

Article II. Administration and Enforcement

DIVISION 1. GENERALLY

Section 113-26 Zoning Regulatory Administrator to Enforce This Chapter.

It shall be the duty of the zoning regulatory administrator to enforce the provisions of this chapter. It shall also be the duty of all officers and employees of the local legislative body, and especially of all the members of the sheriff's office to assist the building inspector by reporting to him upon new construction, alterations, relocations, repairs, or land uses, or upon seeming violations.

Section 113-27 Written Complaints.

Whenever a violation of any provision of this chapter occurs or, is alleged to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate and take action thereon as provided for herein.

Section 113-28 Planning and Zoning Commission

A. Creation and Establishment

1. The St. John the Baptist Parish Planning and Zoning Commission has been created and established as per Louisiana Revised Statutes 33: 101- et seq. and the St. John the Baptist Parish, Louisiana, Code of Ordinances, SUBPART B - LAND DEVELOPMENT REGULATIONS, Chapter 101 - GENERAL AND ADMINISTRATIVE PROVISIONS, ARTICLE II. - PLANNING COMMISSION.
2. When acting as an advisory body on zoning matters, it will also serve as the parish zoning commission. (LA R.S. 33:106).
3. The planning commission shall adopt such rules and regulations for the conduct of public hearings and meetings as are consistent with state law and are appropriate to its responsibilities, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to rule on a matter in which he has an interest directly or indirectly.

B. Membership and Appointment

1. The planning commission shall consist of nine members. The members appointed shall be residents of the parish.
2. Members of the planning commission shall be appointed for terms of five years, from and after the expiration of the terms of their predecessors.
3. Meetings. – The parish planning commission is hereby authorized to hold 12 regular meetings per year and no more than three special meetings per year (Parish Code of Ordinances, Chapter 101, Art. 2).

4. Attendance – all members of the St. John Parish planning commission shall make every effort to attend all meetings and public hearings of the Commission. Any commissioner who is absent from more than three (3) officially called meeting of the commission within one calendar year may be subject to removal from the commission by the council.
- C. Powers of the Commission
1. The St. John the Baptist Parish planning and zoning commission shall make and adopt a master plan for the physical development of the unincorporated territory of the parish, as per LA R.S. 33:106.
 2. The planning commission shall make recommendations to the parish council concerning the approval or disapproval of all preliminary and conditional subdivision plats, and other duties, as per the St. John the Baptist Parish, Louisiana, Code of Ordinances, SUBPART B - LAND DEVELOPMENT REGULATIONS, Chapter 111 – SUBDIVISIONS
 3. The planning and zoning commission shall make recommendations to the parish council on the adoption by ordinance of the zoning regulations and zoning map.
 4. The planning and zoning commission shall make recommendations to the parish council on the adoption of amendments to the zoning text or map.
 5. The planning and zoning commission shall make recommendations to the parish council on planned development applications.

Section 113-29 Required for Construction in All Zoning Districts

- A. **Adequate Public Facilities:** Land proposed for development in any zoning district must be served adequately by essential public facilities and services. Land will not be approved for development unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, and transportation facilities necessary to serve the proposed development, whether such facilities are located within the property being platted or outside the site. This policy may be defined further and supplemented by other parish ordinances.
- B. **Fire marshal approval:** A certificate attesting to the state fire marshal's approval of plans for all construction and improvements pursuant to the state fire code must be provided to the department of engineering prior to the issuance of a building permit.
- C. **Building permit acquisition:** In all zoning districts, it shall be unlawful to commence development site improvements, the excavation for the structure of any building, including accessory buildings, or to commence the moving or alteration of any building including accessory buildings, until a permit for such work has been issued by St. John the Baptist Parish.
 1. No permit shall be issued by the Parish unless the proposed construction or improvements are in compliance with all applicable local, state and federal codes and requirements.
 2. Other land development regulations may apply, including but not limited to *Chapter 105 - Buildings and Building Regulations; Chapter 107 - Floodplain Regulations; Chapter 109 - Natural Resource and Environmental Preservation and Protection; and Chapter 111 –*

Subdivisions. Refer to **Sub-Chapter B** of the St. John the Baptist Code of Ordinances for these additional development regulations.

Section 113-30 Certificate of Occupancy

- A. **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the department of planning and zoning has issued a certificate of occupancy as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this article or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this article or other ordinances of the jurisdiction shall not be valid.
- B. **Certificate issued.** After inspection of the building or structure, if there are no violations of the provisions of this article or other laws that are enforced by the parish or by the state, the department of planning and zoning shall issue a certificate of occupancy.
- C. **Temporary occupancy.** The department of planning and zoning is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set up a time period during which the temporary certificate of occupancy is valid.
- D. **Revocation.** The department of planning and zoning is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this article wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any provisions of this article.

Section 113-31 Violations

In case the structure is erected, or structurally altered or maintained, or any structure or land is used in violation of this ordinance, the Director of the Department of Planning and Zoning of St. John the Baptist Parish may take any appropriate action or proceedings to prevent such unlawful construction or alteration or use of or other violations, to restrain, to enjoin, to correct or to prevent any illegal act, conduct, business, or use in or about such premises.

Section 113-32 through Section 113-47 Reserved.

DIVISION 2. NONCONFORMING STRUCTURES, USES OF LAND, AND PREMISES

Section 113-48 Intent.

Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before these provisions were passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter. These nonconformities are permitted to continue until they are removed, but their survival is not to be encouraged. It is further the intent of these provisions that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- A. Nonconforming uses are hereby declared to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged upon adoption of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises or by addition of other generally prohibited uses.
- B. To avoid hardship, nothing in this division shall be deemed to require a change in the plans or construction, or designated use of any building that meets the following criteria:
 1. Acquisition of a building permit;
 2. Council final approval;
 3. Complete construction within a reasonable time.

Additionally, any proposed use that has received the prior approval of the parish council and such use is indicated on a plat filed in the office of the clerk of court for the parish prior to the adoption of the ordinance from which this chapter is derived shall be grandfathered in and allowed to develop only the specific use indicated on the plan.

Section 113-49 Extension.

A nonconforming use of land, structure, or use of structures and premises shall not be extended or enlarged except when required to do so by law or by ordinance.

Section 113-50 Alterations.

No structural alterations may be made to a structure that is nonconforming as to use; unless said structure is changed to a conforming use in which case any alterations shall be consistent with the terms and conditions of the district in which the structure is located.

Section 113-51 Restoration.

Any use or structure determined to be harmful to the general health, safety and welfare, shall not be allowed to rebuild in the case of structures damaged by fire or other causes to the extent of more than 75 percent of its fair sales value immediately prior to such damage. The council shall make such a

determination in a public hearing after sufficient notice. Any other structures damaged by fire or other causes may be rebuilt precisely as it existed prior to the damage.

Section 113-52 Change in Tenancy or Ownership.

There may be a change in tenancy, ownership or management of a nonconforming use or structure provided there is no change in the nature or character of such nonconforming use or structure.

Section 113-53 Discontinuance.

If any nonconforming use of a structure, or structures and premises in combination, ceases for any reason, except where governmental action impedes access to the premises, for a period of more than 182 consecutive days, any subsequent use shall conform to the regulations for the district in which the use is located.

Section 113-54 Unsafe Structures.

Any nonconforming structure or portion thereof declared unsafe by a proper authority must be restored to a safe condition.

Section 113-55 Changes.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or more restricted classification. However, no structure in which a nonconforming use has been changed to a more restrictive use shall again be devoted to a less restricted use.

Section 113-56 Casual, Temporary, or Illegal Use.

The casual, temporary, or illegal use of land structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

Section 113-57 through Section 113-75 Reserved.

DIVISION 3. AMENDMENTS

Section 113-76 Intent.

The provisions of this chapter, including the official zoning map, may be amended by the parish council on its own motion, or on recommendation of the planning commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission for review and recommendation. Before enacting an amendment to this chapter, the planning commission shall give public notice and hold a public hearing thereon as required herein.

Section 113-77 Initiation

- A. Amendments to this chapter, including the official zoning map, may be initiated:
 - 1. By action of the parish council itself;
 - 2. On petition of at least 51 percent of the property owners, or their authorized agents; or
 - 3. Upon the recommendation of the planning commission.
- B. No amendment shall be made unless it is determined by the planning commission that the amendment, or supplement, or change to the regulations, restrictions or boundaries should be made, except as otherwise provided herein.

Section 113-78 Procedure for Amendments to Zoning Map.

Each application to amend the official zoning map shall be filed with the zoning regulatory administrator or designee. Each application shall be submitted under the following conditions:

- A. Application; contents. An application shall include the following items and information:
 - 1. A legal description of the tract proposed to be rezoned;
 - 2. A plat showing the dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and his seal shall be affixed to plat;
 - 3. The present and proposed zoning classification for the tract;
 - 4. The name and address of the owners of the land and their legally authorized agents, if any; and
 - 5. Payment of appropriate fees as established in section 14-113
- B. Review. The application shall be reviewed by the zoning regulatory administrator or his/her designee who shall be responsible for determining the application's compliance with the goals and objectives of the St. John the Baptist Comprehensive Plan and adherence to the applicable development standards for the district for which application is made. He shall submit his findings to the planning commission after prior to the public hearing.
 - 1. Schedule. An application shall be submitted in accordance with a schedule adopted by the planning commission that shall provide that each application shall be submitted to allow sufficient time to legally advertise for public hearing in accordance with these regulations.

2. Withdrawal of application. When a petition requesting a zoning change is withdrawn by the applicant after it has been accepted by the parish and legally advertised as required by this section, the parish council shall not consider any further petition requesting or proposing the same change or amendment for the same property within a one calendar year from the date of the request to withdraw.
3. Advertising. Notice of the proposed change and the time and place of the hearing before the planning commission shall have been published once a week for three weeks consecutively in the official journal of the parish. At least four days shall elapse between the last date of publication and the date of the hearing. A printed notice in bold type shall have been posted for not less than ten consecutive days prior to the public hearing conducted by the planning commission on a sign not less than one square foot in area, prepared, furnished and placed by zoning regulatory administrator or his designee upon the principal and assessable rights-of-way adjoining the area proposed for a change in land use classification.
4. Public hearing. A public hearing shall be held in accordance to law and duly advertised before the planning commission at which parties in interest and citizens shall have an opportunity to be heard. After such public hearing, the zoning regulatory administrator or his designee shall submit a report of his findings and recommendations to the planning commission to the proposed changes.
5. Planning commission action. The planning commission shall review and take action upon each application in accordance with the schedule adopted by the planning commission after a public hearing has been held, at which parties in interest and citizens shall have had the opportunity to be fully heard. Each application shall be presented to the planning commission by Director of the Department of Planning and Zoning, or his/her designee, together with his recommendations on it. A report of the planning commission's recommendation and the zoning regulatory administrator or his designee recommendation shall be submitted to the parish council.
 - a. A final vote shall have been taken on the proposal by the planning commission within 45 days after the public hearing. In the event that no final vote is taken, the proposal shall be automatically approved. However, in the event that the 45-day deadline falls on a holiday or a meeting that has been canceled by the planning commission, the 45-day deadline will be extended automatically to the next regular planning commission meeting.
6. Action by the parish council. The governing authority shall not take official action until the report of the planning commission is received. A final vote shall have been taken on the proposal by the parish council within 45 days after the report has been received from the planning commission. In the event that no final vote is taken the proposal shall be automatically approved. However, in the event that the 45-day deadline falls on a holiday or a meeting that has been canceled by the parish council, the 45-day deadline will be extended automatically to the next regular parish council meeting. Any amendment that has failed to receive the approval of the planning commission shall not be passed by the parish council except by the affirmative vote of two-thirds of the legislative body.

7. One-year limitation. Whenever a petition is filed requesting or proposing a change in or amendment to these regulations or to the official zoning map and this petition has been finally acted on and denied by the council in accordance with the procedure outlined in this section, the council shall not consider any further petition requesting or proposing the same change or amendment for the same property within one calendar year from the date of the council's final action on the original petition.

Section 113-79 Rezoning Guidelines and Criteria.

- A. Before the planning commission recommends or the parish council rezones property, there should be reasonable factual proof by the proponent of a change that the proposed change is in compliance with the goals and policies of the ***St. John the Baptist Comprehensive Plan***.
- B. Additionally, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:
 1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and adjacent property. The term "reasonableness" means:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects that tend to limit the usefulness of vacant land or buildings.
 2. The proposed zoning change, and the potential of resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks, and other public facilities.
 - c. Land or building usage that is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
- C. As far as possible, the planning staff should base rezoning analyses on these criteria. The planning commission in its recommendations to the parish council, may state its concurrence with, or rejection of, proponents' offers of proof at public hearings and may state, in its motion of recommendation to the parish council, its position in relation to proponents' statements and planning staff analyses shall be forwarded to the parish council along with the planning commission's recommendations.
- D. If the planning commission recommends denial and the parish council concurs, the matter need not be introduced for public hearing, and if the planning commission's vote to deny is unanimous, the matter shall not be introduced except by majority vote by the parish council.

Section 113-80 through Section 113-118 Reserved.

DIVISION 4. ZONING BOARD OF ADJUSTMENTS; APPEALS AND VARIANCES

Section 113-119 Generally.

- A. **Established; abbreviation:** A zoning board of adjustments is hereby created and established. The abbreviation "ZBA" or "zoning board" or "board" when used in this chapter shall be construed to mean the zoning board of adjustments.
- B. **Powers:** The board of adjustments shall have the powers provided by R.S. 33:4780.40 and other applicable laws.

Section 113-120 Composition; Qualification; Terms; Removal.

- A. A Board of Adjustment is hereby established (as provided for in Section 4727, Title 33, of the Louisiana Revised Statutes of 1950 as amended)
- B. The Board of Adjustment shall consist of five (5) members and may include two (2) alternate members, all of whom shall be landowners and qualified voters of St. John the Baptist Parish. The membership of the first board shall serve respectively, one for one year, one for two years, one for three years, one for four years and one for five years. Thereafter members shall be appointed for terms of five years each.
- C. All appointments shall be made by resolution of the council. Members shall reside in the district he or she represents.
- D. All members shall be removable for cause by the appointment authority upon written charges and after public hearing; provided, however, that any member who shall be absent for three consecutive meetings, may be cause for removal, with council approval, from membership on the board and that appointment shall be automatically vacated as a result of such nonattendance.
- E. The board shall elect its own chairman from its membership, who shall serve for one year.
- F. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to applicable state legislation.

Section 113-121 Procedure.

- A. **Initiation:** Applications for zoning variances may be filed by a property owner in the Parish or other person expressly authorized in writing by the property owner.
- B. **Meetings:** Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failure to vote, indicating the fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public record. All testimony, objections thereto and rulings thereon, shall be recorded by the board for the purpose established in section 113-2.

- C. All applications to the ZBA will be advertised at least one time in official journal of the parish and at least four days shall elapse between the publication and the date of the hearing.
- D. Fees for applications to the ZBA are as established in section 14-113.

Section 113-122 Action by the Board of Zoning Adjustments.

- A. The Board of Zoning Adjustments shall conduct a public hearing on the request within forty-five (45) days from the date the application is received by the Department of Planning and Zoning. Notice for the public hearing is required in accordance with parish and state law.
- B. Based upon the evidence presented at the public hearing, the Board of Zoning Adjustments shall evaluate the application against the standards below:
 - 1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
 - 2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
 - 3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 4. The special conditions and circumstances do not result from the actions of the applicant.
 - 5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
 - 6. The variance, if granted, will not alter the essential character of the locality.
 - 7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
 - 8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s).
 - 9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Section 113-123 Appeals to the Decisions of the BZA.

Any person or persons, or any board, taxpayer, department of bureau of the Parish aggrieved by any decision of the board of adjustment may seek review by 40th Judicial District Court, in the manner provided by the laws of the state and particularly by title 33:4727 of the Louisiana Revised Statutes.

Section 113-124 Expiration

A variance expires one (1) year from the date of approval unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period. The Board of Zoning Adjustments may grant an extension of such period, upon written application, and with good cause shown, subject to verification that the approval standards of Paragraph B above are still met.

Section 113-125 through Section 113-141 Reserved.