

2015-0191

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

ORDINANCE NO. 15-7-5

An ordinance to amend the Code of Ordinances Appendix A. St. Charles Parish Zoning Ordinance of 1981, Section III. Definitions, Section IV, General Provisions, Section VI. Zoning district criteria and regulations, Section VII. Reserved, Section VIII. Parking, loading and landscape requirements, Section IX. Nonconformities, Section XII. Violation and penalty, Section XIII. The Board of Adjustment is established and its powers and duties are prescribed, Section XIV. Amendments and petitions, Section XV. Amendment procedure, and Section XXII Regulations for home occupations, in accordance with the recommendations of the Zoning Code Modernization Project, Phase I.

WHEREAS, The St. Charles Parish Council recognizes that a modern, updated Zoning Ordinance is vital to the application and enforcement of its community standards; and,

WHEREAS, the adopted St. Charles Parish Comprehensive Plan provides guidance as to how the Zoning Ordinance of 1981 should be updated; and,

WHEREAS, the Zoning Ordinance of 1981 has not received a substantive update since its inception; and,

WHEREAS, the Parish has cooperated with the University of New Orleans to prepare recommended amendments to the code; and,

WHEREAS, the Department of Planning and Zoning supports and recommends the proposed amendments; and,

WHEREAS, the St. Charles Parish Planning Commission unanimously supports and recommends the proposed amendments; and,

WHEREAS, the Parish recognizes its Zoning Ordinance as a living document that requires routine updating and professional guidance to ensure strong quality of life standards;

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Appendix A, Section III Definitions be struck in its entirety and replaced as follows:

Section III. Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word "Building" shall include the word "Structure" and the word "Shall" is mandatory and not directory. "Commission" is the Parish Planning and Zoning Commission and "Planning Director" is the Parish Planning and Zoning Director.

Abandonment: The cessation of the use of a property or of a particular use for at least six (6) months. (Also see *discontinuance*).

Accessory building or structure: A subordinate structure, not sharing a common wall with the main structure, the use of which is incidental to that of the main structure.

Accessory dwelling unit: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

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

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

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

Alcohol Beverage Sales: The sale of beer, wine, or other alcoholic beverages for on- or off-premise consumption.

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

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

Alteration: Any change, addition or modification in construction, use or occupancy of a building or site.

Anchorage: A place designated for vessels to anchor.

Antenna: A metallic, graphite, fiberglass, or other device which is attached to a transmission tower, telecommunications tower, monopole, mast, building, or other structure for transmitting and receiving electromagnetic waves. (Ord. No. 97-7-4, § I, 7-7-97)

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

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

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

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

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

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

Bar: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages for consumption on the premises.

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

Boat launch: A structure or area used for the placement of a boat into the water and for the retrieval of a boat from the water to a trailer or device.

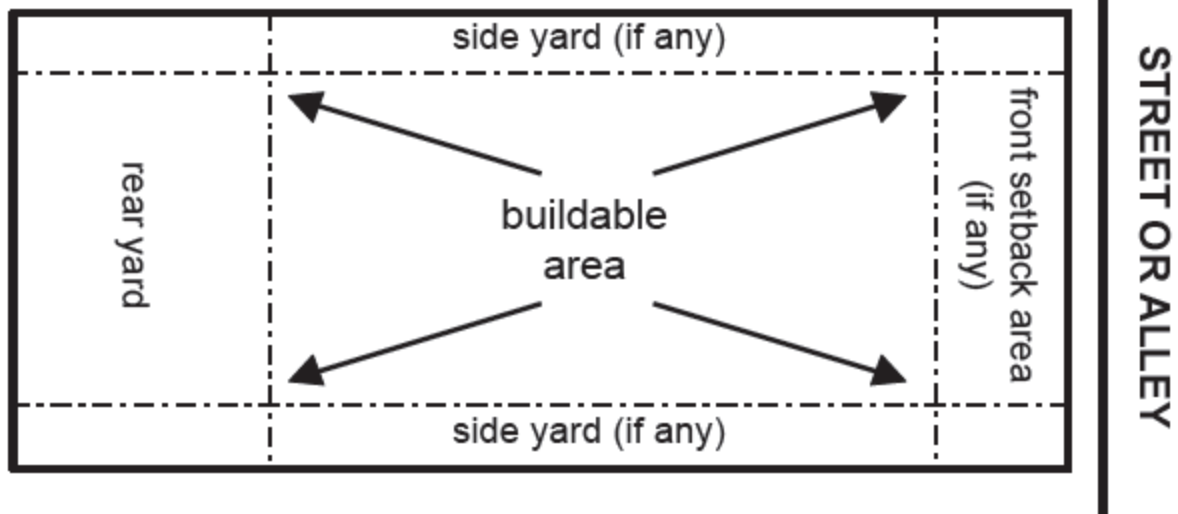
Boardwalk: An elevated public pedestrian walkway constructed over a public street or along a waterfront.

Borrow pit: An excavated hole in the ground from which sand, gravel, soil, or similar material is extracted for use as fill. Borrow pits do not include pits located in navigable waterways, pits used for foundations for buildings, private man-made lakes, and pits developed as swimming pools or similar accessory facilities.

Brewery/distillery: A facility for either the production or packaging of malt beverages of low alcoholic content for wholesale distribution.

Buffer or buffer zone: A strip of land established to protect one type of land use from another which may be incompatible. The buffer may include landscaping, fencing or other buffering materials.

Buildable area: The area of a lot in which a primary structure may be placed; identified as the area remaining after the minimum yard and open space requirements are met, exclusive of servitudes and easements.



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

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

Building temporary: A building located at or near a construction site that serves only as an office or storage until the given construction work is completed.

Building official: The officer or other designated authority charged with the administration and enforcement of the Louisiana State Uniform Construction Code (LSUCC), or his duly authorized representative.

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

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

Carport: An accessory structure consisting of a canopy or shed attached or adjacent to the main structure and open on two (2) or more sides for the purpose of providing shelter for one (1) or more vehicles.

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

Casino: A building in which the primary use is legal gaming as defined by the State of Louisiana.

Cellular installation: Facility transmitting and receiving electromagnetic frequency transmissions in the 800—900 MHZ ultra-high frequency (UHF) range. (Ord. No. 97-7-4, 7-7-97)

Cemetery: Land used or intended to be used for the interment of the human dead.

Church: See *House of worship*

Clinic, animal: A building used by one or more professional medical persons for the healing arts or treatment of small animals on an out-patient or nonboarding basis only, without runs.

Clinic, persons: A building used by one or more professional medical persons for the healing arts or treatment of persons on an out-patient or nonboarding basis only.

Club: Buildings and facilities owned and operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is normally carried on as a business.

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

Coastal dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. (Ord. No. 95-5-7, § I, 5-15-95)

Code enforcement officer: The officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.

Co-location: Locating wireless communications equipment from more than one provider on one site. (Ord. No. 97-7-4, § 1, 7-7-97)

Commercial activity: The exchange of goods, products, services, or property of any kind. The buying, selling, exchange, or associated storage of articles, including the manufacture or production of same for commerce. The term "commercial activity" shall not be construed to include the occasional and isolated sales or transactions by a person who does not hold himself out as engaged in business. (Ord. No. 96-7-5, § I, 7-1-96)

Commission: Same as Planning Commission of St. Charles Parish.

Communications equipment shelters: A constructed or prefabricated building or other structure located on a telecommunications site designed principally to enclose equipment, switches, communication lines, and other related facilities used in connection with telecommunications transmissions. Communications equipment shelters shall not be considered as an accessory use for purposes of determining the required setback limitations. (Ord. No. 97-7-4, § 1, 7-7-97)

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

Community garden: Neighborhood-based developments that provide space for community members to grow plants for beautification, education, recreation, community distribution, or personal use.

Conceptual development plan: A generalized plan drawn to scale for the proposed development of property requested to be zoned as a planned unit development and that identifies the following: the use of the property; the intensity of the uses; general location and size of proposed buildings; access points, parking areas, and the number of spaces; open space, general landscaping, and general planometric elements.

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

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

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

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

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

- A. *Day care center, small:* Up to fifteen (15) adults
- B. *Day care center, large:* Sixteen (16) to fifty (50) adults
- C. *Day care center, commercial:* Fifty-one (51) or more adults

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

- A. *Day care center, small:* Up to fifteen (15) children
- B. *Day care center, large:* Sixteen (16) to fifty (50) children
- C. *Day care center, commercial:* Fifty-one (51) or more children

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

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

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

- A. *Day care home, small:* Up to five (5) children
- B. *Day care home, large:* six (6) to twelve (12) children

Density: The number of dwelling units that exist or can be permitted on a specific area measurement of land.

Detention/retention Pond: A man-made basin designed to protect against flooding by storing stormwater for a limited period of time.

Directional boring: Method of installing underground pipes, conduits, and cables in a shallow arc along a prescribed bore path using either a drilling fluid and directional cutting heads, or high pressure water jets to cut the desired bore hole below ground without needing an open trench. This shall include the process known as "hydro tunneling." (Ord. No. 12-4-16, § I, 4-23-12)

Directional boring slurry: Any viscous material removed by use of directional boring technology either containing drilling fluids, or simple water and soil mixtures. (Ord. No. 12-4-16, § I, 4-23-12)

Discontinuance: (also see "abandonment") The abandonment of a property or of a particular use for a period of at least six (6) months. The determination of discontinuance for non-conforming uses or structures shall be supported by evidence, satisfactory to the Planning and Zoning Department (e.g. the actual removal of equipment, furniture, machinery, structures, or other components of the non-conforming use and not replaced, the turning off of the previously connected utilities, or where there are no business receipts/records or any necessary licenses available to provide evidence that the use is in continual operation).

District: Any part of the Parish of St. Charles in which these zoning regulations are uniform.

Dock: A wharf or a row of piers with no enclosed buildings or roofs, where boats can be moored, loaded or unloaded.

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

Drainage plan: A plan showing proposed site drainage features for controlling storm water runoff and conveying it to public outfalls.

Driveway: A private access way, not classified as a street, road, or highway.

Dwelling: A building used for residential purposes.

Dwelling, single-family: A building that contains only one dwelling unit including attached buildings in the case of townhouses.

Dwelling, two-family: A building that contains a maximum of two (2) attached dwelling units.

Dwelling, multifamily: A building that contains more than two (2) dwelling units.

Dwelling, townhouse: A building on its own separate lot of record containing one (1) dwelling unit that occupies space from the ground to the roof, and that is attached to one (1) or more other townhouse dwelling units by at least one (1) common wall.

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

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

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

Extraction activities: The removal from the premises of sand, gravel, shells, topsoil, minerals, or other natural resources from a lot or a part thereof.

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

Family: One or more persons, related by blood, marriage, or legal adoption, living together and occupying a single housekeeping unit with single culinary facilities; or a group of not more than four (4) unrelated persons living together by mutual agreement or a registered domestic partnership and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis. Also, domestic servants resident on the premises shall not be considered a separate family for the purposes of this ordinance.

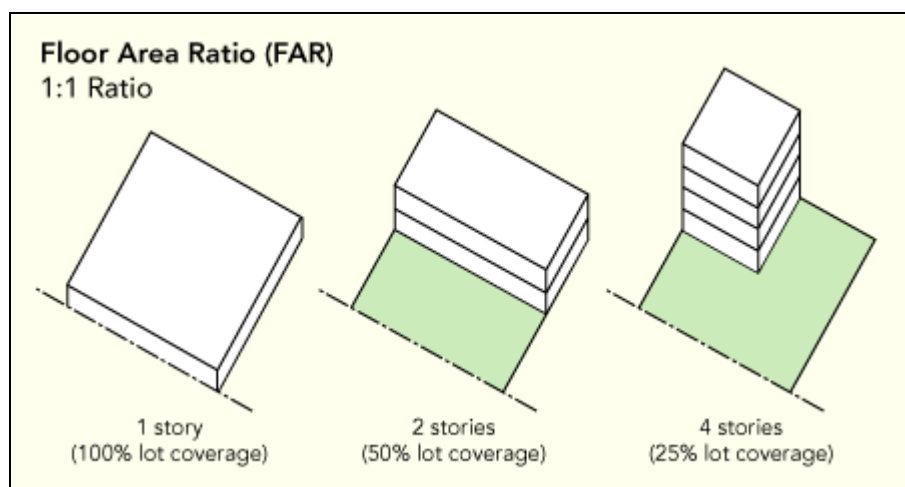
Farm: Any parcel of land which is used for the raising of agricultural or aquicultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It include[s] the raising of fur-bearing animals, riding academies, or boarding stables.

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

Fence: A barrier, solid or otherwise, used as a boundary or means of enclosure for protection, confinement, or concealment.

Floor area: The square feet of floor space on all floors of a building within the exterior walls. It does not include porches, garages, basements or cellar space, stair wells, elevator shafts or mechanical equipment rooms, inner courts, corridors and malls from which goods or services are not offered or sold.

Floor area ratio (FAR): The total floor area of all buildings or structures on a zoning lot divided by the area of said lot.



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

Garage, private: An accessory building for the storage of motor vehicles.

Gardening: The growing of herbs, fruits, and vegetables for resident use only.

Gas/service station: A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the tanks of motor vehicles.

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

Grade, finished: The average elevation of the ground surface that exists after man-made alterations, such as grading, grubbing, filling, or excavating.

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

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

Group home or community home: A single-family residential structure, specifically licensed by the State of Louisiana, for occupancy of unrelated persons.

Hazardous material (or hazardous chemical): Material presenting dangers beyond the fire problems relating to flash point and boiling point. These dangers may arise from but are not limited to toxicity, reactivity, instability, or corrosivity. (Ord. No. 96-5-17, § I, 5-20-96)

Hazardous waste : A waste, or combination of wastes, regulated by Title 33, Part V of the Louisiana Environmental Regulatory Code (LAC 33.V), which because of its quantity, concentration, or physical, chemical or infectious characteristics may do either of the following: (1) cause or significantly contribute to an increase in mortality or increase or serious irreversible or incapacitating reversible illness; (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of or otherwise managed.

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

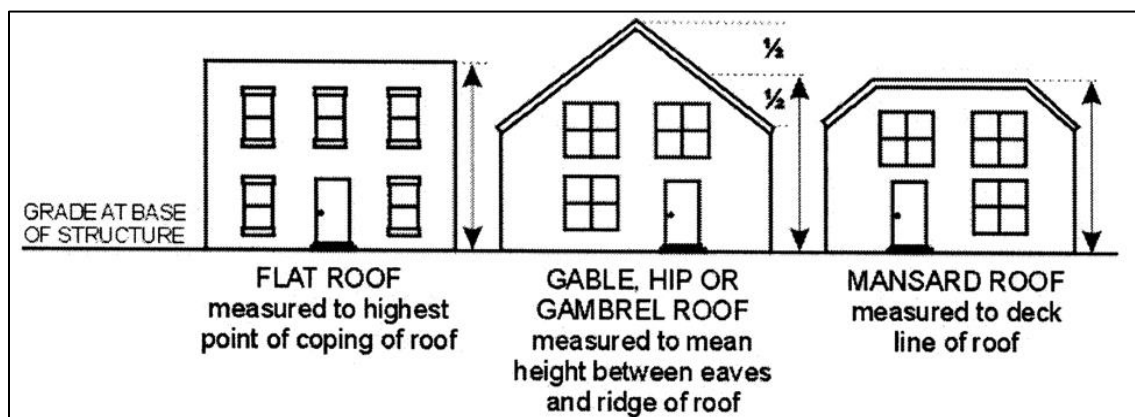
Hazardous waste incinerator: An enclosed device using controlled flame combustion, where the primary purpose of which is to thermally break down hazardous waste.

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

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

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

Height of a building: The vertical distance from the finished grade to (a) the highest point on a flat roof, (b) the deck line of a mansard roof, or (c) the mean height between eaves and ridge for gable, hip and gambrel roofs.



Historic home site bed and breakfast: Accommodations for tourists and travelers which provide sleeping rooms within an historic home or on the historic home site in another historic structure. Historic home sites are identified as having a main structure that is over one hundred (100) years old and is located in a commercial or historic zoning district. (Ord. No. 13-7-6, § I, 7-1-13)

Home occupation: A business, profession, occupation, or trade conducted within the principle structure of a residential use by residents of the dwelling which is incidental and secondary to the residential use of the dwelling, does not change the essentially residential character of the use, and which complies with the requirements of Section XXII Home

Occupations.

Hospital: A building designed or used for the diagnosis, therapeutic treatment, or other care of ailments of patients who are physically or mentally ill.

Hotel or motel: A business providing temporary living and sleeping accommodations.

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

Impervious surface or material: Material that does not allow the penetration of water to the ground.

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

Institution: A building or group of buildings designed or used for the non-profit, charitable, or public service purposes of providing board, lodging, health care for persons aged, indigent or infirm, or for the purpose of performing educational or religious services and offering board and lodging to persons in residence.

Junk: Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and other scrap metal and the alloys and bones, rags, used cloth, rope, rubber, tinfoil, bottles, machinery of any type, tools, appliances, fixtures, utensils, lumber, boxes or crates (fabricated or any material), pipe or pipe fittings, conduit or conduit fittings, inoperative motor vehicles, tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition or which are subject to being dismantled.

Junkyard: An open area where any waste, used, or secondhand materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an auto wrecking yard or the storage of keeping of one or more inoperative motor vehicles unless where otherwise specifically permitted but does not include uses established entirely within enclosed buildings.

Landfill: As defined by the Louisiana Administrative Code Section (LAC 33:VII. Subpart I. Section 115) and generally defined by Types of Facilities as follows:

Type I Facility—a facility used for disposing of industrial solid wastes. Any Type I Facilities shall only be allowed as an accessory use to an approved Industrial Facility.

Type II Facility—a facility used for disposing of residential and/or commercial solid waste.

Type III Facility—a facility used for disposing or processing of construction/demolition debris or wood waste, composting organic waste to produce a usable material, or separating recyclable wastes. As per LAC 33: VII Subpart I. Section 115, construction/demolition debris is further defined as: non-hazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and nonresidential). Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:111.5151.B, white goods, creosote-treated lumber, and any other item not an integral part of the structure. (Ord. No. 08-10-9, § I, 08-10-9)

Landscape plan: Graphic/written specifications and detailed plans to arrange and modify the natural features with required plantings and water forms, walks, and other features to comply with the provisions of this Ordinance.

Laundromat: A business providing for the hire and use on the premises of home type washing, drying and/or ironing machines.

Lawful use: The operation of an activity with proper occupational licenses, when applicable, payment of all applicable taxes and authorized by the zoning ordinance in existence at the time the activity was commenced. (Ord. No. 88-9-24, 9-19-88)

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

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

Loading and/or unloading space: A surface space within the main building or on the same lot providing for the temporary standing, loading and/or unloading of trucks.

Local public entity: A facility or service operation which is domiciled in St. Charles Parish, is open to public use, and is supported all or in part by public taxes or levies on private citizens and/or concerns of St. Charles Parish. (Ord. No. 97-1-9, § II, 1-21-97)

Lot: A parcel, tract, or area of land; established by plat, subdivision, deed, or as permitted/created by law.

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

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

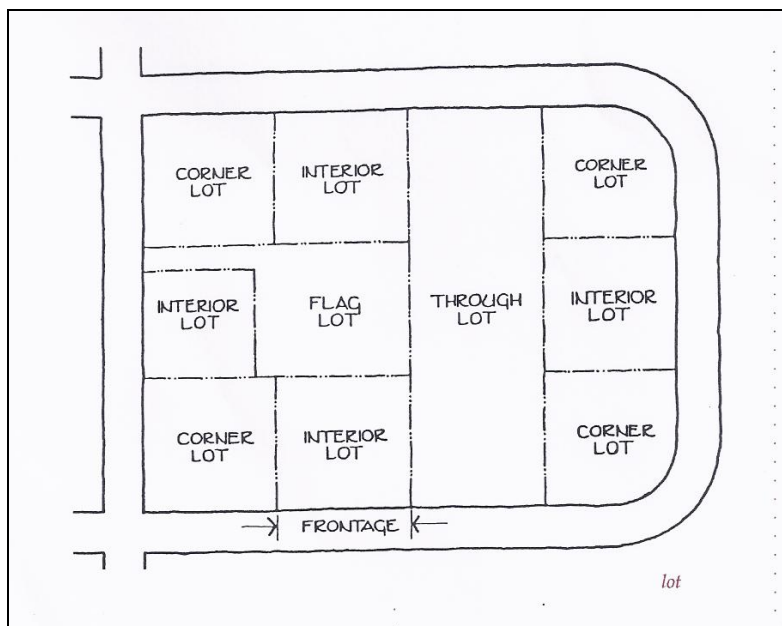
Lot coverage: The area of the lot covered by a structure or impervious surfaces.

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

Lot frontage: Any portion of a lot abutting a public or private street.

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

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



Lot lines: The lines bounding a lot.

Lot of record: A lot which is either part of a subdivision or a tract of land which became legally established and defined by deed or act of sale prior to October 19, 1981.

Lounges: See "Bar."

Manufactured home: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.). A manufactured home shall be a minimum of fourteen (14) feet in width; shall have a pitched, shingled roof, exterior siding which is residential in appearance; and shall be placed on a permanent foundation which provides a complete enclosure of the area between the floor joists or chassis and the ground upon which it is placed. (Ord. No. 87-1-13, 1-5-87)

Manufactured home park: A specially designed community or park which is designed to accommodate either a manufactured home or a mobile home without the requirement for permanent foundations. (Ord. No. 87-1-13, 1-5-87)

Manufacturing, heavy: The assembly or fabrication of goods and materials, which may include the storage of flammable or toxic matter. Heavy manufacturing processes may have significant impacts on the environment or on the use and enjoyment of adjacent property.

Manufacturing, light: The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products.

Marina: A facility for the storage, servicing, fueling, berthing, and securing of boats along with customary accessory uses.

Mast: A frame supporting antennas not exceeding thirty-five (35) feet in height which is mounted on a roof or some other structure. (Ord. No. 97-7-4, § I, 7-7-97)

Medical waste: Solid waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. (Ord. No. 90-9-4, § I, 9-4-90)

Medical waste storage facilities: All facilities in which medical waste is temporarily held at a central collection point, including but not limited to transfer facilities.

Medical waste treatment or disposal facilities: Any and all facilities for the purpose of changing the character or composition of any medical waste so as to reduce or eliminate its potential for causing disease, including but not limited to decontamination by autoclaving and other methods; incineration; landfill disposal; or sanitary sewer disposal. (Ord. No. 90-9-4, § I, 9-4-90)

Mini-storage facility (self-storage facility): A commercial structure offering space for lease to the general public for storage excluding highly toxic, flammable, and/or combustible substances. Recreational vehicles, motor vehicles, boats, RVs, and trailers are allowed as customary accessory uses. (Ord. No. 98-3-17, § I, 3-23-98)

Mining and Drilling Activities: Any pursuit or occupation associated with an area of land where operations are conducted to extract subsurface valuable mineral deposits, petroleum, or other materials.

Mobile home: A structure equipped for use as a dwelling and designed to be transported or hauled along a highway or public street. Mobile homes may or may not be certified by the Federal Manufactured Housing Construction and Safety Standards Law. (Ord. No. 87-1-13, 1-5-87)

Modular home: A dwelling unit assembled in accordance with the state and local building codes and composed of modules or sections substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monopole (standard): A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations that is intended to support antennas necessary to deliver and receive telecommunications transmissions. (Ord. No. 97-7-4, § I, 7-7-97)

Monopole (non-standard): A monopole, or other freestanding structure containing antennas, which is designed to camouflage the appearance of a standard monopole, such as a clock tower. Non-standard monopoles shall be designed to be aesthetically compatible with the character of the surrounding area. Artificial tree designs shall not be permitted as non-standard monopoles. (Ord. No. 97-7-4, § I, 7-7-97)

Mortuary: See "Funeral home."

Night club: See "Bar."

Nonconforming lot: A lot of record which does not conform to the minimum requirements specified for the district in which it is located. (Ord. No. 88-9-24, 9-19-88)

Nonconforming site (structure): A site upon which any of the following design aspects: building, structure, yard, parking, landscaping, buffering, or required setback; lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the requirements contained in this ordinance or amendments thereto which pertain to the district in which it is located.

Nonconforming use: An activity which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the requirements contained in this ordinance or amendments thereto which pertain to the district in which it is located. (Ord. No. 88-9-24, 9-19-88)

Nursery (horticulture): Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

Nursing home: See “*Convalescent home.*”

Off-Track Betting Facility: An establishment that accepts wagers on horse and dog races away from a racetrack.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

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

Outdoor advertising signs (“Billboards”): An attached or free standing structure constructed and maintained for the purpose of conveying to the public, information, knowledge or ideas. Such structure may be double faced or V type, but shall contain no more than four (4) signs in any one unit and not more than two (2) signs side by side. The structure shall have a total length of not more than sixty (60) feet.

Outdoor storage yard: The storage of any material, as a principal use of the lot including items for sale, lease, processing and repair not in an enclosed structure.

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

Parcel: A lot formally described and recorded with block and lot numbers, by metes and bounds, by ownership or in such a manner as to specifically identify the dimensions and/or boundaries.

Parish: St. Charles Parish, Louisiana.

Parking area or lot: An off-street parking facility, enclosed or unenclosed; parking area includes parking spaces and access drives.

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

Parking structure: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of automobiles.

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

PCS (personal communication service) installation: Facility transmitting and receiving electromagnetic frequency transmissions in the 1,850—2,000 MHZ ultra-high frequency (UHF) range. (Ord. No. 97-7-4, § I, 7-7-97)

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

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

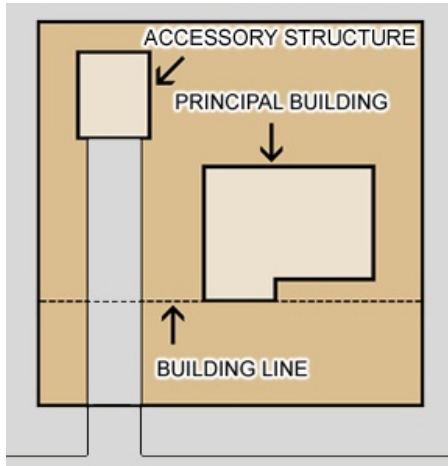
Planning and zoning director: Head of the St. Charles Parish Planning and Zoning Department or his duly authorized representative, who shall advise the Planning

Commission in the exercise of its responsibilities and in connection therewith, provide necessary staff assistance.

Planning commission: The term "Planning Commission" shall mean the St. Charles Parish Planning Commission which constitutes the Zoning Commission as identified in the Parish Home Rule Charter in accordance with Louisiana law.

Plat: A plan or map of a subdivision or a parcel of land.

Principal building: A structure on a lot or parcel in which the primary use or function is conducted.



Primary Use: See Principal use.

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

Property line: See Lot line.

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

Rated capacity: The maximum number of occupants, as determined by the Louisiana State Fire Marshal's Office.

Recreational vehicle (RV): A structure or vehicle used as a temporary dwelling by vacationers, transient workers, etc., designed to be towed by a vehicle or self-propelled, and designed to be licensed as a vehicle. The structure may be used without connections to public utilities; provided however that self-contained, sanitary, water and electrical systems are installed. Additionally, the structure may be occupied in the R-1M District without the requirement to screen the chassis of the structure or vehicle. (Ord. No. 87-1-13, 1-5-87; Ord. No. 03-12-3, § I, 12-1-03)

Recreational vehicle (RV) park: A specially designed community or park which is designed to accommodate recreational vehicles for temporary, recreational or transient uses.

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

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

Retail sales: A commercial enterprise that provides goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.

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

School, industrial or trade: An establishment, public or private, offering training to students, in skills required for the practice of trades and in industry.

School, private: Privately owned schools having a curriculum essentially the same as ordinarily given in public elementary or high school. The term includes day nurseries and kindergartens.

Servitude: Same as *easement*. The right, granted by the property owner, to use a portion of a lot for specified purposes, such as public utilities, drainage and other public or private purposes, the title of which shall remain with the property owner, subject to the right of use designated in the reservation of the servitude.

Setback: The required minimum distance between a building and any property line, lot line, servitude line, or easement. This distance is measured using a perpendicular line from the building to the property lines, lot lines, servitude lines, or easements.

Sidewalk: A paved pedestrian walk usually paralleling a street.

Sight triangle: The triangular area at either side of an access way or public right-of-way at its junction with a public street within which clear visibility of approaching vehicular or pedestrian traffic must be maintained in all directions.

Sign: 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.

Site plan/development plan: A scaled drawing showing the location of buildings, lot lines, landscaping, parking, and access features to describe the existing and proposed development of a specified lot.

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

Special exception use: Those building or land uses requiring in-depth review and consideration by the Director of the Planning and Zoning Department prior to development of the use under question.

Special permit uses: Those building or land uses requiring in-depth review and analysis by the Planning and Zoning Department and approval of the Planning Commission and/or the Parish Council when required by this Ordinance.

Spot zone: Rezoning a lot or parcel of land which gives to a single lot or a small area privileges not extended to other land in the vicinity and which is not done in furtherance of the comprehensive plan or to serve the best interest of the community.

Stable, Private: An accessory building for the housing of not more than two (2) horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

Stable, public: A stable with a capacity for the housing of more than two (2) horses or mules which stable may be operated for remuneration, hire, sale or stabling.

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

Street: A public right-of-way or private thoroughfare, which provides vehicular and pedestrian access to adjacent properties. All public streets will be within dedicated rights-of-way.

Arterial streets: A highway primarily for through traffic usually on a continuous route.

Collector streets: A street which provides for traffic movement between major arterials and local streets, and provides for direct access to abutting property.

Local streets: A street primarily for access to residences, business, or other abutting property.

Cul-de-sac: A local street having an opening at one end and closed on the other end, with facilities for vehicular turn around.

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

Subdivision/resubdivision: See Appendix C Subdivision Regulations.

Swimming Pool: Any portable or permanent pool with water eighteen (18) inches or more in depth and two hundred (200) square feet or more of water surface area intended for recreational purposes including a wading pool but not including an ornamental reflecting pool, fish pond or similar type pool less than eighteen (18) inches in depth located and designed so as not to create a hazard or be used for swimming or wading.

Theater: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Theater, drive in: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures of theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Towing yard: An open area used for temporary vehicle storage in which no repair, dismantling, auto-wrecking, or sale of salvaged parts occurs. Towing yards shall not exceed storage of fifty (50) vehicles and vehicles shall be stored no longer than ninety (90) days. (Ord. No. 99-3-15, 3-22-99)

Townhouse: a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

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

Traffic impact analysis: An analysis of the effect of traffic generated or expected to be generated by a development on the capacity, operations and safety of the public street and highway system.

Transmission tower: A structure or framework, usually of a steel lattice construction, principally intended to support radio, cellular, telecommunications, television, electric utility and/or any other electromagnetic transmissions, and receiving antennas and/or equipment. (Ord. No. 97-7-4, § I, 7-7-97)

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

Travel trailer: See Recreational vehicle.

Truck terminal: a facility which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers. (Ord. No. 98-4-17, § I, 4-20-98)

Truck terminal (with video poker gaming facilities): A facility covering at least ten (10) developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and which also meets the criteria of the State of Louisiana for the placement of video poker gaming facilities within said development. (Ord. No. 98-4-17, § I, 4-20-98; Ord. No. 01-5-18, § I, 5-21-01)

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

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

Use, permitted: A by-right use in the zoning district in which the use is located.

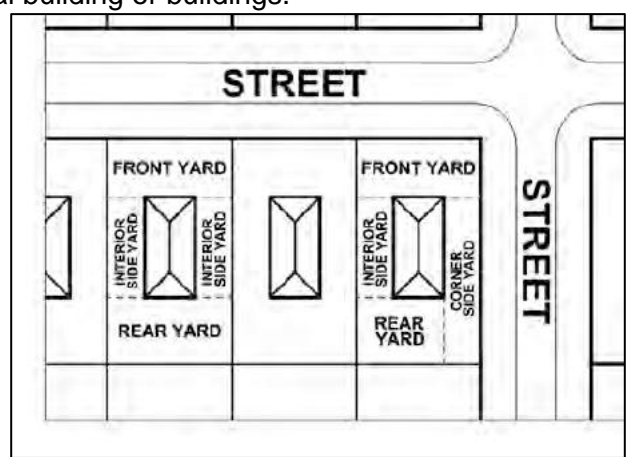
Use, temporary: A use that is authorized by the Parish to be conducted for a fixed period of time.

Yard: The area of a lot surrounding the principal building or buildings.

Yard, front: The area between the front lot line and the front wall of the principal building.

Yard, rear: The area between the rear lot line and the rear wall of the principal building.

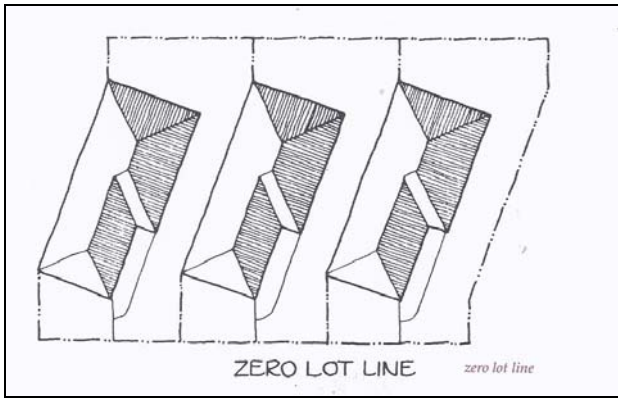
Yard, required: The minimum area



between a lot line and the buildable area of a lot. This area shall be measured using a perpendicular line from the corresponding lot line to the buildable area line.

Yard, side: The area between the side lot line and the side wall of the principal building.

Zero lot line: "Zero lot line" housing is single-family detached housing which shall have only one side yard. Zero lot line dwellings shall be constructed against the lot property line on one side of a lot.



SECTION II. That the Code of Ordinances, Appendix A, Section IV General Provisions be amended as follows:

Section IV. General Provisions

9. Special Exception Uses and Special Permit Uses - The following general rules apply to all uses approved under this subsection:

1. Approval of a Special Exception or Special Permit Use authorizes only the particular use for which the approval is issued.
 2. No use authorized by a Special Exception or Special Permit may be enlarged, extended, or relocated, unless an application is made for approval in accordance with the procedures set forth in this section.
- A. *Special Exception Use – Procedure*
1. An application for a Special Exception Use shall be submitted to the Department of Planning and Zoning. Applications shall include all plans, surveys, illustrations, and documents which completely describe the proposed use.
 2. The Planning Department shall review the application using the *Evaluation Criteria* found in Section D.
 3. A decision by the Planning and Zoning Director or his designee shall be issued in writing to the applicant either approving, denying, or approving with conditions to the request.
 4. Should the Planning and Zoning Director find that the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, the application may be forwarded to the Planning Commission to request a waiver with a supporting resolution from the Parish Council.
- B. *Special Permit Use - Procedure:*
1. An application for a Special Permit Use shall be submitted to the Department of Planning and Zoning. Applications shall include all plans, surveys, illustrations, and documents which completely describe the proposed use.
 2. The Planning Department shall review the application using the *Evaluation Criteria* found in Section D.
 3. The Planning Commission shall conduct a public hearing on the proposed Special Permit Use.
 - a. Based upon the evidence presented at the public hearing, the Planning Commission shall evaluate the application against the *Evaluation Criteria* in Section D below.
 - b. The Planning Commission shall approve, approve with conditions, or deny the application.
 - c. For those Special Permit Uses requiring a supporting resolution of the Parish Council, the Planning Commission's approval shall be forwarded to the Parish Council.
 4. *Waiver to Zoning Regulations for Special Permit Uses.*
 - a. Should the Planning and Zoning Director find that the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, the application may be forwarded to the Planning Commission to request a waiver with a supporting resolution from the Parish Council.
 - b. Financial hardships shall not be considered as valid criteria for any such waiver to existing regulations.
 - c. Any application for special permit which contains a request for a waiver shall contain a specific reference to the request and state the reasons that the request be granted.
 - d. The Planning Commission, with a supporting resolution of the Parish Council, may grant a waiver to these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.
- C. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not

specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
 2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
 3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
 4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
 5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
 6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting
- D. Conditions of approval may be applied to ensure compatibility of the proposed use with existing uses in the same district and surrounding area.
- E. Any Special Exception Use or Special Permit Use which does not commence construction or operation within 12 months after the date of approval shall expire. One extension not to exceed six (6) months may be granted at the Planning and Zoning Director's discretion.
- F. Any Special Exception Use or Special Permit Use that ceases operation for a period of six (6) months shall expire unless otherwise specified by law.
- G. *Notice* - The Planning and Zoning Department shall post a sign on the affected property which calls attention to the Planning Commission's public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning. The public hearings shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearings. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners.
- H. *Revocation* - A Special Exception or Special Permit Use may be revoked by ordinance of the Parish Council after a public hearing finding that any of the following conditions or events have occurred:
1. Violation the terms and conditions of the approval
 2. Uncorrected violations of the Zoning Ordinance
 3. Violation of the Parish Code of Ordinances
 4. A request is made by the property owner to revoke the use

SECTION III. That the Code of Ordinances, Appendix A, Section VI Zoning district criteria and regulations be amended to remove Section VI, B, [II.] 3. c., and add the following:

Section VI Zoning District Criteria and Regulations.

A. Open Land District: The regulations in the Open Land District are as follows:

[I.] *O-L. Open Land District:*

1. Use Regulations

C. Special permit uses and structures include the following:

11. Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

B. *Residential districts*—The regulations in the Residential Districts are as follows:

[I.] *R-1A. Single family residential detached conventional homes*—Medium density.

1. Use Regulations

C. Special permit uses and structures include the following:

8. Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

[II.] *R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes*—Medium density.

1. Use Regulations

C. Special permit uses and structures include the following:

6. Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

[III.] *R-1B. Single family residential detached conventional homes*—Light to medium density.

1. Use Regulations

C. Special permit uses and structures include the following:

9. Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

SECTION IV. That the Code of Ordinances, Appendix A, Section VII Reserved be struck in its entirety and replaced as follows:

Section VII. Supplemental Use and Performance Regulations.

1. The following uses are subject to the regulations set forth herein:

Accessory Buildings

- a. Residential accessory buildings are allowed only in the side and rear yards.
- b. An accessory building may be connected to the principal building via an unenclosed breezeway not exceeding eight (8) feet in width.
- c. Accessory buildings must be three (3) feet from the principal building, measured from any existing overhangs (not including breezeways).
- d. The following shall not be permitted as accessory buildings in residential zones: storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis for movement.

Accessory Dwelling Units

- a. *Purpose* – to offer a wider range of housing options within residential zoning districts.
- b. *Design and Development Standards for all Accessory Dwelling Units (ADU).*
 - i. There shall be no more than one ADU permitted per lot.
 - ii. No ADU will be permitted without a primary building.
 - iii. An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.
 - iv. There shall not be more than one bedroom in an ADU.
 - v. An ADU shall use the electrical service of the primary structure.
 - vi. The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.
 - vii. Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.
 - viii. Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.
 - ix. The floor area of the ADU is limited to fifty percent of the floor area of the primary dwelling unit, not to exceed 1,200 square feet.
 - x. ADUs require one off-street parking space in addition to the parking requirements of the underlying zoning district.

Bars, Dancehalls, Nightclubs, Taverns

- a. A Class A liquor license is required through the St. Charles Parish Sheriff's Office.

Group / Community Homes

- a. Nothing in this section shall be construed to prevent a reasonable accommodation for persons with disabilities as defined in the federal Fair Housing Act in accordance with federal, state and parish procedures.

Junkyards

- a. Junkyards shall be required to be screened by a minimum of seven-foot high opaque wood or masonry fence. No person shall operate or cause to operate any junkyard in the parish without first obtaining a license as required by Chapter 13, Article VI, of this Code.

Mobile Homes

- a. Skirting or foundation plantings as approved by the Zoning and Regulatory Administrator to ensure aesthetic compatibility with the residential character of the neighborhood are required in the R-1A(M) Zoning District. The underfloor of the home shall be enclosed or screened, except for the required openings. Skirting or foundation plantings are to be kept in place and in good repair at all times following initial installation.
- b. A Certificate of Occupancy may be issued by the Zoning and Regulatory Administrator without required skirting or foundation planting being installed provided that the property owner signs an affidavit to install skirting or foundation plantings within six (6) months of permit issuance.
 - i. Failure to install skirting or foundation plantings within six (6) months shall constitute a violation in accordance with Section XII of this ordinance.

Restaurants

- a. A restaurant may serve alcoholic beverages, but must gross at least sixty (60) percent of its average monthly revenue (annually) from the sale of food, food items, and non-alcoholic beverages.
- b. A restaurant shall maintain separate sales records for alcoholic beverages.
- c. Restaurants shall be authorized to sell alcoholic beverages through issuance of a Class A— Restaurant retail liquor license by the St. Charles Parish Sheriff's Office.
- d. Restaurants which fail to meet the food sales requirements contained in this subsection, and which sell alcoholic beverages for on-premises consumption, shall be categorized as a bar, lounge, night club, or dancehall (See "Bar"). (Ord. No. 94-11-2, § IV, 11-7-94)
- e. If a restaurant contains a brewing facility on-site, a floor plan indicating the area reserved for brewing and a description of the facility and capacity are required.

- f. Outdoor Dining: Outdoor dining is permitted as accessory to a restaurant and a retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, but shall comply with the following standards:
 - i. Outdoor dining shall not interfere with pedestrian access or parking areas.
 - ii. Outdoor dining is permitted in a required yard, with the exception of any yard that abuts a residential district.
 - iii. Outdoor dining areas shall not be located within a public right-of-way.
 - iv. A distinct delineation shall be maintained between any public right-of-way and the outdoor dining area through the use of hardscape and architectural elements, such as a masonry wall, fence, planters, or bollards.
 - v. On-site outdoor dining areas are included in calculation of parking requirements, where applicable.

Townhouses

- a. The maximum density for townhouse developments is twelve (12) units per acre.
- b. In townhouse developments, structures shall front on a public street and be generally compatible with existing developments in the neighborhood.
- c. Design Criteria
 - i. No more than six (6) dwelling units shall be included in any one townhouse building.
 - ii. The facades of dwelling units in a townhouse shall be varied by changed front yards of not less than three (3) feet and variation in materials or design so that no more than two (2) abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines.
 - iii. Frontage, measured at the building line, for individual units of a townhouse may not be less than fifteen (15) feet.
- d. Drives, Parking, and Utilities
 - i. Where allies are provided, off-street parking facilities shall be grouped in bays, either in the rear of the structure or in the interior of blocks.
 - ii. All parking areas shall meet the standards and minimum requirements set forth in Section VIII, Site Design Requirements, of this Ordinance, and must include one (1) visitor parking space per each two (2) dwelling units. Visitor spaces may be provided in separate areas when an adequate area is not provided on an individual lot.
 - iii. Servitudes shall be provided at the front or rear of the lots within the required front or rear yard for off-street parking and utilities. Entrances to front yard parking areas shall be at least fifty (50) feet apart, unless an individual space is provided for each lot.
 - iv. The Zoning Regulatory Administrator may require a six (6) foot landscape buffer, at maturity, along the sides and rear of any Townhouse development that abuts an R-1A, R-1B, or R-1A(M) district or any lot containing a single-family dwelling.

SECTION V. That the Code of Ordinances, Appendix A, Section VIII. Parking, loading, and landscape requirements be struck in its entirety and replaced as follows:

Section VIII. Site Design Requirements

Purpose: The regulations of this section are intended to ensure the safe, orderly, and convenient development of the built environment.

A. Off-street parking in general:

1. Off-street vehicle parking spaces shall be provided, at the time of occupancy, on the same lot upon which a principal use is permitted.
2. Any area where off-street parking is provided (including additional parking areas that are not required by this ordinance) must be surfaced with permanent dust-free paving except for single-family residences in the O-L District which must be surfaced with appropriate materials.
3. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.
4. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.
5. Minimum Area:
 - a. An unenclosed off-street parking space is a paved area of not less than eight (8) feet, six (6) inches in width and nineteen (19) feet in length.
 - b. An enclosed parking area shall be not less than ten (10) feet in width and twenty (20) feet in length.
 - c. Handicapped Parking shall be an area not less than twelve (12) feet in width and twenty (20) nineteen (19) feet in length.
6. Stacked parking may be allowed for residential uses.
7. No parking spaces will be permitted on corner lots within thirty (30) feet of the intersection with said thirty (30) feet to be measured from the property corner along the front and side property lines.
8. No parking spaces will be permitted closer to the roadway edge or curb than ten (10) feet.
9. At intersections of driveways and alleys with streets, no fence, hedge, wall, sign, or other structure shall be erected, placed, or allowed to grow in such a manner as to impede

vision between a height of two and one-half (2½) feet and ten (10) feet above the established driveway or alley grade level.

10. On lots having a frontage of fifty (50) feet or less, only one (1) combined entrance and exit shall be permitted. On lots having a frontage in excess of fifty (50) feet but less than two hundred (200) feet, there shall be no more than two (2) combined entrance-exits. On property having frontage in excess of two hundred (200) feet, additional drives may be permitted but only when traffic generated by the use warrants the additional drives.
11. Where fractional parking stalls result, the parking spaces required shall be construed to be the next highest whole number.

B. Commercial/Industrial Parking Standards

1. Off-street vehicle parking spaces shall be provided on the same lot upon which a principal use is permitted according to Table 8-1 and 8-2.
2. The Zoning and Regulatory Administrator shall adopt plans and outline specifications clearly indicating the acceptable design and minimum construction standards for off-street parking facilities. These standards shall be incorporated according to Figures 8-1, 8-2, and 8-3.
3. The parking area shall be secured as to prevent vehicular access to the street other than at the approved access drives.
4. Each parking space shall open directly upon an aisle or driveway which is connected to a street or alley by a paved driveway which affords ingress and egress for a vehicle without requiring another vehicle to be moved.
5. Parking spaces must be striped with four (4) inch contrasting stripe: yellow on concrete; yellow or white on asphalt; or ADA compliant.
6. Where parking is perpendicular to a public sidewalk or property line, barrier curbing shall be installed two and one-half (2½) feet from the sidewalk or property line (see Figure 8-3).
7. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.
8. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.
9. Handicapped parking spaces shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators.
10. In the case of mixed uses, uses with different parking requirements occupying the same building, or in the case of joint use of a building by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
11. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Planning and Zoning Director may grant an exception to allow the designed parking area to serve multiple uses.
12. Off-street parking areas shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
13. Off-street parking shall be developed in accordance with the provisions of this section, and required parking shall not be reduced or changed unless specifically permitted.
14. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need under the requirements of this article for an increase in parking spaces which exist at the time of the change or enlargements, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten (10) percent of those required before the change or enlargement. This provision shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten (10) percent or more.
15. All access to any commercial zoned property through any residential zoning district shall require approval of a special permit use by the planning and zoning commission and the parish council. (Ord. No. 03-10-10, § I, 10-20-03).

<u>Use</u>	<u>Parking Spaces Required</u>
Single-family and two-family dwellings	2 spaces per dwelling
Multifamily dwellings	2½ spaces per each dwelling unit
Manufactured home/RV park	2 spaces per dwelling unit on lot plus 1 space per each 3 lots
Hotel, motel	1 space per each dwelling, efficiency, or rooming unit
Religious institution	1 space for each 6 seats of rated capacity
Rectories, parsonages and parish houses	2 spaces for each resident
Convents, seminaries, monasteries	1 space for each 2 residents

<u>Schools, public and private:</u>	
Elementary	2 spaces per classroom, laboratory, or manual training shop
Junior high	4 spaces per classroom, laboratory, or manual training shop
Senior high	6 spaces per classroom, laboratory, or manual training shop
Colleges, universities, trade, industrial, and business schools	11 spaces per classroom, laboratory, or manual training shop
Schools, dancing and music	1 space per 200 square feet
Dormitories, fraternities and sororities	1 space for each 5 persons of the rated capacity
Private clubs, country clubs and lodges	1 space for each 4 persons of the rated capacity
Public library, museum or art gallery	1 space per 400 square feet of floor area, plus 1 per 2 employees
Hospital	1 space for each 2 beds, plus 1 space for each staff doctor, plus 1 space for each 2 employees, including nurses
Medical and dental clinics	1 space for each 200 square feet of floor area
Funeral home	1 space per 4 seats of the rated capacity
Mausoleum	Parking area equal to the ground floor area
Restaurant	1 space per 150 square feet
Retail store	1 space per 250 square feet of floor area
Personal service establishment	1 space per 250 square feet of floor area
Banks	1 space per 250 square feet of floor area
Animal hospital, and kennel	1 space per 250 square feet of floor area
Bus, railroad station or airport terminal building	1 space per 100 square feet of waiting room
Auditorium, theater, gymnasium, stadium, arena, convention hall or other place of assembly	1 space per 4 persons of rated capacity
Bowling alley	5 per alley
Dance hall, bar, lounge	1 space per 100 square feet of floor area
Amusement place, skating rink and swimming pool	1 space per 8 persons of rated capacity
General service or repair establishment	1 space per 2 employees on maximum work shift, plus 1 for each company or business vehicle maintained on the premises
Manufacturing or industrial establishment	1 space per 2 employees on maximum work shift, plus 1 for each company or business vehicle maintained on the premises
Automobile service station	4 spaces, plus 1 space per service bay
Automobile repair shop	1 space per each 200 square feet of floor space
Homes for the aged, nursing homes, convalescent homes, orphan's homes and sanitariums	1 space for each 6 beds of rated capacity, plus 1 space for every 2 employees, and 1 space for each staff member
Beauty shop, and barbershop	1½ spaces per chair, plus 1 space for each employee
Used automobile, manufactured home, boat, RV and similar merchandise sales	5 spaces plus 1 space per employee
New automobile sales	1 space per 250 square feet of office and enclosed sales area
Warehouse	1 per employee on maximum work shift
Auto car wash	1 space per employee
Coin-operated laundromats	1 space per each 2 machines
Office or office building	1 space per 200 square feet of floor area
Fire stations	1 space per 300 square feet, plus one per fire truck parking bay

Refer to Section III for definitions of floor area and rated capacity.
 For uses not specified or for which requirements are unclear, the number of spaces shall be determined by the Zoning and Regulatory Administrator on the basis of similar or mixed uses, number of persons served or employed, and the capability of adequately serving the visiting public.

TABLE 8-2: HANDICAP PARKING REQUIREMENTS

Number of Parking Spaces	Required	Minimum Number of Handicapped Spaces Required
1 to 25		1
26 to 50		2
51 to 75		3
76 to 100		4
101 and above		ADA Standard 4.1.2 (5)

FIGURE 8-1: OFF-STREET PARKING DESIGN STANDARD

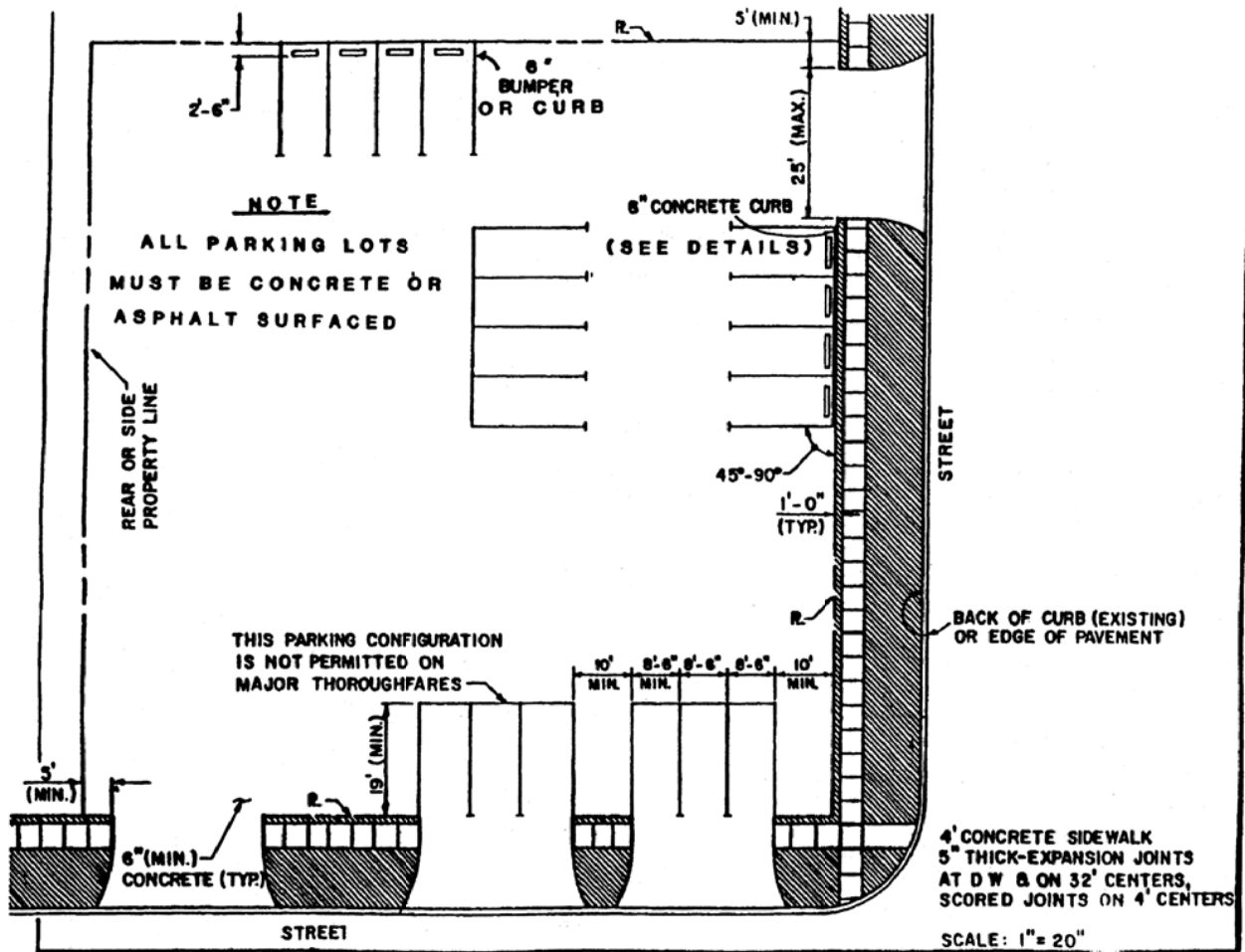


FIGURE 8-2: PARKING DESIGN DETAILS—SPATIAL STANDARDS

TYPICAL SPACE REQUIREMENTS FOR SELF-PARKING AT VARIOUS PARKING ANGLES

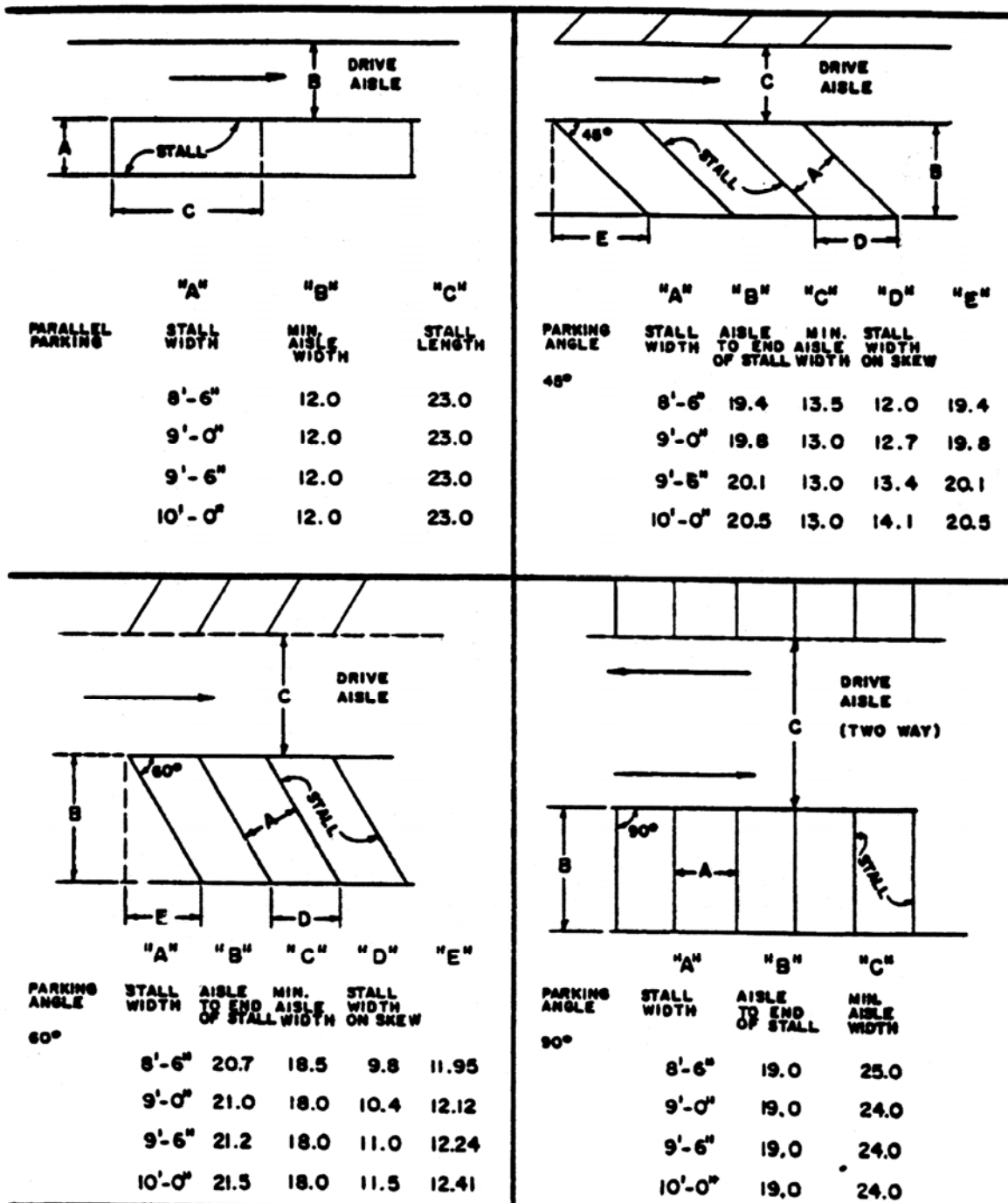
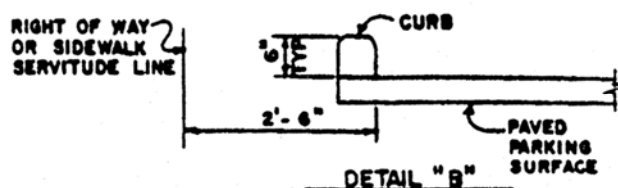
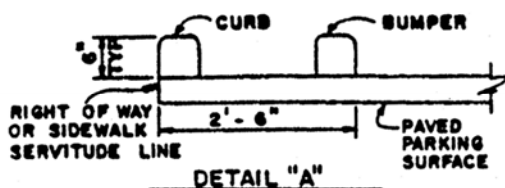


FIGURE 8-3: PARKING DESIGN DETAILS—CURBING AND WHEEL STOPS

WHEN THE END OF STALL ABUTS THE RIGHT OF WAY LINE OR SIDEWALK SERVITUDE LINE USE DETAIL "A" OR "B."



PARKING STALLS MUST BE STRIPED WITH A FOUR (4) INCH CONTRASTING STRIPE (YELLOW ON CONCRETE AND YELLOW OR WHITE ON ASPHALT PARKING LOT).

C. Off-Street Loading Facilities

1. Whenever a non-residential building is erected, altered, enlarged, converted, or otherwise increased in size or capacity, the off-street loading facilities herein required shall be provided for uses that distribute or receive materials or merchandise by trucks or other commercial vehicles in accordance with Table 8.3.
2. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one (1) commercial tenant of a multi-tenant development is over five thousand (5,000) square feet only one (1) loading space is required; if all tenants are less than five thousand (5,000) square feet, no loading is required.
3. Computation of Off-Street Loading Requirements - The off-street loading requirements for each use permitted by this Ordinance are established in Table 8-3. For uses not mentioned in this Section, the Zoning Regulator Administrator shall determine the requirements for off-street loading facilities. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the Zoning Regulatory Administrator.
4. Combined Off-Street Loading Facilities - Required off-street loading facilities for two (2) or more structures may be satisfied by a common loading facility at the discretion of the Zoning Regulator Administrator. Approval of a common loading facility shall not reduce the number of required spaces below 50% of the calculated required total.
5. Off-Street Loading Dimensions - A loading space shall have minimum dimensions of 12 feet in width, 50 feet in length and shall not be located within driveways or other circulation areas. A clearance height of not less than 15 feet is required.

TABLE 8-3: OFF-STREET LOADING REQUIREMENTS	
USE TYPE	NUMBER OF SPACES REQUIRED
MULTI-FAMILY	
20,000 – 100,000 sf GFA	1 loading space
100,001 – 200,000 sf GFA	2 loading spaces
Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 200,000 sf)	1 additional loading space
COMMERCIAL AND INSTITUTIONAL USE	
1,000 – 35,000 sf GFA	1 loading space
35,001 – 100,000 sf GFA	2 loading spaces
Each additional 50,000 sf GFA (this applies only for each additional full 50,000 sf over 100,000 sf)	1 additional loading space
INDUSTRIAL USES	
1,000 – 35,000 sf GFA	1 loading space
35,001 – 100,000 sf GFA	2 loading spaces
Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 100,000 sf)	1 additional loading space

D. Landscaping Requirements

The purpose of these provisions is to prescribe standards for landscaping and screening within St. Charles Parish. In addition to enhancing the visual and aesthetic appearance of The Parish, these regulations will help improve drainage and flood mitigation, assist in compliance with Municipal Separate Storm Sewer System (MS4) requirements of the U.S Environmental Protection Agency, and provide other environmental benefits.

1. Applicability. Developers or landowners are responsible for providing and maintaining the landscaping herein required. These standards shall apply to all multi-family development of three or more units, commercial development, and industrial development.
2. General Requirements:
 - a. A landscape plan prepared by a Louisiana licensed landscape architect, as part of the required site plan, shall be submitted to the Department of Planning and Zoning for review and approval.
 - b. Before any Final Certificate of Occupancy can be issued, the required and approved landscaping shall be installed and inspected for compliance with this ordinance.
 - c. Additional landscaping and/or buffering requirements specified in other sections of this ordinance shall not serve to satisfy the landscape requirements of this section except in cases where the location of the required landscaping and/or buffering satisfies both requirements.
 - d. The landscape requirements of this section may not serve to satisfy additional landscaping and/or buffering requirements specified in other sections of this ordinance except in cases where the location of the required landscaping and/or buffering satisfies both requirements.
3. Required Plantings.
 - a. A minimum of ten (10) percent of the site shall be designated for designed landscaping.
 - b. A minimum five foot wide planting area shall be established between the public rights-of-way and parking areas or structures. This planting area may count towards the overall landscaping and open space requirements.

- c. Planting materials should achieve a balance between low-lying vertical and horizontal shrubbery and trees.
- d. One tree planting for every five thousand (5,000) square feet of site area is required.
- e. One third (1/3) of the required tree plantings must be Class A Trees and the remaining two thirds (2/3) of the required tree plantings may be Class B Trees. A list of suggested Class "A" and Class "B" trees can be found at the end of this section.
- f. Parking lot interiors shall be designed to provide at least one tree for every twelve (12) parking spaces. Trees can be either Class "A" or Class "B" trees.
- g. Trees shall be located in landscaped areas at least two hundred (200) square feet evenly distributed throughout the parking lot so as to provide a canopy effect.
- h. All required landscaping is subject to periodic inspection.
4. Trees - existing healthy trees are encouraged to be preserved where possible.
 - a. For private developments, any live oak, cypress, and magnolia trees six (6) inches dbh preserved may be counted toward the required new tree plantings for that site.
 - b. New trees must have a minimum dbh of 1.5 inches and be a minimum of 4.0 feet tall at the time of planting and be guaranteed to survive for one year.
5. Planting Area Maintenance
 - a. The responsibility for maintenance of a planting area shall remain with the owner, lessee or a designee.
 - b. All plant materials must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
 - c. Necessary pruning and trimming must be in accordance with the *American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning)*, and must not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that cause irreparable harm to the natural form of the tree.
 - d. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.
6. Recommended Trees – the following list of trees indicate plantings that will meet the screening and shading requirements of this Ordinance. Plants were selected for inclusion on these lists according to general suitability as identified by the Louisiana State University (LSU) Agricultural Center, which may be updated periodically and used as a guide in making landscape planting decisions.

TABLE 8-4: CLASS A TREES	
Common Name	Scientific Name
Ash, Green	Fraxinus pennsylvanica
American Linden, Basswood	Tilia americana
Bald Cypress	Taxodium disticum
Beech, American	Fagus grandifolia
Bitternut Hickory	Carya cordiformis
Black Gum	Nyssa sylvatica
Black Walnut	Juglans nigra
Cottonwood	Populus deltoides
Crepe Myrtle	Lagerstroemia indica
Elm, American	Ulmus americana
Elm, Cedar	Ulmus crassifolia
Elm, Winged	Ulmus alata
Ginkgo	Ginkgo biloba
Magnolia, Cucumber	Magnolia acuminata
Magnolia, Southern	Magnolia grandiflora
Magnolia, Sweetbay	Magnolia virginiana
Maple, Swamp Red	Acer rubrum 'Drummondii'
Oak, Blackjack	Quercus marlandica
Oak, Cherrybark	Quercus falcata 'pagodifolia'
Oak, Cow	Quercus michauxii
Oak, Laurel	Quercus laurifolia
Oak, Nuttall	Quercus nuttallii
Oak, Overcup	Quercus lyrata
Oak, Southern Red	Quercus falcata
Oak, Sawtooth	Quercus acutissima
Oak, Shumard	Quercus shumardii
Oak, Southern Live	Quercus virginiana
Oak, White	Quercus alba

Oak, Willow	Quercus phellos
Pecan	Carya illinoensis
Pine, Loblolly	Pinus taeda
Pine, Longleaf	Pinus palustris
Pine, Shortleaf	Pinus echinata
Pine, Slash	Pinus elliotii
Pine, Spruce	Pinus glabra
Sweetgum	Liquidambar styraciflua
Tuliptree	Liriodendron tulipifera

TABLE 8-5: CLASS B TREES	
Common Name	Scientific Name
Cherry Laurel	Prunus caroliniana
Crabapple, Southern	Malus angustifolia
Dogwood	Cornus sp.
Fringe Tree	Chionanthus virginicus
Golden Raintree	Koelreuteria bipinnata
Holly, American	Ilex opaca
Holly, Cassine	Ilex cassine
Holly, Fosters, Greenleaf, Savannah	Ilex 'attenuata' cultivars
Loquat	Eriobotrya japonica
Magnolia, Oriental	Magnolia soulangiana
Parsley Hawthorn	Crataegus marshallii
Persimmon	Diospyros virginiana
Pistachio	Pistacia chinensis
Plum, American	Prunus americana
Plum, Mexican	Prunus mexicana
Red Bay	Persea borbonia
Redbud	Cercis canadensis
River Birch	Betula nigra
Sassafras	Sassafras albidum
Silverbell	Halesia diptera
Vitex	Vitex agnus-castus
Wax myrtle	Myrica cerifera
Yaupon	Ilex vomitoria

E. Applicability.

The requirements of this section shall apply to new construction. For existing sites and redevelopment the requirements of this section shall apply to all additions of fifty (50) percent or more to the floor area. For existing sites and redevelopment with additions of less than fifty (50) percent of the floor area, the Zoning Regulatory Administrator shall determine the applicability of this section to the required site plan.

SECTION VI. That the Code of Ordinances, Appendix A, Section IX Nonconformities be struck in its entirety and replaced as follows:

Section IX. Nonconformities

Purpose: The purpose of this section is to outline provisions whereby nonconforming lots, structures, and uses are gradually upgraded to conform to the spirit and intent of this Ordinance or are eliminated.

A. *Nonconforming Lots:*

- 1) Any lot of record in existence before October 19, 1981 which does not meet the minimum width and/or area requirements for the zoning district in which it is located shall be considered a nonconforming lot of record.
 - a. Any portion of ground that does not meet the minimum width and/or area requirement for the zoning district in which it is located resulting from government action shall be considered a nonconforming lot of record.
- 2) If two (2) or more nonconforming lots of record or two (2) or more portions of lots with continuous frontage in common ownership, and if one (1) or more of the lots does not meet the minimum width and/or area requirements for zoning district in which it is located, the land involved shall be required to resubdivide into a single lot for development or permitting.
- 3) No *portion* of the land described immediately above shall be conveyed by sale or transfer if it does not meet the minimum width and/or area requirements for the zoning district in which it is located; however, the entire holding may be conveyed to a single owner. Nor shall any division of land lot be made which leaves remaining any portion of

ground that does meet the minimum width and/or area requirements of the zoning district in which it is located.

- 4) A non-conforming lot of record may be developed if the proposed use and/or structure is permitted within the zoning district and if the proposed development meets all standards of the Zoning Ordinance.

B. Nonconforming Structures and Sites:

- 1) Any nonconforming site or structure may be continued even though such structure does not conform to the provisions of this Ordinance.
- 2) Normal maintenance and repairs of non-conforming structures are permitted.
- 3) A nonconforming structure shall not be increased or enlarged except in the following situations:
 - a. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety, or
 - b. Structures that are legally nonconforming as to height, yards, lot area per dwelling unit, or parking may be altered provided such alteration does not further increase the extent of the nonconformity or permit an increase in the number of dwelling units.
- 4) Legal nonconforming structures that are destroyed by fire, storm, or other acts of God may be rebuilt provided the restoration is accomplished with no increase in the building footprint immediately prior to damage.
- 5) Any nonconforming structure which existed before the passage of this Ordinance and does not conform with spatial provisions of this Ordinance may be returned to active use for purposes consistent with the zoning district in which it is located. Any such structure returned to active use must meet all other land use regulations contained in this Ordinance.

C. Nonconforming Uses:

- 1) The lawful use of any building or land existing at the time of the enactment of this Ordinance, or amendments thereto, may be continued although such use does not conform to the provisions of this Ordinance.
- 2) A nonconforming use shall not be extended or enlarged either in intensity of the activity or by physical extension except when required to do so by law.
- 3) No structural enlargement may be made to a building that is nonconforming as to use, unless said building is changed to a conforming use.
- 4) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- 5) Structures legally nonconforming as to use that are destroyed by fire, storm, or other acts of God may be rebuilt within one (1) year provided the restoration is accomplished with no increase in building footprint or floor area immediately prior to damage.
- 6) Whenever a structure or land used in whole or in part for nonconforming purposes becomes vacant for six (6) months or when the nonconforming use ceases or is suspended for a period of six (6) months, the legal nonconforming use is no longer permitted.
 - a. Cessation or Suspension of Use
 - i. The Zoning Regulatory Administrator shall determine when and if a legal nonconforming use has lapsed in use, when activities normally carried out in said use have ceased or suspended, or when the building or land has been vacant for six (6) months or more. The owner or agent of the property may request review of this determination through the below provisions.
 - ii. The property owner or agent bears the burden of proof to demonstrate that a nonconforming use has not lapsed in its operation. The property owner or agent is required to produce acceptable evidence attesting to legal nonconforming use by providing the Director of Planning and Zoning with evidence such as but not limited to documents such as rent receipts, affidavits, documentation of utility services, sales tax receipts, or other information as may be deemed necessary in a particular case.
 - iii. The Director of Planning and Zoning shall issue a written determination as to whether or not the documentation provided adequately demonstrates continual operation of the legal nonconforming use within thirty (30) days of a request to review the Zoning Regulatory Administrator's decision. Such request must be made in writing and contain all necessary documents for review.

SECTION VII. That the Code of Ordinances, Appendix A, Section XIII The Board of Adjustment is established and its powers and duties are prescribed be struck in its entirety and replaced as follows:

Section XIII. The Board of Adjustment is established and its powers and duties are prescribed.

- A. *[Created.]* A Board of Adjustment has been created pursuant to Title 33, Section 4727 of the Revised Statutes of Louisiana.
1. The word "Board" shall be used hereafter when reference is made to the Board of Adjustment.
 2. The Board shall consist of seven (7) regular members all of whom shall be qualified voters of St. Charles Parish. The initial terms of the members representing Districts I, III, V, and VII shall be two (2) years; the initial terms of the members representing Districts II, IV, and VI shall be three (3) years. Thereafter members shall be appointed for terms of four (4) years each; members shall be limited to serve two (2) consecutive complete terms. An appointment to fill a vacancy for an unexpired term shall not constitute a full term. Each District Council member shall nominate a representative that resides in their District to be considered for appointment by the Parish Council. Terms of the members holding office on the effective date of Ordinance No. 98-11-2 shall expire when the District appointments are in place or within sixty (60) days, whichever occurs first. If a member is not nominated or confirmed within sixty (60) days of any expired term or resignation, either of the two (2) Councilmembers At Large may nominate a person.
 3. The Board shall adopt rules in accordance with R.S. 33:4727. Said rules shall be approved by the Parish Council by resolution.
- B. *[Powers.]* The Board shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of R.S. 33:4721 through R.S. 33:4729 of any ordinance adopted pursuant thereto;
 2. To hear and decide all matters referred to it or upon which it is required to pass under the Ordinance; and
 3. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, to vary or modify the application of any of the regulations or provisions of the Ordinance relating to the construction or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 4. In any permitting case where a special permit use or a special exception use approval by the St. Charles Parish Council, Planning and Zoning Commission, and/or Planning Director is required, the Zoning Board of Adjustment shall have no authority to grant variances.
 5. *Appeals to the Board.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the Parish of St. Charles affected by any decision of the Planning Director or duly authorized representative. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal if [is] taken and on the cause shown.
 6. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- C. *Meetings of the Board.*
1. The Board shall hold at least one (1) regular meeting on the third Thursday of each month at a meeting time established by said Board, and the location of each meeting shall be the Parish Council Chambers in the Courthouse, Hahnville. If a meeting cannot be held for lack of a quorum on the date of the regular meeting an alternate meeting will be held the following Thursday at the same time and location. Special meetings may be called by the Chairman, Director of Planning, or at the written request of any four (4) members of the Board. In the event no applications are scheduled for public hearing, the regularly scheduled meeting may be canceled.
 2. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, records of its examinations and other official actions, all of which shall be immediately filed in the Department of Planning and Zoning and shall be public records.
 3. The Board shall follow Robert's Rules of Order unless in conflict with state law.
 4. A vote of the majority of the members present and voting shall be necessary to approve, approve with modifications, or deny the application or request.

5. Unless otherwise voted on by the Board of Adjustment, the Board will consider cases in the order in which they were filed.
 6. The Director of the Planning and Zoning Department will serve as the secretary to the Board and handle all correspondence as well as record any objections and rulings of the Board.
 7. The Board will require the following from each petitioner, which shall be submitted through the Planning and Zoning Department, with the application.
 - a. An application and adjourning property owner form completed in full.
 - b. Survey, maps, plats, photographs and other records, as may be necessary to show cause for a decision by the Board.
 - c. Copy of the letter from the Planning and Zoning Department of St. Charles Parish rejecting the application.
 - d. Fees. A fee of fifty dollars (\$50.00) for single family residential. A fee of one hundred dollars (\$100.00) for all other applications. No public hearing will be held on any case until all required fees are paid in full. No fees shall be refunded once a case or petition has been advertised for a public hearing.
 8. Public Notice. The Board shall schedule and hold a public hearing to consider all applications.
 - a. The Board's secretary shall notify each petitioner at the address listed on the application, identifying the date and time of the public hearing. The Department of Planning and Zoning shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. (Ord. No. 92-10-8, § II, 10-5-92)
 - b. The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning.
 - c. The public hearing shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing.
 - d. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners.
 - e. Following this public hearing, the decision of the Board will be implemented by the Planning and Zoning Department.
 9. The Board's secretary shall give written notification of the action taken by the Board.
 10. The Board shall specify that the Planning and Zoning Department should accept applications and review each application to insure that the necessary information has been included. No reapplication of a variance request or interpretation previously denied by the Board shall be accepted for the same property. This rule applies to all cases in which the identity of the thing applied for and the persons and/or entities involved are the same.
 11. The Board shall elect a Chairman who shall preside over the meetings. The Board shall have the power to compel attendance of witnesses. The Board shall also elect a Vice-Chairman who shall act in the absence of the Chairman. Terms of the Chairman and Vice-Chairman shall be for a period of one (1) calendar year; members may serve consecutive terms for either position. The Chairman and Vice-Chairman shall be elected at the last meeting of the calendar year. (Ord. No. 98-11-2, 11-16-98)
 12. All questions before the Board shall be decided by roll call vote of the members present. Four (4) members shall constitute a quorum.
 13. All persons appearing before the Board shall state their name and address for the record.
- D. *Criteria.* Based upon the evidence presented at the public hearing, the Board of Adjustment shall evaluate the application or request by the standards below:
1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
 2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
 3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 4. The special conditions and circumstances do not result from the actions of the applicant.
 5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
 6. The variance, if granted, will not alter the essential character of the locality.
 7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
 8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.

9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- E. *Public Hearings and Decisions Issued by Board.* In exercising the above mentioned powers such Board may, in conformity with the provisions of the Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Every change granted or denied by the Board shall be accompanied by a written finding of fact, based on sworn testimony and evidence, specifying the reason for granting or denying the variation to create a factual record.
1. The Board of Adjustment may impose such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variance as necessary or appropriate to protect the public interest and adjacent property. Failure to maintain such conditions or restrictions as may be imposed constitutes grounds for revocation of the variance.
 2. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.
 3. The Planning Director shall keep records of all such appeals or applications and of all fees paid therefor and shall transmit all of such fees collected to the Director of Finance for deposit to the general fund of the Parish of St. Charles.
- F. *Expiration of Approvals.* A variance expires one (1) year from the date of approval unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period. The Zoning Board of Adjustment may grant an extension of such period, upon written application, and with good cause shown, subject to verification that the approval standards of Paragraph E above are still met.
- G. *Appeals to the Decisions of the ZBA.* Any person or persons, jointly or severally, including the petitioner of an appeal, aggrieved by a decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the parish may then petition the court of record as provided in Title 33, Section 4727 of the Revised Statutes of Louisiana. (Ord. No. 98-11-3, 11-16-98)

SECTION VIII. That the Code of Ordinances, Appendix A, Section XIV Amendments and petitions be struck in its entirety and replaced as follows:

Section XIV. Amendments

- A. *Types of Amendments.* There are two types of amendments to the Zoning Ordinance:
1. Text Amendment – A revision to the text of the Zoning Ordinance.
 2. Map Amendment – Also known as a rezoning, changes the zoning district designation of a lot or lots.
- B. *Initiation of Amendments.* The Parish Council may amend, supplement, or change the Zoning Ordinance or Zoning Map. Such amendment, supplement or change may be initiated by:
1. Request for Text or Map Amendment by a member of the Parish Council;
 2. Recommendation of the Planning and Zoning Department through the Parish President; and
 3. Application for Map Amendment by property owners.
- C. *Application for Map Amendments: Applications* for a map amendment shall be filed with the Planning and Zoning Department. In filing such petitions the following rules shall apply:
1. Applications for rezoning may be submitted for any lot(s) by the ownership of said lot(s). Applications for rezoning may be submitted by a member of the St. Charles Parish Council for any lot(s) within the area they represent. No such application for rezoning shall be filed unless such petition is duly signed and acknowledged by the owners or authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested., provided, however, that, where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision.
 2. Each application for rezoning shall be accompanied by a copy of the property deed, a survey of the property, delineating the property or portion of the property requested to be rezoned, and shall conform to such standards and requirements as the Planning and Zoning Department shall adopt.
 3. Whenever an application is filed requesting a change or amendment to this Ordinance, and said application has been finally acted upon by the Parish Council, or when said application has received no action on the part of the Parish Council within ninety (90) days, or when said application has been officially advertised for public hearing but has subsequently been withdrawn either before or after public hearing has been held, then the Parish Council shall not consider any further application requesting or proposing such change or amendment for the same property within a period of one calendar year from the date of the Parish Council's final legal action on said application or from the aforesaid ninety-day period in case action has not been taken by the Parish Council, or from the date of withdrawal of said application, provided, however, that said application has been officially advertised. This provision shall not apply in cases where the Parish Council wishes to consider an application involving a comprehensive zoning revision of an area larger than one hundred (100) acres.

SECTION IX. That the Code of Ordinances, Appendix A, Section XV Amendment procedure be struck in its entirety and replaced as follows:

Section XV. Amendment Procedure

- A. The Council may amend this Ordinance when amendments are properly introduced as outlined in Section XIV. No such amendment shall be effective unless:
1. The Planning Commission has received a full analysis report from the Planning and Zoning Department on the merits of the proposed amendment and the Commission has held a public hearing on the proposed amendment offering standard public notice according to the Commission rules; and
 2. The Council has received a full analysis which includes a recommendation from the Planning and Zoning Department on the merits of the proposed amendment and including a recommendation from the Commission contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed amendment; and
 3. The Council has held a public hearing on the proposed amendment offering standard public notice according to the Council rules. (Ord. No. 82-6-4, § II, 6-7-82; Ord. No. 97-3-15, § IV, 3-24-97; Ord. No. 11-4-30, § II, 4-16-11)
- B. Following review by the Planning and Zoning Department, a public hearing will be held by the Planning and Zoning Commission. The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning. The public hearing shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners. Following this public hearing, the recommendation of the Planning and Zoning Commission shall be forwarded to the Parish Council by the Planning and Zoning Department.
- C. A Planning Commissioner making a motion which differs from the Planning Staff recommendation may render a written statement in suitable form, for transmittal by the Secretary with the Commission and Staff reports to the Council. In addition, any other member may submit a written opinion on the matter, which shall be transmitted to the Council by the Secretary along with the Commission report.
- D. *Rezoning Guidelines and Criteria:* Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:
1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.
 2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property. One or more of following examples may be used in evaluating reasonableness:
 - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
 3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.
- The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations. (Ord. No. 93-8-5, § II, 8-9-93; Ord. No. 11-4-30, § III, 4-16-11)
- E. *Rezoning Approval Criteria:* Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:
- 1) The proposed Map Amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map.
- and
- 2) The proposed Map Amendment does not negatively impact the health, safety, and welfare of the community.
- F. *Withdrawal of applications:*
1. Any application which the applicant wishes to withdraw from a Planning Commission public hearing must be withdrawn by written notice to the Department of Planning and Zoning not later than the Wednesday at noon preceding the Commission meeting, and following such withdrawal will not be accepted for readvertisement for six (6) months, except on majority vote by the Commission.
 2. When application is duly advertised and not withdrawn as set forth above, a public hearing shall be held by the Commission and a report forwarded to the Council along

with any application received. Said application may be withdrawn from Council action only by written request to the Council Secretary before Thursday at noon preceding the public hearing. Any such application withdrawn in this manner shall not be accepted for readvertising for one year.

3. Any rezoning application withdrawn after Commission action but prior to Council action may be refiled with the Commission in less than one year provided that the Commission approves a written request showing there is evidence not previously considered or extenuating circumstances.
4. Any rezoning application denied by Council shall be prohibited for applying for the same Map Amendment for a period of one year from the date of denial.

SECTION X. That the Code of Ordinances, Appendix A, Section XXII Regulations for home occupations be struck in its entirety and replaced as follows:

Section XXII. Regulations for Home Occupations.

Purpose: It is the intent of this section to regulate home occupations in residential uses. A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the appearance or character thereof or adversely affect neighboring. The intent of these regulations is to preserve the character of the neighborhood, to limit activities that may adversely impact the area, such as increasing noise, traffic, dust, smoke, emissions, and electromagnetic interference; and to foster the growth of small businesses in the community.

A. When in compliance with the requirements of this section, a home occupation shall be similar in type or character, but not limited to the following uses: Art studio, Child care for not more than six children, Contracting services, Cosmetology, Crafting, Dressmaking, Alterations, Tailoring, Internet based sales, Professional offices, Teaching or tutoring inclusive of arts.

B. *Permit Process:*

1. Pre-Application Meeting: The Planning Director, or his designated staff, shall advise applicants of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish Code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. Application: A citizen who proposes appropriate activities at a residence that is not in violation of the Code of Ordinances may apply for a permit for a home occupation. The applicant must agree to follow operational regulations listed in Section C. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. Departmental Review: The Planning Director, or his designated staff, shall determine whether the proposed use complies with the operational regulations of this section.
4. Public Notice and Comment:
 - a. Once the Planning Director has determined that the proposed use meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
 - b. If objections to the proposed activity are submitted to the Planning Director, the application will be forwarded to the Planning Commission for public hearing and consideration.
5. Determination: The Planning Director, or his/her designee, shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:
 - a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state or federal permits or licenses.
 - b. Forward applications requiring state or federal permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and decision.
 - c. Deny the application.

C. *Operational Regulations:*

1. No dump truck, bus, construction vehicle, semi-truck, or vehicle of similar nature shall be permitted to park on the subject property as part of a home occupation. Any vehicle or trailer that will be used in the operation of a home occupation must be documented with photographs as part of the application process.
2. There shall be no signs posted which indicate the existence of the home occupation.
3. No non-resident employees or contractors associated with the home occupation will visit the home for business purposes—this includes, but is not limited to picking up work assignments, materials, or payment.
4. There shall be no outdoor storage of materials or products on the premises.
5. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
6. The home occupation shall not eliminate or impede required off-street parking.

7. The home occupation shall not cause any external effect such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential area, or in violation of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
8. The resident or residents engaged in the home occupation shall possess all required licenses including a St. Charles Parish Occupational License"; Department of Health and Hospitals; and other state or federal permits or licenses.
9. No alcoholic beverages shall be sold, offered, or provided in connection with the operation of a home occupation.
10. Home occupation permits are not transferrable as to person or location.
11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit.

D. *Revocation of Home Occupation Permit:*

1. A home occupational permit may be revoked by the Planning Director upon violation of any requirement of this Code, or of any condition or requirement of any permit granted, unless such violation is corrected within five (5) days of notice of such violation.
2. Any such permit may be revoked after three (3) violations of any requirements of this section, or of the conditions of such permit, or where the Planning Director finds that the continuation of the home occupation permit will have a detrimental effect upon the surrounding subdivision or neighborhood.
3. The Planning Director may conduct a public hearing on the revocation of a home occupation permit.

E. *Appeal:* Any and all appeals to the decision of the Planning Director/Planning Commission shall be to the St. Charles Parish Board of Adjustments in accordance with the provisions of section XIII of this Code.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, LEWIS, WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER
 NAYS: NONE
 ABSENT: NONE

And the ordinance was declared adopted this 6th day of July, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____