

October 20, 2008

The Land Use Commission of the City of Sulphur, Louisiana, met in regular session at its regular meeting place at City Hall, Sulphur, Louisiana, at 5:30 p.m., on the 20th day of October, 2008, after full compliance with the convening of said meeting, with the following members present:

TROY DARBY, Land Use Commission of District 2  
LAWRENCE DAVID, Land Use Commission of District 4  
GERRIT LAWRENCE, Land Use Commission of District 5

ABSENT - JAY SHELTON, Land Use Commission of District 1  
JOHNNY PEEL, Land Use Commission of District 3

After the meeting was called to order and the roll called with the above results, prayer was led by Mr. Darby and the Pledge of Allegiance was led by Mr. David.

The Chairman asked if there were any changes to the agenda. Motion was made by Mr. Lawrence seconded by Mr. Darby that at the request of Mrs. Myers item #2 be removed from the agenda. Motion carried.

Motion was then made by Mr. David seconded by Mr. Darby that the agenda stand as changed. Motion carried.

The first item on the agenda a resolution authorizing the extension of a six month temporary permit which allows for temporary placement of travel trailers and/or mobile homes on residential property for living purposes during reconstruction of damages caused by Hurricane Rita for the following addresses:

<b><u>Address</u></b>	<b><u>Council District</u></b>
1316 Lilliput	3
2145 Cedar	4
112 Vine	5
939 Alice	3
702 Live Oak	1
1413 Weekly	2
931 Alice	3
626 Dave	3
220 Oak	3
1330 Stanford	2
205 North Crocker	1
1404 Beth	4

Motion was made by Mr. David seconded by Mr. Darby that the above addresses be sent to the City Council for their ratification. Motion carried.

The next item on the agenda a resolution granting a variance to Janiel Lyons, 310 East Verdine and 316 East Verdine to allow for 3 single family dwelling units to be located on two lots. Mrs. Routon, Janiel Lyons' daughter, addressed the Council and stated that she wants to move a mobile home behind her mothers' home so she can take care of her. It is presently two lots and she will re-subdivide to make one lot. Mr. Bruce stated that he recommended she re-subdivide due to her not meeting the setback requirements. If she re-subdivides and puts the trailer in the middle of both pieces of property she will not have to meet the side setbacks. John also stated that there are stipulations written in the resolution. Motion was made by Mr. David seconded by Mr. Darby to add the following amendment:

- c. Until stipulations are met in subsection (b), applicant shall submit request to the Land Use Administrator for another 12 month extension.

Motion carried.

Motion was then made by Mr. David seconded by Mr. Darby that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a variance to Jeniel Lyons, 310 & 316 East Verdine Street, to allow for three homes to be located on two lots.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Jeniel Lyons, 310 & 316 East Verdine Street, to allow for three homes to be located on two lots with the following stipulations:

- a. Trailer shall be placed in rear of lot
- b. Variance shall expire at the earlier of:
  - 1. Joan Routon no longer being the occupant of the trailer
  - 2. 310 East Verdine no longer being occupied by Jeniel Lyons
- c. Until stipulations are met in subsection (b), applicant shall submit request to the Land Use Administrator for another 12 month extension.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Mr. Shelton, Mr. Peel

And the said resolution was declared duly adopted on this 20<sup>th</sup> day of October, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution granting a rezone to Tony Palermo from Business District to Commercial District to allow for a hotel (property east of Winner's Choice and Day's Inn). Motion was made by Mr. Darby seconded by Mr. David that the following resolution be adopted to-wit:

## RESOLUTION

Resolution granting a rezone to P2 Investment Company, Inc., (property east of Winner's Choice and Day's Inn) from Business District to Commercial District to allow for a hotel.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, that they do hereby grant a rezone to P2 Investment Company, Inc., (property east of Winner's Choice and Day's Inn) from Business District to Commercial District to allow for a hotel.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Mr. Shelton, Mr. Peel

And the said resolution was declared duly adopted on this 20<sup>th</sup> day of October, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution amending Article IV, Part 2, Section 6 (4) of the Land Use Ordinance of the City of Sulphur (Use Limitations). Mr. Bruce stated that this amendment came from Tim Jackson, Planner. We are adding subsections (h) and (i). Motion was made by Mr. Darby seconded by Mr. David that the following resolution be adopted to-wit:

## RESOLUTION

Resolution amending Article IV, Part 2, Section 6 (4) of the Land Use Ordinance of the City of Sulphur – Home Business/Occupations – Use Limitations.

WHEREAS, Article IV, Part 2, Section 6 (4) of the Land Use Ordinance shall be amended to read as follows:

(4) Use Limitations

In addition to the requirements of the land use district in which it is located, all home/business occupations shall comply with the following restrictions:

- (a) The home occupation shall be conducted entirely within the enclosed principal structure, and shall not be visible from any residential structure or a public way;
- (b) The home occupation shall not occupy more than ten (10) percent of the floor area of the dwelling unit;
- (c) There shall be no outdoor storage of equipment or materials used in the home occupation;
- (d) No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used;
- (e) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions;
- (f) No more than one employee shall be permitted other than a resident of the dwelling;
- (g) No sign shall advertise the presence or conduct of the home occupation, other than a non-illuminated name plate, which does not exceed two square feet in size.
- (h) All business activities conducted upon the premises are conducted within the dwelling by a member or members of the immediate family by blood or marriage residing in the dwelling and such business activities are incidental and secondary to the use of the dwelling for dwelling purposes. The dwelling used for the home occupation must be the principal residence of the resident conducting the home occupation, evidenced by

voter registration or driver's license registration at that location.

- (i) No commercial vehicle exceeding one and one-half (1½) tons rating shall be parked upon any residentially zoned lot or parcel except while in the process of making a pickup or delivery. Not more than one (1) commercial vehicle associated with the home occupation (a vehicle registered in the name of a business or used in the conduct of a business) may be parked upon a residentially zoned lot or parcel. This restriction shall not apply to automobiles, in which case the limit shall be two (2).

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that that they do hereby amend Article IV, Part 2, Section 6 (4) of the Land Use Ordinance of the City of Sulphur.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Mr. Shelton, Mr. Peel

And the said resolution was declared duly adopted on this 20<sup>th</sup> day of October, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution amending Article IV, Part 2, Section 7 (4) (a) of the Land Use ordinance of the City of Sulphur (Design of Required Parking Spaces). Mr. Bruce stated that this is another amendment suggested by Tim Jackson. It will allow parking spaces angled at 90 degrees to be 9.5' x 18' with a 24' wide aisle. Mr. Darby stated if this amendment passes he doesn't want to approve any more 9'x18' stalls like the Land Use Commission has approved in the past. Motion was then made by Mr. David seconded by Mr. Darby that the following resolution be adopted to-wit:

RESOLUTION

RESOLUTION AMENDING ARTICLE IV, PART 2, SECTION 7 (4) (A) OF  
THE LAND USE ORDINANCE OF THE CITY OF SULPHUR (DESIGN OF  
REQUIRED PARKING SPACES).

BE IT RESOLVED by the Land Use Commission of the City of Sulphur,  
Louisiana that they do hereby amend Article IV, Part 2, Section 7 (4) (a) of the Land Use  
Ordinance to read as follows:

(4) Design of Required Parking Spaces

- (a) Except as provided in subsection (b), each required parking space shall have minimum dimensions of 9.5' x 18' with a 24' wide aisle for 90 degree parking.
- (b) A bumper rail or wheel barrier shall be installed so that no part of parked automobiles can extend into the public right-of-way. A minimum of three feet shall be provided from the property line to the wheelguard.
- (c) All required parking shall be an improved surface of concrete or asphalt except single family residences and mobile homes or manufactured housing on individually owned lots.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Mr. Shelton, Mr. Peel

And the said resolution was declared duly adopted on this 20<sup>th</sup> day of October, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution amending Article IV, Part 3, Section 1 (2) of the Land Use Ordinance of the City of Sulphur (Development Standards). Mr. Bruce stated that this amendment is an attempt to define what the City's intent is. This is another amendment suggested by Tim Jackson, Planner. We are adding subsection (c)

which mainly deals with “no more than one residential use per lot”. Motion was made by Mr. Darby seconded by Mr. David that the following resolution be adopted to-wit:

RESOLUTION

RESOLUTION AMENDING ARTICLE IV, PART 3, SECTION 1 (2) OF THE  
LAND USE ORDINANCE OF THE CITY OF SULPHUR (DEVELOPMENT  
STANDARDS).

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana that they do hereby amend Article IV, Part 3, Section 1 (2) of the Land Use Ordinance to read as follows:

(2)     Development Standards

- (a) The proportion of lot area covered by buildings shall not exceed a maximum of forty percent (40%) on any parcel within the district.
- (b) No front foot dimension of a lot shall be less than 50 feet.  
The total area of a lot shall not be less than 6,000 square feet.

(1) Exception. No front foot dimension of any lot in a cul-de-sac shall be less than 30 feet and a total area of a lot shall not be less than 10,000 square feet. In a cul-de-sac with a front foot of 50 feet or more the lot shall not be exempt from the requirement of (b) of Article IV, Part 3, Section 1 (2).

- (c) The number of dwelling units on an individual lot is limited as follows:

- (1) No more than one residential use per lot.
- (2) A residential accessory use may be a dwelling unit as long as its use is clearly subservient to the primary structure. For this purpose, “clearly subservient” shall mean:

- (a) Complies with the definition of Accessory Structure or Use.
- (b) If routinely occupied, occupants are members of the same family as the occupants of the principal structure.
- (c) If periodically occupied, the accessory structure shall not be used for business, commercial, profit, income producing or other such similar purposes.
- (d) It’s use is comparable to one of the following:
  - (1) Recreational (swimming) pool house
  - (2) Cabana
  - (3) “mother in law” house



(d) All development in the Residential District shall conform to the development standards set out in the following table:

Distance measured from front, side and rear lot lines shall be measured from the overhang/eave of structure.

USE	DENSITY	LOT SIZE	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	HEIGHT
s/f det	7 du/a	6000 s.f.	30 ft.	5 ft.	10 ft.	35 ft.
Churches, Schools, Public uses	-----	1 acre	50 ft.	10 ft.	10 ft.	35 ft.
Accessory Uses	-----	-----	30 ft.	5 ft.	5 ft.	35 ft.
Rec. (low intensity)	-----	-----	50 ft.	5 ft.	5 ft.	35 ft.

Mfr. Housing Not Permitted  
& Mobile Homes

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Mr. Shelton, Mr. Peel

And the said resolution was declared duly adopted on this 20<sup>th</sup> day of October, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution amending Article II, Section II of the Land Use Ordinance of the City of Sulphur (Definitions). Mr. Bruce stated that this is clarification to the existing definitions for manufactured homes, mobile homes and

modular homes. Motion was made by Mr. Darby seconded by Mr. David that the following resolution be adopted to-wit:

### RESOLUTION

#### RESOLUTION AMENDING ARTICLE II, SECTION 2 OF THE LAND USE ORDINANCE OF THE CITY OF SULPHUR (DEFINITIONS).

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana that they do hereby amend Article II, Section 2 of the Land Use Ordinance to amend the following definitions to read as follows:

##### Manufactured Homes

Homes built entirely in the factory, transported to the site, and installed under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air-conditioning, thermal and electrical systems.

##### Mobile Homes

Manufactured homes produced prior to June 15, 1976, when the HUD Code went into effect.

##### Modular Home

Factory-built homes that are built to the state or local building code where the home will be located. Modules are transported in one or more pieces and installed on the intended site of use.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Mr. Shelton, Mr. Peel

And the said resolution was declared duly adopted on this 20<sup>th</sup> day of October, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda is Public to Address Council. Ann Kirby, Beauregard Street, addressed the Commission and stated that she would like to discuss item #2 that was removed from the agenda. Mrs. Myers, 113 Cassy Street, is asking for a variance to allow for all those buildings in her back yard. All the neighbors have had trouble with Mrs. Myers' dogs and recently there was a man standing outside of her home naked. We all have small children that we are trying to protect. There are 3 cottages in Mrs. Myers' backyard where she rents one or all of them out. A couple of months ago she was renting one of the them to people that got arrested for checking-washing. There are always at least 6 or more cars parked in her drive-way and on the road. The whole neighborhood has problems with Mrs. Myers.

William Barnes, Cassy Street, addressed the Commission and stated that he was the first home built on Cassy Street. None of us know what kind of people Mrs. Myers rents to. There are always so many cars parked in her yard and on the road. No one can trust Mrs. Myers.

Mr. Darby stated that this is ludicrous. The Commission, Council and Administration are trying to get to the bottom of this situation but it's taking some time. He asked the residents' of Cassy Street to be patient.

There being no further business to come before the Commission, the Chairman declared the meeting adjourned.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

10-20-08  
6:17 P.M.