



# Zoning and Land Development Code (ZLDC)

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## CHAPTER 1 ZONING DISTRICTS AND LAND USE

### DIVISION 1.1 PURPOSE AND APPLICATION OF CHAPTER

#### Sec. 1.1.1 Purpose of Chapter

The purpose of this Chapter is to establish zoning districts and set out, generally, what is allowed and not allowed in each district. This Chapter also provides supplemental standards that control the development of buildings and structures on residential and nonresidential lots.

#### Sec. 1.1.2 Application of Chapter

### DIVISION 1.2 ESTABLISHMENT OF ZONING DISTRICTS

#### Sec. 1.2.1 Zoning Districts Established

Morgan City is divided into the 17 zoning districts that are established by Table 1.2.1, *Zoning Districts*.

District	Function
R-1A	Residential
R-1B	Residential
R-1C	Residential
R-1D	Residential
R-2	Planned Unit Development
R-3	Residential
R-4	Residential
R-4A	Residential
R-5	Mobile Home Park
R-6	Recreation District
B-1	Business Restricted
B-2	General Business
B-P2	General Plaza
B-3	Convention District
C	Commercial
H	Heavy Industrial
P	Planned Commercial District

(Code 1961, § 19-11)

### **Sec. 1.2.2 Official Zoning Map**

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- A. **Generally.** The boundaries of the districts in Section 1.2.1, *Zoning Districts Established*, are as shown on the City of Morgan City Zoning District Map dated July 21, 1959, which is on file in the office of the chief administrative officer.
- B. **Force and Effect.** The map and all explanatory matter on the map are made a part of this Chapter as if the notations, references, and other matters set forth by the map were all fully described in this Chapter.
- C. **Interpreting the Map.** Unless otherwise indicated, the district boundary lines are lot lines; the centerlines of streets, alleys or such lines extended; or the corporate limit lines. Other lines within blocks are rear or side lot lines, or such lines extended, or are property lines or large tracts.  
(Code 1961, § 19-12)

### **Sec. 1.2.3 Classification of New Territory**

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- A. **Generally.** It is the intent of the City Council that all land within the city be zoned.
- B. **Zoning of Annexed Land.** All territory which may be added to the city shall automatically be classed as lying and being in the R-2, *Residential District* until such classification shall have been changed by an amendment as provided by law.

## **DIVISION 1.3 ESTABLISHMENT OF SPECIAL ZONES**

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### **Sec. 1.3.1 Drugfree Zones**

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- A. **Location, Schools.** In accordance with law, the following schools found within the corporate limits of the city at the addresses indicated are designated to be situated and located in a drugfree zone as defined in law:
  - 1. Morgan City High School, 2400 Hemlock Street.
  - 2. Immanuel Christian School, 901 Fig Street.
  - 3. Julia B. Maitland, 1907 Federal Avenue.
  - 4. Central Catholic High School, 2100 Cedar Street.
  - 5. Holy Cross Elementary, 2100 Cedar Street.
  - 6. M. E. Norman Elementary, 900 Spruce Street.
  - 7. Morgan City Junior High, 911 Marguerite Street.

8. M. D. Shannon Elementary, 409 Brashear Avenue.
  9. Wyandotte Elementary, 20 Glenwood Street.
  10. Young Memorial Vocational School, Youngs Road.
  11. Sacred Heart School, 318 Third Street.
  12. Presbyterian Kindergarten, 212 Fourth Street.
  13. Jacquet Adult Education, Fig Street.
- B. **Location, Other.** In accordance with law, the following parks, playgrounds, recreational facilities or recreational areas found within the corporate limits of the city, at the addresses indicated, are designated to be situated and located in a drugfree zone as defined in law:
1. Benny Spinella Ball Park, 1416 Federal Avenue.
  2. Norman Athletic Park, 915 Everett Street.
  3. Oak Street Basketball Court, 129 Oak Street.
  4. M. C. Recreation Complex, 700 East Boulevard.
  5. Brownell Homes, Highway 70 and Veterans Boulevard.
  6. Lawrence Park, 301 Everett Street.
  7. Greenwood Street Basketball Court, 609 Greenwood Street.
  8. Greenwood Street Park, 710 Greenwood Street.
  9. Hilda Loeb Norman Memorial Park, 1401 Justa Street.
- C. **Official Drugfree Zone Map.** The official drugfree zone map drawn in accordance with law and designating the specific boundaries of the drugfree zone for each area designated in subsections (A) and (B) of this Section is filed of record with the clerk of the court as the official public document for drugfree zones in the city. (Code 1961, § 19-13.2)

### **Sec. 1.3.2 Firearm Free Zones**

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- A. **Location.** In accordance with law, the following schools and school buses found within the corporate limits of the city at the addresses indicated are designated to be situated and located in a firearm free zone as defined by law:
1. Morgan City High School, 2400 Hemlock Street.
  2. Immanuel Christian School, 901 Fig Street.
  3. Julia B. Maitland, 1907 Federal Avenue.
  4. Central Catholic High School, 2100 Cedar Street.

5. Holy Cross Elementary, 2100 Cedar Street.
  6. M. E. Norman Elementary, 900 Spruce Street.
  7. Morgan City Junior High, 911 Marguerite Street.
  8. M. D. Shannon Elementary, 409 Brashear Avenue.
  9. Wyandotte Elementary, 20 Glenwood Street.
  10. Young Memorial Technical Institute, 900 Youngs Road.
  11. Sacred Heart School, 318 Third Street.
  12. Presbyterian Kindergarten, 212 Fourth Street.
  13. E. F. Jacquet School, Fig Street and Acorn Street.
  14. All school buses.
- B. **Official Firearm Free Zone Map.** The official firearm free zone map, drawn in accordance with law and designating the specific boundaries of the firearm free zone for each school and school bus indicated in subsection (A) of this Section, is filed of record with the clerk of court as the official public document for firearm free zones in the city. (Code 1961, § 19-13.3)

### **Sec. 1.3.3 Historic District**

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- A. **Location.** The following area of the city is designated as "The City of Morgan City Historic District": Beginning at a point of the intersection of Front Street and Greenwood Street, a line extending eastward on Greenwood Street to intersection of Arkansas Street; thence extending southward on Arkansas Street to intersection of Freret Street; thence extending westward on Freret Street to intersection of Second Street; thence extending southward on Second Street to a point 121.5 feet from the center right-of-way of Freret Street; thence a line dividing lots 10 and 11 in square 26, and extending westward to Alabama Street; thence extending southward on Alabama Street to the intersection of Everett Street; thence extending eastward on Everett Street to the intersection of Arkansas Street; thence extending southward on Arkansas Street to a point of the line which comprises north borders of lots 6, 7 and 8 in square 5; thence that line extending westward to Second Street; thence extending southward on Second Street to the intersection of Railroad Avenue; thence extending westward on Railroad Avenue to the intersection of Front Street; thence extending northward on Front Street to the intersection of Greenwood Street at the point of beginning.
- B. **Applicability.** The historic district shall include all buildings, sites or lots and all structures, houses or other buildings facing any of the streets or the perimeter of the area. (Code 1961, § 2-205)

### **Sec. 1.3.4 Traditional Neighborhood Developments**

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- A. **Generally.** A traditional neighborhood development ("TND") is a mixed-use community within the city that offers a variety of housing types at a variety of price points; prominently sited civic or community buildings and public open spaces; and stores, offices, services, and (in larger developments) schools, providing a balanced mix of activities in close proximity to each other. TNDs have a recognizable center and clearly defined edges, and streets, sidewalks, and pathways are designed so that in most locations the pedestrian and bicyclist are given at least equal status as the automobile.
- B. **Mix of Uses.** TNDs are mixed-use developments that are allowed to include a wider variety of uses than are otherwise allowed in the zoning district.
- C. **Pattern Books.** Pattern books are required for TNDs. *See Section 5.5.3, Pattern Book Requirements.*
- D. **Establishment of Subdistricts.** TND Plans submitted for approval pursuant to this ZLDC shall indicate three sub-districts:
1. Center ("C"), which is the location for the most intense development, including vertically mixed-use (at the applicant's option), and formal public gathering spaces.
  2. General ("G"), which is the location for most of the housing in the development.
  3. Edge ("E"), which is the location for the least intense development, in the form of relatively large-lot single-family detached residences.
- E. **Relationship to TND Subdistricts.** Subdistricts are applied across the entire TND, regardless of the underlying zoning district. Nothing in this Section shall be interpreted to require that each zoning district contain all three TND subdistricts.

## **DIVISION 1.4 PERMITTED, LIMITED, CONDITIONAL, AND PROHIBITED USES**

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### **Sec. 1.4.1 Use Tables**

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- A. **Generally.**
1. Section 1.4.2, *Residential, Home, and Institutional Uses*, through Section 1.4.5, *Other Uses*, contain tables that set out which uses are permitted, limited, conditional, and prohibited in each zoning district.

2. The tables list uses in white and yellow rows, organized by category (gray rows). Zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, limited, conditional, or prohibited in the district.

**B. Symbols.** All the tables use the following symbols:

1. "**P**" means that the use is **Permitted**, subject to the standards that apply to all permitted uses. The use is approved by the Director.
2. "**L**" means that the use is a **Limited Use** which is permitted as of right and approved by the Director, subject to:
  - a. The standards for permitted uses that are set out in this ZLDC; and
  - b. The applicable standards in Division 1.5, *Limited and Conditional Use Standards*, for that specific use.
3. "**C**" means that the use is allowed as a **Conditional Use**, which is reviewed by the Planning and Zoning Commission and approved by the City Council, subject to:
  - a. The standards for permitted uses that are set out in this ZLDC;
  - b. The applicable standards in Division 1.5, *Limited and Conditional Use Standards*, for that specific use.
4. "-" means that the use is **Prohibited** in the specified zoning district.

**Sec. 1.4.2 Residential, Home, and Institutional Uses**

Table 1.4.2, *Residential, Home, and Institutional Uses*, sets out which residential, home, and institutional uses are allowed in each zoning district.

Table 1.4.2 Residential, Home, and Institutional Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Uses	Zoning District																
	R-1A	R-1B	R-1C	R-1D	R-2 <sup>5</sup>	R-3	R-4 <sup>1</sup>	R-4A	R-5	R-6	B-1	B-2 <sup>3</sup>	B-P2	B-3	C	H	P
<b>Residential Uses</b>																	
Single-Family Dwellings	P	P	P	P	-	P	P	P	-	-	-	-	P	-	-	-	P
Two-Family Dwellings	-	-	-	-	-	P	P	P	-	-	-	P	-	-	P	-	P
Multi-Family Dwellings (Apartments)	-	-	-	-	P	P	P	P	-	-	P	P	P	-	P	-	P
Townhouses	-	-	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-
Live/Work Units <sup>4</sup>	-	-	-	-	-	-	-	-	-	-	-	-	L	-	L	L	L
Manufactured Homes	-	-	-	-	-	-	L	-	P	-	-	-	-	-	-	L	L
Recreational Vehicles Parks	-	-	-	-	-	-	-	-	L	-	-	-	-	-	-	-	-
<b>Residential and Predominantly Residential Mixed-use Neighborhoods</b>																	

Table 1.4.2 Residential, Home, and Institutional Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Uses	Zoning District																
	R-1A	R-1B	R-1C	R-1D	R-2 <sup>5</sup>	R-3	R-4 <sup>1</sup>	R-4A	R-5	R-6	B-1	B-2 <sup>3</sup>	B-P2	B-3	C	H	P
Single-Family Cluster Dwellings	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Traditional Neighborhood Development	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
<b>Home Uses</b>																	
Home Occupations	-	-	P	-	P	P	P	P	P	-	-	P	-	-	P	P	P
Consultation; Treatment; Rites <sup>2</sup>	P	P	P	P	P	P	P	P	-	-	-	P	-	-	P	P	P
<b>Institutional Uses</b>																	
Cemeteries	-	-	-	-	-	-	P	P	-	-	-	P	-	-	P	P	P
Church and Associated Uses	-	-	P	-	-	P	P	P	-	-	-	P	-	-	P	-	P
Fire Stations	P	P	P	P	-	P	P	P	-	-	-	P	-	-	P	P	P
Community Gardens	P	P	P	P	P	P	P	P	-	-	-	P	-	-	P	P	P
Hospitals	-	-	-	-	P	-	P	P	-	-	-	P	-	-	P	P	P
Institutions	-	-	-	-	P	-	P	P	-	-	-	P	-	-	P	P	P
Jails	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P
Libraries	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	-	P
Municipally-owned Public Utility Uses	-	-	-	-	-	-	P	P	-	-	-	P	-	-	P	P	P
Municipally-owned Storage Facilities and Office Buildings	-	-	-	-	-	-	P	P	-	-	-	P	-	-	P	P	P
Municipal Parks and Recreation Areas	P	P	P	P	P	P	P	P	-	-	-	P	-	-	P	P	P
Private Clubs, Non-Profit	-	-	-	-	P	-	P	P	-	-	P	P	-	-	P	P	P
Private Clubs, Profit	-	-	-	-	P	-	-	-	-	-	P	P	-	-	P	P	P
Private Golf Courses	P	P	P	P	P	P	P	P	-	-	-	P	-	-	P	P	P
Schools (Offering General Education Courses)	P	P	P	P	P	P	P	P	-	-	-	P	-	-	P	-	P
Utility Transmission Stations	P	P	P	P	P	P	P	P	-	-	-	P	-	-	P	P	P
<b>TABLE NOTES:</b>																	
<sup>1</sup> The expansion of existing B-1, B-2, and B-3 businesses is permitted by not more than 25 percent in area.																	
<sup>2</sup> A professional person may use his house for infrequent consultation, emergency treatment, and the performance of emergency religious rites, but not the general practice of his profession.																	
<sup>3</sup> The expansion of C commercial district uses by not more than 20 percent in area.																	
<sup>4</sup> Upper story dwellings are permitted in buildings in the Downtown Historic District as described in Division 2.7, <i>Historic Preservation</i> .																	
<sup>5</sup> Principal permitted uses shall be incorporated into an overall multiple-family, single-family cluster housing, shopping center, or industrial park development.																	

**Sec. 1.4.3 Commercial, Recreation, and Amusement Uses**

Table 1.4.3, *Commercial, Recreation, and Amusement Uses*, sets out which commercial, recreation, and amusement uses are allowed in each zoning district.

Table 1.4.3 Commercial, Recreation, and Amusement Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Use	Zoning Districts																
	R1-A	R1-B	R1-C	R1-D	R-2 <sup>6</sup>	R-3	R-4	R-4A	R-5	R-6	B-1	B-2	B-P2	B-3	C	H	P
<b>Commercial</b>																	
Auto Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Banks	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	P	P
Barbershops	-	-	-	-	P	-	P	P	-	-	P	P	P	-	P	P	P
Bars and Lounges	-	-	-	-	L	-	L	L	-	-	L	L	-	L	L	L	L
Beauty Shops	-	-	-	-	P	-	P	P	-	-	P	P	P	-	P	P	P
Bed and Breakfast Houses	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	P
Boarding Houses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L
Bookstores	-	-	-	-	P	-	-	-	-	-	-	P	P	-	P	P	P
Business and Professional Offices	-	-	-	-	P	-	P	P	-	-	P	P	-	-	P	P	P
Card and Novelty Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Catalog Order Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Clock Sales and Repair Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Clothing Stores	-	-	-	-	P	-	-	-	-	-	-	P	P	-	P	P	P
Coffee Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	P	P	P	P
Confectionaries	-	-	-	-	P	-	-	-	-	-	-	P	P	P	P	P	P
Contractor Storage Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Convenience Stores	-	-	-	-	P	-	-	-	-	P	P	P	-	-	P	-	P
Doll Sales and Repair Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Drive-In Establishment amplifying sound outside the building					P		P <sup>2</sup>	P <sup>2</sup>				P			P	P	P
Drugstores	-	-	-	-	P	-	-	-	-	-	P	P	P	-	P	P	P
Factory Outlets	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Filling Stations	-	-	-	-	P	-	P	P	-	-	-	P	-	-	P	P	P
Fish Market and Seafood Business Establishments	-	-	-	-	P <sup>1,2</sup>	-	P <sup>1,2</sup>	P <sup>1,2</sup>	-	-	-	P	-	-	P	P	P
Flower Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Funeral Homes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Furniture Stores	-	-	-	-	P	-	-	-	-	-	-	P	P	-	P	P	P
Galleries	-	-	-	-	P	-	-	-	-	-	-	-	P	P	P	P	P
Gift Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	P	P	P	P
Grocery or Food Stores	-	-	-	-	P	-	P	P	-	-	-	P	-	-	P	P	P
Halfway Houses <sup>8</sup>	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Hardware Stores	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	P	P



Table 1.4.3 Commercial, Recreation, and Amusement Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Use	Zoning Districts																
	R1-A	R-1B	R-1C	R-1D	R-2 <sup>6</sup>	R-3	R-4	R-4A	R-5	R-6	B-1	B-2	B-P2	B-3	C	H	P
Hobby Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Hotels	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Ice Cream Parlors	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Jewelry and Specialty Shops	-	-	-	-	P	-	-	-	-	-	-	P	P	-	P	P	P
Kennels	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	P
Laundromats	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	P	P
Liquor Stores (Package)	-	-	-	-	p <sup>2</sup>	-	p <sup>2</sup>	p <sup>2</sup>	-	-	-	P	-	-	P	P	P
Lodges	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P
Motels	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Music Stores	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	P	P
Music Studios	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	P	P
Nursing Homes	-	-	-	-	-	-	-	-	-	-	p <sup>4</sup>	-	-	-	p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>
Oil Field Equipment Supply Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Pet Shops	-	-	-	-	P	-	p <sup>2</sup>	p <sup>2</sup>	-	-	-	P	-	-	P	P	P
Pipe and Tobacco Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Plant Nurseries	-	-	-	-	-	-	P	p <sup>2</sup>	-	-	-	P	-	-	P	P	P
Repair Shops for Shoes, Television, Radio, Venetian Blinds, and other similar Items	-	-	-	-	-	-	p <sup>3</sup>	p <sup>3</sup>	-	-	-	P	-	-	P	P	P
Repair Shops or Garages	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Restaurants, No Drive-In	-	-	-	-	P	-	-	-	-	P	P	P	p <sup>5</sup>	P	P	P	P
Restaurants, Drive-In Establishment	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	P	P
Retail Shops	-	-	-	-	P	-	p <sup>2</sup>	p <sup>2</sup>	-	-	-	P	-	-	P	P	P
Sandwich Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Shoe Sales and Repair Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Specialty Food Stores	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Specialty Shops	-	-	-	-	P	-	-	-	-	-	-	-	P	P	P	P	P
Studios	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P
Supper Clubs	-	-	-	-	P	-	-	-	-	-	-	-	-	P	P	P	P
Truck Terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Walk-up Automated Teller Machines	-	-	-	-	P	-	-	-	-	-	-	-	P	-	P	P	P
Wine and Cheese Shops	-	-	-	-	P	-	-	-	-	-	-	-	p <sup>7</sup>	-	P	P	P
Recreation and Amusement Uses																	
Amusement Arcades	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	P
Auditoriums	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P

Table 1.4.3 Commercial, Recreation, and Amusement Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Use	Zoning Districts																
	R1-A	R-1B	R-1C	R-1D	R-2 <sup>6</sup>	R-3	R-4	R-4A	R-5	R-6	B-1	B-2	B-P2	B-3	C	H	P
Places of Amusement	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	P
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-
Theaters	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	P	P

**TABLE NOTES:**

<sup>1</sup> Fish market and seafood business establishments preparing or offering for sale seafood such as live shrimp, boiled crayfish, bulk oysters, and other seafoods which are likely to be objectionable to neighboring residences because of odor and waste products; however, the prohibition of seafood shall not apply to seafood packaged in sealed containers before brought on the premises.

<sup>2</sup> Permitted if floor area is less than 500 square feet.

<sup>3</sup> Permitted if floor area is less than 200 square feet.

<sup>4</sup> With off-street parking facilities meeting the requirements of Division 3.6, *Parking and Loading*.

<sup>5</sup> Sit-down restaurants will be allowed to serve alcoholic beverages, if otherwise authorized, to be consumed on the premises with a meal which is prepared on the premises; no separate bar or lounge area will be permitted in the restaurant. Normal business operating hours will be from 7:00 a.m. to 10:00 p.m.

<sup>6</sup> Principal permitted uses shall be incorporated in an overall multiple-family, single-family cluster housing, shopping center, or industrial park development.

<sup>7</sup> Wine and cheese shops may sell wine and cheese baskets as gift sets with special selections of wine and liquors; wines, liqueurs, and cordials sold in the B-P2 district must be bottled and sealed outside of the plaza area.

<sup>8</sup> It is expressly intended that no provision of this ZLDC be interpreted as to permit halfway houses in any district, except as provided in this table, including but not limited to trying to classifying a halfway house by some other definition, e.g., "dwelling unit" or "row housing."

### Sec. 1.4.4 Industrial and Special Uses

Table 1.4.4, *Industrial and Special Uses*, sets out which industrial and special uses are allowed in each zoning district.

Table 1.4.4 Industrial and Special Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Use	Zoning District																
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-4	R-4A	R-5	R-6	B-1	B-2	B-P2	B-3	C <sup>1</sup>	H <sup>2</sup>	P
<b>Industrial Uses</b>																	
Boat Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Carbon Plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cotton Oil Mills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Foundries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Distillation of Bones	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grist Mills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hot Rolling Mills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Incinerators	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ironworks	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Junkyards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 1.4.4 Industrial and Special Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Use	Zoning District																
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-4	R-4A	R-5	R-6	B-1	B-2	B-P2	B-3	C <sup>1</sup>	H <sup>2</sup>	P
Light Manufacturing of soft drink beverages, candy, ice cream, ice, jewelry, bakery, bottling plant, canning and preserving foods, carpentry shop, creamery, printing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	p <sup>3</sup>	P	P
Lumberyard in excess of 20,000 square feet	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-
Machine Shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Manufacturing of artificial limbs, brick, furniture and similar wood products, clothing, glass jalousies, light metal frames, optical goods, pottery, radios, shoes, terracotta tile	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	P
Manufacturing or refining of ammonia, asphalt, bleaching powder, cement, chlorine, creosote, dextrin, explosives, fat, fertilizer, fireworks, flour, gelatin, or glue or size from refuse or offal, gypsum, hydrochloric acid, lime, linoleum, matches, nitric acid, oilcloth, picric acid, plaster of Paris, pyroxylin, rubber, sulphuric or sulphurous acid, tar, turpentine, or varnish	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-
Manufacturing Plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-
Marine Terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Paper Mills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pipe Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Shipyards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Slaughtering Yards or Stockyards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-
Stone Cutting Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-

Table 1.4.4 Industrial and Special Uses																	
P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use																	
Land Use	Zoning District																
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-4	R-4A	R-5	R-6	B-1	B-2	B-P2	B-3	C <sup>1</sup>	H <sup>2</sup>	P
Storage of Petroleum and other Flammable Liquids above the ground in excess of 10,000 gallons	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tanning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Warehouses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Welding Shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
<b>Special Uses</b>																	
Caretaker's Quarters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Labor and Crew Houses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<sup>1</sup> The expansion of existing H industrial uses is permitted by not more than 25 percent in area. <sup>2</sup> The expansion of existing dwellings, churches and schools is permitted by not more than 25 percent in area. <sup>3</sup> Additional manufacturing uses are permitted if not specifically prohibited and are incidental to a retail business where articles are sold at retail on the premises.																	

### Sec. 1.4.5 Other Uses

Table 1.4.5 *Other Uses*, sets out which other uses are allowed in each zoning district.

Table 1.4.5 Other Uses																	
P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only; L = Limited Use; - = Prohibited Use																	
Land Use	Zoning Districts																
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-4	R-4A	R-5	R-6 <sup>1</sup>	B-1	B-2	B-P2	B-3	C	H	P
<b>Other Uses</b>																	
Garages or Accessory Buildings	P	P	P	P	P	P	P	P	P	-	-	P	-	-	P	P	P
General Recreation Uses	-	-	-	-	-	-	-	-	-	p <sup>2</sup>	-	-	-	-	-	-	-
Passive Recreation Uses	-	-	-	-	-	-	-	-	-	p <sup>3</sup>	-	-	-	-	-	-	-
Portable Temporary Covers	L	L	L	L	L	L	L	L	-	-	L	-	-	L	L	L	
Telecommunication Antennas, Non-Tower <sup>4</sup>	L	L	L	-	L	L	L	-	L	-	L	L	L	L	L	L	L
Telecommunication Towers <sup>4</sup>	-	-	-	-	C	-	-	-	-	-	C	C	C	C	C	C	C
<b>TABLE NOTES:</b>																	
<sup>1</sup> Special events such as concerts, carnivals, and boat races could be allowed if they are granted approval by the Recreation and Parks Commission, Mayor, and City Council.																	
<sup>2</sup> Permitted only from Lake End Park to the St. Mary/St. Martin Parish boundary line.																	
<sup>3</sup> Permitted only from St. Mary/St. Martin Parish boundary line northward to the Carillon Tower/Brownell Memorial Park.																	
<sup>4</sup> Telecommunication Towers and Telecommunication Antennas, Non-Tower are also allowed on municipal property. See Section 1.5.8, <i>Telecommunication Antennas, Non-Tower</i> , and Section 1.5.9, <i>Telecommunication Towers</i> .																	

### Sec. 1.4.6 Special Use Provisions

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- A. **Lot of Record.** The minimum lot size requirements of Division 1.6, *Residential Lot and Yard Standards*, notwithstanding, a single-family dwelling and its accessory buildings may be erected on any lot of record or parcel of land in a residence B-1, B-2, B-3, C, or P district which became legally established and defined by deed or act of sale before the adoption of the ordinance from which this ZLDC derives, provided the side yard of no dwelling shall be less than three feet.  
(Code 1961, § 19-22)
- B. **Group Housing Projects.** In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least three acres not subdivided into the customary streets and lots which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ZLDC to the individual buildings in such housing projects, the application of such requirements to such housing project shall be made by the City Council in a manner that will be in harmony with the character of the neighborhood and will ensure a density of land use no higher than a standard of open space at least as high as required by this ZLDC in the district in which the proposed project is to be located. In no case shall the City Council authorize a project without prior approval of the Planning and Zoning Commission and a use prohibited in the district in which the housing project is to be located. Group housing projects are permitted in R-2, R-3, R-4, R-4A, B-1, B-2, and C districts.  
(Code 1961, § 19-24)
- C. **Manufactured Home Use Restrictions.** No person shall use or occupy a manufactured home as a place of business or on any lot or tract of ground within the corporate limits of the city except as an office for a manufactured home park, a manufactured home sales site, or a construction project, provided any such unit so used is connected to the public water and sewerage system and to all other utilities, as required in this ZLDC; except that upon approval of the Director all other requirements contained in this ZLDC for temporary uses of less than 90 days may be waived.  
(Code 1961, § 9A-3)

### Sec. 1.4.7 Unlisted Uses

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- A. **Generally.** If a proposed use is not listed in Section 1.4.2, *Residential, Home, and Institutional Uses*; Section 1.4.3, *Commercial, Recreation, and Amusement Uses*; Section 1.4.4, *Industrial and Special Uses*; Section 1.4.5, *Other Uses*, or Section 1.4.6, *Special Use Provisions*, then the Director shall decide whether the proposed use is either functionally comparable to, or a subcategory of, a permitted, limited, conditional, or prohibited use. The Director shall apply the following criteria to decide how the use will be regulated by this ZLDC:

1. A proposed use is a subcategory of a permitted, limited, or conditional use if:
    - a. Its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted, limited, or conditional use; and
    - b. With regard to each of the decision criteria enumerated in subsection B., the proposed use's impacts are not materially greater than the permitted, limited, or conditional use with the more general NAICS code.
  2. A proposed use is functionally comparable to a permitted, limited, or conditional use if it is reasonably comparable to the permitted, limited, or conditional use, and with regard to each of the decision criteria enumerated in subsection B., the proposed use has no greater impacts than the permitted, limited, or conditional use with which it is functionally comparable.
- B. **Decision Criteria.** The following decision criteria shall be evaluated when the Director decides whether a proposed use is a subcategory of, or is functionally comparable to, a permitted, limited, or conditional use:
1. Parking demand;
  2. Average daily and peak hour trip generation (cars and trucks);
  3. Impervious surface;
  4. Noise;
  5. Lighting;
  6. Dust;
  7. Odors;
  8. Potentially hazardous conditions, such as projectiles leaving the site;
  9. Use and storage of hazardous materials;
  10. Character of buildings and structures;
  11. Character of operation; and
  12. Hours of operation.
- C. **Effect of Determination.**
1. If the Director approves an application for a decision pursuant to this Section, then the use is allowed as a permitted, limited, or conditional use, with the same restrictions as the use to which it was compared for the purposes of the favorable decision.

2. If the Director determines that a proposed use is not a subcategory of, or functionally comparable to, a permitted, limited, or conditional use, then the proposed use is a prohibited use.

## **DIVISION 1.5 LIMITED AND CONDITIONAL USE STANDARDS**

### **Sec. 1.5.1 Bars and Lounges**

- A. **Generally.** Bars and lounges are permitted pursuant to the standards of this Section in the districts where the use is specified in Table 1.4.3, *Commercial, Recreation, and Amusement Uses*, as "L." These standards are applied in addition to the other applicable standards of this ZLDC.
- B. **Location.** No lounge dispensing alcoholic beverages of high and/or low alcoholic content will be permitted to locate within 300 feet of a residential district. The method of measuring the distance requirements set forth in this subsection shall be made from the nearest point of the property line of the church, synagogue, library, playground or school to the nearest point of the property line of the premises to be licensed.  
**Cross Reference** - Morgan City Code of Ordinances Section 10-76.

### **Sec. 1.5.2 Live/Work Units**

- A. **Generally.** Live/Work Units are permitted pursuant to the standards of this Section in the districts where the use is specified in Table 1.4.3, *Commercial, Recreation, and Amusement Uses*, as "L." This includes the Downtown Historic District as described in Division 2.7, *Historic Preservation*. These standards are applied in addition to the other applicable standards of this ZLDC.
- B. **Maximum Occupancy.**
  1. Dwellings between 500 and 999 square feet shall be restricted to occupancy by two persons;
  2. Dwellings between 1,000 and 1,499 square feet shall be restricted to occupancy by four persons;
  3. Dwellings between 1,500 square feet or greater shall be restricted to occupancy by six persons; and
  4. Owners of the buildings shall have unlimited use of upper story dwellings provided that the owner maintain the upper story portion of a building as a single-family dwelling for his personal use or that of a member of their family.
- C. **Separate Entrances.**

1. A business/residence combination must have a locked door separating the business area from living quarters.
2. Living quarters must have a separate outside entrance from the business.

**D. Residential Facilities Cannot Be Used for Commercial Purposes.**

1. No food or edible material is to be prepared in living quarters for resale purposes.
2. Restaurants and other establishments offering sit-down meals must provide proper restroom facilities separate from living quarters.

**Sec. 1.5.3 Manufactured Homes in H District**

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A. **Generally.** Manufactured homes are permitted in H districts when they meet the provisions of this Section, and other applicable provisions of this ZLDC.

**B. Standards.**

1. A maximum of two manufactured homes may be located on the premises of an existing industry, by the owner, with the exception of the area between the railroad bridge and the O. K. Allen Bridge.
2. The boundaries and property lines of an industry site existing on the date the two manufactured homes are approved and permitted by the city shall remain fixed and unchanged for the purpose of the placement of the two manufactured homes. Accordingly, regardless of subsequent leases, subleases, new incorporations or subsidiaries, partnership formations or unincorporated associations, the number of manufactured homes to be located on and allocated to the original industry site shall not exceed two manufactured homes.
3. The manufactured home may be used as temporary sleeping quarters for a maximum of 30 consecutive days by any one employee of the industry, and/or caretaker's quarters. The employer shall own or lease the land holding the manufactured home and the working area, and they shall be one [sic] in the same property.
4. The site plan for the placement of the manufactured home is approved by the state fire marshal.
5. All utilities from the city are connected to each manufactured home. Each manufactured home shall be individually permitted in official writing by the city; and as such, each manufactured home shall be structurally sound, neat in appearance and in full compliance with FEMA, fire marshal and health department requirements.
6. Sewerage systems for each manufactured home shall be connected to proper sewage disposal systems and comply with all applicable health regulation and building ordinances and codes.



7. Any manufactured home used as caretaker's quarters which has one or more children under the age of 16 years living in the quarters is required to have a six-foot fence so constructed as to keep children out of the industrial area.

#### **Sec. 1.5.4 Manufactured Homes in R-4 District**

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- A. **Generally.** Manufactured homes are permitted in R-4 residential districts when they meet the provisions of this Section, and other applicable provisions of this ZLDC.
- B. **Written Consent Required.** Within the R-4 residential district, manufactured homes, are permitted when approved by the Director, provided that he shall first receive the written consent of 75 percent of the owners of the abutting properties, including owners of properties across the street from the proposed manufactured home lot and whose front footage is located within 75 feet from the perpendicular to the centerline of the manufactured home lot; and the Director shall also first receive written consent of the owners and occupants of 75 percent of the property within a radius of 300 feet of the center property line abutting the street if an interior lot or plot, or the owner of the street right-of-way if a corner lot or plot, as such lot or plot appears on the official map of the city. If such plot does not appear on the official map, a determination of the center of the property line shall be made by the Director. Each lot of record which is required to be included on the petition shall be accorded two votes, regardless of the actual number of owners and/or occupants.
- C. **Municipal Utility System.** Each manufactured home shall be connected to the municipal utility system.
- D. **Setback Requirements.** Each manufactured home shall comply with all setback requirements applicable to construction of houses on the same site in the R-4 residential district.
- E. **Minimum Separation.** Each manufactured home shall be harbored on each location with at least a 15-foot clearance from any other building or manufactured home.
- F. **Driveway.** Each manufactured home permitted shall abut a driveway not less than 20 feet in width, which shall have unobstructed access to a public street, alley or highway.
- G. **Minimum Separation from Permanent Buildings.** There shall be a minimum 15-foot space in all directions between a manufactured home and any permanent building. For the purposes of this Section, covered patios, carports or individual storage buildings shall not be considered as permanent buildings provided that no such patio, roof, carport or storage building shall be located closer than three feet to any lot line or adjoining permanent building.
- H. **Accessory Buildings.** An accessory building for storage and other use may be placed on the manufactured home site provided it meets the setback requirements for the lot.
- I. **Parking.** For each manufactured home, off-street parking for at least one automobile shall be provided.

- J. **Lot Coverage.** A manufactured home unit with accessory structures such as storage buildings and roofed-over patios shall not cover more than 75 percent of the lot.
- K. **Skirting.** Each manufactured home unit shall be skirted around its entire perimeter with material which allows for ventilation and which is compatible with the unit and adequate access provided for inspection.
- L. **Permit Required.** The permit issued by the Director to place a manufactured home on any site shall provide that all requirements of this Section and other applicable provisions of this ZLDC shall be completed in 45 days; for good cause shown, the Director may extend such compliance for an additional 15 days; no further extension shall be granted. Upon failure to meet the requirements imposed on completion of the prescribed period, the permit shall be revoked and the unauthorized manufactured home shall be removed from the site by the owner. Should the owner fail or refuse to remove the manufactured home from the site by the owner, the Director shall seek judicial enforcement as provided for in this ZLDC.

### **Sec. 1.5.5 Portable Temporary Covers**

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- A. **Generally.** Portable temporary cover are permitted pursuant to the standards of this Section in the districts where the use is specified in Table 1.4.5, *Other Uses*, as "L." These standards are applied in addition to the other applicable standards of this ZLDC.
- B. **Standards.** Portable temporary cover uses are restricted and can not be designated for permanent use unless in accordance with the provisions set forth below.
  - 1. No portable temporary cover shall be allowed to be placed within the front yard portion of any lot within the city which faces any city street in all residential zoning districts. Portable temporary covers shall be permitted in side yards and rear yards where applicable. All portable temporary covers shall meet the side yard and rear yard setback requirements as set forth within the district where it is located.
  - 2. All portable temporary covers shall meet the following anchoring requirements:
    - a. A portable temporary cover shall have at least two metal straps placed over the roof portion, securing it firmly on each end;
    - b. These straps must be secured firmly to the ground by screw-in type stakes of the same type and nature as used for manufactured homes or they may be secured firmly by being bolted into a concrete slab or driveway;
    - c. Each and every frame shall have its four corners secured firmly and bolted into a cement slab or driveway upon which it has been placed; and/or any portion of the frame that cannot be secured firmly to a cement slab or driveway shall be secured by screw-in type stakes of the same type and nature as used for manufactured homes.

- C. **Permit Required.** Any portable temporary covers require permitting in accordance with Section 22-32 of the Morgan City Code of Ordinances.

### **Sec. 1.5.6 Recreational Vehicles Parks**

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Recreational Vehicles are permitted in the R-5 district for a maximum of 180 days when in compliance with all provisions as set forth in Section 3.7.4, *Specific Standards for Flood Hazard Reduction*.

### **Sec. 1.5.7 Sexually Oriented Businesses**

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- A. **Generally.** Sexually oriented businesses are permitted pursuant to the standards of this Section in the districts where the use is specified in Table 1.4.3, *Commercial, Recreation, and Amusement Uses*, as "L." These standards are applied in addition to the other applicable standards of this ZLDC.
- B. **Separation.** The sexually oriented business may not be operated within:
1. One thousand five hundred feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  2. One thousand five hundred feet of a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school;
  3. One thousand five hundred feet of a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the village which is under the control, operation, or management of the village park and recreation authorities;
  4. One thousand five hundred feet of the property line of a lot zoned for residential use and devoted to a residential use as defined in this ZLDC; or
  5. One thousand five hundred feet of another sexually oriented business.
- C. **Single Use Within Premises or Building.** A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business that is classified in accordance with this Section.

**D. Measurement.** For the purposes of this Section:

1. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center.
2. The distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

**E. Exterior Portion of Sexually Oriented Businesses.**

1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ZLDC.
3. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
  - a. The establishment is a part of a commercial multi-unit center; and
  - b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
4. Nothing in this Section shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.
5. A violation of any provision of this Section shall constitute a misdemeanor.

**F. Sale, Use, or Consumption of Alcoholic Beverages Prohibited.**

1. The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.
2. Any violation of this Section shall constitute a misdemeanor.

**G. Persons Younger than Eighteen Prohibited from Entry; Attendant Required.**

1. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.
2. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business's regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 18 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished:
  - a. A valid operator's, commercial operator's, or chauffeur's driver's license; or
  - b. A valid personal identification certificate issued by the State of Louisiana reflecting that such person is 18 years of age or older.
3. Violation of this Section shall constitute a misdemeanor.

**H. Defenses.**

1. It is a defense to prosecution under this ZLDC that a person appearing in a state of nudity did so in a modeling class operated:
  - a. By a proprietary school, licensed by the State of Louisiana, a college, junior college, or university supported entirely or partly by taxation;
  - b. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
2. Notwithstanding any other provision in this ZLDC, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ZLDC.

**I. Violation.**

1. A person or entity who operates or causes to be operated a sexually oriented business in violation of this Section is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.
2. Any owner or operator of a sexual oriented business found guilty of a misdemeanor violation of this ZLDC shall be subject to a fine of up to \$500.00 or six months in jail or both. For subsequent or multiple violations, the court shall have authority to increase the fine, the jail sentence, or both.

- J. **Severability.** If any Section, subsection, or clause of this Section shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, subsections, and clauses shall not be affected thereby.
- K. **Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Section are hereby repealed.  
(Ord. No. 03-4 § 1, 2-26-03)

### **Sec. 1.5.8 Telecommunication Antennas, Non-Tower / Stealth Antennas**

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- A. **Generally.** Telecommunication antennas are permitted pursuant to the standards of this Section in the districts where the use is specified in Table 1.4.5, *Other Uses*, as "L." These standards are applied in addition to the other applicable standards of this ZLDC.
- B. **Permitted Antenna Locations.**
1. Antennas, not located on a tower, are permitted in heavy industrial districts and on public property in accord with Section 1.5.9(A).
  2. In C, P, B-3, BP-2, B-2, B-1, R-5, R-1A, R-1B, R-1C, R-2, R-3, R-4 districts, stealth antennas are permitted subject to the minimum standards set forth below.  
(Code 1961, § 19-84)
- C. **Minimum Antenna Standards.** Stealth, building or rooftop antennas shall be subject to the following minimum standards:
1. No commercial advertising shall be allowed on an antenna unless such antenna is actually located on an existing, approved sign;
  2. No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Aviation Administration;
  3. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 14 feet in height;
  4. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25 percent of the roof area; and
  5. Each application shall contain a drawing and description of the antenna, including but not limited to colors and screening devices, subject to Director approval.  
(Code 1961, § 19-84)
- D. **Transfer of Use.** Approved telecommunication antennas may be transferred to assigns and successors of the approved party, subject to all of the conditions which applied to original approval.  
(Code 1961, § 19-86)

### **Sec. 1.5.9 Telecommunication Towers**

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- A. **Generally.** Telecommunication towers are permitted pursuant to the standards of this Section in the districts where the use is specified in Table 1.4.5, *Other Uses*, as "C." These standards are applied in addition to the other applicable standards of this ZLDC. In addition:
1. In the H district, telecommunication towers are permitted without a site development plan.
  2. In C, P, B-3, BP-2, B-2, B-1, and R-2 districts, telecommunication towers shall meet the applicable minimum lot size and minimum yard size standards of the particular zoning district, and the site development plan and minimum standard requirements set forth in Section 5.5.4, *Telecommunication Towers*.
  3. Telecommunication towers are permitted on public property, subject to the applicable minimum lot size and minimum yard size standards of the particular zoning district, and provided that the use of municipal property be further conditioned through the execution of a lease agreement between the applicant and the city, in a form and manner as may be prescribed by the chief administrative officer, and as otherwise governed by Section 2-09 of the City's Home Rule Charter. For the purposes of this Section and R.S. 33:4711, the placement of telecommunication towers on municipal property shall be considered an incidental and limited use of a portion of municipal property that will not impair or impede the existing, public or other use of municipal property, such that the portion of municipal property subject to lease may be deemed no longer necessary for a public purpose other than such leasing. The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth in this Section.
- B. **Professional Engineer Certification Required.** For all telecommunication towers in all districts and on public property, a statement prepared by a professional registered engineer licensed to practice in the state shall be submitted to the Director, which statement shall certify the tower's compliance with applicable standards as set forth in the applicable building codes and regulations and describe the tower's capacity, including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For towers attached to existing structures, the statement shall include certification that the structure can support the superimposed tower load. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two users, and at a minimum, self-support/lattice or guyed towers shall be able to accommodate three users.  
(Code 1961, § 19-81)
- C. **Minimum Tower Standards.** Minimum standards shall be as follows:
1. The height of a telecommunication tower shall not exceed 200 feet. Tower height shall be measured from the crown of the nearest public street.

2. Monopole, lattice or guyed telecommunication towers shall not be located within 750 feet of any existing monopole, lattice or guyed telecommunication tower.
  3. All buildings and other structures to be located on the same property as a telecommunication tower shall conform with the setbacks established for the underlying zoning district.
  4. An eight-foot fence or wall, as measured from the finished grade of the site, shall be required around the base of any lattice tower and may be permitted around any accessory buildings or structures.
  5. Landscaping shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. Landscaping shall be installed on the outside of the perimeter fence or wall. Landscaping consistent with perimeter and on-site requirements shall be installed around any accessory buildings or structures.
  6. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication facility unless repairs are being made.
  7. The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited. This does not apply to an installation where an outdoor advertising sign is used as the base foundation for an antenna installation.
  8. All necessary buildings or structures shall meet all applicable building design standards and shall require a building permit.
  9. Except where superseded by the requirements of state or federal regulatory agencies possessing jurisdiction over telecommunication facilities, telecommunication towers or monopoles shall be constructed of galvanized or unpainted metal or shall be painted in neutral colors designed to blend into the surrounding environment.  
(Code 1961, § 19-82)
- D. **Removal of Abandoned Towers.** All abandoned or unused telecommunication facilities shall be removed by the tower owner/operator within 90 days of the cessation of use unless ownership and use has been transferred to the property owner. A tower shall be considered abandoned if use has been discontinued for 180 consecutive days. Telecommunication towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision. The planning and zoning commission may extend this time period or waive this requirement if it is shown that the facility has not been abandoned.  
(Code 1961, § 19-82)



**E. Colocation.**

1. Notwithstanding any other provision of this Section, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, colocation of facilities on existing or new towers shall be encouraged by issuing permits to qualified shared facilities only, at locations where it is demonstrated that there may exist more demand for towers than the property can reasonably accommodate or giving preference to qualified shared facilities over other facilities in authorizing use at particular locations.
2. For a facility to become a qualified shared facility, the applicant must show that the facility:
  - a. Is appropriately designed for sharing; and
  - b. Owner is prepared to offer adequate space on the facility to others on fair and reasonable, nondiscriminatory terms.
3. Colocation of antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single-use telecommunication towers.
4. For any telecommunications tower approved for shared use, the owner of the tower shall provide notice of the location of the telecommunication tower to the Director.  
(Code 1961, § 19-85)

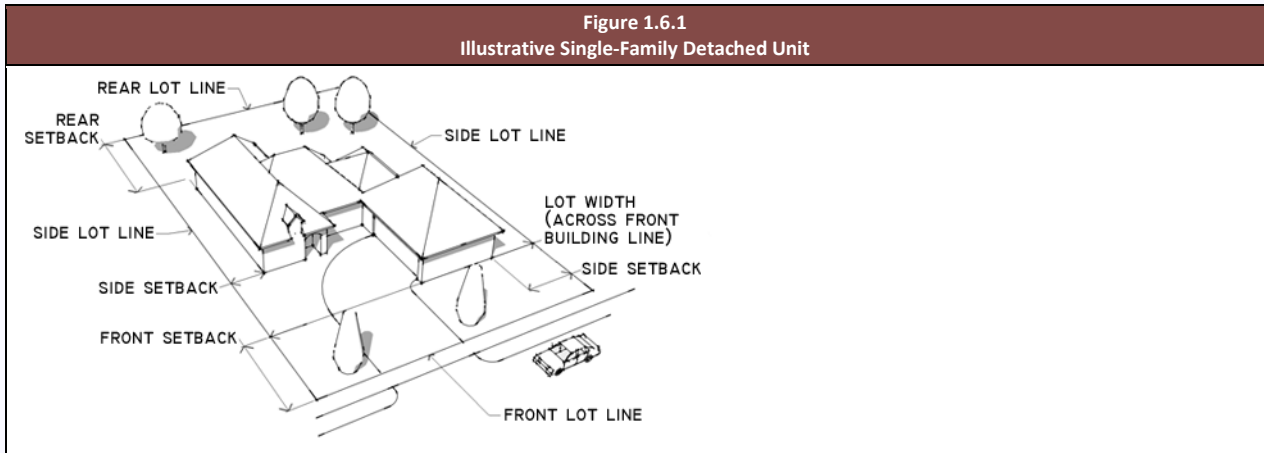
- F. Transfer of Use.** Approved telecommunication towers may be transferred to assigns and successors of the approved party, subject to all of the conditions which applied to original approval.  
(Code 1961, § 19-86)

## **Division 1.6 Residential Lot and Yard Standards**

### **Sec. 1.6.1 Single-Family and Single-Family Cluster**

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- A. Generally.** Single-family detached buildings are residences for one family that are typically located on a privately-owned lot, with private yards on each side of the unit. Single-family detached units could also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single-family home, which would serve the same purpose as a private yard. See Figure 1.6.1, *Illustrative Single-Family Detached Unit*. Single-family cluster lots are smaller lots that are located in single-family cluster subdivisions that compensate for smaller lot size by providing larger areas of common open space.



**B. Standards.** The lot and building standards for single-family detached units are set out in Table 1.6.1(a), *Single-Family Detached Lot and Building Standards*.

**Table 1.6.1(a)**  
**Single-Family<sup>1</sup> Detached Lot and Building Standards**

Zoning District	Lot Area (sf.)	Minimum						Maximum
		Regulatory Lot Width (ft.)	Lot Depth (ft.)	Front Setback (ft.)	Side Setback (ft.)	Street Side Setback (ft.)	Rear Setback (ft.)	Height (ft.)
R-1A	14,000	100	140	30	10	15	25	35
R-1B	10,000	80	125	25	7.5	12	20	35
R-1C	6,000	60	100	20	5	12	15	35
R-1D <sup>3</sup>	7,500	70	120	30	As per lot map layout	As per lot map layout	15	35
R-3	5,000	50	100	20	5	12	15	35
R-4, R-4A	5,000	50	100	15	5	8	15	35
B-P2								
P	1,000							

<sup>1</sup> Includes attached garages and carports.  
<sup>2</sup> The lot area required for B-2 residential dwellings is 4,500 sq. ft. or 100 per dwelling unit, whichever is greater.  
<sup>3</sup> Multiple lots owned by one owner which include a corner lot shall have setbacks equal to the front yard setback requirement, on both the front and the side of the combined lots.

**C. Cluster Housing.** The cluster plan is an application of higher density zoning as compared to conventional single-family residential zoning. In a cluster pattern residential structures are arranged in closely related groups around access courts, and the remainder of the tract may be left in its natural state or landscaped in harmony with the entire development. This open space may be designed as common to all homeowners in the development, or portions may be individually owned as in conventionally zoned areas. In either case, an agreement similar to a homeowners agreement shall be made that upkeep and maintenance of the open space is the sole responsibility of the homeowners.

1. *Homeowners association agreement.* Before approval of any plot containing any common area, it shall be necessary to ensure the city in the form of a written agreement that

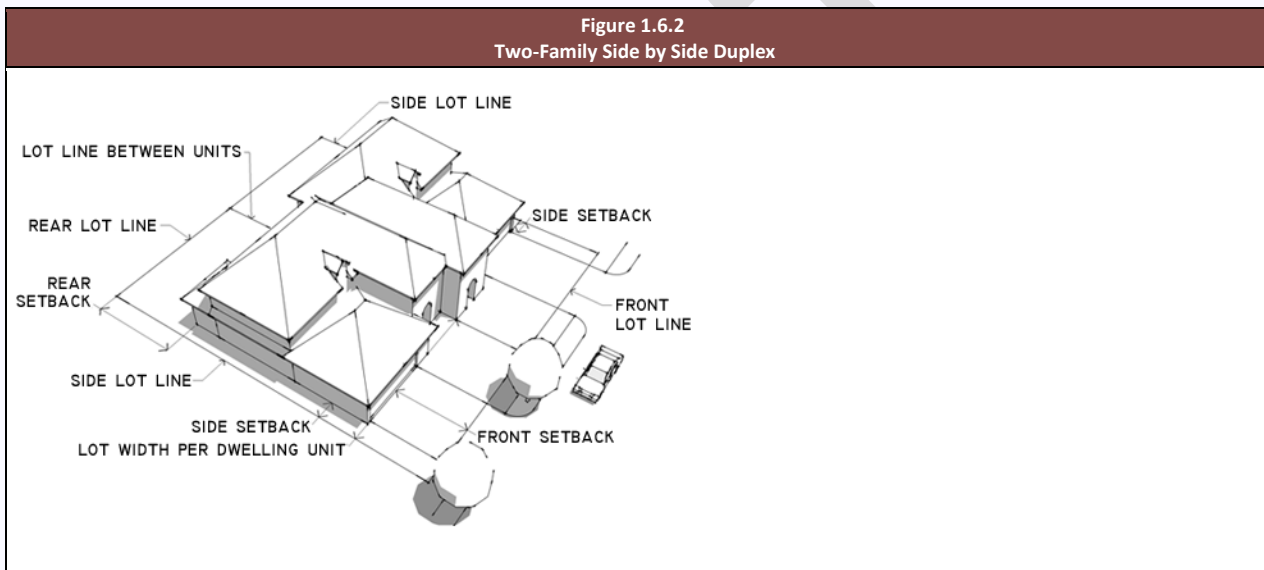
provision has been made for adequate upkeep and maintenance of such area and facilities.

(Code 1961, § 19-17)

2. *Development Plan Required.* For all cluster housing applications, approval of a development plan is required. See Section 5.6.1, *Planned Development Districts.*

### Sec. 1.6.2 Two-Family

- A. **Generally.** Two-family dwelling types (also known as duplexes) are side by side units that may be divided into lots for individual fee simple ownership. See Figure 1.6.2, *Two-Family Side by Side Duplex*. Lot standards are set out in Table 1.6.2, *Two-Family Lot and Building Standards.*



- B. **Standards.** The lot and building standards for two-family units are set out in Table 1.6.2, *Two-Family Lot and Building Standards.*

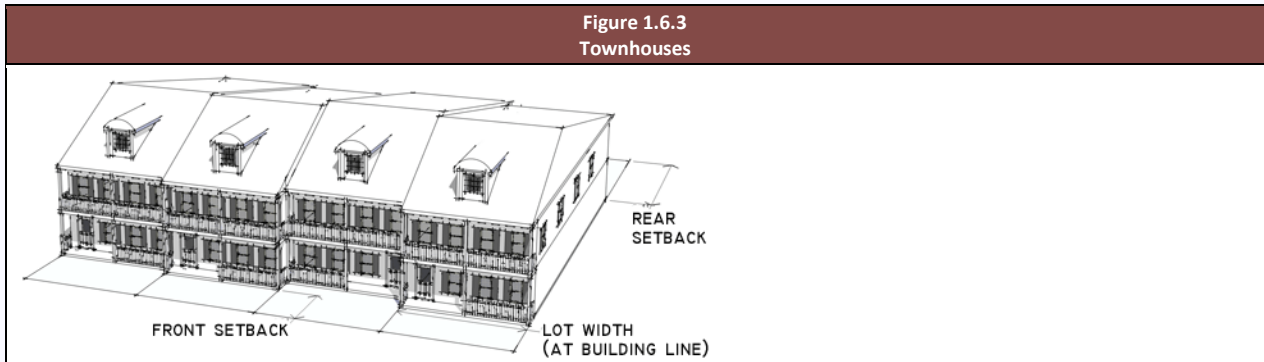
<b>Table 1.6.2</b> <b>Two-Family Lot and Building Standards</b>	
Minimum Lot Per Dwelling Unit (sf.)	5,000
Minimum Lot Width (ft.)	48 <sup>1</sup>
Front Setback (ft.)	20
Side Setback (Min. / Total) <sup>2</sup> (ft.)	5 / 10
Rear Setback (ft.)	25
Maximum Height (ft.)	32

<sup>1</sup> Per Dwelling Unit.  
<sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. For example, 8 / 22 means that if one side yard is 8 feet, the other must be 14 feet (8 + 14 = 22).

- C. **Where Permitted.** Two-Family dwelling units are allowed as set out in Section 1.4.2, *Residential, Home, and Institutional Uses.*

### Sec. 1.6.3 Townhouses

- A. **Generally.** Standard townhouses are attached units where the units are lined up in a row with units sharing side walls. Lot requirements are set out in Figure 1.6.3, *Townhouses*, and Table 1.6.3, *Townhouse Unit Lot and Building Standards*.



- B. **Standards.** The lot and building standards for townhouse units are set out in Table 1.6.3, *Townhouse Unit Lot and Building Standards* and this Section.

**Table 1.6.3  
Townhouse Unit Lot and Building Standards**

Average Density Not to Exceed (units per acre) <sup>1</sup>	8
Minimum Lot Per Dwelling Unit (sf.)	3,000
Minimum Lot Depth (ft.)	100
Front Setback (ft.)	20
Street/Drive Side Setback(ft.)	15
Rear Setback (ft.)	25
Minimum Number of Attached Dwelling Units	3
Maximum Number of Attached Dwelling Units <sup>2</sup>	7
Maximum Length of Group of Building Units (ft.)	225
Minimum Building Separation (ft.) <sup>3</sup>	36
Maximum Height (ft.)	35
Maximum Building Coverage Ratio <sup>4</sup>	60%
Minimum Living Area - One Bedroom Townhouse (sq. ft.) <sup>5</sup>	1,050
Minimum Living Area - Two or More Bedroom Townhouse (sq. ft.) <sup>5</sup>	1,200
Parking Spaces Per Dwelling Unit	2

<sup>1</sup> Average density is calculated by taking the gross usable land (not subject to flooding) and dividing the total number of dwelling units within that tract.

<sup>2</sup> No more than one-fourth of the total building groups shall contain seven townhouse units.

<sup>3</sup> The building separation may be common open space if linked to other common areas.

<sup>4</sup> This means that no less than 40 percent of the total gross land area shall be open space which shall not be used as an area of principal construction nor for automobile driveways or parking facilities.

<sup>5</sup> Minimum area is exclusive of garages, porches, etc.

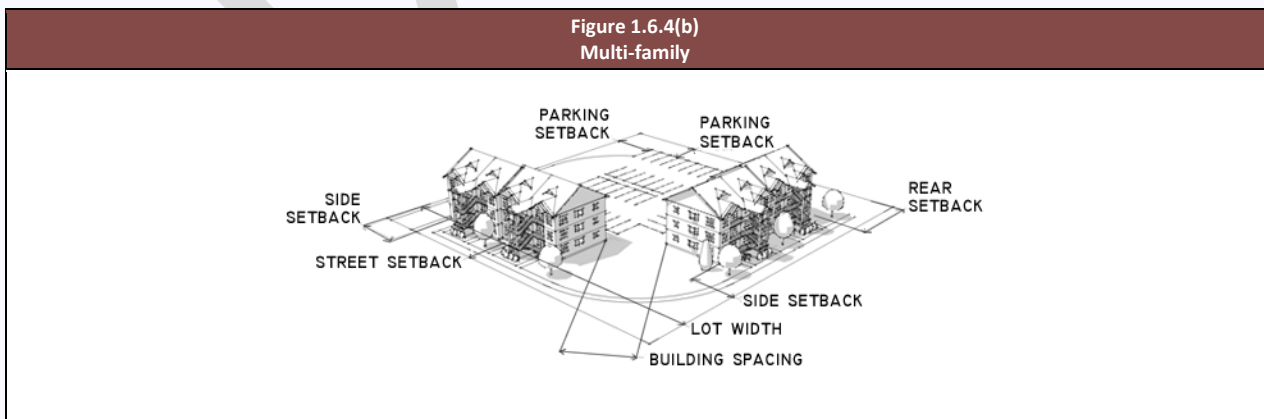
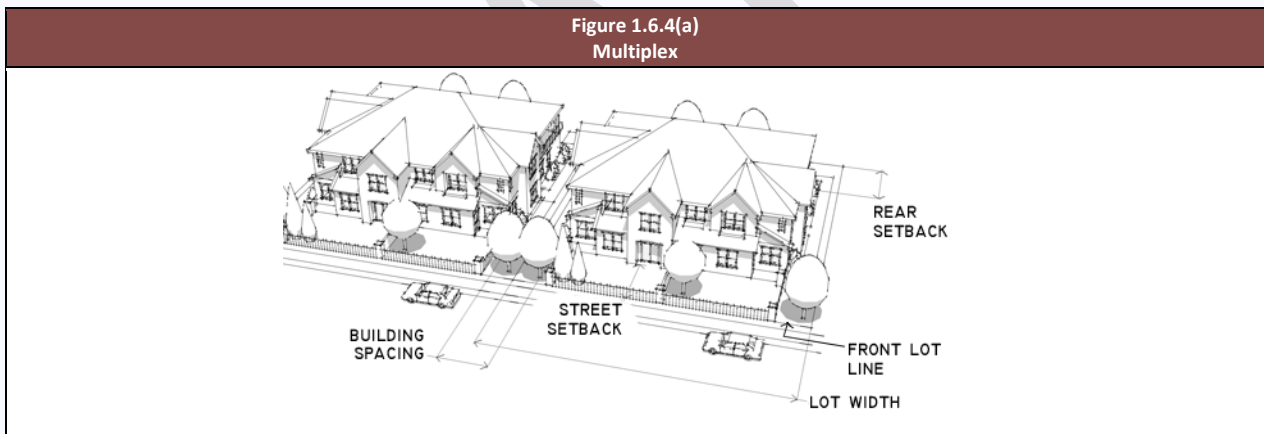
1. *Dumpster Screening.* Garbage pickup locations shall be provided and adequately screened.
2. *Access.* Access to townhouse lots shall be adequate for fire protection with convenient entry to dwellings.

3. *Homeowners Association Agreement Required.* Before approval of a plot containing any common area, it shall be necessary to ensure the city in the form of a written agreement that provision has been made for adequate upkeep and maintenance of such areas and facilities.

D. **Where Permitted.** Townhouses are allowed as set out in Section 1.4.2, *Residential, Home, and Institutional Uses.*  
(Code 1961, § 19-17)

### Sec. 1.6.4 Multiplex and Multi-family

A. **Generally.** Multiplex and multifamily are both multifamily unit types. The multiplex is designed to appear as a large single-family home, but contains multiple units inside. As such, multiplex also describes homes that have been reconfigured as apartments. The multifamily housing type is typically in the form of apartments or condominiums of two to five stories, and may also be a residential component of mixed-use buildings. See Figure 1.6.4(a), *Multiplex* and Figure 1.6.4(b), *Multifamily*. Lot standards for multiplex and multifamily are set out in Table 1.6.4, *Multiplex and Multi-Family Lot and Building Standards*.



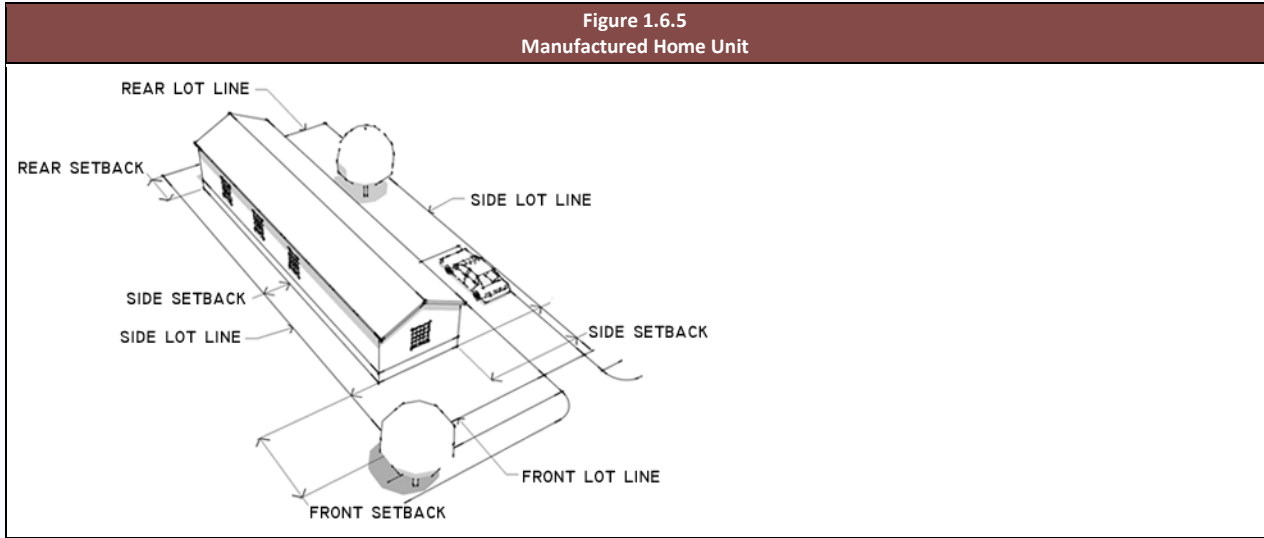
Development Type	Multiplex	Multi-family
Min. Site Area per Building (sf.)	8,000	15,000
Min. Lot Area per du (sf.)	2,000	1,800
Min. Lot Width per Building (ft.)	80	100 <sup>1</sup>
Min. Street Setback <sup>2</sup> (ft.)	20	30
Min. Rear Setback (ft.)	15	30
Min. Building Separation (ft.)	15	30
Parking Setback from Street Curb (ft.)	20	parking not permitted in street yard
Parking Setback from Rear and Side Lot Lines (ft.)	2.5	8
Max. Height (ft.)	35	50
Max. Building Coverage Ratio	44%	25%
Floor Area Ratio	0.80	0.70
Max. Number of First Floor Units per Building	3	8

**TABLE NOTES:**  
<sup>1</sup> Along arterials, the standards of Section 2.3.1, *Mutli-Family Building Design Standards, Access Management and Circulation*, may require a wider lot width.  
<sup>2</sup> Setback from public street right-of-way. Where private internal circulation is used, the setback may be reduced to 12 feet.

- B. **Where Permitted.** Multiplex types are permitted in the R-2 District or in the "Center" or "General" subdistrict of TNDs. Multifamily types are permitted as set out in Section 1.4.2, *Residential, Home, and Institutional Uses*.
- C. **Vertically Mixed-Use Exception to Table 1.6.4, Multiplex and Multi-Family Lot and Building Standards.** Where multifamily is a component of a vertically mixed-use building, the lot standards that apply to the ground floor use shall control instead of the standards of Table 1.6.4, *Multiplex and Multi-Family Lot and Building Standards*.

### Sec. 1.6.5 Manufactured Homes

- A. **Generally.** The manufactured home housing type consists of a manufactured home that is located on a privately-owned or rented lot in a manufactured home park or subdivision. Manufactured home units have small private yards on each side. See Figure 1.6.5, *Manufactured Home Unit*. Standards for manufactured homes are set out in Table 1.6.5, *Manufactured Home Lot and Building Standards*.



B. **Standards.** Manufactured homes authorized by the Director shall meet all of the building and lot requirements as set out in Table 1.6.5, *Manufactured Home Lot and Building Standards* and this Section.

Table 1.6.5 Manufactured Home Lot and Building Standards	
Minimum Lot Per Dwelling Unit (sf.)	
Minimum Lot Depth (ft.)	
Front Setback (ft.)	
Street/Drive Side Setback(ft.)	
Rear Setback (ft.)	
Minimum Building Separation (ft.) 3	
Maximum Height (ft.)	
Parking Spaces Per Dwelling Unit	
TABLE NOTES:	

C. **Where Permitted.** Manufactured homes are allowed as set out in Section 1.4.2, *Residential, Home, and Institutional Uses.* (Code 1961, § 19-17)

**Sec. 1.6.6 Residential Detached Accessory Building and Structure Standards**

- A. **Generally.** The provisions of this Section apply to all residential development as detailed in Table 1.6.6, *Detached Building or Structure Standards.*
- B. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.
- C. **Attached Accessory Buildings.** Accessory buildings that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building.

**D. Detached Accessory Buildings or Structures, Except Small Sheds.** The setbacks for detached accessory buildings in residential districts is set out in Table 1.6.6, *Residential Detached Accessory Building and Structure Standards*.

Table 1.6.6 Residential Detached Accessory Building and Structure Standards <sup>2</sup>					
	Minimum				Maximum
Zoning District	Front Setback (ft.)	Side Setback (ft.)	Street Side Setback (ft.) <sup>1</sup>	Rear Setback (ft.)	Height (ft.) <sup>3</sup>
R-1A, R1-D	Equal to the principal building setback or 30 feet, whichever is greater	10	10	10	One story or 20 feet, whichever is lower
R-1B	Equal to the principal building setback or 25 feet, whichever is greater	7.5	7.5	7.5	One story or 20 feet, whichever is lower
R-1C, R-3, R-5	Equal to the principal building setback or 20 feet, whichever is greater	5	5	5	One story or 20 feet, whichever is lower
R-2					
R-4, R-4A	Equal to the principal building setback or 15 feet, whichever is greater	5	5	5	One story or 20 feet, whichever is lower
R-5	Equal to the principal building setback or 20 feet, whichever is greater	5	5	5	One story or 20 feet, whichever is lower
B-2, C	Equal to the principal building setback or 45 feet, whichever is greater	5	5	5	One story or 20 feet, whichever is lower
B-P2	Equal to the principal building setback or 45 feet, whichever is greater	5	5	5	One story or 20 feet, whichever is lower

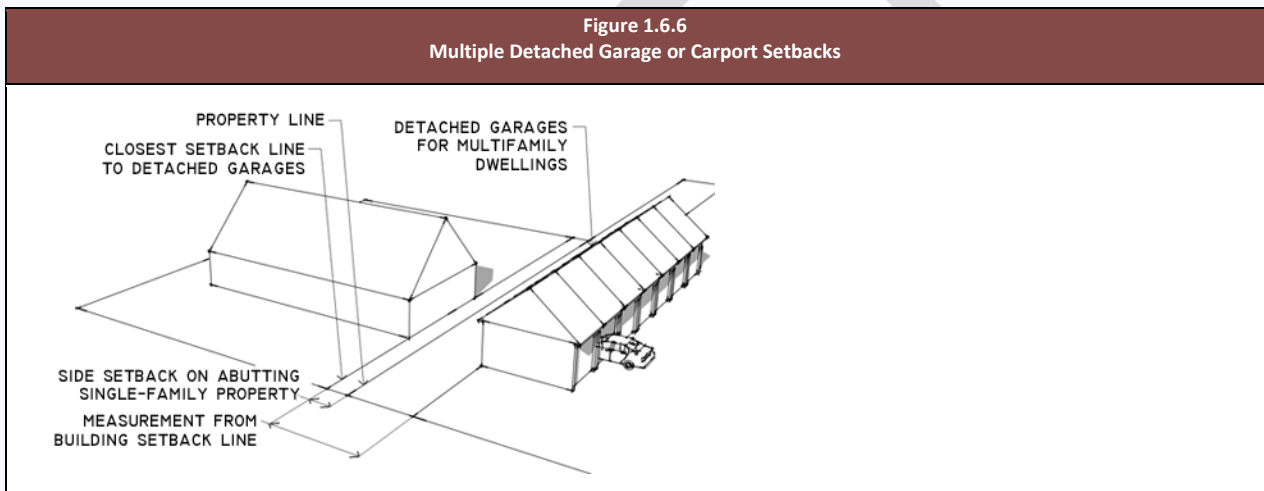
<sup>1</sup> For corner lots  
<sup>2</sup> Includes detached garages and carports  
<sup>3</sup> One-story accessory buildings shall not exceed a peak height equivalent to the peak of the primary structure on the lot or 20 feet.

Table 1.6.6 Residential Detached Accessory Building and Structure Standards	
District	R-1A, R1-B, R-1C, R-1D, R-2, R-3, R-4, R-4A, R-5, B-2, B-P2, C
Maximum Height	Not to exceed a peak height equivalent to the peak of the principal building or 20 feet, whichever is lower
Size	Not to exceed 600 square feet
Setbacks	
Front, Generally	Behind principal building
Front, Detached Garages or Carports	10 feet behind front building setback
Street Side	Same as principal building's front setback
Interior Side	5 feet



Table 1.6.6 Residential Detached Accessory Building and Structure Standards	
District	R-1A, R1-B, R-1C, R-1D,R-2, R-3, R-4, R-4A, R-5, B-2, B-P2, C
Rear, Generally	5 feet
Rear, Garage with Door Facing Alley	20 feet
Separation of buildings on same lot	6 feet

- E. **Configuration of Detached Carports and Garages.** Detached carports and garages that serve attached single-family dwellings or multifamily dwellings shall not be located closer than 20 feet to a building setback line on an adjacent lot that is not used for attached single-family dwellings or multifamily dwellings of the same type; See Figure 1.6.6, *Multiple Detached Garage or Carport Setbacks*.



F. **Standards Applicable to All Accessory Buildings and Structures (Except Small Sheds, Which Are Addressed in Subsection G, Below).**

1. *Size.* the maximum size of an accessory structure cannot exceed 600 square feet.
2. *Separation of buildings on same lot.* No detached accessory building or structure shall be located closer than 6 feet from any other building or structure on the property.
3. *Encroachment into Easements:* Accessory buildings or structures shall not be located within access or utility easements unless the easement expressly allows the encroachment. A copy of the easement shall be provided to the City prior to the issuance of permits or clearances for such structures.
4. *Architectural Compatibility.* Accessory buildings greater than 120 square feet of area shall be designed to be compatible with the principal building in terms of:

- a. Color, which shall be the same as the principal building or which shall compliment the principal building;
  - b. Materials, which shall be the same as those used on the principal building, and in the case of siding or brick, shall be installed with the same patterns as on the principal building;
  - c. Roof pitch, which shall be the same as the principal building;
  - d. Roof materials and color, which shall be the same as the principal building;
  - e. Fenestration, if windows are provided, they should be of a type and aspect ratio that is similar to those on the principal building.
5. *Residential Occupancy.* Residential occupancy of accessory buildings that are not constructed and approved for residential use is prohibited.
- G. **Small Sheds.** Sheds that are less than nine feet in height to the peak of the roof and less than 20 square feet in floor area may be located not closer than two feet to lot lines, subject to F.3 (encroachment into easements), above, provided that if they are located closer than four feet to a side or rear lot line, the area between the shed and the lot line is planted with shrubs that will grow to form a hedge with a height of three feet within not more than 18 months of planting. Small sheds are not subject to subsection F.4 (architectural compatibility).

## Sec. Division 1.7 Nonresidential Lot and Yard Standards

### Sec. 1.7.1 General Nonresidential Lot Standards

Table 1.7.1 Nonresidential Detached Building or Structure Standards					
	Lot Width (ft.)	Front Setback (ft.)	Side / Street Side Setback (ft.) <sup>2</sup>	Rear Setback (ft.) <sup>2</sup>	Height (ft.)
R-1A					
Non-Residential Structures	100	35	35	35	35
R-1B					
R-1B	80	30	30	30	35
R-1C	60	25	25	25	35
R-1D	70	35	35	35	35
R-2			/ 12 <sup>1</sup>		
R-3	50	25	25 / 8 <sup>1</sup>	25	35

Table 1.7.1 Nonresidential Detached Building or Structure Standards					
R-4, R-4A	50	20	20 / 8 <sup>1</sup>	20	35
B-1		20	5	20	
B-2					
B-3					
C		20	20	20	
<sup>1</sup> For corner lots <sup>2</sup>					

### Sec. 1.7.2 Accessory Buildings or Structures

- A. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building or structure.
- B. **Attached Accessory Buildings or Structures.** Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to main buildings.
- C. **Storage and Utility Sheds.**
1. Storage buildings are permitted as accessory structures on nonresidential lots in any district except the H district (which is regulated by paragraph 2., below) if it is demonstrated that:
    - a. The cumulative floor area of storage and utility buildings does not exceed two percent of the maximum floor area permitted on the lot.
    - b. The floor area of any individual storage or utility building does not exceed 1,500 square feet.
    - c. Storage and utility buildings are located only behind principal buildings, or if there is no principal building, at least 150 feet from street rights-of-way.
    - d. Storage and utility buildings are completely screened from view from adjacent properties and public rights of way by hedges, buildings, or perimeter walls.
    - e. Converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment are not used for storage.

- f. Storage and utility buildings are used for property maintenance purposes, and not for commercial uses or storage of goods for resale.
- 2. Storage buildings are permitted as accessory structures on lots in the H district, provided that:
  - a. If they are larger than 200 square feet, they are located within the building envelope; or
  - b. If they are 200 square feet or less, they are situated behind the principal building and set back at least 10 feet from all side and rear property lines.

## DIVISION 1.8 TRADITIONAL NEIGHBORHOOD DEVELOPMENT LOT AND YARD MODIFICATIONS

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### Sec. 1.8.1 Traditional Neighborhood Development Lot and Yard Standards

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- A. **Generally.** The general standards for each housing type are out in Division 1.6, *Residential Lot and Yard Standards*, which contains lot standards, minimum lot areas and dimensions, setbacks, building heights, and maximum building coverage (if applicable) for each type of building. These standards ensure that each building type will have adequate light and air, living area, and yard areas to provide a quality experience. However, to achieve the design objectives of a TND, it may be desirable to modify the requirements of Division 1.6, *Residential Lot and Yard Standards*. Accordingly, the lot, yard, and building coverage standards of Division 1.6, *Residential Lot and Yard Standards*, may be modified upon approval of a Pattern Book that meets the requirements of Section 5.5.3, *Pattern Book Requirements*, and demonstrates compliance with the standards of this Section.
- B. **Minimum Number of Housing Types.** Housing types shall be mixed as required by Section 3.3.2, *Mix of Housing Types in TNDs and Mixed Housing Neighborhoods*.
- C. **Subdistricts.** The applicant shall designate the boundaries of the subdistricts on a map that is included in the Pattern Book. Patterns shall be provided for each subdistrict.
- D. **Modification of Setbacks.**
  - 1. *Range of Modification.* Setbacks may be modified, or replaced with "build-to" lines, as provided in Table 1.8.1, *Reduced Setbacks for TNDs*. Setbacks or build-to lines may be established for subdistricts or for individual street segments, and shall be described in the Pattern Book.

Table 1.8.1 Reduced Setbacks for TNDs	
Subdistrict	Setback or Build-To Range

	Front	Interior Side	Street Side	Rear
Center	0 to 8 feet	As allowed by building code	3 feet or more	Any
General	0 to 15 feet	As allowed by building code	5 feet or more	Any
Edge	10 feet or more	5 feet or more	5 feet or more	20 feet or more

2. *Criteria for Modification.*

- a. Where front setbacks will be less than eight feet, the applicant shall provide drawings in the Pattern Book that show:
  - i. How steps giving entry to the homes will be designed;
  - ii. How a combination of street trees, yard landscaping, and open space configuration and landscaping provide for a streetscape that compensates for the loss of front yard landscape area;
  - iii. That the reduction in the front yard will be offset by an equivalent increase in the rear yard of the principal building, or the creation of a courtyard or patio on the side of the building that makes up for the loss of the front and rear yard;
  - iv. That the lot takes access from an alley; and
  - v. That the modified front setback will not impact neighboring properties. If the development has lots that front on an existing street with residential development on the other side, then the standards of Division 1.6, *Residential Lot and Yard Standards*, shall apply to those lots.
- b. Where side setbacks (interior or street) will be modified, the applicant shall demonstrate that:
  - i. The buildings will comply with applicable building codes;
  - ii. There is sufficient spacing to provide for building maintenance and access;
  - iii. The configuration will not interfere with sight distance requirements; and
  - iv. With respect to street side yards only, a combination of street trees, yard landscaping, and open space configuration and landscaping will provide for a streetscape that compensates for the loss of front yard landscape area.
- c. Where rear setbacks will be modified, the applicant shall demonstrate that:
  - i. The design provides for comparable useable outdoor living space on the lot (*e.g.*, through a larger front yard or a courtyard or patio on the side of the house);
  - ii. The design will not create an unsafe condition for the passage of vehicles and pedestrians in an abutting alley (if present); and

- iii. The design will not interfere with the use and enjoyment of rear or side yards on abutting lots.

**E. Modification of Lot Dimensions.** Lot dimensions may be modified if it is demonstrated that:

1. The proposed lot sizes will ensure a diversity of development that is consistent with the intent of the standards of Division 1.6, *Residential Lot and Yard Standards*;
2. The proposed lot sizes are sufficient to provide light and air to all of the dwelling units in the development;
3. The proposed lot sizes are appropriate to the types of housing that are proposed on the lots;
4. The proposed lot sizes, combined with the permitted building coverage, provide enough room for useable outdoor living space for all single family detached housing types; and
5. The proposed lot sizes provide enough room for utilities and drainage.

**F. Modification of Building Coverage.** Building coverage may be modified if lot sizes are reduced, as follows:

1. For all housing types except townhomes (of any type):
  - a. The permitted building coverage shall not allow for the complete development of the area bounded by the setback lines on the lot in order to ensure that buildings are not monolithic in appearance (compliance with this standard requires a meaningful articulation of the building); or
  - b. The permitted building coverage allows for the complete development of the area bounded by the setback lines on the lot, but another bulk control is used to ensure that the second floor is articulated to avoid the appearance of a monolithic building.
2. For townhomes, the building coverage may be increased to allow for the complete development of the area bounded by the setback lines.

### **Sec. 1.8.2 Accessory Buildings and Detached Garages**

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**A. Generally.** Not more than two buildings (in addition to the principal building) shall be permitted on a lot pursuant to this Section. In some cases, only an accessory building may be allowed.

**B. Accessory Buildings.**

1. Accessory buildings that are not detached garages are permitted on all residential lots except through lots, and shall be subject to the standards of Section 1.6.6, *Residential Detached Accessory Buildings and Structures*.

2. Accessory buildings shall have the same architecture and building materials as principal buildings.
- C. **Detached Garages.** Detached garages are permitted as provided in this subsection. These standards supersede any standards of Section 1.6.6, *Residential Detached Accessory Buildings and Structures* that are in direct conflict. Where there is no conflict, the standards of Section 1.6.6, *Residential Detached Accessory Buildings and Structures* also apply.
1. *Maximum Ground Floor Area.*
    - a. Center ("C") subdistrict and General ("G") subdistrict: 600 square feet.
    - b. Edge ("E") subdistrict: 800 square feet.
  2. *Maximum Height.*
    - a. 15 feet if used only as a garage;
    - b. 35 feet if ancillary dwelling unit is constructed above the garage.
  3. *Location.* Detached garages shall be located behind the principal building or to the side of the principal building. Such garages shall be set back of at least 25 feet more from the front lot line than the facade of the principal building.
  4. *Architecture.* Detached garages shall be designed to be architecturally comparable to the principal building.

### **Sec. 1.8.3 Accessory Dwelling Units**

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- A. **Generally.** Accessory dwelling units ("ADUs") provide a type of housing that can accommodate small households, which increases the choice of housing opportunities for young adults and the elderly. They also provide a way for homeowners to invest in their properties in a way that can produce continuing economic returns by way of rent payments; and a way for elderly or infirm homeowners to provide housing for on-site caregivers with a higher degree of independence than other live-in arrangements.
- B. **Relationship to Density.** ADUs are not counted in the calculation of density.
- C. **New Subdivisions.** ADUs may be built in new traditional neighborhood developments that are approved after the Effective Date of this ZLDC, provided that compliance with the following standards is demonstrated:
  1. Any or all single-family lots that are larger than 6,000 square feet may developed with ADUs, provided that the site plan or plat specifically designate the lots upon which such development may occur, or provides a general statement that ADUs are allowed on all single-family lots in the subdivision.

2. In the required pattern book (*see Section 5.5.3, Pattern Book Requirements*), the applicant shall submit plans showing how the homes will be designed to provide for accessory units. The units may be within the structure, a separate structure, or above a detached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted.
3. The City may place conditions on the designation of lots that abut existing development in order to ensure compatibility. These conditions may include:
  - a. A limitation on the lots that abut existing development that may be developed with ADUs to those which will have the least impact due to the configuration of lots and natural resources;
  - b. The designation and installation of a Type B Bufferyard (*see Section 3.9.3, Bufferyard Requirements*) along the property lines that divide the parcel proposed for development from existing development; or
  - c. A limitation on the types and designs of ADUs that may be constructed on lots that abut existing development.

**D. Limitations.**

1. Not more than one ADU shall be constructed on a single-family lot.
2. No ADU shall have a floor area that exceeds the lesser of:
  - a. 800 square feet; or
  - b. 30 percent of the floor area of the principal building.
3. ADUs shall not have more than one bedroom, nor more than one bathroom.
4. ADUs are not exempt from the calculation of building coverage (if applicable).

**E. Design Requirements.** ADUs may be designed in any of the following ways:

1. *Attached to or Integrated into the Principal Building.* ADUs may be attached to or integrated into the principal building if it is demonstrated that:
  - a. The ADU does not have a separate exterior entrance that faces the street.
  - b. Modifications to the outside of the principal building that are necessary to accommodate the ADU appear as integrated elements of the principal building in terms of materials, architecture, roof pitch, window styles, and color.
2. *In a Separate Building or Above a Detached Garage.* ADUs may be located in a separate building or above a detached garage, provided that:
  - a. The building or detached garage meets the setback requirements that are applicable to the principal building; and



- b. On lots that are less than two acres in area, the ADU is located behind the principal building.

## **DIVISION 1.9 SUPPLEMENTAL LOT AND YARD STANDARDS**

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### **Sec. 1.9.1 Supplemental Front, Side, and Rear Lot and Yard Standards**

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- A. **Street Right-of-Way Less than 50 Feet.** Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured from a point 25 feet from the centerline of the street to the front building line.
- B. **Average Setback.** Other front yard requirements notwithstanding, the front of no building need be set back more than the average setbacks of the buildings within 100 feet on either side.
- C. **Setback Encroachment Allowances.** Steps or stoops not exceeding 24 square feet in area, eaves, cornices, belt courses, window sills and unenclosed and uncovered porches may project into any required yard provided such construction does not project nearer than two feet to lot lines. Where adjacent to a garage (not a living area) on an adjacent lot, unenclosed carports may project into a side or rear yard provided such construction does not project nearer than five feet to the lot line in an R-2 district nor three feet in other districts; and nonliving area utility sheds not in excess of 120 square feet may be constructed at the rear of such carports.
- D. **Maximum Lot Coverage.** On lots occupied by dwellings, not more than 40 percent of the rear yard of the main building may be occupied by one-story buildings of accessory use and garage apartments where permitted.
- E. **Multiple Dwelling Additional Setback.** In the R-4, R-5, B-1, B-2, B-3, and C districts, multiple dwellings shall provide side and rear yards which are equal to not less than half the height of the building.
- F. **Corner Lots.** On corner lots in R-2 districts, there shall be a street side yard of 12 feet; and in R-3 and R-4 districts, a street side yard of eight feet. (Code 1961, § 19-23)

## **CHAPTER 2 BUILDINGS AND STRUCTURES**

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## **DIVISION 2.1 PURPOSES AND APPLICATION OF CHAPTER**

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### **Sec. 2.1.1 Purpose of Chapter**

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This Chapter is intended to address the quality of design in the city. It addresses urban or traditional neighborhood design standards, residential design standards, and non-residential design standards. It seeks to provide interesting and attractive streets and neighborhoods, avoiding monotonous or chaotic streetscapes.

### **Sec. 2.1.2 Application of Chapter**

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## **DIVISION 2.2 SUPPLEMENTAL REGULATIONS**

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### **Sec. 2.2.1 Fences**

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A. **Generally.** Fences shall comply with the regulations:

1. *Construction materials authorized.* All fences must be constructed of materials normally used in fence construction, such as wood boards, pickets, chain link, cypress post, split rail or any other material advertised and sold as fencing materials. Barbed wire is prohibited for use in residential zones. Other nonfencing materials such as corrugated iron, sheet metal, steel plates, broken glass and aluminum plates are prohibited in all zoning districts of the city.  
(Code 1961, § 19-71)
2. *No obstructed view of traffic permitted.* No fence shall be constructed in such a manner as to prevent the driver of a vehicle from having a clear, unobstructed view of traffic signs and approaching, merging or intersecting traffic.
3. *Fences on corner lots.* For a corner lot, any portion of a fence on the street sides of the lot which extends into the prescribed front or side yard setback requirements may not exceed 42 inches in height.
4. *Fences in setback areas.*
  - a. For a lot where the rear property lot line would normally be a front yard lot line, no fence in the area reserved for the front yard setback shall exceed 42 inches in height.
  - b. No fence exceeding 42 inches in height may be constructed into a prescribed front yard setback area.

5. *Public Property.* No fence or any part of it may be placed or constructed on or over public property.  
(Code 1961, § 19-73)
6. *More restrictive subdivision regulations to take precedence.* Subdivision restrictions on fences shall take precedence if they are more restrictive than this Section.  
(Code 1961, § 19-75)

**B. Fences in R1-D Districts.**

1. All fences constructed/erected shall maintain a minimum distance of ten feet from the front/side corner of the residential structure on the front yard and/or side yard on corner lots. All fencing material must be wood slat, brick, wrought iron, pvc plastic, or a combination of these materials. Chainlink fencing will not be allowed. No fence, wall, or hedge shall exceed seven feet in height.  
(Code 1961, § 19-15; Ord. No. 03-23, § 1, 9-23-2003; Ord. No. 07-14, § 1, 11-27-2007; Ord. No. 10-06, § 1, 4-27-10)

**Sec. 2.2.2 Garages in R1-D Districts**

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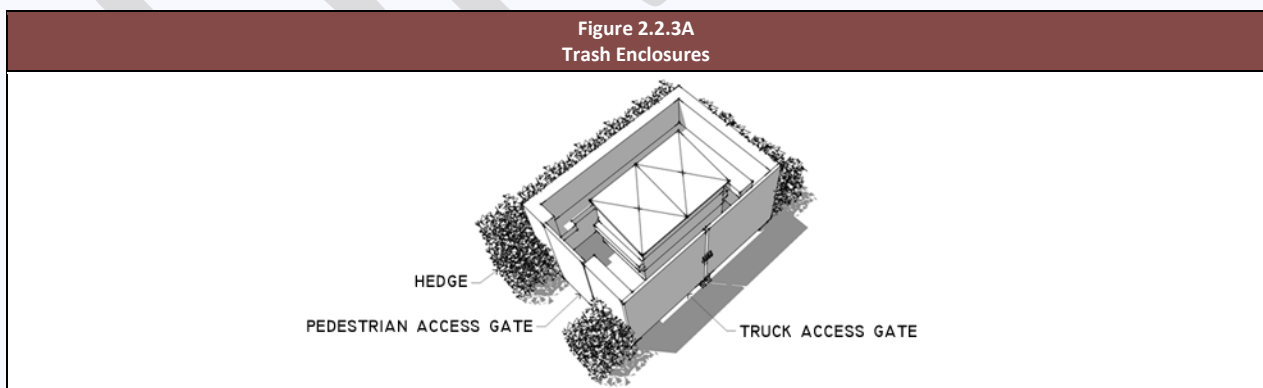
At no time will the enclosure of a garage or carport be allowed for conversion to indoor dwelling or living use. Garages or carports must be constructed of the same materials as the main residence building. Any enclosed garage must have an approved wind-standard garage door. No garage/storage enclosure apartment or secondary living spaces will be allowed.  
(Code 1961, § 19-15; Ord. No. 03-23, § 1, 9-23-2003; Ord. No. 07-14, § 1, 11-27-2007; Ord. No. 10-06, § 1, 4-27-10)

**Sec. 2.2.3 Loading, Truck Access, Solid Waste Collection**

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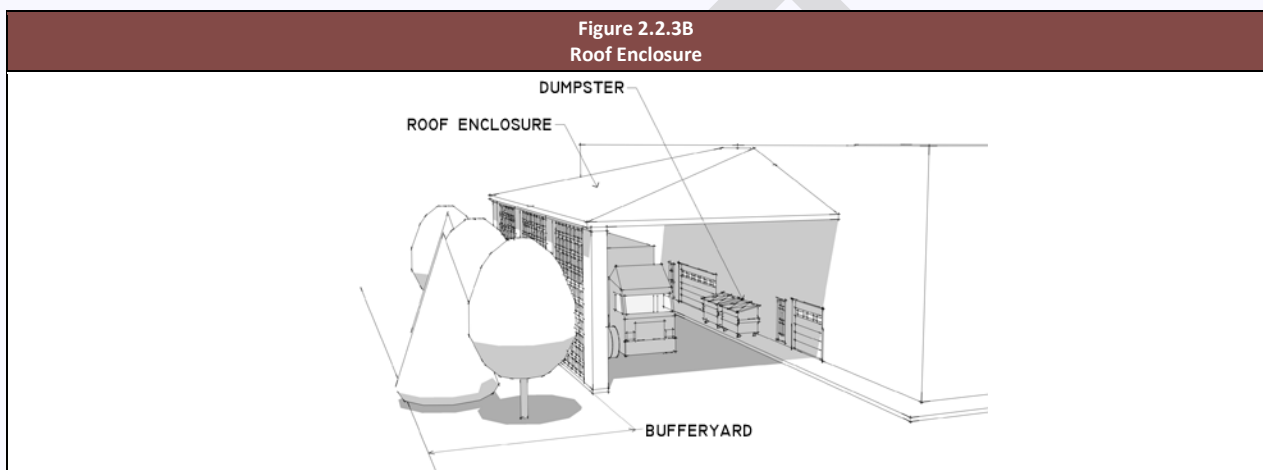
- A. **Loading and Truck Access.** Except as provided in subsections B. or D., loading and truck access facilities shall be:
  1. Located behind principal buildings; and
  2. Screened from view from public rights-of-way by building walls, fences, landscaping, or berms.
- B. **Solid Waste Collection Facilities, Generally.** Dumpsters or garbage bins may be provided for solid waste collection if it is demonstrated that:
  1. The facilities are located:
    - a. No more than 300 feet (walking distance) from all individual commercial uses that they are intended to serve;

- b. On the same lot as the property they serve, unless otherwise authorized by the responsible official upon written proof of an agreement with an adjacent property owner and demonstration that the facilities will have the capacity to serve both properties.
2. The facilities are located behind a principal building or in a side or rear yard, unless it is not possible to provide service access in such locations.
3. Access to the facilities is configured to meet the requirements of the refuse service provider.
4. The areas where dumpsters and/or garbage bins are stored are fully enclosed by:
  - a. An opaque wall that is one foot taller than the refuse container and constructed of finished masonry painted the same color as the building, or stone, or brick; or
  - b. Earthen berms improved with ground cover that are one foot taller than the refuse container and held in place with a retaining wall.
5. If an enclosure must be located in a front yard, it is designed and constructed to be consistent and compatible with principal building in terms of materials and architecture, and surrounded by landscaping in addition to that required by subsection B.7., below, that is sufficiently dense to completely conceal the enclosure from view from adjacent properties and public rights-of-way.
6. The enclosures have gates which remain closed at all times except when the dumpster or garbage bins are being serviced.
7. The enclosures are landscaped as indicated in Figure 2.2.3A, *Trash Enclosure*.
8. The enclosures are oriented so that landscaping faces adjoining properties or streets.



- C. **Service Areas Adjacent to District Boundaries.** If loading, truck access, or solid waste collection facilities are located between a principal building and property that is used or zoned for residential purposes, then the following additional standards apply:

1. The loading, truck access, or waste storage area is screened along the entire boundary along the area where trucks are expected to circulate by a bufferyard that has one level more opacity than required by the district boundary (e.g., if a Type C bufferyard is normally required, then a Type D bufferyard shall be installed). The bufferyard shall include a six-foot tall berm or low maintenance, durable solid fence or wall of the same height; or
2. The loading, truck access, or waste storage area shall be located under roof as indicated in Figure 2.2.3B, *Roof Enclosure*. If a roof enclosure is used, the buffer may be reduced by one level of opacity adjoining the shed (e.g., if a Type C bufferyard is required along the district boundary, a Type B bufferyard may be installed along the enclosure).

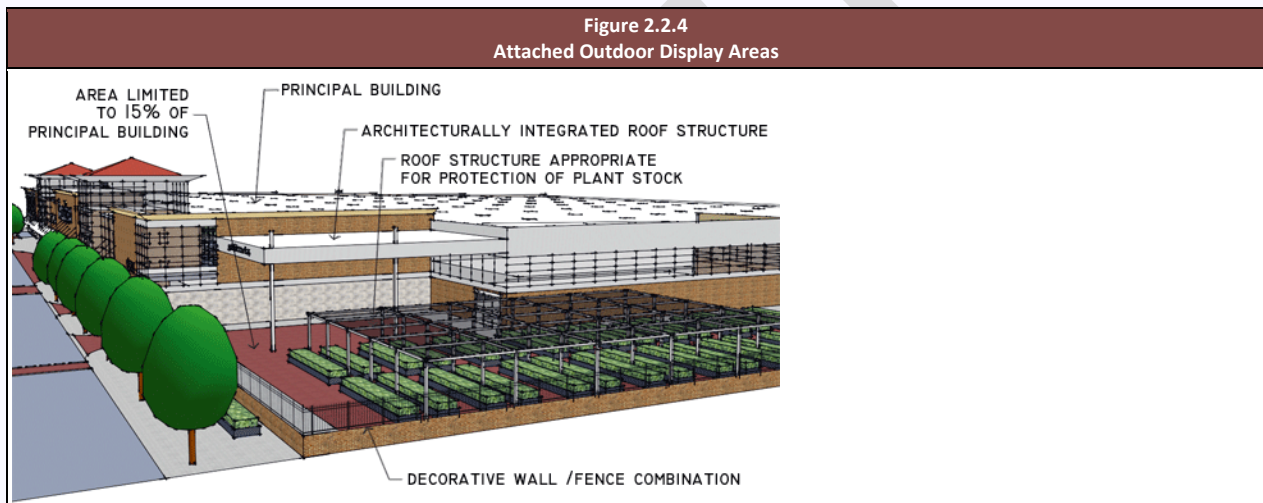


- D. **Front Loading in H District.** In the H District, truck loading may be in the front yard of the building if it is demonstrated that:
1. The frontage street is not an arterial; and
  2. The property on the other side of the street is also zoned H.

#### Sec. 2.2.4 Outdoor Display of Merchandise

- A. **Generally.** Permanent outdoor displays of merchandise by retail businesses are permitted if compliance with all of the applicable requirements of this Section is demonstrated.
- B. **Accessory Use.** The outdoor display area involves items for sale by a commercial retailer that is located within a permanent structure or designated area on the same site.
- C. **Attached to Principal Building.** Outdoor display areas that are attached to principal buildings are permitted if it is demonstrated that the outdoor display areas are:
  1. Adjacent to a wall of a principal structure,

2. Configured as a walled and/or decoratively fenced area that is architecturally integrated into the principal building;
3. If covered, covered with a roof structure that is architecturally integrated into the principal building, except that nursery areas may be covered by greenhouse roofing, screen, or other cover that is appropriate for protecting plant stock;
4. Within the buildable area of the site;
5. Not larger than 15 percent of the floor area of the principal building, except that garden centers or stores may have outdoor display areas that are not larger than 50 percent of the floor area of the principal building; and
6. Not located in areas that are required or used for parking or vehicular circulation.



- D. **Sidewalk Displays.** Displays are permitted on sidewalks that abut the principal building if it is demonstrated that:
1. Merchandise is displayed at a height of six feet or less;
  2. There is at least 5 feet of clear width on the sidewalk for use by pedestrian traffic;
  3. All sidewalk merchandise displays are within 40 feet of an entrance to the principal use, or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area.

### **Sec. 2.2.5 Outdoor Storage**

- A. **Generally.** Outdoor storage is permitted in the districts that allow commercial and industrial uses, subject to the standards of this Section. Outdoor storage is prohibited in any district for which standards for outdoor storage are not provided in this Section.

- B. Districts that Allow Commercial Uses.** Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
1. Occupies not more than 10 percent of the floor area of the principal building; and
  2. Is screened in one of the following ways:
    - a. Enclosed by a wall that is designed into the principal building's facade and composed of the same materials as the principal building.
    - b. Enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view. Such wall or fence shall be landscaped with shrubs planted 36 inches on center that are maintained as a hedge around the entire periphery of the wall, except at points of access.
- C. Districts that Allow Industrial Uses.** Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area is:
1. Located in the building envelope; and
  2. Screened in one of the following ways:
    - a. Views from public rights-of-way are completely blocked by the principal building; or
    - b. The area is enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view. Such wall or fence shall be landscaped with shrubs planted 36 inches on center that are maintained as a hedge around the entire periphery of the wall, except at points of access.

### **Sec. 2.2.6 Recreational Vehicles**

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**A. Recreational Vehicles.**

1. Recreational vehicles, boats, trailers, ATVs, and personal watercraft, shall not be stored for a period of more than 14 days unless it is demonstrated that:
  - a. In residential districts:
    - i. They are located within carports or enclosures; or
    - ii. Screened by a six foot tall wall or opaque fence and located behind the front building line; or
  - b. In nonresidential districts, the vehicle is parked on an improved parking space designated for the purpose of such storage, in locations where outdoor storage is a permitted use; or

c. The recreational vehicle is located in a designated recreational vehicle park in the R-5 district in compliance with the provisions set forth in Section 1.5.6, *Recreational Vehicle Parks*.

2. Recreational vehicles, boats, and utility trailers, and any other comparably sized non-motorized vehicles shall not be parked on any public right-of-way.

**B. Inoperable Vehicles.**

1. Inoperable vehicles shall be stored within enclosures or at locations permitted pursuant to this ZLDC that process them.

2. Inoperable vehicles shall not be parked on any public right-of-way.

### **Sec. 2.2.7 Swimming Pools**

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**A. Setback.**

1. No swimming pool shall be constructed to project into any required front or side yard as provided in Division 1.6, *Residential Lot and Yard Standards*, and Section 1.9.1(F), *Corner Lots*.

2. No swimming pool shall project nearer than five feet from the rear property line, including enclosures, on interior lots. No swimming pool shall project nearer than five feet from the rear and interior side line on corner lots. (Code 1961, § 19-31)

**B. Access.** All swimming pools shall be completely enclosed by a fence complete with gate, which shall be closed at all times to exclude trespassers. The height of the fence shall be no less than six feet. The construction shall be of a type material which will prevent the ingress and egress of small children and animals. This Section shall not be applicable to hotels and motels. (Code 1961, § 19-32)

**C. Exemptions.** Portable swimming pools that are assembled for swimming and recreation for summer use and disassembled after such use are exempt from this Section; except that there shall be no physical connection between the potable water supply system and the pool structure at a point below the maximum flow line of the pool or to the recirculation system of the swimming pool unless such physical connection is so installed and operated that no pool water can be discharged or siphoned into the potable water supply system. (Code 1961, § 19-30(a)—(c)) (Code 1961, § 19-33)

**D. Building Permit Required.** A building permit must be obtained prior to commencement of construction of a swimming pool. (Code 1961, § 19-30(d))

**E. Connections to Plumbing System and Water System.**



1. All swimming pool plumbing (e.g., water pipes, underdrains, pumps, filters, drain pipes, etc.) shall be installed by a licensed plumber and shall be inspected and approved by the Director, who shall ensure that such installation complies with the provisions of Chapter 22, Article IV, and Chapter 110, Article V of the Morgan City Code of Ordinances.
  2. There shall be no physical connection between the potable public water supply system and the pool structure at a point below the maximum flow line of the pool or to the recirculation system of the swimming pool unless such physical connection is so installed and operated that no pool water can be discharged or siphoned into the potable water supply system.
  3. All drains shall be connected to the storm drain system.  
(Code 1961, § 19-33)
- F. **Connections to Electrical System.** All electrical connections shall be installed by a licensed electrician who shall be responsible for insuring that the provision of Chapter 22, Article VI and Chapter 110, Article II of the Morgan City Code of Ordinances and the National Electrical Code adopted and additions and modifications are met.  
(Code 1961, § 19-34)
- G. **Penalties.** Any person who violates, or fails to comply with any provision of this Section, upon conviction, shall be punished as provided in Section 1-13 of the Morgan City Code of Ordinances. Each day of any violation of any provision of this Section shall constitute a separate offense.  
(Code 1961, § 19-35)

## **DIVISION 2.3 BUILDING DESIGN STANDARDS**

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### **Sec. 2.3.1 Multi-Family Building Design Standards**

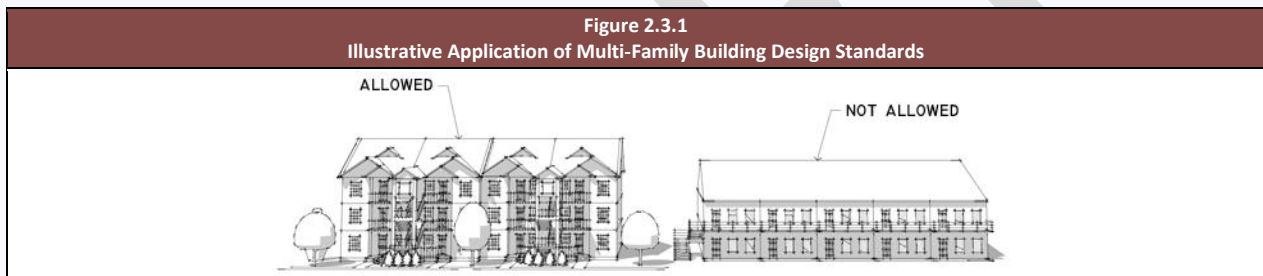
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- A. **Generally.** All multi-family developments shall meet the standards of this Section unless they are located in vertically mixed-use buildings that are subject to the design standards of Division 2.5, *Traditional Neighborhood Development Building Design Standards* or Division 2.4, *Nonresidential and Mixed-Use Design Standards*.
- B. **360 Degree Architecture.** No particular architectural style is mandated. However, the architectural style of the front façade shall be expressed on all sides of the building.
- C. **Materials and Trim.** The elevations of the building should be treated so that they have similar character when viewed from any direction, street, side, or rear in terms of materials and trim.
  1. Materials shall be masonry, except as follows:

- a. Balcony and railing materials may be different than the materials used on exterior walls.
  - b. Different materials may be accepted for the second floor, where the architectural treatment is intended to have different second level architecture (including window, trim, and belt course or horizontal trim elements).
  - c. Floor plan projections that reflect a room that projects from the rest of the facade may use different materials if the projection is at least two feet.
2. Door and window trim shall be obvious, and shall be similar on all facades, except that sliding glass doors may have different trim.

**D. Building Design.**

1. A multi-family building containing more than eight units shall be designed to break up a rectangular floor plan and avoid a box or monolithic appearance. *See Figure 2.3.1, Illustrative Application of Multi-Family Building Design Standards.*



2. Any of the following techniques, or any technique that would produce a comparable effect, may be used to avoid the appearance of a boxy or monolithic building.
    - a. Varying roof lines;
    - b. Changes in wall planes of at least three feet at intervals of not more than 60 feet;
    - c. The use of dormers, bay windows, or other windows that create dimension that breaks up the facade;
    - d. Balconies that are used irregularly, some projecting, some recessed;
    - e. End or corner treatments that alter the plane of the facade;
    - f. Primary entrance treatments that are recessed or project from the main facade; and
    - g. Changes in floor plans that create rooms with corner windows.
- F. **Utilities.** Utility meters shall not be located on front or side elevations unless screened by vegetation or other approved screening.
- G. **Stairs.** Stairs that provide primary access to units on upper floors shall be covered.

**Sec. 2.3.2 Mix of Housing Types in TNDs and Mixed Housing Neighborhoods**

**A. Generally.**

1. The following types of development shall include a mix of housing types pursuant to this Section.
  - a. Mixed-housing neighborhoods; and
  - b. TNDs.
2. Individual housing types that may be included in the mix are set out in Section 1.6.1, *Single-Family Detached and Single-Family Cluster*, through Section 1.6.4, *Multiplex and Multi-Family*.

**B. Housing Type Mix Requirements.** Table 2.3.2, *Housing Type Mix Requirements*, sets out the mix of housing types that are required for mixed housing neighborhoods and TNDs. When calculating the percentage of each housing type in a proposed development, normal rounding is allowed.

Table 2.3.2 Housing Type Mix Requirements			
Number of Dwelling Units in Mixed Housing Neighborhood or TND	Min. No. of Housing Types	Max. % Any Housing Type	Min. % Any Housing Type <sup>1</sup>
Less than 40	1	100	20
40 - 89	2	75	25
90-149	3	55	20
150- 220	4	50	12
More than 220	5	30	10

**TABLE NOTE:**  
<sup>1</sup> This requirement applies even if more than the minimum number of housing types are provided.

**C. Phasing.** When a development is to be phased, the maximum residential development capacity of the entire site shall be used for calculating the required mix. When a parcel is to be subdivided and developed as multiple mixed housing neighborhoods or TNDs over time, the City may impose a mix based on the original property size to ensure an adequate mix of housing types.

## Division 2.4 Nonresidential and Mixed-Use Building Design Standards

### Sec. 2.4.1 Building Form and Design

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- A. **Three-Sided Architecture.** No particular architectural style is mandated. However, the architectural style of the front façade shall also be expressed at a minimum on both sides of the building.
- B. **Building Walls.** All exterior building elevations that face public streets, customer parking areas, or areas of residential use shall be designed so that there are no areas of blank wall that are more than 30 feet in horizontal direction or 16 feet in vertical direction. This requirement can be met through the use of:
1. Windows;
  2. Doors;
  3. Awnings;
  4. Changes in both finish materials and colors (a change in color alone is insufficient to meet this requirement);
  5. Decorative cornices;
  6. Murals or graphics;
  7. Sconce lighting;
  8. Towers;
  9. Pilasters or columns;
  10. Arcades;
  11. At least 3 feet of horizontal or vertical offset in the building wall; or
  12. Comparable elements or design techniques that create an obvious and significant pattern of light and shadow on the building wall.
- C. **Building Form.**
1. Buildings that cover more than 16,000 square feet, but less than 30,000 square feet in floor area shall have moderate changes in height or roof line, which can be accomplished by one or more of the following techniques:
    - a. Dormers with ridge lines that are 3 or more feet below the ridge line of the roof.
    - b. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of 2 to 5 feet.
    - c. Parapet walls that vary in height by 2 to 4 feet.

- d. Towers that have a height that is 4 to 6 feet above the highest peak or ridge of the roof or highest point of the parapet.
2. Buildings that cover 30,000 square feet or more, but less than 60,000 square feet shall have major changes in height or roof line, which can be accomplished by one or more of the following techniques:
    - a. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of 5 or more feet.
    - b. Parapet walls that vary in height by more than 4 feet.
    - c. Towers that have a height that is more than 6 feet above the highest peak or ridge of the roof or highest point of the parapet. The mass of such towers shall be proportional to the building, so that the towers appear as substantial, but not overwhelming, architectural elements.
  3. Buildings that cover more than 60,000 square feet shall have major changes in height or roof line, which shall, in addition to the requirements for buildings that cover 30,000 square feet or more, include:
    - a. Significant architectural features to identify principal entrances; and
    - b. Elements such as towers or significant projections from the building to break up the building mass.
- D. **Roof Styles.** Flat roof and pitched roof systems are allowed, subject to the following standards:
1. Mansard roofs are not allowed.
  2. Flat roof systems shall be hidden by parapet walls that are at least 30 inches in height.
- E. **Awnings.** Awnings, if installed, shall be constructed of canvas. Back lighting is not allowed.
- F. **Multi-Story Buildings.** Buildings with more than two stories shall be designed with a clearly differentiated base, middle, and top.

### **Sec. 2.4.2 Primary Building Entrances**

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Each primary building on a site, regardless of size, shall have clearly-defined, highly-visible customer entrances that include at least two of the following architectural features:

1. Canopies, porticos, arcades, or overhangs;
2. Recesses or projections;
3. Raised corniced parapets over the door or peaked roof forms;
4. Arches;
5. Outdoor patios or plazas;

6. Display windows;
7. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; or
8. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

### **Sec. 2.4.3 Exterior Wall Finish Materials**

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A. **Principal Exterior Finish Materials.** The principal materials used for building exterior finishes shall be proven, high-quality, durable materials, including:

1. Brick
2. Thin Brick
3. Stone
4. Cast stone
5. Architectural masonry units in the following styles:
  - a. Split face
  - b. Weathered face
  - c. Sandblasted face
  - d. Ground face
6. Glass fiber reinforced concrete
7. Portland cement stucco
8. Fiber cement siding

B. **Limited Materials.**

1. Exterior Insulation and Finish Systems ("EIFS") may be used in the following ways:
  - a. To finish building accents (e.g., columns or window trims); or
  - b. To finish building walls that are located on the side or rear of the building, provided that the EIFS material is installed at least 12 feet above adjacent grade.
2. Glass curtains may be used for building window areas, but shall not occupy more than 60 percent of the ground floor facade, nor more than 40 percent of upper floor facades.

C. **Prohibited Materials.**

1. The use of the following for exterior walls, siding, or cladding is prohibited in all districts except the H district or the R-2 district as part of an industrial park development,

provided that in these two districts, the building that incorporates these materials is located at least 150 feet from arterial streets, or if the building is closer than 150 feet to the street, the elevation upon which the material is applied is not visible from abutting arterial or collector streets:

- a. Prefabricated metal wall panels
  - b. Corrugated metal
  - c. Smooth-faced, unfinished concrete blocks
  - d. Vinyl, composite, or metal siding
2. The use of the following for exterior walls, siding, or cladding is prohibited in all districts:
- a. Plywood
  - b. Plastic

#### **Sec. 2.4.4 Roofing Materials**

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- A. **Flat Roof Systems.** Any material that is permitted by building code is allowed on flat roof systems. Green roof systems are encouraged.
- B. **Roofing Materials for Pitched Roof Systems.** Roofing materials used on pitched roof systems shall be proven, high-quality, durable materials, including:
1. Architectural shingles;
  2. Concrete tile;
  3. Slate;
  4. Architectural standing seam metal;
  5. Building integrated photovoltaics (solar panels that double as roofing material); and
  6. Green roof systems.
- C. **Prohibited Roofing Materials.** Corrugated metal and other roofing materials that are not listed in subsection B., above, are not allowed.

#### **Sec. 2.4.5 Mechanical Equipment and Meters**

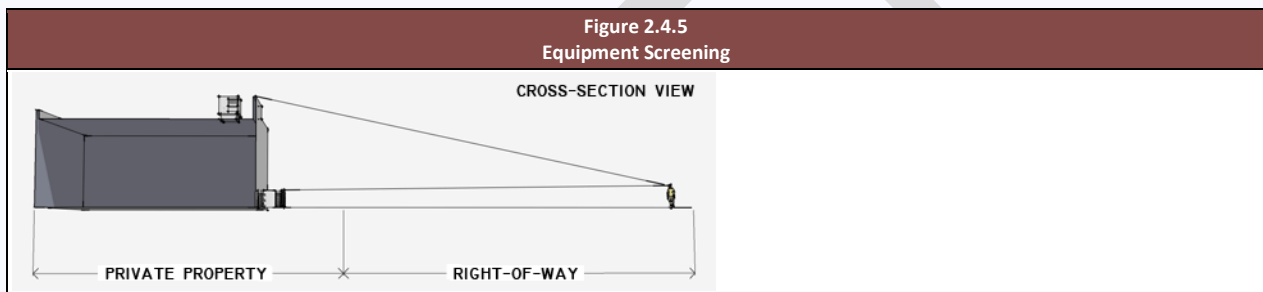
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- A. **Generally.** Mechanical equipment associated with building operations (*e.g.*, HVAC systems) shall be screened as provided in this Section.
- B. **Ground-level Equipment.** Mechanical equipment and meters shall be screened from view from principal parking areas, public rights-of-way, and residential uses by landscaping,

bufferyards, or building walls. Hedges and screen walls that are used to hide mechanical systems shall be maintained at a height that is at least one foot higher than the equipment.

C. **Roof-mounted Equipment.** Mechanical equipment shall be screened from all ground level views from adjacent property and rights-of-way by:

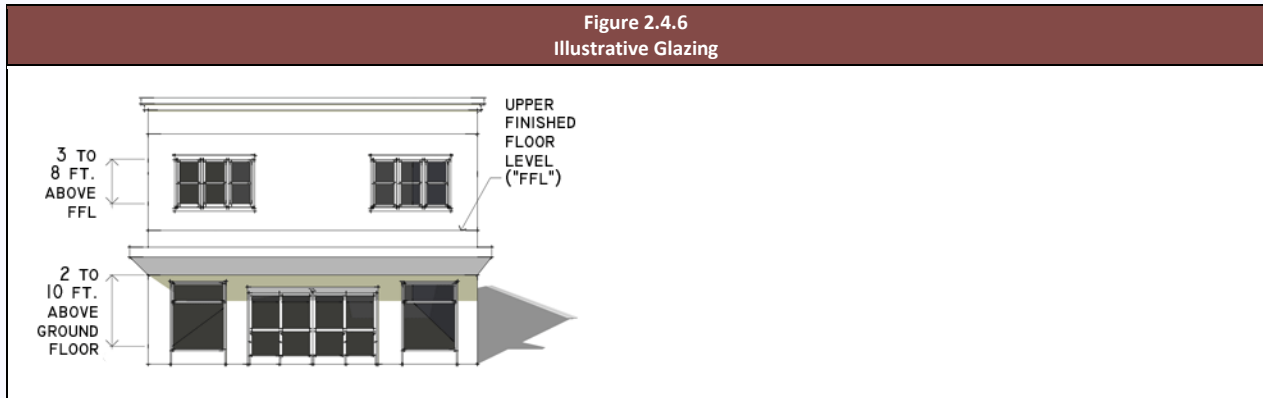
1. Parapet walls, which shall include cornice treatments that are of adequate height to screen the equipment (a slope of 1 foot rise per 25 feet of run shall be used to determine if the wall is of adequate height); or
2. Screening walls of adequate height to hide the equipment, which use materials and colors that are consistent with the design of the building; or
3. Sloped roof systems or other architectural elements of adequate height to hide the equipment. *See Figure 2.4.5, Equipment Screening.*



## Sec. 2.4.6 Glazing

- A. Glazing must be maintained without interior or exterior obstructions that limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (excluding window shades or blinds) during hours of business operation.
- B. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet shall include glazing to suggest the presence of upper floors as follows:
  1. The area of the façade above 15 feet shall be divided into horizontal sections of 10 to 14 feet in height; and
  2. At least 25 percent of the area between 3 and 8 feet from the bottom of each horizontal section shall be glazed. *See Figure 2.4.6, Illustrative Glazing.*





## Sec. Division 2.5 Traditional Neighborhood Development Building Design Standards

### Sec. 2.5.1 Building Materials

- A. **Generally.** The standards of this Section apply to all buildings within a TND. Applicants may choose to specify and limit building materials in a Pattern Book as one way to demonstrate compliance with the requirements for approval of the Pattern Book.
- B. **Principal Materials.** The principal materials used for building exteriors shall be proven, high-quality, durable materials, including:
1. Brick;
  2. Stone;
  3. Synthetic stone;
  4. Textured colored aggregate concrete masonry units;
  5. Portland cement stucco;
  6. Fiber cement siding;
  7. Polymer siding;
  8. Wood (weather resistant species);
  9. Shakes; and
  10. Polished concrete.
- C. **Roofing Materials.**
1. Metal (shingles);
  2. Architectural asphalt shingles;

3. Concrete tile;
4. Slate;
5. Green roof systems;
6. Wood shingles;
7. Synthetic materials; and
8. Building integrated photovoltaics (*e.g.*, solar panels that double as roofing material).

**D. Limited Materials.**

1. Exterior Insulation and Finish Systems (“EIFS”) may be used in the following ways:
  - a. To finish building accents (*e.g.*, columns or window trims); or
  - b. To finish building walls that are located on the side or rear of the building, provided that the EIFS material is installed at least 12 feet above adjacent grade.
2. Glass curtains may be used for building window areas, subject to maximum window area requirements of these regulations.

**E. Other Materials.** Other building materials may be used as predominant materials if it is demonstrated that:

1. They have comparable durability, impact resistance, and quality as the materials permitted by this Section; and
2. They are part of a building that is designed to achieve a Leadership in Energy and Environmental Design (“LEED”) certification, and the materials qualify for LEED points under both the “energy and atmosphere criteria” and the “materials and resources criteria” of the LEED checklists.

**F. Prohibited Materials.** The use of the following for walls, siding, or cladding is prohibited:

1. Prefabricated metal wall panels;
2. Smooth-faced concrete block (except as permitted in subsection B., above); and
3. Vinyl, composite (except as permitted in subsection B., above), or metal siding.

### **Sec. 2.5.2 Commercial and Mixed-Use Building Design Standards**

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- A. **Generally.** Commercial and mixed-use buildings shall conform to the design standards of this Section.
- B. **Building Height.** Building height is limited to 5 stories in the center subdistrict; 3 stories in the general subdistrict; and 2 stories in the edge subdistrict. These height standards supersede any other standards of this ZLDC that may be in direct conflict.

- C. **360-Degree Architecture.** The architectural features, materials, and articulation of the front façade shall be continued on all sides that are visible from a public thoroughfare.
- D. **Transparency.**
1. Not less than 50 percent of the ground level front façade between a height of 30 inches and nine feet above adjacent grade shall be transparent, including window or door openings that allow views into and out of the interior of the building.
  2. Not less than 15 percent nor more than 50 percent of the façade of upper stories shall be transparent.
- E. **Massing.**
1. Buildings shall be designed to appear as a group of attached buildings with horizontal elements in regular increments of not more than 30 feet.
  2. Fifth stories, where allowed, shall be stepped back not less than eight feet along not less than 85 percent of all facades.
- F. **Blank Walls.** All exterior building elevations that face public streets, customer parking areas, or areas of residential use shall be designed so that there are no areas of blank wall that are more than 16 feet in horizontal or vertical direction. This requirement can be met by window openings, articulation of the building, porches or balconies, material and color variations, decorative cornices, murals, score lines, and graphics.
- G. **Corporate Architecture.** Logo buildings and logo building elements are prohibited.
- H. **Mechanical Equipment.** Rooftop mechanical equipment (*e.g.*, HVAC systems) mounted on a flat roof shall be screened with materials and colors that surround the equipment, and that are consistent with the design of the building. In addition, mechanical equipment shall be screened from all ground level views from adjacent property and rights-of-way by:
1. Parapet walls, which shall include three-dimensional cornice treatments of not less than 12 inches in height, with no less than three reliefs; or
  2. Hedges installed on a green roof system, provided that the mechanical equipment is set back at least 25 feet from all exterior building walls; or
  3. Sloped roof systems or other architectural elements that conceal the flat roof area where the equipment is mounted.

### **Sec. 2.5.3 Center Subdistrict Design Standards**

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- A. **Generally.** A commercial component is required in the Pattern Book that demonstrates compliance with this Section.

- B. **Overall Architectural Theme.** An architectural theme shall be developed for the center subdistrict, and conceptual elevations that demonstrate the theme's key elements shall be included in the Pattern Book. A general palette of colors and materials to implement the theme shall also be included.
- C. **Attractive and Interesting.** Facades shall provide an interesting and attractive theme using the concepts of this Section.
1. Buildings or groups of attached buildings, that are more than 200 feet wide shall include:
    - a. Varying heights.
    - b. Varying setbacks (or build-to lines) that provide interest using one or more of the following:
      - i. Areas for seating or outdoor eating on the sidewalk or a small plaza.
      - ii. Differing setbacks for portions of the building that are detailed to make them visually interesting.
      - iii. Upper level setbacks to provide corner window opportunities.
  2. Standard architectural details of windows, doors, and decoration, with their use specified on the Pattern Book elevations.
  3. Shading features such as awnings, porticos, or arcades.
- D. **Streetscape.** A pedestrian precinct shall be created with the following elements:
1. Offsets or building shapes that create space for pedestrians, dining, or other spaces;
  2. Patterned pavements;
  3. Landscaping in tree grates or planters;
  4. Pedestrian-scale lighting;
  5. Seating areas and seating benches, walls, or other seating types; and
  6. Public art or water features.

#### **Sec. 2.5.4 Architectural Review Committee**

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- A. **Generally.** The pattern books approved pursuant to this Division and Division 3.3, *Design and Layout of Traditional Neighborhood Developments*, shall control subsequent approvals within the development according to their terms. No building permits shall be issued for development in a TND except upon a finding that the proposed construction is consistent with the applicable approved pattern book or, in the case of signs, a comprehensive sign program or the standards of Division 2.8, *Signs*.

- B. **Architectural Review Committee.** The finding required by subsection A., above, may be certified by an architectural review committee that is formed by the applicant as part of a property owners' association with jurisdiction over the property subject to the certification. If the applicant opts for this type of certification, the Planning and Zoning Commission may periodically review the certifications to ensure that the architectural review committee is making such certifications in good faith. If the Planning and Zoning Commission does not make a finding of good faith compliance, then the Planning and Zoning Commission shall review all subsequent applications for building permits (for new buildings) for compliance with the applicable pattern book.

## **DIVISION 2.6 MANUFACTURED HOME DESIGN STANDARDS**

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### **Sec. 2.6.1 Manufactured Home Foundations and Tiedowns**

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- A. **General requirements.** Each manufactured home unit shall conform to the following foundation and tiedown requirements:
1. For the protection of life and property, every manufactured home located within the city shall be equipped with adequate foundations and tiedowns intended to secure such units against movement, settling and overturning.
  2. It shall be the responsibility of the manufactured home park owner or operator to notify their tenants of the foundation and tiedown requirements of this Section. Where the tenant refuses to comply with such requirements, it shall be the responsibility of the owners or operators to notify the Director. The Director shall take whatever enforcement procedures he deems necessary to enforce compliance by the tenant.
  3. The Director shall furnish a copy of this Section to each owner or operator of a manufactured home park or subdivision and all owners of manufactured homes not located in parks as notification to such owners of their responsibilities under this Section.
  4. No owner or operator of a new park shall permit the occupancy of any lot space before complying with subsection (B) of this Section.
- B. **Specific requirements.** Each manufactured home unit shall conform to the following foundation and tiedown requirements:
1. General improvement required. Every manufactured home stand shall be improved to provide supports for the placement and tiedown of all mobile units. The minimum requirements for foundation footings, supports, piers or blocking and tiedowns shall be as set out in this subsection.
  2. Footings or foundations.

- a. Concrete runners or strips or concrete floating slabs shall be provided and piers and blocking may be placed on the runners, strips or slabs:
    - i. Such strips or runners are a minimum of four inches in thickness and reinforced with not less than ten gauge wire mesh; and
    - ii. Strips or runners shall not be less than 24 inches wide; or
    - iii. Concrete floating slabs, factory manufactured, of reinforced cement not smaller than 18 inches by 18 inches by three inches in a number required to support as a minimum the four corners of the mobile home.
  - b. All piers or blocking shall provide a maximum spacing of ten feet, center-to-center, measured along the frame rail of the unit installed on the piers or blocking. All such piers or blocking shall not be less than eight inches by eight inches by 16 inches solid or hollow load-bearing concrete, haydite or metal piers. Where hollow units are used, all shall be placed in a vertical position.
  - c. Shims, if required, shall be placed between the beam frame and the pier to provide a level and rigid unit installation.
3. Storage. No space beneath any manufactured home shall be used for any storage of flammable or combustible materials.
4. Minimum tiedowns.
- a. All manufactured home stands shall be provided with frame-to-ground tiedowns as follows:

TABLE 2.6.1 Tiedown Requirements	
Length of Frame in Feet	Number of Ties Per Side
Up to 30	2
Over 30 to 50	3
Over 50 to 70	4
Over 70	5

- b. All ground anchors shall be as follows:
  - i. Types. Anchors shall be bolted in concrete, screw auger or anchor driven or any other type manufactured and approved for such use.
  - ii. Size. All anchors shall be high-tensile steel, not less than five-eighths-inch diameter, with a drop-forged closed eye. All anchors shall be not less than four feet in length, installed to full depth, according to manufacturer's recommendation, with the only eye protruding above the ground for connection to the tiedown system.

- iii. Connections. Connections to the mobile home I-beam frame shall be a five-eighths-inch or larger drop-forged closed eye bolted through a hole drilled through the frame or by any other approved and adequate wraparound or clamp method.
- iv. Turnbuckles, straps or cables. Not less than five-eighths-inch 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 cables 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.  
(Code 1961, §§ 9A-40, 9A-41)

## **DIVISION 2.7 HISTORIC PRESERVATION**

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### **Sec. 2.7.1 Historic District Design Standards**

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- A. **Private Floodlights Prohibited.** The public sidewalks, places and alleys, exteriors, roofs, outer walls and fences of buildings and other constructions and signs visible from any public street, place or position in the historic district shall not be illuminated by privately controlled floodlights or other such illumination except by express approval of the historic district commission.  
(Code 1961, § 2-209)
- B. **Overhanging Balconies.** New or additional balconies may be erected if they are at least nine feet above the level of the sidewalk and conform to the original construction and/or the distinctive architecture of the historic district. Overhanging balconies shall be maintained in a safe condition.  
(Code 1961, § 2-210)
- C. **Alteration or Removal of Shed Roofs, Awnings, and Marquees.** Alteration or removal of existing shed roofs, awnings and marquees shall first be authorized and permitted in accordance with Section 5.5.2, *Historic District Certificate of Appropriateness*. When such shed roofs, awnings or marquees are permanently attached to the building and their removal or alteration would require damage to brick or mortar and subsequent reconstruction, the request shall be accompanied by the plans and specifications for such alteration or removal.  
(Code 1961, § 2-211)
- D. **Prohibition of Aerials and Antennas.** The construction of aerials or antennas of any type within the historical district are prohibited without the express approval of the historic district commission.  
(Code 1961, § 2-214)

- E. **Provisions to Prevail in Case of Conflict.** The provisions of this Section shall govern and take precedence over any other provisions of any ordinances or codes of the city pertaining to buildings, construction, zoning and use of property located within the historic district. (Code 1961, § 2-212)

## **DIVISION 2.8 SIGNS**

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### **Sec. 2.8.1 General Restrictions**

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- A. **Generally.** The following regulations shall apply to signs in all zoning districts of the city unless otherwise provided for elsewhere in this Division.
- B. **Signs Impeding Fire Safety.** No sign shall be erected as to prevent free ingress or egress from any door, window or fire escape; and no sign of any kind shall be attached to or impede access to a standpipe, fire escape or sprinkler system.
- C. **Signs at Street Intersections.** No sign shall be erected on public property at any time or at the intersection of any streets in such manner as to obstruct free and clear vision or at any location where, by reason of position, it may interfere with or obstruct the view of traffic sight lines or traffic control devices. However, where allowed in the zoned district, a sign is permitted at a street intersection provided the pole on which it is mounted does not exceed 12 inches in diameter, the sign is set back at least five feet from the property lines fronting on the respective street and provided further that the lowest extremity of the sign is at least 15 feet above ground level. The signpost or base may exceed 12 inches in diameter depending upon the setback location and must be approved by the building department.
- D. **Sign Lighting Devices.** Lighting devices on signs may extend not more than 72 inches over public or private property provided the lowest part of such device is at least 15 feet above the finished grade.
- E. **Projecting Signs.** Projecting signs may extend not more than 72 inches over public or private property but in no event closer than one foot from the curblines, and the bottom of which shall be at least ten feet above the finished grade of the sidewalk. For the purposes of this Division, any sign hanging from a projecting roof shall be considered a projecting sign and shall be limited to a maximum length of six feet; however, such sign shall not exceed the bounds of the roof projection.
- F. **Illumination Near Residential Areas.** The illumination of any sign within 50 feet of and facing a residential district line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts. Neon signs and plastic-faced signs with interior lighting are considered diffused or indirectly lighted signs. In no event shall flashing or



intermittent illumination be permitted where the sign faces directly into and is nearer than 300 feet to dwellings in a residential district.

**G. Temporary signs:**

1. Temporary signs indicating an event of public interest, such as a state or local fair, a cattle or horse show, etc., may be erected with size restrictions limited to the district in which the temporary signs are located.
2. Temporary signs for the purpose of advertising political candidates or issues, for which an election date has been legally established, shall be permitted in all zoned districts. In districts zoned residential and business, such signs shall not exceed 48 inches by 48 inches, and shall not be displayed earlier than 60 days prior to the date of the election. All such signs shall be removed within 48 hours after they are no longer valid and shall be exempt from permit fees and deposit requirements.
3. Temporary signs no larger than two feet by two feet advertising seasonal sales of fresh produce or seafood products in connection with a home or cottage business may be erected. Garage sale signs in a residential district shall be allowed but shall be no larger than 24 inches by 24 inches. These signs are exempt from permit fees.
4. Real estate sales signs used for the sale or lease of property by legitimate real estate sales businesses may be placed on neutral ground property for the duration of the sale and shall be removed once the property is sold or leased. Signs shall be at least five feet from the street curb. Such signs may not be placed [so] as to obstruct free and clear vision of any traffic on roadways or entrance/exit drives. Signs in residential areas shall be no larger than 24 inches by 24 inches. Signs in commercial, business or industrial districts shall be no larger than 48 inches by 48 inches. The sign must be made of typical quality sign material such as cor-plas, wood, etc., and shall not be buried in such a manner [as] to jeopardize utility services.
5. Garage, yard, or any other type of personal items "for sale" signs are allowed to be placed on neutral ground and public ground areas 24 hours prior to said sale and shall be removed immediately after sale is over. Any sign that is found to be left abandoned will be picked up by the city, and the property owner of the sale will be charged a \$25.00 fee per sign up to four signs.
6. Business use of temporary signs shall be allowed only to indicate an event, activity, product sale or other business use which is temporary in nature. Such signs will not be illuminated or flashing and may be used in an area only where business signs are permitted. A permit fee per sign will be required and the time limit for use of a temporary sign shall be 30 days; the fee being as prescribed by Division 5.8, *Fees*.

- H. Unsafe Signs.** Whenever a sign becomes structurally unsafe or endangers the safety of a business or premises, or endangers the public safety, the Director shall give written notice to

the owners of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within ten days.

- I. **Signs on Private Property.** All business and advertising signs must be attached to or located on private property. Temporary business use signs are limited to four per business and are subject to permitting as per the district use regulations.
- J. **Board of Adjustment Waiver.** To provide reasonable flexibility in these regulations, the board of adjustment may approve an application for a sign which may not conform with the provisions of the zoning district in which it is located, where the location, size or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located.
- K. **Signs Similar to Emergency Services Response.** No revolving and/or flashing device or sign of any kind or color is permitted which may be mistaken for that of a police car, ambulance or other emergency vehicle.
- L. **Signs Near Traffic Signals.** If located within direct vision of traffic control devices, no flashing or intermittent red, green or amber illumination shall be used.
- M. **Sign Materials.** All signs must be constructed of material normally used in construction of signs, including but not limited to bricks, masonry, stone, pipes, tubing, plastic and other recognized building materials. All nonrecognizable building materials, including but not limited to vehicles, vehicular parts, appliances, plumbing fixtures and boats, are prohibited.
- N. **External Illumination.** External lighting, such as floodlights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of a traveled way.
- O. **Obsolete Signs.** Signs which are obsolete signs, not meeting construction standards, out-of-date political signs, signs advertising defunct businesses, signs that are temporary or mobile in nature, except as allowed in this Section, and those which have been erected without a building permit are prohibited.
- P. **Illegal Signs.** Signs which are illegal under state law or regulations are prohibited.
- Q. **Signs on Natural Features.** Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features are prohibited.
- R. **Signs on Public Property.** No sign shall be erected within, or extend upon, into or over a public utility easement. No sign shall be attached in any manner to any public property. (Code 1961, § 19-41; Ord. No. 07-10, § 1, 9-25-2007)

## Sec. 2.8.2 Signs in Residential Districts

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- A. **Generally.** Signs in R-1A, R-1B, R-1C, R-2, R-3 and R-4 districts are permitted subject to the following regulations:
- B. **Address Signs.** A sign not exceeding two square feet in area, giving the name and/or address only of the land or building on which the sign is displayed or that of the owner or lessee.
- C. **Lease or Sale Signs.** A sign pertaining to the lease or sale of a building or property, provided such sign shall meet the criteria of Section 2.8.1(G)(4), and such signs shall be unilluminated.
- D. **Temporary Subdivision Signs.** Temporary signs for one year advertising new subdivision development of five lots or more, provided such signs do not exceed 300 square feet in surface area, are no more than 15 and not less than two feet above ground, advertising only the development in which they are located, and are erected only at dedicated street entrances to the new subdivision.
- E. **Construction Signs.** One unilluminated sign identifying an engineer, architect or contractor engaged in the construction of a building, provided such sign shall not exceed 32 square feet in surface area, is not more than 15 feet or less than two feet above ground, and is removed within 30 days following occupancy of the building.
- F. **Institution or Authorized Business Signs.** Two identification signs, not to exceed 50 square feet each, for the following uses: Church, school, hospital, library, farm, park, subdivision, authorized businesses or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution or authorized business use and its activities or services. It may be illuminated but not flashing. Both sides may be used with same information on each side.
- G. **Directional Signs.** Directional signs not to exceed two square feet in surface area for the following uses: church, school, hospital, library, sanitarium, clinic or similar use, providing that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be permitted on minor residential streets.
- H. **Townhouse or Multi-Family Signs.** One sign for a dwelling group of four or more units not exceeding five square feet in surface area. Such signs may indicate the names and addresses of the buildings or may be a directory for occupants.
- I. **Temporary Business Use Signs.** All temporary business use signs shall not exceed 18 square feet in area.
- J. **Other Signs Prohibited.** All other signs not specifically authorized in residential districts are prohibited except as provided by Section 2.8.1(G)(4). (Code 1961, § 19-42; Ord. No. 07-10, § 1, 9-25-2007)
- AA. **Generally.** Signs in nonresidential districts are permitted subject to the following regulations:

**BB. Signs in B-2, B-3 and P Districts.** Signs in B-2, B-3 and P districts are permitted subject to the following regulations:

1. Sign limitations in Section 2.8.2, *Signs in Residential Districts* shall apply in the R-4 residential area except for signs in neighborhood business centers and individual business signs, which are governed by subsections F and G below. (Code 1961, § 19-43; Ord. No. 07-10, § 1, 9-25-2007)

**CC. Signs in the C District.** In the C district, signs are permitted subject to the following regulations:

1. All signs permitted in the residential districts and in the B-1 and B-2 districts.
2. Freestanding business signs are permitted on individual business sites (not part of shopping centers) within one foot of the property line provided such signs do not interfere with power lines or other utility systems.
3. The total surface area of all business signs on a building and/or lot shall not exceed 250 square feet or the sum of four square feet for each linear foot of lot frontage, whichever is the greater.
4. Each integrated shopping center may have one freestanding identification sign for each street frontage, set back at least 20 feet from the front property line and announcing the name of the shopping center, the hours of business, names and types of business occupants, and changeable attraction letter boards. (Code 1961, § 19-46; Ord. No. 07-10, § 1, 9-25-2007)

**DD. Signs in the H District.** In the H district, signs are permitted subject to the following regulations:

1. All signs permitted in the residential, business and commercial classifications.
2. The total surface area of a business sign or signs on a building or lot shall not exceed five square feet for each lineal foot of lot frontage. (Code 1961, § 19-47; Ord. No. 07-10, § 1, 9-25-2007)

**EE. Signs in the B-1 District.** In the B-1 district, signs are permitted subject to the following regulations:

1. Such signs may advertise only the name and field of specialty of the practitioner and/or the name and/or address of the building from which the practice is conducted.
2. A building containing offices or shops may be identified by no more than two signs. Only one sign shall be displayed on any given side of the building. These signs shall not be freestanding, and neither sign shall exceed eight square feet in area.

3. Signs for other businesses located in this district shall not be freestanding signs and shall not exceed 32 square feet in surface area. (Code 1961, § 19-48; Ord. No. 07-10, § 1, 9-25-2007)

**FF. Signs in Neighborhood Business Centers.** Signs in neighborhood business centers are permitted subject to the following regulations:

1. A freestanding sign may be erected subject to the following:
  - a. Content. Such sign, which may be in sections, shall advertise only the name and location of the center and the name and type of business of each occupant of the center.
  - b. Area. The surface area of the sign in square feet shall not exceed the linear foot frontage of the business center site.
  - c. Setback. Such sign shall be set back a minimum of 15 feet from the front property line of the center.
  - d. Height. No sign shall project higher than 30 feet above curb level.
2. In addition to the freestanding sign in subsection (F)(1) of this Section, each business or user within a neighborhood business center may erect a wall or projecting sign subject to the following:
  - a. Content. Such sign, which may be in sections, shall advertise only the name and type of business within.
  - b. Area. The surface area of the sign shall not exceed 32 square feet. (Code 1961, § 19-44; Ord. No. 07-10, § 1, 9-25-2007)

**GG. Individual business signs.** An individual business which is not part of a neighborhood business center may erect a single sign subject to the following:

1. Content. Such sign, which may be in sections, shall advertise only the name and type of business within.
2. Area. The surface area of the sign shall not exceed 32 square feet.
3. Installation. Such sign may be painted on, attached flat against the building, may be freestanding, or may project out from the building; but such projection may not exceed 48 inches. In the case of projecting signs, an eight-foot minimum clearance from the sidewalk or public way to the lowest extremity of the sign is required. (Code 1961, § 19-45; Ord. No. 07-10, § 1, 9-25-2007)

## **Sec. 2.8.4 Advertising Signs/Billboards**

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### **A. Advertising Signs; Maximum Sizes; Permitted Locations.**

1. Advertising signs and their respective maximum sizes are as follows:
    - a. Junior panel sign. An advertising sign with the sign face, including border and trim, ranging from one square foot to 72 square feet in area.
    - b. Standard poster panel sign. An advertising sign with sign face, including border and trim, greater than 72 square feet, but not exceeding 400 square feet in area.
    - c. Painted bulletin sign. An advertising sign with the sign face, including border and trim, greater than 400 square feet, but not exceeding 700 square feet in area.
  2. Outdoor advertising shall be permitted in only C and H zones except as otherwise provided in other sections of this article. All signs shall be located on private property with the sign set back from the property line a minimum of two feet.
  3. The maximum area of an outdoor advertising sign shall be 700 square feet in each direction. No sign shall exceed two sign faces when viewed from one direction. (Code 1961, § 19-56; Ord. No. 07-10, § 1, 9-25-2007)
- B. **Minimum Spacing Requirements for Advertising Signs; No Obstruction to Traffic Control Signals.** For the purpose of spacing each side of a two-lane thoroughfare shall be considered together, and each side of a four-lane thoroughfare shall be considered separately with the following spacing requirements:
1. A junior panel sign shall be located no closer than 500 linear feet, measured along a thoroughfare, to any other junior panel sign, standard poster panel sign or painted bulletin sign.
  2. A standard poster panel sign shall be located no closer than 500 linear feet, measured along a thoroughfare, to any other junior panel sign, standard poster panel sign or painted bulletin sign.
  3. A painted bulletin sign shall be located no closer than 500 linear feet, measured along a thoroughfare, to any junior panel sign or any standard poster panel structure, and shall be located no closer than 1,500 linear feet, measured along a thoroughfare, to any other painted bulletin sign.
  4. No outdoor advertising sign, except those located in a C commercial district along and adjacent to U.S. Highway 90, as such highway is located on August 20, 1985, shall be located closer than 500 linear feet measured in a direct line to any residential district line.
  5. No outdoor advertising sign may be located in such a manner as to prevent the driver from having a clear, unobstructed view of traffic signs and approaching, merging or intersecting traffic and driveways; nor shall any advertising sign be permitted to project into the direct line of vision of any official traffic control signal, from any point in a

moving lane of a highway or street.  
(Code 1961, § 19-57; Ord. No. 07-10, § 1, 9-25-2007)

- C. **Maximum Height Permitted for Advertising Signs.** The maximum height of any outdoor advertising sign located along a graded road shall be 50 feet, measured from the normal ground level or the crown of the graded road, whichever is higher. The maximum height of any outdoor advertising sign located along an elevated roadway, its entrance or exit ramps, or an area not in reference to a graded roadway shall be 50 feet measured from the normal ground level.  
(Code 1961, § 19-58; Ord. No. 07-10, § 1, 9-25-2007)

### **Sec. 2.8.5 Special Provisions for Historic District**

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- A. **General prohibition of miscellaneous signs.** The display of signs of a miscellaneous character visible from the public streets, highways and alleys within the historic district of the city except as otherwise provided in this Section and according to the rules and regulations provided for in this Section is prohibited.
- B. **Signs must conform to character of section.** In addition to the prohibitions contained in this Section, approval of the display of a sign in the historic district of the city shall be granted by the historic district commission only when such signs and the plans for such signs, so far as they relate to the appearance, color, size, position, method of attachment, texture of materials and design, conform to the quaint and distinctive character of the historic district or do not injuriously affect it or impair the value of the community of those buildings having architectural or historical worth.
- C. **What signs may advertise.** No sign of any character shall be displayed in the historic district unless such sign advertises a bona fide business conducted in or on the premises; and, if it does do so, not exceeding 50 percent of the area of such sign may be used to advertise products or commodities actually sold on the premises.
- D. **Signs no longer complying as to advertisements to be taken down.** Any sign displayed which no longer advertises a bona fide business conducted upon the premises shall, upon the notification by the commission or its agent (who is specifically authorized to so proceed) be taken down, removed or obliterated within five days after such notification; and failure to so comply on the part of the owner, occupant, agent or person having the beneficial use of any building or premises upon which such sign may be found shall subject such person to the penalty provided in Division 7.2, *Enforcement*.
- E. **Only one sign per shop.** One sign only shall be allowed to each store, shop or bona fide place of business; and this sign shall be no longer than the maximum stipulated in this Section, regardless of the amount of front footage.

- F. **Concealment of architectural features.** No sign shall be displayed from any building, balcony, gallery, canopy, shed, roof, door or window, or placed in any manner whatsoever so as to disfigure or conceal any architectural feature or detail of any building.
- G. **Surface area of signs.** The surface area of any sign shall be in direct proportion to the amount of front footage of each ownership and shall be as follows:
1. For single-faced signs, attached flat against the wall and including painted wall signs, there shall be allowed 30 square inches of sign surface area to each foot of lot frontage.
  2. For double-faced signs, suspended by brackets or arms perpendicularly from the wall of a building, there shall be allowed 60 square inches of sign surface to each running foot of lot frontage. The area of such double-faced sign shall be taken to mean the sum of the areas of each face.
  3. In no case shall the area of any single-faced or painted wall sign exceed 75 square feet, the maximum allowable for such sign.
  4. In no case shall the area of any single-faced or painted wall sign be less than two square feet unless by special permission of the commission.
  5. In no case shall the area of any double-faced sign exceed a total for both sides of 50 square feet, the maximum allowable size for such sign.
  6. In no case shall the area of any double-faced sign be less than four square feet unless by special permission of the commission.
  7. If two or more businesses are conducted on the premises of single ownership having a front footage of 25 feet or less, the allowable sign area shall be increased by 1½ times.
- H. **Illuminated signs.** No illuminated signs may be constructed or erected within the historic district without the express approval of the commission.
- I. **Building code applicable to signs.** All signs under this Section shall be further governed by the existing regulations of Division 2.8, *Signs* which are not in conflict with this Section.
- J. **Application for signs to be submitted to commission.** All applications for permits to display signs within the historic district of the city shall be submitted to the Director for approval before a permit may be issued in conformity with Section 5.5.2, *Historic District Certificate of Appropriateness*.
- K. **Form of application to display signs; accompanying drawings.** Application for a permit to display signs in the historical district of the city shall be made to the commission upon forms furnished by the commission. Such an application shall also be accompanied by sketches and drawings in triplicate showing details of construction and foundation when required by the building code of the city and shall delineate the sign, shape, coloring, lighting and position in relation to the building from or upon which it shall be displayed.



- L. **Violating signs to be removed.** Any sign or exterior illumination of walls, exteriors, roofs or appurtenances of buildings displayed after the effective date of Ordinance No. 87-1 and contrary to the provisions of this Section are prohibited. (Code 1961, § 2-213)

### **Sec. 2.8.6 Special Provisions for Sexually Oriented Businesses**

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- A. **Generally.** Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.
- B. **Primary Signs.**
1. Primary signs shall have no more than two display surfaces. Each such display surface shall:
    - a. Not contain any flashing lights;
    - b. Be a flat plane, rectangular in shape;
    - c. Not exceed 75 square feet in area; and
    - d. Not exceed ten feet in height or ten feet in length.
  2. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
  3. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- C. **Secondary Signs.**
1. Secondary signs shall have only one display surface. Such display surface shall:
    - a. Be a flat plane, rectangular in shape;
    - b. Not exceed 20 square feet in area;
    - c. Not exceed five feet in height and four feet in width; and
    - d. Be affixed or attached to any wall or door of the enterprise.
  2. The provisions of item (1) of subsection (b) and subsection (c) and (d) shall also apply to secondary signs.
- D. **Violation.** Violation of any provision of this Section shall constitute a misdemeanor.

### Sec. 2.8.7 Special Provisions for TNDs

**Traditional Neighborhood Developments.** The standards of Table 2.8.7, *Permissible Attached Sign Types in Traditional Neighborhood Developments*, apply to Traditional Neighborhood Developments regardless of the zoning district they are in. The table provides standards for signage for each subdistrict within the Traditional Neighborhood Development.

Table 2.8.7 Permissible Attached Sign Types in Traditional Neighborhood Developments			
Sign Type and Limitations	Subdistrict		
	Center	General	Edge
Wall Sign	Allowed	Allowed on Nonresidential Buildings	Allowed on Nonresidential Buildings
Number of Signs Allowed	Signs allowed in any signable area on first floor front and street-side facades; one sign per interior side and rear elevation	1 per building	1 per building
Maximum Sign Area	Based on signable area ratio	25 sf.	10 sf.
Maximum Signable Area Ratio	60%	80%	60%
Other Limitations	Box and cabinet signs are not allowed	Not allowed if a fascia sign or parapet sign is present	-
Fascia Sign or Parapet Sign	Allowed	Allowed on Nonresidential Buildings	Not Allowed
Number of Signs Allowed	1 per front facade; 1 per street side facade	1 per building	-
Maximum Sign Area	0.8 sf. per linear ft. of facade width	0.6 sf. per linear ft. of facade width	-
Maximum Signable Area Ratio	40%	40%	-
Other Limitations	-	Allowed on one-story nonresidential buildings only; not allowed if a wall sign is present	-
Window Sign	Allowed	Allowed on Nonresidential Buildings	Not Allowed
Minimum Window Transparency	60%	80%	-
Other Limitations	See neon signs, below	-	-
Awning Sign	Allowed	Allowed on Nonresidential Buildings	Not Allowed
Number of Signs Allowed	1 per awning	1 per awning	-
Maximum Sign Area	5 sf.	4 sf.	-
Maximum Signable Area Ratio	90%	85%	-
Other Limitations	Must be located on valence	Must be located on valences	-
Marquee Sign	Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	1 per building	-	-
Maximum Sign Area	20 sf. per face, up to 3 faces	-	-
Other Limitations	Not allowed on facades that face residential uses in a different zoning district; not allowed on buildings that are less than 12,000 sf. of floor area; not allowed on same building as fascia or parapet sign	-	-
Blade Sign or Shingle	Allowed	Allowed on Nonresidential Buildings	Not Allowed
Number of Signs Allowed	1 per primary entrance	1 per primary entrance	-
Maximum Sign Area	10 sf.	5 sf.	-

Table 2.8.7 Permissible Attached Sign Types in Traditional Neighborhood Developments			
Minimum Clearance	8 ft.	8 ft.	-
Maximum Height	15 ft.	Nonresidential buildings only	-
Nameplate	Allowed	Allowed	Allowed
Number of Signs Allowed	Any number, subject to maximum sign area, below	1 per building	
Maximum Sign Area	Aggregate (total) sign area of 8 sf.	4 sf.	
Other Limitations	Must be installed with at least one edge that is within 18 in. of door frame		
Neon Sign	Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	2 per window	-	
Maximum Sign Area	6 sf.	-	
Other Limitations	Sign area of neon sign hung in window counts as opaque in measurement of window transparency; Neon signs must be turned off when the use closes each day	-	

## Sec. 2.8.8 Advertising

### A. Advertisements; posting requirements.

1. No advertisement of any merchandise or material, or of any show or play, or any local entertainment or program, shall be permitted to be shown upon any telegraph, telephone, or electric light poles, nor upon any wall, tree, fence, sidewalk or curbing, within the corporate limits of the city, except upon the condition provided in this Section.
2. All posting shall be under the supervision of the Director, or of those persons who have paid a city license, and who have knowledge of such places, as are permitted, upon which such bills or notices or advertisements may appear without being a defacement and a nuisance, shall be permitted or allowed to post or display any of the above named.
3. No person shall place on, post or otherwise attach, or cause to be placed, posted or otherwise attached, any handbills, dodgers, posters, circulars in or on any public property or structures or on vehicles parked on any public property, streets or rights-of-way, or on vehicles parked on shopping center parking areas dedicated to public use. (Code 1961, § 10-66)

### B. Removal, notification, of political advertisements.

1. Political signs, posters, prohibited on public property. It shall be unlawful for any person to post, display or otherwise set out any political signs, posters, pictures or other political paraphernalia on any public property, neutral ground, public buildings or utility poles within the corporate limits of the city, or on any public property under the jurisdiction of the mayor and council of the city.

2. Removal of political advertising signs. All advertising signs shall be removed within 48 hours after the date of election or defeat in a bid for political office. Candidates in a second primary shall remove signs within 48 hours after the date of the second primary.
3. Responsibility for removal of signs. The candidates, their campaign managers and property owners on whose property political advertising have been placed and erected shall be held responsible for removal of signs as provided for in subsection (B)(2) of this Section.
4. Notification to each candidate. The administrative assistant to the mayor shall send a registered or certified letter, return receipt requested, to each candidate who has qualified for public office, to his last known address, advising him of the provisions and penalties of this Section; and such notice shall be considered sufficient notification to the candidates to comply with its provisions.  
(Code 1961, § 10-67)

## **CHAPTER 3 SITE DESIGN AND DEVELOPMENT**

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### **DIVISION 3.1 PURPOSES AND APPLICATION OF CHAPTER**

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#### **Sec. 3.1.1 Purpose of Chapter**

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#### **Sec. 3.1.2 Application of Chapter**

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### **DIVISION 3.2 SUBDIVISION DESIGN AND LAND DEVELOPMENT**

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#### **Sec. 3.2.1 Restrictions on Land and Buildings Generally**

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- A. No building or land shall be used and no building or part of a building shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations specified for the district in which it is located, and as set forth in Division 1.4, *Permitted, Limited, Conditional, and Prohibited Uses*, and other applicable parts of this ZLDC, except as otherwise provided, except that during a federal, state, or local declared emergency, the mayor and council shall have the authority to authorize temporary housing for displaced victims of the disaster, within any zone within the city.

- B. Every building created after the effective date of the ordinance from which this Section derives shall be located on a lot of record, and in no case shall there be more than one main building on one lot; provided that more than one main institutional, public, business or commercial building may be located upon a lot or tract in any district where such uses are permitted; and provided further that garage apartments, where permitted, and small businesses and service repair uses in the R-4 district are permitted on the same lot with the main residential building. (Code 1961, § 19-13; Ord. No. 05-11, § 1, 9-27-2005)

### **Sec. 3.2.2 Subdivision and Development Design**

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**A. Jurisdiction.**

1. This Section shall govern all subdivision of land within the corporate limits and police jurisdiction of the city.
2. Any owner of land within the limits of subdivision jurisdiction wishing to subdivide land shall submit to the Director a plat of the subdivision, which shall conform to the minimum requirements set forth in Section 5.6.3, *Preliminary Plat Procedures*. Before approving a subdivision plat, the Director shall submit the plat to the planning and zoning commission for recommendation and report. Failure of the planning and zoning commission to report within 60 days shall be deemed approval by the commission.
3. No plat of a subdivision lying within such territory shall be filed or recorded in the office of the clerk of the parish, and no subdivider may proceed with improvement or sale of lots in a subdivision until such subdivision plat shall have been approved by the City Council and such approval entered in writing on the plat by the Director. (Code 1961, § 14-2)

**B. Exclusions.** This Section shall not apply to:

1. Land in subdivisions previously legally recorded; except in the case of resubdivisions, lots may be resubdivided with no approval provided no parcel is left less than 50 feet in width.
2. The subdivision of land to be used for orchards, forestry or the raising of crops, provided the Director certifies upon the plat that such land is to be used only for orchards, forestry or the raising of crops.

**C. Streets.**

1. *Relation to adjoining street system.* Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the City Council for reasons of topography or design. Proposed streets shall extend to boundary lines where needed for

future development of adjacent properties, as shall be determined by the planning and zoning commission.

2. *Street widths.* The minimum width of proposed streets measured from lot line to lot line shall be not less than 75 feet.
3. *Street intersections.* Insofar as practical, acute angles at street intersections shall be avoided. Where an acute angle of less than 75 degrees occurs between streets at their intersection, the City Council may require the property lines to be rounded or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing existing and proposed contours at one-foot intervals and a detailed design for the intersection may be required by the Director of Public Works.
4. *Dead-end streets.* Streets designed to have one end permanently closed (cul-de-sac) shall be provided at the closed end with a turnaround with minimum right-of-way radius of 60 feet, and a minimum driving surface radius of 35 feet. A cul-de-sac shall not be more than 500 feet in length unless approved by the City Council for specific reasons of topography or design. A turning "T" may be used where future extension is planned for a street perpendicular to the primary street.
5. *Street names.* Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the name for the proposed streets duplicate existing street names irrespective of the suffix used.
6. *Street improvements.* Street improvements shall be required as set forth in Section 3.5.2, *Street Improvements.*  
(Code 1961, § 14-3)

**D. Block Length and Width.**

1. Blocks should not, in most instances, exceed the lengths specified in Table 3.2.2, *Block Length*. Blocks may exceed the lengths in Table 3.2.2, *Block Length*, provided that the blocks are the minimum additional length necessary to achieve a stated design objective, and either:
  - a. The block traverses a span of open space that is wider than the distance specified in the table; or
  - b. Mid-block access is provided that allows pedestrian circulation from the block to another block (or, in TND "Center" subdistricts, to parking areas behind buildings). Such access shall be provided at intervals of not less than 300 feet, including street intersections.
2. Blocks should be such width as will provide two tiers of lots, except:

- a. Where reverse frontage lots are located along an arterial or collector street;
- b. Where such an arrangement is prevented by the size or other inherent site conditions of the property; or
- c. Where lots are arranged in a cluster format that promotes visual access to common open space by reducing back-to-back residential lots.

Table 3.2.2 Block Length		
Development Type	Maximum Block Length Is Lesser Of . . .	
	Max. Lots Accessed on One Side of Street	Max. Distance Between Intersections or Significant Curves, Jogs, or Offsets
Standard Residential Subdivisions; Clustered Residential Subdivisions (all types); Mixed-Housing Neighborhoods	9 single-family detached; or 15 single-family attached; or 15 multifamily footprints plus required building side yards	750 ft. (Code 1961, § 14-4)
TND "Center" subdistrict	N/A	500 ft.
TND "General" and "Edge" subdistricts	N/A	650 ft.

**E. Lots.**

1. *Lot arrangement.* Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a street which is not less than 75 feet in width and which is connected with the public street system.
2. *Minimum lot size.* Within the subdivision jurisdiction limits of the city, the size and shape of residential lots shall be in accordance with the provisions set forth in Division 1.6, *Residential Lot and Yard Standards* or a pattern book for a TND that is approved according to the standards of Section 5.5.3, *Pattern Book Requirements*.
3. *Corner lots.* Unless specified in Division 1.6, *Residential Lot and Yard Standards* or in a pattern book for a TND that is approved according to the standards of Section 5.5.3, *Pattern Book Requirements*, corner lots shall have a minimum setback from the property line of 12 feet on the side of the lot adjoining the street, irrespective of whether the rear lots of the corner lot abuts lots fronting on the side street. (Code 1961, § 14-6)
4. *Access to Lots.*
  - a. No residential lots shall front on collector or arterial roads or streets unless:
    - i. They have alley access to parking and on-street parking is permitted on the arterial or collector; or
    - ii. They are three acres or larger in area and have a minimum frontage of 250 feet along the collector or arterial.

- b. Residential lots in the "Center" and "General" subdistricts of TNDs shall be accessed by alleys.

**F. Public Use and Service Areas; Easements.**

1. *Easements for utilities.* Except where alleys are provided for the purpose, the Director of Public Works will require easements not exceeding five feet in width for poles, wires, conduits, or where feasible for storm and sanitary sewers, gas, water or other utility lines on each side of the common rear lot lines and/or along side lot lines unless the utility company certifies this to be impractical or unless it is not feasible in the opinion of the City Council.
2. *Surface drainage.* Whenever any stream or improved surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate right-of-way along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream, or for drainage maintenance, as deemed necessary by the Director of Public Works.
3. *Dedication to public use.* There shall be no reserve strips except those which are conveyed to the government having jurisdiction.  
(Code 1961, § 14-6)

**G. Building restrictions and building setback lines.** No final plat of land shall be approved unless building restrictions embodying at least the following minimum restrictions are established as covenants to run with the land:

1. All sales of lots, plots or building sites shall stipulate that no residence or building shall be constructed nearer than five feet from the side lines of the lot, plot or building site; provided that where fractional lots are sold as a unit, no residence or building shall be erected nearer than five feet from the side lines of the unit.
2. All sales of residential lots, plots or building sites shall stipulate that no residence or building shall be constructed nearer than 20 feet from the street right-of-way line on which the lot fronts.
3. Building restrictions and sales of lots, plots or building sites may carry the following provisions:
  - a. That steps or stoops not exceeding 24 square feet in area, eaves, cornices and window sills may project not more than two feet beyond the minimum setback lines; and
  - b. That garages or other outbuildings constructed at the rear of the lot, plot or building site need not conform to the requirements of this Section.  
(Code 1961, § 14-7)



- H. **Comprehensive group housing element.** A comprehensive group housing development including the construction of two or more buildings together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks and streets may be approved by the City Council if in the opinion of the City Council any departure from regulations of this Section can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to and approved by the City Council whether or not such plat is to be recorded, and no permits shall be issued for utility service until such approval has been given.

### **Sec. 3.2.3 Dedication of Land**

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In subdividing property, consideration shall be given by the developer to the dedication or reservation of suitable sites for parks, playgrounds and other areas for public use. In general, whenever the proposed subdivision contains 20 acres or more or includes more than 100 lots, consideration shall be given to the reservation or dedication of suitable area for recreation purposes.

(Code 1961, § 14-12)

### **Sec. 3.2.4 Survey and Permanent Markers**

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A. **Survey Required.**

1. All property situated in the city which, after the effective date of Ordinance No. 91-6, is divided, subdivided or partitioned to be used for commercial or industrial purposes shall, prior to such use, be surveyed by a state-registered land surveyor. Such survey shall clearly delineate all corners of the property intended to be so used, with designations of Lambert Coordinates (Louisiana South Zone).
2. All property situated in the city which, after the effective date of Ordinance No. 91-6, is subdivided in accordance with the ordinances of the city shall prior to approval of such subdivision be surveyed by a state-registered land surveyor. Such survey shall clearly delineate all corners of the property intended to be so used, with designations of Lambert Coordinates (Louisiana South Zone).
3. All property situated in the city which, after the effective date of Ordinance No. 91-6, is developed for public use by any public body shall prior to such development be surveyed by a state-registered land surveyor. Such survey shall clearly delineate all corners of the property intended to be so used, with designations of Lambert Coordinates (Louisiana South Zone).
4. All residential property situated in the city forming a part of any recognized subdivision which, after the effective date of Ordinance No. 91-6, is surveyed shall contain references on such survey to Lambert Coordinates (Louisiana South Zone) if National Geodetic

Survey monuments are within a 1,500-foot radius of the property; otherwise, the survey shall contain a reference to the nearest street or roadway intersection.

5. All residential properties situated in the city lying outside any recognized subdivision which, after the effective date of Ordinance No. 91-6, are surveyed shall contain references to Lambert Coordinates (Louisiana South Zone) if the properties are within a 1,500-foot radius of National Geodetic Survey or monuments. If such properties are inside a 3,000-foot radius, the survey shall contain a reference to any state, parish or municipal road intersection. If such property is outside a 3,000-foot radius, the survey shall contain a reference to at least two physical monuments such as water towers, radio towers, bridges, railroads or similar permanent structures.
6. All such surveys shall be performed by a state-registered land surveyor at the cost of the landowner.
7. All such surveys shall be filed with the city and with the assessor of the parish. (Code 1961, § 14-12.1)

**B. Permanent Markers.**

1. *Generally.* Monuments shall be placed to mark the following:
  - a. Lot corners, points of curvature, points of tangency, and reference points; and
  - b. Street centerlines, points of curvature, points of tangency, and reference points.
2. *Monument Requirements.* All lots in the subdivision which front on streets or roads shall be properly monumented at each corner with permanent markers, so that the streets or roads will be properly defined on the ground for future maintenance. All subdivision boundary corners and the four corners of all street intersections in subdivisions of previously unsubdivided tracts shall be marked with permanent monuments of concrete with a minimum dimension of four inches extending a minimum of three feet below the ground line, or steel pipe firmly imbedded in concrete which extends a minimum of three feet below the ground line. Should conditions prohibit the placing of monuments on line, offset marking will be permitted provided exact offset courses and distances are shown on the subdivision plat.
3. *Benchmark Requirements.* For all subdivisions larger than ten acres, a permanent benchmark shall be accessibly placed, the elevation of which shall be based on gulf level datum as determined by the U.S. Geological Survey, and accurately noted on the subdivision plat. Such permanent benchmark shall be deemed to be concrete with a minimum dimension of four inches extending a minimum of three feet below the ground line.

- C. As-Built Drawings.** As-built drawings, certified by a registered surveyor, shall be submitted to the City upon completion of subdivision infrastructure.

## DIVISION 3.3 DESIGN AND LAYOUT OF TRADITIONAL NEIGHBORHOOD DEVELOPMENTS

### Sec. 3.3.1 Design and Layout of Traditional Neighborhood Development

- A. **Generally.** An efficient multimodal circulation system that includes streets, alleys, sidewalks, and trails shall be provided throughout the proposed development. Generally, the density and intensity of development shall be concentrated in the center subdistricts, and lessen as distance to the center subdistricts increases.
- B. **Subdistricts.** The applicant shall designate the boundaries of the subdistricts on the plan for the TND.
- C. **Access to Residential Lots.** Residential lots shall be accessed as provided in Table 3.3.1A, *Residential Access by Subdistrict*.

Table 3.3.1A Residential Access by Subdistrict			
Access	Subdistrict		
	Center	General	Edge
Driveway Connects to Street	Not Allowed	Allowed only for single-family detached homes on lots that are wider than 60 feet	Allowed
Driveway Connects to Alley	Allowed	Allowed	Allowed

- D. **Access to Nonresidential and Mixed-Use Development.** Nonresidential and vertically mixed-use development shall be accessed as provided in Table 3.3.1B, *Nonresidential and Mixed-Use Access by Subdistrict*.

Table 3.3.1B Nonresidential and Mixed-Use Access by Subdistrict			
Access	Subdistrict		
	Center	General	Edge
Parking Lot Access Connects to Street	Allowed only along streets that define the border of the Center subdistrict	Not Allowed	Allowed
Parking Lot Access Connects to Alley	Allowed	Allowed	Not Allowed
On-Street Parking	Allowed	Allowed	Allowed
Mid-Block Access to Parking Structures or Parking Courts Located Behind Buildings	Allowed	Allowed	Allowed

- E. **Blocks.** The standards of this subsection supersede standards in [Division 3.5](#), *Streets, Sidewalks, and Utilities* in the event of a direct conflict.
1. *Arrangement.* Although a strict grid is not required, blocks shall be arranged in grid-like fashion to ensure connectivity and alternate travel routes within the development.
  2. *Block Length.*
    - a. Street segments in the Center Subdistrict shall not be longer than 500 feet, unless buildings provide pedestrian access from the front sidewalk to rear parking areas or structures at intervals of not more than 300 feet.
    - b. Street segments in the General and Edge Subdistricts, shall not be longer than 650 feet, and should generally be shorter than 650 feet. This requirement does not apply where:
      - i. The street segment traverses open spaces that are wider than 650 feet; or
      - ii. The view along the segment is interrupted by a significant curve, jog, or offset in the street, provided that the curve, jog, or offset is situated not more than 650 feet from the intersections that define the street segment.
  3. *Cul-de-sacs.* Cul-de-sacs may be used only in the “E” sub-district, but only where necessary due to site constraints. Cul-de-sacs may not be longer than 350 feet.
- F. **Streets.** Streets shall be designed according to the applicable standards of [Division 3.5](#), *Streets, Sidewalks, and Utilities*, and as provided therein, may have different right-of-way width and utilization than other streets in the City. Streets shall be laid out to provide connectivity within the development, and connections to adjacent neighborhoods.
- G. **Alleys.** Alleys shall be installed to provide service and parking access within the Center and General subdistricts, and shall conform to the requirements of [Division 3.5](#), *Streets, Sidewalks, and Utilities*. In areas where alleys will be used to provide services (e.g., trash collection or utilities) in addition to access), the City may require greater dimensions, and the Public Works Director or designee shall approve all connections and curb radii after consultation with the Fire Department and solid waste service provider.
- H. **Sidewalks.** Sidewalks shall be installed on both sides of all streets, except along a side which is a park or designated open space, and shall be designed with the dimensions set out in Table 3.5.2, *TND Street Configurations*, and the Americans with Disabilities Act Accessibility Guidelines.
- I. **Trails.** Off-street trails and multi-use paths shall be installed to enhance access to and through open space and recreational areas that are used as amenities for the TND development, and to connect to existing or planned trail systems in the City. Trails, where used, shall be eight feet wide and paved with concrete, compacted crushed limestone, or compacted cinder.

J. **Off-Street Parking.** Off-street parking shall be located behind the building it serves, or in parking garages that are designed according to the same standards which are set out in Division 3.6, *Parking and Loading*.

K. **Open Space and Recreation Areas.**

1. *Open Space.*

- a. Generally, open spaces should be integrated into the development design to bring significant open space to the maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Small, odd, left-over open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.
- b. Open space shall be designed to provide greenways along drainage corridors and streams. The landscaping along corridors or streams shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway for the residents of the proposed development.
- c. Formal open spaces shall be designed to provide areas of focus within the development. Landscaping and furniture for pedestrians should be installed to enhance this effect.
- d. Open spaces shall be protected by appropriate easements and plat notations.

2. *Accessibility of Recreation Areas.* Outdoor recreation areas shall be provided throughout the development, such that 90 percent of the residential units in the development (and 100 percent of the units in the "C" sub-district) are located within a one-quarter mile walk of an outdoor recreation area. For the purpose of this section, a plaza with features that provide recreational opportunities (*e.g.*, interactive fountain or sculpture, tot lot, etc.) shall be considered an outdoor recreation area.

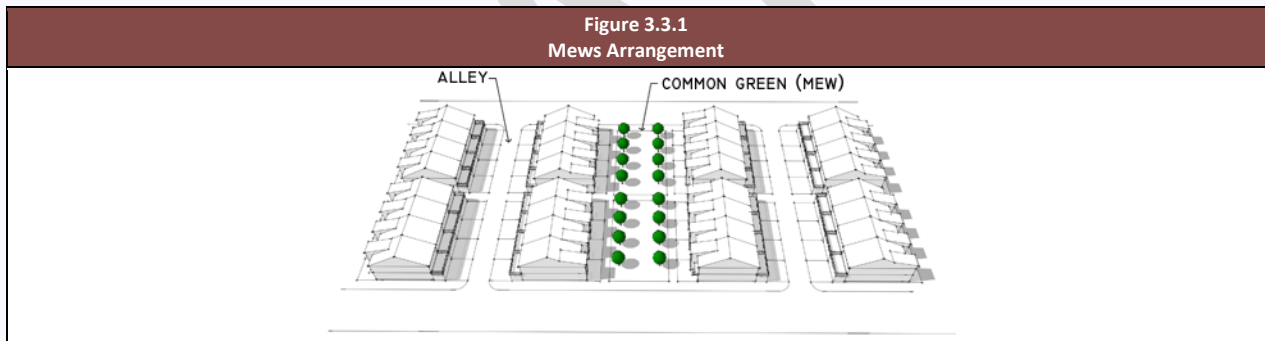
L. **Relation to Abutting Parcels.** Development that is approved pursuant to this Division shall be designed to be compatible with abutting parcels, in at least one of the following ways:

1. *Lot Width and Design.* The lot width and design of development at the perimeter of a TND shall be comparable with the lot width and design of abutting subdivisions. This requirement does not apply if the abutting parcel is not subdivided.
2. *Bufferyard.* In the alternative to subsection A., bufferyards may be installed according to the classifications set out in Section 3.9.3, *Bufferyard Requirements*, as follows:
  - a. Between the center subdistrict and abutting:
    - i. Residential development: Class D bufferyard; or
    - ii. Industrial development: Class E bufferyard;

- b. Between the general sub-district and abutting:
  - i. Residential or commercial development: Class B bufferyard; or
  - ii. Industrial development: Class E bufferyard;
- c. Between the edge sub-district and abutting:
  - i. Residential development: Class A bufferyard;
  - ii. Commercial development: Class C bufferyard; or
  - iii. Industrial development: Class E bufferyard.

**M. Mews Arrangement.**

1. **Generally.** The mews arrangement is a site layout in which homes front on a common green, and vehicular access is by way of alleys so that lots have no street frontage. The mews arrangement is allowed in TNDs subject to the standards of this Section.
2. **Standards.** Lots may take alley access and front on mews (common greens) if the alleys are not longer than 300 feet and do not serve more than 16 dwelling units. *See Figure 3.3.1, Mews Arrangement.*



**Sec. 3.3.2 Mix of Housing Types in TNDs and Mixed Housing Neighborhoods**

**A. Generally.**

1. The following types of development shall include a mix of housing types pursuant to this Section.
  - a. Mixed-housing neighborhoods; and
  - b. TNDs.
2. Individual housing types that may be included in the mix are set out in Section 1.6.1, *Single-Family Detached and Single-Family Cluster*, through Section 1.6.4, *Multiplex and Multi-Family*.

- B. **Housing Type Mix Requirements.** Table 3.3.2, *Housing Type Mix Requirements*, sets out the mix of housing types that are required for mixed housing neighborhoods and TNDs. When calculating the percentage of each housing type in a proposed development, normal rounding is allowed.

Table 3.3.2 Housing Type Mix Requirements			
Number of Dwelling Units in Mixed Housing Neighborhood or TND	Min. No. of Housing Types	Max. % Any Housing Type	Min. % Any Housing Type <sup>1</sup>
Less than 40	1	100	20
40 - 89	2	75	25
90-149	3	55	20
150- 220	4	50	12
More than 220	5	30	10

**TABLE NOTE:**  
<sup>1</sup> This requirement applies even if more than the minimum number of housing types are provided.

- C. **Phasing.** When a development is to be phased, the maximum residential development capacity of the entire site shall be used for calculating the required mix. When a parcel is to be subdivided and developed as multiple mixed housing neighborhoods or TNDs over time, the City may impose a mix based on the original property size to ensure an adequate mix of housing types.

## DIVISION 3.4 MANUFACTURED HOME PARKS AND SUBDIVISIONS DESIGN AND LAND DEVELOPMENT

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### Sec. 3.4.1 General Requirements for a New Manufactured Home Park or Subdivision

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- A. **Generally.** All manufactured home parks or subdivisions shall be built in accordance with the minimum standards of this Section.
- B. **Location.** The manufactured home park shall be located on a well-drained site, properly grounded to ensure rapid drainage and freedom from stagnant pools of water.
- C. **Minimum Size.** Manufactured home spaces shall be provided consisting of a minimum of 3,500 square feet for each space which shall be at least 37 feet wide and clearly defined.
- D. **Required Spacing.** Manufactured homes shall be so harbored on each space that there shall be at least a 15-foot clearance between manufactured homes; however, with respect to manufactured homes parked end-to-end, the end-to-end clearance may be less than 15 feet but shall not be less than ten feet. No manufactured home shall be located closer than ten feet from

any building or other manufactured home within the park or from any property line bounding the park.

- E. **Driveways.** All manufactured home spaces shall abut upon a driveway not less than 20 feet in width, which shall have unobstructed access to a public street, alley or highway.
- F. **Walkways.** Walkways not less than two feet wide shall be provided from the manufactured home spaces to the service buildings.
- G. **Driveway and Walkway Surface and Lighting.** All driveways and walkways within the park shall be a concrete, asphalt, limestone or gravel surface and lighted at night with electric lamps to ensure adequate protection and safety of occupants.
- H. **Service Buildings.** When a manufactured home park provides service buildings, such as maintenance and laundry facilities, they shall conform to requirements as are prescribed in this Section.
- I. **Electricity.** An electrical outlet supplying at least 220 volts shall be provided for each manufactured home space.
- J. **Playground.** For every 25 manufactured homes, a minimum 2,500 square feet protected area shall be provided for a small children's playground.
- K. **Screening.** Parks shall be shielded from public thoroughfares by fences or shrubs or trees in accordance with Section 3.9.3, *Bufferyard Requirements*. (Code 1961, § 9A-38)

### **Sec. 3.4.2 Setback and Open Spaces for Individual Manufactured Home Lots**

- A. **Generally.** Manufactured home lots shall conform to the minimum standards of this Section.
- B. **Required Spacing.**
  - 1. There shall be a minimum of ten feet of space in all directions between a manufactured home unit and any permanent building. For the purpose of this Section, covered patios, carports or individual storage buildings shall not be considered as permanent buildings; provided, that no such patio roof, carport or storage building shall be located closer than three feet to any manufactured home lot line.
  - 2. Manufactured home units shall be located at least ten feet from any side or rear property line of the park boundary and at least 15 feet from any front property line; however, at any intersection of public streets bounding a park, no manufactured home unit or structure of any kind shall be located within a triangle formed by a diagonal line connecting points on the two street property lines measured 30 feet along the property lines of each of the streets from the street corner intersection.



3. Manufactured homes shall be set at least ten feet from any recreation park, interior street or guest parking areas.
- C. **Lot Coverage.** Manufactured home units, together with accessory structures such as storage buildings and roofed-over patios or carports, shall not cover more than 75 percent of a manufactured home lot.
- D. **Roofed Patios and Carports.** Individual manufactured home lots may have open, unenclosed or roofed patios or carports of metal, fiberglass or other noncombustible material, provided such structures follow the setback and spacing requirements established in this section.
- E. **Parking.** The design criteria for automobile parking shall be based upon two parking spaces for each manufactured home lot. Parking may be in tandem.
- F. **Outdoor Living and Service Area Required.** Each manufactured home lot shall be provided with an outdoor living and service area.
- G. **Skirting.** Each manufactured home shall be skirted around the entire perimeter with material allowing for ventilation and which is compatible with the unit with adequate access provided for \_\_\_\_\_ inspection.  
(Code 1961, § 9A-39)

### **Sec. 3.4.3 Utilities and Fire Prevention**

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- A. **Water, sewerage and gas utilities.** Every manufactured home park or subdivision shall contain a water, sewerage and gas piping system consisting of piping, equipment and appurtenances which shall be installed and maintained in accordance with the requirements of this \_\_\_\_\_ ZLDC.  
(Code 1961, § 9A-54)
- B. **Prohibited systems.** All other sources of utilities other than city are prohibited.  
(Code 1961, § 9A-55)
- C. **Electrical systems.** Every manufactured home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the requirements of this ZLDC. All aluminum wiring is prohibited.  
(Code 1961, § 9A-56)
- D. **Power distribution lines.** Main power lines and all service shall be located as recommended and \_\_\_\_\_ approved \_\_\_\_\_ by \_\_\_\_\_ the \_\_\_\_\_ utilities \_\_\_\_\_ department.  
(Code 1961, § 9A-57)
- E. **Installation requirements.** All electrical systems installed in every manufactured home shall be in accordance with the most current edition of the National Electrical Code, which is

adopted and used as the electrical code of the city.  
(Code 1961, § 9A-58)

- F. **Garbage and trash disposal.** Sufficient containers for the storage, in a sanitary manner, of one week's accumulation of garbage and trash shall be provided. Three- or four-cubic-yard containers shall be provided for the disposal of garbage or trash. The unit shall be located in an enclosed (fenced) area, paved with asphalt or concrete, and provided with coping and a floor drain connected to the sanitary sewer. The area shall be maintained free of insects and rodents. It shall be the obligation of the owner/operator of a manufactured home park to require that all garbage and trash be disposed of in a sanitary manner, and it shall be his responsibility to maintain the park free of litter and debris.  
(Code 1961, § 9A-59)
- G. **Fire prevention and protection.** The manufactured home park shall provide, in each service building, one unit of first aid and fire extinguishing equipment and an additional unit for every 2,500 square feet in the structure. Standard fire hydrants and fire service lines shall be installed in accordance with the fire code. No open fires shall be permitted which would endanger life or property. Portable barbecue pits are permitted on the individual manufactured home sites. However, such fires shall not be left unattended at any time. Regulations of the National Fire Protection Association shall prevail except when in conflict with more restrictive city ordinances.  
(Code 1961, § 9A-60)

#### **Sec. 3.4.4 Maintenance of Manufactured Home Parks**

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- A. **Proper Identification and Location of Manufactured Home Units within Approved Parks.** Manufactured home parks or subdivisions shall contain at their main entrance and other means of ingress the proper identification and location of all manufactured home units as to their location and lot number within the manufactured home park. The layout of the identification system shall meet with the approval of the Director.  
(Code 1961, § 9A-4)
- B. **Responsibility of Owner/Operator.** The owner/operator shall be responsible for maintaining the manufactured home park in accordance with all applicable ordinances of the city and may be held liable for any negligence of operation and maintenance of the park.  
(Code 1961, § 9A-5)
- C. **Register of occupants.**
1. It shall be the duty of the owner, operator, manager or person in charge of a manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:

- a. Name and address of each occupant;
  - b. The make, model and year of all automobiles and manufactured homes;
  - c. License number and owner of each manufactured home and motor vehicle by which it is towed;
  - d. The state issuing such license;
  - e. The dates of arrival and departure of each manufactured home.
2. The person in charge of the park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other state and/or parish officials whose duties may necessitate knowledge of the information contained in the register. The register records shall be retained by the park operator for a period of three years following the date of departure of any manufactured home.  
(Code 1961, § 9A-6)

## **DIVISION 3.5 STREETS, SIDEWALKS, AND UTILITIES**

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### **Sec. 3.5.1 Improvements, Generally**

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The improvements listed in Division 3.5, *Streets, Sidewalks, and Utilities*, shall be installed prior to approval of the final plat; however, in lieu of installation of these improvements, the subdivider may post a bond to cover the cost of improvements, as provided in Section 5.6.4, *Final Plat Procedures*.

### **Sec. 3.5.2 Streets**

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#### **A. Street Improvements.**

1. *Surface.* All streets shall be paved 27 feet wide, back to back of curb or better, complete with storm drains, curb and gutter, with six-inch concrete, to secure a compressive strength of 3,000 pounds per square inch at the age of 28 days. Extensions of existing paved streets shall be paved at a width not less than their existing width.
2. *Storm drains.* Pipe will be either concrete culvert pipe or asphalt coated corrugated metal pipe arch. Pipe shall conform to applicable portions of part IV, division II, of "Standard Specifications for Roads and Bridges," state department of transportation and development, July 1955 edition, and shall be of a sufficient size and set at grades as approved by the Director of Public Works.

3. *Street markers.* Street markers bearing the names of the streets shall be provided and installed at each street intersection in the subdivision and shall be in accordance with specifications of the Director of Public Works.
4. *Streetlighting system.* A streetlighting system shall be installed complete with poles, fixtures, wiring, etc., with the approval of the city and shall meet specifications of the Director of Public Works.  
(Code 1961, § 14-11)

**B. TND Street Configurations.**

1. Streets within TNDs shall be designed according to Table 3.5.2, *TND Street Configurations*. Examples of street configurations that are permissible pursuant to Table 3.5.2, *TND Street Configurations* are provided in Figure A-1, *TND Street Configuration Examples*, in Appendix A, *Illustrations*.
  - a. In order to promote a pedestrian-friendly environment, curb radii may be reduced as specified by the applicant, provided that:
  - b. The School District approves a bus route that has curb radii that are acceptable to the School District for the safe operation of its buses.
  - c. The Fire Department approves the curb radii or emergency (flattened or mountable) curb treatment.
  - d. The trash removal service provider approves the curb radii.

Table 3.5.2 TND Street Configurations							
Classification	Type	Min. Right-of-Way	Max. ADT	Min. Travel Lanes	Min. Vehicle Travel Lane Width	Min. Clear Sidewalk Width	On-Street Parking
Collector	Primary Boulevard	110 ft.	-	4	12	10 ft.	Not allowed
Collector	Boulevard	72 ft.	-	2	12 ft.	8 ft.	Allowed
Local	Main Street Mixed-Use	67 ft.	-	2	10 ft.	10 ft.	Allowed
Local	Green Streets	58 ft.	< 1,000	2	9 ft.	5 ft.	Allowed
Local	Main Street Residential	57 ft.	-	2	10 ft.	5 ft.	Allowed
Local	Small Streets	47 ft.	-	2	8 ft. in G or E subdistricts; 9 ft. in C	5 ft.	Allowed
Local	Small streets that abut parks or plazas	43 ft.	< 2,500	2	10 ft.	8 ft. (one side)	Allowed
Local	Small streets that abut parks or plazas	37 ft.	< 1,000	2	9 ft.	5 ft. (one side)	Allowed
Local	One-way streets that abut parks or plazas	32 ft.	< 1,000	1	10 ft.	6 ft. (one side)	Allowed
Alley	Alley	20 ft.	-	1	10 ft.	None	Not allowed

- C. **TNDs and Multi-Housing Neighborhoods.** In TNDs and multi-housing neighborhoods, an efficient multimodal system shall be provided that include streets, sidewalks, and trails throughout the development. In the "Center" and "General" subdistricts of a TND, and in areas of multi-housing neighborhoods with lot widths that are less than 50 feet, private alleys shall provide access to residential lots.
- D. **Notice.** Subdividers shall advise the Director of Public Works 30 days in advance of the construction of streets.

### Sec. 3.5.3 Sidewalks

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- A. **Generally.** Sidewalks are required along all public and private streets. They shall be constructed of concrete.
- B. **Width.** Generally, sidewalks shall be four inches thick and four feet wide along local streets, and five feet wide along arterials and collectors. In TNDs, sidewalk width shall be as provided in Table 3.5.2, *TND Street Configurations*.
- C. **Location of Sidewalks.**
  - 1. Sidewalks shall be provided between the right-of-way line and the edge of pavement. Generally, the outer edge of the sidewalk shall abut private property lines.
  - 2. Sidewalks may meander into the parkway to protect the root systems of mature trees, provided that no sidewalk is located closer than three feet to the back of curb (or edge of pavement if no curb is present). This arrangement shall not reduce the right-of-way width requirement.
  - 3. Walks shall also be installed in pedestrian easements.
- D. **Modification of Sidewalk Requirements.** Sidewalk requirements may be altered or waived if a sidewalk plan that provides equal or greater pedestrian circulation is submitted to and approved by the planning and zoning commission at the time of platting. These trade-offs may be permitted:
  - 1. Better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or other off-street trails or multi-use pathways on the perimeter of the parcel proposed for development; and
  - 2. Lot frontages are greater than 150 feet.
- E. **Completion of Sidewalk Networks.** Adequate provisions shall be made to ensure the timely completion of the sidewalk/path network associated with development. For subdivisions, the surety shall not be released until the sidewalk/path network is completed.
- F. **Sidewalks in R1-D Districts.**

1. All R1-D property once developed shall have a sidewalk placed at the property line of the front or side yard (if a corner lot) in accordance with this Section.
  2. The sidewalk does not have to "run" through the driveway, but must abut the driveway with a continuous path. Driveways with circular drives shall have the sidewalk continuous on the interior perimeter at the property line.
  3. Owners with multiple lots shall provide sidewalks on all parcels.
- G. All property once developed shall have a sidewalk placed at the property line of the front or side yard (if a corner lot) in accord

### **Sec. 3.5.4 Utilities**

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#### **A. Location of Utilities.**

1. *Electrical Power, Telephone, Cable, and Comparable Utilities.* Electrical distribution lines and telecommunications lines shall be installed underground. All underground conduits for electrical power, telephone and other similar purposes shall be located in the servitude at the rear lot line, with adequate servitude for installing such utilities underground, unless certified by the utility companies concerned that the rear lot line location is impractical, or unless the planning and zoning commission finds this placement is not feasible.
2. *Gas, Water, and Sewer.* All gas, water and sewer lines, and utilities for such purposes, shall be located in the street servitude or rights-of-way, with adequate additional servitude for the location of pumping or lift stations or the like, unless it is certified by the developers and/or property owners concerned that such location is impractical, and the Planning and Zoning Commission and City Council find that the placement is not feasible.
3. *Gas and Water Mains.* Main lines for gas and water service must be run along both sides of each street in the subdivision, such that service lines can be connected to each individual lot after construction; or main lines for gas and water service are to be run along one side of a street in the subdivision and service lines must be run from the main line to each lot on both sides of the street.

#### **B. Servitudes.**

1. *Generally.* Where alleys are not provided, a servitude shall be provided on each side of all front and rear lot lines where necessary for the installation and maintenance of underground electrical and communications utilities, gas lines, potable water lines, re-use water lines (if available), subsurface drainage, or drainage ditches, and storm and sanitary sewers. Where both water and sewer lines are located in the same servitude and where the contour of the land requires a drainage ditch, a width of servitude shall be required sufficient to serve all of the necessary services and to provide and maintain the

necessary drainage. Wherever it is necessary to install sanitary or storm sewers or subsurface drainage alongside lot lines or across lots, a sufficient servitude shall be required to contain the necessary services as determined by the City Engineer then referred to the Planning and Zoning Commission by the City Engineer.

2. *Minimum Dimensions.*

- a. Rear yard servitudes shall be not less than 7 1/2 feet in width on each side of the rear lot line.
- b. Front yard servitudes shall be not less than five feet in width, unless the utilities are located within the right-of-way.

C. **Water, Sewer and Gas Utilities Generally.** The installation of all sewer connections, subdivision sewer systems, sewerage disposal systems and devices shall be constructed under the supervision of and approved by the City Engineer and such connections, systems, and devices shall meet the requirements of the state.

1. *Sanitary Sewer.*

- a. If the subdivision is located where a public sanitary sewer is accessible, the subdivider shall connect with such sanitary sewer and provide adequate sewer lines with service to each lot, at the subdivider's expense. Sewer connections and subdivision sewerage systems shall comply with the regulations of the state and shall be constructed under the supervision of the city engineer.
- b. If no sanitary sewer is accessible, a sanitary sewerage system shall be constructed complete with gravity mains lot services, sewer lift station and force mains. Sewer connections and subdivision sewerage systems, including lift station and force mains, shall comply with regulations of the state and shall be constructed under the supervision of the City Engineer.

2. *Water and Gas Supply.* The subdivision developer shall be responsible for providing water and gas for the subdivision from the nearest public water and gas systems available, at the subdivider's expense.

D. **Fire Protection Water Supply.**

1. *Generally.* All development must be served by adequate water supply and pressure to provide fire protection according to standards promulgated by the Department of Public Works in consultation with the Fire Department.
2. *Hydrant Spacing.* Spacing between hydrants shall be established by the Department of Public Works in consultation with the Fire Department.

## **DIVISION 3.6 PARKING AND LOADING**

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### **Sec. 3.6.1 Parking and Loading Calculations**

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- A. **Requirements, Generally.** Off-street automobile storage or standing space shall be provided on any lot or plot on which any of the following uses are established after the effective date of the ordinance from which this Section derives; such space shall be provided with vehicular access to street or alley and shall be deemed to be required open space associated with the permitted use and shall not be reduced or encroached upon in any manner. Building and land uses shall be provided with such off-street automobile storage or standing space as follows:
1. In all districts established by Section 1.2.1, *Zoning District Established*, the following minimum off-street parking shall be provided.
    - a. Churches: one space per six seats.
    - b. Clubs (all types): one space per 300 square feet of gross floor area.
    - c. Offices, clinics, banks, public buildings and similar places of business: one space per 300 square feet of floor space if less than 10,000 square feet; one space per 400 square feet of floor space if more than 10,000 square feet.
    - d. Stores, shops for services and trade, mortuaries: one space per 300 square feet of sales and service area if less than 10,000 square feet; one space per 400 square feet of sales and service area if more than 10,000 square feet.
    - e. Theaters and other places of assembly: one space per ten seats, permanent and portable.
    - f. Shopping centers: aggregate of requirements for individual occupants.
    - g. Hospitals, convalescent homes: one space per three beds.
    - h. Hotels, motels, roominghouses: one space per guest room.
    - i. Industrial: one space per 400 square feet or per four employees, whichever is greater.
    - j. Libraries, museums: one space per 300 square feet.
    - k. Multifamily dwellings: 1½ spaces per dwelling unit.
    - l. Restaurants: one space per four seats.
    - m. Schools, elementary: 1½ spaces per classroom.
    - n. Schools, secondary: seven spaces per classroom.
    - o. Row housing: two spaces per dwelling unit (may be in line).



- p. Lounges and bars:
    - i. Central business district along Front Street from Greenwood Street south to Railroad Avenue and along Railroad Avenue east from Front Street to Second Street: available curbside parking.
    - ii. All other locations: one space per 100 square feet.
  - q. Buildings located in the downtown section existing prior to the effective date of the ordinance from which this subsection derives along Front Street from St. Clair Street to Railroad Avenue and along Railroad Avenue from Front Street to Second Street shall use available curbside and/or neutral ground parking.
    - i. For entrances and exits to parking lots, all required off-street parking and drives shall be constructed within the property lines such that only entrance and exit drives to parking lots will cross neutral grounds. These entrances and exits shall be not more than 30 feet wide for all parking lots 100 feet in width or less fronting on street; for all parking lots over 100 feet in width, multiple entrances and exits may be installed; but in no case shall they exceed 30 feet in width each, with not more than one entrance and one exit for each 100 feet of parking lot or fraction thereof.
    - ii. In no case shall neutral ground be hard surfaced to be used to provide individual parking spaces, except in residential zones, and as provided for in this subsection (1)(q).
  - 2. In all districts established by Section 1.2.1, *Zoning Districts Established*, adequate space shall be provided necessary to serve the loading and unloading needs of the businesses.
- B. Requirements for Parking In BP-2 Districts.** In the B-P2 district located adjacent to the U.S. Highway 90 and State Route 182 bridges, off-street parking shall be accomplished as follows:
- 1. For business establishments with adequate space to provide the required off-street parking, such parking shall be provided as required by this Section as a cost of doing business.
  - 2. For those business establishments with inadequate space to provide all or a portion of the required off-street parking, the neutral ground directly in front of the business only may be utilized to accommodate its customers provided such neutral ground is hard surfaced with concrete, and tire stops are provided to prevent blocking of sidewalks. It shall be the business owner's responsibility to ensure that its customers do not park in front of adjacent property owners. Any additional parking shall be under either of the two bridges.
  - 3. On Second Street between Brashear Avenue and Greenwood Streets, there shall be no parking from 8:00 a.m. to 6:00 p.m.

4. During the five-day period of the Louisiana Shrimp and Petroleum Festival, space under the U.S. Highway 90 bridge shall be reserved for use of the festival only; and no parking for plaza business shall be permitted during this period. (Code 1961, § 19-16)

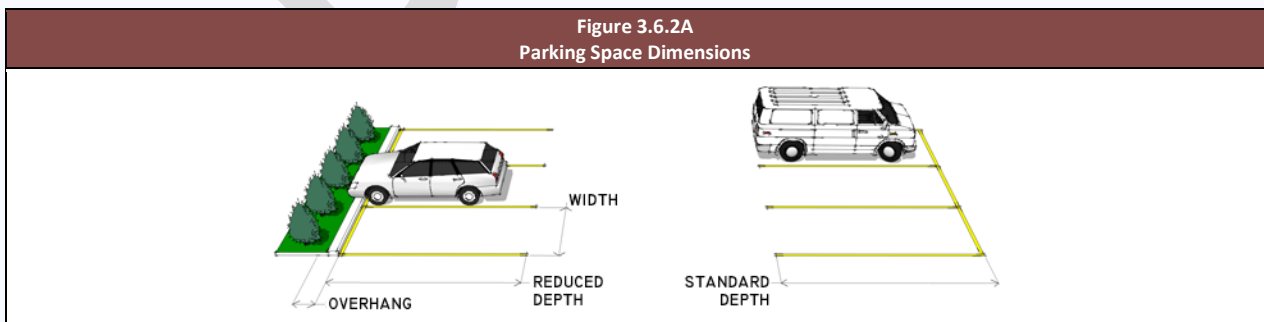
**C. Requirements for Parking in R1-D Districts.**

1. No vehicle of any kind shall be parked on any portion of any lot except the paved drive or carports. Each lot owner shall provide for the permanent parking of all vehicles and must be off-street and clear of public rights-of-way. Curbside or street parking will be allowed for temporary visitors of the lot owner.
2. No vehicle exceeding two axles, or similar commercial vehicles, shall be parked anytime at the subdivision lot or on the street, except only when making a delivery (the length of time of delivery to be kept to a minimum of approximately one hour).
3. All vehicles parked or stored on any lot must be operational and capable of being operated on the public roads according to the laws of the State of Louisiana.
4. The parking of boats or waterborne vehicles, utility trailers, recreational vehicles, on any parcel of property must be a minimum of ten feet from the front property line. (Code 1961, § 19-15; Ord. No. 03-23, § 1, 9-23-2003; Ord. No. 07-14, § 1, 11-27-2007; Ord. No. 10-06, § 1, 4-27-10)

**Sec. 3.6.2 Parking and Loading Design**

**A. Dimensions of Standard Parking Spaces.** Parking spaces shall have the following dimensions.

1. Generally: 9 ft. width x 20 ft. standard depth.
2. 90-degree parking spaces that abut curb or edge of pavement (allowing for overhang): 9 ft. width x 18 ft. reduced depth. *See Figure 3.6.2A, Parking Space Dimensions.*
3. Parallel (0 degree) parking spaces: 8 ft. width x 20 ft. depth.



- B. Dimensions of Disabled Parking Spaces.** Disabled parking spaces shall be dimensioned as required by the Americans with Disabilities Act Accessibility Guidelines.
- C. Number of Disabled Parking Spaces.** Disabled parking spaces shall be provided as required by the Americans with Disabilities Act Accessibility Guidelines, as amended. The requirements as of the Effective Date are set out in Table 3.6.2A, *Disabled Parking Requirements*; however, in the event of amendment to ADAAG, ADAAG standards shall control. Disabled parking is included in the total number of required parking spaces.

Table 3.6.2A Disabled Parking Requirements		
Number of Required Parking Spaces	Number of Disabled Spaces	Number of Disabled Spaces that Must be Van Accessible <sup>1</sup>
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2 percent of total	1 out of 8 disabled parking spaces, rounded up
1001 and over	20 plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

**TABLE NOTE:**  
<sup>1</sup> Van accessible spaces are counted as disabled parking spaces and are not an additional requirement. ADAAG requirements also provide for "universal spaces" which eliminate the need for designated van accessible spaces.

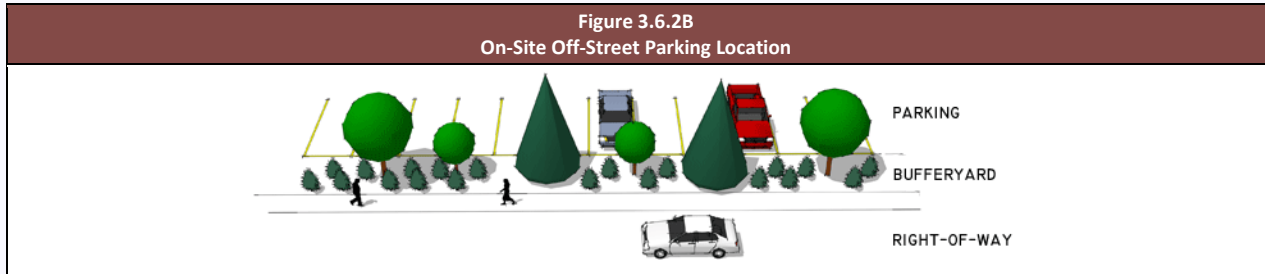
**D. Parking Space Markings.**

1. All standard and disabled parking spaces that are located in parking lots or provided on-street on a street provided by the developer shall be clearly marked.
2. Parking spaces for residential uses that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:
  - a. The area is at least 9 feet by 18 feet in dimension;
  - b. The area does not encroach upon a public sidewalk;
  - c. The area is hard-surfaced; and
  - d. The area is accessible from the street.

**E. Location of Off-Street Parking.**

1. *On-Site Off-Street Parking.* On-site off-street parking shall be set back behind any required bufferyard (see Section 3.9.3, *Bufferyard Requirements*). Parking spaces, aisles, and

turning areas shall not encroach upon or overhang any street, driveway, or public right-of-way. See Figure 3.6.2B, *On-Site Off-Street Parking Location*.



2. *Off-Site Off-Street Parking.* Parking or overflow parking is generally not allowed in off-site locations. However, in Traditional Neighborhood Development, it is allowed as provided in Table 3.6.2B, *Distance to Required Parking*.

Use	Location of Required Parking	Location of Overflow or Valet Parking Spaces
Traditional Neighborhood Development: Single-Family Attached and Multi-family Uses	Boundary of parking lot within 150 feet of principal building being served	NA
Traditional Neighborhood Development: All Nonresidential Uses	Boundary of parking lot within 200 feet of principal building being served	Within 300 feet of principal building being served

3. *Guest Parking.* In residential districts, guest parking in excess of the minimum parking requirements may be permitted in platted guest parking islands within enlarged cul-de-sacs. However, in no case shall required parking be located within guest parking islands.

**G. Off-Street Loading.**

3. *Generally.* All uses shall provide off-street loading as required by Section 3.6.1, *Parking and Loading Calculations*. Loading spaces shall be designed as follows:
4. *Dimensions.* The dimensions of required loading spaces shall depend upon whether the use will be served by semi-trailers. Commercial retail and industrial uses that are larger than 40,000 square feet shall be presumed to require semi-trailer loading unless the applicant demonstrates otherwise.

Minimum width of loading bay (side to side): 12 feet.

Minimum length of loading bay (front to back):

For semi-trailers: 60 feet.

All other loading spaces: 35 feet.

Minimum vertical clearance: 14 feet.

5. *Use of Right-of-Way.* Where off-street loading areas are required, at no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded.
6. *Maneuvering Space.* Adequate off-street truck maneuvering space shall be provided on lot (and not within any public street right-of-way or other public property), so that trucks can maneuver to the docking area.
7. *Location.* All loading areas shall be located on the same lot as the building or lot served by the loading area. Semi-trailer loading spaces and loading docks shall be located behind buildings and screened from view from adjacent properties and public rights-of-way as provided in Section 2.2.3, *Loading, Truck Access, and Solid Waste Collection*. Loading areas shall be located such that no part of a truck extends into right-of-way or interferes with parking access while it is loading or unloading.
8. *Fire Exit or Emergency Access.* Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

**Surfacing.** Off-street parking areas shall be surfaced as follows:

3. In general, off-street parking areas that are required to have more than three parking spaces shall be graded and surfaced with a material approved by the Director of Public Works that will protect against potholes, erosion, and dust.
4. The Director of Public Works may permit less durable surfaces (such as grass pavers, crushed stone, or gravel) for off-street parking facilities that serve low-turnover uses or overflow parking needs, provided that:

The perimeter of such parking areas is defined by bricks, stones, railroad ties, or other similar devices;

Surfaces with loose materials are set back at least 25 feet from a public street; and

The material does not generate inordinate amounts of dust.

**Maintenance.** Off-street parking surfaces shall be kept in good condition and parking space lines or markings on hard-surfaced lots shall be kept clearly visible and distinct.

## **DIVISION 3.7 FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION**

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### **Sec. 3.7.1 Statutory Authorization, Findings of Fact, Purpose, and Methods**

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- A. **Statutory Authorization.** The legislature of the state has in R.S. 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.
- B. **Findings of Fact.**
1. The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
  2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- C. **Statement of Purpose.** It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  6. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
  7. Ensure that potential buyers are notified that property is in a flood hazard area.
- D. **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this article uses the following methods:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwater;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.  
(Code 1961, § 5-25)

### **Sec. 3.7.2 General Provisions**

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- A. **Lands to which this Section Applies.** This section shall apply to all areas of special flood hazard within the jurisdiction of the city.
- B. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Morgan City," dated May 20, 1996, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions to the study are adopted by reference and declared to be a part of this ZLDC.
- C. **Establishment of Development Permit.** A development permit shall be required to ensure conformance with the provisions of this Division.
- D. **Compliance.** No structure or land shall be located, altered or have its use changed without full compliance with the terms of this Division and other applicable regulations.
- E. **Abrogation and Greater Restrictions.** This Division is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Division and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **Interpretation.** In the interpretation and application of this Division, all provisions shall be considered as minimum requirements, liberally construed in favor of the council, and deemed neither to limit nor repeal any other powers granted under state statutes.
- G. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur, and flood heights may be increased by manmade or natural causes. This Division does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Division shall not create liability on the part of the city or

any official or employee of the city for any flood damages that result from reliance on this Division or any administrative decision lawfully made under this Division.  
(Code 1961, § 5-27)

### **Sec. 3.7.3 General Standards for Flood Hazard Reduction**

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- A. **Generally.** In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements.
- B. **Resistance to Hydrodynamic and Hydrostatic Loads.** All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- C. **Construction to Minimize Flood Damage.** All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- D. **Flood-Damage Resistant Materials.** All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- E. **Protection of Building Service Facilities.** All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- F. **Protection of Water Supply Systems.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system;
- G. **Protection of Sanitary Sewer Systems.** New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwater into the system and discharge from the systems into floodwater; and
- H. **Location of On-Site Waste Disposal Systems.** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.  
(Code 1961, § 5-29(a))

### **Sec. 3.7.4 Specific Standards for Flood Hazard Reduction**

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- A. **Generally.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.7.2, *General Provisions*, Section 4.3.2(B)(8), *Floodplain Administrator*, or Section 3.7.5(C), *Standards for Subdivision Approval*, the following provisions are required.
- B. **Residential Construction.** New construction or substantial improvement of any residential improvement of any residential structure shall have the lowest floor, including the basement,



elevated to, or above, the base flood elevation as shown on the flood insurance rate map. In addition, new construction or substantial improvements of any residential structure within Zones B, C, D, and X as shown on the flood insurance rate map shall have the lowest floor elevated to one foot above the crown of the street. A registered professional engineer, architect, or licensed land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.

- C. **Nonresidential Construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.
- D. **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  2. The bottom of all openings shall be no higher than one foot above grade.
  3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- E. **Manufactured Homes.**
1. Require that all manufactured homes to be placed within zone A on the city's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH and AE on the city's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as a result of a flood be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the city's FIRM that are not subject to the provisions of subsection (E) of this Section be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- F. **Recreational Vehicles.** Require that recreational vehicles placed on sites within zones A1-30, AH and AE on the city's FIRM be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the permit requirements of Section 5.2.1, *Floodplain Permit Procedures*, and the elevation and anchoring requirements for manufactured homes in subsection (E) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions. (Code 1961, § 5-29(b); Ord. No. 01-4, § 1, 4-12-2001)

### **Sec. 3.7.5 Standards for Subdivision Approvals**

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- A. **Implementation of Floodplain Management Policy.** All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with Section 3.7.1(B) through (D), *Statutory Authorization, Findings of Fact, Purpose, and Methods*.
- B. **Permit Requirements.** All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of Section 3.7.2, *General Provisions*, Section 5.2.1, *Floodplain Permit Procedures*, and the provisions of this Division.
- C. **Generation of Base Flood Elevation Data.** Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are greater than 50 lots or five acres,

whichever is lesser, if not otherwise provided pursuant to Section 3.7.2, *General Provisions* or Section 4.3.2(B)(8), *Floodplain Administrator*.

- D. **Adequate Drainage Required.** All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- E. **Location of Public Utilities and Facilities.** All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewerage, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.  
(Code 1961, § 5-29(c))

### **Sec. 3.7.6 Standards for Areas of Shallow Flooding (AO/AH Zones)**

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- A. **Generally.** Located within the areas of special flood hazard established in Section 3.7.2(B), *General Provisions* are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- B. **Elevation of New Construction and Substantial Improvements (Residential).** All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).
- C. **Elevation of New Construction and Substantial Improvements (Nonresidential).** All new construction and substantial improvements of nonresidential structures:
1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or
  2. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- D. **Certification Required.** A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this Section, as proposed in Section 5.2.1, *Floodplain Permit Procedures*, are satisfied.

- E. **Drainage Paths.** Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. (Code 1961, § 5-29(d))

## **DIVISION 3.8 GENERAL ENVIRONMENTAL STANDARDS**

### **Sec. 3.8.0.1 Statutory Authorization; Findings of Fact; Purpose; and Methods**

- A. **Statutory authorization.** The legislature of the state has in R.S. 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.
- B. **Findings of fact.**
1. The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
  2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- C. **Statement of purpose.** It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  6. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
  7. Ensure that potential buyers are notified that property is in a flood hazard area.

- D. **Methods of reducing flood losses.** In order to accomplish its purposes, this article uses the following methods:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwater;
  4. Control filling, grading, dredging and other development which may increase flood damage; and
  5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Code 1961, § 5-25)

### **Sec. 3.8.0.2 General Provisions**

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- A. **Lands to which this article applies.** This article shall apply to all areas of special flood hazard within the jurisdiction of the city.
- B. **Basis for establishing the areas of special flood hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Morgan City," dated May 20, 1996, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions to the study are adopted by reference and declared to be a part of this article.
- C. **Establishment of development permit.** A development permit shall be required to ensure conformance with the provisions of this article.
- D. **Compliance.** No structure or land shall be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations.
- E. **Abrogation and greater restrictions.** This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **Interpretation.** In the interpretation and application of this article, all provisions shall be considered as minimum requirements, liberally construed in favor of the council, and deemed neither to limit nor repeal any other powers granted under state statutes.
- G. **Warning and disclaimer of liability.** The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering

considerations. On rare occasions greater floods can and will occur, and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city or any official or employee of the city for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article. (Code 1961, § 5-27)

### **Sec. 3.8.0.3 Provisions for Flood Hazard Reduction**

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- A. **General Standards.** In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:
1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system;
  6. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwater into the system and discharge from the systems into floodwater; and
  7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Code 1961, § 5-29(a))
- B. **Specific Standards For Flood Hazard Reduction.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 46-33(b), 46-57(8) or 46-83(c), the following provisions are required:
1. **Residential construction.** New construction or substantial improvement of any residential improvement of any residential structure shall have the lowest floor, including the basement, elevated to, or above, the base flood elevation as shown on the flood insurance rate map. In addition, new construction or substantial improvements of any residential structure within Zones B, C, D, and X as shown on the flood insurance rate map

shall have the lowest floor elevated to one foot above the crown of the street. A registered professional engineer, architect, or licensed land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.

2. **Nonresidential construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.
3. **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
4. **Manufactured homes.**
  - a. Require that all manufactured homes to be placed within zone A on the city's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH and AE on the city's FIRM on sites outside of a manufactured home

park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as a result of a flood be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the city's FIRM that are not subject to the provisions of subsection (4)b of this section be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
5. **Recreational vehicles.** Require that recreational vehicles placed on sites within zones A1-30, AH and AE on the city's FIRM be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the permit requirements of section 46-58(a), and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions. (Code 1961, § 5-29(b); Ord. No. 01-4, § 1, 4-12-2001)

#### **Sec. 3.8.0.4 Standards for Subdivision Proposals**

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- A. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with section 46-31(b) through (d).
- B. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of section 46-33, section 46-58(a), and the provisions of this division.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 46-33(b) or 46-57(8).



- D. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards. (e) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewerage, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Code 1961, § 5-29(c))

### **Sec. 3.8.0.5 Standards for Areas of Shallow Flooding (AO/AH zones)**

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Located within the areas of special flood hazard established in section 46-33(b) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).
- B. All new construction and substantial improvements of nonresidential structures: a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 46-58(a), are satisfied.
- D. Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. (Code 1961, § 5-29(d))

### **Sec. 3.8.1 Noise**

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- A. **General Restrictions.** The creation of any unreasonably loud, disturbing or unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life, health, peaceful enjoyment of one's property or home, rest, comfort, repose, or undisturbed peace and quiet of any individual citizen is prohibited. (Code 1961, § 10-72)

**B. Acts Declared to be Unreasonably Loud, Disturbing and Unnecessary.** The following acts among others are declared to be loud, disturbing and unnecessary noises in violation of this Section; but the enumeration shall not be deemed to be exclusive:

1. Horn or signal device. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
2. Radios, phonographs and musical instruments. The playing of any radio, phonograph, musical instrument or any musical device in such a manner or with such volume, particularly during the hours between 9:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
3. Animal or bird. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.
4. Steam whistle. The blowing of any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
5. Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
6. Building construction at certain hours. The erection, demolition, alteration or repair of any building other than between the hours of 6:00 a.m. and 7:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety.
7. Noise on street adjacent to school, church or court. The creation of any excessive noise on any street adjacent to any school, church, institution of learning or court while the court is in session, or adjacent to any hospital, which unreasonably interferes with the working of such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a school, church, hospital or court street.
8. Peddlers, hawkers and vendors. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
9. Drums, loudspeakers. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creating any noise, to any performance or show or sale or display of merchandise.
10. Mechanical loudspeaker on moving vehicle; exception. The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes except where a specific license is received from the police department.

11. Railway locomotive whistle or bell. Unnecessary blowing of the whistle or ringing of the bell of railway locomotive engines which is disturbing the peace, quiet and repose of persons in the vicinity.  
(Code 1961, § 10-73)

**C. Unnecessary Loud Playing, Use or Operation of a Device for Entertainment Purposes Prohibited; Penalty.**

1. The unnecessary loud playing, use or operation of any radio, musical instrument, phonograph or other device for the producing or reproducing of sound for entertainment purposes inside the corporate limits of the city while in and/or operating a motor vehicle is declared to be a nuisance and unlawful. The operation of any radio, musical instrument, phonograph or other device while in and/or operating a motor vehicle in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be prima facie evidence of a violation of this Section.
2. Exempted from the provisions of this Section are duly authorized mechanical loudspeakers mounted on a moving vehicle as temporarily authorized by the city for a specific occasion in compliance with city ordinances and other legitimate functions as licensed by the city.
3. A violation of this Section shall be punishable by a fine of not more than \$250.00, or imprisonment for not more than 60 days, or both.  
(Code 1961, § 10-60.1)

## **Sec. Division 3.9 Landscaping**

### **Sec. 3.9.1 Lot and Building Landscaping**

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**A. Generally.**

1. Lot landscaping (subsection B) is required on lots within new residential subdivisions. This Section does not apply to existing single-family lots.
2. Building landscaping or hardscaping (subsection C) is required around nonresidential, mixed-use, and multi-family buildings, except in the center subdistrict of traditional neighborhood developments.
3. Required bufferyards, parking lots, designated open space tracts, and parkways used for street tree planting are not counted as areas where lot or building landscaping is required.

**B. Lot Landscaping.**

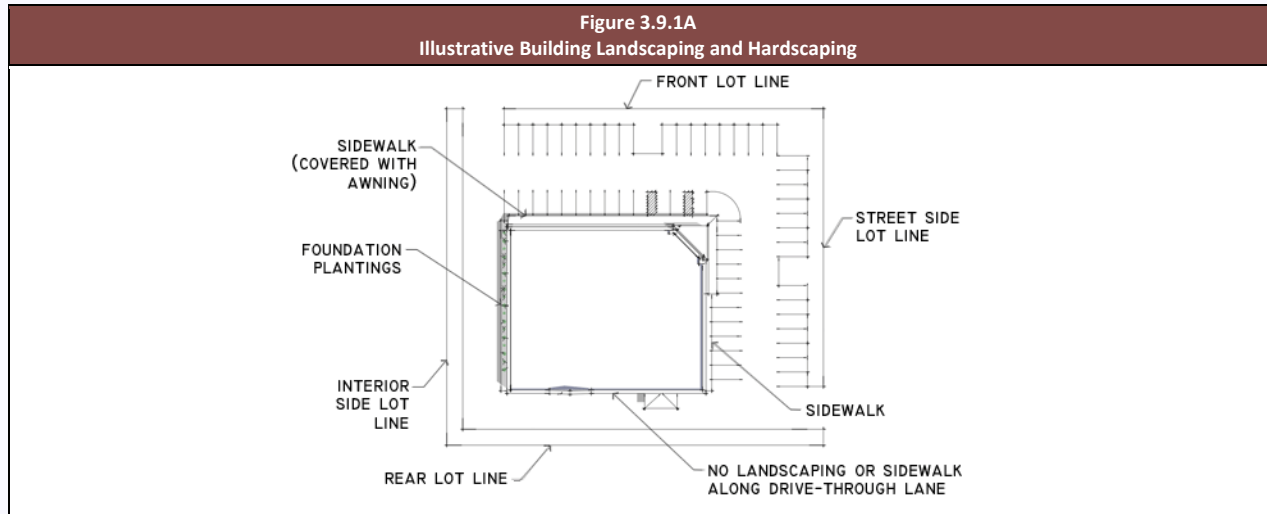
1. *Generally.* Lot landscaping is required as described in Table 3.9.1A, *Lot Planting Requirements*.
2. *Substitution of Understory Trees for Canopy Trees.* Understory trees may be substituted for canopy trees if the dimensions of the lot are such that the canopy trees would not have room to grow to a full canopy without conflicting with buildings or each other. For the purposes of this substitution, one canopy tree equals two understory trees.

Table 3.9.1A Lot Planting Requirements		
Lot Width		
50 feet or less	More than 50 feet, Less than 80 feet	More than 80 feet
1 canopy tree per 2 lots	2 canopy trees	2 canopy trees, at least one must be in front yard

3. *Ground Covers and Sod.* Areas of residential lots that are not covered by buildings, driveways, swimming pools, or other hard surfaces shall be sodded or planted with permitted ground covers as set out in Appendix B, *Plant Lists*. unless they are covered by woodlands, crops, or feedstock.

**D. Building Landscaping or Hardscaping.**

3. *Generally.* Multi-family and nonresidential buildings shall be surrounded by planting areas and / or sidewalks with a minimum width as set out in Table 3.9.1B, *Building Landscaping Requirements*. Planting areas count towards the landscape surface ratio. Sidewalks do not.
4. *Awnings and Roof Overhangs.* Awnings and roof overhangs may extend into building landscaping or hardscaping areas.
5. *Location.* The planting areas and / or sidewalks are not required in areas that are designed for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with the service window, but shall be installed between parking spaces and the building. See Figure 3.9.1A, *Illustrative Building Landscaping and Hardscaping*.



4. *Required Planting.*

- a. Planting areas around buildings shall be landscaped with shrubs, planted at intervals of not more than five feet. In the alternative, such plantings may be clustered, if equal or greater numbers of plants are used.
- b. Trees may be substituted for shrubs, perennials, or ornamental grasses in areas where there is sufficient room for the healthy growth and stability of the tree. Substitution of trees for shrubs, perennials, or ornamental grasses shall be at a rate of one understory or evergreen tree equals four shrubs, perennials, or ornamental grasses.
- c. Ground surfaces shall be mulched, sodded, or planted with a permitted ground cover.

**Table 3.9.1B**  
**Building Planting Requirements**

District	Minimum Radius Around Building		
	Facade (Front or Side)	Interior Side	Rear
B-2, B-P2, B-3, C, H, P	6 ft. (may be any combination of sidewalk or planting area)	5 ft. (may be sidewalk or planting areas)	3 ft. (may be concrete or planting areas)
R1-C, R-2, R-3, R-4, R-4A, R-5, R-6, B-1	At least 5 ft. wide planting area between building and parking lot (a sidewalk may be located on either side of the planting area) <sup>1</sup>		At least 5 ft. wide planting area from building foundation <sup>1</sup>

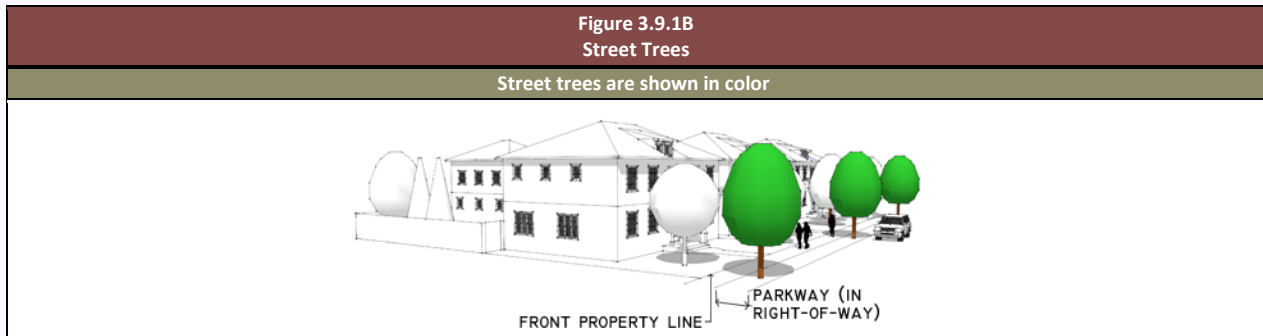
**TABLE NOTE:**  
<sup>1</sup> Where planting areas are required, they may be crossed with sidewalks to provide access to the building.

D. **Street Trees.** Street trees are trees that are planted within the street right-of-way, either in parkways, tree grates in sidewalks, or medians. Street trees are required:

1. Along existing rights-of-way in front of redeveloped properties where there is at least 5 feet of parkway or sidewalk width within which street trees could be planted, while still

providing for at least five feet of clear sidewalk (however, street trees are not required along State highways if the state does not permit them);

2. Along both sides of all new streets in the center and general subdistricts of traditional neighborhood developments; and
3. Along both sides of new streets in R-2, P, and I districts.



**B. Types and Species of Street Trees.** To maintain a consistent appearance along individual street segments:

1. All street tree species shall be derived from the approved list of street trees as found in Section 114-05, *Approved Tree Species*, of the Morgan City Code of Ordinances.
2. All street trees shall be canopy trees that are suitable for installation in the space within the parkway or within a tree grate, as applicable, unless the understory trees are approved for specific effect in limited area pursuant to subsection B.2., below.
3. Understory trees may be approved in parkways, provided that:
  - a. 1.6 understory trees are provided for each canopy tree that would otherwise required, and spacing between trees is proportionately reduced; and
  - b. The understory trees are used in areas where buildings are close to the parkway, such that the installation of canopy trees would create a likely conflict between the street trees and the nearby buildings.
4. The trees planted in a landscaped median shall be of a different species from those planted in the parkways. If the parkways are planted with canopy trees, then medians may be planted with understory trees instead of canopy trees.

**C. Location.** No street trees other than understory trees are planted under or within five lateral feet of any underground water line, sewer line, transmission line or other utility. The City may further limit the species of understory trees that are allowed in these locations to minimize interference with utilities.

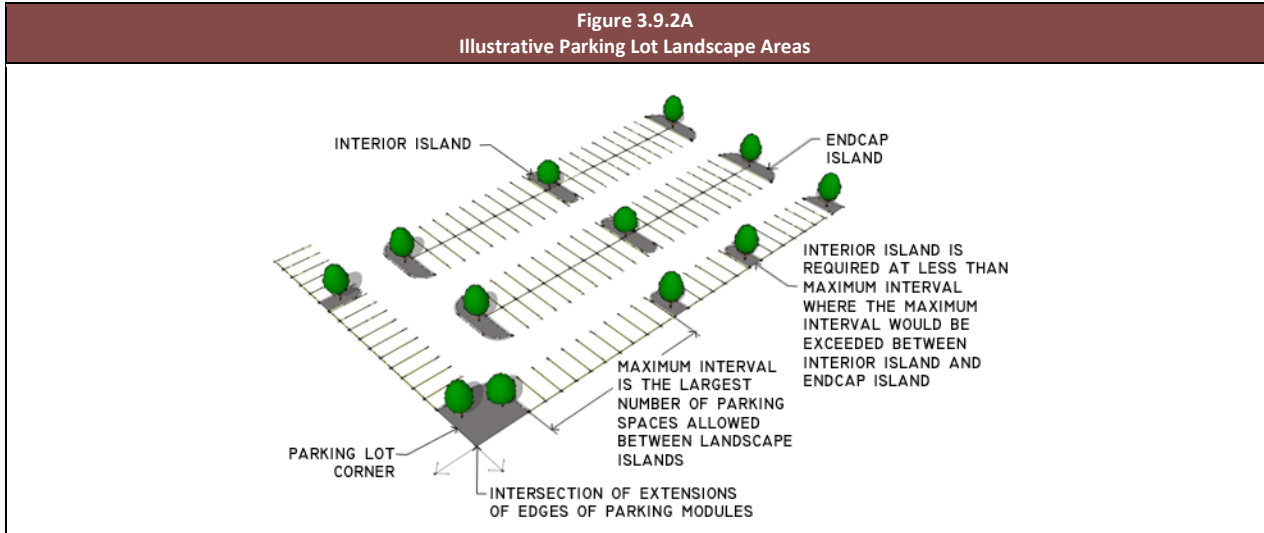
**D. Spacing.**

1. *Minimum Spacing.* No trees may be planted closer than 25 feet together, except that special plantings may be clustered if the cluster does not negatively affect the continuing health of the clustered trees, and the cluster is approved in the landscape plan of the plat or land development.
  2. *Maximum Spacing.* Street trees shall be spaced not more than 60 feet on center for trees with large canopies (*e.g.*, live oaks), or 40 feet on center for trees with smaller canopies. If the parkway or median is more than 16 feet in width and does not contain open ditch drainage, then canopy trees shall be installed in two rows, with trees staggered, each row spaced not more than 60 feet on-center.
- E. **Maintenance.** Street trees required by this ZLDC shall be maintained by a developer, lot owner, tenant, property owners' association or other entity having a legal interest in the ownership of the subdivision or lots in the subdivision. The entity that is in charge of the maintenance shall be indicated on the landscape plan, and documentation (*e.g.*, covenants, conditions, and restrictions) shall be provided to the City that shows the legal obligation of the entity to perform the maintenance.
- F. **Replacement.** If the City or a utility provider must remove trees to access utilities for repair or maintenance, then the developer or property owners' association shall pay the cost of removal and shall replace the trees within 30 days of the completion of the work unless the Director of Public Works or Director of Utilities determines that replacement would put utilities at material risk.

### **Sec. 3.9.2 Parking Lot Landscaping**

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- A. **Generally.** Parking lot landscaping is required within and around parking lots that contain more than five parking spaces.
- B. **Exemptions.** Farmsteads, single-family dwellings, and two-family dwellings are not required to provide parking lot landscaping.
- C. **Parking Lot Landscape Areas.** Landscaping is required in all of the following areas:
1. At the ends of parking aisles, planted in endcap islands that are not less than 10 feet wide and 40 feet long, with 10 foot curb radii on the side that faces outward from the parking aisle.
  2. In the middle of parking rows, planted in interior islands that are not less than 10 feet wide and 40 feet long, with 5 foot curb radii at both ends, at intervals required by subsection C., below.
  3. At the corners of parking lots, planted in corner islands, which are the area defined by the extension of the edges of intersecting parking modules. *See Figure 3.9.2A, Illustrative Parking Lot Landscape Areas.*



**D. Required Landscaping.** Parking lot landscape islands shall be provided at the maximum intervals described in Table 3.9.2, *Maximum Interval Between Landscape Islands* (see Figure 3.9.2A, *Illustrative Parking Lot Landscape Areas*, for illustration of maximum interval), and planted as follows:

1. Each interior and endcap island shall be planted with a minimum of:
  - a. One canopy tree or two understory trees; and
  - b. Ground cover, which may be either:
    - i. Sod; or
    - ii. Shrubs, ornamental grasses, or perennials that are planted at intervals of not less than 3 feet in a bed of mulch.
2. Each parking lot corner shall be planted with two canopy trees or three understory trees, unless such plantings would interfere with sight distances that are required for safe ingress to and egress from the parking lot.

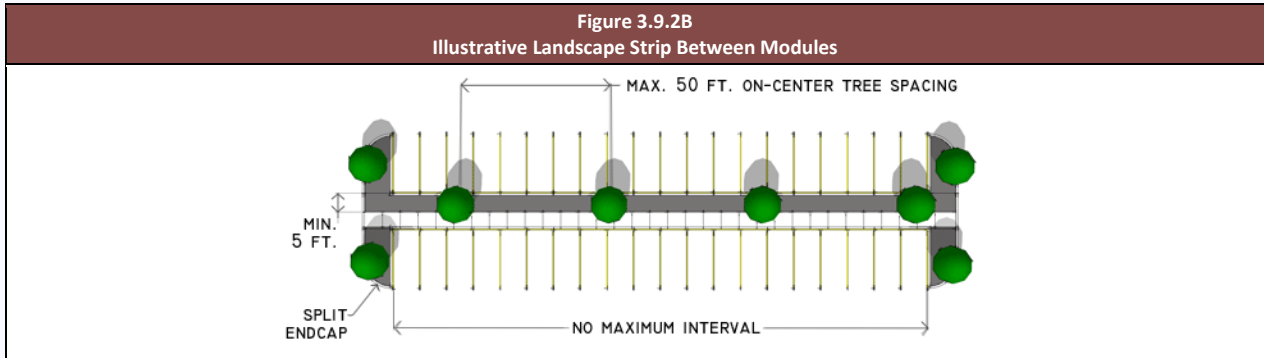
Table 3.9.2 Maximum Interval Between Landscape Islands	
District	Maximum Interval Between Landscape Islands
B-2, B-P2, B-3, C, H, P	10 spaces
R1-A, R1-B, R1-C, R1-D, R-2, R-3, R-4, R-4A, R-5, R-6, B-1	8 spaces

**E. Alternative Maximum Interval.** The maximum interval may be modified as follows:

1. The maximum interval may be increased up to 75 percent to accommodate landscape islands that preserve existing trees in place, provided that:
  - a. The trees are healthy, non-invasive, and at least five years old; and



- b. The landscape island is large enough to maintain the health of the tree.
2. The maximum interval may be waived where parking modules are separated by a landscape strip, provided that at least five feet of the width of the strip is landscaped (other areas may be curb or sidewalk) with trees that are appropriate for street tree use, planted at intervals of not less than 50 feet on center. Endcap islands that are divided by landscape strips shall be planted with two canopy trees or four understory trees. See Figure 3.9.2B, *Illustrative Landscape Strip Between Modules*.



- F. **Drive-In Lanes and Vehicle Stacking Areas.** Drive-in lanes and vehicle stacking areas that are adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or hedges that are at least three feet in height. These structures or landscape elements may be incorporated into and counted as part of required, co-located bufferyards.
- G. **Use of Islands for Stormwater Treatment.** Wherever possible, landscape islands shall be designed to incorporate storm water runoff best management practices ("BMPs"), by incorporating vegetated swales, bio-infiltration, and other types of water quality measures. These areas may have to exceed the minimum areas required by subsection C., above, in order to meet engineering requirements.

**Sec. 3.9.3 Bufferyard Requirements**

- A. **Bufferyard Classifications.** Bufferyards are classified from less opaque ("Class A") to more opaque ("Class E"). The width and composition of bufferyards shall be as set out in Table 3.9.3A, *Bufferyard Classifications*.

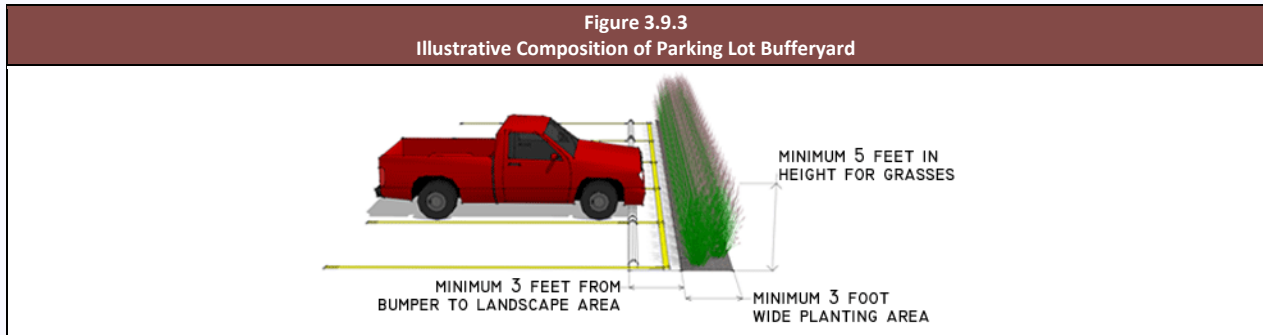
Type	% Opacity	Width	Required Plantings per 100 Linear Feet				Berm or Opaque Wall or Fence
			Canopy Trees	Evergreen Trees	Understory Trees	Shrubs	
Type A	10%	5 ft.	1	1	1	10	-
Type B	23%	10 ft.	2	2	2	20	-
Type C	52%	25 ft.	3	3	3	30	3 foot high berm, wall, or fence
Type D	74%	40 ft.	3	3	3	30	6 foot high berm, wall, or fence
Type E	99%	50 ft.	4	4	4	40	6 foot high berm, wall, or fence

- A. **District Bufferyard Standards.** Table 3.9.3B, *District Boundary Bufferyard Standards*, sets out the classification of bufferyard that is required between zoning districts that are not separated by a public street. The table is a matrix in which all districts are shown. Rows show the zoning of the parcel proposed for development, and columns show the zoning of the adjoining land. Two letters are shown for each condition (for example, A and C). The bufferyard required for the proposed use is listed first. The letter listed second is the buffer that is required on the adjoining property. A “-” means that no bufferyard is required.

Table 3.9.3B District Boundary Bufferyard Standards							
Zoning of Proposed Development	Adjoining District						
	B-3; R-6	R1-A; R1-B, R1-C	R1-D; R-2	R-3; R-4; R-4A, B-1	R-5	B-2; B-P2; C; P	H
B-3; R-6	- / -	- / B	- / B	- / C	- / D	- / D	- / E
R1-A; R1-B; R1-C	B / -	- / -	B / A	B / B	B / C	B / B	A / D
R1-D; R-2	B / -	A / B	- / -	B / C	B / D	B / C	A / E
R-3; R-4; R-4A; B-1	C / -	B / B	B / B	- / -	B / C	A / B	A / C
R-5	D / -	C / B	D / B	C / B	A / A	C / B	A / C
B-2; B-P2; C; P	D / -	C / B	C / B	B / A	B / C	- / -	A / B
H	E / -	D / A	E / A	C / A	C / A	B / A	A / A

- B. **Existing Adjacent Development without Bufferyards.** Where the adjoining property is already developed and does not have the required bufferyard, the proposed development shall provide a bufferyard of the next most opaque classification than the more opaque of the two bufferyards required (*e.g.*, if the requirement is C / A, and the adjoining property is already developed and does not have a bufferyard, then the developer must install a Type D bufferyard).
- C. **Buffering Existing Residential Development.** The City may require an increase in the level of opacity of a bufferyard (*e.g.*, from Type A to Type B) between new residential development and existing residential development, if:
1. The lot widths of the new development are less than 80 percent of the lot widths of the nearest lots of the existing development;
  2. The building height of the new development is more than eight feet taller than the building height of the existing development; or
  3. The housing types that are located on the lots that abut existing development are different from the housing types of the existing development (*e.g.*, new townhome lots abutting existing single family detached lots).
- D. **Parking Bufferyard Standards.** Parking lot bufferyards are located along the perimeter of parking lots. Their purpose is to mitigate the impact of headlights on streets and abutting residential property, and to reduce the aesthetic impact of parked cars on the character of the street.

1. *Where Required.* Parking lot bufferyards are required:
  - a. Between parking lots and abutting residential lots, unless:
    - i. The area between the parking lot and the abutting lot is occupied by a building; or
    - ii. Another type of bufferyard is required (*e.g.*, a district boundary bufferyard) and the other bufferyard provides screening between a height of zero and three feet above grade.
  - b. Between parking lots and streets, except in areas where:
    - i. The edge of the parking lot is at least 25 feet away from the edge of pavement; or
    - ii. The elevation of the parking lot is at least three feet below the crown of the street; or
    - iii. The area between the parking lot and the street is occupied by a building or access point to the parcel proposed for development; or
    - iv. Another type of bufferyard is provided along the street that includes buffering between a height of zero and three feet above grade.
2. *Composition.* Parking lot bufferyards shall be composed of any of the following, set in a bufferyard area that is at least three feet wide:
  - a. A three-foot high masonry wall, measured from the surface of the parking lot in the area that is closest to the wall; and / or
  - b. Shrubs planted to form a continuous buffer that is at least three feet in height if the plants form a hedge with comparable opacity from the ground to three feet in height, or five feet in height if ornamental grasses are used that do not provide opacity that is comparable to a hedge at three feet in height. If shrubs or ornamental grasses are used, the landscape area shall be set back from parking spaces:
    - i. Three feet from the edge of pavement if there are no curbs or wheel stops; or
    - ii. Three feet from the face of the curb or parking bumper that faces the parking space. *See Figure 3.9.3, Illustrative Composition of Parking Lot Bufferyard.*



### Sec. 3.9.4 Landscape Plan, Installation, and Maintenance

#### A. General.

1. Compliance with the standards of this Division shall be demonstrated by a schematic landscape plan and a landscape installation and maintenance plan. Collectively, these documents shall be referred to as the "landscape plan."
2. Landscape plans for nonresidential, mixed-use, and multi-family development shall be prepared by a registered landscape architect who is licensed to practice in the State of Louisiana.

**B. Contents of Schematic Plan.** The landscape plan shall include a plan view, drawn to scale, tabular information (e.g., number and species of trees, etc.), and other information (e.g., installation and maintenance measures) deemed necessary by the Director to ensure compliance with the landscape and buffer requirements identified in this ZLDC.

#### C. Timing and Installation; Inspections.

1. *Completion of Landscape Improvements.* Bufferyard and street tree landscaping must be completed prior to a subdivision plat being recorded, or, if no plat is required, a certificate of occupancy being issued. If this requirement would result in the installation of landscaping during an inappropriate season, then the City may:
  - a. Allow the plat to be recorded upon condition that security is provided for the installation of the required landscaping during planting season; or
  - b. Issue a temporary certificate of occupancy, on the condition that a permanent certificate of occupancy will not be issued unless the required landscaping is installed.
  - c. All other landscaping must be installed before issuance of a permanent certificate of occupancy. A temporary certificate of occupancy may be issued if necessary to allow

for the planting of landscaping improvements during an appropriate season or weather condition.

2. *Periodic Inspections.* The City may inspect each site periodically after approval of a subdivision plat or issuance of the certificate of occupancy to ensure compliance with the Division.

## **CHAPTER 4 ADMINISTRATIVE BODIES**

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### **DIVISION 4.1 PURPOSES AND APPLICATION OF CHAPTER**

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#### **Sec. 4.1.1 Purpose of Chapter**

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The purpose of this Chapter is to establish the bodies that are responsible for the administration of this ZLDC. This Chapter describes the roles and responsibilities of the City Council, Planning and Zoning Commission, Board of Adjustment, and City Staff with respect to the administration of this ZLDC. It also establishes the composition of appointed Boards and Commissions, and general rules of procedure.

#### **Sec. 4.1.2 Application of Chapter**

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- A. **Generally.** This Chapter sets out the roles and responsibilities of the City Council, Planning and Zoning Commission, Board of Adjustment, and City Staff with respect to the processing and administering applications under this ZLDC. It lays the foundation for the procedures in [Chapter 5](#), *Permits and Procedures*; and the enforcement proceedings in [Chapter 7](#), *Enforcement and Interpretation*.
- B. **Application of Powers of the City Council.** The provisions of Sec. 4.2.1, *City Council*, are intended to establish the City Council's role with respect to decisions about individual properties pursuant to this ZLDC. The Section does not restrict any other powers that are granted to the City Council by federal law, state statute, or the City's Home Rule Charter.

## **DIVISION 4.2 COMMISSIONS, BOARDS, AND COUNCIL**

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### **Sec. 4.2.1 City Council**

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- A. **Generally.** The City Council has all powers conferred upon it by the City of Morgan City Home Rule Charter and the constitution and laws of the State of Louisiana. With respect to decision-making pursuant to this ZLDC, the City Council will exercise the powers set out in this Section.
- B. **Approvals.** The City Council shall hear and decide the following applications:
1. After a public hearing is held and after reports and recommendations are provided by the responsible official and Planning and Zoning Commission:
    - a. Text amendments to this ZLDC;
    - b. Amendments to the Official Zoning Map;
    - c. Pattern book approval
    - d. Conditional use approval; (PUD)
    - e. Site plan approval;
    - f. Preliminary plat approval if no pattern book is required; and
    - g. Final plat approval.
- C. **Appeals.** The City Council shall hear and decide appeals from decisions of the Historic District Commission after public hearing.
- D. **Composition; Terms; Vacancies.** The composition of the City Council, the terms of its elected officials, and the filling of vacancies shall be as provided in the City of Morgan City Home Rule Charter.
- E. **Rules; Meetings; Administration of Oaths; Witnesses; Records.** The procedural rules, conduct of meetings, meeting schedules, and the powers and duties of the City Council with respect to the administration of oaths, summoning of witnesses, and keeping of records are as set out or provided for in the City of Morgan City Home Rule Charter and State law.

### **Sec. 4.2.2 Planning and Zoning Commission**

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- A. **Created; membership; appointment; removal.** There is hereby created a city planning and zoning commission, which shall consist of not less than seven nor more than nine members, all to be appointed by the mayor, who may remove any member of the commission, after public hearing, for inefficiency, neglect of duty, malfeasance in office, or the absence from four consecutive meetings or the absence from half or more meetings during a one-year period. (Code 1961, § 2-80)

- B. **Compensation; term; vacancies.** All members of the city planning and zoning commission shall serve without compensation and shall hold no other public office, except that they may also serve as members of any duly constituted regional commission of which the city forms a part. The members of the commission shall hold office for five-year staggered terms. If a vacancy occurs otherwise than by an expiration of term, it shall be filled by appointment by the mayor for the unexpired term.  
(Code 1961, § 2-81)
- C. **Officers; meetings; rules; records.** The city planning and zoning commission shall elect a chairman from its members and create and fill such other of its offices as it may determine. The term of chairman shall be one year, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.  
(Code 1961, § 2-82)
- D. **Employees; expenditures.**
1. The city planning and zoning commission may appoint with the advice and consent of the mayor and council such employees as it may deem necessary for its work and may also contract with planning experts, engineers, architects and other consultants for such services as it may require.
  2. The expenditures of the commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for that purpose by the mayor and council.  
(Code 1961, § 2-83)
- E. **Powers and duties.** The city planning and zoning commission shall exercise all of the powers and duties conferred by R.S. 33:101—R.S. 33:119.  
(Code 1961, § 2-84)
- F. **Authority to act as municipal zoning commission; meetings; powers and duties.** The city planning and zoning commission shall serve as a municipal zoning commission; and when acting as such, it shall hold separate meetings with separate minutes and records. When acting as the municipal zoning commission, it shall exercise all of the powers and duties conferred by R.S. 33:4721—R.S. 33:4729.  
(Code 1961, § 2-85)

### **Sec. 4.2.3 Board of Adjustment**

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- A. **Established; Membership; Appointment; Term; Removal; Vacancies; Powers and Duties.** There shall be a board of adjustment, which shall be appointed by the mayor, with the advice and consent of the city council. The board shall consist of five members, who shall be landowners and qualified voters. The membership of the board shall serve for five-year

staggered terms. All members shall be removable for cause by the mayor upon written charges and after public hearings or the absence from four consecutive meetings or the absence from half the total meetings for a one-year period. Vacancies shall be filled by the mayor for the unexpired term of any member whose term becomes vacant.

(Code 1961, § 2-86) Cross Reference Morgan City Code of Ordinances — Boards and commissions, § 2-106 et seq.

- A. **Rules and Meetings.** The board shall adopt rules in accordance with the provisions of this section. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings shall be open to the public and preceded by due advertisement.
- B. **Purview of the Board.** The board shall function in the manner and with the powers and duties set forth in R.S. 33:4727 and shall hear and decide appeals from alleged error in the Director's decision and appeals for variance where practical difficulties or unnecessary hardships would be caused by enforcement of the regulations in this ZLDC and where such variance would not substantially derogate from the intent of this ZLDC but not otherwise.

(Code 1961, § 19-6; Ord. No. 10-05, § 1, 4-27-10)

#### **Sec. 4.2.4 Historic District Commission**

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- A. **Established.** There is created a commission to be known as the Historic District Commission of the City of Morgan City.  
(Code 1961, § 2-200)
- B. **Purpose.** The Historic District Commission shall have for its purpose the preservation of all buildings in the historic district section of the city, as in the opinion of the commission shall have architectural and historical value and which should be preserved for the benefit of the people of the city and state.  
(Code 1961, § 2-204)
- C. **Appointment of members; Terms; Vacancies.**
  - 1. The Historic District Commission shall consist of nine members, all of whom shall be residents of the city.
  - 2. Membership on the Historic District Commission shall be for four-year staggered terms. No commissioner may serve for more than two consecutive terms.
  - 3. The members of the Historic District Commission shall be appointed by the mayor with the advice and consent of the City Council, who may remove any member of the Historic District Commission, after a public hearing, for gross inefficiency, fraud, neglect of duty, malfeasance, or the absence from four consecutive meetings, or the absence from half of the meetings during any 12-month period.



4. The mayor shall appoint one councilmember, who shall serve as ex officio member of the Historic District Commission.  
(Code 1961, § 2-201)

**D. City Employees; Committees; Officers; Ex Officio Members.**

1. The Historic District Commission may select existing city employees, with the mayor's approval, as may be necessary to carry out the purposes for which it is created. The City Attorney shall be ex officio the attorney for the Historic District Commission. The Historic District Commission may designate and appoint, from among its members, various officers and committees with such powers and duties as the Historic District Commission may have and prescribe.
2. The Director of the city shall be the ex officio planner for the Historic District Commission, but this does not preclude the Historic District Commission from employing additional consultants to carry out its works.  
(Code 1961, § 2-202)

- E. Rules and Regulations; Meetings; Reports and Recommendations.** The Historic District Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs not inconsistent with the laws of the city and state. The Historic District Commission shall meet at least quarterly, but meetings may be held at any time by the Historic District Commission on the written request of any of the nine members or on the call of the chairman of the Historic District Commission or the mayor. The Historic District Commission shall make quarterly reports to the mayor and City Council containing a statement of its activities. It shall make its recommendations for the future, but recommendations may be made by the City Council to the Historic District Commission at any time.  
(Code 1961, § 2-203)

- F. Authority to Seek Funding, Federal and State, Solicit and Receive Donations.** The Historic District Commission may seek funding for appropriate programs and activities from all sources, including federal and state. It may solicit and receive, in the name of the city, any gifts or bequests of money or other property. Subject to the availability of funds, the Historic District Commission may hire professional personnel and clerical assistance as deemed necessary by the Historic District Commission.  
(Code 1961, § 2-215)

- G. Agreements, Contracts for Materials, Services.** Any agreement or contract by the Historic District Commission for the furnishing of material and/or services must first be approved by the mayor and City Council and must be in the name of the city.  
(Code 1961, § 2-216)

- H. **Financial Records; Program Fund; Approval Required for Payment of Purchases; Expenditures; Budget.** The financial records for all receipts and disbursements necessary for the operation of the Historic District Commission shall be maintained at the city office under the administration of the proper city authorities and under the supervision of the Director of Finance. However, such financial assets are to be deposited to and withdrawn from a special account properly identified as the historic district fund. All purchases and expenditures necessary to the operation and maintenance of the Historic District Commission shall be approved by the Historic District Commission before payment can be made; all expenditures in excess of \$1,000.00 shall require the approval of the mayor and City Council. An annual budget shall be submitted in accordance with city regulations. (Code 1961, § 2-217)

## **DIVISION 4.3 CITY STAFF AND OTHER REVIEW BODIES**

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### **Sec. 4.3.1 Director**

### **Sec. 4.3.2 Floodplain Administrator**

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- A. **Generally.** The Director is appointed the floodplain administrator to administer and implement the provisions of this Section, Division 3.7, *Floodplain Management and Flood Damage Prevention*, and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management. (Code 1961, § 5-28(a))
- B. **Duties and Responsibilities of the Floodplain Administrator.** Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
1. Maintain and hold open for public inspection all records pertaining to the provisions of this Section.
  2. Review permit application to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
  3. Review, approve or deny all applications for development permits required by adoption of this Section and Section 5.2.1, *Floodplain Permit Procedures*.
  4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the state coordinating agency (which is the state department of transportation and development) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Section 3.7.2, *General Provisions*, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Section 3.7.3, *General Standards for Flood Hazard Reduction*.
9. When a regulatory floodway has not been designated, require that no new construction, substantial improvements or other development (including fill) shall be permitted within zones A1-30 and AE on the city's FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.
10. Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, the city may approve certain development in zones A1-30, AE, AH on the city's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the city first applies for a conditional FIRM revision through FEMA.  
(Code 1961, § 5-28(b))

### **Sec. 4.3.3 Other Review Bodies**

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**Generally.** There are various other reviewing bodies that may participate in the review of development applications for the City of Morgan City. They include, but are not limited to, the following:

**A. City Departments.**

1. Fire Department;
2. Department of Public Works; and
3. Department of Utilities;

**B. Non-City Departments or Agencies.**

1. Louisiana Department of Health and Hospitals;
2. Louisiana Department of Transportation and Development (LaDOTD); and
3. United States Army Corp. of Engineers.

## **CHAPTER 5 PERMITS AND PROCEDURES**

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### **DIVISION 5.1 PURPOSE AND APPLICATION OF CHAPTER**

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#### **Sec. 5.1.1 Purpose of Chapter**

#### **Sec. 5.1.2 Application of Chapter**

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### **DIVISION 5.2 TYPES AND CLASSES OF PERMITS AND APPROVALS**

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#### **Sec. 5.2.1 Floodplain Permit Procedures**

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- A. **Application Requirements.** Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include but are not limited to plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and their location in relation to areas of special flood hazard. Additionally, the following information is required:
1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 3.7.4(C), *Specific Standards for Flood Hazard Reduction*;
  4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
  5. A record of all such information in accordance with Section 4.3.2(B)(1), *Floodplain Administrator*.

B. **Standards for Issuance.** Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.  
(Code 1961, § 5-28(c))

## **DIVISION 5.3 STANDARDIZED DEVELOPMENT APPROVAL PROCEDURES**

### **Sec. 5.3.1 Standardized Development Approval Procedures**

## **DIVISION 5.4 ADMINISTRATIVE APPROVALS**

### **Sec. 5.4.1 Procedures for Manufactured Home Park Approval**

A. **Procedure for New Manufactured Home Park Plat Approval.**

1. Applications shall be in writing (in quadruplet) submitted to the Department at city hall signed by the owner of the manufactured home park and shall contain the following:
  - a. The name and address of the owner and/or operator.

- b. The location and description of the manufactured home park.
  - c. One complete plat of the park drawn to scale, showing compliance with current ZLDC regulating locations.
  - d. Plans and specifications of all structures and other improvements constructed or to be constructed within the manufactured home park shall be submitted in accordance with requirements of the city.
2. No plat shall be approved for a manufactured home park if the operator and/or owner of the facility shall have been convicted of a felony within ten years prior to filing an application.  
(Code 1961, § 9A-42)

### **Sec. 5.4.2 Sign Permit Applications**

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All applications for a sign permit shall contain the following information and such other information as may be required by the Director:

#### **A. Sign Permits, Generally.**

1. Name, mailing address and telephone number of the applicant.
2. Purpose of the sign.
3. Street location where the sign is to be located.
4. Estimated length of time the sign is to be at the proposed location.
5. Site plan depicting the location of the sign from the front and side of property lines.
6. Linear feet along the front property line.
7. The number of and location of all freestanding signs on the property.
8. Plans showing all sign specifications and dimensions such as size, number of sign faces, square footage of sign faces, height to the top of the sign above curb level, height to the lowest extremity of the sign face above ground level and the materials to be utilized for construction.
9. The electrical specifications.

- #### **B. Outdoor Advertising Permits.**
- Outdoor advertising sign permit applications must provide information detailing the distance in linear feet measured along the applicable thoroughfare to the nearest junior panel sign, standard panel sign and painted bulletin sign.  
(Code 1961, § 19-49; Ord. No. 07-10, § 1, 9-25-2007)

### **Sec. 5.4.3 Certificate of Occupancy Permit**

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- A. **Generally.** No land or structure shall be changed in use and no structure shall be erected, altered or moved until the Director has issued a building permit certifying that the plans and intended use of land, buildings and structures are in conformity with this ZLDC and other applicable building regulations.
- B. **Certificate of Occupancy Required.** No land or structure erected, moved or altered in its use after the effective date of the ordinance from which this section derives shall be used until the Director shall have issued a certificate of occupancy stating that such land or structure is found to be in conformity with the provisions of this ZLDC.
- C. **Application Requirements.** Applications for permits under the provisions of this ZLDC shall be accompanied by a plat drawn to scale showing:
1. Actual dimensions of the lot to be built on;
  2. The size, shape and location of the building to be erected;
  3. The estimated cost; and
  4. Such other information as may be required by the Director ensuring proper enforcement of this ZLDC.  
(Code 1961, § 19-5)

## **DIVISION 5.5 PUBLIC MEETING AND PUBLIC HEARING APPROVALS**

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### **Sec. 5.5.1 Map and Text Amendments**

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- A. **Generally.** Amendments to the zoning districts and regulations may be initiated by:
1. The Mayor and City Council.
  2. The Planning and Zoning Commission.
  3. A property owner owning at least 50 percent of the land proposed for change in zoning classification.
- B. **Procedures.** Procedure for applying for an amendment shall be as follows:
1. The petitioner shall execute a written petition for a zoning change. The petition may be obtained from the Director.
  2. The written petition shall be filed with the Director; no oral petition for rezoning may be considered by the Planning and Zoning Commission, except that this requirement shall

not apply to the Planning and Zoning Commission in the conduct of the business of the commission.

3. The Director will forward the petition and supporting documents to the Planning and Zoning Commission, which shall conduct a review. If it seems appropriate, the Planning and Zoning Commission shall set a date for the required public hearing and shall cause the proper public notice to be published in the official journal as required by law.
  4. Should the commission determine not to call a public hearing, it will make its report, including reasons, to the City Council which, if it so determines, may call and conduct the public hearing. No action, however, may be taken on any rezoning petition until it has first been considered by the Planning and Zoning Commission and a public hearing has been held as required by law.
  5. Following a public hearing by the Planning and Zoning Commission, it will report its recommendations to the City Council.
  6. Any proposed amendment that has failed to receive the approval of the Planning and Zoning Commission shall not be passed or approved by the City Council except by two-thirds affirmative vote.
  7. A petitioner may withdraw his petition at any time prior to its consideration by the mayor and City Council; however, should this occur, no further consideration to rezone the same property shall be given for one year from the date of the public hearing required by law. Should the City Council disapprove a rezoning request, no further consideration to rezone the same property shall be given for one year from the date of such disapproval. (Code 1961, § 19-3)
- C. **Public Notice.** For all amendments, supplements or changes to the ZLDC and the official zoning map, and for the original zoning or rezoning of any property located in the city, the following notices to the general public shall be taken:
1. In addition to the legal notice required by state law calling for a public hearing, no original zoning action or rezoning shall become effective unless a printed notice in bold type shall have been posted for not less than ten consecutive days prior to the Planning and Zoning Commission public hearing, on signs not less than four feet by four feet, prepared, furnished and placed by the Director on each block of each street adjoining the area proposed for original zoning or proposed to be rezoned. Such signs shall be a minimum of three in number and shall contain an accurate statement of the proposed changes and also the time and place of the public hearing.
  2. In those cases where the owner initiates action to have his property initially zoned or rezoned, one of the three signs required to be posted shall be placed on the property which is proposed to be initially zoned or rezoned.



3. An advertisement of an eighth page announcing the public hearing of the Planning and Zoning Commission which provides an accurate statement of the original zoning or rezoning, the description of the proposed property, and the time and place of the hearing shall be published by the Director once at least three days prior to the public hearing on a suitable page of a local newspaper but not placed upon the same page as other notices are printed.
4. Should the Planning and Zoning Commission recommend to the City Council an original zoning or rezoning of property, the signs referred to in subsection (C)(1) of this Section shall be erected and posted in the same manner at least ten days before that matter is considered by the City Council.  
(Code 1961, § 19-3.2)

### **Sec. 5.5.2 Historic District Certificates of Appropriateness**

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- A. **Submission of Plans for Exterior Changes to the Historic District Commission.** Before the commencement of any work in the erection of any new building or the alteration or addition to or painting or repairing or demolishing of any existing building, any part of which is to front on any public street or alley in the historic district, application by the owner for a permit shall be made to the historic district commission, accompanied by the full plans and specifications so far as they relate to the proposed appearance, color, texture or materials and architectural design of the exterior, including the front, sides, rear and roof of such buildings, alteration or addition of any outbuilding, party wall, courtyard, fence or other dependency.  
(Code 1961, § 2-206)
- B. **Historic District Commission Recommendation; Action.** The historic district commission shall, upon due consideration, report promptly its recommendations, including such changes, if any, as in its judgment are reasonably necessary to comply with the requirements of this Section and Division 2.7, *Historic Preservation*, by sending them, in writing, to the Director with the application and documents referred to in this Section; and, if they are found by the Director to comply reasonably with requirements of this Section and if such application and intended work shall conform also to all other regulations, ordinances and laws of the city, the Director shall issue promptly a permit for such work and indicate on such permit the extent and nature of the work to be performed under the permit.  
(Code 1961, § 2-207)
- C. **Criteria to be Used by the Historic District Commission in Making Recommendations; Uses Permitted.**
  1. The criteria to be used by the historic district commission in making recommendations are as follows:

- a. To the extent feasible with this ZLDC and economic realities, efforts shall be encouraged to provide compatible uses for buildings requiring minimal building, building site and environmental alteration.
  - b. Removal, destruction or alteration of original characteristics or unique architectural features of buildings shall be discouraged.
  - c. Surface cleaning of structures by the gentlest means possible shall be encouraged. Sandblasting and abrasive chemical cleaning methods that will damage historic building materials shall be avoided.
  - d. In a rehabilitation project, use of materials matching or compatible with those already used in the building as to composition, design, color, texture and other visual qualities shall be encouraged.
  - e. Contemporary design and alterations and additions to existing buildings shall not destroy significant historical architectural or cultural material; and such design shall be compatible in size, scale, material and character to the property, neighborhood and environment.
  - f. In the case of new construction within the historic district and in those areas outside but immediately adjacent to the historic district, compatibility with surrounding buildings in scale, size and materials shall be encouraged.
2. As to contemporary uses of buildings within the historic district, two primary emphasis areas are established as follows:
    - a. The residential area shall consist of block 32, lots 1 through 7; block 33, lots 1 through 7 and lots 10 and 11; block 34, lots 5 through 7; and block 26, lots 1 through 3.
    - b. The commercial area shall consist of all of the remainder of the historic district not included in the residential area.
  3. Within each of the two primary emphasis areas, the commission shall make its recommendations as to proposed uses, based on the following principles:
    - a. Uses shall be discouraged which will cause a material change in the exterior appearance of existing buildings by additions, reconstruction, alteration or maintenance involving exterior color changes. Uses shall be encouraged which include restoration of structures to their original design and architecture and those uses which will preserve and protect the historical character of the structure and appearance of the structure, as well as fences, sheds, stone walls, steps and signs.

- b. For property within the residential area, uses compatible with this ZLDC and uses which preserve the structure as a residence or which will return its use as a residence.
  - c. For property within the commercial area, uses compatible with this ZLDC and uses which preserve the identified historical or architectural feature of the structure warranting preservation.
4. The commission shall be afforded wide discretion and flexibility when processing recommendations as to the uses of property located within the district, in consonance however with this ZLDC and other law.  
(Code 1961, § 2-207.1)

### **Sec. 5.5.3 Pattern Book Requirements**

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- A. **Generally.** The pattern book is a design guide for a specific development. It is submitted by the applicant to address the design of individual buildings or dwellings. The pattern book ensures that the development will be attractive and harmonious. The pattern book:
1. Provides a palette of development styles and materials (as such, it addresses the design elements not the use or intensity of development);
  2. Provides details of streetscape design and landscaping; and
  3. May provide for specific modifications of the requirements of this ZLDC in order to ensure that the development is a cohesive whole.
- B. **Application.**
1. An application for Pattern Book approval shall accompany all applications for approval of a Traditional Neighborhood Development, and any application for approval of a mixed-housing neighborhood which also seeks to deviate from minimum lot size, lot averaging, lot width, or setback requirements.
  2. The Pattern Book shall include the following elements:
    - a. A description of each type of housing that is proposed.
    - b. Standards for lot dimensions for each type of housing, expressed either as lot width and lot depth or lot width and lot area. Such standards may be expressed as averages.
    - c. Standards for setbacks or build-to lines for front, street side, interior side, and rear lot lines, which may be different for principal buildings and accessory buildings. Such standards may be presented in tabular or illustrated format.
    - d. Standards for yards or courtyards, if different from areas between required setback lines and lot lines.

- e. Standards for the design of each type of building (residential, nonresidential, and mixed-use) that is proposed in the development, which shall include:
    - i. Architectural style / typology;
    - ii. Typical architectural elements for each style / typology; and
    - iii. Typical building materials for each style / typology.
  - f. A collection of illustrative elevations for each architectural style / typology, with standards that will ensure diversity of architectural presentation; or a collection of proposed elevations for each architectural style / typology, which demonstrates diversity of architectural presentation.
  - g. Standards for fences and garden walls, if different from those set out in Section 2.2.1, *Fences and Garden Walls*.
  - h. Standards for accessory buildings, if different from those set out in Section 1.6.6, *Residential Detached Accessory Buildings and Structures* and Section 1.7.2, *Accessory Buildings and Structures*.
- C. **Decision Criteria.** Upon recommendation by the Planning and Zoning Commission, the City Council shall review the pattern book to ensure that it will accomplish the following objectives:
- 1. *Limitations on Modulation.* Pattern books may modulate residential development standards if the modulations occur in the following ranges:
    - a. Front setbacks (or build-to lines) are in the following ranges:
      - i. Center Subdistrict: 0 ft. to 8 ft.
      - ii. General Subdistrict: 0 ft. to 15 ft.
      - iii. Edge Subdistrict: 10 ft. or more
    - b. Side setbacks shall comply with applicable fire codes.
  - 2. *Harmony.* The municipality, neighborhood, and development should be harmonious. Harmony is defined as the middle, or balance, of two continuums, both of which have ends that, at their extremes, are unattractive. The balance shall be struck between:
    - a. Monotony and chaos; and
    - b. Unity and interest.
  - 3. *Quality.* Quality not only refers to the materials and care with which a building or environment is built, but also to its visual richness (e.g., details that are attractive to the resident or visitor). In order to ensure visual interest, the pattern book shall demonstrate the following:

- a. Single-Family homes (attached or detached) are designed to provide a unit that has a unified appearance from the street with any street façade (front façade and street side façade), having comparable treatment in materials, color, and trim.
  - b. If masonry is used on a front façade, it is also applied to side facades in one or more of the following ways:
    - i. Masonry returns to a break in the side façade, such as a chimney, room projection, or projecting window area;
    - ii. An architectural return is applied to all corners so that the greater of ten percent of the length of the side building wall or three feet is finished with masonry to the same height as the front facade;
    - iii. Quoins are used, if consistent with the architectural typology of the building;
    - iv. An architectural detail with a minimum width of 16 inches is applied, such as a pilaster that caps the masonry and the other material that completes the corner; or
    - v. A wing wall screens the view of the side of the building from the street.
  - c. Detached single-family homes will be articulated and detailed, and shall avoid undue imposition of building mass on the street.
  - d. There should be some detailing or doors, windows and their trim that carries around the buildings sides so that even if the trim is plainer, they show a relationship to the general style and character of the front.
  - e. Front porches will be provided on all detached housing types within 1,320 feet along street centerlines from the Center subdistrict, and may be provided elsewhere and on other housing types.
  - f. Balconies will be provided on all multistory townhomes and multistory multifamily buildings.
  - g. Utility meters shall not be on front or side elevations unless screened by vegetation or other approved screening.
4. *Diversity*. The pattern book shall demonstrate that one or more of the techniques below will be used to achieve harmony (the pattern book is not required to include all of these elements):
- a. Varied Housing Types at a Fine-Grained Scale. Multiple housing types are required, yet this requirement could result in areas or “pods” of each type, which has the potential to lead to monotony. Mixing types on a smaller scale, even having differing dwelling unit types in a block face, is a technique to reduce monotony and add interest.

- b. Varied Architectural Styles. Different architectural styles (e.g., Colonial Revival and Neoclassical) can be used to vary the appearance of buildings with comparable floor plans. The variations in architectural styles must be meaningful, but must not create a chaotic appearance. For this technique to be reviewed, a number of elements, including roof type and orientation, roof pitch, eave overhangs, windows, doors, decorative elements shall be specified for each architectural style that will be used in the TND. The reference for architectural style shall be *A Field Guide to American Houses* by Virginia and Lee McAlester, et al. (Knopf 1984).
- c. Varied Floor Plans. If floor plans are meaningfully different, homes will look different. If floor plans are not meaningfully different, homes will often look monotonous. The differences in floor plans must significantly alter the width and shape in order to present a building volume or mass that is different. Such differences include, but are not limited to:
  - i. Minimum of 10 percent difference in front façade width; or
  - ii. Different forms (rectangle, L, or X shapes), if the differences affect the front façade; or
  - iii. Different numbers of stories; or
  - iv. Different symmetry (symmetrical or asymmetrical).
- d. Varied Gable Orientation. In many cases, a front or side gable roof can be constructed over the same floor plan. This change significantly alters the roof profile of the house, its front elevation massing, and may also alter the height of the roof peak.
- e. Varied Elements. The pattern book may demonstrate that architectural elements will be varied in a way that creates meaningful differences in building appearance. Such details may include trims, materials, color, window arrangement (grouping), window fenestration, doors, door lights, window and garage doors, porches, chimneys, bay windows, towers, and balconies, as necessary to create the required variation. This technique is particularly useful when a single architectural style, or two very closely related styles (e.g., Prairie and Craftsman) are used in the development. The pattern book must include detailed elevations, lists of specific elements to be used, and an explanation of how the elements will be mixed to differentiate nearby buildings.
- f. Averaged Lot Width. Meaningful variation of lot width generally causes meaningful variations in building width and floor plan. A pattern book may show that block faces will include lots of varying widths, as follows:

- i. Three lots size categories for each type of housing are created, using a required average (e.g., 50 percent of the lots would be average, 25 percent small, and the remainder large).
    - ii. The difference in frontage among the lot sizes should be in the range of 10 to 20 percent. For example, an average 10,000 square foot lot that is 80 feet wide is 125 feet deep. The “small” lot could be 70 feet wide, and the “large” lot 90 feet wide. The resulting lots, all 125 feet deep, would have areas of 8,750, 10,000, and 11,250 square feet.
  5. *Light and Air.* The pattern of development, and the open space available on each lot and for the community are such that adequate light and air are provided for residents. Residents of the General Subdistrict and Edge Subdistrict shall have a private outdoor space that is at least 100 square feet in dimension, and which may be a rear lawn, courtyard, patio, deck, or useable rooftop area.
  6. *Pedestrian-Orientation.* The pattern book shall demonstrate that the residential areas of the development are designed for the comfort and convenience of the pedestrian, with continuous sidewalks; tree-lined, traffic-calmed streets; and architecture that provides street-level interest and accessibility.
- D. **Conditions of Approval.** The City Council may place conditions of approval on the Pattern Book as necessary to ensure compliance with the decision criteria of subsection C., above.
- E. **Prohibited Issues.** The City Council will not impose conditions on the Pattern Book that:
1. Limit density, intensity, amount of open space, or land use in a manner that is different from the requirements of this ZLDC.
  2. Address the design of the development, in ways that are covered in the preliminary plat or site plan review. The pattern book approval shall defer any overall plan layout issues to be addressed in the plat approval.

#### **Sec. 5.5.4 Telecommunication Towers**

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- A. **Site Development Plan Required.** Except in heavy industrial districts and on public property, every telecommunication tower shall require the submission of a site development plan and shall meet the following minimum standards:
1. Prior to the issuance of a building permit, a site development plan shall be presented for consideration to the Director. A building permit shall not be issued unless the site development plan is approved by the Director and the Planning and Zoning Commission. The Director may develop procedures and requirements for site development plan approval consistent with the powers and duties conferred by R.S. 33:101—33:119. Site development plan approval may be predicated on requirements for stealth towers,

designed to emulate existing structures already on the site, and/or requirements that the tower be a qualified shared facility as set forth in Section 1.5.9, *Telecommunication Towers*.

2. Each application to allow construction of a telecommunication tower shall include a statement that the construction and placement of the tower:
  - a. Is in compliance with Federal Aviation Administration regulations.
  - b. Is in compliance with the rules and regulations of other federal or state agencies that may regulate telecommunication tower siting, design and construction.
  - c. Is in compliance with current radio frequency emissions standards of the Federal Communications Commission.
  - d. Will not unnecessarily interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties.  
(Code 1961, § 19-82)

## **Sec. Division 5.6 Subdivision Plat Procedures**

### **Sec. 5.6.1 Planned Unit Developments**

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- A. **Generally.** Planned development projects in the R-2 district shall include a detailed development plan, and improvements in this district shall conform to the development plan approved by the city council.
- B. **Application Requirements.** Requirements of the development plan shall include but not be limited to the following:
  1. Land area included with the site and the land area of all abutting sites with their zoning classifications.
  2. Proposed finished grade of site.
  3. Location of each existing and each proposed structure on the site; the general use of the structures, general design and materials proposed, number of stories, gross floor area and location of entrances and exits.
  4. Relation to public services and facilities.
  5. Capacities of parking areas and character of illumination facilities.
  6. Types of surfacing, such as paving, turfing, etc.
  7. Locations of fire hydrants and fire lanes.



8. Storm drainage and engineering design information.
- C. **Planning and Zoning Commission Recommendation.** The Planning and Zoning Commission shall review and refer the development plan to the city council within 45 days with a report of its recommendations for approval or disapproval by the mayor and council.
- D. **City Council Action.** Approval by the City Council of a development plan prepared by the applicant shall be a prerequisite to the issuance of building permits for any property designated a planned unit development district and shall be constructed in accordance with the approved plans.

### **Sec. 5.6.2 Plats in P Districts**

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- A. **Generally.** Whereas the City Council has created a Planning and Zoning Commission and caused a land use plan to be prepared for guiding the future growth and development of the city, the City Council has created a P planned commercial district, which lies at the heart of what is envisioned to be the future central core of the city. In order to promote the public health, safety, convenience, comfort and welfare, especially with reference to traffic congestion, the city council reserves unto itself the right to review and approve any project proposed in a P planned commercial district.
- B. **Procedures.**
  1. *Planning and Zoning Commission Review.* A plat of any proposed building and/or land use project to be located in a P planned commercial district shall be submitted first to the Planning and Zoning Commission for its review and written report. The Planning and Zoning Commission shall review the plat of the proposed project for its parking provisions, parking lot access and egress, provisions for loading and unloading passengers from automobiles and merchandise from delivery trucks, access and egress of delivery trucks, automobile and pedestrian circulation, and other such design features affecting traffic congestion. Such plat shall show any and all proposed buildings and structures, parking lots and driveways, curb barriers and walkways, loading and unloading zones and plan for the planting of shrubbery, trees, etc.
  2. *Planning and Zoning Commission Recommendation.* After review of the plat, the Planning and Zoning Commission shall submit its report and recommendations in writing to the City Council; and no action shall be taken upon any such application until the report of the Planning and Zoning Commission has been filed, except that the failure of the Planning and Zoning Commission to report within 45 days from and after the date of official referral to the Planning and Zoning Commission by the City Council shall be deemed approval of the proposed project by the Planning and Zoning Commission.
  3. *City Council Action.* If the Planning and Zoning Commission has approved the proposed building and/or land use project, the City Council may authorize issuance of a permit in

accordance with such approval. If the Planning and Zoning Commission disapproves the application, it shall specify the basis of its disapproval. Under such circumstances, the City Council shall, nonetheless, have authority to review any proposal disapproved by the Planning and Zoning Commission and taking into consideration the report of the Planning and Zoning Commission, shall determine whether in its opinion the proposed parking provision, parking lot access and egress, provisions for loading and unloading passengers from automobiles and merchandise from delivery trucks, automobile and pedestrian circulation, and other design features of such proposal affecting traffic congestion will adversely affect the public health, safety, convenience, comfort and welfare, particularly in regard to traffic movement and congestion. In cases where the report of the Planning and Zoning Commission has recommended approval and the City Council, nonetheless, finds, after a study of the report and after taking into consideration the matters of public welfare and interest, that the proposed plans will not adversely affect traffic movement or cause undue vehicular and pedestrian traffic congestion, the city council may, but only after a public hearing and by an affirmative vote of three-fifths of the City Council, approve such permit. The Planning and Zoning Commission may recommend that the City Council reduce the rear yard requirements set forth in the zoning schedule, provided that the off-street parking requirements are met. Such rear yard reduction shall be made in a manner that will be in harmony with the character of the neighborhood, and shall be recommended, with due consideration to promoting the public health, safety, convenience and welfare and conserving property value. In no case shall the City Council authorize a rear yard reduction without prior approval of the Planning and Zoning Commission.

### **Sec. 5.6.3 Preliminary Plat Procedures**

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- A. **Application.** To prevent undue hardship on the subdivider through possible required plat revisions, a preliminary plat of the proposed subdivision shall first be submitted to the Director in a form and quantity specified by the Director.
- B. **Requirements.** and the plat shall give the following information:
1. Scale. Not smaller than 100 feet to the inch.
  2. The subdivision name, the names and addresses of the owners and of the designer of the plat, who shall be a competent engineer, architect, landscape architect, or land surveyor.
  3. Date, approximate north point, and a graphic scale.
  4. The location of existing and platted property lines, streets, buildings, watercourses, railroads, sewers, bridges, culverts, drainpipes, water mains, and any public utility or other easements, both on the land subdivided and on the adjoining land; and the names of

adjacent subdivisions and the name and addresses of record owners of adjoining parcels of land as they appear on the current tax records.

5. The locations, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines and building lines.
  6. Statement of proposed street improvements, including profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals eight feet vertical, when required by the Director.
- C. **Procedure.** Upon receipt of this preliminary plat, the Director shall transmit the plat to the planning and zoning commission, and any other interested city or parish department for review and recommendation in relation to specific service problems. The approval or disapproval of the preliminary plat shall be by the City Council, and approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat. Such approval shall not be noted on the preliminary plat. One copy of the preliminary plat shall be retained in the files of the Director. (Code 1961, § 14-10)

#### **Sec. 5.6.4 Final Plat Procedures**

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- A. **Timing.** The final plat shall be submitted within one year of the City Council's approval of the preliminary plat, otherwise such approval shall lapse.
- B. **Application.** The final plat shall be submitted to the Director in a form and quantity as specified by the Director.
- C. **Requirements.** The final plat shall be drawn on tracing cloth or paper on sheets not larger than 24 inches by 36 inches and shall be at a scale of 100 feet to the inch or larger. Where necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:
  1. Township, range and section in which the subdivision is located. If section corner, township line or range line falls within the subdivision, it shall be shown.
  2. Primary control points, or descriptions and ties to such control points, to which all dimensions, angles, bearings, similar data on the plat shall be referred.
  3. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
  4. Right-of-way width of each street or other right-of-way, and street names as designated by the mayor and council or its authorized representative.
  5. Location, dimensions and purpose of any easements.

6. Number to identify each lot or site and designation for each square or block.
7. Purpose for which sites, other than residential lots, are dedicated or reserved, such as schools and parks.
8. Minimum building setback line on all residential lots and sites.
9. Location and description of monuments.
10. Names of record owners of adjoining unplatted land.
11. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
12. Certification by surveyor or engineer certifying to accuracy of survey and plat.
13. Statement by owner dedicating streets, rights-of-way and any sites for public uses.
14. Title scale, north point and date.
15. Certificate of approval by the mayor and council.

**D. Procedures.**

1. The Director shall transmit the final plat to the Planning and Zoning Commission for review and report. The Planning and Zoning Commission shall then transmit its report and recommendation to the City Council, who will approve or conditionally approve the final plat.
2. Failure of the City Council to approve or disapprove the final plat within 30 days after receipt of recommendation and report from the Planning and Zoning Commission shall be deemed to be concurrence with the recommendation of the Planning and Zoning Commission, be it for approval or disapproval of the plat.
3. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the City Council and a letter transmitted to the subdivider stating the reason for such disapproval.

**E. Decision Criteria.**

1. It is the intent of this Section that the sale of building lots shall be contingent upon at least a minimum of public improvements being made within the dedicated streets of the plat, as follows:
  - a. Streets graded and paved complete with curb and gutter;
  - b. Sufficient storm drains to adequately drain the streets; and
  - c. Sanitary sewer mains, complete with lot services; and all these shall be installed to the size and quality acceptable to the Department of Public Works.

2. With the foregoing in mind, the City Council will consider approval of the final plat only after receipt of certification by the Director of Public Works that all improvements have been installed in accordance with these regulations and with the action of the City Council giving conditional approval of the preliminary plat or certification by the Director that a bond has been posted, available to the city and in sufficient amount to ensure the completion of the required improvements.
- F. **Filing.** Upon approval of the plat, the original drawings shall be returned to the subdivider and one copy retained in the files of the Director.  
(Code 1961, § 14-13)

## **DIVISION 5.7 VARIANCES; APPEALS; AND INTERPRETATION**

### **Sec. 5.7.1 Floodplain Variances**

- A. **Generally.** The Board of Adjustment as established by the city shall hear and render judgment on requests for variances from the requirements of this Division 3.7, *Floodplain Management and Flood Damage Prevention*.
1. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
  2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this article.
  3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 5.2.1(B), *Floodplain Permit Procedures*, have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
  4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  5. Upon consideration of the factors noted in this Section and the intent of this [Division 3.7](#), *Floodplain Management and Flood Damage Prevention*, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the

purpose and objectives as established in Section 3.71, *Statutory Authorization, Findings of Fact, Purpose, and Methods*.

6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  7. The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of *Division 3.7, Floodplain Management and Flood Damage Prevention*.
- B. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision in the courts of competent jurisdiction.
- C. **Prerequisites.** Prerequisites for granting variances are as follows:
1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  2. Variances shall only be issued upon showing a good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.
  3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- D. **Criteria.** Variances may be issued by a community for new construction and substantial improvements and for other developments necessary for the conduct of a functionally dependent use provided that the criteria outlined in subsection (A) of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Code 1961, § 5-28(d))

### **Sec. 5.7.2 Appeals to City Council**

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- A. **Generally.** Appeals from decisions of the Historic District Commission are heard by the City Council.
- B. **Appeals Regarding Certificates of Appropriateness.** If the applicant for a permit shall refuse to accede to reasonable changes recommended by the Historic District Commission, if the Historic District Commission shall disapprove any application or if the Director finds that

the recommendation of the Historic District Commission does not comply reasonably with the requirements of Division 2.7, *Historic Preservation*, the Director shall, not later than five days, forward such matters and his written comments to the City Council for such action as in its judgment, after notice and affording an opportunity to the applicant and to the Historic District Commission and other protesting parties to be heard, shall effect reasonable compliance with such recommendations and Division 2.7, *Historic Preservation*. (Code 1961, § 2-208)

### **Sec. 5.7.3 Variance and Appeal Requirements**

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- A. **Generally.** Where a subdivider can show that a provision of this ZLDC would cause an unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning and Zoning Commission a departure may be made without destroying the intent of such provision, the Planning and Zoning Commission may recommend that the City Council authorize a variance. A variance thus authorized is required to be entered in writing in the minutes of the Planning and Zoning Commission, and the reason which justified the departure shall be set forth. Failure of the Planning and Zoning Commission to report within 60 days from and after the date of official submission by the City Council to the Planning and Zoning Commission shall be deemed approval by the Commission.
- B. **Criteria for Considering Requests for Variances or Appeals.** The board's function is not to approve or deny proposed projects; such authority is within the purview of the Director to review and approve the project's various requirements. The board's function is to consider and review requests for variances from the ZLDC and appeals from decisions of the Director, and such review is limited to the impact the proposed variance or appeal will have. When reviewing an application or appeal, the board shall abide by the following limitations:
1. In exercising its powers, the board may affirm or reverse wholly or partly or may modify the decision or determination as it may deem proper and within its authority. However, the board shall not render any ruling or make any decision or determination which would constitute a zoning change or a change in district boundaries.
  2. The standards to be applied to each variance request or appeal are as follows:
    - a. The approval, if granted, will not cause any substantial diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.
    - b. The approval, if granted, will tend to preserve and advance the prosperity and general welfare of the neighborhood and community; and the board may prescribe appropriate conditions and safeguards and may include screening of certain areas by walls, fences and other measures the board deems appropriate.

- c. The approval, if granted, will not be substantially detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located, in that it will not:
  - i. Impair an adequate supply of light and air;
  - ii. Increase substantially the congestion in the public streets, create a traffic hazard, or permit inadequate parking;
  - iii. Increase the danger of fire;
  - iv. Substantially affect or overburden existing drainage or sewerage systems;
  - v. Otherwise endanger the public safety; or
  - vi. Cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare, or other nuisances.

Additionally, the board shall not grant approval of any variance or appeal unless it makes a further finding that such case shall indicate the following:

- d. 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; and the special conditions and circumstances do not result from the intentional actions of the applicant or any other person who may have or had interest in the property; and the strict adherence to the regulations for the property would result in a demonstrable hardship, other than mere financial hardship, upon the owner as distinguished from mere inconvenience; or
- e. Literal interpretation of the provisions of this subsection (c) would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this subsection; and granting the variance requested will generally not confer on the applicant any special privilege which is denied by this subsection to other lands, structures, or buildings in the same district or similarly situated; and 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.

- 3. Thus, the approval by the board of a variance or appeal requires compliance with subsection (c)(2)a., b., c. and either d. or e.

**C. Requirements relating to applications.** Applications must be completed in full and signed by the applicant using forms provided by the Director. The applicant must obtain signatures, addresses and telephone numbers of adjacent property owners, indicating notice to them. The application shall include a detailed plan showing specifications, type of materials to be used



and other pertinent information for all deviations, including front, side and rear yard deviations, when appropriate.

- D. **Appearance before board.** The applicant and/or the spouse or their legal counsel must appear before the board at the hearing. Any other person appearing for the applicant must present a written power of attorney in authentic form prior to the hearing.
- E. **Time restrictions on additional information.** On any pending application, any additional information or drawings requested by the board must be submitted to the board at least two weeks before the hearing.
- F. **Board's discretion to table or dismiss applications.** If the applicant fails to appear at the hearing without prior notification to the board, the board may table the application until the next scheduled hearing or it may dismiss the application, either action at the board's sole discretion.
- G. **Posting of sign before hearing.** When an application has been scheduled for hearing, a sign measuring at least two feet by two feet, supplied by the city, shall be placed by the Director on the property of the applicant at least ten days prior to the hearing. The sign shall be white in color with the following notice printed in red: "Public Notice" at the top. In addition, the sign shall include the date and time of the public hearing, the type of application being requested, and contact information to find out further information.
- H. **Time limitation on construction.** For deviations approved by the board which require construction of any kind, the applicant property owner must commence actual construction within six months of the hearing date. If actual construction has not begun in six months, all permits issued are automatically invalid without further action by the city. Should a delay in excess of six months occur beyond the control of the landowner, the applicant shall reapply to the board for a deviation from this requirement.
- I. **Resubmission or withdrawal of application.** Once an application has been ruled on at a hearing by the board, an applicant may not resubmit that application or file a new application within a six-month period from the date of the hearing. An applicant may withdraw his application at any time prior to its consideration by the board; however, should this occur, no further consideration of this same deviation shall be given for six months from the date of the scheduled hearing.  
(Code 1961, § 19-6; Ord. No. 10-05, § 1, 4-27-10)

## **DIVISION 5.8 FEES**

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### **Sec. 5.8.1 Fees**

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- A. **Generally.** Pursuant to Section 2-09, *Action Requiring an Ordinance*, of the City of Morgan City Home Rule Charter, fees may be established for the administration of this ZLDC. All applications shall be accompanied by the required fee.
- B. **Fee Schedule.**
1. *Availability.* A comprehensive fee schedule of all development-related fees associated with the administration of this ZLDC shall be maintained and made available by the Director.
  2. *Periodic Review.* To ensure fees are proportional to the costs of administering this ZLDC, the Director shall, from time to time, make a report to the City Council with recommended modifications.
  3. *Modification.* The City Council shall consider the report and initiate an Ordinance to amend said fee schedule as it considers appropriate.

## **CHAPTER 6 NONCONFORMITIES**

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### **Sec. 6.0.1 Mitigation of Nonconformities**

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## **DIVISION 6.1 PURPOSE AND APPLICATION OF CHAPTER**

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### **Sec. 6.1.1 Purpose of Chapter**

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- A. **Generally.** Applying new regulations to existing development is likely to create situations where existing lot dimensions, development density or intensity, land uses, buildings, structures, landscaping, parking areas, or signs do not strictly comply with the new requirements. For existing lots or development (including uses, buildings, structures, and signs) that are "legally nonconforming," this Chapter sets out fair rules for whether, when, and how the regulations of this ZLDC apply.
- B. **Expansion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zoning district.

- C. **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and improve its quality and character. Since bringing a developed parcel into full compliance with this ZLDC may involve substantial cost (which could discourage reinvestment), this Chapter provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for meeting the various standards of this ZLDC.
- D. **Unlawful Uses, Buildings, Structures, or Signs.** This ZLDC does not authorize or legitimize uses, buildings, structures, or signs that were not legally established or constructed. Such uses, buildings, structures, or signs are not "legally nonconforming," but instead remain "unlawful," and are subject to all of the provisions of this ZLDC (including enforcement provisions) and any other applicable law. Likewise, this Chapter does not legitimize unlawful subdivisions of property that may have occurred before the effective date of this ZLDC.

### **Sec. 6.1.2 Application of Chapter**

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## **DIVISION 6.2 TYPES AND CLASSES OF NONCONFORMITIES**

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### **Sec. 6.2.1 Types and Classes of Nonconformities**

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- A. **Nonconformities, Generally.**
1. Any building existing at the time of enactment or subsequent amendment of this ZLDC, but not in conformity with its provisions, may be continued with the following limitations. Any building which does not conform with this ZLDC may not be:
    - a. Changed to another nonconforming use, except where the change is to a nonconforming use substantially the same or of a more restricted classification than that which existed prior to the effective date of this ZLDC;
    - b. Reestablished after discontinuance for six months; or
    - c. Extended except in conformity to this ZLDC.
  2. Any building which does not conform to this ZLDC may be maintained in its existing use providing such annual maintenance cost does not exceed one-tenth of its fair sales value at that time.
  3. Any use not enclosed within the confines of a building (such as a storage yard, junkyard, signs and billboards), existing at the time of enactment or amendment of the ordinance from which this ZLDC derives or of any amendment of this ZLDC, but not in conformity with its provisions, may be continued not longer than two years from and

after such enactment or amendment.  
(Code 1961, § 19-20)

**B. Nonconforming Signs.** Any business or outdoor advertising sign legally existing prior to August 20, 1985, and which does not conform to these provisions shall not be altered or changed in overall dimensions except to conform to the provisions of this Section and Division 2.8, *Signs*. If damages occur to an extent in excess of half its current replacement value, it shall not be rebuilt; provided, that nothing contained in this subsection shall be construed to prevent normal maintenance and repairs, repainting or posting of such signs or structures. (Code 1961, § 19-41; Ord. No. 07-10, § 1, 9-25-2007)

1. *Preexisting nonconforming* advertising signs.

a. All existing permanent advertising signs which were legally erected but are nonconforming according to the provisions of this Section shall be discontinued and removed within ten years of the effective date of Ordinance No. 85-12 and after receiving notice as stated in subsection (c) of this Section.

b. No nonconforming advertising sign shall be enlarged or extended whatsoever.

c. At the end of ten years from the effective date of Ordinance No. 85-12, the owner of any permanent outdoor advertising which was legally erected but which is not in conformity with the requirements of this ZLDC shall be notified by the Director by certified mail to commence removal of such outdoor advertising sign within 30 days of the date of the notice, with the removal to be completed within 60 days. If at the end of this 60-day time period allotted for removal of the advertising sign the owner fails to remove the sign, the city shall enter upon the property whereupon the sign is located and dismantle and remove the sign from the premises at the risk of the sign owner, to store the sign, and collect from the sign owner the cost of dismantling, removing, transporting and storing the sign. (Code 1961, § 19-61; Ord. No. 07-10, § 1, 9-25-2007)

2. *Preexisting outdoor advertising signs; registration.* All outdoor advertising signs existing prior to August 20, 1985, shall be registered at the office of the Director. This registration will be required to establish ownership, legality and to certify that the advertising sign was constructed prior to the adoption of this ZLDC. The registration will contain the same information as the sign permit, and a fee as provided in Sec. 5.8.1, *Fees*, will be charged for such registration.

(Code 1961, § 19-64; Ord. No. 07-10, § 1, 9-25-2007)

**C. Nonconforming Fences.**

1. Fences constructed prior to January 22, 1985, may remain if safe. Once removed, any new fence shall be in accordance with this ZLDC. (Code 1961, § 19-76)

2. Whenever a fence that is built after January 22, 1985, does not meet the requirements of this ZLDC, the Director shall give written notice to the owner of the premises on which the fence is located that the fence shall be brought into compliance or removed within ten days.  
(Code 1961, § 19-77)
- D. **Nonconforming Mobile Home Parks.** Mobile home parks which existed lawfully on the effective date of Ordinance No. 84-2, although nonconforming as to the ZLDC, may continue as a nonconforming use provided the park shall not be discontinued for a period of six months or more.  
(Code 1961, § 9A-7)
- E. **Nonconforming Telecommunication Towers.** Notwithstanding other provisions of this ZLDC, telecommunications antennas shall be permitted uses if placed on existing towers with sufficient loading capacity after approval by the Department. Notwithstanding the other provisions of this ZLDC, towers in existence as of September 1, 1997, may be replaced with a tower of equal or less visual impact and in accordance with the minimum standards set forth in \_\_\_\_\_ this \_\_\_\_\_ ZLDC.  
(Code 1961, § 19-83)
- F. **Nonconforming Sexually Oriented Businesses.**
1. Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to continue unless terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.
  2. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, or residential district within 1,500 feet of the sexually oriented business. This provision applies only to the renewal of a valid business license, and does not apply when an application for a business license is submitted after an operator's license has expired or has been revoked.

## **DIVISION 6.3 GENERAL REGULATIONS**

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### **Sec. 6.3.1 General Regulations**

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## **DIVISION 6.4 ENFORCEMENT AND REMEDIES**

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## **CHAPTER 7 ENFORCEMENT AND INTERPRETATION**

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### **DIVISION 7.1 PURPOSE AND APPLICATION OF CHAPTER**

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#### **Sec. 7.1.1 Purpose of Chapter**

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Sec. 7.1.2 Application of Chapter

### **DIVISION 7.2 ENFORCEMENT**

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#### **Sec. 7.2.1 Enforcement Responsibility**

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- A. **Enforcement.** The enforcement of this ZLDC is the responsibility of the Director.
- B. **Violations; Penalty; Remedy.** If any building or structure is erected, constructed, reconstructed, altered or repaired in violation of this ZLDC or in violation of the plat showing the proposed lot and building to be erected, the Director, acting for and on behalf of the city, in addition to any other remedies may institute appropriate action or proceedings in the name of the city to prevent and prohibit such unlawful erection, construction, reconstruction, alteration or repairs. Each day such violation continues shall constitute a separate offense. (Code 1961, § 19-7)  
**State law reference** - Limitations on civil and criminal actions for violations of zoning ordinances, R.S. 9:5625.

#### **Sec. 7.2.2 Subdivision Plats; Unlawful Transfer of Title**

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**Penalties.** Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning and zoning

commission and recorded or filed in the office of the clerk of court of the parish, without making the instrument of transfer subject to compliance with laws, ordinances and regulations relative to the development of subdivisions, shall pay a penalty of \$500.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Each day that a violation exists shall constitute a separate offense.

### **Sec. 7.2.3 Fence Violations**

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- A. **Unsafe Fences; Repaired or Removed.** Whenever a fence becomes structurally unsafe or endangers the public safety, the Director shall give written notice to the owner of the premises on which the fence is located that the fence be made safe or removed within ten days. (Code 1961, § 19-74)
- B. **Penalties.** Any violation of this Section, or Sec. 2.2.1, *Fences*, shall subject the offender to a total removal of his fence for a minimum period of one year and such other punishment as the court may determine in accordance with Section 1-13 of the Morgan City Code of Ordinances. (Code 1961, § 19-78)

### **Sec. 7.2.4 Noise Violations**

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- A. **Generally.** The unnecessary loud playing, use or operation of any radio, musical instrument, phonograph or other device for the producing or reproducing of sound for entertainment purposes inside the corporate limits of the city while in and/or operating a motor vehicle is declared to be a nuisance and unlawful. The operation of any radio, musical instrument, phonograph or other device while in and/or operating a motor vehicle in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- B. **Exemptions.** Exempted from the provisions of this Section are duly authorized mechanical loudspeakers mounted on a moving vehicle as temporarily authorized by the city for a specific occasion in compliance with city ordinances and other legitimate functions as licensed by the city.
- C. **Penalty.** A violation of this Section shall be punishable by a fine of not more than \$250.00, or imprisonment for not more than 60 days, or both. (Code 1961, § 10-60.1)

### **Sec. 7.2.5 Sign Enforcement**

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- A. **Enforcement of Unlawful Signs.**

1. Unlawful signs shall be any sign, display or device which violates the provisions of this ZLDC. The Director shall give 30 days' notice, by certified mail with return receipt, to the owner of such sign to remove the sign if it is a prohibited sign, or cause it to conform to the regulations if it is an authorized sign.
2. If the owner of an unlawful sign fails or refuses to remove or conform the sign to this ZLDC after the 30 days' notice from the Director, the city shall enter upon the property whereupon the sign is located and dismantle and remove the unlawful sign from the premises at the risk of the sign owner, to store the sign, and to collect from the owner the cost of dismantling, removing, transporting and storing the sign. (Code 1961, § 19-63; Ord. No. 07-10, § 1, 9-25-2007)

**B. Substandard Signs; Removal.**

1. Those signs in the categories described in this subsection (1)(a) through (c) shall be removed within 30 days of the date that such sign deteriorates or is damaged as follows:
  - a. A nonconforming sign which becomes a safety hazard or dangerous under any applicable ordinance and for which the cost of placing such sign in lawful compliance with the applicable ordinance exceeds 50 percent of the value of the damaged or deteriorated sign;
  - b. A nonconforming sign damaged in any manner and from any cause whatsoever to the extent of more than 50 percent of the value of the damaged or deteriorated sign;
  - c. A nonconforming sign which is not maintained in a state of good repair; or
  - d. Structures which are not securely affixed on a substantial structure.
2. The Director shall serve 30 days' notice, by certified mail with return receipt, to the owner of such substandard sign to remove the sign. If the owner of an unlawful sign fails or refuses to remove the sign after the 30 days' notice from the city, the city shall enter upon the property whereupon the sign is located and dismantle and remove the unlawful sign from the premises at the risk of the sign owner, to store the sign, and to collect from the sign owner the cost of dismantling, removing, transporting and storing the sign. (Code 1961, § 19-62; Ord. No. 07-10, § 1, 9-25-2007)

- C. **Penalties.** Any violation of this Section or Division 2.8, *Signs*, shall subject the offender to a total removal of all signs for a minimal period of one year and such other punishment as the court may determine in accordance with Section 1-13 of the Morgan City Code of Ordinances. (Code 1961, § 19-65; Ord. No. 07-10, § 1, 9-25-2007)

**Sec. 7.2.6 Special Provisions for Historic Preservation**

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- A. **Penalty; Continuing Violations.** If any building or structure within the historic district is erected, constructed, reconstructed, altered or repaired in violation of Division 2.7, *Historic*



*Preservation*, or in violation of the plat showing the proposed lot and building to be erected or altered, the Director, acting for and on behalf of the city, in addition to any other remedies, may institute appropriate action or proceedings in the name of the city to prevent and prohibit such unlawful erection, construction, reconstruction or alteration or repairs. Each day such violation continues shall constitute a separate offense. (Code 1961, § 2-218)

B. **Stopping Work Commenced Without Permit.** The Director shall promptly stop any work attempted to be done without or contrary to a permit issued under this ZLDC and shall promptly prosecute any person responsible for such a violation of Division 2.7, *Historic Preservation*, or engaged in such violation. Any officer or authorized agent of the historic district commission shall exercise concurrent or independent powers with the Director in prosecuting violations of this ZLDC and stopping work attempted to be done without or contrary to the permits required by Section 5.5.2, *Historic District Certificate of Appropriateness*.

(Code 1961, § 2-219)

C. **Injunctive Relief.** Whenever any person has engaged in or is about to engage in any act or practice which constitutes a violation of this article, the Director or the historic district commission may make application to the appropriate court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon a showing by the commission, the Director, or the city that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order, or other appropriate order shall be granted without bond.

(Code 1961, § 2-220)

## **DIVISION 7.3 INTERPRETATION**

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### **Sec. 7.3.1 Interpretation**

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A. **Generally.** Interpretations of land uses shall be in accordance with the definitions set out in Chapter 9, *Definitions*, and the standards for interpretation set out in Section 1.4.7, *Unlisted Uses*. Other interpretations of this ZLDC shall follow the analytical steps set out in this Section.

B. **Provision's Purpose.** The purpose of the rule to be interpreted must be determined so that the protection that it is intended to provide to the public is enforced. The official making the interpretation should look to the first division of each Chapter to determine the purpose of the Chapter and how the Chapter is to be applied.

- C. **Quantifiable or Numeric Standards.** If the section to be interpreted has a quantifiable standard, no interpretation can result in a reduction of the standard. If the number is a maximum, then a higher numeric value cannot be made. If it is a minimum, then higher numbers may be used. For example if the maximum density is 3.20 units per acre, then it cannot be interpreted to allow 3.25 units per acre as-of-right.
- D. **Qualitative Standards.** Non-numeric standards shall be construed in favor of the element being protected unless there is sufficient evidence to indicate that the alternative language will protect the public as well as provide the landowner other options.
- E. **Illustrations.** Illustrations are generally provided for explanatory purposes, and do not necessarily set out all options or alternatives for each standard in this ZLDC. Where an illustration appears to set out different substantive requirements than the text of this ZLDC, the text of this ZLDC shall control.

## **DIVISION 7.4 LEGAL STATUS**

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### **Sec. 7.4.1 Legal Status**

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## **CHAPTER 8 PURPOSE, AUTHORITY, AND JURISDICTION**

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### **DIVISION 8.1 TITLE AND PURPOSE**

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#### **Sec. 8.1.1 Title; Short Title**

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- A. **Title.** This Code shall be known as "The City of Morgan City, Louisiana, Zoning and Land Development Code."
- B. **Reference.** This Code is referred to herein as "ZLDC."

#### **Sec. 8.1.2 Purpose**

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- A. **General Purposes.** The general purposes of this ZLDC are to promote the public health, safety, comfort, morals, convenience, and general welfare by:
  - 1. Protecting the quality of life of City residents;
  - 2. Ensuring that highway systems are carefully planned to:

- a. Lessen or avoid congestion in public ways;
  - b. Enhance opportunities for multimodal and non-vehicular travel; and
  - c. Reduce unnecessary vehicle miles traveled;
3. Ensuring that the community grows with adequate public ways and utilities, and health, educational, and recreational facilities by:
    - a. Promoting the orderly growth, development, improvement, and redevelopment of the community; and
    - b. Protecting natural resources and the environment, including potable water supplies;
  4. Ensuring that the needs of business and industry are recognized by:
    - a. Providing for sufficient commercial and industrial property to allow for economic development within the City;
    - b. Providing for a fair, orderly, and efficient development review process; and
    - c. Protecting the value of property and buildings;
  5. Ensuring that residential areas provide healthful surroundings for family life;
  6. Protecting the fiscal and functional integrity of the City by:
    - a. Ensuring that the growth of the City is commensurate with and promotive of the efficient and economical use of public funds; and
    - b. Encouraging development in areas where transportation, water, sewers, schools, parks, and other public requirements exist; and limit development where such facilities do not exist; and
  7. Preserving, enhancing, and protecting the unique and special character of the City, by:
    - a. Implementing the City's Future Land Use and Development Plan (FLUDP);
    - b. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
    - c. Fostering a balanced community;
    - d. Promoting the preservation, enhancement, development, and redevelopment of a variety of housing types at a variety of price points, in order to provide decent housing opportunities to a broad market;
    - e. Preventing the overcrowding of land and the undue concentration of population;
    - f. Promoting nodes of activity with compact urban forms;
    - g. Minimizing and mitigating conflicts among adjacent land uses; and

- h. Preserving and protecting places and areas of historical, cultural, scenic, or architectural importance and significance.

B. **Specific Purposes.** Specific purposes of this ZLDC may also be set out in individual Chapters, Divisions, or Sections.

### **Sec. 8.1.3 R-2 District Purpose**

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- A. **R-2, Planned Development Zone.** The planned development district is designed to provide flexibility in development planning and the opportunity for the application of planning concepts dealing with planned unit developments of residential areas, planned shopping centers, and planned industrial parks.

## **DIVISION 8.2 AUTHORITY AND JURISDICTION**

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### **Sec. 8.2.1 Authority**

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- A. **Constitutional Authority.** The constitutional authority for this ZLDC is established by:
  - 1. Article 6, Section 5(E), Louisiana Constitution, *Home Rule Charter - Structure and Organization; Powers; Functions.*
  - 2. Article 6, Section 17, Louisiana Constitution, *Land Use; Zoning; Historic Preservation.*
- B. **Charter Authority.** The home rule charter authority for this ZLDC is established by:
  - 1. Section 1-04, Morgan City Home Rule Charter, *General Powers.*
  - 2. Section 1-05, Morgan City Home Rule Charter, *Special Powers.*

### **Sec. 8.2.2 Jurisdiction**

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This ZLDC applies to all property that is located within the corporate limits of the City of Morgan City, Louisiana, as may be expanded, contracted, or modified from time to time.

## **Division 8.3 Applicability; Exceptions; Exemptions**

### **Sec. 8.3.1 Applicability**

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- A. **Generally.** No land shall be used or developed except in accordance with this ZLDC. All the following are subject to the applicable requirements of this ZLDC, and may require one or more development permits:

1. The use of any building, structure, land, or water, including new uses, existing uses (which may be subject to Chapter 6, *Nonconformities*), or expanded uses.
  2. The construction of buildings, structures, and infrastructure.
  3. Landscaping, but not including routine landscape maintenance, landscaping of individually owned residential lots, and agricultural and forestry operations.
  4. Outdoor lighting.
  5. Land clearing in anticipation of development for non-agricultural or non-forestry purposes.
  6. The posting of signs.
  7. Any other disturbance of land, soil, vegetation, or waterways, including alteration of land for development or other purposes.
  8. Any division of land or land development, for sale or lease, whether by metes and bounds, subdivision, or land development.
- B. **Specific Exceptions.** Specific exceptions to the requirements of this ZLDC may be set out in individual Chapters, Division, or Sections.
- C. **Prohibited Uses.** No use that is prohibited within a zoning district shall be established after the Effective Date of this ZLDC in said zoning district under any circumstances. Existing uses that are prohibited after the Effective Date are subject to Chapter 6, *Nonconformities*.

### **Sec. 8.3.2 Exceptions and Exemptions**

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- A. **Exceptions.** Any development granted final approval prior to the adoption of this ZLDC shall be controlled by the development standards in place at the time of approval, provided that if construction permits have not been obtained within 12 months of that approval, the ZLDC provisions shall be met.
- B. **Exemptions.** The following are exempt from the provisions of this ZLDC:
1. Railroad tracks and rail sidings on railroad property.
  2. Construction of state or federal highways.
  3. The temporary use of any property as a voting place in connection with a public election.

## CHAPTER 9 DEFINITIONS

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### Sec. 9.0.1 Enforcement

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- A. **Generally.** The City may enforce the provisions of this ZLDC as set out in this Division, or as otherwise authorized by law.
- B. **Responsible Official.** The Department, the Director, or any person authorized by the Director, the City Manager, or the City Council shall administer and enforce the provisions of this ZLDC. The Director may consult with the City Attorney, the City Engineer and other officials in the exercise of this duty.
- C. **Right to Enter.** The Department will investigate and find as a matter of fact whether a violation of this ZLDC has occurred. The Director or any person authorized by the Director, the City Manager, or the City Council, shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the duty to enforce this ZLDC.

### Sec. 9.0.2 Definitions

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

#### A

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**Accessory structure** means any structure in addition to the mobile home, which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.

**Accessory Use** means:

- A. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
- B. Customary home occupations (see Home Occupation).
- C. A garage or parking space for not more than three automobiles, plus one automobile for each family in excess of three; provided that, except as a farm, storage of only one commercial automobile shall be permitted.
- D. The sale of produce raised only on the premises.
- E. The taking of lodgers and tourists in residential use only; use limited to not more than 15 percent total living area.
- F. Swimming pools subject to city ordinance requirements.

**Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

**Adult Bookstore/Adult Video Store** means a commercial establishment that, as its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas;" or
- B. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

**Adult Motel** means a hotel, motel or similar commercial establishment that:

- A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than 24 hours; or
- C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 24 hours.

**Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**Apartment.** See Dwelling (Multi-Family).

### 9.0.3 DEFINITIONS

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**Alluvial Fan Flooding** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**Antenna** means a transmitting and/or receiving device used for personal wireless services that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas, and satellite earth stations, antennas used to receive video programming and all other antennas exempt from local restrictions as defined by the Telecommunication Act of 1996.

**Antenna, Stealth** means antennas which are mounted on an existing structure with or without a mast and which are painted to match the color of the exterior material of the structure and placed so as not to obscure any significant architectural feature of the structure.

**Apartment.** See Dwelling (Multiple-Family).

**Apex** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Area of Shallow Flooding** means a designated AO, AH or VO zone on the city's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** is the land in the floodplain within the city subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A is usually refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

#### A

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#### B

**Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.



**Block** means a tract of land bounded by dedicated streets, which has been subdivided for building development.

**Building** means a roofed structure erected for permanent use.

## C

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**Colocation** means the shared use of or physical location of antennas belong to two or more telecommunication service providers on a single telecommunication tower.

**Critical Feature** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

## D

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**Dance Hall** means a cafe, restaurant or other place where dancing is done to music provided by recording or orchestra.

**Department**, where not used in reference to a specific department (e.g., "Public Works Department"), means the Department of Planning and Zoning (or as amended in the future).

**Development** means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Director**, where not used in reference to a specific department (e.g., "Director of Public Works"), means the Director of Planning and Zoning (or title as amended in the future) or designee thereof.

**Display** means to erect, paint, repaint, place, replace, hang, rehang, repair, maintain, paint directly upon a building or other structure, inlay, imbed in or otherwise exhibit to public view.

**Driveway** means a minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.

**Dwelling (Mobile Home)** means a detached residential dwelling unit designed for transportation after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer is not to be considered a mobile home.

**Dwelling (Multi-Family)** means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling (Single-Family)** means a residential dwelling unit other than a mobile home, designed for and occupied by one family only.

**Dwelling (Two-Family)** means a residential building containing two dwelling units, designed for not more than two families.

**Dwelling Unit** means one room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental, or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

## **E**

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**Elevated Building** means a nonbasement building: built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE or V, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE or V, elevated building also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

**Escort Agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**Existing Construction** means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. Existing construction may also be referred to as existing structures.

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the city.

**Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

## **F**

**Family** means:

- A. An individual;
- B. Two or more persons related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or
- C. Five or fewer persons who constitute a relatively permanent functioning group, living together as a single housekeeping unit (*i.e.*, with common living areas and shared cooking and housekeeping responsibilities).

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the usual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** means an official map of the city, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

**Flood Insurance Study** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

**Flood Protection System** means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

**Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management Regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special-purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term

describes such state or local regulations, in any combination, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway (Regulatory Floodway)** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Frontage** means the distance along a street line between two intersecting streets or in the case of a dead-end street, between the end of the dead-end street and the nearest intersecting street.

**Functionally Dependent Use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

## G

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**General Recreation** includes such things as recreational vehicle camper spaces with related service buildings, cabins as rental units, swimming pools, boat launch, boat docks, restrooms, and pavilions.

**Ground Cover** means low growing plants that are planted in such a manner as to form a continuous cover over the ground, such as turf, liriope, ground cover jasmine, or like plants that can be maintained at or below two feet in height. The phrase "ground cover" includes grasses, ornamental grasses, vines, and other herbaceous material.

## H

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**Half-way House** means any facility used to provide resident services and supervision to any number of persons for reasons of alcohol abuse, drug abuse, sentence or parole from any criminal violation, or being not guilty of a criminal charge by reason of insanity.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the secretary of the interior; or
  - 2. Directly by the secretary of the interior in states without approved programs.

**Home Occupation** means any occupation carried on by members of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling; that there is no commodity sold except that produced on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, music instruction to a single pupil only, emergency treatment, or performance of religious rites, but not for the general practice of his profession. No accessory building shall be used for home occupation. Any home occupation that would create objectionable noise, fumes, odor, dust, electrical interference or more than normal residential traffic is prohibited as an accessory use in residential districts. Business offices and professional offices, except as provided for in this section, barbershops, beauty parlors, dress shops, automobile or other commercial repair shops, welding shops, woodworking shops, among others, shall not be deemed to be home occupations.

I

J

K

L

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**Levee** means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**Levee System** means a flood protection system which consists of levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Live/Work Unit** means a dwelling unit that provides space that is designed for one or more commercial uses that are permitted in the zoning district. Access between the dwelling unit and the commercial space is provided within the unit.

**Lot** means a parcel of land occupied by a building and its accessory buildings, together with such open spaces and parking spaces as are required under this chapter and having its principal frontage on an officially approved street or place.

**Lot line** means a line bounding the lot as shown on the accepted plat plan.

**Lot of Record** means a lot which is part of a subdivision, the map of which has been recorded in the office of the clerk of court of the parish, on a parcel of land which became legally established and defined by deed or act of sale on or before March 14, 1961.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

## **M**

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**Main Building** means a building in which is conducted the main or principal use of the lot on which the building is located.

**Manufactured Home** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

**Manufactured Home Lot** means a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufactured Home Space.** See Manufactured Home Lot.

**Manufactured Home Stand** means that part of an individual manufactured home lot which has been reserved for the placement of a manufactured home.

**Manufactured Home Unit** means an individual manufactured home.

**Mean Sea Level** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the city's flood insurance rate map are referenced.

**Mobile Home** means a movable or portable dwelling designed without a permanent foundation for year-round living. A mobile home is not to be confused with a single-family dwelling built or placed on the premises as a permanent structure.

## N

**North American Industrial Classification System (NAICS)** is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. As of the effective date of this ZLDC, NAICS lookup tables were available from the U.S. Census Bureau web site at <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007>.

**Neighborhood Business Center** means a cluster of two or more businesses located in an area of residential character.

**New Construction** means, for purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the city and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city.

**Nude Model Studio** means any place where a person who appears in state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

## O

**Operator** means a person who assumes responsibility for the mobile home park's compliance with all ordinances.

## **P**

**Parking Space** means an area not less than eight feet by 20 feet, and the access to the parking space from a public street or alley shall be provided in addition to the space necessary for the parking.

**Parking Space (Mobile Home)** means the off-street space available within the property boundary lines for the parking of two motor vehicles.

**Passive Recreation** includes such uses as open park areas, picnic areas, pavilions, sand beach, fishing pier, restroom buildings, arboretum and related service buildings.

**Permanent Building** means a building, except a mobile home accessory structure.

**Permanent Use** means the intent to use a portable temporary cover for more than five consecutive days.

**Permit** means a written permit or certification issued by the building inspector permitting the construction, alteration, extension and operation of a mobile home park under the provisions of this chapter and other pertinent ordinances and regulations.

**Planned development** means a tract of land which contains and will contain two or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of the surrounding areas. Such development shall be based on a plan which allows for flexibility of design not available under zoning district requirements.

**Plat** means any map, plan or chart of a city, town, section or subdivision, indicating the location and boundaries of individual properties.

**Plot** means a parcel of land consisting of one or more lots or portions of lots which is described by reference to a recorded plat or metes and bounds.

**Portable Temporary Cover** means any nonpermanent structure for the protection of vehicles, water craft or any other use and constructed from materials such as tin, aluminum, galvanized piping, steel piping, canvas, vinyl or plastic. Portable temporary covers are freestanding and not connected to any permanent structure and/or do not conform to the construction materials and design of a permanent structure.

**Private Street** means a private way which affords principal means of access of abutting individual mobile home lots and auxiliary buildings.

**Profession** means a calling requiring specialized knowledge and long and intensive academic training.

**Property** means a plot with any building or other improvements located on the plot.

**Property Line** means a recorded boundary of a plot.



**Public street** means a public way which affords principal means of access to abutting properties.

**Public system (water or sewerage)** means a system which is owned and operated by the city or by an established public utility company which is adequately controlled by the city.

## Q

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**Qualified Share Facility** means a telecommunication tower designed and engineered for the co-location of antennas, where the facility owner is prepared to make available adequate space to two or more telecommunication providers.

## R

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

**Repair Shops or Garages** means uses that sell, rent and perform service on automobiles, light trucks, boats or outboard motors, motorcycles, tractors, lawn mowers, or large or small appliances such as washers, driers, refrigerators, freezers, dishwaters, etc.

**Responsible Official** means that Department, the Director, or any person authorized by the Director, the City Manager, or the City Council to administer and enforce the provisions of this ZLDC.

**Right-of-Way** means the area, either public or private, over which the right of passage exists.

## S

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**Service Building** means a building housing toilet, lavatory and such other facilities as may be required by this chapter.

**Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

**Sexually Oriented Business** means an adult arcade, adult bookstore or adult video store, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**Shrub** means any of the following:

1. A woody plant of less size than an understory tree, and usually with several stems from the same root;
2. Perennial plants that reach at least three feet in height; and
3. Ornamental grasses that reach at least three feet in height.

**Sign** means a name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

**Sign, Advertising** means a sign or structure which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered. Such sign is located away from the premises where such business, commodity, service, activity or entertainment [is] conducted, sold or offered including, but not limited to, billboards.

**Sign, Business** means a sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

**Sign, Flashing** means a sign on which the illumination is intermittent or not maintained in intensity and/or color; either the panel or border lights.

**Sign, Freestanding** means a sign not attached to a building but anchored in place, or mounted on a solid base, and is permanent in nature.

**Sign, Hanging** means a sign that is affixed to the ceiling of a permanent covering over a public way.

**Sign, Illuminated** means any sign illuminated by one or more lighting devices internally or attached to and part of the surface of the sign.

**Sign, Marquis** means a freestanding sign with either a large base or post structure which has two or more individual business signs which identifies the businesses located on such property or business center.

**Sign, Nameplate** means a sign which states the name and/or address of the profession or business on the lot where the sign is located, and is attached to a permanent structure.

**Sign, Permanent** means a sign which is fixed to a base that is constructed as a placement for permanent exposure. The base may be of solid construction (i.e., cement, metal, etc.) and shall not exceed 36 inches in height from natural grade.

**Sign, Projecting** means a sign that is affixed to and extends horizontally more than 15 inches from a building, and has more than four square feet of surface area.

**Sign, Surface Area** of means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

**Sign, Temporary** means a mobile or portable sign not intended for permanent use.

**Sign, Wall** means a sign that is affixed to and does not project more than 15 inches from a building.

**Site** means a parcel of land consisting of one or more lots or portions of lots which is described by reference to a recorded plat or by metes and bounds.

**Space** means a plot of ground within a mobile home park designed for the accommodation of a mobile home. This term shall also include the term "lot."

**Specified Anatomical Areas** means:

- A. The human male genitals in a discernibly turgid state, even if fully and opaquely covered;
- B. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

**Specified Sexual Activities** means and includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

**Start of Construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348)) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for

basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Stealth Facility** means any telecommunication facility which is designed to blend into the surrounding environment.

**Structure** means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Subdivision of Land** means:

- A. The division of land into two or more tracts, sites or parcels of three acres or less in area; or
- B. The resubdivision of land heretofore divided or platted into lots, sites, or parcels.

Any sales or contract of sale or agreement to purchase any lot or division of land either by lot description or by metes and bounds shall constitute a subdivision of land and require, prior to recordation or contract of sale or agreement to purchase and before the deed, the submission of a plan to the mayor and council. (Code 1961, § 14-1(a)); State law reference— Subdivision defined, R.S. 33:101.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition or other improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or any alteration of an historic structure provided that the alteration will not preclude the structure's continued designation as an historic structure.

**Swimming Pool** means any outdoor or indoor pool which is entirely of artificial construction and provided with a controlled water supply.

## T

**Tower, Guyed** means a telecommunication tower that is supported, in whole or in part, by guy wires and ground.

**Tower, Monopole** means a telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

**Tower, Self-Support/Lattice** means a telecommunication tower that is constructed without guy wire and ground anchors.

**Tower, Telecommunication** means a guyed, monopole or self-support/lattice tower, constructed as a freestanding or guyed structure, containing one or more antennas used in the provision of commercial wireless services.

**Townhouse.** See Dwelling (Multiple-Family).

**Tree, Canopy** means a tree with a canopy that, at maturity, would occupy the upper level of a forest in a natural ecological situation. These trees are commonly called shade trees. They typically reach heights of more than 50 feet at maturity.

**Tree, Evergreen** means a broad leaf evergreen tree or cone-bearing evergreen tree that, at maturity, typically has a height of greater than 35 feet. For the purposes of this ZLDC, evergreen trees that typically have a height of 12 to 35 feet at maturity are considered understory trees, and evergreens that typically have a height of less than 12 feet at maturity are considered shrubs.

**Tree, Understory** means a tree with a canopy that would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are commonly called ornamental trees. Understory trees are deciduous trees that typically reach heights of 12 to 44 feet at maturity, and evergreen trees that typically reach heights of 12 to 35 feet at maturity.

## U

## V

**Variance** is a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited.

**Violation** means the failure of a structure or other development to be fully compliant with the city's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

## **W**

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**Water Surface Elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## **X**

## **Y**

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**Yard** means an open space at existing ground level between a building and the adjoining lot lines.

**Yard, Front** means a yard extending across the front of a lot or plot between the side yards and being the minimum distance between the street line and the building or any projection of the building other than steps and cornices. The front yard line shall be the shortest street dimension of the lot.

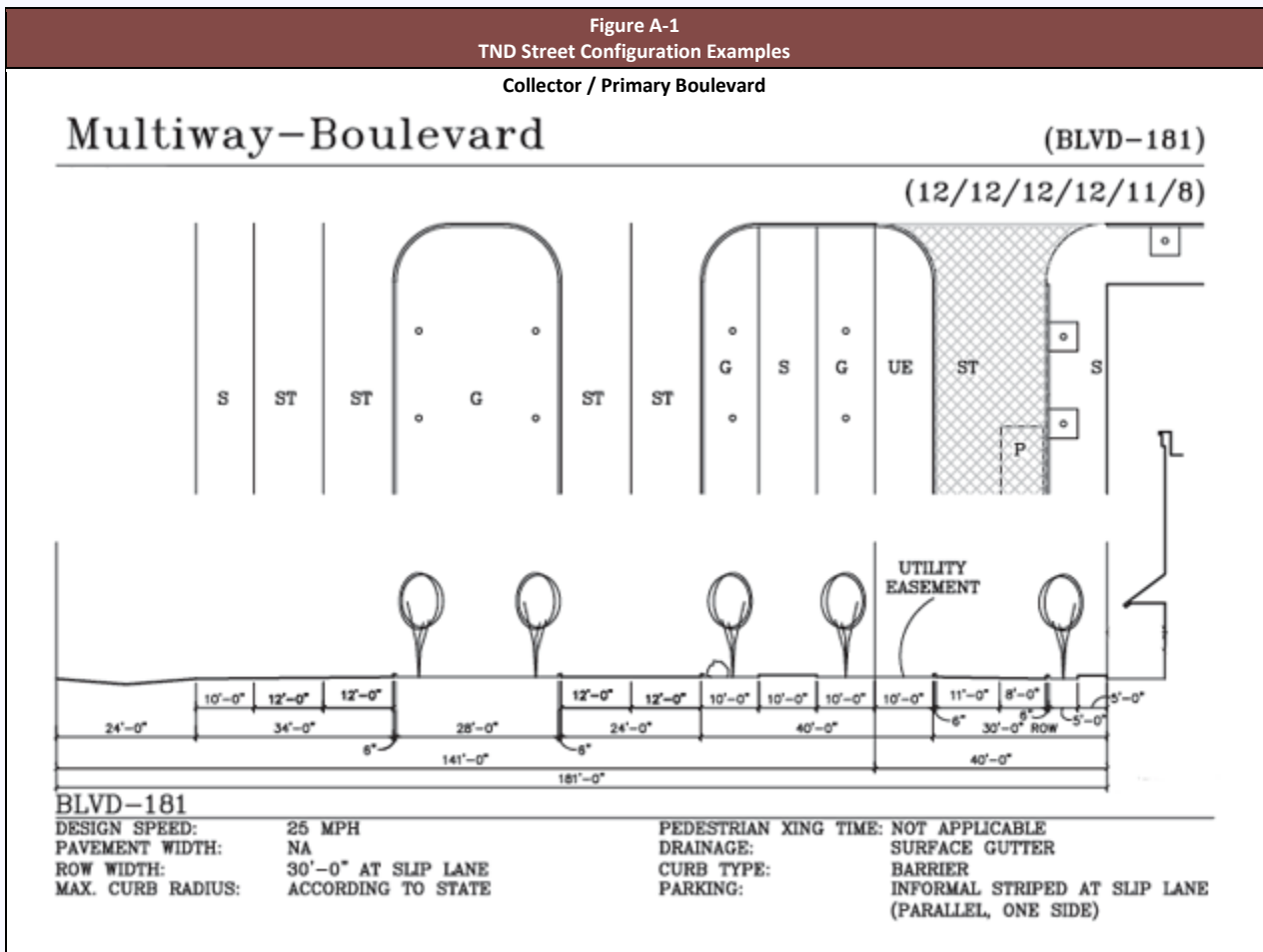
**Yard, Side** means a yard between the building and the side line of the lot and being the minimum distance between a side lot line and the side of the building or any projections other than steps and cornices.

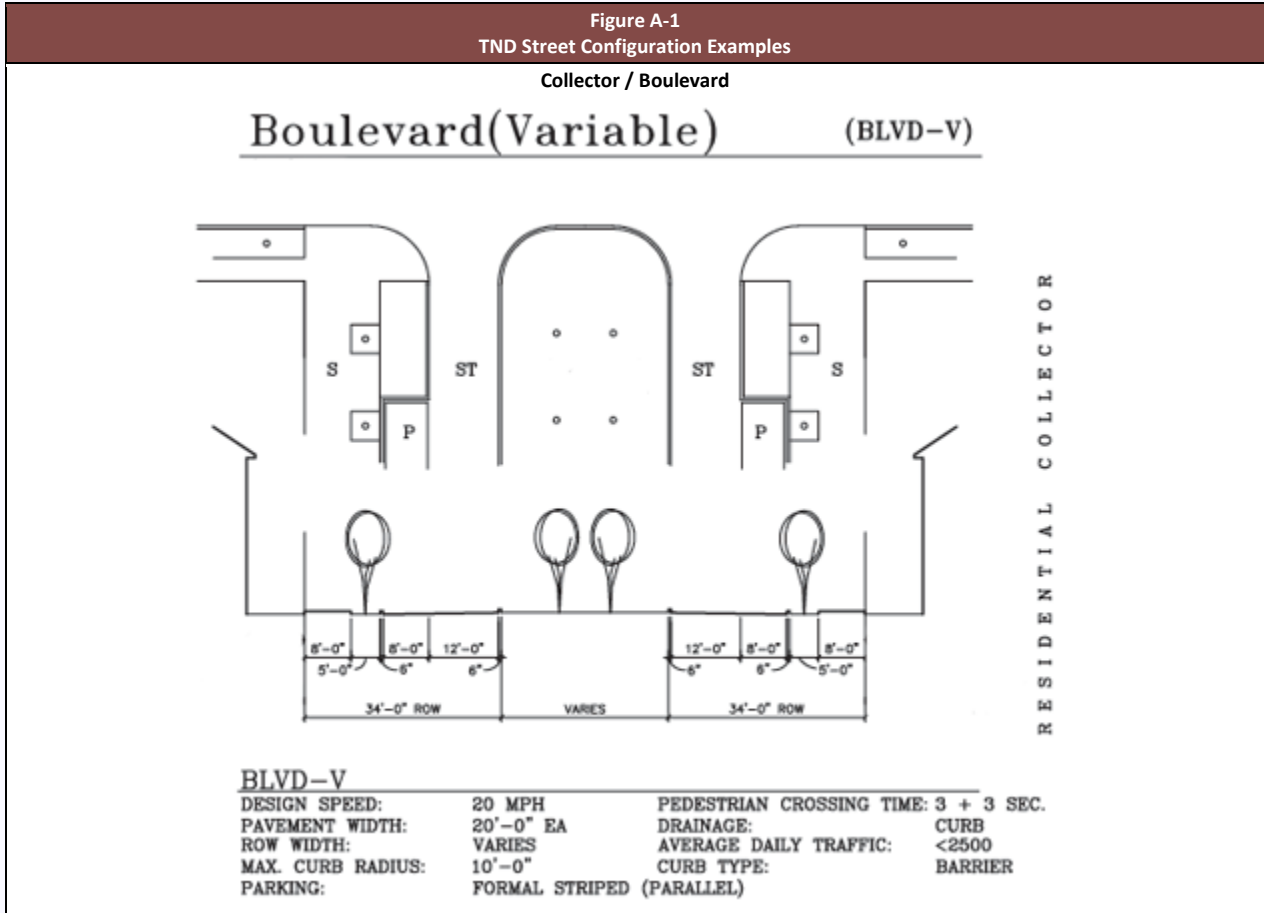
## **Z**

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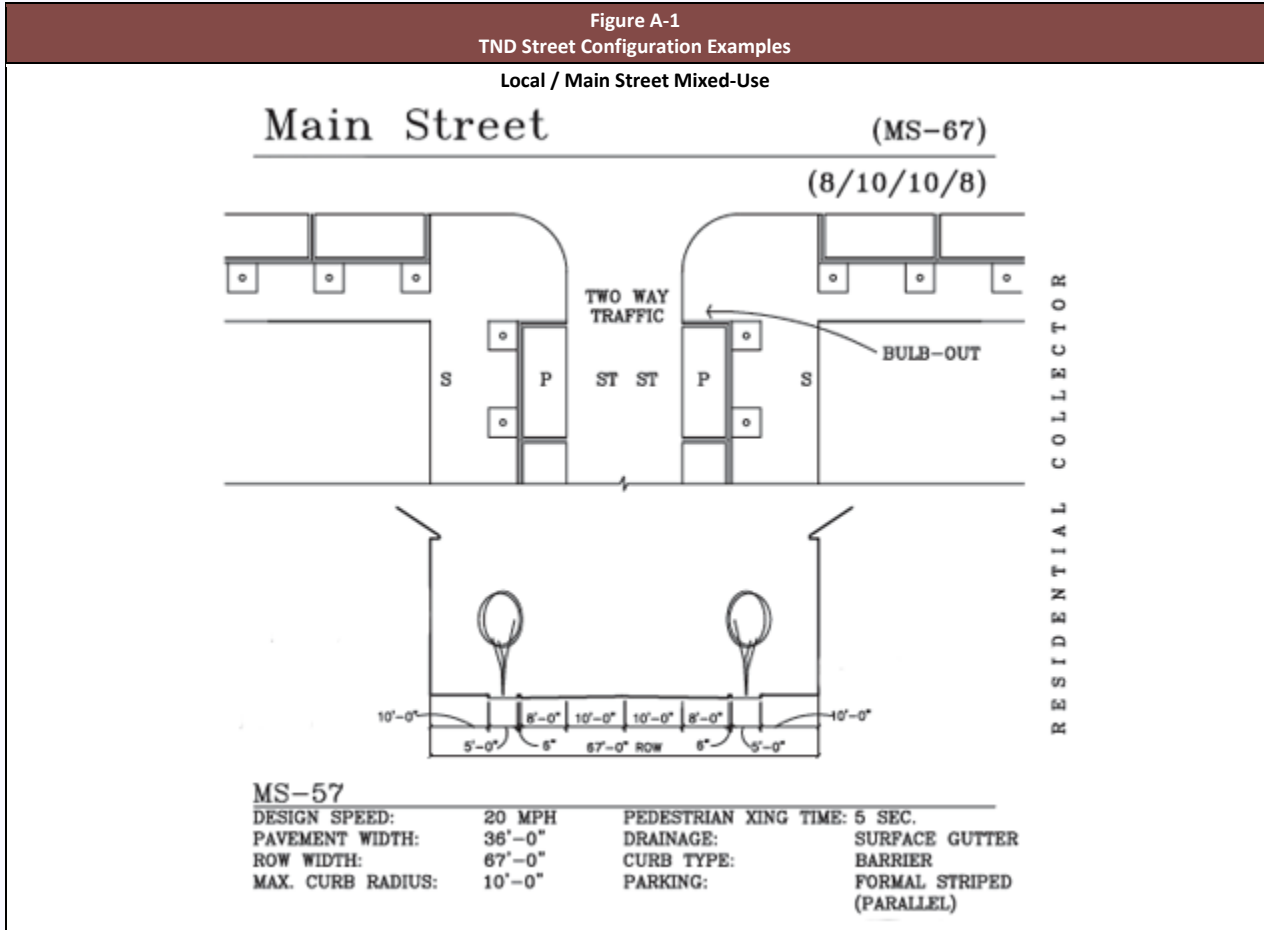
**ZLDC** means the comprehensive Zoning and Land Development Code of the city.

### A-1 TND STREET CONFIGURATIONS

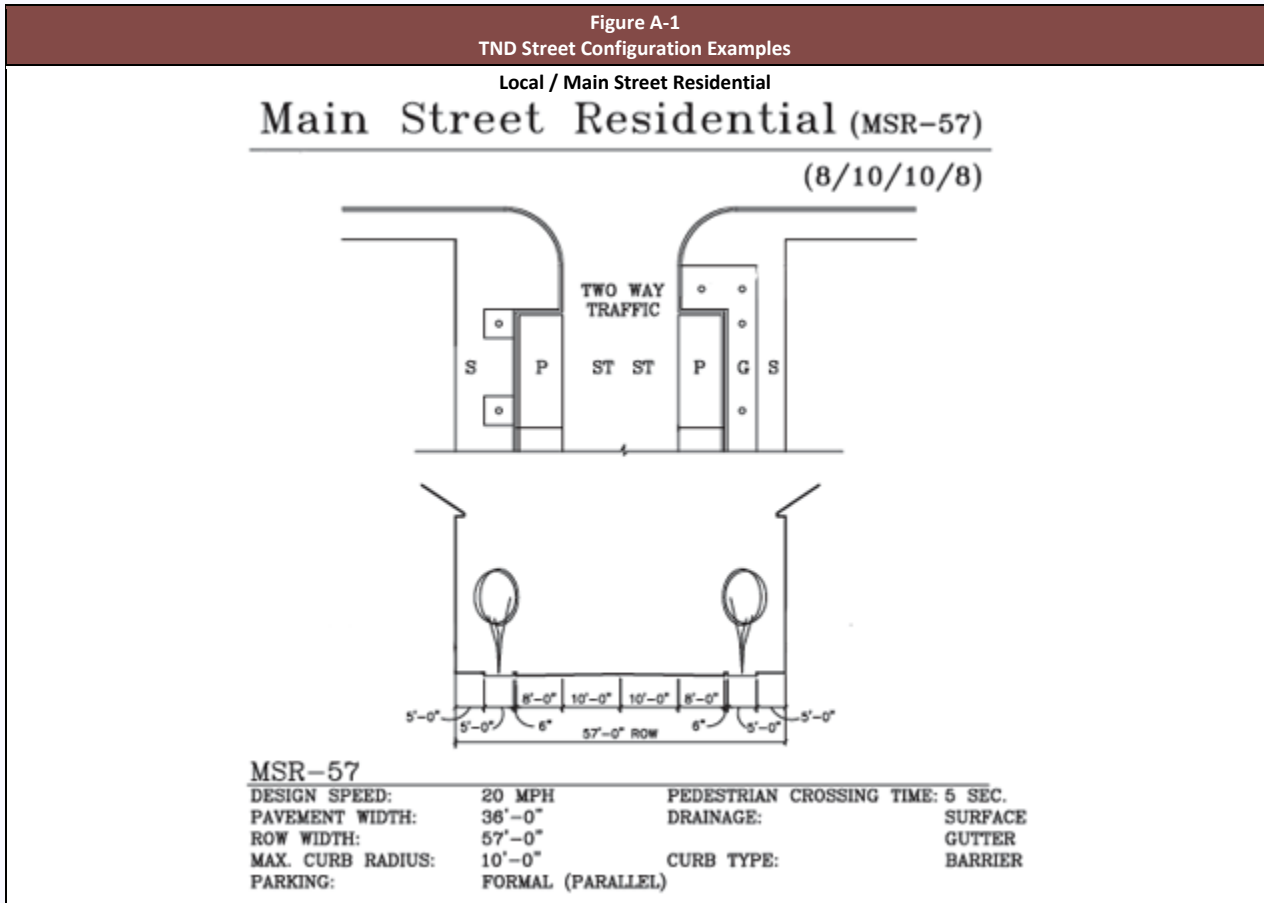


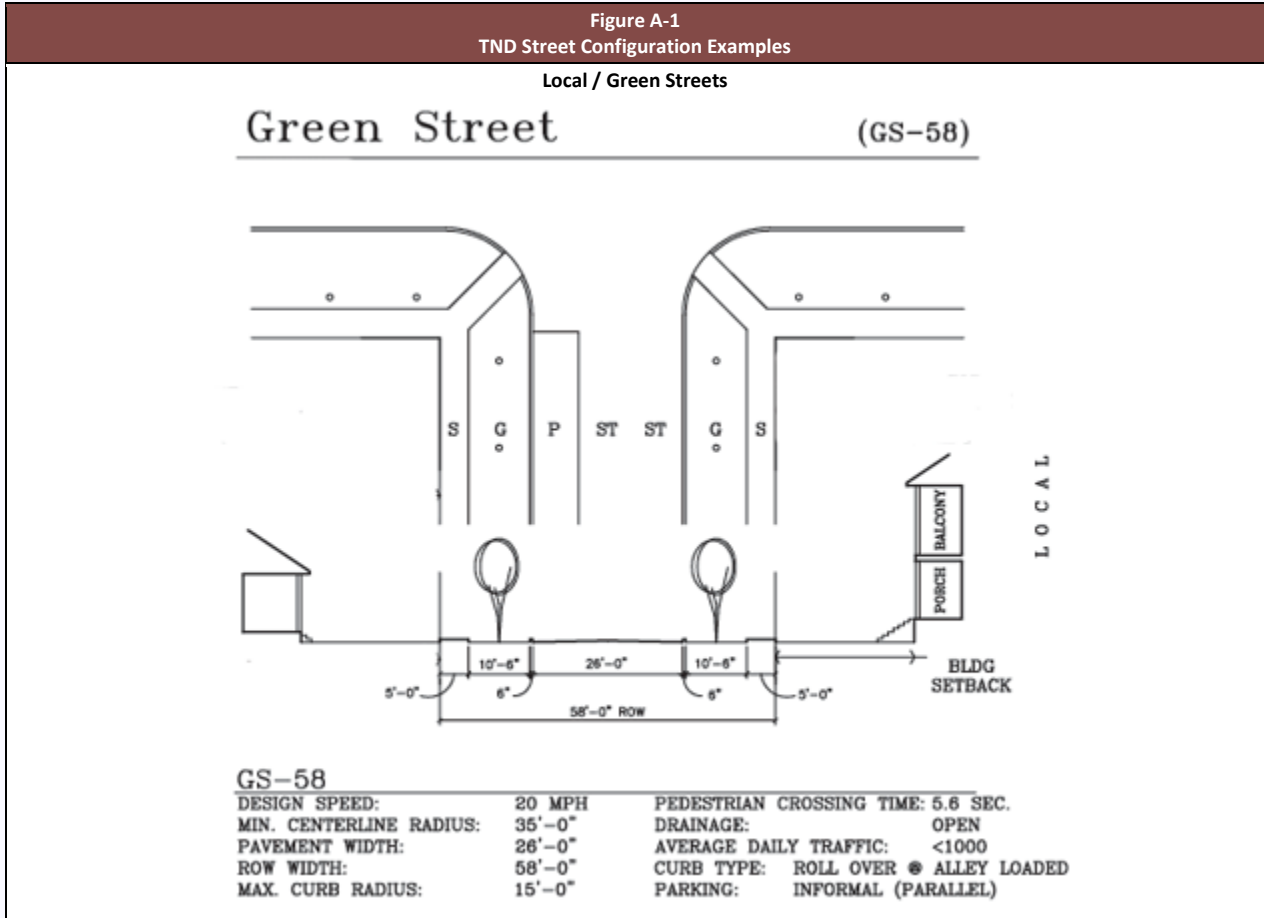


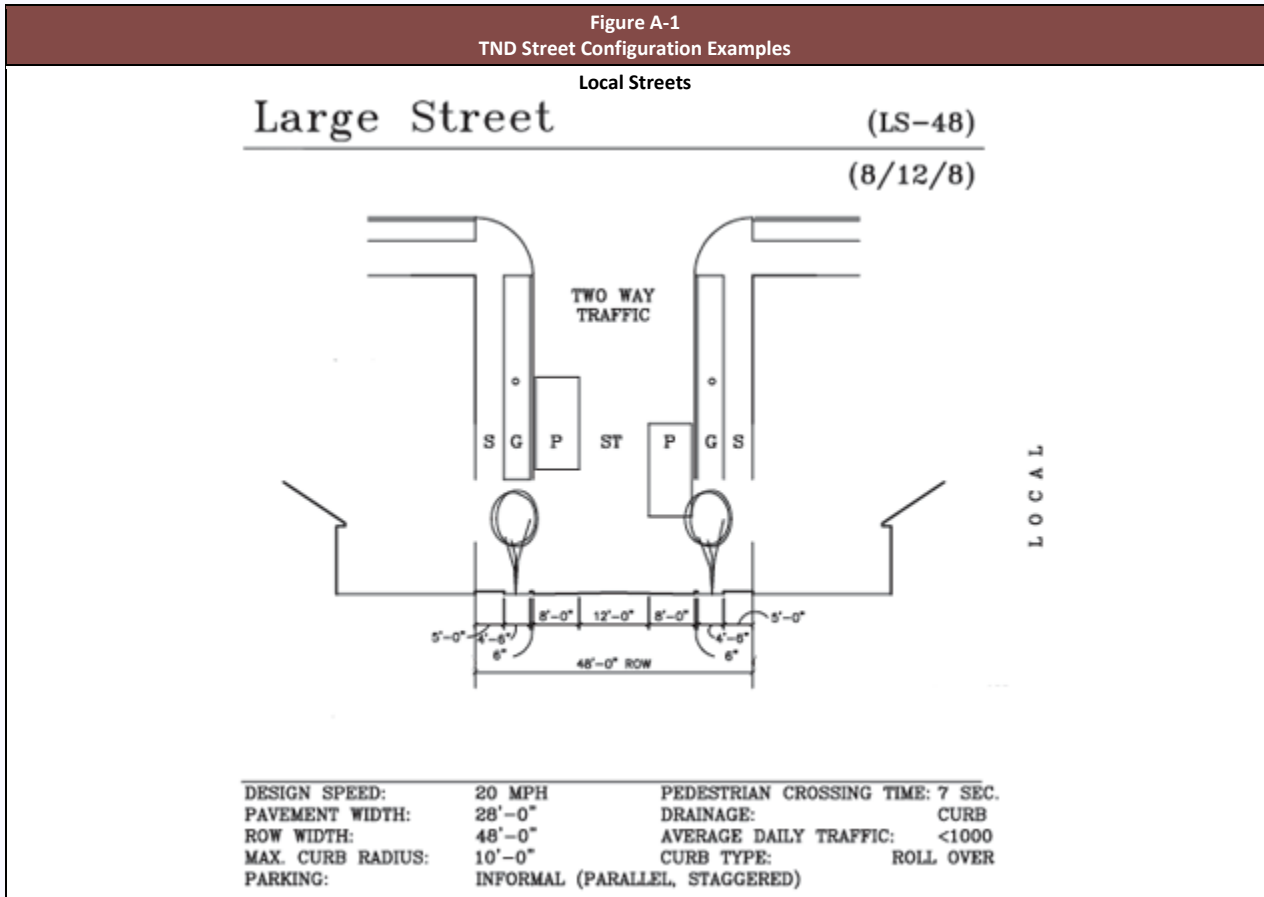




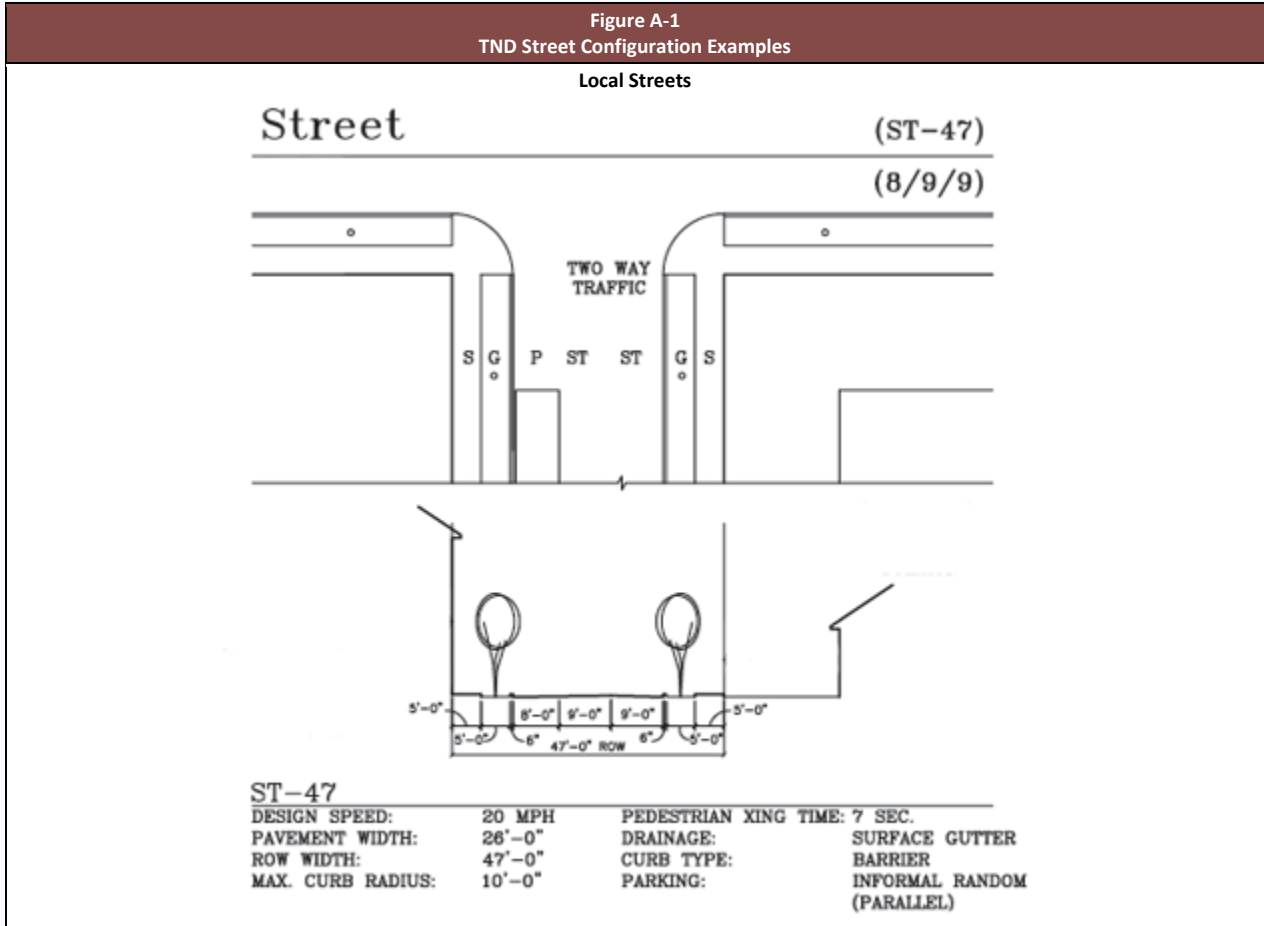
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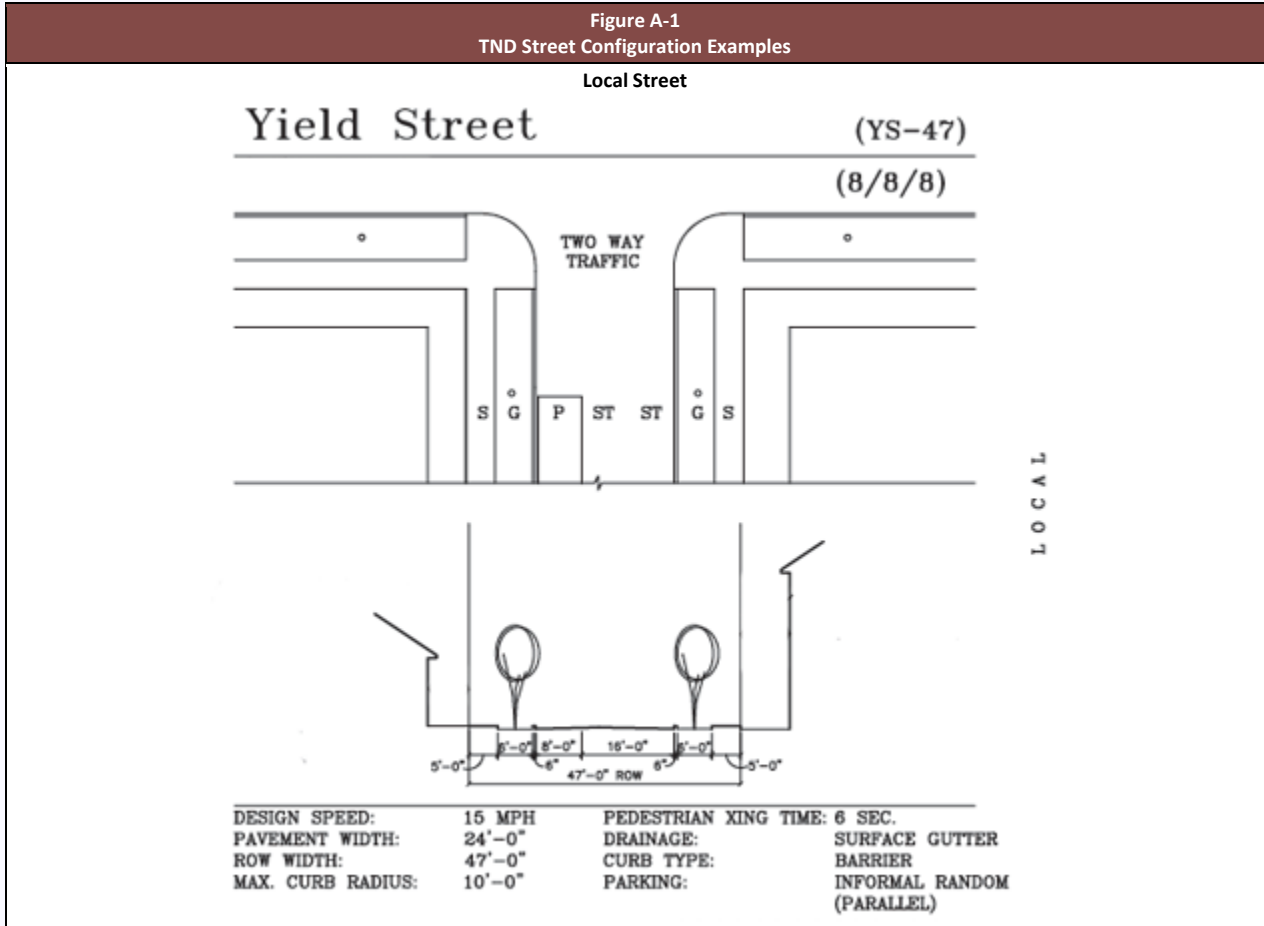




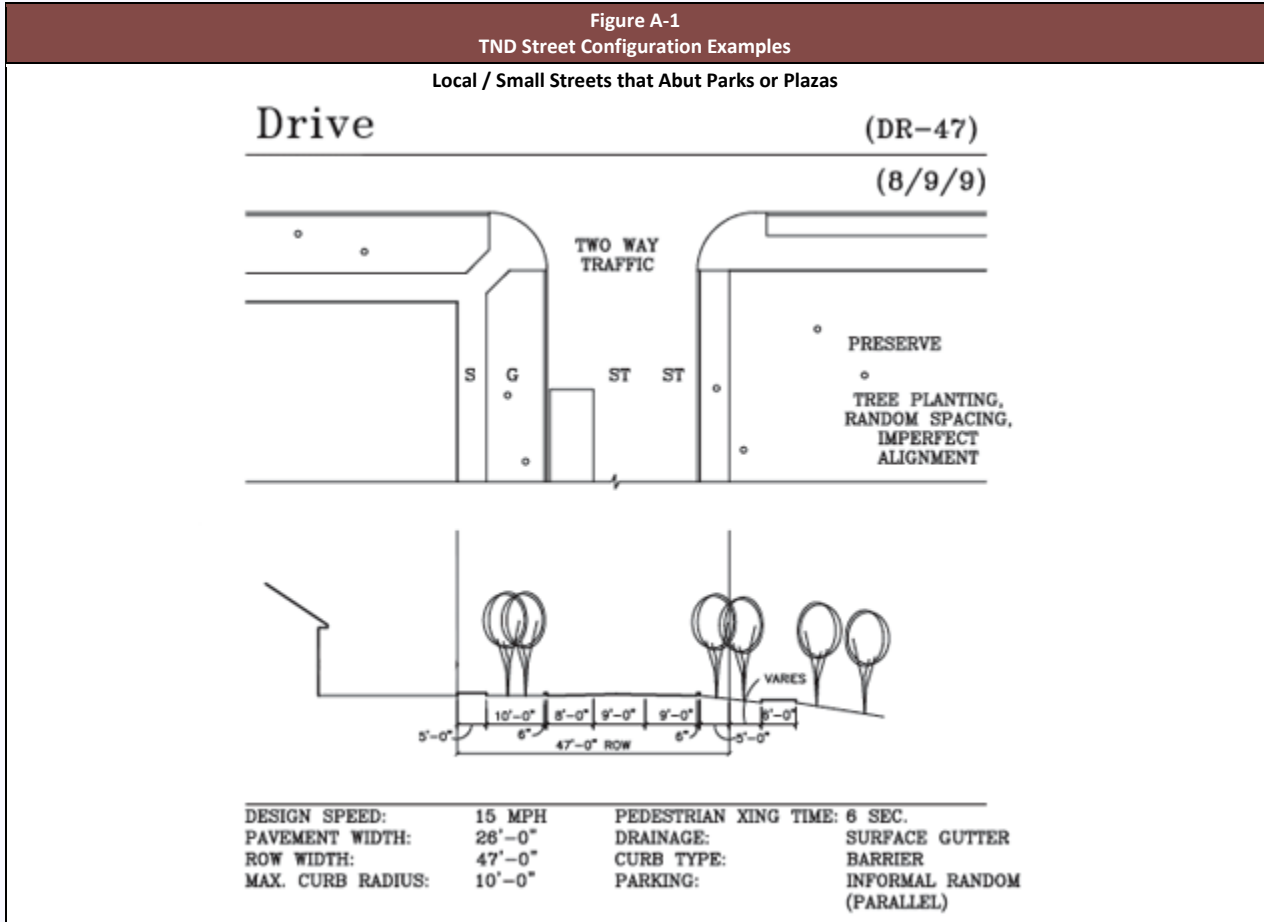
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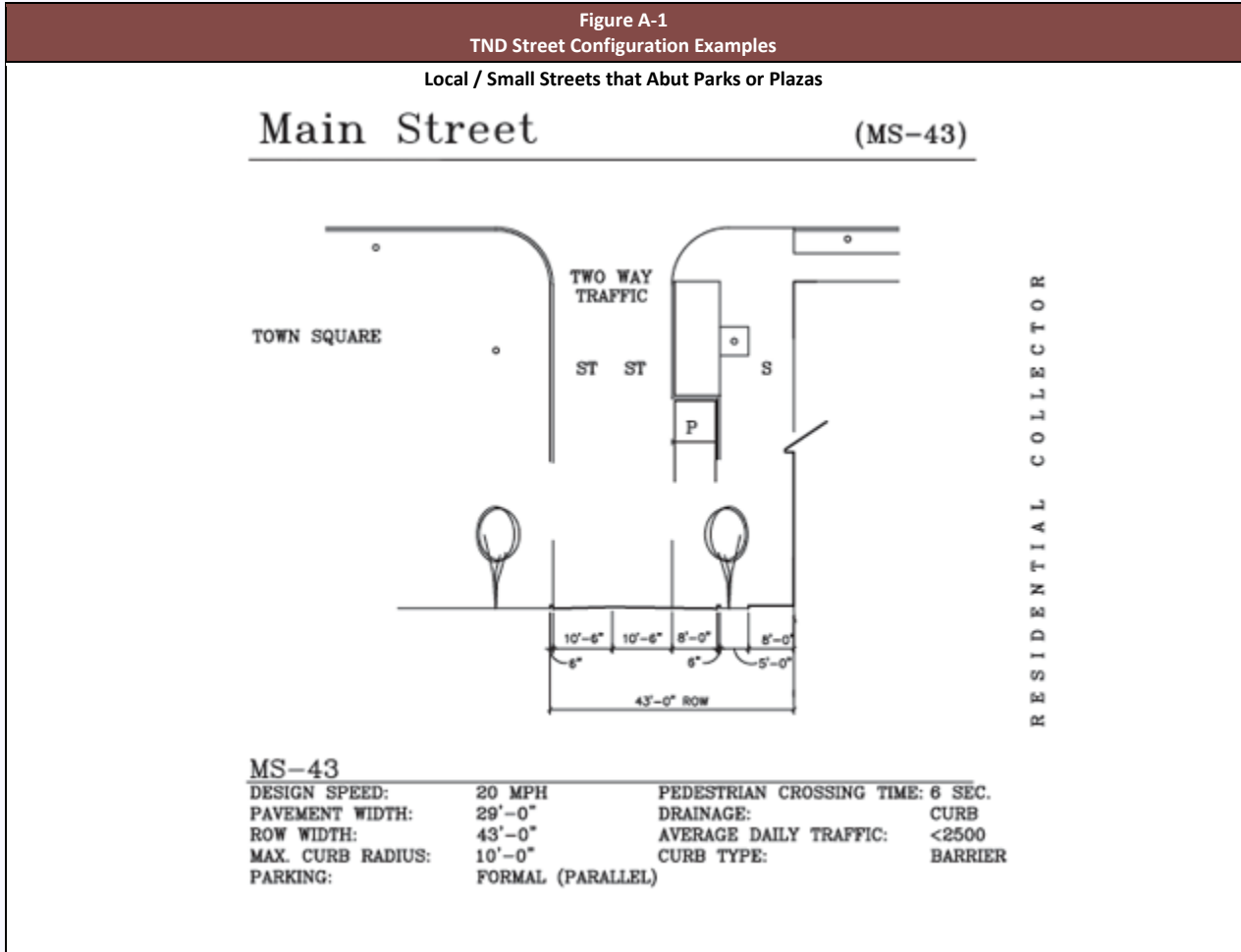
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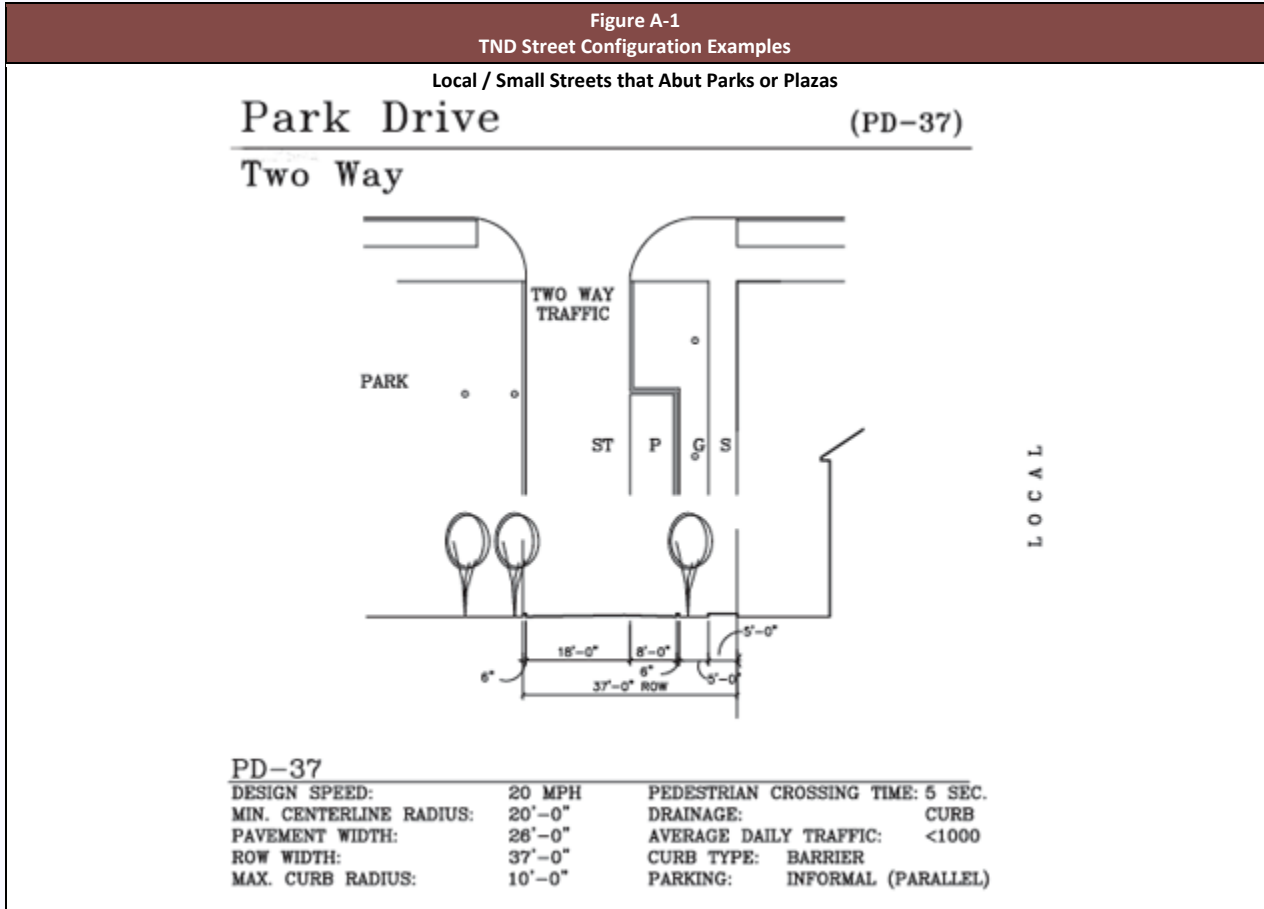


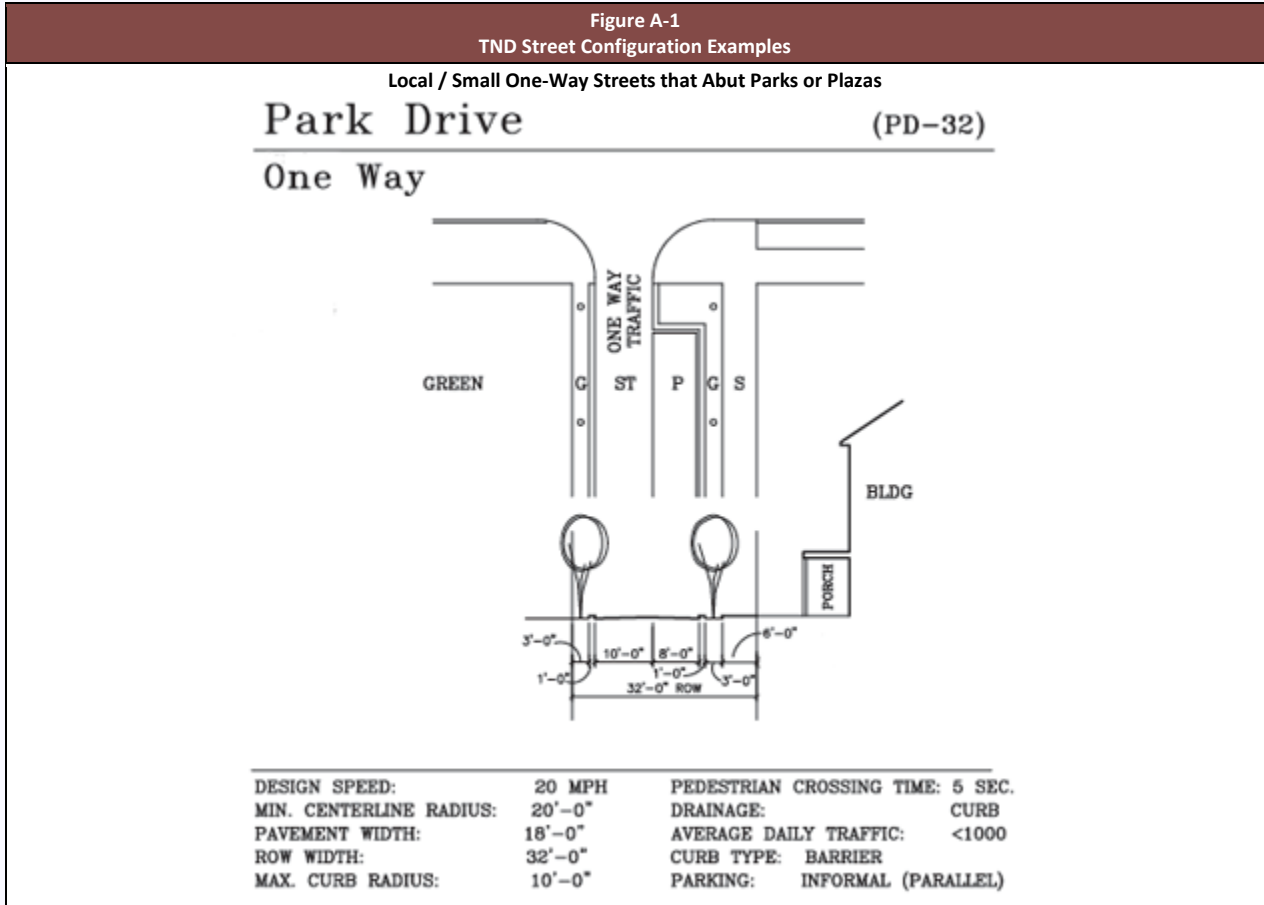
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