

# Chapter 3

## ADMINISTRATIVE MECHANISMS

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### **Section 3.01                      Planning Commission - Composition**

- A.        There shall be a Planning Commission, which shall consist of nine (9) members. One (1) member shall be a member of the Metropolitan Council who shall be appointed by the latter for a term coincident with his term on the Council; one (1) member shall be the Mayor-President or an officer or employee of the City designated by the Mayor-President from time to time; and seven (7) members shall be qualified voters and taxpayers of East Baton Rouge Parish, three (3) residing in the rural area four (4) residing in the City of Baton Rouge, appointed by the Metropolitan Council for a term of four (4) years. The Metropolitan Council may remove members only for official misconduct or neglect of duty. Membership on the Planning Commission shall be forfeited by any member who has been absent without a valid excuse for more than five (5) meetings, general or special, during one (1) year of service. The appointing body for the unexpired portion of the term shall fill vacancies arising among the appointive members.
- B.        The Parish of East Baton Rouge is authorized to zone property outside of incorporated municipalities, the Planning Commission, in its capacity as the Parish Planning Commission, shall constitute the Zoning Commission provided for by such laws. No ordinance, nor resolution, adopting, amending, supplementing, changing or modifying any regulation or restriction or district boundary authorized by such laws to be made by the governing authority of the Parish shall be passed by that body until such ordinance or resolution has been submitted to and approved or disapproved by the Planning Commission acting in its capacity as Zoning Commission of the Parish of East Baton Rouge. As amended July 29, 1952. Effective September 5, 1952. (As amended November 6, 1956.)

### **Section 3.02                      Planning Commission - Organization**

The first Planning Commission appointed under the provisions of this Chapter shall meet as soon as practicable after its appointment and organize by election one (1) of its members to be chairman for a term of one (1) year from the first day of January 1949 and until his successor is elected and qualified. Thereafter the Planning Commission, at its first meeting in January of each year, shall elect one (1) of its members to be chairman for a term of one (1) year, who shall be eligible for re-election. The Planning Commission shall adopt rules of procedure in which it shall fix the time for its regular meetings, which shall be held at least as frequently as once a month. It shall appoint a secretary who shall keep a journal of its proceedings, in which shall be recorded all actions taken by the Planning Commission and which shall be a public record. The Planning Commission shall appoint and remove, subject to the provisions of Chapter 9 of the Plan of Government, such other employees as it may deem necessary for its work, and shall have authority to contract with planning experts, engineers, architects, and other consultants; provided that the expenditures of the Planning Commission, exclusive of amounts received by contribution, shall be limited to the appropriations for the purpose made by the Metropolitan Council.

### **Section 3.03                      Planning Commission - Powers and Duties**

The Planning Commission shall constitute a Parish Planning Commission in respect of that portion of the Parish outside the City of Baton Rouge and other municipalities and shall in that capacity have all the powers and duties conferred or imposed on Parish Planning Commissions by the General Laws of the State. The Planning Commission shall likewise constitute a City Planning Commission for the City of Baton Rouge and in that capacity shall have all the

powers and duties conferred or imposed on City Planning Commission by the General Laws of the State.

**Section 3.04                    Master Land Use Plan**

- A.     A Master Land Use and Development Plan, for the physical development of the metropolitan area of East Baton Rouge Parish and the City of Baton Rouge shall be adopted by the Planning Commission and Metropolitan Council within two years of the passage of this amendment to the Plan of Government. The Master Plan shall include but not be limited to the following elements:
1.     A future land-use element;
  2.     A traffic circulation and mass-transit element;
  3.     A wastewater, solid waste, and drainage element;
  4.     A conservation and environmental resources element;
  5.     A recreation and open space element;
  6.     A housing element;
  7.     A public services and facilities element, which shall include but not be limited to a capital improvement program;
  8.     A public buildings and related facilities element;
  9.     Development and redevelopment;
  10.    Health and human service element;
  11.    Methods of financing to implement recommendations.

The Master Plan and any amendments thereto shall be drafted by the Planning Commission under the direction of the Mayor-President who shall thereupon submit such plan to the Metropolitan Council with his recommendations thereon within sixty (60) days of the Mayor-President's receipt of the Master Plan. The Metropolitan Council may adopt the plan submitted as a whole or in parts and may adopt any amendment thereto, after not less than two (2) public hearings on the proposed actions not less than one month apart. The Metropolitan Council shall act on such plan within sixty days of the final public hearing. If the Metropolitan Council rejects such plan, or part thereof, the Planning Commission may modify such plan, or part thereof, and again forward it to the Mayor-President who shall submit the modified plan to the Council within thirty (30) days of receipt.

There shall be at least one public hearing on the changes submitted, following which the Metropolitan Council shall adopt or reject the modifications within sixty (60) days. All further amendments to the Master Plan recommended by the Planning Commission shall be submitted in the same manner as that outlined above to the Metropolitan Council for approval; all recommendations to the Metropolitan Council from any City-Parish department affecting the Master Plan shall first be submitted to and accompanied by a recommendation from the Planning Commission, and require a two-thirds vote of the Metropolitan Council for adoption.

The Metropolitan Council shall adopt by ordinance other elements as are necessary or desirable to establish and implement policies for growth, development and beautification within the borders of East Baton Rouge Parish and the City of Baton Rouge, including neighborhood, community, or area-wide plans.

The Metropolitan Council shall recommend methods of financing of all elements contained in the Master Plan in accordance with law.

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

- B. **Legal Effect of Master Plan.** Upon adoption of the Master Plan by the Planning Commission and Metropolitan Council, no subdivision, street, park or public way, ground or space, drainage, building development or structure, whether publicly or privately owned which is in conflict with the Master Plan or the Unified Development Code shall be constructed or authorized by the appropriate department of the City-Parish government, until and unless the locations and extent thereof shall have been submitted to and approved by the Planning Commission and where appropriate, Zoning Commission. In case of disapproval, or approval the Planning Commission shall communicate its reasons to the Metropolitan Council, which shall have the power to overrule such disapproval or approval following public hearings, provided that any changes in the Master Plan shall require a two-thirds (2/3) vote of the Metropolitan Council and upon such overruling the Metropolitan Council or appropriate office, department or agency shall have the power to proceed, and the Master Plan shall be amended to reflect such change or modification.

All land development regulations including zoning and map, subdivision regulations, roadway plan, and all public improvements, public facilities and all City-Parish regulatory actions relating to land use, subdivision and development approval shall be consistent with the Master Plan, element or portion thereof as adopted. For purposes of planning and land development process, the various types of local regulations or laws concerning the development of land may be combined in their totality in a single ordinance known as the Unified Development Code for the City of Baton Rouge and Parish of East Baton Rouge.

### **Section 3.05            Zoning**

The Metropolitan Council shall have all the powers and duties relating to zoning which are conferred or imposed on the legislative bodies of cities by the General Laws of the State. The Planning Commission, in its capacity as the Planning Commission, shall constitute the Zoning Commission provided for by such laws. No ordinance or resolution adopting, amending, supplementing, changing or modifying any regulation or restriction or district boundary authorized by such laws to be made by the Metropolitan Council shall be passed by the Metropolitan Council until such ordinance or resolution has been submitted to and approved by the Planning Commission; provided that failure of the Planning Commission to act on any ordinance or resolution submitted to it within sixty (60) days of such submission shall be deemed to constitute approval thereof; and provided further that an ordinance or resolution disapproved by the Planning Commission may be adopted by the Metropolitan Council by not less than eight (8) affirmative votes.

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

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

**Section 3.102            Meetings of the Board**

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

**Section 3.103            Appeals to the Board**

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

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

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

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

- A. To interpret the Unified Development Code, being:
  - 1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Official in the enforcement of the Unified Development Code.
  - 2. To interpret the provisions of the Unified Development Code in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of the Unified Development Code where the street layout on the ground varies from the street layout as shown on the map aforesaid.
  - 3. To hear and decide any special exceptions to the terms of Section 8.301 Airport Zoning upon which such Board of Adjustment may be required to pass under regulations.

4. To hear and decide special variances under Chapter 5.
  5. The Board of Appeals will hear appeals related to Chapter 15.
  6. The Planning Commission will hear appeals related to Chapters 4, 12, 13, and 14.
- B. To permit the following exceptions:
1. Use of premises for public utility and railroad purposes; provided that the Board shall find some compelling necessity for the use, and that any office, repair, storage, or garage uses are necessary to the main use, provided further that no such accessory use shall be permitted in A, NO, NC and B Zoning Districts.
  2. To permit the expansion of or the reconstruction of a non-conforming building which has been destroyed or partially destroyed, by fire or Act of God where the Board shall find some compelling public necessity requiring continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
  3. To permit the location of an individual manufactured home outside the city limits provided that:
    - (a) Property contains at least one (1) acre and has an approved sanitary sewer treatment system to which a manufactured home may be connected.
    - (b) Any such manufactured home is located at least one hundred (100) feet from the street and fifty (50) feet from adjacent residences.
    - (c) Any such property have at least one hundred (100) feet of frontage on a Parish maintained road.
  4. To permit the location of individual manufactured home in the A, B1, C1 and C2 Zoning Districts in the event that a residence is destroyed by storm, fire or act of God, and such manufactured home will be allowed only for the period of time that it takes to construct a new residence, subject to the restriction in Section 3.2.B.6 below.
  5. To permit the location of individual manufactured home in conjunction with existing residences in all zoning districts in cases of extreme hardship provided that:
    - (a) Board of Adjustment action will be based on a complete report by the Inspection Division of the Department of Public Works to be submitted to the Board for its determination as to whether the case is a true hardship.
    - (b) Hardship shall be defined as the need to provide housing in conjunction with an existing residence, business or institution when an additional permanent residence is not justified or feasible, and the need is based upon:
      - (1) The requirements for housing of aged, ill or otherwise incapacitated, or handicapped family members, or wards for which the existing residents are or may become responsible;

- (2) The physical or economic need for housing of divorced parents with minor children, for whom existing residents have responsibility or family relationship;
  - (3) The need for housing of security personnel for protection of public, institutional, commercial or industrial properties;
  - (c) Any manufactured home allowed to be located under the provisions of this Section may not be occupied by or rented to anyone other than the person for whom the permit was applied.
  - (d) Where there is an existing residence or manufactured home with one existing permitted individual manufactured home and the site contains at least three (3) acres and is adequately served with a means of sewage treatment and disposal approved by the Parish Health Unit, the Board of Adjustment may approve one additional manufactured home, not for lease or sale but for use of the landowner's family member, provided that there is a demonstrable personal hardship involved.
- 6. In the case of any permit authorized under Section 3.2.B.4 and 3.2.B.5 above, the permit shall be for a period not to exceed six (6) months, except that where application is made for an extension, the Board of Adjustment may grant such extension for an additional period of six (6) months.
  - 7. To permit the location of individual manufactured home or suitable structures on public property in the A, B1, C1 Zoning Districts, needed or thought to be needed by the public authority or authorities in charge of that property in connection with patrolling of the area and protection of the property involved.
  - 8. To permit the temporary location of one manufactured home for a period of not more than six (6) months to be used in conjunction with commercial and industrial uses in all industrial and commercial districts for the purpose of use of a night watchman for protecting the premises from burglary and/or vandalism.
- C. To permit the following variations:
- 1. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition, when related to the yard regulations of this chapter, would prevent a reasonable or sensible arrangement of buildings on the lot. Where a duly recorded subdivision has deed restrictions in conflict with the side yard requirements of this chapter, the board, because of unusual or exceptional conditions being shown, may authorize a variance in such requirements to conform with the side yard requirements established by the subdivision deed restrictions. In addition, where a change or alteration of property is required as the result of expropriation proceedings or other law or ordinance relating to the use thereof, the board may authorize variances in the applicable yard requirements so as to allow a reasonable use of the property.
  - 2. Extensions and enlargements to existing buildings being utilized for non-conforming uses, provided the total of such extensions or enlargements shall not exceed twenty-five (25) percent of the total area of the previously conforming principal structure and shall not infringe on the side, front, and rear yard requirements for the particular zoning district in which the non-conforming use

is located, and provided further that the Board of Adjustment shall first find that such extension or enlargement does not result in a diminution of conforming uses, will not be detrimental to, and will not tend to alter the character of the neighborhood.

3. Where fifty (50) percent or more of a side yard in a C, LC, HC or M Zoning District, not adjoining a residence or a residential Zoning District, was occupied by buildings on one (1) lot or separate tract with less side yard than required before August 2, 1950 (the date of adoption of the first Comprehensive Zoning Ordinance and since October 6, 1958 as to the Parish), the Board of Adjustment may, after duly advertised public hearing, permit the extension of existing buildings with that same side yard provided that the required front and rear yard lines are observed.
  4. Vary the provisions of Section 11.509.A where its application would create undue hardship or unreasonable difficulty and the Board, after hearing, determines that no traffic hazard will be created; provided that prior to acting on any such applications the Board shall first receive a report from the Department of Public Works as to whether a traffic hazard will be created; and provided further that the Board may not permit any building or structure to be erected, reconstructed, or structurally altered within twenty (20) feet of the centerline of a street.
  5. To vary the provisions of Section 9.201 (maximum size of an accessory building) to permit an accessory structure to occupy up to thirty (30) percent of a rear yard.
- D. In addition to the foregoing powers granted in A, B, and C, the Board shall have the authority to vary the front yard and side yard, provided that no side yard be reduced to less than three (3) feet, and may also vary rear yard requirements and/or building lines, when the strict application is an undue hardship, such as the tearing down of a structure or a portion of a structure which is substantially complete, or the preventing of a reasonable use of such property. Variance is allowed pursuant to this Section and shall only be granted when there will be no substantial negative impact on surrounding properties, or on the general health, safety or welfare of the public.

### **Section 3.3 Public Hearings and Permits Issued by Board**

In exercising the above mentioned powers such Board may, in conformity with the provisions of the Unified Development Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that and shall have all the powers of the officer from whom the appeal is taken. Every change granted or denied by the Board shall be accompanied by a written finding of fact, based on sworn testimony and evidence, specifying the reason for granting or denying the variation.

Any person applying to the Board of Adjustment or taking an appeal to the Board of Adjustment for permission to vary from the provisions of this Section, shall pay the designated fee to the Building Official at the time of making said application or appeal to pay for the advertising and other costs of such application or appeal.

The Building Official shall keep records of all such appeals or applications and of all fees paid therefore and shall transmit all of such fees collected to the Director of Finance for deposit to the General Fund of the City of Baton Rouge (the Parish of East Baton Rouge).

### **Section 3.4 Authorization of Variances and Exceptions: Time Limitations**

No order of the Metropolitan Board of Adjustment authorizing a variance or an exception shall be valid for a period longer than one (1) year from the date of such order, unless substantial construction or change of use has commenced in accordance with the plans for which such variance or exception was authorized, or if the Metropolitan Board of Adjustment does not specify a longer period than one (1) year for good cause shown.

### **Section 3.5 Historic Preservation**

#### **3.501 Purpose**

- A. This section is established to aid in the preservation and protection of buildings, sites, monuments, structures and areas of historic interest or importance through their protection, maintenance and development as historic landmarks and their recognition as such in the history and traditions of the state and nation; to establish and improve property values, and to foster the economic development of the areas affected.

#### **3.502 Establishment of the Historic Preservation Commission**

- A. The official name of the Historic Preservation Commission shall be the "East Baton Rouge Parish Historic Preservation Commission" hereafter referred to as the "HPC." It shall be considered a "Historic District Commission" pursuant to Louisiana Revised Statutes §25:732.
- B. The HPC shall be part of the planning functions of City-Parish Government, and shall be administratively supported by the staff and funded through the budget of the Office of the Planning Commission.
- C. The Parish Attorney shall be the ex officio attorney for the HPC.

#### **3.503 Historic Preservation Commission Membership, Terms, Vacancies, Qualifications and Committees**

- A. The HPC shall consist of seven members, who shall be residents of the City-Parish. The members shall be appointed by majority vote of the Metropolitan Council. At least one member of the HPC shall be a resident or property owner of a locally designated historic district.
- B. Members of the HPC shall have a demonstrated interest, competence, or knowledge in historic preservation as evidenced by training or experience in architecture, history, architectural history, planning, archaeology, real estate development, construction or other related fields.
- C. The members shall hold office for a term of four years. None of the members of the HPC shall serve more than two consecutive full, four-year terms. Any vacancy in membership shall be filled for the unexpired term by appointment by the Metropolitan Council.
- D. The Metropolitan Council may remove any member of the HPC for cause, on written charges, after a public hearing. Any HPC member who fails to attend 75% of all regularly scheduled meetings in any calendar year is no longer eligible to serve on the HPC.
- E. A Chairman and Vice-Chairman shall be elected annually from the members of the HPC.

- F. All members shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties.
- G. Members shall not vote on issues in which they have a conflict of interest, consistent with State ethics requirements.
- H. The HPC may designate and the chairman may appoint, from among its members, various committees with such powers and duties as the HPC may have and prescribe.
- I. Each member shall complete at least one training session per year as required by the Louisiana Certified Local Government Program Guidelines.

### **3.504 Responsibilities of the HPC**

#### **A. Authority**

The East Baton Rouge Parish Historic Preservation Commission shall be authorized to:

1. Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
2. Provide a review process for the preservation and appropriate development of the City-Parish's resources; and review applications for Certificates of Appropriateness on private property, and approve, approve with conditions, or deny same in accordance with the provisions of this Ordinance;
3. Promote the use of resources for the education, pleasure and welfare of the people of the City of Baton Rouge/Parish of East Baton Rouge;
4. Advise any governmental agency of the State or local government, other than the governing body, prior to the initiation of any substantive change, modification, renovation, restoration or construction to or upon any historic site within the HPC's jurisdiction, pursuant to L.R.S. 25:742;
5. Prepare an inventory of all property within its jurisdiction having the potential for designation as historic property;
6. Recommend to the Metropolitan Council specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties;
7. Recommend to the Planning Commission and Metropolitan Council that the designation of any historic place, district, site, building, structure, object, or work of art as historic property be revoked or removed;
8. Recommend to the City-Parish restoration or preservation guidelines of any properties acquired by the City-Parish Government;
9. Promote the acquisition by the City-Parish of preservation easements;
10. Make such investigation and studies of matters relating to historic preservation as the local governing body or the HPC may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;

11. Apply for State and federal funds for historic preservation, and make recommendations to the Metropolitan Council concerning the most appropriate uses of any funds acquired;
12. Consult with experts;
13. Maintain Certified Local Government status with the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism;
14. Perform historic preservation activities as the official agency of the Baton Rouge City-Parish historic preservation program;
15. Recommend to the Metropolitan Council the acquisition or sale of historic properties or the acceptance by the City-Parish of donations, grants, funds, or gifts of historic property on behalf of the HPC;
16. Recommend to the Metropolitan Council incentives that can be expected to encourage the preservation of the community's historic resources and provide a positive incentive to affected property owners;
17. Adopt rules for the transaction of its business. Copies of the rules, regulations, and guidelines shall be available in the Office of the Planning Commission.

**B. Meetings**

The HPC shall meet at least quarterly, and shall meet monthly whenever applications for public hearing COAs are pending. Additional meetings may be held on written request of any HPC member or the Mayor-President.

**3.505 Local Historic Districts and Landmarks**

**A. Criteria for-Local Historic Districts and Landmarks**

A local historic district or landmark should exhibit one or more of the following characteristics:

1. Historic or Cultural Significance. The proposed designation should:
  - a. Have character, interest or value as part of the development, heritage, or cultural characteristics of East Baton Rouge Parish, Louisiana, or the United States;
  - b. Be the site of an historic event;
  - c. Be identified with a person or group who influenced society; or
  - d. Exemplify the cultural, archaeological, economic, social, political, or historic heritage of the parish and its communities.
2. Architectural and Design Significance. The proposed designation should:
  - a. Embody the distinctive characteristics of a type, period, theme, method of construction or indigenous materials and craftsmanship;
  - b. Represent the work of a master architect, builder, engineer or that of significant artisans;
  - c. Possess high artistic values and design integrity;
  - d. Be a distinguishable entity in that it has not been altered to the extent that its original purpose or use is indiscernible;
  - e. Be an established and familiar visual feature of the neighborhood and community or a place of natural or aesthetic interest that contributes to the cultural or historical development of the City-Parish, State or region.

- f. Be an outstanding example of a building, structure, object, or work of art representative of its era, or is one of the few remaining examples of past architectural styles.

## B.Process

### 1. Application

#### a. Historic Districts

An historical society, neighborhood association, group of property owners, or the Mayor-President and the Metropolitan Council may apply for designation.

#### b. Historic Landmarks

An historical society, property owner, or the Mayor-President and the Metropolitan Council may apply for designation.

### 2. Building Survey

- a. As part of the application, applicants shall provide a building survey that can be used to inform the public and to document and evaluate archaeological and historic sites for the purpose of understanding the architectural or cultural significance of all features within locally designated districts/landmarks. The survey shall follow the guidelines for nominating property to the National Register of Historic Places and shall include:

- (1) A physical description of the proposed district, including clearly defined boundaries for the proposed district, or the landmark, and
- (2) A description of its historic significance.

- b. All structures, buildings, objects, works of art and cultural landscapes in the proposed district/landmark shall be surveyed and evaluated. Individual properties within historic districts shall be classified as:

- (1) Contributing Historic Element- A building that is fifty years old or more that is culturally significant or a worthy representative example of its period style of architecture.
- (2) Non-Contributing Element- A building that does not meet the criteria for a Contributing Historic Element listed above.

- c. The Building Survey shall be submitted to the State Historic Preservation Office for review and comment prior to any further action on the application.

### 3. Community Survey for Local Historic District Nominations

Each property owner within the area proposed for designation as a local historic district shall be sent a questionnaire, which may be returned to the HPC, to ascertain the degree of interest in and support for the proposed designation by all property owners directly affected by the proposal. Such questionnaire shall be used for information purposes only and shall not be binding on the HPC, the Planning Commission or the Metropolitan Council. All questionnaires shall be mailed to the last known owner of the property, as shown on the most recent tax digest during the designation process and at least thirty days prior to any adoption public hearings.

### 4. Adoption Procedure

#### a. Historic Preservation Commission Action

Following receipt of the State Historic Preservation Office comments on the Building Survey and the results of the Community Survey, the HPC consider the merits of designation in accordance with the provisions of this ordinance

at a public hearing and shall recommend approval, approval with conditions, or denial of any request in a timely manner.

b. Planning Commission Action

Following receipt of the recommendation of the HPC, the Planning Commission shall hold a public hearing on the designation in the same manner as a rezoning.

c. Metropolitan Council Action

The Metropolitan Council shall make the final determination regarding a designation, considering the recommendations of the HPC and the Planning Commission, at a public hearing in the same manner as a rezoning.

5. Notification Procedures

Applications for Local Historic Districts and Landmarks shall be advertised and publicly noticed in the same manner as zoning changes. Applicants for the creation of new Local Historic Districts shall also publish a quarter-page advertisement in the official journal of the City-Parish displaying the boundaries of the proposed district and public hearing dates and locations.

6. Ordinance Requirements

Any ordinance designating a local historic district or landmark shall describe the exterior boundaries of the district or landmark to be designated, and establish the requirement that a Certificate of Appropriateness be obtained from the HPC prior to any change to the exterior of any part of a designated property that is visible from a public street.

7. Notification of Adoption of Ordinance for Designation

Within thirty (30) days following the adoption of the ordinance for designation by the Metropolitan Council, the owners of each designated historic property shall be given written notification of such designation by the Historic Preservation Commission; which notice shall notify said owners of the requirement to obtain Certificates of Appropriateness.

8. Moratorium on Applications for Alterations or Demolitions

If an ordinance for designation has been recommended by the HPC, the HPC shall have the power to require that the Building Official delay an application for alteration or demolition for properties under consideration for up to 120 days. Any building permit issued prior to the recommendation of an ordinance for designation may continue until its expiration.

### **3.506 Design Guidelines for local districts and landmarks**

A. Intent

Design Guidelines identify the characteristic features of the district or landmark to be used in determining the compatibility of new construction or alterations with the character and architecture of the area. It is the responsibility of the HPC to ensure that changes in the local historic districts/landmarks reflect the appropriate East Baton Rouge Local Historic District/Landmark Guidelines.

B. Limitation on Use

Design Guidelines shall not be considered regulatory. They are intended to provide design guidance about elements and materials without compromising the character of structures, buildings, objects, or works of art within a local historic district.

C. Development

1. The Historic Preservation Commission, working with neighborhood residents, shall draft Design Guidelines consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties after designation of a district or landmark.
2. The HPC shall hold a public hearing in order to receive comments on the proposed Design Guidelines and, at the conclusion of that hearing, shall recommend to the Planning Commission their approval, approval with changes, or may defer action, determining additional work is necessary.
3. After receiving the HPC's recommendation, the Planning Commission shall consider the proposed Design Guidelines at a public hearing. Following the public hearing, the Planning Commission may approve the Design Guidelines, approve them with changes, or refer them back to the HPC for additional work.
4. Notice of all hearings on the Design Guidelines shall be published in at least three consecutive issues in the official journal and/or in a newspaper of general circulation within Baton Rouge. All such notices shall be published not less than 10 nor more than 20 days prior to the date set for the public hearing.
5. All amendments to the Design Guidelines shall follow the procedure set forth above.

**3.507 Certificates of Appropriateness**

A. When Required

A Certificate of Appropriateness (COA) shall be required for any exterior change that is visible from a public street to any part of a private property within a locally designated historic district or landmark, unless the change is determined to be ordinary maintenance and repair.

B. Approval Authority

Depending on the nature of the work proposed, a COA may be issued by the by the Planning Director and HPC Chairman through a staff-level approval process, or by the HPC through a public hearing process.

C. Submittal Requirements

Applications shall be submitted along with required documentation identified below to Planning Commission office.

1. New construction, Additions, and Alterations

Such drawings, photographs, or plans as may be required by the Planning Director to permit determination of conformity with the applicable Design Guidelines.

2. Demolition or Relocation

Unless the request for demolition is made by the City-Parish, in which case only the records depicting the current condition of the building and the Building Official's determination that the structure is unsafe are required, an applicant shall provide the following material:

- a. Records depicting the original construction of the structure, including drawings, pictures, and/or written descriptions, if available.
- b. Records depicting the current condition of the structure, including drawings, pictures, and/or written descriptions.
- c. The assessed value of the structure and property according to the two most recent tax assessments.
- d. Description of the proposed use of the property after demolition/relocation of structure.
- e. The current fair market value of the structure and property as determined by an independent licensed appraiser.
- f. A report regarding the nature, imminence, and severity of the threat, the cost of restoration of the structure, and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.

D. Criteria for Approval

The decision to approve a COA shall be based on the application meeting the following criteria:

1. New construction, Additions, and Alterations:

The proposed work is consistent with the Historic District/Landmark Design Guidelines applicable to the subject property.

2. Demolition or Relocation:

The HPC may approve a COA for demolition or relocation if the application satisfies at least one of the following criteria:

- a. The structure, building, object or work of art poses an imminent threat to public health or safety.
- b. No economically viable use of the property exists.
- c. The cost to repair the structure exceeds its appraised value.

E. Process

1. Staff level

- a. Certificates of Appropriateness for those changes that do not require building permits may be approved by the Planning Director and the Historic Preservation Commission Chairman without a public hearing and are not subject to application deadlines.

- b. Upon receipt of a staff level application, the Planning Commission staff shall notify HPC with a request to provide comment within three working days of receipt of notification.
  - c. Within 14 working days of receipt of an application, provided that no objections are raised by HPC members during the comment period, the Planning Director and the Historic Preservation Commission Chairman may approve, modify or deny such application. If the Planning Director and the HPC Chairman fail to render a decision within this period or if any objections are raised by an HPC member during the comment period, the application must be heard by the Historic Preservation Commission at its next scheduled meeting.
  - d. The applicant for a staff level COA that is denied may appeal such denial to the full HPC for consideration at a public hearing by filing an appeal in writing to the office of the Planning Commission within ten working days from receipt of the denial.
  - e. At the monthly HPC meeting the Planning Commission staff shall give a report regarding all staff level applications reviewed.
  - f. Approved staff level COAs may be revised by the Planning Director and the HPC Chairman if the revision meets the requirements of a staff level application. If the proposed revision requires a building permit it shall be reviewed according to the procedure for public hearing applications.
2. Public Hearing
- a. Any application for an exterior change that will require a building permit, including all applications for demolition and relocation, may only be approved by the Historic Preservation Commission after a public hearing.
  - b. The Historic Preservation Commission shall approve the application with or without conditions and issue a Certificate of Appropriateness if it finds that the proposed work is consistent with the approval criteria established in this ordinance.
  - c. When the Historic Preservation Commission acts upon an application, it shall state its reasons for its decision and shall transmit a record of such actions and reasons, in writing, to the applicant.
  - d. In cases where the application covers work that would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the HPC shall be binding upon the Building Official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
  - e. Failure by the HPC to render a decision within 60 days of the date of the first hearing by the HPC shall be taken to constitute approval of the application by

the HPC, unless the applicant has requested that the commission delay its decision beyond the 60 day period otherwise required.

f. If the HPC approves an application over which objections are raised during the review process, whether by an HPC member or the public, the Certificate of Appropriateness shall not be issued for a period of 10 calendar days subsequent to the Commission's decision. If during that period an appeal is made to the Metropolitan Council, the decision of the Commission shall automatically be stayed pending Metropolitan Council review.

g. Effect of Denial of an Application for Demolition and Relocation.

If a Certificate of Appropriateness is denied for demolition/relocation, no further applications may be considered for the subject matter of the denied application for one year from the date of the final decision unless the HPC, by majority vote, waives the time limitation, finding that there are changed circumstances sufficient to warrant a new hearing.

h. Appeals

(1) Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a public hearing Certificate of Appropriateness may appeal such determination to the Metropolitan Council; the appeal must be filed with the Council Administrator's Office within 10 calendar days of the Historic Preservation Commission decision and shall be considered at the first Council meeting after the appeal has been received. The Metropolitan Council may approve, modify, or reject the determination made by the Historic Preservation Commission.

(2) Appeals of decisions of the Metropolitan Council relative to the issuance of COAs may be taken to the District Court of the City-Parish, in the manner provided by law.

## F. Public Notice

### 1. Staff Level

The Planning Commission staff shall post a sign, the cost of which shall be paid by the applicant, on or adjacent to the property that is the subject of the request. If the property under consideration does not front on a public street, the sign shall be posted at the nearest public street. Such signs shall be posted by the Planning Commission staff within five working days of receipt of a complete application. The sign shall be a minimum size of 11 inches by 17 inches and shall include the following information printed in a minimum font size of 20:

- a. the type of application,
- b. the case number, and
- c. the phone number and website for the City-Parish Planning Commission.

### 2. Public Hearing

- a. Notice of the time and place of a scheduled public hearing on an application for a Certificate of Appropriateness shall be published in the official journal at least 10 days before such hearing.

- b. All owners of real property as identified in the Planning Commission's current Geographic Information System in within 300 feet of the boundaries of the subject property of the request shall be sent a mailed notice regarding the date and place of the public hearing not less than (15) days in advance of the hearing. Failure of owners to receive this notice shall in no way affect the validity of the action taken by the HPC.
- c. The Planning Commission staff shall post a sign, which meets all of the requirements of signs posted for staff level applications with the addition of the date of the public hearing, on or adjacent to the property that is the subject of request. If the subject property does not front on a public street, the sign shall be posted at the nearest public street.

G. Certificate of Appropriateness Void If Work Not Commenced

A Certificate of Appropriateness shall become void unless the approved work is commenced within 12 months of the date of issuance, but may be extended by the Planning Director in consultation with the HPC chairman for up to two one-year periods for good cause shown.

H. Relation to Other Ordinances

The issuance of a Certificate of Appropriateness shall not relieve an applicant for a companion building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition. In all such cases, applicants are required to obtain a Certificate of Appropriateness prior to obtaining other required approvals as other agencies will require the decision of the HPC in in order to make their subsequent decisions.

I. Undue Hardship

Where, by reason of unusual circumstances, the strict application of any provision of the regulations governing Certificates of Approval would result in exceptional practical difficulty or undue hardship upon any owner of a specific property, the HPC, in acting on applications, shall have the power to vary or modify strict adherence to these provisions, or to interpret their meaning, so as to relieve such difficulty or hardship; provided such modifications or interpretations remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property shall be conserved, and substantial justice done. In granting such modifications, the HPC may impose reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance.

J. Exceptions

- 1. Temporary fences on private property shall not require a Certificate of Appropriateness provided that the property is located on or near a parade route. Such temporary fences shall be no more than five feet in height. Temporary fences shall only be erected no more than seven days prior to the scheduled parade and removed within two days after the conclusion of the parade, unless more than one parade is scheduled within a two week period for the particular route on which the property is located, in which case the fence may remain no longer than two days after the last scheduled parade. In no instance shall the fencing be within the public right-of-way or restrict access along streets or sidewalks.
- 2. Ordinary maintenance or repair shall not require a COA.

3. The Planning Director may authorize work which would require a COA and is deemed necessary on an emergency basis for the preservation of a structure. Such authorization shall not constitute issuance of a COA, and the property owner must apply for a COA in a timely manner after such work is commenced. Failure to apply for a COA within 10 working days of the Planning Director's authorization for such work shall constitute a violation of this ordinance.

### **3.508 Demolition by neglect**

#### A. Prevention

1. Demolition by Neglect is a serious problem affecting historic communities and neighborhoods throughout the country. It refers to the process of deterioration that occurs when routine maintenance or major repair is not performed to the extent that preservation and future restoration is jeopardized. Demolition by Neglect does not refer to purely cosmetic issues or minor deferred maintenance, or to interior conditions. It is not intended to dictate or control the aesthetics of a local historic district/landmark, but to ensure the safety and well-being of the district and landmark.
2. All locally designated historic landmarks and all contributing structures identified by the official historic survey located in a local historic district, shall be preserved against decay, deterioration, and kept free from certain structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof.
3. Demolition by neglect means neglect in maintaining, repairing, or securing a historic landmark or a contributing structure in a local historic district that results in substantial deterioration of an exterior feature of the building or structure or the loss of structural integrity of the building or structure that results in deterioration of the structure and threatens the preservation of the structure.
4. The ordinance which created the Historic Preservation Commission entrusts the Commission with insuring that contributing structures located within the local historic district and landmarks designated by the Commission are not allowed to be demolished through neglect of the owner. However, if the property owner has submitted a Certificate of Appropriateness application, then the Historic Preservation Commission shall not initiate demolition by neglect proceedings until Certificate of Appropriateness is denied and the denial is final.

#### B. Standards

1. The exterior features of any building or structure found to have defects (as outlined below) located within a local historic district shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall upon written request by the City stabilize or repair such exterior features if they are found to be

deteriorating, or if their condition is contributing to deterioration of the property or the district, including but not limited to any of the following defects:

- a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the structural integrity of the structure.
- b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the structural integrity of the structure.
- c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the structural integrity of the chimney.
- d. Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.
- e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.
- f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.
- g. Rotting, holes, and other forms of decay where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.
- h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling where there is the possibility that the architectural details will be totally lost or destroyed.
- i. Deterioration of contributing accessory structures.

#### C. Procedure for enforcement

1. The Historic Preservation Commission may file a petition listing specific defects with the Department of Public Works Inspection Division indicating that a building's condition falls under the Commission's criteria of Demolition by Neglect. Whenever a petition is filed with the Department of Public Works Inspection Division a preliminary inspection must be performed within seven (7) days of the date of the petition.
2. To proceed with the citation process the Historic Preservation Commission must vote by a majority to make a preliminary finding of Demolition by Neglect and requesting an inspection. If, thereafter, a preliminary determination is made by the Commission, the owner is notified by certified mail of the defects in the building. The owner is given thirty (30) days in which to respond to the preliminary determination or obtain a Certificate of Appropriateness for the corrective work. If a Certificate of Appropriateness is issued at this point, it will detail the specific work which is necessary to correct the Demolition by Neglect conditions, and a time limit for work to begin and be completed is set. If the applicant deems that the time limit

- is unreasonable, they will provide details regarding the unreasonableness to the Historic Preservation Commission who will subsequently by majority vote consider extending the time. If the preliminary investigation does not substantiate the petition, the petition is resolved and no action will be taken.
3. If the owner of the property receives the letter regarding the preliminary determination, but fails to respond, the matter is referred to the Historic Preservation Commission for a citation hearing. If the owner fails to receive the letter regarding the preliminary determination after two attempts, the building is posted with a notice of the violation in accordance with the provisions of the Ordinance, and a public hearing on the citation is scheduled.
  4. At the public hearing the Commission may issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions. The citation is made by a vote of the majority of the Commission on a motion recognizing the condition of the building and the owner's failure to correct the defects. The owner is invited to the public hearing to address the Commission's concerns and to show cause why a citation should not be issued. The Commission may also defer the matter to give the owner more time either to correct the deficiencies, make a proposal for repairs, or perhaps sell the property.
  5. If the owner is cited for the condition of Demolition by Neglect of the property, he is given till the next regularly scheduled Historic Preservation Commission meeting to respond with a proposal to correct the defects.
  6. If a Certificate of Appropriateness is issued at this point, it shall be worded to place specific constraints on the owner for initiating and completing the work.
  7. Any person adversely affected by a determination that a structure is being demolished by neglect made by the Historic Preservation Commission may appeal such determination to the Metropolitan Council. The appeal must be filed with the Council Administrator's Office within 10 days after notification is sent. The Metropolitan Council may approve, modify, or reject the determination made by the Historic Preservation Commission by a favorable vote of three-fifths (3/5) of the entire membership of the Metropolitan Council.

### **3.509 Violations**

- A. Any person who violates this section, with the exception of unauthorized tree cutting, damaging or removal and demolitions, shall be cited for a separate offense for each day during which the violation is continued, from the first day the unlawful act was committed until either a Certificate of Appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- B. **Removing, Cutting, Damaging or Destroying Trees**  
Any owner, agent, lessee, or other person acting for or in conjunction with him, who directly or indirectly cuts, fells, damages, destroys or removes any tree or who applies or causes to be applied a substances which damages or destroys a tree, without first going through the process to obtain approval for a Certificate of Appropriateness, shall

be in violation of this Section. The provisions of this Section shall not apply to an act of God. The provisions of this Section shall not apply to the cutting, felling, destroying or removal of a tree by recognized employees or agents of the City-Parish acting pursuant to authority.

C. Stopping Work Commenced Without Permit

A stop work order shall be issued by the Building Official on work not in compliance with an approved Certificate of Appropriateness. Any such work shall be considered a violation of this chapter subject to any and all appropriate fines and penalties.

D. Injunctions

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this ordinance, the HPC, through the Parish Attorney's office, may make an application to the appropriate court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon a showing by the HPC or the city that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order, or other appropriate order shall be granted without bond.

E. Penalty Provisions

The following penalty provisions are to be applied by the appropriate court in response to applications filed by the Parish Attorney relative to the enforcement of a violation of this chapter.

1. Any owner, agent, lessee, or other person acting for or in conjunction with him, who, with the exception of unauthorized tree cutting, damaging or removal and demolitions, violates the ordinance or law or rules, regulations, or decision of the Historic Preservation Commission, shall for each offense be fined not less than \$100 dollars, and each day that a violation continues constitutes a separate offense.
2. Any owner, agent, lessee, or other person acting for or in conjunction with him, who cuts, fells, damages, destroys or removes any tree without having been issued a Certificate of Appropriateness, shall be fined in an amount equal to one and one-half times the monetary value of the tree damaged, destroyed or removed, based on "diameter at breast height" ("dbh") calculated from the stump, and applying the most current standards of the City Tree & Landscape Manager and based upon the historical significance of the tree as designated in the historic building survey of the district. If the violator has ground the stump and therefore prevented a "dbh" calculation, then the penalty shall be three times the monetary value of the tree. Trees which have been damaged or removed shall be replaced with trees of a species approved by the Director of Development, and such replacement cost shall be paid by the violator.
3. Any owner, agent, lessee, or other person acting for or in conjunction with him, who demolishes a structure or edifice without having been issued a Certificate of

Appropriateness, shall be fined a single fine of not less than \$5,000 nor more than \$100,000 based upon the historical significance of the structure or edifice as designated in the historic building survey of the district.

**Section 3.6 Demolition and Relocation of Historic Buildings in the Downtown Development District**

A. Unlawful Demolition or Relocation of Buildings

1. Approval from the Planning Commission must be obtained before demolition or relocation of any historic building within the Downtown Development District, except that a historic building located in a "local historic district/landmark," must be approved by the Historic Preservation Commission. Refer to Section 3.522 for the Historic Preservation Commission appeal process.

B. Authority to Comment on Demolition or Relocation Permit Applications

1. The Planning Commission shall have the authority to approve or deny a request to demolish or relocate a building within the Downtown Development District, except that a historic building located in a "local historic district/landmark," must be approved by the Historic Preservation Commission. Refer to Section 3.522 for the Historic Preservation Commission appeal process.

C. Actions Acceptable in Reaction to Application for Demolition Permit or Relocation Permit

1. The Planning Commission shall have the authority to approve, approve with conditions, or deny a request for demolition or relocation within the Downtown Development District, except that a historic building located in a "local historic district/landmark," must be approved by the Historic Preservation Commission. Refer to Section 3.522 for the Historic Preservation Commission appeal process.

D. Consideration of Pre-Demolition Plans

1. A public hearing shall be scheduled for each application for demolition or relocation. Notice shall be given in Baton Rouge's official journal and/or newspaper of general circulation within Baton Rouge at least one time not less than ten (10) days nor more than twenty (20) days prior to the public hearing.

E. Consideration of Post-Demolition Plans

1. The Planning Commission shall not grant approval for demolition permission without reviewing at the same time the plans for the historic property.

F. Demolition or Relocation Criteria

The Planning Commission's decision concerning the request for demolition or relocation of a historic building shall be based on the following criteria:

1. The structure is individually listed on the National Register of Historic Places or included in a National Register Historic District, or the structure is classified as National Register Eligible or Major Contributing in the historic building survey of the Central Business District.

G. Appeals

1. Any person adversely affected by any determination made by the Planning Commission relative to the approval or denial of a demolition or relocation application may appeal such determination to the Metropolitan Council; the appeal must be filed with the Council Administrator's Office within ten (10) days after Planning Commission decision. The Metropolitan Council may approve, modify, or reject the determination made by the Planning Commission.

Appeals from decisions of the Metropolitan Council made pursuant to this ordinance may be taken to the District Court of the City-Parish, in the manner provided by law.

#### H. Definitions

*Historic building:* a building that is at least fifty (50) years of age.

### **Section 3.7 Tree and Landscape Commission**

- A. There is hereby created and established a City-Parish Tree and Landscape Commission which shall have the following composition, powers, and duties:

1. The Tree and Landscape Commission shall consist of nine (9) voting members and non-voting ex-officio members as follows:
  - a. As one (1) voting member, one professional forester, employed by an agency of government or an educational institution having knowledge or urban forestry problems and licensed as required by law for the conduct of his profession;
  - b. One (1) voting member is representing the utilities. The Utility Coordinating Council will designate the utility from which this member comes. The utility will then provide the name of the individual member;
  - c. As voting members, four (4) professional members to include: one (1) licensed landscape architect and three (3) other members such as licensed arborists, licensed architects, landscape architects, licensed landscape contractors, or other similar professionals as appropriate;
  - d. Three (3) voting members selected at large, from residents and/or property owners of the City-Parish chosen for their knowledge of and concern about the City-Parish; urban forest; and
  - e. As non-voting ex-officio members, a representative from each of the following: the Department of Public Works, the Recreation and Park Commission, the Planning Commission, and the City-Parish Forester.
2. The voting members of the Tree and Landscape Commission shall be appointed by the Mayor-President with the approval of the Metropolitan Council.
3. All terms of office of voting members shall be two (2) years. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term in the same manner as the original appointments were made. Members will continue to serve after the expiration of their term until replacements are made.
4. The voting members of the Tree and Landscape Commission shall serve without compensation.

- B. The Tree and Landscape Commission shall have the following powers and duties:

1. The Tree and Landscape Commission shall meet at least four (4) times a year.

2. The Tree and Landscape Commission shall make its own rules of order, keep records of its proceedings, and annually elect from its voting members a chairman, vice-chairman, and such other officers as it may deem necessary. A majority of its voting members shall constitute a quorum for the transaction of business. Any member who fails to attend more than two out of three regular consecutive meetings without justification satisfactory to the Council will be subject to removal by the Council and will be replaced for the balance of his term by the appointing authority.
  3. The Tree and Landscape Commission shall study problems involving the City-Parish's urban forest, determine needs, compose and annually review a City-Parish Urban Forestry Management Plan, and seek ways to implement needed work. In formulating the City-Parish Urban Forestry Management Plan, the Tree and Landscape Commission shall place priority on projects that contribute to the economy of the City-Parish by improving and/or sustaining property values, that reduce the cost of drainage systems for surface water, and that preserve, protect, and/or restore the unique identity and environment that are landmarks of the City-Parish history.
  4. The Tree and Landscape Commission shall assist the community and its officials in disseminating information about protection, maintenance, and improvement of the City-Parish's tree population.
  5. The Tree and Landscape Commission shall propose such legislation as may be needed and practicable to pursue the purposes for which the Tree Commission was created.
  6. The Tree and Landscape Commission shall plan and coordinate an annual Arbor Week observance each year in cooperation with schools, conservation organizations, and other interested parties.
- C. The Tree and Landscape Commission may undertake and participate in cooperative projects to include but not be limited to the following:
1. Development of tree-planting systems in conjunction with other public and/or private entities;
  2. Development and use of a tree-bank in cooperation with other public and/or private agencies;
  3. Education of the public concerning tree maintenance;
  4. Providing technical advice and assistance to developers, builders, contractors, etc., in the selection and protection of naturally occurring trees during the development of wooded areas; and
  5. Communication with such professional and technical services as it may see fit within the scope of this Unified Development Code.