

ZONING ORDINANCE

FOR THE
CITY OF LAKE CHARLES

ORDINANCE NUMBER 7717
AS AMENDED BY
ORDINANCE NUMBER 10598
ON APRIL 22, 1998

CITY OF LAKE CHARLES ZONING ORDINANCE

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ORDINANCE NO. 7717

AN ORDINANCE adopting a comprehensive zoning ordinance of the City of Lake Charles, Louisiana, providing for the application thereof to existing properties and land uses; providing for definitions and rules of interpretation; providing for land use and development policies, goals and objectives; providing for the administration of said ordinance through a planning and zoning commission and the planning office of the City of Lake Charles, and defining the powers and duties of said offices or bodies; providing for the development review, variances and special exceptions; providing for creation of zoning districts, amendments to zoning districts, creating zoning districts and providing for zoning maps; providing for development and use regulations for each district; creating historical (Charpentier and Margaret Place) districts, providing for historic landmarks, and providing for supplemental rules and regulations with regard thereto; providing for planned residential, commercial, industrial, mixed and mobile home developments; prohibiting the violation of by [and providing for the enforcement of this ordinance; providing for amendments thereto]; and providing for the repeal of comprehensive zoning law of the City of Lake Charles being Ordinance No. 4526 of the City of Lake Charles, Louisiana as amended and by otherwise providing with respect thereto.

WHEREAS, the City of Lake Charles wishes to promote the health, safety and morals of the general welfare of the City of Lake Charles;

WHEREAS, the City of Lake Charles deems it necessary to enact a zoning ordinance of the City of Lake Charles, Louisiana, for the purpose of regulating and restricting the height, number of stories, and the size of structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence and other purposes;

WHEREAS, the City of Lake Charles, Louisiana, has determined that the goals and objectives set forth above are best served by dividing the City of Lake Charles into districts of such number, shape and area as set forth herein in order to carry out the purposes and goals set forth above.

NOW THEREFORE TO BE ORDAINED by the City Council of the City of Lake Charles, Louisiana, in regular session convened that: Section 1, Appendix A to the Lake Charles Code of Ordinances is hereby amended by enacting the zoning ordinance of the City of Lake Charles, Louisiana, said ordinance to read as follows:

ARTICLE 1. TITLE, PURPOSE AND APPLICABILITY

Sec. 1-101. Title.

This ordinance shall be known as the Zoning Ordinance of the City of Lake Charles, Louisiana.

Sec. 1-102. Authority and Purpose.

This ordinance is adopted pursuant to the Charter of the City of Lake Charles in order to promote the public health, safety, morals and general welfare of the City of Lake Charles, and is authorized by the City of Lake Charles' home rule charter government authority to regulate land uses within its community without yielding to any inconsistent state law that shall not withdraw, preempt or deny the City of Lake Charles' power to initiate local zoning ordinances unless such state laws are necessary to protect vital interests of the state as a whole.

Sec. 1-103. Applicability.

- (1) *General application.* This ordinance shall apply to the use of all land within the corporate limits of the City of Lake Charles. All development in the city shall meet the minimum standards and requirements of this ordinance, as amended from time to time.
- (2) *Effective regulations.* Decisions in regard to applications for development approval shall be based on the provisions of this ordinance in effect at the time of the decision.
- (3) *Building permits issued prior to effective date.* This ordinance, or any amendment thereto, shall not affect the validity of any building permit lawfully issued prior to the effective date of the ordinance, or any amendment thereto, provided that the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto, that construction authorized by such permit has commenced prior to the effective date of the ordinance, or any amendment thereto, and provided that construction has and does continue without interruption until development is completed.
- (4) *Conditional uses lawful prior to effective date.* Any use established on the effective date of this ordinance and which conforms with the conditional use provisions applicable in the zoning district in which the use is located shall be considered a lawful conditional use; provided that the use continues to conform with the provisions of this ordinance.

Sec. 1-104. Repeal.

The Comprehensive Zoning Law of the City of Lake Charles adopted 1972 as Ordinance No. 4526, as amended from time to time, is hereby repealed.

Sec. 1-105. Severability.

If any provision of this ordinance shall, for any reason, be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of the ordinance, which shall continue in full force and effect.

Sec. 1-106. Effective date.

This ordinance shall become effective on January 1, 1984.

ARTICLE II. DEFINITIONS AND RULES OF INTERPRETATION

Sec. 2-101. Rules of interpretation.

- (1) This ordinance shall be constructed to achieve the purposes for which it is adopted.
- (2) In the event of a conflict between the provisions of this ordinance and any other ordinance of the City of Lake Charles, the provisions of this ordinance shall control.
- (3) In the event of a conflict between the text of this ordinance and any caption, figure, illustration, table or map, the text of this ordinance shall control.

Sec. 2-102. Definitions.

[Unless otherwise expressly stated or where context clearly indicates a different intention, the following terms shall, for the purpose of Appendix A, have the meanings indicated in this section]:

Accessory Structure. A subordinate structure detached from but located on the same lot as the principal structure. The use of which is incidental to and accessory that of the use of the principal structure. It must contribute to the comfort, convenience, or necessity of the occupants, business, or industry of the principle structure.

Accessory Use. A use incidental to but located on the same lot as the principle use. The use may be detached from or attached to the principle structure. It must contribute to the comfort, convenience, or necessity of the occupants, business, or industry of the principle use.

Accessways. A paved area intended to provide ingress or egress of vehicular traffic from a public right-of-way to an off-street parking area or loading area. Parking area aisles are not to be constructed as accessways.

Aggrieved person. Any person with a demonstrable interest in the subject matter of a decision of the commission, including the owners of land in the immediate vicinity of the property which is the subject of commission action.

Agricultural use. The use of land for the raising of crops or the husbandry of food animals.

Antenna. Any structure or device for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Application for development approval. Any application for approval of development under the provisions of this ordinance.

Arterial Street. Those heavily traveled streets designated as arterials in Appendix B to this ordinance.

Bar. An establishment for the primary purpose of which is the service of and on-premises consumption of alcoholic beverages.

Bed and Breakfast facility. An owner occupied residential structure, which provides sleeping rooms for overnight paid occupancy of up to seven (7) nights. Common bathroom facilities may be provided rather than private bathrooms for each room. No cooking facilities are permitted in individual rooms.

Block face. The front of a block along one side of the street.

Buffer. An area established in order to protect and separate one land use from another (see Section 5-209).

Buffer Planting Area. Area of land, which is unpaved between the side or rear property lines and designated for the preservation and placement of plant materials.

Building. Any structure, either temporary or permanent, having a roof and designed, intended or used for the sheltering or protection of persons, animals, chattels or property of any kind.

Bulkhead. A retaining wall which is adjacent to and makes contact with a body of water or navigable waterway.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church. A building where persons regularly assemble for religious worship and which building is maintained and controlled by a religious body organized to sustain religious expression.

City Council. The city council of the City of Lake Charles.

Collector Street. Those streets designated as collectors in Appendix B to this ordinance.

Commencement of construction. The physical improvement of land in accordance with a permit issued by the City of Lake Charles, provided that the improvements are of a form and character which are not reasonably useable for development other than that authorized by the issued permit.

Commercial purposes. Those related solely to the economic interests of the person or persons on whose property or for whose benefit the sign is displayed, excluding signs which refer solely to the sale or lease of the premises upon which the signs are located.

Commercial Vehicle. Those exceeding one (1) ton in size with advertising or special equipment, which distinguish it from private automobiles. Any vehicle used for commercial purposes, except passenger vehicles used for to and from work. All vehicles with more than 2 axles, except motor homes used for recreation and not used in commerce.

Commission. The planning commission of the City of Lake Charles (see Section 4-101).

Common Structure. A structure, such as a garage, tool shed, or recreational facility used by more than one resident in a planned development or manufactured housing development.

Communication Tower. As used in this ordinance shall mean a tower, pole, or similar structure, which supports a telecommunications antenna generally operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

Community home. A dwelling unit that provides housing for six (6) or fewer mentally retarded individuals with no more than two (2) live-in staff.

Conditional use. A use permitted in a zoning district after approval pursuant to Section 4-203.

Corner lot. A lot abutting the intersection of two (2) or more streets.

Day care center and nursery. An establishment for the care and nurture of preschool children during the school or work day.

DBH. The diameter of a tree, stem or trunk measured at breast height.

Density. The number of dwelling units per unit of land.

Development. The use of land including change or enlargement of any use or disturbance of any land and the performance of any building or mining operation.

Development approval. Any approval of development granted by a decision-making body, department or other person authorized to grant approvals under the provisions of this ordinance.

District. A geographic area of the city designated in Article V of this ordinance for specified regulations governing the use of land.

Dwelling. Any structure or portion thereof, which is designed or used for residential purposes.

Dwelling, single-family attached. An individual dwelling unit which is physically connected with one or more other dwelling units.

Dwelling, single-family detached. An individual dwelling unit in a structure, which is not physically connected with any other dwelling unit.

Dwelling unit. Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

Electrical signs. Any sign containing electrical wiring and which is attached or intended to be attached to an electrical energy source.

Entertainment uses. Establishments, which provide opportunities or environments for social relaxation or pleasure, including the sale of food and alcoholic beverages.

Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family. One or more persons related by blood, marriage, adoption or guardianship, the occupants of a community or group home for mentally or physically challenged individuals or not more than four (4) persons not so related occupying a dwelling unit and living as a single housekeeping unit shall be considered a family. Notwithstanding any other provisions of this section, this definition does not include individuals required to be assembled under one living unit for the purpose of drug or substance abuse rehabilitation or persons assigned to same as the result of criminal activity. Halfway houses, detoxification facilities or like facilities are not considered "family" structures and are thereby excluded from this definition.

Finished grade. The completed surfaces of lawns, walks and roads brought to grade as shown on development plans relating thereto.

Floodplain. Floodplain or flood-prone area means any land area susceptible to being inundated by floodwater as depended by FEMA.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floor area. The sum of the gross horizontal areas of the several floors of the main building but not including the area of roofed porches, terraces, or breezeways. All dimensions shall be measured between exterior faces of the walls.

Floor area ratio (FAR). The ratio of floor area of a building to the area of a lot. The calculation is made by dividing the gross floor area of all buildings on a lot by the gross area of that lot.

Frontage. Points of contact of a lot along a public street.

Gaming. The use, operation, or conducting of any game or gaming device upon a riverboat.

General retail sales and service establishment. An establishment for the sale of goods, commodities and services to ultimate consumers or users.

Gross leasable area (GLA). That portion of the floor area of a building, which is amenable to actual nonresidential use, including the storage of goods and material.

Ground cover. Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12") inches.

Height. The vertical distance of a building measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck line of the mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs. For structures, the vertical distance measured from average-finished grade to its highest point; provided, however, that no height limitation in this ordinance shall apply to any of the following structures: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; smoke stacks; derricks; flag poles; masts; solar energy facilities; and similar structures required to be placed above the roof level and not intended for human occupancy.

Home business. A home occupation involving a nonresident employee, permitted under the provisions of Sections 5-301(3)(a)(ii), 5-302 (3)(a)(ii), and 5-303(2).

Home Occupation. A business, profession, occupation or trade conducted within the principle structure of a residential use by a resident of the dwelling which is incidental and secondary to the residential use of the dwelling, does not change the essentially residential character of the use, and which complies with the requirements of Section 5-207 of this ordinance.

Hotel or motel. A building in which lodging or temporary living accommodations are provided or offered to the general public.

Industrial use. The manufacture, assembly or fabrication of goods and materials.

Institutional use. Any land use for hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities and clinics, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; cultural, educational, eleemosynary facilities and other similar uses.

Intensity. Shall be defined as any of the following or a combination thereof:

- | | |
|----------------------|----------------------------|
| a. floor area | e. gross building area |
| b. floor area ratio | f. height |
| c. density | g. traffic generation rate |
| d. any change of use | |

Kennel. A facility for the care or boarding of animals which is operated for economic gain or the keeping of more than three (3) dogs more than six (6) months of age outside the principle building.

Land. The earth, water and air, above, below or on the surface including any improvements or structures customarily regarded as land.

Landscape area. A non-built-upon area of land in which landscape materials are placed, planted or maintained.

Landscape Plan. Shall mean the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as planting ground and water forms, circulation, walks and other features to comply with the provisions of this Ordinance.

Landscaping. The installation of plant material or seed as a part of development.

Letter of understanding. A letter from the director of planning setting out the substance of a preapplication conference (see Section 4-201(1)(C)).

Local street. Those streets designated as local in Appendix B to this ordinance.

Lot. Any parcel of land, which can be described with definitive contiguous boundaries with one specified use.

Lot of record. A recorded, platted lot or a parcel of land which became legally established as a lot by deed or act of sale prior to the adoption of this ordinance.

Lot lines. The lines forming the outer boundary of a lot.

Major state or interstate highway. Those highways, which have an average daily total of at least 25,000 vehicles at the intersection or section nearest to the use in question.

Mansard. A roof with two slopes on all four sides, the lower slope being nearly vertical and the upper nearly horizontal.

Manufactured housing. Dwelling units constructed at a plant or facility on a production line basis, which are delivered, to the site as an assembled unit or in modular form.

Manufacturing uses. The assembly or fabrication of goods and materials, which does not involve toxic, hazardous or highly flammable materials.

Mobile home. A moveable or portable structure designed and constructed on its own chassis and designed to be connected to utilities for year-round occupancy as a dwelling.

Multiple Lot Development. A common development, which includes more than one lot, shall be treated as one lot for the purpose of satisfying this Ordinance. Split ownership, phased development or construction, or multiple building permits for a project shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with the requirements described herein.

Neighborhood commercial. A commercial use providing products and services primarily intended for the use or consumption of the immediate neighborhood.

Nonconforming lot of record. A platted lot which does not comply with the lot size requirements of the zoning district in which it is located.

Nonconforming structure. Any structure, which was lawful on the effective date of this ordinance, but does not comply with all the standards and regulations of this ordinance or any amendment thereto.

Nonconforming use. Any use of any land, building, or structure, which was lawful on the effective date of this ordinance, but does not comply with all the standards and regulations of this ordinance or any amendment thereto.

Parapet. A low protective railing or wall along the edge of a roof or balcony.

Parcel. Any quantity of land capable of being described with such definitiveness that its location and boundaries may be established and which is designed by its owner as land to be used as a unit.

Person. An individual, corporation, public agency, business, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

Planting Area. Any area designed for landscape material installation having a minimum area of twenty-five (25) square feet.

Portable signs. Any sign which is not permanently and securely connected to the ground or building so it cannot be easily moved from one location to another and is not a lawful highway or motor vehicle regulatory sign.

Principal building. A building or structure in which the primary use of the lot on which the building is located is conducted.

Principal Use. The primary use and chief purpose of a lot or structure.

Public use. Any use operated by an agency of government which provides a direct service to the public including police, fire, library, schools whether operated by a public body or not and recreational services.

Recreational facilities. Any facility which provides recreational opportunities, such as tennis clubs, health clubs, or golf clubs.

Recreational facilities, intensive. A recreational facility which may impact the surrounding area in terms of traffic and noise, such as swimming, tennis, and health clubs, or go-cart tracks.

Recreational facilities, low intensive. A recreational facility which has minimal impacts on the surrounding area, such as golf courses, parks, campgrounds and which use has ten (10) percent or less coverage of the parcel by impervious surfaces.

Residential use. A dwelling with permanent housekeeping facilities

Restaurant. Any establishment whose primary purpose is the service of food for consumption on or off the premises.

Retaining Wall. A retaining wall, which shall not be deemed as a structure under these definitions, holds back soil, rock, or other earthen material from a building, structure, or area and provides support for vertical or near-vertical grade changes. A bulkhead shall not be deemed as a retaining for purposes of this definition.

Setback. The required minimum horizontal distance between any structure or projection and the related front, side, and rear property line.

Setback, building. The required minimum horizontal distance between the building and the related front, side, and rear property line. For the purpose of this section, the setback will be measured to the nearest point of the foundation wall of the building. A roof overhang or projection not to exceed two (2) feet will be allowed to project past the foundation wall. (See figure 3)

Schools. Any land used for educational facilities, including universities, colleges, elementary and secondary, and vocational schools.

Shrub. A woody perennial plant differing from the perennial herb by its persistent and woody stems, and from a tree by its low stature (generally obtaining a height less than eight feet) and its habit of branching from the base.

Sight triangle. See Section 5-203 (2).

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, the primary purpose or use which is to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixture colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city, or any political, fraternal, religious or civic organizations; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign, Billboards/Off Site. A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. A billboard is distinct from other types of signs by the fact that it is not on the premises to which the advertising copy pertains.

Sign, Free standing. A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, Projecting. A sign attached to and projects from the wall or face of a building or structure, including marquee and arcade signs.

Sign, Roof. Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, Wall or façade. A sign painted or attached to, and erected parallel to the face of a building and supported throughout its length by such building. For the purpose of this section, a sign attached to the side of a parapet will be considered a wall or facade sign.

Street. Public ways which have been dedicated or otherwise set aside or deeded for public use.

Street Planting Area. Front yard and the contiguous unpaved area of land, which is to be used for landscape planting.

Structure. A combination of materials constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including, but not limited to, retaining walls in excess of four feet.

Telecommunications. As defined in the federal Telecommunications Act of 1996, means the transmission between or among points specified by the user, or information of the user's choosing, without change in the form or content of the information as sent and received.

Tower. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including lines, cables, wires, braces, and masts, intended primarily for the purposes of mounting an antenna, meteorological device, or similar apparatus above grade. Notwithstanding any other provision of this code "Height" of a communication tower is the distance from the base of the tower to the top of the structure.

Trash and Garbage Storage Area. That area of a development used for the storage and containment of refuse and refuse containers, i.e., dumpsters.

Traffic generation rates. The average daily trips generated per unit of land, as follows:

- (1) Residential dwellings: Eight (8) per dwelling unit;
- (2) Schools: One per student or twenty (20) per one thousand (1,000) square feet of gross floor area;
- (3) Neighborhood commercial: One hundred fifty (150) per one thousand (1,000) square feet of gross floor area;
- (4) Restaurants (sit-down): Seventy-five (75) per one thousand (1,000) feet of gross floor area;
- (5) Restaurants (fast-food or take-out): Five hundred (500) per one thousand (1,000) feet of gross floor area;
- (6) Bars: one hundred fifty (150) per one thousand (1,000) square feet of gross floor area;
- (7) General retail and service establishments: Fifty (50) per one thousand (1,000) square feet of gross floor area;
- (8) Offices: Fifty-five (55) per one thousand (1,000) feet of gross floor area;
- (9) Wholesale and warehousing uses: Six (6) per one thousand (1,000) square feet of gross floor area;
- (10) Manufacturing: Five (5) per one thousand (1,000) square feet of gross floor area;
- (11) Entertainment uses: Thirty (30) per one thousand (1,000) square feet of gross floor area;
- (12) Hotels and motels: Ten (10) per room;
- (13) Kennels: Twenty (20) per one thousand (1,000) square feet of gross floor area.

In lieu of the rates set out herein any person may submit updated counts from the Institute of Traffic Engineering or authenticated local figures for approval by the director of planning.

Tree – Class "A". Any self-supporting woody plant of a species which normally grows to an overall height of at least (50') feet, usually with one main stem or trunk and many branches, as in several varieties of oak trees.

Tree – Class “B”. Any self-supporting woody plant of a species which normally grows to an overall height of at least twenty-five (25') feet, with either one main stem or trunk with many branches, or several stems or trunks (Crepe Myrtles for example).

Truck-stop facility. Those facilities as contemplated in LA R. S. 33:4862.1 et seq., which are designed primarily for serving eighteen wheel tractor-trailer motor vehicles and where video draw-poker devices may be operated.

Vehicular Use Area. That area of private development subject to vehicular traffic, including accessways, parking aisles, loading and service areas, areas used for parking and storage of vehicles, boats, or portable construction equipment and all land which vehicles cross over as a function of primary use.

Video draw poker devices. A unity, mechanism, or device that, upon insertion of cash, is available to play or simulate the play of the game of draw poker or other card games utilizing a cathode ray tube or video display screen microprocessors in which the player may win games or credits that can be redeemed for cash only. The term does not include a device that directly dispenses coins, cash, tokens, or anything else of value, except the ticket voucher. The term does not include any device authorized to be used in the conducting of charitable gaming.

Yard. An open space at a grade between a building and the property line of the lot in which the building is located, unoccupied and unobstructed from the ground upward, except required parking or as otherwise expressly permitted in this ordinance. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. See setbacks.

Zoning Certificate. A certificate from the director of planning certifying that an existing or proposed use complies with the provisions of this ordinance (see Section 4-202).

ARTICLE III. LAND USE POLICIES

PART 1. [GENERALLY]

Sec. 3-101. Purpose.

The purpose of this article is to create a comprehensive land use design suited to and provides for public and private needs. The design is to be growth oriented and conserve environmental and municipal resources. Guidance for land use decisions is provided in this article and shall be implemented by a systematic framework of plans, policies, and standards in accordance with community goals.

Sec. 3-102. Goal.

- (a) *Generally.* Develop an orderly, efficient and beneficial arrangement of land uses in relation to each other and to the circulation system.
- (b) *Policy objectives – Summary:*
 - (1) Conserve undeveloped land resources suitable for agriculture and recreational use.
 - (2) Prevent spreading of urban blight.
 - (3) Minimize traffic congestion resulting from new developments.
 - (4) Encourage new housing development to locate new employment centers and supporting services.
 - (5) Encourage commercial and light industries to develop near major transportation routes.

- (6) Encourage developments, such as shopping centers, where needed to serve neighborhoods.
- (7) Encourage "fill-in" development of vacant land.
- (8) Provide incentives to encourage and control development.
- (9) Annex developing areas adjacent to the city or obtain authority for extraterritorial jurisdiction.
- (10) Discourage isolated rezoning.

PART 2. COMPREHENSIVE LAND USE DEVELOPMENT

Sec. 3-201. Goal.

- (a) *Generally.* Ensure an adequate supply of suitable land for urban development to support moderate and balanced community growth.
- (b) *Policy objectives – Summary:*
 - (1) Provide enough land for commercial and industrial expansion.
 - (2) Provide enough land for new housing to meet various density demands.
 - (3) Provide enough land for public facilities and services: Streets, sewerage, etc.
 - (4) Increase open space and recreational land use.
 - (5) Provide land for redevelopment.
 - (6) Provide a variety of locations for different land uses.
 - (7) Provide enough land to prevent overcrowding.
 - (8) Maintain reasonable levels of land costs.

PART 3. TRANSPORTATION

Sec. 3-301. Goal.

- (a) *Generally.* Develop an efficient and balanced transportation system to serve present and future land use.
- (b) *Policy objectives – Summary:*
 - (1) Minimize traffic congestion.
 - (2) Require new developments to provide adequate circulation.
 - (3) Based on local needs, extend and improve major streets and transit services to make development easier.
 - (4) Improve circulation to support the downtown area and North Lake Charles.
 - (5) Provide adequate street and drainage improvements in existing developed areas.
 - (6) Improve what public transit has to offer to the disadvantaged public.

- (7) Provide adequate intercity and local truck routes.
- (8) Provide sidewalks and bicycle routes where needed.
- (9) Protect street capacity and prevent congestion through regulation of access from a commercial frontage.
- (10) Encourage improvement of intercity and regional circulation links of local interest.

PART 4. PUBLIC FACILITIES AND SERVICES

Sec. 3-401. Goal.

- (a) *Generally.* Ensure provision and maintenance of public facilities and services to support present and future activities.
- (b) *Policy objectives – Summary:*
 - (1) Provide services on an equitable basis to all Lake Charles residents.
 - (2) Improve services to ensure suitable land for present and future activities.
 - (3) Use services and facilities to encourage revitalization of older developed areas.
 - (4) Improve the quality and effectiveness of social services and public facilities to serve all development within the city.
 - (5) Improve public recreational facilities to all city residents.
 - (6) Ensure the new development provides adequate public improvements.
 - (7) Control development to meet the provision of public facilities and services.
 - (8) Provide the highest level of basic municipal services and facilities the city can afford.
 - (9) Continue to require annexation before the city will extend services beyond existing city limits.

PART 5. ECONOMIC DEVELOPMENT

Sec. 3-501. Goal.

- (a) *Generally.* Developed a diversified local economy to meet the needs of the local population.
- (b) *Policy objectives – Summary:*
 - (1) Promote labor-intensive business and industries in proximity to neighbors with high unemployment within the city.
 - (2) Promote other commercial and service functions on a regional-serving basis within the city.
 - (3) Promote training and employment programs to reduce unemployment.
 - (4) Provide public facilities and transportation routes to support development of employment opportunities.
 - (5) Provide land in good locations for commercial and light industrial development within the city.

- (6) Acquire property for economic development (commercial and light industry).
- (7) Continue current physical and economic revitalization efforts in the downtown area.

PART 6. PLANNING AND COORDINATION

Sec. 3-601. Goal.

- (a) *Generally.* Guide growth through the use of plan, policies and standards.
- (b) *Policy objectives – Summary:*
 - (1) Provide development standards and review procedures.
 - (2) Coordinate development with expansion of city services and facilities and environmental concerns.
 - (3) Create and maintain a land use policy plan and a capital improvements program to use resources better.
 - (4) Provide comprehensive and consistent regulations for land use.
 - (5) Tie land use regulations, capital improvements programming, other local plans, goals, and objectives together to guide development.
 - (6) Promote intergovernmental coordination of procedures affecting local governments.

PART 7. HOUSING

Sec. 3-701. Goal.

- (a) *Generally.* Provide sound housing and residential environments. Provide a variety of housing needs suited to the needs and resources of the present and future population.
- (b) *Policy objectives – Summary:*
 - (1) Provide enough land with adequate public facilities for various densities and types of new housing development.
 - (2) Protect existing neighborhoods that are sound and suitable for rehabilitation.
 - (3) Encourage rehabilitation to minimize the extent of house deterioration.
 - (4) Remove all unrehabitable housing.
 - (5) Promote sufficient new housing for low to moderate income households and replace substandard housing units.
 - (6) Use state and federal funding sources whenever possible for all housing needs.
 - (7) Acquire property for residential redevelopment.
 - (8) Encourage conversion of vacant commercial floor space.
 - (9) Maintain a balance between supply and demand for housing types and cost levels.
 - (10) Encourage new housing diversity of design and cost consistent with consumer needs.

- (11) Provide housing construction and development standards to ensure quality, safety, reasonable cost and conservation of energy resources.

PART 8. ENVIRONMENTAL QUALITY

Sec. 3-801. Goal.

- (a) *Generally.* Ensure that urban development is compatible with natural and environmental resources.
- (b) *Policy Objectives – Summary:*
 - (1) Preserve the natural beauty of the community including historical sites and structures.
 - (2) Control exposure of urban development to natural hazards.
 - (3) Use land unsuitable for urban development for recreational use.
 - (4) Require new developments to comply with air and water quality standards.
 - (5) Minimize adverse environmental impacts resulting from municipal services and facilities.

ARTICLE IV. ADMINISTRATION OF DEVELOPMENT STANDARDS

PART 1. DECISION-MAKING AND ADMINISTRATIVE BODIES

Sec. 4-101. Planning Commission.

- (1) *Membership.*
 - (a) The commission shall be composed of five (5) regular members and two (2) alternate members to be appointed by the mayor with the approval of the city council.
 - (b) Those members in office upon adoption of this ordinance shall serve until completion of their term.
 - (c) Each member shall serve a term of four (4) years.
 - (d) Each member of the commission shall be a resident of the City of Lake Charles and to the extent practicable; the membership shall represent diverse economic, social, business and geographic backgrounds.
 - (e) If a vacancy occurs prior to the expiration of a member's term, the mayor shall appoint a member for the duration of the unexpired term within sixty (60) days of the vacancy.
 - (f) The members of the commission shall serve without compensation and shall hold no other public office other than as members of a regional planning commission of which the City of Lake Charles is a member or constituent part.
 - (g) A member of the commission may be removed from office by the mayor for inefficiency, neglect of duty, malfeasance in office. Failure to attend three (3) out of five (5) consecutive commission meetings shall constitute adequate grounds for removal.
- (2) *Chairman and vice-chairman.*
 - (a) At the first regular meeting of each year, the members of the commission shall elect one of their number as chairman and one of their number as vice-chairman.

- (b) No member may serve more than two (2) consecutive terms as chairman.
 - (c) In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of the chairman.
 - (d) The members of the commission shall, in the event both chairman and vice-chairman are absent from a meeting, select a member to preside over the meeting.
 - (e) The chairman shall preside over all meetings of the commission and, in addition, may appoint committees, composed of members of the commission, as well as other persons, to serve the commission, as he deems necessary.
 - (f) The chairman may engage in discussion and vote in the same manner as any other member of the commission.
 - (g) The chairman may suggest motions but may neither make nor second motions.
- (3) *Secretary.*
- (a) The director of planning, or his designated representative, shall serve as secretary to the commission.
 - (b) The secretary shall keep the minutes of all meetings of the commission and maintain the record for each commission meeting, hearing or other proceeding.
- (4) *Quorum and necessary vote.* No business shall be transacted by the commission without a quorum, which shall consist of at least four (4) members of the commission being present. The concurring vote of at least three (3) members shall be necessary for the commission to take any action.
- (5) *Procedures.*
- (a) The commission shall hold regular monthly meetings. Special meetings may be called by the chairman, or at the written request of any two (2) members of the commission.
 - (b) All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedures established in Section 4-201 of this ordinance, and any rules of procedure adopted by the commission in accordance with subsection (6)(k) of this section.
 - (c) Any rules of procedures shall be kept on file by the commission and be available to the public at all times and copies thereof shall be available at any meeting or hearing.
 - (d) In the event that less than a quorum is present at any meeting of the commission, the meeting shall be rescheduled by the director of planning to a date certain as soon as practical. The secretary shall notify, in writing, all members of the commission, the applicant and all other interested persons of the date of the rescheduled meeting.
 - (e) Prior to voting on any matter, each member shall review the entire record of the proceeding and fully inform himself of the facts and issues of the matter under consideration. If a member was absent during a public hearing conducted to consider a matter, he shall state on the record that he has complied with the provision prior to voting on the matter.
 - (f) Meetings to consider matters relating to zoning shall be held separately by the commission.
- (6) *Powers and duties.* The commission shall have the following powers and duties:
- (a) To prepare and adopt a comprehensive plan or elements thereof.

- (b) To annually review and update the comprehensive plan or elements thereof.
- (c) To review the capital improvement programs of the city for compliance with the comprehensive plan, or any element thereof, to comment thereon, and recommend to the city council approval or disapproval of proposed public projects.
- (d) To prepare and revise as appropriate the official zoning district map, and recommend its adoption, from time to time to recommend its amendment, as provided in Sections 4-207 and 5-102 of this ordinance.
- (e) To hear, review and make recommendations to the city council on proposed zoning district classifications for land subject to a petition for annexation.
- (f) To hear, review and approve, or disapprove applications for conditional use permits as provided in Section 4-203 of this ordinance.
- (g) To initiate, hear, review and make recommendations to the city council on proposed amendments to the text of this ordinance as provided in Section 4-207 of this ordinance.
- (h) To serve as the historic preservation commission and to initiate, hear, review, and make recommendations to the city council on applications for designation of historic districts or historic landmarks as provided in Section 5-307 of this ordinance.
- (i) To develop guidelines for use by the public to govern the development and redevelopment of historic structures.
- (j) To review and report on any matter referred to it by the mayor or the city council.
- (k) To adopt rules of procedures which are not in conflict with the provisions of this ordinance.
- (l) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an official in the administration or enforcement of this ordinance, as provided in Section 4-204 of this ordinance.
- (m) To vary or modify, upon appeal, the application of the provisions of this ordinance, as provided in Section 4-205 of this ordinance.
- (n) To hear, review and authorize special exceptions to this ordinance as provided in Section 4-206 of this ordinance.
- (o) To adopt rules of procedure which are not in conflict with the provisions of this ordinance.

Sec. 4-103. Department of Planning.

- (1) *Appointment and authority of director.* The director of the department of planning shall be appointed by the mayor and shall have the following powers and duties:
 - (a) To receive and review, or cause to have reviewed, applications for development approval.
 - (b) To issue conditional use permits pursuant to the provisions of Section 4-203(4) of this ordinance.
 - (c) To perform such duties as may be required by this ordinance or the planning commission.
 - (d) To be responsible for drafting of the city's comprehensive plan or any element thereof.
 - (e) To maintain the official zoning district map.

- (f) To be responsible for the administration of this ordinance and the city's subdivision regulations.
- (g) To issue zoning certificates and render interpretations of this ordinance as provided in Section 4-202 of this ordinance.
- (h) To enforce the provisions of this ordinance as provided in Article VI of this ordinance.

PART 2. DEVELOPMENT REVIEW

Sec. 4-201. Procedures of general applicability.

- (1) *Preapplication conference.*
 - (a) *Request and scheduling.* An applicant for development approval is encouraged to request at his option an informal conference with the director of planning prior to filing an application for development approval.
 - (b) *Purpose of conference.* The preapplication conference shall be informal and its purpose shall be to discuss the proposals, views and concerns of the applicant, to determine whether any of the application requirements should be waived or any additional information will be required.
 - (c) *Letter of understanding.* Within ten (10) days after the preapplication conference, the director of planning may transmit a letter of understanding to the applicant setting forth the substance of the preapplication conference. No representation by the director of planning or any other city official or employee at the preapplication conference or at any other time shall be binding on the city with respect to any application subsequently submitted unless such representation is set forth in the letter of understanding or in a zoning certificate
- (2) *Application submission requirements.* All applications for development approval shall be submitted to the director of planning at the offices of the planning department and contain the information required by the form set out in Appendix A. Applicants for development approval may be required to submit additional information, other than that required in Appendix A, which the director of planning or the decision-making body may deem necessary to review the proposed development.
- (3) *Determination of completeness of application.*
 - (a) *Determination by the director of planning.* Within fifteen (15) days after receipt of an application for development approval, the director of planning shall determine whether the application is complete, he shall notify the applicant in writing that the application has been accepted for filing. If he determines that the application is not complete, he shall notify the applicant, specifying the deficiencies of the application, including any additional information, which must be supplied, and no further action shall be taken by the city on the application until the deficiencies are corrected.
 - (b) *Remedy of deficiencies.* If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn.
 - (c) *Effect of determination.* The time limits for completion of development review set out in this ordinance shall commence on the date that the director of planning determines that the applicant is complete.

(4) *Hearing procedures.*

- (a) *Applicability.* The procedures set out in this subsection shall be applicable to all public hearings required by a provision of this ordinance.
- (b) *Notice of public hearing.*
 - (i) *Content.* All Notices of public hearings shall include:
 - (aa) The date, time, and place of the hearings;
 - (bb) The section or sections of this ordinance under which the subject matter of the hearing will be considered;
 - (cc) The name of the applicant;
 - (dd) A brief description of the location of any land proposed for development and the subject matter to be considered at the hearing;
 - (ee) A statement that the application and supporting materials are available for public inspection and copying at the offices of the planning department;
 - (ff) A statement that any person may speak or submit a written statement; and
 - (gg) A brief description of the appeal process which is available by right after public hearings before the Planning and Zoning Commission or any further automatic review by the City Council.
 - (ii) *City [director of planning] to provide notice.*
 - (aa) Notice of public hearings shall be given by the director of planning as follows:
 - (A) By sending a copy of the notice to the applicant by mail;
 - (B) By sending a copy of the notice, by mail, to any person, organization, or agency, which has previously filed with the city a written request for notices and paid an annual fee in an amount to be determined from time to time by the city to cover the actual cost of providing such notices;
 - (C) By publication of a copy of the notice, once a week for three (3) different weeks, in a newspaper with general circulation in the city;
 - (D) By sending a copy of the notice by certified mail to each owner of record, if different from the applicant, of any land on which development is proposed;
 - (E) By sending a copy of the notice by regular mail addressed to the street address of improved property and the tax address of unimproved property located within five hundred (500) feet of any border of property proposed for development of major conditional use or property subject to a proposed amendment to the official zoning map; and
 - (F) By sending a copy of the notice by regular mail to each council member whose district is impacted by the above notice requirements.
 - (bb) Notice of approval of minor conditional use permits under Section 4-203(4) shall be given within seven (7) days of such approval to the city council and any other individual, organization, or agency which has previously filed with the city a written request for notices and paid an annual fee in an amount to be determined from time to time by the city to cover the actual cost of providing such notice.
 - (cc) In addition to the contents set forth in paragraph (i) of this subsection, each notice of public hearing, which is given by mail, shall include a graphic description of the location of any land proposed for development, at an appropriate scale.
 - (iii) *City to provide notice.* The city shall provide notice of a required public hearing, or issuance of any minor conditional use, by conspicuous posting of a weatherproof sign at least two (2) square feet in front surface area on any roadway frontage of the parcel proposed for development.

- (iv) Time of notice. All required notices shall be provided at least fifteen (15) days in advance of a public hearing.
- (c) *Examination and copying of application and other documents.* Any person may examine any application for development approval and other material submitted in regard to that application, and may obtain copies of the application and other materials upon reasonable request and payment of a fee to cover the actual cost of such copies.
- (d) *Conduct of the hearing:*
 - (i) Submission of information. Any person may appear at a public hearing and give testimony or submit written materials, either individually or as a representative of an organization. The decision-making body may exclude information that it finds to be irrelevant, immaterial or unduly repetitious.
 - (ii) Duty of planning department.
 - (aa) Presentation of information. The planning department shall present information concerning pertinent application considerations and the standards set out in this ordinance, including any appeal process available to the applicant or to any opposition or any further automatic review by the City Council.
 - (bb) Production of additional information. Upon a showing by any person made at any time during the hearing, or on motion of the decision-making body, the applicant or the staff may be required to produce additional information with respect to the proposed application.
 - (iii) Continuance. The decision-making body may continue a hearing to a specified date, time and place. Unless such continuance is publicly announced at a properly noticed public hearing, the director of planning shall cause notice to be given to all person originally entitled to notice of the date, time and place of such continued hearing in the same manner as specified in Section 4-201(4)(b) hereof.
 - (iv) Record of hearing.
 - (aa) The director of planning shall ensure that the proceedings are recorded by appropriate means. If a sound recording is made, any person shall be entitled to listen to the recording at any reasonable time or to make copies at his own expense.
 - (bb) The record of proceedings shall consist of the recording of testimony, all applications, exhibits and papers submitted in any proceeding with respect to the matter being considered, and the summary and report or reports of the director of planning.
 - (cc) All summaries and reports of the director of planning shall be public records, open to inspection at a reasonable time and upon reasonable notice.
 - (v) Conflicts. Any member of a decision-making body having any direct or indirect financial interest in property or who lives within five hundred (500) feet of any property, which is the subject of a public hearing, shall disclose such fact at the hearing, prior to voting on the matter.
 - (vi) Other rules to govern. Other matters pertaining to the public hearing shall be governed by other provisions of this ordinance applicable to the body conducting the hearing and its adopted rules of procedure.
 - (vii) Contacts outside of the hearing. If any member of a decision-making body receives a substantive communication from any person outside the hearing concerning a subject matter under consideration by that body, he shall make a statement at the hearing describing the circumstances and substance of such communication.
- (5) *Waiver of time limits.*
 - (a) *By agreement.* Any time limit imposed by this ordinance may be waived or extended by agreement of the director of planning, the commission, or the city council, as the case may be, and the applicant.

- (b)' *Automatic waiver.* Any applicant who requests a continuance of a public hearing at which his application is being considered, or who requests an extension of any time limit imposed on him by statute or this ordinance, shall be deemed to have agreed to an extension of that time limit.
- (6) *Action by decision-making body.*
 - (a) *General.* Except as otherwise provided herein, the decision making body shall render its decision during the initial hearing.
 - (b) *Findings.* All decisions of any decision-making body shall be in writing and shall include at least the following:
 - (i) Findings relevant to the standards governing the application for development approval under consideration.
 - (ii) Conclusions regarding each standard applicable to the proposed development.
 - (iii) A recommendation or final decision.
 - (c) *Notification.* Notification of all decisions shall be mailed to all persons entitled to notice under Section 4-201(4)(b)(ii).
- (7) *Successive applications.*
 - (a) Whenever any application for development approval is denied, an application involving the same property shall not be accepted for filing within one year from the date of denial, unless the subsequent application involves a development proposal which is materially different from prior proposals or is responsive, in the opinion of the decision-making body, to negative findings set forth in the denial of the prior application. For the purpose of this section, a development proposal shall be considered materially different if it involves a change in intensity of use of more than twenty-five (25) percent.
- (8) *Application change during review process.*
 - (a) Any application approved or denied by any decision making authority described in this ordinance amended to reflect a 25% change of intensity must meet new application requirements set forth under section 4-201(2). Application review by any decision making authority described in this ordinance must stop when the application is changed to reflect a 25% change of intensity after which applications subject to meet new application requirements of Section 4-201(2).

Sec. 4-202. Zoning certificate.

- (1) *Authority and purpose.* In order to ensure that all proposed development, including development permitted as of right, complies with the terms of this ordinance and to provide a mechanism for rendering interpretations of the provision of this ordinance, the director of planning is authorized to certify that a proposed development, or a particular part of a proposed development, is in compliance with this ordinance.
- (2) *Application.* A zoning certificate may be obtained from the director of planning upon submission of an application identifying the location, character, and magnitude of an existing proposed use.

Sec. 4-203. Conditional uses.

- (1) *Authority and purpose.* Conditional uses are those uses, which are generally compatible with the uses permitted in a zoning district, but require individual review of their location, design and intensity in order to ensure their appropriateness on any particular parcel of land and the compatibility of the use with adjacent uses. Conditional use permits may be granted for those uses enumerated in each of the zoning districts established in Article V of this ordinance in

accordance with the standards and procedures of this section and the standards established for each conditional use in the district regulations.

- (2) *Standards applicable to all conditional uses.* A conditional use permit shall be granted only if the applicant demonstrates that:

- (a) The proposed conditional use is consistent with the purposes, goals, and objectives of Article III of this ordinance;
- (b) The design of the proposed development minimizes adverse effects, including visual impacts of the proposed use on adjacent properties;
- (c) The proposed use will not unduly burden essential public facilities and services including roadways, parking spaces, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools;
- (d) The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate provision to guarantee the provision and development of any open space and other improvements associated with the proposed development;
- (e) The proposed use complies with the regulations of general applicability set forth in Article V, Part 2 of this ordinance unless expressly modified by the particular provisions of Article V, Part 3 authorizing such use; and
- (f) The proposed use complies with all additional standards imposed on it by the particular provisions of Article V, of this ordinance authorizing such use and any other requirement of the city code.

- (3) *Conditions.* A conditional use permit may be issued subject to such conditions as the decision-making body determines are necessary to carry out the purposes of this ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to, limitations on size and location, requirements for landscaping, lighting, the provision of adequate ingress and egress, duration of the permit and hours of operation. Such conditions may include a requirement for further review and approval prior to the issuance of building permits and a provision for expiration of the permit in the event the applicant fails to comply with conditions of the permit.

- (4) *Issuance of a minor conditional use permit.*

- (a) Minor conditional uses shall be reviewed and approved or denied by the director of planning, subject to review by the commission in accordance with the provisions of this subsection.
- (b) *Application.* An application for a minor conditional use permit shall be submitted to the director of planning in accordance with the provisions of Section 4-201(1)(3), accompanied by a nonrefundable fee as established from time to time by the city council.
- (c) *Review.* Within thirty (3) days after receipt of a complete application for minor conditional use permit, the director of planning shall issue a decision granting or denying the conditional use permit. The director of planning shall notify the applicant in writing of his decision.
- (d) *Appeal to the commission of decision of the director of planning.* Within fifteen (15) days of the decision of the director of planning, the applicant or any member of city council may appeal the decision to the commission. The appeal shall be placed on the commission's consent agenda at the next regularly scheduled meeting and the commission shall adopt the consent agenda or, by vote of a majority of the commission, remove a decision from the consent agenda. If a permit is removed from the consent agenda, the commission shall conduct a public hearing on the application for development approval, in accordance with the provisions of Section 4-201(4), and require

payment of a reasonable fee by the applicant, if the applicant appealed, to cover any additional costs incurred by the city as a result of the hearing. The commission shall review the application, the decision of the director of planning and any additional information, which may be submitted, and the commission may affirm, reverse, or modify the decision. If a proposed decision is not removed from the consent agenda, adoption of the consent agenda shall constitute final approval of the conditional use permit.

- (e) *Review of decision.* Notwithstanding any other provision of this ordinance, at the city council agenda meeting following the decision of the commission either the applicant or any member of the city council may request a review of the decision of the commission by the city council which council may, if said review is granted, hold a hearing in accordance with this section. If the city council chooses to hear said matter, a hearing shall be heard thereon at the next regular council meeting. If an appeal is taken to the city council from the decision of the planning commission relative to minor conditional use, the decision of the planning commission and of the planning director relative thereto shall automatically be vacated by such appeal, and it shall take the concurring vote of four (4) city council members to grant a minor conditional use permit.
 - (f) *Issuance of permit/license general.* No minor conditional use permit for construction or license for occupation shall be issued by the City until all appeal periods have expired or until final decision has been made by the City Council.
- (5) *Issuance of a major conditional use permit.*
- (a) *Authority.* Major conditional uses shall be reviewed and approved or denied by the commission in accordance with the provisions of this subsection.
 - (b) *Application.* An application for major conditional use permit, authorized under the provisions of this subsection, shall be submitted to the director of planning in accordance with the provisions of Section 4-201(1)-(3), accompanied by a nonrefundable fee as established from time to time by the city council.
 - (c) *Review.* Within fifteen (15) days after receipt of a complete application for a major conditional use permit, the director of planning shall review the application and at least ten (10) days prior to the next regularly scheduled meeting of the commission send his recommendation on the proposed conditional use permit to the members of the commission, with a copy to the applicant.
 - (d) *Action by planning commission.* The commission shall conduct a public hearing on the application in accordance with the requirements of Section 4-201(4). The commission shall review the application, the recommendation of the director of planning and the testimony at the public hearing and within thirty (30) days from receipt of the director's recommendation grant a conditional use permit, subject to specified conditions or deny the application.
 - (e) *Appeal to city council from the decision of the commission.*
 - (i) An applicant for major conditional use approval or any member of the city council may appeal the decision of the commission.
 - (ii) Notice of appeal shall be filed with the director of planning within fifteen (15) days of the decision of the commission.
 - (iii) Upon receipt of a notice of appeal, the director of planning shall place the denial of the application for conditional use approval on the agenda of the next regular meeting of the city council and give notice of such proceedings to all persons eligible for notice under the provisions of section 4-201(4)(b)(ii).
 - (f) *Action by city council on appeal.* The appeal to the city council shall automatically vacate the decision of the planning commission on a major conditional use permit application, and it shall take the concurring vote of four (4) city council members to grant any major conditional use. The city council shall review the application, the recommendation to the commission by the planning director, the decision of the commission, as vacated, and

any additional information, which may be submitted. Within thirty (30) days of the notice of appeal, the city council shall hold a public hearing and take action on said appeal.

- (6) *Adjustments to an approved conditional use during development.* During the development of a conditional use, adjustments to the approved use may be permitted as follows:
- (a) *Technical adjustments.* The director of planning may authorize adjustments to an approved conditional use when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such adjustments shall be consistent with the intent of this ordinance and the approved conditional use and shall be the minimum necessary to overcome the particular difficulty. Such adjustments shall be limited to the following:
 - (i) Altering the location of any structure by not more than ten (10) feet;
 - (ii) Altering the location of a parking area or road by more than five (5) feet;
 - (iii) Altering the final grade by not more than ten (10) percent of the originally planned grade;
 - (iv) Altering the location of required landscaping elements by not more than twenty (20) feet.
 - (b) *All other adjustments.* Any adjustments to an approved conditional use, which are not technical in nature, shall be granted only upon application to and approval of the commission, if a major conditional use, or the director of planning, if a minor conditional use. The commission or the director of planning, as the case may be, may approve an adjustment upon finding that the proposed change is in substantial conformity with the original approval. If the commission determines that the adjustment is not in substantial conformity with the original approval, then the request shall be considered an amendment under the provisions of Section 4-203(7) hereof. Any party may appeal denial of an application for an adjustment to the city council or the commission within fifteen (15) days after the decision is rendered.
- (7) *Amendments to conditional use permits.* A conditional use permit may be amended, extended, varied or altered only pursuant to the standards and procedures for approval in Sections 4-203(4) or (5).
- (8) *Revocation of conditional use permits.* In addition to any other penalties and remedies for violation of this ordinance, every conditional use approval may be revoked for violation of any condition imposed upon such approval. The permit issued pursuant to the conditional use approval may be revoked only after the commission holds a public hearing and finds that the conditions of the permit have been violated. Any party may appeal a decision by the commission to revoke a conditional use permit to the city council within fifteen (15) days after the decision is rendered.
- (9) *Limitations on approval of a conditional use permit.*
- (a) Within one (1) year of conditional use approval, or such shorter time as may be established by an approved development schedule, if any, construction shall commence in accordance with the approved conditional use permit. Failure to commence construction within that period shall, unless the commission shall have granted an extension, automatically render the conditional use permit null and void.
 - (b) A permit for a conditional use authorizes only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six (6) consecutive months.

Sec. 4-204. Appeals.

- (1) *Authority and purpose.* The planning commission is hereby authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance. An appeal may be

initiated by any person aggrieved or by any officer, department, commission, or bureau of the City of Lake Charles affected by any decision of the administrative officer.

- (2) *Application/notice of appeal.* An application/notice of appeal authorized under the provision of this section shall be submitted to the director of planning in accordance with the provisions of Section 4-201(1)-(3), accompanied by a nonrefundable fee as established from time to time by the city council.
- (3) *Review.* Within fifteen (15) days after receipt of a complete application, the director of planning shall complete the review of the application and at least ten (10) days prior to the next regularly scheduled meeting of the commission send a written recommendation to the commission, with a copy to the applicant, setting forth whether the appeal should be granted or denied and the grounds for such recommendation.
- (4) *Action by the commission.* The commission shall review the application, the recommendation of the director of planning, conduct a public hearing on the application in accordance with the requirements of Section 4-201(4) and grant the appeal, grant the appeal subject to specified conditions, or deny the appeal.
- (5) *Appeal.* Any person or member of the city council, aggrieved by any decision of the planning commission may file a written request within fifteen days of said decision, with the city council of the City of Lake Charles through the Planning Department for a review of the decision and thereupon said city council shall grant a public hearing thereon. In the event of an appeal to the city council, the decision of the planning commission shall be automatically vacated thereby and it shall take the concurring vote of four (4) city council members to grant an appeal or to grant an appeal subject to specified conditions.

Sec. 4-205. Variances.

- (1) *Authority and purpose.* The planning commission is hereby authorized to grant such variances from the literal terms of this ordinance where there are practical difficulties or unnecessary hardships so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (2) *Standards.* A variance shall be granted only if the applicant demonstrates that:
 - (a) The variance requested arises from a condition, which is unique, not ordinarily found in the same zoning district;
 - (b) The condition, which requires the variance, arises from the regulations in this ordinance and not by any action of the property owner or applicant;
 - (c) The particular physical surroundings, shape or topographical conditions of the property would result in unnecessary hardship, as distinguished from a mere inconvenience, if the provisions of this ordinance were literally enforced;
 - (d) The variance will not be materially detrimental to other property in the vicinity; and
 - (e) The variance will not be contrary to the general spirit and intent of this ordinance.
- (3) *Conditions.* Issuance of a variance may be subject to such conditions as are necessary to carry out the purposes of this ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to, limitations on size and location, requirements for landscaping, lighting, and ingress and egress.
- (4) *Application.* An application for a variance authorized under the provisions of this section shall be submitted to the director of planning in accordance with the provisions of Section 4-201(1)(3), accompanied by a nonrefundable fee as established from time to time by the city council.

- (5) *Limitations on variances.*
- (a) Variances shall not be granted which would:
 - (i) Permit a structure with a height, floor area ratio, or coverage ten (10) percent greater than otherwise permitted;
 - (ii) Permit the creation of a lot or parcel that cannot be developed in compliance with this ordinance and other regulations applicable thereto;
 - (iii) Permit the use of land or structure contrary to the use provisions of the applicable zoning district;
 - (iv) Permit an increase in signage above the amount permitted in Section 5-211 of this ordinance;
 - (v) Permit any reduction of the minimum building setback required by Section 5-203 (7) of this ordinance;
 - (vi) Permit any reduction of the minimum landscape requirements within the front yard setback along an arterial or collector street required by Section 5-210 of this Ordinance.
 - (b) No variance shall be valid for a period longer than six (6) months unless a building permit is issued and construction has commenced, or unless a certificate of occupancy is issued and a use commenced within such period.
- (6) *Review.* Within fifteen (15) days after receipt of a complete application, the director of planning shall complete the review of the application and at least ten (10) days prior to the next regular scheduled meeting of the commission, send a written recommendation to the commission, with a copy to the applicant, setting forth whether the variance should be issued or denied and the grounds for such recommendation.
- (7) *Action by the commission.* The commission shall review the application, the recommendation of the director of planning, conduct a public hearing on the application in accordance with the requirements of Section 4-201(4) and shall grant the variance, grant the variance subject to specified conditions, or deny the variance.
- (8) *Appeal.* Any person or member of the city council, aggrieved by any decision of the planning commission may file a written request within fifteen days of said decision, with the city council of the City of Lake Charles through the Planning Department for a review of the decision and thereupon said city council shall grant a public hearing thereon. In the event of an appeal to the city council, the decision of the planning commission shall be automatically vacated thereby and it shall take the concurring vote of four (4) city council members to grant an appeal or to grant an appeal subject to specified conditions.

Sec. 4-206. Special Exceptions.

- (1) *Authority and purpose.* The planning commission is hereby authorized to grant special exceptions to permit:
- (a) The reconstruction of a nonconforming structure when the structure has been damaged or destroyed to the extent of less than fifty (50) percent of the fair market value of the structure;
 - (b) A nonconforming use to change to another nonconforming use if the proposed use is a permitted use in a more restrictive classification;
 - (c) A nonconforming use to be expanded up to fifty (50) percent of the floor area existing on the effective date of this ordinance;
 - (d) Any nonconforming sign or other nonconformity which is nonconforming solely because of failure to comply with regulations governing parking, landscaping, or lighting to continue as a special exception, subject to the standards of this section and conditions imposed by the commission;

- (e) The completion of development commenced in accordance with a lawfully issued permit prior to the adoption of this ordinance or any amendment thereto, which when completed will be nonconforming, [sic] offer a wrongfully issued permit provided that the applicant can demonstrate that completion is necessary to ensure a reasonable rate of return on investment, under the following criteria:
 - (i) The rate of return shall be related to the applicant's debt to equity ratio in this project;
 - (ii) Expenditures for legal or other professional services unrelated to the design or construction of improvements shall not be considered development expenditures; and
 - (iii) Taxes paid shall not be considered development expenditures except for any increase in taxes, which may result from the governmental approval or improvements actually constructed on the property.
 - (f) The reduction of the number of parking spaces required for any use by Section 5-208 provided that the applicant demonstrates that the characteristics of the proposed use are such that the parking proposed is adequate and that the reduction is necessary to fulfill one of the objectives of Article III;
 - (g) The increase of the distance from a proposed use to required parking as provided in Section 5-208 provided that the applicant demonstrates an adequate workable alternative;
 - (h) The substitution of alternative means of buffering adjacent land uses to the bufferyards required in Section 5-209 when the particular characteristics of a parcel of land preclude compliance, provided that the alternative means shall provide equivalent compatibility of adjacent uses.
- (2) *Standards.* A special exception shall be granted only if the applicant demonstrates that:
 - (a) The proposed use is consistent with the policies of Article III of this ordinance;
 - (b) The location of the use, its nature, intensity, layout, and its relation to access streets is such that the pedestrian and vehicular traffic to and from the use will not be hazardous or inconvenient to the predominant residential or other prevailing character of the neighborhood; and
 - (c) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development or use of adjacent land and buildings or impair the value thereof.
- (3) *Conditions.* Issuance of a special exception may be made subject to such conditions as are necessary to carry out the purposes of this ordinance and to prevent or minimize the impact of the exception on the surrounding neighborhood, including, but not limited to, limitations on size, location, requirements for landscaping, lighting, hours of operation, parking or other reasonable conditions.
- (4) *Application.* An application for a special exception authorized under the provision of this section shall be submitted to the director of planning in accordance with the provision of Section 4-201(1)-(3), accompanied by a nonrefundable fee as established from time to time by the city council.
- (5) *Review.* Within fifteen (15) days after receipt of a complete application, the director of planning shall complete the review of the application and at least ten (10) days prior to the next regularly scheduled meeting of the commission, send a written recommendation to the commission, with a copy to the applicant, setting forth whether the special exception should be issued or denied and the grounds for such recommendation.

- (6) *Action by the commission.* The commission shall review the application, the recommendation of the director of planning, conduct a public hearing on the application in accordance with the requirements of Section 4-201(4) and shall grant the variance, grant the variance subject to specified conditions, or deny the variance.
- (7) *Appeal.* Any person or member of the city council, aggrieved by any decision of the planning commission may file a written request within fifteen days of said decision, with the city council of the City of Lake Charles through the Planning Department for a review of the decision and thereupon said city council shall grant a public hearing thereon. In the event of an appeal to the city council, the decision of the planning commission shall be automatically vacated thereby and it shall take the concurring vote of four (4) city council members to grant an appeal or to grant an appeal subject to specified conditions.

Sec. 4-207. Amendments.

- (1) *Authority and purpose.* The city council is hereby authorized to amend the text of this ordinance or the official zoning map in light of changing conditions, rather than to relieve particular hardships or to confer special privileges. The city council is also authorized to designate historic districts and landmarks in accordance with the provisions of Section 5-307 of this ordinance.

In determining whether to amend the official zoning map, the city shall consider the extent to which the amendment complies with and implements Article III of this ordinance and the purposes of the applicable zoning district.

- (2) *Initiation of amendment.* Amendments to the official zoning map may be initiated by the city council, the planning commission, or any other resident of the City of Lake Charles. Any amendment initiated by a resident which involves a single parcel of land shall require the submission of an application to the director of planning in accordance with the provisions of Section 4-201(1)-(3), accompanied by a nonrefundable fee to cover the cost of review, as may be established from time to time by the city council.
- (3) *Review.* After receipt of a complete application for amendment or a proposal for amendment initiated by the city council or commission, or upon receipt of a certified petition for annexation, the director of planning shall complete the review of the application, the proposal, or the petition for annexation and send a written recommendation to the commission, with a copy to the applicant, if any, setting forth whether the amendment should be granted or denied and, in the case of a petition for annexation, setting forth a recommended zoning district classification, and the grounds for any such recommendations as they relate to the standards in Article III and the purposes of the zoning district classifications set forth in Article V, Part 3, of this ordinance. Such recommendation shall be submitted to the commission at least fifteen (15) days prior to the required public hearings.
- (4) *Action by the commission.*
 - (a) The commission shall conduct a public hearing to consider any amendment to the official zoning map, or the appropriate zoning classification for land subject to a certified petition for annexation in accordance with the requirements of Section 4-201(4). Public hearings involving amendments to the official zoning map, other than petitions for annexation, shall only be held during the months of February, May, August, and November.
 - (b) If at any time during the conduct of a public hearing on a requested amendment, an applicant or any of his agents or representatives makes any representation as to the particular use which he intends to develop or that he intends to take any step or install any improvement which is not otherwise required by this ordinance, the application for an amendment to this ordinance shall be converted into a joint application for a major conditional use and shall be considered in accordance with the provisions of this section and Section 4-203(5).

- (c) The commission shall review the proposed amendment, the proposed zoning district classification for land subject to an annexation petition, the recommendation of the director of planning, the testimony at the public hearing and recommend to the city council approval, approval subject to specified conditions, or denial of the proposed amendment, or proposed zoning district classification for land subject to an annexation petition, or amendment and conditional use permit, as the case may be.
- (5) *Action by city council.* The city council shall review the proposed amendment, the proposed zoning district classification for land subject to an annexation petition, the recommendations of the director of planning and the commission and any additional information which may be submitted. The city council shall grant, grant subject to conditions, or deny the proposed amendment or proposed zoning classification within thirty (30) days of receipt of the recommendation of the commission.

ARTICLE V. DEVELOPMENT REGULATIONS

PART 1. ZONING DISTRICTS AND MAPS

Sec. 5-101. Zoning districts established.

- (1) In order to carry out the goals and objectives of the policies in Article III hereof and the purposes of this ordinance, the following districts are hereby created:
 - (a) Residential Dwelling District.
 - (b) Neighborhood District.
 - (c) Mixed Use District.
 - (d) Business District.
 - (e) Industrial District.
 - (f) Downtown and Lakefront District.
 - (g) Historical Districts (Charpentier and Margaret Place) and Historic Landmarks.
- (2) The designation "x" may be applied to any of the districts in subsection (1) to indicate an area of special opportunity subject to the provisions of Part 4 of Article V of this ordinance.

Sec. 5-102. Official zoning map.

- (1) *Purpose.* The purpose of the official zoning map is to set forth the boundaries of the zoning districts established in Section 5-101 as they may be applied from time to time to all land within the corporate limits of the city.
- (2) *Maintenance of map.* The originals of the zoning map shall be signed by the city clerk and the mayor and retained in the offices of the planning department. Copies of the zoning map shall be maintained by the director of planning and kept up-to-date by posting thereon all changes and subsequent amendments.
- (3) *Inclusion of maps in ordinance.* Copies of the zoning map shall be included as Appendix C to this ordinance. The applicable district regulations, regulations of general applicability, and the provisions of the text of this ordinance shall apply to lots or parcels located within districts created by this ordinance, the boundaries of which districts are set forth on the zoning map of the City of Lake Charles.

PART 2. REGULATIONS OF GENERAL APPLICABILITY

Sec. 5-201. Permitted uses.

No structure or land in the City of Lake Charles shall hereafter be constructed, built, moved, remodeled, reconstructed, used or occupied except in accordance with the requirements of the zoning district in which the structure or land is located as a nonconformity under the provisions of Section 5-205 and the regulations of general applicability of Part 2 of Article V of this ordinance.

Sec. 5-202. Conditional uses.

No structure or land shall be constructed, built, moved, remodeled, reconstructed, used or occupied as a conditional use under this ordinance except as provided under the procedures and requirements of Section 4-203.

Sec. 5-203. Development standards.

- (1) *General.* Except as modified by the provisions for conditional uses, structures or parts thereof shall not be constructed, built, moved, remodeled, reconstructed, occupied or used such that the development standards exceed that specified in the zoning district in which the structure or use is located and the regulations of this part.
- (2) *Sight Triangle.*

- (a) *General Provisions.* Typical sight obstructions include: young trees, shrubbery, banners, A-frame or other temporary or portable signs, parked vehicles or such permanent obstructions as monument signs, above-ground utility vaults, service points, buildings, earth berms with or without landscaping, retaining walls, rockeries, fences, etc. Landscaping exceeding 30" in height as measured from the flow line of the curb and gutter or edge of pavement where curbs are not constructed. Street light poles, sign poles, and similar obstructions must have a diameter equal to or less than 24 inches. In addition, only the pole is permitted in the sight triangle if the diameter is equal to or less than 24" and that the first spreading branch is located at least 9' above the flow line of the adjacent gutter or above the edge of the street pavement where gutters do not exist.

All plans submitted to the Planning Department (subdivision and site plans) are required to show the sight triangle for corner lot property.

In order to ensure that proper sight distance is maintained at all intersections, no obstructions as previously defined will be permitted within the sight triangle.

- (b) *Sight Triangle at intersection of public roads.* The sight triangle for left and right turns from a controlled (stop or yield sign) road intersecting an uncontrolled road will be defined as a triangular area formed by the intersecting street curbs and a straight line joining said street curb lines at points defined by the roadway leg distances set forth on the diagram below, unless specified otherwise herein. Exhibit "A" illustrates the sight triangle at the intersection of a controlled and uncontrolled roadway and 15 feet along controlled road curb line.

Roadway Leg Distances

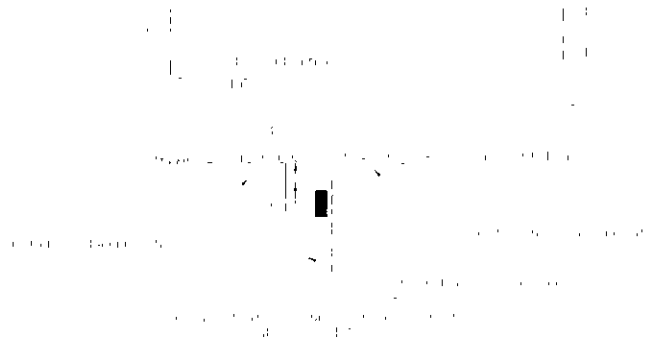
POSTED SPEED LIMIT (MPH)	ROADWAY LEG DISTANCE (FT)	
	LEFT TURN	RIGHT TURN
25	167	122
30	197	143
35	228	165
40	259	186
45	289	208
50	320	230
>50	CONTACT TRAFFIC ENGINEER	CONTACT TRAFFIC ENGINEER

Exceptions Roadway Leg Distance (ft) at

Street
Farquhar and Bellevue Street

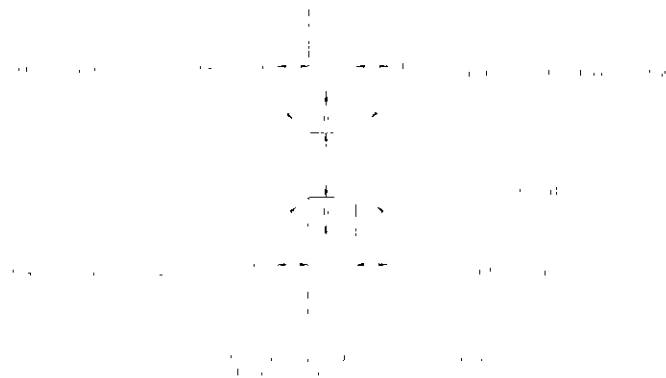
Right Turn
92

Exhibit A



- (c) *Sight Triangle at controlled intersections.* Those intersections controlled by a 4-way stop or signal are subject to a 40 feet sight triangle formed by the intersecting street/pavement lines and a straight line joining said street and pavement lines at points which are 40 feet from the point of intersection, measured along said street/pavement lines. The diagram set forth in Exhibit "B" illustrates sight triangle at the intersection of two controlled roadways."

Exhibit B



- (3) *Curb cuts.* No structure, except single-family residential structures, shall be constructed, built, moved, reconstructed, occupied or used on any parcel of land unless access from the parcel to public roadways complies with the following standards:

Definitions:

Frontage. The distance between property lines as in Illustration 1.

Illustration 1



Number of Curb Cuts

1. Driveway entrance(s) to all building sites shall be limited to a maximum of two (2) curb cuts per street frontage and shall be located in such a way as to maximize safety, and efficient traffic circulation, and minimize the impact on the surrounding area as determined by the City Engineer or his designee.
2. The permissible number of driveways is governed by the road frontage of abutting private property. Frontages of more than one hundred and fifty (150) feet are limited to:
 - a. Two (2) two-directional driveways with a minimum twenty (20) feet and a maximum of thirty (30) foot wide throat; or
 - b. Four (4) one-directional driveways with a minimum of twelve (12) feet or maximum of fourteen (14) feet wide throat; or
 - c. Combination of driveways in which two (2) one-directional = one (1) two-directional.

Frontages of less than one hundred and fifty (150) feet are limited to:

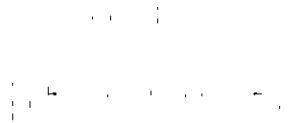
- a. One (1) two-directional driveway within a minimum of twenty (20) feet and a maximum of thirty (30) feet wide throat; or
- b. Two (2) one-directional driveways with a minimum of twelve (12) feet and a maximum of fourteen (14) feet wide throat.

Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.

NOTE:

1. All measurements between two curb cuts shall be done inner edge to inner edge as seen in Illustration 2.

Illustration 2



2. Curb cut widths are measured outer edge to outer edge as seen in Illustration 3.

Illustration 3



Safety Zone. Between any two driveways, there shall be a safety zone of a minimum of 50 feet along the curb line measured from inner edge to inner edge (see Illustration 2).

Corner Lot. A development on a corner lot will be allowed two points of access. However, no more than one access shall be onto each street. No curb cut shall be located nearer than one hundred and fifty (150) feet to the projection of any intersecting street right-of-way line. If 150 feet is not available, then the curb cut shall be placed at the furthest practical point from the intersection. If a development fronts three (3) or more streets, only 2 curb cuts will be allowed for the development as defined above.

Radius of Curb Cut. All driveways governed by this section, unless otherwise specified, shall have a radius of no less than 10 feet and no greater than 30 feet. For any access where multi-unit vehicles, or single unit vehicles exceeding 30 feet in length, are intended to use the access on a daily basis, the radii of the access should be determined using the minimum turning path for the larger vehicle.

Angle of Intersection with Roadway. The angle formed by the intersection of the centerline of a two-way roadway and the centerline of a driveway shall not be less than 60 degrees, except that an access driveway for frontage abutting a one-way roadway may have an angle of not less than 45 degrees.

Conform to State Regulations. Notwithstanding any other part of this ordinance, all sites fronting a street or highway that is controlled by the Louisiana Department of Transportation and Development shall adhere to regulations for curb cut, and driveway connection permits as administered by the Louisiana Department of Transportation and Development.

Alternative Designs. Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs may be approved through the various process.

Schools. Schools may have one (1) additional access provided the additional access drive is limited to school bus use only.

Existing Non-Conforming Curbs. If an establishment does not currently meet the curb cut standard, the city may elect to reconstruct the curb to bring hazardous access points into compliance. Otherwise, that driveway will be classified as a "non-conforming use".

- (4) *Calculation of permitted density.* In calculating the amount of development permitted on a lot of land, density or intensity shall be based on the gross area of any lot, excluding installed on-site improvements, such as roads, provided, however, that the gross area of any lot of land shall be utilized for the calculation of permitted density or intensity in the event that on-site improvements have not been installed at the time application for development approval is filed.
- (5) *Corner lots.* The front yard of a corner lot may be designated by the landowner in his application for development approval. In making such designation, consideration shall be given to the predominant front yards in the immediate vicinity. The minimum required yard on any other side of a corner lot which adjoins a public street shall be one-half of the minimum front yard required for the use proposed to be located on the lot by the particular provisions of Article V, Part 3, applicable to such use.
- (6) *Required front yard for developed areas.* Notwithstanding any other provision in this ordinance regarding required front yard setbacks, if forty (40) percent or more of the block face is improved with buildings or structures with less than required setback front yard for the applicable district, the required front yard setback shall be the average setbacks of the front yards along the block face (See figure 4).

- (7) *Minimum building setback.* Notwithstanding any other provision of this ordinance, no building or portion thereof shall hereafter be constructed, moved, reconstructed, or enlarged within a distance of ten (10) feet from edge of the street or roadway surface of any public street or highway.
- (8) *Activities limited to authorized structures.* Except as otherwise permitted for an approved temporary use, no equipment or device which is designed for use primarily as a conveyance or for the transportation of persons or moveable property, shall be placed on any parcel of land for the purpose of providing shelter or enclosure for the storage or sale of goods, the conduct of services, the housing of persons, or any other activity normally conducted within a building or structure. Temporary uses shall comply with Section 5-206.
- (9) *Setbacks – General.* Driveways, parking surfaces, paved areas, and similar improvements shall not be closer than one (1) foot to any property line unless a curb not less than 3 inches in height is provided which will prohibit water overflow onto the adjacent property. Joint use between adjacent parking areas or similar uses is allowed provided the joint or common area at the adjacent property line does not exceed forty (40) feet in width.
- (10) Notwithstanding any other provisions of this ordinance, it shall be a mandatory requirement that for all developments which front any street corridor designated as an arterial or collector corridor, or along any Federal or State designated route, there shall be an additional five (5) foot setback from the existing right-of-way line. This includes parking lots, parking areas, buildings, and any other permanently installed improvements.
- (11) No more than one motorized vehicle, boat, trailer, camper, etc. will be allowed in the front yard setback of all single family and/or multi-family use in a residential, neighborhood, and mixed use zoning district unless located on a designated driveway with an improved surface of concrete, blacktop, gravel or equivalent contained by a border defining the driveway or placed behind the front building line in a side yard and screened by a wooden fence not less than six feet in height or equivalent type buffer.
- (12) Any motorized vehicle that has not had a valid license plate or state inspection sticker for more than six (6) months will be considered outside storage of an abandoned vehicle and will be prohibited in all single family and multi-family uses.
- (13) Commercial vehicles as defined in Article II Section 2-102 are prohibited in all single family and multi-family uses.
- (14) *Façade building materials.*
 - (a) The façade of the principal building in a Business or Mixed Use District shall not be constructed with any metal materials. However, metal materials may be used for any façade which does not face a public street and does not allow for public ingress and egress.
 - (b) The façade of the principal building in a Residential and/or Neighborhood District shall not be constructed with any metal materials. However, metal materials shall be allowed on all façade(s) if the metal material is horizontal lapped style and/or horizontal simulated-wood lapped style siding.
- (15) Construction or installation of retaining wall(s) in excess of four (4) feet shall be prohibited in any Zoning District.

Sec. 5-204. Accessory uses.

- (1) *Authorization.* Accessory uses and structures are permitted in any zoning district in connection with any principal use or structure lawfully existing within such district provided that all development standards and regulations are in compliance. However, no accessory structure or use shall exceed the height of the principal structure to which it is an accessory.

(2) *Development standards.*

- (a) All detached accessory structures and uses in any residential or neighborhood district, other than fences, garages and carports used in conjunction with the main structure shall be located in the rear or side yard of the residential unit.
- (b) Except as provided in Section 5-203(2), fences may be located at any point on the lot provided it does not create a traffic hazard or any similar type problem to the surrounding area. No fence shall exceed ten (10) feet in height or extend beyond the front setback line of the building along any arterial or collector roadway corridor. All fences shall be constructed with a recognized fencing material of wood, chain link/decorative iron, vinyl fencing, or masonry and maintained in good condition so as not to create an eyesore, nuisance, or hazard to the surrounding area.
- (c) No detached accessory structure or use within a residential or neighborhood district shall occupy more than forty (40) percent of the total floor area of the principal structure on the lot.
- (d) No accessory structure or use shall exceed the height of the principal structure to which it is accessory.
- (e) An accessory use connected to the principal structure by an open unenclosed breezeway must be architecturally compatible and constructed in character to the main structure to be considered an accessory use as part of the principal structure.
- (f) Commercial trash receptacles shall be considered as accessory structure. Large trash receptacles, dumpsters, and other containers for receiving residential or commercial waste shall be placed at least fifteen feet from an adjoining property line, notwithstanding any other provision of this ordinance. Any dumpster or other trash receptacle located closer than fifteen feet to any property line or that is visible from any public street, shall be screened with a permanently installed buffer fence made of wood, chain-linked with slats, or masonry.

Sec. 5-205. Nonconformities.

- (1) *Purpose.* The purpose of this section is to regulate the continued existence of uses, lots, and structures lawfully established prior to the effective date of this ordinance or any amendment thereto which do not conform to the provisions of this ordinance and which have not obtained special exception status under the provisions of Section 4-206. Nonconforming uses, structures and lots of record may continue in accordance with the provisions of this section.

(2) *Nonconforming uses.*

- (a) *Ordinary repair and maintenance.* Normal maintenance and repair of nonconforming uses may be performed.
- (b) *Extensions and additions.* Unless a special exception is granted under the provisions of Section 4-206, nonconforming uses shall not be extended or enlarged. This prohibition is to prevent the enlargement of nonconforming uses by external additions to the structure in which nonconforming uses are located.
- (c) *Relocation.* A structure housing a nonconforming use may not be moved unless the use shall thereafter conform to the limitations of the district into which it is moved.
- (d) *Change in use.* A nonconforming use shall not be changed to any other use unless such use conforms to the provisions of this ordinance. However, a nonconforming use may be changed to another nonconforming use provided:
 - (i) A special exception is granted under the provisions of Section 4-206 or
 - (ii) The change of use is 25% less intense in use with 25% less impact on the surrounding area.

- (e) *Termination.*
 - (i) Abandonment or discontinuance.
 - (aa) Subject to subsection (bb) below, where a nonconforming use is discontinued or abandoned for six (6) months or more, then such use may not be reestablished or resumed and any subsequent use must conform to the provisions of this ordinance, unless a special exception is granted under the provisions of Section 4-206.
 - (bb) In construing whether a use has been discontinued or abandoned, the intention of the owner or anyone else to continue a nonconforming use shall not be considered; abandonment of a nonconforming use by a lessee shall not bind the owner provided that the owner obtains legal control of the use within a reasonable time after abandonment by the lessee; abandonment due to institution of foreclosure proceedings shall not constitute abandonment under the provisions of this section until the mortgagee or purchaser at foreclosure sale takes possession or gains by a recorded legal transfer.
 - (ii) Damage or destruction. If a structure housing a non-conforming use is damaged or destroyed by fifty (50) percent or more of the fair market value of the structure, then the structure may not be restored unless its use thereafter conforms to the provisions of this ordinance, unless a special exception is granted under the provisions of Section 4-206.
- (3) *Nonconforming structures.*
 - (a) *Ordinary repair and maintenance.* Normal maintenance and repair of nonconforming structures may be performed.
 - (b) *Relocation.* A nonconforming structure, which is moved, shall thereafter conform to the regulations of the district in which it is located after such move.
 - (c) *Termination.*
 - (i) Abandonment. Where a nonconforming structure is abandoned for one (1) year, then such structure shall be removed or converted to a conforming structure, unless a special exception is granted under the provisions of Section 4-206.
 - (ii) Damage or destruction. A nonconforming structure, which is damaged or destroyed to the extent of fifty (50) percent or more of the fair market value of said structure, shall not be restored unless it conforms to the provisions of this ordinance.
- (4) *Nonconforming lots of record.* Notwithstanding any other provision of this ordinance, a nonconforming lot of record may be developed with a single-family dwelling, provided that such a lot was not in common ownership with an adjoining lot of record at the time the nonconformity was created.
- (5) *Nonconforming accessory uses and structures.* No nonconforming accessory use or structure shall continue after the principal structure or use shall have ceased or terminated unless such structure or use shall thereafter conform to the provisions of the district in which it is located, unless a special exception is granted under the provisions of Section 4-206.
- (6) *Termination by amortization.* Any nonconforming use or structure may be terminated by the city council in accordance with the following procedures:
 - (a) The planning commission, upon recommendation of the director of planning, may designate an area within the city, which merits special attention in regard to nonconforming uses, signs or structures.
 - (b) The planning department shall conduct an inventory of uses and/or structures within the area so designated in order to identify those uses and/or structures, which do not conform to the provisions of this ordinance.

- (c) Upon completion of the inventory, the director of planning shall notify the owners of said uses and/or structures that they are nonconforming [and] that there are two (2) alternatives available:
 - (i) The owner may register his use and/or structure with the director of planning and request special exceptions status under the provisions of Section 4-206; or
 - (ii) If the owner fails to register and obtain special exception status, the director of planning may recommend termination of the use or structure in accordance with amortization schedule.
- (d) If the director of planning has recommended termination, the commission shall conduct a public hearing in accordance with the provisions of Section 4-201(4) and if it concurs, submit its recommendation to the city council.
- (e) The city council shall review the recommendations of the director of planning, the commission, and the testimony at the public hearing and adopt an ordinance terminating the use or structure within a specified period or deny the recommendations of the director of planning and the commission.

Sec. 5-206. Temporary uses.

- (1) *Authority.* Temporary uses are permitted in any zoning district, subject to the standards hereinafter established, provided that all temporary uses shall meet bulk regulations and parking requirements for the zoning district in which the use is located and provided that no temporary use shall be permitted to continue for such a length of time that it constitutes in effect a permanent use.
- (2) *Particular temporary uses permitted.* Notwithstanding any of the provisions of 5-206(1) above the following temporary uses are permitted:
 - (a) Garage sales.
 - (b) Indoor and outdoor art and craft shows, exhibits and sales.
 - (c) Contractor's offices and equipment sheds, provided that such uses shall be limited to the period of actual construction and shall be terminated within one hundred twenty (120) days of the completion of construction.
 - (d) Sales of Christmas trees or other seasonal goods, provided that such sales are located on property with direct access to collector or arterial.
 - (e) Religious revival tents.
 - (f) A manufactured home, not otherwise permitted in the zoning district, for temporary, emergency housing in medical hardship cases, for a nonrenewable period of up to six (6) months provided the following conditions are met: (1) Written certification of medical hardship is presented to the director of planning stating the nature and extent of the medical condition; (2) The manufactured home is adjacent to the lawfully permitted housing of one related by body or marriage; (3) A building permit for construction, repair or addition to the lawfully permitted housing has been issued; and (4) It is shown that there is no economically feasible alternative.
 - (g) Other temporary uses, which are, in the opinion of the director of planning, consistent with the provisions of this section.
 - (h) Truck trailers used for the temporary storage of goods or equipment in connection with general retail sales and service establishments or industrial uses, provided that such use shall be limited to a nonrenewable period of sixty (60) days.

- (i) Portable signs in addition to signage permitted as of right, provided that such use shall not exceed forty-five (45) days in duration and shall be nonrenewable within six (6) months after issuance

Sec. 5-207. Home occupations.

- (1) *Authority.* Home occupations shall be permitted in any residential dwelling unit provided that the home occupation complies with the lot size, bulk regulations and parking requirements of the zoning district in which the home occupation is located.
- (2) *Purpose.* The regulations of this section are designed to protect and maintain the residential character of established neighborhoods while recognizing that particular professional and limited business activities are traditionally carried on in the home and are compatible with the long-term integrity of a residential neighborhood.
- (3) *Particular home occupations permitted.* Permitted home occupations are:
 - (a) Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his disability;
 - (b) Office facilities for salesman, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises;
 - (c) Studio or laboratory of an artist, musician, photographer, craftsman, writer, tailor, seamstress, or similar person provided that the existence of the home occupation will not increase the number of average daily automobile trips generated by the residence in which the home occupation is located;
 - (d) Office facilities for accountants, architects, beauticians, brokers, doctors, engineers, lawyers, insurance agents, realtors and members of similar professions, provided that the existence of the home occupation will not increase the number of average daily automobile trips generated by the residence in which the home occupation is located;
 - (e) Day care facilities provided that no more than nine (9) children are on the premises at any time.
- (4) *Use limitations.* In addition to the requirements of the zoning district in which it is located, all home occupations shall comply with the following restrictions:
 - (a) No stock in trade shall be displayed or sold on the premises;
 - (b) The home occupation shall be conducted entirely within the enclosed principal structure, and shall not be visible from any residential structure or a public way;
 - (c) The home occupation shall not occupy more than ten (10) percent of the floor area of the dwelling unit;
 - (d) There shall be no outdoor storage of equipment or materials used in the home occupation;
 - (e) No more than one vehicle shall be used in the conduct of the home occupation and any such vehicle, which is of a commercial type with advertising or other such characteristics which distinguished it from a private automobile, shall be stored in an enclosed garage when not in use;
 - (f) No mechanical, electrical, or other equipment, which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure, shall be used;

- (g) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions;
- (h) No employee shall be permitted other than a resident of the dwelling;
- (i) No sign shall advertise the presence or conduct of the home occupation, other than a non-illuminated name plate, which:
 - (i) Does not exceed one square foot; or
 - (ii) Does not exceed two (2) square feet if attached and mounted on the principal structure.

Sec. 5-208. Off-street parking requirements.

- (1) *Purpose.* This section is intended to establish standards for the provision of off-street parking in order to reduce congestion in the public streets and promote the public's safety and welfare by ensuring the availability of adequate off-street parking facilities in the city.

- (a) All parking and driving surfaces abutting and/or directly accessible from the public roadway in Business and Mixed Use districts shall be concrete and/or asphalt.

- (2) *Number of required spaces.*

- (a) Off-street parking spaces shall be provided for each use in accordance with the following requirements:

Residential dwellings	2 spaces/unit
Schools: Elementary and Junior High Schools	2 spaces/classroom
High Schools, colleges, Universities, and Trade Schools	10 spaces/classroom
Preschool educational facilities or childcare centers	1 space/every 200 sq ft
Churches	1 space/ every 4 seats
Public uses	1 space/500 sq ft
Neighborhood commercial	1 space/300 sq ft
Recreational facilities	1 space/300 sq ft
Institutional Uses	1-space/3 hospital beds plus 1 space/300 sq ft of office floor area or 1 space/120 sq ft if no medical facility is involved
Shopping Centers:	
25,000 – 400,000 sq. ft. GLA	4-spaces/1000 sq. ft.
400,000 – 600,000 sq. ft. GLA	4.5 spaces/1000 sq. ft.
600,000 sq. ft. GLA + more	5 spaces/1000 sq. ft.
Business and professional offices	1 space/300 sq. ft.
Restaurants and entertainment uses	1 space/200 sq. ft.
General retail sales and services establishments	1 space/300 sq. ft.
Hotels or motels	1 space/room
Hotels or motels	
**If any portion of the hotel or motel structure or parking area is located within 1000ft. of a Residential or Neighborhood Zoning District, measured from the nearest point on said structure or area	1.5 space/room
Bed and Breakfast facilities	1 space/room
Industrial uses including wholesale and warehouse uses:	
Up to 10,000 sq. ft. GFA	1 space/400 sq. ft. GFA
More than 10,000 sq. ft. GFA	25 spaces plus 1 per 3 employees

Gaming industry 1 space/200 sq. ft. GFA

Drive in or Drive thru facilities

Parking and stacking spaces for vehicles shall be as follows:

- (i) If the facility contains (500) square feet or less, (2) parking spaces and (5) stacking spaces are required.
 - (ii) If the facility contains (501) to (1000) square feet, (5) parking and (10) stacking spaces are required.
 - (iii) If the facility contains over (1000) square feet, (10) parking spaces and (10) stacking spaces are required.
- (b) When calculating the number of required off-street parking spaces, fractions of less than one-half shall be disregarded and fractions of one-half or more shall be counted as one space.
 - (c) Two (2) or more uses can satisfy the number of required parking spaces by providing the spaces in the same structure or lot. Except as provided in subsection [(3), paragraphs (a) and (b),] the number of spaces in the jointly used structure shall be equal to the sum of the requirements for each use set forth in subsection (a).
- (3) *Reduction of required spaces.*
- (a) Joint use up to fifty (50) percent of required parking spaces may be permitted for two or more uses provided that:
 - (i) The applicant for development approval can demonstrate that the uses will not substantially overlap in hours of operation; or
 - (ii) The proposed development is a bank, office, retail sales establishment, or manufacturing company and the applicant intends to share parking facilities with a church, theater or restaurant.
 - (b) Joint use of up to one hundred (100) percent of the required parking spaces may be permitted for churches or schools if the parking will be provided off-site, the total amount of required parking, provided in conjunction with a bank, office, retail sales establishment or manufacturing company.
 - (c) A reduction in parking requirements for any proposed use permitted as of right in the Downtown and Lakefront District may be permitted as a special exception under the provisions of Section 4-206, provided that:
 - (i) There is adequate parking available within a reasonable distance from the site;
 - (ii) Achievement of an overriding public policy requires the reduction of required parking.
 - (d) If an applicant for development approval can demonstrate that employee parking facilities will be provided off-site, the total amount of required parking, provided on-site or within five hundred (500) feet of the site, may be reduced up to fifteen (15) percent.
- (4) *Location of required parking spaces.* Required parking spaces shall be located as follows:
- (a) Single-family detached and up to twenty (20) single-family attached dwelling units: On same lot.
 - (b) All other uses: On same lot or, subject to subsection (c), on a lot up to five hundred (500) feet from the principal building or use unless a special exception is granted under the provision of Section 4-206.
 - (c) If the parking spaces are to be located on a lot other than the same lot of the principal building or use, a legal instrument assuring the continued availability of those required parking spaces shall be approved by the city attorney and recorded prior to issuance of development approval.

- (5) *Design of required parking spaces.*
- (a) Except as provided in subsection (b), each required parking space shall have minimum dimensions of nine (9) feet by eighteen (18) feet;
 - (b) Up to thirty (30) percent of required parking spaces may be designated for use by subcompact automobiles, provided that each space is clearly marked for such use and no space so designated is less than eight (8) feet by sixteen (16) feet;
 - (c) Parking structures shall be set back from the property line the same distance as required for the principal structure in the district in which it is located. This does not apply to driveway, parking lots or similar type surface improvements;
 - (d) A bumper rail or wheel barrier shall be installed so that no part of parked automobiles can extend into the public right-of-way or into the landscaped area required in Section 5-209 hereof or under an approved conditional use. A minimum of three (3) feet shall be provided from the property line to the wheel guard;
 - (e) Sufficient maneuver and access aisle shall be provided to permit vehicles to enter and leave in a forward motion in accordance with detailed design standards on file with the department of planning; and
 - (f) If light is provided, it shall be installed so that it does not reflect on adjacent properties or interfere with traffic.
- (6) *Limitations on use of parking lots and structures.* No parking lot or structure may be used for the servicing, repair, or washing of motor vehicles.

Sec. 5-209. Bufferyards.

- (1) *Purpose.* The purpose of this section is to promote the harmonious use of land through effective site planning and the use of landscaped, constructed or natural bufferyards between uses that are different in character and/or magnitude.
- (2) *Bufferyards required.*
- (a) Bufferyards shall be required for a proposed use when:
 - (i) A proposed use is greater in character or magnitude than an existing use located on an abutting parcel aft as established in subsection (3) of this section; or
 - (ii) A proposed use in an industrial district abuts any other district; or
 - (iii) A proposed use in a Business or Downtown/Lakefront District abuts a Residential, Neighborhood, or Mixed Use District; or
 - (iv) A proposed use in a Mixed Use District abuts a Residential or Neighborhood District; or
 - (v) A proposed use in a Neighborhood District abuts a Residential District; or
 - (vi) A proposed use which is permitted as a conditional use by the provisions of Article V Part (3) – (District Regulation) – Authorizing such use with buffer requirements; or
 - (vii) A proposed use in which bufferyards are specifically required as a condition attached to the issuance of a Conditional Use Permit – Section 4-203, Variances – Section 4-205, or Special Exception – Section 4-206.
 - (b) Bufferyards shall be provided along the abutting property line from the point of the required front yard to the point of the required rear yard of the parcel proposed for development. Except permitted fencing, no principal or accessory structure or any parking area shall be permitted in a required bufferyard.
 - (c) Except for permitted fencing, no principal structure, accessory structure, parking area or similar use shall be allowed in a required bufferyard.

- (d) For the purpose of this section, the term "existing use" shall include any vacant or undeveloped parcel of land abutting a parcel proposed for development, and the degree of difference in land use between such a parcel and a proposed development shall be that which would exist if the vacant or undeveloped parcel were used or developed to the greatest magnitude or intensity which is permitted as a matter of right by the particular provisions of this ordinance which are applicable to that parcel.
 - (e) For the purpose of this section, the degree of difference in land use between a proposed development abutting a vacant or undeveloped parcel of land shall be considered that use which could exist as of right should the vacant or undeveloped parcel to be used or developed.
 - (f) For the purpose of this section, Bufferyard Screening shall require that wooden fence planks be no wider than one-quarter inch (1/4") apart.
- (3) *Degree of difference of abutting land uses.*
- (a) Major – The following shall be considered to be major differences in the character or magnitude of land use:
 - (i) Any residential use and a commercial use, or collection of uses, occupying more than two thousand five hundred (2500) square feet of floor area;
 - (ii) Any residential use and any industrial use;
 - (iii) Residential uses that differ in density by a factor greater than three (3);
 - (iv) A structure that differs in height by more than twenty (20) feet;
 - (v) Any uses that differ in traffic generation, as calculated on an average daily basis, by more than a factor of four (4); and
 - (vi) Any uses that differ in floor area ratio by a factor of more than two (2).
 - (b) Intermediate – The following shall be considered to be intermediate differences in the character or magnitude of land use:
 - (i) Any residential use and a commercial use or collection of uses occupying less than two thousand five hundred one (2,501) square feet of floor area;
 - (ii) Any commercial use and any industrial use;
 - (iii) Residential Uses that differ in density by a factor or two (2) but less than three (3);
 - (iv) Structures that differ in height by fifteen (15) or more, but less than twenty (20) feet;
 - (v) Any uses that differ in traffic generation, as calculated on an average daily basis, by more than a factor of two (2) but less than four (4); and
 - (vi) Any uses that differ in floor area ratio by a factor of 1.5 but less than 2.0.
 - (c) Minor – The following shall be considered to be minor differences in the character and magnitude of land use:
 - (i) Attached and detached residential uses;
 - (ii) Residential uses that differ in density by a factor of more than one (1) but less than two (2);
 - (iii) Structures that differ in height more than ten (10) feet and less than fifteen (15) feet;
 - (iv) Any uses that differ in traffic generation, as calculated on an average daily basis, by more than a factor of 1.25 but less than 2; and
 - (v) Any uses that differ in floor area ratio by a factor of more than 1 but less than 1.5.
- (4) *Types of bufferyards.*
- (a) Major – A bufferyard between major differences in land use shall have the following characteristics:
 - (i) A bufferyard of at least fifteen (15) feet in width;
 - (ii) A six (6) foot wooden fence at the property lines to obscure view of the proposed development.

- (b) Intermediate – A bufferyard between intermediate differences in land use shall have the following characteristics:
 - (i) A bufferyard of at least eight (8) feet in width;
 - (ii) A six (6) foot wooden fence at the property lines to obscure view of the proposed development.

OR

Plant shrubs, berms or similar foliage sufficient in size to obscure on a year-round basis at least 75 percent of the view of the proposed development from the abutting parcel, as defined in paragraph (d) of this subsection. The shrubs when planted shall not be less than three (3) feet in height, spaced no further than three (3) feet on center and be capable of growing to five (5) feet in height within one year of planting.

- (c) Minor – A bufferyard between minor differences in land use shall have the following characteristics:
 - (i) A width of at least five (5) feet, with additional building setback as required by subsection (6) of this section; and
 - (ii) A six (6) foot wooden fence at the property lines to obscure view of the proposed development.

OR

Plant shrubs, berms or similar foliage sufficient in size to obscure on a year-round basis at least fifty (50) percent of the view of the proposed development from the abutting parcel as defined in paragraph (d) of this subsection. The shrubs when planted shall not be less than two (2) feet in height, spaced no further than forty-two (42) inches on center and capable of growing to four (4) foot in height within one (1) year of planting.

- (d) For the purposes of this subsection, the view of a proposed development from an abutting parcel shall be the area of a plane drawn between the grade along the common property line and a line parallel to grade and eight (8) feet above grade, running the entire length of the common property line.
- (5) *General requirements of plant material.* Plant material used to comply with the provisions of this section shall conform to the rules and regulations for nursery plants promulgated by the Louisiana Department of Agriculture on file with the director of planning and shall be in accordance with the landscaping standards on file with the director of planning.
- (6) *Minimum building setbacks in addition to required bufferyards.* Where a bufferyard is required by this section for any proposed development of a building, which exceeds thirty-five (35) feet in height, such building shall be set back from the interior line of the required bufferyard a distance of at least one foot for each two (2) feet of a building height in excess of thirty-five (35) feet.

Sec. 5-210. Landscape Requirements

- (1) *Purpose.* Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. Therefore, landscaping is hereafter required of new development.
- (2) *Scope and Enforcement.*
 - (a) The provisions of this section shall be administered by the Director of Planning or designee. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction or any existing development which is altered by increasing the floor area by thirty percent (30%) or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions.
 - (b) All existing structures which are a conversion or change in use requiring the expansion of or substantial improvements to meet parking standards shall upgrade landscaping on the site and meet these requirements to the extent practical. The Director of Planning or his designee shall have the ability to waive landscape requirements on a case-by-case basis

if unique circumstances exist on the property that make application of these regulations unduly burdensome on the applicant. These regulations may be waived only if there will be no adverse impact on current or future development and will have no adverse impact on the public health, safety, and general welfare.

- (c) If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria as approved on the landscape plan, the Director of Planning or designee shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner(s), tenant(s), and/or agent(s) shall make reasonable progress within thirty (30) days from date of said notice and shall have ninety (90) days to completely restore the landscaping as required. A thirty (30) day extension may be granted by the Director of Planning or designee if a hardship due to extreme seasonal conditions can be demonstrated by the owner(s), tenant(s), and/or agent(s). If the landscaping is not restored within the allotted time, such person shall be held in violation of this ordinance.

(3) *Permits.*

- (a) No permits shall be issued for building, paving, grading, or construction until a detailed landscape plan is submitted and approved by the Director of Planning or designee. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
- (b) In any case in which a certificate of occupancy is sought at a season of the year in which the Director of Planning determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued, if a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscape plan shall be installed within six (6) months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this ordinance and the temporary certificate of occupancy shall be revoked.

(4) *Landscape Plan.*

- (a) A landscape plan shall be shown as part of the site plan development review. Prior to the issuance of a building permit, paving, grading, or construction permit for any new use, a final landscape plan shall be submitted to the Planning Department. The Director of Planning or designee shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations and the approved site plan. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
- (b) Landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g. landscape architect, landscape contractor, landscape designer, etc.). Conceptual and final landscape plans shall contain the minimum following information:
 - 1. Minimum scale of one inch (1") equals forty feet (40'), or the same scale as the associated site plan;
 - 2. Location, size, and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees);
 - 3. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);
 - 4. Species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in-lieu-of species);
 - 5. Affidavit on the plan stating that irrigation, sprinkler, or water systems, including placement of water sources, shall be provided;

6. Person(s) responsible for the preparation of the landscape plan, including affidavit of their qualifications to prepare said plan;
7. Mark indicating North;
8. Date of the landscape plan, including any revision dates;
9. Planting details Percentage of total site in permanent landscaping;
10. Percentage of street yard in permanent landscaping;
11. Dimensions of all landscape areas;
12. Number of required trees and number of trees provided.

(5) *General Standards.*

- (a) The following criteria and standards shall apply to landscape materials and installation. For the purposes of this section, caliper shall be defined as the diameter measurement of a tree trunk.
 1. Required landscaped open areas shall be completely covered with living plant material. Non-living landscaping materials such as wood chips and gravel may be used only under trees, shrubs, and other plants.
 2. Plant materials shall conform to the standards of the approved plant list for the City of Lake Charles (Appendix A). Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pest and insects.
 - a. Where specific conditions reduce the likelihood that any of these plant materials will survive, other plants on the list may be substituted.
 - b. Other plants not on the list may be substituted at the discretion of the Director of Planning. The applicant may be required to provide substantiation as to the hardiness, adaptability, and water demands of the plant when used in this area.
 - c. Applicants should maintain all required landscape materials in perpetuity.
 3. Class 'A' trees shall be a minimum of three inches (3") in caliper as measured thirty-six inches (36") above the ground and seven feet (7') in height at time of planting.
 4. Class 'B' trees shall be a minimum of one inch (1") in caliper as measured thirty-six inches (36") above the ground and five feet (5') in height.
 5. Shrubs or berms not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting.
 6. Hedges, where installed for buffering purposes required by this Section, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet (3') high within two (2) years after time of planting.
 7. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any parking space.
 8. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six (6) month period of time from planting, and shall be re-established, if necessary, to ensure grass coverage of all areas.
 9. Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- (b) All required landscaped open space shall be provided with an automatic underground irrigation system, except for required landscaping in single family or two family development. Said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required under the construction code.
- (c) No tree shall be planted closer than four feet (4') to a right-of-way line nor closer than eight feet (8') to a public utility line (water or sewer), unless no other alternative is available. Further, a landscaping area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.

- (d) No tree which has a mature height of twenty-five feet (25') or greater shall be planted beneath an existing or proposed overhead utility line.
- (6) *Minimum Landscaping Requirements.*
- (a) For all non-residential and multiple-family at least fifteen percent (15%) of the street yard shall be permanent landscape area. The street yard shall be defined as the area between the front property line and the minimum front set back line.
 - (b) For all non-residential and multiple-family parcels, a minimum of ten percent (10%) of the entire site shall be devoted to living landscape which shall include grass, ground cover, plants, shrubs, or trees.
 - (c) Landscape setbacks on thoroughfares.
 - 1. Landscape setbacks are required along all street rights-of-way.

For all non-residential and multiple-family parcels, a minimum ten-foot (10') landscape buffer adjacent to the right-of-way of any street is required. If the lot is a corner lot, all frontages shall be required to observe the ten-foot (10') buffer. Slight variances may be allowed to the minimum ten-foot (10') landscape buffer in unusual circumstances, as approved on the site plan.
 - 2. If unique circumstances exist which prevent strict adherence with this requirement, the Planning and Zoning Commission may consider a granting of a variance during the site plan approval process to reduce the minimum ten-foot (10') landscape buffer, provided that site design considerations have been incorporated to mitigate the impact of the variance. Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A variance may be granted if:
 - a. Unique circumstances exist on the property that make application of this item unduly burdensome on the applicant, and
 - b. The variance will have no adverse impact on current or future development, and
 - c. The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses, and
 - d. The variance will have no adverse impact on the public health, safety and general welfare, and
 - e. A financial hardship shall not be considered a basis for the granting of a variance.
 - (d) For all non-residential and multi-family parcels, developers shall be required to plant one (1) Class 'A' tree or two (2) Class 'B' trees per forty (40) linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered to facilitate site design.
 - (e) Landscape areas within parking lots should generally be at least 10' x 18' feet (180 square feet).
 - (f) No landscape area counting toward minimum landscaping requirements shall be less than twenty-five (25) square feet in area or less than five feet (5') in width.
 - (g) For all non-residential and multi-family parcels, internal landscape areas shall:
 - 1. have a landscaped area with at least one (1) Class 'A' or two (2) Class 'B' trees within sixty-five feet (65') of every parking space;
 - 2. have a minimum of one (1) Class 'A' or two (2) Class 'B' trees planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces.
 - (h) Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of each parking row, and should contain at least one tree. All landscape areas

shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

- (i) All existing trees which are to be considered for credit shall be provided with a permeable surface (a surface which does not impede the absorption of water) within a minimum five-foot (5') radius from the trunk of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum two and one-half foot (2½') radius from the trunk of the tree.
- (j) Parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs planted 3' on center attaining a minimum height of three feet (3'), an earthen berm of a minimum height of three feet (3'), a low masonry wall of a minimum height of three feet (3'), or a combination of the above with a minimum combined height of three feet (3'). A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
- (k) A minimum of fifty percent (50%) of the total trees required for the property shall be Class 'A' canopy trees as specified on the approved plant list.
- (l) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with City regulations. Shared drives shall be allowed through perimeter landscape areas.
- (m) For all non-residential and multi-family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet (5') shall be maintained between the edge of the parking area and the adjacent property line.
- (n) Bufferyards: When a buffer is required under the provisions of Section 5-209, the minimum bufferyard and screening requirements must be provided along with the minimum of one (1) Class "A" tree (minimum 3" caliper measured thirty-six inches (36") above the ground and 7' in height at time of planting) or two (2) Class "B" (minimum 1" caliper measured thirty-six inches (36") above the ground and 5' in height at time of planting) for every forty (40) linear feet or fraction thereof.
- (o) Evergreen shrubs (acceptable for 6' screening) shall be provided around dumpster screening wall, and the plant materials must be a minimum of three feet (3') in height at the time of planting, unless not visible from public right-of-way or a public use area.
- (p) For all single-family and duplex parcels, builders shall be required to plant two (2) Class 'A' trees per lot. At least one of the trees shall be located in the front yard. Existing quality trees of at least 3" caliper size located on the lot shall count to meet this standard.

(7) *Tree Preservation.*

- (a) Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are located, according to the following table:

<u>Caliper of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
6" to 8"	2 trees
9" to 15"	3 trees
16" to 30"	4 trees
31" to 46"	5 trees
47" or more	8 trees

For purposes of this section, caliper measurement shall be taken at a height of 4 ½ feet above the ground, and shall be rounded to the nearest whole number.

- (b) Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan.
- (8) *Sight Distance and Visibility.*
 - (a) The requirements set forth herein shall comply with Section 5-203(2) of this ordinance.
- (9) *Maintenance.*
 - (a) The owner(s), tenant(s), and/or their agent(s), if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to:
 - 1. mowing (of grass of six inches (6") or higher);
 - 2. edging;
 - 3. pruning;
 - 4. fertilizing;
 - 5. watering;
 - 6. weeding; and
 - 7. other such activities common to the maintenance of landscaping.
 - (b) Landscape areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
 - (c) Plant materials used to meet minimum required landscaping provisions which die or are removed for any reason shall be replaced with plant material of similar variety and size, within ninety (90) days.
 - 1. If any tree which was preserved and used as a credit toward landscaping requirements is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of three inches (3") measured thirty-six inches (36") above the ground.
 - 2. A time extension may be granted by the Director of Planning if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or his agent.

Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties.

Sec. 5-211. Signs.

- (1) *Purpose.* To ensure that signage in the City of Lake Charles does not constitute a visual blight on the landscape and character of the city and poses no hazard to vehicular or pedestrian traffic.
- (2) *General Prohibition.* No person shall develop, install, locate or construct any sign in any district in the City of Lake Charles except as expressly authorized in this section and in conformance with all other ordinances of the city. Except as expressly authorized by Section 4-206 with respect to the continuation of nonconformities, the requirements of this section shall not be varied or modified by any development approval granted under the provisions of this ordinance.
- (3) *Regulations of general applicability.*
 - (a) *Location of signs.*
 - (i) No portion of any sign or sign structure shall be located within a distance of five (5) feet from the right-of-way line or within twenty (20) feet of the edge of pavement or roadway surface of any public street or highway. An on-premise sign may be located closer to a public street provided it does not project or

extend closer than five (5) feet to any public right-of-way and provided it meets the following conditions:

- (aa) The maximum area permitted for that sign shall be decreased by five (5) percent for each foot of required yard into which the sign extends;
 - (bb) The pole of the sign is not larger than twelve (12) inches in diameter; and
 - (cc) The bottom of said sign is no less than eight and one-half (8 ½) feet above grade.
 - (ii) Sight Triangle – No portion of any sign shall be located within any sight triangle required by Section 5-203(2) of this ordinance, nor shall any sign otherwise be located or installed in such manner as to create a traffic hazard; provided, however, that the sight triangle shall be reduced to thirty (30) feet, and signs may, except as otherwise prohibited be placed adjacent thereto where:
 - (aa) The maximum square feet of signage allowed must be reduced by 25 percent.
 - (bb) The sign is located within the Industrial or Downtown and Lakefront Districts and does not extend into any required yard or building setback adjoining a public street.
 - (cc) The bottom of said sign is no less than eight (8) feet above grade.
 - (iii) Facade signs – A sign, which is integrated into or mounted on the facade or face of a building. The sign shall not exceed more than fifty (50) percent of the facade. The sign shall not extend more than one (1) foot beyond such building facade toward any public street.
 - (iv) Portable signs – Shall comply with Section 18-8.1 of the Code of Ordinances:
 - (aa) Section 18-8.1. Commercial portable signs; other signs regulated; enforcement and penalties.
 - (bb) Not more than one portable sign used for other than commercial purposes shall be allowed on one parcel of land.
 - (cc) It shall be unlawful to erect or display a portable sign or signs for commercial purposes.
 - (dd) No permissible portable sign shall be located closer than twenty (20) feet to the nearest roadway, nor within the site triangle defined in Section 5-203(2) of the zoning code, nor on publicly owned property.
 - (ee) All signs permitted under this section shall be safely displayed and located, and maintained in a safe and sound structural condition at all times, including repair, replacement of defective parts, painting and cleaning. Any and all electrical portable signs must comply with the regulations set forth in Section 6-95 of this Code.
 - (ff) Violations of the provisions hereof shall be subject to the punishment provided in Section 1-8 of this Code. In addition to any penalties otherwise provided for violations of the provisions hereof, the city may, through its officers charged with enforcement of city ordinances, institute actions to prevent unlawful erection, alteration, maintenance, use, or display of portable signs, and restrain, correct, or abate such violations.
 - (gg) It shall be unlawful for any person to erect, display, install, or maintain any portable sign allowed under the foregoing provisions without first obtaining a portable sign permit from the mayor or his designee. Application for sign permits shall be made to the mayor or his designee on the form provided and shall be accompanied with an annual permit fee of fifty dollars (\$50.00) and any other pertinent information that may be required to assure compliance with applicable laws and regulations.
 - (hh) All commercial portable signs lawfully in use on the date of adoption of this section but which use is prohibited by the provisions of subsection (c) above shall be removed from use on or before July 1, 1987. (Ord. No. 8283, 1, 7-2-86).
- (b) *Maximum height.* No portion of any sign or sign structure shall exceed the following maximum heights.
- (i) Signs mounted on or integrated into the facade of a building shall not extend above the top of such facade.

- (ii) Free-standing signs or sign structures shall not exceed a height of forty (40) feet, except within interstate highway corridors where the height limit for all signs shall be sixty (60) feet above grade elevation or thirty-five (35) feet above the height of an elevated roadway, provided however, that except within such interstate highway corridors the height limit for on-site signage shall be of seventy-five (75) feet in height to the top of the sign.
- (4) *Permitted on-premises signs.*
 - (a) *Neighborhood District.* One freestanding sign structure or building-mounted sign per nonresidential use, with no more than fifty (50) square feet of total sign face area visible from any single point of view.
 - (b) *Mixed Use, Business, Industrial, and Downtown and Lakefront Districts.*
 - (i) Subject to the provisions of paragraph (c) below, the total amount of sign face area visible from any single point of view shall not exceed the average of the following:
 - (aa) One square foot per two hundred (200) square feet of land area;
 - (bb) One square foot per fifty (50) square feet of gross floor area;
 - (cc) One square foot per two (2) linear feet of street frontage.
 - (ii) No more than one free-standing sign structure shall be located on any parcel of land, except that parcels having more than one frontage on arterial or collector streets shall be permitted one free-standing sign structure for each such frontage. Additionally, high-rise signs otherwise allowable shall be allowed within interstate corridors as a secondary sign, when the total allowable signage would not otherwise be exceeded.

Notwithstanding any of the above mentioned in subsection (a) and (b). Every location will be allowed forty (40) square feet of on-premise freestanding signage and forty (40) square feet of facade signage.

- (c) *Increased or decreased signage.* Signage permitted under this subsection shall be increased or decreased according to the following:
 - (i) In the Mixed Use, Business, Industrial, and Downtown and Lakefront Districts, the maximum area permitted for a particular sign may be increased by twenty-five (25) percent if that sign is:
 - (aa) Landscaped or installed on a wood, stone, or other base structure in accordance with the specifications set forth in subsection (5), paragraph (f) of this section; or
 - (bb) Constructed of natural or natural-appearing materials; or
 - (cc) Integrated into or otherwise visually related to a building and is composed of materials compatible with and similar to the materials of the building. With respect to any use or development involving multiple signs, the increase in sign area set forth above will be applied by converting each one square foot of sign face area on each sign which qualifies for this increase into 0.8 square feet of sign face area to be counted against the total amount of signage permitted for that use or development by paragraph (b) of this subsection.
 - (ii) Where any portion of a sign in any district is located within a required front yard or any other required yard adjoining a public street, the maximum area permitted for that sign shall be decreased by five (5) percent for each foot of required yard into which the sign extends.
- (5) *Permitted off-premises signs.*
 - (a) *Mixed Use District.* Subject to the provisions of paragraphs (d), (e), (f) and (g) below, off-premises signs are not to exceed:
 - (i) One hundred (100) square feet per individual sign face within a major collector roadway corridor; and