and there is the information but the other communities are on page 59, I think it starts on page 58 but there ordinance regarding off street parking is basically copied and paste and put into the document so you can kind of see how they devise ways to deal with the parking. It is difficult to say if we’re sitting here and just taking hypothetical, zoning kind of doesn’t work that way, it could be this, it could be a lot of things, the issue is zoning is supposed to protect and provide for the majority. If there is a big issue with parking which is the point I made with the medical clinic was that this is one medical clinic, are all the medical clinics having problems or are we changing off street parking because of the one medical clinic, then there is no balance there but if we’re saying wow, many of the doctors have been coming in, they’ve been having a problem with this, then this is an issue you need to look into but it is hard for me to gauge; again and I guess going back to the purpose of the review we were not asked to look at uses and I’m not from Thibodaux, so it is difficult for me to sit here and say, oh yes, just do this. Without doing the technical work is it difficult for me to know the answers which is why we present options, these are what other cities are doing but without actually doing the study, the required study for many of these issues it is difficult. A lot of these things I mean it took over 30 something years to get here, you’re not going to resolve it in a week, a month, you know it is going to take some time to kind of straighten some of these things out but it takes in depth analysis, it is not just something you can just sit here and just write up. Mr. Harang replied and the parking issue is more of a problem in the older established areas obviously that the outlying areas with the new construction because they
can build according to those requirements. That is a lot less onerous than having to retrofit something that in the people’s minds that are doing it, it is an absurd requirement because in the case I cited it is, it was so they just said if we’ve got to deal with this, we’re not coming because what else is behind the next stone that is going to cause a problem if we have to get a variance to go from 16 to 18 parking spaces where we really need 6 and we can provide 6 easily, we can’t provide 16 easily. Ms. Caesar replied I understand what you are saying and like I said it was the point I was making with the medical clinic if we’re changing parking because of one clinic then it will be too much parking for some clinics and not enough for others so you can’t base zoning decisions on how it is impacting just one entity. Mr. Harang replied right and just a suggestion, I would take medical clinics out of all of the other professions because they run them through multiple people any other profession that sees so many people in an hour, I don’t know any profession does that. During the course of a day, so if a medical clinic needs a certain number of spaces I don’t think engineers, architect, realtors, insurance agents, CPA’s, lawyers need the same thing that a medical clinic needs because that is more one on one over time without people backed up with a waiting room.

Ms. Caesar replied and like I said I guess that could depend on the type of doctor, the number of doctors at the clinic, I mean there are so many variables that would determine how many patients they are seeing you know I would imagine that an OB/GYN might have them back to back and especially if you have several of them in that one clinic. Maybe a doctor specializing in gerontology might not need as many spaces, I don’t know without studying it, I don’t know. Mr. Breaud stated there are many different classifications of a medical clinic I mean you could take medical clinics and put it by itself but there are many different… Mr. Harang replied and you still have issues with that but that causes issues for the other professions outside of the medical field if you put their requirements on everybody. Mr. Breaud replied well we can look at separating that you know we went through this I guess it has been about a year ago with these classifications and parking and this is the last thing that we had done that got adopted by the Council… Mr. Price replied no, that is when they were doing the study and they didn’t make anything of it, Mr. Breaud replied about nine months ago we went through each of these categories and tried to identify so many parking spaces or square foot per parking spaces and that never did get adopted and I guess we’re at that point right now where we need to do something. We may want to look at putting medical clinics in at least a category by itself and maybe even separating that category possibly because it sounds like, we’re talking about future development right here, we’re not talking about existing stuff because they are grandfathered in if we’re having parking problems in establishments right now we basically have to live with it because they are grandfathered in. What we are trying to stop is any future problems of allowing a guy to come in, hey there is parking in front of my house but the first thing you turn around, he’s got 12 cars parked at his establishment and 6 of them are in the public right of way so that is the kind of stuff we’ve got to watch, you know. Mr. Jeff Donnes came forward and stated Simone your recommendation is to go to 250 square feet, one car for every 250 or 200? Ms. Caesar replied no, I didn’t make that recommendation; I presented those options, the comparable cities that I presented, that was what they required for medical clinics. Mr. Donnes replied my suggestion might be to leave existing structures at 500 square feet per car when you’re going into an existing structure rather than those smaller units. When you’re building something you can do it, when you’re going in and you have small offices, small insurance offices, health insurance or life insurance office, I’ve got a 1,500 square foot office you can’t, you don’t have the spaces to go into these areas on Canal Boulevard on Bayou Road or wherever to give me 200 square feet per car, there is no way I can do it. Mr. Breaud replied and you’re talking about non-conforming uses, you’re talking about rehabbing an existing development and trying to create something out of it. Mr. Donnes replied yes and again, you look at the thoroughfares, I’m going into non-conforming uses, however I’ve got 9,000 cars a day passing in front of my area, now if I’m in an R-1 area passing a single family subdivision if I’ve got 9,000 cars, you pass it in front of my house, it is not you know. The regular subdivisions might have 400 or 500 cars maybe on a busy street, they don’t have 9,000, Canal Boulevard is sitting over there with 15,000 cars a day, that is not residential, that is not, LA 1, Highway 308, they are probably pushing I think on the 308, North Canal Boulevard, they’re pushing 22,000 cars a day, that is not residential. Ms. Erwin replied well it is residential, it’s got homes, it is mixed use but it is residential, it may not be a neighborhood. Mr. Donnes replied it is not a subdivision. Ms. Erwin replied not a subdivision but it is definitely residential. Mr. Breaud stated you know one thing and it is part of the planning process is that we should not have a driveway access to a main artery in a subdivision you know subdivisions are created but you’ve got a street off it, you’re stuck with a lot of them but that is part of the planning process that we need to try to eliminate in the future you know. Mr. Donnes replied but anyway I would hope that you would address new facilities as compared to existing facilities in reference to parking. Mr. Gary Palmer came forward and stated my only question and maybe this is not the right place to ask the question but it seems like I’ve got a new understanding of what you guys are trying to do and you’re trying to make the right decisions and the variance, which is a separate committee can kind of do whatever they want even though you guys are working hard to try and
make it... Mr. Breaud stated and that is based upon some State laws that established the legislative powers that they have. Ms. Erwin replied but it is not whatever they want, it is within the guidelines, Gary, I mean... Mr. Palmer replied I’m just saying that you guys are trying to make it right and the work you’re doing could be thrown out by an opposite decision made. Ms. Erwin replied except that is one of the reasons for this is that were misinterpretations in our zoning ordinance and that is where we’re hoping that this gets even better to where anyone should be able to pick up the zoning ordinance and it not be interpreted so differently and so widely. Mr. Breaud replied thank you; does anybody else have any comments on off street parking requirements?

If not, the maximum lot coverage, I know we had quite a bit of discussion on this earlier. This came up on a previous agenda issue about eliminating the 50% rule and we heard testimony from Mr. Belanger tonight about the need for keeping this 50% coverage for aesthetic reasons and to keep some, you know all we hear these days is green, green and this is part of a green process is to keep some green in some of these areas. Does anybody want to make a comment on maximum lot coverage, if not, Simone, I thank you for making your presentation, I hope we gave you enough input from the public and us tonight to go back and refine your report somewhat and present it back to us. I’m not sure of the time line; there was some question about having a special meeting, if we wanted to address it before the next Council meeting you all can make that decision and let us know but other than that, I think we’ve got one more item on the agenda.

The next item was to consider a request by a business person for the Planning & Zoning Commission to consider amending Article V of the Thibodaux Zoning Ordinance (Schedule of District Regulations) in the placement of a business into a different zone. Mr. Breaud asked if somebody was here to address that. Mr. Alex Mabry, 111 Hackberry Street came forward and stated I am trying to move Chubby’s Ice Cream, if you are familiar with it, I am on the corner of Canal and Tosky’s building, two blocks up to the old hospice house. Since I’ve been in business I guess some zoning laws have changed, before I went in front of the variance board and got approval to go where I was at in that zone at the time; now I think that is a Zone R-2, I am moving down to an R-3 well in the rules and regulations there is a whole list of items and I don’t fall under really none of them. I talked to the Mayor, I talked to Mr. Errol about it and I’m trying to ask if you could add me to an R-3 as an ice cream parlor. I am a unique situation, I don’t cook any food and you know we serve ice cream. Mr. Kearns asked if there was anything that you have in there other than ice cream. Mr. Mabry replied I do sell snowballs at the time inside the building but I don’t have to have that to stay in business, I know that there is a restriction on snowball stands and I’ve rode around Thibodaux, we have a couple of snowball stands and they sell nachos and hotdogs and hamburgers and I don’t do any of that, I strictly sell snowballs, I strictly sell ice cream so I’m asking to be classified as an ice cream parlor, I don’t know what your classification of a snowball stand is, when I think of a snowball stand I think of a mobile unit built, I don’t think of a walk in business as a snowball stand. Mr. Breaud replied your predominate revenues would be derived from selling ice cream I would assume. Mr. Mabry replied yes, sir, I don’t even advertise snowballs, I had brought snowballs in because not a lot of people can have milk, dairy and I didn’t have really any options for them and I was asked by some of the parents if I could bring something in that their children could enjoy. Ms. Erwin replied well there is not an ice cream