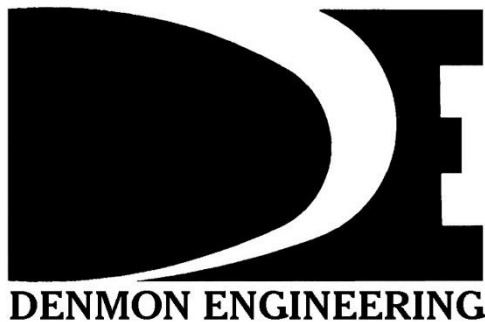


EXHIBIT E2
CITY OF MONROE
ZONING ORDINANCES



Chapter 37 - ZONING

CITY OF MONROE ZONING ORDINANCES

Footnotes:

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Editor's note— Ord. No. 11,443, adopted Nov. 12, 2013, repealed Ch. 37 in its entirety and enacted a new Ch. 37 to read as set out herein. Former Ch. 37, §§ 37-1—37-9, 37-21—37-29, 37-41—37-46, 37-56, 37-57, 37-71—37-76, 37-86—37-89, 37-96—37-103, 37-111, 37-112, 37-121, 37-122, 37-136—37-142, 37-144, 37-151—37-156, 37-166, 37-167, 37-171—37-196, pertained to similar subject matter. See the Code Comparative Table for complete derivation. The zoning map referred to in this chapter is not printed in this code; such map is available for inspection at the city hall.

Charter reference— Planning and urban development, § 4-08.

Cross reference— Restrictions on hogs, horses, etc., § 6-3 et seq.; airport zoning, § 7-91 et seq.; buildings, Ch. 9; restrictions on carnivals, circuses, etc., located near residences or schools, § 12-227; flood hazard areas, § 13-21 et seq.; historical preservation, Ch. 18.5; use restrictions in Monroe Air-Industrial Park, § 22-19; gates opening onto sidewalk, § 31-2; subdivisions, Ch. 32.

State Law reference— Zoning, R.S. 33:4721 et seq.

ARTICLE I. - SCOPE AND APPLICATION

Sec. 37-1. - Zoning regulations, short title.

These regulations shall be known and may be cited as the "Comprehensive Zoning Ordinance" of the City of Monroe in the State of Louisiana.

(Ord. No. 11,443, 11-12-13)

Sec. 37-2. - Purpose and authority.

- (a) *Purpose.* These zoning regulations as herein set forth have been prepared for the City of Monroe, Louisiana, to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.
- (b) *Authority.* This ordinance adopted pursuant to the Charter of the City of Monroe, and the provisions of Section 33:4721 et seq., Section 33:101 et seq., and Section 25:731 et seq. of the Louisiana statutes and the Constitution of the State of Louisiana in order to protect the health, safety and welfare of the City of Monroe, Louisiana.
- (c) *Commission provisions.*
 - (1) Under the authority of the Louisiana (LA) R.S. 33:101 et seq. the City of Monroe maintains a municipal planning commission, to be known as the "Monroe Planning Commission" or "planning commission" herein, whose administrative provisions are found in chapter 2, article III of the City of Monroe Code of Ordinances.
 - (2) As per LA.R.S. 33:4721 et seq., the municipal planning commission shall also serve as the municipal zoning commission, and shall have all of the powers conferred upon zoning commissions by law, and shall be known as the "Monroe Zoning Commission" or "zoning commission" herein. The administrative provisions for the zoning commission are found in chapter 2, article III of the City of Monroe Code of Ordinances.
 - (3) There may be a board of adjustment, the membership, terms of office, and rights and duties of which shall be provided in LA.R.S. 33:4727, as amended.
- (d) Any reference or citation made in this ordinance to any duly enacted statute of the United States of America or of the State of Louisiana; or any duly enacted ordinance of the Parish of Ouachita, the City of Monroe; or any regulation enacted or promulgated by any department, agency, bureau or other institution or subdivision of the United States of America, the State of Louisiana, the Parish of Ouachita or of the City of Monroe shall refer to the provisions of the cited or referenced statute, ordinance or regulation as of the date of the enactment of this ordinance or as cited or referenced statute, ordinance or regulation may thereafter from time to time be amended, reenacted or re-designated.
- (e) All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.
- (f) Upon the effective date of this ordinance, the pre-existing chapter 37, zoning, of the City of Monroe Code of Ordinances shall be repealed.

(Ord. No. 11,443, 11-12-13)

Sec. 37-3. - Jurisdiction.

- (a) These regulations shall apply to all the area located within the corporate limits of the City of Monroe. All developments shall meet minimum standards and requirements of these regulations, as amended. This ordinance, or any amendment thereto, shall not affect the validity of any building permit lawfully issued prior to the effective date of this ordinance, or any amendment thereto, provided that the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto, that construction authorized by such permit has commenced prior to the effective date of this ordinance, or any amendment thereto, and provided that construction has and does continue without interruption until development is completed.
- (b) This ordinance, or amendment thereto, shall not affect the validity of variances granted prior to the effective date of this ordinance, or amendment thereto. Said variances shall remain in effect after the effective date of this ordinance, and shall constitute variances to the applicable provisions of this ordinance.

(Ord. No. 11,443, 11-12-13)

Sec. 37-4. - Scope.

- (a) The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land, fence or sign within the city, except work located primarily in a public way, public utility towers and poles and public utilities unless specifically mentioned in this code.
- (b) Where, in any case, different sections of this code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (c) In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such as merely a byproduct of the overall benefit to the whole community. Therefore, the City of Monroe, its officers, agents and employees shall have qualified immunity against unintentional breaches of the obligation of administration and enforcement imposed on the jurisdiction hereby.
- (d) If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

(Ord. No. 11,443, 11-12-13)

Sec. 37-5. - Fees.

The Monroe City Council shall establish a schedule of fees, charges and expenses and a collection procedure for applications, certificates of occupancy, appeals and other matters pertaining to this ordinance. A schedule of fees shall be available from the planning director's office and may be altered or amended only by the city council. No certificate, conditional use or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full. The appropriate fees for application procedures specified herein shall include:

<i>Map Amendment:</i>	\$ 300.00 for the first acre and 25.00 for each additional acre
Minimum charge	300.00
Maximum charge	3,000.00
<i>Planned Unit Developments and Mobile Home Parks:</i>	250.00 for the first acre and 25.00 each additional acre.
Minimum charge	250.00
Maximum charge	2,500.00

Acreage based on total acres exclusive of streets

<i>Site Plan Review:</i>	150.00 per plan
<i>Conditional Use Permit:</i>	
Major:	250.00
Minor:	150.00
<i>Variances:</i>	200.00
<i>Text Amendments:</i>	100.00
<i>Preliminary/Final Subdivision Plat:</i>	25.00 per lot
Minimum fee	300.00
Maximum fee	3,000.00
<i>Revocation:</i>	200.00
<i>Dedication:</i>	200.00
<i>Zoning Compliance Verification Form:</i>	75.00 (Temporary uses \$50.00)
Certificate of occupancy is included in this fee	
<i>Annexations:</i>	200.00
<i>Fence Permits:</i>	25.00
<i>Certificate of Appropriateness:</i>	75.00
<i>Copies:</i>	.50¢
<i>Appeals:</i>	75.00
<i>Zoning Certification Letter:</i>	25.00

(Ord. No. 11,443, 11-12-13; Ord. No. 11,611, 9-8-15)

Sec. 37-6. - Transition rules.

In determining the applicability of this ordinance, with respect to the previously applicable zoning regulations, the following rules apply.

- (1) *Existing nonconforming structures and uses.* A structure or use that is made nonconforming before the effective date of this ordinance, but is made conforming by the provisions of this ordinance or any subsequent amendment to this ordinance, is

lawful as of the effective date of this ordinance or of any subsequent amendment to this ordinance. However, any subsequent addition, enlargement or expansion of that structure or use is required to conform to the procedural and substantive requirements of this ordinance.

- (2) *Existing permitted uses, conditional uses, and planned developments.*
- a. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this ordinance, and now that use is classified as a conditional use (major or minor) as of the effective date of this ordinance, that use is deemed a lawful nonconforming use and is controlled by the provisions of article VIII. Any subsequent addition, enlargement, or expansion of that use shall conform to the requirements of this ordinance.
 - b. If a structure or land is used in a manner that was classified as a conditional use (special exception or use requiring planning approval) prior to the effective date of this ordinance, and that use is now classified as a permitted use as of the effective date of this ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use shall conform to any ordinance requirements for such permitted use and is no longer subject to the conditional use ordinance under which it was originally approved.
 - c. Planned developments shall follow the requirements of article IV.
- (3) *Existing lots and structures rendered nonconforming.* If a lot or structure exists legally before the effective date of this ordinance or any subsequent amendment to this ordinance, and such lot or structure does not meet all standards set forth in this ordinance, that structure is deemed a legal nonconforming structure and is controlled by the provisions of article VIII.
- (4) *Previously issued building permits.* If a building permit for a building or structure was lawfully issued prior to the effective date of this ordinance or any subsequent amendment to this ordinance, and if substantial construction has begun within one-hundred eighty (180) days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.
- (5) *Previously granted conditional uses and variances.* All conditional uses (special uses and uses requiring planning approval) and variances granted prior to the effective date of this ordinance or any subsequent amendment to this ordinance remain in full force and effect, unless a conditional use is allowed as a permitted use as of the effective date of this ordinance. The recipient of the conditional use or variance may proceed to develop the property in accordance with the approved plans, including all conditions included as part of approval. If the recipient has failed to act on the conditional use or variance before the approval expires, including any periods of extension granted, the provisions of this ordinance govern.
- (6) *Pending applications.* An application that has been received and deemed complete and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.
- (7) *Illegal uses.* Uses that are illegally established prior to the adoption of this code shall remain illegal.

(Ord. No. 11,443, 11-12-13)

Sec. 37-7. - Annexed territory.

The petition for annexation shall set forth the appropriate city zoning, which shall be determined by adjacent zoning, the current and/or proposed use, and a determination by Planning and Zoning Director of the City of Monroe or his/her designee as to the appropriate zoning classification, before adoption of an annexation ordinance by the City Council of the City of Monroe.

(Ord. No. 11,443, 11-12-13)

Secs. 37-8—37-19. - Reserved.

ARTICLE II. - DEFINITIONS AND RULES OF INTERPRETATION

Sec. 37-20. - Rules of interpretation.

The following rules of interpretation shall apply to the text of this zoning ordinance:

- (1) The particular controls the general.
- (2) In the case of any difference in the meaning or implication between the text of this zoning ordinance and any caption or illustration, the text controls.
- (3) "Shall" is always mandatory and not discriminatory.
- (4) Words used in the present tense include the future; and words used in the singular include the plural, and the plural the singular, unless the context clearly states the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) "Person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and" or "or", the following shall apply:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
- (8) Terms not defined in this ordinance have the meaning customarily assigned to them, or a meaning to be assigned by a designee of the City of Monroe.

(Ord. No. 11,443, 11-12-13)

Sec. 37-21. - Definitions.

For the purpose of these regulations, these terms and words are hereby defined:

Abandonment: (Also see discontinuance.) The cessation of the use of a property or of a particular use for at least twelve (12) months, or a sign that remains without bona fide advertising or which is located on a property that becomes vacant or unoccupied for more than six (6) months.

Accessory dwelling unit: A self-contained residential unit, considered subordinate to the principal use, and built on the same lot as an existing single-family home.

Accessory structure: A building or structure attached or detached from, but located on the same lot as, the principal structure and the use of which is clearly incidental and subordinate to the principal structure.

Accessory use: A use that is customarily incidental and subordinate to the principal use, and which is located on the same lot as the principal use.

Addition or enlargement: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

Adult use: Any business as defined by Louisiana Revised Statute (LA R.S.) 14:106A, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses, adult nightclubs or massage businesses. These uses are further defined in (LA R.S.) 14:106 and subsection 37-92(a) of this ordinance. However, those massage businesses where all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards, are exempt from this definition.

Airport: Facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, airport-related uses; and airport auxiliary facilities, including fences, lighting and antennae systems, on-premises signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.

Airport-related use: A use or activity whose purpose or function is primarily or partially dependent on location or access to the operations of an airport and whose functions are necessary for the daily operations and economic viability of a full-service commercial airport.

Alcohol beverage sales: The sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption.

Alcohol beverage sales, off-premises: The retail sale of alcoholic beverages in the original manufacturer sealed and labeled container in a business such as a grocery store, convenience store or liquor store for consumption off site.

Alcohol beverage sales, on premises: The sale of beer, wine, or other alcoholic beverages as the primary activity (e.g., bars, taverns, etc.) or as an incidental or secondary activity to another primary business activity (e.g., full-service or specialty restaurants, hotels, banquet halls) for consumption on site.

Alley: A dedicated right-of-way twenty (20) feet or less in width that affords only a secondary means of access to property abutting thereon.

Alteration: Any change, addition or modification in construction, use or occupancy.

Animal shelter: A facility that is used to house or contain animals and is owned, operated, or maintained by a government or nonprofit organization for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

Applicant: Any person, firm or corporation requesting approval of any land use, development or improvement application, or similar entitlement regulated by the City of Monroe Municipal Code.

Application: The completed form(s) and all accompanying documents, exhibits and fees required of an applicant by the applicable department, board or commission of the City of Monroe for development review, approval or permitting process.

Appurtenance: An architectural feature of a structure that is higher than the adjacent portion of the structure, such as a chimney, cupola, spire or parapet wall.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Arts studio: An educational facility where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught to four (4) or more persons at a time.

Attic: The finished or unfinished space of a building that is immediately below and wholly or partly within the roof framing.

Automobile/vehicle dealership: An establishment that sells or leases new or used, functional automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles or other motorized transportation vehicles. An automobile/vehicle dealership may contain an inventory of the vehicles for sale or lease either on site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Automobile rental/leasing establishment: Rental of automobiles, light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies, moving vehicle rental, and taxi-cab dispatch areas.

Automotive repair, major: An establishment primarily engaging in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

Automotive repair, minor: An establishment primarily engaging in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups, and transmission work, which is conducted within a completely enclosed building.

Awning: A roof-like cover, often of fabric, metal or glass, designed and intended for protection from the weather or a decorative embellishment, and that projects from a wall or roof of a structure over a window, walk or door.

Banquet hall: (See also reception hall) An establishment that is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings and other celebrations, which may also include on-site kitchen/catering facilities. The sale of alcoholic beverages for on-premises consumption may only occur during scheduled events and is not open to the general public.

Bar: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages for consumption on the premises. Snack food or other prepared food may be available for consumption on the premises as an accessory use only. No sales of alcohol for off-premises consumption are permitted. A bar may include a microbrewery on-site as an accessory use only.

Base flood elevation: The elevation, expressed in feet above mean sea level, to which flooding has a one per cent chance of equaling or exceeding that level in any given year.

Bed and breakfast: An owner-occupied residential structure that provides up to seven (7) sleeping rooms for overnight paid occupancy for a period not to exceed fourteen (14) days. Common bathroom facilities may be provided rather than private bathrooms for each room, however no cooking facilities are permitted in individual rooms. Limited social functions may be allowed, as regulated in subsection 37-92(b) of this ordinance.

Bingo hall: A facility used primarily for the conduct of manual or electronic video bingo games, open to the public and not in a subsidiary nature to another use.

Block: A parcel of land within a subdivision or development, which is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street but part of the block.

Blockface: The portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Board of adjustment: The term "board of adjustment" shall mean the Monroe Board of Adjustment created under LA.R.S. 33:4727 et seq., which shall have the powers provided for by Louisiana law to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official; and to grant variances where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance and as may be provided for in this chapter 37 zoning of the City of Monroe Code of Ordinances.

Boardinghouse: A building where, for compensation and by prearrangement for definite periods, meals or lodging are provided for five (5) or more persons.

Boardwalk: An elevated public pedestrian connection constructed over a public street or along a waterfront.

Boathouse: A single-story structure consisting of posts and a roof, with or without walls, connected to either a dock or ground in a body of water, constructed for boat storage or related marine use only. The term "boat house" includes the anchoring system and any walkways or bridges that connect to the structure.

Brewpub: A restaurant that includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. The area used for brewing, including bottling and kegging, shall not exceed twenty-five (25) per cent of the total floor area of the commercial space. The brewery shall not produce more than one thousand five hundred (1,500) barrels of beer or ale per year.

Buffer: An area established in order to protect and separate one land use from another, which may include landscaping, fencing or other buffering materials.

Buildable area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

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

Building, main or principal: A building in which is conducted the principal use of the lot on which it is situated. A dwelling shall be deemed to be the main building on the lot in all residential districts.

Building, temporary: A building that serves as office or storage for a given period of time. A temporary building may only remain on the site for six (6) months and is not permitted to serve as a residence at any time.

Building frontage: The linear dimension of the facade of a building that abuts the required front yard as stipulated in this ordinance. A corner building is permitted to use the secondary facade to determine building frontage.

Building inspector: A person employed by the City of Monroe who is charged with the administration and enforcement of building codes.

Building integrated solar energy system: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include but are not limited to photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings.

Building mounted solar energy system: A solar energy system affixed to a principal or accessory building.

Canopy: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Cargo containers: A cargo container is an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships. A cargo container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a cargo container for the purpose of this article.

Cargo terminal: A transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations.

Carnival: (see also fair) A temporary outdoor event, with rides, animal events, art shows, concerts, craft fairs, itinerant shows and/or religious revival meetings, which is located outside of permanent structures and has a duration of no more than ten (10) days in a month.

Carport: An accessory structure consisting of a canopy or shed attached or adjacent to the main structure and open on two (2) or more sides for the purpose of providing shelter for one or more vehicles.

Carwash: A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light dirty equipment, whether automatic in an enclosed structure or by hand.

Cemetery: Land used or dedicated for the burial of the dead, including crematoriums, columbariums, mausoleums and necessary sales and maintenance facilities. Mortuaries and chapels may be included when operated within the boundary of said cemetery.

Certificate of occupancy: A document issued by the director of planning and zoning allowing the occupancy or use of a building and certifying that the structure, use, and/or site have been constructed, installed, or will be used in compliance with all applicable codes and ordinances.

Check cashing facility: (See also pay-day loan agency) An establishment that is not a bank or financial institution subject to federal or state regulation, and that charges either a flat fee or a fee based on a per centage of the face value of a check to be cashed or processed by such establishment, and provides such services to the public.

Children's residential facility: (See also residential care facility) A building, other than an apartment, hotel, small or large group home, providing temporary lodging and board and a special program of specialized care and counseling on a full-time basis for twelve (12) or more children who are displaced from their normal living environment. A children's residential facility must be licensed by an agency of the State of Louisiana as a children's residential or similar care facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

Church: (Also see house of worship) A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain religious expression, together with all accessory buildings and uses customarily associated with such primary purpose.

City: The City of Monroe, Ouachita Parish, Louisiana.

City council: The chief legislative body of the City of Monroe, Louisiana.

Clubhouse: The principal building associated with a golf course, tennis club, or similar recreational facility that typically contains the pro shop, administrative offices, exercise facilities and locker rooms, golf cart storage and maintenance, and may also contain food and beverage services, including public meeting and banquet rooms and related facilities.

Columbarium: An accessory structure or building and substantially exposed above ground, intended to be used for the interment of the cremated remains of deceased persons or animals. Columbaria shall be considered accessory uses to cemeteries or houses of worship.

Common structure: An accessory structure, such as a carport, laundry, gazebo or recreational facility used by more than one resident in a multi-family development or manufactured housing development.

Community center: A facility to be used as a place of meeting, recreation, adult training or social activity, and not operated for profit, which is open to the community and designed to accommodate the surrounding neighborhood or the larger community.

Community garden: Neighborhood-based developments that provide space for community members to grow plants for beautification, education, recreation, community distribution or personal use. These sites shall be owned and managed by public or civic entities, non-profit organizations, or other community-based organizations that are responsible for maintenance and operations.

Concept plan: A generalized plan drawn to scale for development of property requested to be zoned as a planned unit development and that identifies the following: the use of the property; the intensity of the uses expressed in number and type of dwelling units, gross square feet in commercial, industrial or other uses; general location and size of proposed buildings; streets and roadways within and adjacent to the property; access points, parking areas, and the number of spaces; open space to be preserved and open space to be created; general vegetation; legal description; total acreage; graphic scale; and north point.

Conditional use: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the planning commission and granting of a conditional use permit imposing such conditions as necessary to make the use harmonious or compatible with neighboring uses, as outlined in article IX of this ordinance.

Construction: Any act or process that requires a building permit and that adds an addition onto an existing building or erects a new principal or accessory structure on a lot which is subject to the design standards, the provisions of chapter 13 (drainage and flood control), or [chapter 33](#) (storm water quality) of the City of Monroe Code of Ordinances for the district in which the property is located.

Construction, commencement: The physical improvement of land in accordance with a permit issued by the building inspector of the City of Monroe, such as the pouring of slabs or footings or any work beyond the stage of excavation or the first permanent framing or assembly of the structure or any part thereof on its piling or foundation when a structure is without a basement or poured footings.

Construction, substantial completion: The date at which the work or building project, or a designated portion of the work or building project is sufficiently complete, in accordance with the construction contract documents, so that the owner may use or occupy the work or building project, or designated portion thereof, for the intended use for which it is originally designed and intended for. This would include the completion of all life safety systems, a weather-tight envelope, and adequate protection of building occupants and or equipment from hazards posed by additional or possible construction activities or other potential harmful conditions that may exist or become evident during the final work effort to complete the project per the construction contract documents. This date is then certified by the architect to the owner or client. From this date a number of other provisions are started such as warranty, guaranties and liabilities.

Contractor storage yard: Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or other building materials or construction contractor in the conduct of any building trade or craft.

Condominium: A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

Convalescent center: A facility that provides nursing services and temporary custodial care on a 24-hour basis for persons suffering from illness, other than mental illness, which is not of sufficient severity to require hospitalization, or persons requiring further institutional care after being discharged from a hospital other than a mental hospital.

Correctional facility: A public or privately-operated facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include adult detention centers, juvenile delinquency centers, jails or prisons.

Craft brewery: A commercial facility that produces fermented malt beverages on site in quantities from 0 to 465,000 gallons (15,000 barrels) per year. If more than 15,000 barrels per year are produced, it will be considered light manufacturing. The facility may include an accessory tasting room where customers can taste samples of the products manufactured on-site and purchase related sales items. A maximum of 10% of production can be sold in the tasting room and any sale of alcohol in the tasting room or otherwise in the facility which is manufactured outside the facility is prohibited. The tasting room may only be open three (3) days a week with minimum hours of operation.

A craft brewery does not include restaurants with accessory brewing facilities or microbreweries.

Crematorium: An accessory use within a cemetery or mortuary containing properly installed, certified apparatus intended for use in the act of cremation.

Day: When used in this ordinance, day shall mean one business day.

Day care center, adult: A facility where, for a portion of a twenty-four (24) hour day, functionally-impaired adults that are not related to the owner or operator of the facility are supervised or participate in a training program. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity. An adult day care center does not include adult day care homes.

- (1) *Day care center, small:* Up to fifteen (15) adults;
- (2) *Day care center, large:* Sixteen (16) to fifty (50) adults;
- (3) *Day care center, commercial:* Fifty-one (51) or more adults.

Day care center, child: A facility where, for a portion of a twenty-four (24) hour day, supervision and guidance of children that are not related to the owner or operator of the facility is provided on a regular basis. A child day care center does not include a child day care home.

- (1) *Day care center, small:* Up to fifteen (15) children;
- (2) *Day care center, large:* Sixteen (16) to fifty (50) children;
- (3) *Day care center, commercial:* Fifty-one (51) or more children.

Day care home, adult: A private home in which a permanent occupant provides care for the elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity.

- (1) *Day care home, small:* Up to five (5) adults,
- (2) *Day care home, large:* Six (6) to twelve (12) adults.

Day care home, child: A private home in which a permanent occupant provides care for children from outside households in a protective setting for less than twenty-four (24) hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12). A child day care home does not include homes that receive children from a single household.

- (1) *Day care home, small:* Up to five (5) children,
- (2) *Day care home, large:* Six (6) [to] twelve (12) children.

Day shelter: A facility operated by an organization or non-profit group that provides a place for indigent, needy, homeless or transient persons to wash and dry clothes, take showers; use the computer or other similar activities during the hours of 7:30 a.m. to 6:00 p.m. May include offices for social agencies and may provide meals.

Dedicate/dedication: The intentional appropriation or conveyance of land or an interest in land by the property owner to the city for public use.

Demolition by neglect: The destruction of a building through abandonment or lack of maintenance.

Density: The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

Design standards: Specific criteria and limitations placed on development and uses that are intended to protect the public health, safety, and welfare.

Designee: Person or persons designated by the mayor and/or department head to check, review and comment on all submissions regarding their nonconformance to these regulations.

Detention/retention pond: (Also known as bio-retention pond) A man-made basin designed to protect against flooding by storing storm water for a limited period of time.

Development agreement: An agreement between a developer and the City of Monroe that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, improvements and any other mutually agreed to terms and requirements.

Development: The act of installing site improvements, building structures, mining, dredging, filling, grading, paving, excavating, drilling or other activity on improved or unimproved real estate.

Development plan: A generalized plan that becomes part of the zoning for a property. The plan depicts site characteristics and development information and provides guidance for site plans.

Diameter breast height (DBH): The diameter of a tree trunk or the cumulative diameter of multiple trunks measured four and one-half (4.5) feet above natural grade.

Digital flood insurance rate map (DFIRM): An official map of the community, on which the Administrator of the National Flood Insurance Program (NFIP) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Discontinuance: (Also see abandonment) The abandonment of a property or of a particular use for a period of at least twelve (12) months. The determination of discontinuance for non-conforming uses or structures shall be supported by evidence, satisfactory to the planning and zoning division (e.g., the actual removal of equipment, furniture, machinery, structures, or other components of the non-conforming use and not replaced, the turning off of the previously connected utilities, or where there are no business receipts/records or any necessary licenses available to provide evidence that the use is in continual operation).

Dock: A wharf or a row of piers with no enclosed buildings or roofs, where boats can be moored, loaded, etc., including "U" shaped or other shaped structures.

Dormitory: A structure specifically designed for the long-term stay by students of a college, university or non-profit organization, for the purpose of providing rooms for sleeping purposes. A common kitchen and common gathering rooms for social purposes may also be provided.

Drainage plan: A plan showing proposed site drainage features for controlling storm water runoff and conveying it to public outfalls. A drainage plan shall also include runoff calculations and storm water pollution control (as needed) for engineering review, evidence that the drainage plan has been submitted to and reviewed by the storm water drainage authority with jurisdiction over the site, and that the drainage plan and storm water pollution control plan (as needed) has been approved by said authority.

Drive-through establishment: Premises used to provide or dispense products or services through an attendant, window or automated machine to persons remaining in their vehicle. A drive-through facility may be in combination with other uses such as a "financial institution," a "retail goods establishment" or "restaurant." A "car wash," "gas station" or "motor vehicle service and repair" shall not be considered a drive-through facility.

Driveway: A private accessway, not classified as a street, road or highway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

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

Dwelling, multi-family: A building or portion thereof designed for occupancy by three (3) or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

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

Dwelling, townhouse: A building on its own separate lot of record containing one dwelling unit that occupies space from the ground to the roof, and that is attached to one or more other townhouse dwelling units by at least one common wall.

Dwelling, two-family: A building designed or arranged to be occupied by two (2) families living independently, with the structure having only two (2) dwelling units.

Dwelling, zero lot line: Single-family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line.

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

Easement: The right, granted by the property owner, to use a portion of a parcel of land for specified purposes, such as public utilities, drainage and other public purposes, the title of which shall remain with the property owner, subject to the right of use designated in the reservation of the easement (See servitude).

Eave: The projecting sides of a roof overhanging the wall of a building.

Educational facilities: (Also see schools) Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

Educational facility, college/university: A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. This also includes post-secondary theological schools for training ministers, priests or rabbis.

Educational facility, elementary: A public, private or parochial school offering instruction at the elementary, middle and/or junior high school level. Religious facilities with elementary educational facilities shall be considered educational facilities, elementary.

Educational facility, secondary: A public, private or parochial school offering instruction at the senior high school level. This also includes secondary schools for training ministers, priests or rabbis. Religious facilities with secondary educational facilities shall be classified as educational facilities, secondary.

Educational facility, vocational school: A school established to provide for the teaching of industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.) or artistic skills; or a school conducted as a commercial or non-profit enterprise, such as a driving school, an adult training facility, or school for general education development. This definition applies to schools that are owned and operated privately and that do not offer a complete educational curriculum. Vocational educational facilities do not include university educational facilities.

Elderly housing: A facility consisting of three (3) or more dwelling units, the occupancy of which is limited to persons sixty (60) years of age or older. The facility may also include medical facilities or care.

Elderly housing, assisted living: A model of senior housing that provides a combination of residential quarters, supportive services, personalized assistance, 24-hour supervision, and health care. These facilities generally provide basic services such as laundry, light housekeeping, communal meals, and health-related services in an independent residential environment.

Elderly housing, continuing care community: Housing planned and operated to provide a continuum of accommodations and services for seniors including, but not limited to, independent living, congregate housing, assisted living, and skilled nursing care.

Elderly housing, nursing home: A facility designed and intended to provide nursing service on a continuing basis to persons, the majority of whom require such service under trained professional nurses or physicians, and for whom medical records are maintained. The term "nursing home" shall include post-operative convalescent centers but shall not include any facility used for providing service to any inmate of any prison or other correctional institution.

Elderly housing, retirement housing: A residential complex containing multi-family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but excludes institutional care such as medical or nursing care and are distinguished from assisted living centers as elsewhere defined.

Electric theft deterrent device: A free-standing, electric security fence installed inside an existing perimeter fence. This security fence issues a pulsating, short duration shock lasting only three-ten-thousandths (3/10,000) of a second. Attempts to climb or cut the fence will trigger an immediate audible alarm.

Emergency homeless shelter: (See also transitional housing) A facility that provides temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

Emergency services: Publicly-owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

Enclosed structure: A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Enclosure: The process of enclosing a previously open, or partially open, accessory structure or architectural feature adjacent to the front, rear or side of the principal structure with a roof or walls, or other screened or framed enclosure.

Encroachment: The extension or placement of any structure or component of a structure into a required yard, setback, street right-of-way, or floodplain/floodway.

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

Fair: (see also carnival) A temporary outdoor event, with rides, animal events, art shows, concerts, craft fairs, itinerant shows and/or religious revival meetings, which is located outside of permanent structures and has a duration of no more than ten (10) days in a month.

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

Family violence shelter: (See also residential care center) A program or facility that provides comprehensive residential and/or non-residential services to victims of family violence. A family violence shelter must be licensed by an agency of the State of Louisiana as such, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

Farmer's market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and animal agricultural products, occurring in a pre-designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale. (Includes vendors selling non-agricultural products as well.)

Fence: An artificially constructed barrier of wood, masonry, stone, wire, ornamental iron or other material erected to enclose, screen or separate uses. A fence may or may not include a gate, but a gate does not include a fence.

Financial institution: A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM).

Floodplain: The special flood hazard lands adjoining a watercourse, whose surface elevation is lower than the base flood elevation, that are subject to periodic inundation during floods.

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

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.

Footcandle: A footcandle is a measure of light intensity. A footcandle is defined as the amount of light received by one square foot of a surface that is one foot from a point source of light equivalent to one candle of a certain type.

Foundation, permanent: A full, poured concrete or masonry foundation, or any foundation which, pursuant to the building code of the City of Monroe, is permitted for single-family dwellings.

Fraternity: A club or social activity officially associated with and recognized by and supervised by an institution for higher education whose membership is limited exclusively to students of said institution.

Fraternity house: A building used as a group living quarter for students of a college, university or seminary, who are members of a fraternity that has been officially recognized by the related college, university or seminary.

Freestanding solar energy system: A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure.

Frontage: That portion of a lot abutting a street right-of-way measured along the property line of the public right-of-way and the private property.

Funeral home: (Also see mortuary) An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

Gaming: The dealing, operating, carrying on, conducting, or maintaining for pay of any game.

Garage: An enclosed structure that is an accessory use to a dwelling unit that is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

Gas station: A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

Gate: An opening in a fence. An artificial barrier capable of being opened and closed, permitting or denying access across a driveway or path.

Gated community: A limited access subdivision with privately owned streets and maintained infrastructure.

Government facility: A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public, and shall include public works and public safety facilities.

Grade: The average level of the surface of the ground adjacent to the exterior walls of a building.

Grade, finished: The final elevation of the average ground surface adjoining a building at all exterior walls after man-made alterations, such as grading, grubbing, filling or excavating.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling or excavating.

Group home or community home: A single-family residential structure, licensed by the State of Louisiana, designed or adapted for occupancy by unrelated developmentally disabled persons, not including alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions who have been found not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

Group or community home (small): A small, residential facility located within a community, designed to serve children or adults with chronic disabilities. Small group homes may have six (6) or fewer occupants who are mentally, physically or developmentally disabled, and one or more resident counselors/trained caregivers on staff twenty-four (24) hours a day. A small group home must be licensed by an agency of the State of Louisiana, the political subdivision, and/or a state-licensed child placement agency, as a group home, receiving home, or similar care facility.

Group or community home (large): A residential facility located within a community, designed to serve children or adults with chronic disabilities. Large group homes may have twelve (12) or fewer occupants who are mentally, physically or developmentally disabled, and two (2) or more resident counselors/trained caregivers on staff twenty-four (24) hours a day. A large group home must be licensed by an agency of the State of Louisiana and/or a state-licensed child placement agency, as a group home, receiving home, or similar care facility.

Gross floor area: The total area of all the floors of a building, including intermediately floored tiers, mezzanine, basements, etc., as measured from the exterior surfaces of the outside walls of the building.

Halfway house, penal: A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently. A halfway house must be licensed by an agency of the State of Louisiana as a halfway house or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

Hazardous waste: A waste, or combination of wastes, regulated by [Title 33](#), Part V of the Louisiana Environmental Regulatory Code (LAC 33.V), which because of its quantity, concentration, or physical, chemical or infectious characteristics may do either of the following:

- (1) Cause or significantly contribute to an increase in mortality or increase or serious irreversible or incapacitating reversible illness;
- (2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of or otherwise managed.

Hazardous waste disposal facility: All structures, appurtenances and improvements on the land used for treatment, storage or disposing of hazardous waste, including all operations or storing areas, diked overflows, or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled or processed.

Hazardous waste incinerator: An enclosed device using controlled flame combustion, where the primary purpose of which is to thermally break down hazardous waste.

Hazardous waste processing facility: Any commercial facility, as defined by LAC 33.V § 106, that treats or stores hazardous waste generated on properties other than those on which the processing facilities are located.

Hazardous waste storage: Any environmentally sound facility used to store hazardous waste for a temporary period as regulated by LAC 33.V.

Hazardous waste treatment: The physical, chemical or biological processing of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

Heavy sales, rental and service: This use includes retail, rental and/or service establishments that have permanent outdoor service or storage yards, or partially enclosed structures including, but not limited to, large-scale home improvement centers with outdoor storage and rental components, lumberyards, playground equipment sales and rental, truck repair establishments, and uses with permanent outdoor service or storage areas for heavy equipment such as truck rental establishments, large-scale moving centers, and temporary storage container facilities.

Height: The vertical distance of a structure measured from the finished grade to the roofline. No height limitation in this ordinance shall apply to any of the following structures: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; smoke stacks; derricks; flag poles; masts; solar energy facilities; air conditioning equipment; elevator penthouses and similar structures required to be placed above the roof level and not intended for human occupancy.

Heritage preservation commission: The term "heritage preservation commission" shall mean the Monroe Heritage Preservation Commission created under Monroe [Chapter 18.5-26](#), which shall have the powers to review and approve or deny requests for exterior alterations to structures in designated historic districts as provided for by Louisiana law and as may be provided for in this chapter 37, zoning of the City of Monroe Code of Ordinances.

Home occupation: A business, profession, occupation or trade conducted within the principle structure of a residential use by a resident of the dwelling which is incidental and secondary to the residential use of the dwelling, does not change the essentially residential character of the use, and which complies with the requirements of (subsection [37-92\(g\)](#)) home occupations.

Homeless shelter: A facility providing temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as counseling, vocational training. Such assistance may include food and/or shelter and may, in addition, include religious instruction. Such shelters shall not provide lodging on a regular basis and shall not provide shelter for the same individuals.

Hospital: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. A hospital may also include accessory uses such as "retail goods establishments" and "restaurants," provided that such facilities are incidental and subordinate to the main use and part of the main structure.

Hotel or motel: An establishment providing, for a fee, sleeping accommodations and temporary living accommodations to the general public. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants and recreational facilities.

House of worship: (Also see church) A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain religious expression, together with all accessory buildings and uses customarily associated with such primary purpose.

House of worship, small: A place of religious worship having four hundred (400) or fewer seats or no more than eight thousand (8,000) square feet of total gross floor area.

House of worship, large: A place of religious worship having more than four hundred (400) seats or eight thousand (8,000) square feet of total gross floor area.

House of worship, mega: A large, specialized type of house of worship that includes such non-traditional accessory uses as retail sales, residential uses, amusement parks, and/or sports and entertainment facilities, as an integrated part of the development.

Hydrostatic force: Standing water or slowly moving water that can induce horizontal force (collapse) or vertical force (flotation) against a structure when floodwater levels on different sides of a wall are not equal.

Independent living facility: A multi-family dwelling for persons with physical or developmental disabilities. Units may be comprised of efficiency, one, two (2) or more bedrooms with three (3) or more bedroom units restricted to occupancy by families comprised of at least one person with a disability. Each unit shall contain a kitchen and a bath. Related ancillary uses may include a congregate dining facility, community space, laundry facilities, small administrative offices, management staff residential quarters and/or storage. These facilities are generally developed and operated by non-profit organizations, and services may vary with the target population but could include case management, training in independent living skills, and employment assistance.

Intensity: Relative measure of development impact as defined by characteristics such as the number of dwelling units, amount of traffic generated, and amount of site coverage. To alter the character of a use to the extent that the use generates new or different impacts to the surrounding neighborhood constitutes an intensification of use.

Junkyard: A tract of land, including any accessory structure thereon, that is used for buying, selling, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three (3) or more inoperable vehicles are stored shall be deemed a junkyard.

Kennel: Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.

Laboratory: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; and forensic laboratories for analysis of evidence in support of law enforcement agencies.

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

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

Light trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Line of sight clearance area: The triangular area formed by the lines extending from any corner of a corner lot adjacent to two (2) intersecting streets to a distance of twenty (20) feet along both property lines from the corner (constituting two (2) sides); and the diagonal connecting such lines (constituting the third side).

Live entertainment venue: An establishment for the presentation of live performances, including musical acts (including karaoke), theatrical plays or acts (including stand-up comedy and magic), revues, dance acts, or any combination thereof, performed by one (1) or more persons, whether or not they are compensated for the performance.

Loading space: A space within a main building on the same lot as a main building, providing for the standing, loading or unloading of trucks.

Lot: A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be separated owned, used, developed or built upon.

Lot area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, corner: A lot or parcel of land abutting two (2) or more streets at their intersection or on two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage: The area of the lot covered by a structure or impervious surfaces.

Lot depth: The horizontal distance between the front and rear lot lines.

Lot, through: A lot having frontage on two (2) approximately parallel streets or places.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot as defined below:

Front lot line: The line separating the lot from the street on the narrow side. Where no method determines conclusively the front of the lot, the planning and zoning director or his/her designee shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

Rear lot line: The line opposite and most distant from the front lot line. In the case of a triangle or otherwise irregularly shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Side lot line: A lot line other than the front or rear lot line.

Lot of record: A lot that exists as shown or described on a plat or deed as recorded in the Office of the Clerk of Courts of Ouachita Parish.

Lot width: The distance parallel to the front lot line measured between side lot lines.

Maintenance/repair services: An establishment providing appliance repair, office machine repair, or building maintenance services. This use does not include the maintenance and repair of vehicles.

Manufacturing, heavy: The assembly or fabrication of goods and materials, which may include the storage of large volumes of highly flammable or toxic matter. Heavy manufacturing processes ordinarily have greater impacts than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards.

Manufacturing, light: The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution such products, providing all industrial activities are contained entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from the industrial activity are confined within the building.

Marina: A facility for the storage, servicing, fueling, berthing and securing of boats, including eating and retail facilities.

Medical/dental clinic: A facility operated by one or more physicians, dentists, chiropractors, psychiatrists or other licensed health care practitioners for the examination and treatment of persons where neither meals nor lodging are provided.

Medical evacuation heliport: A public or private use helicopter landing area for the transport of persons in need of emergency medical care; the transport of patients needing specialized treatment; or the emergency transport of organs, blood, medicine, or medical equipment.

Metes and bounds: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or, in rural areas, a tree or other permanent feature. It is the most precise of the three (3) most common forms of urban land description (the others are by street number of house and by blocks and lots in tract subdivision).

Microbrewery: A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premises, with a capacity of not more than fifteen thousand (15,000) barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Mini-warehouse: A structure that rents individual compartments for the purpose of storing personal property. Individual compartments shall not exceed three hundred fifty (350) square feet.

Mixed-use: A tract of land or building or structure developed for two (2) or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

Mobile food truck: A double-axle vehicle that is completely mobile with no permanent fixed location, the vendor of which prepares all or most of its victuals on-board the vehicle to serve or distribute to its customers, in a form suitable for immediate ingestion or consumption. This definition excludes vendors selling only fresh, uncooked, or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) directly to customers from their vehicles. Vendors selling only fresh, uncooked, or unprepared produce or seafood, or farmers selling their own produce or value added products (oils, jams, jellies, etc.) shall be regulated by the City Code.

Mortuary: (Also see funeral home) An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

Non-conforming lot of record: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Non-conforming structure: A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Non-conforming use: Any use of any land, building or structure, which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

Open space: That part of a lot, including all yards, which is open and unobstructed from grade level upward and is not occupied by off-street parking, streets, drives, or other surfaces for vehicles.

Outdoor storage yard: The storage of any material, as a principal use of the lot, or for a period of more than twenty-four (24) hours, including items for sale, lease, processing and repair not in an enclosed structure. Items within an outdoor storage yard must be owned or leased by the owner of the storage yard.

Owner/proprietor dwelling: Structures or spaces within a structure that are used jointly for commercial/industrial and residential purposes where the residential use is principally used by one or more of the commercial/industrial tenants.

Parapet wall: That portion of the wall that extends above the roofline.

Parcel:

- (1) A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership or in such a manner as to specifically identify the dimensions and/or boundaries;
- (2) informally, as land in general.

Parish: Ouachita Parish, Louisiana.

Parking lot: An open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger motor vehicles for limited periods of time. Parking may be available for residents, visitors, employees, clients, customers or similar users whether for compensation or at no charge.

Parking space, automobile: A space within a building, private or public parking lot for the parking of an automobile.

Parking lot, commercial: A tract of land that is used for the storage of motor vehicles, that is not accessory to any other use on the same or any other lot, and that contains parking spaces rented to the general public or reserved for individuals by the hour, day, week, or month.

Parking structure: A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with these levels being either open or enclosed.

Parks/playgrounds: A facility designed to serve the recreational needs of the residents of the community, and shall include but not be limited to, ball fields, basketball courts, skateboard parks, playgrounds and field house which may have indoor recreation facilities.

Party wall: A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

Passenger terminal: A facility or location where the principal use is the handling, receiving, and transfer of passenger traffic, and may include as an accessory use the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement, or transfer of freight, as well as all equipment and facilities used to accomplish the foregoing activities.

Pay-day loan agency: (See also check cashing facility) An establishment providing loans to individuals in exchange for personal checks as collateral.

Pedestrian connection: A continuous, unobstructed, reasonably direct route between two (2) points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways, and pedestrian bridges.

Penthouse, mechanical: An enclosed structure above the roof of a building, other than a roof structure or bulkhead, that shelters mechanical equipment or vertical shaft openings in a roof.

Permitted use: A use meeting all of the requirements established by this ordinance for the district in which the use is located.

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

Personal services establishment: An establishment or place of business primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, health club/gym, shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal services establishments shall not include any adult uses.

Pet care facility: A facility designed for the indoor temporary housing and non-veterinary care of domestic pets such as dogs and cats. The facility shall include individual rooming units, but not the breeding or raising of household pets or animals.

Pet day care: A facility designed for the temporary and non-veterinary care of domestic pets such as dogs and cats. The pets shall be kept for a limited time (no more than twelve (12) hours) and the facility may also provide on-site grooming and training. This shall not include the breeding or raising of household pets or animals.

Pet grooming: An establishment providing services for domestic animals, such as dogs and cats, that may include bathing, clipping, or grooming for which a fee is charged.

Photovoltaic (PV): A semiconductor based device that converts light directly into electricity.

Planned unit development (PUD): A residential, commercial or mixed-use development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Planning and zoning director: A person who is responsible for reviewing and providing recommendations on all zoning, rezoning, subdivision, re-subdivision, variance, and appeals requests to the city planning commission, the historic preservation commission and/or the board of adjustment.

Planning commission: The term "planning commission" shall mean the Monroe Planning Commission created under LA.R.S. 33:101 et seq., which shall have the powers to develop the master plan and administer the zoning map and ordinance as provided for by Louisiana law and as may be provided for in this chapter 37, zoning, of the City of Monroe Code of Ordinances.

Plat: A map representing a tract of land, showing the boundaries and location or individual properties and streets; or a map of a subdivision or a site plan.

Prefabricated housing: Any housing with structural or mechanical components manufactured and assembled away from the construction site. For purposes of this definition, the following terms shall have the following meanings:

Manufactured housing: Dwelling units constructed primarily at a plant or facility on a production line basis and delivered to the site as an assembled unit or in modular form. Manufactured housing specifically refers to housing built to 42 U.S.C. Sec. 5403 Federal Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD).

Mobile home: Prefabricated trailer-type housing units that are semi-permanently attached to land, either the owner's fee land or leasehold. A mobile home is a moveable or portable structure designed and constructed on its own chassis and intended for connection to utilities for year-round occupancy as a dwelling. Any dwelling unit that qualifies as a manufactured or modular home according to the definitions herein is not considered a mobile home. Furthermore, a travel trailer is not considered a mobile home. Mobile homes may be single wide, no older than ten (10) years and only in a planned manufactured home community.

Manufactured home community: A unified development of two (2) or more manufactured home sites, plots or stands, arranged on a large tract usually under single ownership, meeting the area and yard requirements of this article, and designed to accommodate manufactured homes for a more or less permanent duration. Such term may include travel trailer accommodations, provided that no more than twenty-five (25) per cent of the park is used for such purpose.

Modular home: Modular homes are houses divided into multiple modules or sections, which are manufactured in a remote facility and delivered to their intended site of use. The modules are then assembled on a permanent foundation without a permanent chassis, into a single residential building. Unlike other prefabricated construction, modular homes conform to all state, local and regional codes (International Building Code standards) where the structure is to be located.

Manufactured housing sales lot: A facility for the display, service, and retail sale of manufactured housing or preassembled storage buildings.

Travel trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be hauled along a highway.

Prefabricated commercial structure: Any building with structural or mechanical components manufactured and assembled away from the construction site and intended for commercial use.

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

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

Property line: The lines forming the boundary of a lot, whether those lines are determined by metes and bounds, single lot or combination of lots or portions of lots of record.

Public buildings and facilities: Any building used exclusively for public purposes by any department or branch of government.

Public improvement: Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

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

Public utility station: A structure or facility used by a public or quasi-public agency to store, distribute, and/or generate electricity, gas telecommunications and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

Quasi-public: Essentially a public use, although under private ownership or control.

Quorum: A majority of the appointed board members of a board or commission for the transaction of all business. Any time the full body shall fall below the number of members of a full board or commission, a majority of the sworn members shall constitute a quorum.

Rail yard: An area of land and structures, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a rail yard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

Reception hall: (See also banquet hall) An establishment that is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings and other celebrations, which may also include on-site kitchen/catering facilities. The sale of alcoholic beverages for on-premises consumption may only occur during scheduled events and is not open to the general public.

Recreational facilities: Any facility that provides recreational opportunities such as tennis courts, health clubs or golf courses.

Recreational facilities, indoor: A commercial establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or sale of equipment related to the enclosed uses. Included in this definition shall be archery, bowling, roller-skating or ice-skating, billiards, swimming pools, rifle ranges, and related amusements.

Recreational facilities, outdoor: An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for commercial recreational activities.

Recreational vehicle park: Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy for a fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Rehabilitative care center: (See also halfway house; substance abuse treatment facility) A building other than an apartment hotel, hotel, small or large group home, rooming house, tourist home, motel or motor lodge, providing temporary lodging and board and a special program of specialized care and counseling on a full-time basis. Such a center includes, but is not limited to, centers that provide for alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions. A rehabilitative care center must be licensed by an agency of the State of Louisiana as a rehabilitative or similar care facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

Residential care center: (See also family violence shelter; children's residential facility) A building, other than an apartment, hotel, small or large group home, or rooming house, providing temporary lodging and board and a special program of specialized care and counseling on a full-time basis for twelve (12) or more adults or children who are displaced from their normal living environment. A residential care center must be licensed by an agency of the State of Louisiana as a residential or similar care facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana. Alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental institutions who have been found not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

Restaurant: Any establishment whose primary purpose is the service of food for consumption on or off the premises. Restaurants shall be classified as follows:

Restaurant, carry-out: An establishment where food, frozen desserts or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises. Carry-out restaurants shall not offer alcoholic beverages for sale.

Restaurant, fast-food: An establishment where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed. Fast-food restaurants shall not offer alcoholic beverages for sale.

Restaurant, full-service: A restaurant with table service (order placement and delivery on site) provided to patrons, also including cafeterias; carry-out service, if any, shall be a limited portion of the facility and activity. Full-service restaurants shall only offer alcoholic beverages for on-premises consumption.

Restaurant, specialty: Establishments whose primary business is the sale of a single type of food or beverage that is not considered a complete meal (e.g., candy, coffee, or ice cream). The sale of other food, beverages or merchandise is incidental to the sale of the specialty food or beverage. Food and beverages are for customer consumption on or off-premises. Specialty

restaurants shall not offer alcoholic beverages for sale.

Retail goods establishment: A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishments shall not include alcohol, unless alcohol beverage sales for off-premises consumption is allowed within the district and a separate approval is obtained for such use.

Retail manufacturing: A commercial enterprise engaged in light manufacturing such as baking, confectionary, dressmaking (seamstress), tailoring, upholstering and similar establishments and businesses of a similar and no more objectionable character, subject to the following provisions:

- (1) All goods and products manufactured or processes shall be sold as retail on the premises.
- (2) All such manufacturing or processing shall be done on the premises, and not more than five (5) persons, exclusive of drivers and owners, shall be so employed at any one time.

Revival church: A gathering of worshipers in a temporary structure or location erected specifically for a religious revival meeting, healing crusade or church rally.

Revocation: The intentional termination of a public interest in land by the city, with conveyance or sale to a property owner for private use.

Right-of-way: The term used to describe the publicly owned improved or unimproved areas between property lines. This area is dedicated for use by the public for pedestrian and vehicular travel, and may include elements such as streets, curbs, gutters, sidewalks, street furniture, bus stops, utility poles, landscaping and signage.

Roofline: The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.

Rooming house: A building, other than a hotel, where for compensation and by prearrangement, five (5) or more persons other than occasional or transient customers are provided with lodging.

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

Setback line: The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed.

Schools: (See educational facilities) Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

Servitude: Same as easement.

Sewage: All effluent carried by sewers, whether sanitary sewage, residential, commercial or industrial wastes, or storm water runoff. This also includes the entire system of sewage collection, conveyance, treatment and disposal.

Sewage treatment facility: Any plant or other facility providing service, maintenance, or repair of essential public water/wastewater utilities to one or more developments including but not limited to wells, pumping stations, boosters, reservoirs, repeaters, water storage tanks, lift stations, regulators, and other similar facilities.

Shelter: A facility providing temporary protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or beatings.

Sidewalk: A paved pedestrian footpath within the public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines.

Sight triangle: The triangle at either side of an access way or public right-of-way at its junction with a public street with sides of not less than twenty (20) feet in length each along the public right-of-way and/or accessway within which clear visibility of approaching vehicular or pedestrian traffic must be maintained in all directions.

Sign: A board or other display used to identify or advertise a place, event, article or price that is affixed to, painted on, or otherwise placed upon any building, structure or property, and which is visible from a public right-of-way, sidewalk, alley park or other public open area.

A-frame sign: A double-faced advertising device, ordinarily in the shape of an "A" or some variation, located on the ground but not permanently attached and is easily movable.

Animated sign: A sign, or portion of a sign, that uses movement or changes in lighting to depict action or to create a special effect or scene. Time/temperature signs are not considered animated signs.

Attached sign: A sign attached to, applied on, or supported by any part of a structure.

Awning sign: A sign painted on, or attached to, the surface of an awning (see also marquee sign and canopy sign).

Banner sign: Any sign printed or displayed on cloth, canvas, fabric, or other temporary material, with or without a structural frame and intended for a limited period of display.

Canopy sign: A sign mounted on, printed on, or attached to a canopy.

Changeable copy sign: A sign that allows characters, letters, or illustrations to be changed without altering the sign.

Construction sign: A sign that identifies the name of contractors, architects and lending institutions responsible for construction on the site, limited in display to the duration of construction.

Copy: The wording on a sign surface that is either permanent or removable.

Detached sign: A sign that is attached to a self-supported structure and not attached to a building. (See also freestanding sign)

Directional sign: An on-premises sign identifying parking lot entrances and exits, restrooms, pedestrian/bicycle facilities, and features of a similar nature but no advertising copy.

Directory sign: A sign that serves as common or collective classification for a group of businesses operating within a multi-tenant structure. The sign may name the businesses and location for a business within the structure, but no advertising copy.

Dynamic display sign: A sign, or portion of a sign, that appears to have movement caused by any method, whether the apparent movement or change is in the display, the sign structure itself, the lighting, or any other component of the sign.

Electronic message sign: A sign, or portion of a sign, that displays an electronic image or video, which may or not include text. This definition includes television screens, plasma screens, digital screens, light emitting diode (LED) screens, video boards, flipper matrices, holographic displays, and signs lit with incandescent lamps. Time/temperature signs are not considered electronic message signs.

Flashing sign: An illuminated sign on which the artificial or reflected light changes in intensity or color when in use, and gives the impression of flashing or blinking. Rotating signs are not considered flashing signs.

Flip sign: A sign, usually the size of a traditional billboard that displays two (2) or more different ad messages in the space of just one sign face. The sign utilizes a turning triangle, cube or "louver" to achieve this look. Each side of the louvers together displays a different ad or message.

Freestanding sign: A sign that is attached to a self-supported structure and not attached to a building. (See also monument sign or pole sign).

Government sign: Any temporary or permanent sign erected and maintained by the city, parish, state, or federal government for traffic direction or for designation of or direction to any school, hospital, or public service property or facility.

Identification sign: A sign containing only the name and address of the structure, institution, or person, and/or to the activity or occupation being identified. (See also nameplate).

Incidental sign: A sign, usually smaller in size and of a non-commercial nature, permitted without the need for a sign permit (e.g., credit card signs, hours of operation, etc.).

Light emitting diode (LED): A semiconductor diode that emits light when a voltage is applied to it and that is generally used in electronic devices.

Marquee sign: Any sign attached to, or hung from, any permanent roof-like structure projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Monument sign: Any sign, other than a freestanding pole sign, placed upon or supported by the ground and an internal structural framework, and typically with a low overall height. The base of a monument sign must be a minimum of seventy-five (75) per cent of the width of the sign face situated upon the base.

Nameplate: A non-electric on-premises identification sign giving only the name and address and/or occupation of the occupant(s). Nameplates are limited to one square foot in size and shall be attached flat against the structure.

Non-conforming sign: Any sign which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Off-premises advertising sign: Any sign advertising a commercial use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign, and whose advertising or information content is visible from the interstate highway or any public street in the city.

On-premises sign: A sign that pertains to the use of the premises on which it is located.

Parking lot directional sign: A sign within a parking lot that identifies entrances and exits.

Permanent sign: A sign attached to a structure of the ground that is made of materials intended to remain indefinitely.

Point of purchase display: An advertising device used to call attention to a retail item(s) sold at a particular commercial location.

Political sign: A temporary sign advocating action on a political issue, recommending a candidate for public office, or advocating a position on a local, state, or national election.

Portable sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs mounted on wheels or trailers and A-frame signs.

Projecting sign: A sign attached to, and projecting more than twelve (12) inches from, a building wall, but does not project above the parapet or eave line of the building.

Real estate sign: A temporary sign that relates to the sale, lease, or rental of a property or building.

Residential identification sign: A sign that identifies the name and address of a multi-family dwelling or residential subdivision.

Roof sign: Any sign erected and constructed wholly or partially above the roofline of a building, that is fastened to, and supported by the roof of the structure.

Sign clearance: The smallest vertical distance from the finished grade directly below the sign to the lowest point of any sign, including framework and embellishments.

Sign face: The particular area of a sign upon which a message, copy, or advertisement is displayed for viewing, excluding the base, supports, and other structure elements.

Snipe sign: A temporary sign or poster affixed to a tree, pole, stake, fence or other object.

Temporary sign: A sign, banner, pennant, flag, or streamer that is constructed of cloth, canvas, light fabric, cardboard, plywood or other light materials, intended to remain for a limited time.

UL: Underwriters Laboratory, Inc., a nationally recognized testing laboratory.

Under-awning sign: A sign attached to and suspended beneath a canopy, ceiling, roof, gallery or marquee.

V-type sign: A structure or structure with two (2) or three (3) sign faces, forming the shape of a "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than forty-five (45) degrees.

Wall sign: A sign mounted flat against, or painted on, the wall of a structure and not projecting more than sixteen (16) inches from the wall surface.

Window sign: A sign that is attached to or printed on the interior or exterior of the windowpane of a door or structure, or mounted directly inside the window intended for viewing from the exterior of such building. A window sign may be either permanent or temporary.

Site improvements: Construction of, or improvements to, streets, access roadways, parking facilities, sidewalks, drainage structures and utilities in connection with any development.

Site plan: (Also called development plan) An accurate, scaled drawing showing the location of buildings, the landscaping, parking, circulation and such other features as floor plans and elevations to help describe the existing and proposed development of a specified area.

Social club or lodge: Buildings and facilities or premises used or operated by an organization or association for some common purpose, such as, but not limited to, a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for profit or to render a service that is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of the State of Louisiana as a non-profit corporation or registered with the Secretary of State of Louisiana.

Social service agency: A facility operated by an organization which provides services such as training, counseling, health, or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, or housing services. This term does not include an emergency residential shelter.

Solar collector: A device, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar energy system: A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar farm: The use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors are placed in an area on a parcel of land collectively and has a generation capacity of at least fifteen (15) kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.

Solid waste: Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. However, the term "solid waste" does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under LA R.S. 30:2074; source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended (42 U.S.C. Section 2011 et seq.); or hazardous waste subject to permits under LA R.S. 30:2171 et seq.

Solid waste collection facility: A facility that is used to accumulate solid waste generated by and delivered by more than one household or commercial establishment for pickup by a transporter, including, but not limited to, facilities typically located in rural areas where garbage collection does not occur. This definition does not include containers that receive only solid waste generated on property that is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling or a commercial establishment or an industrial establishment).

Solid waste compost facility: A facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter.

Solid waste transfer station: A solid waste processing facility where solid waste is transferred from collection vehicles, processed, and placed in other vehicles for transportation (e.g., a facility that separates recyclables from industrial or putrescible waste streams).

Sorority: A club or social activity officially associated with and recognized by and supervised by an institution for higher education whose membership is limited exclusively to students of said institution.

Sorority house: A building used as a group living quarter for students of a college, university or seminary, who are members of a sorority that has been officially recognized by the related college, university or seminary.

Soup kitchen: A place where food is prepared and offered to the hungry for free or at a below-market price and is staffed by volunteer organizations such as church or community groups.

Storage, large: A space or place of over five thousand (5,000) square feet where goods, materials, or personal property is stored in a fixed location for a specific or unspecified period of time.

Storage, small: A space or place of five thousand (5,000) square feet or less, where goods, materials or personal property is stored in a fixed location for a specific or unspecified period of time.

Story: That portion of a building included between the surface of any floor and the surface of the floor next to it; or, if there is no floor above it, the space between the floor and the ceiling above it.

Streets: A public right-of-way or private thoroughfare, which provides vehicular and pedestrian access to adjacent properties. All streets will be within dedicated rights-of-way that have been properly processed, approved and recorded. The following shall be used to classify all streets:

Arterial streets: Public thoroughfares that serve the major movements of traffic within and through Ouachita Parish.

Collector streets: Public thoroughfares that serve to collect and distribute traffic primarily from local residential streets to arterial streets.

Local streets: Facilities that are used primarily for direct access to abutting properties and leading into the collector street system.

Frontage road or service road: A street adjacent to a freeway, expressway or an arterial street separated there from by a dividing strip and providing ingress and egress from abutting property.

Cul-de-sac: A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

Dead-end street: A street having an outlet at one end only and terminated at the other end by undeveloped property. It may or may not have facilities permitting vehicles to turn around.

Public streets: A public street is a road, thoroughfare, alley, highway, or bridge under the jurisdiction of a public agency.

Private streets: Private streets are owned by residents, and have a publicly recognized indenture, or covenant, that outlines governance and acts as a deed restriction. In order to create a private street, property owners must pay the fees to support upgrades and maintenance of said street. The City of Monroe shall provide police and fire protection, as well as trash removal services. The residents shall pay for maintaining or paving sidewalks and street surfaces, maintaining or planting trees, and maintaining or installing streetlights and entry gates. Private streets must meet minimum design standards for drainage and storm water regulations, pedestrian safety regulations, and fire/emergency street design requirements.

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

Structure: A combination of materials constructed or erected with a fixed location on, above or below the surface of land or water.

Structure, permitted: A structure meeting all the requirements established by this ordinance for the district in which the structure is located.

Subdivision: The division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Subdivision regulations: The City of Monroe Subdivision Regulations.

Substance abuse treatment facility: (See also rehabilitative care center) A facility for the purposes of temporary or long-term treatment of victims of alcohol or drug use addiction.

Substance abuse treatment facility, halfway house: A facility used for the treatment of alcohol or other drug abuse, which provides training, care, supervision, treatment or rehabilitation to mainstream residents back into society, enabling them to live independently. A halfway house must be licensed by an agency of the State of Louisiana as a substance abuse halfway house or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

Substance abuse treatment facility, inpatient: A facility used for the treatment of alcohol or other drug abuse where one or more patients are provided with care, meals and lodging. An inpatient substance abuse treatment facility must be licensed by an agency of the State of Louisiana as an inpatient substance abuse treatment facility or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

Substance abuse treatment facility, outpatient: A facility used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided. An outpatient substance abuse treatment facility must be licensed by an agency of the State of Louisiana as an outpatient substance abuse treatment facility or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

Surveyor: A qualified registered land surveyor in good standing with the Louisiana Board of Registration.

Tattoo parlor: Establishments where services offered are tattooing, body piercing and non-medical body modification.

Taxidermy: The business of preparing, stuffing, and mounting the skins of animals.

Telecommunications tower: A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

Tire store: A place where the principal business is the sale or installation of new, used, or retread tires and tubes.

Tract: A parcel of land identified by letter or number the boundaries of which are shown on the recorded subdivision or development plat. A tract need not be suitable for development.

Traffic calming: the installation of speed bumps, traffic circles, roundabouts, or similar devices intended to reduce motorist speed, discourage through traffic, decrease vehicle volumes, and increase pedestrian/cyclist safety.

Traffic impact analysis: A technical analysis of the effect of traffic generated by a development on the capacity, operations and safety of the adjacent public street, affected intersections, and/or community highway system including traffic signals, as appropriate.

Transitional housing: (See also emergency homeless shelter) A type of supportive housing designed to facilitate the movement of homeless individuals and families to permanent housing. Shelter is provided for the homeless for an extended period of time, often as long as twenty-four (24) months, and is generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of stable income and permanent housing.

Trash/garbage storage area: That area of a development used for the storage and containment of refuse and refuse containers (i.e. dumpsters).

Urban agriculture: An activity that produces, processes and markets food and other products within the urban areas of the city, applying large-scale, intensive production methods to yield a diversity of crops.

Use: The activity occurring on a lot or parcel, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, change of: The change within the classified use of a structure or parcel.

Use, permitted: A use meeting all of the requirements established by this ordinance for the district in which the use is located.

Use, temporary: A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, carnivals flea markets, and garage sales.

Variance: A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

Vehicle Any means of transport on land, especially on wheels (e.g., a car, bus, bicycle etc.)

Vehicle, commercial: Those exceeding one ton in size with advertising or special equipment, which distinguish it from private automobiles. Any vehicle used for commercial purposes, except passenger vehicles used for to and from work. All vehicles with more than two (2) axles, except motor homes used for recreation and not used in commerce. Note: A sign alone on a vehicle does not make the vehicle commercial.

Vehicle, recreational: A vehicle designated as temporary living quarters for camping, traveling, or recreational use. It may have its own motive power, or be mounted on or pulled by another vehicle.

Vehicle storage yard: Any land or buildings used primarily for the permanent or temporary storage of inoperable vehicles, machinery, or other equipment on a temporary or permanent basis.

Veterinary hospital: An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be incidental to said hospital use.

Video bingo: A machine designed for the specific purpose of playing the game of bingo where a random number generator is utilized to select numbers in lieu of the drawing of numbers from a receptacle and that one or more video images containing numbers or other designations five (5) or more in one line may be utilized instead of a card.

Warehouse, wholesale: A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of structure upward except as otherwise provided herein. In measuring a yard to determine the width of a yard, the minimum horizontal distance between the lot line and the maximum permissible main building shall be yard dimension.

Yard, front: A yard extending across the full width of a lot between the side lot lines and between the front property line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the street line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has the least dimension. This space is considered open space.

Yard, rear: A yard extending across the rear of the lot between the side lot lines and being the minimum horizontal distance between a rear lot line and the rear of the maximum main building. The rear yard shall be at the opposite end of the lot from the front yard. However, on through lots fronting two (2) streets, two (2) front yards shall be provided.

Yard, required: The minimum open space between a lot line and the building setback line within which no structure is permitted to be located as provided in this ordinance.

Yard, side: A yard extending from the front yard to the rear yard between the side lot line within which no structure is permitted to be located as provided in this ordinance.

Yard, side corner: The area extending between the front yard and the rear yard and situated between the side street lot line and the side of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

Yard, through: A through yard is any single zoning lot that is not a corner lot and that connects two (2) generally parallel streets. On through yards fronting two (2) streets, two (2) front yards shall be provided.

Zoning commission: The term "zoning commission" shall mean the Monroe Zoning Commission created under La. R.S. 33:4721 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in this chapter 37 zoning of the City of Monroe, Code of Ordinances.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,549, 3-10-15; Ord. No. 11,584, 6-23-15; Ord. No. 11,590, 7-28-15; Ord. No. 11,641, 1-12-16; Ord. No. 11,704, 8-9-16; Ord. No. 11,757, 2-28-17; Ord. No. 11,758, 2-28-17; Ord. No. 11,810, 11-28-17; Ord. No. 11,828, 2-27-18; Ord. No. 11,883, 10-23-18; Ord. No. 11,933, 5-14-19)

ARTICLE III. - USE DISTRICTS

Sec. 37-30. - District classifications.

In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this ordinance.

(Ord. No. 11,443, 11-12-13)

Sec. 37-31. - Rules for interpretation of district boundaries.

Except where specifically shown by dimension or otherwise on the zoning map, the boundaries of districts are lot or property lines; the centerlines of streets, alleys, or such lines extended; railway right-of-way lines, natural boundary lines such as watercourses, and the municipal corporate limits of the City of Monroe. The board of adjustment shall decide questions concerning the exact location of any district boundary.

(Ord. No. 11,443, 11-12-13)

Sec. 37-32. - Applications of district regulations.

- (a) No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- (b) No building or other structure shall hereafter be erected or altered:
 - (1) To exceed the height;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater per centage of lot area;
 - (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.
- (c) No part of a yard, open space, off-street parking or loading space required, in connection with any building shall be included as part of the like requirements for any other building.
- (d) No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein except where to do so would lead to lots that are less non-conforming than prior to the resubdivision. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

(Ord. No. 11,443, 11-12-13)

Sec. 37-33. - Establishment of districts.

All land within the corporate limits of the City of Monroe is hereby divided into the following base zoning districts:

- R-1 Single-family residential district;
- R-2 Single-family attached residential district;
- R-3 Medium density residential district;
- R-4 High density residential district;
- RMH Manufactured home district;
- B-1 Neighborhood mixed-use district;

B-2 Neighborhood business district;

B-3 General business/commercial district;

CBD Central business district;

B-4 Heavy commercial district;

I-1 Commercial/industrial business park district;

I-2 Heavy industrial/manufacturing district;

C Campus district;

RF Riverfront district;

OS Open space/recreation district.

- (1) If, in accordance with the provisions of this ordinance and statutes, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on this official zoning map quarterly after the amendment has been approved by the city council, and attached to this ordinance. Each such quarterly change of the map shall be dated, signed, and certified. However, amendments shall become effective when adopted by the council.

No change of any nature shall be made in this official zoning map or matter shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized changes of whatever kind, by any person or persons, shall be considered a violation of the ordinance and punishable under section 37-121 of this ordinance.

The official zoning map, which shall be located in Monroe in the planning and zoning department shall be the final authority as to the current zoning status of land, buildings, and other structure in the city. The planning and zoning director or his/her designee shall keep the map.

- (2) Classification of annexed territory. All areas taken into the city limits of the City of Monroe shall be classified in the zoning district of the City of Monroe that is consistent with the pertinent elements of the City of Monroe Comprehensive Plan, adjacent zoning classifications, adjacent uses, and the proposed use. The appropriate city zoning shall be determined by the planning and zoning director of the City of Monroe or his/her designee before adoption of an annexation ordinance by the city council of the City of Monroe.

However, the said areas taken into the city may be classified as any district set forth in section 37-33 provided that:

- a. Application be made to the planning and zoning commission by an owner with the area to be annexed for whatever other classification or classifications that may be desired; and
- b. A public hearing shall have been held by the planning and zoning commission meeting the requirements of section 37-130 hereof; and
- c. The planning and zoning commission recommends approval of a district classification or classifications requested to the city council; and
- d. The city council approves by ordinance the district classification approved by the planning and zoning commission.
- e. If the planning and zoning commission and city council do not act upon the application within ninety (90) days from date of the application, it shall be deemed denied.

(Ord. No. 11,443, 11-12-13)

Sec. 37-34. - Zoning map.

The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the city council of the City of Monroe. Said map and subsequent amendments thereto shall be considered as a part of this code.

(Ord. No. 11,443, 11-12-13)

Sec. 37-35. - Exemptions for essential services.

The following essential services may be permitted, erected, constructed, altered, or maintained in any zoning district (See subsection 37-130(e)):

- (1) Traffic signals, fire hydrants, and similar equipment and accessories.
- (2) Gas, electric, communication, water supply, and transmission/distribution systems.
- (3) Elevated or underground water storage tanks.
- (4) Storm water and sanitary sewer collection and disposal systems.
- (5) Utility poles, wires, mains, drains, pipes, conduits and cables reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies for the public health, safety and welfare.
- (6) Streets.

(Ord. No. 11,443, 11-12-13)

Sec. 37-36. - Residential use districts.

- (a) *R-1 single-family residential district.* The purpose and intent of the R-1 single-family residential district is to provide for the location and grouping of low-density, single-family residences with accompanying accessory uses that are protected from the adverse impacts of incompatible nonresidential land uses.
- (b) *R-2 single-family attached residential district.* The purpose of the single-family attached residential district is to provide for a variety of single-family housing opportunities, at development densities compatible with adjoining single-family detached neighborhoods, which are protected from the adverse impacts of incompatible non-residential land uses.
- (c) *R-3 medium density multi-family residential district.* The purpose and intent of the R-3 medium density multi-family residential district is to provide for the location and grouping of a variety of single-family and small-scale multi-family residential options while maintaining a single-family neighborhood character.
- (d) *R-4 high density multi-family residential district.* The purpose and intent of the R-4 high density multi-family residential district shall be to provide moderate to high-density residential neighborhoods for individual buildings on individual lots or for more than one (1) building on one (1) lot. The R-4 district shall accommodate single-family attached dwellings that have common walls, including townhouses, condominiums, congregate and cluster developments as well as multi-family structures ranging in type from triplexes to apartment buildings.
- (e) *RMH manufactured home district.* The RMH manufactured housing community district is intended to promote orderly planned development of manufactured housing and related accessory uses. Regulations are designed to preserve and protect the residential character of the district and to ensure compatibility with adjacent districts.

Table 3.1: Residential District Permitted and Conditional Uses						
Uses	Districts					Use Standards
	R-1	R-2	R-3	R-4	RMH	
Adult Day Care, Home	P	P	P	P		Subsection <u>37-92(c)</u>
Adult Day Care, Small	Cm	Cm		P		Subsection <u>37-92(c)</u>

Adult Day Care, Large				C		Subsection <u>37-92(c)</u>
Bed and Breakfast	C	C	Cm	Cm		Subsection <u>37-92(b)</u>
Boarding House				Cm		
Cemetery	Cm	Cm	Cm	Cm	Cm	
Child Day Care, Home	P	P	P	P		Subsection <u>37-92(c)</u>
Child Day Care, Small	Cm	Cm		P		Subsection <u>37-92(c)</u>
Child Day Care, Large				C		Subsection <u>37-92(c)</u>
Community Center	Cm	Cm	Cm	Cm	P	
Community Garden	P	P	P	P	P	
Dwelling, Single-Family Detached	P	P	P	P		
Dwelling, Single-Family Attached		P	P	P		
Dwelling Two-Family			P	P		
Dwelling, Townhouse		P	P	P		
Dwelling, Three-Family			P	P		
Dwelling Four-Family			P	P		
Dwelling Multi-Family				P		
Educational Facility	Cm	Cm	P	P	P	
Elderly Housing, Assisted Living			C	P		
Elderly Housing, Continuing Care			C	P		
Elderly Housing, Nursing Home			C	P		
Elderly Housing, Retirement Housing			C	P		

Emergency Services	P	P	P	P	P	
Fraternity/Sorority House	C		C	Cm		Subsection <u>37-92(e)</u>
Golf Course	Cm	Cm	Cm	Cm	Cm	
Group/Community Home, Small	C		P	P		Subsection <u>37-92(f)</u>
Group/Community Home, Large			P	P		Subsection <u>37-92(f)</u>
House of Worship, Large	C	C	Cm	P	Cm	
House of Worship, Small	P	P	P	P	P	
Library	Cm	Cm	Cm	Cm	Cm	
Manufactured Home Community (Planned)					P	<u>Section 37-63</u>
Mobile Home					P	
Modular Housing	P	P	P	P	P	
Manufactured Housing, Class A	P	P	P	P	P	Subsection <u>37-92(i)</u>
Manufactured Housing, Class B			C	P	P	Subsection <u>37-92(i)</u>
Museum	C	C	Cm	Cm		
Park or Playground	P	P	P	P	P	
Transitional Housing				C		
Accessory						
Clubhouse	Cm	Cm	Cm	Cm	P	
Columbarium	Cm	Cm	Cm	Cm	Cm	Subsection <u>37-76(e)</u>
Crematorium	Cm	Cm	Cm	Cm	Cm	

Home Occupation	P	P	P	P	P	Subsection <u>37-92(g)</u>
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Key: P = Permitted Use; Cm = Conditional Use Permit, minor; C = Conditional Use Permit, major; (blank) = Not Permitted

TABLE 3.2: RESIDENTIAL USE BULK AND YARD REGULATIONS					
Bulk and Yard Regulations	Districts				
	R-1	R-2	R-3	R-4	RMH
Bulk Regulations					
Minimum District Size	1 Acre	1 Acre	2 Acres	2 Acres	3 Acres
Minimum Lot Area	SFD: 7,200 sf Other: 10,000 sf	SFD: 6,000 sf SFA: 4,000 sf Townhouse: 2,500 sf ^d Other: 10,000 sf	SFD: 7,200 sf SFA: 4,000 sf 2F: 8,000 sf 3F: 12,000 4F: 15,000 Townhouse: 2,500 sf ^d Other: 10,000 sf	SFD: 6,000 sf SFA: 4,000 sf 2F: 8,000 sf Townhouse: 2,500 sf ^e MF ≤;10 unit: 20,000 sf MF 11-12 unit: 1,700 sf MF 13-14 unit: 1,600 sf MF <u>15-16</u> unit: 1,500 sf MF 17+ unit: 1,700 sf Other: 10,000 sf	MFH: 3 Acres Other: 10,000 sf
Maximum Building Height	35 ft	35 ft	35 ft	65 ft	35 ft
Minimum Yard Requirements					
Front Yard	25 ft	20 ft	20 ft	25 ft	20 ft ^a /10 ft ^b

Interior Side Yard	5 ft	SFD: 5 ft SFA: none Townhouse: none	SFD & 2F: 5 ft SFA: none Townhouse: none	SFD: 5 ft SFA: none Townhouse: none MF 1-story: 5 ft MF 2-story: 10 ft MF 3-story +: 20 ft	10 ft/unit
Corner Side Yard	20 ft	20 ft	20 ft	20 ft	n/a
Rear Yard	25 ft	25 ft	20 ft	20 ft	10 ft/unit ^c
^a From dedicated internal street					
^b From private driveway or accessway					
^c Rear or side yards may be reduced to 5 ft/unit if there are no entrances to the rear					
^d Not to exceed 4 attached dwellings ^e Not to exceed 8 attached dwellings					

Key: SFD = Single-Family Detached; SFA = Single-Family Attached; 2F = Two-Family; MF = Multi-Family

(Ord. No. 11,443, 11-12-13; Ord. No. 11,933, 5-14-19)

Sec. 37-37. - Commercial use districts.

- (a) *B-1 neighborhood mixed use district.* This district is intended for limited-sized professional and business offices in close proximity to purely residential uses. Moderate density multiple-family residential is permitted. The district is not commercial in character; however, certain limited commercial uses are permitted.
- (b) *B-2 neighborhood business district.* The purpose of a B-2 neighborhood business district is to provide for the location and grouping of sites for small-scale office, professional services, and retail establishments to support adjacent residential neighborhoods. This district includes establishments that conduct all business operations within an enclosed facility, and which have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Permitted uses in this district shall be no larger than ten thousand (10,000) square feet in gross floor area.
- (c) *B-3 general business/commercial district.* The B-3 general business/commercial district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located along major arterials. The B-3 district is intended for medium to large-scale, auto or pedestrian-oriented commercial uses and strip commercial developments that require significant parking.
- (d) *CBD central business district.* The CBD central business district is representative of the core downtown business and retail area. The intent of the district is to recognize the unique and historic character of downtown and the pedestrian orientation of the neighborhood by combining residential uses with commercial, service and office establishments. Lot sizes, setbacks, parking and landscaping requirements shall be more flexible to address the characteristics of an area substantially developed as a commercial district with smaller lots and greater development densities than newer areas of the city.
- (e) *B-4 heavy commercial district.* The regional commercial district is intended to accommodate a wide variety of commercial and retail uses, as well as offices, businesses and personal services that serve the needs of the community and the region. The intent is to provide for large-scale commercial uses that are typically land intensive and are not well suited to being located in

neighborhoods or the central business district. These districts are best located along major arterial streets and highway intersections.

Table 3.3: Commercial Districts Permitted and Conditional Uses

Uses	Districts					Use Standards
	B-1	B-2	B-3	CBD	B-4	
Adult Day Care, Small	P	P	P		P	Subsection <u>37-92(c)</u>
Adult Day Care, Large		P	P		P	Subsection <u>37-92(c)</u>
Adult Day Care, Commercial			P	P	P	Subsection <u>37-92(c)</u>
Adult Use					P	Subsection <u>37-92(a)</u>
Art Gallery	P	P	P	P	P	
Arts Studio	P	P	P	P	P	
Automobile/Vehicle Dealership			P		P	Subsection <u>37-79(e)(2)a</u>
Automobile Rental			P		P	Subsection <u>37-79(e)(2)a</u>
Automotive Repair, Major		C	P	P	P	
Automotive Repair, Minor		Cm	P	Cm	P	
Bar		C	P	P	P	
Bed and Breakfast	P					Subsection <u>37-92(b)</u>
Bingo Hall			P	P	P	
Boarding House			P	P	P	
Brewpub		P	P	P	P	
Car Wash		P	P	P	P	

Caterer	C	P	P	P	P	
Cemetery	Cm	Cm	Cm	Cm	Cm	
Check Cashing Facility			C	P	P	Subsection <u>37-92(j)</u>
Child Day Care, Small	P	P	P		P	Subsection <u>37-92(c)</u>
Child Day Care, Large		P	P	P	P	Subsection <u>37-92(c)</u>
Child Day Care, Commercial			P	P	P	Subsection <u>37-92(c)</u>
Community Center	Cm	P	P	P	P	
Community Garden	P	P	P			
Convalescent Center		P	P		P	
Craft Brewery				C		
Day Shelter/Facility (Homeless)			C	C	C	
Dwelling, Multi-Family		P		P		
Dwelling, Owner/ Proprietor		P		P		
Dwelling, Single-Family Detached	P					
Dwelling, Townhouse	P					
Dwelling, Single-Family Attached	P					
Dwelling, Two-Family	P					
Educational Facility (Vocational)			Cm			
Elderly Housing, Continuing Care		P	P		P	
Elderly Housing, Nursing Home		P	P		P	

Elderly Housing, Retirement Housing		P	P		P	
Emergency Services	P	P	P	P	P	
Farmer's Market	P	P	P	P	P	
Financial Institution	Cm	P	P	P	P	
Fraternity/Sorority House		P				Subsection <u>37-92(e)</u>
Funeral Home/Mortuary			P		P	
Gas Station		P	P	P	P	
Government Facility		P	P	P	P	
Group/Community Home, Small	P					Subsection <u>37-92(i)</u>
Group/Community Home, Large	Cm	P				Subsection <u>37-92(i)</u>
Halfway House			C		C	
Homeless Shelter			C	C	C	
Hospital			P	P	P	
Hotel/Motel			P	P	P	
House of Worship, Small	P	P	C		P	
House of Worship, Large	Cm	Cm	C		P	
House of Worship, Mega					P	
Independent Living Facility		P				
Kennel		P	P		P	
Laboratory			P	P	P	
Library	P	P	P	P	P	

Maintenance/Repair Services		P	P	P	P	
Manufactured Housing Sales Lot					P	
Manufacturing, Light			P	Cm		
Medical/Dental Clinic	P	P	P	P	P	
Microbrewery					C	
Mini-Warehouse		C		Cm	P	
Museum	P	P	P	P	P	
Office	P	P	P	P	P	
Off-Premises Advertising Sign		Cm	Cm	Cm	Cm	
Park or Playground	P	P	P	P	P	
Parking Lot, Commercial			C	P	P	
Parking Structure			C	P	P	
Passenger Terminal			P	P	P	
Pay-Day Loan Agency			C	P	P	Subsection 37-92(j)
Personal Services Establishment	P	P	P	P	P	
Pet Care Facility		P	P	P	P	
Pet Day Care		P	P	P	P	
Pet Grooming	P	P	P	P	P	
Radio/Television Antennae/Towers		Cm	Cm	Cm	Cm	
Reception/Banquet Hall		P	P	P	P	
Recreational Facility, Indoor			P	P	P	
Recreational Facility, Outdoor					P	

Recreational Vehicle Park			P	Cm		
Rehabilitative Care Center			C		P	
Residential Care Center	C	P	P		P	
Restaurant, Carry-Out		P	P	P	P	
Restaurant, Fast Food		P	P	P	P	
Restaurant, Full-Service		P	P	P	P	
Restaurant, Specialty	P	P	P	P	P	
Retail Goods Establishment	P	P	P	P	P	
Retail Manufacturing		Cm	P		P	
Shelter			C	C	C	
Social Club/Lodge		Cm	P	P	P	
Social Service Agency			C	C	C	
Soup Kitchen			C	C	C	
Storage, Large			Cm		P	
Storage, Small		Cm				
Storage Yard, Vehicle			Cm			
Substance Abuse Treatment Facility			C		C	
Tattoo Parlor		P	P		P	
Taxidermy		P	P		P	
Tire Store		Cm	P	Cm	P	subsection <u>37-92(k)</u>
Transitional Housing		C		Cm		
Urban Agriculture					P	

Veterinary Hospital	Cm	P	P		P	
Warehouse, Wholesale			Cm		P	
Accessory						
Alcohol Beverage Sales, Off-Premises		C	C	P	P	
Alcohol Beverage Sales, On-Premises		C	P	P	P	
Columbarium	Cm	Cm	Cm	Cm	Cm	Subsection 37.76(e)
Crematorium	Cm	Cm	Cm	Cm	Cm	
Drive-Through		Cm	P	P	P	
Live Entertainment			P	P	P	Subsection <u>37-92(h)</u>
Parking Garage			C	P	P	
Temporary						
Cargo Container			Cm		Cm	
Carnival/Fair			C	C	C	
Revival Church			C	C	C	
Christmas Tree Lots	P	P	P	P	P	<u>37-92(l)</u>
Construction Trailers	P	P	P	P	P	
Tent Sales	P	P	P	P	P	<u>37-92(l)</u>

Key: P = Permitted Use; Cm = Conditional Use Permit, minor; C = Conditional Use Permit, major; (blank) = Not Permitted

Table <u>3.4</u> : Commercial Use Bulk and Yard Regulations					
Bulk and Yard Regulations	Districts				
	B-1	B-2	B-3	CBD	B-4

Bulk Regulations					
Minimum District Size	3 Acres	3 Acres	3 Acres	3 Acres	3 Acres
Minimum Lot Area	SFD: 7,200 sf SFA: 6,000 sf 2F: 8,000 sf Townhouse: 2,500 sf ^a Other: 10,000 sf	MF ≤10 unit: 20,000 sf MF 11-12 unit: 1,700 sf MF 13-14 unit: 1,600 sf MF <u>15-16</u> unit: 1,500 sf MF 17+ unit: 1,700 sf Other: 10,000 sf	n/a	n/a	n/a
Maximum Building Height	35 ft	35 ft	35 ft	100 ft	40 ft
Maximum Commercial Square Footage	5,000 sf	10,000 sf	n/a	n/a	n/a
Minimum Yard Requirements					
Front Yard	20 ft	20 ft	25 ft	n/a	25 ft
Interior Side Yard	SFD: 5 ft SFA: none Townhouse: none Other: 5 ft	MF 1-story: 5 ft MF 2-story: 10 ft MF 3-story +: 20 ft Other: 5 ft	n/a	n/a	10 ft
Corner Side Yard	20 ft	20 ft	20 ft	n/a	20 ft
Rear Yard	20 ft	10 ft ^{c & d}	10 ft ^{c & d}	n/a	10 ft ^{c & d}
^a Not to exceed 4 attached dwellings					
^b Not to exceed 8 attached dwellings					
^c A rear yard abutting a publicly-dedicated alley need only be five feet (5') in depth					
^d A rear yard abutting a lot in a residential or B-1 district shall have the same minimum depth as the abutting district					

Key: SFD = Single-Family Detached; SFA = Single-Family Attached; 2F = Two-Family; MF = Multi-Family

(Ord. No. 11,443, 11-12-13; Ord. No. 11,519, 10-28-14; Ord. No. 11,549, 3-10-15; Ord. No. 11,584, 6-23-15; Ord. No. 11,642, 1-12-16; Ord. No. 11,644, 1-26-16; Ord. No. 11,757, 2-28-17; Ord. No. 11,758, 2-28-17; Ord. No. 11,805, 9-26-17; Ord. No. 11,828, 2-27-18; Ord. No. 11,848, 4-24-18; Ord. No. 11,883, 10-23-18; Ord. No. 11,925, 3-26-19; Ord. No. 11,964, 11-12-19; Ord. No. 11,993, 5-26-20)

Sec. 37-38. - Industrial use districts.

- (a) *I-1 Industrial business park district.* The purpose of the I-1 industrial business park district is to permit the development of commercial and industrial uses on individual lots or within commercial or industrial parks, including buildings, roadways, storage yards, loading areas, parking facilities, open space, landscaping, utilities, and storm water management facilities. Whenever possible, uses shall be planned as a unified development with individual buildings and lots integrated into an overall harmonious design. The industrial business park district shall also protect commercial and industrial development against intrusive uses that are incompatible with it.
- (b) *I-2 Heavy industrial district.* The I-2 heavy industrial district establishes locations within Monroe for existing and future medium to heavy intensity industrial uses. The I-2 district is intended for use by large manufacturing operations, heavy equipment facilities, construction and maintenance yards, fuel businesses and other basic intensive industrial activities normally found in an urban environment. Hazardous uses shall require environmental impact analyses and public review.

Table 3.5: Industrial Districts Permitted and Conditional Uses

Uses	Districts		Use Standards
	I-1	I-2	
Adult Uses	P	P	Subsection <u>37-92(a)</u>
Airport	P	P	
Animal Shelter	P	P	
Arts Studio	P	P	
Automobile/Vehicle Dealership	P	P	
Automobile Rental	P	P	
Automotive Repair, Minor	P	P	
Automotive Repair, Major	P	P	
Bar	Cm		
Car Wash	P	P	

Cargo Terminal	P	P	
Caterer	P	P	
Contractor Storage Yard	P	P	
Correctional Facility		C	
Craft Brewery	Cm		
Dwelling, Owner/ Proprietor	C		
Emergency Services	P	P	
Government Facility	P	P	
Hazardous Waste Disposal Facility		C	
Hazardous Waste Incinerator		C	
Hazardous Waste Processing Facility		C	
Hazardous Waste Storage		C	
Hazardous Waste Treatment		C	
Heavy Sales, Rental and Storage	P	P	
Junkyard		C	
Kennel	P	Cm	
Laboratory	P	P	
Maintenance/Repair Services	P	P	
Manufacturing, Heavy		P	
Manufacturing, Light	P	P	

Microbrewery	P	P	
Mini-Warehouse	P	P	
Office	P	P	
Off-Premises Advertising Sign	Cm	Cm	
Parking Lot, Commercial	P	P	
Passenger Terminal	P	P	
Rail Yard	P	P	
Retail Sales Establishment	P		
Retail Manufacturing	P	P	
Tattoo Parlor	Cm		
Sewage Treatment Facility		P	
Social Club/Lodge	P	Cm	
Solar farm	P	P	
Solid Waste Collection Facility		C	
Solid Waste Compost Facility	C	C	
Solid Waste Transfer Station		C	
Storage Yard, Outdoor	P	P	
Storage Yard, Vehicle	P	P	
Taxidermy	P	P	
Used Tire Stores	Cm		
Warehouse Wholesale/Storage	P	P	

Accessory			
Alcohol Beverage Sales, On-Premises	Cm		
Cargo Container	Cm	Cm	
Dwelling, Caretaker		Cm	
Radio or Television Antennae/Towers (Commercial)	P	P	
Temporary			
Carnival/Fair	C		
Revival Church	C		

Key: P = Permitted Use; Cm = Conditional Use Permit, minor; C = Conditional Use Permit, major; (blank) = Not Permitted

Table 3.6: Industrial Use Bulk and Yard Regulations		
Bulk and Yard Regulations	Districts	
	I-1	I-2
Bulk Regulations		
Minimum District Size	5 Acres	5 Acres
Minimum Lot Area	10,000 sf	10,000 sf
Maximum Building Height	35 ft	45 ft
Minimum Yard Requirements		
Buffer Yard Requirements	25 ft	25 ft
Front Yard	25 ft	25 ft
Interior Side Yard	5 ft	10 ft
Corner Side Yard	20 ft	20 ft
Rear Yard	10 ^{a & b}	10 ^{a & b}

^a A rear yard abutting a publicly-dedicated alley need only be five feet (5') in depth

^b A rear yard abutting a lot in a residential or BX district shall have the same minimum depth as the abutting district

(Ord. No. 11,443, 11-12-13; Ord. No. 11,584, 6-23-15; Ord. No. 11,704, 8-9-16; Ord. No. 11,757, 2-28-17; Ord. No. 11,883, 10-23-18)

Sec. 37-39. - Special use districts.

- (a) *C campus district.* The C institutional campus district is intended for large educational or medical campus developments to facilitate an orderly and efficient regulation process for these types of uses. The district establishes a process that is flexible enough to accommodate evolving changes and expansions in campus plans, and creates the proper transitions between campus activities and adjacent neighborhoods. Within the district, development will proceed in accordance with an approved campus master plan that relates to the adjacent districts, the community as a whole, and the needs of the institution.
- (b) *RF riverfront district.* The purpose of the RF riverfront district is to establish development standards that will enhance redevelopment opportunities along the Ouachita River. The district is intended to encourage and promote the revitalization of the waterfront area, to protect and preserve appropriate areas for public use, and to maintain the unique characteristics of the area.
- (c) *OS open space/recreation district.* The purpose of the OS open space recreation district is to provide a classification for parks located within neighborhoods; large regional parks and recreation facilities; and greenway corridors that provide connections between neighborhoods and public amenities such as cultural centers and large parks. OS districts may serve both active and passive recreation needs, and includes waterfront recreational activities. OS districts may also include certain ancillary commercial activities such as performance venues and concessions.

Table 3.7: Special Districts Permitted and Conditional Uses

Uses	Districts			
	C	RF	OS	Use Standards
Adult Day Care, Commercial	P			Subsection 37-92(c)
Adult Day Care, Large	P			Subsection 37-92(c)
Adult Day Care, Small	P			Subsection 37-92(c)
Amphitheater/ Outdoor Performance Venue	P	P	P	
Bar		P		

Campground			Cm	
Cemetery			P	
Child Day Care, Commercial	P			Subsection <u>37-92(c)</u>
Child Day Care, Large	P			Subsection <u>37-92(c)</u>
Child Day Care, Small	P			Subsection <u>37-92(c)</u>
Children's Residential Facility	P			
Community Garden			P	
Convalescent Center	P			
Dwelling, Single-Family Detached	P			
Dwelling, Single-Family Attached	P			
Dwelling, Two-Family	P			
Dwelling, Multi-Family	P	P		
Dwelling, Owner/Proprietor		P		
Dwelling, Caretaker	P		P	
Educational Facility College/University	P			
Educational Facility Elementary	P			
Educational Facility Secondary	P			
Educational Facility Vocational	P			

Elderly Housing, Assisted Living	P			
Elderly Housing, Continuing Care	P			
Elderly Housing, Nursing Home	P			
Elderly Housing, Retirement Housing	P			
Emergency Services	P	P	P	
Fairgrounds			P	
Farmer's Market		P	P	
Fraternity/ Sorority House	P			Subsection <u>37-92(e)</u>
Funeral Home/Mortuary	Cm			
Golf Course/Driving Range			P	
Government Facility	P		P	
Halfway House	C			
Hospital	P			
Hotel		P		
House of Worship, Small	P	C	Cm	
House of Worship, Large	P	C		
Laboratory	P			
Library	P	P	Cm	
Marina		P	P	
Off-Premises Advertising Sign		Cm		
Office	P	P		

Medical/Dental Clinic	P			
Museum	P	P	P	
Park or Playground	P	P	P	
Personal Services Establishment	P	P		
Public Pier		P	P	
Recreational Facility, Indoor	P		P	
Recreational Facility, Outdoor	Cm		P	
Restaurant/ Reception Facility	Cm	P		
Retail Goods Establishment		P		
Stadium	C		C	
Substance Abuse Treatment Facility	P			
Theater	P	P		
Transitional Housing	C			
Urban Agriculture			P	
Accessory				
Alcohol Beverage Sales, On-Premises	C	P	C	
Clubhouse	P		P	
Columbarium			Cm	Subsection 37.76(e)
Live Entertainment	P	P	P	Subsection <u>37-92(h)</u>

Medical Evacuation Heliport	Cm			
Parking Garage	P	C		

Key: P = Permitted Use; Cm = Conditional Use Permit, minor; C = Conditional Use Permit, major; (blank) = Not Permitted

Table 3.8: Special Districts Use Bulk and Yard Regulations				
Bulk and Yard Regulations	Districts			
	C	RF	OS	
Bulk Regulations				
Minimum Lot Area	SFD: 7,100 sf SFA: 6,000 sf 2F: 7,100 sf MF 3+ unit: 7,100 + 2,000 sf/unit Other: 7,100 sf	n/a		n/a
Maximum Building Height	100 ft	35 ft		35 ft
Minimum Yard Requirements				
Front Yard	20 ft	20 ft		10 ft
Interior Side Yard	SFD: 10 ft SFA: none Townhouse: none Other: 10 ft Dormitory <u>1-2</u> story: 25 ft Dormitory 3+ story: 50 ft			10 ft
Corner Side Yard	20 ft	20 ft		10 ft
Rear Yard	20 ft ^{a & b}	10 ft ^{a & b}		10 ft
^a A rear yard abutting a publicly dedicated alley need only be five feet (5') in depth				
^b A rear yard abutting a lot in a residential or BX district shall have the same minimum depth as the abutting district				

Key: SFD = Single-Family Detached; SFA = Single-Family Attached; 2F = Two-Family; MF = Multi-Family

(Ord. No. 11,443, 11-12-13; Ord. No. 11,564, 4-28-15; Ord. No. 11,703, 8-9-16; Ord. No. 11,816, 12-27-17; Ord. No. 11,829, 2-27-18)

Secs. 37-40—37-59. - Reserved.

ARTICLE IV. - PLANNED UNIT DEVELOPMENTS

Sec. 37-60. - Planned unit development procedures.

- (a) *Purpose.* The purpose of these provisions is to encourage flexibility, innovation and variety in the development of land in order to promote its most appropriate use; to improve the design, character and quality of development; to facilitate the adequate and economic provision of streets, utilities and services; to achieve beneficial land use relationships with the surrounding area; to preserve the unique natural and scenic features of the landscape; and to preserve open space as development occurs.
- (b) The following criteria represent the objectives of the planned district:
 - (1) Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
 - (2) Diversification in the uses permitted and variation in the relationship of uses, open space and the setbacks in developments intended as cohesive, unified projects.
 - (3) Functional and beneficial uses of open space areas.
 - (4) Preservation of natural features of a development site such as ponds, lakes, creeks, streams, wetlands, animal habitats, etc.
 - (5) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
 - (6) Rational and economically sound development in relation to public services.
 - (7) Efficient and effective traffic circulation, both within and adjacent to the development site.
 - (8) Creation of a variety of architectural styles and housing types compatible with surrounding neighborhoods to provide greater housing choice.
- (c) *Application of the districts.* To enable the planned unit development (PUD) to operate in harmony with the plan for land uses and population density embodied in this article, the PUD is created as a special district, to be superimposed on the base districts contained in article III, and to be designated as a PUD on the zoning map. The housing types, minimum lot requirements, maximum height, minimum yard requirements and signage shall be determined by the requirements and procedures set forth in this article, which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance of the City of Monroe.
- (d) *Minimum area.* The minimum area for PUDs under this article shall be as follows:
 - (1) In residential districts three (3) contiguous acres;
 - (2) In all other zoning districts five (5) contiguous acres;
 - (3) In calculating the minimum area for a PUD district, the measurement shall not include the area of any dedicated street or alley.
- (e) *PUD application requirements.* As outlined in subsection 37-130(h) of this ordinance, the PUD shall be processed in three (3) stages: conceptual review, preliminary plan and subdivision review, and final plan. The following outlines the requirements for each stage of PUD application:
 - (1) *Conceptual review.* This stage of processing is to allow the exchange of information between the proposed developer, planning and zoning staff, and all other applicable city agencies. As outlined in subsection 37-130(h)(4), each applicant is required to have a pre-application conference with the planning and zoning director or his/her designee, and all other applicable city agencies, in connection with the preparation of the PUD application. The general characteristics of the proposal, evidenced schematically by sketch plans, shall be considered before submission of the PUD application. Thereafter, staff shall furnish the applicant with written comments from the pre-application conference, including appropriate recommendation to inform and assist the applicant prior to preparing the components of the PUD application.

(2) *Preliminary plan.* Upon completion of the pre-application conference with the planning and zoning director or his/her designee, the recommendations from the conference have been made, an application may be filed for PUD on a preliminary basis. Material pertaining to the preliminary plan must be submitted to planning and zoning staff at least three (3) weeks prior to the meeting of the planning commission at which the preliminary plan will be considered (See subsection 37-130(h)). The application for the preliminary shall include the following:

- a. Site plan and supporting maps containing the following information:
 1. Proposed lot lines.
 2. Proposed location and floor area of all existing and proposed buildings, structures and other improvements, including maximum building heights.
 3. Density of residential uses.
 4. Location and size in acres or square feet of all areas to be conveyed, dedicated, reserved, or otherwise used as common open space, public park, recreational areas, schools sites, and similar public and semi-public uses.
 5. Existing and proposed circulation system of streets and pedestrian ways, including off-street parking areas, service areas, loading zones, major points of access to public rights-of-way, and ingress and egress to the development. Street standards shall be consistent with the minimum street standards for the city.
 6. General landscape plan for non-residential areas.
 7. Vicinity map of the area surrounding the site within a distance of at least one mile, at a scale of not less than 1"=500'.
 8. Proposed treatment of the perimeter of the PUD, including materials and techniques used (i.e., fences, walls, and other landscaping).
 9. Adequate drainage facilities for surface water, including storm sewers, gutters, paving, and the proper design of finished grades.
 10. Any additional fiscal, traffic, or environmental information as required by the city to evaluate the character and impacts of the PUD.
- b. The preliminary plan shall be reviewed by the planning commission, who will approve, approve conditionally, or reject the plan as per subsection 37-130(h) of this ordinance.

(3) *Final plan.*

- a. *Submission.* After approval of the preliminary plan, application may be made for approval of the final plan. Application for the final plan shall not be made until substantial completion of the requirements of the approved preliminary plan, provided the final plan does not violate any provision of this ordinance and does not:
 1. Involve a reduction of more than five per cent (5%) of the area reserved for common open space and/or usable open space.
 2. Increase the floor area proposed for non-residential use by more than five per cent (5%).
 3. Increase residential densities more than five per cent (5%).
 4. Increase the total ground area covered by buildings by more than five per cent (5%).
- b. *Revisions.* If the final plan is not in substantial compliance with the approved preliminary plan, the revisions shall require the same review and public hearing process required for approval of the preliminary plan.
- c. *Final site plan.* The final site plan shall also serve as the official subdivision plat. This plat must conform to the subdivision ordinance of the city except as waived by the approved preliminary plan for the PUD. The plat shall contain proper dedications for public streets, utility easements, and all other public rights required by the preliminary plan. Approval by the planning commission of the final PUD shall be required before filing the plat with the Ouachita Parish Clerk of Court or issuance of building permits. The final site plan shall contain the following:
 1. Lot lines.
 2. Location and floor area of all existing and proposed buildings, structures, and other improvements, including maximum building heights, types of dwellings, and density per building type. All buildings shall be dimensioned with distances shown from clear reference points.
 3. Location and size in acres or square feet of all areas to be conveyed, dedicated, reserved, or otherwise used as

common open space, public park, recreational areas, schools sites, and similar public and semi-public uses.

4. Existing and proposed circulation system of streets and pedestrian ways, including off-street parking areas, service areas, loading zones, major points of access to public rights-of-way, and ingress and egress to the development. Street standards shall be consistent with the minimum street standards for the city.
 5. Existing and proposed circulation system of streets and pedestrian ways, including off-street parking areas, service areas, loading zones, major points of access to public rights-of-way, and ingress and egress to the development. Street standards shall be consistent with the minimum street standards for the city.
 6. Final landscape plan shall be submitted, and no certificates of occupancy shall be issued until the landscaping is in place for all non-residential areas.
 7. Detailed utility plans for sewer, water, electrical, street improvements, and other public improvements must be submitted and approved by the director of public works. The developer shall execute an agreement in proper form providing for the installation of such improvements prior to submission of the final plan to the planning commission. All utilities shall be placed underground.
 8. Adequate drainage facilities for surface water, including storm sewers, gutters, paving, and the proper design of finished grades.
- d. *Amendments.* Minor changes to the location, sizing, height, and siting of buildings and structures may be authorized administratively by the planning and zoning director or his/her designee without additional public hearing as per subsection 37-130(h)(10) of this ordinance.
 - e. *Approval.* The final plan shall be reviewed by the planning commission, who will approve, approve conditionally, or reject the plan as per subsection 37-130(h) of this ordinance.
 - f. *Penalties.* No plat of land within a PUD shall be transferred, sold, or agreed to be sold before such a plat of a subdivision has been approved by the planning commission and filed with the Ouachita Parish Clerk of Court. Whoever, owner or agent, who transfers, sells, or agrees to sell unrecorded lots shall pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred, sold, or agreed to be sold; and the description of such lot or parcel by metes and bounds shall not exempt the transaction from such penalties or from remedies herein provided. The city may enjoin such transfer, sale, or agreement by injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

(Ord. No. 11,443, 11-12-13)

Sec. 37-61. - Special conditions for planned unit developments.

All planned unit development (PUDs) shall meet the requirements herein set forth and no final plan shall be approved that does not meet all of these requirements:

- (1) *Open space maintenance plan.* The developer shall submit a legal instrument(s) setting forth a plan for permanent care and maintenance of open spaces, open recreational areas, community-owned facilities, and private streets. If the common area is to be maintained by the homeowner's association, the applicant shall file the following documents governing the association:
 - a. The homeowner's association shall be established before any residences are sold.
 - b. Membership in the association must be mandatory for each residential owner.
 - c. Open space restrictions must be permanent and not for a period of years.
 - d. The governing body of the association shall consist of owners of property in the PUD.
- (2) *Guarantees for open space preservation.* Open space shown on the approved final plan shall not be used for the construction of any structures not shown in the final plan.
- (3) *District regulations.*
 - a. Every PUD developed under these provisions shall comply with all of the regulations established herein for the district(s) in which the PUD is located unless the regulations have been waived by the planning commission approval or as otherwise stated in this ordinance.
 - b. PUDs shall be located with respect to major streets, highways, or other transportation facilities as to provide direct access

while minimizing traffic along major streets in residential neighborhoods.

- c. Commercial uses are limited to those set forth in the base district(s) in which the PUD is located.

(Ord. No. 11,443, 11-12-13)

Sec. 37-62. - Design standards for planned unit developments.

The following design standards shall apply to any planned unit development (PUD):

- (1) *Open space.*
 - a. Required open space shall comprise at least thirty per cent (30%) of the total gross area of any residential PUD.
 - b. Within said thirty per cent (30%), one-half (½) of the same may be developed for planting, pedestrian connections, and landscape elements, or may remain in a natural state. The remaining one-half (½) shall be developed for active recreational uses.
 - c. Recreational facilities or structures and their accessory uses located in approved areas shall be considered open space.
 - d. Public dedications may not contribute to the open space requirement.
- (2) *Infrastructure.* All public or private streets, paving, curbs, sidewalks, utilities, storm water, lights, and similar facilities shall be developed according to City standards, unless specifically modified by the city engineer. Waivers, variances or modifications to the private or public street standards, utilities, and other infrastructure through a planned unit development are not allowed.
- (3) *Spacing of buildings.* The provisions for spacing of buildings as outlined in section 37-78 (supplementary regulations) shall apply to all PUDs that are maintained on a separate building site.
- (4) *PUD perimeters.* Where PUDs adjoin public streets or lands with a different zoning classification, the installation and maintenance of a landscaped buffer area at such perimeter may be required. The detailed landscape plan for any such buffer required shall be part of the landscape plan filed in conjunction with the final plan.

(Ord. No. 11,443, 11-12-13)

Sec. 37-63. - Planned manufactured home communities.

- (a) *Purpose.* The purpose of this section is to provide minimum standards for development and maintenance of manufactured home communities pursuant to, and in compliance with, the procedures and regulations provided in this ordinance. It is intended that manufactured home communities be provided with necessary community services in a setting that provides a high quality of life for residents.
- (b) *District regulations.* Every manufactured home community erected and maintained under the provisions of this section shall comply with all of the special regulations and conditions established by this ordinance for the districts in which the manufactured home community is located.
- (c) *Engineering requirements.* Improvements required by these regulations shall be made in accordance with the specifications and under supervision of the city engineer, planning and zoning director, parish health officer, utility agencies and companies, and all other applicable authorities or agencies deemed appropriate by the planning and urban development director of the City of Monroe.
 - (1) *Water and sewer service.* All manufactured home communities shall be served by water and sewage systems that meet the requirements of the Ouachita Parish Health Department and all applicable state agencies and departments. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating a nuisance or public health hazard.
 - (2) *Storm drainage.* All developed portions of the manufactured home community shall be served by adequate storm drainage facilities, designed and constructed to drain into natural watercourses or into the municipal storm water drainage system. Necessary facilities for drainage of roadways and for drainage of surface water in the park shall be installed in dedicated servitudes, and shall have such width or construction adequate for proper function and maintenance.
 - (3) *Utilities.* Utility service shall be provided to each building site. Subsurface utilities, including electric, telephone, cable TV and all other lines, shall be placed along streets within a dedicated right-of-way or along rear or side lines of mobile home sites or

lots in servitudes provided for this purpose.

- (4) *Access and fire protection.* A plan of safe ingress and egress to the property shall be included in the development plans for review and approval by the planning commission. This access plan shall include adequate access for fire and/or emergency vehicles to the property.

(d) *Required improvements.*

- (1) *Recreation areas.* No less than eight per cent (8%) of the gross area of the manufactured home community shall be reserved and developed as recreational facilities, generally provided in a central location, or in larger communities, conveniently distributed in smaller sites. Recreation areas may include space for community buildings and community use facilities such as adult recreation areas, senior centers, playgrounds, and swimming pools.

(2) *Service buildings.*

- a. One (1) or more service buildings shall be provided at such locations as to be reasonably accessible to residents of the park. Service buildings shall include space and separation for a park manager's office, storage of maintenance equipment and supplies, and recreation management. Service buildings shall also include space for tenant storage of outdoor equipment, furniture, and tools for inactive storage of such materials used seasonally or infrequently.
- b. A minimum of ninety (90) cubic feet for general storage for each mobile home lot shall be provided on the lot or within one hundred feet (100') of the lot. No service building shall be located closer than twenty feet (20') to any manufactured home or other structure and shall not be placed over any utility or drainage servitude.
- c. Any non-residential building such as a clubhouse, storage building, recreation building or facility, office or laundry, planned as an integral part of the manufactured home community shall be for the sole use of the occupants of the manufactured home community and shall be of a design and constructed of material that are in character with and compatible to the dwelling units placed in the manufactured home community.

(3) *Common walks and private walks.*

- a. Common pedestrian walks shall be provided where pedestrian traffic is concentrated and where necessary for convenient access to recreation areas, service buildings, and other community use facilities.
- b. Preferably, common pedestrian walks should be located though interior areas, removed from the vicinity of streets.
- c. Common pedestrian walk standards shall be consistent with the minimum sidewalk standards for the city and shall be so designed in alignment and gradient as to promote safety, convenience, and appearance.
- d. Private walks shall be provided to each manufactured home site from a common walk or paved street as from a paved driveway or parking space. Private walks shall be at least three inches (3") thick and three feet (3') wide.

- (4) *Tie-down requirements.* Every mobile home approved for a manufactured home community under the provisions of this section shall be equipped with adequate foundations and tie-downs, intended to secure the units against movements, settling, and overturning for the protection of life and property. Frame, over-the-roof, or a combination of these methods, shall be mandatory to be installed as provided below. No certificate of occupancy shall be issued for any manufactured home unit until tie-down requirements have been met.

- a. Number of tie-downs required.

Table 4.1: Manufactured Housing Tie-Down Requirements	
Length of Frame	Number of Ties
Up to 30 feet	2 per side
30 feet to 50 feet	3 per side
50 feet to 70 feet	4 per side
Over 70 feet	5 per side

b. *Ground anchor specifications.*

1. Anchors shall be bolted in concrete, screw auger or anchor driven or any other type manufactured and approved for use as a mobile home anchor.
2. All anchors shall be galvanized, high tensile steel, not less than five-eighths-inch (5/8 ") diameter, with a drop forged closed eye or any other approved method of anchorage. All anchors shall be not less than four feet (4') in length, installed to full depth according to manufacturers recommendations, with only the eye protruding above grade for connecting the tie-down system.
3. Connections to the mobile home I-beam frame shall be five-eighths-inch (5/8 ") or larger drop forged closed eye bolted through a hole drilled through the frame or by any other approved and adequate wrap-around, hook or any clamp method.
4. Not less than five eighths-inch (5/8 ") drop forged turnbuckles with closed eyes and screw pins shall be attached to the frame above and ground anchor below and securely tightened in place. Steel straps or cabled may be used in lieu of turnbuckles if they are of equal or greater strength and are securely tightened in place with a tensioning tool and clamped.
5. When concrete slabs, runners or strips are provided tie-downs may be set in the concrete slab, strip or runners, provided that such strips or runners are minimum of four inches (4") in thickness and reinforced with not less than 28-gauge wire mesh. Such strips or runners shall be a minimum of thirty inches (30") wide and not less than the length of the mobile home unit if tie-downs are to be set in the concrete slab.

- (5) *Illumination.* Adequate lights shall be provided to illuminate streets, driveways, and pedestrian connections for the safe movement of vehicles and pedestrians at night. Such lights shall meet all requirements of section 37-75 of this ordinance.
- (6) *Landscaping.* Lawn and ground covers shall be provided and maintained for all exposed ground surface not paved or covered with other solid materials, or in such areas as ravines or woods that are preserved in their natural state. Landscaping and screen planting shall be proved as necessary and outlined in chapter 19.5 of the Monroe Code of Ordinances.
- (7) *Required buffer protection.* There shall be constructed and maintained on the manufactured home community property, minimum buffer protection as outlined in section 37-77 of this ordinance.
- (8) *Undedicated streets.* All undedicated streets designed primarily for the use of residents living within the RMH district shall be constructed to conform to the following widths:

Table 4.2: Undedicated Street Regulations	
Type of Street	Minimum Width Requirement
Entrance or Collector Streets	With guest parking: 26 feet
	With no parking submitted: 24 feet
All Other Streets	With parking on one (1) side: 28 feet
	With no parking permitted: 20 feet

- (9) Mobile homes may be single wide but no more than ten (10) years and only located in a planned manufactured home community.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,933, 5-14-19)

- (a) *Purpose.* The purpose of this section is to provide minimum standards for the development and maintenance of gated communities. The City of Monroe recognizes that gated communities may be appropriate in certain locations in certain limited circumstances such as planned unit developments and subdivisions.
- (b) *Requirements.* Gated communities shall meet the following requirements:
- (1) *[General provisions.]* The general provisions of the planned unit development ordinance and other City Codes as they relate to development, streets, and utilities will apply to all such development. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup. All plans concerning gated communities are subject to review and approval by the Monroe Fire Department.
 - (2) *[Definitions.]* The definition of a "subdivision," "planned unit development," and "street," as contained in the zoning and subdivision ordinances, will apply to all subdivisions, planned unit developments or streets, whether public or private. All streets within a gated community shall be private.
 - (3) *[Plat depiction.]* Plats for the planned unit development shall depict all fences, gates, private streets and alleys, and all utilities.
 - (4) *Design and construction standards.* Private streets shall conform to the same standards regulating the design and construction of public streets. These standards shall include, but are not limited to the following:
 - a. *City of Monroe street standards.*
 - b. *Street naming and addressing policy.*
 - c. *Streets excluded.* The Monroe Planning Commission may deny the creation of any private street if in the commission's judgement the private street would negatively affect traffic circulation on public streets or impair access to property either on-site or off-site to the planned unit development, impair access to or from public facilities including schools, parks and libraries, or delay the response time of emergency vehicles.
 - d. *Private street lot.* Private streets and alleys must be constructed within a separate lot owned by the homeowners or property owners association. This lot must conform to the city's standards for public streets and alley rights-of-way. An easement covering the street lot shall be granted to the city providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.
 - e. *Construction and maintenance cost.* The city shall not pay for any portion of the cost of constructing or maintaining a private street.
 - f. *Plans and improvements.* Developments proposed with private streets must submit to the city the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to the final plat approval shall apply. The city may periodically inspect private streets and require repairs necessary to ensure emergency access. All private traffic regulatory signs shall conform to the Manual of Uniform Traffic Control Devices.
 - (5) *[Gate installation.]* Any gate installation must conform to the following provisions:
 - a. No gate shall be allowed on a public street. If a planned unit development is converted to a gated community, the dedicated rights-of-way must be revoked prior to the acceptance of a planned unit development.
 - b. All gate installations shall be approved by the Monroe Fire Department and the traffic engineering division prior to installation. The access code must be provided to the traffic engineering division who will provide the code to the Monroe Fire and Police Department and any other services that require access. The installation must be completed and tested prior to the city's acceptance of the planned unit development.
 - c. Emergency access may be provided by siren activation and key pad or another method as approved by the Monroe Fire Department.
 - d. The gate shall be delineated by standard traffic control devices (signs and permit markings) as determined by the traffic engineering division.
 - e. If the gate does not open properly and causes a back-up into the street, the traffic engineering division can cancel

approval or take whatever other action is necessary to ensure proper access from the public roadway.

- f. Gate designs may incorporate one or two gate sections to meet the required minimum gate width of twenty-four (24) feet. If the entrance will incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the Monroe Fire Department, but in no case shall any single gate or street pavement have a clear opening of less than eighteen (18) feet.
 - g. If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of fourteen (14) feet above the finished road surface.
 - h. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
 - i. All components of the gate system must be maintained in an approved operating condition, with all components services and maintained on a regular basis as needed to ensure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times.
 - j. Gates must release and open upon electrical power failure or equipment malfunction and remain open until the problem is resolved.
 - k. Failure to meet requirements. Each security gate regulated under this section will be subject to a performance test on a regular basis as determined by the Monroe Fire Department. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the Monroe Fire Department.
 - l. Owners responsibility. The person or corporation in control of the property is responsible for, and liable for, any violations of this section. This includes, but is not limited to, the developer, property owner, the homeowners or property owners association and its officers, if applicable, or others who may own or exercise control over the property.
- (6) *Homeowners or property owners association required.* Planned unit developments developed with private streets and alleys must have a mandatory homeowners or property owners association which includes all property served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the city attorney to ensure that they conform to this and other applicable city ordinances. The documents shall be filed of record prior to the approval of the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the city. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessments therefore may be amended without the written consent of the city.
- (7) *City utilities.* Water, sewer, drainage facilities, street lights and signs placed on the private street and alley lot shall be installed to city standards and dedicated to the city prior to approval of the final plat. All city regulations relating to infrastructure financing, developer cost participation and capital cost recovery shall apply to developments with private streets with the exception of those applying to street construction.
- (8) *Petition to convert to public streets.* The homeowners or property owners association documents shall allow the association to request that the city accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of fifty-one (51%) per cent of the membership. However, in no event shall the city be obligated to accept said streets and alleys as public. Should the city elect to accept the streets and alleys as public, the city may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the city's acceptance of the streets and alleys. The city will be the sole judge of whether repairs are needed. The city may also require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association documents shall provide for the city's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the city.
- (9) *Hold harmless.* On the planned unit development final plat shall be language whereby the homeowners or property owners association, as owner of the private street and appurtenances, agrees to release, indemnify, defend and hold harmless the city, any governmental entity, and public utility for damages to the private street occasioned by the reasonable use of the

private street by the city, governmental entity or public utility; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of an use of the subdivision by the city, governmental entity or public utility. Further such language shall provide that all lot owners shall release the city, governmental entities and public utilities for such damages and injuries. The indemnification's contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity or public utility, or their representative officers, employees or agents.

(10) *Sidewalks.* Sidewalks shall be constructed in accordance with city standards for all lots adjoining streets and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until development of the lots.

(11) *Drainage and storm sewers.*

a. *General requirements.* All plats shall conform to the city's standards for drainage facilities.

b. *Design of facilities.* Design of storm sewer systems shall be in accordance with the city's standards for such systems. Materials and construction shall conform to the city's standard specifications.

(12) *[Single entrance requirement.]* Proposed planned unit developments shall have only one entrance into the development.

(c) *Existing planned unit developments.*

(1) Existing planned unit developments may be converted to gated communities if the following requirements are met:

a. The planned unit development has only one entrance into the development.

b. Seventy-five (75%) per cent of the property owners must approve the conversion to a gated community.

c. The home or property owners association will bear the expense of liability, installation and maintenance.

d. The gates must also have access for emergency vehicles.

e. Any dedicated rights-of-way will need to be revoked before the planned unit development is accepted.

(2) PUD application requirements as per subsection 37-130(h) will need to be followed to convert an existing planned unit development into a gated community.

(Ord. No. 11,641, 1-12-16)

Secs. 37-65—37-70. - Reserved.

ARTICLE V. - SITE DEVELOPMENT STANDARDS

Sec. 37-71. - Purpose.

The purpose of this article is to address the site improvements on a lot other than the principal building. This includes adequate public facilities, protection standards, exterior lighting regulations, accessory structures and uses, architectural projections into required yards, landscaping, and corridor design standards.

(Ord. No. 11,443, 11-12-13)

Sec. 37-72. - Adequate public facilities.

Land proposed for development must be served adequately by essential public facilities and services. Land will not be approved for development unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, and transportation facilities necessary to serve the proposed development, whether such facilities are located within the property being platted or outside the site. This policy may be defined further and supplemented by other city ordinances.

(1) *Conformance to plans.* Proposed improvements should conform to the City of Monroe Comprehensive Plan and all applicable public facilities and capital improvements plans.

(2) *Water.* All platted lots must be connected to a public water system or properly permitted to ensure water for health and emergency purposes, including adequate fire protection.

- (3) *Wastewater.* All platted lots must be served by an approved means of wastewater collection and treatment.
- (4) *Streets.* All streets must provide a safe, convenient, and functional system for vehicular and pedestrian circulation and must be appropriate for the traffic characteristics and impacts of the proposed development.
- (5) *Drainage.* Drainage improvements must accommodate potential runoff from upstream drainage areas, and be designed to prevent overloading the capacity of the downstream drainage system. The city engineer may require the phasing of development; the use of control methods such as retention, detention, or pumping systems; and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development.
- (6) *Phasing.* The city may require the phasing of development or improvements to maintain current levels of service for existing public services and facilities, or for other reasons based upon maintaining the health, safety and general welfare of the city's inhabitants.
- (7) *Subdivision regulations.* All subdivisions must comply with the City of Monroe Subdivision Regulations.
- (8) *Wetlands.* Any development of lots located, or partially located, within the area subject to the Section 404 of the Clean Water Act, 33 U.S.C. 1344, as amended, shall not be issued a development permit or building permit until a jurisdictional wetland determination has been completed and either of the following occurs:
 - a. The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a Section 404 permit is required, and either a Section 404 permit or a letter of permission is issued by the Corps for the proposed development; or
 - b. The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no Section 404 permit or letter of permission is required.

(Ord. No. 11,443, 11-12-13)

Sec. 37-73. - Protection standards.

All uses must be operated to comply with the performance standards described in this section below and all other relevant building, fire, and safety codes. In addition to these performance standards, all uses must be constructed, maintained, and operated to prevent negative impacts to the use and occupation of adjacent properties, including impacts from the emission or creation of noise, vibration, odor, radiation, fire, explosive hazards, or glare. Nothing in this section is intended to alter, change, modify or abrogate any authority granted exclusively to any state commission, or to exempt developers, property owners, or lessees from all other relevant regulations. These standards do not apply to construction sites.

- (1) *Noise.* No activity or use may be conducted in a manner that generates a level of sound, which at any property line is in excess of the average intensity of street and traffic noise at that same boundary.
- (2) *Glare, heat and vibration.* Any activity or the operation of any use that produces glare, heat, or vibration must be conducted so that no glare, heat, or vibration from the activity or operation is detectable from any point at the property line.
- (3) *Dust and air pollution.* Dust and other types of air pollution, borne by the wind from sources such as storage areas, yards, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting or other acceptable means.
- (4) *Radioactive, toxic and hazardous waste.* The discharge of fluid and the disposal of solid radioactive, toxic, and hazardous waste materials must comply with all applicable federal, state and local laws and regulations governing such materials or waste. No operation that produces radioactive, toxic, and/or hazardous materials may commence without prior notice to the city as required by all local, state, and federal regulations. Radioactive, toxic and hazardous materials and waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.
- (5) *Odors.* Any condition or operation that results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public, or that interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor.
- (6) *Fire and explosive hazards.* Materials that present potential fire and explosive hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.
- (7) *Proper drainage.* The operation of any use in any district must provide for adequate storm water drainage of the site and be designed to prevent overloading of the capacity of the drainage system.

(Ord. No. 11,443, 11-12-13)

Sec. 37-74. - Use of land and structures.

- (a) *Number of structures on a lot.* Only one (1) principal building per lot is permitted in R-1, R-2, R-3, and B-1 zoning districts, unless approved as part of a planned unit development as described in Article IV of this ordinance. In all other districts, more than one (1) principal building may be erected on a single lot, provided that each structure complies with all yard and bulk requirements of the district as if it were a principal building on an individual lot.
- (b) *Frontage on a public or private street.* All lots must front on a public or private street.
- (c) *Applicability of bulk and yard requirements.* All structures erected after the effective date of this ordinance must meet the bulk and yard requirements for the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure is located, unless a variance (subsection 37-130(d)) is approved by the board of adjustment.

(Ord. No. 11,443, 11-12-13)

Sec. 37-75. - Exterior lighting.

- (a) *Light trespass and distraction.*
 - (1) No exterior lighting may glare into, or upon, the neighboring properties or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets.
 - (2) Specifically, the following types of light trespass are prohibited:
 - a. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
 - b. Any light that may be confused with, or construed as, a traffic controls device, except as authorized by state, federal or local government.
- (b) *Unshielded light.* The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or other type of support, are prohibited, except on a temporary basis in areas where approved fairs, Christmas tree sales, or similar activities are held and only when such activities are taking place.

(Ord. No. 11,443, 11-12-13)

Sec. 37-76. - Accessory structures and uses.

- (a) *General application.*
 - (1) All accessory structures and uses are subject to the requirements of this section and the requirements of subsection 37-78(c) (architectural projections) below. Additional accessory structures not regulated in this section may be regulated in subsection 37-78(c) (architectural projections).
 - (2) Only those accessory structures permitted by this section or subsection 37-78(c) (architectural projections) are permitted in required yards.
 - (3) The combined square footage of all detached accessory structures located in the rear yard are limited to no more than thirty per cent (30%) of the required rear yard.
 - (4) No accessory structure shall exceed the height of the main structure.

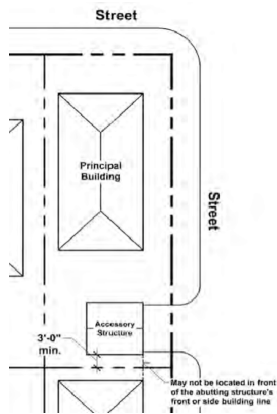


FIGURE 5.1: ACCESSORY STRUCTURE ON CORNER LOT SETBACK

- (5) No accessory structure shall occupy any part of the required front, side or side corner yard.
 - (6) In the case of a corner lot, when an accessory structure is located in the rear yard and the rear yard abuts the interior side and/or front yard of a lot, the accessory structure must be located five feet (5') from the rear yard line and may not be located in the front of the abutting structure's front or side building line. In such case, the accessory structure may encroach into the corner side yard but may not be located in front of the abutting structure's front or side building line. (See figure 5.1: accessory structure on corner lot setback)
 - (7) No detached accessory structure may be constructed prior to construction of the principal building to which it is an accessory.
 - (8) No detached accessory structure may be used for habitation.
- (b) *Accessibility ramp.*
- (1) Accessibility ramps are permitted in a required front, interior side, or rear yard.
 - a. Ramps within the front yard must be designed to minimize encroachment into the front yard.
 - b. Ramps may extend or project into a required rear yard without limitation.
 - (2) Weather protection may be provided over the ramp and landing provided there is a two-foot (2') distance between the awning or canopy and any lot line.
- (c) *Animal regulations commercial kennels.* Commercial kennels for breeding of dogs and cats are subject to the following requirements:
- (1) The minimum site area shall be three (3) acres;
 - (2) Run areas shall be completely surrounded by an eight foot (8') solid wall or fence; and
 - (3) Structures housing animals and outdoor animal runs shall be a minimum distance of fifty feet (50') from property lines abutting residential zones.
- (d) *Boathouses and docks.* In those instances where the standards of all applicable ordinances of the city and applicable regulatory agencies have been met, boathouses and docks must meet the following conditions:
- (1) There is a limit of one (1) each per building site.
 - (2) No boathouse or pier shall extend more than thirty feet (30') from a retaining wall into the public body of water.
 - (3) Boathouses and docks together shall not exceed one thousand (1,000) square feet in total size.
 - a. The measurement of the square footage for a boathouse shall be the length times the width of the entire structure.
 - b. The measurement of the square footage for the dock shall be the length times the width of the entire dock.
 - c. The structure shall not include any kitchen, sleeping, and/or sanitary facilities.
 - d. Boathouses shall not exceed a single story, or fourteen feet (14'), in height.
 - e. All boathouses and docks shall be considered accessory structures. A primary structure must be present on the lot to which a boathouse and/or dock is attached.
 - f. No boathouse or dock shall be constructed so as to interfere with normal navigation or with responsible access to adjacent docks.

- (e) *Columbarium.* A columbarium is permitted as an accessory structure to places of worship or cemeteries on lots with a minimum area of twenty thousand (20,000) square feet. No columbarium shall be closer than five feet (5') from any lot line.
- (f) *Fences, gates and walls.*
- (1) Reserved.
- (2) No person shall construct or rebuild any fence without obtaining a fence permit from the planning and zoning office. The fee for the fence permit shall be available from the planning and zoning director's office and may be altered or amended only by the city council.
- (3) *General requirements.*
- a. No person shall erect or rebuild any fence, gate, retaining or free-standing wall that extends beyond the property line.
- b. No person shall plant the trunk of any hedge closer than two feet (2') within any property line.
- c. No person shall erect or rebuild any fence, gate, retaining or free-standing wall, or any combination thereof, in excess of eight feet (8'), except as allowed under subsection 37-76(f)(6) (exceptions) of this article.
- d. The height of any fence, gate or wall shall be measured from the highest grade of the property along the fence, gate, wall or property line on the non-owners side.
- e. All commercial and industrial uses shall have all enclosed outdoor storage and materials within a fenced area at least eight feet (8') in height. The fence shall be solid along the rear and side property lines and open along the front property lines.
- f. All fences, gate or wall must be maintained in a clean, orderly and stable condition at the expense of the owner or lessee.
- g. *Materials.*
1. Solid fences, gates and walls shall be constructed of the following materials: wood, brick, stone or rock, masonry, vinyl, hedges, or any combination thereof. (Solid fences should include "weep-holes" if applicable.)
2. Open fences or gates shall be constructed of ornamental iron, wood, woven wire, or chain link, or a combination ornamental iron and brick, stone/rock, or masonry.
3. Commercial and Industrial businesses may use metal as a fence material provided that:
- Any exposed edges with the exception of the bottom of the fence be trimmed with factory made accessory trim with hemmed edges.
 - It is only allowed in B-3, General Business/Commercial; B-4, Heavy Commercial District; I-1, Commercial/Industrial Business Park District; and I-2 Heavy Industrial/Manufacturing Districts
- (4) *Location.*
- a. *All residential and B-1 districts.*
1. Any solid fence, gate, divisional, retaining, or free-standing wall or hedge not over thirty-six inches (36") in height and fences at least fifty per cent (50%) open and not over forty-two inches (42") in height may be erected or rebuilt along the front yard boundaries of a lot or yard in a residential or B-1 district, except as limited in other sections of this article.
2. No chain link fence shall be erected or rebuilt in any required front or side corner yard in any residential or B-1 district that exceeds five feet (5') in height.
3. Any fence, gate, divisional, retaining, or free-standing wall or hedge not over eight feet (8') in height in a residential or B-1 district may be erected or rebuilt along the side or rear yard boundaries, except in the line of sight clearance area.
- b. *Non-residential districts.*
1. Any fence, gate, divisional, retaining, or free-standing wall or hedge not to exceed eight feet (8') in height may be erected or rebuilt along any boundaries of a lot or yard in non-residential districts, excluding B-1 districts, except as limited in other sections of this article.
2. Any fence, gate, divisional, retaining, or free-standing wall or hedge constructed on vacant property may be allowed, but only for recreational or security purposes, and only at the discretion of the zoning administrator.
- (5) *Prohibited fences.*
- a. The installation of an electronically charged fence is prohibited, with the exception of invisible dog fences.

- b. No barbed wire or razor wire fence shall be erected or maintained, except that not more than four (4) strands of horizontal wire may be strung in the top of chain link fences for security purposes on land zoned B-4, I-1, I-2, or C (campus), provided that the lowest strand of wire is a minimum of six feet (6') above the ground.
- c. *Temporary fences.* Land under development may be surrounded by a construction fence or a temporary chain link fence up to seven feet (7') in height and allowed for a specified period of time as a temporary fence at the discretion of the zoning administrator, upon application. Gates into the fence enclosure may be located at the discretion of the zoning administrator, upon application.

(6) *Height and location exceptions.*

- a. The zoning administrator at his/her discretion may, after finding the circumstances meet the following criteria, consider exceptions to the location and height requirements of a fence:
 - 1. That the adjacent property owner will not be adversely affected;
 - 2. That pedestrian access will not be hampered, and;
 - 3. The line of sight clearance area will be clear.
- b. For location exceptions: On through lots;
- c. For height exceptions:
 - 1. Recreational fences and walls such as those surrounding tennis courts, baseball fields, driving ranges and other similar uses may exceed eight feet (8') to protect the health, safety and welfare of the community.
 - 2. In the event of a use that is particularly noxious or detrimental to environmental or aesthetic values, it may deemed necessary for the general health, safety and welfare of the community to erect a fence around commercial or industrial uses higher than the eight feet (8') presently allowed by ordinance.

(7) *Electronic theft deterrent device.* The construction and use of electric theft deterrent devices shall be allowed in the city only as provided in this section, subject to the following standards:

- a. Unless otherwise specified herein, electric theft deterrent devices shall be constructed or installed in conformance with the specifications set forth in International Electro Technical Commission (IEC) Standard No. 60335-2-76.
- b. Electrification:
 - i. The energizer for electric theft deterrent devices must be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.
 - ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 122.108 of the IEC code.
- c. Perimeter fence or wall:
 - i. No electric theft deterrent devices shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet (6').
- d. Location: Electric theft deterrent devices shall be permitted in B-4—heavy commercial district, I-1—industrial business park district and I-2—heavy industrial district (uses with outdoor storage).
- e. Height: Electric theft deterrent devices shall be no taller than eight (8') feet.
- f. Warning signs: Electric deterrent devices shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than sixty (60') feet.
- g. Electric theft deterrent devices shall require a fence permit and any other permit required by the city such as an electrical permit.
- h. It shall be unlawful for any person to install, maintain, or operate an electric theft deterrent device in violation of this section.

(g) *Mechanical equipment.*

- (1) Ground-based mechanical equipment including, but not limited to, heating, ventilating and air-conditioning (HVAC) units, swimming pool equipment and back-up electrical generators, may be located in the interior side or rear yard but must be located at least five feet (5') from a rear lot line and three feet (3') from an interior side lot line, where at least two feet (2') of

that distance remains open to the sky. Ground-based mechanical equipment is prohibited in the front or side corner yard.

- (2) Any roof-mounted mechanical equipment must be set back at least six feet (6') from any wall of the building to permit safe access to the roof.

(h) *Outdoor sales, storage and display.*

- (1) *Outdoor sales and display.* Retail goods establishments and motor vehicle dealerships are allowed to have outdoor sales and display of merchandise, by either a storeowner or occupant, outside of the store and within the same lot under the following conditions:

- a. No sales and display is permitted in any public right-of-way or located so as to obstruct pedestrian or vehicular traffic.
- b. No sales and display is permitted in a required yard for retail goods establishments, motor vehicle dealerships are exempt.
- c. No required parking areas may be used as an outdoor sales and display area.
- d. The outdoor sales and display of automobile parts, such as tires, is prohibited.
- e. Ice and propane storage machines must be placed against the exterior of the principal commercial building and cannot encroach into any public right-of-way or into any required yard.
- f. All other vending machines, such as DVD vending machines and coin converter machines, must be located inside the principal building.

- (2) *Outdoor storage.* The following uses are allowed to have outdoor storage: nursery, including the growing of plants in the open, heavy sales, rental and service, motor vehicle dealership and rental establishment, motor vehicle service and repair (minor or major), light and heavy-manufacturing, outdoor storage yards and contractor yards. These uses are permitted outdoor storage under the following conditions:

- a. No outdoor storage is permitted in any public right-of-way or located so as to obstruct pedestrian or vehicular traffic. No outdoor storage is permitted in a required front yard.
- b. All manufacturing, assembly, repair or work activity must take place inside an enclosed building. This does not apply to heavy industrial uses that are typically conducted outside or have an outdoor component.
- c. No required parking area may be used as an outdoor storage area.
- d. No materials stored or displayed outdoors may be of a greater height than that of the required screening, with the exception of storage of construction equipment.
- e. All outdoor storage must comply with the screening requirements of section 37-77.

(i) *Swimming pools.*

- (1) Swimming pools may not be located in the required front or side yard abutting a public street. Swimming pools may be located within a required rear or side yard provided the pool is not located closer than five feet (5') to a rear or interior side lot line.
- (2) Every swimming pool of five thousand (5,000) gallon capacity or greater must be protected by a safety fence of at least six feet (6') in height. A walk space at least three feet (3') in width must be provided between the pool and the protective fence.

(j) *Solar panels.*

- (1) Roof-mounted solar panels should be placed in a location least visible from the public street; however, this does not prohibit the installation of solar panels on a roof that may be visible when that exposure, particularly southern exposure, is the most viable location. When feasible, solar panels must be integrated into the surface as an architectural feature.
- (2) Solar panels must be mounted to minimize glare onto adjacent properties.
- (3) A solar panel is considered a permitted appurtenance and is not subject to the building height limitations of the district.

(k) *Cargo containers.*

- (1) Cargo containers may be placed, used, allowed or maintained on property on a temporary basis for additional storage to support seasonal events or for the duration of a construction project. Proposed length of time shall be approved by the planning commission.
- (2) Cargo containers may not be placed, used, allowed or maintained on property where permitted, unless there is a legal primary use located on the site.

- (3) Cargo containers shall not be stored in a manner that impedes access to public rights-of-way, utility or drainage easements or a structures and buildings. The cargo container(s) shall not block, obstruct, or reduce in any manner any required exits, windows, parking spaces and/or access driveways.
- (4) Cargo containers shall not be used for human habitation or for commercial business purposes.
- (5) Cargo containers shall not be used to store hazardous materials in violation of any local, state or federal requirements.
- (6) No signage shall be allowed on any cargo container.
- (7) Cargo containers shall not be stacked on top of each other or on another structure.
- (8) Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers may include passive systems to provide appropriate ventilation.
- (9) Cargo containers shall not contain any holes, peeling paint, rust, damage or structural modifications and shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.
- (10) Nothing should be stored or stacked on top of any permitted container.
- (11) Containers shall be screened. Acceptable screening features include landscaping, terrain, existing structures, exterior architectural enhancements or a combination of these features.
- (12) Cargo containers require a minor conditional use permit.
- (13) *Location:*
 - The rear or other non-conspicuous areas of the site.
 - The containers shall not be located within the front yards of the site or high visibility areas from the public right-of-way.
 - Containers may not occupy any required off-street parking spaces, loading/unloading areas or fire lanes.
 - Parking spaces may be used for temporary storage in commercial zones for construction projects and to support seasonal events provided the amount of spaces is not more than ten (10) per cent of the required parking spaces for the sponsoring business or five (5) per cent of the overall spaces within a commercial center containing multiple tenants. Cargo container(s) may not be placed within any designated landscape or storm water facility.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,590, 7-28-15; Ord. No. 11,757, 2-28-17; Ord. No. 11,810, 11-28-17; Ord. No. 11,860, 6-12-18)

Sec. 37-77. - Buffer protection and screening.

- (a) *Purpose.* Landscaped buffers are required to be provided and maintained when certain land uses are adjacent to, or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration, and odor likely to be associated with a more intensive land use. Landscaped buffers are also required to conserve the values of land and buildings and to provide adequate light and air.
- (b) *Buffer and screening requirements.* Buffering shall be provided in accordance with the following requirements:

Use	Adjacent to R-1, R-2 & R-3	Adjacent to R-4 & B-1	Adjacent to B-2 or B-3	Adjacent to B-4, I-1, I-2
Multi-family Residential ¹	B	NA	A	A
Institutional/Government and Public Service Facilities	B	C	C	C
Business/Commercial	A	C	NA	NA
Industrial and Major Shopping Centers	A	B	B	NA

¹ Multi-family shall include the following uses: townhouses, apartments, congregate housing, lodging, boarding houses and manufactured housing communities.

Table 5.3: Description of Required Buffer Zones

Buffer Zone	Minimum Width	Screen	Plant Materials
A	25 ft	8 ft Solid Fence	Combination of dense plant materials and fencing/walls to create an opaque screen
B	15 ft	None	Combination of plant materials and groundcover
C	8 ft	None	Combination of plant materials and groundcover

(Ord. No. 11,443, 11-12-13)

Sec. 37-78. - Supplemental height, yard, and open space regulations.

- (a) *Height exceptions.* The height limits for each zoning district shall not apply to the following: church spires, belfries, cupolas, mechanical penthouses or appurtenances, domes not use for human habitation, chimneys, water tanks, ventilators, skylights, solar panels, parapet walls, cornices.
- (b) *Supplementary yard regulations.*
- (1) *Front yard depth.* In any residential district, any building site lying between two (2) building sites having dwellings erected on them shall have a front yard equal in depth at least to the average depth of the front yards of the adjacent building sites; provided, however, that no front yard shall be less than twenty feet (20') in depth, and no front yard shall be required to be more than thirty per cent (30%) of the depth of the building site.
 - (2) *Minimum side yard widths.* In any district where side yards are not required by the district regulations, if side yard is provided it shall have a width of at least five feet (5').
 - (3) *Corner building sites.* In any district, a corner building site having to its rear a building site with the potential of facing toward the intersecting or side street shall provide on the intersecting or side street side a side corner yard having a width of at least twenty feet (20'); however, this regulation shall not be applied to reduce the buildable width of the corner lot to less than thirty feet (30').
 - (4) *Major street lines.* Front yard depth and, in the case of a corner building site, side corner yard width shall be measured from the current or future street right-of-way line of a major street where such line has been established and where such major street follows the general direction of, and includes the right-of-way contained in, an existing street on which said building abuts.
- (c) *Architectural projections into required yards.*
- (1) Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features,

provided that such projections shall not extend more than two feet (2') into any required yard.

- (2) Open fire escapes may extend into any required yard not more than three and one-half feet (3.5').
- (3) Open-air carports and patio covers, when attached to the main dwelling unit may occupy any required yard under the following circumstances:
 - a. The carport is no closer than five feet (5') to the side or rear property line; and/or
 - b. The carport is no closer than ten feet (10') to the street right-of-way line in a R-1, R-2, R-3, R-4, and RMH district.

(Ord. No. 11,443, 11-12-13)

Sec. 37-79. - Off-street parking and loading requirements.

- (a) *Purpose.* The off-street vehicle parking, bicycle parking and loading regulations of this ordinance are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas, provide the appropriate number of spaces in proportion to the demands of the proposed use, increase public safety by reducing congestions of public streets, and encourage the use of alternative modes of transportation.
- (b) *General.* Off-street parking and loading facilities shall be provided in compliance with this section whenever any building or use is erected, altered, enlarged, converted or otherwise increased in size or capacity. The provision and maintenance of the off-street parking and loading facilities herein required shall be the joint responsibility of the operator and/or owner of the use and the owner of the property or structure on which the use requiring off-street parking and loading facilities are located.
 - (1) *Existing facilities.* The existing number of off-street vehicle and bicycle parking and loading spaces shall not be reduced below the minimum requirements of this section.
 - (2) *Provision of additional vehicle spaces.*
 - a. Nothing in this section prevents the voluntary provision of additional off-street vehicle and bicycle parking spaces above that required by this ordinance. There is no limit on the number of bicycle parking spaces that may be provided.
 - b. In an effort to limit the amount of impervious surface associated with development, the maximum number of vehicle parking spaces shall be one hundred twenty-five per cent (125%) of the number of required parking spaces. Structured parking facilities are exempt from this maximum.
 - c. Where a use exceeds the minimum number of vehicle spaces required by subsection 37-79(d), the area used for additional spaces must either be paved with semi-pervious material, such as permeable paves, porous asphalt, porous concrete, grass-crete, reinforced grass, or other storm water management methods during the site plan review process with final approval by the city engineer.
 - (3) *Prohibition on use of parking spaces.* The sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies, or the display of goods on off-street parking areas is prohibited, unless otherwise permitted by this ordinance.
 - (4) *Shared parking facilities.* Off-street parking spaces for separate uses may be provided collectively for two (2) or more uses with different hours of operation in order for each use to meet its minimum off-street parking requirements.
 - a. *Authorization.*
 1. The director of planning and zoning or a designee is authorized to approve shared parking arrangements for uses with different hours of operation.
 2. The director of planning and zoning or his/her designee may permit parking required for one use to be supplied by the off-street parking spaces provided for another use if he/she determines that the uses or activities will have peak parking demands at different periods of the day or week.
 3. In order to approve a parking plan for shared parking, the director of planning and zoning or designee must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
 4. A request for approval of a shared parking arrangement must be accompanied by such information determined by the director of planning and zoning or his/her designee to be necessary to evaluate the peak parking demand characteristics or difference in hours and/or days of operation, including, but not limited to, a description of the uses and their operational characteristics, a site plan, and a parking plan that justifies the reduction in parking requested.

5. Once all information deemed necessary by the Director of Planning and Zoning or his/her designee to evaluate the shared arrangement has been received, approval (with or without conditions) or denial from the director of planning and zoning fifteen (15) days.

b. *Specifications for shared parking.*

1. The use of such facility by each user does not take place at the same hours during the same days of the week.
2. The shared parking facility must be located within three hundred feet (300') of both uses.
3. All other location and design requirements of this article are met.

c. *Shared parking agreement.*

1. The users of the shared parking facility must submit a written, notarized agreement to share parking facilities. A copy of the notarized agreement must be filed with the planning and zoning office.
2. Shared parking agreements are binding upon applicants and their successors. Shared parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.
3. Pursuant to the same procedure and subject to the same limitations and requirements by which the parking plans was approved and recorded, any parking plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under the parking plan comply with all requirements of this section.

(c) *Computation of parking and loading requirements.*

- (1) Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle and bicycle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this ordinance.
- (2) A fraction of less than one-half (½) is disregarded, and a fraction of one-half (½) or more is considered one (1) parking or loading space.
- (3) For uses where patrons or spectators occupy benches, pews or open floor areas used for service, each twenty-four (24) linear inches of benches, pews or permanent seating is counted as one (1) seat for the purpose of determining the requirement for the required number of parking and loading spaces.
- (4) Parking or loading spaces required on a public use floor area basis is based on the total floor area accessible to the public. This excludes areas such as locker rooms, storage rooms and similar functions that are accessible only to employees. Public use floor area includes seating areas in restaurants, the entire bar area, and all public waiting areas. When a use includes both public use areas and private offices, the office areas are not considered part of the public use area calculations but must be calculated separately.

(d) *Required off-street vehicle parking spaces.* The off-street parking spaces required for each use permitted by this ordinance shall not be less than that found in table 5.4. For uses not mentioned in this section, the director of planning and zoning or his/her designee shall determine the requirements for off-street parking and loading facilities. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the city.

Table <u>5.4</u> : Off-Street Vehicle Parking Requirements	
Use	Number of Parking Spaces Required
Adult Use	3 spaces/1,000 sf GFA
Airport	5 spaces/1,000 sf GFA
Art Gallery	2 spaces/1,000 sf GFA
Art Studio	4 spaces/1,000 sf of public use area

Auditorium/Arena	1 space/6 seats
Automobile Vehicle Dealership	2 spaces/1,000 sf of indoor sales area
Automotive Repair	2 spaces/service bay
Automobile Vehicle Dealership	2 spaces/1,000 sf of indoor sales area
Automobile Vehicle Rental	2 spaces/1,000 sf of office and public waiting area
Bar	1 space/100 sf GFA
Bed and Breakfast	1 space/guest room plus 2 spaces/dwelling unit
Boarding House	1 space/4 rooms
Caterer	1 space/1,000 sf GFA
Cemetery	1 space/20,000 of GFA plus 1 space/4 chapel seats plus 3 spaces/1,000 sf of office
Community Center	4 spaces for the first 1,000 sf plus 3 spaces/each additional 1,000 sf GFA
Contractor Storage Yard	3 spaces/1,000 sf storage area and public use area
Convalescent Center	1 space/2 rooms
Correctional Facility	2 spaces/20 inmates of rated inmate capacity
Day Care Center, Adult or Child	2 spaces/1,000 sf GFA
Dwelling, Single-Family	2 spaces/dwelling unit
Dwelling, Two-Family	2 spaces/dwelling unit
Dwelling, Townhouse	2 spaces/dwelling unit
Dwelling, Three-Family	1.5 spaces/dwelling unit
Dwelling, Four-Family	1.5 spaces/dwelling unit
Dwelling, Multi-Family	Efficiency units; 1 space/unit One bedroom units; 1.5 spaces /unit Two bedroom units; 1.5 spaces/units Three or more bedroom units; 2.5 spaces/unit
Dwelling, Owner/Proprietor	1 space/dwelling unit plus 2 spaces/1,000 sf commercial area

Elderly Housing, Retirement Housing	1 space/dwelling unit
Elderly Housing, Nursing Home	.25 space/dwelling unit
Elderly Housing, Assisted Living	.5 space/dwelling unit
Elderly Housing, Continuing Care	To be calculated based on the type of facility or combination of facilities provided above
Educational Facility, Secondary	4 spaces/classroom plus 3 spaces/1,000 sf of office
Educational Facility, Elementary	2 spaces/classroom
Educational Facility, University and Vocational	5 spaces/classroom plus 3 spaces/1,000 sf of office
Financial Institution	2 spaces/1,000 sf GFA plus 3 stacking spaces/drive-through window
Food/Beverage Processing	3 spaces/1,000 sf manufacturing area plus 2 spaces/1,000 sf office
Fraternity/Sorority House	2 spaces/bedroom
Funeral Home/Mortuary	1 space/4 chapel seats + 1 space/300 sf of office
Gas Station	2 spaces/pump plus 3 spaces/1,000 sf of retail area plus 2 spaces/accessory motor vehicle service and repair plus 4 stacking spaces/car wash bay
Group/Community Home	1 space/3 residents
Halfway House	1 space/4 occupants (rated capacity) plus 1 space/300 sf of office
Heavy Sales, Rental and Storage	3 spaces/1,000 sf GFA plus 1 space/1,000 sf of outdoor sales and display area
Hospital	1 space/room
Hotel/Motel	1 space/guest room
House of Worship	1 space/50 sf gross floor area without fixed seats used for assembly purposes plus 1 space/every 3 seats
Independent Living Facility	1 space/dwelling unit
Library	1 space/300 sf GFA
Manufacturing	1 space/1,000 sf GFA

Manufactured Housing	2 space/dwelling unit
Marina	1 space/2 slips
Medical/Dental Clinic	1.5 spaces/medical exam room
Mini-Warehouse	1 space/25 storage units
Mixed-Use Development	Sum of the required spaces for the various uses computed separately
Museum	1 space/300 sf GFA
Office	1 space/300 sf GFA
Personal Services Establishment	1 space/300 sf GFA
Pet Day Care	2 spaces/1,000 sf GFA
Pet Care Facility	1 space/350 sf GFA
Pet Grooming	1 space/350 sf GFA
Public Works or Emergency Services	2 spaces/1,000 sf of office and public use area
Reception/Banquet Hall	1 space/200 sf of GFA
Recreational Facility, Indoor	<i>Bowling Alley:</i> 2 spaces/lane <i>Movie theater:</i> 1 space/4 seats plus 1 space/6 seats after 1 st 400 <i>Pool Hall:</i> 1 space/100 sf GFA
Recreational Facility, Outdoor	3 spaces/1,000 sf GFA including all outdoor areas
Rehabilitative/Residential Care Center	1 space/4 rooms
Residential Care Facility	1 space/4 residents
Restaurant, Carry-Out and Fast-Food	2 spaces/400 sf GFA plus 3 stacking spaces for drive-through lane
Restaurant, Full-Service	2 spaces/400 sf GFA
Restaurant, Specialty	1 space/400 sf GFA plus 3 stacking spaces for drive-through lane
Retail Goods Establishment	1 space/300 sf GFA
Retail Manufacturing	1 space/300 sf GFA retail plus 1 space/1,000 sf manufacturing

Shopping Center	Under 500,000 sf GFA: 2 spaces/1,000 sf gross leasable area 500,000 sf or more GFA: 4 spaces/1,000 sf gross leasable area
Social Club/Lodge	1 space/300 sf GFA
Tattoo Parlor	2 spaces/1,000 sf of public use area
Veterinary Hospital	1 space/350 sf GFA
Warehouse	1 space/20,000 sf of warehouse plus 2 spaces/1,000 sf office
Wholesale Goods Establishment	1 space/20,000 sf of warehouse plus 2 spaces/1,000 sf office plus 2 spaces/1,000 sf public use area
GFA = Gross Floor Area	

(e) *Maintenance.* Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

(1) *Drainage.*

- a. Off-street parking facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion resistant material in accordance with applicable city standards.
- b. Any new surface parking lot with twenty-five (25) or more parking spaces or additions to existing parking lots of twenty-five (25) or more vehicle parking spaces must be designed to filter or store the first inch of rainwater during each rain event. This can be accomplished through the use of pervious paving, rain gardens, bio swales, detention areas, constructed wetlands, and other methods deemed appropriate by the city engineer. Where installed, detention areas should be appropriately designed and located to filter, store and convey the expected storm water flows from surrounding paved areas.
- c. Off-street parking areas must be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee. A minimum of one (1) litter receptacle must be included in any parking lot.

(2) *Surfacing.*

- a. All surface parking lots must be paved with a durable, all-weather material such as concrete or asphalt, or a semi-pervious material such as permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, or a similar surface.
- b. All single-family and two-family dwellings are permitted to construct driveways that consist of two (2) concrete wheel strips, each of which is at least eighteen inches (18") wide and at least twenty feet (20') long. A permeable surface, such as turf, must be maintained between such wheel strips.
- c. Shells, gravel, crushed stone, and bare earth paving are permitted paving materials only in the OS (open space district).

(3) *Wheel guards and curbs.* Wheel stops and curbing must be provided to prevent vehicles from damaging or encroaching upon and adjacent parking or loading space, sidewalk, landscaped area or parking lot island, fence, wall or building. Within non-residential or mixed-use development parking lots, box curbs at least six inches (6") in height are required. In some cases, where deemed appropriate by the director of planning and zoning or his/her designee, earth mounds not exceeding two feet (2') in height may be used.

(4) *Striping.* Off-street parking areas must be marked by painted or paved lines maintained in clearly visible condition, curbs or other means to indicate individual spaces. Signs or markers should be used as necessary to insure efficient and safe circulations within the lot. Vehicle parking spaces for handicapped persons must be clearly identified with the appropriate signage and striping, regardless of plant growth or other conditions.

- (5) *Lighting.* Parking lot lighting must comply with section 37-75 of this ordinance. Adequate lighting must be provided for off-street spaces that are to be used at night. All lighting must be arranged to eliminate glare on residential property by location of light fixture use of fixtures designed to eliminate direct view of luminaries in fixtures from residential property.
 - (6) *Landscaping requirement.* All parking lots shall be landscaped in accordance with chapter 19.5, landscape requirements, of the City of Monroe Code of Ordinances.
- (f) *Required bicycle parking spaces.*
- (1) Where off-street parking facilities are provided, the number of bicycle parking spaces must be provided as required by table 5.5.
 - a. All uses listed within table 5.5 are required to provide short-term bicycle parking spaces, which are areas where bicycles will be left for short stops, requiring a high degree of convenience (close proximity to destination).
 - b. Certain uses listed within table 5.5 require a percentage of the required bicycle parking to provide long-term bicycle parking spaces, where bicycles will be left for longer periods of time and thus require a safe and weatherproof storage area, including racks in covered areas, lockers, storage rooms, and/or fenced areas with restricted access.
 - (2) In all cases where bicycle parking is required, a minimum of two (2) bicycle spaces is required.
 - (3) After the first thirty (30) required bicycle parking spaces are provided, additional bicycle parking spaces are required at one-half (½) space per unit of measure listed in table 5.5.
 - (4) When a use is exempt from vehicle parking requirements by the section, the use is also exempt from bicycle parking requirements. If a use exempt from vehicle parking provides parking, bicycle parking, as required by this section, is also required.
 - (5) The following reductions in the number of vehicle parking spaces are permitted when bicycle parking and facilities are provided. An applicant may only use one (1) of these two (2) options.
 - a. A non-residential use may use up to two (2) required vehicle parking spaces as space for bicycle parking. The area equivalent to two (2) vehicle parking spaces must be used for bicycle parking.
 - b. Where a non-residential use provides shower facilities for use by bicyclists, a reduction of up to two (2) vehicle parking spaces is permitted. The area of vehicle parking spaces must be used for bicycle parking.
 - (6) Shower and locker facilities for bicyclists are encouraged for offices and government offices, university and vocational school facilities, hospitals and industrial uses over twenty-five thousand (25,000) square feet in gross floor area.
 - a. A minimum of two (2) showers in projects between twenty-five thousand (25,000) and one-hundred twenty-five thousand (125,000) square feet, and three (3) showers for any project over one-hundred twenty-five thousand (125,000) square feet. Dressing areas and lockers must be provided as part of the shower facilities.
 - b. Lockers for clothing and other personal effects must be located in close proximity to showers and dressing areas to permit access to the locker areas by either gender. A minimum of one (1) clothes locker is required for each long-term bicycle parking space provided.

Table 5.5: Required Bicycle Parking Spaces

Use	Required Bicycle Spaces	Required Percentage of Long-Term Spaces
Multi-family Dwelling	1 per 5 dwelling units	80% required long-term
Dormitory; Fraternity/Sorority	1 per 4 beds	80% required long-term
Retail Goods Establishment and Personal Services Establishment over 10,000 sf in GFA	1 per 2,500 sf GFA	

Office and Government Office over 10,000 sf in GFA	1 per 5,000 sf GFA	50% required long-term
Indoor and Outdoor Amusement Facility over 10,000 sf in GFA	1 per 5,000 sf GFA	
Educational Facility, Primary	2 per classroom	
Educational Facility, Secondary	3 per classroom	
Educational Facility, University or Vocational	1 per 5,000 sf GFA	50% required long-term
Place of Worship over 10,000 sf in GFA	1 per 5,000 sf GFA	
Hospital	1 per 25 beds	50% required long-term
Cultural Facility	1 per 2,500 sf GFA	
Community Center	1 per 2,500 sf GFA	
Public Works and Safety Facility	1 per 5,000 sf GFA	
Industrial over 10,000 sf in GFA	1 per 10,000 sf GFA	50% required long-term

(g) *Off-street loading facilities.*

(1) *General.*

- a. Except in the B-1 district, whenever a non-residential building is erected, altered, enlarged, converted or otherwise increased in size or capacity, the off-street loading facilities herein required shall be provided for uses that distribute or receive materials or merchandise by trucks or other commercial vehicles in accordance with table 5.6.
- b. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one (1) commercial tenant of a multi-tenant development is over ten thousand (10,000) square feet only one (1) loading space is required; if all tenants are less than ten thousand (10,000) square feet, no loading is required.

(2) *Computation of off-street loading requirements.* The off-street loading requirements for each use permitted by this ordinance shall not be less than that found in table 5.6. For uses not mentioned in this section, the director of planning and zoning or his/her designee shall determine the requirements for off-street loading facilities. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the city.

(3) *Combined off-street loading facilities.* Requirements for the provision of off-street loading facilities for two (2) or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common loading facility, provided that the total number of spaces designated is not less than the sum of the individual requirements.

Table <u>5.6</u> : Off-Street Loading Requirements	
Use Type	Number of Spaces Required
Multi-Family	

20,000—100,000 sf GFA	1 loading space
100,001—200,000 sf GFA	2 loading spaces
Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 200,000 sf)	1 additional loading space
Commercial and Institutional Use	
10,000—100,000 sf GFA	1 loading space
100,001—200,000 sf GFA	2 loading spaces
Each additional 50,000 sf GFA (this applies only for each additional full 50,000 sf over 200,000 sf)	1 additional loading space
Industrial Uses	
5,000—10,000 sf GFA	1 loading space
10,001—40,000 sf GFA	2 loading spaces
40,001—100,000 sf GFA	3 loading spaces
Each additional 50,000 sf GFA (this applies only for each additional full 50,000 sf over 200,000 sf)	1 additional loading space

(Ord. No. 11,443, 11-12-13; Ord. No. 11,977, 12-23-19)

Sec. 37-80. - Parking design standard.

(a) *Site plan review.*

(1) *Applicability.*

- a. Site plan review, in accordance with subsection 37-130(e) (site plan review), is required prior to any construction, alteration or addition of any vehicle parking lot or structure providing ten (10) or more vehicle parking spaces and for any loading facility.
- b. For purposes of this section, construction, alteration or addition includes all paving of previously unpaved surfaces, replacement of pavement with new binder and surface courses, construction of curbing, and installation of new parking lot landscaping and bicycle parking facilities. Construction, alteration or addition does not include maintenance activities such as replacement of existing landscaping, repair of existing curbing, ordinary repairs, sealing, re-striping or placement of surface course pavement over previously paved areas.

(2) *Requirements.* Projects that require site plan review must incorporate all of the following items into the required site plan:

- a. Setbacks;
- b. Parking design including type of parking, parking space size, accessible spaces, paving, safety curbing, and visibility triangles;
- c. Landscape requirements;

- d. Fencing and visual screening for uses such as dumpsters;
 - e. Drainage of the parking lot including the path of storm water drainage, location of catch basins, storm water retention, and all other storm water devices;
 - f. Driveways.
- (b) *Permitted vehicle parking locations.*
- (1) *Residential uses.*
 - a. All residential off-street vehicle parking spaces required in this section shall be located on the same lot as the building or use being served, including residential uses in mixed-use developments.
 - b. For single-family, two-family and townhouse dwellings, required vehicle parking spaces are permitted in private driveways or parking pads, but must not encroach onto the public right-of-way. Tandem vehicle parking is permitted for residential uses but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.
 - c. No required off-street vehicle parking is permitted in any required front yard or in front of the front building line. This does not include parking in any permitted driveway. However, in all single-family districts non-required parking may be placed in up to thirty-five percent (35%) of the front yard, provided all driveways access a legal parking space.
 - (2) *Non-residential users.*
 - a. Vehicle parking for a non-residential use may be located within three hundred feet (300') of the use served.
 - b. No required off-street vehicle parking space is permitted in any required front yard in B-1 districts. However, in B-1 districts non-required parking may be placed in up to thirty-five per cent (35%) of the front yard, provided all driveways access a legal parking space.
- (c) *Dimensions of vehicle parking spaces.* Off-street vehicle parking spaces must be designed in accordance with figure 5.2.
- (d) *Access requirements for off-street vehicle parking.*
- (1) Each off-street parking space must be open directly upon an aisle or driveway of adequate width to provide access to a vehicle parking space. All off-street vehicle parking facilities must provide access in a manner that least interferes with traffic movement. For all uses except single-family and two-family dwellings, the parking area must be designed so that the driver of the vehicle proceeds forward into traffic rather than backs out.
 - (2) All required off-street parking facilities must have vehicular access from a street, alley, driveway or cross-access connection.
 - (3) Within off-street parking lots and structures, one-way traffic aisles must be a minimum of twelve feet (12') in width and two-way traffic aisles must be a minimum of twenty-four feet (24') in width. Furthermore, all aisles must be designed in accordance with Figure 5.2.
 - (4) A sight distance triangle must be provided for each driveway access point for a parking facility. The triangle is measured from the point where each side of the driveway intersects the property line. At the point of intersection at each side of the driveway and the property line, a line of fifteen feet (15') in length must be drawn toward the interior of the structure to form the sight-distance triangle. Parking, fencing, planting material or other obstructions taller than two feet (2') in height that would block the view of the driver are prohibited in the sight distance triangle (See figure 5.3: sight distance triangle).

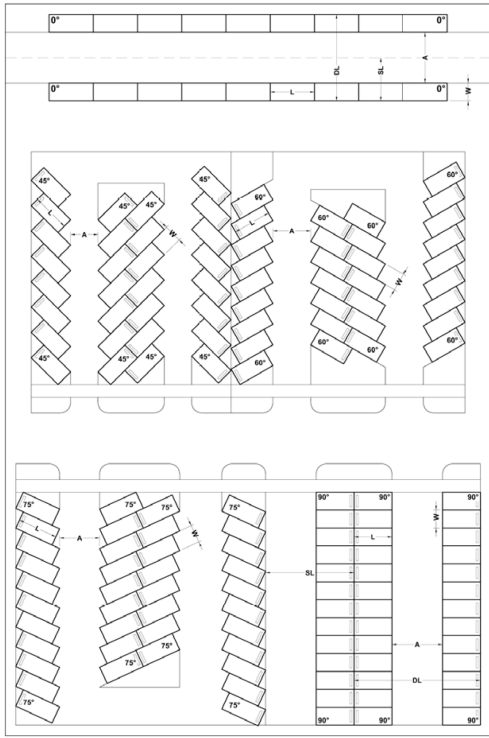


FIGURE 5.2: OFF-STREET PARKING DIMENSIONS (STANDARD SPACE)

Parking Angle	Stall Width (W)	Stall Length (L)	Aisle Width (A)	Single Loaded Module ² Width (SL)	Double Loaded Module ² Width (DL)
0°	9'	26'	12'/24'	20.5'/32.5' ¹	29'/41'
45°	9'	18'	13'	32'	51'
60°	9'	18'	18'	38'	58'
75°	9'	19'	20'	40.8'	61.6'
90°	9'	18'	24' ¹	42' ¹	60' ¹

¹ Two-way traffic permitted

² A module is defined as a drive aisle with automobiles parked on one (1) side of the drive aisle. A single loaded module is this drive aisle and parking area indicated by an SL on the above diagram. A double-loaded module is the drive aisle flanked by parking areas on each side as indicated by a DL on the above diagram.

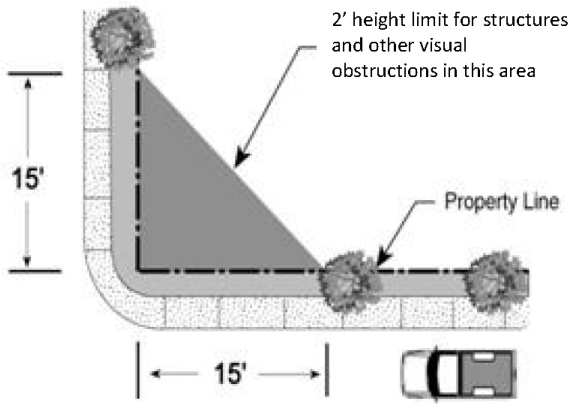


FIGURE 5.3: SIGHT DISTANCE TRIANGLE

(e) *Driveway design.*

- (1) All off-street parking facilities shall be provided with driveways so located as to result in no undue interference with traffic. When possible, entrances and exits shall be developed on two (2) or more frontages to facilitate traffic movement on through streets and to minimize congestion.
- (2) The permissible number, arrangement, and width of driveways are dictated by the street frontage of the property. The number of driveways shall be the minimum number required to adequately serve the needs of the development. Non-residential uses with frontages less than seventy-five feet (75') are limited to the following:
 - a. One (1) two-directional driveway; or
 - b. Two (2) one-directional driveways.
- (3) *Driveway width.* The width of required driveways shall be adequate to handle the anticipated volume and type of traffic, and shall conform with the dimensions outlined in table 5.7 and measured at the narrowest point parallel to the right-of-way.

Table 5.7: Minimum Driveway Widths		
	Minimum	Maximum
Residential		
- Single and Two-Family	10'	20'
- Multi-family	15'	24'
Non-residential		
- One-directional	12'	24'
- Two-directional use	20'	30'

- (4) Driveway approaches shall be at least twelve feet (12') wide at the curb and shall taper to driveway width at the front property line.
- (5) Driveways must be located a minimum of two feet (2') from the side lot lines on residential properties and five feet (5') from the side lot lines on non-residential properties. Single-family residential driveways must be located a minimum of four feet (4') from the curb radius return on a corner lot.
- (6) *Driveway clearance at street rights-of-way.*
 - a. All driveway approaches shall have a minimum clearance from the side property line as specified below:

1. Residential and B-1 districts: two feet (2') minimum side clearance.
 2. All other districts: Ten feet (10') minimum side clearance.
- b. All driveway approaches shall have a minimum corner clearance from an intersecting street, bridge, culvert crossing, overpass, underpass, tunnel, or similar obstruction as specified below:
1. Residential and B-1 Districts: Fifty feet (50') minimum corner clearance.
 2. All other Districts: Sixty feet (60') minimum corner clearance.
- (f) *Accessible space design.* All parking lots must comply with the "ADA Accessibility Guidelines for Buildings and Facilities" regulations issued by federal agencies under the Americans with Disabilities Act of 1990 (ADA) for the amount and design of accessible vehicle parking spaces required in parking lots and structures.
- (g) *Vehicle stacking spaces for drive-through facilities.* Every drive-through facility must provide a minimum of three (3) vehicle stacking spaces per bay, unless otherwise required by table 5.4 of this ordinance. Vehicle stacking spaces provided for drive-through uses must be:
- (1) A minimum of nine feet (9') in width, as measured from the outermost point of any service window to the edge of the driveway, and eighteen feet (18') in length (See figure 5.4 measurement of drive-through and figure 5.5: stacking spaces).
 - (2) Placed in a single line behind the drive-through facility.
 - (3) Located so that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.
 - (4) Stacking spaces must begin behind the vehicle parked at a last point of service, such as window or car wash bay.

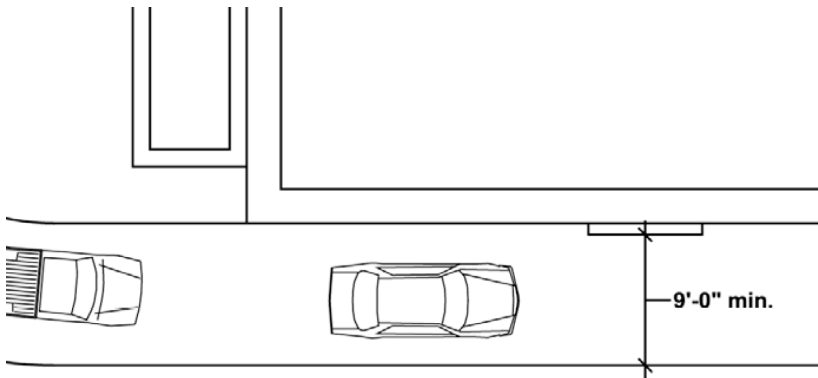


FIGURE 5.4: MEASUREMENT OF DRIVE-THROUGH

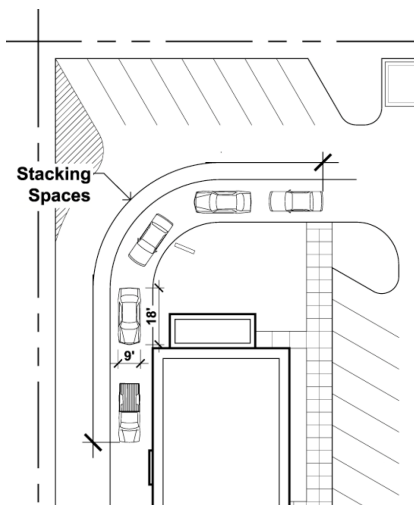


FIGURE 5.5: STACKING SPACES

(h) *Bicycle space design.*(1) *Location.*

- a. The bicycle parking area must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic.
- b. Bicyclists must not be required to travel over stairs to access parking.
- c. All required bicycle spaces must be located on the same lot as the use, or within fifty feet (50') of the lot on private property.
- d. While all parking in the right-of-way is discouraged, the property owner may make suitable arrangement with the City of Monroe to place bike parking spaces in the public right-of-way through a use maintenance agreement at the city's discretion. Parking in the public right-of-way must be within fifty feet (50') of the zoning lot.
- e. Short-term bicycle parking spaces must be located no more than fifty feet (50') for the principal building entrance and at the same grade as the sidewalk or an accessible route.
- f. Long-term bicycle parking spaces must be located in a covered area that is easily accessible from the public right-of-way and building entrances.
- g. Required bicycle parking for multi-family residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

(2) *Design.*

- a. Required bicycle spaces must have a minimum dimension of two feet (2') in width by six feet (6') in length, with a minimum overhead vertical clearance of seven feet (7'). Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet (5') wide between each row of bicycle parking to allow room for bicycle maneuvering.
- b. The area devoted to bicycle parking must be surfaced as required for vehicle parking areas.
- c. All long-term bicycle parking spaces must be covered, which can be achieved through use of an existing overhang or covered pedestrian connection, weatherproof outdoor bicycle lockers or an indoor storage area. Where bicycle parking is not located within a building or locker, the cover design must be of permanent construction, designed to protect bicycles from rainfall and a minimum overhead vertical clearance of seven feet (7').
- d. Bicycle parking facilities must provide lockable enclosed lockers or racks, or similar structures, where the bicycle may be locked by the user. Racks must permit the bicycle frame and one (1) wheel to be locked to the rack and support the bicycle in a stable position. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or a structure to prevent the racks and locker from being removed from the location.
- e. If required bicycle parking facilities are not visible from the street or principal building entrance, signs must be posted indicating their location. Signs must meet the requirements of article VII (sign regulations).

(i) *Off-street loading design.*(1) *Location.*

- a. All off-street loading spaces must be located on the same lot as the use served.
- b. No off-street loading spaces may project into a public right-of-way.
- c. No off-street loading space is permitted in a front yard.

(2) *Dimensions.*

- a. All minimum off-street loading spaces must be a minimum of twelve feet (12') in width, and a minimum of twenty-five feet (25') in length, exclusive of aisle and maneuvering space, and maintain a vertical clearance of at least fourteen feet (14').
- b. Loading spaces for a funeral home may be reduced in size to ten feet (10') by twenty-five feet (25') and a vertical clearance reduced to eight feet (8').
- c. Structures that are fifty (50) years of age or older and maintain loading spaces that do not comply with the dimensions of this section, are deemed legally conforming in terms of loading space dimensions. If new loading spaces are constructed,

such spaces may be designed to match the dimensions of existing loading spaces rather than the requirements of this section.

- (3) *Surfacing.* All off-street loading spaces must be paved with a durable, all-weather material, such as concrete or asphalt.
- (4) *Drainage and Maintenance.* Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material in accordance with applicable city specifications. Off-street loading areas must be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee.
- (5) *Lighting.* Loading facility lighting must meet the requirements of section 37-75 of this ordinance. Illumination of an off-street loading facility must be arranged so as to deflect the direct rays of light away from adjacent properties and streets.
- (6) *Access control and signs.* Each required off-street loading space must be designed with adequate means of vehicular access to a street or alley, in accordance with article VII (sign regulations) of this ordinance, and in a manner that will minimize interference with traffic movement.
- (7) *Landscaping and screening.* All loading facilities must be landscaped and screened in accordance with chapter 19.5 (landscaping requirements).

(Ord. No. 11,443, 11-12-13)

Sec. 37-81. - Corridor design standards.

- (a) *Purpose.* The purpose of these standards is to provide guidance with respect to the appearance and function of development along the major corridors in the City of Monroe. These standards are intended to encourage high-quality design, including site planning, lighting, landscaping, screening, signage, infrastructure and traffic flow along Monroe's commercial corridors. These standards provide direction to potential developers, redevelopers, current landowners, and business owners on new development and the redevelopment of existing properties. Over time, adherence to and enforcement of these design standards in designated areas will improve the identity of Monroe, reduce the number of curb cuts, increase the amount and variety of vegetation, de-clutter signage, promote unified development planning of multiple tracts, diversify architecture and land uses, minimize surface runoff through a reduction of redundant parking, improve pedestrian safety, and integrate commercial and residential land uses along major corridors. It is the intent of these standards to provide substantive direction while providing flexibility in their application.
- (b) *Applicability.* These corridor design standards assist in the design and review of both new construction and modifications to existing sites and structures along the city's major commercial corridors. Specifically, the boundaries of the commercial corridor design districts are hereby established as follows:
 - (1) *Level one corridors.* These standards apply to all properties within three hundred feet (300') of either side of the street right-of-way (existing or future if additional right-of-way has been identified) for the following identified corridors:
 - a. DeSiard Street, from Martin Luther King, Jr. Drive to the eastern Monroe city limit line.
 - b. Louisville Avenue, from Riverside Drive to Martin Luther King, Jr. Drive.
 - (2) *Level two corridors.* These standards apply to all properties within one hundred fifty feet (150') of either side of the street right-of-way (existing or future if additional right-of-way has been identified) for the following identified corridors:
 - a. N. 18th Street, from Forsythe Avenue to DeSiard St.
 - b. Forsythe Avenue Bypass (State Route 840-6) from N. 18th Street to Sterlington Road.
 - (3) *New construction.* These standards will be used to assist in the design and review process of new construction projects, major and minor conditional use permits, and site plan review in identified corridors.
 - (4) *Redevelopment.* For all development other than the construction of a new building or structure on a vacant site, these standards apply to all projects involving modifications to existing sites and structures that require planning commission approval. Where a change of building occupancy occurs, and no significant physical change is made to the building, the standards shall not be triggered. However, if a change in building occupancy occurs that requires modification to the site or planning commission approval, the standards shall be triggered. In such cases, opportunities to bring the existing site into compliance with the commercial corridor design standards shall be explored, with special consideration of those items that are most feasible and would achieve the greatest overall results in the appearance and functionality of the site.

- (5) *Additional applicability provisions.* Notwithstanding anything to the contrary in this ordinance, development of tracts of land with indicated commercial corridor design districts shall be required to comply with this section when the approval of a site plan is required.
- (c) *Transit.*
- (1) Prior to the issuance of building permits on developments of thirty (30) or more dwelling units or on non-residential developments of fifty thousand (50,000) square feet or greater, the planning and zoning director shall notify the City of Monroe Transit General Manager, who will determine if transit circulation or a transit stop is warranted within the development or at the intersection based on existing or future transit service and the roadway circulation pattern in the vicinity.
 - (2) Commercial structures of seventy-five thousand (75,000) square feet or greater shall provide at least one enclosed, protected transit shelter on-site if located on an existing or future transit route. The shelter shall be located such that it is close to the transit stop, as determined by the City of Monroe Transit General Manager.
- (d) *Circulation and parking.*
- (1) *Access standard.* The following site access standards are applicable to all commercial corridor design districts within the City of Monroe:
 - a. Adjacent properties shall utilize joint use driveways whenever possible and provide connections between parking lots. Owners shall provide cross access easement areas between adjacent properties and developments to provide vehicular access to adjacent sites without having to re-enter the public right-of-way.
 - b. Joint driveways and parking lot cross connections shall provide sufficient width to accommodate two-way vehicular travel.
 - c. Joint driveways and parking lot cross connections shall provide pedestrian and bicycle connections of at least six feet (6') in width that include a sidewalk. The driveway should be designed to provide the shortest practical length across the driveway for pedestrian and bicycle movement.
 - (2) *Clearly define vehicular, pedestrian and bicycle patterns.* The following standards shall be followed in all to create clearly defined patterns for both vehicles and pedestrians in all level one corridor areas and in parking lots over fifteen thousand (15,000) square feet in level two corridors.
 - a. Clearly defined pedestrian/bicycle connections shall be provided:
 1. Between a public right-of-way and building entrances when buildings are not located directly adjacent to the sidewalk.
 2. Between parking facilities and building entrances.
 3. Between parking facilities and sidewalks along streets and other public rights-of-way.
 4. From adjacent developments to both residential and commercial developments, creating connections with existing and future developments.
 - b. Pedestrian/bicycle connections shall be clearly defined in a combination of two (2) or more of the following ways:
 1. A continuous landscape area at least three feet (3') wide on at least one side of the pedestrian connection, except where connections cross over vehicular travel lanes.
 2. Where pedestrian connections within parking areas abut a public right-of-way and/or driving aisles, a landscaped area shall be provided between the pedestrian connection and the public right-of-way or driving aisle and a six-inch (6") curb must be used.
 3. Pedestrian connections within parking areas shall be clearly defined by pedestrian scale lighting, accent lighting or a combination thereof to aid pedestrian way-finding.
 4. At intersections with traffic signals or stop signs and all other pedestrian crossings, connections shall be distinguished from driving surfaces with durable, low-maintenance materials such as pavers, bricks, or scored concrete extended across vehicle lanes to define the pedestrian connections enhance pedestrian safety and comfort.
 - c. Concrete sidewalks shall be constructed along all streets and public rights-of-way that are a minimum of four feet (4') in width.
- (e) *Parking.* In order for the city's commercial corridors to function efficiently and conveniently, vehicular, bicycle and pedestrian connections between individual commercial uses shall be provided. The following parking standards shall be applicable to all commercial corridor design districts within the City of Monroe:

- (1) Parking lots of adjoining uses shall be connected to allow for convenient circulation between commercial uses and parking lots, maintain safety and efficiency on the city's roads by reducing multiple curb cuts. The city shall require proof of shared parking areas or easements as outlined in subsection 37-79(b)(4) of this ordinance.
 - (2) Parking lot connections shall be provided in a manner that reinforces a clearly defined pedestrian and vehicular circulation pattern across multiple properties.
 - (3) Vehicular and/or pedestrian and bicycle links shall be made with adjoining residential areas and transportation networks.
- (f) *Landscaping/open space.* Landscaping is an integral part of any site plan. Trees and shrubs soften parking lots, define pedestrian and automobile circulation, and are environmentally beneficial and aesthetically pleasing. The intent of these landscape standards is to maintain a consistent street frontage along commercial corridors in the City of Monroe.
- (1) Every parking lot over fifty (50) spaces shall include landscaped islands within the parking area equivalent to at least ten per cent (10%) of the total paved area of the parking lot, not including pervious paving surfaces.
 - (2) Landscaping in parking lots shall contain at least one (1) shade tree (minimum six feet (6') tall and two inch (2") caliper diameter breast height (DBH) at time of planting and thirty-five feet (35') tall at maturity) for each two hundred (200) square feet of landscaping. Shade trees shall be planted in a bed of ground cover, sod, and/or low shrubbery.
 - (3) Landscaped islands and other pervious surfaces on the site shall be used as opportunities to treat storm water in an environmentally-friendly manner and to assist in water table recharge. Where feasible pervious materials shall be used instead of impervious surfaces to allow water to percolate.
- (g) *Lighting.* Parking lot lighting shall be provided to allow for a safe pedestrian and vehicular area, while protecting adjacent properties from light spillover. As such, more numerous, shorter and lower-powered lighting fixtures are preferred over fewer, tall, high-powered fixtures. The following provides lighting standards for all commercial corridor design districts within the City of Monroe:
- (1) Parking lot lighting fixtures shall be designed to direct the light toward the development and prevent light spillage to other users and adjacent streets.
 - (2) Pedestrian-scale lighting shall be used to define pedestrian crosswalks, connections, bicycle parking and/or other pedestrian/bicycle areas within the development.
 - (3) Pedestrian-scale lighting shall be a maximum of fourteen feet (14') in height.
 - (4) All lighting shall be shielded from the sky and adjacent properties and structures, whether through exterior shields or through optics within the fixture.
 - (5) Using lighting to highlight, complement and reinforce landscape and architectural design focal points is strongly encouraged.
- (h) *Signage.* The intent of this section is to ensure that signage within Monroe's commercial corridors is consistent with the location and appearance of buildings on the property and neighboring properties, and that the signage is part of an overall design approach to the development. The type, amount and size of signage allowed on a property shall be in accordance with article VII (sign regulations) of this ordinance. However, the following provides additional signage standards for all commercial corridor design districts within the City of Monroe:
- (1) Lower, monument-style signs are preferred where visibility from the right-of-way is not an issue. Preferred monument signs are low, horizontal with raised lettering and set off by flowers, shrubs and/or a lawn.
 - (2) Sign materials shall relate to the materials and style of the building(s) they serve.
 - (3) The pole element of a pole-mounted sign shall be architecturally pleasing and in proportion to the sign that it carries.
 - (4) Ample landscaping shall be provided at the base of all signs.
 - (5) In general, multi-tenant signs are discouraged, especially where building mounted signs are easily read from the main street upon which the businesses front. In such cases, a single, plaza sign denoting the name of the plaza is preferred.
 - (6) Signs oriented to pedestrians (e.g., projecting signs supported by ornamental brackets) are strongly encouraged.
 - (7) Keep signs simple. Too many combinations of colors, type faces and symbols can result in visual chaos and should be avoided.

Sec. 37-82. - Floodplain overlay standards.

- (a) *Purpose.* The purpose of the floodplain overlay is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood damage and establish methods and provisions designed to recognize such hazards.
- (b) *Applicability.* The provisions of this section shall apply only to those areas of special flood hazards in the city identified as the floodplain overlay district, and includes those areas of special flood hazard identified by the Federal Emergency Management Agency Digital Flood Insurance Rate Map (DFIRM), or equivalent. The floodplain overlay district shall maintain its underlying zoning, and may be applied to any zoning district pursuant to this ordinance. All property within the floodplain overlay district shall be subject both to the provisions of this section and to the provisions of the underlying zoning district. Nothing in this section shall be construed as a waiver or suspension of the provisions of any underlying zoning district.
- (c) *Floodplain overlay district use provisions.* All uses of land and water provided for in the underlying zoning district may be permitted in the floodplain overlay district, with the provisions that those uses shall be subject to the provisions set forth in subsection 37-82(d) of this ordinance. The following uses shall be exempt from these provisions, unless the uses involve fill or are otherwise determined to constitute construction or development:
- (1) Accessory residential uses such as lawns, gardens, parking areas, and play areas.
 - (2) Agricultural uses such as farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and crop harvesting.
- (d) *Floodplain overlay district general standards.* In all areas within the floodplain overlay district the following standards shall apply:
- (1) *Manufactured housing.*
 - a. No new manufactured home communities or subdivisions shall be developed in the floodplain overlay district.
 - b. *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure by providing over-the-top and frame ties to ground anchors, subject to the following specifications:
 1. Over-the-top ties shall be provided at each corner of the manufactured home, with two (2) additional ties per side at intermediate points, or with one (1) additional tie per side for manufactured homes less than fifty feet (50') in length.
 2. Frame tie shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate points, or with four (4) additional ties per side for manufactured homes less than fifty feet (50') in length.
 3. All components of the anchoring system shall be capable of withstanding a force of four thousand eight hundred (4,800) pounds per square inch.
 4. Any structure appurtenant to the manufactured home shall be similarly anchored.
 - (2) *Construction materials methods and certification.*
 - a. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - b. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - c. All new construction and substantial improvements with fully enclosed areas below the floor and subject to flooding shall be designed to automatically equalize hydrostatic forces to exterior walls by allowing entry and exit of floodwaters. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every foot of floor area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade, and may be equipped with screens, louvers, or other devices that automatically permit entry and exit of floodwaters.

(Ord. No. 11,443, 11-12-13)

Secs. 37-83—37-89. - Reserved.

ARTICLE VI. - SUPPLEMENTARY USE STANDARDS

Sec. 37-90. - Purpose.

The purpose of this article is to set forth additional requirements for certain uses of land. These standards are intended to ensure that the use is compatible with the surrounding areas.

(Ord. No. 11,443, 11-12-13)

Sec. 37-91. - Use of land and structures.

- (a) A structure or land must be used or occupied in conformity with the regulations for the zoning district in which it is located.
- (b) The use standards of this article apply to uses allowed in the zoning districts, whether considered permitted or conditional. Uses must comply with all other standards of this ordinance, including any design standards of the zoning district.
- (c) Non-compliance with any of these standards, including any required impact management plans and operation plans, is considered a violation of this ordinance and subject to enforcement provisions.

(Ord. No. 11,443, 11-12-13)

Sec. 37-92. - Use standards.

(a) *Adult uses.*(1) *Location requirements.*

a. Adult uses are prohibited within a one thousand five hundred foot (1,500') radius of the following uses:

- 1. Public parks, playgrounds, children's museums or libraries.
- 2. Public or private elementary or secondary educational facilities.
- 3. Places of worship.
- 4. Child day care centers.
- 5. Another adult use or structure that contains an adult use.

b. Adult uses are prohibited within a one thousand foot (1,000') radius of residential zoning districts.

c. *Measurement.*

- 1. Measurement of location shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure where an adult use is located or conducted to the nearest property line of the premises of a public park or playground, children's museum, library, place of worship, child day care center, or educational facility.
- 2. Measurement between any two (2) adult uses shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of one (1) establishment to the exterior wall of the other establishment.

(2) *Exterior requirements.*

- a. It shall be unlawful for an owner or operator of an adult use to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- b. It shall be unlawful for the owner or operator of the adult use to allow the exterior of the adult use to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or other pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

(3) *Signage.*

- a. Primary signs shall contain no photographs, silhouettes, drawings, or other pictorial representations of any manner, and may contain only the name of the enterprise.
- b. Secondary signs shall have only one (1) display surface and shall contain no photographs, silhouettes, drawings, or other pictorial representations of any manner, and may contain only the name of the enterprise.

(b) *Bed and breakfast.*

- (1) All bed and breakfast facilities shall be operated within the principal structure and not within accessory structures.
- (2) A bed and breakfast facility shall have no more than seven (7) guest rooms.

- (3) The maximum length of continuous stay for any guest shall be fourteen (14) days.
 - (4) The owner/proprietor shall live in the principal structure of the facility.
 - (5) Meals other than breakfast shall not be served, and shall only be served to paying overnight guests.
 - (6) Cooking facilities are prohibited in individual guest accommodations.
 - (7) Bed and breakfast facilities shall provide one (1) full bathroom per guest room, not including the owner/proprietor's bath.
 - (8) The bed and breakfast facilities in residential districts shall be permitted to have one (1) two-sided advertising sign, not to exceed four (4) square feet in total sign face area. Exterior signs for bed and breakfast facilities may be erected in the front yard at least ten feet (10') from the street right-of-way and shall conform to the general character of the surrounding neighborhood.
 - (9) No special activities may take place on the premises of the bed and breakfast facility in any residential district. Ancillary social gatherings, such as weddings, receptions, luncheons, fundraisers and similar events, attended by any non-lodger, may take place on the premises of a bed and breakfast facility within designated business districts.
- (c) *Day care center, adult or child.*
- (1) *General requirements.*
 - a. Each day care center must comply with all applicable state and federal regulations including regulations within the Louisiana Administrative Code.
 - b. The operator of any day care center must be licensed by the State of Louisiana, and must provide all permits and licenses to the City of Monroe Director of Planning and Zoning before obtaining a certificate of occupancy.
 - c. The number of children or adults permitted in a day care center is as follows:
 1. Day care center, small: Up to fifteen (15) children or adults;
 2. Day care center, large: Sixteen (16) to fifty (50) children or adults;
 3. Day care center, commercial: Fifty-one (51) or more children or adults;
 - (2) *Adult day care center.*
 - a. No adult may remain on the premises of an adult day care center for more than twenty-four (24) consecutive hours in one (1) stay.
 - b. A minimum of twenty-five (25) square feet of indoor space must be provided for each adult at the center, exclusive of kitchens, bathrooms, offices, halls, stairways, and storage areas.
 - c. If no elevator is available, all programs and activities must be located on the ground floor.
 - d. An on-site drop off and/or residential passenger zone is required. Stacked parking is permitted. The use of van or bus service is encouraged.
 - (3) *Child day care center.*
 - a. No child may remain on the premises of a child day care center for more than twenty-four (24) consecutive hours in one (1) stay.
 - b. The following square footage of available indoor and outdoor play/instruction area is required for each child day care center:
 1. A minimum of thirty-five (35) square feet per child of available indoor play/instruction area, which includes all indoor classrooms and play areas available for use by the children, but does not include hallways, office space, restrooms, storage or food preparations areas. If rooms are used exclusively for dining or sleeping, they are not included in the play/instruction area.
 2. A minimum of thirty-seven and one-half (37.5) square feet per child of available outdoor play area. The outdoor play area includes all outdoor play areas on the site available for use by children, but does not include any area within the required front yard. This requirement is not subject to variances. Day care centers in the CBD are exempt from this requirement.
 - c. An on-site drop off and/or residential passenger zone is required. Stacked parking is permitted. The use of van or bus service is encouraged.
 - d. The outdoor play area must meet the following requirements:

1. The outdoor play area must be enclosed to protect the children from traffic hazards on and off site and prevent the children from leaving the premises without proper supervision.
2. If the child day care home is located adjacent to a residential district there must be a six-foot (6') solid fence around the play area adjacent to any abutting property line. Security fences must be provided where there are open cisterns, wells, ditches, fish ponds, swimming pools, and to separate the parking from any play area.
3. A shade device (shade trees, overhangs, etc.) must be provided within the outdoor play area that covers at least twenty-five per cent (25%) of the outdoor play area.
4. Play equipment provided must be maintained in good repair, and there must be a soft surface (grass, sand, mulch, mats, etc.) under all climbing equipment.

(d) *Day care home, adult or child.*

(1) *General requirements.*

- a. Each day care home must comply with all applicable state and federal regulations, including the Louisiana Administrative Code, and must provide all permits and licenses to the City of Monroe Director of Planning and Zoning before obtaining a certificate of occupancy.
- b. The amount of traffic or noise generated must not be excessive.
- c. The day care home must retain a residential character and must not alter the residential character of the neighborhood.
- d. Operation of the day care home must not adversely impact surrounding properties.
- e. An on-site drop-off and/or residential passenger zone must be provided. A residential driveway may be acceptable for this purpose, but may not be shared with any required parking area. The drop-off area must be located so that clients of the facility are dropped off in front of the facility; drop-off areas across the street from the facility do not meet this requirement.
- f. The number of children or adults permitted in a day care home is as follows:
 1. Day care home, small: Up to five (5) children or adults;
 2. Day care home, large: Six (6) to twelve (12) children or adults.

(2) *Adult day care home.*

- a. No adult may remain on the premises of an adult day care home for more than twenty-four (24) consecutive hours in one (1) stay.
- b. A minimum of twenty-five (25) square feet of indoor space must be provided for each adult at the center, exclusive of kitchens, bathrooms, offices, halls, stairways, and storage areas.

(3) *Child day care home.*

- a. No child may remain on the premises of a child day care home for more than twenty-four (24) consecutive hours in one (1) stay.
- b. The following square footage of available indoor and outdoor play/instruction area is required for each child day care center:
 1. A minimum of thirty-five (35) square feet per child of available indoor play/instruction area, which includes all indoor classrooms and play areas available for use by the children, but does not include hallways, office space, restrooms, storage or food preparations areas. If rooms are used exclusively for dining or sleeping, they are not included in the play/instruction area.
 2. A minimum of thirty-seven and one-half (37.5) square feet per child of available outdoor play area. The outdoor play area includes all outdoor play areas on the site available for use by children, but does not include any area within the required front yard. This requirement is not subject to variances.
- c. The outdoor play area must meet the following requirements:
 1. The outdoor play area must be enclosed to protect the children from traffic hazards on and off-site and prevent the children from leaving the premises without proper supervision.
 2. If the child day care home is located adjacent to a residential district there must be a six-foot (6') solid fence around the play area adjacent to any abutting property line. Security fences must be provided where there are open cisterns,

wells, ditches, fish ponds, swimming pools, and to separate the parking from any play area.

3. A shade device (shade trees, overhangs, etc.) must be provided within the outdoor play area that covers at least twenty-five per cent (25%) of the outdoor play area.
4. Play equipment provided must be maintained in good repair, and there must be a soft surface (grass, sand, mulch, mats, etc.) under all climbing equipment.

(e) *Fraternity/sorority house.*

- (1) Fraternity and sorority houses must be used and operated by a fraternal or sororal membership organization or association for residential and/or social uses only. Operations for which the chief activity is customarily carried on as a business are prohibited. The fraternal or sororal organization or association must be incorporated as such under the laws of the State of Louisiana.
- (2) Fraternity and sorority houses must be located on the campus of the institution that permits said fraternity/sorority, on a parcel immediately adjacent to the campus, or within one thousand feet (1,000') of the college or university.
- (3) No new fraternity or sorority houses located outside of the university campus are permitted within five hundred feet (500') of an existing fraternity or sorority house. Fraternity and sorority houses located on the campus of the institution are exempt from this separation requirement.
- (4) Fraternity and sorority houses located outside of the university campus must be located on a site of at least seven thousand two hundred (7,200) square feet.

(f) *Group home.*

- (1) Group homes must be licensed by the State of Louisiana.
- (2) Group homes are subject to all local and federal regulations, and the regulations of the Louisiana Administrative Code.
- (3) Group homes must be located no closer than four hundred (400) feet from any other existing group home, as measured from a point of the lot line on which the use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.
- (4) A group home must encompass the entire structure.
- (5) The location, design and operation of a group home must not alter the residential character of a neighborhood. The facility must retain a residential character, which must be compatible with the surrounding neighborhood in scale and appearance.
- (6) Group homes are divided into the following sizes:
 - a. Small group homes: Up to six (6) residents;
 - b. Large group homes: Seven (7) to twelve (12) residents;
 - c. Congregate group homes: Thirteen (13) or more residents.

(g) *Home occupation.*

- (1) *Purpose.* The purpose of these regulations is to protect and maintain the residential character of established neighborhoods while recognizing that limited business activities may be carried on in the home, and may be compatible with the integrity of a residential neighborhood.
- (2) Home occupations must meet the following requirements:
 - a. A home occupation must be conducted within the dwelling unit and not within any accessory structure. This includes, but not limited to, porches, balconies, carports, or garages.
 - b. The home occupation shall be incidental to the use of the dwelling unit for residential purposes. No more than twenty-five per cent (25%) of the floor area of the residence or five hundred (500) square feet (whichever is less) may be used in connection with the home occupation.
 - c. The person conducting the home occupation must live at this location, and consider the property as their primary residence. Proof of owner occupancy may be established by submission of proof of a homestead exemption.
 - d. There shall be no sale of goods on premises in connection with said home occupation.
 - e. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
 - f. There shall be no advertising, display, or other exterior indications of a home occupation on the premises, other than one (1) sign attached to the dwelling unit itself. The sign shall be flat, non-illuminated, and shall not exceed one (1) square foot

in area.

- g. No more than one (1) home occupation or business shall be conducted within a dwelling unit, and services shall be limited to one (1) client at a time. The hours of operation for a home occupation shall be limited to 8:00 am to 6:00 pm.
- h. Barber or beauty shops shall be limited to one (1) operator with no assistants, one (1) styling chair and one (1) shampoo bowl. Scheduling shall allow for one (1) appointment at a time only. All parking for customers and residents shall be located on the site.
- i. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the site.
- j. The use shall not produce offensive noise, odors, vibrations, smoke, fumes, heat, or dust detectable to normal sensory perception beyond the premises.
- k. Storage of stock, supplies, and products shall be permitted only inside the premises where a home occupation is being operated. There shall be no outdoor storage of equipment or materials used in the home occupation.
- l. The use shall not create greater vehicular or pedestrian traffic than normal for the residential district in which it is located, as determined by the planning and zoning director or his/her designee.

(3) *Certificate of occupancy.* An application for a certificate of occupancy for a home occupation shall be made to the planning and zoning division office on a form provided by the division. Inspection of the applicant's premises shall be made by the building inspector to determine compliance with these regulations before a certificate of occupancy shall be issued.

(4) *Permitted home occupations.*

- a. Sales/manufacturing representative provided that only one (1) person residing at this location conducts such business and no retail or wholesale sales are conducted on the premises.
- b. Artist, author, craftsman, musician, photographer, sculptor or similar profession.
- c. Dressmaker, tailor or seamstress.
- d. Beautician, barber, or other personal service provider.
- e. Accountant, architect, doctor, lawyer, insurance agent, or similar profession provided that only one (1) person residing at this location conducts such business within the home.

(h) *Live entertainment and/or after-hours entertainment venue.*

- (1) Live entertainment as an accessory use may only locate when allowed within the zoning district and only in conjunction with a bar, standard restaurant, or indoor amusement facility.
- (2) Live entertainment as an accessory use and after-hours entertainment venues must submit a summary of the number and location of places of worship, educational facilities, libraries, parks or playgrounds, and residential districts within three hundred feet (300') of the proposed location.
- (3) Live entertainment is subject to a closed doors and windows policy and compliance with the City of Monroe Noise Ordinance as enforced by the City of Monroe Police Department.

(i) *Manufactured housing.*

(1) *General.*

- a. A manufactured home shall be used only as a single-family dwelling.
- b. No manufactured housing unit shall be occupied for dwelling purposes unless it is connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to inspection and approval.
- c. For manufactured housing not located in a manufactured home district or PUD, individual lots shall contain no more than one (1) manufactured home, and shall meet the minimum requirements of the underlying zoning district to which a conventional single-family residential dwelling on the same lot would be subjected.
- d. Any manufactured home placed upon a residential lot shall be no more than twenty (20) years old.

(2) *Manufactured housing, class A.*

- a. The manufactured home shall be new and shall have been manufactured within the previous twelve (12) month period.
- b. The manufactured home shall be a minimum of twenty-four feet (24') in width.

- c. The manufactured home shall be placed on a permanent foundation and enclosed with skirting at the perimeter to meet the requirements:
 - 1. Individual manufactured homes shall be skirted around the perimeter of the unit to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured home.
 - 2. Skirting shall be vented for airflow and drainage, and be manufactured of certified fire-resistant material.
 - 3. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.
 - 4. All skirting shall be installed before the issuance of a certificate of occupancy.
- d. The manufactured home shall have exterior siding and roofing which in color, material and appearance that is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings.

(3) *Manufactured housing, class B.*

- a. The manufactured home shall have been manufactured more than twelve (12) months ago.
- b. The manufactured home shall be a minimum of twenty-four feet (24') in width.
- c. The manufactured home shall be placed on a permanent foundation and enclosed with skirting at the perimeter to meet the following requirements:
 - 1. Individual manufactured homes shall be skirted around the perimeter of the unit to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured home.
 - 2. Skirting shall be vented for airflow and drainage, and be manufactured of certified fire-resistant material.
 - 3. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.
 - 4. All skirting shall be installed before the issuance of a certificate of occupancy.
- d. The manufactured home shall have exterior siding and roofing which in color, material and appearance that is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings.

(j) *Pay-day loan agency/check cashing facility.*

- (1) A pay-day loan agency or check cashing facility, as defined in section 37-21 of this ordinance, is not permitted within one-thousand feet (1,000') of any other pay-day loan agency or check cashing facility.
- (2) Drive-through facilities are prohibited.

(k) *Used tire stores.*

- (1) By January 31st of every year, the certificate of occupancy (CO) shall be renewed for all retail used tire facilities. The renewal may be granted if the dealer has remained in compliance with all the conditional use (minor) requirements during the previous year. Standard CO fees shall apply for the yearly renewal. Failure of renewal of the CO or non-compliance during the previous year, are grounds for revocation or denial of the business's certificate of occupancy and occupational license.
- (2) A schedule of regular pick-up of scrap tires shall be provided to the planning and zoning division office. Tire pick-up and disposal shall be by a licensed carrier and evidence of disposal at a properly licensed disposal site, such as a disposal receipt, shall be provided to the planning and zoning office prior to renewal of the certificate of occupancy. Scrap tires shall be disposed of at a minimum of every three (3) months unless otherwise approved by the planning and zoning office.
- (3) Storage of no more than one hundred fifty (150) waste tires, at any one time, shall be stored inside the primary building (fully enclosed) or inside a fully enclosed accessory building (no higher than one (1) story and five hundred (500) square feet) will be allowed if the tires cannot fit inside the main building so that all tires are shielded from the elements at all times. Movable trailers or other similar vehicles shall be not allowed for use as permanent tire storage. Outdoor storage of any kind is prohibited.
- (4) Storage of tires within the service bay area shall not be in a manner that prohibits the removal or installation of tires in the service bay area.
- (5) Separate waste tires from any tires offered for sale by the business.

- (6) Notwithstanding the prohibition contained in section 37-76(h)(1)d, the outdoor display of tires is limited to the building frontage no more than twenty (20) tires at any given time. Display tires shall not be placed in the right-of-way and shall be stored either in building or an accessory structure during closing hours.
- (7) The removal and installation of tires shall not be conducted in parking lots or within the building frontage, as defined in this code. Removal and installation are required to take place in a service bay. This is also required of all auto repair facilities.
- (8) Existing tire dealers shall comply with all the above requirements no later than April 23, 2019.
- (9) Used tire dealers must prominently display the notification provided by the Louisiana Department of Environmental Quality in a public area of the business.
- (10) The Monroe Fire Department must inspect any area used for the storing of tires in addition to whatever other inspections are required. A report should be furnished to the planning and zoning division office.
- (11) Used tire dealers shall comply with all applicable State of Louisiana requirements.
- (12) Violations: See section 37-131.
- (l) *Tent sales with storage and/or security structure.*
 - (1) Is limited to a maximum of 200 [square feet].
 - (2) The structure may remain on site for the duration of the sales period but not more than forty-five (45) days.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,840, 4-10-18; Ord. No. 11,883, 10-23-18; Ord. No. 11,964, 11-12-19)

Secs. 37-93—37-99. - Reserved.

ARTICLE VII. - SIGN REGULATIONS

Sec. 37-100. - Purpose.

The purpose of this article is to establish uniform, comprehensive sign standards governing the display, design, construction, installation and maintenance of signs, which are necessary to accomplish the following goals:

- (1) To promote and protect the health, safety and welfare of the city by ensuring the compatibility of signs with surrounding architecture and land uses.
- (2) To create a more attractive business and economic climate, and encourage revitalization by enhancing and protecting the orderly and effective display of signs.
- (3) To discourage an excessive number of signs, and unsightly and inappropriate signs.
- (4) To protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, sign that obscure the vision of pedestrians or motorists, and sign that compete with necessary traffic signals and warning signs.

(Ord. No. 11,443, 11-12-13)

Sec. 37-101. - Definitions.

Definitions for different types of signs and related elements are found in article II (definitions and rules of interpretation) of this ordinance.

(Ord. No. 11,443, 11-12-13)

Sec. 37-102. - Sign regulations in historic districts.

Signs located or proposed to be located in historic districts are also subject to the historic district regulations and review by the City of Monroe Heritage Preservation Commission.

(Ord. No. 11,443, 11-12-13)

Sec. 37-103. - Sign permit required.

- (a) Unless specifically permitted as exempt sign by this article, all signs shall require a sign permit.
- (b) A certificate of occupancy only is required to erect a monument sign, unless lighted, and then an electrical permit is also required. Freestanding signs require certificate of occupancy in addition to the sign permit and electrical permit, if applicable.
- (c) The following activities are exempt for sign permit requirements:
 - (1) Changing of advertising copy or message on an existing legally permitted or legal non-conforming changeable sign or similar approved sign.
 - (2) Painting, repainting, cleaning, changing permitted items of information, or other normal maintenance and repair of a sign.
 - (3) Construction signs of thirty-two (32) square feet or less.
 - (4) Directional/informational signs of five (5) square feet or less.
 - (5) Nameplates and identification signs of two (2) square feet or less.
 - (6) Political signs.
 - (7) Public signs or notices, or any sign relating to an emergency.
 - (8) Real estate signs of thirty-two (32) square feet or less that notify that the property or premises are for sale, lease, or rent, provided:
 - a. The signs are on the property or premises being advertised.
 - b. Only one (1) sign is placed for each street frontage.
 - c. All signs are removed within thirty (30) days of the sale, lease or rental of the property or premises.
 - d. All such signs are thirty-two (32) square feet or less and contain no commercial message other than the information indicating that the property is available for sale or lease.
 - (9) Window signs or displays.
 - (10) Incidental signs.
 - (11) Point of purchase display signs.
 - (12) Subdivision identification signs of thirty-two (32) square feet or less.
 - (13) Any grave marker, headstone, memorial statue, or other similar remembrances that is noncommercial in nature.
 - (14) Names and addresses on postal boxes.
 - (15) Residential address numbers.
 - (16) Names of newspapers and similar publications on their delivery boxes.
 - (17) The posting of privately owned land and/or buildings or structures against trespass, hunting, fishing, swimming or any other activity, and/or the warning of any person against any danger, hazard or condition pertaining to such land and/or buildings and structures.
 - (18) Cornerstones, memorial tablets, and similar markers made of masonry, bronze and other incombustible and durable material and used to indicate, without advertising matter, information relating to the development of the facility on which they are located such as those involved in planning, financing and construction of buildings.
 - (19) Historical signs and markers designating places of historical significance.
 - (20) City entry and park identification signs designating entry points to or parks located in the City of Monroe.
 - (21) Flags, pennants or insignia of any government, except when such flags are used in connection with a commercial promotion or as an advertising device.
 - (22) Works of fine art which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display.
 - (23) Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations or special events.
 - (24) Traffic and other official signs of any public or governmental agency.
 - (25) Small outdoor signs directed to persons who have already entered the premises, such as filling station fuel pump signs or

instructions on using an automatic car wash. To qualify for this exception, no lettering on the sign shall be greater than four inches (4") tall.

- (26) Menu boards for drive-thru food establishments.
- (27) Signs indicating special events, such as a fair, carnival, festival, grand opening, sale, or similar temporary activity.
- (28) Reserved.
- (29) Garage sale signs may be placed on public property two (2) days before the garage sale and removed the day after the sale.
- (c) *Penalty.* Any person engaging in the business of erecting, altering, relocating, or constructing a sign without a valid sign permit may have his/her license either suspended or revoked by the building inspector in addition to any fines imposed by the building inspector.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,786, 8-8-17)

Sec. 37-104. - Location restrictions.

- (a) No signs, other than those placed by agencies of government or signs whose placement has been authorized by this article or by another designee of the city, may be erected on public property. Any sign placed on public property without authorization may be removed without notice.
- (b) No signs may be placed on any private property without prior consent of the owner thereof and, where applicable, issuance of a sign permit.
- (c) No sign mounted on the exterior of a building may cover any windows or doors.

(Ord. No. 11,443, 11-12-13)

Sec. 37-105. - Sign dimension computations.

(a) *Computation of sign area.*

- (1) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, corporate banding, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight (8) lines drawn at right angles. (See figure 7.1: sign measurement area)

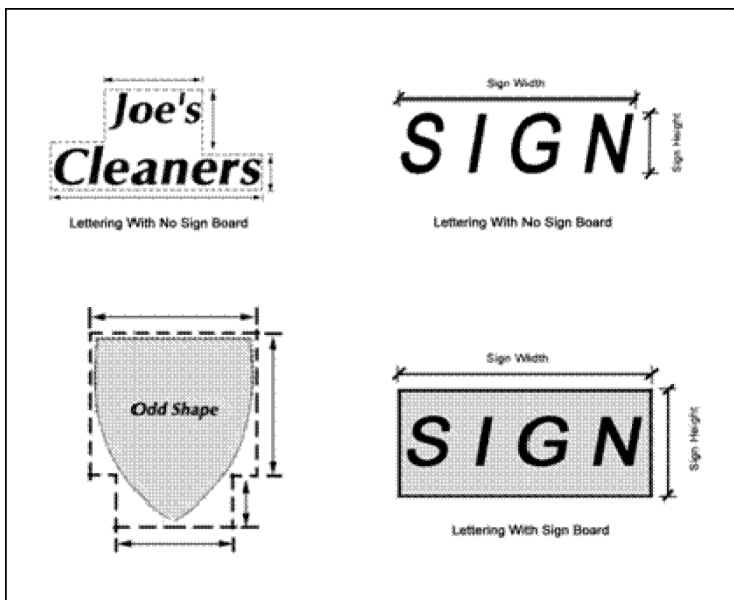


Figure 7.1: SIGN MEASUREMENT AREA

- (2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- (3) Double-faced signs with back-to-back sign faces shall be regarded as a single face sign if the distance between each sign face does not exceed two feet (2') at any point.
- (4) Where a sign contains three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like objects), the

sign area shall be measured as the maximum projection of the objects upon a single vertical plane.

- (b) *Measurement of sign height.* Sign height is measured as follows: When measuring sign height, the height of the entire structure, including decorative elements, must be included. (see figure 7.2: sign height computation)
- (1) For freestanding signs, height is calculated as the vertical distance measured from grade to the highest point of the sign.
 - (2) For signs attached to buildings, height is calculated as the vertical distance from the base of the building to which a sign is attached to the highest point of the sign.
 - (3) Sign clearance is calculated as the vertical distance from grade or the base of the building to which the sign is attached to the lowest point of the sign. (See figure 7.3: sign clearance)

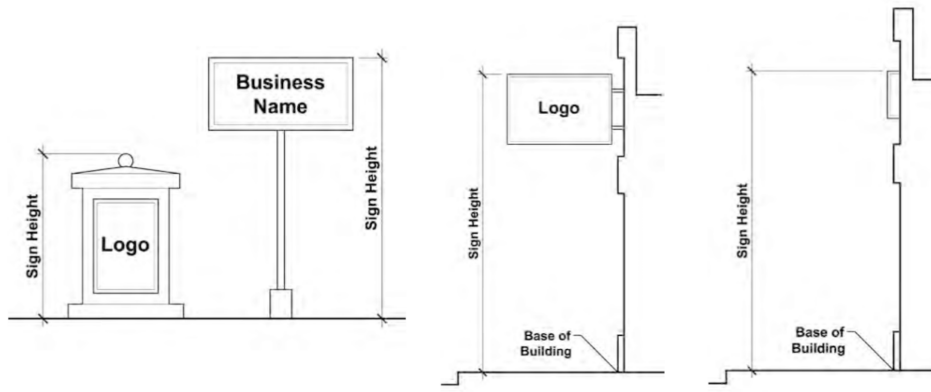


Figure 7.2: SIGN HEIGHT COMPUTATION

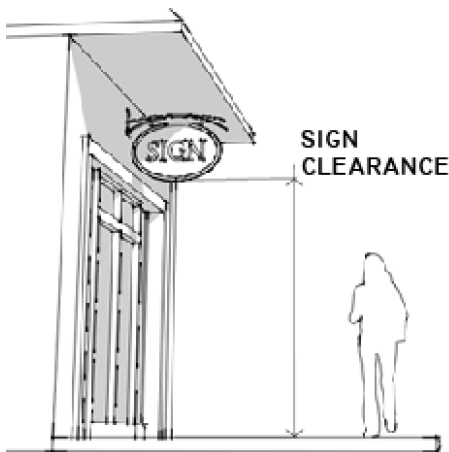


Figure 7.3: SIGN CLEARANCE

(Ord. No. 11,443, 11-12-13)

Sec. 37-106. - General construction standards.

- (a) *Compliance with city codes.* All signs constructed, erected, modified, or altered shall comply with the applicable provisions and requirements of the City of Monroe Building Code. All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move, or project any sign must be installed and maintained as required in the City of Monroe Electrical Code.
- (b) *Wind pressure and direct load requirements.* All signs must be designed and constructed to withstand a wind pressure and receive dead loads as required by the City of Monroe Building and Electrical Codes.
- (c) *Sign structure and installation.* Supports and braces must be designed as an integral part of the sign. Supports or braces must be hidden from public view to the extent possible. All signs attached to a building must be installed and maintained so that wall penetrations are water-tight and the structure does not exceed allowable stresses of supporting materials.
- (d) *Sign clearance.* All signs proposed to overhang any public sidewalk and all freestanding signs shall have a clearance of at least ten feet (10') from the lowest point of the sign, including framework and embellishments, to the finished grade directly below the

sign.

- (e) *Maintenance required.* All signs shall be maintained in a safe, attractive, clean, and structurally sound condition. The premises surrounding all signs shall be kept free and clear of safety and health hazards, rubbish, high weeds, and grass.
- (f) *Illumination.*
- (1) All lighting must concentrate illumination upon the area of the sign to prevent glare upon the street and adjacent properties. All sign illumination must be designed, located, shielded, and directed to prevent both the casting of glare or direct light upon adjacent publicly dedicated roadways and surrounding properties and the distraction of operators of vehicles or pedestrians in the public right-of-way.
- (2) All sign illumination must meet the requirements of section 37-75 (exterior lighting) of this ordinance.

(Ord. No. 11,443, 11-12-13)

Sec. 37-107. - Permanent signs.

The following permanent signs in all districts require a sign permit (freestanding and monument signs also require a certificate of occupancy) and are subject to the requirements of this article.

- (1) *Residential districts.* The following regulations shall apply to all on-premises signs located in R-1, R-2, R-3, R-4, RMH, and B-1 zoning districts (see table 7.1 signage standards):
- a. Signs are allowed as an accessory use to legal, large multi-family and non-residential uses only, including churches, hospitals, schools, and legal non-conforming uses.
 - b. Parking lot directional signs for multi-family.
 1. A maximum of two (2) parking lot directional signs are permitted for the parking areas of multi-family residential uses (five (5) units+).
 2. Parking lot directional signs are limited to a maximum height of five (5) feet and a maximum sign area of five (5) square feet.
 - c. Multi-family identification sign.
 1. One (1) multi-family identification sign is permitted per multi-family use (5+ units) identifying the name of the development and address, wall-mounted or freestanding.
 2. Multi-family identification signs are limited to twenty-four (24) square feet in area. Freestanding signs are limited to six (6) feet in height. Monument signs are preferred when a freestanding structure is used.
 - d. Residential subdivision identification sign.
 1. One (1) residential subdivision identification sign is permitted per subdivision development of five (5) residential lots or more.
 2. Residential subdivision identification signs are limited to thirty-two (32) square feet in area and six (6) feet in height. Residential subdivision identification signs must be located five (5) feet from any lot line within the dedicated street entrance.
 - e. The total size of on-premises signs at any given location shall not exceed fifty (50) square feet. When more than one (1) establishment is located in the same building a sign in accordance with the above formula is permitted for each.
- (b) *Non-residential districts.* The following regulations shall apply to all on-premises signs located in B-2, B-3, B-4, CBD, I-1, I-2, C, RF, or OS zoning districts (see table 7.1 signage standards):
- (1) *Number of signs.*
- a. Signs are allowed on each dedicated street right-of-way frontage on corner lots. Parking lots and private drives are not dedicated street rights-of-way.
 - b. More than one (1) wall sign may be erected provided the total square footage allowed is not exceeded,
 - c. Only one (1) freestanding sign (including monument signs) is allowed per dedicated street right-of-way frontage.
- (2) *Electronic message boards including digital signage.*
- a. One freestanding electronic message board to convey information by words, letters, or still images per lot or parcel in

compliance with the zoning district regulations.

- b. The electronic message board must be located with the primary freestanding sign and is included in the total sign square footage.
- c. The maximum height, allowable sign surface, and all other requirements for freestanding signs shall govern electronic message boards as permitted by the underlying zoning district.
- d. No animation, flashing, running or twinkle lights.

(3) *Planned commercial center.*

- a. One (1) freestanding sign limited to an area of one (1) square foot per linear foot of lot frontage, is allowed per planned commercial center.
- b. On corner lots, there may be one (1) such sign per street frontage.
- c. The size of each sign shall not exceed three hundred (300) square feet in area.
- d. Planned commercial centers shall have coordinated building signage that does not exceed the size allowed for their zoning classification.
- e. There shall be no separate freestanding signs allowed for individual businesses located in a planned commercial/shopping center.

Table 7.1: Signage Standards				
Sign Classification by Zoning District	Maximum area in SF	Min Setback in Feet ⁶	Max Height in Feet	Total Allowed
R-1, R-2, R-3, R-4, RMH, B-1				
Freestanding ²	50 ¹	10	10	1
Monument sign	50 ¹	10	6	1
Attached ³	50 ¹	N/A	N/A	1
CBD, RF, C				
Freestanding ⁴ ,	1.5 sf/linear foot of street frontage	10	35	1
Monument sign	1.5 sf/linear foot of street frontage	10	6	1
Attached	1.5 sf/linear foot of building frontage	N/A	N/A	# of signs cannot exceed total sf allowed
B-2, B-3, B-4, I-1 and I-2				

Freestanding ⁴	1.5 sf/linear foot of street frontage	10	35	1
Monument sign	1.5 sf/linear foot of street frontage	10	6	1
Attached	1.5 sf/linear foot of building frontage	N/A	N/A	N/A

Corridor Design Standards may apply: See Section 37-81 of this ordinance for additional requirements

Louisville Corridor (Ouachita River to N 10th St.): Sign Setbacks to be determined by the Planning and Zoning Division

1. The total area of all on-premises signs at any particular location shall not exceed fifty (50) square feet.

2. Nonresidential use, monument sign only.

3. Nonresidential use.

4. When facing land that is residentially zoned or used, limited to a monument sign only.

5. Freestanding and monument signs setbacks to be determined by the Planning and Zoning Division, if applicable.

6. Setback is measured from the leading edge of the sign.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,786, 8-8-17)

Sec. 37-108. - Prohibited signs.

It is unlawful to erect or maintain the following signs in all zoning districts:

- (1) Portable arrow signs.
- (2) Portable signs, or any prohibited sign designed to be portable, shall not be altered to become permanent.
- (3) Signs that are considered abandoned or unsafe.
- (4) Signs imitating or resembling official traffic or government signs or signals.
- (5) Signs that are erected or maintained upon trees or painted or drawn upon rocks or other features.
- (6) Signs that contain certain words, statements or pictures which would be considered obscene or indecent by local community standards.
- (7) Signs that do not comply with the restrictions applicable to the zoning district in which such signs are located.
- (8) Signs, banners and streamers suspended over or above dedicated streets.
- (9) Signs that contain or display animation, moving video/pictures or scrolling word advertising.
- (10) Signs placed on public property or any public right-of-way, subject to the exceptions in subsection 37-103(b) excluding political signs.
- (11) Signs placed in any location that would violate any state or federal regulation or law.

(Ord. No. 11,443, 11-12-13)

Sec. 37-109. - Temporary signs.

(a) *General provisions for temporary signs.*

- (1) Any sign listed in section 37-108 (prohibited signs) is also prohibited as a temporary sign.
- (2) Temporary signs shall not be located within any public right-of-way nor in any area that may constitute a safety hazard.
- (3) Temporary signs must be related to on-premises services. Non-commercial messages are also permitted. Temporary off-premises signs are prohibited.
- (4) No temporary sign may be illuminated.
- (5) Only one (1) temporary sign is permitted per business on a single lot.
- (6) All temporary signs must remain in good condition during the display period. Throughout the display period, corrective action must be taken immediately should there be any problems with the appearance, condition, or maintenance of the sign and/or support hardware.

(b) *Permitted temporary signs and advertising devices.*

- (1) *Construction signs greater than thirty-two (32) square feet.* One temporary sign denoting the architect, engineer and/or general contractor placed on the premises where construction, repair, or renovation is proposed or is in progress may be allowed subject to the following:
 - a. Only one construction sign shall be permitted per site.
 - b. Construction sign permits shall expire one (1) year from the date of issuance or on the date that the first certificate of occupancy is issued for the project for which the permit was acquired, whichever occurs first.
- (2) *Real estate signs greater than thirty-two (32) square feet.* Temporary signs greater than thirty-two (32) square feet advertising the sale, lease, or rental of non-residential property upon which the sign is located may be allowed for new construction or redevelopment subject to the following:
 - a. Only one real estate sign shall be permitted per site.
 - b. Commercial real estate signs shall be removed from the site upon sale of property.
- (3) *Temporary Promotional Signs.* Temporary promotional signs on site in connection with the opening of a business, major remodeling under an active building permit, new owner of a business, closure of a business, sale, or special events may be permitted subject to the following:
 - a. Such signs shall be limited to three (3) events and an aggregate maximum of forty-five (45) days per calendar year.
 - b. Promotional signs that advertise an event shall not be erected more than thirty (30) days before the event and shall be removed within seven (7) days of the event's conclusion.
 - c. Banners, string pennants, and streamers are permitted; however, if the materials become tattered, torn, and/or a litter problem they must be replaced or removed.
 - d. Such signs shall have a maximum total sign area of thirty-two (32) square feet.
 - e. A new business or a business with a new location with no permanent sign may display a banner until their permanent signage is installed.
- (4) *A-frame signs.*
 - a. A-frame signs are limited to six (6) square feet in area per sign face and four feet (4') in height.
 - b. The use of A-frame signs is limited to business hours only and must be stored indoors at all other times.
 - c. Only one (1) A-frame sign is permitted per business and a minimum twenty-foot (20') separation is required between all A-frame signs.
 - d. An A-frame sign must be placed within twenty feet (20') of the primary entrance of the business, and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
- (5) *Point of service display signs.*
 - a. Point of service display signs shall be located on or near the display or product dispenser.

- b. Point of service display signs shall be located within the structure.
- c. A point of service sign shall not be attached to any light/sign pole or pump island canopy, nor shall they be located in the parking lot or within the public right-of-way.

(Ord. No. 11,443, 11-12-13)

Sec. 37-110. - Repair or removal of signs.

- (a) *Business closure.* All business related signs shall be removed within thirty (30) days of the close of a business. It is the responsibility of the business owner for such removal. If the business owner does not remove the signs by the end of the thirty (30) days, it shall be the responsibility of the property owner. In the case of a building sign cabinet or freestanding sign cabinet that is to remain on the property, either the existing sign face(s) may be turned around or a blank face(s) shall replace the advertising face.
- (b) *Immediate removal.* The code enforcement officer, building inspector or their designee, may cause a sign to be removed immediately and without notice and stored at the cost of the permit holder, or in the absence of a valid permit, at the cost of the possessor or owner of the sign at a cost of no less than twenty-five dollars (\$25.00) per day), under any of the following conditions:
 - (1) The sign is in violation of this article;
 - (2) The sign presents an immediate threat of danger to the safety of the public;
 - (3) Any sign that is installed after the date this ordinance goes into effect without a permit being issued or without a certificate of insurance on file with the building inspector or both.
 - (4) If the code enforcement officer, building inspector or their designee, elects to cause the sign to be removed without notice, he or she shall thereafter give written notice to the permit holder, or to the possessor or owner of the sign, as applicable, stating with reasonable clarity the reason the sign has been removed.
- (c) If sixty per cent (60%) or more of an illuminated sign is not working, it must be repaired immediately.

(Ord. No. 11,443, 11-12-13)

Sec. 37-111. - Nonconforming signs.

- (a) On-premises signs legally existing prior to the adoption of this article and not conforming to these provisions will be allowed to remain (Nonconformity does not include UL requirements). Nonconforming signs shall be removed if any one of the following conditions occurs:
 - (1) The sign is relocated on the same or different premises, or replaced.
 - (2) The structure or size of the sign is altered in any way.
 - (3) The sign is damaged to an extent of one-half (½) of its current replacement value. Such sign shall not be rebuilt and shall be removed. (Replacement value shall be determined by the property owner obtaining the cost of the sign's replacement value from several sign companies).
 - (4) There is a change in use, ownership, or occupancy that requires issuance of a new certificate of occupancy.
- (b) Nothing contained herein shall be construed to prevent normal maintenance and repairs or repainting of such signs or structures.
- (c) For planned commercial centers, freestanding signage advertising more than one (1) tenant must be brought into compliance with this article if either a change in ownership for the entire center or if more than fifty (50%) per cent of tenants are discontinued or changed. Existing signage will be allowed to remain as long as allowed per existing lease agreements. New lease agreements shall reflect the requirements of this article once this article is adopted.
- (d) Nonconforming temporary signs shall conform to all provisions of this article upon its adoption. These signs shall be removed within ten (10) days of official notification of nonconforming status by the governing authority.
- (e) Exempt. Signs that are at least fifty (50) years old, are in good condition, are located within a designated historic district, and advertise an existing business, or a sign that is particularly unique in character, design, or history, or that is part of the historic character of a business or building shall be allowed to remain. These signs shall be included in the total square footage allowed

the business.

(Ord. No. 11,443, 11-12-13)

Sec. 37-112. - Enforcement.

Section 37-121 of this ordinance shall cover all administration, penalties and violations regarding signs in the City of Monroe. However, the following provisions shall also apply to non-compliant signage.

- (1) *Administration.* The requirements of this article shall be administered by the planning and zoning division and/or its designated representative.
- (2) *Inspection authority.* All signs for which a permit is required shall be subject to inspection or re-inspection by the building inspector or his/her designee and the electrical sign inspector, if applicable.
- (3) *Removal of non-compliant signs, notice of violation.*
 - a. When a violation of this article exists, the code enforcement officer shall issue a citation to be delivered by certified mail or in person to the owner of the sign or the property owner. The citation shall state the nature of the violation, whether the sign must be repaired or removed, and the amount of time allowed in which to remedy the violation. (At the discretion of the code enforcement officer or designee, the time limit on a sign may be extended. The extension shall not exceed thirty (30) days.) The following provide the allotted time to bring signs into compliance:
 1. For permanent signs, within thirty (30) days of receipt of citation.
 2. For temporary signs, within forty-eight (48) hours of receipt of citation.
 3. For signs that are unsafe or otherwise constitute an immediate danger to public health and safety, within twenty-four (24) hours of receipt of the citation.
 4. The owner of the sign or the property owner may file an appeal with the board of adjustment. Such appeal shall be in writing, accompanied by the appropriate fee, and be filed within ten (10) days of receipt of the citation.
 - b. Any temporary sign, poster or banner found to be in violation of any section of this article may be removed by the code enforcement officer, building inspector or their designee. The cost of such removal shall be at least twenty-five dollars (\$25.00) per sign and may be charged to the person or entity responsible for the activity described on the sign, poster or banner.
- (4) *Non-complying signs, failure to comply with notice.* If no action is taken to bring the sign(s) into compliance in accordance with notice given according to subsection 37-112(3) above or within thirty (30) days after the final denial by the board of adjustment, then the city shall order the removal of the sign(s) and the cost attributable to the removal shall be paid by the owner of the sign or the property owner. The city may also file and have a lien placed upon real estate for the removal costs.
- (5) *Other violations.* In all other cases, and in cases where the code enforcement officer elects not to use his or her authority to cause the sign to be removed without prior notice, if the permit holder, or the possessor or owner of the sign, as applicable, fails to remove, alter, or otherwise bring the sign into compliance with the provisions and standards of this article, and all applicable building standards of this article, and all applicable building and/or electrical codes, within ten (10) days after notice has been issued, citations for the violations shall be issued. Service of notice shall be delivered by certified mail, return receipt requested, or in person to the owner of the sign or the property owner. The code enforcement officer shall cause the sign to be removed and stored at the expense of the permittee, or possessor or owner of the signs. The cost of storing the sign or signs shall be at least twenty-five dollars (\$25.00) per day. The sign shall be held by the code enforcement officer until such time as the expense of removing and storing the sign has been reimbursed to the code enforcement officer. License and permit violations shall be enforced by the building inspector.

(Ord. No. 11,443, 11-12-13)

Secs. 37-113—37-119. - Reserved.

ARTICLE VIII. - NON-CONFORMING USES, LOTS AND STRUCTURES

Sec. 37-120. - Purpose.

The purpose of this section [article] is to regulate the continued existence of uses, lots, and structures lawfully established prior to the effective date of this ordinance or any amendment thereto which do not conform to the provisions of this ordinance. Further, it is the intent of this section to limit the continuation and expansion, and to encourage eventual replacement of nonconforming uses having potentially undesirable impacts on surrounding conforming uses. Nonconforming uses, structures and lots of record may continue in accordance with the provisions of this section.

(Ord. No. 11,443, 11-12-13)

Sec. 37-121. - Non-conforming use, lot and structure standards.

(a) *Non-conforming uses.*

- (1) *Ordinary repair and maintenance.* Normal maintenance and repair of non-conforming uses may be performed.
- (2) *Exceptions for repairs by public order.* Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this ordinance in such a manner that does not extend or increase an existing non-conformity.
- (3) *Extensions and additions.* Non-conforming uses shall not be extended or enlarged. This prohibition is to prevent the enlargement of non-conforming uses by external additions to the structure in which non-conforming uses are located.
- (4) *Change in use.* A structure housing a non-conforming use may not be changed into any other use unless such use conforms to the provisions of this ordinance. However, a non-conforming use may be changed to another non-conforming use provided the change of use is less intense than the previous use, as determined by the planning and zoning director or his/her designee.
- (5) *Termination.*
 - a. *Abandonment or discontinuance.*
 1. Where a non-conforming use is discontinued or abandoned for one (1) year or more, then such use may not be reestablished or resumed and any subsequent use must conform to the provisions of this ordinance.
 2. When the planning and zoning director or his/her designee has determined that the use has been discontinued, as per section 37-21 (definitions) of this ordinance, the burden of proof shall be on the property owner to prove that the use has not been discontinued or abandoned.
- (6) *Damage or destruction.* If a structure housing a non-conforming use is damaged or destroyed by fifty per cent (50%) or more of the fair market value of the structure, then the structure shall not be restored unless its use thereafter conforms to the provisions of this ordinance. When such damage is fifty per cent (50%) or less of the fair market value of the structure as it existed immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes it was before the damage or destruction, provided that such repair or reconstruction is commenced and substantially completed within twelve (12) months of the date of such damage or destruction.

(b) *Non-conforming structures.*

- (1) *Ordinary repair and maintenance.* Normal maintenance and repair of nonconforming structures shall be performed.
 - (2) *Relocation.* A nonconforming structure, which is moved, shall thereafter conform to the regulations of the district in which it is located after such move.
 - (3) *Termination due to damage or destruction.* A nonconforming structure, which is damaged or destroyed to the extent of fifty per cent (50%) or more of the fair market value of said structure, shall not be restored unless it conforms to the provisions of this ordinance.
- (c) *Non-conforming lots of record.* Notwithstanding any other provision of this ordinance, a non-conforming lot of record may be developed only if the proposed use is permitted within the zoning district and all development standards of the zoning district are met.
- (d) *Non-conforming accessory uses and structures.* No non-conforming accessory use or structure shall continue after the principal

structure or use shall have ceased or terminated unless such structure or use shall thereafter conform to the provisions of the district in which it is located.

(Ord. No. 11,443, 11-12-13)

Secs. 37-122—37-129. - Reserved.

ARTICLE IX. - ADMINISTRATION AND ENFORCEMENT

Sec. 37-130. - Procedures.

(a) *Common review procedures.*

(1) *General.* The following requirements are common to many of the following procedures, and apply to applications submitted under this ordinance. Additional details may be included in the specific procedure.

(2) *Pre-application conference.*

- a. *Optional.* Before submitting an application for review, an applicant may schedule a pre-application conference with the planning and zoning director or his/her designee to discuss the procedures, standards and regulations required for approval. A pre-application conference is optional, except for the procedures listed below.
- b. *Mandatory.* Before submitting an application or site plan for the following types of review, an applicant must schedule a pre-application conference with the planning and zoning director or his/her designee to discuss the procedures, standards and regulations required for approval in accordance with this article and other applicable city codes.
 1. Annexations.
 2. Site plan review.
 3. Conditional use permit.
 4. Map amendment.
 5. Planned unit development.
 6. Text amendment.
 7. Certificates of appropriateness in historic district.

(3) *Application.*

a. *Initiation.*

Parties allowed to file an application are summarized below. More detailed information may be included with each specific procedure.

Appeals. Appeals may be filed by any person aggrieved, or by any official or department of the city affected by any decision of the planning and zoning director, the planning commission or the board of adjustment.

Zoning compliance. Interested parties.

Administrative adjustment. Owner or agent.

Variance. Owner or agent.

Site plan review. Initiated when development or use changes meet the thresholds of [section 37-130(e)(1)] article IX.E.1.

Major and minor conditional uses. Owner or agent, city planning commission, city council.

Zoning map amendment. Owner or agent, planning and zoning staff, city planning commission, city council.

PUD. Owner or agent, city planning commission, city council.

Text amendment. Owner or agent, planning and zoning, city planning commission, city council.

Certificate of appropriateness for historic districts. Owner or agent.

Sign permit. Owner or agent.

Fence permit. Owner or agent.

- b. *Application forms.* Applications containing all requested information, and any additional information must be submitted on forms and in such numbers as required by this ordinance. All applications must be complete and sufficient for processing before they will be reviewed.
- c. *Fees.* As per section 37-5 of this ordinance, no applications shall be reviewed, and no permit, certificate, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full. When an application is submitted on behalf of the City of Monroe, no fees shall be required.
- d. *Complete applications.* An application is complete when it contains all the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this ordinance. Details for each application are included in the specific procedure section of this ordinance. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this ordinance. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the planning and zoning director or his/her designee as to whether more or less information may be submitted.
- e. *Concurrent applications.* Applications may be filed and reviewed concurrently, at the option of the applicant. However, any application that also requires a variance shall not be eligible for final approval until the variance has been granted. Further, applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.
- f. *Modification of application.*
 - 1. Property owners may initiate a zoning application at any time by filing with the planning and zoning director or his/her designee. Applications for zoning map and text amendments may also be filed by the City of Monroe planning commission, another agent of the City of Monroe, or any interested party.
 - 2. An application may be modified at the applicant's request following the approval of the planning and zoning director or his/her designee before the request is advertised. Any modification after the request has been advertised shall require a new hearing.

(4) Appeals

- a. *When allowed.* Appeals may be filed by any person aggrieved by any official or department of the City of Monroe to the board of adjustment. Appeals shall be made within thirty (30) days of the decision.
- b. *Application.*
 - 1. No pre-application conference is necessary.
 - 2. All appeals shall be filed in writing with the planning and zoning director, and shall include a written statement citing the decision that is being appealed, and any reasons why the appeal should be granted.
- c. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed, unless the planning and zoning director certifies to the city council after the notice of appeal has been filed, that a stay would cause imminent peril of life or property. In such case proceedings shall not be stayed except by restraining order that may be granted by the 4th Judicial District Court.

TABLE 9.1: Public Notice Requirements

<i>Public Notice Requirements</i>	<i>Planning Commission</i>	<i>Board of Adjustment</i>	<i>Heritage Preservation Commission</i>
Publish in official journal	■	■	■

- # of times	3 times	Once	Once
- # of days before Public Hearing	10	10	7
Letter to subject property owner	■	■	■
Letter to adjacent property owners	■	■	■
- # of days before Public Hearing	10	10	10
Posting of subject property	■	■	■
- # of days before Public Hearing	7	7	7

■ = Required

(5) *Public notice and hearings.*

- a. *Public notice required.* Public notice requirements are summarized in table 9.1.
 - b. *Notice of public hearing.* All notices for public hearing (except posted notices) shall contain:
 1. The date, time and place of the hearing;
 2. The section of this ordinance under which the subject matter of the hearing will be considered;
 3. The name of the applicant;
 4. A brief description of the location of any land proposed for development and the subject matter to be considered at the hearing;
 5. A statement that the application and supporting materials are available for public inspection and copying (a Freedom of Information Act Request will need to be submitted for copies) at the office of the City of Monroe planning and zoning director;
 6. A brief description of the appeal process, which is available by right after public hearing before the planning commission or any further automatic review by the city council.
 - c. *Written notice of public hearing.* At least ten (10) days prior to a public hearing, a good faith attempt to notify the owner of record shall be made by sending an official notice by certified U.S. mail of the time, place and subject matter of the hearing. A good faith effort shall also be made to notify the adjacent property owner(s) of the subject property by regular U.S. mail at least ten (10) days prior to the public hearing (See table 9.1).
 - d. *Posted notice of public hearing.* Posted notice in bold type shall be posted for all zoning matters application requests other than text amendments for at least seven (7) consecutive days prior to a public hearing on signs not less than 18"×24", prepared, furnished and placed by the planning and zoning director or his/her designee on street frontage of the effected property proposed for a change in zoning classification (See table 9.1).
 - e. *Published notice of public hearing.* Notice of the time and place of a public hearing shall be published in the official journal, if designated, or a newspaper of general circulation in the area as provided in table 9.1.
- (6) *Reconsideration.* No land for which an application for zoning text or map change has been acted upon in a public hearing by the planning commission shall be considered again by the planning commission for the same classification for at least six (6) months from the date such application was acted upon.

(b) *Zoning compliance verification.*

- (1) *When required.*
 - a. A zoning compliance verification is required for the following:

1. Starting a new business, changing location of an existing business, changing ownership of a business or changing the na
 2. Electricity in a commercial structure.
 3. New construction for residential, commercial, industrial or public/quasi-public structures.
 4. Additions onto residential, commercial, industrial or public/quasi-public structures.
 5. Placing accessory structures for residential use.
 6. Enclosures on residential, commercial, industrial or public/quasi-public structures.
 7. Erecting a monument or pole sign and billboards.
 8. Swimming pools.
- b. It shall be unlawful to begin moving, constructing, altering or repairing (except ordinary maintenance or repairs) any building or other structure on a site, including an accessory structure, until a zoning compliance verification has been issued.
- c. No certificate of occupancy may be issued without properly issued zoning compliance verification, when applicable. The zoning compliance verification form is in lieu of the application for a certificate of occupancy that was previously required to submit. This is the first step in obtaining a certificate of occupancy.
- (2) *Application.*
- a. A pre-application conference is optional.
 - b. All zoning compliance verifications shall be filed in writing with the planning and zoning director or his/her designee (See subsection 37-130(a) common review procedures).
 - c. Verifications shall be made prior to, or concurrent with the application for a building permit.
- (3) *Decision by planning and zoning director.*
- a. The planning and zoning director may refer the verification to other affected or interested agencies for review and comment.
 - b. In deciding the zoning compliance verification request, the planning and zoning director or his/her designee shall consider relevant comments of all interested parties and the review criteria in subsection 37-130(b)(4).
 - c. The planning and zoning director or his/her designee may attach any condition to the request necessary to protect the health, safety and welfare of the City of Monroe and minimize adverse impacts on adjacent properties.
- (4) *Review criteria.* The planning and zoning director or his/her designee shall consider the following criteria in the zoning compliance verification:
- a. The proposed development is consistent with the pertinent elements of the City of Monroe Comprehensive Plan and any other adopted plans including, but not limited to, neighborhood plans, corridor plans or storm water management plans.
 - b. The proposed development meets the requirements of this ordinance.
 - c. The proposed development will reinforce the existing or planned character of the neighborhood and the City of Monroe.
- (5) *Appeal.* A final decision by the planning and zoning director or his/her designee on a zoning compliance verification may be appealed to the board of adjustment within thirty (30) days of the planning and zoning director or his/her designee's decision (see subsection 37-130(a)(4), appeals) as per LA.R.S. 33:4727 et seq.
- (6) *Expiration.* A zoning compliance verification expires after six (6) months if a building permit application has not been filed.
- (c) *Administrative adjustment.*
- (1) *When allowed.* The administrative adjustment procedure allows the planning and zoning director or his/her designee to approve modest variations from the standards of this ordinance. Administrative adjustment is allowed for the following:
 - a. A reduction of any required setback or yard by up to fifteen per cent (15%).
 - b. An increase in the maximum building height of any building by five feet (5') or five per cent (5%), whichever is less.
 - c. An increase in lot coverage by no more than five per cent (5%).
 - d. Any other administrative adjustment authorized by a specific section of this ordinance.
 - (2) *Reserved.*
 - (3) *Reserved.*

(4) *Review criteria.*

- a. The planning and zoning director or his/her designee shall consider the following criteria in approving or denying a administrative adjustment:
 1. The proposed development is consistent with the pertinent elements of the City of Monroe Comprehensive Plan and any other adopted plans.
 2. The proposed development meets the requirements of this ordinance.
 3. The proposed development will reinforce the existing or planned character of the neighborhood and the city.

(5) *Appeal.* A final decision by the planning and zoning director or his/her designee on an administrative adjustment may be appealed to the board of adjustment within thirty (30) days of the planning and zoning director or his/her designee's decision (see subsection 37-130(a)(4) appeals) as per LA.R.S. 33:4727 et seq.

(6) *Expiration.* An administrative adjustment shall not expire.

(d) *Variance.*

(1) *When allowed.* The board of adjustment shall have the authority to grant variances from the terms of this ordinance, subject to terms and conditions fixed by the board, where literal enforcement of the provisions of this ordinance will result in practical difficulties or unnecessary hardship, if in granting such variance the general intent and purpose of this zoning ordinance will be preserved.

(2) *Application.*

- a. No pre-application conference is necessary.
- b. All applications for variance shall be filed in writing with the planning and zoning director or his/her designee (see subsection 37-130(a) common review procedures).

(3) *Review by planning and zoning director.* The planning and zoning director or his/her designee may refer the application to other affected or interested agencies for review and comment.

(4) *Public hearing and decision by board of adjustment.*

- a. Following notice and a public hearing as required by subsection 37-130(a) of this ordinance, the board of adjustment shall allow, allow with conditions, or deny the proposed variance request, the board of adjustment shall consider relevant comments of all interested parties and the review criteria in subsection 37-130(d)(5).
- b. The board may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties.

(5) *Review criteria.* The board may grant a variance only if it makes findings that the following conditions, insofar as applicable, have been satisfied:

- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- b. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district or similarly situated.
- e. The variance, if granted, will not alter the essential character of the locality.
- f. Strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
- g. The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party(s).
- h. The proposed variance will not impair an adequate supply of light and air to adjacent property, or increase substantially the congestion in the public street, or increase the danger of fire, or endanger the public safety.

(6) *Appeal.* A final decision by the board of adjustment on a variance may be appealed to the 4th Judicial District Court within

thirty (30) days of the decision (See [section 37-130\(a\)\(4\)](#) appeals).

- (7) *Expiration.* A variance approved by the board of adjustment shall expire six (6) months from the date of approval if the applicant fails to obtain a zoning compliance verification form and any appropriate building permits. Applicants may file for one six-month extension of the variance approval, in writing, with the planning and zoning director or his/her designee subject to administrative approval.
- (e) *Site plan review.*
- (1) *When required.* Site plan review by the planning and zoning director or his/her designee and the city engineer or his/her designee is required for:
- Construction of three (3) or more residential units on a platted lot of record.
 - Construction or expansion of five thousand (5,000) or more square feet of multi-family or mixed-use building type.
 - Commercial, industrial or institutional development.
 - Creation of more than one thousand (1,000) square feet of impervious surface (paving).
 - Construction of accessory structures in non-residential districts.
 - New parking lots providing twenty-five (25) or more spaces.
 - The construction, alteration or addition of any vehicle parking lot or structure. This includes all paving of previously unpaved surfaces, replacement of pavement, construction of curbing and installation of new landscaping and bicycle parking facilities (does not include maintenance). See [section 37-80\(a\)\(2\)](#), site plan review—requirements.
- (2) *No site plan review required.* No site plan review is required for the following:
- Construction or expansion of less than five thousand (5,000) square feet of multi-family or mixed-use building type.
 - Creation of less than one thousand (1,000) square feet of impervious surface (paving).
 - Construction of accessory structures in residential districts.
- (3) *Application.*
- A pre-application conference is mandatory for site plan review.
 - All applications for site plan review shall be filed in writing with the planning and zoning director or his/her designee (See [subsection 37-130\(a\)](#), common review procedures).
- (4) *Review by planning and zoning director.* The planning and zoning director or his/her designee may refer the site plan to other affected or interested agencies for review and comment.
- (5) *Site plan decision by planning and zoning director.*
- In deciding to approve, approve with conditions, or deny the proposed site plan, the planning and zoning director or his/her designee shall consider relevant comments of all interested parties and the review criteria outlined in [subsection 37-130\(e\)\(6\)](#) and render a decision within sixty (60) days of the filing of a complete application for review, except where such time period is extended by the applicant.
 - The planning and zoning director or his/her designee may attach conditions required to make the development site comply with this and other city ordinances, or as necessary to protect the health, safety and welfare of the City of Monroe and to minimize adverse impacts to adjacent properties.
- (6) *Review criteria.* The planning and zoning director or his/her designee shall consider the following criteria in approving or denying a site plan:
- The proposed development is consistent with the pertinent elements of the City of Monroe Comprehensive Plan and any other adopted plans;
 - The proposed development meets the requirements of this ordinance;
 - The proposed development will reinforce the existing or planned character of the neighborhood and the city.
 - The site plan demonstrates:
 - Compliance with any prior approvals;
 - Site design and development intensity appropriate for and tailored to the unique natural characteristics of the site;
 - Adequate, safe and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways,

transit access (as appropriate), and off-street parking, stacking and loading spaces;

4. Connectivity to surrounding neighborhoods and the city as a whole, while minimizing cut-through traffic and speeds are reduced through the use of traffic calming methods in appropriate locations;
5. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm water relative to the 100-year floodplain; and
6. Adequate access for disabled residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.

e. Any adverse impacts on adjacent properties have been minimized or mitigated.

(7) *Building permit.* No building permit shall be issued for development requiring site plan until the site plan has been approved.

(8) *Dedication and improvements.*

- a. For development of property requiring a site plan under this ordinance, the applicant must dedicate any additional right-of-way necessary to the width required by the City of Monroe for streets adjoining the property, install curbs and gutters and pave all streets adjoining the property, and install sidewalks and street trees based on the standards set forth by the Monroe city council in this and all other city codes and ordinances.
- b. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this ordinance, including provisions for storm water management, paving and utilities.

(9) *Modification of approved site plan.* The planning and zoning director or his/her designee is authorized to approve minor modifications to an approved site plan. The following modifications shall be considered minor:

- a. Up to ten per cent (10%) increase or any decrease in gross floor area of a single building;
- b. Up to a ten per cent (10%) reduction or any increase in the approved setbacks from exterior property lines;
- c. Relocation of parking areas, internal streets or structures where such relocation occurs more than one hundred feet (100') from exterior property lines.

(10) *Appeals and public hearings and decisions by planning and zoning director.* A final decision by the planning and zoning director or his/her designee on a site plan review may be appealed to the board of adjustment within thirty (30) days of the planning and zoning director or his/her designee's decision (See section 37-130(a)(4), appeals) as per R.S. 33:4727 et seq.

(11) *Expiration.* A site plan expires after six (6) months where a building permit application has not been filed for all or part of said development. Applicants may file for one six (6) month extension of the site plan approval in writing with the planning and zoning director or his/her designee subject to administrative approval.

(f) *Major and minor conditional use permits.*

(1) *When required.* A major or minor conditional use permit is required for any use or building type that requires particular considerations as to its proper location to adjacent, established or intended uses in a district, or to the planned growth of the community. More detailed information may be included with each specific section of this ordinance that establishes the uses requiring either a major or minor conditional use permit and conditions controlling the location and operation of such special uses. Any change to a major or minor conditional use involving major structural alterations, enlargements, intensifications of use, or similar change must be approved in the same manner as the original conditional use.

(2) *Application.*

- a. A pre-application conference with the planning and zoning director or his/her designee is necessary.
- b. All applications for a major or minor conditional use permit shall be filed in writing with the planning and zoning director or his/her designee (see subsection 37-130(a), common review procedures). The application shall include material necessary to demonstrate that the grant of a conditional use will be in harmony with the general intent and purpose of this ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material required may include but is not limited to the following, when applicable:
 1. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading access, refuse and service areas, and required yards and open spaces.
 2. Plans showing proposed locations for utilities and easements.

3. Plans for screening, buffering and landscaping.
 4. Proposed signs and lighting, including type, dimensions and character.
- (3) *Review by planning and zoning director.* The planning and zoning director or his/her designee may refer the application to other affected or interested agencies for review and comment.
- (4) *Minor conditional use decision by planning commission.*
- a. Following notice and a public hearing as required by subsection 37-130(a) of this ordinance, the planning commission shall approve, approve with conditions, or deny the proposed conditional use permit within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 - b. In making this decision, the planning commission shall consider the recommendation of the planning and zoning director or his/her designee, relevant comments of all interested parties and the review criteria in subsection 37-130(f)(6).
 - c. The commission may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. These conditions may include, but are not limited to the following:
 1. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion or traffic;
 2. Increase the required lot size or yard dimension;
 3. Limit the height, size or location of buildings, structures and facilities;
 4. Control the location and number of vehicle access points;
 5. Increase the number of required off-street parking spaces;
 6. Limit the number, size, location or lighting of signs;
 7. Require additional fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
 8. Designate sites for open space;
 9. Provide ease of access to major roadways; or
 10. Assure that the degree of compatibility to the surrounding land use shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which the use is proposed to be located.
 - d. *Appeal.* A final decision by the planning commission on a minor conditional use permit may be appealed to the city council within thirty (30) days of the planning commission's decision (See subsection 37-130(a)(4) appeals).
- (5) *Major conditional use decision by the planning commission and city council.*
- a. For major conditional use permit applications, following notice and a public hearing as required by subsection 37-130(a) of this ordinance, the planning commission shall follow the procedure and review criteria outlined in subsection 37-130(f)(4) of this ordinance to make a recommendation of approval, approval with conditions, or denial of the proposed major conditional use permit to the city council within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 - b. Following notice by the council clerk and a public hearing, the council shall accept, accept with conditions, or deny the planning commission's recommendation on the major conditional use permit within thirty (30) days of the planning commission's final action.
 - c. In making this recommendation, the council shall consider the recommendations of the planning and zoning director or his/her designee and the planning commission, relevant comments of all interested parties and the review criteria in subsection 37-130(f)(6).
 - d. The city council may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. Such conditions may include, but are not limited to, additional screening or buffering, limitations in scale or limitations to hours of operation.
 - e. Failure to act shall result in acceptance of the recommendation of the planning commission.
- (6) *Review criteria.* The planning commission and the city council shall consider the following criteria in approving or denying a major or minor conditional use permit:
- a. The proposed major or minor conditional use permit is consistent with the pertinent elements of the City of Monroe

Comprehensive Plan and any other adopted plans.

- b. The proposed development meets the requirements of this ordinance.
 - c. The proposed development will reinforce the existing or planned character of the neighborhood and the city.
 - d. The major or minor conditional use permit complies with any specific use standards or limitations in article VI (supplementary use standards) of this ordinance.
 - e. Any adverse impacts on adjacent properties attributable to the major or minor conditional use have been minimized or mitigated.
- (7) *Effect of denial.* The final denial of a major or minor conditional use permit application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.
- (8) *Appeal.* A final decision by the city council on a major conditional use permit may be appealed to the 4th Judicial District Court within thirty (30) days of the city council's decision (see subsection 37-130(a)(4) appeals).
- (9) *Expiration.*
- a. Existing construction. In an existing structure, the conditional use permit shall expire after six (6) months if the use is abandoned or discontinued.
 - b. New construction.
 1. A conditional use permit shall expire after six (6) months if a building permit application has not been filed.
 2. Where a conditional use has been granted but no commencement of construction other than clearing and grubbing has been executed within six (6) months from date of such conditional use permit, the property shall revert to its original state prior to such conditional use.
 3. Applicants may file for one six-month extension of the conditional use approval, in writing, with the planning and zoning director or his/her designee subject to administrative approval.
 - c. Buildings that are actively available for lease and occupancy, or are being remodeled pursuant to permit shall not have its use considered abandoned or discontinued for twelve (12) months.
- (10) *Revocation of conditional use permit.* If any conditions of a conditional use permit or other requirements of this ordinance are violated, the City of Monroe may revoke the conditional use permit.
- (g) *Zoning map amendment.*
- (1) *When allowed.* The boundaries of zoning districts as shown on any zoning map may, from time to time, be amended or modified by the city council.
 - (2) *Application.*
 - a. A pre-application conference with the planning and zoning director or his/her designee is required.
 - b. All applications for a map amendment shall be filed in writing with the planning and zoning director or his/her designee (see subsection 37-130(a) common review procedures).
 - (3) *Review by planning and zoning director.* The planning and zoning director or his/her designee may refer the application to other affected or interested agencies for review and comment.
 - (4) *Public hearing and decision by planning commission.*
 - a. Following notice and a public hearing as required by subsection 37-130(a) of this ordinance, the planning commission shall recommend to the city council to approve, approve with conditions, or deny the proposed map amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 - b. In making this recommendation to the city council, the planning commission shall consider the recommendations of the planning and zoning director or his/her designee, relevant comments of all interested parties and the review criteria in subsection 37-130(g)(6).
 - (5) *Public hearing and decision by the city council.*
 - a. Following notice by the council clerk and a public hearing, the city council shall accept, accept with conditions, or deny the planning commission's recommendation on the map amendment within thirty (30) days of the planning commission's final action.
 - b. In making this recommendation, the city council shall consider the recommendations of the planning and zoning director

or his/her designee and the planning commission, relevant comments of all interested parties and the review criteria in subsection 37-130(g)(6).

c. Failure to act shall result in acceptance of the recommendation of the planning commission.

(6) *Review criteria.* The planning commission and the city council shall consider the following criteria in approving or denying a map amendment:

a. The proposed map amendment is consistent with the pertinent elements of the City of Monroe Comprehensive Plan and any other adopted plans.

b. The proposed map amendment is consistent with the adjacent zoning classifications and uses.

c. The proposed map amendment will reinforce the existing or planned character of the neighborhood and the city.

d. The site is appropriate for the development allowed in the proposed district.

e. There are substantial reasons why the property cannot be used according to existing zoning.

f. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, storm water management, police and fire are adequate for the development allowed in the proposed district.

g. The map amendment will not substantially or permanently injure the appropriate use of adjacent conforming properties.

(7) *Effect of denial.* The denial of a map amendment application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.

(8) *Appeal.* A final decision by the city council on a map amendment may be appealed to the 4th Judicial District Court within thirty (30) days of the city council's decision (see subsection 37-130(a)(4) appeals).

(9) *Expiration.* A map amendment shall not expire.

(h) *Planned unit development (PUD).*

(1) *Components of a planned unit development.*

a. Approval of a development plan by the planning commission and the city council; and

b. Approval of subsequent subdivision plats and site plans consistent with the development plan.

(2) *Intent of planned unit development.* A planned unit development (PUD) is intended to encourage innovations in development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, use, design and layout of sites and buildings, and by the conservation and more efficient use of open spaces and other amenities generally enhancing quality of life. PUDs are not intended to circumvent traditional zoning requirements, but rather enhance existing zoning to promote a harmonious variety of uses, and/or provide an economy of shared services and facilities to foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working. The regulations contained within PUDs are intended to have enough flexibility to produce each of the following:

a. Maximum housing choice in the types of living environments.

b. Open space and recreational areas directly related to the intended users, and if permitted as part of the project, more convenience in the location of accessory commercial uses and services;

c. A development pattern which preserves and utilizes natural topography, scenic vistas, trees and other vegetation, and prevents erosion and the disruption of natural drainage patterns;

d. A stable development in character with the land use density, transportation facilities, and community facilities objectives of the City of Monroe Comprehensive Plan;

e. A higher quality site design than would be possible through the strict application of other available zoning districts.

(3) *Eligibility.* The PUD district is designed to allow an applicant to submit a proposal for consideration, for any uses or mixture of uses that are consistent with the City of Monroe Comprehensive Plan, and to allow the city to approve any proposal that it determines to be in the best interest of the public health, safety and welfare, along with any conditions or requirements or limitations thereon that the city deems advisable. The approval of a PUD request rests with the planning commission and the city council. However, no PUD request shall be eligible for approval unless the following minimum conditions are met:

a. The minimum area required for an application to develop a PUD is three (3) acres for purely residential developments and five (5) acres for mixed-use, commercial and industrial developments.

b. The tract of land for which the PUD is made shall be contiguous with sufficient width and depth to accommodate the

proposed use.

- c. All land included for the purpose of development within a PUD shall be owned by or be under the complete control of the applicant for such zoning designation. The applicant shall provide the city all of the necessary documents and information that may be required, as determined by the planning and zoning director or his/her designee, to assure that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the applicant fully complies with the requirements of this section.

(4) *Application.*

- a. A pre-application conference with the planning and zoning director or his/her designee is required.
- b. All applications for a PUD shall be filed in writing with the planning and zoning director or his/her designee (see subsection 37-130(a) common review procedures).
- c. The application shall include the following additional materials:
 - 1. A narrative explaining and tabulating the land uses by net acre, number of dwelling units by housing type, residential density, open space acreage, square footage of non-residential uses per net acre, and the relationship of the proposed development to existing development in the area and other related development features.
 - 2. A development plan schematically showing major streets, major utilities, land uses, access to existing streets, major open space and a conceptual drainage plan in relationship to the 100-year floodplain and known drainage basins and facilities, as appropriate.

(5) *Review by planning and zoning director.* The planning and zoning director or his/her designee may refer the application to other affected or interested agencies for review and comment.

(6) *Public hearing and decision by planning commission.*

- a. Following notice and a public hearing as required by subsection 37-130(a) of this ordinance, the planning commission shall recommend to approve, approve with conditions, or deny the PUD and development plan within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
- b. In making this recommendation, the planning commission shall consider the recommendations of the planning and zoning director or his/her designee, relevant comments of all interested parties and the review criteria in subsection 37-130(h)(8).

(7) *Public hearing and decision by the city council.*

- a. Following notice by the council clerk and a public hearing the city council shall accept, accept with conditions, or deny the planning commission's recommendation on the PUD and development plan within sixty (60) days of the planning commission's final action.
- b. In making this recommendation, the city council shall consider the recommendations of the planning and zoning director or his/her designee and the planning commission, relevant comments of all interested parties and the review criteria in subsection 37-130(h)(8).
- c. Failure to act shall result in acceptance of the recommendation of the planning commission.

(8) *Review criteria.* The planning commission and the city council shall consider the following criteria in approving or denying the PUD:

- a. The proposed development is consistent with the pertinent elements of the City of Monroe Comprehensive Plan and any other adopted plans.
- b. The proposed development is consistent with the standards and uses of the underlying and adjacent zoning districts.
- c. The proposed PUD will reinforce or enhance the existing or planned character of the neighborhood and the city.
- d. The site is appropriate for the development proposed in the development plan.
- e. The proposed development demonstrates a higher quality of site design than is possible under other available zoning districts, and is not used solely to avoid the requirements of the base zoning district.
- f. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, storm water management, police and fire are adequate for the development allowed in the proposed concept plan.
- g. The proposed development will not substantially or permanently injure the appropriate use of adjacent conforming

properties.

- (9) *Revisions to PUD development plan.* The applicant shall have ninety (90) days from the date of the city council decision when final action is taken to submit a revised PUD development plan to include any conditions of approval for the PUD development plan. Any such changes shall be reviewed for acceptance by the planning and zoning director or his/her designee within ten (10) days of the receipt and shall bear the signature of the planning and zoning director or his/her designee before the PUD development plan can be accepted as the approved plan. Upon written request from the applicant, one ninety (90) day extension may be granted to the applicant by the planning and zoning director or his/her designee for submittal of the revised PUD development plan. Failure by the applicant to submit a revised development plan within the time frame specified in this section shall deem the plan null and void.
- (10) *Modification of a concept plan.* The planning and zoning director or his/her designee is authorized to approve minor modifications to an approved concept plan. The city council shall consider all modifications not listed as minor below, consistent with the original approval of the planned unit development. The following modifications shall be considered minor:
- a. Up to ten per cent (10%) increase or any decrease in gross floor area of a single building;
 - b. Up to a ten per cent (10%) reduction or any increase in the approved setbacks from exterior property lines;
 - c. Relocation of parking areas, internal streets or structures where such relocation occurs more than one hundred feet (100') from exterior property lines.
- (11) *Effect of denial.* The denial of a PUD shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.
- (12) *Appeal.* A final decision by the city council on a PUD may be appealed to the 4th Judicial District Court within thirty (30) days of the city council's decision (see subsection 37-130(a)(4) appeals)
- (13) *Expiration.*
- a. A PUD expires after eighteen (18) months if no building permit has been filed.
 - b. If the property owner chooses not to construct the PUD, but rather to revert back to the requirements of the base zoning district less than eighteen (18) months after the PUD and development plan have been approved, the property owner shall be able to eliminate the PUD with a revocation of the original city council ordinance.
- (i) *Zoning text amendment.*
- (1) *When allowed.* The regulations of this ordinance may, from time to time, be amended supplemented, changed, modified or repealed, as determined by the city council.
 - (2) *Application.*
 - a. A pre-application conference with the planning and zoning director is optional.
 - b. All applications for a text amendment shall be filed in writing with the planning and zoning director (see subsection 37-130(a) common review procedures).
 - (3) *Review by planning and zoning director.* The planning and zoning director or his/her designee may refer the application to other affected or interested agencies for review and comment.
 - (4) *Public hearing and decision by planning commission.*
 - a. Following notice and a public hearing as required by subsection 37-130(a) of this ordinance, the planning commission shall recommend to approve or deny the proposed text amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 - b. In making this recommendation, the planning commission shall consider the recommendations of the planning and zoning director or his/her designee, relevant comments of all interested parties and the review criteria in subsection 37-130(i)(6).
 - (5) *Public hearing and decision by the city council.*
 - a. Following notice by the council clerk and a public hearing, the city council shall accept or deny the planning commission's recommendation on the text amendment within thirty (30) days of the planning commission's final action.
 - b. In making this recommendation, the city council shall consider the recommendations of the planning and zoning director

or his/her designee and the planning commission, relevant comments of all interested parties and the review criteria in subsection 37-130(i)(6).

- c. Failure to act shall result in acceptance of the recommendation of the planning commission.
- (6) *Review criteria.* The planning commission and the city council shall consider the following criteria in approving or denying a text amendment:
- a. The proposed text amendment is consistent with the pertinent elements of the comprehensive plan and any other adopted plans;
 - b. The proposed text amendment is consistent with the remainder of this ordinance;
 - c. The extent to which the text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time, or whether or not the text amendment corrects an error in this ordinance; and
 - d. Whether or not the text amendment revises this ordinance to comply with state or federal statutes or case law.
- (7) *Appeal.* A final decision by the city council on a text amendment may be appealed to the 4th Judicial District Court within thirty (30) days of the city council's decision (see subsection 37-130(a)(4) appeals).
- (8) *Expiration.* A zoning text amendment shall not expire.
- (j) *Certificates of appropriateness for historic district.*
- (1) *When required.* A certificate of appropriateness is required before the commencement of any exterior changes in the historic district that involves the following:
- a. Erection of any new building or other construction in a historic district;
 - b. Alteration or addition to any existing structure in a historic district, including, but not limited to fences, boundary walls, light fixtures, steps paving or other appurtenant fixtures;
 - c. Exterior repairs of any existing building situated within a historic district;
 - d. Relocation of any building into a historic district;
 - e. Movement, excavation or destruction of any earthworks of historical or archaeological importance;
 - f. Construction or refurbishment of any signage;
 - g. "Demolition by neglect" as regulated in subsections 24.5-46—24.5-58 of the City of Monroe Code of Ordinances.
- (2) *When not required.* A certificate of appropriateness is not required in the following instances:
- a. Ordinary maintenance or repairs to structures which do not involve a change of design, color, material, or the outward appearance of the structure;
 - b. Where a permit was issued prior to the establishment of the historic district within which the permitted structure or site is located;
 - c. When the city council has issued a ruling of economic hardship or has otherwise overruled the heritage preservation commission on appeal;
 - d. If ordered by final decision of a court of competent jurisdiction;
 - e. Other actions clearly exempted in rules adopted by the heritage preservation commission.
- (3) *Application.*
- a. A pre-application hearing with the planning and zoning director or his/her designee is necessary.
 - b. All applications for certificates of appropriateness shall be filed in writing with the planning and zoning director or his/her designee (see subsection 37-130(a), common review procedures), in a form prescribed by the heritage preservation commission. Said application may contain the following depending on the applicant's request:
 1. Site and development plans at an appropriate scale showing proposed placement of structures on the property and required yards and open spaces;
 2. The proposed appearance, color, texture, or materials and to the architectural design of the exterior, including the front, sides, rear and roof elevations of such buildings; and
 3. Alterations and/or additions of any building, out-building, accessory structure, party wall, courtyard, sidewalk,

driveway, parking area, fence, sign or other dependency thereof.

(4) *Public hearing and decision by heritage preservation commission.*

- a. Following notice and a public hearing as required by subsection 37-130(a) of this ordinance, the heritage preservation commission shall recommend to approve, approve with conditions, or deny the proposed certificate of appropriateness within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
- b. In making this recommendation, the heritage preservation commission shall consider the recommendation of the planning and zoning director or his/her designee, the appropriate Monroe Design Review Guidelines, relevant comments of all interested parties and the review criteria specific to each historic district and available from the heritage preservation commission staff.
- c. The commission may attach any condition to the certificate necessary to protect the character of the historic district and minimize adverse impacts on adjacent properties.

(5) *Building permits.* No building permit which affects exterior changes to a structure in an historic district shall be issued prior to the issuance of a certificate of appropriateness by the heritage preservation commission. Even if a building permit is not otherwise required by the city ordinances for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness from the heritage preservation commission is required.

(6) *Appeal.* Any person or persons aggrieved by any decision, act or proceedings of the heritage preservation commission shall have the right to apply in writing to the city council within thirty (30) days for reversal or modification thereof; and the mayor, or presiding officer of the city council, shall have the right to stay all further action until the city council shall have an opportunity to rule thereon.

(7) *Expiration.* The certificate of appropriateness (COA) approved by the commission shall expire six (6) months from the date of approval if the applicant fails to obtain a zoning compliance verification and the appropriate building permits. This deadline may be extended upon a request to the commission before the six (6) months is up.

(k) *Reserved.*

(l) *Fence permit.*

(1) *When required.* A fence permit is required whenever a fence is erected or extended, in accordance with article VII of this ordinance.

(2) *When not required.* A fence permit is not required for ordinary maintenance or repairs to fences that do not involve a change of length, height, material, or appearance of the fence.

(3) *Application.*

- a. A pre-application conference is optional.
- b. All applications for fence permits shall be filed in writing with the planning and zoning director or his/her designee (see subsection 37-130(a) common review procedures).

(4) *Decision by zoning administrator.*

- a. The zoning administrator or his/her designee may refer the application to other affected or interested agencies for review and comment.
- b. In deciding to approve, approve with conditions, or deny the proposed fence permit, the zoning administrator or his/her designee shall consider relevant comments of all interested parties and the review criteria in subsection 37-130(c)(4).
- c. The zoning administrator or his/her designee may attach any condition to the permit necessary to protect the health, safety and welfare of the City of Monroe and minimize adverse impacts on adjacent properties.

(5) *Review criteria.* In addition to considerations outlined in subsection 37-76(f)(5) of this ordinance, the zoning administrator or his/her designee shall consider the following criteria in approving or denying a fence permit:

- a. The proposed fence is consistent with the pertinent elements of the City of Monroe Comprehensive Plan and any other adopted plans.
- b. The proposed fence meets the requirements of this ordinance.
- c. The proposed fence will enhance the existing or planned character of the area and the city.

(6) *Appeal.* A final decision by the planning and zoning director or his/her designee or the zoning administrator or his/her

designee on a fence permit may be appealed to the board of adjustment within thirty (30) days of the decision (See subsection 37-130(a)(4) appeals).

(7) *Expiration.* A fence permit shall not expire.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,588, 7-28-15; Ord. No. 11,727, 9-27-16; Ord. No. 11,798, 9-12-17; Ord. No. 11,884, 10-23-18)

Sec. 37-131. - Violations.

- (a) *Administration of enforcement.* The provisions of these land use regulations shall be administered by the mayor, or his/her designee, as designated herein, who shall have the power to make inspections of buildings or premises necessary to carry out their administrative duties in the enforcement of these regulations. The mayor, or his/her designee may call upon the police to furnish the necessary personnel to carry out enforcement if necessary.
- (b) *Violations and enforcement proceedings.* In case any structure is erected or structurally altered or maintained, or any structure or land is used or altered or is not maintained, in violation of these regulations, the planning and urban development director or his/her designee may institute any appropriate action or proceedings to prevent such unlawful construction or alteration or use or other violations, to restrain, to correct or to prevent any illegal act, conduct any business or maintain any use in or about such premises. Furthermore, any resident of the community who believes that a violation of any of the provisions of these regulations is occurring may file a written complaint with the mayor. Such complaint shall fully set forth the acts or omissions constituting the alleged violation and the site or sites at which such violation or violations are alleged to be occurring. The planning and zoning director or his/her designee shall record properly such complaint, promptly investigate the allegations underlying said complaint, and take action on such complaint and take action on such complaints as provided by these regulations.
- (c) *Responsibility for violations.* Whenever the planning and zoning director or his/her designee, on the basis of a written complaint, has reason to believe that a violation of these regulations may exist, he or she may require any person owning the structure or land or operating a use thereon to provide, within thirty (30) days of notification or the next available City of Monroe Environmental Court date, information as may be necessary, in his judgment, to determine the existence or extent of any violation.
- (d) *Penalty.* Any person violating any provision of these regulations shall be guilty of a misdemeanor and deemed a public nuisance and upon conviction shall be punished for each separate offense by a fine of ten dollars (\$10.00) to twenty-five dollars (\$25.00) but not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Each day any violation of any provision of these regulations shall continue shall constitute a separate offense.

(Ord. No. 11,443, 11-12-13; Ord. No. 11,883, 10-23-18)