

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-C-19

A. LASSEIGNE PROPERTIES, LLC

versus

ST. JOHN THE BAPTIST PARISH

IN RE ST. JOHN THE BAPTIST PARISH
APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
J. STERLING SNOWDY, DIVISION "C", No. 81,838

TRUE COPY

April 09, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, Marc E. Johnson, John J. Molaison, Jr., and Scott U.
Schlegel

WRIT GRANTED

The relator, St. John the Baptist Parish (the Parish), seeks review of the December 10, 2025 judgment granting the respondent's motion for partial summary judgment. After a *de novo* review, we grant this writ application and vacate the trial court's judgment.

FACTS AND PROCEDURAL HISTORY

The respondent, A. Lasseigne Properties, L.L.C. ("Lasseigne"), owns a tract of land in the Parish. Lasseigne entered into a contract with Hurricane Works, L.L.C. to excavate and remove clay from this tract to sell to the U.S. Army Corps of Engineers for the construction of a nearby levee.

On May 3, 2024, Lasseigne filed a petition for declaratory judgment and injunction against the Parish, alleging that the residential zoning of its undeveloped property is unlawful. Lasseigne claims the property is rural and has only ever been used for agricultural purposes. Lasseigne also alleged that zoning the property as residential is inconsistent with the land use study, which shows the historic use of this property as agricultural. Lasseigne contends it petitioned the Parish to rezone the property as rural, but the Parish refused, even though it has allowed other landowners in identical circumstances to have their land rezoned as rural. Lasseigne requested a declaratory judgment determining that the Parish does not have a legally enforceable zoning map and asked that the Parish be permanently enjoined from enforcing its zoning ordinance until a valid map is adopted.

On February 19, 2025, Lasseigne filed a motion for partial summary judgment, arguing that the 2012 resolution adopting the old uncertified maps as the official zoning map for the Parish was invalid because it was adopted without a public hearing and without a land use plan. Lasseigne contends its property is not zoned. The trial court held a hearing on the motion and then took the matter under advisement. The court issued a judgment granting the motion for summary judgment, declaring that the zoning be changed from residential to agricultural, and allowing Lasseigne to mine clay for use by the Corps of Engineers. The Parish seeks review of this judgment.

LAW AND DISCUSSION

Appellate courts review summary judgment rulings *de novo*, using the same criteria that govern the trial court's determination of whether summary judgment is appropriate. *Millet v. Moran Foods, L.L.C.*, 23-227 (La. App. 5 Cir. 3/13/24), 384 So.3d 1074, 1076. A motion for summary judgment shall be granted if the motion, memorandum, and supporting documents show that there is no genuine issue as to material fact and that the mover is entitled to judgment as a matter of law. La.

C.C.P. art. 966(A)(3). Summary judgment is not appropriate where the trier of fact must weigh conflicting evidence to reach a conclusion upon which reasonable people could differ. *Warden v. Richoux*, 06-702 (La. App. 5 Cir. 2/27/07), 952 So.2d 828, 832, *writ denied*, 07-0918 (La. 6/22/07), 959 So.2d 499.

In its motion for summary judgment, Lasseigne argued that the Parish failed to follow the legislative requirements for a zoning map to be enforceable and that the zoning classification of its property was adopted without a master plan and is contrary to every land use study done by the Parish. In support of its motion, Lasseigne attached the affidavit of Jules Carville, the owner and manager of A. Lasseigne Properties, L.L.C., who attested that he is very familiar with the past zoning efforts in the Parish and is not aware of the existence of a land use plan prior to the effort that started in about 2002. He has a copy of a proposed zoning map the Parish circulated in April 1986 and believes this is the zoning map approved by the Parish on May 22, 1986. This map zones the property as residential even though the property was and has been used as agricultural. Mr. Carville further attested that the comprehensive land use plan dated January 2014 shows the future use of this property as agricultural. The respondents also attached an affidavit from Jack Singleton, the owner of Hurricane Works, L.L.C., which has intervened in this suit. Mr. Singleton attested to the reasons why the clay deposits on the Lasseigne property are valuable and needed for the levee. He stated that he investigated through discovery in this case and by reviewing newspaper articles to determine whether the state requirements for the adoption and enforcement of a zoning ordinance were met by the Parish. He attached certain discovery responses and newspaper articles to his affidavit.

In opposition to the motion, the Parish argued that to prevail, Lasseigne must show that the Parish abused its discretion, used excessive power, or that the adoption of the official zoning map in 2012 was arbitrary, unreasonable, and

lacked any rational relation to the health, safety, or general welfare of the public. The Parish asserted that Lasseigne presented no competent evidence to support a finding that the Parish acted without a rational basis in zoning or failed to follow the law in adopting the 2012 zoning map.

A *prima facie* presumption of validity attaches to zoning board actions. *Metairie Club Gardens Ass'n, Inc. v. Par. of Jefferson*, 16-139 (La. App. 5 Cir. 12/28/16), 209 So.3d 1071, 1074. The person who opposes a zoning board's decision bears the burden of proving that the decision was arbitrary, capricious, an abuse of discretion, or palpably unreasonable. *Id.*

In this writ application, the Parish argues that the trial court erred in granting partial summary judgment because Lasseigne offered no competent evidence to support a finding that any zoning decision made by the Parish failed to comply with substantive law. The Parish argues that the discovery responses show there was a duly noticed public meeting held on February 14, 2012, in which the Parish adopted a resolution to replace a zoning map due to the loss or destruction of the original 1986 zoning map.

Our *de novo* review of the motion for summary judgment indicates that there is a material issue of fact as to whether the adoption of the zoning map in 2012 complied with legislative notice and planning requirements. Furthermore, Lasseigne has the burden of proving that the zoning of its property was arbitrary, capricious, an abuse of discretion, or palpably unreasonable. Because resolving these issues involves determining the credibility of witnesses and subjective facts, this matter was not proper for resolution by summary judgment. See *Berry v. Volunteers of Am., Inc.*, 10-832 (La. App. 5 Cir. 4/26/11), 64 So.3d 347, 353. Accordingly, the trial court erred in granting Lasseigne's motion for summary judgment. Additionally, the relief granted by the December 10, 2025, judgment goes beyond the relief requested in the declaratory judgment.

CONCLUSION

For the foregoing reasons, we vacate the December 10, 2025 judgment of the trial court, deny Lasseigne's motion for partial summary judgment, and remand this matter for further proceedings.

Gretna, Louisiana, this 9th day of April, 2026.

**JJM
SMC
SUS**

**Fifth Circuit Court of Appeal
State of Louisiana**

NO. 26-C-19

A. LASSEIGNE PROPERTIES, LLC

versus

ST. JOHN THE BAPTIST PARISH

**WICKER, J., CONCURS IN PART AND DISSENTS IN PART, WITH
REASONS**

Respectfully, having reviewed this matter in depth, I concur in part and dissent in part from the writer's disposition. As discussed thoroughly below, I agree with the majority that the trial court's judgment must be vacated, but only in so far as it goes beyond the narrow scope of Plaintiffs' Motion for Partial Summary Judgment. Otherwise, in my opinion, the trial court was correct in its finding that the area of St. John the Baptist Parish in question remains unzoned. A thorough review of the record demonstrates that the Parish failed to comply with mandatory procedural requirements in its 1986 attempt to adopt a parish zoning map, rendering that map void *ab initio*. As a result, the area in question remains unzoned. Accordingly, it is my opinion that neither the trial court nor this Court should reach the question of whether the zoning actions taken by the Parish in either 1986 or 2012 were arbitrary and capricious.

Concurring In Part

Plaintiff A. Lasseigne Properties, LLC and Intervenor Hurricane Work, LLC (collectively, "Plaintiffs") moved the trial court for partial summary judgment solely on the question whether St. John the Baptist Parish's zoning classification of the property is valid. They argued that no genuine issue of material fact existed as to

the classification's invalidity and that they were entitled to judgment as a matter of law declaring the property effectively unzoned. The trial court agreed, but then went further—ordering the Parish to rezone the property from “residential” to “agricultural” and to permit clay mining on the property. “A summary judgment may be rendered or affirmed *only* as to those issues set forth in the motion under consideration by the court at that time.” La. C.C.P. art. 966(F) (emphasis added). Accordingly, to the extent the trial court granted relief beyond that requested in the motion, that portion of the judgment must be vacated.

In all other respects, I respectfully disagree with the majority.

Dissenting In Part

I respectfully dissent from the remainder of the writer's disposition, as I would affirm the trial court's determination that the subject area of St. John the Baptist Parish remains unzoned. In my view, Ordinance 86-36 was not properly enacted by the Parish Council, and the trial court appropriately granted partial summary judgment invalidating the Parish's zoning classification of Plaintiffs' property. As discussed thoroughly below, having reviewed the Parish's zoning authority, the mandatory procedural prerequisites to effective zoning enactment and reauthorization, as well as the Parish's zoning history, and applying those to the documents submitted, and accounting for properly and timely raised objections, in my opinion the Parish failed to either legally zone the property in question in 1986, or to reauthorize the 1986 map in 2012 as the official zoning map of the area in question.

BACKGROUND

Zoning Authority of St. John the Baptist Parish

Zoning is a legislative function, the authority for which flows from the police powers of governmental bodies. *St. Charles Gaming Co., Inc. v. Riverboat Gaming Comm'n*, 94-2697 (La. 1/17/95), 648 So.2d 1310, 1316. In 1972, the Louisiana

legislature enacted Act 632 as La. R.S. 33:4877 (originally La. R.S. 33:4891), authorizing certain parishes to adopt zoning regulations. Two years later, the 1974 Louisiana Constitution was enacted, through which all parishes were given zoning authority. *See* La. Const. art. VI, § 17.¹

The Constitution also created the modern framework for parish governance through home rule charters. *See* La. Const. art. VI, §§ 4–5. Article VI, § 5(A) allows local governments to draft, adopt, or amend a home rule charter. La. Const. art. VI, § 5(A). Article VI, § 5(E) requires the charter, as adopted by the Parish, to define the government’s structure and powers, and further permits the exercise of any power necessary to manage its affairs, as long as such power is not denied by general law or inconsistent with the state constitution. La. Const. art. VI, § 5(E). Further, Article VI, § 5(F) grants home rule governments all powers provided by the Constitution, unless the home rule charter specifically excludes them. La. Const. art. VI, § 5(F).

Courts interpret home rule authority broadly to ensure all powers, functions, and immunities are protected from undue state interference. *St. Charles Gaming Co., Inc.*, 648 So.2d at 1316 (citing *Francis v. Morial*, 455 So.2d 1168, 1173 (La. 1984)).² St. John the Baptist Parish has a post-1974 home rule charter government, having adopted its home rule charter pursuant to the terms of the 1974 Louisiana Constitution, art. VI, § 5. The Parish therefore derives its authority to enact zoning regulations from the state constitution, the general law, the home rule charter, and its Parish ordinances.

¹ Article VI, § 17 expressly granted to all local governmental subdivisions the power to enact zoning regulations, to be exercised “subject to uniform procedures established by law.” La. Const. art. VI, § 17. A “local governmental subdivision” is as any parish or municipality. La. Const. art. VI, § 44(1).

² *See also Alexander v. St. James Par.*, 24-557 (La. App. 5 Cir. 5/14/25), 415 So.3d 437, 444, *as corrected on reh’g sub nom. Alexander v. James*, 24-557 (La. App. 5 Cir. 6/6/25), *writs granted*, 25-866 (La. 10/22/25), 421 So.3d 883, and 25-868 (La. 10/22/25), 421 So.3d 883.

The Parish's statutory zoning authority originated in 1972 when the legislature enacted Act 632 as La. R.S. 33:4891 (later redesignated as La. R.S. 33:4877), which authorized any parish with a population of over twenty-three thousand but without a municipality to adopt zoning regulations.³ At the time of its enactment, St John the Baptist Parish met both criteria, and therefore had the authority to zone its territory under La. R.S. 33:4877.⁴

In 1976, the legislature enacted La. R.S. 33:4877.1, which mandated that the parish governing authority provide a ten-day prior notice to property owners before zoning or rezoning.⁵ As a result, by 1976, the legislature had enacted statutes providing any parish with a population of over twenty-three thousand but without a municipality the power to zone its territory, yet requiring those parishes with a population of less than three-hundred fifty thousand to give property owners at least ten days' notice of the time and place of the parish's initial hearing on the zoning matter prior to the hearing taking place, as well as notice of the subject matter of the regulations and restrictions.⁶ See La. R.S. 33:4877 (added by Acts 1972, No. 632,

³ As enacted in 1972, the statute states, in pertinent part, that: "The governing authority of any parish having a population of over twenty-three thousand in which there exists no municipality is authorized to zone their territory, to create residential, commercial and industrial districts, and to prohibit the establishment of places of business in residential districts." La. R.S. 33:4877, Editor's and Revisor's Notes, Historical and Statutory Notes ("This section, enacted by Acts 1972, No. 632, § 1 as R.S. 33:4891, was redesignated as R.S. 33:4877 pursuant to the statutory revision authority of the Louisiana State Law Institute.").

⁴ In 2011, the legislature amended the statute to give the Parish the express authority to zone its parish specifically. La. R.S. 33:44877 (as amended by Acts 2011, 1st Ex. Sess., No. 20, § 1). The amendment also removed the population requirement included in the original 1972 version. From 2011 and onwards, the statute specifically provided for St. John the Baptist Parish's authority to zone.

⁵ Specifically, the statute provides that: "The governing authority of any parish with a population of less than three hundred fifty thousand authorized to zone its territory shall, at least ten days prior to the initial hearing on the matter, notify the owner or owners of record of the properties to be zoned or rezoned in parochial zoning of the time and place of the hearing and subject matter of the regulations and restrictions." La. R.S. 33:4877.1 (added by Acts 1976, No. 175, §2).

⁶ This section, which requires the governing authority of a parish with population of less than 350,000 to notify the owner or owners of record of properties to be zoned or rezoned at least ten days prior to initial hearing, does not require personal or actual notice, and permits notice by publication. *Palermo Land Co., Inc. v. Planning Comm'n of Calcasieu Par.*, 561 So.2d 482 (La. 1990).

§ 1 as La. R.S. 33:4891; as redesignated by Acts 2011, 1st Ex. Sess., No. 20, § 1); La. R.S. 33:4877.1 (added by Acts 1976, No. 175, § 2).

In 1980, St. John the Baptist Parish adopted a Home Rule Charter under La. Const. art. VI, § 5. The Charter confirms that the Parish is a “local governmental subdivision,” La. Const. art. VI, § 44, and preserves all powers the Parish previously held while also granting any additional powers not prohibited by the state constitution or general law. St. John Baptist Par. H.R.C. arts. I–II. The Charter sets out general procedures for adopting ordinances.⁷ After an ordinance is introduced at a regular or special meeting, and unless rejected at that meeting, “the council shall cause the ordinance, or a summary thereof to be published in the official journal at least once, together with a notice of the date, time and place, when and where it will be given a public hearing and be considered for final passage.” St. John Baptist Par. H.R.C. art. IV, § B. After any interested persons have been given an opportunity to be heard at the advertised time and place, “the council may pass the ordinance with or without amendments.” St. John Baptist Par. H.R.C. art. IV, § B(3)(d). Moreover, Article III(C)(4)(b) of the Charter states: “If a zoning ordinance is enacted, the planning commission shall constitute the zoning commission for the Parish of St. John the Baptist, and shall exercise all the powers, duties, and functions which are conferred or imposed on parish zoning commissions by the general laws of the state or by special laws applicable to St. John the Baptist Parish.”

In addition to the Home Rule Charter, the Parish Code of Ordinances establishes specific zoning procedures requiring notice and public hearings before

⁷ The Charter distinguished ordinances, *i.e.*, acts with the force of law, from resolutions, *i.e.*, acts without the force of law, and detailed the procedural requirements for enacting both. St. John Baptist Par. H.R.C. art. IV(A), (B), (H). For an act “to have the force of law,” it must be enacted by ordinance and is therefore subject to publication and a public hearing before final passage. H.R.C. art. IV(A)(4)–(5); art. IV(B)(3)(b). Such acts include those adopting or modifying the official zoning map. By contrast, resolutions are limited to non-law-creating actions, such as policy statements or ministerial acts. H.R.C. art. IV(H)(4)–(5).

the Zoning and Planning Commission and the Parish Council. *See Save Our Neighborhoods v. St. John the Baptist Par.*, 592 So.2d 908, 910 (La. App. 5 Cir. 1991), *writ denied*, 594 So.2d 892 (La. 1991).⁸ Under § 113-76, the Parish Council may amend the official zoning map on its own motion or upon a recommendation from the Planning Commission, but no amendment becomes effective unless it is first submitted to the Planning Commission for review and recommendation. Section 113-77 (b) further provides that no amendment [to the official zoning map] shall be made “unless it is determined by the planning commission that the amendment or supplement, or change to the regulations, restrictions or boundaries should be made[.]” Notice must be published once weekly for three consecutive weeks in the official journal; at least four days must elapse between the last publication and the hearing; and a posted sign must remain onsite for ten consecutive days before the commission hearing. § 113-78(5). A duly advertised public hearing must be held before the commission; then the zoning administrator must prepare findings and recommendations; and a report of those recommendation must be submitted to the Parish Council. § 113-78 (7). Finally, § 113-78 (8) states that the Council “shall not take official action until the report of the planning commission is received.”

Furthermore, §§ 113-142(b) and 113-143(a), (b)(2) provide that the official zoning map must bear the signatures of the parish president, council chairman, and planning commission chairman, and it must be located in the parish engineer’s office. These ordinances also allow a computerized reproduction to constitute an official zoning map when printed and bearing the signature of the commission or its duly appointed representative. When changes are made “in accordance with

⁸ “St. John the Baptist Parish first enacted a comprehensive zoning ordinance in 1983, promulgating an official zoning map in 1986. The ordinance sets out procedures for changing zoning classifications that include notice and public hearings of the Zoning and Planning Commission and the Parish Council.” *Id.* at 910.

ordinance,” they must be promptly entered on the official zoning map, with a revision date and zoning case number. § 113-143(b)(1). The official zoning map in the parish engineer’s office is the final authority on current zoning status in the unincorporated areas. § 113-143(b)(2).

Zoning History of St. John the Baptist Parish

On April 24, 1986, the Parish planning commission published notice of a hearing on a proposed zoning map to be held on April 29, 1986. The planning commission held the hearing as scheduled on April 29, 1986. Shortly afterward, on May 15, 1986, the Parish Council published notice of its intent to conduct a hearing on the proposed zoning map on May 22, 1986. The Parish Council conducted a hearing on that date—May 22, 1986⁹—and, the same day, adopted Ordinance 86-36, establishing the proposed map as the official parish zoning map.¹⁰

At some point after 1986, the official zoning map was lost or destroyed. On February 14, 2012, the Parish Council decided to “re-adopt” the lost 1986 map as the official zoning map through Resolution 12-07, relying upon the Parish Code of Ordinances § 113-143(b)(3).¹¹ There is no record that the Parish held a public hearing on Resolution 12-07 or on the “re-adoption” of the map, though the record shows that a public meeting occurred. Additionally, there is no record that the Parish had an enacted land use plan at that time—or at any time before 2014.¹²

⁹ A May 29, 1986 newspaper article, which Plaintiff attached as evidence in support of its motion for partial summary judgment, reported that no one testified at the May 22, 1986 hearing.

¹⁰ In its discovery responses to Plaintiff in this case, the Parish confirms the May 22, 1986 hearing took place and that the Parish Council adopted Ordinance 86-36 the same day. Additionally, a June 19, 1986 publication of the May 22, 1986 meeting minutes confirmed the Parish Council’s adoption of Ordinance 86-36 and the enactment of the zoning map. Plaintiff attached both exhibits as evidence in support of its motion for partial summary judgment.

¹¹ This ordinance provides that when “the official zoning map, or any portion thereof, becomes damaged, lost, destroyed or difficult to interpret by reason of the nature or number of changes, the parish council may, by resolution, adopt a new official zoning map which may correct drafting errors or omission, but shall not amend the original official zoning map.”

¹² In 2002, the Parish conducted a land use study which found that there was no parish land use plan up to that point in time. In January 2014, the Parish issued a Comprehensive Land Use Plan.

LAW AND ANALYSIS

The Motion for Partial Summary Judgment

Plaintiffs moved for partial summary judgment solely on the question of the validity of the Parish's zoning classification of the property. They argued that no genuine issue of material fact existed as to the classification's invalidity and that they were entitled, as a matter of law, to a judgment declaring the property effectively unzoned. Plaintiffs asserted that the Parish adopted a zoning map by Ordinance 86-36 on May 22, 1986, without complying with mandatory procedural requirements, and that when the Parish later adopted Resolution 12-07 in 2012 to treat certain older, uncertified maps as the official zoning map after the 1986 map was lost, it again failed to do so following a public hearing or pursuant to a comprehensive plan,¹³ rendering the map unenforceable.

To support its motion, Plaintiffs submitted a statement of undisputed material facts and two affidavits—one from Jules Carville III, an owner and manager of A. Lasseigne Properties, LLC, and the other from Jack Singleton, the owner of Hurricane Work, LLC. Seven exhibits were attached to Carville's affidavit and ten to Singleton's affidavit. In opposition, the Parish timely and properly objected to the affidavits on the ground that the affiants lacked personal knowledge to authenticate the annexed exhibits, including zoning maps, meeting minutes, newspaper articles, and other documents. These objections constituted the entirety of the Parish's evidentiary challenge before the trial court.

Following a hearing, the trial court granted Plaintiffs' motion, declared the Parish's zoning classification invalid, and further ordered the property rezoned to agricultural and permitted clay mining. The court did not expressly rule on the

¹³ In 1993, the Legislature enacted La. R.S. 33:4780.42 which required all regulations adopted pursuant to the zoning regulations in its subpart "shall be made in accordance with a comprehensive plan" La. R.S. 33:4780.42.

Parish's evidentiary objections. Neither the writ application nor the opposition has attached a transcript of the summary judgment hearing or a specific ruling on the objections, as contemplated by La. C.C.P. art. 966(D)(2). When a trial court considers challenged evidence without issuing a ruling on evidentiary objections, appellate courts have treated the court's silence as a rejection of those objections. *See Woodland Borrow Pits, LLC v. Woodland Plantation, LLC*, 24-841 (La. App. 4 Cir. 7/16/25), 418 So.3d 497, 504; *Lucas v. Maison Ins. Co.*, 21-1401 (La. App. 1 Cir. 12/22/22), 358 So.3d 76, 89 (citing *Dynamic Environmental Services, LLC v. Marioneaux*, 20-1172 (La. App. 1 Cir. 4/16/21), 324 So.3d 130, 138 n.2, writ denied, 21-672 (La. 9/27/21), 324 So.3d 94). Although appellate courts have, in some instances, remanded writ applications for compliance with Article 966(D)(2), the Parish did not raise the trial court's failure to rule on its objections in its writ application.

In its writ application, the Parish repeatedly asserts that Plaintiffs failed to submit "competent evidence" sufficient to meet their summary-judgment burden. That contention, however, is substantive rather than evidentiary. The Parish does not assign as error or argue here that the affidavits or exhibits were inadmissible or should have been excluded; rather, it contends that the evidence fails to prove arbitrariness or abuse of discretion. Indeed, the Parish relies here on Plaintiffs' own exhibits to argue that the trial court misinterpreted or misapplied them, confirming that no evidentiary objection was preserved.

Under the Uniform Rules – Courts of Appeal, appellate review is limited to issues properly raised and briefed. *See* Uniform Rules – Courts of Appeal, Rule 1-3; Rule 2-12.4(B)(4); Rule 4-5(C)(5). This Court has consistently held that an assigned error or issue that is not briefed is abandoned. *See, e.g., Juarez v. AJ Lazo Constr., LLC*, 22-575 (La. App. 5 Cir. 9/20/23), 370 So.3d 1280, 1292 n.4; *Succession of Carpenter*, 22-192 (La. App. 5 Cir. 2/1/23), 358 So.3d 874, 880 n.2; *Boutall v.*

Christakis, P.M., Co., LLC, 17-402 (La. App. 5 Cir. 12/27/17), 236 So.3d 1268, 1272.

A supervisory court will not act, *sua sponte*, as an evidentiary gatekeeper in the absence of preserved objections. Accordingly, we treat Plaintiffs' evidence as admissible and consider only whether it was legally sufficient to support the judgment.

Standard of Review

We review summary judgment *de novo*, applying the same criteria as the trial court—whether there is no genuine issue of material fact and the mover is entitled to judgment as a matter of law. La. C.C.P. art. 966; *Millet v. Moran Foods, L.L.C.*, 23-227 (La. App. 5 Cir. 3/13/24), 384 So.3d 1074, 1076. Zoning enactments are presumed valid, but the challenger can overcome the presumption by proving procedural noncompliance or that the action was arbitrary and capricious. See *Metairie Club Gardens Ass'n, Inc. v. Par. of Jefferson*, 16-139 (La. App. 5 Cir. 12/28/16), 209 So.3d 1071, 1074. Zoning laws are in derogation of the rights of private ownership and, therefore, must be strictly construed. *Boudreaux v. Braun Invs., L.L.C.*, 03-1070 (La. App. 5 Cir. 2/23/04), 869 So.2d 180, 186, *writ denied sub nom. Boudreaux v. Braun Invs., L.L.C.*, 04-705 (La. 5/7/04), 872 So.2d 1084. As a result, Louisiana courts require strict compliance with statutory zoning procedures; failure is fatal to validity. *Schmitt v. City of New Orleans*, 461 So.2d 574, 577 (La. App. 4 Cir. 1984), *writ denied*, 464 So.2d 318 (La. 1985), and *writ denied*, 464 So.2d 319 (La. 1985). Strict compliance with notice requirements is a prerequisite to a valid enactment. This means that the failure of the local government to comply with zoning procedures enacted either statutorily or by local ordinance in its enactment of a zoning ordinance renders the zoning ordinance under consideration *void ab initio*. The question of the arbitrary and capricious nature of the enactment need not be reached.

De Novo Review

Turning now to our *de novo* review. Here, the Parish's 1986 official zoning map is invalid for lack of notice under La. R.S. 33:4877.1. This statute, which was enacted in 1976, and remained in effect and applied to the Parish in 1986, required at least ten days' notice before the initial parish hearing. The only notice before us is a May 15, 1986 publication for a May 22, 1986 hearing, which was only seven days before the hearing. As discussed above, under Louisiana law, zoning ordinances are in derogation of the rights of private ownership and must be strictly construed. Louisiana courts have required strict compliance with zoning procedures, holding that "failure to comply with such procedures is fatal to the validity of the zoning ordinance." *See Schmitt*, 461 So.2d at 577. While publication notice can satisfy the statutory notification requirement under *Palermo Land Co. Inc. v. Planning Comm'n of Calcasieu Par.*, the timing mandate remains absolute. 561 So.2d 482 (La. 1990). Therefore, the Parish's noncompliance makes the 1986 zoning map void *ab initio*. Thus, the 2012 "re-adoption" via Resolution 12-07 had no legal effect.

Because the 1986 map is void and the 2012 Resolution depends on that map, no genuine issue of material fact exists regarding the zoning classification of Plaintiff's property. Plaintiff supported its motion with affidavits, public records, discovery responses, and other permissible summary judgment material under La. C.C.P. art. 966(A)(4).¹⁴ The Parish did not dispute the paragraphs of Plaintiffs' statement of uncontested material facts which are relevant to our determination, nor

¹⁴ Only the documents listed in Art. 966(A)(4) may be used, and the court must consider all documents to which there is no timely objection. Under Art. 966(D)(2) and Comment (k), the court must consider all of Plaintiff's evidence as admitted.

did the Parish submit any evidence of its own to oppose the motion.¹⁵ On this record, Plaintiffs are entitled to judgment as a matter of law.

The majority concludes that a factual dispute exists regarding whether the Parish complied with notice and planning requirements when adopting the zoning map in 2012. In my view, however, no such dispute exists about the 1986 map's adoption—it did not comply with statutory notice requirements and was void *ab initio*. As a result, when the Parish attempted to “re-adopt” the map in 2012 through Resolution 12-07, there was nothing for it to adopt. The evidence is undisputed on this point. In my view, Ordinance 86-36 was not properly enacted by the Parish Council, and the trial court appropriately granted partial summary judgment invalidating the Parish's zoning classification of Plaintiffs' property.

CONCLUSION

Because I find that Ordinance 86-36 was not properly enacted, the trial court appropriately granted partial summary judgment invalidating the Parish's zoning classification of Plaintiffs' property. For these reasons, I would affirm the trial court's judgment insofar as it finds the Parish zoning classification invalid and unenforceable, and deny the Parish's writ application to that extent. I would vacate the remainder of the trial court's judgment as exceeding the scope of the motion for partial summary judgment before it for consideration.

FHW

¹⁵ While the Parish did object to other paragraphs of Plaintiffs' uncontested material facts, those paragraphs do not address the issue of the underlying validity of the 1986 zoning map.

**Fifth Circuit Court of Appeal
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NO. 26-C-19

A. LASSEIGNE PROPERTIES, LLC

versus

ST. JOHN THE BAPTIST PARISH

**JOHNSON, J., CONCURS IN PART AND DISSENTS IN PART FOR
THE REASONS ASSIGNED BY WICKER, J.**

MEJ

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **04/09/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-19

E-NOTIFIED

40th District Court (Clerk)
Honorable J. Sterling Snowdy (DISTRICT JUDGE)
Tiffany M. Fleming (Relator)

Carl A. Butler (Relator)
Martin K. Maley (Respondent)

MAILED

Leroy Carter, III (Relator)
Attorney at Law
2400 Veterans Boulevard
Suite 485
Kenner, LA 70062

Stephen M. Irving (Respondent)
William E. Maley (Respondent)
Attorney at Law
4707 Bluebonnet Boulevard
Suite B
Baton Rouge, LA 70809