



**OFFICIAL MINUTES OF THE
PLANNING AND ZONING MEETING
CITY OF THIBODAUX
THIBODAUX, LOUISIANA
February 2, 2022**

The Planning and Zoning Commission of the City of Thibodaux assembled in regular session at its regular meeting place, City Hall, 310 West 2nd Street, Thibodaux, Louisiana, on Wednesday, February 2, 2022 at 5:00 P.M.

There were present: Drew Andrews, Robert Mire and Mark Kearns
Absent: Breaud and Thomas

The minutes of the January 5, 2022 Planning and Zoning Commission were approved as written.

Kearns noted the item on the agenda is to consider request by Councilman Mike Naquin for text revisions to the City of Thibodaux's Comprehensive Zoning Ordinance, Article V, Sections 505, 506, 507 and 508 as per the following:

Article V – Use District Regulations

Amend “Section 505 - Residential Use Districts” Table 5.1, “Section 506 – Commercial Use Districts” Table 5.3, “Section 507 – Industrial Use Districts” Table 5.5 and “Section 508 – Special Use Districts” Table 5.7 by adding the following language to the “Key” section located at the bottom of each table:

Any use not listed shall not be permitted.

Permit applications for a use not permitted or not listed requires a request to amend the use table, to either permit the use or require a special exception for the use, be submitted to the Planning and Zoning Commission for their review and afterward to the City Council for their approval.

Councilman Naquin, 406 Destrehan Dr., stated the reason he brought this before this board is he had inquired about the parking lot that was being poured for the Burger King renovations on 2nd St. and asked Roland if it was permitted and he stated there was nothing that doesn't permit it. He asked what he meant, he said it is not listed so it doesn't prevent it, the fact that it is not listed, if it would be listed and it wouldn't be prevent it, it would say it. He started thinking, ok, so now we have a situation where anything that is not listed can bypass the Planning & Zoning board, it can bypass the City Council and it is left up to one individual to make that decision. Then he started thinking about the permitted use tables, those were probably created over time by people that came before us and they thought of however many uses and they put them down in the table, there is probably many uses out there that he felt if they were not listed then maybe we need to get them listed some kind of way. We either need to list them so that they can be permitted or that they can have a special exception or that they are just not going to be allowed and it would need to come before the proper channels and not necessarily one individual and that is why this was suggested.

Mire asked if people in that area were complaining about what they have out there right now, did they agree with it. Naquin replied he didn't know if they would ever agree with that. If you go back, the City Council received a request to change the zone and the Council didn't do that and the Council was sued and the courts ruled that we had the authority to not change the zone, but that is a whole different matter, we didn't change the zone for whatever reason. Then Burger King was allowed to do the parking lot and that is out of the Council's hands in other words, we are the legislative body and we decided on something and the courts backed it up and now it becomes an administrative matter and so evidently we were told they could do it because there was nothing that prevents them from pouring cement. So he used that as an example if it is not listed then I let it go, what if a guy had a vacant lot and he wanted to put 100 port-a-lets that have not been emptied on his lot, there is nothing that says that I can't do it because it is not in the table, you mean somebody is going to let me go and put 100 port-a-lets on that lot and I can live with that. Somebody would say something about that.

Duplantis noted that port-a-lets that aren't emptied would create a smell which would be a nuisance and we could do something about that. Mire noted the point was if somebody wants to do that then we have to put that in the table that prevents that from happening for the people that come after us, it is going to be laid out and it just doesn't seem like good government where you just don't list it and then you make a decision by one person. Duplantis noted we have never permitted cement, there is nothing for us to look at when they pour, it is your property and you can pour cement to the property lines as long as you don't drain water on your neighbor. There are a lot of things we don't permit, we don't permit vinyl siding and he was confused as to what exactly he meant. Naquin stated the fact that it is not listed and you don't permit it, that is fine, he was using that as an example of what spurred my mind, what if there is a use that is not listed, regardless of what the use is but if it is something that is not listed to him it seems like instead of that use being determined by one individual and then sometime later on people question who allowed that, how did that happen or if it is a good use that we ought to allow and what if you don't allow it. There's nothing on paper

other than what you write down as one individual so we're bypassing this board, if it comes in and the board recommends it, it has to be a good use and the Council ought to approve that to be added to the list so that when it does come back and somebody else wants to do it two years from now, oh yes, that is on the table, that is permitted, all you need is a special exception. Duplantis noted so basically when somebody would come in to get a permit and we don't have a use for it we would have to submit an application to come before the board. Naquin stated it would be similar to where you have a use and you need a special exception, you have to submit an application and you have to get a special exception approved. This would be to amend the table to add that to the table and you would have to recommend either a permitted a use, special exception or you might say we don't want this, leave it blank, we're not going to approve it but add it to the table so that it is blank so that when you look later on you're going to say that is not permitted. The table is going to update as time goes on is really what it is going to do.

On motion by Andrews, seconded by Kearns, the Board voted on a motion to accept the request by Councilman Mike Naquin for text revisions to the City of Thibodaux's Comprehensive Zoning Ordinance, Article V, Sections 505, 506, 507 and 508.....upon roll call the vote was as follows:

YEAS: Andrews, Mire, Kearns

NAY: None

ABSTAINED: None

ABSENT: Breaud, Thomas

There being no further business the meeting was adjourned.