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Council Proceedings of the City of Shreveport, Louisiana
May 8, 2007

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Monty Walford 3:05 p.m., Tuesday, May 8, 2007, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Webb.

The Pledge of Allegiance was led by Councilman Long.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne, and Bowman. 7. Absent: None.

Mr. Thompson: Mr. Chairman, I would point out if I may that we have Ms. Oliver sitting in today because Bea's mother passed last week, and the funeral was Saturday, and she's still out on extended leave.

Councilman Walford: Okay. Thank you very much.

Councilman Shyne: I was wondering why Ms. Oliver was sitting over there looking so professional.

Councilman Walford: Well, welcome downstairs with us.

Motion by Councilman Shyne, seconded by Councilman Webb to approve the minutes of the Administrative Conference, Monday, April 23, 2007 and Council Meeting, Tuesday, April 24, 2007 Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Shyne, Webb and Bowman. 7. Nays: None.

Awards, Recognition of Distinguished Guests, and Communications of the Mayor which are required by law.

Councilman Walford: Mr. Dark, any communications from the Mayor's office?

Mr. Dark: The only thing I wanted to point out is that you all had asked yesterday for information on legislative bills. And we've provided you a report on the bills that we are following and where we know our position, we've included that. And we've also included which committee they're referred to, and if any actions occur, we will try to keep you updated on that as things change. We've still got another day and a half for things to be introduced down there, so we may be adding a few things depending on what's added at the end.

Councilman Walford: Alright does any Council Member have any distinguished guest? Alright. Moving right on to Property Standards Report. Before I call Mr. Bowie up, does anyone have anything today for Mr. Bowie?

Councilwoman Bowman: Yeah I do.

Councilman Walford: Mr. Bowie.

Reports: Property Standards Report

Mr. Bowie: Good Afternoon.

Councilwoman Bowman: Yes sir, Mr. Bowie. The 2900 block of Jewella and Hardy, I think I've mentioned this to you before. I need for you to check and see who owns that property, and I've mentioned before that's that old car wash.

Mr. Bowie: Okay.

Councilwoman Bowman: You don't recall me inquiring about that?

Mr. Bowie: I might have. Yes Ma'am, I apologize if I didn't get that to you, I'll get it to you.

Councilwoman Bowman: Okay, there is also a house, two story house, and I believe that the City's been taking care of that as far as the yard is concerned.

Mr. Bowie: On Jewella, right there?

Councilwoman Bowman: It's on Sumner and Jewella.

Mr. Bowie: Okay. Sumner and Jewella. The grass needs to be cut?

Councilwoman Bowman: Yeah. And then I would also like to know if that property is on the adjudicated list. I have Woodrow and Jewella. That property used to be a bank, it's called - - - it's a corporate building now. I've been getting calls from the citizens that live on that street behind there. It's caving in, the hole where the drive in was for the bank, that whole area behind that place is caving in. I drove through there on my way here today, and looked at it. In addition to that, the grass is extremely high.

Councilman Wooley: Mr. Bowie, did you get the voice mail that I left you this morning with 77th street?

Mr. Bowie: No sir, I've been out all day in the field.

Councilman Wooley: Mr. Southall, right there at Thornhill and 77th Street. He said it's about five lots in a row right there. I think he's called more than once. He just wants to get an update to see if they are in queue to be cut.

Mr. Bowie: Is it Thornhill and 77th Street?

Councilman Wooley: Yes sir.

Mr. Bowie: Okay.

Councilman Wooley: And that's all, thank you.

Mr. Bowie: Vacant lot right?

Councilman Wooley: That's correct..

Councilman Shyne: Mr. Bowie, I appreciate the lots that you all have been cutting out in District F. I'm trying to hold my seat and maintain my cool until you all can get everything kinda as the old people say, 'up to snuff'. I'll call you Thursday, and I've got a few lots that I need to take you and we can kinda take a look at it and see what we can do in relation to getting those lots clean.

Councilman Lester: Mr. Bowie, I wanted to take this opportunity to thank you and your folks in Community Development, particularly the guys with the Grass Cutting Crew that allowed me to come out with them about a week or so ago. They let me play with the weed eater, and didn't fuss too much that I kept running out of line with my weed eater. And they were really busy this morning on the Murphy Street field cutting that grass on the Murphy Street field, so we appreciate that. Thank you. Thank you Mr. Chairman.

Councilman Shyne: Mr. Bowie, Ron and I want you to tell your workers that we cut enough grass when we were growing up. We don't need to go with anybody to see how grass is cut.

Mr. Bowie: You don't want to go out sir? Okay, that's fine sir.

Councilman Walford: Mr. Bowie, if you haven't been in your office, you probably haven't seen an email that I forwarded regarding 1100 block of Boulevard, I think your inspectors have already been over there, but there were apparently more issues, and then I would ask that they look at 1011 Dalzell. And the 1600 block of Oakdale Circle. They cited some lots in the 1600 Oakdale right off Linwood, but a lady called and said Oakdale Circle has some grass problems. I believe that's it. Thank you very much.

Public Hearing: None

Confirmations and/or Appointments, Adding Legislation to the Agenda, and Public Comments.

Confirmations and/or Appointments: None

Adding Legislation to the Agenda:

The clerk read the following:

1. **Resolution No. 78 of 2007:** A Resolution suspending the effects of certain provisions of Chapter 10 relative to alcoholic beverages and Chapter 106 relative to zoning for Jayne Marie's on Cross Lake at 5301 South Lakeshore Drive and to otherwise provide with respect thereto.
2. **Resolution No. 79 of 2007:** A Resolution nominating persons for consideration by the Mayor for appointment to the Downtown Development Authority and otherwise providing with respect thereto.
3. **Resolution No. 80 of 2007:** A Resolution Expressing the intention of the City of Shreveport to revoke the Cable Television Franchise held by Comcast Corporation and otherwise providing with respect thereto.
4. **Ordinance No. 85 of 2007:** An Ordinance amending the 2007 Capital Improvements Budget and otherwise providing with respect thereto.

Motion by Councilman Lester, seconded by Councilman Webb to add Resolution Nos. 78, 79, and 80 of 2007 and Ordinance No. 85 of 2007. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

Public Comments (Agenda Items to be Adopted)

CONSENT AGENDA LEGISLATION

TO INTRODUCE RESOLUTIONS AND ORDINANCES

RESOLUTIONS: None.

ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES

RESOLUTIONS: None.

ORDINANCES: None.

REGULAR AGENDA LEGISLATION

RESOLUTIONS ON SECOND READING AND FINAL PASSAGE OR WHICH REQUIRE ONLY ONE READING

1. **Resolution No. 51 of 2007:** A resolution supporting the Employee Free Choice Act, and to otherwise provide with respect thereto. (*Postponed April 24, 2007*)

Read by title and as read, motion by Councilman Lester, seconded by Councilman Bowman to table this item. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

RESOLUTION NO. 53 OF 2007

A RESOLUTION ACKNOWLEDGING THAT THE CITY COUNCIL HAS REVIEWED THE 2007 INTERNAL “MUNICIPAL WATER POLLUTION PREVENTION REPORT” CONCERNING THE NORTH REGIONAL AND LUCAS WASTEWATER PLANTS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By:

WHEREAS, the state permits under which the North Regional and Lucas Wastewater Treatment Plants operate require an internal survey form to be completed annually and submitted to the City Council for review; and

WHEREAS, forms for the past year have been completed by City administrative personnel, after consultation with engineering and operational personnel, and are attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, as follows:

That the City Council acknowledges that it has reviewed the attached survey forms, and that the ongoing capital projects at the North Regional and Lucas wastewater treatment plants, in conjunction with ongoing collection system work, are intended to maintain compliance with the conditions of the plants' permits.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Motion by Councilman Shyne, seconded by Councilman Walford to adopt.

Councilman Walford: And the Chair will acknowledge that he has reviewed it, don't give us a quiz. Any other discussion?

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, and Shyne. 6. Nays: Councilwoman Bowman. 1.

Councilman Lester: Need to talk to me like now?

Councilman Walford: Mr. Thompson, 68.

Councilman Lester: Okay.

Mr. Thompson: I just was inquiring, was there one against by mistake, or was that a - - -

Councilwoman Bowman: No mistake, I hadn't read it.

Councilman Lester: There is it.

Councilman Shyne: Mind reader.

RESOLUTION NO. 68 OF 2007

A RESOLUTION AUTHORIZING DONATION OF SURPLUS SHREVEPORT POLICE VEHICLES TO THE VILLAGE OF PLEASANT HILL, LOUISIANA, AND OTHERWISE PROVIDING WITH RESPECT THERETO

BY;

WHEREAS, the City desires to donate a 1999 Ford Crown Victoria and a 1999 Ford Taurus to the Village or Pleasant Hill, Louisiana which serves a public purpose and renders a public service; and,

WHEREAS, Ordinance No. 315 of 1979, requires City Council approval of an agreement made and entered into by the City of Shreveport and any person or entity, whereunder such person or entity receives a donation in return for service which serves a public purpose; and,

WHEREAS, Louisiana Constitution Article VII, Section 14 provides for the donation of surplus properties between political subdivisions engaged in public safety activities as are the parties hereto; and,

WHEREAS, the Village or Pleasant Hill, Louisiana has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation; and,

WHEREAS the vehicles described herein are no longer capable of use by the Shreveport Police Department, and are hereby deemed surplus of the City of Shreveport; and,

WHEREAS, this donation, under these circumstances, provides for the most cost effective way to dispose of the vehicles.

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute an agreement between the City of Shreveport and the Village of Pleasant Hill, Louisiana donating a 1999 Ford Crown Victoria and a 1999 Ford Taurus.

BE IT FURTHER RESOLVED that if any provision of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application of this Resolution which can be given affect without the invalid provisions, items or application and to this end the provisions of this Resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Shyne, seconded by Councilman Long to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

RESOLUTION NO. 69 OF 2007

A RESOLUTION RATIFYING THE SIGNATURE OF THE MAYOR ON AN INTERMODAL TRANSIT FACILITY AGREEMENT BETWEEN THE CITY OF SHREVEPORT AND LSU HEALTH SCIENCES FOUNDATION, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, Resolution Number 119 of 2004 was adopted by the City Council on May 25, 2004, approved by the Mayor on June 1, 2004, and effective on June 9, 2004, which authorized the Mayor to approve an Intermodal Transit Facility Cooperative Endeavor Agreement between the City of Shreveport and the Louisiana State Health Sciences Foundation, as well as authorized the submission of a 5309 grant application to purchase land for an intermodal transit facility; and

WHEREAS, Resolution Number 164 of 2004 was adopted by the City Council on August 10, 2004, approved by the Mayor on August 16, 2004, and effective on August 24, 2004, which ratified an amendment to the Intermodal Transit Facility Cooperative Endeavor Agreement between the City of Shreveport and the Louisiana State University Health Sciences Foundation to provide that the grant funds will be used by the Louisiana State University Health Sciences Foundation for the purchase of immovable property for an intermodal transit facility and for the construction of improvements on same; and

WHEREAS, a necessary document required by the seller of the immovable property which will be utilized for the intermodal transit facility and for the construction of improvements on same is an Intermodal Transit Facility Agreement between the City and Louisiana State University Health Sciences Foundation which sets forth the respective responsibilities of both, as well as the flow of funds during the acquisition of property and construction of the facility; and

WHEREAS, in response to the Louisiana State University Health Sciences Foundation's request for prompt execution of said Intermodal Transit Facility Agreement so that it may close on the immovable property on or about April 27, 2007, the Mayor has executed said Intermodal Transit Facility Agreement with Louisiana State University Health Sciences Foundation, subject to ratification by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Shreveport, in due, regular and legal session convened, that the execution by Cedric B. Glover, Mayor, of an Intermodal Transit Facility Agreement on April 20, 2007, between the City of Shreveport and the LSU Health Sciences Foundation, a copy of which is attached hereto, is hereby ratified.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Walford, seconded by Councilman Shyne to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

RESOLUTION NO. 71 OF 2007

A RESOLUTION APPROVING THE BUDGET FOR THE CADDO-SHREVEPORT SALES AND USE TAX COMMISSION FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BY:

WHEREAS, the Caddo-Shreveport Sales and Use Tax Commission was created by the City of Shreveport and the Caddo Parish School Board to provide for the joint collection, enforcement and administration of sales and use taxes levied by the City and School Board; and

WHEREAS, the Sales and Use Tax Commission is required to submit its proposed budget for the ensuing fiscal year to the City Council for approval; and

WHEREAS, the Commission has submitted its proposed budget for the fiscal year beginning July 1, 2007, a copy of which was filed with the Clerk of the City Council on May 8, 2007.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the total operating budget of \$1,079,350 and the capital budget of \$8,000

proposed by the Caddo-Shreveport Sales and Use Tax Commission for the fiscal year beginning July 1, 2007, are hereby approved.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications; and, to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Webb, seconded by Councilman Wooley to adopt.

Councilman Shyne: Mr. Chairman, anything dealing with tax, I want to (inaudible) cause I'm not one of those tax and spend Republicans. I'm a conservative Democrat.

Councilman Walford: It's not too late to switch.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

RESOLUTION NO. 72 OF 2007

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 RELATIVE TO ALCOHOLIC BEVERAGES AND CHAPTER 106 RELATIVE TO ZONING FOR JOHNNY DEE'S LOUNGE LOCATED AT 4044 MANSFIELD ROAD FOR THE ANNUAL CRAWFISH BOIL AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By: Councilman Monty Walford

WHEREAS, Johnny Dee's Lounge located at 4044 Mansfield Road will host its Annual Crawfish Boil on May 19, 2007; and

WHEREAS, the establishment desires to dispense, and allow the consumption and sale of alcoholic beverages on the parking lot of the establishment, between the hours of 12:00 p.m. - 12:00 a.m., with no music being played outdoors after 8:00 p.m.; and

WHEREAS, Section 106-130(6) provides that unless otherwise excepted, all uses shall be operated entirely within a completely enclosed structure; and

WHEREAS, any special exception approval granted to the establishment for alcoholic beverage sales, consumption and/or dispensing does not specifically authorize outside sales and/or consumption on the premises; and

WHEREAS, Section 10-80(a) makes it unlawful for any person to sell, barter, exchange or otherwise dispose of alcoholic beverages except within those sections of the city wherein such sale is permitted by the applicable zoning ordinance; and

WHEREAS, Section Chapter 10-103(a)(5) provides that the city council may suspend or revoke any permit if a retailer allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises without a proper license; and

WHEREAS, the adoption of this resolution would allow the dispensing, sale and consumption of alcoholic beverages on the parking lot of Johnny Dee's Lounge, 4044 Mansfield Road, on May 19, 2007 for the Annual Crawfish Boil, with no music being played outdoors after 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened Section 106-130(6), 10-103(a)(5) and 10-80(a) are hereby suspended on May 19, 2007 for the Annual Crawfish Boil, between the hours of 12:00 p.m. - 12:00 a.m., with no music being played outdoors after 8:00 p.m., at Johnny Dee=s Lounge, 4044 Mansfield Road.

BE IT FURTHER RESOLVED that all other applicable provisions of the City of Shreveport Code of Ordinances shall remain in full force and effect.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Walford, seconded by Councilman Webb to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

Mr. Thompson: Mr. Chairman, we now have three items that were added today, that can be considered. Would you like for me to read those?

Councilman Walford: Please.

The Clerk read the following:

RESOLUTION NO. 78 OF 2007

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 RELATIVE TO ALCOHOLIC BEVERAGES AND CHAPTER 106 RELATIVE TO ZONING FOR JAYNE MARIE'S ON CROSS LAKE AT 5301 SOUTH LAKESHORE DRIVE AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By: Councilman Calvin Lester

WHEREAS, Jayne Marie's on Cross Lake located at 5301 South Lakeshore Drive will host an event in conjunction with the Annual Cross Lake Floatilla on June 9, 2007; and

WHEREAS, the establishment desires to dispense, and allow the consumption and sale of alcoholic beverages on the parking lot of the establishment, between the hours of 11:00 a.m. - 12:00 a.m.; and

WHEREAS, Section 106-130(6) provides that unless otherwise excepted, all uses shall be operated entirely within a completely enclosed structure; and

WHEREAS, any special exception approval granted to the establishment for alcoholic beverage sales, consumption and/or dispensing does not specifically authorize outside sales and/or consumption on the premises; and

WHEREAS, Section 10-80(a) makes it unlawful for any person to sell, barter, exchange or otherwise dispose of alcoholic beverages except within those sections of the city wherein such sale is permitted by the applicable zoning ordinance; and

WHEREAS, Section Chapter 10-103(a)(5) provides that the city council may suspend or revoke any permit if a retailer allows any person to consume any alcoholic beverage on the licensed

premises or on any parking lot or open or closed space within or contiguous to the licensed premises without a proper license; and

WHEREAS, the adoption of this resolution would allow the dispensing, sale and consumption of alcoholic beverages on the parking lot of Jayne Marie's on Cross Lake, 5301 South Lakeshore Drive, on June 9, 2007 for an event in conjunction with the Annual Cross Lake Floatilla.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened Section 106-130(6), 10-103(a)(5) and 10-80(a) are hereby suspended on June 9, 2007 for an event in conjunction with the Annual Cross Lake Floatilla, between the hours of 11:00 a.m. - 12:00 a.m., at Jayne Marie's on Cross Lake, 5301 South Lakeshore Drive.

BE IT FURTHER RESOLVED that all other applicable provisions of the City of Shreveport Code of Ordinances shall remain in full force and effect.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Shyne, seconded by Councilman Lester to adopt.

Councilman Lester: This is for the Floatilla Mr. Chairman as I appreciate it.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

RESOLUTION NO. 79 OF 2007

A RESOLUTION NOMINATING PERSONS FOR CONSIDERATION BY THE MAYOR FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT THERETO

By: Councilman Walford

WHEREAS, La. R. S. 33:2740.38 provides that the members of the Downtown Development Authority shall be appointed by the mayor of the city of Shreveport, subject to confirmation by the city council, and two of the members shall be chosen from a list of five nominees submitted to the Mayor by the Shreveport City Council members.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the City Council hereby submits the following nominees to the Mayor for the two positions:

Carl Rice

James Ballengee

Lee Underwood

Larry English

Mike Whitemaine

Michael Parker

BE IT FURTHER RESOLVED that if any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Shyne, seconded by Councilman Long to adopt.

Councilman Walford: Discussion Mr. Shyne?

Councilman Shyne: None.

Councilman Walford: I'm going to have some brief discussion here. You'll recall that over the last few months, I've been urging the Council Members to come forward with names to nominate to the Mayor for him to select two members of the DDA Board of Directors to come back to the Council for confirmation. I couldn't get five names, but all of a sudden I had six. And in the spirit of fairness, and to avoid the Council having to eliminate one, this resolution contains the six names submitted to me by the Council that will go forward to the Mayor. I think we wouldn't want to come up short, but I certainly see no problem with giving him an extra name to choose from. So, it has the six names that were submitted by the Council.

Councilman Shyne: Mr. Chairman, that was very stately on your part.

Councilman Walford: That's called avoiding controversy Mr. Shyne.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

9. **Resolution No. 80 of 2007**: A Resolution Expressing the intention of the City of Shreveport to revoke the Cable Television Franchise held by Comcast Corporation and otherwise providing with respect thereto.

Read by title and as read, motion by Councilman Bowman, seconded by Councilman Walford to adopt.

Councilwoman Bowman: I wanted to go back up, because this is one of the ones that - - - who can explain?

Councilman Walford: I will, if you'd like. And I'm going to ask Ms. Scott to please come forward. You'll recall that about two months ago, I asked the Comcast representative Mr. Fuller, and their Government Liaison, to please provide audited financials that support their franchise payment. Mr. Thompson, had already requested it in writing for me, and I never got it. That is a requirement. Ms. Glass researched the franchise agreement, and that is a requirement, that they provide this information. Ms. Scott they called me just a few minutes ago, and have you had any dealings with them on this?

Ms. Scott: Mr. Fuller actually called me about six weeks ago or so, and indicated that they were actually working on the financial statements, and that they would provide them to us in a timely manner, and I've had not further communications with him since them.

Councilman Walford: My conversation with Mr. Fuller today, he's saying that they will provide us the first quarter of 2007 by the 15th of May, but what I really was asking for was the fourth quarter of 2006, their first quarter they actually took over in August?

Ms. Scott: I believe.

Councilman Walford: They sent a paper that basically said this is what we owe you, and that was my reason for asking for the audited financial statements.

Ms. Scott: Mr. Walford, we will pursue that with Comcast to the extent necessary to get the information.

Councilman Walford: So, with that I would like to offer a subsidiary motion to postpone for two weeks on this, but if we can't get the information for the fourth quarter- - -

Councilman Webb: I'll second that.

Substitute motion by Councilman Walford, seconded by Councilman Webb to postpone for two weeks.

Councilman Walford: And if we can't get it, we'd just as soon go forward with - - -

Ms. Scott: And you're requesting information from the fourth quarter of '06 and the first quarter of '07?

Councilman Walford: No, the first quarter of '07 by the contract, they are to provide to us within 45 days of the close of quarter, which will be Tuesday. He indicated to me that we would have those, but I'm still wanting the audited information to verify what they gave us at the end of their first quarter of operation, the fourth quarter of 2006. And that was what I was asking for. I wasn't asking for first quarter. It was way back in the first quarter when I asked for it. So, I would ask the Council to indulge me, and lets wait two weeks, and if we don't get the information, I think we should move forward.

Councilwoman Bowman: I have a question. Have we received any statements of revenue from Comcast? Any at all?

Ms. Scott: Not to my knowledge, but again Ms. Washington may have that information.

Councilman Walford: If I may, I did get a very basic non letter sheet of paper that said Shreveport Revenues, and it was about that much on a page. Unaudited, it was signed by a Comcast employee. But we ware entitled to audited information, and that's what I would like to see.

Councilman Long: And specifically audited information to our operation in Shreveport, not Comcast Corporate, which you can get off the website.

Councilman Walford: And since we - - - thank you very much Ms. Scott, unless somebody else has something, I did tell several of the Council Members while we were discussing that I had something for you, and this is an article from the *New York Times* that Comcast earnings rose 80% in the first quarter, and it's almost doubled what it was the same quarter the last year, up from \$466,000,000 in revenue to \$837,000,000. They probably could spend some on customer service. I will be glad to pass this around to each of the Council Members. But again, I would ask that we postpone for two weeks, but I want the financial information.

Councilman Shyne: Mr. Chairman, I think our very competent finance director has entered, and - - -

Councilman Walford: I read lips.

Councilman Shyne: I can't see that well, but I hear very well, but I can see that well.

Councilman Walford: We can - - - She said I don't have it, but we'll let her come up here and say 'I don't have it'. Thank you Ms. Washington.

Councilman Shyne: Monty can see back there that far, but he doesn't hear very well.

Ms. Washington: I understand that you're looking for financial statement from Comcast, I have not received any financial statements. I don't have any financial statements.

Councilman Walford: They basically just send us a check and say this is what we owe you.

Ms. Washington: That's right.

Councilman Webb: And that's not acceptable.

Councilman Walford: I just think that's the way to do business. They're a new franchisee on the agreement, I think it's time to be a little more financially responsible.

Ms. Washington: We will try to obtain those for you.

Councilman Walford: I don't think they're working towards the fourth quarter, their first quarter of operation with us, which is what I asked for. Not first quarter of 2007. So, I think the City Attorney is aware of that.

Ms. Washington: Yes, I thought she was handling that.

Councilman Walford: And I would ask without the Council having to go back to them every time that perhaps we make it clear to them that with their payment, that's what we expect.

Ms. Washington: Okay.

Councilman Walford: Thank you very much. Anyway, if the Council would allow two weeks on this.

Motion approved by the following vote: Ayes: Councilmen Walford, Long, Wooley, Webb, Shyne and Bowman. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

INTRODUCTION OF RESOLUTIONS *(Not to be adopted prior to May 22, 2007)*

The Clerk read the following:

1. **Resolution No. 73 of 2007:** Authorizing Donation of surplus Shreveport police vehicles to the Town of Vivian, LA and otherwise providing with respect thereto.
2. **Resolution No. 74 of 2007:** Authorizing the Mayor to accept a donation from the Caddo Parish Sheriff's Office and to otherwise provide with respect thereto.
3. **Resolution No. 75 of 2007:** Authorizing the Mayor to execute an agreement with Red River Revel Arts Festival, Inc. and to otherwise provide with respect thereto.
4. **Resolution No. 76 of 2007:** Authorizing the Mayor to request the Louisiana Department of Natural Resources, Office of the State Mineral Board, to lease certain mineral interest owned by the City of Shreveport, and to otherwise provide with respect thereto.
5. **Resolution No. 77 of 2007:** Authorizing the Mayor's signature on a Right of Entry Agreement between Union Pacific Railroad Company and the City of Shreveport and to otherwise provide with respect thereto.

Read by title and as read, motion by Councilman Shyne, seconded by Councilman Wooley to introduce Resolution No(s). 73, 74, 75, 76, and 77 of 2007 to lay over until May 23, 2007

meeting. Motion approved by the following vote: Ayes: Councilmen Walford, Long, Wooley, Webb, Shyne and Bowman. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

INTRODUCTION OF ORDINANCES *(Not to be adopted prior to May 22, 2007)*

The Clerk read the following:

1. **Ordinance No.77 of 2007**: Amend and reenact Section 50-212 of the Code of Ordinances relative to smoking and to otherwise provide with respect thereto.
2. **Ordinance No. 78 of 2007**: Amending the 2007 General Fund Budget and otherwise providing with respect thereto. *(Mayor's Summer Jobs Program)*
3. **Ordinance No. 79 of 2007**: Amending the 2007 Community Development Special Revenue Fund Budget and otherwise providing with respect thereto. *(Mayor's Summer Jobs Program)*
4. **Ordinance No. 80 of 2007**: Closing and Abandoning the dedicated alleyway running between Cheatham and Lyons Streets and Joplin Street and Wallace Avenue Located in the Vernon Annex Subdivision and the NE ¼ of Section 14(T17-R14W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. (B/Walford)
5. **Ordinance No. 81 of 2007**: Amending and replacing Section 74-26(c) (1) and Section 74-29(c) Collection and Disposal, and otherwise providing with respect thereto.
3. **Ordinance No. 82 of 2007**: Create and establish the intersection of East Jordan Street and Martha Avenue as a yield intersection and to otherwise provide with respect thereto. (B/Walford)
4. **Ordinance No. 83 of 2007**: Amend Section 102-62 of the City of Shreveport Code of Ordinances relative to vehicles for hire and to otherwise provide with respect thereto.
5. **Ordinance No. 84 of 2007**: Declaring certain adjudicated properties to be surplus and to authorize the Mayor of the City of Shreveport to sell the City of Shreveport's tax interest in certain surplus adjudicated properties and to otherwise provide with respect thereto. (A/Lester and F/Shyne)
6. **Ordinance No. 85 of 2007**: An Ordinance amending the 2007 Capital Improvements Budget and otherwise providing with respect thereto.

Read by title and as read, motion by Councilman Shyne, seconded by Councilman Bowman to introduce Ordinance No(s). 77, 78, 79, 80, 81, 82, 83, 84, and 85 of 2007 to lay over until May 8, 2007 meeting. Motion approved by the following vote: Ayes: Councilmen Walford, Long, Wooley, Webb, Shyne and Bowman. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

ORDINANCES ON SECOND READING AND FINAL PASSAGE (*Numbers are assigned Ordinance Numbers*)

1. **Ordinance No. 68 of 2007**: Creating stop intersections within the city limits of the City of Shreveport and to otherwise provide with respect thereto. (C/Long)

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Long, seconded by Councilman Webb to adopt.

Councilman Long: These are approved by the City Traffic Engineers.

Councilman Webb: Wow.

Councilman Shyne: He must have carried Mike out for a little dinner.

Motion approved by the following vote: Ayes: Councilmen Walford, Long, Wooley, Webb, Shyne and Bowman. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

2. **Ordinance No. 69 of 2007**: ZONING C-21-07: Amending various sections of Chapter 106 of the Code of Ordinances, The City of Shreveport Zoning Ordinance, and to otherwise provide with respect thereto.

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Long, seconded by Councilman Shyne to adopt.

Councilman Webb: Somebody explain that one to us.

Councilman Wooley: Yes.

Mr. Dark: Well, I'll try again if you'd like.

Councilman Webb: I just wanted somebody to explain it to me a little bit.

Councilman Walford: Mr. Dark, could we call on you please?

Mr. Dark: Okay, and if I need some help, I may call on Mr. Kirkland. This is an ordinance that deals almost totally with home based business. It's trying to clarify the requirements on - - - they found some inconsistencies inside the ordinance, and in the process of going through some of the cases they've had to deal with over the last year or so. And what I think they're trying to do here is make it simpler if the home based business is so inconspicuous that you can't tell it's there, it's going to be easier to get approval. It's going to be harder to get approval if you go to MPC for one and get turned down because you're going to have to wait two years. That's the long and short of it. It gives the Planning Director a little bit more discretion on dealing with home based business, but it tries to avoid some of the problems that we've run into that have kept your predecessors and perhaps you in here for two or three hours at a time a couple of times.

Councilman Walford: I will tell you, he's correct for those of you who are new to the council, we've had several of these that lasted an awful long time. Neighbors tend to come and there were some inconsistencies. And I'm sure Mr. Shyne remembers that from his time and Mr. Lester, and I can tell you about several that were quite time consuming.

Councilman Webb: Question, and Charles you may have to answer. If a particular home based business becomes the problem with traffic and so forth, it may not start out that way, but

all of a sudden, for whatever kind of business it may be, all of a sudden see a lot of parking going on, you know off-road and so forth, then how do we address that? I mean, they're properly zoned for it now, do we say that now they've started causing problems, now they can re-zone? I mean, how's it going to play out in time?

Mr. Kirkland: Like any rezoning or adding of additional property rights to a location. We then get into if there are problems with it to the zoning enforcement side, and that's typically though these types of operations are very responsive to us having to go out and talk to them, or get them to stop doing something that may have gotten outside of the home business. Now the good news is within our entire planning area, City and Parish, for the most part, we don't really have problems with home based businesses. They're glad to be there. It's also important to acknowledge that more and more of our citizens are starting their businesses in a low cost location like their homes. So, this is sort of an update that we think will not only benefit our citizens, but keeping to remember if all of their neighbors do not sign off, that we will get every neighbor around them. Every single one has to sign off. They don't get it. They would then have to go before a board and a public hearing process like one or two Mr. Walford, I think you were referencing, those are the ones that get very contentious. But the bottom line is this is also been shifted from the Zoning Board of Appeals of seven members to the MPC Board which is nine members, hoping that it would get a little bit broader (inaudible) the community. Again Ms. Bowman, I think you will remember a few in the west Shreveport area. The two year period really meshes also the fact that our Zoning Administrator can refuse to renew the licenses, if there are problems. So the ultimate resort is that we won't renew it. So it's a little unique in the land use there. Did that answer your question?

Councilman Wooley: Yes it did. Thank you.

Motion approved by the following vote: Ayes: Councilmen Walford, Long, Wooley, Webb, Shyne and Bowman. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

Councilman Walford: If they council would indulge me for just a minute, I'm going to back up on the agenda and welcome the Mayor. Mr. Mayor, any distinguished guests or any comments?

Mayor Glover: Mr. Chairman, no distinguished guests today, except all of the folks who are here who I consider to be distinguished individuals, but no special guests, I guess would be more appropriate to say today. But with regards to communications from the Mayor to the Council, I would like to thank all of you all who participated in last Monday's Property Standard Summit. I think I mentioned to you on yesterday. I thought it was an excellent start to an effort that I think is going to shift the paradigm in terms of how we go about addressing, not only our Property Standards issues, but our Public Safety issues, in our community, improvement in our quality of life issues as a whole. We look forward to you all in the next couple of weeks, specifically how we intend to accomplish those specific goals, and objectives that we outlined on last Monday. In addition to that, I want to obviously re-extend a welcome to each of you as Council Members and all of the folks who are watching today, and those who are present with us to please join us this coming Thursday at 6:00 p.m. at the Lake Bethlehem Baptist Church, where Rev. Dennis Everett is the pastor for the first of two community wide sessions with our Police Chief candidates. You all are aware that tomorrow at 9:00 a.m., we will be opening or at least members of the fine Police Civil Service Board will be opening the results of the Police Chief Exam. And so sometime shortly thereafter, we should know of the 22 individuals who took the

exam, how many will be eligible to be considered to be selected to be the next Chief of this city. And so Thursday we'll start that process off for us. On I believe is it Monday or Tuesday of next week - - -?

Mr. Seaton: The second one, Tuesday.

Mayor Glover: On Tuesday of next week at 6:00 p.m., at the Summer Grove at South Park, we will have the second session with our Chief candidates, and as I've detailed on yesterday, it'll be an opportunity for each of those candidates to be able to make two to three minutes of comments to those who will be gathered. Once that is done, it'll break down into individuals conversations and dialogue amongst those who are there. We'll have some refreshments and what have you, and we'll wrap up promptly at 8:00, and certainly look forward to having as many who are willing and able to please come out and join us. Thank you.

Councilman Walford: With that, we'll move back to our agenda. Item 70 Mr. Thompson.

3. **Ordinance No. 70 of 2007**: ZONING C-26-07: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the west side of Shreve Park Road, 175 feet north of Shreve Hills, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, Multiple-Family Residence District, and to otherwise provide with respect thereto. (E/Webb)

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Webb, seconded by Councilman Bowman to adopt. Motion approved by the following vote: Ayes: Councilmen Walford, Long, Wooley, Webb, Shyne and Bowman. 6. Nays: None. Out of the Chamber: Councilman Lester. 1

4. **Ordinance No. 71 of 2007**: ZONING APPEAL C-30-07: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the west side of Audrey Lane at its intersection with Thomas E. Howard Drive, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District, to R-1D-E, Urban, One-Family Residence/Extended Use District, limited to "Property Manager's Office and Community Space", only, and to otherwise provide with respect thereto. (A/Lester)

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Shyne to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

5. **Ordinance No. 72 of 2007**: ZONING C-31-07: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the east side of Portland Avenue at its intersection with Quinton Street, Shreveport, Caddo Parish, Louisiana, from I-2, Heavy Industrial District, to R-2, Suburban, Multi-Family District, and to otherwise provide with respect thereto. (B/Walford)

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Shyne to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

6. **Ordinance No. 74 of 2007**: ZONING C-34-07: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the southeast corner of Linwood Avenue and Mount Zion Road, Shreveport, Caddo Parish, Louisiana from B-2, Neighborhood Business District to B-3 (PBG) Community Business (Planned Building Group) District, and to otherwise provide with respect thereto. (D/Wooley)

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Wooley, seconded by Councilman Shyne to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

7. **Ordinance No. 75 of 2007**: ZONING C-36-07: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on east side of Avalon, 230 feet south of Hoyte Drive, Shreveport, Caddo Parish, Louisiana, from R-1D-E, limited to "A Daycare", to R-1D-E, limited to "A Daycare and office", only, and to otherwise provide with respect thereto. (E/Webb)

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Webb, seconded by Councilman Bowman to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

8. **Ordinance No. 76 of 2007**: ZONING C-37-07: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the west side of Mansfield Road, 250 feet south of McCutchen Avenue, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District, Limited to "A Counseling Office and Transitional Housing", only, and to otherwise provide with respect thereto. (E/Webb)

Councilman Webb: Before I make a move on that, I guess I need to make a motion to get somebody to explain that.

Councilman Walford: Please.

Councilman Webb: So moved.

Councilman Shyne: I'll second that.

Having passed first reading on April 24, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Webb, seconded by Councilman Shyne to adopt.

Councilman Webb: Can somebody explain this one to me?

Councilman Walford: Mr. Kirkland. It says Zoning, so - - -

Mr. Kirkland: I'd like to say Tom Dark's been doing a good job at these, so I don't know if we should leave him on your payroll, but get him to explain them. But I think Tom has a good motivation though, it shortens the comment section, but Mr. Webb, what can I answer for you?

Councilman Webb: I don't know anything about this one, and I was just trying to figure out exactly what's going on before I voted to approve it.

Mr. Kirkland: Let me find the one here in my ordinance book.

Mr. Thompson: C-37-07.

Mr. Kirkland: Yeah, if you look at your site plan, I think that would give you the location, No. 1. And there basically like it says counseling service for different purposes and some housing in that location. So, the Board didn't see a problem with it, and didn't have any opposition that I recall, so. What else could I explain?

Councilman Webb: That's all. I'm sitting here looking at the site plan consideration and everything. There was nobody in opposition of it either.

Mr. Kirkland: No, in fact three spoke in favor and there was no opposition.

Councilman Webb: Okay.

Mr. Kirkland: And shouldn't, hopefully present a problem.

Councilman Webb: Thank you.

Mr. Kirkland: Thank you.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

The Adopted ordinances and amendments follow:

ORDINANCE NO. 68 OF 2007

AN ORDINANCE CREATING STOP INTERSECTIONS WITHIN THE CITY LIMITS OF THE CITY OF SHREVEPORT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport in regular and legal session convened that the following are hereby made and created stop intersections:

1. Captain Sawyer Drive and River Oaks Drive Stop at River Oaks Drive
2. Mecom Drive and River Oaks Drive Stop at River Oaks Drive

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions,

items or applications of this ordinance which can be given effect without the invalid provisions, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 69 OF 2007

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that section 1 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a detached subordinate building or structure on the same building site with the main building, the use of which is incidental to that of the main building. An accessory structure shall be considered detached despite an intervening attached structure or shelter that is not enclosed. No living or sleeping quarters shall be permitted in accessory structures.

Garage sale means the exchange, for money or other consideration, of household goods, clothing, merchandise or other tangible personal property belonging to the owner or lessee of a dwelling, from the dwelling building site on an infrequent and temporary basis; includes estate sales, carport sales, yard sales and similar occasional sales at a dwelling. Sale items may not be transported to the site from other locations using a vehicle nor include merchandise acquired for the express purpose of resale.

Home-based business means any business, profession, occupation or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use that is incidental and secondary to the use of the property. It includes home offices as well as specially regulated and limited business uses of the home such as barber or beauty shops; but does not include garage sales or the provision of child care services in residential districts. When exercised or asserted as a use by right, full compliance with section 106-1124 criteria is required.

~~*Personal care* means protective care of a resident who does not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident. Personal care may include a daily awareness by the management of the resident's functioning, his whereabouts, the making and reminding a resident of appointments, the ability and readiness to intervene if a crisis arises for a resident, supervision in areas of nutrition and medication, and the actual provision of temporary medical care.~~

~~*Single-family personal care home* means a dwelling that provides personal care services and supervision to six or fewer service dependent persons; such home shall provide trained supervisory personnel in order to function as a single family unit but not to exceed two supervisory live-in persons; such home shall insure that admission decisions for mentally handicapped persons are medically appropriate, based on the recommendation and approval of the admission by a state licensed clinical psychologist or psychiatrist; and such home shall be certified, licensed or monitored by the state and shall otherwise insure compliance with written state and federal placement and funding criteria.~~

BE IT FURTHER ORDAINED that section 19 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-19. Certificate of occupancy.

(a) Except as hereinafter provided, no structure or land shall be used, occupied, or changed in use until a certificate of occupancy has been issued by the zoning administrator, stating that the proposed use of land or the structure and the proposed use thereof is in full compliance with the provisions of this chapter. The use of land for a residence, farming, truck gardening, the raising of livestock and the erection or alteration of structures that are accessory to such use of the land are exempted from the requirement for a certificate of occupancy.

(c) Application for a certificate of occupancy for the use of vacant land, or for a change in the character of the use of land, shall be made before any such land is occupied or used, and a certificate of occupancy shall be issued by the zoning administrator within three working days if such proposed use, or change in use, is in compliance with the provisions of this chapter.

(d) A certificate of occupancy for a home-based business shall be valid for two years from its date of issue. A new application in accordance with the requirements contained herein is required no less than three working days prior to the end of each such period in order to continue the operation of a home-based business without interruption.

(e) Each application for a certificate of occupancy for a new structure, for the alteration of an existing structure, or for a home-based business shall be accompanied by a drawing or plat, in duplicate, showing the site plan, the location of the building on the site, accurate dimensions of the building and site, location of off-street parking and off-street loading spaces required, and such other information as may be necessary for the enforcement of these regulations.

BE IT FURTHER ORDAINED that section 22 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-22. Schedule of fees, charges and expenses.

The city council shall establish a schedule of fees, charges and expenses for applications for permits and certificates, amendments, appeals and other matters related to this chapter. Until all applicable fees, charges and expenses have been paid, no action shall be taken on any application or appeal. The fee schedule is hereby established as follows:

Application Description	Early filing fee	Final filing fee
Zoning ordinance amendment	\$ 500.00	\$ 650.00
Planned unit development (PUD)	500.00	650.00
Planned building group (PBG)	300.00	450.00
Uses requiring planning commission approval		
No public hearing	300.00	450.00
Public hearing	500.00	650.00
Site plan approval/revision (board review)	300.00	450.00
Stipulation revisions (public hearing)	500.00	650.00
Zoning board of appeals		
Variance	300.00	450.00

Special exception use	500.00	650.00
Special exception use (alcohol related)	750.00	900.00
Stipulation revisions (public hearing)	500.00	650.00
Site plan revisions (board review)	300.00	450.00
Subdivision reviews		
Preliminary plan	100.00	200.00
Final plat	*100.00	*200.00
*There is a \$100.00 flat filing fee with an additional \$10.00 fee per lot up to \$500.00 maximum for early filing. The maximum per lot fee for fees paid on the final filing date will not exceed \$600.00.		

Administrative Procedures, Applications or Permits	Fee
Appeal to city council (applicants only)	\$250.00
Administrative decision appeal to zoning board of appeals	500.00
Certificates of occupancy / zoning verification	50.00
Other procedures	
Administrative variances	150.00
Administrative use approval (residential)	350.00
Administrative use approval (commercial)	500.00
Administrative review for wireless communication towers	500.00
Subdivision design standards review	200.00
Public records request (requiring research), fee plus 10.00/hour	10.00
Reproduction, per page	.15
Map fees	
Single plotted zoning map	8.00
Set plotted zoning maps	190.00
Single zoning map on CD (.pdf format)	8.00
Set of zoning maps on CD (.pdf format)	30.00
Any prepared map ready to plot	8.00
Custom map (one hour minimum charge), per hour	20.00
Color inkjet copies, per copy	.50
On-premise sign permits	
Attached	50.00
Detached	150.00
Surface change only	30.00

Off-premise sign permits	
New, structural modification or change in the number of faces (per face)	200.00
Surface change only	no charge

BE IT FURTHER ORDAINED that section 37 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-37. Amendment procedure.

(g) *Reconsideration.* No land for which an application for rezoning has been denied by the planning commission or the city council shall be considered again for at least one year from the last date such application was denied. However, an applicant may at any time submit an application for reclassification when the subsequent is for a more restrictive classification than the one that was denied, it being understood that the most restrictive classification is an R-A district and the least restrictive classification is an I-2 district.

BE IT FURTHER ORDAINED that the title of Division 3 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

DIVISION 3.

APPEALS, VARIANCES, SPECIAL EXCEPTIONS, PLANNING COMMISSION APPROVALS AND ADMINISTRATIVE APPROVALS

BE IT FURTHER ORDAINED that section 44 of Chapter 106 of the Code of Ordinances be enacted as follows:

Sec. 106-44. Planning Commission approvals.

(a) *Intent.* To ensure a safe, efficient, attractive and well-ordered community and best serve the interests of public health, safety and welfare, the development plans of all non-residential uses, multi-family dwellings, planned unit developments and planned building groups are subject to review and approval by the planning commission prior to the issuance of building permits, unless specifically waived by ordinance. Moreover, in order to provide for the location of uses with unique characteristics which may be necessary or appropriate within a given district but which might otherwise adversely impact future development, existing nearby properties or the community, a classification of permitted uses is established in each district that requires the review and approval of a specific development plan by the planning commission. Planning commission approvals may be conditional, subject to any modifications specified. Relevant objectives for the development include, but are not limited to:

- (1) that it be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity
- (2) that it not be hazardous or disturbing to existing or future nearby uses, property or persons through activities, processes, materials, equipment or operations that produce excessive traffic, noise, smoke, fumes, glare or odors without adequate means of control;
- (3) that it be adequately served by essential public facilities without the need for excessive additional requirements at public expense that is detrimental to the economic welfare of the community; and
- (4) that it not result in the destruction, loss, damage or reduction of the public enjoyment of a natural, scenic or historic feature of major importance.

(b) *Procedures.*

(1) *Site Plan Approval.* In accordance with 106-37 (b) (3), a specific development plan may be submitted for approval as part of an application to amend the zoning ordinance without

additional fee. Unless specifically waived by the ordinance amendment, this approval is required prior to the issuance of any building permits. Any subsequent review or amendment to a previously approved development plan shall require a separate application and deposit of the scheduled fee. When otherwise required herein, or at the discretion of the planning commission upon a finding of a compelling need for public input, a public hearing shall be advertised and scheduled.

(2) *Use Approvals.* Whenever a use is listed in a specific district as requiring planning commission approval, an application and deposit of the scheduled fee seeking this approval is required. When otherwise required herein, or at the discretion of the planning commission upon a finding of a compelling need for public input, a public hearing shall be advertised and scheduled. When applicable, a request to amend the zoning ordinance and planning commission approval of a specified use shall be consolidated into a single application and fee.

(c) *Application Requirements.* An application required by this section shall contain the following minimum components:

(1) *Applicant and owner.* An application for amendment shall contain the name and address and signature of the applicant, and all persons or legal entities whose ownership interest in the property equals or exceeds five percent.

(2) *Property description.* The applicant shall submit a written legal description of the land area involved.

(3) *Statement of intent.* The applicant shall submit a written statement of the nature of and reason for the approvals sought.

(4) *Development plans.* The applicant shall submit whatever drawings and written material may be necessary to provide a reasonably accurate description of all the proposed improvements for the property in question including, but not limited to, off-street parking, pedestrian and vehicular circulation, truck loading facilities, trash and garbage areas and equipment, lighting, landscaping, fencing or other visual screening, signs, hours of operation, building size, height, materials and appearance, the general appearance of other vertical improvements and other details as may be specified by the planning commission.

(5)

Fee. The applicant shall deposit with the planning commission a fee in the amount specified in the current schedule.

BE IT FURTHER ORDAINED that section 45 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-45. Administrative approvals.

(a) *Types.* The planning director may provide administrative approvals under the conditions described herein without the requirement of an application to the respective board otherwise required by this ordinance. Planning director administrative approvals shall be limited to the following circumstances:

(5) Approval of alternative materials and methods of construction, or increases of not more than 50 percent of the allowed footprint or height of an accessory structure that is limited by section 106-1177, when consistent with the existing development pattern.

(6) Approval of uses in a given district that are explicitly allowed by other sections of this chapter.

(2) *Administrative examination.* Upon receipt of a completed application, the planning director or his designee shall examine the application and shall conduct such investigations as necessary to determine that the representations in the application are accurate. Within 14 calendar days of receipt of the completed application, the planning director or his designee shall notify the applicant in writing of the decision, the reasoning and/or stipulations pertaining to the decision. The failure of the planning director to act upon any application within the time period provided herein shall be deemed as a denial. A denial of an administrative use approval may be appealed by an application, in accordance with the procedures described elsewhere herein, to the board with the authority to approve a specific use in a given district. Otherwise, the decision of the planning director regarding administrative approvals may be appealed to the zoning board of appeals and scheduled for a public hearing in accordance with the provisions of section 106-46.

BE IT FURTHER ORDAINED that section 46 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-46. Board of appeals.

(f) *Powers of the board.* Subject to the limitations enumerated herein, the board shall have and exercise the following powers; in the exercise of its powers the board may reverse or affirm, in whole or in part, 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 end, shall have all of the powers of the officer or department from whom the appeal is taken:

(1) *Administrative review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made in the administration or enforcement of this chapter. Such appeal shall be taken by filing with the board of appeals, a notice of appeal specifying the particular grounds upon which the appeal is taken along with a fee in the amount specified in the current schedule, within ten working days from constructive notice of the order, requirement, decision or determination. Upon receipt of a notice of appeal, the planning director shall transmit to the board of appeals all of the original documents and materials, or true copies thereof, constituting the record upon which the order, requirement, decision or determination was based.

(4) *Variances.* Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this chapter, or by reason of exceptional topographic conditions or other extraordinary and exceptional characteristics of such piece of property, the strict application of any regulation of this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property then, in such event the board of appeals is hereby empowered, upon an appeal relating to such property, to authorize a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. Variances shall be subject to such terms and conditions as may be fixed by the board. Based on the above stated criteria, the zoning board of appeals authorizes its staff to consider and to administratively approve or deny minor variances in the strict application of certain requirements of this chapter, as defined. Administrative variance approvals shall be subject to such terms and conditions as may be fixed, in writing, by the planning director.

(5) *Administrative approvals.* To hear and decide appeals from any request for administrative approval regarding variances that are allowed with the planning director's approval or uses that are permitted as special exception uses within a given district.

BE IT FURTHER ORDAINED that section 47 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-47. Appeals from decision of the zoning administrator.

(b) Such appeal shall be taken by filing with the zoning administrator and with the board of appeals, a notice of appeal specifying the particular grounds upon which the appeal is taken along with a fee in the amount specified in the current schedule, within ten working days from constructive notice of the order or decision. Upon receipt of a notice of appeal, the zoning administrator shall transmit to the board of appeals all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

BE IT FURTHER ORDAINED that section 50 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-50. Reconsideration.

No land for which an application for a variance or special exception use has been denied by the zoning board of appeals or the city council shall be considered again for approval of the same request for at least one year from the last date such application was denied. No land for which an application for an administrative variance or administrative use approval has been denied by the planning director, the zoning board of appeals or the city council shall be considered again for approval of the same request for at least one year from the last date such application was denied. No land for which an application for conditional use or site plan approval has been denied by the planning commission or the city council shall be considered again for approval of the same request for at least one year from the last date such application was denied. No land for which an application for conditional use as a home-based business has been denied by the planning commission or the city council shall be considered again for approval of the same request for at least two years from the last date such application was denied. Appeals or reviews of determinations and interpretations made in the administration and enforcement of this chapter that have been denied by the zoning board of appeals and the city council shall only be considered again by a court of proper jurisdiction.

BE IT FURTHER ORDAINED that section 218 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-218. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Garage sale, limited to periods from sunrise to sunset daily for no more than three consecutive calendar days duration and no more frequent than two such non-continuous and separate periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure. See definition for additional restrictions.

Home-based business; must be in full compliance with criteria specified in section 106-1124.

~~Nameplate; need not be enclosed within structure.~~

Nursery or care for six or less children at a time by a resident of the property.

~~Single family personal care home; must be in full compliance with criteria specified in section 106-1125.~~

Temporary uses, including garage sales, charitable, recreational, religious, cultural, community service or similar events for a period not exceeding four consecutive calendar days duration and no more frequent than three such non-continuous and separate periods in a calendar year for the same building site (municipal address), requires written notice to the zoning administrator; need not be enclosed within structure, reference section 106-1 for additional requirements or restrictions.

BE IT FURTHER ORDAINED that section 219 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-219. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning in accordance with the provisions of section 106-44:

~~Home-based business (not in compliance with six or more of the criteria specified in section 106-1124).~~

~~Nursery, day care or kindergarten for 7-15 children, when located within the operator's residence, must include compliance with section 106-1338 and all applicable licensing regulations.~~

BE IT FURTHER ORDAINED that section 220 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-220. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

~~Barber or beauty shop; limited to one operator with no assistants, one styling chair and one shampoo bowl. Scheduling shall be for one customer at a time only. All parking for customers and residents shall be located on the site.~~

~~Home occupation (not in compliance with two or more of the criteria in section 106-1124.~~

~~Kennels, boarding, not including animal hospital or veterinary clinic.~~

~~Nursery, day care or kindergarten for 7-15 people, when located within the operator's residence.~~

~~Single family personal care home.~~

BE IT FURTHER ORDAINED that section 220.1 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-220.1. Same--Uses requiring planning director approval.

The uses listed below are permitted subject to planning director approval in accordance with the provisions of section 106-45:

Home-based business (not in compliance with at least one, but no more than five of the criteria specified in section 106-1124).

BE IT FURTHER ORDAINED that section 238 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-238. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

~~Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).~~

~~Farming and truck gardening; need not be enclosed within structure (no on-premises sales of items not produced at the site).~~

~~Garage sale, limited to periods from sunrise to sunset daily for no more than three consecutive calendar days duration and no more frequent than two such noncontinuous and separate periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure. See definition for additional restrictions.~~

~~Home-based business; must be in full compliance with criteria specified in section 106-1124.~~

~~Manufactured home; must be in full compliance with criteria specified in section 106-1126.~~

~~Modular home; must be in full compliance with criteria specified in section 106-1126.~~

~~Nameplate, not exceeding one square foot in area; need not be enclosed within structure.~~

~~Nursery or care for six or less children at a time by a resident of the property.~~

~~Parks, pavilions or playgrounds (public or private) with no enclosed activity structures.~~

~~Single family personal care home; must be in full compliance with criteria specified in section 106-1125.~~

~~Temporary uses, including garage sales, charitable, recreational, religious, cultural, community service or similar events for a period not exceeding four consecutive calendar days duration and no more frequent than three such non-continuous and separate periods in a calendar year for the same building site (municipal address), requires written notice to the zoning administrator; need not be enclosed within structure, reference section 106-1 for additional requirements or restrictions.~~

BE IT FURTHER ORDAINED that section 239 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-239. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

~~Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).~~

~~Fire station.~~

~~Home-based business (not in compliance with six or more of the criteria specified in section 106-1124).~~

~~Nursery, day care or kindergarten for 7-15 children, when located within the operator's residence, must include compliance with section 106-1338 and all applicable licensing regulations.~~

BE IT FURTHER ORDAINED that section 240 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-240. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

~~Barber or beauty shop, limited to one operator with no assistants, one styling chair and one shampoo bowl. Scheduling shall be for one customer at a time only. All parking for customers and residents shall be located on the site.~~

~~Home occupation (not in compliance with two or more of the criteria in section 106-1124.~~

~~Nursery, day care or kindergarten for 7-15 people, when located within the operator's residence. School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.~~

~~Single family personal care home.~~

BE IT FURTHER ORDAINED that section 240.1 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-240.1. Same--Uses requiring planning director approval.

The uses listed below are permitted subject to planning director approval in accordance with the provisions of section 106-45:

~~Home-based business (not in compliance with at least one, but no more than five of the criteria specified in section 106-1124.~~

BE IT FURTHER ORDAINED that section 259 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-259. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

All uses requiring planning commission approval in the R-1A through R-1H district.

BE IT FURTHER ORDAINED that section 261 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-261. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

All special exception uses permitted in R-1D/R-1H districts, except trailer, mobile home.

BE IT FURTHER ORDAINED that section 279 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-279. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

All uses requiring planning commission approval in R-1A through R-1H districts.

Convalescent homes, nursing homes, including retirement homes, and other group living quarters for the elderly.

BE IT FURTHER ORDAINED that section 280 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-280. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

All special exception uses permitted in R-1A through R-1H districts.

BE IT FURTHER ORDAINED that section 299 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-299. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

All uses requiring planning commission approval in R-1A through R-1H districts.

All uses by right permitted in the B-1 and B-2 districts, provided that commercial uses shall not exceed 45 percent of the floor area and/or site area, shall not occupy more than the first two stories above ground level.

BE IT FURTHER ORDAINED that section 300 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-300. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

All special exception uses permitted in R-3 districts.

Heliport.

BE IT FURTHER ORDAINED that section 419 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-419. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

All uses requiring planning commission approval in R-1 districts.

BE IT FURTHER ORDAINED that section 420 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-420. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

All special exception uses permitted in R-1 districts.

BE IT FURTHER ORDAINED that section 443 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-443. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

~~Garage sale, limited to periods from sunrise to sunset daily for no more than three consecutive calendar days duration and no more frequent than two such noncontinuous and separate periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure. See definition for additional restrictions.~~

Mobile home.

~~Nameplate, not exceeding one square foot in area; need not be enclosed within structure.~~

Temporary uses, including garage sales, charitable, recreational, religious, cultural, community service or similar events for a period not exceeding four consecutive calendar days duration and no more frequent than three such non-continuous and separate periods in a calendar year for the same building site (municipal address), requires written notice to the zoning administrator; need not be enclosed within structure, reference section 106-1 for additional requirements or restrictions.

Travel trailer.

BE IT FURTHER ORDAINED that section 444 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-444. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

~~Golf course, but not including commercial miniature course or commercial driving range, need not be enclosed within structure.~~

Library, public.

Nursery, day care, or kindergarten (when not included as a component of a church or school).

BE IT FURTHER ORDAINED that section 445 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-445. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

~~Nursery, day care, or kindergarten.~~

BE IT FURTHER ORDAINED that section 619 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-619. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

BE IT FURTHER ORDAINED that section 620 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-620. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the zoning board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

BE IT FURTHER ORDAINED that section 638 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-638. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

~~Commercial amusement accessory use; limited to three or less game machines or other amusement devices.~~

BE IT FURTHER ORDAINED that section 639 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-639. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

BE IT FURTHER ORDAINED that section 640 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-640. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44. In addition, the purpose of listing dwelling uses in this district is to allow a mix of residential uses in an otherwise commercial development. Projects which propose (new) residential development with no commercial construction must obtain the appropriate residential zoning classification and/or approval of a residential planned unit development if there are only limited commercial uses proposed.

Automobile sales only, with no body work, service work or installation work done on the premises, need not be enclosed within structure (public hearing required).

BE IT FURTHER ORDAINED that section 641 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-641. Same--Uses requiring planning director approval.

The uses permitted below are permitted subject to planning director approval in accordance with the provisions of section 106-45:

Automobile laundry.

Dwelling, one-family.

Dwelling, one-family townhouse.

Dwelling, two-family.

Laboratory, dental or medical.

Security trailer; must be in compliance with guidelines.

BE IT FURTHER ORDAINED that section 641.1 of Chapter 106 of the Code of Ordinances is hereby repealed in its entirety.

BE IT FURTHER ORDAINED that section 658 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-658. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Temporary uses, including commercial, cultural, industrial, recreational, religious, seasonal or community service events for a period not exceeding 15 days duration and no more frequent than two such periods during a calendar year for the same building site (municipal address), requires written notice to the zoning administrator; need not be enclosed within structure.

BE IT FURTHER ORDAINED that section 659 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-659. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

BE IT FURTHER ORDAINED that section 660 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-660. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the zoning board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

Heliport.

BE IT FURTHER ORDAINED that section 679 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-679. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44. In addition, the purpose of listing dwelling uses in this district is to allow a mix of residential uses in an otherwise commercial development. Projects which propose (new) residential development with no commercial construction must obtain the appropriate residential zoning classification and/or approval of a residential planned unit development if there are only limited commercial uses proposed.

BE IT FURTHER ORDAINED that section 680 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-680. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the

board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

BE IT FURTHER ORDAINED that section 680.1 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-680.1. Same--Uses requiring planning director approval.

The uses listed below are permitted subject to planning director approval in accordance with the provisions of section 106-45:

~~Commercial pool or billiard tables as an accessory use only. No more than three pool or billiard tables shall be permitted on the premises.~~

BE IT FURTHER ORDAINED that section 698 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-698. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).

Temporary uses, including commercial, cultural, industrial, recreational, religious, seasonal or community service events for a period not exceeding 15 days duration and no more frequent than two such periods during a calendar year for the same building site (municipal address), requires written notice to the zoning administrator; need not be enclosed within structure.

BE IT FURTHER ORDAINED that section 699 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-699. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

BE IT FURTHER ORDAINED that section 700 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-700. Same--Special exception use.

The uses listed below are declared to possess such characteristics of unique or special form that it shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

BE IT FURTHER ORDAINED that section 700.1 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-700.1. Same--Uses requiring planning director approval.

The uses listed below are permitted subject to planning director approval in accordance with the provisions of section 106-45:

~~Commercial pool or billiard tables as an accessory use only. No more than three pool or billiard tables shall be permitted on the premises.~~

BE IT FURTHER ORDAINED that section 818 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-818. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

~~Carnival or circus; as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three days and renewal for not more than three such periods; need not be enclosed within structure.~~

~~Revival church (temporary); as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewal for not more than three such periods.~~

Temporary uses, including commercial, cultural, entertainment, industrial, recreational, religious, seasonal or community service events for a period not exceeding 15 days duration and no more frequent than two such periods during a calendar year for the same building site (municipal address), requires written notice to the zoning administrator; need not be enclosed within structure.

BE IT FURTHER ORDAINED that section 819 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-819. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

BE IT FURTHER ORDAINED that section 820 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-820. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that it shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

Racetracks, motocross, ATV courses and rodeos.

BE IT FURTHER ORDAINED that section 820.1 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-820.1. Same--Uses requiring planning director approval.

The uses listed below are permitted subject to planning director approval in accordance with the provisions of section 106-45:

BE IT FURTHER ORDAINED that section 838 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-838. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

~~Temporary uses, including commercial, cultural, industrial, recreational, religious, seasonal or community service events for a period not exceeding 15 days duration and no more frequent than two such periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator, need not be enclosed within structure.~~

BE IT FURTHER ORDAINED that section 839 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-839. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

BE IT FURTHER ORDAINED that section 840 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-840. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that it shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

BE IT FURTHER ORDAINED that section 840.1 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-840.1. Same--Uses requiring planning director approval.

The uses listed below are permitted subject to planning director approval in accordance with the provisions of section 106-45:

BE IT FURTHER ORDAINED that section 951 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-951. Generally.

(c) *Priorities.* The following is a ranking or priority of land use to help carry out the preservation strategy:

(2) Home-based businesses.

BE IT FURTHER ORDAINED that section 954 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-954. Same--Uses requiring planning commission approval.

The uses permitted below are permitted upon approval of the planning commission after a public hearing is held and interested parties notified using the same procedures as for a rezoning hearing. If the proposed development is included in a residential planned unit development, or the development plans have been considered during a rezoning hearing, an additional public hearing to meet the requirements of this section will not be required. To meet the requirements of this section, all applicants must submit development plans for review prior to the public hearing. All applications will be reviewed using the criteria in 106-951(d) and the supplemental design guidelines. The applicant shall file not less than 30 days prior to the public hearing by the planning commission a site plan as defined in section 106-19(e), any applicable elevations or photographs, and renderings of proposed signs, major landscaping, and screening. Applicants may meet with MPC staff members not less than 14 days prior to the public hearing to review

and discuss the application, design guidelines, and proposed staff comments. Final staff comments will be placed in the application file and made available to the public not less than seven calendar days prior to the public hearing.

~~Expanded home occupation: Office use involving not more than three workers if one of the workers is the owner-occupant of the house.~~

Home-based business, not in compliance with one or more of the criteria in section 106-1124.

Nursery, day care or kindergarten, must include compliance with section 106-1338 and all applicable licensing regulations.

BE IT FURTHER ORDAINED that section 985 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-985. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission in accordance with the provisions of section 106-44:

All uses requiring planning commission approval as listed in the base zoning district.

BE IT FURTHER ORDAINED that section 986 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-986. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the zoning board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

All special exception uses as listed in the base zoning district.

BE IT FURTHER ORDAINED that section 1014 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-1014. Same--Uses requiring site plan approval by the planning director.

The following specialty retail uses and services, without drive-in or drive-thru, shall be permitted in the commercial corridor overlay district, provided a detailed site plan which clearly complies with the following criteria, in addition to all existing zoning regulations, is approved by the planning director in accordance with the provisions of section 106-45:

BE IT FURTHER ORDAINED that section 1015 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-1015. Same—Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that they shall be considered an individual case and shall be subject to approval of the zoning board of appeals in accordance with the provisions of section 106-46 governing special exceptions:

Drive-in or drive-thru (for any use permitted in the district).

BE IT FURTHER ORDAINED that section 1064 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-1064. Same--Uses requiring planning commission approval and special exception uses.

In addition to the uses by right listed in section 106-1063 above, uses listed in each base district as "Uses requiring planning commission approval" may be permitted, provided such approval is

granted by the planning commission in accordance with the provisions of section 106-44. Uses listed in each base district as “Special exception uses” may be permitted, provided such approval is granted by the zoning board of appeals in accordance with the provisions of section 106-46. BE IT FURTHER ORDAINED that section 1065 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-1065. Same--Uses permitted provided special criteria met.

If the base zoning is R-2, R-3 or B-1, and the special criteria are met, all uses permitted by right in B-2 districts are permitted. If the base zoning is R-2, R-3 or B-1, and the special criteria are met, uses listed in the B-2 district as “Uses requiring planning commission approval” may be permitted, provided approval is granted by the planning commission in accordance with the provisions of section 106-44. If the base zoning is R-2, R-3 or B-1, and the special criteria are met, uses listed in the B-2 district as “Special exception uses” may be permitted, provided approval is granted by the zoning board of appeals in accordance with the provisions of section 106-46.

BE IT FURTHER ORDAINED that section 1096 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-1096. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that they shall be considered an individual case and shall be subject to approval of the zoning board of appeals in accordance with the provisions of section 106-46 governing special exceptions: Any use not listed under section 10-1095 or this section.

BE IT FURTHER ORDAINED that section 1123 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-1123. On-premises advertising signs.

(a) *Residential districts.* The following signs shall be permitted in any residential district, excluding the SPI-1 district:

(3) Permanent detached signs for the purpose of identification of any use requiring specific approval by either the planning commission or zoning board of appeals (excluding home-based businesses), limited to one double-faced sign per building site and not exceeding 15 feet in height and 72 square feet per sign face.

BE IT FURTHER ORDAINED that section 1124 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-1124. Home-based businesses.

(a) *Intent.* The City of Shreveport recognizes the desire and need for some citizens to use their place of residence for limited nonresidential activities. Moreover, it is recognized that the responsible use of residential property in this manner has lofty and desirable impacts, such as a reduction in automobile trips, reduced reliance on child care and as a means to grow small business opportunities, an important economic development tool. However, the city believes that the need to protect the integrity of its residential districts is of primary concern. The intent and purpose of the provisions of this section are to provide certain types of occupational uses within residential districts which:

- (1) Are compatible with residential uses;
- (2) Are incidental to the use of the premises as a residence;
- (3) Are limited in extent; and

(4) Do not detract from the residential character of the neighborhood.

(b) Home-based businesses whose activities are limited to within the primary structure, do not require outside storage of commercial equipment or vehicles, do not include any outdoor advertising whatsoever, involve no on-premise employees that are not residents of the property and that allow no visits from clients or customers are exempt from the requirements for a certificate of occupancy.

(c) *Criteria.* All other home-based businesses shall comply with the procedural requirements included herein and meet the following criteria unless exempted as prescribed:

(1) A home-based business shall be conducted within a dwelling unit or accessory building meeting all the requirements of this chapter and shall be clearly incidental to the use of the property for residential purposes. No more than 25 percent of the floor area of a dwelling unit, or no more than 500 square feet of the dwelling unit (whichever is less), may be used in connection with a home-based business or for storage purposes in connection with a home-based business.

(2) No person other than a resident of the dwelling unit shall be engaged or employed on the premises of the home-based business.

(3) Storage, other than within the dwelling unit, of goods, materials, or products connected with a home-based business shall be limited to a maximum area of 100 square feet and must be completely within an enclosed accessory building or garage that meets the requirements of this chapter.

(4) There shall be no sales or services to outside parties conducted on the premises other than by previous appointment.

(5) There shall be no exterior indication of the home-based business or variation from the residential character of the principal dwelling or accessory structure.

(6) The use shall not require additional off-street parking spaces for clients or customers of the home-based business.

(7) The home-based business shall not create greater vehicular or pedestrian traffic than normal for the district in which it is located.

(8) Deliveries and pickups from commercial suppliers or common carriers shall not be made more than once each week, and the deliveries shall not restrict traffic circulation.

(9) No advertising display signs shall be permitted on the site other than the allowance of one vehicle with attached signs advertising the name and telephone number of the home-based business.

(10) No advertising, other than business cards, shall carry the residential address of the home-based business.

(11) There shall be no use or storage of tractor trailers, semitrucks, or heavy equipment such as construction equipment used in a commercial business.

(12) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site.

(13) The use shall not produce offensive noise, obnoxious odors, vibrations, smoke, fumes, heat, or dust detectable to normal sensory perception beyond the premises.

(14) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver beyond the premises or cause fluctuation in line voltage beyond the premises.

(15) The hours of operation for a home-based business shall be limited to 7:00 a.m. to 7:00 p.m.

(16) Barber or beauty shops shall be limited to one operator with no assistants, one styling chair and one shampoo bowl. Scheduling shall allow for one appointment at a time only. All parking for customers and residents shall be located on the site.

(d) *Procedure.*

(1) *Application.* Unless otherwise exempted herein, application for a certificate of occupancy for a home-based business shall be made to the zoning administrator on a form provided by the department. A reasonable inspection of the applicant's premises shall be undertaken by the zoning enforcement inspectors to determine compliance with this section. The zoning administrator will make a decision and notify the applicant in writing within three working days of the date the application is received. In cases where the zoning administrator considers the application to be outside of the scope of the home-based business criteria, the application will be denied.

(2) *Time limit/renewal.* All certificates of occupancy for home-based businesses shall be valid for a period of two years. Requests for renewals shall be submitted to the zoning administrator in writing no less than three working days prior to expiration of the permit. The zoning administrator may refuse to approve a request for renewal based on one or more violations of the provisions of this section.

(3) *Appeal to the zoning board of appeals.* The decision of the zoning administrator concerning approval or renewal shall be final unless a written appeal is filed with the zoning board of appeals within ten working days of the decision.

(4) *Exemption from criteria.* An application requesting exemption from strict application of no more than five of the criteria above may be filed with the planning director in accordance with the provisions of section 106-45 for administrative use approvals and may be approved in individual cases if the exemption is in accordance with the intent of this section. An application requesting exemption from strict application of six or more of the remaining criteria above, or upon denial of an administrative use approval may be filed with the planning commission in accordance with the provisions of section 106-44 and may be approved in individual cases if the exemption is in accordance with the intent of this section.

(5) *Prior legal home-based business.* Any home-based business which is legally permitted prior to October 27, 1987, shall not be required to conform to the criteria of this section. Unless otherwise exempted herein, prior legal home-based businesses shall be subject to renewal of a certificate of occupancy every two years and shall not expand or alter the uses as stated in the original approval without compliance with the remainder of this section.

BE IT FURTHER ORDAINED that section 1177 of Chapter 106 of the Code of Ordinances is hereby repealed and reenacted as follows:

Sec. 106-1177. Accessory structures.

(a) *Yard requirements.* In any business or industrial district, no accessory structure shall occupy any part of a required rear yard. In any residential district no accessory structure shall occupy more than 30 percent of a required rear yard. In no district shall an accessory structure occupy any part of a required front or side yard nor be closer than five feet to a side or rear property line. In no district shall an accessory structure on a corner building site occupy any portion of a side yard required by section 106-1175.

(b) *Supplementary restrictions.* In addition to the requirements contained herein for each district, a detached accessory structure shall meet the following requirements in the R-1A through R-1H, R-2, R-3, R-MHS, SPI-1, SPI-3, SPI-4 and B-1 zoning districts:

(1) There shall be no more than one detached accessory structure on a building site.

(2) Detached accessory structures shall be constructed using similar methods and materials as the principle structure unless less than 200 square feet and concealed from any adjacent front yard or right-of-way.

(3) The footprint of a detached accessory structure shall not exceed 450 square feet. The footprint of a detached accessory structure shall not exceed the footprint of the principal structure. The footprint of a detached accessory structure shall not be any closer to the front property line than the footprint of the principal structure.

(4) The height of a detached accessory structure shall not exceed the height of the principal structure.

BE IT FURTHER ORDAINED that section 1213 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-1213. Off-street surface parking facility requirements.

~~(g) A reduction of two feet, measured from the concrete curb or other permanent barrier, shall be allowed in the computation of the depth of parking spaces contiguous to the perimeter landscaping strips and/or interior planting areas.~~

(g) The requirements for trees in the front yard shall be waived, on a tree-for-tree basis, if the adjacent public right-of-way, excluding medians, contains existing street trees, except in the B-4 district.

(h) Landscaping the adjacent right-of-way shall be permitted subject to approval by the public works director. Credit for up to 50 percent of the minimum street frontage landscaping area requirements shall be allotted for landscaping the public right-of-way, except in the B-4 district.

BE IT FURTHER ORDAINED if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 70 OF 2007

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE WEST SIDE OF SHREVE PARK ROAD, 175 FEET NORTH OF SHREVE HILLS, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT TO R-3, URBAN, MULTIPLE-FAMILY RESIDENCE DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lots 1, 2 and 3, Morgan's Subdivision, less and except the N 20 feet of Lot 1, Shreveport, Caddo Parish, Louisiana, located on **from R-1D, Urban, One-Family Residence District, to R-3, Urban, Multiple-Family Residence District.**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 71 OF 2007

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE WEST SIDE OF AUDREY LANE AT ITS INTERSECTION WITH THOMAS E. HOWARD DRIVE SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-1D-E, URBAN, ONE-FAMILY RESIDENCE/EXTENDED USE DISTRICT, LIMITED TO “PROPERTY MANAGER’S OFFICE AND COMMUNITY SPACE”, ONLY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the west side of Audrey Lane at its intersection with Thomas E. Howard Drive, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to R-1D-E, Urban, One-Family Residence/Extended Use District, limited to “property manager’s office and community space”, only.**

A tract of land located in Section 17 T18N-R14W, Shreveport, Caddo Parish, Louisiana, said tract being more fully described as follows: From the NE corner of Lot 632, Jones- Mabry Subdivision Unit No. 10, run thence N00°43’58”E a distance of 327.73 feet to the P-O-B of the tract herein described, from said P-O-B, run thence N89°35’31”W a distance of 121.86 feet, thence run N00°24’49”E a distance of 120.00 feet, thence run S89°35’31”E a distance of 122.54 feet, thence run S00°43’58”W a distance of 120.00 feet to the P-O-B. Said tract containing 0.34 acres (14,663 square feet).

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

2. Approval of the community center component is contingent upon the continuous operation of the management/leasing component at this same location.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 72 OF 2007

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE EAST SIDE OF PORTLAND AVENUE AT ITS INTERSECTION WITH QUINTON STREET, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM I-2, HEAVY INDUSTRIAL DISTRICT, TO R-2, SUBURBAN, MULTI-FAMILY DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the east side of Portland Avenue at its intersection with Quinton Street, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from I-2, Heavy Industrial District to R-2, Suburban, Multi-Family District.**

That certain tract of land containing 7.74 acres M/L, located in Section 11, T17N-R14W, Shreveport, Caddo Parish, Louisiana, and being more fully described as follows: From the NW corner of the NE/4 of the SW4 of said Section 11, run S 701 feet to the SW corner of Lot 38 of Mont- Mac Subdivision, and a P-O-B of the tract herein described: Thence run E along the S line of said Subdivision 808.96 feet to the W R-O-W line of the T&P Railroad; thence run SW'ly along said Railroad 822.3 feet; thence run W parallel to the S line of Mont-Mac Subdivision 274.4 feet to the E R-O-W line of Portland Avenue; thence run N along said R-O-W line 622.6 feet to the P-O-B.

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Development of the property shall be in substantial accord with a revised site plan showing a screening fence on the north side of the property abutting the residentially zoned property and additional landscaping. This plan shall be submitted to and approved by the Zoning Administrator. Any significant changes or additions shall require further review and approval by the Planning Commission. No permits shall be issued until the revised site plan and/or replatting of lots has been approved by the MPC Director or the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 74 OF 2007

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF LINWOOD AVENUE AND MOUNT ZION ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-2,

NEIGHBORHOOD BUSINESS DISTRICT TO B-3 (PBG) COMMUNITY BUSINESS (PLANNED BUILDING GROUP) DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lots 1, 2 and 3, Bufkin Addition, and Lot 1, JMF Subdivision, Shreveport, Caddo Parish, Louisiana, located on the SE corner of Linwood Avenue and Mount Zion Road, be and the same is hereby changed **from B-2, Neighborhood Business District, to B-3 (PBG) Community Business (Planned Building Group) District.**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

- 1. Development of the property shall be in substantial accord with either: (A) a revised site plan showing the site being in compliance with both the City and Parish ordinances with any significant changes or additions requiring further review and approval by the Planning Commission, or (B) complete annexation or de-annexation proceedings, and submit a revised site plan showing compliance with the requirements of the jurisdiction in which the property ultimately falls.**
- 2. If any portion of the property remains in the Parish, development of that portion shall begin within a period of two (2) years from the date of the adoption of this ordinance and the failure to comply with such stipulation will cause the rezoning herein described to become null and void, and the zoning classification will automatically revert to B-2.**
- 3. Lots shall be replatted into one lot prior to issuance of building permits.**

NOTE: Procedures for annexation to the City have been initiated.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 75 OF 2007

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON EAST SIDE OF AVALON, 230 FEET SOUTH OF HOYTE DRIVE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D-E, LIMITED TO "A DAYCARE", TO R-1D-E, LIMITED TO "A DAYCARE AND OFFICE", ONLY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lot 96, McCrarys Southernhill Subdivision, Shreveport, Caddo Parish, Louisiana, located on the east side of Avalon 230 feet south of Hoyte Drive, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from R-1D-E, limited to a daycare, to R-1D-E, limited to "a daycare and office", only.**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Development of the property shall be in substantial accord with a revised site plan showing a circular driveway with 20 linear feet for every 8 children and parking to ordinance standards. This plan shall be submitted to and approved by the Planning Director. Any significant changes or additions shall require further review and approval by the Planning Commission. No permits shall be issued until the revised site plan and/or replatting of lots has been approved by the MPC Director or the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 76 OF 2007

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE WEST SIDE OF MANSFIELD ROAD, 250 FEET SOUTH OF MCCUTCHEN AVENUE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-2, NEIGHBORHOOD BUSINESS DISTRICT, TO B-2-E, NEIGHBORHOOD BUSINESS/EXTENDED USE DISTRICT, LIMITED TO "A COUNSELING OFFICE AND TRANSITIONAL HOUSING", ONLY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the west side of Mansfield Road, 250 feet south of McCutchen Avenue, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from B-2, Neighborhood Business District, to B-2-E, Neighborhood Business/Extended Use District, limited to "a counseling office and transitional housing" only.**

Said property legally described as follows: Begin at a point where the common boundary line between Lots 14 and 15 of the Pine-Croft Subdivision intersect, the E R-O-W line of Lucille Street; thence run E along the common boundary line between Lots 14 and 15 a distance of 225 feet to the P-O-B; thence run SW'ly parallel to Lucille Street a distance of 128.15 feet; thence run E parallel to the common boundary line between Lots 14 and 15 to the E line of Lot 15; thence NE'ly along the E'ly line of said Lot 15 to the common corner of Lots 14 and 15; thence run W'ly along the common lot line of Lots 14 and 15 to the P-O-B, less the road R-O-W, Shreveport, Caddo Parish, Louisiana

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Development of the property shall be in substantial accord with the site plan submitted at the April 4, 2007 Public Hearing, showing a maximum of eight residents. Any significant changes or additions shall require further review and approval by the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of

this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

UNFINISHED BUSINESS:

Mr. Thompson: Mr. Chairman, I'm not aware of any matter under unfinished business that should be taken up at this time except No. 11.

1. **Resolution No. 100 of 2006:** Authorizing the release of mortgages and cancellation of promissory notes executed by Shreveport Publishing Corporation (now Snap Property, LLC) in favor of the City of Shreveport in connection with the neighborhood improvement leveraging project and to otherwise provide with respect thereto. *(Introduced June 13, 2006 – Tabled - November 28, 2006)*
2. **Ordinance No. 122 of 2006:** An Ordinance to amend portions of Chapter 90 of the Code of Ordinances relative to traffic and vehicles and to otherwise provide with respect thereto. *(A/Lester) (Introduced August 22, 2006 – Tabled - November 28, 2006)*
3. **Ordinance No. 131 of 2006:** Amending certain sections of Chapter 38 of the City of Shreveport Code of Ordinances relative to housing and property standards and to otherwise provide with respect thereto. *(Introduced August 22, 2006 – Tabled November 28, 2006)*
4. **Ordinance No. 204 of 2006:** An ordinance amending the 2006 Budget for the Riverfront Development Special Revenue fund and otherwise providing with respect thereto. *(Disparity Study) (A/Lester) (Introduced November 14, 2006 – Tabled December 12, 2006)*
5. **Ordinance No. 205 of 2006:** An ordinance amending the 2006 Capital Improvements Budget and otherwise providing with respect thereto. *(Introduced November 14, 2006 – Tabled December 12, 2006)*
6. **ABO APPEAL:** Mr. Marcus Stephens, 8500 Jackson Square Apt., #18E, Shreveport, LA 71115 (D/Wooley) *GiGi's Martini Room, Commerce Street, Shreveport, LA* (B/Walford) *(Postponed until outcome of upcoming trial)*
7. **Ordinance No. 13 of 2007:** ZONING APPEAL – C-101-06: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, the City of Shreveport by rezoning property located on the south side of Bert Kouns Industrial Loop 1500 feet east of Ellerbe Road, Shreveport, Caddo Parish, Louisiana, from R-A, Residence Agriculture, to B-2 Neighborhood Business District, with PBG (Planned Building Group) approval, and to otherwise provide with respect thereto. *(D/Wooley) (Remanded to MPC February 13, 2007)*
8. **Resolution No. 184 of 2006:** A resolution authorizing the Mayor to enter into, or request the Authority to enter into, one or more Swap Agreements, all in connection with certain

outstanding bonds of the City or the Authority and providing for other matters in connection therewith. (Tabled February 27, 2007)

9. **PROPERTY STANDARDS APPEAL - HBO070006**: - 1901 Perrin St., Shreveport, LA (A/Lester) Rev. Wilbert L. Malone, 7819 Gideon Street, Shreveport, La 71106 (D/Wooley) (Postponed April 9, 2007 until October 8, 2007)
10. **HBO0500136** - 2171 David Raines Road, Shreveport, LA (A/Lester), Mr. Luther Moore 3946 Trent Drive, Shreveport, La 71119 (A/Lester) (Postponed on April 24, 2007 until May 7, 2007)

The Clerk read the following:

11. **ZONING APPEAL - C-14-07**: Property located on the northwest corner of E. 70th Street and Clyde Fant Parkway. (C/Long) (Postponed April 24, 2007)

Councilman Long: Yes, we have a resolution to this situation.

Motion by Councilman Long, seconded by Councilman Shyne to deny the appeal and approve the application for a waiver of the required screening fence at the adjacent residentially zoned property for a two year period, subject to compliance with the following conditions. For the purpose of this approval, compliance shall be defined as the absence of a format complaints which the Planning Director has determined to be valid.

Mr. Kirkland: It was good that Mr. Long has the musical expertise. He was able to bring that to bear in dealing with the noise issue, which was the prime complaint. So he had to know that apparently what a synthesizer does, and also how it can tune down noise as well as tune it up. At any rate, to make a long story short, we had some issues between the temporary church at the Hamel's Amusement Park (inaudible) location, and he's going to be building a new church, hopefully Michael, within two years.

Councilman Long: Yeah, that was the expected timeline.

Mr. Kirkland: What we needed was somewhat objective way to determine whether valid complaints were received, so guess whether whose going to be in the middle of that? I may be out there in the middle of night or whatever, but thank goodness, Michael was able to help us to arrive at a good way to determine that, but if we get complaints, I'll wind up out there trying to determine if in fact it is an objectionable noise letter.

Councilman Long: Do you have a copy of the language of this appeal, because I think that's what we don't have in our hands right now.

Councilman Walford: Okay, I'm going to ask you to clarify your motion real quick for me. Yours is going to be to deny the appeal with additional stipulations (inaudible) MPC ruling. Am I on target?

Councilman Long: Yeah. We have some stips here. Do you want me to read them here or what do think?

Councilman Walford: Mr. Thompson, do we need to read them into the record?

Mr. Thompson: I think it would be helpful if you'd like me to, I can.

The Clerk read the following:

1. **Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.**
2. **Amplified musical activities, including choir practice, in the temporary sanctuary (the “Red Barn building”) shall be limited to the hours between 8:00 a.m. and 10:00 p.m.**
3. **The applicant shall implement measures by May 22, 2007, to minimize acoustic disturbance to the adjacent residential property originating from amplified musical activities in the temporary sanctuary, including but not limited to the use of equipment to adjust the frequency levels at the source.**

Councilman Long: That’s it. Basically what we’ve got is we have a low bass standing wave that emanates from the building when they’re performing music from the church, and it rolls right up the hill into the subdivision next door. So what we’re going to do - - - I have asked the church to hire the same acoustic audio engineer that presented the - - - if y’all recall we got some graphs and stuff from them. That’s an engineer that’s identified the particular waves that are in question. And what they’re going to do is get a sufficient enough piece of e q equipment to be able to pull those frequencies out of the mix, and therefore eliminate the problem. That’s what we hope to do.

Councilwoman Bowman: Yes sir, Councilman Long, is the church in agreement with the - - -

Councilman Long: Yes, we met Monday at 10:00 and we had all the parties at the table, and this was the agreed upon language from that meeting.

Councilwoman Bowman: The church is going to pay for those services that you - - -

Councilman Long: Yes, they have agreed to that. The fence could have eventually cost \$30-40,000. The solution that I’m recommending may end up costing less than \$2,000.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Long, Wooley, Webb, Shyne and Bowman. 7. Nays: None.

Councilman Walford: Anything else? Mr. Thompson.

Mr. Thompson: Mr. Chairman, I don’t think we have anything else under unfinished business.

12. **Ordinance No. 73 of 2007: ZONING APPEAL C-33-07: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the southeast corner of West 84th Street and St. Vincent Avenue, Shreveport, Caddo Parish, Louisiana, from I-2, Heavy Industrial District, to R-2, Suburban, Multi-Family Residence District, and to otherwise provide with respect thereto. (D/Wooley) (REMANDED TO MPC April 24, 2007)**

13. **PROPERTY STANDARDS APPEALS: HBO0700047** – 1834 Simpkin Drive, Shreveport, LA (A/Lester) *Mr. Archie Tisby, 1756 Simpkin Drive, Shreveport, LA (A/Lester) (Postponed April 23, 2007 until May 7, 2007)*

Councilman Walford: Mr. Thompson, could you tell me the time? It's 3:34, and we've gone through the agenda items.

NEW BUSINESS:

Mr. Thompson: Mr. Chairman, under New Business, I have one report and one question.
Councilman Walford: Okay.

ABO APPEALS:

1. Ms. Laquisha Gilbert, 3617 Sunset Drive, Shreveport, LA 71109 (G/Bowman) *Wal-mart -6235 Westport Avenue.*

Mr. Thompson: Under ABO Appeals, Ms. Ms. Laquisha Gilbert, yesterday she did not come, and we were instructed to notify her by certified mail to be here at the next Administrative Conference. She called this morning and said that she received my letter, but that she was in Dallas. She had car trouble or an accident, I'm not sure what she said. She could not get back in time. But I did notify her to be here, she said she would. Are we still to send her a certified letter?

Councilman Walford: I would say yes, since that was the Council vote.
Mr. Thompson: Okay, thank you

2. Mr. Lee Daniel, 2862 Hwy. 528, Princeton, LA 71067, *Hustler's Club, Commerce St., Shreveport, LA (B/Walford) Decision rendered May 7, 2007.*

PROPERTY STANDARDS APPEALS:

1. **HBO0700015** – 524 Stoner Avenue, Shreveport, LA (B/Walford) *Ms. Mary Smith, 452 Connie Lane, Waskom, TX 75692*
2. **HBO0700051** – 412 W 64th Street, Shreveport, LA (F/Shyne) *Mr. Cush Harp, 1434 W 59th Street, Shreveport, LA 71108 (F/Shyne)*

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES:

Councilman Long: The Audit and Finance Committee did meet. We went over several agenda items. We did a review of the Economic Development section of the City, was our primary discussion today, but another topic that did come up was the fact that very soon, we will be putting out an RFP for a new auditor, as our existing contract will expire later this year. So, I want to kinda put in everybody's mind that we're going to really try to open up this situation, and see if we can get some competitive bids for our next auditor, because we have been with the same auditor now for approximately 17 years.

Councilman Walford: For clarification, this is the ‘external’ auditor.

Councilman Long: External Auditor, that’s correct.

Mr. Thompson: I thought ‘Internal’ Auditor.

Councilman Long: No, no, no.

Councilman Shyne: Because we want to keep our Internal Auditor.

Councilman Long: Yes, yes. Our City Council Auditors are doing a wonderful job. So, I just wanted to make sure that everybody be thinking about that. We will get back to you later with more information and detail.

Councilman Walford: Other reports from Officers, Boards and Committees. If I could very quickly, as some of you have seen from some emails, I met with Hilton Management, and their I guess Public Relations person along with Mr. Sibley, primarily about the legislation that we passed the last time. But I did get copies of their slides that they’ve used for their Fair Share program or whatever. They had a Fair Share gathering for potential vendors, and so, Sharon has made copies of those slides, and I also got a list of their identified Fair Share Vendors. So, those are available. Sharon will pass out the list to each of you. I really don’t have any more information about their Fair Share, other than what you’re getting here from their Fair Share Fair, where they worked with vendors, and if you have constituents who want to contact them, the contact information for the various services is on some of those slides. And I will tell you that they are committed to what I like, which is local Fair Share. So, with that we will move to Communications and Miscellaneous Matters. I’m sorry, I skipped the Clerk’s Report.

CLERK’S REPORT: None.

Mr. Thompson: We have none Mr. Chairman.

THE COMMITTEE RISES AND REPORTS: (Reconvenes Regular Council Meeting)

ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at approximately 4:35 p.m.

//s// R. M. Walford, Chairman

//s// Arthur G. Thompson, Clerk of Council

* *Clerk Note:* Items postponed until a specific date may be considered prior to the postponed date.