

**ORDINANCE _____
ST. JAMES PARISH COUNCIL**

**AN ORDINANCE TO ADOPT A LAND USE PLAN AND TO
REGULATE DEVELOPMENT IN ACCORDANCE WITH THAT PLAN**

WHEREAS, in 2010, St. James Parish initiated a comprehensive planning process with the assistance of South Central Planning and Development Commission and with active citizen involvement led by a steering committee made up of a local citizens representing a broad range of interests across the parish; and

WHEREAS, after a series of public meetings, in-depth planning analysis, and extensive deliberations, that planning process produced a draft comprehensive plan, which among other elements included a proposed future land use plan and accompanying recommendations for guiding the future development of St. James Parish; and

WHEREAS, the St. James Parish Planning Commission created a committee to review the draft comprehensive plan and to make recommendations for its adoption and implementation; and

WHEREAS, the Planning Commission review committee worked with the draft plan in detail, with a strong emphasis on the future land use plan as a tool for guiding the long term development of St. James Parish, and that committee recommended to the full Planning Commission a future land use plan substantially similar to the plan proposed in the draft comprehensive plan, and that committee also recommended regulations to implement the future land use plan; and

WHEREAS, on November 20, 2013, the full Planning Commission considered and the proposed future land use plan and implementing regulations and endorsed them for adoption by the St. James Parish Council; and

WHEREAS, the proposed future land use plan and implementing regulations was published for public review and comment, and hearings were held on March 19, 2014 in Vacherie and on April 2, 2014 in Convent to provide for public input on the plan and the regulations; and

WHEREAS, the St. James Parish Home Rule Charter grants broad powers to the parish to perform any function necessary, requisite or proper for the management of its affairs, and the rights and authority to exercise general police power, and this ordinance is an appropriate exercise of that power; and

WHEREAS, La. R.S. 33:101, et seq., provides for the adoption of master plans and provides certain powers and authorities attendant to such plans, and St. James Parish intends to avail itself of the benefits of La. R.S. 33:101, et seq., to the maximum extent permissible under law;

NOW, THEREFORE, BE IT ORDAINED by the St. James Parish Council as follows:

SECTION 1. Section 86-37 of the St. James Parish Code of Ordinances is hereby created to read as follows:

Sec. 86-37. Land use plan

- (a) **Adoption of future land use plan and buffer area map.** The following plan and related maps are hereby adopted and incorporated herein by reference as the official land use plan to guide to the development of St. James Parish, and are collectively referred to herein as “Land Use Plan:”
1. The “St. James Parish Generalized Future Land Use Plan” dated _____
 2. The “Plantations Schools and Churches 2Mi Buffer” map dated _____ depicting two-mile radius buffer areas around schools, historic churches and plantations.
- (b) **Plan compliance.** All departments, officers, employees, boards, and commissions of St. James Parish, and all representatives of St. James Parish serving on boards, commissions, or other governing bodies whose jurisdictions include any portion of St. James Parish, shall carry out their public duties in compliance with the Land Use Plan. To the maximum extent permissible by law, all such agencies, persons, and entities shall exercise decision-making discretion in a manner consistent with the Land Use Plan. It is the intention of St. James Parish to avail itself of the benefits of La. R.S. 33:109 and La. R.S. 33:109.1 for all agencies and departments of the state and political subdivisions bound thereby to conduct their activities in full compliance with the Land Use Plan, which is hereby declared to be a “master plan” as that term is used in La. R.S. 33:109 and 33:109.1. It is further the intention of St. James parish that all local, regional, state, and federal entities operating in or making decisions affecting property in St. James Parish comply with the Land Use Plan to the maximum extent allowable under law, and St. James Parish hereby invokes all such law for the benefit of its citizens.
- (c) **Land use categories and allowable uses.** The land use plan divides the parish into land use categories whose purposes are described in this section. These category descriptions are not intended to be a comprehensive prescriptive list of all possible land uses, but shall be interpreted to control the general character and impacts of development so that the physical development within each use area is compatible with and beneficial to other uses within the same area.

Land Use Category	Allowable Uses
1. Residential/Future Industrial	Dwellings and uses customarily associated with dwellings (such as garages, carports, patios, outbuildings used by residents of the dwellings) developed on existing lots or properties of record. Subdividing properties is not allowed, except for Family Subdivisions under Section 106 of the St. James Parish Code of Ordinances, which shall be allowed. Industrial uses, subject to the establishment of suitable buffer zones under Section 86-37(i) and (j).
2. Residential Growth	Dwellings and uses customarily associated with dwellings (such as garages, carports, patios, outbuildings used by residents of the dwellings), whether developed on existing lots or on properties subdivided in accordance with Section 106 of the St. James Parish Code of Ordinances.

Land Use Category	Allowable Uses
3. Commercial.	Retail outlets, grocery stores, restaurants, convenience stores and service stations, lodging, service businesses, professional offices, automotive and light equipment sales and service, wholesale businesses not requiring unusually heavy traffic; light manufacturing in enclosed structures not exceeding 100,000 square feet; warehousing in enclosed structures not exceeding 100,000 square feet.
4. Commercial/Residential Mixed.	All uses described under either Residential Growth or Commercial uses, along with multifamily housing development.
5. Industrial	Petrochemical operations; manufacturing; tank farms; material processing and production; grain elevators, railroad yard facilities; raw, spent, and finished material storage; and warehousing or open-yard equipment and material handling facilities.
6. Agriculture	Growing crops; raising fowl, livestock, or aquaculture; dairying; forestry and fiber production; any facilities customarily associated with such activities; any uses allowed in any adjacent Residential or Residential Growth areas. Agricultural areas may also be used for buffer areas required around other uses.
7. Recreation	Parks, playgrounds, athletic fields, golf courses, open space, natural areas, and wildlife preserves.
8. Schools	Public, private, and parochial schools and related facilities.
9. Fire Department	Fire stations and other facilities related to fire protection.
10. Water	Shown for information only; water areas should remain unoccupied except for unique situations requiring a location in the water, subject to any permits required under the St. James Parish Code of Ordinances, Chapter 18, Article VI, Coastal Zone Resource Management Program.
11. Wetlands	Shown for information only; wetland areas should remain unoccupied except for unique situations requiring a location in the water, subject to any permits required under the St. James Parish Code of Ordinances, Chapter 18, Article VI, Coastal Zone Resource Management Program.
12. Lutcher	The municipal limits of Lutcher are shown for information only; uses in this area are governed by Lutcher's ordinances.
13. Gramercy	The municipal limits of Gramercy are shown for information only; uses in this area are governed by Gramercy's ordinances.

(d) **Permitting of Allowable uses as a matter of course.** The intent of this section is for allowable uses defined above to be permitted as a matter of course through the parish's customary building permit process under Chapter 18 of the St. James Parish Code of Ordinances, subject to compliance with other applicable ordinance requirements, and except as otherwise provided in this Section.

- (e) **Approval of uses not listed as allowable uses.** Uses not specifically listed as allowable in a use category may be approved by the Planning Commission on a case-by-case basis where there is a compelling public benefit, when the use is compatible to enjoyment of surrounding designated uses and adverse impacts of the use are inconsequential; or where required to as a matter of constitutional imperative or other vested legal right superior to this ordinance.
- (f) **Planning Commission consideration of certain allowable uses and special approval of non-allowable uses.** Notwithstanding paragraph (d) above, the following uses or activities shall not be issued a building permit until approved by the Planning Commission (or by the Parish Council on appeal):
1. Any residential building containing three or more dwelling units.
 2. Any non-residential development exceeding 10,000 square feet of building area or sites 3 acres or more.
 3. Any commercial or industrial development that requires a state or federal permit for air, water, solid waste, hazardous materials, or 404 wetland/Rivers and Harbors Act permits.

Notwithstanding paragraph (d) above, the Planning Commission may also consider and approve any a use that is not otherwise expressly allowable under the Land Use Plan upon application by an interested party.

- (g) **Application, public notice, and hearing process.** For any use requiring Planning Commission approval, the proponent of the proposed use shall submit an application in such a form required by and accompanied by documentation as required by the Planning Commission or its designated representative. Public notice of the proposal and a public meeting shall be provided in the same manner as required for subdivision approval under Sections 106-106 and 106-107 of the St. James Parish Code of Ordinances. The Planning Commission shall act on the proposal and make recommendation to approve or deny to the Parish Council, which shall consider and render a decision on such proposal as provided for in Section 106-107 of the St. James Parish Code of Ordinances.
- (h) **Procedure before the Planning Commission.** The Planning Commission shall consider the following factors in recommending approval or denial of uses under paragraph (f) above:
1. Whether the impacts of the proposed use would be substantially different from the impacts of allowable uses for the districts. Such impacts may include, but are not limited to, air and water emissions, noise, lighting, traffic (road and rail), effect on property values, and neighborhood
 2. The public benefits of the proposed use, such as job creation, expansion of the tax base, and enhancing the attractiveness of the parish for future development.
 3. The physical and environmental impacts of the proposed use on the air, water, and land, with

particular attention to whether the public benefits of the proposed use are commensurate with those impacts, and whether the environmental impacts may impair the ability of the parish to attract other beneficial development.

4. Vested property rights and other constitutional protections enjoyed by the proponent of the proposed use.

(i) Conditions on uses may be established by Planning Commission.

Prior to recommending approval of any use under paragraph (f) above, the Planning Commission may establish conditions on such approval which, in the reasonable discretion of the Planning Commission, would minimize adverse impacts and be beneficial to the public. Within the two-mile radius areas depicted in the “Plantations Schools and Churches 2Mi Buffer” map referred to in Sec. 86-37(a)(2), the Planning Commission shall affirmatively consider the public need for buffer zones in accordance with Sec. 86-37(j), and shall either condition its approval on the creation and maintenance of an appropriate buffer zone, or shall adopt a finding that such a buffer zone is not required. In other cases, the Planning Commission may include requirements for buffer zones surrounding potentially dangerous uses to protect residences, schools, public facilities, and other occupied areas.

- (j) Basis of buffer zones.** Buffers zone requirements shall be based on the nature of the use for which the buffer zone is established, and shall be based on commonly recognized regulatory, trade group, or manufacturing and industrial standards. In establishing buffer zone requirements, the Planning Commission shall consider not only normal operations of the use but potential failure scenarios impacting public safety.

- (k) Nonconformities.** A use of land existing as of the effective date of this ordinance and which would not constitute an Allowable Use under paragraph (c) above shall be considered a nonconformity. It is the intention of this ordinance to allow nonconformities to continue until they are voluntarily closed or removed, but not to encourage their survival or expansion. A nonconformity that discontinues operation or use for more than twelve (12) continuous months shall lose its status as a nonconformity, and shall thereafter be treated as a new use subject to the provisions of this ordinance.

SECTION 2. Section 18-5(k) of the St. James Parish Code of Ordinances is hereby created as a new subsection under the Chapter 18, Buildings and Building Regulations, Article I, Administration, Section 18-5, Permits, and shall read as follows:

Section 18-5(k). No permit may be issued under this Chapter 18 unless the building, structure, system, installation, or work regulated thereby complies with the Land Use Plan enacted under Section 86-37. If any building, structure, system, installation, or work is excluded from the application of the Sate Uniform Construction Code in Part IV-A of Title 40 of the Louisiana Revised Statutes by virtue of R.S. 40:1730.29 (“Regulation of construction or improvement of industrial facilities”), such structure, system, installation, or work shall nonetheless require a permit under this

Chapter 18 for the purpose of determining and requiring its compliance with the Land Use Plan.

SECTION 3. Section 18-134 of the St. James Parish Code of Ordinances, which pertains to coastal use permits, is hereby amended to read as follows, with the underlined text being new language added to that section:

Sec. 18-134. CZM advisory board created; duties; membership; duties and powers of the president.

- (a) The council shall direct the office of the president to issue permits based upon criteria provided by this article. Should any application deviate from the prescribed criteria, the application will be forwarded to the CZM advisory committee for review action. The CZM advisory committee shall be composed of nine members. The members shall be appointed by the council every four years when it takes office and will serve at the pleasure of the council. All members shall serve a full term unless removed by a majority of the council present at a regularly scheduled council meeting.
- (b) The CZM advisory committee shall perform the following duties, and shall carry out such duties in conformance with the Land Use Plan enacted under Section 86-37:
 - (1) Review and comment on any rules and regulations relative to coastal resource management;
 - (2) Review and comment on any permit applications that do not conform to the permit criteria provided to the office of the president; and
 - (3) Review and recommend to the council any modifications to this article.
- (c) The office of the president shall have the following authority:
 - (1) To issue, deny or modify permits. No permit shall be issued unless it is in compliance with the Land Use Plan enacted under Section 86-37.
 - (2) To adopt any rules and regulations consistent with general law and are reasonable and necessary to carry out the purposes of this article.
 - (3) To inspect and/or investigate conditions relating to this article.
 - (4) To conduct any investigation necessary to comply with the purposes of this article.
- (d) It shall be the duty of the president to enforce this article.

SECTION 4. Section 50-39 of the St. James Parish Code of Ordinances, which pertains to compliance with the parish's flood damage prevention ordinance, is hereby amended to read as follows, with the underlined text being new language added to that section:

Sec. 50-39. Compliance.

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations. A permit or approval under this Chapter 50 shall be issued or granted only if the building or use of land subject to the permit or approval complies with the Land Use Plan enacted under Section 86-37.

SECTION 5. Section 106-3 of the St. James Parish Code of Ordinances, which describes the policy of the parish for considering subdivision and development of land, is hereby amended to read as follows, with the underlined text being new language added to that section:

Sec. 106-3. Policy.

- (a) It is declared to be the policy of the parish to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the council for the orderly, planned, efficient and economical development of the parish.
- (b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements.
- (c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the master plan and the capital improvements program of the parish; and it is intended that this chapter shall supplement and facilitate the enforcement of the provisions and standards contained in the coastal zone management plan, sewerage facilities regulations and chapter 50.
- (d) In exercising their respective functions under this Chapter 106, the Planning Commission and the Parish Counsel shall adhere to the Land Use Plan enacted under Section 86-37, and shall approve subdivisions only if they comply with the Land Use Plan.

SECTION 6. MISCELLANEOUS PROVISIONS

A. Use Decisions not board of adjustment functions. No permit, approval, or decision rendered pursuant to this ordinance shall be construed as the decision of a board of adjustment under La. R.S. 33:4727, nor shall this ordinance be construed as invoking the procedures under that statute.

B. Effective date. This ordinance shall be effective immediately upon its passage, or as soon thereafter as allowed by law, and shall apply to any then-pending permit or approval for which a final decision has not been rendered by the parish.

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

YEAS:

NAYS:

ABSTAIN:

ABSENT:

And, the ordinance was declared adopted on this, the _____ day of April, 2014.

Council Chairman

Secretary

Delivered to Parish President: _____

Approved: _____

Disapproved: _____

Parish President

Returned to Secretary on _____

At _____ AM/PM

Received by _____

* * * * *

C E R T I F I C A T E

I, Angele R. Rodrigue, Secretary of the Council of the Parish of St. James, State of Louisiana, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the St. James Parish Council in regular meeting held on the _____ day of April, 2014.

Signed at Vacherie, Louisiana, this _____ day of April. 2014.

Angele R. Rodrigue
Secretary

(S E A L)