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Lynn H. Andrews

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# Administrative Aspects of Planning and Zoning at the Local Level in Louisiana

LYNN H. ANDREWS\*

The war years have played havoc with normal administration of planning and zoning in most cities throughout our country. The post war years are creating conditions that are not conducive to good administration of planning and zoning ordinances.

The pressure for more housing facilities, more commercial and industrial uses and the genuine desire on the part of many to go in business for themselves on a shoestring has caused many governing bodies of municipalities, and in some instances Planning Commissions, to relax restrictions or to exchange well laid plans for those of a temporary nature. Pressure from citizens and citizens' groups for variations from local planning and zoning ordinances has been such that the governing bodies of municipalities have attempted to take over the detail administration of ordinances and decide each appeal for a change in an attempt to satisfy voters. This practice, in the case of Little Rock, Arkansas, created a condition where the governing body was spending the greater part of its time on planning and particularly on zoning requests for changes and exceptions to existing ordinances. Therefore, today, planning and zoning administration is in a condition of utter confusion in many cities and towering on the brink of confusion in others. Planning and zoning in Louisiana cities is relatively new, and therefore, our cities have been unable to meet the problems and pressures of the day as tactfully as cities with planning and zoning ordinances more firmly established by long years of practice and precedents.

Even with newly established municipal planning and zoning bodies, it has been very evident that there is a need for good planning and zoning enabling legislation in the State of Louisiana if local administration of this work is to be on a high plane. This was pointed out very clearly and in detail by Professor Fordham in his article, published recently in this Review.<sup>1</sup> As a result of

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\* Engineer-Secretary, City Planning Commission, City of Shreveport.

1. Legal Aspects of Local Planning and Zoning (1946) 6 LOUISIANA LAW REVIEW 495.

Professor Fordham's efforts, several bills dealing with planning and zoning were introduced during the last session of the Louisiana State Legislature. Two of these succeeded in passing the legislature;<sup>2</sup> however, one of these, a zoning enabling act for municipalities,<sup>3</sup> was later vetoed by the governor due to misinterpretation of a section written in for the benefit of New Orleans' program of eliminating non-conforming uses.

House Bill 313 which was enacted into law as Act 300 of 1946 is a planning enabling act and, as such, is a distinct aid to all planning bodies existing or to be created in the State of Louisiana. We need not go into the details of this act; it is sufficient to say here that it gives local planning bodies ample opportunity to do good planning at the local level.

With Act 300 of 1946, local planning has the opportunity of assuming its rightful place in guiding the direction and growth of local communities throughout our state. It is necessary, however, that local planning and zoning administration be carried on so as to secure the confidence of the local governing body and the citizenship of the community. This can be accomplished only by following accepted practices of administering this work. It is well, therefore, that an attempt be made to cover some of the more important aspects of the organization as well as the operation of planning and zoning at the local level.

#### I. FORMING A PLANNING COMMISSION

Louisiana Act 300 of 1946 provides that the members of municipal planning commissions are automatically the zoning commission of the municipality although separate meetings and minutes are required for each function.<sup>4</sup> The act provides that the commission shall be composed of not less than five members nor more than nine members at the discretion of the local legislative body.<sup>5</sup>

It is well that a municipality give due consideration to the number of members to be appointed to its planning commission. It is probably self-evident that the number should be odd, that is, five, seven or nine, since this will prevent tie votes in some in-

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2. H. B. 261 (La. Act 315 of 1946) and H. B. 315 (La. Act 319 of 1946).

3. H. B. 311.

4. La. Act 300 of 1946, § 4.

5. *Id.* at § 3.

stances. The writer has a strong preference for the nine man commission. The members of a commission of this number would be appointed for terms of from one to nine years respectively, therefore furnishing the more permanent type of body, since a majority of the membership would be irreplaceable over the period of any four year administration. A nine man commission probably gives better representation to all sections of the city as well as the various professions that may be represented.

Good logic and sound judgment can be completely lost if care is not taken in the selection of the members of the commission. There is no set rule as to selection other than the necessity of appointing men or women who have some interest in city planning and who are civic-minded. Persons of influence in the community have many obvious advantages as members of Planning and Zoning Commissions, but care must be taken to select those who can and will take sufficient time and interest to serve on this commission.

It is well to have one or more members on the commission who have the interest, respect and close contact with citizens following manual or semi-professional trades. The purpose now is not so much to represent different income groups, but to place the thoughts, desires and hopes of this income group before the commission as a whole in any deliberation affecting the neighborhood in which these people live. By the same token, men representing the thoughts of professional groups should be members of the commission. It is well to have a representative from each section of the municipality—not to represent his particular section, but rather to insure a membership which is familiar with the various sections of the community. City planning, to be effective, must be on a city-wide basis, and therefore the selection of members should take into account their ability to look at the city or municipality as a whole and not as a mere aggregate of individual neighborhoods.

Some authorities have injected the thought that commissioners should represent the various professions, such as architects, lawyers, doctors, and builders. Although this method of appointing members to a planning commission has some merit in that the views of the various professions are obtained, it does not appear to be of sufficient importance to be a controlling factor in the selection of the commission members. It does seem, however, that we can attach some importance to two or three profes-

sions in the selection. I would like to stress the importance of selecting an attorney as a member in order that the actions of the commission may be conducted in an orderly manner, and that ordinances submitted to the governing body might be checked to see that they are in proper form.

Although the State Enabling Act of Louisiana does not allow a member of the commission to hold another public office,<sup>6</sup> it is very evident that the public officials and particularly the operating heads of a municipality must cooperate with the commission in order that the commission function properly. It is not necessary that these officials be ex-officio members of the commission, but they should be urged to attend as many meetings of the commission as possible. Although these officers have no voice in the official actions of the commission, it is well to encourage them to join in the discussions. It is important that the titular head of the local governmental unit as well as the city engineer be made interested in the advantages of city planning and thoroughly familiarized with the thinking of the commission, because these men are responsible for putting plans into operation.

Once the commission is formed under the act it elects a chairman from its members and fills such other of its offices as it may deem necessary<sup>7</sup> to carry on effectively the operation for which it was appointed. It is essential that a commission have the necessary employees to carry out its work. Therefore, it seems appropriate here to discuss staff needs and equipment required to carry on the administrative work of a planning and zoning commission.

## II. STAFF AND EQUIPMENT REQUIRED

In order to carry out effectively the duties assigned to city planning commissions as provided in state enabling acts, it is vitally necessary that a well rounded staff and intelligent technical advice be provided. It is also very important that adequate finances and equipment be furnished the staff. A discussion of needed finances will be deferred, and present attention devoted to staff requirements for planning commissions at the local level.

It is obvious that staff requirements must be based upon the size and population of the city involved. The larger the city, the

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6. *Ibid.*

7. *Id.* at § 4.

larger the staff needed. In discussing the needs of the larger cities of Louisiana, that is, cities whose metropolitan district population exceeds forty thousand, we can do so knowing that, other factors being equal, staffs would be composed of approximately the same type personnel. Heading a staff of this type should be a person whose title can be either City Planner, Director or some other appropriate term. However, the title City Planner definitely identifies the work of this department head and should, insofar as possible, be utilized as the official title of the paid staff head of city planning work in Louisiana. The state act provides that no member of the commission itself can receive compensation for services rendered,<sup>8</sup> and, therefore, there will be no conflict as to the title City Planner for the paid staff head.

The individual to be selected as City Planner may be a landscape architect, an architect, a civil engineer, or possibly an economist. More important than his technical training will be his executive ability to initiate research programs and planning designs, and his capacity to sell city planning to elected officials and later to citizen groups. As a man of this type obviously cannot be expected to do too much of the detail work, he will need a group of competent assistants capable of executing his instructions.

A very necessary member of the staff is a draftsman who is capable of making sketches of proposed work as well as flat drawings. The draftsman should be capable of learning the fundamentals of planning and zoning and have an interest in this work to serve as an assistant to the City Planner. Since many perspective drawings are needed in connection with preparing plans, particularly the Master Plan, it is well to have a draftsman with considerable ability along this line. The title Planning Draftsman would amply serve for this position. In addition to the Planning Draftsman and City Planner, a stenographer will be needed to round out the planning staff.

The above staff for city planning work of Metropolitan areas having a population in excess of forty thousand is probably the minimum staff required to work speedily and efficiently. A larger staff might include such individuals as a landscape architect, an economist and possibly a civil engineer. Additional staff is desirable when funds are available. In the event these additional

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8. *Id.* at § 3.

staff members are employed, it may be well that they carry such titles as Assistant City Planner, Senior Planner, and Junior Planner, rather than Planning Architect, et cetera.

Very effective planning can be done in cities of less than forty thousand population with a somewhat smaller staff. I think one point very important, and that is that there be at least one full-time member of any planning staff. This full-time member, by devoting all his time to planning work, can show progress and be unhampered by other duties. It is the writer's conviction that full-time employees should be employed by and be responsible to the city planning commission and not responsible to any particular branch of the local government. In other words, their continued employment should be based upon efficient service to the planning commission and not political expediency.

It has been suggested by some that the city engineer of the smaller cities act also in the capacity of City Planner, and in some instances this expedient has been very satisfactory. Such a practice, however, is precarious in that the city engineer is responsible to his own department head who may or may not be in sympathy with a planning program. If at all possible, a full-time employee or even a part-time employee not otherwise connected with the city government is the more desirable person for the position of City Planner. In smaller cities, funds may not be available for a full-time or even part-time draftsman; however, this work may be done by personnel employed by the engineering department, if available, or through a paid outside draftsman on a job basis. Secretarial help may be secured in the same manner.

Many smaller cities throughout the country have found it advantageous to employ a planning consultant on a retainer fee basis. This has been found very successful where a city has a live-wire, active planning commission that will carry on the work between visits of the consultant. Some of the smaller cities utilize the city planners of nearby larger cities on a yearly fee consultant basis and have found this satisfactory.

As to funds necessary for planning work, a figure of from eight to ten cents per capita is about the minimum with which effective planning work can be carried forward. An amount of \$2,500 annually is about the lowest on which any city can expect to do any efficient planning work, since some money is necessary

even where there is an active non-paid citizen direction and participation.

### III. THE MASTER PLAN

Section 6 of Act 300 of 1946 provides for the general powers and duties of city planning commissions created in Louisiana under authority of this act. As to the powers and duties it is provided first, "that the commission is to make and adopt a Master Plan for the physical development of this municipality." Therefore, it is paramount that the planning commission draft a Master Plan for its city.

It may be well that we have a general definition of a Master Plan in order to understand better the objectives of such a document. In general, it is a plan to guide the city's physical development to the betterment of all its citizens. The Master Plan is a comprehensive and coordinated design in outline form of all major physical features which make up the community. It is intended to serve as a guide and a frame of reference in the development of these and all other physical elements in the city, with a view toward gradually producing buildings, facilities and utilities, which by themselves and in relationship to one another will be as favorable as possible for urban life, that is, for the healthfulness, safety, efficiency, convenience and attractiveness of urban life.

The preparation of a Master Plan demands thorough knowledge of present conditions and past trends, an understanding of the forces and factors that produced them, as well as some appraisal of the future.

From the standpoint of preparing the Master Plan, the program logically falls into three categories:

1. Basic studies.
2. Land use distribution.
3. Various public facilities, utilities and services.

The basic surveys and studies are not the final elements in the Master Plan, but serve as a foundation, set the scale, and lend integrity and direction to all its features. Among the basic surveys and studies are included such items as general characteristics of the site, physiography, geology, climatology, and similar matters. It also embraces studies of the population with reference to numbers, natural increase, migration, age composition.



race, nativity, occupations, earnings, and wealth. Population prognostications furnish the basic scale for the Master Plan, because everything in the community is being planned for the population of the whole community or of its parts at some future date. The land use areas, the service facilities may be wastefully excessive or inadequate, depending on the degree of error in these (population) prognostications. However, they must be made with great care and require constant revision. Comparison with larger geographic units and with community groups of similar size are useful safeguards against crude errors.

Another type of basic study has to do with land use. The first question to be answered is: How is a community using its land? This seems, at first blush, to involve only a most elementary kind of knowledge, but recent experience with an inquiry showed there are very few communities, indeed even among those with long established planning commissions, that have an inventory of their present land uses. Other land use studies should include a study of the dynamics of land uses and of land values. An up-to-date inventory should be made and maintained of information about the type of buildings and structures, their use, age, occupancy, and other pertinent items.

Still another type of basic inquiry should be directed toward what we might term the *economic base* of the community. It is fully as important to know just what that community owes its existence to, what is the economic foundation of its present and what are the prospects for the future, as it is to know the characteristics of the geology or topography, and in many respects far more important. In order to be able to evaluate the present and make some prognostication of the future, without which there can be no planning, one must make an appraisal of the economic role and outlook of that community in relationship to the region in which it is located and, in some instances, also to the national economy.

Such are some of the major fields in which surveys and studies must be conducted in order to build up a base, a uniform base, on which all the plan elements must stand if they are to hang together and if they are going to point toward some, no matter how general, concept of what kind of community we are trying to develop with the aid of this tool that we call city planning and the Master Plan.

Coming now to the elements of the Master Plan, the one most basic is, of course, the land use distribution plan, and by that we are not to understand merely what in general terminology passes for zoning. We have to go beyond a zoning plan if we are to have a real land utilization scheme, the kind so badly needed and missed in the past years in connection with the government housing efforts. It is not enough to divide a city into four or five or seven different kinds of zoning districts, but we must plan quantitatively and qualitatively the major land use elements in the plan. Areas for housing and re-housing various groups of the population will have to be mapped, to some extent designed and stamped with appropriate building, sanitary and zoning regulations in much greater detail and thoroughness than has been customary heretofore under zoning. These land use distribution plans would, of course, be predicated on the functional fitness of the land and the requirement of the community for different kinds of land use areas, and would be based upon population studies, present land use studies and economic activity studies.

The third group of items under the Master Plan is the service facilities. These include streets, transit lines, parks, playgrounds, fire stations, schools, terminals and all those other things that have one common characteristic: the service facilities necessary to equip the land use areas, before the people can use them and carry on in these areas the activities intended under the plan. An industrial section of a certain type will require certain kinds of service facilities in a certain amount; a residential district of a given type will need different kinds of public services and facilities of a different size; another type of residential district will require public services and facilities if not of different kind then in different amounts, depending upon population density, the intensity of building occupancy, the economic level of the residents, and so forth.

In order that those interested in city planning might have a better perspective of the composition of a Master Plan, there is presented below an outline that covers most, if not all, phases of the Master Plan that are needed by most cities. The following chapter headings are offered:

- I. General Aims and Objectives
- II. Factors Controlling Growth
- III. Transportation

- A. Streets and Highways
- B. Railroads
- C. Airlines
- D. Waterways
- IV. Utilities
  - A. Water and Sewerage
  - B. Drainage System
  - C. Electrical
  - D. Gas
  - E. Telephone
- V. Recreation Facilities
- VI. Public Protection and Health
- VII. Education
- VIII. Civic Center
- IX. Finance
  - X. Zoning and Subdivision Regulations
- XI. Housing
- XII. Timetable

Chapter I, **GENERAL AIMS AND OBJECTIVES**, is a chapter devoted to discussing the aims and objectives sought by the Master Plan. Each following chapter would be discussed in terms of its relationship to the over-all objectives under Chapter I.

Chapter II, **FACTORS CONTROLLING GROWTH**, is devoted to outlining those historical factors, climatic conditions, general location and topography and such other factors as must be considered in the development and growth of the city.

The third chapter of the outline entitled **TRANSPORTATION** is one of the more important chapters of the Master Plan. In the preparation of this chapter, the commission will necessarily need considerable factual information resulting from detail studies, surveys and other compilations of data.

After the necessary traffic surveys showing traffic flow within the city, a detail study of existing street widths and facilities and other pertinent information have been secured, a commission is ready to prepare a plan of Major Streets to serve all sections of the city. Consideration must be given to the entrance of highways to the city so that the Major Street Plan will be an adjunct to the highway system serving the city; however, the Major Street Plan must be designed primarily to enable citizens to reach all sections of the city without excessive delays and congestion or

hazardous driving conditions. Many portions of the Major Street Plan can be developed by securing the necessary dedications when new subdivisions are platted. We must realize that in some instances subdividers will object seriously to the dedication of wide Major Street widths through proposed subdivisions particularly where these proposed subdivisions have no immediate Major Street connections leading to or from them. The securing of such dedications, however, is one of the main objections of a Major Street Plan. The necessary right-of-ways should be secured before development in the proper location to meet future street requirements.

The matter of parking facilities for vehicles that use our streets and highways is becoming one of the more pressing problems faced by our cities. Through precedents, parking is permitted at the curb in practically all downtown business districts. However, it is evident that curb space is not sufficient to take care of those vehicles desiring to park in these areas. Further, this usage of our streets, which were designed primarily for the movement of vehicles, is not an economic one. It is very true that commercial lots provide additional off-street parking facilities, but cities are finding that commercially operated off-street lots do not provide sufficient parking space and that the rates charged on these lots in some instances have become so exorbitant that they cannot be effectively utilized by the general public. Just as the public as a governing unit provides roadways over which all vehicles may travel, it appears to me that the local government will necessarily have to participate in the providing of necessary off-street parking space near the downtown business district. Cities receive a large portion of their tax revenue from businesses located in the central core, and if the same businesses are allowed to deteriorate and property values are lowered, thereby reducing the assessment, cities must then turn to other sources of revenue to make up for this loss. Decentralization of business to the outlying residential sections means that cities must extend utilities services, police and fire protection and many other operations in order to serve these new areas adequately. Such expenditures must be paid for out of the operating revenue of the city.

A complete solution of the downtown parking problem is not yet apparent. However, unless this important phase of city planning is well studied and steps are taken to relieve present con-

gested parking conditions, the Master Plan will have failed in one of its more important objectives.

The railroad system serving a city has been and will continue to be one of the more important factors considered in planning the growth and development of cities. The railroad is an asset to the development of a city; but within the city itself it tends in many instances to become a serious impediment to the movement of other means of transportation.

The railway trackage within the city limits causes a serious impediment in the movement of automobile traffic across railway lines. Most cities have spent large sums to provide even the minimum number of requisite underpasses and overpasses to separate the railroad and street grades. Some of this expenditure might be saved by the possible re-routing or re-location of certain railroad facilities. The matter of railroad terminals, both passenger and freight, is also very important in any transportation plan for a city. Provisions must be made for adequate access by trucks to and from freight terminals in such a manner as not to affect passenger vehicles unduly. A freight station well located would have adequate street connections with those businesses and industries which regularly receive or ship freight. Passenger terminals must be considered as to location in relation to the plan of Major Streets, adequate access and parking facilities and convenience to the business district.

Municipal airports are playing a more and more important transportation role in the development and growth of cities, and although no one can predict accurately the amount of land and other facilities needed to establish an airport for the future, certain facts regarding airports are well established. An airport to be effective for passenger travel should be located as near the downtown business district as possible after taking into account glide ratios and obstructions in the path of flight from and to the airport. The length of runways depends on the type of planes desiring to land or take off from these strips; but the development in aircraft is progressing rapidly and therefore standards are constantly being revised. It is well to secure the advice of an airport consultant before drafting this section of the Master Plan.

Chapter IV, UTILITIES, is one dealing with the various utilities necessary for a city to operate effectively. The subdivisions of

this chapter will be discussed in the order set forth in the foregoing outline.

The water supply is of first importance to any city regardless of size, and many cities today are experiencing difficulty with their water systems both as to an adequate and safe supply and as to distribution of the supply. Although cities are probably further behind in their distribution systems, I am afraid that many of them are not looking far enough to the future to determine the adequacy of their present supply. Many Eastern cities, already faced with the possibility of an inadequate supply of water, are seeking new sources. Future population estimates must be used in determining the amount of water needed in the years ahead. The number of industries and other commercial users of water must also be taken into account in estimating the needs for this utility.

After an adequate supply has been secured, the matter of distribution must be thoroughly analyzed and a long range program prepared. The distribution system must also be based on estimates of future population distribution, industrial distribution, and direction of growth anticipated. It is in planning the water distribution system that the Master Plan can be of material benefit to the community in economic savings. By following the practice of planning water lines of adequate size to take care of both the present and anticipated future development within and adjacent to the city, considerable funds can be saved that would otherwise be required to replace smaller lines with those of adequate capacity in future years.

The sewer system is similar in nature to the water system in that there must be a plan to take care of present and future growth of a community, and it is therefore another very important adjunct to a complete Master Plan for the growth and development of a city. The disposal of sewage must be studied and adequate plans made to provide both for the treatment and disposal. Many cities are now disposing of their sewage into nearby streams and rivers without treatment, although there is every indication that before many years have passed all sewage will, of necessity, have to be treated so as not to pollute the streams within our state. The Master Plan should make provisions for such treatment.

Many cities, especially in Louisiana, have a drainage prob-

lem. This problem in some cities has been solved by the use of adequate storm sewer systems. However, most of our cities still face the problem of overflow water due to flash floods during periods of excessive rainfall. Some sections of Shreveport, Monroe, Alexandria and other cities of our state need improvements to their drainage systems. Certainly in the Master Plan adequate plans must be made to correct flooding conditions. After careful study, a storm sewer system should be designed for the city, and more important, plans should be drawn for the construction of this storm sewer system to prevent devaluation of property in low lying sections. Many sections of our cities have failed to develop because of inadequate drainage.

The electrical, gas, and telephone systems are important to the development of the community and should be studied in order that all sections of the city may be served by these important utilities. Although these are privately owned in most cases, it is well that the direction of their growth and manner of installation be guided so as to be of the greatest value to a growing city.

In general, this chapter must make provisions for the economic and well planned expansion of all utilities in line with the anticipated growth of the city.

Chapter V of the proposed outline deals with the recreation facilities within the community, and here again careful study and planning must be evident to round out the needs of those living in urban communities. It is well for all cities to take an inventory of their present recreation facilities that serve not only the children of the community but also the adults. After an inventory has been made, it is then possible to itemize the needs to serve the present population and then to plan for future years.

Chapter VI, PUBLIC PROTECTION OF HEALTH, is an outline of city needs for police, fire, and health protection. The objective of this chapter of the Master Plan is to itemize those needs of the community that are now necessary and to plan the future needs of the community to give its citizens adequate police and fire protection, and the best of health conditions. The location of fire stations, public health clinics, equipment needed for each and pertinent information would be itemized and planned for under this chapter of the Master Plan.

Chapter VII, EDUCATION, will be discussed later in more detail, but in general this chapter should indicate the present and

future educational facilities needed for the full enjoyment and betterment of the citizens of the community.

Chapter VIII, CIVIC CENTER, should outline a plan for the development of a cluster of municipal buildings that would be well located, of adequate capacity for present and future needs, and so arranged as to be pleasing in view. All cities build several municipal buildings. Usually these are scattered so that they are not effective as a group and do not lend themselves well to economy of over-all operation. If a detail plan is made for a Civic Center and future municipal buildings are erected in accordance with the plan, the city will find itself with not only a pleasing grouping of its municipal buildings but also an economical and convenient usage of facilities.

Chapter IX, FINANCES, is, of course, one of the most important chapters of any Master Plan. Past experience indicates that very few of our cities have developed a long range plan of financing. Most cities are either on a year-to-year basis or at the most on a four-year basis. Considerable tax money could be saved by a long range financial program both as to revenues and disbursements. Such a plan would enable a city to carry out plans of public improvements over a long number of years. This chapter of the Master Plan should provide for a long range financial program that will provide for the improvements indicated in the previous chapters of the plan.

Chapter X, ZONING AND SUBDIVISION REGULATIONS, provides for the regulation of private property. In most instances, zoning ordinances and the regulation of subdivisions by ordinance are drafted and placed into operation before the final completion of the Master Plan; however, it is very necessary that these regulations be drafted with the over-all plan and objectives in mind in order that they will not conflict with other sections of the Master Plan being or to be developed.

The zoning ordinance should be drafted only after careful study of present land uses within the city and a careful study of the desires of citizens within the community. Cities have personalities of their own due to historical background, precedents, location and other conditions and, therefore, the zoning ordinance that would be satisfactory and workable for one city might be of little value to another. Of course, certain basic zoning principles must be recognized in the zoning of any city. However, the real



test of a zoning ordinance, after these basic principles have been recognized, is that the ordinance meet and conform with the city's individual personality. The zoning ordinance and its administration will be given in more detail later.

In controlling the development of new subdivisions, the city has an opportunity to prevent recurrence of the mistakes of past years and to provide for future expansion. Subdivision regulations may be drafted by a city and placed into operation before the Master Plan is complete without seriously affecting the overall program.

Careful consideration must be given to the individual characteristics of a city in order that the subdivision regulations drafted may fit those characteristics. For example, minimum lot sizes in various cities may differ greatly, and rightly so, so long as the regulations guard against the over-crowding of land.

It is in the regulation of new subdivisions that the city has an opportunity to secure adequate street widths, lot size in conformity with the neighborhood, the preventing of off-set and dead-end streets, the most appropriate and satisfactory location for the various utility lines (both above and below ground level) and adequate drainage of the area before lots are sold to individuals for home sites. The Master Plan must anticipate the location of new subdivision activities and make adequate provision for their development.

Chapter XI, HOUSING, should make provision for the housing needs of the community. Although it is very true that practically all housing is developed by individuals and companies, the Federal Government, in recent years, participated in the development of housing units to replace slum areas. It is questionable in my mind as to whether federally aided housing projects replaced slum areas that were torn down for their construction, or whether the slum areas were merely transferred to another section of the city. The Master Plan, however, must make provision for the location of housing projects, both federal and private, so that they will be effective and not create new slum conditions.

Every effort should be made under this section of the Master Plan to show needed improvements in housing conditions within the city and the methods to be used to improve this condition.

Chapter XII, TIMETABLE, is really a summary of the needs of

the community with a program of financing prorated over a long period of years. After a careful study of all needs of the financial ability of the city to meet these needs, the timetable can be formulated so that first priority projects will be taken care of first, and other projects of second and third priority need prorated over the remaining period of fifteen or twenty years. I think it well that the timetable be based on five year periods and that some three or four such periods be provided. Due to changing conditions and trends, it will be necessary, of course, to re-prorate the needs of the city after each five year period and to re-set a timetable of first, second and third priority projects based on a study at that time.

#### IV. DRAFTING AND ADMINISTERING ZONING AND SUBDIVISION REGULATIONS

##### A. *The Zoning Ordinance*

The zoning ordinance is a vital part of city planning. By providing a place for the various uses of land, and by locating these uses in their proper places within the municipality, zoning performs a function that is necessary to the growth and development of the municipality. The advantages of zoning in protecting the home owner from unnecessary loss through intrusion of factories and other commercial enterprises into his neighborhood, in stabilizing property values, in reducing taxes and in avoiding the waste arising from misplaced construction, are easily seen.

Zoning is recognizing, through law and ordinance, the fact that all parts of a city are not alike and that for the purpose of health, morals or the general welfare of the community, they should not be alike. Economic development is another important factor, but is not the primary justification for zoning. It must be remembered that a zoning ordinance is administered under the police power,<sup>9</sup> the same power exercised by a municipality to create fire districts and the power exercised in traffic control.

Before the zoning ordinance is drafted, a thorough survey must be made of present land use and trends. After the surveys have been made and analyzed, the preparation of the ordinance may be started. It is well that a thorough study be made of the

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9. *Euclid v. Ambler Realty Co.*, 272 U. S. 365, 47 S. Ct. 114, 71 L.Ed. 303, 54 A.L.R. 1016 (1926).

State Enabling Act<sup>10</sup> so that its provisions may be followed. This is most important in order that the ordinance as finally drafted and adopted by the municipality may not be declared invalid due to failure to follow the procedure outlined in the act.

We must remember, in drafting a zoning ordinance, that the purpose is to regulate the use of land for the benefit of the greatest number, and that in the process of doing this, some individuals will be penalized. However, in general, it is suggested that the ordinance follow a policy that allows the individual as much freedom of action as possible without allowing that freedom to infringe on the rights of others.

The Use Districts of a zoning ordinance are generally separated into three major divisions: Residential, Business and Industrial. Each of these divisions in turn may be broken down into additional sub-districts as the need may indicate. For example, the Residential Districts might include one, two and multiple family districts; the Business Districts: neighborhood commercial, downtown business and an intermediate district; and the Industrial Districts: a light industrial and heavy industrial district.

The zoning ordinance may be broken down into the various height and area districts, but the writer favors providing height and area requirements along with each use district so as to guard against complication of the ordinance and ensuing difficulties of interpretation. Every effort should be made to simplify the ordinance as much as possible. The inclusion of too many districts with only minor differences of usage is very difficult to administer effectively.

It is well to set apart a section of the zoning ordinance for definitions of terms and words used in the ordinance. These definitions should be brief and completely clear as to meaning. The practice of copying definitions given in the zoning ordinances of other cities is precarious, and a careful check as to clarity should be made before using borrowed terms and definitions. In fact, apart from making resort to another city's ordinance as a preliminary guide, municipalities should be very careful in using any sections of an ordinance verbatim without a careful study to determine if that section or sections will meet local

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10. La. Act 240 of 1926 [Dart's Stats. (1939) §§ 5788-5799].

needs. This attitude of making the need of the particular city the paramount consideration is one that should be adopted and adhered to at all times in drafting a zoning ordinance.

It will be found that many of the difficulties encountered in zoning administration center around the Neighborhood Commercial Districts, and therefore, special care should be exercised in locating these districts and preparing the regulations governing Neighborhood Commercial Districts. Since these districts are surrounded by residential areas, it is necessary to use safeguards that will prevent undue depreciation of the value of adjacent residential property. I think it well that the front yard requirements (set-backs) of these commercial units conform with the front yard requirements of adjacent residential buildings. Further, provision of off-street parking facilities should be required for these commercial centers; and, these districts should be commercial retail shopping centers rather than one or two small isolated stores forming a Neighborhood Commercial zone. In general, retail shopping centers should be located one-half to one mile apart. Spot zoning of commercial property should be avoided.

The residential lots immediately adjoining commercial lots are, in some instances, depreciated in value and need special consideration. One method of meeting this problem is to place a provision in the zoning ordinance to the effect that the adjoining one hundred feet of residential property may be used for a transitional use. That is, where a One Family District abuts a Neighborhood Commercial District, the first one hundred feet may be used for Two-Family units; and, where a Two Family District abuts, the one hundred feet may be used for Multiple-Family dwellings. This provision provides a tapering off usage and helps to preserve property values.

Care should be exercised in locating and defining the boundaries of all the various zones. In most instances, streets should be avoided as boundary lines since obviously one side would allow a different use from that permitted on the opposite side. Alley lines or rear lot lines are more satisfactory for district separation boundaries since the districts will join behind the structures and the transition is thereby easier.

Usually, a zoning district map is used to locate the various districts, but in instances where the exact location of a district boundary might not be entirely clear on the zoning district map,

supplementary descriptive locations should be noted on the map or written in a chapter of the ordinance.

Although practically all zoning ordinances carry a provision for the application for and issuance of a Certificate of Occupancy, very few cities have effectively utilized this very important provision. It is necessary that provision for a Certificate of Occupancy be made in the ordinance. The method of effectively utilizing the Certificate of Occupancy provision will be discussed later in this section.

Provision must be made in the ordinance for future changes and amendments. Care must be taken to have these provisions comply with the State Enabling Act controlling zoning within municipalities.<sup>11</sup> Further, the provision for changes and amendments should prevent the unnecessary burden of considering minor changes and amendments at each meeting of the zoning commission or the governing body of the municipality. Consideration of amendments can be considered twice each year by most cities without causing any undue hardships on the citizens or the governing body.

A Board of Appeals and Adjustments should be provided for in the ordinance, but this provision should clearly state the exact powers and duties of this board. In many instances Boards of Appeals and Adjustments have assumed the right to change the zoning of property rather than to adjust property where some unusual condition exists so that the ordinance cannot be followed exactly. The fact that an individual cannot receive a maximum return on his property due to its zoning should not give the Board of Appeals and Adjustments the right to permit the use desired.

After the zoning ordinance is drafted and placed into operation, the real test of zoning begins. If the ordinance has been well drawn and is fully enforced by the municipal governing body, then zoning will prove a real aid to better urban living. Absolutely impartial enforcement is the key to successful zoning.

The zoning ordinance is usually administered by the office of the Building Inspector. The office responsible for the issuance of building permits is the only satisfactory location for the administration of the ordinance. This, of course, does not apply to changes and amendments to the ordinance and therefore, as

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11. *Ibid.*

previously pointed out, it is necessary for those responsible for drafting changes and amendments to be in close touch with problems of zoning in the issuance of building permits until such time as text changes found necessary have been made and precedents established. It is necessary that those responsible for the issuance of building permits and Certificates of Occupancy be thoroughly familiar with each provision of the zoning ordinance.

If the zoning ordinance is being enforced, it is advisable that the zoning commission, or those responsible for drafting the ordinance, follow the operation of the ordinance very closely for the first year or two in order that any necessary adjustments can be made. The desirability of this is apparent when it is remembered that the enforcement officer is not vested with legislative power.

As previously pointed out, the Certificate of Occupancy is of the utmost importance in administering the zoning ordinance. It is necessary that full cooperation be given by those responsible for the issuance of plumbing and electrical permits in order to administer effectively a zoning ordinance, particularly that section dealing with the issuance of a Certificate of Occupancy. For example, the issuance of a plumbing permit for a sink could very easily change a one family structure into a two family dwelling without the necessity of a building permit unless, as in some cities, a building permit is required before a plumbing or electrical permit is issued.

In some instances a use not allowed under the zoning ordinance may be effectuated by the issuance of an electrical permit for the commercial wiring of the building. In Shreveport a Certificate of Occupancy is required whenever a commercial building is occupied by a new tenant. Before such a certificate is issued, the structure and use must be approved by the various inspectors covering public safety and health as well as the initial approval as to usage by the Zoning Clerk. Admittedly this procedure necessitates additional work by the various inspection departments, but it has been found very effective in the enforcement of zoning, public safety and health requirements before a new business is placed in operation. Utilities can be withheld, except for temporary usage, until the Certificate of Occupancy is issued.

One of the problems facing practically all cities with zoning ordinances is the *zoning of an excessive amount of commercial*

*property.* I think it well in a new zoning ordinance to zone less commercial property than the survey of facts and trends have indicated. This, because the property so zoned will be supplemented by numerous non-conforming commercial uses already in existence. Further, in amending the zoning ordinance to provide additional commercial zoning, particularly Neighborhood Commercial Districts upon application of individuals, it is well to provide in such amendment that failure to utilize the property in a reasonable period of time for the purpose for which zoned shall ipso facto annul the amendment and the property shall return to its former status. Such a provision will, to a large degree, prevent speculative zoning and prevent the existence of commercially zoned lots not utilized as such. Exceptions to this, of course, would be in those areas where a long range commercial development is in progress.

#### *B. Subdivision Regulations*

In administering an ordinance governing subdivision regulations, the responsibility falls both on the planning commission and the department of the city government having control of streets. It is primarily the responsibility of the planning commission to see that lots are platted in accordance with the regulations, and Major Streets and other matters dealing with the layout of the subdivision are provided for present and future needs. The department of the city government controlling streets, et cetera (usually the Engineering Department) must check the proposed subdivision to see that adequate drainage is provided and to determine the improvements needed for street surfaces and other features necessary to make the subdivision usable. The Engineering Department would probably check such facilities as water supply, sewerage disposal, location of street lights, and other utilities. In some cities it is necessary that the various departments controlling these utilities be consulted before final approval of a subdivision.

In general, subdivision regulations should be so drawn that, when a subdivision is placed on record, all lots are satisfactory for building purposes and no undue expenditure need be made by the city government to either place or maintain the streets or other facilities in a satisfactory condition. Adequate regulations to this effect, in many instances, will prevent the premature subdivision of land which is an economic loss to the purchaser and to the city government for service requirements.

A customary practice is that the subdividor submit a preliminary drawing of the proposed subdivision to the Planning Engineer for checking. This drawing may need to go before the planning commission where there is a question of layout or some unusual condition not strictly in accordance with the subdivision regulations. After such sketch is tentatively approved, a final survey of the land proposed for subdivision is made by the subdividor and a final plat is submitted to the planning commission for approval or disapproval. If approved by the planning commission, and if necessary utilities, street improvements, and other provisions of the regulations are carried out or provided for, the plat is submitted to the governing body for its approval before recording.

#### V. EXTERNAL RELATIONS

Planning in Louisiana has not yet developed, except in a few instances, past that which is done within the corporate limits of a city or a town, and the State Enabling Act<sup>12</sup> does not provide amply for any real planning of the metropolitan area. Here we find a very serious hindrance to good planning. The inability of a municipality to guide the development, usage, and other features of territory immediately adjoining the invisible although legal city limits lines means that development lying outside the city limits may develop in such a manner that all the mistakes of the inner city are re-evident, and at such time as these areas are taken within the city the cost of correction of street off-sets, jogs, bad zoning practices and other unfavorable development creates new and unnecessary tax burdens on all the citizens of the municipality. Therefore, the city finds itself inheriting new problems that could have been avoided if areas outside the city limits had been planned to meet street alignments within the city and to conform with the usage of those areas within the city. It seems incongruous that on one side of a street that forms a municipal boundary, the city government may restrict the property to one family home usage, while on the other side of the street, outside of the city limits, a factory, shop or other obnoxious use is allowed due to the fact that neither the city nor the parish governing bodies have any zoning control past city limits lines. This condition can be amply met only by satisfactory enabling legislation. However, we need not admit defeat by saying

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12. La. Act 300 of 1946.



that nothing can be done at present. If the planning commission is on good terms with the parish governing body and the relationship is one of mutual understanding, some preventive measures can be taken. For instance, the police jury has the authority under present state acts to adopt regulations governing the development of subdivisions although, as far as I can ascertain, this is a separate action by the parish body and does not require co-ordination or even the cognizance of the city regulations pertaining to subdivision development within the city. If there is complete understanding between the city planning commission and the parish governing body, it is possible, as has been demonstrated with Shreveport and Caddo Parish, to draft the city regulations and the parish regulations so that there will be no conflict in the tie-in of Major Streets, lot sizes, street widths, drainage and utility requirements for subdivisions lying within the city limits and those being developed just outside but adjacent to the city limits. This is probably one of the most important steps that any planning commission or police jury can take.

In Louisiana the State Highway Department has had to develop its own plans for highway approaches to a city. Here again close coordination of planning commission activities with the work of the State Highway Engineers can produce results favorable both to the state in its highway program and to the city in its street system and land use. It is well, therefore, that the planning commission establish a close working relationship with those state agencies whose program needs to coincide with the city's program of development.

Due to the present set-up of the school system in Louisiana and the fact that the school board is a body politic in its own right, the city planning commission's program and the program of development of schools within and adjoining the municipality must be in agreement. Their plans should be fully known to each other and considered in the development of either program. The school board must know the population density to be expected in certain areas in order to plan the location and size of schools to serve that area, and the commission must know what schools are being anticipated or built and become acquainted with school policies and recreation programs in order to provide school sites or playground sites while such land is in the process of development. It is necessary also that the plan of major streets, transportation and utility facilities be analyzed before expanding, relocating or constructing new school facilities.

As pointed out earlier, it is advantageous to all planning commissions within the state to have similar rules and regulations for administering the functions of the commission, and to that end, an association of state planning commissions should be formed through cooperation and guidance of a state planning board. This association would be very valuable to all members in that some standardization of policy, procedure and administration might be attained throughout the state, and so that mutual problems could be discussed and analyzed. In general, I have attempted to point out that a planning commission needs to have a working relationship with many agencies which in some instances do not directly affect its operation, but whose action may result in conflicts to the detriment of each. It is entirely within the scope of the administration of planning commissions to have these necessary contacts in order to make their city a better place in which to live.

Although the above might be classified as public relations, there is a more direct public relations that an effective planning commission must have. The planning commission must have the confidence and support of the citizens whom it is serving. It is necessary to keep the public informed as to the activities of the commission, the needs of the community and the progress being made to meet those needs. The commission can, through newspaper articles, publications of its own and personal contacts with neighborhood groups and civic bodies make known the facts which the public must have in order that they may support a program of development for the city's good. Care must be exercised by the commission in its public relations to indicate to the public at large that the work is on a fair basis and not to favor either pressure groups, limited communities within the city or income groups.

Good administration must reflect fairness and integrity along with soundness of thought and action.