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**CITY OF CENTRAL  
SUBDIVISION REGULATIONS**

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**Chapter 1. GENERAL PROVISIONS**

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**Section 1.1 Authority and purpose**

In accordance with the provisions of R.S. 33:101 et seq., and particularly R.S. 33:112, and in order to promote the health, safety, convenience, morals, and general welfare of the community, to provide for the proper arrangement, width, naming of streets in relation to other existing or planned streets and to the Master Plan, and to provide for the adequate and convenient open spaces for traffic, vehicular parking, utilities, access of fire-fighting apparatus, recreation, light, and air for the avoidance of congestion of population the following regulations are adopted by the Planning Commission.

**Section 1.2 Subdivision of Land**

Every subdivision of land or site or tract development, as outlined in the definitions in Chapter 2, within the jurisdiction of the City, shall be shown upon a plat and submitted to the Planning Commission for approval or disapproval. Any plat which has been approved by the Planning Commission and endorsement shown thereon shall be recorded in the office of the Clerk of Court and Recorder of the Parish, and no lots shall be sold from such plat unless and until approved as required by the City of Central Subdivision Regulations. No street number or building permit shall be issued for the erection of any building in the above limits on any property other than on an original or resubdivided lot in a duly approved and recorded subdivision without the written approval of the Planning Commission, or its authorized representative. Public money shall not be expended for the maintenance of streets, sewers, or other improvements until those improvements have been accepted and the plan, plot, or replot of such land shall have been approved by the Planning Commission and recorded in the office of the Clerk of Court and Recorder of the Parish.

A. No sale or contract of sale or agreement to purchase any lot or division of land either by lot description or by metes and bounds shall be made prior to the approval of a plat thereof by the Planning Commission as required by law.

B. These regulations shall not apply to:

1. Land in subdivisions previously legally recorded, except in the case of resubdivision;

2. Subdivision in which a building exists on each proposed lot, provided that the owner certifies on the plat that all such existing buildings were constructed prior to December 19, 1949, and provided that such plat is submitted to the Planning Commission for signature by the Planning Director prior to filing with the Clerk of Court;

3. The subdivision of land to be used for orchards, forestry, or the raising of crops, provided that the owner certifies upon the plat that such land is to be used only for orchards, forestry, or the raising of crops;

1 4. Small parcels of land sold to or exchanged between adjoining property owners, where  
2 such sale or exchange does not create additional lots or make any existing lot nonconforming  
3 provided that the Planning Director certifies upon the plat that such sale or exchange does not  
4 create additional lots or make any existing lot nonconforming.  
5

6 **Section 1.43**

7 Use of all premises in the City shall be in accordance with the minimum standards hereinafter  
8 established.  
9

10 **Chapter 2. DEFINITIONS**

11  
12 Except as specifically set forth below terms used in these Subdivision Regulations shall have the  
13 same meaning as set forth in the City of Central Zoning Ordinance.  
14

15 Words used in the present tense include the future. The singular includes the plural and the plural  
16 the singular. “Building” includes “structure”. “Shall” is mandatory.  
17

18 **Abutting** is to share a common property line.  
19

20 **Agricultural Activities** is the production, keeping, or maintenance, for sale, lease, or personal  
21 use of plants and animals (including fish).  
22

23 **Area of Shallow Flooding** is a designated AO, AH, or VO Zone on a community’s rate map  
24 (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth  
25 of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of  
26 flooding is unpredictable, and where velocity flow may be evident. Such flooding is  
27 characterized by ponding or sheet flow.  
28

29 **Area of Special Flood Hazard** is the land in the floodplain within a community subject to a one  
30 (1) percent or greater chance of flooding in any given year. The area may be designated as Zone  
31 A on the flood hazard boundary map (FHBM). After detailed ratemaking had been completed in  
32 preparation for publication of the (FIRM), Zone A usually is refined into Zones A, AE, AH, AO,  
33 A1-99, VO, VI-30, VE, or V.  
34

35 **Arterial Streets** are primarily intended to carry through traffic within sections of urban areas  
36 and major thoroughfares in rural areas that may be considered major streets in accordance with  
37 the Major Street Plan.  
38

39 **Build** is to erect, convert, enlarge, reconstruct, or structurally alter a building or structure.  
40

41 **Building** is any structure built for use of persons or animals or any structure that is incidental but  
42 essential to the function of the primary structure or structures.  
43

44 **Building Line** is the boundary that determines the building area of a lot or tract.  
45

46 **Building Official** is the Zoning Administrator.

1  
2 **Collector Streets** are principal arteries within residential or commercial areas that provide  
3 linkage between arterials and local streets which may be considered major streets in accordance  
4 with the Major Street Plan.

5  
6 **Consolidated Sewer District** is the area within East Baton Rouge Parish designated by the  
7 Metropolitan Council and as amended.

8  
9 **Construction, Existing** is for the purposes of determining rates, structures for which the "start of  
10 construction" commenced before the effective date of the FIRM or before January 1, 1975, for  
11 FIRM's effective before that date. "Existing construction" may also be referred to as "existing  
12 structures."

13  
14 **Critical Feature** is an integral and readily identifiable part of a flood protection system, without  
15 which the flood protection provided by the entire system would be compromised.

16  
17 **Detention Basin** is a specifically designed and engineered storm water management facility  
18 whose primary purpose is to temporarily store storm water runoff resulting from a development  
19 and slowly release it at a designed rate.

20  
21 **Development** is any man-made change in improved and unimproved real estate, including but  
22 not limited to buildings or other structures, mining, dredging, filling, grading, paving,  
23 excavation, drilling operations or storage of equipment or materials.

24  
25 **Dry Detention Basin** is a detention basin, which is not designed to have a permanent pool level,  
26 and does not hold water except during periods of a rainfall occurrence and not more than a 24-  
27 hour period thereafter.

28  
29 **Elevated Building** is a non-basement building (i) built in the case of a building in Zones AI-30,  
30 AE, A, A99, AO, AH, BC, X, and D, to have the top of the elevated floor, or in the case of a  
31 building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member  
32 of the elevated floor elevated above the ground level by means of pilings, columns (posts and  
33 piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to  
34 impair the structural integrity of the building during a flood of up to the magnitude of the base  
35 flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also  
36 includes a building elevated by means of fill or solid foundation perimeter walls with openings  
37 sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones VI-30, VE,  
38 or V, "elevated building" also includes a building otherwise meeting the definition of "elevated  
39 building," even though the lower area is enclosed by means of breakaway walls if the breakaway  
40 walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program  
41 regulations.

42  
43 **Emergency** is an occurrence where service provided by a public utility is unexpectedly  
44 interrupted and requires the restoral of same service or requires the utility to take immediate  
45 action to prevent damage or correct a condition that may pose a hazard to life or property.

1 **Erect** is to construct, build, raise, assemble, install, place, replace, locate, relocate, affix, attach,  
2 display, alter, use, create, paint, draw, illuminate, or in any way bring into being or establish.  
3

4 **Expressway** is a limited access route on the Major Street Plan.  
5

6 **Flood or Flooding** is a condition of partial or complete inundation of normally dry land areas  
7 from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of  
8 surface waters from any source.  
9

10 **Flood Insurance Rate Map (FIRM)** is the official map of a community, on which the Federal  
11 Emergency Management Agency has delineated both the areas of special flood hazard and the  
12 risk premium zones applicable to the community.  
13

14 **Flood Insurance Study** is the official report provided by the Federal Emergency Management  
15 Agency. The report contains flood profiles and water surface elevation of the base flood, as well  
16 as the flood boundary-floodway map.  
17

18 **Flood Proofing** is any combination of structural and nonstructural additions, changes, or  
19 adjustments to structures that reduce or eliminate flood damage to real estate or improved real  
20 property, water and sanitary facilities, structures and their contents.  
21

22 **Flood Protection System** is those physical structural works for which funds have been  
23 authorized, appropriated and expended, and which have been constructed specifically to modify  
24 flooding in order to reduce the extent of the areas within a community subject to a "special flood  
25 hazard" and the extent of the depths of associated flooding. Such system typically includes  
26 hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying  
27 works are those constructed in conformance with sound engineering standard.  
28

29 **Floodplain** is the area located in the 100-year flood plain as determined by the Department of  
30 Public Works.  
31

32 **Floodplain or Flood-Prone** area is any land area susceptible to being inundated by water from  
33 any source (see definition of "Flooding").  
34

35 **Floodplain Management** is the operation of an overall program of corrective and preventive  
36 measures for reducing flood damage, including but not limited to emergency preparedness plans,  
37 flood control works and floodplain management regulations.  
38

39 **Floodplain Management Regulations** are zoning ordinances, subdivision regulations, building  
40 codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading  
41 ordinance and erosion control ordinance) and other applications of police power. The term  
42 describes such state or local regulations, in any combination thereof, which provide standards for  
43 the purpose of flood damage prevention and reduction.  
44

1 **Floodway** (regulatory floodway) is the channel of a river or other watercourse and the adjacent  
2 land areas that must be reserved in order to discharge the base flood without cumulatively  
3 increasing the water surface elevation more than a designated height.  
4

5 **Grade** is the average level of the finished surface of the ground for building more than five feet  
6 from a street line. For buildings closer than five feet to a street the grade is the sidewalk  
7 elevation at the center of the building. If there is no sidewalk, the Department of Public Works  
8 shall establish the sidewalk grade.  
9

10 **Grade Level** is the average level of the finished or natural surface of the ground area adjacent to  
11 the exterior walls of a building or adjacent to the supports of a sign structure.  
12

13 **Grading** is movement and reshaping of earth to create new contours.  
14

15 **Ground Cover** is material planted in such a way as to form a continuous cover over the ground  
16 that can be maintained at a height not more than twelve inches.  
17

18 **Highest Adjacent Grade** is the highest natural elevation of the ground surface prior to  
19 construction next to the proposed walls of a structure.  
20

21 **Lake** bodies of water with a surface area of two or more acres and where the deepest part of the  
22 basin at low water is six (6) feet or greater.  
23

24 **Land Reclamation** is the return of land that has been disturbed by mining activities to  
25 productive use. Reclamation procedures may include addition of topsoil, return of vegetative  
26 cover, planting of trees and restoration of landforms.  
27

28 **Landscape Area** is a non-built upon area of land in which landscape materials are placed,  
29 planted or maintained.  
30

31 **Landscape Materials** are materials such as, but not limited to, living trees, shrubs, vines, lawn  
32 grass, ground cover, earthen mounds, landscape water features and non-living, durable materials  
33 commonly used in landscaping including, but not limited to rocks, pebbles, sands, decorative  
34 walls, fences, brick, stone or concrete paving or landscape support systems such as irrigation,  
35 drainage and landscape lighting components.  
36

37 **Landscape Plan** is the preparation of graphic and written criteria, specifications, and detailed  
38 plans to arrange and modify the effects of natural features such as plantings, ground and water  
39 forms, circulation, walks and other features to comply with the provisions of the Zoning  
40 Ordinance or these Subdivision Regulations.  
41

42 **Lowest Floor** is the lowest floor of the lowest enclosed area (including basement). An  
43 unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or  
44 storage in an area other than a basement area is not considered a building's lowest floor; provided  
45 that such enclosure is not built so as to render the structure in violation of the applicable non-

1 elevation design requirement of Section 60.3 of the National Flood Insurance Program  
2 regulations.

3  
4 **Major Street** is a street which serves or is intended to serve as a major traffic way and is shown  
5 on a major street plan and adopted by the commission, or a revision thereof.

6  
7 **Major Subdivision** is any subdivision of more than 8 lots or two (2) acres of land or when a  
8 public or private street servitude of access is constructed.

9  
10 **Mean Sea Level** is for purposes of the National Flood Insurance Program, the National Geodetic  
11 Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a  
12 community's flood insurance rate map are referenced.

13  
14 **Minor Subdivision** is any subdivision of eight (8) lots or less in which no public or private street  
15 is constructed. Further, minor subdivisions shall not involve the creation of any other public  
16 improvement, shall not involve more than two (2) acres of land, shall not reduce a lot size below  
17 the minimum area or frontage requirements established by ordinance, and shall otherwise meet  
18 all the requirements of the subdivision regulations and zoning ordinances. A minor subdivision  
19 may provide for the dedication, acceptance, relocation, or deletion of public utility servitudes,  
20 other than streets, or the deletion of gas, electric, or telephone utility servitudes acquired by  
21 private act or pursuant to the provisions of R.S.9:1 et seq. on the property being resubdivided.

22  
23 **Natural Resources** for the purposes of these Subdivision Regulations, are to include, but are not  
24 limited to, soil, sand and gravel.

25  
26 **New Construction** is for floodplain management purposes, structures for which the "start of  
27 construction" commenced on or after the effective date of a floodplain management regulation  
28 adopted by a community and includes any subsequent improvements to such structures.

29  
30 **New Manufactured Home Park or Subdivision** is a manufactured home park or subdivision  
31 for which the construction of facilities for servicing the lots on which the manufactured homes  
32 are to be affixed (including at a minimum, the installation of utilities, the construction of streets,  
33 and either final site grading or the pouring of concrete pads) is completed on or after the  
34 effective date of floodplain management regulations adopted by a community.

35  
36 **Out Parcel or Out Lot** is a parcel of land associated with a shopping center or multi-tenant  
37 property development, which is designated on an approved site plan as a location for a  
38 freestanding structure.

39  
40 **Overburden** is all of the earth and other materials that lie above natural deposits of minerals,  
41 and also means such earth and other materials disturbed from their natural state in the process of  
42 surface mining.

43  
44 **Parkway** is a route intended to be used primarily by passenger vehicles which may have a  
45 varying width of right-of-way and which right-of-way is, or is intended to be, developed with a  
46 park-like character.

1  
2 **Planting Area** is any area designed for landscape material installation having a minimum area of  
3 twenty-five square feet.

4  
5 **Pond** is a permanent body of open water that maintains a surface area of half an acre or more.  
6

7 **Premise** for the purpose of definition, the term "premise" shall be interchangeable with the term  
8 "lot".  
9

10 **Premises** is a parcel of real property with a separate and distinct number or designation shown  
11 on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or  
12 established pursuant to applicable zoning. Out parcels of shopping centers shall be considered on  
13 the premises of the shopping center.  
14

15 **Private Drive** is an access that only allows ingress and egress for an individual lot.  
16

17 **Private Street** is a privately owned (or controlled) and maintained street, road, lane or any  
18 improved surface, not dedicated as a public street, which provided the primary means of  
19 vehicular ingress or egress from a public street to dwelling units, lots, parcels or principal  
20 buildings.  
21

22 **Public Property** is any real property belonging to any the City of Central or any land on which a  
23 public street right-of-way has been granted.  
24

25 **Public Street** is that portion of a public rights-of-way which has been improved to the standards  
26 for public streets as set forth in these Subdivision Regulations and dedicated to the City of  
27 Central, East Baton Rouge Parish or the State of Louisiana for public vehicular use and  
28 maintenance.  
29

30 **Public Utility** is any business providing any utility service, including but not limited to, water,  
31 sewerage, gas, electricity, telecommunications, or cable television to the residents of the City of  
32 Central.  
33

34 **Reclamation Plan** is the applicant's written proposal for reclamation of the affected areas  
35 including land use objectives, maps, or other documents as required to describe reclamation, and  
36 where relevant, grading specifications and manner and type of revegetation.  
37

38 **Recognized Residential Subdivision** is any recorded subdivision containing more than five (5)  
39 lots for residential use but not necessarily single family.  
40

41 **Recognized Single Family Residential Subdivision** is any recorded subdivision containing  
42 more than five (5) lots for single family use.  
43

44 **Record inundation** is the highest flood level recorded by the city-parish in an applicable area.  
45

1 **Right-of-Way** is a strip of ground dedicated by the subdivider for public use, title to which shall  
2 rest in the public for the purpose stated in the dedication.

3  
4 **Servitude** is a parcel of land designated for private access, utilities, drainage and/or other (public  
5 or private); the title to which shall remain with the property owner, subject to the right of use  
6 designated in the reservation of the servitude.

7  
8 **Sight Distance Triangle** (See Sight Triangle)

9  
10 **Sight Triangle (Vision Triangle or Sight Distance Triangle)** is triangular area formed by a  
11 diagonal line connecting two (2) points located on intersecting right-of-way lines (or a right-of-  
12 way line and the curb or a driveway). See "Vision Clearance" for vertical restrictions. The sight  
13 triangle may consist of one of three different configurations. Intersections of streets and/or drives  
14 may consist of a combination of the various geometric designs given below:

15  
16 A. At intersections with streets having speed limits that are greater than or equal to forty  
17 (40) miles per hour, a sight triangle fifteen (15) feet by sixty (60) feet is required with the  
18 longer dimension parallel to the street with the speed limit that is greater than or equal to  
19 forty (40) miles per hour.

20  
21 B. On streets having a speed limit that is less than or equal to thirty-five (35) miles per  
22 hour, a sight triangle of fifteen (15) feet by forty-five (45) feet is required with the longer  
23 dimension parallel to the street with the speed limit that is equal to or less than thirty-five  
24 (35) miles per hour.

25  
26 C. For driveways exiting commercial or multi-family businesses or developments a sight  
27 triangle of fifteen (15) feet by thirty (30) feet shall be required with the longer dimension  
28 running parallel to the public street.

29  
30 **Sites or tracts** are those parcels of five (5) or more acres on which two (2) or more multi-family  
31 buildings, office buildings, shop or store buildings, warehouses or other commercial or industrial  
32 buildings are to be developed, whether or not such sites or tracts front on a public street, and  
33 whether or not such building(s) are to be retained by the developer, sold, leased, or rented.

34  
35 **Sloping** is the inclination of the ground from the horizontal.

36  
37 **Start of Construction** [for other than new construction or substantial improvements under the  
38 Coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement and means  
39 the date the building permit was issued, provided the actual start of construction, repair,  
40 reconstruction, placement or other improvement was within one hundred eighty (180) days of the  
41 permit date. The actual start means either the first placement of permanent construction of a  
42 structure on a site, such as the pouring of slab or footings, the installation of piles, the  
43 construction of columns, or any work beyond the stage of excavation; or the placement of a  
44 manufactured home on a foundation. Permanent construction does not include land preparation,  
45 such as clearing, grading and filling; nor does it include the installation of streets and/or  
46 walkways; nor does it include excavation for basement, footings, piers or foundations or the

1 erection of temporary forms; nor does it include the installation on the property of accessory  
2 buildings, such as garages or sheds not occupied as dwelling units or not part of the main  
3 structure. For a substantial improvement, the actual start of construction means the first alteration  
4 of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration  
5 affects the external dimensions of the building.  
6

7 **Street** is property dedicated for and accepted for primary public access to lots. Alley means land  
8 dedicated, improved and publicly maintained providing secondary access to lots.  
9

10 **Street Planting Area** is the front yard and the contiguous unpaved area of land that is to be used  
11 for landscape planting.  
12

### 13 **Subdivision**

14  
15 A. Means the division of a lot, tract, or parcel of land into two (2) or more lots, plots,  
16 sites or a division of land, for the purpose, whether immediate or future, of sale or of  
17 building development;  
18

19 B. The dedication, granting of construction of a road, highway, street, alley, or servitude  
20 through a tract of land regardless of area, except where the dedication, granting or  
21 construction of a road, highway, street, alley, or servitude is done by the City of Central,  
22 Parish of East Baton Rouge, the East Baton Rouge Sewerage Commission or the State of  
23 Louisiana.  
24

25 **Subdivision Sign** is any sign designed to identify a subdivision or neighborhood, including  
26 multi-family developments.  
27

28 **Terminating Vistas** a T-intersection in which a building (preferably civic) or monument that  
29 stands at the end, or in the middle of a road, so that when one is looking up the street the view  
30 ends with the site.  
31

32 **Tree** is any self-supporting perennial woody plant that is at least four (4) inches in diameter.  
33

34 **Tree Class “A”** is any self-supporting woody plant of a species that normally grows to an  
35 overall height of at least fifty (50) feet, usually with one (1) main stem or trunk and many  
36 branches, as in several varieties of oak trees.  
37

38 **Tree Class “B”** is any self-supporting woody plant of a species which normally grows to an  
39 overall height of at least twenty-five (25) feet, with either one (1) main stem or trunk with many  
40 branches, or several stems or trunk (Crape myrtles for example).  
41

42 **Tree Removal or Shrub Removal** is any intentional or negligent act which is likely to cause a  
43 tree or shrub to decline and die within one (1) year, including but not limited to, damage inflicted  
44 by application of toxic substances, operation of machinery, excavation or filling around root systems, or fire.  
45

1 **Violation** is the failure of a structure or other development to be fully compliant with the  
2 community's floodplain management regulations. A structure or other development without the  
3 elevation certificate, other certifications, or other evidence of compliance required in Section  
4 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance program  
5 regulations is presumed to be in violation until such time as that documentation is provided.  
6

7 **Vehicular Use Area** is that area of private development subject to vehicular traffic, including  
8 accessways, parking aisles, loading and service areas, areas used for parking and storage of  
9 vehicles, boats, or portable construction equipment and all land which vehicles cross over as a  
10 function of primary use.

11  
12 **Vision Triangle** (See Sight Triangle).

13  
14 **Waiver of Local Freeboard** is a grant of relief to a person from the freeboard requirements set  
15 forth in these Subdivision Regulations that are in excess of the minimum requirements  
16 established in Section 60.6 of the National Flood Insurance Program Regulations.  
17

18 **Water Surface Elevation** is the height, in relation to the National Geodetic Vertical Datum  
19 (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and  
20 frequencies in the floodplains of coastal or riverine areas.  
21

22 **Wastewater Suburban Transportation Network** is the existing gravity and pressurized  
23 sanitary sewerage collection system.  
24

## 25 **Chapter 3. ADMINISTRATIVE MECHANISMS**

### 26 27 **Section 3.01 Planning Commission - Powers and Duties**

28  
29 The Planning Commission shall have all the powers and duties conferred or imposed on City  
30 Planning Commission by the General Laws of the State.  
31

### 32 **Section 3.04 Master Land Use Plan**

33  
34 A. A Master Land Use and Development Plan shall be adopted and, from time to time, reviewed  
35 and updated by the Planning Commission in accordance with the General Laws of the State. The  
36 Master Plan shall include, but not be limited to, the following elements:  
37

- 38 1. A future land-use element;
- 39
- 40 2. A traffic circulation and mass-transit element;
- 41
- 42 3. A wastewater, solid waste, and drainage element;
- 43
- 44 4. A conservation and environmental resources element;
- 45
- 46 5. A recreation and open space element;

- 1 6. A housing element;
- 2
- 3 7. A public services and facilities element, which shall include but not be limited to a capital
- 4 improvement program;
- 5
- 6 8. A public buildings and related facilities element;
- 7
- 8 9. Development and redevelopment;
- 9
- 10 10. Health and human service element;
- 11
- 12 11. Methods of financing to implement recommendations.
- 13

14 The Master Plan and any amendments thereto shall be drafted by the Planning Commission and  
15 adopted as a whole or in parts.

16  
17 The several elements of the Master Plan shall be coordinated and be internally consistent. Each  
18 element shall include policy recommendations for its implementation and shall be implemented,  
19 in part, by the adoption and enforcement of appropriate land development regulations.

20 B. Legal Effect of Master Plan. Upon adoption of the Master Plan by the Planning  
21 Commission, no subdivision, street, park or public way, ground or space, drainage, building  
22 development or structure, whether publicly or privately owned which is in conflict with the  
23 Master Plan shall be constructed or authorized by the appropriate department of the City  
24 government, until and unless the locations and extent thereof shall have been submitted to and  
25 approved by the Planning Commission.

26  
27 **Section 3.101 A Board of Adjustment is Created**

28 A Board of Adjustment is hereby established. The membership of the Board of Adjustment, and  
29 the terms of office, of the Board shall be provided in Title 33, Section 4727 of the Revised  
30 Statutes of Louisiana.

31  
32 **Section 3.102 Meetings of the Board**

33 The Board shall adopt rules in accordance with the provisions of the Unified Development  
34 Code. Meetings of the Board shall be held once a month, at the call of the chairman, and at such  
35 other times as the Board may determine. Such chairman, or in his absence the acting chairman,  
36 may administer oaths and compel the attendance of witnesses. All meetings of the Board shall  
37 be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each  
38 member upon each question, or if absent or failing to vote, indicating such facts, and shall keep  
39 records of its examinations and other official actions, all of which shall be immediately filed in  
40 the office of the Board and shall be public records. A majority vote of members of the Board  
41 shall be necessary to reverse any order, requirement, decision or determination of Building  
42 Official, or to decide in favor of the applicant on any matter upon which it is required to pass  
43 under the Unified Development Code or to effect any variation.

44  
45 **Section 3.103 Appeals to the Board**

1 Any person by any decision of the Building Official may take appeals to the Board of  
2 Adjustment. Such appeal shall be taken within ten (10) days by filing with the Building Official  
3 and with the Board of Adjustment a notice of appeal specifying the grounds thereof.  
4

5 The Building Official shall forthwith transmit to the Board all the papers constituting the record  
6 upon which the action appealed from was taken. An appeal stays all proceedings in furtherance  
7 of the action appealed from, unless the Building Official certifies to the Board of Adjustment  
8 after the notice of appeal shall have been filed with him that by reason of facts stated in the  
9 certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases,  
10 proceedings shall not be stayed otherwise than by a restraining order which may be granted by  
11 the Board of Adjustment or by a court of record on application or notice to the officer from  
12 whom the appeal is taken and on the cause shown.  
13

14 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public  
15 notice thereof, as well as due notice to the parties in interest, and decide the same within a  
16 reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.  
17

18 **Section 3.2 The Powers of the Board shall be:**  
19

20 A. To interpret the Unified Development Code, being:

21  
22 1. To hear and decide appeals where it is alleged there is an error in any order, requirement,  
23 decision, or determination made by the Building Official in the enforcement of the Unified  
24 Development Code.  
25

26 2. To interpret the provisions of the Unified Development Code in such a way as to carry out the  
27 intent and purpose of the plan, as shown upon the map fixing the several districts accompanying  
28 and made a part of the Unified Development Code where the street layout on the ground varies  
29 from the street layout as shown on the map aforesaid.  
30

31 3. To hear and decide any special exceptions to the terms of Section 8.301 Airport Zoning upon  
32 which such Board of Adjustment may be required to pass under regulations.  
33

34 4. To hear and decide special variances under Chapter 5.  
35

36 5. The Board of Appeals will hear appeals related to Chapter 15.  
37

38 **Section 3.3 Term; Vacancies**  
39

40 The six (6) members of the Historic Preservation Commission, who are to be appointed by the  
41 Metropolitan Council shall hold office for a term of three (3) years. The initial terms of the HPC  
42 will be staggered in length. One (1) member will have a two (2) year term, two (2) members will  
43 have three (3) year terms, and three (3) members will have a four (4) year terms. As designated  
44 historic districts are created, an additional member from each historic district shall be appointed  
45 to the Commission for three (3) year terms. Any vacancy in membership appointed by the  
46 Metropolitan Council shall be filled for the unexpired term by appointment by the Metropolitan

1 Council as heretofore provided; none of the six (6) Metropolitan Council appointed  
2 members of the HPC shall serve more than two (2) consecutive full, three (3) year terms; and the  
3 Metropolitan Council shall have the authority to remove any member of HPC appointed by it for  
4 cause, on written charges, after a public hearing. All members shall serve without compensation  
5 but may be reimbursed for actual expenses incurred in the performance of their duties. The  
6 majority of said Members to the extent possible shall have qualifications in the field of historic  
7 preservation. Qualifications may include training or experience in architecture, history,  
8 architectural history, art history, planning, archaeology, real estate development or landscape  
9 architecture to the extent that such professionals are available in the community. Members shall  
10 not vote on issues in which they have a conflict of interest.