

Houma-Terrebonne Regional Planning Commission

Robbie Liner.....	Chairman
Jan Rogers.....	Vice-Chairman
Barry Soudelier.....	Secretary/Treasurer
Terry Gold.....	Member
Clarence McGuire.....	Member
Angele Poiencot.....	Member
Travion Smith.....	Member
Wayne Thibodeaux.....	Member
Vacancy.....	Member

JULY 18, 2024, THURSDAY

6:00 P.M.

**TERREBONNE PARISH COUNCIL MEETING ROOM
Government Tower, 8026 Main Street, 2nd Floor, Houma, Louisiana**

A • G • E • N • D • A

I. CONVENE AS THE ZONING & LAND USE COMMISSION

A. INVOCATION & PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. CONFLICTS DISCLOSURE

D. APPROVAL OF MINUTES

1. Approval of Minutes of Zoning & Land Use Commission for the Regular Meeting of June 20, 2024

E. COMMUNICATIONS

F. PUBLIC HEARINGS:

1. Rezone from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential); Lots 21 & 22, Square 4, Barrowtown Subdivision, 2606 & 2608 Larry Street; Kirby Bonvillain, applicant (*Council District 1 / City of Houma Fire*)
2. Rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential); Lots 1-27, Block 1; Lots 1-9, Block 2; Lots 1-39, Block 3; Lots 1-19, Block 4; Parkwood Place Subdivision; Gem Builders, L.L.C., c/o Chris Erny, applicant (*Council District 1 / City of Houma Fire*)

G. NEW BUSINESS:

1. Preliminary Hearings:
 - a) Rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential); 148 Square Wolfe Lane; Karen Harris, applicant; and call for a Public Hearing on said matter for Thursday, August 15, 2024 at 6:00 p.m. (*Council District 2 / Bayou Cane Fire*)
 - b) Rezone from OL (Open Land) to C-2 (General Commercial); 1923 St. Louis Canal Road; Walton Jefferson & Jeanette Daisy, applicant; and call for a Public Hearing on said matter for Thursday, August 15, 2024 at 6:00 p.m. (*Council District 5 / Bayou Cane Fire*)

H. STAFF REPORT

1. Discussion and possible action regarding an amendment to the Home Occupation definition in the zoning ordinance as it pertains to pet grooming services, and call a Public Hearing on said matter for Thursday, August 15, 2024 at 6:00 p.m.

I. COMMISSION COMMENTS:

1. Zoning & Land Use Commissioners' Comments
2. Chairman Comments

J. PUBLIC COMMENTS

K. ADJOURN

II. CONVENE AS THE REGIONAL PLANNING COMMISSION

A. INVOCATION & PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. CONFLICTS DISCLOSURE

D. APPROVAL OF MINUTES:

1. Houma-Terrebonne Regional Planning Commission Minutes for the Regular Meeting of June 20, 2024

E. APPROVE REMITTANCE OF PAYMENT FOR THE JULY 18, 2024 INVOICES AND THE TREASURER'S REPORT OF JUNE 2024

F. COMMUNICATIONS

G. OLD BUSINESS:

1. a) Subdivision: Survey & Division of Property belonging to the Estate of D.C. McIntire, LLC into Lot 1 and Lot 2
Approval Requested: Process D, Minor Subdivision
Location: 6313 Mary Street, Gibson, Terrebonne Parish, LA
Government Districts: Council District 4 / Gibson Fire District
Developer: Estate of D.C. McIntire, L.L.C.
Surveyor: David A. Waitz Engineering & Surveying, Inc.
b) Consider Approval of Said Application
2. a) Subdivision: Lots A thru I, A Redivision of Property belonging to Paul Bartell Carter, et al
Approval Requested: Process D, Minor Subdivision
Location: Breakwater Drive & Bayou Sale, Terrebonne Parish, LA
Government Districts: Council District 8 / Little Caillou Fire District
Developer: Paul B. Carter
Surveyor: Keneth L. Rembert Land Surveyors
b) Public Hearing
c) Consider Approval of Said Application

H. APPLICATIONS / NEW BUSINESS:

1. a) Subdivision: Lots 5-A & 5-B, A Redivision of Revised Lot 5, Block 9, Addendum No. 3 to Mulberry Subdivision
Approval Requested: Process D, Minor Subdivision
Location: 130 El Paso Drive, Terrebonne Parish, LA
Government Districts: Council District / Fire District
Developer: Tammy G. Eschete
Surveyor: Keneth L. Rembert Land Surveyors
b) Public Hearing
c) Consider Approval of Said Application
2. a) Subdivision: Division of Parcel "E," Phase 1-B (Lots 1-5) of Alma Heights Subdivision belonging to Chau-Babi, L.L.C.
Approval Requested: Process D, Minor Subdivision
Location: 6766 Alma Street, Terrebonne Parish, LA
Government Districts: Council District / Fire District
Developer: Arlene Chandler
Surveyor: Charles L. McDonald Land Surveyor, Inc.
b) Public Hearing
c) Consider Approval of Said Application
3. a) Subdivision: Division of Property belonging to Allemand's Crawfish Farms (Tracts A & B)
Approval Requested: Process D, Minor Subdivision
Location: 1951 Butcher Road, Terrebonne Parish, LA
Government Districts: Council District / Fire District
Developer: Glenn & Patricia Allemand
Surveyor: Charles L. McDonald Land Surveyor, Inc.
b) Variance Request: Variance from the fire hydrant distance requirements (Lot 1 to be 262.6' from a fire hydrant in lieu of the required 250')
c) Public Hearing
d) Consider Approval of Said Application

I. STAFF REPORT

J. ADMINISTRATIVE APPROVAL(S):

1. Tracts "A" & "B," A Redivision of Property belonging to Clara Duplantis Walker, et al; Section 45, T18S-18E, Terrebonne Parish, LA (4338 & 4342 Highway 56 / Councilwoman Kim Chauvin, District 8)

2. Revised Tract 3-A & Revised Tract 2-2B1, A Redivision of Tract 3-A and Tract 2-2B1, Property belonging to David J. Marcel, et al; Section 31, T18S-R17E, Terrebonne Parish, LA (*183 Jamie Lynn Court & 216 Teal Court / Councilman Danny Babin, District 7*)
3. Tracts "B" & "C," A Redivision of Property belonging to Billy J. Kraemer, et al; Section 44, T16S-R17E, Terrebonne Parish, LA (*1855 Bayou Blue Road / Councilman Steve Trosclair, District 9*)
4. Revised Tracts "1," "2," & "3," A Redivision of Tracts, Property belonging to Orville A. Callahan, Jr., et al; Section 32, T18S-R17E, Terrebonne Parish, LA (*133 B & K Court / Councilman Brien Pledger, District 1*)
5. Lot Line Shift - Tract 4 between Vista Villa Properties, LLC and Wayne & Wanda Ingram, et alo; Section 6, T16S-R17E, Terrebonne Parish, LA (*4283 West Park Avenue / Councilman John Amedée, District 4*)

K. COMMITTEE REPORT:

1. Subdivision Regulations Review Committee

L. COMMISSION COMMENTS:

1. Planning Commissioners' Comments
2. Chairman's Comments

M. PUBLIC COMMENTS

N. ADJOURN

MINUTES
HOUMA-TERREBONNE REGIONAL PLANNING COMMISSION
ZONING & LAND USE COMMISSION
MEETING OF JUNE 20, 2024

- A. The Chairman, Mr. Robbie Liner, called the meeting of June 20, 2024 of the HTRPC, convening as the Zoning & Land Use Commission, to order at 6:01 p.m. in the Terrebonne Parish Council Meeting Room with the Invocation led by him and the Pledge of Allegiance led by Mr. Jan Rogers.
- B. Upon Roll Call, present were: Mr. Robbie Liner, Chairman; Mr. Clarence McGuire; Mrs. Angele Poiencot; Mr. Jan Rogers, Vice-Chairman; and Mr. Barry Soudelier. Absent at the time of Roll Call was: Mr. Terry Gold, Mr. Travion Smith, and Mr. Wayne Thibodeaux. Also present were Mr. Christopher Pulaski, Director, Department of Planning & Zoning and Mr. Derick Bercegeay, Legal Advisor. *There were only eight (8) active members due to Mr. Kyle Faulk's position not being filled.*
- C. **CONFLICTS DISCLOSURE:** The Chairman reminded the Commissioners that if at any time tonight, a conflict of interest exists, arises or is recognized, as to any issue during this meeting, he or she should immediately disclose it, and is to recuse himself or herself from participating in the debate, discussion, and voting on that matter.
1. Mr. Liner recused himself from Item G.1 regarding a Planning Approval application.
- D. **APPROVAL OF THE MINUTES:**
1. Mr. Soudelier moved, seconded by Mr. Rogers: "THAT the HTRPC, convening as the Zoning & Land Use Commission, accept the minutes as written, for the Zoning & Land Use Commission for the regular meeting of May 16, 2024."
- The Chairman called for a vote on the motion offered by Mr. Soudelier. **THERE WAS RECORDED: YEAS:** Mr. McGuire, Mrs. Poiencot, Mr. Rogers, and Mr. Soudelier; **NAYS:** None; **ABSTAINING:** Mr. Liner; **ABSENT:** Mr. Gold, Mr. Smith, and Mr. Thibodeaux. **THE CHAIRMAN DECLARED THE MOTION ADOPTED.**
- E. **COMMUNICATIONS:** None.
- F. **PUBLIC HEARING:**
1. The Chairman called to order the Public Hearing for an application by Kirby Bonvillain requesting to rezone from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential) Lots 21 & 22, Square 4, Barrowtown Subdivision, 2606 & 2608 Larry Street.
- a) Mr. Pulaski stated the rezone request had to be tabled due to the applicant failing to post the public hearing sign on site by the appropriate deadline.
- b) Mr. Rogers moved, seconded by Mr. Soudelier: "THAT the HTRPC, convening as the Zoning & Land Use Commission, table the request to rezone from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential) Lots 21 & 22, Square 4, Barrowtown Subdivision, 2606 & 2608 Larry Street until the next regular meeting of July 18, 2024."
- The Chairman called for a vote on the motion offered by Mr. Rogers. **THERE WAS RECORDED: YEAS:** Mr. McGuire, Mrs. Poiencot, Mr. Rogers, and Mr. Soudelier; **NAYS:** None; **ABSTAINING:** Mr. Liner; **ABSENT:** Mr. Gold, Mr. Smith, and Mr. Thibodeaux. **THE CHAIRMAN DECLARED THE MOTION ADOPTED.**
- G. **NEW BUSINESS:**
1. **Planning Approval:**
The Chairman called to order the Planning Approval application by Iglesia Cristiana Pentecostal Ministerio Renacimiento to establish a church in a C-2 (General Commercial) zoning district at 117 Prevost Drive.
- a) Ms. Maria Cuellar, 117 Prevost Drive, discussed the request.
- b) There was no one from the public to speak on the matter.
- c) Mr. Pulaski discussed the Staff Report and stated Staff recommended approval of the Planning Approval application.
- d) Mr. Rogers moved, seconded by Mr. McGuire: "THAT the HTRPC, convening as the Zoning & Land Use Commission, grant approval of the Planning Approval application by Iglesia Cristiana Pentecostal Ministerio Renacimiento to establish a church in a C-2 (General Commercial) zoning district at 117 Prevost Drive."
- The Chairman called for a vote on the motion offered by Mr. Rogers. **THERE WAS RECORDED: YEAS:** Mr. McGuire, Mrs. Poiencot, Mr. Rogers, and Mr.

Soudelier; NAYS: None; ABSTAINING: Mr. Liner; ABSENT: Mr. Gold, Mr. Smith, and Mr. Thibodeaux. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

2. Preliminary Hearing:

Mr. Rogers moved, seconded by Mrs. Poiencot: "THAT the HTRPC, convening as the Zoning & Land Use Commission, call a Public Hearing to for the request to Rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) Lots 1-27, Block 1; Lots 1-9, Block 2; Lots 1-39, Block 3; Lots 1-19, Block 4; Parkwood Place Subdivision; Gem Builders, L.L.C., applicant and call a Public Hearing on said matter for Thursday, July 18, 2024 at 6:00 p.m."

The Chairman called for a vote on the motion offered by Mr. Rogers. THERE WAS RECORDED: YEAS: Mr. McGuire, Mrs. Poiencot, Mr. Rogers, and Mr. Soudelier; NAYS: None; ABSTAINING: Mr. Liner; ABSENT: Mr. Gold, Mr. Smith, and Mr. Thibodeaux. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

H. STAFF REPORT: None.

I. COMMISSION COMMENTS:

1. Zoning & Land Use Commissioners' Comments: None.
2. Chairman's Comments: None.

J. PUBLIC COMMENTS: None.

K. Mr. Rogers moved, seconded by Mrs. Poiencot: "THAT there being no further business to come before the HTRPC, convening as the Zoning & Land Use Commission, the meeting be adjourned at 6:08 p.m."

The Chairman called for a vote on the motion offered by Mr. Rogers. THERE WAS RECORDED: YEAS: Mr. McGuire, Mrs. Poiencot, Mr. Rogers, and Mr. Soudelier; NAYS: None; ABSTAINING: Mr. Liner; ABSENT: Mr. Gold, Mr. Smith, and Mr. Thibodeaux. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

Robbie Liner, Chairman
Zoning & Land Use Commission

Becky M. Becnel, Minute Clerk
Zoning & Land Use Commission

CERTIFICATION

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE PROCEEDINGS OF THE ZONING AND LAND USE COMMISSION MEETING OF JUNE 20, 2024.

**CHRISTOPHER PULASKI, PLA, DIRECTOR
PLANNING & ZONING DEPARTMENT**

*Houma-Terrebonne Regional Planning Commission
Zoning & Land Use Commission*

ZLU 24/9

Dist. 1
COH Fire

P.O. Box 1446

Houma, Louisiana 70361-1446

Bus (985) 873-6793 - Fax (985) 580-8141

Upon receipt of an application for amendment, the office of the Zoning Administrator shall examine the application and shall make such investigation as is necessary. Within fifteen (15) days of receipt of an application, the office of the Zoning Administrator shall transmit the application, together with its report and recommendation, to the Zoning Commission. The Zoning Commission then shall hold a preliminary hearing on the application within thirty-five (35) days after receipt of such application for amendment and shall notify the applicant and the office of the Zoning Administrator of the time and place of such hearing. After holding a preliminary hearing, the Commission shall certify the application for public hearing, and shall notify the applicant of the time and place of such public hearing. The Commission shall fix a reasonable time of a public hearing and shall give public notice, as required by law, as well as notice to the applicant and to the office of the Zoning Administrator.

This ordinance, including the zoning map, is based on comprehensive studies, and is intended to carry out the objective of a sound, stable, and desirable development.

Please return the application and supporting plans to the office of the Zoning Administrator.

PLEASE COMPLETE THE FOLLOWING - NO APPLICATION ACCEPTED UNLESS COMPLETE

Date: 4/8/2024

Kirby Bonvillain
Applicant's Name

201 Hollygrove Ave. Houma LA 70360
Address City State Zip

985 381-4899
Telephone Number (Home) (Work)

100%
Interest in Ownership (Owner, etc.)

2606 & 2608 Larry Street; lots 21 & 22, Square 4
Address of Property to be Rezoned & Description (Lot, Block, Subdivision)

Barrowtown Subdivision

Zoning Classification Request:

From: R-1 To: R-3

Previous Zoning History: X No _____ Yes

If Yes, Date of Last Application: n/a

AMENDMENT POLICY

1. **REASONS FOR THIS AMENDMENT:**

It is recognized that casual change of the ordinance would be detrimental to the achievement of stable development. It is public policy, therefore, to amend this ordinance only when one or more of the following conditions prevail:

PLEASE CHECK ONE OR MORE:

_____ **ERROR.** There is a manifest error in the ordinance.

X _____ **CHANGE IN CONDITIONS.** Changed or changing conditions in a particular area or in the metropolitan area generally make a change in the ordinance necessary and desirable.

_____ **INCREASED NEED FOR SITES FOR BUSINESS OR INDUSTRY.** Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.

_____ **SUBDIVISION OF LAND.** The subdivision or eminent subdivision of open land into urban building sites make reclassification necessary and desirable.

2. Please state on a separate sheet why this proposal complies with either one or more of the above checked conditions for rezoning. *see attached*

EXHIBITS REQUIRED

1. **LEGAL PLAT OF PROPERTY TO BE REZONED:** On the required plat, please include:

- a. Land area to be affected;
- b. Present zoning classification of area to be affected and zoning classification of abutting districts;
- c. Public rights-of-way and easements bounding and intersecting the designated area and abutting districts;
- d. All existing and proposed structures with supporting open facilities;
- e. The specific ground area to be provided and continuously maintained for the proposed structure or structures.

2. List names and addresses or property owners within three hundred (300') feet of the fronting corners of the property to be rezoned.

3. **Legal Description:** The legal description of only the property to be rezoned.

4. **Market Information:** Applicable only if the following conditions are met:

- a. If the proposed amendment would require rezoning an area from an existing residential district to a freestanding commercial district;
- b. If the proposed amendment would require more than double the area of an existing district existing totally surrounded by residential districts;
- c. Finally, if the proposed amendment would enlarge an area of existing commercial district by more than eight (8) areas;

The market information shall include a written description of the market area to be served by the development, the population thereof, the effective demand for the proposed facilities and any other information describing the relationship of the proposed development to the needs of the applicable area.

5. Development Schedule: Indicate a time schedule for the beginning and completion of development planned by the applicant:

See attached

6. Effect of the Amendment: On a separate sheet, include a report giving the nature, description, and effect of the proposed amendment on surrounding land use and properties. see attached

SIGNATURES REQUIRED

1. Names and addresses along with interest of every person, firm, or corporation represented by the applicant:

Kirby W. & Tanga Bonvillain

201 Hollygrove Ave. Houma LA 70360

2. The undersigned is owner(s) of the entire land area included within the proposed district and, in signing, indicates concurrence with application:

X Kirby Bonvillain

3. Signatures and addresses of all holders of encumbrances, liens, mortgages, etc.:

n/a

4. Signature of applicant indicates that the applicants are all the owners and encumbrance holders of the designated area, and have both the means and ability to undertake and complete the proposed development:

X Kirby Bonvillain

APPLICATION FEE SCHEDULE

The City of Houma has adopted the following fee schedule:

- 1. Map Amendment: \$25.00 / first acre
\$ 3.50 / every acre thereafter, up to fifteen (15) acres

Minimum Charge - \$25.00;

Maximum Charge - \$100.00

I (We) own 21 acres. A sum of \$ 2500 dollars is enclosed and made a part of this application.

DECLARATION

I (We) declare that, to be the best of my (our) knowledge and belief, all matters stated herein are true and correct.

X Kirby Bonvillain
Signature of Owner or Authorized Agent

**2606 & 2608 Larry Street
Lots 21 & 22, Square 4, Barrowtown
Kirby Bonvillain, Applicant**

Request to Rezone from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential)

Amendment Policy

2. Reasons For This Amendment

Change in Conditions

Over the past few decades, numerous properties in the immediate area have either undergone similar rezonings or have legal, nonconforming structures on them, in particular mobile homes. For many residents, mobile homes are the only affordable housing option.

Limitations On Proposed Amendments

The adjacent property at 2612 Larry Street is currently zoned R-3 (Multi-Family Residential) so the proposed rezone is exempt from the minimum size requirement.

Exhibits Required

3. Legal Description

Lots 21 & 22, Square 4, Barrowtown Subdivision

4. Market Information

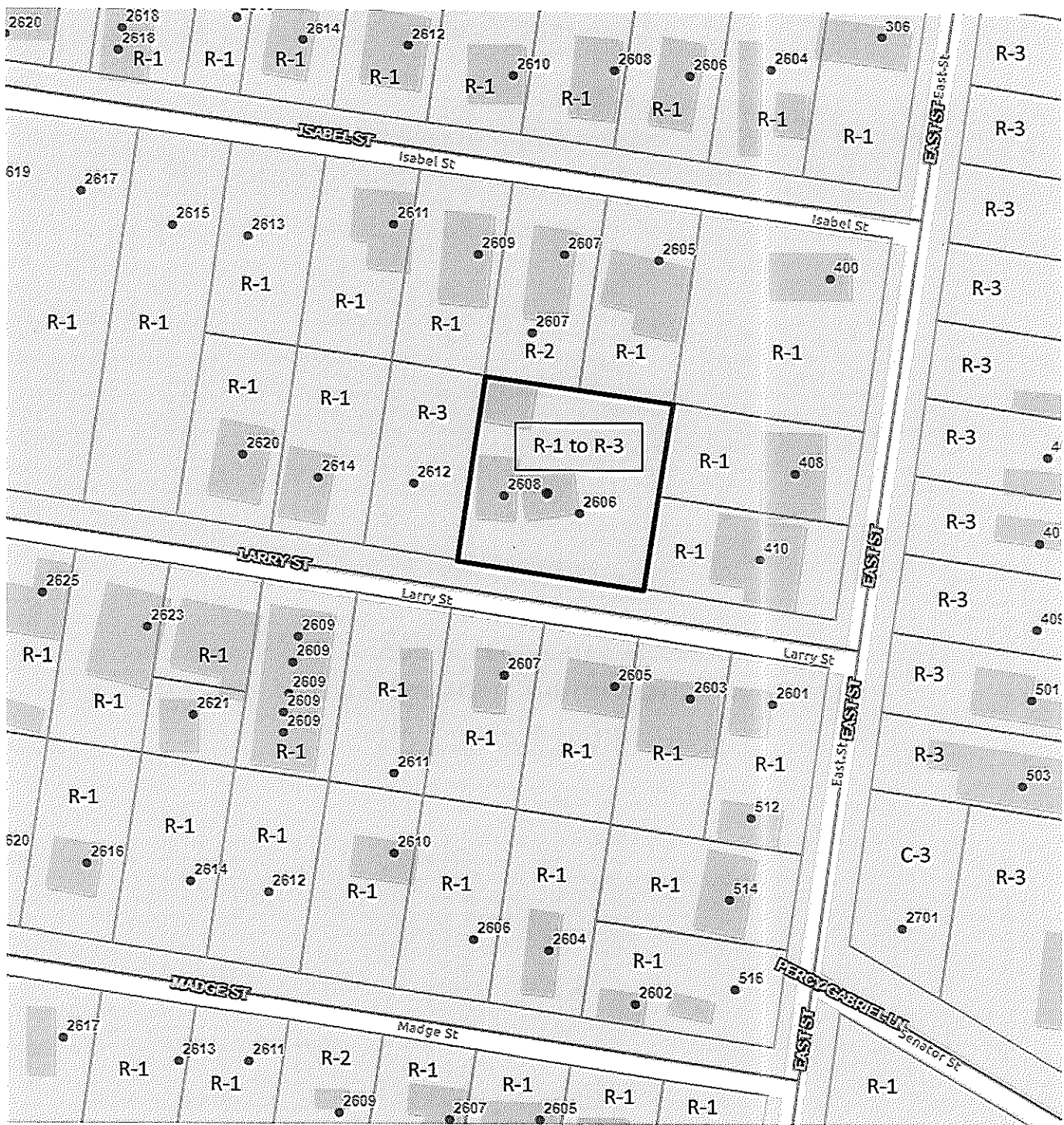
N/A

5. Development Schedule

Immediately after approval, if granted.

6. Effect of Amendment

Many properties in this subdivision have legal, nonconforming mobile homes existing and this change would not alter the aesthetics with the addition of another mobile home.



**2606 & 2608 Larry Street
 Lots 21 & 22, Square 4, Barrowtown Subdivision
 Kirby Bonvillain, Applicant**

AMENDMENT POLICY – Parish Zoning Regulations Section 28-201

1. **REASONS FOR THIS AMENDMENT:**

It is recognized that casual change of the ordinance would be detrimental to the achievement of stable development. It is public policy, therefore, to amend this ordinance only when one or more of the following conditions prevail:

PLEASE CHECK ONE OR MORE:

_____ **ERROR.** There is a manifest error in the ordinance.

 X **CHANGE IN CONDITIONS.** Changed or changing conditions in a particular area or in the metropolitan area generally make a change in the ordinance necessary and desirable.

_____ **INCREASED NEED FOR SITES FOR BUSINESS OR INDUSTRY.** Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.

_____ **SUBDIVISION OF LAND.** The subdivision or eminent subdivision of open land into urban building sites make reclassification necessary and desirable.

2. **LIMITATIONS ON PROPOSED AMENDMENTS:**

Demonstrate that the proposed amendment meets the minimum size requirements and need for new districts as described in Section 28-201(b).

EXHIBITS REQUIRED – Parish Zoning Regulations Section 28-202

1. **LEGAL PLAT OF PROPERTY TO BE REZONED:** This plat is to be prepared by a licensed land surveyor or civil engineer. On the required plat, please include:

- a. Land area to be affected including legal description;
- b. Present zoning classification of area to be affected and zoning classification of abutting districts;
- c. Public rights-of-way and easements bounding and intersecting the designated area and abutting districts;
- d. Locations of all existing and proposed structures with supporting open facilities;
- e. The specific ground area to be provided and continuously maintained for the proposed structure or structures.

2. **REASON FOR AMENDMENT:** Please state on a separate sheet why this proposal complies with either one or more of the above checked conditions for rezoning. In addition, the applicant may submit (optional) a site plan and/or development schedule of the proposal with this application.

3. **DEVELOPMENT SCHEDULE:** On a separate piece of paper, indicate a time schedule for the beginning and completion of development planned by the applicant. If the development is planned in stages, the time schedule shall indicate the successive stages and the development plan for each.

4. **MARKET INFORMATION:** Applicable only if the following conditions are met:

- a. If the proposed amendment would require rezoning an area from an existing residential district to a freestanding commercial district;
- b. If the proposed amendment would require more than double the area of an existing commercial district entirely surrounded by residential districts;
- c. If the proposed amendment would enlarge an area of existing commercial district by more than eight (8) areas;

The market information shall include a written description of the market area to be served by the development, the population thereof, the effective demand for the proposed facilities and any other information describing the relationship of the proposed development to the needs of the applicable area.

**Saints Circle & Brees Drive
Lots 1-27, Block 1; Lots 1-9, Block 2; Lots 1-39, Block 3;
And Lots 1-19, Block 4 of Parkwood Place Subdivision
GEM Builders, L.L.C. c/o Chris Erny**

Request to Rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential)

1. Reasons For This Amendment

Change in Conditions

Other adjacent properties in Parkwood Place Subdivision have undergone a similar Rezoning and we are requesting that the Lots referenced in this Application be switched from an R-1 to an R-2 Zoning. Changing the zoning will allow the construction of duplexes or the placement of mobile homes with a special exception from the Houma Board of Adjustments. This will provide for more affordable housing in the community.

2. Limitations On Proposed Amendments

The adjacent properties are currently zoned R-2 (Two Family Residential) so the proposed rezone is exempt from the minimum size requirement.

3. Development Schedule

This property is already developed and just requires approval of re-zoning.

4. Market Information

N/A

5. Public Need

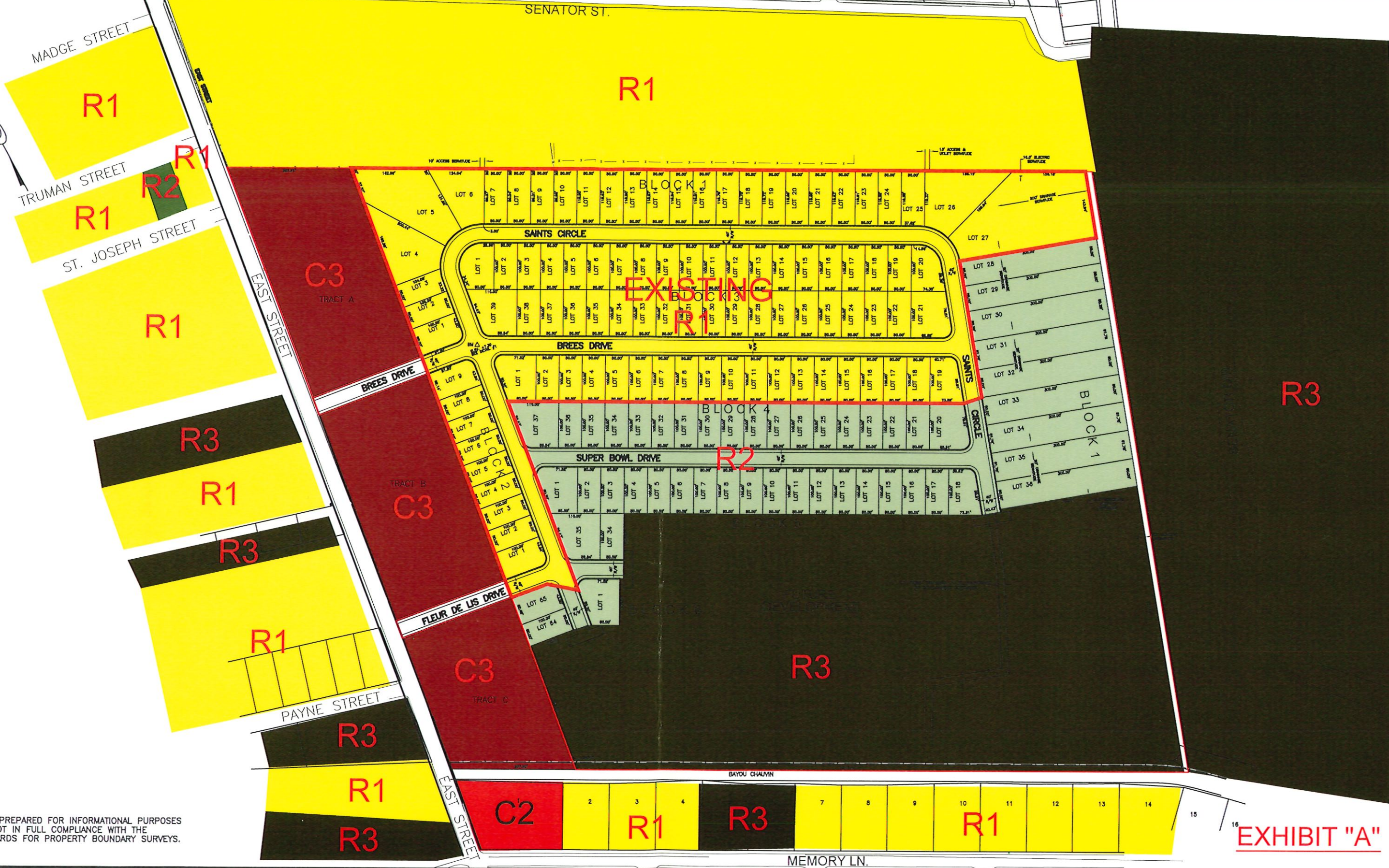
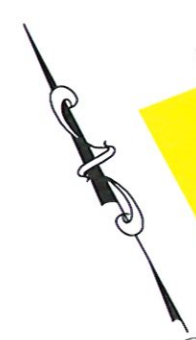
Since the destruction experienced from Hurricane Ida, there is a dire need for affordable housing to house the residents that were left homeless.

6. Effect of Amendment

The adjacent properties in this subdivision are currently zoned R-2 and this change would not alter the aesthetics of the neighborhood.

7. Error

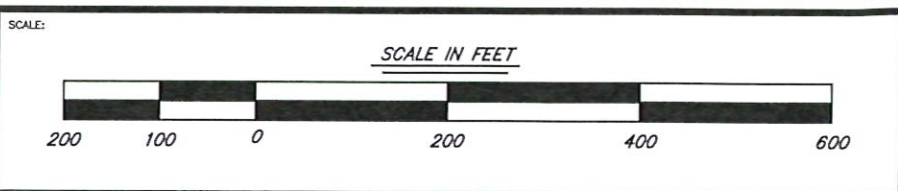
N/A



NOTE:
THIS PLAT WAS PREPARED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT IN FULL COMPLIANCE WITH THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

PROJECT NO: 10-047
DIRECTORY: 2010/10-047
FILE: ZONING PLAT 7-5-22
FIELD BOOK:
MAP NO.:

DATE	DESCRIPTION	BY

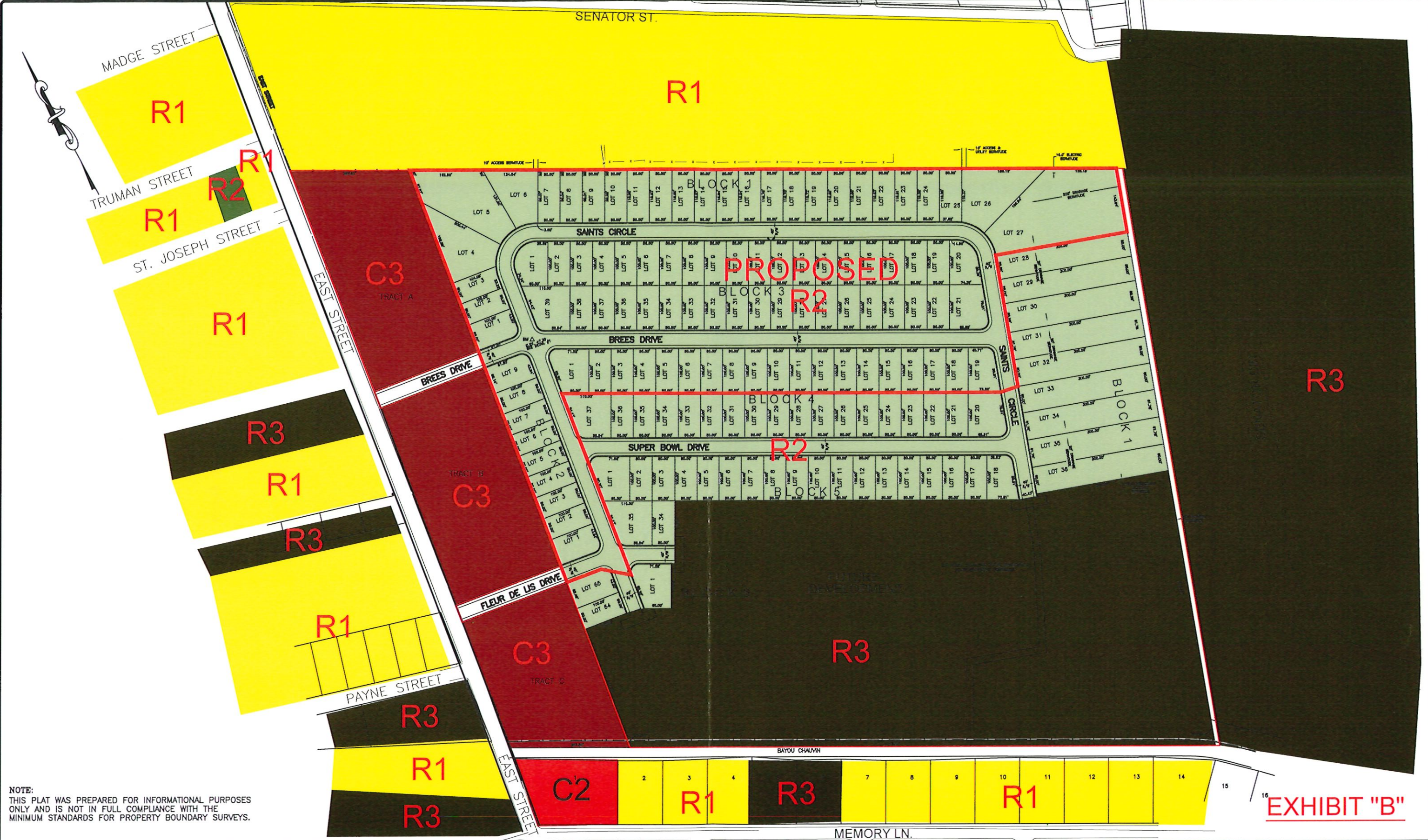


DAVID A. WAITZ
ENGINEERING AND SURVEYING, INC.
Civil Engineers & Professional Land Surveyors
Thibodaux, Louisiana

DESIGNED:	DETAILED: JED	TRACED:
CHECKED:	CHECKED:	CHECKED:
DATE: JUNE 07, 2024		PROJECT: 10-047

OWNER:	GEM BUILDERS, L.L.C.
PROJECT:	ZONING CHANGE REQUEST LOCATED IN SECTION 9, T17S-R17E TERREBONNE PARISH, LOUISIANA
TITLE:	EXISTING ZONING

SHEET	1
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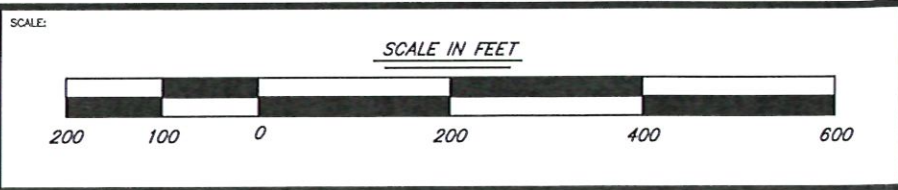


NOTE:
THIS PLAT WAS PREPARED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT IN FULL COMPLIANCE WITH THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

EXHIBIT "B"

PROJECT NO: 10-047
DIRECTORY: 2010/10-047
FILE: ZONING PLAT 6-7-24
FIELD BOOK:
MAP NO.

DATE	DESCRIPTION	BY



DAVID A. WAITZ
ENGINEERING AND SURVEYING, INC.
Civil Engineers & Professional Land Surveyors
Thibodaux, Louisiana

DESIGNED:	DETAILED: JED	TRACED:
CHECKED:	CHECKED:	CHECKED:
DATE: JUNE 07, 2024		PROJECT: 10-047

OWNER:	GEM BUILDERS, L.L.C.
PROJECT:	ZONING CHANGE REQUEST LOCATED IN SECTION 9, T17S-R17E TERREBONNE PARISH, LOUISIANA
TITLE:	PROPOSED ZONING

SHEET	2
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**PRELIMINARY
HEARING
ONLY**

PUBLIC HEARING
scheduled for:

Thursday, August 15, 2024

@ 6:00 p.m.

ZLU/G.1(a)

**Houma-Terrebonne Regional Planning Commission
Zoning & Land Use Commission**

ZLU 24/13
Dist. 2 / Bayou
Cane

P.O. Box 1446
Houma, Louisiana 70361-1446
Bus (985) 873-6793 - Fax (985) 580-8141

Upon receipt of an application for amendment, the office of the Zoning Administrator shall examine the application and shall make such investigation as is necessary. Within fifteen (15) days of receipt of an application, the office of the Zoning Administrator shall transmit the application, together with its report and recommendation, to the Zoning Commission. The Zoning Commission then shall hold a preliminary hearing on the application within thirty-five (35) days after receipt of such application for amendment and shall notify the applicant and the office of the Zoning Administrator of the time and place of such hearing. After holding a preliminary hearing, the Commission shall certify the application for public hearing, and shall notify the applicant of the time and place of such public hearing. The Commission shall fix a reasonable time of a public hearing and shall give public notice, as required by law, as well as notice to the applicant and to the office of the Zoning Administrator.

This ordinance, including the zoning map, is based on comprehensive studies, and is intended to carry out the objective of a sound, stable, and desirable development.

Please return the application and supporting plans to the office of the Zoning Administrator.

PLEASE COMPLETE THE FOLLOWING - NO APPLICATION ACCEPTED UNLESS COMPLETE

Date: June 13, 2024

Karen Harris
Applicant's Name

134 Square Wolfe Lane Houma LA 70364
Address City State Zip

(985) 232-8206
Telephone Number (Home) (Work)

tenant
Interest in Ownership (Owner, etc.)

148 Square Wolfe Lane
Address of Property to be Rezoned & Description (Lot, Block, Subdivision)

Zoning Classification Request:

From: R-1 To: R-2

Previous Zoning History: X No Yes

If Yes, Date of Last Application: n/a

AMENDMENT POLICY

1. **REASONS FOR THIS AMENDMENT:**

It is recognized that casual change of the ordinance would be detrimental to the achievement of stable development. It is public policy, therefore, to amend this ordinance only when one or more of the following conditions prevail:

PLEASE CHECK ONE OR MORE:

_____ **ERROR.** There is a manifest error in the ordinance.

X _____ **CHANGE IN CONDITIONS.** Changed or changing conditions in a particular area or in the metropolitan area generally make a change in the ordinance necessary and desirable.

_____ **INCREASED NEED FOR SITES FOR BUSINESS OR INDUSTRY.** Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.

_____ **SUBDIVISION OF LAND.** The subdivision or eminent subdivision of open land into urban building sites make reclassification necessary and desirable.

2. Please state on a separate sheet why this proposal complies with either one or more of the above checked conditions for rezoning.

EXHIBITS REQUIRED

1. **LEGAL PLAT OF PROPERTY TO BE REZONED:** On the required plat, please include:

- a. Land area to be affected;
- b. Present zoning classification of area to be affected and zoning classification of abutting districts;
- c. Public rights-of-way and easements bounding and intersecting the designated area and abutting districts;
- d. All existing and proposed structures with supporting open facilities;
- e. The specific ground area to be provided and continuously maintained for the proposed structure or structures.

2. List names and addresses or property owners within three hundred (300') feet of the fronting corners of the property to be rezoned.

3. Legal Description: The legal description of only the property to be rezoned.

4. Market Information: Applicable only if the following conditions are met:

- a. If the proposed amendment would require rezoning an area from an existing residential district to a freestanding commercial district;
- b. If the proposed amendment would require more than double the area of an existing district existing totally surrounded by residential districts;
- c. Finally, if the proposed amendment would enlarge an area of existing commercial district by more than eight (8) areas;

The market information shall include a written description of the market area to be served by the development, the population thereof, the effective demand for the proposed facilities and any other information describing the relationship of the proposed development to the needs of the applicable area.

5. Development Schedule: Indicate a time schedule for the beginning and completion of development planned by the applicant:

immediately after approval

6. Effect of the Amendment: On a separate sheet, include a report giving the nature, description, and effect of the proposed amendment on surrounding land use and properties.

SIGNATURES REQUIRED

1. Names and addresses along with interest of every person, firm, or corporation represented by the applicant:

X Grable Gauche Jr.

2. The undersigned is owner(s) of the entire land area included within the proposed district and, in signing, indicates concurrence with application:

X Grable Gauche Jr.

3. Signatures and addresses of all holders of encumbrances, liens, mortgages, etc.:

4. Signature of applicant indicates that the applicants are all the owners and encumbrance holders of the designated area, and have both the means and ability to undertake and complete the proposed development:

X Grable Gauche Jr.

APPLICATION FEE SCHEDULE

The City of Houma has adopted the following fee schedule:

1. Map Amendment: \$25.00 / first acre
\$ 3.50 / every acre thereafter, up to fifteen (15) acres

Minimum Charge - \$25.00;

Maximum Charge - \$100.00

I (We) own < 1 acres. A sum of 25⁰⁰ dollars is enclosed and made a part of this application.

DECLARATION

I (We) declare that, to be the best of my (our) knowledge and belief, all matters stated herein are true and correct.

X Grable Gauche Jr.

Signature of Owner or Authorized Agent

148 Square Wolfe Lane

Request to Rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential)

2. Reasons For This Amendment

Change in Conditions

Over the past few decades, numerous properties in this area have either undergone similar rezonings or have legal, nonconforming structures on them, in particular mobile homes. This area was not included in the zoning district until 2007; therefore, have many legal, non-conforming uses. For many residents, mobile homes are the only affordable housing option since Hurricane Ida.

Limitations On Proposed Amendments

The property across from the street is currently zoned R-2 (Two-Family Residential) so the proposed rezone is exempt from the minimum size requirement.

3. Development Schedule

Immediately after approval, if granted.

4. Market Information

N/A

5. Public Need

There is a need for more affordable housing (i.e. mobile homes) in the community particularly after the destruction from Hurricane Ida.

6. Effect of Amendment

Many properties in this subdivision have legal, nonconforming mobile homes existing and this change would not alter the aesthetics with the addition of another mobile home.

7. Error

N/A



148 Square Wolfe Lane
Rezone from
R-1 (Single-Family Residential)
to
R-2 (Two-Family Residential)

**PRELIMINARY
HEARING
ONLY**

PUBLIC HEARING
scheduled for:

Thursday, August 15, 2024

@ 6:00 p.m.

ZLU/G.1(b)

AMENDMENT POLICY – Parish Zoning Regulations Section 28-201

1. **REASONS FOR THIS AMENDMENT:**

It is recognized that casual change of the ordinance would be detrimental to the achievement of stable development. It is public policy, therefore, to amend this ordinance only when one or more of the following conditions prevail:

PLEASE CHECK ONE OR MORE:

_____ **ERROR.** There is a manifest error in the ordinance.

 X **CHANGE IN CONDITIONS.** Changed or changing conditions in a particular area or in the metropolitan area generally make a change in the ordinance necessary and desirable.

_____ **INCREASED NEED FOR SITES FOR BUSINESS OR INDUSTRY.** Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.

_____ **SUBDIVISION OF LAND.** The subdivision or eminent subdivision of open land into urban building sites make reclassification necessary and desirable.

2. **LIMITATIONS ON PROPOSED AMENDMENTS:**

Demonstrate that the proposed amendment meets the minimum size requirements and need for new districts as described in Section 28-201(b).

EXHIBITS REQUIRED – Parish Zoning Regulations Section 28-202

1. **LEGAL PLAT OF PROPERTY TO BE REZONED:** This plat is to be prepared by a licensed land surveyor or civil engineer. On the required plat, please include:

- a. Land area to be affected including legal description;
- b. Present zoning classification of area to be affected and zoning classification of abutting districts;
- c. Public rights-of-way and easements bounding and intersecting the designated area and abutting districts;
- d. Locations of all existing and proposed structures with supporting open facilities;
- e. The specific ground area to be provided and continuously maintained for the proposed structure or structures.

2. **REASON FOR AMENDMENT:** Please state on a separate sheet why this proposal complies with either one or more of the above checked conditions for rezoning. In addition, the applicant may submit (optional) a site plan and/or development schedule of the proposal with this application.

3. **DEVELOPMENT SCHEDULE:** On a separate piece of paper, indicate a time schedule for the beginning and completion of development planned by the applicant. If the development is planned in stages, the time schedule shall indicate the successive stages and the development plan for each.

4. **MARKET INFORMATION:** Applicable only if the following conditions are met:

- a. If the proposed amendment would require rezoning an area from an existing residential district to a freestanding commercial district;
- b. If the proposed amendment would require more than double the area of an existing commercial district entirely surrounded by residential districts;
- c. If the proposed amendment would enlarge an area of existing commercial district by more than eight (8) areas;

The market information shall include a written description of the market area to be served by the development, the population thereof, the effective demand for the proposed facilities and any other information describing the relationship of the proposed development to the needs of the applicable area.

5. **PUBLIC NEED:** Please state on a separate sheet the change in conditions in the area that make the proposed amendment necessary and desirable for the promotion of the public health, safety or general welfare.
6. **EFFECT OF AMENDMENT:** Please include on a separate sheet of paper a report giving the nature, description and effect of the proposed zoning amendment; if a change is required in the zoning map, a description of the probable effect on surrounding land uses and properties.
7. **ERROR:** The error, if error is alleged, that would be corrected by the proposed amendment.

PUBLIC NOTICE REQUIRED – Parish Zoning Regulations Section 28-202(d)

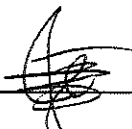
1. The name, description of property owned and mailing address of each owner of property lying within a distance of three hundred (300) feet of the fronting corners of the property.
2. Ten (10) days prior to the public hearing, the applicant shall submit proof of property posting in accordance with Section 28-202(d) of the Parish Zoning Ordinance.

SIGNATURES REQUIRED

1. Printed names and addresses along with interest of every person, firm, or corporation represented by the applicant (may use separate sheet of paper):

WALTON JEFFERSON & JEANETTE DAISY - 100% Ownership
 112 BRANDON DRIVE, HOUMA, LA 70364

2. The undersigned is/are owner(s) and/or represent(s) all owners of the entire land area and/or structures and/or encumbrances (including holders of mortgages, liens, servitudes, rights of way, usufructs, rights of habitation) included within the proposed district and, in signing, indicate concurrence with application:

Walton Jefferson Daisy 

Jeanette Daisy

3. Sufficient evidence to establish that the applicants are all the owners and encumbrance holders of the designated area and structures, and have both the means and ability to undertake and complete the proposed development (may attach separate sheet of paper):

See attached Terrebonne Parish Assessor 2024 Assessment Listing.

APPLICATION FEE SCHEDULE

Terrebonne Parish Consolidated Government has adopted the following fee schedule:

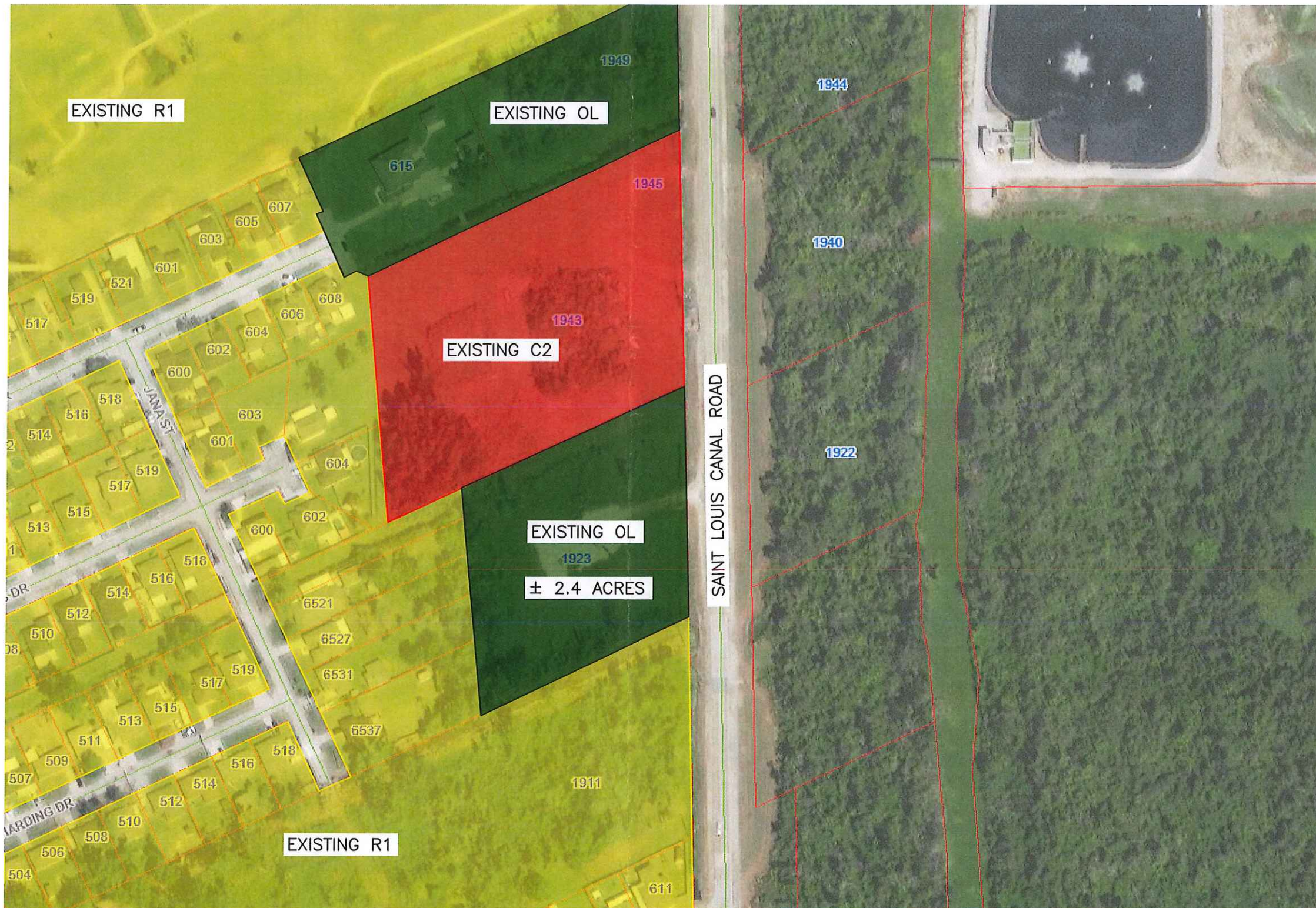
1. Map Amendment: \$25.00 / first acre
 \$ 3.50 / every acre thereafter, up to fifteen (15) acres
- Minimum Charge - \$25.00; Maximum Charge - \$100.00

I (We) own 2.4 acres. A sum of \$26.40 dollars is enclosed and made a part of this application.

DECLARATION

I (We) declare that, to be the best of my (our) knowledge and belief, all matters stated herein are true and correct.

Walton Jefferson Daisy *Jeanette Daisy*
 Signature of Owner or Authorized Agent
 WALTON JEFFERSON DAISY & JEANETTE DAISY



NOTE:
 THIS PLAT WAS PREPARED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT IN FULL COMPLIANCE WITH THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

EXHIBIT "A"

PROJECT NO: 24-078			
DIRECTORY: 2024/24-078			
FILE: ZONING EXHIBITS.dwg			
FIELD BOOK:	DATE	DESCRIPTION	BY
MAP NO.		REVISION	

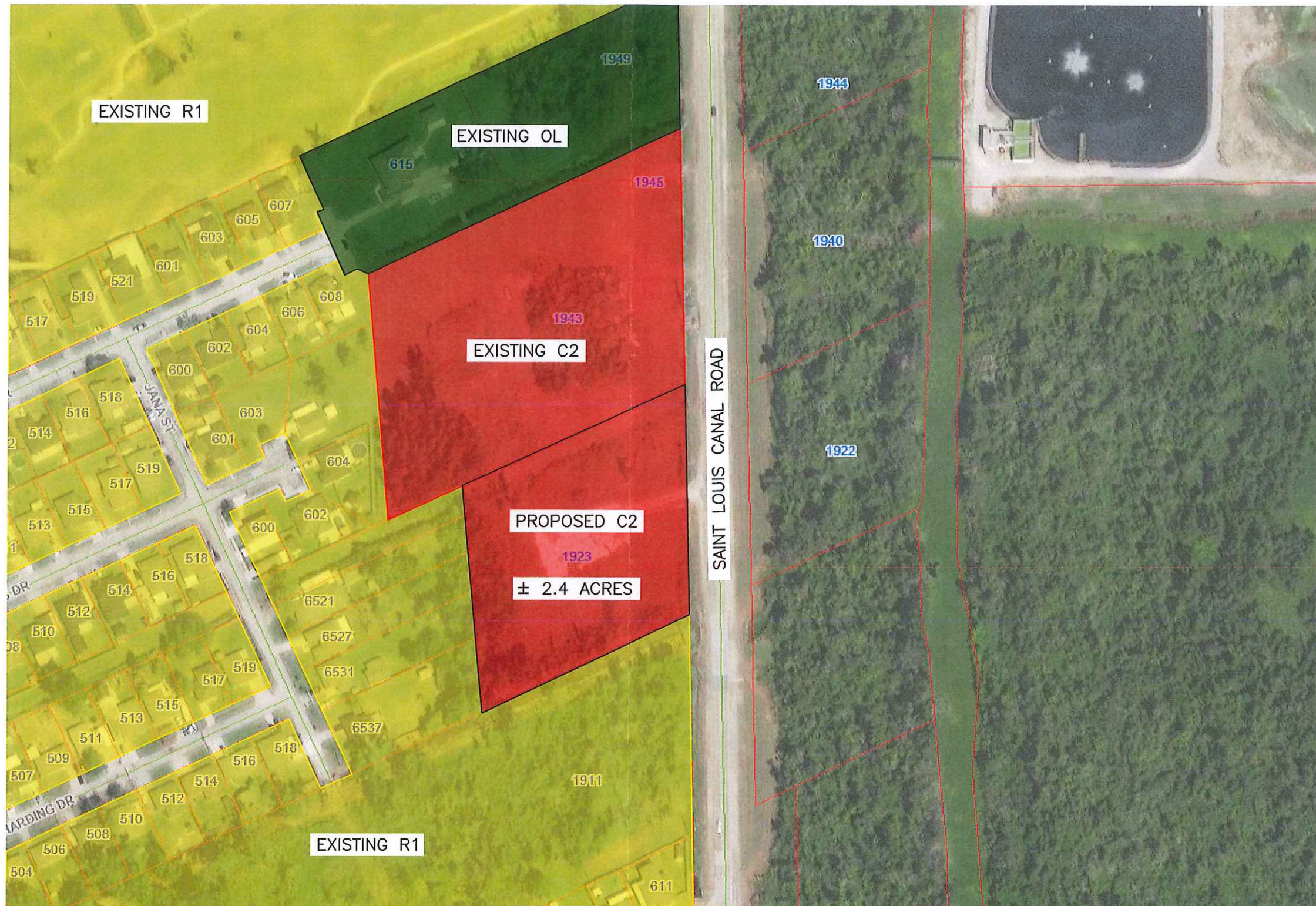
N.T.S.

DAVID A. WAITZ
 ENGINEERING AND SURVEYING, INC.
 Civil Engineers & Professional Land Surveyors
 Thibodaux, Louisiana

DESIGNED:	DETAILED: JED	TRACED:
CHECKED:	CHECKED:	CHECKED:
DATE: JUNE 17, 2024		PROJECT: 24-078

OWNER:	WALTON & JEANETTE DAISY
PROJECT:	ZONING CHANGE REQUEST LOCATED IN SECTION 94, T17S-R17E TERREBONNE PARISH, LOUISIANA
TITLE:	EXISTING ZONING

SHEET
1



NOTE:
 THIS PLAT WAS PREPARED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT IN FULL COMPLIANCE WITH THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

EXHIBIT "B"

PROJECT NO: 24-078	N.T.S.	
DIRECTORY: 2024/24-078		
FILE: ZONING EXHIBITS.dwg		
FIELD BOOK:		
MAP NO.		
DATE	DESCRIPTION	BY
	REVISION	

N.T.S.		

DAVID A. WAITZ
 ENGINEERING AND SURVEYING, INC.
Civil Engineers & Professional Land Surveyors
 Thibodaux, Louisiana

DESIGNED:	DETAILED: JED	TRACED:
CHECKED:	CHECKED:	CHECKED:
DATE: JUNE 17, 2024	PROJECT: 24-078	

OWNER	WALTON & JEANETTE DAISY
PROJECT:	ZONING CHANGE REQUEST LOCATED IN SECTION 94, T17S-R17E TERREBONNE PARISH, LOUISIANA
TITLE:	PROPOSED ZONING

SHEET	2
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OFFERED BY:
SECONDED BY:

RESOLUTION NO. _____

A RESOLUTION GIVING NOTICE OF INTENT TO ADOPT AN ORDINANCE TO AMEND THE ZONING ORDINANCE, SECTION 28-1, DEFINITIONS, HOME OCCUPATION, SO AS TO ADD VERBIAGE RELATIVE TO PET GROOMING SERVICES AS PER "ATTACHMENT A" AND CALLING A PUBLIC HEARING ON SAID MATTER FOR _____.

BE IT RESOLVED by the Terrebonne Parish Council (Community Development and Planning Committee), that notice be hereby given to adopt an ordinance to amend the Zoning Ordinance of the Parish of Terrebonne so as to add verbiage relative to pet grooming services as per "Attachment A"; and

THEREFORE, BE IT RESOLVED that a public hearing be called on said matter for Wednesday, _____ at 6:30 p.m.

THERE WAS RECORDED:

YEAS: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

The Chairman declared this resolution ADOPTED/NOT ADOPTED on this, the _____ day of _____, 2024.

JOHN AMEDÉE, CHAIRMAN
TERREBONNE PARISH COUNCIL

I, TAMMY TRIGGS, Clerk of the Terrebonne Parish Council, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the _____ Committee on _____, 2024 and subsequently ratified by the Assembled Council in Regular Session on _____, 2024, at which meeting a quorum was present.

TAMMY TRIGGS, COUNCIL CLERK
TERREBONNE PARISH COUNCIL

OFFERED BY:
SECONDED BY:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE, SECTION 28-1, DEFINITIONS, HOME OCCUPATION, OF THE PARISH OF TERREBONNE SO AS TO ADD VERBIAGE RELATIVE TO PET GROOMING SERVICES AS PER “ATTACHMENT A.”

WHEREAS, the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, hereby declares that it has adopted a resolution giving notice of intent to adopt the following ordinance hereto; and

WHEREAS, the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, has conducted a public hearing on Wednesday, _____; and

WHEREAS, after considering all comments received, if any, the following action is hereby taken.

NOW, THEREFORE, BE IT ORDAINED by the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, that the Zoning Ordinance, Section 28-1, Definitions, Home Occupation, of the Parish of Terrebonne be hereby amended so as to add verbiage relative to pet grooming services as per “Attachment A.”

SECTION II

If any word, clause, phrase, section or other portion of this ordinance shall be declared null, void, invalid, illegal, or unconstitutional, the remaining words, clauses, phrases, sections and other portions of this ordinance shall remain in full force and effect, the provisions of this ordinance hereby being declared to be severable.

SECTION III

This ordinance shall become effective upon approval by the Parish President or as otherwise provided in Section 2-13(b) of the Home Rule Charter for a Consolidated Government for Terrebonne Parish, whichever occurs sooner.

This ordinance, having been introduced and laid on the table for at least thirty days, was voted upon as follows:

THERE WAS RECORDED:

YEAS: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

The Chairman declared this ordinance ADOPTED/NOT ADOPTED on this, the ____ day of _____, 2024.

JOHN AMEDÉE, CHAIRMAN
TERREBONNE PARISH COUNCIL

TAMMY TRIGGS, COUNCIL CLERK
TERREBONNE PARISH COUNCIL

Date and Time Delivered to Parish President:

Approved _____ Vetoed
Jason W. Bergeron, Parish President
Terrebonne Parish Consolidated Government

Date and Time Returned to Council Clerk:

I, TAMMY TRIGGS, Clerk for the Terrebonne Parish Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Assembled Council in Regular Session on _____, 2024, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS _____ DAY OF _____, 2024.

TAMMY TRIGGS, COUNCIL CLERK
TERREBONNE PARISH COUNCIL

DRAFT

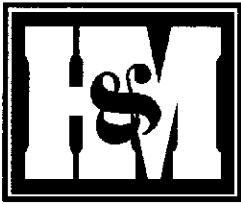
ATTACHMENT A

Sec. 28-1. Definitions.

For the purpose of this chapter certain words and phrases used herein are defined as follows:

Home occupation: In general any business or commercial activity carried out for financial gain within a dwelling unit by the occupant of the dwelling unit, provided: (a) the activity is clearly incidental and subordinate to the use of the dwelling unit as a residence; (b) is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling; and (c) is located in a residential district.

- (1) This term, as applied to the R-1 Districts, shall have the following definition: An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling, and further provided, that the occupation is incidental to the residential use of the premises and does not utilize more than twenty-five (25) percent of the floor area of the dwelling. Home occupations shall include, in general, personal services such as those furnished by a physician, dentist, musician, artist, cosmetician or seamstress; dog bathing and clipping salons, and pet grooming shops but excluding outdoor kennels and overnight boarding when performed by the person occupying the building as his or her private dwelling, and shall not include the employment of any additional persons in the performance of such services. Home occupations shall also include such other occupations as constitute personal services and are of a nature similar to any of those herein specified.
- (2) This term, as applied to the R-2 and R-3 Districts, shall have the following definition: An occupation for gain or support conducted by a member or members of a family residing in a dwelling and conducted entirely within the dwelling, provided that, except for such sales as are customarily within the specific occupations hereinafter set forth, no article is sold or offered for sale except such as may be produced by a member or members of the family residing in the dwelling and his or its employees, and further provided, that the occupation is incidental to the residential use of the premises and does not utilize more than thirty-five (35) percent of the floor area of the dwelling. Home occupations shall include the occupations of physician, attorney, dentist, musician, artist, cosmetician, beautician, seamstress, tailor, real estate agent, insurance agent, civil, electrical, mechanical, chemical and petroleum engineer, geologist, urban planners and accountants; dog bathing and clipping salons, and pet grooming shops but excluding outdoor kennels and overnight boarding when performed by the person occupying the building as his or her private dwelling. Home occupations shall also include such other occupations as constitute personal services and are of a nature similar to any of those herein specified. The person or persons engaged in a home occupation and occupying the building in which such occupation is pursued as his, her or their private dwelling may have not more than two (2) persons who are not resident in such dwelling employed in such home occupation and working within such dwelling.



Hebert & Marceaux, L.L.C.
Attorneys and Counselors at Law
(A Limited Liability Co. of Professional Law Corporations)

Phone: (985) 876-4324
Fax: (985) 876-4325
Email: hmlaw@hmlawfirm.com
www.hmlawfirm.com

* Julius P. Hebert, Jr.
** Brian J. Marceaux
* A Professional Law Corporation
Also Admitted in Texas

April 20, 2017

Not For Public

Chad M. Luke
Michelle L. Neil
Erich Vhan Ellender, Jr.
Denis J. Gaubert, III
of Counsel

Via Email
Original to Follow via Intergovernmental Delivery

Confidential Attorney/Client Communication

Terrebonne Parish Consolidated Government
Gordon E. Dove, Parish President
Al Levron, Parish Manager
Chris Pulaski, Planning Department
8025 Main Street, Suite 600
Houma LA 70360

Re: *Opinion – Home Occupation*
Our File No. 17141

Dear Gordon, Al and Chris:

An opinion was sought by Councilman Darren Guidry regarding the denial of home occupation permitting relative to a dog grooming business being conducted in R-1 zoning and the permissibility of continual operation of this business without permitting from the applicant's residence.

Terrebonne Parish expressly sets forth criteria for "home occupation" to be allowed. Operation of a residential dog grooming business is not permissible under the objective criteria of the parish ordinances for Home Occupation Permit.

Legal Authority

Article 6 § 17 of the 1974 Louisiana Constitution sets for the requirements relative to zoning, stating,

"Subject to uniform procedures established by law, a local government subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declare to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures. Article 6 § 17 of the 1974 *Louisiana Constitution*.

The legislature empowers the establishment of municipal zoning regulations "for the purpose of promoting health, safety, morals, or the general welfare of the community". *La. R.S. 33:4721*.

The governing authority of these subdivisions may regulate and restrict “land for trade, industry, residence or other purposes; provided that zoning ordinances enacted by the governing authority of municipalities or the acts of the zoning commission, board of adjustment ... or zoning administrator shall be subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of the police powers, an excessive use of the power herein granted, or the denial of due process, provided, further, that the right of judicial review of a zoning ordinance shall not be limited by the foregoing”. *Id.*

Essentially, it is the function of a zoning board or commission is to decide within prescribed limits and consistent with exercise of its legal discretion, whether a particular section of the zoning regulations applies to a given situation and the manner in which it does apply. *State v. Board of Zoning and City of New Orleans*, 94 So.2d 138 (La. App. Orl. 1957); *Lowney v. Zoning Board of Appeals of Black Beach Association*, 71 A.3rd 670 (144 Conn. App. 224). The authority to enact zoning regulations flows from the police power of governmental bodies and is valid if it bears a rational relation to the health, safety and welfare of the public. *Four States Realty v. City of Baton Rouge*, 309 So.2d 659 (La. 1975). In comporting with these directives, courts have found zoning ordinances are presumed valid and whoever attacks the constitutionality of an ordinance must show an abuse of discretion or an excessive use of power. *Four States Realty, supra.*

Generally, in applying the law to the facts of a particular case, a zoning board is endowed with liberal discretion, and its decision will not be disturbed unless it is found to be unreasonable, arbitrary or illegal. On the other hand, guidelines in zoning ordinances controlling the issuance of permits for use must contain objective criteria as courts have also held restrictive covenants are to be construed strictly against the grantor and persons seeking to enforce them, and liberally in favor of grantee, all doubts being resolved in favor of free use of property and restrictions. *Wax v. Woods*, 209 So.2d 329 (La. App. 4th Cir. 1968). Courts have further found failure of planning commission to recommend issuance of permit when enumerated criteria are met would give rise to a mandamus action. *Folsom Road Civic Association v. St. Tammany Parish*, 407 So.2d 1219 (La. 1981).

Section 28-1, et seq. Terrebonne Parish Code of Ordinances - Zoning

Terrebonne Code of Ordinances Sec. 28-46 establishes R-1 Single- family residential Districts in descending degree of restriction of which R-1 is paramount while also providing for mapping, boundaries, utility lines and supplemental districts. These R-1 Districts are “designed to protect the residential character of the areas by prohibiting all commercial activities to encourage a suitable neighborhood environment for family life by including some permitted uses and preservation of the openness of areas”. *Terrebonne Code of Ordinances Sec. 28-47*. Certain uses in these districts are subject to the approval of the Zoning and Land Use Commission, including home occupation.

The Commission considers the plan for appropriateness regarding transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard and “as being in harmony with the orderly

and appropriate development of the district in which the use is located”, while also considering special exception such as Armories, Nursing homes, electric substations, gas regulator stations, nurseries, libraries, schools and water or sewage pump stations on a case by case basis. *Id.* (1)(b)(c).

These directives for R-1 Zoning contain a mixture of both rules and standards in the grant of permitting. The rules create less opportunity for discretion, have more protection, clear notice, and capture more or less the conduct desired with certainty. The rules regarding transportation, access and preventing undue traffic congestion and hazard can be determined in a clear manner applying the circumstances of the residence seeking home occupation. For instance, the frequency of business sought, parking available, and relative congestion of the area are easily evaluated on an objective basis for application of the rule and can be consistently applied by these measured evaluations which create accountability, certainty, stability and predictability.

However, standards are also included in the evaluation process regarding permitting. Standards require discretionary judgement and are applied on a case by case basis. Although standards, too, can be consistently and predictably applied, it generally requires more depth and thoughtfulness for consistent application. The standard in permitting is “harmony with the orderly and appropriate development of the district”. In order to justly evaluate harmonious and orderly conduct, an evaluation of intent and underlying policy can be utilized for consistent application.

The express intent of R-1 Districts is “to protect the residential character of the areas *by prohibiting all commercial activities* to encourage a suitable neighborhood environment for family life by including some permitted uses and preservation of the openness of areas”. *Terrebonne Code of Ordinances* Sec. 28-47. The intentionality of R-1 Districts contains a negative liberty, ensuring that residents are free from commercial interference, with limited exceptions. The standard for suitable neighborhoods is given clarity by a rule – prohibition of all commercial activities.

This analysis is suitable when evaluating specific problems which can give rise to emotive reactions which should be discarded in application of discretion. In the instant matter, a resident seeks permitting to further a home business, which takes initiative, industry, sacrifice, perseverance and enterprise – all noble and valiant policy aims in protecting preferred conduct in citizenry. However, the duty incumbent on the Commission is not to further the conduct of commercial enterprisers in residential zones - no matter how noble or admirable the conduct or how much compassion one may have for another’s circumstances. Rather, the express aim is to further residential character by prohibition, unless expressly adhering to directives.

Moreover, the application of these standards for use should be read in light of the statute written. The discretionary standard of use as “being in harmony” is caveated by the prepositional phrases, “with the orderly and appropriate development of the district.” This analysis can be helpful in instances where a myriad of complaints is received regarding one person which may be the result of jealousy, rivalry or malice. The application of the harmony standard is not relative to one person at the expense of another rather it is applied simply to development. The relevant question

pertains to only the use sought comporting with orderly development, not a tally of complaints or compassion or contempt for parties involved.

For the sake of clarity in evaluating a permit of home occupancy, the term is defined as follows:

Home occupation: In general any business or commercial activity carried out for financial gain within a dwelling unit by the occupant of the dwelling unit, provided: (a) the activity is clearly incidental and subordinate to the use of the dwelling unit as a residence; (b) is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling; and (c) is located in a residential district.

(1)

This term, as applied to the R-1 Districts, shall have the following definition: An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling, and further provided, that the occupation is incidental to the residential use of the premises and does not utilize more than twenty-five (25) percent of the floor area of the dwelling. *Home occupations shall include, in general, personal services such as those furnished by a physician, dentist, musician, artist, cosmetician or seamstress when performed by the person occupying the building as his or her private dwelling, and shall not include the employment of any additional persons in the performance of such services. Home occupations shall also include such other occupations as constitute personal services and are of a nature similar to any of those herein specified.*

Terrebonne Parish Code of Ordinances Sec. 28-1.

Home Occupation Permitting is not an automatic right in the parish. It must be permitted. It also does not qualify as a variance exception that can be granted by the Board of Adjustments. Home occupation include personal services. Personal services, generally, are those services which serve a person, rather than animals. In this instance, the list is illustrative of service of a person's external needs of grooming, clothing and health care while also serving creative endeavors of music and artistry. The list also contains the word, "physician". This broad term for a practitioner of medicine could reasonably be applied to a practitioner of veterinary medicine. If inclusive of veterinary medicine, it could reasonably be analogized to include dog grooming, as both serve the needs of animals. However, the term "physician" is followed by "dentist", a more specific medical practitioner. One can infer the implicit intent by the inclusion of both terms was to exclude animal care in favor of those who practice personal healing arts. This interpretation stands to reason as the delineated services all further the aim of quality of human life by means of personal, rather than animal care. Personal services are also expressly defined as, "places of business primarily engaged in the provision of frequently or recurrently needed services of a *personal* nature. Typical uses include beauty and barbershops, seamstress, tailor, shoe repair shops, or dry cleaning and laundry pick-up stations" Terrebonne Parish Code of Ordinances, Sec. 28-1. Under this definition, dog grooming is not the class of service eligible for home occupancy permitting. See *East Baton Rouge Parish v. Baily*, 192 So.2d 831 (La. App. 1st Cir. 1967); 73 ALR 2nd 439 – what constitutes a "Home Occupation".

Moreover, dog grooming is also defined in the pertinent provisions. "Animal Sales and Services (limited)" is defined as, "retail sales, veterinary services, outdoor kennels, *grooming and*

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boarding when totally within a building of dogs, cats, birds..... typical uses include...pet **grooming shops**.....Terrebonne Parish Code of Ordinances 28-1. The use sought is expressly defined and excluded from R-1 home occupancy use. The term is also inclusive of “veterinary services” which corroborates the above analysis.

Terrebonne Parish Code of Ordinance 28-48(b) delineates appropriate use for C-2 General Commercial Districts. Among the expressly permitted uses are “animal sales and services (limited)” While a use permitted in a zone of higher restriction, R-1, is permitted in a zone with lesser restriction, C-2; the converse is not applicable. Therefore, dog grooming is not permitted in R-1. TPCG should deny the Home Occupation Permit for a residential dog grooming business in R-1.

Conclusion

In conclusion, TPCG should not issue Lindsay Martin a Home Occupation Permit for dog grooming. In conclusion, the foregoing opinion does not consider any implications regarding building codes, neighborhood associations or neighborhood covenants and restrictions.

The foregoing is simply an opinion and is limited in scope and based on the information available. A court of law or other governing authority may disagree with this opinion or this opinion may be developed, altered or amended as new information or additional considerations become evident.

If you have any questions, please contact my office immediately.

With kindest regards, I remain

Sincerely,
HEBERT & MARCEAUX, LLC

Julius P. Hebert, Parish Attorney
Chad M. Luke, Assistant Parish Attorney

Cc: Gordon Dove, Sr., Parish President
Al Levron
Terrebonne Parish Council