

ZONING ORDINANCE



**CALCASIEU PARISH POLICE JURY
DIVISION OF PLANNING AND DEVELOPMENT
1015 PITHON STREET, 3RD FLOOR
LAKE CHARLES, LOUISIANA**

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Chapter 26

ZONING*

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***Editor's note**—Ord. No. 3940, adopted Nov. 20, 1997, redesignated Appendix A as Chapter 26, Zoning, and amended it as herein set out. Former App. A pertained to similar subject matter and derived from the following Ordinances:

Ord. No.	Section	Date	Ord. No.	Section	Date	Ord. No.	Section	Date
2055	1—10	9- 3-80	2527	1, 2	1-19-84	3261	2—7	8-22-91
2074	1, 2, III	11- 5-80	2679	I—XVIII	1-24-85	3411	1—4	3-18-93
2216	1—11	8-20-81	2751	1	8-15-85	3504	1—5	1-20-94
2284	1	1-21-82	2973	1—3	5-19-88	3626	1	2-15-95
2325	1—4	5-20-82	2995	1—5	7-21-88	3705	1	9-21-95
2347	1—4	8-19-82	3085	1, 2	9-21-89	3916	1—5	8-21-97
2493	1	8-18-83	3116	1, 2	1-18-90			
2520	1, 2	12-15-83	3120	1—3	2-15-93			

Cross references—Buildings, Ch. 6; civil defense and emergency preparedness, Ch. 7; fire protection and prevention, Ch. 8; floodplain management regulations, Ch. 9; mobile homes, Ch. 16; planning, Ch. 19; recreation, Ch. 20; roads, bridges, watercourses and drainage, Ch. 21; sewers, Ch. 22; subdivision regulations, Ch. 23; water, Ch. 25.

ARTICLE I. TITLE AND INTERPRETATION

Sec. 26-1. Title.

This chapter shall be known as, and be cited and referred to as, the "Calcasieu Parish Zoning Ordinance."

(Ord. No. 3940, 11-20-97)

Sec. 26-2. Interpretation of minimum requirements.

In interpreting and applying the provisions of this chapter, these shall be held to be in minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this chapter shall control.

(Ord. No. 3940, 11-20-97)

Sec. 26-3. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter which shall continue in full force and effect.

(Ord. No. 3940, 11-20-97)

Sec. 26-4. Repeal.

All zoning regulations or parts of zoning regulations in conflict herewith are hereby repealed, provided, however, that all suits at law or in equity and/or all prosecutions resulting from the

violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this chapter, but shall be prosecuted to their finality, the same as if this chapter had not been adopted; and any and all violations of existing zoning regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this chapter shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

(Ord. No. 3940, 11-20-97)

ARTICLE II. DEFINITIONS

Sec. 26-5. General rules of interpretation.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot", the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; and "used" or "occupied" shall be considered as though followed by the words, "or intended, arranged, or designed to be used or occupied".

(Ord. No. 3940, 11-20-97)

Sec. 26-6. Definitions.

Accessory building: A subordinated building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Accessory use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Airport: Any area of land or water which is used or intended for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including

all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration (structural): Any change other than incidental repairs which would prolong the life of the supporting members of the building such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

Animal hospital: Any building or portion thereof designed or used for the care, boarding, grooming, observation, or treatment of animals, supervised by a licensed veterinarian.

Apartment: A room or suite of rooms with culinary facilities designed for or used as living quarters for a single family.

Automobile service station: A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and/or supplies, including installation and minor services customarily incidental thereto. Facilities for washing and for chassis and gear lubrication are permitted if enclosed in a building.

Automobile wrecker yard: An area outside of a building where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition, or used parts of motor vehicles are stored.

Awning: A roof-like cover which projects from the wall of a building or roof overhang and is supported by poles, cantilevering, or bracketing from the face of the building.

Balcony: A railing-enclosed platform projecting from and supported by an outer wall of a building.

Bar: See "Lounge".

Bay window: A window forming a bay in a room which projects outward from the wall and is supported by its own foundation, in contrast to an oriel window which is similar but lacks foundation support. Synonym: Bow window.

Bed and breakfast home: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Billboard: See "outdoor advertising sign".

Board: The Calcasieu Parish Planning and Zoning Board as appointed by the Calcasieu Parish Police Jury in accordance with Act 1274 of the 1997 Louisiana Legislative Session.

Borrow-pits: The removal of gravel, shells, sand, and topsoil materials from a lot or a part thereof to an off-site location.

Buffer strip (greenbelt): A parcel of land which separates land of differing uses. It is frequently unimproved except for landscaping and screening. Its purpose is to prohibit immediate adjacency of incompatible uses, such as commercially or industrially zoned land which is adjacent to residentially zoned land.

Buildable area: The area of that part of the lot not included within the yards or open spaces herein required.

Building: Any structure having a roof supported by columns or by walls and intended for shelter of animals or chattel, excluding mobile homes.

Building area: The total of areas taken on a horizontal plane at the mean grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Cafeteria: A restaurant at which patrons serve themselves at a counter and take the food to the tables to eat.

Carport: A canopy or shed open on three sides and attached to the main building for the purpose of providing shelter for one (1) or more vehicles.

Car wash: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.

Church: A building wherein persons regularly assemble for religious worship, which is used for such purpose, and those accessory activities as are customarily associated therewith.

Clinic: A building or portion thereof designed for, constructed or under construction or alteration for, or use by two (2) or more physicians, surgeons, dentists, psychiatrists, physiotherapists or practitioners in related specialties, or a combination of persons in these professions.

Clubs: Private recreational buildings and areas operated by membership organizations for the benefit of their membership and not for gain. The term shall include country clubs and lodges. In conjunction with such a club, a dining room may be operated provided it is incidental to the activities of said club and is conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.

Clustered housing: A development of single family dwellings situated so as to utilize the land as efficiently as possible to reduce the cost of utilities, services and amenities and to eliminate the waste of standard yard requirements. It is intended that a developer locate dwellings, parking spaces, driveways, streets, easements, accessory buildings, etc., so as to utilize as much of the land as possible as common open recreational space.

Coastal zone: The coastal waters and adjacent shorelands within the boundaries of the coastal zone established in Section 213.4 of the State and Local Coastal Resources Management Act of 1978, which are strongly influenced by each other, and in proximity to the shorelines, and uses of which have a direct and significant impact on coastal waters.

Coastal zone site: An area designated in accordance with State and Local Coastal Resources Management Act of 1978 for Coastal Zone Management.

Community-based recycling facility: A type of facility for the recycling, recovering, compacting, shredding, and/or otherwise converting of non-putrescible solid waste to a useful form that is more convenient to handle for reshipment or for resale, subject to, but not limited to, glass, paper and aluminum.

Community home: A facility certified, licensed, or monitored by the Louisiana Department of Health and Human Resources to provide resident

services and supervision to six (6) or fewer handicapped persons. Such facility shall provide supervisory personnel in order to function as a single family unit but not to exceed two (2) live-in persons. This definition shall include all amendments enacted by the State of Louisiana.

Community shopping center: A tract of land improved with a coordinated group of retail buildings having a variety of types of stores and free parking, under single management or control, and catering to an entire community.

Compatible use: A use which is capable of existing in harmony with other uses situated in its immediate vicinity.

Condominium: Any land or building and parts of a building thereon which would normally be used by all the occupants such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements together with individual ownership of a particular unit or apartment in such building.

Conforming building, structure, or use: Any building or structure or use which complies with all the regulations of this chapter or any amendment hereto for the zoning district in which such building or structure is located.

Court: An open space from the ground upward, which may or may not direct street access and around which is arranged a single building or a group of related buildings.

Culinary or cooking facilities: A space in a dwelling arranged, intended, designed, or used for the preparation of food for a family. Facilities may include a sink, stove, cabinets and a refrigerator, or any combination of these arranged in such space. A refrigerator alone shall not constitute culinary or cooking facilities under this definition.

Day care: Any establishment providing care of four (4) or more children not members of the resident family during the day, but not to exceed twenty-four (24) hour periods, including day care for children and pre-school for children under the minimum age for admission to public or non-

public schools, or for after-school care of school children, and other establishments of similar nature.

Development permit: A permit issued for any development in the unincorporated area of Calcasieu Parish by the division of planning and development.

District: Any section of the total zoned area in which the zoning regulations are uniform.

Division: The division of planning and development.

Dormitory: A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions and hospitals.

Drive-in establishment: An establishment of the "drive-in" type is one which accommodates patrons in automobiles from which the occupants may watch, purchase, bank, eat, etc. Such an establishment may also serve customers inside the building.

Duplex: See "Dwelling, two family".

Dwelling: Any building which is designed for or used exclusively for residential purposes.

Dwelling, multiple-family: A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartments, condominiums, town homes, triplexes and fourplexes.

Dwelling, single family: A detached building designed for or occupied exclusively by one family.

Dwelling, two family: A dwelling designed for or occupied by two (2) families. This dwelling is commonly referred to as a duplex.

Dwelling unit: A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Extraction: The removal of natural resources except gravel, shells, sand, and topsoil materials from a lot or part thereof.

Family: One or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities; or a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis, excluding community homes in accordance with L.R.S. 28:477. The usual domestic servants residing on the premises shall be considered as part of the family.

Farm: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used for related purposes.

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.

Frontage: The distance for which the front property line of the lot and the street of right-of-way line are coincidental.

Garage, parking: A building, land or portion thereof designed or used for the temporary storage of motor-driven vehicles, with or without the retail dispensing, sale or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

Gas station: Any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair may be performed when incidental to the conduct of a filling station.

Grade, finished: The completed surfaces of lawns, walks, and road brought to grades as shown on official plans or designs relating thereto.

Hazardous waste: A solid waste or combination of solid wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute

to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or, pose a substantial present or potential hazard to human health, or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, as defined by the Louisiana Hazardous Waste Management Plan.

Hazardous waste facility: A facility which collects, separates, stores, disposes, treats, or recovers hazardous waste which is not produced or manufactured on the site.

Height: The vertical distance of a building measured from the average elevation of the proposed finished grade of the highest point of the roof for flat roofs, to the deck line of a mansard roof, and 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 chapter shall apply to 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.

Heliport: An area of land, water, or structure, or portion thereof used or intended to be used for the landing and take-off of helicopters and having service facilities for such aircraft.

Helistop: An area of land, water, or structure, or portion thereof used or intended to be used for the landing and take-off of helicopters, providing no facilities for service basing of such aircraft are permitted.

Home occupation: An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate and in connection therewith there is not involved the keeping of stock in trade. This is subject to Article IV, Development Regulations.

Hotel/motel: A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes by guests and transients and where only a kitchen and dining room are provided within the building or in an accessory building.

Impervious surface area: Shall include, but not be limited to, asphalt, concrete, roofs, structures, parking areas and appurtenances.

Institution: A 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.

Junk yard: The use of any lot, whether inside or outside a building for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

kennel: A facility for the care or boarding of animals which is operated for economic gain or the keeping of more than six (6) dogs/cats over six (6) months of age outside the principal building.

Large developments: Any commercial, industrial, or noncommercial developments which include more than forty thousand (40,000) square feet of impervious surface area.

Laundromat: Business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment.

Light manufacturing: The manufacturing or processing of materials employing electricity or other objectionable motor power, utilizing hand labor or unobjectionable machinery or processes, and free from any objectionable odors, fumes, dirt, vibration, or noise.

Line, right-of-way: A line that is the boundary or dedication line of a street.

Line, street: The dividing line between the street and the lot.

Lot: A parcel of land lawfully subdivided and occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter, and which has been recorded with the Calcasieu Parish Clerk of Court.

Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

Lounge: A lawfully licensed establishment wherein the main source of revenue excluding vending machines is the sale of alcoholic beverages which are customarily consumed on the premises.

Manufactured home: A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and air-conditioning, and electrical systems contained therein. The construction complies with HUD Code under the Federal Manufactured Housing Construction and Safety Standards.

Manufactured home park: Land used or intended to be used by three (3) or more manufactured homes.

Manufactured home subdivision: A subdivision of land recorded in its entirety with the Calcasieu Parish Clerk of Court as a subdivision plat for the purpose of selling lots as manufactured home sites with the appropriate rights-of-way for streets and easements.

Modular home: A factory fabricated transportable building unit designed for residential purposes to be placed on a foundation.

Modular unit: A factory transportable building unit designed for commercial, educational, or industrial purposes to be placed on a foundation.

Nameplate: A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

Neighborhood: An urban or suburban residential or commercial area exhibiting a fairly high degree of homogeneity as to housing, tenancy, income, and population characteristics. Neighborhoods are often outlined by physical barriers, such as railroad tracks, streams, commercial or industrial development, hills, ravines and by-lines created by subdivision restrictions, or type or age of building development.

Neighborhood shopping center: A tract of land improved with a coordinated group of retail buildings with a limited variety of convenience goods and service facilities, free parking, under single ownership or control, and catering to a limited trade area (neighborhood).

Nonconforming use: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Nursery: A place for the propagation of small trees, shrubs and plants, including retail sales.

Office, business: The office of agents or consultants who offer business services of a competitive nature including, but not limited to, insurance, real estate, savings and loan associations, banks, mortgage companies, and similar businesses who advertise their services through various media, such as newspaper, radio, television, magazines, and outdoor advertising.

Office, professional: The office of a physician, accountant, surgeon, dentist, attorney, architect, engineer, tax consultant, or other professional person who offers skilled services to his clients and who is not professionally engaged in the purchase or sale of economic goods.

Open space: Any area of a lot, site, tract, or plat exclusive of structures, driveways, parking, or open storage areas, which is open to the sky.

Personal service shops: Business establishments such as barbershops, beauty shops, chiropody, massage, or similar personal service shops.

Police jury: Calcasieu Parish Jury, the governing authority of Calcasieu Parish.

Pond: The removal of gravel, shells, sand, and topsoil materials from a lot or part thereof with the excavated materials remaining on-site.

Principal use: The primary purpose or function that a lot or structure serves or is intended to serve.

Public use: Any use operated by an agency of government or private entity which provides a direct service to the public including police, fire, library, and recreational services (excluding public and private schools).

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

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

Recreational vehicle: A vehicle which is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle park: An area providing spaces where three (3) or more recreational vehicles can be parked with flush toilets and bathing facilities provided on the site.

Restaurant: A retail establishment offering food or beverages, or both, for consumption on the premises. Restaurants do not include lounges.

Retail manufacturing: Baking, confectionery, dressmaking, dying, laundry, dry cleaning, printing, tailoring, upholstering, and similar establishments, and businesses of a similar and more objectionable character.

Rooming house: A residential building or portion thereof containing sleeping rooms which will accommodate persons who are not members of the keeper's family.

School, business: Privately owned schools offering instruction in accounting, secretarial work, business administration, the fine or illustrative arts, trades, dancing, music and similar subjects.

School, private: Privately owned schools having curriculum essentially the same as ordinarily given in a public elementary or high school.

Shooting range: A facility that provides recreational shooting of firearms.

Shopping center: A group of three (3) or more retail stores, planned and designed as a single unit of construction.

Shopping mall: A shopping center in which all business establishments are oriented onto a common pedestrian passageway(s), whether covered or open.

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, insignia, or bulletin board of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

Sign, off-premises: An outdoor advertising sign which directs attention to services, products, or activities sold or offered elsewhere than on the premises.

Sign, on-premises: A sign which directs attention to a business or profession conducted on the premises. Temporary "For Sale", "For Rent", or political signs shall not be deemed on-premises signs.

Sign, wall or facade: A sign painted on, attached to, or erected parallel to the face of a building, structure or accessory structure and supported throughout its length by such building, structure or accessory structure. For the purpose of this section, a sign attached to the side of a parapet or attached to the side of a truck trailer used solely for the storage of inventory, supplies

and/or other essentials to the operation of the business will be considered a wall or facade sign.

Solid waste: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under Section 402 of the Federal Water Pollution Control Act, as amended (86 State. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 State. 923).

Solid waste site: A site for the disposal of solid waste excluding hazardous waste.

Stable, public: Any stable for the housing of livestock, operated for remuneration, hire, sale, or stabling.

Street: A public or private thoroughfare used for vehicular and pedestrian travel. Streets are further classified by the functions they perform.

- (1) *Local:* A street which is primarily intended to provide access to residential lots. These streets carry only traffic having either destination or origin on the street itself.
- (2) *Collector:* A thoroughfare, whether within a residential, commercial, and/or industrial area, which primarily carries traffic from local streets to arterial streets.
- (3) *Arterial:* Streets and highways which are interregional roads conveying traffic between cities and other suburban areas. Designed for through traffic carrying heavy loads and high volume of traffic.

Structure: A combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, towers, shed, storage bins, fences, and display signs.

Townhouse: A single-family dwelling forming one of a group of series of three (3) or more attached single family dwellings separated from one another by common walls without doors, windows, or other provisions for human passage or visibility through such wall from basement or cellar to roof; and having roofs which may extend from one (1) of the dwelling units to another.

Trade school: A school offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools, and similar commercial establishments operated by a nongovernmental organization.

Use, principal: The main use of land or buildings as distinguished from a subordinate or accessory use.

Wholesale establishment: A business establishment engaged in selling to retailers or jobbers rather than customers.

Yard, front: A yard extending across the front of a lot between the side lot lines. On corner lots, the front yard shall be provided facing the street upon which the lot has its lesser dimension.

Yard, rear: A yard extending across the rear of a lot between the side lot lines. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard side: A yard between the main building and the side lot lines.
(Ord. No. 3940, 11-20-97; Ord. No. 4101, § I, 5-20-99; Ord. No. 4357, § III, 3-21-02; Ord. No. 4474, § I, 12-19-02; Ord. No. 4655, § I, 11-20-03; Ord. No. 4727, § I, 5-6-04)

ARTICLE III. ADMINISTRATION

DIVISION 1. DECISION MAKING AND ADMINISTRATIVE BODIES

Sec. 26-7. Division of planning and development.

(a) *Function.* The Division shall perform all administrative functions of this chapter, receive all applications to petition the board, issue devel-

opment permits, conduct plan reviews for construction, issue certificates of zoning compliance, be responsible for the enforcement of the chapter, conduct inspections of construction to ensure that such complies with the provisions of the chapter, and maintain a set of up-to-date zoning maps and zoning texts.

(b) *Development permits.* The director of planning and development shall issue development permits. No building or structure shall be erected, altered, repaired, or relocated until a development permit has been issued. The application for and issuance of such permits shall be in accordance with the requirements of the code of ordinances, except that no permit shall be issued until application for a certificate of zoning compliance has been made and approved. A site plan will be required as determined by the division.

The director of planning and development or designee may authorize technical adjustments to site plans approved by the police jury or board in light of technical or engineering considerations first discovered during actual development. Such adjustments shall be consistent with the intent of the Parish Zoning Ordinance and the approved site plan. The adjustments shall be the minimum necessary to overcome the particular difficulty.

The director of planning and development may attach such conditions to the approval of a development permit as is deemed necessary to further the purposes or to ensure conformance with the provisions of this chapter including, but not limited to, traffic impact analysis (TIA) and drainage impact analysis (DIA) and improvements. Such conditions shall be set forth in writing as a part of or attachment to the permit, and shall have the same force and effect as the provisions of this chapter. The applicant shall be given a reasonable opportunity to appeal the attachment of such conditions as provided in section 26-8 (f)(2).

- (1) In advance of submitting any application for development, the applicant shall complete and submit a TIA worksheet, as specified by the parish, which shall be used to determine if a TIA is required. The threshold requirements for a TIA shall be a development or combination of developments that would result in trip

generation of more than an average of one thousand (1,000) trips per day based upon the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

- (2) In advance of submitting any application for development, the applicant shall complete and submit a DIA worksheet, as specified by the parish, which shall be used to determine if a DIA is required. The threshold requirements for a DIA shall be a development or combination of developments that would result in any expansion of an existing development of greater than forty-thousand (40,000) square feet of impervious surface area or proposed development which would cause the impervious surface area to exceed forty-thousand (40,000) square feet of impervious surface area shall be subject to the provisions of this article as to the entire development, including off-site drainage, and no further development or such nonconforming use shall be commenced and no development permit shall be issued until such time as a certificate of compliance, pursuant to the requirements and regulations of this article, has been issued.

(c) *Certificates of zoning compliance.* The director of planning and development shall issue certificates of zoning compliance. There shall be no change in the use of occupancy of land or of an existing building, or any new building until a certificate of zoning compliance has been issued stating that the proposed use of the building or land complies with the provisions of this chapter. Applications for a certificate of zoning compliance shall be made in conjunction with the application for a development permit. After determining that the proposed erection, alteration, repair, relocation, or change in use is in compliance with the provisions of this chapter, each such application shall be approved by the director of planning and development.

(Ord. No. 3940, 11-20-97; Ord. No. 4101, § II, 5-20-99; Ord. No. 4727, § I, 5-6-04)

Sec. 26-8. Calcasieu Parish planning and zoning board.

(a) *Function.* The Calcasieu Parish Planning and Zoning Board shall conduct public hearings on all applications to petition. The board will act on all applications to petition and forward the recommendations to the police jury when required to do so by ordinance.

(b) *Appointment.* The board shall consist of eleven (11) members, all of whom shall be residents and electors of the parish. They are appointed by the Calcasieu Parish Police Jury for terms of four (4) years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. All members shall be removable for cause by the police jury, upon written charges and after public hearing.

(c) *Organization.* The board shall elect its own chairman who shall serve for one year. The director of planning and development shall serve as the secretary for the board but shall not be considered as a voting member of the board. It shall be the duty of the secretary to keep a true and correct record of all proceedings of the board.

(d) *Records.* The board shall keep minutes of the proceedings and records of its examinations and other official actions. The minutes of the board shall show the vote of each member upon each question or, if failing to vote, indicating that fact. All minutes and records shall be filed with the division and shall be public record.

(e) *General procedures.* The board shall adopt rules of procedure not in conflict with any state law or parish ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. A majority of the members shall constitute a quorum. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. All testimony, objections thereto, and rulings thereon shall be taken down by a recorder employed by the police jury for that purpose. In exercising its powers and duties, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such

order, requirement, decision, or determination, as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a simple majority of a quorum shall be necessary to reverse any order, requirement, decision, or determination of any administration official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in the ordinance.

(f) *Powers and duties.*

(1) The board shall make recommendations to the police jury for final action on the following:

- a. To hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
- b. To recommend zoning amendments to the text, rezoning, and zoning studies to the police jury.

(2) The board shall take final action on the following:

- a. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinances adopted pursuant thereto.
- b. Appeals to the board may be taken by any party aggrieved, or by any officer, department, board, or bureau of the parish affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the board, by filing with the officer from whom the appeal is taken, and with the board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall immediately transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from

whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order, which may be granted by the board or by court of record on application or notice to the officers from whom the appeal is taken and on due cause shown. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.

- c. Appeals from the administrative review process may be taken by the applicant to the parish planning and zoning board within seven (7) days of the date of the mailing of the notice of director's denial.
- d. To hear and decide applications to petition for zoning exceptions.
 - 1. No exception shall be granted by the board unless it finds the use for which such exception is sought will not, in the circumstances of the particular case and under any conditions that the board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.
- e. To hear and decide applications to petition for zoning variances.
 - 1. No variance shall be granted by the board unless it finds:
 - i. That there are special circumstances or conditions applying to the land or building for which the vari-

ance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings;

- ii. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose; and
- iii. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(Ord. No. 3940, 11-20-97; Ord. No. 4322, § I, 11-15-01; Ord. No. 5788, § I, 2-18-10)

Sec. 26-9. Police jury.

(a) *Function.* The Calcasieu Parish Police Jury shall approve, conditionally approve, or disapprove applications to petition for rezoning, revisions to the zoning text, and zoning studies after receiving recommendations from the board. Also, the police jury shall approve, conditionally approve, or disapprove requirements for residential development permits off of a public road frontage. (Ord. No. 3940, 11-20-97)

Sec. 26-10. Civil district court.

(a) *Function.* The Fourteenth Judicial District Court is the proper forum for any aggrieved party. Within thirty (30) days of a final decision by the

police jury or board the aggrieved party must file a petition with the district court, specifying the illegality. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board to review the decision of the board and shall prescribe therein the time within which a return may be made and served upon the relator's attorney which shall not be less than ten (10) days, but which may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. The board shall not be required to return the original papers acted upon by it, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds in the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civic actions and proceedings.

(Ord. No. 3940, 11-20-97)

DIVISION 2. ZONING AMENDMENT AND APPLICATIONS

Sec. 26-11. Initiation of zoning amendments.

The police jury may, from time to time, amend the zoning text and rezone properties. The amendment or rezoning may be initiated by the police jury, by the board, and/or by application to petition by property owner(s) or authorized agent(s) thereof.

(Ord. No. 3940, 11-20-97)

Sec. 26-12. Initiation of an application to petition.

(a) Application to petition shall be filed with the division. In filing such petitions, the following rules shall apply:

- (1) No application to petition shall be filed unless such a petition is duly signed and acknowledged by the owners or authorized agents of not less than fifty (50) percent of the area of land for which the application to petition is requested, provided, however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the application to petition for that lot to be included in the fifty (50) percent area provision.
- (2) Each application to petition shall conform to such standards and requirements as the board shall adopt.
- (3) Each application to petition for a rezoning to an industrial classification, whereby the proposed land use produces hazardous waste stream, shall have indicated on said application to petition all hazardous materials, including all hazardous materials intended to be generated, stored, or disposed of, on the property during the course and scope of the business, industry, or person of the day-to-day activities.
 - a. By signing the application to petition for rezoning, the business, industry, or person shall have, in effect, signed an affidavit relative to the disclosure of all hazardous materials to be generated, stored, or disposed of on the premises in question.
 - b. Each applicant who files an application to petition will be required to sign a developer's agreement which will be filed and recorded with the Calcasieu Parish Clerk of Court.
- (4) Following police jury approval of a rezoning to an industrial zoning classification, should a development permit not be obtained for the land use, as applied for on the application to petition to rezone, within

- (5) The police jury will take action on the recommendation of the public works committee to approve, conditionally approve, or disapprove the application. Furthermore, in the granting of any development permit, the police jury shall prescribe any performance standards, including, but not limited to, a private road maintenance plan, certain road standards, and all other applicable standards deemed to be necessary, desirable, and reasonable.

(b) No application for variance request shall be processed by the Division of Planning and Development for authorization of a development permit on a private road other than those shown on Calcasieu Parish(s) Master Private Road List officially adopted by the Police Jury on June 20, 2002, with revisions adopted on May 1, 2003, June 5, 2003, November 6, 2003, April 1, 2004, May 6, 2004, July 22, 2004, April 7, 2005, July 7, 2005, August 4, 2005, October 11, 2005, December 1, 2005, January 19, 2006, December 7, 2006, and March 6, 2008, a copy of which is attached hereto and made a part hereof, and which is also hereby incorporated in the Code of Ordinances of Calcasieu Parish, Louisiana, as Exhibit A in the Appendix Chapter.

(Ord. No. 3940, 11-20-97; Ord. No. 4380, §§ 3, 4, 6-20-02; Ord. No. 4538, § 4, 5-1-03; Ord. No. 4557, § 2, 6-5-03; Ord. No. 4644, § 2, 11-6-03; Ord. No. 4702, § 2, 4-1-04; Ord. No. 4726, § 1, 5-6-04; Ord. No. 4779, § 2, 7-22-04; Ord. No. 4888, § 2, 4-7-05; Ord. No. 4929, § 2, 7-7-05; Ord. No. 4952, § 2, 8-4-05; Ord. No. 4971, § 2, 10-11-05; Ord. No. 4994, § 2, 12-1-05; Ord. No. 5024, § 1, 1-19-06; Ord. No. 5211, § 2, 12-7-06; Ord. No. 5460, § 2, 3-6-08)

Sec. 26-15.5. Procedures for applying for an application to petition for administrative review.

Definition: Director's approval is an administrative process to produce a decision as it pertains to an "administrative review" request found in parish zoning districts. The administrative review process does not involve a public hearing unless a decision is appealed by the applicant to the parish planning and zoning board in accordance with subsection 26-8(f)(2).

(a) No application to petition for a director(s) approval for an administrative review shall be considered unless:

(1) *Frontage road variance:*

- a. The lot square footage is equal to or exceeds the requirement per dwelling.
- b. The public road frontage is equal to at least forty (40) percent of the required footage.

(2) *Residential development:*

- a. The request shall not exceed two (2) dwellings per lot for commercial and industrial zoned property.
- b. The second dwelling is used for temporary housing not to exceed one (1) year while constructing a new dwelling; excluding R-1 (Single Family Residential) zoning.

(3) *Building setbacks:*

- a. The building setbacks shall not be less than fifty (50) percent of the setback requirement.

(4) *Accessory building:*

- a. Accessory building is allowed prior to the main dwelling provided the main dwelling must be constructed within a time period not to exceed two (2) years.
- b. Building height shall not exceed an additional twenty-five (25) percent of the maximum limit.
- c. Square footage shall not exceed the maximum square footage allowed by more than fifty (50) percent.

(b) Director's approval procedures:

- (1) The applicant executes and files an application to petition with the division. The division may require supplementary data, including, but not limited to, a site plan, building plans, and/or approval from department of health and hospitals.
- (2) After the director of the division of planning and development has determined

the application to be complete, a copy of the application shall be forwarded to the representing police juror for review, notice of the request shall be published at least two (2) times in the official journal of the parish, and fifteen (15) days shall elapse between the first publication and the date of the notice of director's approval or denial. Unless appealed by the applicant, all decisions shall be final.

(Ord. No. 4777, § I, 7-22-04; Ord. No. 5582, § I, 9-18-08; Ord. No. 5788, §§ II, III, 2-18-10)

ARTICLE IV. DEVELOPMENT REGULATIONS

DIVISION 1. ZONING DISTRICTS AND MAP

Sec. 26-16. Establishment of zoning districts.

For the purpose of promoting the public health, safety, morals, and general welfare of the communities, the unincorporated area of Calcasieu Parish is hereby divided into the following types of zoning districts:

- A-1 Agricultural District
- R-1 Single Family Residential District
- R-2 Mixed Residential District
- R-M Multi-Family Residential District
- R-MHP Manufactured Home Park District
- C-1 Light Commercial District
- C-2 General Commercial District
- C-3 Central Business Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- I-2R Heavy Industrial Restricted District
- I-3 Hazardous Industrial District

(Ord. No. 3940, 11-20-97)

Sec. 26-17. Zoning district map.

The boundaries of said districts are shown on a map, which has been properly attested and placed on file with the Calcasieu Parish Clerk of Court. This zoning district map, together with all notations, references, and other information thereon,

is made a part of this chapter and has the same force and effect as if fully set forth or described herein.

(Ord. No. 3940, 11-20-97)

Sec. 26-18. Interpretation of district boundaries.

(a) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning district map, the following rules shall apply:

- (1) Where district boundaries are indicated as following streets, highways, or alleys, the centerlines of such streets, highways, or alleys shall be construed to be such boundaries.
- (2) Where the land has been or may hereafter be divided into blocks and lots and where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) In unsubdivided property, the district boundary lines on the zoning district map shall be determined by use of the scale appearing on the map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

(Ord. No. 3940, 11-20-97)

Sec. 26-19. Regulation of areas under water.

All areas which are under water and not shown as included within any district, shall be subject to all of the regulations of the district adjacent to the water area.

(Ord. No. 3940, 11-20-97)

DIVISION 2. GENERAL REGULATIONS

Sec. 26-20. Permitted uses.

Except as hereinafter provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved,

or altered unless in conformity with the regulations herein specified for the district in which it is located.

(Ord. No. 3940, 11-20-97)

Sec. 26-21. Development standards.

(a) *Size and location of buildings.* Except as hereinafter provided, no building shall hereafter be erected or altered to:

- (1) Exceed the height;
- (2) Accommodate or house a greater number of families;
- (3) Occupy a greater percentage of lot area;
or
- (4) Have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

(b) *Yard area.* No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.

(c) *One building to a lot.* Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record and in no case shall there be more than one main building on one lot unless otherwise provided for in this chapter.

(d) Fences may be erected along the property boundaries of a lot, subject to the thirty-foot sight triangle [subsection (o)(4) below].

(e) Power, heating or refrigerating plants, apparatus, or machinery which are accessory to permitted uses shall be permitted only if placed and operated so as to comply with existing ordinances and not cause serious annoyance or injury to occupants of adjoining premises.

(f) All residential uses (single family dwellings or duplexes) shall adjoin a parish maintained public right-of-way, excluding:

- (1) Where the police jury has authorized a plat to be recorded authorizing a private road.
- (2) Where the police jury has authorized a plat to be recorded authorizing a road that meets or exceeds subdivision standards and is privately maintained through a homeowner's association or other means.
- (3) Where a subdivision plat has been recorded as dedicated, but not accepted or maintained by the parish prior to the adoption of the subdivision regulations of the police jury.
- (4) Where a right-of-way has been dedicated and accepted by the police jury, but has not been constructed.
- (5) Where a right-of-way has been dedicated to the police jury through the filing with the Calcasieu Parish Clerk of the Court, but is not accepted.
- (6) Where a right-of-way has been dedicated and accepted by the police jury, but is not constructed and is being utilized for the sole purpose of providing drainage.
- (7) Where a private road is needed to provide access when family subdivides property for immediate family members. Immediate family is defined as spouse; children or step-children; mother, mother-in-law, or step-mother; father, father-in-law, or step-father; sister, half-sister, or sister-in-law; brother, half-brother, brother-in-law; son-in-law or daughter-in-law; grandparents or step-grandparents; or grandchildren. At the discretion of the division of planning and development, proof of relationship may be required.
- (8) Where a development permit is needed to replace a lawfully established residential dwelling including manufactured homes and/or where a lawfully established dwelling or manufactured home has been damaged or destroyed by wind, fire, or other natural causes.
- (9) Where access is needed to obtain one (1) development permit for a single dwelling and where a predial servitude has been granted to provide ingress and egress to the public road, the division of planning and development may authorize issuance of a development permit for the dwelling. This will allow private ingress and egress for only one (1) dwelling.
- (g) To prevent the sporadic proliferation of commercial uses into surrounding R-1 (Single Family Residential) and R-2 (Mixed Residential) uses, no application to petition for rezoning shall provide for a commercial district located other than adjacent to an existing commercial district with the following exceptions:
 - (1) Application to petition to request change to C-1 (light commercial) district and subject to property fronting on a parish collector road, as referred to by the official "collector road map" dated September, 1997;
 - (2) Application to petition is included as part of a request for approval of planned unit development (PUD);
 - (3) Application to petition is initiated by the board or the police jury;
 - (4) Application to petition for nonconforming uses;
 - (h) All land use sites which collect, separate, store, dispose, treat, recycle, or recover solid waste, which is not produced or manufactured on site and regulated by the State of Louisiana, shall be considered permitted uses within the I-2R (Heavy Industrial) District and the I-3 (Hazardous Industrial) District.
 - (i) All land use sites which collect, separate, store, dispose, treat, recycle, or recover solid waste shall be defined in accordance with definitions of

"Louisiana Solid Waste Rules and Regulations" and "Statewide Order 29-B", as well as any applicable hazardous waste management regulations, as may be amended from time to time.

(j) All uses within industrial zoning classifications having to acquire regulatory permits from the Louisiana Department of Environmental Quality, and which produce a hazardous waste stream, shall be required to disclose to the division all information concerning hazardous materials to be generated, stored, or disposed of by the business, industry, or person.

(k) Any property requiring an application to petition for rezoning must disclose all information concerning the hazardous waste stream to be generated, stored, or disposed of by the business, industry, or person, before being bought before the police jury for final approval.

(l) Temporary buildings used in connection with construction that remain on the property in excess of six months in A-1 (Agricultural) and all residential zoning districts must be approved by the director of planning and development.

(m) *Area.*

- (1) More than one (1) main institutional, public, semi-public, commercial, or industrial building may be built on a lot provided such building is located within the buildable area of the lot.
- (2) One-third (1/3) of the total acreage must be utilized as a buffer within I-3 (Hazardous Industrial) District.
- (3) Certain alcoholic beverage businesses are permitted within certain commercial and industrial zoning districts as provided for by Chart A of the zoning district regulations. Notwithstanding any other provisions of this section to the contrary, no commercial or industrial zoning district shall permit an alcoholic beverage business in which alcoholic beverages constitute over fifty (50) percent of the total gross sales to locate within three hundred (300) feet of a dwelling under a Class A parish permit, excluding civic clubs unless approved by the board.

(4) The business of selling, offering for sale, keeping for sale, storing, giving away, or otherwise handling as a business any alcoholic beverages, whether at retail, wholesale, or otherwise at any place whereby alcoholic beverages constitute over fifty (50) percent of the total gross sales is hereby prohibited within three hundred (300) feet of a dwelling under a Class A parish permit in all commercial and industrial zoning districts, excluding civic clubs unless approved by the board.

(5) The distance provided in subsection (2) shall be measured in a straight line from the nearest point of the property line of such dwelling to the nearest point of the premises [wherein] such business is conducted or proposed to be conducted; however, if there are sidewalks, the measurement of this distance shall be made as a person walks using the middle of the sidewalk from the nearest point of the property line of the dwelling to the nearest point of premises to be permitted.

(6) The above prohibitions shall not apply to any place of business mentioned in subsection (2) which was being conducted on and prior to the effective date of this chapter, and said prohibitions shall not apply to any such business not or hereafter being conducted under permits validly issued in the event a dwelling is built or established within three hundred (300) feet of said business at any time after such business has commenced, or the permit therefore has been issued.

(n) *Height.*

(1) Public, semi-public, or public service buildings, schools, or institutions when permitted in any district may be built to a height not exceeding sixty (60) feet when the required front, side, and rear yards are each increased by one (1) foot of additional height above the height limit of the district.

(o) *Yards.*

(1) Where a lot in a business or industrial district abuts a lot in a residential dis-

trict, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.

- (2) Where the frontage on one side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in the business or industrial district shall be equal to the required front depth of the residential district.
- (3) On every corner lot there shall be provided on the side street a side yard equal in depth to one-half ($\frac{1}{2}$) the required front yard depth on the said side street; the front yard requirement of a residential district shall prevail over that of a commercial or industrial use.
- (4) On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed, or maintained with the triangular area formed by the intersecting street lines and a straight line joining said street lines point of intersection, measured along said street lines at points which are thirty (30) feet from the point of intersection, measured along said street lines.
- (5) Covered but unenclosed areas may project into required yards not more than ten (10) feet and shall not be considered in determining yard sizes; provided, however, that such area shall not be closer than four (4) feet to any lot line.
- (6) Every part of a required yard shall be open to the sky except ordinary projections not over eighteen (18) inches except that a roof, gutter, or eaves may project to the extent of four (4) feet providing at least three (3) feet remain open to the sky.
- (7) If forty (40) percent or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have observed front yards less than that required, no building

need be set back from the street more than the average front yard depth of such buildings.

- (8) Open fire escapes may extend into any required yard not more than five (5) feet.
- (9) Bay windows may project into any required yard not more than two (2) feet.

(p) *Screening.* There shall be provided along such abutting lines of business and industrial uses a screen of not less than six (6) feet in height. The screen may be constructed of either wooden slats, metal hurricane-type with slats, plant material, earthen berms, walls, a combination thereof or other methods approved by the director of planning and development or designee. If plant material is used, the plants must be no less than four (4) feet in height at the time of planting and capable of reaching the required screening height within three (3) years of planting. The plant material must be planted continuously along the lot-line at no less than three (3) feet on center. Plant material types must be chosen from Article V Nelson Road Overlay District, Division 2, Section 26-45 List of trees and Shrubs or approved by the director of planning and development or designee. All screening material must be well constructed and properly maintained. Any portion of the screening that has fallen into disrepair or has perished shall be repaired or replaced immediately. Screening must be installed in the following:

- (1) Where a lot for new business or industrial use abuts a lot(s) used for residential.
- (2) Where nonconforming business or industrial uses are expanded or damaged by more than fifty (50) percent of the on-site building square footage or fair market value.
- (q) *Dead-end road, cul-de-sac, or corner lot.*
 - (1) When developing a lot adjoining a dead-end road, or cul-de-sac, or a corner lot, the director of planning and development may reduce the public road frontage requirement to a minimum of twenty (20) feet provided that the lot meets the minimum

square footage requirement, and that approval is obtained from the Calcasieu Parish health unit.

(Ord. No. 3940, 11-20-97; Ord. No. 3971, § 1, 4-23-98; Ord. No. 4016, § 1, 8-20-98; Ord. No. 4316, § 1, 10-18-01; Ord. No. 4380, §§ 5, 6, 6-20-02; Ord. No. 5634, §§ 1, 2, 2-19-09)

Sec. 26-22. On-premises signs.

(a) *Purpose.* To ensure that signage in Calcasieu Parish does not constitute a visual blight on the landscape and character of the parish and poses no hazard to vehicular or pedestrian traffic.

(b) *General prohibition.* No person shall develop, install, locate, or construct any sign in Calcasieu Parish except as expressly authorized in this section and in conformance with all other ordinances of the parish. The requirements of this section shall not be varied or modified by a development approval granted under the provisions of this chapter.

(c) Any owner, authorized agent, or contractor who desires to construct, install, enlarge, or erect an on-premises sign structure must first make application with the division and obtain the required permit(s) for the work. Site drawing shall be submitted with the application for permit and shall show the location of all buildings, existing signs, and boundary lines. Measurements shall be included along with the distance from property lines from improved streets. The site plan shall also include the proposed location of the new structure.

(d) Regulations of general applicability.

(1) Location of signs.

- a. No portion of any sign shall be located within any sight triangle required in section 26-21(o)(4), of this chapter, nor shall any sign otherwise be located or installed in such manner as to create a traffic hazard.
- b. 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 high-

way and provided further that no portion of any sign shall project or extend into or over any public right-of-way.

(2) Maximum height—No portion of any sign or structure shall exceed the following maximum heights:

- a. 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.
- b. Signs mounted on or integrated into the facade of a building shall not extend above the top of such facade, nor shall above-the-roof or on-the-roof signs be permitted.

(3) Permitted on-premises signs.

- a. Not more than one (1) free-standing sign structure shall be located on any parcel of land, except that parcels having more than one (1) frontage on streets shall be permitted one free-standing sign structure for each 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. An interstate corridor is defined as the area lying three hundred (300) feet on either side of the interstate right-of-way and running parallel to the interstate.

(4) Amount of signage face.

- a. Subject to the provisions of paragraphs b. and c. below, the total amount of signage face area visible from any single point of view shall not exceed the average of the following with a minimum of fifty (50) square feet of signage, whichever is greater.
 1. One (1) square foot per two hundred (200) square feet of land area;

2. One (1) square foot per fifty (50) square feet of gross floor area;
 3. One (1) square foot per two (2) linear feet of street frontage.
- b. Where any portion of a sign 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.
 - c. Subdivision sign structures shall be allowed one (1) free-standing sign not to exceed ten (10) feet in height and thirty-two (32) square feet.

(Ord. No. 3940, 11-20-97; Ord. No. 4101, § III, 5-20-99; Ord. No. 4357, § III, 3-21-01)

Sec. 26-23. Minimum off-street parking requirements.

(a) *General.* Off-street parking requirements and supplementary regulations included within this section are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter.

(b) *Number of spaces required.*

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

Single and two family dwellings—2 per dwelling unit

Rooming houses, fraternities, sororities, dormitories, convalescent homes—4 times maximum lawful number of occupants

Hotels—1.2 per room in addition to spaces required for restaurant facilities

Apartments—2 per dwelling unit

Manufactured home subdivisions and parks—2 per manufactured home

Churches, theaters, facilities for spectator sports, auditoriums, concert halls—0.35 times the seating capacity

Golf courses—7 per hole

Barber and beauty shops—2 plus 1.5 per chair

Bowling alleys—5 per lane in addition to spaces required for restaurant facilities

Fast food take-out establishment and drive-in restaurants—0.01 times the floor area in square feet

Schools—*Elementary*: 1.5 per classroom; *Secondary*: 7 per classroom; *university and college*: 1 per 10 classroom seats

Restaurants (except drive-ins)—1.2 per 100 square feet of floor area

Furniture, appliance, household hardware stores, repair shops, including shoe repair, contractor's showrooms, museums and galleries—1 per 800 feet for equipment, carpet and floor area

Funeral homes—1 per 50 square feet of floor area

Gas stations—1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)

Laundromats—5 per machine

Lounge—1 space per 200 square feet of gross floor area. Minimum number of parking spaces is 3, excluding handicap spaces.

Doctor and Dentist Offices—1 per 100 square feet of waiting room area and 2 per doctor or dentist, and 0.75 times the maximum number of employees on the premises at any one time

Banks—1 per 150 square feet of floor area

Warehouses—1 per 500 square feet of floor area

Mini-warehouses—1 space for every 10 individual storage units, plus 1 space per 300 square feet of gross floor area for offices. Minimum number of parking spaces is 3, excluding handicap spaces.

Retail stores and service establishments—1 per 300 square feet of floor space and outdoor sales space

Offices—1 per 300 square feet of floor space

Light Industrial/Manufacturing—1 space per 500 square feet of gross floor area

Heavy Industrial—0.75 times the maximum number of employees on the premises at any one time

Day cares—2 spaces plus one space per staff worker

- (2) Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half ($\frac{1}{2}$) shall be disregarded and any fraction of one-half ($\frac{1}{2}$) or more shall require one (1) space.

- (3) Driveway access regulations. In order to control ingress and egress of vehicular traffic accessing public streets for the health, safety and welfare of the general public, excluding development for single family dwellings, the following regulations shall apply:

- a. No driveway access shall exceed forty (40) feet in width.
- b. All driveways shall have a minimum of five (5) feet radius with a maximum of fifteen (15) feet at the connection of the street or driveway. The "point of beginning" of the radius may begin at the common prop-

erty line, where if the property line were extended to the street edge. The radius is exclusive of the driveway width.

- c. All driveways serving a single parcel of land which generates in excess of ten (10) average daily trips per day shall be spaced according to the following minimum distances:
 - 1. Local street—25 feet
 - 2. Collector street—50 feet
 - 3. Arterial street—75 feet
- d. All vehicular traffic shall enter and exit property in a forward manner.
- e. All driveways fronting on a street or highway that is controlled by the Louisiana Department of Transportation and Development must also adhere to those state regulations.

(Ord. No. 3940, 11-20-97; Ord. No. 4101, §§ IV, V, 5-20-99; Ord. No. 4727, § V, 5-6-04; Ord. No. 5582, § II, 9-18-08)

Sec. 26-24. Accessory uses.

(a) The building area of accessory buildings shall be the following:

- (1) 0 to 1.99 acres: 2,000 square feet maximum
- (2) 2 to 3.99 acres: 3,500 square feet maximum
- (3) 4 acres and up: No square feet maximum requirement

(b) Accessory buildings shall not be built less than three (3) feet from a lot line.

(c) Accessory buildings may be built in required side yards, provided that such building is not less than sixty (60) feet from the front lot line.

(d) Accessory buildings shall not be built more than seventeen (17) feet in height.

(Ord. No. 3940, 11-20-97; Ord. No. 4655, § II, 11-20-03; Ord. No. 4777, § II, 7-22-04; Ord. No. 4867, § I, 2-3-05)

Sec. 26-25. Home occupations.

(a) *Intent.* It is the intent of this article to permit flexibility in the use of certain occupations within the confines of the dwelling, which is clearly secondary to use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use.

(b) *Districts.* Home occupations are allowed in A-1 (Agricultural) and all residential zoning districts.

(c) *Criteria.* Home occupations shall meet the following criteria:

- (1) Said use shall be conducted solely within the confines of the main dwelling and shall not exceed ten (10) percent of the floor area;
- (2) No home occupation nor any storage of goods, equipment, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached;
- (3) No mechanical, electrical, or other equipment which produces noise, electrical, or magnetic interference, vibration, heat, glare, or other nuisances outside the residential or accessory structure shall be used;
- (4) No more than one (1) employee, other than the residents of the dwelling, shall be employed in the conduct of a home occupation;
- (5) No more than one (1) home occupation shall be permitted within any single dwelling unit;
- (6) On-premises retail sales are prohibited;
- (7) No more than one (1) vehicle shall be used in the conduct of the home occupation and any such vehicle, which is of commercial type with advertising or other such characteristics which distinguish it from a private automobile, shall be stored in an enclosed garage when not in use; and

- (8) A small, unilluminated nameplate identifying the business cannot exceed two (2) square feet.

(d) *Examples.* The following are examples of permitted home occupations:

- (1) Homebound employment of a physically, mentally or emotionally handicapped person who is unable to work away from home by reason of his disability;
- (2) Office facilities for salesmen, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises;
- (3) Studio or office of an artist, musician, photographer, craftsman, writer, tailor, seamstress, accountants, architects, hair-stylists, brokers, doctors, lawyers, engineers, insurance agents, 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.

(Ord. No. 3940, 11-20-97; Ord. No. 4357, § III, 3-21-02)

Sec. 26-26. Nonconforming uses.

(a) *Existing nonconforming uses.* The lawful use of any building or land existing, at the time of the enactment of this chapter may be continued, although such use does not conform with the provisions of this chapter.

(b) *Construction approved prior to effective date of this chapter.* Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a development permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been complete within six (6) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from the effective date of this chapter.

(c) *Extension.* A nonconforming use shall not be extended or enlarged except when required to do so by law or by ordinance. The attachment of signs to the building, the placement of signs or display materials on land outside of the building, or the attachment of racks, balconies, or other projections from the building shall be considered as an extension of the use of the building.

(d) *Displacement.* No nonconforming use shall be extended to displace a conforming use.

(e) *Alterations.* No nonconforming building may be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of fifty (50) percent of the assessed value of the building unless said building is changed to a conforming use or approved by the board.

(f) *Restoration.* No building damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this chapter or approved by the board.

(g) *Unsafe structures.* Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

(h) *Changes.* Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(i) *Discontinuance.* Whenever a building or land used in whole or in part for nonconforming purposes becomes and remains vacant for a continuous period of six (6) months, or when the operations normally carried on in such building or on such land have been discontinued for a period of six (6) months, such nonconforming use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this chapter.

(j) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a

different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

(k) *Lots of record.* Where a lot has less area than the minimum requirements for the district within which the lot is located and was a lot of record in separate ownership from adjacent property at the time of the passage of this chapter, that lot may be used for a single family dwelling or other nondwelling use permitted in the district. (Ord. No. 3940, 11-20-97)

Sec. 26-27. Planned unit development.

(a) *Intent.* It is the intent of this article to permit flexibility in the use and design of structures and land in situations where modification of specific provisions of this chapter will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur.

(b) *Application and modification powers.* The provisions of this section may be applied upon application to petition by the owner, to any lot exceeding ten (10) acres in size. The owner shall file with the police jury a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, the applicant to petition shall furnish such other information as the police jury may reasonably require. Acting upon the application to petition, the police jury may alter setback requirements, height limits, building size limits, and off-street parking regulations. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the uses of the lot as developed to the immediate neighborhood and provided that such uses are planned so as to assure that such will not materially alter the existing character of the neighborhood. However, uses not permitted in the district where the lot is located shall not be permitted to occupy more than twenty (20) percent of the building floor area. Where the police jury determines that the application is consistent with subsection (a) and with other requirements thereof, it shall enter an order recommending development and use in ac-

cordance with the site plan and description contained in the application, modified as the police jury may require to carry out the intent and purpose of this section, and containing any conditions or restrictions which the police jury may consider necessary to carry out the purpose of this chapter and to protect the public health, safety, and welfare. The order shall recite the reasons and findings of fact upon which it is based.

(c) *Procedural requirements.* Prior to taking final action on a planned unit development application, the police jury shall refer the application to petition to the board for a recommendation, and the board shall hold a public hearing. (Ord. No. 3940, 11-20-97)

DIVISION 3. DISTRICT REGULATIONS

Sec. 26-28. Minimum requirements.

The schedule of regulations and the notes appended thereto, included herewith as Chart A, applying to the uses of land and building, the height of buildings, the coverage of lots, the yards and other open spaces to be provided, contiguous to or in connection with buildings, the area of lots and all other matter contained therein, as indicated for the various districts established by this chapter, are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter. The regulations listed for each district as designated, reading from left to right across the schedule, and in all notes appended thereto, are hereby adopted and prescribed for such district, subject to the provisions of Article IV, Division 1, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application. Chart A is as follows:

CHART A

SCHEDULE OF ZONING DISTRICT REGULATIONS

ZONING DISTRICT: A-1 (AGRICULTURAL)

Permitted Uses— Animal hospitals; boat houses and docks; cemeteries; churches; clubs; coastal zone sites; community homes; duplexes; farms

and farm-related buildings; gardens; helistops; home occupations; kennels; low-intensive recreational facilities; modular homes; nurseries (horticultural); oil and gas exploration; oil and gas pump transfer stations; ponds; private airstrips; private schools (excluding trade and business); public uses; the sale of products grown on premises; single-family detached dwellings; single unit manufactured homes; stables; temporary building used in connection with construction for a period of six (6) months; and wildlife reservations.

Permitted as Exceptions by Planning and Zoning Board—Airports; bed and breakfast establishments; borrow-pits; communication towers; fourplexes; institutions; off-premise signs; outdoor shooting ranges; public and private schools; railroads; solid waste sites, excluding sanitary landfills; tri-plexes; and uses permitted in a C-1 (Light Commercial) zoning district.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22.

Maximum Floor Area—None

Maximum Height of Main Building—35 feet

Minimum Lot Area—

- (1) Half-acre with minimum of 100 feet of frontage with public or community water.
- (2) Half-acre with minimum of 125 feet of frontage without public or community water.

Yard Requirements—

Front Yard—30 feet

Side Yard—10 feet on each side

Rear Yard—15 feet

ZONING DISTRICT: R-1 (SINGLE FAMILY RESIDENTIAL)

Permitted Uses—Accessory uses; churches; community homes; home occupations; low-intensive recreational facilities; museums; ponds; private schools (except business and trade); public uses; single family detached dwellings (one (1) per lot excluding manufactured homes); and temporary building used in connection with construction for a period of six (6) months.

Permitted as Exceptions by Planning and Zoning Board—Bed and breakfast homes; borrow-pits; communication towers, day cares; detached barber/beauty shops; institutions; public and private schools; railroads; single unit manufactured homes; single unit modular homes; and temporary commercial amusements.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, 26-22.

Maximum Floor Area—None

Maximum Height of Main Building—35 feet

Minimum Lot Area for Development—

- (1) One hundred feet wide and a total surface area of not less than 16,000 square feet (mechanical plant with public or community water).
- (2) One hundred twenty-five feet wide and a total surface area of not less than 16,000 square feet (mechanical plant without public or community water).
- (3) One hundred feet wide and a total surface area of not less than 22,500 square feet (septic tank with public or community water).
- (4) One hundred twenty-five feet wide and a total surface area of not less than 22,500 square feet (septic tank without public or community water).
- (5) Sixty feet wide and a total surface area of not less than 7,500 square feet (private community sewer system or public sewer system with public water, community water, or private wells).

Yard Requirements—

Front Yard—30 feet

Side Yard—5 feet on each side

Rear Yard—15 feet

Note—All accessory buildings are subject to Article IV, Division 2, Section 26-24.

ZONING DISTRICT: R-2 (MIXED RESIDENTIAL)

Permitted Uses—Accessory uses; churches; community homes; duplexes (one (1) per lot); home occupations; low-intensive recreational facilities;

manufactured home (one (1) per lot); manufactured home subdivisions (lots for sale); modular home (one (1) per lot); museums; ponds; private schools (except business and trade); public uses; single family detached dwellings (one (1) per lot); and temporary building used in connection with construction for a period of six (6) months.

Permitted as Exceptions by Planning and Zoning Board—Bed and breakfast homes; borrow-pits; communication towers; day cares; detached barber/beauty shops; fourplexes (one (1) per lot); institutions; public and private schools; railroads; temporary commercial amusements; and triplexes (one (1) per lot).

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22.

Maximum Floor Area—None

Maximum Height of Main Building—35 feet

Minimum Lot Area for Development—

- (1) One hundred feet wide and a total surface area of not less than 16,000 square feet (mechanical plant with public or community water).
- (2) One hundred twenty-five feet wide and a total surface area of not less than 16,000 square feet (mechanical plant without public or community water).
- (3) One hundred feet wide and a total surface area of not less than 22,500 square feet (septic tank with public or community water).
- (4) One hundred twenty-five feet wide and a total surface area of not less than 22,500 square feet (septic tank without public or community water).
- (5) Sixty feet wide and a total surface area of not less than 7,500 square feet (private community sewer system or public sewer system with public water, community water, or private wells).

Yard Requirements—

Front Yard—25 feet

Side Yard—3-½ feet on each side

Rear Yard—15 feet

Note—All accessory buildings are subject to Article IV, Division 2, Section 26-24.

ZONING DISTRICT: R-M (MULTI-FAMILY RESIDENTIAL)

Permitted Uses—Apartments; bed and breakfast homes; boarding houses; churches; cemeteries; clubs; cluster housing; college or university dormitories; community homes; condominiums; duplexes; fourplexes; fraternity or sorority houses; home occupations; institutions; low-intensive recreational facilities; mausoleums; museums; ponds; private schools (except business and trade); public uses; single family detached dwellings (excluding manufactured homes); temporary building used in connection with construction for a period of six (6) months; town houses; and triplexes

Permitted as Exceptions by Planning and Zoning Board—Borrow-pits; communication towers; day cares; detached barber/beauty shops; institutions; professional offices; railroads; and temporary commercial amusements.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22

Maximum Floor Area—None

Maximum Height of Main Building—50 feet

Minimum Lot Area—7 units per acre

Yard Requirements—

Front Yard—20 feet

Side Yard—2½ feet on each side

Rear Yard—15 feet

Note—All accessory buildings are subject to Article IV, Division 2, Section 26-24.

ZONING DISTRICT: R-MHP (MANUFACTURED HOME PARK)

Permitted Uses—Same as R-M; plus accessory uses; cemeteries; churches; duplexes (one (1) per lot); home occupations; institutions; low-intensive recreational facilities; manufactured home parks (rental spaces); manufactured home subdivision (lots for sale); mausoleums; museums; private

schools (except business or trade); public uses; recreational vehicle parks (rental spaces); single family detached dwellings; and single unit manufactured homes (one (1) per lot).

Permitted as Exceptions by Planning and Zoning Board—Airports; borrow-pits; business and professional offices; communication towers; convenience stores; day cares; detached barber/beauty shops; drug stores; institutions; personal service shops; public and private utilities; railroads; and temporary commercial amusements.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22.

Maximum Floor Area—None

Minimum Lot Area—

5,000 square feet for manufactured home park
2,000 square feet for recreational vehicle park

Maximum Height of Main Building—50 feet

Yard Requirements—

Front Yard—15 feet
Side Yard—3-½ feet on each side
Rear Yard—5 feet

Note—All accessory buildings are subject to Article IV, Division 2, Section 26-24.

ZONING DISTRICT: C-1 (LIGHT COMMERCIAL)

Permitted Uses—Animal hospitals; bakeries; business and professional offices; catering and delicatessen services; churches; cleaning and dyeing of garments; convenience stores; day cares; drug stores; fix-it shops; funeral homes; kennels; laundromats; nurseries (horticultural); personal service shops; ponds; public uses; restaurants (no alcoholic beverages consumed on premises); seasonal fireworks stand; similar retail stores for convenience of neighboring residents; and studios.

Permitted as Exceptions by Planning and Zoning Board—All residential uses; billboards; borrow-pits; communication towers; dwelling for resident watchman or caretaker employed on premises; institutions; intensive recreational facilities; mini-warehouses; parking lots for business uses within 300 feet of district boundary; and railroads.

Permitted Signs—On premises signs shall conform to Article IV, Division 2, Section 26-22.

Maximum Floor Area—6,500 square feet where more than one (1) use is located in one (1) district; 8,000 square feet is maximum combined total floor area

Minimum Lot Area—5,000 square feet

Maximum Height of Main Building—50 feet

Yard Requirements—

Front Yard—20 feet
Side Yard—None
Rear Yard—None

ZONING DISTRICT: C-2 (GENERAL COMMERCIAL)

Permitted Uses—Same as C-1, plus, auditoriums and convention centers; auto/truck sales, service, and rental; boat sales and service (wholesale and retail); business schools; car washes; community-based recycling facilities; farm equipment sales, service, and rental; farmers market; gasoline stations; hotels and motels; institutions; intensive recreational facilities; janitorial service; (wholesale and retail); laundries and linen services; light manufacturing; lounges, mini warehouses; neighborhood shopping; offices; retail and wholesale uses; off-premise signs; parking garages and lots; passenger terminals; ponds; printing and engraving; radio and television studios; recreational vehicle and/or manufactured home sale, service, and rental; residential appliance sales and service; retail manufacturing; restaurants (alcoholic beverages consumed on premises); theaters; and truck stops.

Permitted as Exceptions by Planning and Zoning Board—All residential uses; communication towers; dwelling for resident watchman or caretaker employed on premises; parking lots for business uses within 300 feet of district boundary; and railroads.

Permitted Signs—On-premises shall conform to Article IV, Division 2, Section 26-22.

Maximum Floor Area—15,000 square feet where more than one use located in one district; 25,000 square feet is maximum combined total floor area

Minimum Lot Area—10,000 square feet

Maximum Height of Main Building—100 feet

Yard Requirements—

Front Yard—20 feet

Side Yard—None

Rear Yard—None

Note—All accessory buildings are subject to Article IV, Division 2, Section 26-24.

ZONING DISTRICT: C-3 (CENTRAL BUSINESS COMMERCIAL)

Permitted Uses—Same as C-2; plus large business parks; large food stores; large department stores; ponds; and shopping centers and shopping malls.

Permitted as Exceptions by Planning and Zoning Board—All residential uses; communication towers; dwelling for resident watchman or caretaker employed on premises; parking lots for business uses within 300 feet of district boundary; and railroads.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22.

Maximum Floor Area—None

Minimum Lot Area—10,000 square feet

Maximum Height of Main Building—100 feet

Yard Requirements—

Front Yard—20 feet

Side Yard—None

Rear Yard—None

ZONING DISTRICT: I-1 (LIGHT INDUSTRIAL)

Permitted Uses—Same as C-3; plus airports and airstrips; automobile, truck, trailer, motorcycle, bicycle repair and assembly; bakery factories; wholesale manufacturing; basket and hamper construction (wood, reed, rattan, etc.); bedding manufacture (mattress, pillow, and quilt); blending processes; candy wholesale (manufacturing permitted); carbon paper and inked ribbon manufacture; carpet, rug, and mat manufacture and cleaning; cemetery (mausoleum); cigar and cigarette manufacture; coffee roasting and blending; cold storage; contractor shop and storage yard; dairy product processing and packaging; dwelling for

resident watchman or caretaker employed on premises; exterminating establishments; fruit and vegetable processing and packaging; garment factory; heliport and helistop; ice manufacture, including dry ice (no gases to be manufactured on premises); industrial vocational training school (including internal combustion engines); iron (ornamental) fabrication or storage; knitting, weaving, printing, and finishing of textiles and fibers into fabric goods; laboratories (research or experimental); leather goods manufacture (excluding tanning); meat products, processing and packaging, (except slaughtering); monument processing and shaping, including sales; pipe fabrication; plating, communication tower; shipping container manufacture (including corrugated board, fiber, steel, or wood); transit vehicle storage and servicing; warehouses; oil well drilling and service company; water well service and drilling company; welding and machine shops; sandblasting shops; wholesale distributors; truck terminals; railroads; ponds; and public uses; tire recycling and storage/processing facilities.

Permitted as Exceptions by Planning and Zoning Board—All residential uses; borrow pits; and parking lots for business uses within 300 feet of district boundary.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22.

Maximum Floor Area—None

Minimum Lot Area—10,000 square feet

Maximum Height of Main Building—100 feet

Yard Requirements—

Front Yard—30 feet

Side Yard—None

Rear Yard—None

ZONING DISTRICT: I-2 (HEAVY INDUSTRIAL)

Permitted Uses—Same as I-1; plus, beverage blending and bottling (including distilling); bulk materials storage, sales, and manufacture (cement lime in bags or containers, sand, gravel, shell, lumber, and the like); chemical processing and storage; coal and coke storage, sales and manufacture; commercial and industrial machinery sales and service; electric utility generating (excluding

nuclear power plant); fish, shrimp; oysters, and other seafood processing, packaging, and storing; fur finishing (including tanning); grain and rice blending, milling, packaging; insecticides, fungicides, disinfectants and related industrial and household chemical compounds (manufacturing); junk and scrap storage and sales; manufacture of gases; meat products packaging and processing (including slaughtering); paper products manufacture; petroleum and petrochemical production, refining and storage; tire retreading, recapping, and vulcanizing; transportation terminal; borrow-pits; and on-site generated NORM storage facilities.

Permitted as Exceptions by Planning and Zoning Board—All residential uses; institutions; and parking lots for business uses within 300 feet of district boundary.

Permitted Signs—On-premises signs shall conform to Article IV, Division Section 26-22.

Maximum Floor Area—None

Minimum Lot Area—10,000 square feet

Maximum Height of Main Building—100 feet

Yard Requirements—

Front Yard—30 feet

Side Yard—None

Rear Yard—None

ZONING DISTRICT: I-2R (HEAVY INDUSTRIAL RESTRICTED)

Permitted Uses—Same as I-2; plus, solid waste sanitary landfill sites; industrial solid waste facility sites; solid waste recovery or recycling sites; refuse derived energy sites; solid and industrial waste incinerator sites; infectious waste sites; commercial salt water injection well sites; commercial facility sites for offsite storage, treatment, and/or disposal of non hazardous oil field waste. These additional uses shall be in accordance with definitions of "Louisiana Solid Waste Rule and Regulations" and "Statewide Order 29-B" as they may be amended from time to time.

Permitted as Exceptions by Planning and Zoning Board—All residential uses; institutions; and parking lots for business uses within 300 feet of district boundary.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22.

Floor Area, Lot Area, Building Height and Yard or Buffer Requirements—Permissible floor areas, lot areas, height of main buildings, and yard or buffer requirements shall be established by the division of planning and development and implemented through the development permit process.

ZONING DISTRICT: I-3 (HAZARDOUS INDUSTRIAL)

Permitted Uses—Same as I-2R; plus hazardous waste facility; nuclear power plant; nuclear disposal sites. These additional uses shall be defined in accordance with the "Hazardous Waste Management Plan" of the State of Louisiana as it may be amended from time to time.

Permitted as Exceptions by Planning and Zoning Board—Parking lots for business uses within 300 feet of district boundary, and institutions.

Permitted Signs—On-premises signs shall conform to Article IV, Division 2, Section 26-22.

Floor Area, Lot area, Building Height and Yard or Buffer Requirements—Permissible floor areas, lot areas, height of main buildings, and yard or buffer requirements shall be established by the division of planning and development and implemented through the development permit process. (Ord. No. 3940, 11-20-97; Ord. No. 4101, §§ VI—VIII, 5-20-99; Ord. No. 4357, §§ III—VI, 3-21-02; Ord. No. 4414, §§ I—V, 9-19-02; Ord. No. 4582, §§ III—V, 7-24-03; Ord. No. 4655, §§ III—V, 11-20-03; Ord. No. 5078, § I, 3-23-06)

ARTICLE V. NELSON ROAD OVERLAY DISTRICT

DIVISION 1. PROPERTY DEVELOPMENT REGULATIONS.

Sec. 26-29. Definitions.

In addition to the definitions in section 26-6 of this chapter, the following definitions shall apply specifically to the Nelson Road Overlay District and shall prevail in cases of conflict over definitions contained in section 26-6.

Alley: A dedicated public right-of-way having a required minimum width of twenty (20) feet and used to provide access to the rear or side of properties otherwise abutting a street.

Commercial area: Shall mean a district composed of certain lands and structures used primarily to provide for the retailing of goods and the furnishing of selected services.

Drive thru establishment: An establishment of the "drive thru" type is one, which accommodates patrons in automobiles from which the occupants may bank or conduct business of convenience.

Fix-it shop: A mercantile establishment for the retail sale of service repair excluding automobile repair shop.

Floor area: The sum of the gross horizontal area of the floor 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.

Food service shop: Shall mean every café, cafeteria, deli, coffee shop, sandwich shop, parlor or luncheonette which offers food or beverages for purchase and consumption on the premises (no alcoholic beverages consumed on premises).

Gas station: Any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels including retail offering food or beverages including but not limited to other convenience goods.

Institution: A land used for hospitals, clinics or health service facilities.

Kennel: A facility for the care or boarding of animals of more than six (6) dogs/cats over six (6) months of age outside the principal building and operated for professional offices only.

Office, professional: The office of a physician, accountant, surgeon, dentist, attorney, architect, animal hospital, engineer, tax consultant, or other professional person who offers skilled services to his clients and who is not professionally engaged in the purchase or sale of economic goods.

Overlay district: Is a special zone that is drawn on a map outlining a significant resource. The resource could be an aquifer, a watershed, a

shoreline, an historic area or a developing length of road, which may consist of neighborhoods or business potentials commonly called in planning a "road corridor".

Public amenity: Something that contributes to physical or material enhancement of the property and increases attractiveness or value, especially of a piece of real estate or a geographic location for the community or the people as a whole such as a fountain, courtyard, outdoor patio, open air eating, public art, or park.

Public use: Any use operated by an agency of government or private entity which provides a direct service to the public for police, fire, or public transportation facilities.

Park: A facility which provides recreational opportunities which has minimal impacts on the surrounding area and has ten (10) percent or less coverage of the parcel by impervious surfaces, such as parks or playgrounds.

Restaurant: An establishment, which is devoted to the selling and serving of food for consumption by patrons on the premises and shall include alcoholic beverages sold as an accompaniment to meals only.

Right-of-way: The area of land designated by grant, contract, deed or dedication from the owner, or acquired by use, maintenance or acquisitive prescription, for use as a street, alley or utilities, whether such area is owned by the public or other user in fee or as servitude.

Road corridor: A developing length of road, which may consist of neighborhoods or business potentials commonly called in planning a "road corridor".

Section: Those areas between road intersections designated for a separation within a road corridor.

Sign, monument: A freestanding structure erected for a site that is marked and preserved as a business and used for advertising, building identification, street address and/or operating information. Sign shall be made of similar exterior materials of the building advertised and be no more than eight (8) feet in height, eight (8) feet in length and two (2) feet in width.

Sign, wall: A sign painted on or attached to the face of a building or structure supported throughout its length by such building.

Stable: Any stable for the housing of livestock, operated for professional offices.
(Ord. No. 4729, § I, 5-6-04)

Sec. 26-30. Purpose and intent.

Zoning District C-1 ND (Light Commercial—Nelson District) is hereby created for the purpose of providing incentives to encourage infill development and redevelopment along Nelson Road, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The intent of this overlay district is to implement the community's vision for the area and to address the unique land development constraints along Nelson Road. The standards contained herein will ensure that new development is compatible and enhances the appearance of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.
(Ord. No. 4729, § I, 5-6-04)

Sec. 26-31. Boundaries.

The Nelson District consists of those lands along Nelson Road within the unincorporated Lake Charles south of Country Club Road and north of Tank Farm Road in Calcasieu Parish, LA. The boundary is approximately two (2) miles in length, up to four hundred (400) feet in depth and separated into two (2) sections:

- (1) *Section I:* (Incorporated limits south to Ham Reid Road).
 - (2) *Section II:* (Ham Reid Road south to approximately nine hundred (900) feet south of Gauthier Road)
- (Ord. No. 4729, § I, 5-6-04)

Sec. 26-32. Permitted uses by section.

- (1) *Section I:* Business and professional offices; institutions; churches; and parks.
- (2) *Section II:* Same as Section I, including; bakeries; catering and delicatessen services; clinics; convenience stores; day cares;

drug stores; fix-it shops; food service shops (no alcoholic beverages consumed on premises); funeral homes; gas stations; kennels; nurseries (horticultural); personal service shops; ponds; public uses; restaurants (alcoholic beverages consumed on premises); stables; and studios.

(Ord. No. 4729, § I, 5-6-04)

Sec. 26-33. Nonconforming uses—Structures.

All current residences and businesses located within the boundary of the Nelson District are exempt from complying with the overlay district regulations, with the following exceptions: a) when a residential use converts or is replaced with a business type use or; b) when an existing business is damaged, destroyed, repaired or renovated to fifty (50) percent or more of the market value of the structure.

(Ord. No. 4729, § I, 5-6-04)

Sec. 26-34. Zoning.

All parcels subdivided or unsubdivided within the boundary of the Nelson District shall be zoned C-1 (Light Commercial), but regulated pursuant to permitted uses set forth in these regulations and further herein described as C-1 ND (Light Commercial Nelson District). There shall be no adjustments within the Nelson District except when approved as an alternative design.

- (1) *Alternative design.* Alternative design solutions may be submitted to the division of planning and development when it is found that the literal interpretation of this ordinance causes an undue hardship or may impede the objectives of the proposed development. Alternative designs may apply only to site planning difficulties (i.e., setbacks, landscaping, architectural design guidelines, parking, etc.)
- (2) *Alternative request.* There will be two types of request for alternative designs to the Nelson District Overlay considered. Type one will consist of a minor and type two a major.
 - a. *Minor:* A request made for changes in development standards such as building setbacks, parking, landscap-

ing, etc. that do not vary more than twenty (20) percent of the required development standards.

- b. *Major*: A request made to enlarge the boundary of the district, a request to establish a specific use that is not allowed within the particular section of the district, a request to modify the architectural theme or when any variance request for development standards exceeds twenty (20) percent of the required development standards.
- (3) *Alternative design review process*. The review of minor or major request will be as follows:
- a. Application must be made with the division of planning and development. The director of planning and development will determine when an application is complete.
 - b. In the case of a minor request, upon the determination of a complete application a seven-day review period will ensue. At the end of the seven-day review period the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 - c. In the case of a major request, upon the determination of a complete application a fourteen-day review period will ensue. Once determined complete, the application will be forwarded to the Nelson District Overlay review team and within fourteen-days or less the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 - d. In the case of a minor request, the director of planning and development will make the final decision.
 - e. In the case of a major request, the Nelson District Overlay review team will make the final decision.

- f. The Fourteenth Judicial District Court is the proper forum for any aggrieved party of any decision made by the director of planning and development or the Nelson District Overlay review team.

- (4) *Nelson District Overlay review team*. The Nelson District Overlay review team shall consist of the following members:

- a. Director of planning and development;
- b. Police jury member, district six;
- c. Police jury member, district eight;
- d. Two (2) planning and zoning board members, Ward Three.

(Ord. No. 4729, § I, 5-6-04; Ord. No. 4786, § I, 8-19-04; Ord. No. 4861, § I, 1-20-05)

Sec. 26-35. Conflict.

Where the provisions of the Nelson District conflict with other applicable restrictions of the Calcasieu Parish Code of Ordinances, the provisions of this section shall prevail.

(Ord. No. 4729, § I, 5-6-04)

Sec. 26-36. Property development regulations.

Property development regulations shall apply to any proposed development located within the boundary limits of the district and all development shall comply with the regulations of the underlying zoning districts, except where modified as follows for the Nelson District:

- (1) *Setbacks, maximum heights, and access*.
 - a. All buildings included in the overlay district along Nelson Road must be set back a minimum distance of thirty (30) feet from the right of way line of Nelson Road.
 - b. Maximum height on all buildings thirty-five (35) feet.
 - c. No building or parking is allowed within the thirty-foot building setback except for public amenities.

(2) *Building/landscape.*

- a. Front yard setback—Thirty (30) feet.
- b. Side yard landscaped buffer—Ten (10) feet.
- c. Corner lot front yard setback—Thirty (30) feet for both streets.
- d. Front yard and rear yard landscaped buffer—Fifteen (15) feet.
- e. Corner lots front yard landscaped buffer—Fifteen (15) feet for both streets.

(3) *Floor area.*

- a. None.
- b. Outdoor seating areas: Only fifteen (15) percent of the outdoor seating area of the buildings gross floor area.

(4) *Parking.*

- a. Location. All required parking spaces for the principal use shall be located on the rear or side of the principal structure. No parking spaces shall be located within the front yard setback. All developments located on corner lots shall comply with the thirty (30) foot setback on both streets.

All parking lots must have a concrete curb configuration. All parking areas must contain a minimum of one (1) Class "A" or three (3) Class "B" trees within a 9' x 20' square foot landscaped island for separation (*See section 26-40(b)(2) of this chapter*). No parking places are allowed to be further than fifty (50) feet from a tree. Shared parking areas and driveways are encouraged.

Parking lot improvements:

- Reduce environmental effects of run-off.
- Reduce heat generated from pavement.
- Enhance aesthetic appeal of area.

- b. Rear service road. Parcels providing access through a rear service road

shall be a minimum of twenty (20) feet wide, subject to utility easement(s) to be approved by the parish engineer. The road must be unencumbered, built to parish standards, and not used for any other purposes.

(5) *Street and buffer trees.* Detailed information on landscaping is found in sections 26-37 through 26-45 of this chapter.

a. Planting requirements.

Landscaping and buffers: When a business is constructed within the boundary of the Nelson District, a solid six-foot wood or masonry fence must be installed on the designated lot line where contiguous to R-1 (Single Family Residential) or R-2 (Mixed Residential) lots with a minimum fifteen (15) foot setback for the rear yard buffer, ten (10) foot setback for the side yard buffer and fifteen (15) foot setback for the front yard buffer, landscape included.

- b. Location. A planting area is required within the fifteen-foot front yard and rear yard setback and the ten-foot side yard setback. The minimum requirements for these planting areas include: (1) Class "A" tree or three (3) Class "B" trees for every fifty (50) linear feet within the buffer zone, or fraction thereof, measured at the property line. Seventy-five (75) percent of the required trees must be indigenous and may be located anywhere within the planting area. All planting areas will also be planted with shrubs and ground cover plantings to the extent that forty (40) percent of the planting area is planted with vegetation other than turf grass. Corner lots with frontage on more than one street must provide planting along both streets.

- c. Alternative landscape plan. Alternative landscaping and/or spacing may be provided, subject to approval of an alternative landscape plan.

(6) *Signage.*

- a. Section 26-22, On premises signs, shall govern the maximum number, height, area, and the location of free-standing signs.
- b. Notwithstanding any other provision to the contrary, only monument signs or wall signs are allowed in the Nelson District. Only one (1) monument sign is allowed per entrance or driveway. Only one (1) wall sign is permitted for each building.
- c. A monument sign or wall sign may not illuminate, flash, blink or fluctuate and may not be animated. No internal illumination is allowed.
- (ii) Outdoor seating or outdoor furniture with umbrellas for open air eating;
- (iii) Outdoor patio, courtyard or plaza;
- (iv) Water feature, fountain, use of retention area as a focal point; or
- (v) Parks, squares or other public open spaces; public open spaces shall be at least one hundred (100) feet by fifty (50) feet and are encouraged at intersections.

(7) *Pedestrian circulation.*

- a. A paved, ADA (American Disabilities Act) compliant walkway shall be provided from all adjacent public sidewalks to all entrances used by the general public.
- b. Benches and trash receptacles shall be provided as follows: One (1) bench and one (1) trash receptacle per building.
- c. Walkways traversing vehicular use areas shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment (other than paint or striping) to indicate the pathway is intended for pedestrians.

(8) *Quality development standards.*

a. Public amenities.

- 1. Businesses locating within the Nelson District shall provide a minimum of one (1) of the following public amenities, which shall have a French Country theme and be incorporated within the thirty-foot front yard setback and the Nelson Road right-of-way.

(i) Public art;

b. Architectural design guidelines. The following general architectural design guidelines shall apply to a French Country styled building:

- 1. All roofing materials are limited to architectural asphalt shingles, standard seam copper, slate (or imitation slate) or clay tile.
- 2. Roofs will have a minimum six-foot on twelve-foot pitch.
- 3. All exterior wall materials are limited to brick or stucco. No vinyl or aluminum siding except where brick is not applicable (i.e. soffit, gable end, fascia board).
- 4. Skylights will not be located on front elevations of the office. Bubble skylights and solar collectors are not allowed.
- 5. All exposed portions of chimneys must be brick or stucco. Chimney caps are required with no exposed spark arrestors. Chimney materials will be brick, copper, bronze color, slate, or flagstone.
- 6. Storage sheds must be attached to the building and will be constructed of the same materials

as the building. No prefab, free-standing structures will be permitted.

7. All air-conditioning compressors will be screened and located in the rear.
8. Refuse collection must be kept in a dumpster enclosed by a six-foot wood, or masonry fence. Dumpsters may not be located in building setback areas or landscape buffer areas.

c. Exterior of buildings.

1. Color—Earth tone colors shall be encouraged for the base building color. The same base building color may be used for the entire structure. Exterior siding shall be brick or stucco. Vinyl shall be used only where brick is not applicable (i.e. soffit, gable end, fascia board).
2. Entries—All entries used by the general public shall be easily identifiable and integrated into the building architecture.
3. Awnings/Canopies—Weather protection, such as awnings or canopies, shall be provided over the pedestrian walkway within thirty (30) feet of all primary general public entrances. Awnings/canopies shall be provided over all entrances. The following types shall be prohibited: high gloss vinyl; plastic; horizontal ribbing; flowered and multi-color (four (4) or more) designs.
4. Windows—Clear or low reflective glass shall be used for display windows and doors. Windows shall be defined with elements such as frames, sills, and headers.
5. Roofs—All roof materials and colors shall compliment the base building materials and color.

Roof design shall include a minimum of one (1) distinctive architectural focal point or feature (e.g., cupola, dormer, widows walk, weather vane, clock tower). Roofs will have a minimum six (6) on twelve (12) pitch.

6. Loading and service areas screening—Loading docks, dumpsters, outdoor storage areas, compactors, and similar areas shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building and/or equivalent landscaping.

d. Lighting.

1. All freestanding poles and wall-mounted exterior light fixtures shall be decorative and limited to a maximum height of eighteen (18) feet. Pole lighting is prohibited within fifteen (15) feet of a residential property line.
2. Lighting mounted on buildings or fences shall be no more than seven (7) feet above the ground.
3. Pole lighting is allowed in parking areas. Pole lighting is limited to eighteen (18) feet in height and must be located no closer than fifteen (15) feet from the property line.
4. Any external lighting must be oriented inward toward the development or structures to minimize intrusion into surrounding property.

- e. Prohibitions. The following elements shall be prohibited: neon lights and colors, high intensity, metallic or fluorescent colors, mirror or solar glass with a reflectivity or opacity greater than sixty (60) percent.

(8) *Crime prevention through environmental design (CPTED)*. A minimum of one (1) CPTED principle from each category below shall be incorporated into site design for all development.

- a. Reduce opportunities. Creating an atmosphere that does not encourage or invite unlawful activity can reduce criminal opportunities.

Strategies include:

1. Well-lighted public outdoor areas and pedestrian walkways;
2. Well-lighted parking areas;
3. Direct general public access from all parking areas;
4. Signs directing general public to entrances for general public;
5. Easily identifiable store entrances;
6. Difficult roof accessibility; and
7. "Call-out" pay phones only under surveillance.

- b. Increase visibility. Visibility in and around the business area will help to reduce crime.

Methods include:

1. Store windows facing all parking areas;
2. Interior shelves and displays not exceeding five (5) feet in height;
3. Well-lighted interior/exterior spaces;
4. Building-mounted lighting installed on all exterior walls, especially at delivery/service and entrances for general public;
5. Clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles;
6. All entrances and exits under visual or electronic surveillance; and

7. Landscaping, buildings, walls and fences, which do not create hiding places or hinder visibility.

- c. Territorial reinforcement. Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:

- a. Landscaping, special pavement, and low fences;
- b. Public spaces identified by welcome, directional, marquee, or similar signs; and
- c. Wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residence.

(Ord. No. 4729, § I, 5-6-04)

DIVISION 2. LANDSCAPE AND TREE PLAN.

Sec. 26-37. Definitions.

Diameter at breast height, DBH: The caliper measurement taken approximately four and one-half (4½) feet high on the trunk of a tree.

Historical ancient or unique tree: A particular tree or group of trees, which has historical or horticultural value because of its unique relationship to the history of the region, state, nation, or world.

Homeowners association: A nonprofit corporation, unincorporated association, or other legal entity which is created pursuant to a declaration, whose membership consists primarily of lot owners, and which is created to manage or regulate, or both, the residential planned community.

Horticulture law: Title 3, Louisiana Horticulture Commission Horticulture Law, Sections 3801 through 3816; Title 7, Agriculture and Animals Part XXIX. Horticulture Commission, Chapter 1, Horticulture.

Median: A landscaped strip of land dividing a thoroughfare, boulevard or street into lanes according to direction of travel; or neutral ground within a circle drive of a cul-de-sac, or neutral ground separating a turn-out lane from the main street.

Site specific plant material: The use of the best-adapted plant species to minimize supplemental irrigation, fertilization and necessary pest control.

Street yard planting area: The unpaved area of land located between the property line and any building designated for the preservation and placement of plant materials along all property lines that border a public street (i.e. the fifteen-foot front yard landscape buffer).

Native trees: Certain species naturally occurring in South Louisiana and along the Gulf Coast. (Ord. No. 4729, § I, 5-6-04)

Sec. 26-38. Purpose.

The purpose of this plan is to protect and enhance the Nelson District's environment, economic and aesthetic resources consistent with the goals of the Nelson District regulations, thereby promoting public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design in development. Further, the standards and requirements of this plan seek to promote the preservation, protection and enhancement of nature in the Parish, and nature's unique features with particular emphasis on the urban forest canopy and vegetative cover of the land. (Ord. No. 4729, § I, 5-6-04)

Sec. 26-39. Applicability of landscape requirements.

The provisions of this plan shall apply to:

- (1) All new development within the Nelson Road Overlay District.
- (2) When an existing use converts or is replaced with a new type of use or when the existing use is damaged, destroyed, repaired or renovated to fifty (50) percent or more of the assessed market value of the structure.

- (3) Development of vehicular use areas (parking lots) or vehicular use area additions of five (5) parking spaces or more. (Ord. No. 4729, § I, 5-6-04)

Sec. 26-40. Landscape standards.

(a) The following standards shall be included as the Landscape Plan prepared pursuant to Nelson District Regulations.

- (1) All landscaping shall be installed in a sound manner and in accordance with accepted standards of the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by The Louisiana Nursery and Landscape Association.
- (2) Plant material shall be true to name, variety and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
- (3) All single trunk trees shall have a minimum two-inch caliper measured at breast height immediately after planting. Single trunk trees must measure a minimum of eight (8) feet tall immediately after planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
- (4) Multi-trunk trees shall have main stems with a minimum one-inch caliper measured at breast height per trunk immediately after planting. All multi-trunk trees shall have a minimum of three (3) main stems. The multi-trunk tree must measure a minimum of eight (8) feet tall immediately after planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
- (5) Tree standards: Trees selected for planting shall meet the minimum requirements provided in the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by The Louisiana Nursery and Landscape Association.
- (6) Shrub quality standards: Shrubs selected for planting shall meet the minimum re-

quirements provided in the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by The Louisiana Nursery and Landscape Association. Shrubs size shall be a minimum three-gallon well-rooted container stock.

- (7) Ground cover and vines quality standards: Ground cover (other than turf grass) shall be minimum of four-inch well-rooted container stock spaced no more than eight (8) inches on center. Well-rooted two-and-one-half-inch container stock may be substituted and spaced six (6) inches on center. Vines and ground cover plants should show a number of vigorous woody runners or a well developed crown.
- (8) A minimum of one hundred (100) square feet for each Class "A" tree or fifty (50) square feet for each Class "B" tree of non-paved area is required for each tree where it is planted. Non-paved area refers to an area of ground used for planting, and which is not covered with paving materials that are impervious or which inhibit the free movement of moisture and air into and out of the soil. Such areas may be partially covered with acceptable porous paving materials if prior approval has been obtained from the director of planning and development.
 - (b) Technical requirements for the design, installation and maintenance of plant material and landscape area site development shall be as follows:
 - (1) Developed site area: There shall be one (1) Class "A" tree or three (3) Class "B" trees for each five thousand (5,000) square feet, or fraction thereof, of developed site area. On sites where buildings exceed fifty thousand (50,000) square feet, fifty (50) percent of required trees shall be Class "A".
 - (2) Street yard planting area: Street yard planting area is the unpaved area of land located between the property line/right-of-way and any building, (i.e. within the fifteen-foot front landscape buffer area) designated for the preservation and placement of plant materials along all property lines that border Nelson Road.
 - a. The street yard planting area shall contain a minimum of one (1) Class "A" tree or three (3) Class "B" trees for every fifty (50) linear feet of street yard, or fraction thereof. The street yard planting area must be a minimum of fifteen (15) feet in width from the front property line. Trees need not be planted in straight lines and Class B trees may be clustered to enhance visual affects. All Class A trees shall be spaced a minimum of thirty (30) feet (Live Oaks forty-five (45) feet) and a maximum fifty (50) feet. Class B trees shall be spaced at a minimum appropriate to species and a maximum of fifty (50) feet for singles and seventy-five (75) feet for clusters of three (3) or more.
 - b. The street yard planting area shall contain shrubs and non-turf ground cover plantings. Shrub and ground cover plantings must cover forty (40) percent of the street yard planting area. Generally, shrubs and ground covers should be planted in masses of one type per mass and in sufficient numbers to create beds or "drifts" of plants.
 - c. The street yard planting area may contain pedestrian walkways, site furniture, signage, site lighting, fountains and any other appropriate landscape features as approved by the director of planning and development. Landscape fixtures should reflect the architectural character of the building.
 - d. Retaining existing vegetation, either as lone growing specimens or groves of trees, within the street yard planting area is highly encouraged. Underbrush and non-native weeds may be removed, by hand methods only, to allow views to buildings and interior vehicular use areas.

- e. No parking lot will be allowed within the street yard planting area except for driveways entering and exiting the site.
 - f. Lots with frontage on more than one street shall calculate the street planting requirements along the entire street frontage of both streets.
- (3) Buffer yard screening:
- a. Plant material: May be used for screening purposes within the buffer yard area. Plant material screening may be located anywhere within the required fifteen-foot rear and ten-foot side buffer yard areas. There shall be a prescribed number of plants per every fifty (50) linear feet. The plant material shall provide the required screening within three (3) years from the time installed.
 - b. Buffer walls: Any wall shall be constructed in a durable fashion with a finished surface of brick, stone or other decorative masonry material approved by the director of planning and development.
 - c. Fences: Shall be constructed in a durable fashion with weather resistant wood and be of a consistent pattern. All material used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the director of planning and development may approve a buffer fence/wall constructed of other materials provided the materials will provide generally the same degree of opacity, durability as weather resistant wood, and aesthetic compatibility with adjoining residential areas. A finished side of all wall or fences shall face the common property line boundary. No wall or fence used for screening purposes shall be more or less than six (6) feet in height above grade.
 - d. Prescribed fences or walls may be waived if a building, fence or wall of at least equivalent height, opacity and maintenance exists immediately abutting and on the opposite side of said property line.
- (4) Sight triangle area: No planting or ground cover in sight triangle areas shall exceed twenty-four (24) inches in height at maturity.
- (5) Vehicular use area: Vehicular use areas shall be required to be landscaped with trees, shrubs and ground cover other than turf grass in the parking island, peninsula, or planting space. Such landscaping shall be distributed within the vehicular use area in such a manner that no parking space is further than fifty (50) feet from a Class "A" tree.
- a. For vehicular use areas of one to twenty five (25) parking spaces, one (1) Class "A" tree or three (3) Class "B" trees for every five (5) parking spaces, or fraction thereof.
 - b. For vehicular use areas of twenty five (25) to one hundred (100) parking spaces, one (1) Class "A" tree or three (3) Class "B" trees for every ten (10) parking spaces, or fraction thereof.
 - c. For vehicular use areas of over one hundred (100) parking spaces, one (1) Class "A" tree or three (3) Class "B" trees for every fifteen (15) parking spaces, or fraction thereof.
 - d. Any parking island, peninsula, or planting space internal to a vehicular use area must have a minimum width of nine (9) feet by twenty (20) feet of non-paved area if it is to contain a tree or trees.
 - e. Interior islands, peninsulas, or green space provided around a tree (or trees) for preservation shall provide a non-paved area no nearer than three (3) feet from the tree(s) drip-line or a distance of twelve (12) times the diameter of the trunk (DBH) in feet, whichever is lesser, or as may

be required to insure the survival of the preserved tree(s), subject to the approval of the director of planning and development.

- f. Underground utilities, drain lines, and the like which are placed beneath vehicular use area planting spaces shall be installed as near to the edge of the planting space as possible, within the outer one-third of the available width of the planter, so as not to interfere with tree installation.

- g. All vehicular use area planter spaces shall be protected from vehicular access by continuous concrete barrier or vertical face curbing of a minimum six-inch height.

- (6) Technical requirements for the maintenance of plant materials and landscape areas shall be as follows:

- a. The owner or his agent, shall be responsible for the maintenance, repair and replacement of all landscape materials as may be required by these plans.
- b. Landscape maintenance specifications require that all landscaping shall be maintained in a sound manner and in accordance with accepted maintenance procedures as established by the Louisiana Nursery and Landscape Association.
- c. All plant materials and planted areas shall be tended and maintained in a healthy growing condition; replaced when necessary and kept free of refuse and debris.

(Ord. No. 4729, § I, 5-6-04)

Sec. 26-41. Tree and urban forest preservation standards.

- (a) Existing trees shall be encouraged towards the landscape materials required by these plans.

- (1) In the Nelson District, as it relates to tree-planting requirements, the preservation of existing trees within Street Yard

Planting Areas, Buffer Areas and other areas of the site, which are left undisturbed by construction are encouraged.

- (2) The owner is encouraged to preserve as many existing mature trees and shrubs as possible in the design and implementation of the landscape plan.

- (3) Trees preserved in the street planting area shall be credited towards street planting requirements, trees preserved in vehicular use areas shall be credited toward vehicular use area requirements, and trees preserved in a buffer planting area shall be credited toward buffer area planting requirements.

(b) It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. If a preserved tree dies within five years, it is the responsibility of the owner to replace that tree with the number of trees of the required class on a matching basis within six months.

(c) Duties relating to trees, and the placing of materials; indemnity bond. In the erection of any building or structure, the builder, contractor or owner thereof shall use Best Management Practices (BMP's) (e.g. tree guards or barriers) around all existing credited trees on the development site to prevent injury to them, and shall not place building materials or trash upon neutral grounds without the permission of the director of planning and development. Contractors and others doing work on neutral grounds, either for excavation or other projects for which permission has been granted by the director of planning and development, shall give bond to the parish to guarantee the payment of all costs for repairing any settlement or other damage or deterioration that shall take place in the neutral grounds as a result of the project undertaken by them.

(Ord. No. 4729, § I, 5-6-04)

Sec. 26-42. Landscape plan requirements.

- (a) All development permit applications covered by this shall be accompanied by a landscape plan. A qualified professional shall draw landscape plans. The landscape plan shall include such criteria that are required by the director of

planning and development to determine compliance with this Code. These criteria shall include, but are not limited to:

- (1) The planting plans shall be drawn to a universal scale (i.e. 1" = 10', 1/4", etc.).
- (2) All plants drawn on the planting plan shall be shown at the average mature size.
- (3) Show all buildings, walkways, vehicular use areas, utility areas, sight triangles, and miscellaneous site structures.
- (4) Show all on and off site utilities, servitudes, rights-of-way, or easements.
- (5) Show proposed routing of utility service to proposed buildings.
- (6) Show all current land use of all adjacent property.
- (7) Show all protected trees and their trunk sizes using DBH (diameter measured at breast height—Four and one-half (4½) feet). Show actual canopy spread of all protected trees or groupings of trees.
- (8) Show layout of all plant materials, sizes, and specifications.
- (9) Show all other proposed site development amenities.
- (10) Show all existing and proposed paved surfaces, curbs, steps and grade changes.
- (11) Show topography, existing natural features, and drainage information.
- (12) Provide complete plant schedule of materials to be planted on the site.
- (13) Provide irrigation or watering system plans if applicable.

(b) Tree removal, tree relocation or tree pruning. The director of planning and development shall have the authority to require that property owners treat, or allow the parish at the property owners' expense to treat trees or shrubs suffering from transmittable diseases or infestation pests. If the disease or pests warrant(s) drastic action to curb the spread to healthy trees or shrubs, on the advice of the director of planning and development, the property owner shall cut and destroy

the trees or shrubs or else allow the parish to do so, charging the actual cost to the property owner.

Documentation with permit application: A landscape plan shall be submitted along with the building plans when applying for a development permit. The director of planning and development shall approve the landscape plan prior to issuance of the development permit.

(c) Alternative design solutions. The Director of planning and development shall have the authority to approve alternative design solutions where it is found that the requirements of this section may impede the objectives of the proposed development. The alternative design solution shall be equal or exceed the requirements of this section. In no way shall the alternative design solution circumvent the intent of this section. (Ord. No. 4729, § I, 5-6-04)

Sec. 26-43. Enforcement and appeals.

(a) The director of planning and development shall enforce the requirements set forth in this plan and also shall be responsible for performing necessary inspections to determine if the required landscaping has been installed according to the approved landscape plan.

(b) The director of planning and development shall review each landscape plan and within ten (10) working days from receipt of such plan, either approve it or issue to the applicant a written denial.

(c) Any applicant whose landscape plan is rejected in whole or in part by the director of planning and development may appeal to the planning and zoning board within thirty (30) days of written notice of rejection. The appeal must be in writing and fully state the reason or reasons for appeal. A copy of the landscape plan, as submitted to the director of planning and development, must also accompany the written appeal. (Ord. No. 4729, § I, 5-6-04)

Sec. 26-44. Part supplementary to other ordinances.

(a) This plan shall be supplemental and in addition to the Nelson District regulations and to any other ordinances or regulations designed to

protect the public property and rights-of-way or designed to protect, improve or beautify the Nelson District.

(b) Nothing contained herein shall be construed to impede or interfere with a public utility's right and obligation to provide timely service to the public.

(Ord. No. 4729, § I, 5-6-04)

Sec. 26-45. List of trees/shrubs.

The following is a list of trees/shrubs available to satisfy requirements of the Nelson Road Overlay District:

(a) Class A—Deciduous trees.

<i>Common Name</i>	<i>Latin Name</i>
Red Maple	Acer Rubrum "Drumondii"
Hickory	Carya Species
Green Ash	Fraxinus Pennsylvanica
Tulip Poplar	Liriodendron Tulipifera
Sweet Gum	Liquidambar Styraciflua
White Oak	Quercus Alba
Southern Red Oak	Quercus Falcata
Cherrybark Oak	Quercus Falcata Pagodifolia
Overcup Oak	Quercus Lyrata
Basket Oak	Quercus Michauxii
Nuttall Oak	Quercus Nutallii
Willow Oak	Quercus Phellos
Shumard Oak	Quercus Shumardii
Cypress	Taxodium Distichum
Winged Elm	Ulmus Alta
American Elm	Ulmus Americana (Cultivars resistant to Dutch Elm Disease)
Cedar Elm	Ulmus Crassifolia

(b) Class A—Evergreen Trees.

<i>Common Name</i>	<i>Latin Name</i>
Sweet Bay Magnolia	Magnolia Virginiana
Wax Myrtle	Myrica Cerifera
Red Bay	Persea Barbornia
Slash Pine	Pinus Elliotti
Shortleaf Pine	Pinus Echinata
Spruce Pine	Pinus Glabra
Longleaf Pine	Pinus Palustris
Loblolly Pine	Pinus Taeda
Cherry Laurel	Prunus Caroliniana

*Common Name**Latin Name*

Palm Species
(Clustered to obtain 15' spread)
Live Oak

Palm Species

Quercus Virginiana

(c) Class B—Deciduous Trees.

*Common Name**Latin Name*

River Birch
Red Bud
Silver Bell
Holly Species
(Maturing over 15' height)
Crape Myrtle
Osage Orange (Male Only)
Magnolia Species
(Maturing over 15' height)
Chinese Pistachio
Taiwan Flowering Cherry
Mexican Plum
Bradford Pear
(Or cult. with small fruit)
Winged Elm
Cedar Elm

Betula Nigra
Cercis Canadensis
Halesia Diptera
Ilex Species

Lagerstroemia Indica
Maclura Pomifera
Magnolia Species

Pistacia Chinensis
Prunus Campanulata
Prunus Mexicana
Pyrus Calleryana "bradford"

Ulmus Alata
Ulmus Crassifolia

(d) Class B—Evergreen Trees.

*Common Name**Latin Name*

Sweet Bay Magnolia
Wax Myrtle
Red Bay
Slash Pine
Shortleaf Pine
Spruce Pine
Longleaf Pine
Loblolly Pine
Cherry Laurel
Palm Species
(Clustered to obtain 15' spread)

Magnolia Virginiana
Myrica Cerifera
Persea Barbonia
Pinus Elliotti
Pinus Echinata
Pinus Glabra
Pinus Palustris
Pinus Taeda
Prunus Caroliniana
Palm Species

(e) List of Shrubs available.

(1) Eight-foot hedge.

- Waxleaf Ligustrum (Ligustrum Japonicum)
- Viburnum Macrophyllum
- Burfordi Holly (Ilex Cornuta Burfordi)
- Cherry Laurel (Prunus Caroliniana)
- Oleander, Hardy Varieties

(2) Six-foot hedge.

- Cleyera (Ternstroemia Gymnanthera)
- leagnus Pungens Fruitlandii
- Camelia Sasanqua
- Japanese Yew, Large Leaf (Podocarpus Macrophyllus)
- Yaupon Holly (Ilex Vomitoria)
- Oleander, Dwarf Hardy Varieties

(3) Four-foot hedge.

- Dwarf Burfordi Holly (Ilex Cornuta Dwarf Burfordi)
- Needlepoint Holly (Ilex Cornuta Needlepoint)
- Japanese Yew, Small Leaf (Podocarpus Macrophyllus)
- Azaleas Southern Indica Varieties
- Indian Hawthorn (Raphiolepis Indica "springtime" or similar)

(4) Two-foot hedge.

-
- Dwarf Yaupon Holly (Ilex Vomitoria Nana)
- Dwarf Chinese Holly (Ilex Cornuta Rotunda)
- Carissa Holly (Ilex Cornuta Rotunda)
- Dwarf Pittosporum (Pittosporum Tobbira Wheeler Dwarf)

(Ord. No. 4729, § I, 5-6-04)

ARTICLE VI. LAKE STREET OVERLAY DISTRICT REGULATIONS

C-1 LD (Light Commercial - Lake Street District)

Sec. 26-46. Definitions.

In addition to the definitions in section 26-6 of this chapter, the following definitions shall apply specifically to the Lake Street Overlay District and shall prevail in cases of conflict over definitions.

Alley: A dedicated public right-of-way having a required minimum width of twenty (20) feet and used to provide access to the rear or side of properties otherwise abutting a street.

Bakery: A place where products such as bread, cake, and pastries are baked or sold.

Catering and delicatessen services: To provide food service or a business that caters banquets and weddings.

Commercial area: A district composed of certain lands and structures used primarily to provide for the retailing of goods and the furnishing of selected services.

Convenience store: A store that is open long hours and that typically sells staple groceries, snacks, and sometimes gasoline.

Drive thru establishment: An establishment of the "drive thru" type is one, which accommodates patrons in automobiles from which the occupants may bank or conduct business of convenience.

Drug store: A store where prescriptions are filled and drugs and other articles are sold; a pharmacy.

Fix-it shop: A mercantile establishment for the retail sale of service repair excluding automobile repair shop.

Floor area: The sum of the gross horizontal area of the floor 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.

Food service shop: A cafe, deli, coffee shop, sandwich shop, parlor or luncheonette, which offers food or beverages for purchase and consumption on the premises (no alcoholic beverages consumed on premises).

Funeral home: An establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

Gas station: Any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels including retail offering food or beverages including but not limited to other convenience goods.

Institution: A land used for hospitals, clinics or health service facilities.

Office, professional: The office of a physician, accountant, surgeon, dentist, attorney, architect, animal hospital, engineer, tax consultant, or other professional person who offers skilled services to his clients and who is not professionally engaged in the purchase or sale of economic goods.

Overlay district: Is a special zone that is drawn on a map outlining a significant resource. The resource could be an aquifer, a watershed, a shoreline, an historic area or a developing length of road, which may consist of neighborhoods or business potentials commonly called in planning a "road corridor".

Public amenity: Something that contributes to physical or material enhancement of the property and increases attractiveness or value, especially of a piece of real estate or a geographic location for the community or the people as a whole such as a fountain, courtyard, outdoor patio, open air eating, public art, or park.

Public use: Any use operated by an agency of government or private entity, which provides a direct service to the public for police, fire, or public transportation facilities.

Park: A facility which provides recreational opportunities which has minimal impacts on the surrounding area and has ten (10) percent or less coverage of the parcel by impervious surfaces, such as parks or playgrounds.

Restaurant: An establishment, which is devoted to the selling and serving of food for consumption by patrons on the premises and shall include alcoholic beverages sold as an accompaniment to meals only.

Right-of-way: The area of land designated by grant, contract, deed or dedication from the owner, or acquired by use, maintenance or acquisitive prescription, for use as a street, alley or utilities, whether such area is owned by the public or other user in fee or as servitude.

Road corridor: A developing length of road, which may consist of neighborhoods or business potentials commonly called in planning a "road corridor".

Section: Those areas between road intersections designated for a separation within a road corridor.

Sign, monument: A freestanding structure erected for a site that is marked and preserved as a business and used for advertising, building identification, street address and/or operating information. Sign shall be made of similar exterior materials of the building advertised and be no more than eight (8) feet in height, eight (8) feet in length and two (2) feet in width.

Sign, wall: A sign painted on or attached to the face of a building or structure supported throughout its length by such building.

Street yard planting area: The front yard setback buffer area.

Studio: An office of an artist, musician, photographer, craftsman, writer, tailor, seamstress, accountants, architects, hairstylists, brokers, doctors, lawyers, engineers, insurance agents, or similar person.

(Ord. No. 5100, § I, 4-20-06)

Sec. 26-47. Purpose and intent.

Zoning District C-1 LD (Light Commercial—Lake Street) is hereby created for the purpose of providing incentives to encourage infill development and redevelopment along Lake Street, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The intent of this overlay district is to implement the community's vision for the area and to address the unique land development constraints along Lake Street. The standards contained herein will ensure that new development is compatible and enhances the appearance

of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.

(Ord. No. 5100, § I, 4-20-06)

Sec. 26-48. Boundaries.

The Lake Street District consists of those lands within boundary commencing approximately four hundred eighty (480) feet north of the intersection of Lake Street and Ham Reid Road extending south to Gauthier Road in Calcasieu Parish. The boundary is five thousand eight hundred (5,800) feet in length and four hundred (400) feet in depth from the right of way on both sides of Lake Street including the ninety-foot right-of-way for Lake Street.

(Ord. No. 5100, § I, 4-20-06)

Sec. 26-49. Permitted uses.

[Permitted uses include:] Business and professional offices; institutions; churches; parks, bakeries; catering and delicatessen services; clinics; convenience stores; day cares; drug stores; fix-it shops; food service shops; funeral homes; gas stations; nurseries (horticultural); personal service shops; ponds; public uses; restaurants (alcoholic beverages consumed on premises); and studios.

(Ord. No. 5100, § I, 4-20-06)

Sec. 26-50. Nonconforming uses—Structures.

All current residences and businesses located within the boundary of the Lake Street District are exempt from complying with the overlay district regulations, except: a) when a residential use converts or is replaced with a business type use or; b) when an existing business is damaged, destroyed, repaired or renovated to fifty (50) percent more of the market value of the structure.

(Ord. No. 5100, § I, 4-20-06)

Sec. 26-51. Zoning.

All parcels subdivided or unsubdivided within the boundary of the Lake Street District shall be zoned C-1 (Light Commercial), but regulated pursuant to permitted uses set forth in these regulations and further herein described as C-1 LD

(Light Commercial Lake Street District). There shall be no adjustments within the Lake Street District except when approved as an alternative design.

- (1) *Alternative design.* Alternative design solutions may be submitted to the division of planning and development when it is found that the literal interpretation of this article causes an undue hardship or may impede the objectives of the proposed development. Alternative designs may apply only to site planning difficulties (i.e., setbacks, landscaping, architectural design guidelines, parking, etc.)
- (2) *Alternative request.* There will be two (2) types of request for alternative designs to the Lake Street District Overlay considered. Type one will consist of a minor and type two a major.
 - a. *Minor:* A request made for changes in development standards such as building setbacks, parking, landscaping, etc. that do not vary more than twenty (20) percent of the required development standards.
 - b. *Major:* A request made to enlarge the boundary of the district, a request to establish a specific use that is not allowed within the particular section of the district, modifications to the architectural theme or when any variance request for development standards exceed twenty (20) percent of the required development standards.
- (3) *Alternative design review process.* The review of minor or major request will be as follows:
 - a. Application must be made with the division of planning and development. The director of planning and development will determine when an application is complete.
 - b. In the case of a minor request, upon the determination of a complete application a seven-day review period will ensue. At the end of the seven-

day review period the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.

- c. In the case of a major request, upon the determination of a complete application a fourteen-day review period will ensue. Once determined complete, the application will be forwarded to the Lake Street District Overlay Review Team and within fourteen (14) days or less the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 - d. In the case of a minor request, the director of planning and development will make the final decision.
 - e. In the case of a major request, the Lake Street District Overlay Review Team will make the final decision.
 - f. The Fourteenth Judicial District Court is the proper forum for any aggrieved party of any decision made by the director of planning and Development or the Lake Street District Overlay Review Team.
- (4) *Lake Street Overlay Review Team.* The Lake Street District Overlay Review Team shall consist of the following members:
- a. Director of planning and development;
 - b. Police jury member, district six;
 - c. Police jury member, district seven.
 - d. Two (2) planning and zoning board members, ward three.
- (Ord. No. 5100, § I, 4-20-06)

Sec. 26-52. Conflict.

Where the provisions of the Lake Street District conflict with other applicable restrictions of the Calcasieu Parish Code of Ordinances, the provisions of this section shall prevail.
(Ord. No. 5100, § I, 4-20-06)

Sec. 26-53. Property development regulations.

Property development regulations shall apply to any proposed development located within the boundary limits of the district and all development shall comply with the regulations of the underlying zoning districts, except where modified as follows for the Lake Street District:

- (1) *Setbacks, maximum heights, and access.*
 - a. All buildings included in the overlay district along the Lake Street District must be set back a minimum distance of thirty-feet from the right of way line of Lake Street.
 - b. Maximum height on all buildings thirty-five (35) feet.
 - c. No building or parking is allowed within the thirty-foot building setback except for public amenities.
- (2) *Building/landscape.*
 - a. Front yard setback—Thirty (30) feet.
 - b. Corner lot front yard setback—Thirty (30) feet for both streets.
 - c. Side yard landscaped buffer—Ten (10) feet.
 - d. Front yard and rear yard landscaped buffer—Fifteen (15) feet.
 - e. Corner lot front yard landscaped buffer—Fifteen (15) feet for both streets.
- (3) *Floor area.*
 - a. None.
 - b. Outdoor seating areas: Only fifteen (15) percent of the outdoor seating area of the buildings gross floor area.
- (4) *Parking.*
 - a. All required parking spaces for the principal use must be located on the rear or side of the principal structure. No parking spaces shall be located within the front yard setback. All developments located on corner lots shall comply with the thirty-foot setback on both streets.

- b. All parking lots must have a concrete curb configuration. Shared parking areas and driveways are encouraged. Parking lot improvements are to:
 - 1. Reduce environmental effects of run-off;
 - 2. Reduce heat generated from pavement;
 - 3. Enhance aesthetic appeal of area.
 - c. Rear service road (alleys). Parcels providing access through a rear service road shall be a minimum of twenty (20) feet wide, subject to utility easements to be approved by the parish engineer. The road must be unencumbered, built to parish standards, and not used for any other purposes.
- (5) *Buffer requirements.* When a business is constructed within the boundary of the Lake Street District, a solid six-foot wood or masonry fence must be installed on the designated lot line where contiguous to R-1 (Single-Family Residential) or R-2 (Mixed Residential) lots with a minimum fifteen-foot setback for the rear yard buffer, ten-foot for the side yard buffer, and fifteen-foot setback for the front yard buffer, landscape included.
- (6) *Signage.*
- a. The Calcasieu Parish Ordinance shall govern the maximum number, height, and area, and the location of free-standing signs.
 - b. Notwithstanding any other provision to the contrary, only monument signs or wall signs are allowed in the Lake Street District. Only one (1) monument sign is allowed per entrance or driveway. One (1) wall sign is permitted for each building.
 - c. A monument sign or wall sign may not flash, blink or fluctuate and may not be animated. No internal illumination is allowed.
- (7) *Pedestrian circulation.*
- a. A paved, ADA (American Disabilities Act) compliant walkway shall be provided from all adjacent public sidewalks to all entrances used by the general public.
 - b. Benches and trash receptacles shall be provided as follows. One (1) bench and trash receptacle per building.
 - c. Walkways traversing vehicular use areas shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment (other than paint or striping) to indicate the pathway is intended for pedestrians.
- (8) *Quality development standards.*
- a. Public amenities: Businesses locating within the Lake Street District shall provide a minimum of one (1) of the following five (5) public amenities, which shall have a French Country, Contemporary, or Traditional theme and be incorporated within the thirty-foot front yard setback and the Lake Street Road right-of-way.
 - 1. Public art;
 - 2. Outdoor seating or outdoor furniture with umbrellas for open air eating;
 - 3. Outdoor patio, courtyard or plaza;
 - 4. Water feature/fountain/use of retention area as a focal point;
 - 5. Parks, squares or other public open spaces. Public open spaces shall be at least one hundred (100) feet by fifty (50) feet and are encouraged at intersections.
 - b. Architectural design guidelines: (French Country, Contemporary, and Traditional)—The following general architectural design guidelines shall apply a French Country, Traditional or Contemporary styled building:
 - 1. All roofing materials are limited to architectural asphalt

- shingles, standard seam copper, slate (or imitation slate) or clay tile.
 - 2. Roofs will have a minimum six-foot on twelve-foot pitch.
 - 3. All exterior wall materials are limited to brick, vinyl, hardy plank or stucco. No aluminum or metal siding except where applicable (i.e. soffit, gable end, facial board).
 - 4. All exposed portions of chimneys must be brick or stucco. Chimney caps are required with no exposed spark arrestors. Chimney materials will be brick, copper, bronze color, slate, or flagstone.
 - 5. Storage sheds must be attached to the building and will be constructed of the same materials as the building. No prefab, free-standing structures will be permitted.
 - 6. All air-conditioning compressors will be screened and located in the rear and;
 - 7. Refuse collection must be kept in a dumpster enclosed by a six-foot wood, or masonry fence. Dumpsters may not be located in building setback areas or landscape buffer areas.
- c. Exterior of buildings.
- 1. Earth tone colors shall be encouraged for the base building color. The same base building color may be used for the entire structure.
 - 2. All entries used by the general public shall be easily identifiable and integrated into the building architecture.
 - 3. All roofing materials and colors shall compliment the base building materials and color.
 - 4. Loading docks, dumpsters, outdoor storage areas, compactors, and similar areas shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building and/or equivalent landscaping.
- d. Lighting.
- 1. All freestanding poles and wall mounted exterior light fixtures shall be decorative and limited to a maximum height of eighteen (18) feet. Pole lighting prohibited within fifteen (15) feet of a residential property line.
 - 2. Lighting mounted on buildings or fences shall be no more than seven (7) feet above the ground.
 - 3. Pole lighting is allowed in parking areas. Pole lighting is limited to eighteen (18) feet in height and must be located no closer than fifteen (15) feet from the property line.
 - 4. Any external lighting must be oriented inward toward the development or structures to minimize intrusion into surrounding property.
- (9) *Prohibitions.* The following elements shall be prohibited: neon lights and colors, high intensity, metallic or fluorescent colors, mirror or solar glass with a reflectivity or opacity greater than sixty (60) percent.
- (10) *Crime prevention through environmental design (CPTED).* A minimum of one (1) CPTED principle from each category below shall be incorporated into site design for all development.
- a. Reduce opportunities.
 - b. Creating an atmosphere that does not encourage or invite unlawful activity can reduce criminal opportunities.
- Strategies would include:
- 1. Well lighted public outdoor areas and pedestrian walkways.

2. Well lighted parking areas.
 3. Direct general public access from all parking areas.
 4. Signs directing general public to entrances for general public.
 5. Easily identifiable store entrances.
 6. Difficult roof accessibility.
 7. "Call-out" pay phones only under surveillance.
- c. Visibility in and around the business area will help to reduce crime. Methods would include:
1. Store windows facing all parking areas.
 2. Interior shelves and displays not exceeding five (5) feet in height.
 3. Well lighted interior/exterior spaces.
 4. Building-mounted lighting installed on all exterior walls, especially at delivery/ service and entrances for general public.
 5. Clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles.
 6. All entrances and exits under visual or electronic surveillance.
 7. Landscaping, buildings, walls and fences, which do not create hiding places or hinder visibility.
- d. Territorial reinforcement. Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:
1. Landscaping, special pavement, and low fences.

2. Public spaces identified by welcome, directional, marquee, or similar signs.
3. Wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residence.

(Ord. No. 5100, § I, 4-20-06)

Sec. 26-54. Landscaping.

(a) *Purpose.* The purpose of this plan is to protect and enhance the Lake Street District's environment, economic and aesthetic resources consistent with the goals of the Lake Street District regulations, thereby promoting public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design in development. Further, the standards and requirements of this plan seek to promote the preservation, protection and enhancement of nature in the parish, and nature's unique features with particular emphasis on the urban forest canopy and vegetative cover of the land.

(b) *Applicability of landscape requirement.* The provisions of this plan shall apply to:

- a. All new development within the Lake Street Overlay District.
- b. When an existing use converts or is replaced with a new type of use or when the existing use is damaged, destroyed, repaired or renovated to fifty (50) percent or more of the assessed market value of the structure.
- c. The street yard planting area shall contain shrubs and non-turf ground cover planting. Shrub and ground cover planting must cover forty (40) percent of the street yard planting area. Generally, shrubs and ground covers should be planted in masses of one type per mass and in sufficient numbers to create beds or "drifts" of plants.

- d. Sight triangle area: No planting or ground cover in sight triangle areas shall exceed twenty-four (24) inches in height at maturity.
(Ord. No. 5100, § I, 4-20-06)

ARTICLE VII. VIOLATIONS AND PENALTIES*

Sec. 26-55. Enforcement.

The regulations shall be enforced by the director of planning and development who may issue permits and cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedy of any condition found to exist therein in violation of any provisions of this chapter. Appeal of the decision of the director of planning and development may be made to the board as provided in article III of this chapter.

(Ord. No. 3940, 11-20-97; Ord. No. 4729, § II, 5-6-04; Ord. No. 5100, § II, 4-20-06)

Sec. 26-56. Violation.

In case any building or structure is erected, structurally altered or maintained, or any building, structure, or land is used in violation of this chapter, the proper authorities of the parish, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, or use, or other violations to restrain, correct, or abate such violations, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

(Ord. No. 3940, 11-20-97; Ord. No. 4729, § II, 5-6-04; Ord. No. 5100, § II, 4-20-06)

Sec. 26-57. Penalty.

The owner or general agent of a building or premises where a violation of any provision of this chapter has been committed or exists, or the lessee or tenant of an entire building or entire

*Editor's note—Ord. No. 5100, § II, adopted April 20, 2006, renumbered former Art. VI, §§ 26-46—26-50 as 26-55—26-59.

premises where such violation has been committed or exists, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, assists in any such violation, or maintains any building or premises in which any such violation exists shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or be imprisoned for not more than thirty (30) days for each day the violation continues.

(Ord. No. 3940, 11-20-97; Ord. No. 4729, § II, 5-6-04; Ord. No. 5100, § II, 4-20-06)

Sec. 26-58. Notification of violation.

When a violation is found to exist, the director of planning and development will notify the owner(s) of the subject property that a zoning violation exists. The owner(s) shall mean the person(s) according to the current parish property tax rolls and his address shall be the last address shown on such rolls. Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the parish. If the building is under construction, a stop work order will be posted on the premises.

(Ord. No. 3940, 11-20-97; Ord. No. 4729, § II, 5-6-04; Ord. No. 5100, § II, 4-20-06)

Sec. 26-59. Deadline date.

Failure of the property owner to respond to these official notifications within the deadline date will be cause for the director of planning and development to notify the Calcasieu Parish District Attorney's Office to request that the owner be arrested and charged.

(Ord. No. 3940, 11-20-97; Ord. No. 4729, § II, 5-6-04; Ord. No. 5100, § II, 4-20-06)

ARTICLE VII. FEES†

Sec. 26-60. Fees.

(a) Each application to petition for zoning amendments, rezoning, zoning exception, variance, frontage road variance with director's ap-

†Editor's note—Ord. No. 5100, § III, adopted April 20, 2006, renumbered former Art. VII, § 26-51 as 26-60.

proval, or Nelson District Overlay alternative design variance for ten (10) acres or less shall be accompanied by a fee of two hundred dollars (\$200.00). For applications to petition involving more than ten (10) acres a fee of twenty dollars (\$20.00) per acre shall be charged up to one thousand dollars (\$1,000.00). Therefore, the minimum fee will be two hundred dollars (\$200.00) regardless of acreage. The maximum fee for any petition shall not exceed one thousand dollars (\$1,000.00), which shall apply for all areas of fifty (50) acres or more.

(b) Each application to petition for zoning amendments, rezoning, or zoning exceptions where the property is currently within a commercial and/or industrial district and the request is to allow a single family residential dwelling within that district shall be accompanied by a fee of twenty-five dollars (\$25.00).

(c) Each application to petition for zoning exception or rezoning for off-premises signs that are thirty-two (32) square feet or less shall be accompanied by a fee of twenty-five dollars (\$25.00).

(d) All checks submitted with applications to petition for zoning amendments, rezoning, zoning exceptions, and variances shall be made payable to the police jury.

(e) Under no conditions shall fees, either in whole or in part, be refunded for denial by the police jury or the board.

(f) There will be an additional fifty dollar (\$50.00) fee if the applicant begins the project prior to filing a petition.

(Ord. No. 3940, 11-20-97; Ord. No. 4357, §§ VII, VIII, 3-21-02; Ord. No. 4777, § III, 7-22-04; Ord. No. 4786, § II, 8-19-04; Ord. No. 5100, § III, 4-20-06)