

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING

880 North Alexander Avenue, Port Allen
Thursday, February 23, 2023
5:30 PM

The Following Minutes Are Summarized For Brevity, For Precise Meeting Information Please Refer To Meeting Audio Or Video.

1. CALL MEETING TO ORDER & REQUEST ALL ELECTRONIC DEVICES BE SILENCED

A Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, February 23, 2023 and called to order at 05:30 PM. Council Chairman Carey Denstel asked that all electronic devices be placed on silent.

2. OPENING PRAYER

Councilman Atley Walker Jr. led everyone in an opening prayer.

3. PLEDGE OF ALLEGIANCE

Chairman Denstel recognized Councilman Chris "Fish" Kershaw who led everyone in the Pledge of Allegiance.

4. LOG ATTENDANCE

The following members were recorded as being present: Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Brady Hotard.

Also present were, Mr. Riley Berthelot Jr., Parish President, Mr. Phillip Bourgoyne, Director of Finance, Mr. Jason Manola, Executive Assistant, Mr. Kevin Durbin, Director of Public Works, Ms. Kristen Canezaro, Special Legal Counsel, and Mrs. Michelle Tullier, Council Clerk.

5. MINUTES APPROVAL

A. Approval of Minutes from the February 9, 2023 Regular Meeting.

A motion was made by Councilman Kirk Allain, seconded by Councilman Brady Hotard to approve Minutes from the February 9, 2023 Regular Meeting.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

6. CONSIDER ANY AMENDMENTS TO THE AGENDA

There were no items to consider at this time.

7. 2023 STATE OF THE PARISH

Parish President Riley Berthelot was recognized and gave the 2023 State of the Parish Report, which can be found at the end of these minutes.

8. PARISH PRESIDENT'S REPORT

Parish President Riley Berthelot was recognized and covered the following items:

Recent meeting with AT&T in regards to the \$71,000 grant for internet upgrades in the parish;

No recent update on the Intracoastal project delays;

I-10 widening project meeting is coming next week.

Councilman Joseph asked a question in regards to the N. Westport road work that is being done.

Chairman Denstel asked a few questions in regards to the upgrades being done to the red lights on La1 and La415.

Councilman Walker spoke briefly on his recent trip to the NACO Legislative Conference where he introduced a resolution on the drug Kratom.

9. PUBLIC COMMENTS

There were no items to public comments at this time.

10. COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS

Councilman Walker thanked Councilman Bergeron for his work that he is doing for Port City Enterprises, including the bread roll program and the upcoming Gumbo Cookoff to benefit Port City.

Mr. Kevin Durbin was recognized and updated everyone on the La1/415 recent route update, he also noted the CMAR Procurement was advertised last week and is due in April. Councilman Kershaw asked for an update on the Brusly Trail Sidewalk Project, Mr. Durbin updated the Council on the status of this project.

A. Consider the Following Item for Surplus:

Civil Defense, Chevy Tahoe, Tag#2423, VIN: 1GNSK2E04CR258780

Mr. Chance Stephens, Assistant Finance Director, was recognized and asked that the Council to declare the aforementioned item as surplus for auction.

A motion was made by Councilman Atley Walker, seconded by Councilman Gary Joseph to approve the following item for surplus: Civil Defense, Chevy Tahoe, Tag#2423, VIN: GNSK2E04CR258780

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

11. PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES

- A. An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 6 (“Alcoholic Beverages”), Article I (“In General”), Section 6-2 (“Sunday Closing Time”), Article II (“Beverages of Low Alcoholic Content”), Section 6-23 (“Prohibited activities of permittees”), Article III (“Beverages of High Alcoholic Content”); Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); Chapter 104 (“Zoning Ordinance”), Article II (“District Regulations”), Section 104-26 (“Adoption, amendment, and interpretation of zoning districts”), Section 104-28 (“Base district regulations by zoning districts”), Appendix A (“Zoning Districts”); and Chapter 106 (“Site Planning”), Article V (“Yard/Setback, Open Space and Common Area Requirements”), Section 106-125 (“C-2 site development regulations”) to place all forms of legalized gambling under the same alcohol, site development and zoning requirements as truck stop casinos (with the exception of zoning and site development for riverboat casinos).**

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Mr. Kevin Durbin was recognized and gave a brief explanation of the proposed ordinance and noted that the Planning & Zoning Commission recommended the ordinance for approval.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the public hearing closed.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Kirk Allain to approve An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 6 (“Alcoholic Beverages”), Article I (“In General”), Section 6-2 (“Sunday Closing Time”), Article II (“Beverages of Low Alcoholic Content”), Section 6-23 (“Prohibited activities of permittees”), Article III (“Beverages of High Alcoholic Content”); Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); Chapter 104 (“Zoning Ordinance”), Article II (“District Regulations”), Section 104-26 (“Adoption, amendment, and interpretation of zoning districts”), Section 104-28 (“Base district regulations by zoning districts”), Appendix A (“Zoning

Districts”); and Chapter 106 (“Site Planning”), Article V (“Yard/Setback, Open Space and Common Area Requirements”), Section 106- 125 (“C-2 site development regulations”) to place all forms of legalized gambling under the same alcohol, site development and zoning requirements as truck stop casinos (with the exception of zoning and site development for riverboat casinos).

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Ordinance 5 of 2023 can be found at the end of these minutes.

B. An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of Alberta Meche Callahan. File #2022-25 Located at 3031 Meche Ln. (Lot Z) Port Allen, La 70767. Rezoning from C-1.3 (Regional Scale Commercial) to R-SF-2 (Residential) with waivers on lot depth.

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Mr. Durbin was again recognized and briefly explained the request being presented and noted the waivers which were needed for lot size and lot depth, and noted the Planning and Zoning Commission recommended approval of this ordinance with the waivers.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the public hearing closed.

Chairman Denstel asked about the side setbacks and if there were going to be any waivers needed for them, Mr. Durbin was not aware but noted he would check into this. Chairman Denstel explained to the Council the options on this rezoning, which would either be to rezone to residential or possibly give a special use permit in commercial.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Brady Hotard to approve An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of Alberta Meche Callahan. File #2022-25 Located at 3031 Meche Ln. (Lot Z) Port Allen, La 70767. Rezoning from C-1.3 (Regional Scale Commercial) to R-SF-2 (Residential) with waiver/s for lot size and lot depth as presented.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Ordinance 6 of 2023 can be found at the end of these minutes.

C. An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map For Rezoning Request of Parcel #054300001203, Hwy 190 W, Port Allen, LA 70767 for David and Karen Marionneaux. Rezoning from C-1.3 (Regional Scale Commercial) to AG-1 (Agricultural Small Scale).

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Mr. Durbin was recognized and explained that the Planning & Zoning Commission recommended this ordinance for approval.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the public hearing closed.

A motion was made by Councilman Alan Crowe, seconded by Councilman Kirk Allain to approve An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map For Rezoning Request of Parcel #054300001203, Hwy 190 W, Port Allen, LA 70767 for David and Karen Marionneaux. Rezoning from C-1.3 (Regional Scale Commercial) to AG-1 (Agricultural Small Scale).

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Ordinance 7 of 2023 can be found at the end of these minutes.

D. An Ordinance Adopting an Adjusted Operating Budget of Revenues and Expenditures for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 for West Baton Rouge Council on Aging.

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Ms. LaChandra Atkins, Financial Officer with the Council on Aging, was recognized and explained the reasons for the amendments being requested on the aforementioned budget.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

A motion was made by Councilman Gary Joseph, seconded by Councilman Kenneth Gordon to approve An Ordinance Adopting an Adjusted Operating Budget of Revenues and Expenditures for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 for West Baton Rouge Council on Aging.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Ordinance 8 of 2023 can be found at the end of these minutes.

12. INTRODUCTION OF ORDINANCES

Mrs. Tullier, Council Clerk read by title the below proposed ordinance/s being introduced and publicized by title, and considered for adoption following a public hearing as specified below, at 5:30 pm in the Council Chambers, located at 880 North Alexander Avenue, Port Allen, La.:

- A.** An Ordinance of The West Baton Rouge Parish Council Adopting the 2022 Year End Budget Adjustments to an Operating Budget of Revenues and Expenditures for the Fiscal Year Beginning January 1, 2022 and ending December 31, 2022. Public Hearing Date: March 9, 2023
- B.** An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map For Rezoning Request of Christi Chustz Dellucci for 6334 Flynn Road. Port Allen, La 70767. File #2023-5: as described by the WBR Assessor: LOT 7-C-2-A CONT 6.35 AC IN SEC 7 T6S R11E 6-44 CB117 E212 CB189 E189 CB296 E16 CB404 E54 CB559 P309 LOT 7-B MERGED INTO LOT 7-C-2-A AS PER MAP DATED OCTOBER 7, 2016. Rezoning From Ag-3 (Agricultural Full Scale) to AG-2 (Agricultural Moderate Scale). Master Plan Change. Public Hearing Date: March 23, 2023.

13. CONSIDER STATUS REPORT, CHANGE ORDER AND/OR OTHER MATTERS AS REQUIRED ON CURRENT PROJECTS

There were no items to consider at this time.

14. **RESOLUTIONS**

There were no items to consider at this time.

15. **CONSIDER SUBDIVISION PLATS, CONDEMNATIONS, WAIVERS AND MATTERS RELATED THERETO**

A. **File # 2022-20: FINAL PLAT SHOWING THE SURVEY AND SUBDIVISION OF TRACT "STT" INTO "MORLEY ACRES" SUBDIVISION TRACT STT-1, TRACT STT-2, TRACT STT-3, TRACT STT-4, TRACT STT-5, TRACT STT-6, AND TRACT STT-7 LOCATED IN SECTION 33, T-8-S, R-11-E, SOUTHEAST LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER, WEST BATON ROUGE PARISH**

Mr. Kevin Durbin was recognized and explained the plat process that Mr. Thomas has went through and verified there is a street light contract in place with Entergy, he also noted there are waivers on the plat for no stub out or thru streets, and Mr. Durbin also noted this was recommended for approval by the Planning Commission. There were a few questions for clarification.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Atley Walker to approve File # 2022-20: FINAL PLAT SHOWING THE SURVEY AND SUBDIVISION OF TRACT "STT" INTO "MORLEY ACRES" SUBDIVISION TRACT STT- 1, TRACT STT-2, TRACT STT-3, TRACT STT-4, TRACT STT-5, TRACT STT-6, AND TRACT STT-7 LOCATED IN SECTION 33, T-8-S, R-11-E, SOUTHEAST LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER, WEST BATON ROUGE PARISH, with waivers for stub out and thru streets as presented on the plat.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

B. **File # 2023-1: FINAL MAP SHOWING THE RESUBDIVISION OF TRACT GD-3 BEING PORTION OF THE GORDON DAMERON ET.AL. PROPERTY INTO TRACT GD-3-A & TRACT GD-3-B BEING A PORTION OF THE GORDON DAMERON ET.AL. PROPERTY LOCATED IN SECTION 3, T8S-R12E, SOUTHEASTERN LAND DISTRICT, WEST BATON ROUGE PARISH, STATE OF LOUISIANA, FOR SA-ACQUISITIONS, LLC.**

Mr. Durbin was again recognized and explained that this plat could have been administrative however, there are a few existing accessory structures that are in the existing setbacks of the property.

A motion was made by Atley Walker, seconded by Brady Hotard to approve File # 2023- 1: FINAL MAP SHOWING THE RESUBDIVISION OF TRACT GD-3 BEING PORTION OF THE GORDON DAMERON ET.AL. PROPERTY INTO TRACT GD-3-A & TRACT GD-3-B BEING A PORTION OF THE GORDON DAMERON ET.AL. PROPERTY LOCATED IN SECTION 3, T8S-R12E, SOUTHEASTERN LAND DISTRICT, WEST BATON ROUGE PARISH, STATE OF LOUISIANA, FOR SA-ACQUISITIONS, LLC, with waivers for the existing structures in the setbacks of the property as presented on the plat.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

16. **CORRESPONDENCE REPORT**

Correspondence Report from Council Clerk, Mrs. Michelle Tullier included the following

items:

- Packets for the Police Jury Conference have been distributed;
- Next Planning & Zoning Meeting is Tuesday, March 7, 2023 at 5:30pm;
- Next Council Meeting is Thursday, March 9, 2023 at 5:30pm.

17. ADJOURN

There being no further business, a motion to adjourn was made by Councilman Joseph and was adopted by acclamation at 06:18 PM.


Carey Denstel, Chairman


Michelle Z. Tullier, Council Clerk

Parish of West Baton Rouge



**Office of the Parish
President**

Riley L. Berthelot, Jr.
Parish President

STATE OF THE PARISH 2022

February 23, 2023

Mr. Chairman, Council Members and Citizens of West Baton Rouge Parish:

The State of the Parish is **STRONG** !

It is my privilege to report to you that 2022 was yet another record year for West Baton Rouge Parish sales tax. When looking at financial health, we see that sales tax revenue collections were approximately 43% above the original budgeted revenue amounts. On the other hand, operating expenditures were 10% below budgeted expenditures. The Parish General Fund remains healthy despite the use of approximately \$500,000 in 2022 for one-time projects. A main reason the general fund was able to stay so healthy and spend far less than previous years, was the fact that the road rehabilitation and road construction programs (Approximately \$861,000) were fully funded by the Video Poker Fund in 2022.

In addition, numerous infrastructure improvements have taken place this year, including projects funded via the American Rescue Plan Act. We finished receiving the final ARPA funds in 2022, bringing our total to about 5.1 million dollars. These funds have begun being used on Smart Water Meters (\$795k spent in 2022), and will also be used in the future for waterline upgrades for the northern end of the parish. Additionally, the parish saw some upgrades to Parish Buildings, including new large backup generators for our Annex and Animal Control Buildings, at a cost of approximately 50k and 60k, respectively. The parish also spent approximately \$556,000 to renovate and complete new projects at several of our Parks and Community Centers, as well as additional local dollars and grant funding on the "Joliet Trail Project", to be completed early 2023.

The future for WBR Parish remains bright, with proposed residential, commercial, and Industry development projects. The La./ 415 connector and regional Sewage Treatment Plant will also prepare us for anticipated growth.

I would like to express my appreciation to the 2022 Parish Council for their support. In addition, I would like to thank my Directors and all of the Parish employees for their years of support. I look forward to working with you in 2023 as we continue to serve the people of the parish. I am confident the state of West Baton Rouge Parish remains strong and financially stable. I remain committed to improving and preserving the quality of life enjoyed here.

Riley L. Berthelot, Jr.

Riley L. Berthelot, Jr.

West Baton Rouge Parish President

ORDINANCE 5 of 2023

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of January 26, 2023
And Adopted on February 23, 2023

An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part II (“Code Of Ordinances”), Chapter 6 (“Alcoholic Beverages”), Article I (“In General”), Section 6-2 (“Sunday Closing Time”), Article II (“Beverages Of Low Alcoholic Content”), Section 6-23 (“Prohibited Activities Of Permittees”), Article III (“Beverages Of High Alcoholic Content”); Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); Chapter 104 (“Zoning Ordinance”), Article II (“District Regulations”), Section 104-26 (“Adoption, Amendment, And Interpretation Of Zoning Districts”), Section 104-28 (“Base District Regulations By Zoning Districts”), Appendix A (“Zoning Districts”); And Chapter 106 (“Site Planning”), Article V (“Yard/Setback, Open Space And Common Area Requirements”), Section 106-125 (“C-2 Site Development Regulations”) To Place All Forms Of Legalized Gambling Under The Same Alcohol, Site Development And Zoning Requirements As Truck Stop Casinos (With The Exception Of Zoning And Site Development For Riverboat Casinos).

WHEREAS, one of the primary functions of local governments is to protect the health, safety and welfare of its people; **AND**

WHEREAS, in exercising its role to carry-out the above, the West Baton Rouge Parish Council utilizes its police powers under the Constitution and laws of the State of Louisiana; **AND**

WHEREAS, such exercise of police power involves from time-to-time creating or amending local development (and other) laws in order to protect the public; **AND**

WHEREAS, the West Baton Rouge Council has previously regulated truck stop casinos with alcohol, zoning and site development regulations; **AND**

WHEREAS, the West Baton Rouge Council finds that other legalized forms of gaming may not have the same alcohol and/or land use regulations being applied to them at the State level; **AND**

WHEREAS, the West Baton Council intends to treat all legalized forms of gambling under the same alcohol, zoning and site development regulations as truck stop casinos (with the exception of zoning and site development for riverboat casinos)

NOW, THEREFORE, BE IT ORDAINED that the West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 6 (“Alcoholic Beverages”), Article I (“In General”), Section 6-2 (“Sunday Closing Time”), Article II (“Beverages of Low Alcoholic Content”), Section 6-23 (“Prohibited activities of permittees”), Article III (“Beverages of High Alcoholic Content”); Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); Chapter 104 (“Zoning Ordinance”), Article II (“District Regulations”), Section 104-26 (“Adoption, amendment, and interpretation of zoning districts”), Section 104-28 (“Base district regulations by zoning districts”), Appendix A (“Zoning Districts”); and Chapter 106 (“Site Planning”), Article V (“Yard/Setback, Open Space and Common Area Requirements”), Section 106-125 (“C-2 site development regulations”) be amended and readopted to read as follows:

(NOTE: underlined words are additions and strikethrough words are deletions. Three asterisks - * * * indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the

PART II – CODE OF ORDINANCES

CHAPTER 6

ALCOHOLIC BEVERAGES

* * *

ARTICLE I. – IN GENERAL

* * *

Sec. 6-2 – Sunday closing time.

Businesses selling alcoholic beverages shall be closed at 10:00 p.m. on Sundays and may not reopen until 6:00 a.m. on Monday, except the 10:00 p.m. Sunday closing time shall not apply to Super Bowl Sundays, a Sunday which is followed by either Memorial Day, Labor Day, the 4th of July or New Year’s Day, or if Sunday is the 4th of July or to restaurants, grocery stores, drugstores, ~~off-track betting parlors and truck stop casinos or gaming facilities (including riverboat casinos).~~

* * *

ARTICLE II. – BEVERAGES OF LOW ALCOHOLIC CONTENT

* * *

Sec. 6-23 – Prohibited activities of permittees.

* * *

- (2) Sell, store, use, consume, handle, give away or otherwise dispose of any of the beverages described in section 6-21 between the hours of 1:00 a.m. and 6:00 a.m. daily and to conduct the operation of said business between the hours of 2:00 a.m. and 6:00 a.m. daily, except as provided by section 6-2. Restaurants, grocery stores, drugstores, ~~truck stop casinos~~ gaming facilities (including riverboat casinos) or other business may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited periods set forth above is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans, or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced, and in the case of a sealed container, any container on which the seal has been broken.

* * *

ARTICLE III. – BEVERAGES OF HIGH ALCOHOLIC CONTENT

* * *

Sec. 6-116. – Prohibited activities of licensees and permittees.

- (2) Sell, store, use, consume, handle, give away or otherwise dispose of any of the beverages described in section 6-114 between the hours of 1:00 a.m. and 6:00 a.m. daily and to conduct the operation of said business between the hours of 2:00 a.m. and 6:00 a.m. daily, except as provided by section 6-2. Restaurants, grocery stores, drugstores, ~~truck stop casinos~~ gaming facilities (including riverboat casinos) or other business may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited periods set forth in this subsection is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses

which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced and in the case of a sealed container, any container on which the seal has been broken.

* * *

PART III – UNIFIED DEVELOPMENT CODE

CHAPTER 101

GENERAL PROVISIONS

Sec. 101-1 - Definitions

* * *

Future land use plan means a land use plan recommended by the planning and zoning commission and approved by the parish council which illustrates the community's goals for future land use and which is intended to serve as the basis for the creation of zoning districts.

Gaming facility means any institution (other than riverboat casinos, as defined elsewhere) in which gaming operations are permitted to occur at a land-based casino, at a facility licensed for the operation of electronic video draw poker devices, at an eligible facility licensed for the operation of slot machines, for a licensed charitable organization, at a facility that contains a sports betting lounge, or at a pari-mutuel wagering facility or off-track wagering facility which are licensed for operation and otherwise also regulated under the laws of the State of Louisiana, or any other gaming operations authorized be law. No license shall be granted to any gaming facility (other than riverboat casinos, as defined elsewhere) within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. The measurement of the distance shall be a straight line from the nearest point of the gaming facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school. The definition of gaming facility herein, and the site development and zoning regulations that govern gaming facility districts, shall not be interpreted to apply to restaurants, bars and other assembly spaces that are permitted to have no more than three (3) video draw poker devices pursuant to the current or previous Louisiana Revised Statute 27:413. Instead, restaurants, bars and other assembly spaces permitted to have no more than three (3) video draw poker devices shall be governed by their own use definitions as well as the site plan regulations and zoning regulations that govern the districts that those (restaurant, bar, and other assembly) uses are permitted.

Garage, private, means an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

* * *

~~*Truck stop casino*, for the purpose of this chapter, shall be as defined by R.S. 27:306.~~

* * *

CHAPTER 104

ZONING ORDINANCE

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

Sec. 104-26 – Adoption, amendment, and interpretation of zoning districts

All land within the unincorporated areas of the parish is hereby divided into the following base zoning districts:

(1) Base zoning districts:

Map Code	District Name
	* * *
C-1.4	Industrial-Transitional Commercial District
C-2	Commercial District (Truck Stop Casinos) <u>Gaming Facilities District (except Riverboat Casinos)</u>
I-1	Light Industrial District
	* * *

* * *

Sec. 104-28 – Base district regulations by zoning districts.

The regulations of this section identify the purpose of each of the created zoning districts and shall be considered the minimum requirements.

* * *

(2) *Nonresidential districts.*

* * *

e. ~~C-2 commercial truck stop casinos~~ Gaming facilities district (except Riverboat Casinos).

1. *Purpose.* The purpose of the C-2 ~~commercial truck stop casinos~~ gaming facilities district is to provide sites suitable for ~~truck stop casinos~~ various gaming facilities (other than riverboat casinos). C-2 zoning shall constitute a special use permit granting local government approval for the operation of various gaming facilities ~~video poker devices~~ as provided for under ~~R.S. 27:324~~ Louisiana state law.

2. *Permitted, prohibited and special uses.* See appendix A to this chapter.

* * *

APPENDIX A. - ZONING DISTRICTS

The table below indicates which land and building uses are permissible and nonpermissible in each zoning district. The phrase "any other similar uses compatible with" each zone may applied by the zoning administrator for C-1, I-1, I-2 and I-3 zoning districts. The following codes apply:

- P = Permitted use;
- Blank Space = Prohibited use;
- S = Special use permit required for the use.

Use Classifications	R-SF-1, R-SF-2, R-SF-3, R-ED, R-2F	R-MF-1, R-MF-2, R-MF-3	R-MH, R-M	C-1.1	C-1.2	C-1.3	C-1.4	C-2	I-1, I-2	I-3	AG-1	AG-2	AG-3	B-1, B-2	POS-C-RV; PF
				*		*		*							
Funeral home					P	P	P								

Gaming facility								P							
Garden center				P	P	P	P								
* * *															
Truck stop casino								P							
* * *															

* * *

CHAPTER 106

SITE PLANNING

* * *

ARTICLE V. – YARD/SETBACK, OPEN SPACE AND COMMON AREA REQUIREMENTS

* * *

Sec. 106-125 – C-2 site development regulations

(a) *Site development regulations in C-2 districts.* Each development site in the C-2 commercial district shall also be subject to the development regulations contained in the parish subdivision regulations except that the minimum lot area shall be five acres; . For truck stop casino sites, which these five acres shall also include a parking area large enough to accommodate at least 50 heavy trucks (18-wheelers). Furthermore For all gaming facilities in C-2 zoning districts, the required front yard/setback shall be 30 feet and the required side and rear yards/setbacks shall be ten feet. Whenever a C-2 district abuts any type of residential district, the required side and/or rear yard/setback adjacent to the residential district shall be 50 feet. No license shall be granted to any gaming facility (other than riverboat casinos, as defined elsewhere) within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. The measurement of the distance shall be a straight line from the nearest point of the gaming facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

(b) *Special C-2 district requirements.*

- (1) Each lot in a C-2 district shall have frontage and access from a four-lane highway.
- (2) ~~No lot in a C-2 district shall be located where the traffic or daily operations will interfere with ingress and egress to any residential or commercial area or public building.~~

(c) ~~Special requirements adjacent to residential districts.~~

- (1) ~~(2)Buffer requirements. A minimum eight foot wooden fence with a maximum one-quarter inch gap between slats, permanently maintained, shall be required in the 50-foot required setback adjacent to all residential districts. All outdoor lighting must be directed toward the commercial property, be shielded from and shall not adversely impact any adjacent use or traffic.~~
- (2) ~~(3)Greenbelt requirements. A minimum ten-foot greenbelt shall be required along the front property line. No parking or structure of any kind will be permitted in this greenbelt, except for the permitted driveway access. A minimum five-foot side yard greenbelt is required from the front property line to the required building setback line. Utility servitudes located within the property line may be counted toward this greenbelt requirement. Servitudes located on public rights-of-way shall not be counted toward this greenbelt requirement.~~
- (3) ~~Hours of operation and noise. If night activities are conducted by the on-site use, such activities shall not interfere with the peace of any adjacent residential district or on-site residential use.~~
- (4) *Storage of waste materials.* No waste materials that are the product of any research or testing activity may be stored on-site.
- (5) *Outside storage of goods.* Outside storage of goods shall be permitted in the rear of the property beginning at the rear half of the building depth. This storage area shall be screened with a minimum eight-foot chainlink fence using slats, permanently maintained. The height of the stored goods shall not exceed the height of the roof eaves or 15 feet, whichever is less.

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective upon the signature of the Parish President.

THEREFORE BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council, that all other

ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER CHRIS KERSHAW, WHICH WAS SECONDED BY COUNCIL MEMBER KIRK ALLAIN. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 9 (MESSRS. KERSHAW, ALLAIN, WALKER, DENSTEL, CROWE, HOTARD, GORDON, BERGERON, JOSEPH)

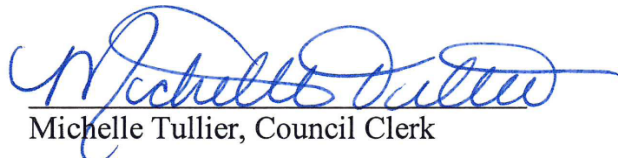
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the **23rd Day of February, 2023.**

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 6 OF 2023

As Introduced by the West Baton Rouge Parish Council
At the Meeting of January 26, 2023
And Adopted on February 23, 2023

An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of Alberta Meche Callahan. Rezoning From C-1.3 To R-SF-2.

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec.104-3. Establishment Of Districts, Official Zoning Map For Rezoning Request Of Alberta Meche Callahan regarding property located at 3031 Meche Ln. (Lot Z) Port Allen, La 70767, File #2022-25: Described by the WBR Assessor as: Lot Z Cont. 0.19 AC Sec 119 T7S, R12E, Lot Y Cont. 0.50 AC in Sec 119 T7S, R12E 43-17A. Rezoning from C-1.3 (Regional Scale Commercial) to R-SF-2 (Residential) with waivers on lot depth and lot size as presented.

THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

THEREFORE BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER CHRIS KERSHAW, WHICH WAS SECONDED BY COUNCIL MEMBER BRADY HOTARD. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 9 (MESSRS. KERSHAW, HOTARD, ALLAIN, WALKER, DENSTEL, CROWE, GORDON, BERGERON, JOSEPH)

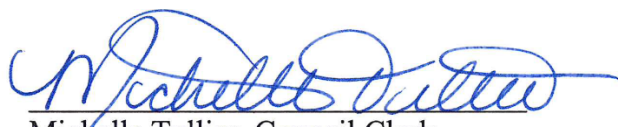
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the 23rd Day of February, 2023.

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 7 OF 2023

As Introduced by the West Baton Rouge Parish Council
At the Meeting of January 26, 2023
And Adopted on February 23, 2023

An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map For Rezoning Request of David and Karen Marionneaux. Rezoning from C-1.3 to AG-1.

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec.104-3. Establishment Of Districts, Official Zoning Map For Rezoning Request Of David And Karen Marionneaux, Parcel #054300001203, Hwy 190 W, Port Allen, La 70767. **File #2023-2**; as described by the WBR Assessor: Lot 575-A WESTOVER PLTN SD 43-12C. Master Plan Change. Rezoning From C-1.3 (Regional Scale Commercial) to AG-1 (Agricultural Small Scale).

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this Ordinance shall also serve as a Master Plan Change.

THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

THEREFORE BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER ALAN CROWE, WHICH WAS SECONDED BY COUNCIL MEMBER KIRK ALLAIN. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 9 (MESSRS. CROWE, ALLAIN, KERSHAW, WALKER, DENSTEL, HOTARD, GORDON, BERGERON, JOSEPH)

NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the 23rd Day of February, 2023.

ATTEST:



Michelle Tullier, Council Clerk

ORDINANCE 8 OF 2023

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of February 9, 2023
And Adopted on February 23, 2023

An Ordinance Adopting an Adjusted Operating Budget of Revenues and Expenditures for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 for West Baton Rouge Council on Aging

SECTION 1: The detailed estimate of revenues for the fiscal year beginning July 1, 2022 and ending June 30, 2023 is hereby adopted to serve as an operating budget of revenues for West Baton Rouge Council on Aging for said period.

SECTION 2: The detailed estimate of expenditures for the fiscal year beginning July 1, 2022 and ending June 30, 2023 is hereby adopted to serve as an operating budget of expenditures for West Baton Rouge Council on Aging for said period.

SECTION 3: The adoption of this adjusted operating budget of revenues and expenditures is hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

SECTION 4: Amounts are available for expenditures only to the extent included within said budgets for this period.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

NOW THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 application of this ordinance which can be given effect without the invalid provisions, items or applications of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER GARY JOSEPH, WHICH WAS SECONDED BY COUNCIL MEMBER KENNETH GORDON, AND A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:

YEAS: 9 (MESSRS. JOSEPH, GORDON, ALLAIN, KERSHAW, WALKER, DENSTEL, CROWE, HOTARD, BERGERON)

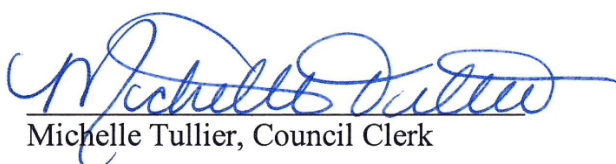
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was adopted on the **23rd Day of February, 2023.**

ATTEST:



Michelle Tullier, Council Clerk