

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on June 9, 2022, a summary thereof having been published in the official journal together with a notice of public hearing which was held in accordance with said public notice was brought up for final passage June 23, 2022, on Motion of Tracy Girlinghouse and seconded by Garry .

L.P. ORDINANCE 22-28

AN ORDINANCE TO AMEND CHAPTER 117, "ZONING." IN AND FOR THE PARISH OF LIVINGSTON.

WHEREAS, the Livingston Parish Council wishes to amend the Code of Ordinances of Livingston Parish by amending Chapter 117, titled "Zoning", to ensure the safety, health, and wellbeing of all citizens in the Parish of Livingston;

WHEREAS, the Livingston Parish Council, governing authority of the Parish, has received preliminary parish wide zoning maps from Alvin Fairburn and Associates; and

WHEREAS, the Livingston Parish Council would like to move forward with establishing the governing authority for zoning within the unincorporated areas of Livingston Parish,

NOW, THEREFORE, BE IT ORDAINED by the governing authority of the Parish of Livingston, State of Louisiana: The Code of Ordinances of Livingston Parish, Chapter 117, is hereby amended to read as follows:

CHAPTER 117- ZONING

ARTICLE I. – IN GENERAL

Sec. 117-1. – General Provisions

Sec. 117-2. – Legislative Intent.

1. The citizens of Livingston Parish, after completing a detailed planning process, have determined:
 - a. Livingston Parish is experiencing unprecedented growth in new residential and commercial development in the future. This growth far exceeds historical trends.
 - b. As a rural parish, Livingston Parish does not have an extensive infrastructure public investment to support development. If development is not carefully planned, the costs of roads, water systems, and sewer systems can quickly accelerate the pressure to raise taxes.
 - c. Livingston Parish occupies an extensive floodplain which can create serious construction and public safety problems with concentrated development.
 - d. If growth is not carefully managed, development may destroy the rural character of the parish. This character represents a valuable property right to the residents of the parish.
2. To protect property rights and manage public investments, the Parish Council has enacted this ordinance to establish a clear plan for growth in the parish.
3. The purpose of this ordinance is to protect public health and safety, increase property values, promote orderly development consistent with the character of the parish, and provide for the careful management of public investment and taxes.

Section 117-3. – Enactment.

Be it ordained by the Livingston Parish Council, pursuant to the authority of the Home Rule Charter powers granted by Louisiana Constitution article 6, section 5, wishes to exercise all its power allowed under the United States Constitution, the Louisiana Constitution, and R.S. 33:1236, as amended.

Section 117-4. – Jurisdiction.

1. The provisions of this ordinance shall apply to the unincorporated areas in Livingston Parish, Louisiana.
2. This ordinance shall be administered by the Livingston Parish Planning and *Zoning* Commission, established under section 125-5: Livingston Parish Planning and *Zoning* Commission.

Secs. 117-5 – 117-29. – Reserved.

ARTICLE II. -ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

Section 117-30. – Administrative official.

The administrative official shall be director of the Planning and Zoning department, or his designee as appointed by the Parish Council. He may be provided with the assistance of such other persons as necessary. If the director of the Planning and Zoning Department finds that any of the provisions of these regulations are being violated, he shall notify in writing the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

Sections. 117-31. – 117-49. – Reserved.

DIVISION 2. – AMENDMENT OF REGULATIONS.

Section 117-50. – Amendments or changes to the development regulations or district map.

- (a) The parish council may, from time to time, amend, supplement or change the regulations, restrictions, zoning districts, or boundaries as subsequently established in accordance with the provisions of this division.
- (b) No amendment, supplement or change of the development regulations shall become effective unless and until there shall have been held a public hearing in relations thereto before the planning and zoning commission at which parties in interest and citizens shall have had an opportunity to be fully heard.
- (c) Notice of such public hearings by the planning and zoning commission shall give the time and place of hearing and shall be published once a week in three different weeks in the official journal of the parish, together with a similar publication in a newspaper of general circulation in the area wherein the property is located, as determined by the director of planning and development. At least 30 days' notice of time and date of the public hearing shall be published in the official journal.

Section 117-51. – Amendments, changes, or variances.

Amendments, changes, or variances shall be initiated in the following ways:

- (1) By action of the parish council itself by introduction of an ordinance or by adoption of a resolution or motion;
- (2) Upon recommendation by the planning and zoning commission, after determination by the planning and zoning department director that the amendment, or supplement or change to the regulations, restriction, zoning district or boundaries should be made; or
- ~~(3) On application or petition of property owners, by filing through the planning and zoning department, to the standards and requirements of the planning and zoning director a petition to amend or change the comprehensive zoning ordinance, provided that no petition for change in the classification of property shall be considered or acted upon unless such petition is duly signed by the owners or authorized agents of not less than 50 percent of the area of the land for which a change of classification is requested; provided, however, that where any lot located in the aforesaid area is owned in division, all co-owners or their authorized agents must sign and petition for that lot to be included in the 50 percent provision.~~

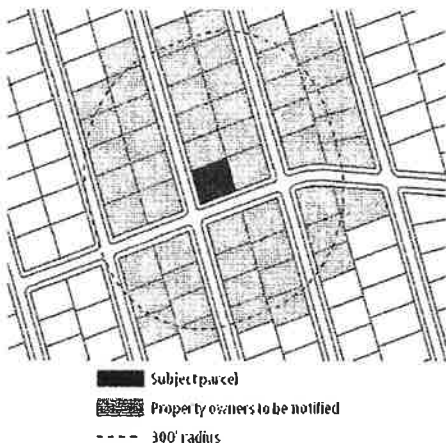
Section 117-52. – Notice requirements.

- (a) *Posted notice.* For all proposed changes, except comprehensive zoning changes and text changes, a printed notice in bold type shall be posted for not less than ten consecutive days prior to the public hearing conducted by the parish planning and zoning commission on signs not less than one square foot in area, prepared, furnished, and placed by the director of planning and zoning or his designated appointee upon the principal and accessible rights of way adjoining the area proposed for a zoning change. Said signs shall contain the case number, the time and place of the public hearing as provided above. The parish council shall take no action until it has received the final reports of the planning and zoning commission.
- (b) No such posting is required of the area within or adjoining an area to be affected by any proposed changes provided there is compliance with the publication requirement set above.
- (c) Comprehensive rezoning proposals need be posted under the requirements set out above only within the area to be affected in general geographic terms and need not list the specific zone

proposed for all land within that area. The planning and zoning commission may then adopt the final map after a public hearing on a ward of comprehensive rezoning area zoning change.

(d) Mailed "abutter notice".

- (1) In addition to the above posted notice, notice setting forth the date, time, place and purpose of the public hearing, a general description of the proposal, and location of the subject property shall be mailed to all property owners by regular mail within 300 feet, measured radially from the lot lines of the subject property (as depicted in the figure below), as listed in the online GIS Parcel Viewer records of the parish assessor, at least 20 calendar days before the public hearing by the department of planning and development.



- (2) A door hanger type notice setting forth the date, time, place and purpose of the public hearing, a general description of the proposal, and location of the subject property shall be placed at said property at least ten business days prior to the public meeting on all properties located within 100 feet measured radially from the lot lines of the subject property as listed in the online GIS Parcel Viewer records of the parish assessor.
- (3) No amendment, supplement, or change to any zoning classification, regulation, map, district or boundary or denial by the Livingston Parish planning and zoning commission or Parish Council of any application, petition or other matter requiring notice shall be declared invalid by reason of any defect in the abutter notice described above. No further research, other than that provided for within this section shall be necessary, and no mistake in the assessor's records shall cause any action by the Livingston Parish planning and zoning commission or Parish Council to be declared invalid.

Section 117-53. Voting.

- (a) Any amendment that has failed to receive the approval of the planning and zoning commission shall not be passed by the parish council except by the affirmative vote of a simple majority of the legislative body.
- (b) A final yea and nay vote shall have been taken on the proposal by the parish council within 125 days dated from the introduction of an ordinance in correct form.
- (c) In case, however, of a protest against such change signed by the owner of 20 percent or more either of the area of the lots included in such proposed change, or in those immediately adjacent, extending 200 feet from said lot, or those directly opposite thereto extending 500 feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of at least a simple majority of the governing body.
- (d) After published notice, the parish council may hold any public hearing required by this article or the state statutes pertaining to land use jointly with any public hearing required to be held by the parish planning commission, but the parish council shall not take action until it has received the final report of the zoning commission.
- (e) Whenever a petition or application for a site or cumulative acreage of less than 20 acres is filed requesting or proposing a zoning change to these regulations and said petition or application has been received, officially advertised and subsequently a public hearing has been held, the parish council shall not consider any further petition or application requesting or proposing such change for the same property within one year from the date of the parish council's final action on said petition or application. The provisions of this subsection shall not apply in cases where the parish council wishes to consider a comprehensive zoning revision of an area.

- (f) Whenever a proposed change has been forwarded to the parish council with a recommendation for approval, and no protest or appeal has been filed with the department of planning and development and permits as outlined in these regulations, the proposed change shall be placed upon the consent agenda for final adoption at the next appropriate parish council meeting.

Sections. 117-54 – 115-69. – Reserved.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

This ordinance shall become effective upon adoption.

This ordinance having been submitted to a vote; the vote thereon was as follows:

YEAS: MR. TALBERT, MR. KEEN, MR. MACK MR. GIRLINGHOUSE, MR. ARD,
MR. MCMORRIS, MR. DELATTE

NAYS: NONE

ABSENT: MR. WASCOM, MR. HARRIS

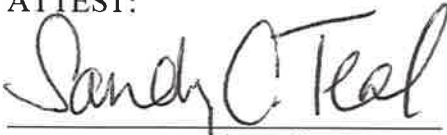
ABSTAIN: NONE

And the ordinance was declared adopted on the 23rd day of June 2022.




Jeff Ard, Council Chairman

ATTEST:



Sandy C. Teal, Council Clerk



Layton Ricks, Parish President