

**MINUTES OF THE MEETING OF THE
CADDO PARISH COMMISSION'S
LONG RANGE PLANNING/SPECIAL PROJECTS COMMITTEE
HELD ON THE 9TH DAY OF JULY, 2020**

The Caddo Parish Long Range Committee met in legal session on the above date, at 2:00 p.m., in the Government Chambers, with Mr. Lyndon B. Johnson, Chairman, presiding, and the

following members in attendance: Commissioners Lyndon B. Johnson, Hopkins, Jackson, Young and Chavez (5). ABSENT: None (0).

Also, in attendance were Assistant Parish Attorney Henry Bernstein and MPC Director Alan Clarke.

Invocation was led by Dr. Wilson, and the Pledge of Allegiance was led by Mr. Chavez.

Mr. Johnson opened up the floor for Citizens Comments, but none were received. At this time there were no agenda additions, so the committee proceeded to New Business.

New Business:

CERTIFICATE OF TELECONFERENCE

WHEREAS, the Governor of the State of Louisiana has issued Proclamation Number 33 JBE 2020, stating that, due to the current Public Health emergency declared in the Governor's Proclamation Number 25 JBE 2020, and citing the provisions of La. R.S. 29:721, et seq., granting him the authority to control the "ingress and egress to and from a disaster, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, the Governor, in Proclamation Number 33 JBE 2020, has limited all gatherings of 10 or more people, for public safety purposes; and

WHEREAS, Governor has issued a general stay at home order "unless performing an essential activity," 33 JBE 2020, Section 3; and

WHEREAS, attendance at a Caddo Parish Commission Juvenile Justice Committee meeting is not stated in the list of essential activities, listed in 33 JBE 2020, Section 3; and

WHEREAS, the usual conduct of the meeting would require travel and the presence of a number of persons in excess of ten (10); and

WHEREAS, the Governor of the State, in Proclamation Number 30 JBE 2020, Section 4, issued on March 16, 2020, has invoked the aforementioned statutes authorizing him to allow attendance at essential governmental meetings via teleconference or video conference during the pendency of this emergency; and

WHEREAS, the Governor of the State, in Proclamation Number 41 JBE 2020, Section 13, issued on April 2, 2020, has extended the Stay-At-Home Order until Thursday, April 30,

2020; and WHEREAS, on April 27, 2020, Governor John Bel Edwards extended the Stay- At-Home Order until Friday, May 15, 2020.

THEREFORE, the Caddo Parish Commission hereby certifies that it will not be able to obtain a quorum and convene a meeting in a public forum on July 9, 2020 due to the Governor's proclamations, and will be required to meet by video conference, and, if necessary teleconference, on that date as allowed by law and the Proclamations of the Governor listed above.

Date: July 7th, 2020

/s/Mario Chavez, President

Discuss Ordinance 5939 of 2020:

Mr. Johnson referenced the Ordinance attached and minutes from a previous session where the ordinance was discussed and asked for Mr. Bernstein to clarify the source of the underlined changes.

Mr. Bernstein and Mr. Clarke confirmed that those underlined portions reference changes that the MPC recommended in November of 2019. He continued that the Commission had already considered at least one other set of changes that had come up prior to this. When this set came up at the end of the year during budget time with a transition to new members of the body, the Commission didn't take it up until the beginning of 2020 when it was referred to the Long Range Planning Committee and additional time was extended to consider it.

Mr. Clarke added that these recommendations haven't had much discussion but have just been awaiting action, as other events have occurred. But he didn't recall extensive discussion.

Mr. Hopkins shared that he reviewed minutes from a November 21st meeting where it appears the Commission discussed the building footprints and other items and he thought that was connected to 5939.

Mr. Johnson responded that he believes we did have that discussion but these changes were based on an earlier recommendation from the MPC that went to the City Council and the Caddo Commission. He suggested taking up one section at a time and making changes as seen fit then making a motion to adopt the changes made. He then proceeded with Definitions, including Building footprint, commercial vehicle, recreational vehicle and that concluded 2.3, Section 5.3 is next amusement facility indoor, educational facility, university, college or vocational school. Hearing no changes, Mr. Johnson proceeded to 6.1.

Mr. Young In consideration of the viewpoint of the Caddo Alliance for Freedom, the rule on Shrubs could be expanded to include vines along a fence, or trees, this provides more flexibility. "Other landscaping that conceals or beautifies the fence," may be a good way to express this after the word "Shrubs."

Mr. Johnson asked Atty Bernstein if he had captured those words. Atty Bernstein confirmed that since the meeting was being recorded, he would get the recording from the clerk for the exact wording, but he understood the nature of the change being requested. One nuance is that if we stray too far from what the MPC considered, then we'll need to send it back to the MPC to consider the technical access.

Mr. Clarke confirmed that and also said that he supported the change suggested by Commissioner Young.

Atty Bernstein asked if it would be okay for him to consult directly with Mr. Clarke to get the wording correct where it accomplishes Commissioner Young's goals but doesn't substantially change the ordinance such that it would have to be reconsidered by the MPC. Commissioner Young agreed.

Mr. Johnson proceeded to 7.3 dealing with home-based businesses. He indicated that 7.33 seemed to be the only change.

Commissioner Young asked about section 7.32 which says that "only residents of the dwelling can be employed in the home-based business." Mr. Young provided an example somebody in North Caddo who has a hair salon and her sister lives in the house next door and she also works in the hair salon, and those people will call and complain about this limitation. He asked if there is a way to waive that requirement or put a cap on the number of people who can work at a home based business.

Mr. Johnson suggested just striking the last sentence in 7.32

Mr. Clarke stated that the intent of Home Based businesses is to be a place of business that is also the home of the person, not a commercial entity, but a place where a resident lives and is able to practice their business at home. The person next door would be able to do one in their home?

Mr. Johnson asked if a lady making preserves and jelly had an assistant and they were selling it. He continued that they do have to have a requirement for a certificate of occupancy, and we could use that to limit the number of people to keep it from being commercial.

Mr. Chavez asked about 7.31, he asked about what the stipulations on a cottage law. Someone baking stuff for a sale off premise shouldn't have to get a certificate of occupancy.

Mr. Clarke responded that wouldn't be a home based business, a home based business allows the resident to conduct commercial type activities in their home. They have gone through this with the city, this is basically offices. They do an inspection and then they are done.

Mr. Young said that another distinction is that a Home Based Business allows clients to enter the property, whereas someone selling jelly may make it there, but they don't have a store with people coming and going.

Mr. Clarke if a home based business isn't conducting so much commercial activity as to concern the nearby residents who may complain, then MPC is not going to go out and inspect whether the people at the home based business actually live in the home, unless their neighbor complains. This allows someone to protect the integrity of their low intensity, home based business.

Atty Bernstein reminded that this will be located in a residential neighborhood, so it must be compatible with that. You couldn't have 10-15 customers at a time. This is more like a CPA/Tax Preparer or a Hair Salon where you really only have one person at a time so as not to create disturbance of the residential character.

Mr. Clarke followed that he has heard some of the same complaints, but that these home based businesses were mostly working really good. Some people believe that there should be no restrictions on a home based business, but that would allow industrial uses in a neighborhood, which he didn't think was the intent.

Commissioner Young likes the idea of using the certificate of occupancy to limit the people and said that he'd be happy with striking the 2nd sentence.

Mr. Johnson moved, seconded by Mr. Hopkins, to change 7.32 and striking the 2nd sentence.

Mr. Clarke interjected that there are reasons why that restriction is in place. Without it, a business could have 6 employees, increased traffic, etc.

Sentence 7 addresses the traffic and sentence 10 addresses the size of beauty shots.

Mr. Clarke expressed that there are other businesses like a tax service where there are 5-6 people at one time and they block traffic and it also says no other traffic than normal.

Mr. Bernstein asked if Mr. Young would consider allowing residents of the home and immediate family members. Mr. Young disagreed with that saying that it isn't the committee's business who they are related to.

At this time the **motion carried** as evidenced by the following roll call vote: AYES: Commissioner Johnson, Hopkins, Jackson, Young, and Chavez (5). NAYS: None (0). ABSENT: None (0). Abstain: None (0).

Mr. Chavez asked that on the definition page there wasn't a definition for Home Based Business.

Mr. Clarke and Bernstein confirmed that there is a definition for Home Based Business, it is already in the UDC, so not included in the current ordinance up for review.

Mr. Chavez asked if a Church is a home based business? Mr. Clarke answered "No." We don't want to prevent people from gathering to worship at a home.

Mr. Bernstein confirmed that there was an already adopted distinction between businesses and religious institutions. Mr. Young clarified that Churches are required to have a Certificate of Occupancy, so a home based group would have to be pretty small. Mr. Chavez expressed that he didn't want Government to stop people from gathering to pray. Mr. Johnson equated this to having friends over to watch a football game is not the same thing as opening a sports bar. After this clarification =, Mr. Johnson asked if there were any needed changes to 7.33. Hearing none, they moved on.

Mr. Johnson asked if there were any considerations for 7.34. Commissioner Young asked in 7.34 if his shade tree mechanic in Keithville would be prevented from doing business. He has a shed in his yard and an outdoor area to work in.

Atty Bernstein reminded that this would only apply within the MPC's 5 mile radius. Mr. Johnson said that he sees something similar on Roy Road.

Mr. Clarke reminds that the intent of Home Based Businesses is that they would be invisible and not impactful on the residential character around them or infringe on the rights of

their neighbors. (inaudible sentence) So if someone wants to do that type of business, they may need a commercial location.

Mr. Chavez then asked what if a kid wanted to do a lemonade stand in the front yard, is that covered under here? We wouldn't want to stop that.

Mr. Clarke agreed that they wouldn't want to stop a child from selling lemonade either. He continued that everything isn't covered under here and that they do use common sense when enforcing this, they just need a tool to address when a home business becomes a very offensive in the neighborhood.

Mr. Young then suggested changing the word 'completely' to 'substantially' saying that would satisfy his concern. He says that the legal definition of Substantially is 85% and as long as the home based business was allowed to do some work outside, that would work for him.

Mr. Hopkins then pointed out that under 12 it says, "The repair and service of any vehicle or heavy machinery is prohibited as a home occupation." He asks if that is correct.

Mr. Clarke agrees and says that this is a zoning categorization for something that is zoned as a neighborhood and repairing heavy machinery goes far beyond what you would expect in a residential neighborhood.

Mr. Young then asks if the shops that he mentioned are probably not zoned residential. Mr. Clarke responded that he would hope they aren't.

Mr. Johnson says he has to go back to 7.33 about the signs. He wants to put the 2nd sentence back in there. Home based business on Roy Rd that does window tinting has a little sign, indicating that is where to go.

Mr. Johnson moved, seconded by Mr. Chavez to reinstate the second sentence on 7.33. At this time the **motion carried** as evidenced by the following roll call vote: AYES: Commissioner Johnson, Hopkins, Jackson, Young, and Chavez (5). NAYS: None (0). ABSENT: None (0). Abstain: None (0).

Mr. Young then withdrew his opposition to 7.34 because the example that he'd been thinking of wasn't in a single family residence zoning area.

Mr. Clarke the shared that there is a definition section at the front of the ordinance where Home Based Business is defined.

Mr. Johnson then asked if there were any changes for 7.35 or 7.36. Mr. Chavez asked Mr. Clarke to clarify this section. Mr. Clarke responded that it would prevent a home based business from having retail sales. Internet sales or phone sales are more appropriate.

Mr. Johnson then asked if there were any changes for 7.37? 7.38?

Mr. Chavez questioned whether this was better left to a neighborhood association as it is tough to say what is appropriate? Mr. Bernstein, clarified that this would be applicable to the exterior outward appearance. Mr. Clarke added that this means changes that would make a home into something that does not look like a home.

Mr. Young then moved, Seconded by Mr. Chavez to insert "Significantly alter." Mr. Bernstein than added that the more modifiers, the more difficult this would be to enforce. Mr.

Young was pleased with that. Mr. Chavez said mission accomplished. Mr. Bernstein reminded them that most neighborhoods don't have neighborhood associations and even the ones that do, don't carry the force of law and usually aren't worth the paper they are printed on. Mr. Young asked if a fence would be a significant alteration. Mr. Johnson said that would have to be defined in order to not be to opinionated. Mr. Young said that it would be something that changes the residential character. Mr. Johnson pointed out that neighborhoods are different and some could think that a room addition was significant, while it would not be a significant change in other neighborhoods. Mr. Young that functionally #8 would mean that alterations to the residence are not permitted. Mr. Bernstein clarified that it would only be those alterations that would change the residential character. Mr. Johnson said that you can't just take a house and turn it into a commercial building. They agreed that a change was not needed and Mr. Young's motion was withdrawn.

Mr. Johnson then moved onto #9, which he reported says the "no more than four clients or customers at home based business between 7am and 7pm.

Mr. Johnson then moved along to Barber and beauty shops are limited to one operator, 1 assistant, 1 styling chair and 1 shampoo bowl and 1 appointment at a time and they must be by appointment only. Mr. Clarke added this was to prevent heavy traffic flow at the home. Mr. Young asked if 2 could be allowed and referenced an example of how this would seem appropriate. Mr. Chavez agreed that 1 bowl might be too limited, he suggests that this might not be needed.

Mr. Alan Clarke asked if the goal was still to keep home based business from infringing on the rights of the homeowners around him. He questioned if this was not being supported anymore. He stated that they have experience beauty and barber shop home businesses and that they are attempting to maintain the integrity of neighborhood while keeping businesses to a residential business instead of a commercial business.

Mr. Chavez wanted to know if allowing two bowls can be added. Mr. Johnson explained that most home business beauty shops want the isolation instead of the social environment found in commercial shops.

Mr. Hopkins stated that they should leave it as it is.

Mr. Johnson stated that businesses make perpetual interference creating noise, smoke and odor as well as requiring business hours between 7 a.m. and 7 p.m. could cause a problem and should be reworded.

Mr. Bernstein advised that it has to be in excess of general use such as disturbing the peace, however, if that is removed then Mr. Johnson explained that he doesn't recommend taking the text out but to reword it for clarity and eliminate the negative neighbor with intent.

Mr. Clarke acknowledged Mr. Bernstein's statement and that normal activities at a residence will not be in violation under this ordinance.

Mr. Johnson clarified that the wording should include abnormal or activity above residential use. Mr. Clarke acknowledged that he will work on it.

Mr. Bernstein also informed that this ordinance is going to the full commission which will give the MPC some time to draft the wording that the Commission can support.

Mr. Chavez commented that home-based businesses should consider the neighbor and the business simultaneously. Mr. Johnson agreed that they can do that with cleaner language for home-based business.

Mr. Clarke stated that day cares have state licenses and requirements that separate home occupation of babysitting and day care. Mr. Young wanted to know if the day care and vehicles should be two separate number items.

Mr. Clarke acknowledged that they can separate the line item.

Mr. Johnson wanted to know whether overnight parking is allowed under the use or storage code.

Mr. Clarke stated that they are trying to restrict the type of trucks in residential areas. Mr. Johnson requested to have overnight parking addressed in the code.

Mr. Hopkins stated that pre-existing businesses have been operating from their home and business in the 5-mile zone for years and people park 18-wheelers on dead-end streets.

Mr. Johnson stated that in town and in parish dump trucks are parked overnight on small lots and should designate lot size for overnight parking. Mr. Hopkins agreed with Mr. Johnson.

Mr. Young wanted to know if storage should be allowed to park overnight for a period of time. Mr. Johnson declined the suggestion that the Parish roads aren't wide enough and requested Mr. Clarke to include that in the code.

Mr. Hopkins informed the committee that parking lot dimensions minimum parking stall length was updated from 18 feet to 22 feet.

Mr. Clarke informed the committee that off-street vehicle and bicycle parking ratios, educational facility primary or secondary and vocational school parking minimums have changed.

Mr. Young explained that if this is increasing parking they could face more flooding and suggested they take measures to reduce that.

Mr. Clarke explained that parking requirements were changed due to an increase in students driving to and from schools.

Mr. Johnson wanted to know if people were still riding bicycles to school. Mr. Clarke responded that they must incorporate bicycles and they can have a place to park if they chose that option of transportation.

Mr. Clarke also explained that residential driveways maximum width are increased from 12 feet to 22 feet.

Mr. Johnson wanted to know why the maximum width for multi-family dwellings is a 14 feet minimum on one-way drives when it can also be 22 feet. Mr. Bernstein responded the difference is because it is a multi-family dwelling.

Mr. Johnson expressed that citizens complained the most about storing recreational vehicles in their yard and not on the road and is unsure how the code can clarify that. Mr. Clarke stated that there have been many changes since November and the code was in place at that time based on the comments from citizens.

Mr. Johnson stated that he doesn't have a problem code as long as the vehicle can move and isn't on a flat tire. Mr. Clarke explained that that has been taken into consideration.

It was **moved by Mr. Chavez**, seconded by Mr. Young, *to remove Section 8.10 until the MPC can provide more verbiage that meets the demands of the public.*

Mr. Bernstein pointed out that there is clarifying statement on the following page that could address their concern.

Mr. Chavez acknowledged the text Mr. Bernstein brought forward. He added that a bunch of not working stuff in the yard is unsightly and requested Mr. Clarke to draw up words that doesn't restrict the citizens in Sportsman's Paradise regarding their RVs, boats and 4-wheelers.

Mr. Jackson wanted clarification that this code is applicable to areas not within city limits and if they will take into consideration lot sizes. Mr. Clarke confirmed that the code is for outside the city limits.

Mr. Johnson confirmed that lot sizes will be included in the amended code.

Mr. Jackson stated that even operable vehicles on a small lot size is not aesthetic in concentrated areas.

Mr. Jackson also asked if recreational vehicles must be parked on a slab or on concrete.

Mr. Clarke stated that they are addressing the same comments that the Commission has heard since November and will retrofit the code to the needs and uses of the citizens of the Parish.

Mr. Jackson was concerned that unincorporated and concentrated rural areas outside of the city limits to park their recreational vehicles on the concrete or across the grass. Mr. Clarke clarified that the R17 minimum of 7,000 sq ft or R15 minimum of 5,000 square feet lots that need to be parked in an orderly fashion and R112 12,000 square feet lots or RE 1 acre or more lots parking is more liberal.

Mr. Johnson stated that should be addressed in the ordinance.

Mr. Clarke stated that the more spread out the lot the less impact from the code.

Mr. Jackson asked if this code was removed would that mean the citizens could park their recreational vehicles anywhere. Mr. Clarke confirmed he is correct that could happen if the ordinance is removed.

Mr. Johnson commented that there are home owner's covenants that could apply. Mr. Young added that covenants are held in court.

Mr. Young asked if this ordinance would apply to residential areas only. Mr. Clarke confirmed that is true.

Mr. Johnson asked Mr. Clarke if he will have the amendment to the Ordinances ready in time of the next full body meeting. M

Mr. Bernstein pointed out that the Committee can consider changes to words that are strikethrough or underlined only and can request variations to other text.

Mr. Hopkins stated that due to timing restraints he recommends that they have another committee meeting before sending the ordinance ot the full body and leave the ordinance as is.

There being no further business to come before the Committee, the meeting was adjourned.

Jeff Everson

Commission Clerk