

# COMPREHENSIVE ZONING ORDINANCE

ADOPTED ORDINANCE

CITY OF ST. GABRIEL, LOUISIANA



**Recommended for Adoption by the Planning and Zoning Commission on August 21<sup>st</sup>, 2014, adopted September 18<sup>th</sup>, 2014, repealing ordinance # 1999-01, Chapter 66 Zoning Ordinance.**

**AN ORDINANCE TO AMEND AND REENACT ORDINANCE 1999-01, CHAPTER 66, ZONING ORDINANCE OF CITY OF ST. GABRIEL, LOUISIANA AND TO REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH**

**WHEREAS** Title 33:4721--4732 of the Louisiana Revised Statutes of 1950 empowers the City of St. Gabriel to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

**WHEREAS** the city council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the city to enact such an ordinance; and

**WHEREAS** the city council, pursuant to the provisions of title 33:4726 of the Louisiana Revised Statutes of 1950, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

**WHEREAS**, the City Council of the City of St. Gabriel, Louisiana, deems it necessary so as to change and amend the old regulations and districts and define and set up new regulations and districts in order to regulate and restrict the size of all buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and for said purposes divide the City into districts; to regulate and restrict the erection, structural alteration, or use of buildings or land therein; to provide for the change of such regulations, restrictions, and boundaries of zones; to provide the enforcement and authority of the provisions of R.S. 33:4721 – 4730; and

**WHEREAS**, the City Council of the City of St. Gabriel, Louisiana, deems it necessary in order to lessen congestion in the public streets, to secure safety from fire, to promote health, safety and morals, and the general welfare, to provide adequate light and air; to avoid undue concentration of population; to facilitate adequate transportation, water supply, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the City in accordance with a comprehensive plan;

**Whereas** the Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the city council; and

**Whereas** the Mayor and city council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

**Whereas** all requirements of Title 33:4721--4732 of the Louisiana Revised Statutes of 1950 with regard to the preparation of the report of the Planning Commission and subsequent action of the city council have been met; and

**BE IT ORDAINED**, by the City Council of the City of St. Gabriel, Louisiana, in regular session convened on August 21, 2014, that Ordinance 1999-01, Zoning Ordinance, City of St. Gabriel, Louisiana, and all zoning ordinances preceding same, are repealed and notice of adoption thereof is given as provided by R.S. 33:4721 – 4730.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of St. Gabriel, Louisiana, in regular session convened, hereby declares ordinance 1999-01, chapter 66, Zoning Ordinance of City of St. Gabriel, Louisiana is hereby amended.

# **COMPREHENSIVE ZONING ORDINANCE**

## **CITY OF ST. GABRIEL, LOUISIANA**

### **MAYOR AND CITY COUNCIL**

Lionel Johnson Jr., Mayor  
Councilman Melvin Hasten, Sr. – Mayor Pro Temp  
Councilman Freddie Frazier, Sr  
Ralph Johnson, Sr.  
Councilwoman Deborah Alexander  
Councilwoman Flora Danielfield

### **PLANNING AND ZONING COMMISSION**

Mr. Jerry Corbin, Chairman  
Mr. Melvin Lodge, Vice-Chairman  
Ms. Wilfret Lorraine  
Mr. Ray Brent  
Mr. Kurt Wintz  
Ms. Kenya Nelson  
Mr. Kevin York

**Adopted September 18<sup>th</sup>, 2014. Repealing Ordinance # 1999-1**

**Prepared by City of St. Gabriel Planning and Zoning Commission**

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## **Article I. GENERAL PROVISIONS**

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- SECTION 1.05 PURPOSE**
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- SECTION 1.20 TRANSITION RULES**
- SECTION 1.21 RESERVED**

### **SECTION 1.01 TITLE**

This ordinance shall be known, cited, and referred to as the “Comprehensive Zoning Ordinance of the City of St. Gabriel, Louisiana”.

### **SECTION 1.02 DECLARATION**

An Amended Zoning Ordinance for the incorporated area of St. Gabriel, Louisiana, dividing the incorporated area of said city into zoning districts appropriate for various classes of residential, business and industrial uses; providing for the establishment of setback lines; providing for adequate light, air, and parking facilities; providing for expediting traffic within the zoning districts; establishing the percentage of a lot or parcel which may be covered by buildings, and the size of yards and other open spaces.

### **SECTION 1.03 AUTHORITY**

These regulations are adopted pursuant to the authority granted to the City of St. Gabriel by the provisions of Louisiana R.S. 33:4721 – 4730 and by any special local legislation enacted by the City Council for the City of St. Gabriel, in order to carry out the purposes listed below under Section 1.05 of this ordinance.

**SECTION 1.04 EFFECTIVE DATE**

This Ordinance shall become effective on October 1, 2014, duly passed and approved by the City Council of the City of St. Gabriel, Louisiana, this the 18<sup>th</sup> day of September, 2014.

---

Lionel Johnson Jr., Mayor

Date:

---

Jerry Corbin, Chairman, Planning and Zoning Commission

Date:

---

Lloyd Snowten, Director of Public Services

Date:

CERTIFIED BY:

---

Dallon Bush, City Attorney

Date:

ATTEST:

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Leman Raphael, City Clerk

Date:

## **SECTION 1.05 PURPOSE**

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city. They have been assigned to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light, air, and open space; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to protect and preserve places and areas of historical and cultural importance and significance. They have been made with reasonable consideration, among other things, for the character of the district, and its particular suitability for the particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

These regulations have been made in accordance with the policies and recommendations set forth in a duly adopted Comprehensive Plan and have been enacted with the following purposes in mind:

1. Promote public health, safety and general welfare of the city.
2. Promote the orderly, responsible, and beneficial development and use of land within the City.
3. Protect the character and stability of residential, institutional, business, industrial, and natural areas.
4. Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.
5. Secure adequate light, air, convenience of access, and safety from fire, flood and other danger, which may include providing adequate open spaces for light, air, and outdoor uses.
6. Preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the City; encourage compatibility among different land uses and protect the scale and character of existing development from the encroachment of incompatible uses.
7. Regulate and restrict the location and intensity of use of buildings, structures, and land for trade, residence, and other uses.
8. Define the powers and duties of administrative officers and bodies as provided herein, and establish procedures for the implementation and enforcement of these regulations; and further such other purposes as may be stated within specific provisions of these regulations.
9. Minimize or avoid congestion in the public streets and ensure safe, convenient, and efficient traffic circulation.

10. Secure safety from fire, panic, and other dangers.
11. Prevent the overcrowding of land.
12. Avoid undue concentration of population.

The zoning districts and maps have been made with due consideration of future growth, development, and change in land development according to objectives expressed in the general plan or more detailed plan or policy for the development of the community, as well as with due consideration of existing development and uses of land in the City of St. Gabriel.

These regulations and districts represent reasonable consideration of the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties. This is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

#### **SECTION 1.06 INTERPRETATION**

In interpreting and applying the regulations of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the regulations of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall regulate.

#### **SECTION 1.07 CONFLICT OF LAW**

Where a provision of this Ordinance is found to be in conflict with a provision of any land use ordinance or code, applicable health, building, housing or safety regulation, or any other ordinance or resolution of the City existing on the effective date of this Ordinance or thereafter, or any regulation issued under the authority of any such code, regulation, ordinance or resolution, the provision which establishes the more restrictive standard for protection of the health, safety and welfare of the people shall prevail.

#### **SECTION 1.08 JURISDICTION**

These regulations govern the development and use of all land and structures in the City of St. Gabriel, no building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of these regulations for the district in which it is located and other applicable regulations, except as otherwise provided by these regulations.

## **SECTION 1.09 VALIDITY**

If any section, sub-section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions hereof, other than the part so decided to be invalid or unconstitutional.

## **SECTION 1.10 COMPUTATION OF TIME**

The time within which an act is to be done is computed in the following manner. If the last day would be a Saturday, Sunday, or legal holiday, that day is not counted. When the period of time prescribed is less than seven days, intervening Saturdays, Sundays, and legal holidays are not counted.

## **SECTION 1.11 REPEALING CLAUSE**

All ordinances and parts of ordinances in conflict with any provision of this ordinance are hereby repealed in so far as the same are in conflict with the provisions of this ordinance.

## **SECTION 1.12 RELATION TO OTHER ORDINANCES**

It is not intended that this ordinance will in any way repeal, annul or interfere with the existing provisions of any other law or ordinance except the zoning ordinance, which this ordinance replaces. In addition, it is not intended that this ordinance will in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this ordinance will interfere with any easements, covenants or other agreements between parties. However, if the provisions of this ordinance impose greater restrictions or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this ordinance will take precedence over the others and will control the use or development, except as otherwise provided in this ordinance.

## **SECTION 1.13 RELATION OF THIS ORDINANCE TO ANY PENDING ACTIONS**

The adoption of this ordinance will not affect any action, suit or proceeding which may be pending at the time the ordinance is adopted. With respect to the subject matter of any pending action, all rights and liabilities that have been received or created under any previous zoning ordinances which have been superseded by this ordinance are still valid and may be preserved and enforced.

## **SECTION 1.14 SEPARABILITY**

If any section or specific provision or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

## **SECTION 1.15 CODIFICATION**

It is the intention of the St. Gabriel City Council, that this ordinance amends the Code of Ordinances of the City of St. Gabriel, Louisiana, and be codified for inclusion.

## **SECTION 1.16 ZONING MAP**

1. The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the City Council of the City of St. Gabriel. Said map and subsequent amendments thereto shall be considered as a part of this code.
2. Zoning map amendments are changes to portions of the zoning ordinance that address specific issues or requests. No changes of any nature shall be made in the official zoning map except in conformity with the procedures set forth in this Ordinance.
3. If, in accordance with the provisions of this Ordinance and Title 33:4721—4732 of the Louisiana Revised Statutes of 1950, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall become effective promptly after the amendment has been approved by the City Council.
4. The official zoning map shall be updated periodically by City Council of the City of St. Gabriel to incorporate these changes in the official ordinance.

## **SECTION 1.17 AMENDMENTS**

The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed or repealed; provided, however, that the legislative body shall not hold any public hearings or take any action until it has first referred the request to the municipal Planning Commission. It shall be the duty of the Planning Commission to recommend approval or rejection of any request for zoning amendments, modifications, supplements or changes thereto.

When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more, either of the area of the lots included in such proposed changes, or of those immediately adjacent in the rear thereof, or of those directly opposite thereto from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of three-fourths of the city council.

## **SECTION 1.18 ANNEXED TERRITORY**

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



## SECTION 1.19 FEES

The St. Gabriel City Council shall establish a schedule of fees, charges and expenses and a collection procedure for applications, certificates of occupancy, appeals and other matters pertaining to this ordinance. A schedule of fees shall be available from the Director of Public Service's Office and may be altered or amended only by the City Council. No certificate, conditional use or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full.

The appropriate fees for application procedures specified herein shall include:

1. Map amendment: Two hundred fifty dollars (\$250.00) for the first acre and twenty dollars (\$20.00) for each acre. Minimum charge two hundred fifty dollars (\$250.00), maximum charge two thousand five hundred dollars (\$2,500.00)
2. Planned unit developments: Two hundred fifty dollars (\$250.00) for the first acre and twenty dollars (\$20.00) each additional acre. Minimum charge two hundred fifty dollars (\$250.00), maximum charge two thousand five hundred dollars (\$2,500.00). Acreage based on total acres exclusive of streets.
3. Site plan review: One hundred fifty dollars (\$150.00) per plan.
4. Special use/Conditional use: Seventy five dollars (\$75.00).
5. Variance: One hundred fifty dollars (\$150.00).
6. Text amendments: One hundred fifty dollars (\$150.00).
7. General subdivision plat: Twenty dollars (\$20.00) per lot. Minimum fee two hundred dollars (\$200.00), maximum fee two thousand five hundred dollars (\$2,500.00).
8. Final plat: Twenty dollars (\$20.00) per lot. Minimum fee two hundred dollars (\$200.00), maximum fee two thousand five hundred (\$2,500.00).
9. Revocation: Two hundred dollars (\$200.00).
10. Dedication: Two hundred dollars (\$200.00).
11. Certificate of occupancy: Seventy-five dollars (\$75.00).
12. Temporary certificate of occupancy: Twenty-five dollars (\$25.00).
13. Annexation: Five hundred dollars (\$500.00).
14. Fence Permits: Twenty-five dollars (\$25.00)

## **SECTION 1.20 TRANSITION RULES**

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

### **A. EXISTING NONCONFORMING STRUCTURES AND USES**

A structure or use that is made nonconforming before the effective date of this Ordinance, but is made conforming by the provisions of this Ordinance or any subsequent amendment to this Ordinance, is lawful as of the effective date of this Ordinance or of any subsequent amendment to this Ordinance. However, any subsequent addition, enlargement or expansion of that structure or use is required to conform to the procedural and substantive requirements of this Ordinance.

### **B. EXISTING PERMITTED USES, CONDITIONAL USES, AND PLANNED DEVELOPMENTS**

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a conditional use (major or minor) as of the effective date of this Ordinance, that use is deemed a lawful nonconforming use and is controlled by the provisions of Article XI. Any subsequent addition, enlargement, or expansion of that use shall conform to the requirements of this Ordinance.
2. If a structure or land is used in a manner that was classified as a conditional use (special exception or use requiring planning approval) prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use shall conform to any Ordinance requirements for such permitted use and is no longer subject to the conditional use ordinance under which it was originally approved.

### **C. PLANNED DEVELOPMENTS**

Planned developments shall follow the requirements of Article VIII.

### **D. EXISTING LOTS AND STRUCTURES RENDERED NONCONFORMING**

If a lot or structure exists legally before the effective date of this Ordinance or any subsequent amendment to this Ordinance, and such lot or structure does not meet all standards set forth in this Ordinance, that structure is deemed a legal nonconforming structure and is controlled by the provisions of Article XI.

## **E. PREVIOUSLY ISSUED BUILDING PERMITS**

If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and if substantial construction has begun within one-hundred eighty (180) days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

## **F. PREVIOUSLY GRANTED CONDITIONAL USES AND VARIANCES**

All conditional uses (special uses and uses requiring planning approval) and variances granted prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance remain in full force and effect, unless a conditional use is allowed as a permitted use as of the effective date of this Ordinance.

The recipient of the conditional use or variance may proceed to develop the property in accordance with the approved plans, including all conditions included as part of approval. If the recipient has failed to act on the conditional use or variance before the approval expires, including any periods of extension granted, the provisions of this Ordinance shall apply.

## **G. PENDING APPLICATIONS**

An application that has been received and deemed complete and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.

## **H. ILLEGAL USES**

Uses that are illegally established prior to the adoption of this code shall remain illegal.

1. All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the Public Services Director shall be permitted to order any structure or use to be inspected.
2. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures. Temporary buildings, structures, uses and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a permit received from the City of St. Gabriel Code Enforcement Department for a limited time period. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

## **SECTION 1.21 RESERVED**

## **Article II. ORDINANCE ADMINISTRATION**

- SECTION 2.01 PURPOSE**
- SECTION 2.02 CONFLICT**
- SECTION 2.03 DESIGNEE**
- SECTION 2.04 CITY COUNCIL**
- SECTION 2.05 PLANNING AND ZONING COMMISSION**
- SECTION 2.06 BOARD OF ADJUSTMENT**
- SECTION 2.07 DIRECTOR OF PUBLIC SERVICES**
- SECTION 2.08 JUDICIAL REVIEW**
- SECTION 2.09 RESERVED**

### **SECTION 2.01 PURPOSE**

The purpose of this Article is to outline the specific powers of the different boards, commissions and officials as they relate to this Zoning Ordinance. This Article summarizes which boards, commissions, and officials make recommendations and grant approvals on zoning applications.

### **SECTION 2.02 CONFLICT**

If the provisions of this Article conflict with other articles of this ordinance, the most restrictive provisions shall apply.

### **SECTION 2.03 DESIGNEES**

Certain officials within this section, such as the Chairman of the City Planning Commission and the Director of the Department of Public Services, are cited as having powers which may also be administered by a designee, indicated in this section by the language "Director's designee." The ability to direct powers to a designee applies to all actions throughout this Ordinance.

### **SECTION 2.04 CITY COUNCIL**

#### **A. POWERS AND DUTIES**

In addition to any authority granted to the City Council by state law, City Charter or other ordinances of the City, the City Council shall have the following powers and duties under the provisions of these regulations:

1. To adopt, make modifications to, and implement the Comprehensive Plan and supporting studies.
2. To make final decisions on zoning map and text amendment applications.
3. To make final decisions on conditional use applications.
4. To make final decisions on planned development applications.

5. To amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established, authorized on its own motion, or on petition of an interested property owner or owners, with each such petition accompanied by a reasonable fee as established by resolution of the City Council.
6. To decide whether to grant a public hearing on a zoning change request denied by the Planning and Zoning Commission.
7. To grant a change of zoning to a zoning district not applied for by the applicant, provided that said approved district is less intensive than the advertised zoning district applied for by the applicant.
8. To set by resolution and amend from time to time, the fee charged for processing development requests, zoning verification letters, zoning maps and other administrative services.
9. To impose any reasonable conditions upon the granting of a Conditional Use Permit consistent with the purposes stated in the applicable section of the ordinance.
10. To approve a change that has received a written protest meeting the enumerated conditions set forth in this ordinance when there is a favorable vote of 3/4 of all the members of the City Council.
11. To take final action jointly with the Planning and Zoning Commission on preliminary and revised preliminary plats.
12. To decide whether to grant a public hearing on a substitute landscape plan where the applicant has appealed the decision of the Planning and Zoning Commission. In such cases where a public hearing is granted on appeal, the City Council shall have final authority.

## **SECTION 2.05 PLANNING AND ZONING COMMISSION**

See Chapter 52 of city ordinance establishing Planning and Zoning Commission.

### **A. POWERS AND DUTIES.**

In addition to any authority granted to the Planning and Zoning Commission by state law or other ordinances of the City, the Planning and Zoning Commission shall have the following powers and duties under the provisions of these regulations:

1. Exercise general supervision over the administration of the affairs of the Commission.
2. Prescribe uniform rules and regulations pertaining to administration, investigations, and hearings, provided that the rules and regulations are approved by the City Council.

3. To make recommendations on zoning map and text amendment applications.
4. To make recommendations on conditional use applications.
5. To make recommendations on planned development applications.
6. To make final recommendations on appeals of minor map adjustments of the Future Land Use Map by the Chair of the City Planning Commission.
7. To make final recommendations on appeals of interpretations of the Future Land Use Map by the Chair of the City Planning Commission.
8. To make recommendations to the City Council concerning adoption, modification, and implementation of the Comprehensive Plan and supporting studies.
9. To make recommendations to the City Council concerning amendments to this Ordinance and the creation or modification of zoning districts.
10. To make recommendations to City Council concerning the rezoning of land and the approval of development plans, site plans, and specific use permits.
11. To make recommendations to City Council concerning regulations and modifications to the Subdivision Rules and Regulations governing the platting and development of land.
12. Hear, review, and determine appeals from an order, requirement, decision, or determination made in the enforcement of this ordinance;
13. Establish advisory committees; Delegate limited powers to a committee composed of one or more members of the Planning Commission.
14. Such other tasks that are assigned by this ordinance or the City Council.

## **SECTION 2.06 BOARD OF ADJUSTMENT**

See Article XX for establishment and powers of Board of Adjustment.

## **SECTION 2.07 DIRECTOR OF PUBLIC SERVICES**

The Director of Public Services or the Director's designee is responsible for the following tasks:

1. Review of building permit applications to determine compliance with the provisions of this ordinance.
2. Maintain records of applications for reclassification, variances, special permits, amendments, and other zoning-related matters and of the hearings and actions thereon.
3. Collect such fees from applicants as are set forth in this ordinance and established from time to time by the Planning Commission.
4. Conduct investigations as necessary to determine compliance or violations of this ordinance.
5. Participate in the prosecution and abatement of violations of this ordinance.
6. Maintain the official zoning maps and written text of this ordinance in current status, issue updated maps and text at least once each year; and provide for public copies of maps and texts upon request.
7. Provide information on zoning and zoning procedures upon request to citizens and public agencies; and such other tasks that are assigned by this ordinance or the Planning Commission.
8. To inspect structures or the use of land to determine compliance with this Ordinance and order corrective action in case of any violation.
9. Conduct Pre-Application Meetings.
10. To coordinate with Planning and Zoning Commission on all requests for commission approval such as variances, Conditional Use Permits, sign permits etc.

## **SECTION 2.08 JUDICIAL REVIEW**

Any person aggrieved by any decision or order of the Planning Commission may present to the 18<sup>th</sup> Judicial District Court a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of the alleged illegality. The petition must be presented to the Court within thirty days after the date of the decision or the order of the Planning Commission.

## **SECTION 2.09 RESERVED**

**Article III. ADMINISTRATIVE PROCEDURES - APPLICATIONS AND PUBLIC HEARING**

- SECTION 3.01 PURPOSE**
- SECTION 3.02 PRE-APPLICATION MEETING**
- SECTION 3.03 NEIGHBORHOOD PARTICIPATION PROGRAM (PROJECT NPP)**
- SECTION 3.04 APPLICATION**
- SECTION 3.05 NOTICE OF PUBLIC HEARING**
- SECTION 3.06 VALIDITY OF DEFECTIVE NOTICE**
- SECTION 3.07 PUBLIC HEARINGS**
- SECTION 3.08 RESERVED**

**SECTION 3.01 PURPOSE**

The purpose of this Article is to outline the general application, notice, and public hearing procedures for the applications and approvals found within this Ordinance.

**SECTION 3.02 PRE-APPLICATION MEETING**

Applicants shall first meet with the staff of the City Planning Commission to become familiar with various procedures and approval standards and to obtain guidance where necessary.

Where required by Article VII of this ordinance, applicants attending a Pre-Application Meeting shall be required to provide the following information:

1. Project description.
2. Project maps.
3. Project drawings.
4. Any other documents pertaining to the application.

**SECTION 3.03 NEIGHBORHOOD PARTICIPATION PROGRAM (NPP)**

**A. CONTENTS OF NPP**

Where required by Article VII of this ordinance, a Neighborhood Participation Program (Project NPP) shall contain the following information:

1. A brief description of the proposal.
2. An outlined area map and a contact list for notifying all applicable individuals and entities.



3. A general description of how parties on the contact list will receive information on the project, including a statement as to which public notification techniques will be used for the project.
4. A general description of how parties on the contact list will be informed of any changes or amendments to the proposed project after the applicant's initial contact.
5. A statement as to how those impacted by the proposal will be provided an opportunity to discuss the request if issues or questions should continue or suddenly arise.
6. The applicant may provide notice and an opportunity for interested parties to attend a meeting to discuss the proposed application not less than five (5) nor more than thirty (30) days after the date on which the applicant provides notification to the parties on the contact list. For the purposes of this section, meetings may be held in a physical location or via other means that may be agreed upon by the applicant and the interested parties. The notice provided in accordance with this section shall include a brief description of the request and shall indicate the existing zoning classification of the subject property and the zoning classification the applicant intends to request.
7. The applicant shall submit a Project NPP report with the application. The report shall provide the following information:
  - a. The names of the individuals and entities that were notified and the total number of number of people that participated in the process.
  - b. Names, addresses, signatures and phone numbers of all record owners within three hundred (300) feet of the property line.
  - c. A list of the concerns, issues, and problems expressed by the participants.
  - d. A statement as to how each concern, issue, and problem is addressed and how the applicant intends to continue to address them. If the concern, issue, or problem is not being addressed, the applicant shall state the reasons.
  - e. Copies of letters, affidavits, meeting invitations, newsletters, publications, sign-in sheets, and petitions received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process.
  - f. The date, time, and location of all meetings held with interested parties or a statement indicating the reasons if no meeting was held. No information pertaining to any meeting held more than ninety (90) days prior to the submittal of the application shall be accepted as part of the Project NPP report, except where subsequent meetings with interested parties have occurred within the ninety (90) days preceding the submittal of the Project NPP report.

## **SECTION 3.04 APPLICATION**

### **A. FILING OF APPLICATIONS**

1. All applications shall be filed with the Director of Public Services.
2. All applications shall be on forms provided by the City and in the format and number of copies as required by the instructions.
3. The application shall include any and all information, plans, and data specified in this ordinance.

### **B. COMPLETENESS REVIEW**

1. The official charged with receiving applications shall review the application to ensure that all required submittals are included in the application and determine whether the application is complete. The appropriate official shall notify the applicant that the application is complete or incomplete within ten (10) days from the date of submittal.
2. If the application is deemed incomplete, the official will not process the application until the deficiencies are remedied. Once an application is deemed complete, the application will be placed on the first available docket or forwarded to the appropriate official as appropriate.
3. An application is deemed complete if the official fails to reject it and notify the applicant of the deficiencies within ten (10) days and it shall be docketed. However, it may not be complete for the purposes of review. The appropriate board, commission, or official may also require the applicant to supplement the application with additional information.
4. A new determination of completeness is required if the applicant materially changes the application from the prior submittal.

### **C. REQUIRED FEES**

Every application shall be accompanied by the required filing fee as established by this ordinance. Failure to pay fees when due is grounds for refusing to process the application. However, applications initiated by the City are exempt from fees.

### **D. WITHDRAWAL OF APPLICATION**

1. An applicant may withdraw an application as provided below. There will be no refund of fees. Requests for withdrawal shall be in writing by the applicant. Applications initiated by the City Council are also subject to these withdrawal provisions.
2. Applications for a zoning text or map amendment, conditional use, and planned development may be withdrawn prior to recommendation by the Planning Commission without prejudice or limit. If withdrawn after the recommendation by the Planning

Commission, but before a decision by the City Council, the application may not be resubmitted for two (2) years from the date the applicant submits the withdrawal notice.

3. Applications for variances may be withdrawn prior to a decision by the Board of Zoning Adjustments without prejudice and may thereafter be resubmitted without limit.
4. Applications for a zoning appeal may be withdrawn prior to a decision by the Board of Zoning Adjustments without prejudice. However, if an application that was withdrawn is resubmitted, the new submittal shall still be filed within thirty (30) days of the date the decision being appealed was rendered.

#### **E. RESUBMITTAL OF DENIED APPLICATIONS**

1. An application for a zoning text or map amendment, conditional use, planned development, or variance that has been denied will not be reviewed or heard within two (2) years of the date of denial unless substantial new evidence is available or a significant mistake of law or of fact affected the prior denial. The official charged with receiving applications in referenced in this ordinance shall decide whether the subsequent application is appropriate for resubmittal before expiration of the two (2) year wait requirement.
2. An application resubmitted earlier than two (2) years from the date of denial shall include detailed statement of the grounds justifying its consideration.
3. If no new grounds exist for consideration of the subsequent application, the official shall return the application to the applicant and it shall not be docketed.
4. The limitations of this section do not apply in the following instances:
  - a. When the City initiates the application.
  - b. When the Board of Zoning Adjustments has denied the application without prejudice.

#### **F. CONCURRENT APPLICATIONS**

Applications may be filed and reviewed concurrently, at the option of the applicant. However, any application that also requires a variance shall not be eligible for final approval until the variance has been granted. Further, applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

## **G. MODIFICATION OF APPLICATION**

Property owners may initiate a zoning application at any time by filing with the Public Services Director or his/her designee. Applications for zoning map and text amendments may also be filed by the City of St. Gabriel Planning Commission, another agent of the City of St. Gabriel, or any interested party.

An application may be modified at the applicant's request following the approval of the Public Services Director or his/her designee before the request is advertised. Any modification after the request has been advertised shall require a new hearing.

## **H. APPEALS**

Any person, including any officer or agency of the City, aggrieved by a final recommendation of the Chairman on an application may appeal such final determination to the City Planning Commission, unless these zoning regulations expressly authorize direct appeal to the City Council. Any person, including any officer or agency of the City, aggrieved by a final recommendation of the City Planning Commission on an application may appeal such final determination to the Board of Adjustment or City Council.

Unless otherwise expressly provided for in this Ordinance or in officially adopted rules of the appellate body, a written appeal must be filed with the City Planning Commission or the Clerk of the City Council, as the case may be, within fifteen (15) calendar days after the date of the final recommendation. The appeal shall contain a written statement of the reasons why the final recommendation is erroneous, and shall be accompanied by the fee, if any, established by the City Council.

The City Planning Commission or the City Council, as the case may be, shall hear the appeal within twenty-five (25) calendar days after the filing of the statement of reasons. The hearing shall be conducted in accordance with the provisions of Article III.

Unless otherwise expressly provided for in this Ordinance, or in officially adopted rules of the appellate body, the City Planning Commission or the City Council, as the case may be, shall affirm, approve subject to modification, or reverse the decision from which appeal was taken within thirty (30) calendar days after the date the hearing is concluded. The appellate body may attach such conditions as are reasonably necessary, as provided in this ordinance. If the City Council or the City Planning Commission fails to timely hear the appeal, or fails to timely affirm, approve subject to modification, or reverse the decision from which the appeal was taken, any such failure shall be deemed to be a decision to affirm, and the decision shall be subject to appeal by an aggrieved party.

Within fifteen (15) calendar days of a of the City Council, any person aggrieved by the decision of the City Council may appeal that decision to the Civil District Court for the Parish of Iberville. An appeal of a final decision of the City Council shall not affect a stay of such decision, unless specifically authorized by the City Council or ordered by the court.

## I. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed, unless the Public Services Director certifies to the City Council after the notice of appeal has been filed, that a stay would cause imminent peril of life or property. In such case proceedings shall not be stayed except by restraining order that may be granted by the 18th Judicial District Court.

## SECTION 3.05 NOTICE OF PUBLIC HEARING

### A. PUBLIC NOTICE REQUIRED

Required public notices are summarized below. More detailed information may be included with each specific procedure.

Table III-1: Public Notice Requirements

PUBLIC NOTICE REQUIREMENTS			
TYPE OF NOTICE REQUIRED	WRITTEN NOTICE	POSTED NOTICE OF PUBLIC HEARING	PUBLISHED NOTICE OF PUBLIC HEARING
Variance	X	X	X
Appeal of administrative decision	X		X
Special/Conditional Use Permit	X	X	X
Map Amendment/Rezoning	X	X	X
Text Amendment			X
Planned Unit Development	X	X	X
Dedications/Revocations	X	X	X

### B. NOTICE OF PUBLIC HEARING

All notices for public hearing shall contain:

1. The date, time and place of the hearing.
2. The section of this Ordinance under which the subject matter of the hearing will be considered.
3. The name of the applicant.
4. A brief description of the location of any land proposed for development and the subject matter to be considered at the hearing.
5. A statement that the application and supporting materials are available for public inspection and copying at the office of the City of St. Gabriel Director of Public Services.

6. A brief description of the appeal process, which is available by-right after public hearing before the Planning Commission or any further automatic review by the City Council.

### **C. WRITTEN NOTICE OF PUBLIC HEARING**

At least ten (10) days prior to a public hearing, a good faith attempt to notify the owner of record shall be made by sending an official notice by certified U.S. Mail of the time, place and subject matter of the hearing.

### **D. POSTED NOTICE OF PUBLIC HEARING**

Posted notice in bold type shall be posted for all zoning matters other than text amendments for at least ten (10) consecutive days prior to a public hearing on signs not less than 18"x24", prepared, furnished and placed by the Public Services Director or his/her designee on street frontage of the effected property proposed for a change in zoning classification.

When zoning matters are proposed to before the Planning Commission, a door hanger shall be placed on all adjacent structures located within three hundred (300) feet of the proposed change or revision.

### **E. PUBLISHED NOTICE OF PUBLIC HEARING**

1. Planning Commission Public Hearing Notice - Notice of the time and place of a public hearing in front of the City of St. Gabriel Planning Commission shall be published at least three (3) times in the official journal, if designated, or a newspaper of general circulation in the area; at least ten (10) days shall elapse between the first publication and the date of the public hearing.
2. City Council Public Hearing Notice - Notice of the time and place of a public hearing in front of the City of St. Gabriel City Council shall be published once a week in three (3) different weeks in the official journal, if designated, or a newspaper of general circulation in the area; at least fifteen (15) days shall elapse between the first publication and the date of the public hearing

### **F. RECONSIDERATION**

No land for which an application for zoning text or map change has been acted upon in a public hearing by the Planning Commission shall be considered again by the Planning Commission for the same classification for at least six (6) months from the date such application was acted upon.

## **SECTION 3.06 VALIDITY OF DEFECTIVE NOTICE**

No action on any application submitted in accordance with this Ordinance shall be declared invalid by reason of any defect in any of the following:

1. The publication of the notice of the purpose or subject matter and the time and place of the hearing if the published notice gives reasonable notification of its purpose, subject matter, substance, or intent.
2. The posting or display of a notification sign if evidence of installation of the sign is presented.
3. The mailing of notice to the individuals and entities within the vicinity of the site as indicated above.
4. Any defect in or failure to adhere to any discretionary forms of notification shall not form a basis for declaring invalid any ordinance or City Council action on any zoning matter.
5. No denial by the City Council of any application, petition, or other zoning matter requiring notice shall be declared invalid by reason of any defect in any form of public notice, if the applicant has received notice of the time, date, and place of the hearing.

## **SECTION 3.07 PUBLIC HEARINGS**

### **A. CONDUCT OF THE PUBLIC HEARING**

When a public hearing is required, the place, date, and time for the hearing will be established, and notice of such hearing is required in accordance with Section 3.05. The public hearing will be conducted in accordance with the rules and regulations of the body conducting the hearing.

### **B. CONTINUANCES**

The Chair, with approval of the body conducting the hearing, may continue the public hearing. No new notice is required to reopen the hearing if a hearing is continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the first hearing and placed in the minutes.

## **SECTION 3.08 RESERVED**

## **Article IV. VIOLATIONS AND ENFORCEMENT**

### **SECTION 4.01 ENFORCEMENT**

### **SECTION 4.02 COMPLAINTS REGARDING VIOLATIONS**

### **SECTION 4.03 RESPONSIBILITY FOR VIOLATIONS**

### **SECTION 4.04 PENALTY**

### **SECTION 4.05 REMEDIES AND SUITS**

### **SECTION 4.06 REVOCATION OF PERMITS, CERTIFICATES, OR APPROVALS**

### **SECTION 4.07 APPEAL**

### **SECTION 4.08 RESERVED**

#### **SECTION 4.01 ENFORCEMENT**

The provisions of these land use regulations shall be administered by the Mayor, or his/her designee, as designated herein, who shall have the power to make inspections of buildings or premises necessary to carry out their administrative duties in the enforcement of these regulations. The Mayor may call upon the Police to furnish the necessary personnel to carry out enforcement if necessary.

#### **SECTION 4.02 COMPLAINTS REGARDING VIOLATIONS**

Furthermore, any resident of the community who believes that a violation of any of the provisions of these regulations is occurring may file a written complaint with the Mayor. Such complaint shall fully set forth the acts or omissions constituting the alleged violation and the site or sites at which such violation or violations are alleged to be occurring. The Public Services Director or his/her designee shall record properly such complaint, promptly investigate the allegations underlying said complaint, and take action on such complaint and take action on such complaints as provided by these regulations.

#### **SECTION 4.03 RESPONSIBILITY FOR VIOLATIONS**

Whenever the Public Services Director or his/her designee, on the basis of a written complaint, has reason to believe that a violation of these regulations may exist, he or she may require any person owning the structure or land or operating a use thereon to provide, within thirty (30) days of notification or the next available City of St. Gabriel City Court date, information as may be necessary, in his judgment, to determine the existence or extent of any violation.

#### **SECTION 4.04 PENALTY**

Any person violating provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall be guilty of a misdemeanor, and deemed a public nuisance and upon conviction shall be punished for each separate offense by a fine of ten dollars (\$10) to twenty-five dollars (\$25) but not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding thirty(30) days. Each day any violation of any provision of these regulations shall continue shall constitute a separate offense.



## **SECTION 4.05 REMEDIES AND SUITS**

The Planning Commission, the Director of Public Services, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the District Court to restrain any individual or a governmental unit from violating the provisions of this ordinance.

The Commission may also institute a suit for mandatory injunction directing any individual, a corporation, or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.

## **SECTION 4.06 REVOCATION OF PERMITS, CERTIFICATES, OR APPROVALS**

### **A. AUTHORITY TO REVOKE**

Any permit or approval granted under this ordinance may be revoked by the City in accordance with the provisions of this chapter, if the City finds that the recipient of the permit or approval fails to use, develop, or maintain the subject property in accordance with the plans submitted, the requirements and standards of this ordinance, any additional requirements or conditions imposed by the City or its agents, or any commitments made by the recipient as a condition of receiving the permit or approval.

### **B. REVOCATION PROCEDURE**

If the City finds that sufficient grounds exist for the revocation of a permit or approval issued pursuant to this ordinance, the Director of Public Services or a designee must send the recipient ten days written notice of intent to revoke, inform the recipient of the specific basis found to justify revocation, and specify the actions necessary to avoid revocation.

The City may, upon request, review the basis of the intended revocation with the recipient.

The recipient must implement the actions specified by the City within ten (10) days of the date of notice or within such other reasonable time as may be determined by the City.

If the City revokes a permit or approval issued pursuant to this ordinance, the Director of Public Services must send a written notice of revocation that describes the specific basis of the revocation and informs the recipient of the right to appeal the City's action.

## **SECTION 4.07 APPEAL**

The revocation of any permit or approval issued pursuant to this ordinance may be appealed to the Planning Commission by any person adversely affected by the revocation, under the processes set forth for administrative appeals. A final recommendation by the Planning Commission may be appealed to the District Court in accordance with judicial review procedures specified in this ordinance.

## **SECTION 4.08 RESERVED**

## **Article V. APPLICATIONS AND APPROVALS**

- SECTION 5.01 PURPOSE**
- SECTION 5.02 REZONING/ZONING MAP AMMENDMENTS**
- SECTION 5.03 ZONING TEXT AMENDMENTS**
- SECTION 5.04 CONDITIONAL USE PERMIT/SPECIAL USE PERMITS**
- SECTION 5.05 VARIANCES**
- SECTION 5.06 SITE PLAN REVIEW**
- SECTION 5.07 PLANNED UNIT DEVELOPMENT**
- SECTION 5.08 SIGN PERMIT**
- SECTION 5.09 FENCE PERMIT**

### **SECTION 5.01 PURPOSE**

The purpose of this Article is to delineate the procedures and requirements, and approval standards that apply to each zoning application and approval.

### **SECTION 5.02 REZONING/ZONING MAP AMMENDMENTS**

#### **A. WHEN ALLOWED**

The boundaries of zoning districts as shown on any zoning map may, from time to time, be amended or modified by the City Council.

A zoning amendment changes the zoning classification of property from one primary zoning district to another, or adds or deletes an overlay zoning district classification.

Zoning, through the Zoning Ordinance, establishes the types of uses allowed on a property as well as physical standards, such as lot size and setbacks, required for development.

Rezoning is required in order to change allowed uses or minimum lot sizes as identified on the City Zoning Map. An example would be a change from residential to commercial.

## **B. APPLICATION**

1. A pre-application meeting is required.
2. A Neighborhood Participation Program (NPP) is required.
3. All applications for a map amendment shall be filed in writing with Public Services Department.

## **C. REVIEW BY DIRECTOR OF PUBLIC SERVICES**

Director of Public Services will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Planning Commission for review.

## **D. PUBLIC HEARING AND DECISION BY PLANNING COMMISSION**

Following notice and a public hearing as required by this Ordinance, the Planning Commission shall recommend to the City Council to approve, approve with conditions, or deny the proposed rezoning within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.

In making this recommendation, the Planning Commission shall consider the recommendations of the Director of Public Services and the relevant comments of all interested parties and the review criteria identified in this section.

## **E. PUBLIC HEARING AND DECISION BY THE CITY COUNCIL**

Following notice and a public hearing as required by this Ordinance, the City Council shall accept or deny the Planning Commission's recommendation on the rezoning..

In making this decision, the City Council shall consider the recommendations of the Director of Public Services, the Planning Commission, and relevant comments of all interested parties and the review criteria as shown below.

Whenever public necessity or the public health, safety, and general welfare require, the City Council may, by ordinance and after receipt of recommendation from the Planning Commission and subject to the procedures below, amend, supplement, change, or repeal the regulations, restrictions, districts, and boundaries or classifications of property

## **F. REVIEW CRITERIA**

The Planning Commission and the City Council shall consider the following criteria in approving or denying a map amendment/rezoning:

1. The proposed map amendment is consistent with the pertinent elements of the City of St. Gabriel Comprehensive Plan and any other adopted plans.
2. The proposed map amendment is consistent with the adjacent zoning classifications and uses.
3. The proposed map amendment will reinforce the existing or planned character of the neighborhood and the City.
4. The site is appropriate for the development allowed in the proposed district.
5. There are substantial reasons why the property cannot be used according to existing zoning.
6. Public facilities and services including schools, roads, recreation facilities, wastewater, water supply, storm water management, police and fire are adequate for the development allowed in the proposed district.
7. The rezoning will not substantially or permanently injure the appropriate use of adjacent conforming properties.

## **G. EFFECT OF DENIAL**

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

## **H. APPEAL**

A final decision by the City Council on a map amendment may be appealed to the 18th Judicial District Court.

## **I. EXPIRATION**

A zoning map amendment shall not expire

## **SECTION 5.03 ZONING TEXT AMENDMENTS**

### **A. WHEN ALLOWED**

The regulations of this Ordinance may, from time to time, be amended supplemented, changed, modified or repealed, as determined by the City Council.

### **B. APPLICATION**

1. A pre-application meeting is not required.
2. A Neighborhood Participation Program (NPP) is not required.

### **C. REVIEW BY DIRECTOR OF PUBLIC SERVICES**

1. All applications for text amendment shall be filed in writing with the Director of Public Services as required by this Ordinance.
2. Director of Public Services will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Planning Commission for review.

### **D. PUBLIC HEARING AND DECISION BY PLANNING COMMISSION**

1. Following notice and a public hearing as required by this Ordinance, the Planning Commission shall recommend to approve or deny the proposed text amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
2. In making this recommendation, the Planning Commission shall consider the recommendations of the Director of Public Services and the relevant comments of all interested parties and the review criteria in this article.

### **E. PUBLIC HEARING AND DECISION BY THE CITY COUNCIL**

1. Following notice and a public hearing as required by this Ordinance, the City Council shall accept or deny the Planning Commission's recommendation on the text amendment.
2. In making this recommendation, the City Council shall consider the recommendations of the Director of Public Services, the Planning Commission, and relevant comments of all interested parties and the review criteria in below.

## **F. REVIEW CRITERIA**

The Planning Commission and the City Council shall consider the following criteria in approving or denying a text amendment:

1. The proposed text amendment is consistent with the pertinent elements of the Comprehensive Plan and any other adopted plans.
2. The proposed text amendment is consistent with the remainder of this Ordinance.
3. The extent to which the text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time, or whether or not the text amendment corrects an error in this Ordinance .
4. Whether or not the text amendment revises this Ordinance to comply with State or Federal statutes or case law.

## **G. EFFECT OF DENIAL**

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

## **H. APPEAL**

A final decision by the City Council on a text amendment may be appealed to the 18th Judicial District Court.

## **I. EXPIRATION**

A zoning text amendment shall not expire.

## **SECTION 5.04 CONDITIONAL USE/SPECIAL USE PERMIT**

### **A. WHEN REQUIRED**

A conditional use permit is required for any use or building type that requires particular considerations as to its proper location to adjacent, established or intended uses in a district, or to the planned growth of the community. A special use permit allows a landowner to obtain a tract of land for a use that does not fall directly under the permitted usage for that specifically zoned area. Detailed information may be included with each specific Section of this Ordinance that establishes the uses requiring conditions controlling the location and operation of such special uses.

### **B. APPLICATION**

1. A pre-application meeting is required.
2. A Neighborhood Participation Program (NPP) is required.
3. Application shall be filed in writing with the Public Services Director or his/her designee.

The application shall include material necessary to demonstrate that the grant of a conditional use/special use will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material required may include but is not limited to the following, when applicable:

- a. A list of the names and addresses for owners of property located within 300 feet of the subject property along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area.
- b. Any other information deemed helpful by the applicant or necessary by the Planning Department or the Planning Commission to explain the nature of the proposed use and its consistency with the standards for conditional use/special permits.
- c. The Planning Commission must hold a public hearing to review the complete site plan and application for the conditional use.
- d. If the conditional use/special is granted by the Commission, the applicant must be notified in writing by the Planning Department.
- e. If the conditional use/special use is denied by the Commission, the applicant must be notified in writing of the denial and of the right to seek judicial review of the denial by filing suit in District Court within thirty days of the date of the Planning Commission denial.
- f. Be accompanied by the fee established by the City.

### **C. SITE PLAN REQUIREMENTS**

A site plan (8 copies), drawn to scale, shall include the following:

1. The dimensions, size, square footage, and shape of the lot to be built upon as shown on a survey by a licensed land surveyor or registered design professional licensed by the State of Louisiana.
2. The exact sizes and locations on the lot of existing structures, if any.
3. Preliminary building plans and elevations illustrating proposed building construction and alteration.
4. Plans showing proposed locations for utilities and easements.
5. Plans for screening, buffering and landscaping.
6. Proposed signs and lighting, including type, dimensions and character.
7. The location, square footage, and dimensions of the proposed structure or alteration.
8. The location of the lot with respect to adjacent rights-of-way.
9. The existing and proposed uses of the structure and land.
10. The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate and as defined by code occupancy.
11. The location and dimensions of off-street parking and means of ingress and egress for such space.
12. Height of structure.
13. Setbacks.
14. Buffer yard and screening, if applicable.
15. Location of garbage collection area and screening.
16. Location of sign(s).
17. Roadway typical detail for internal roadways.
18. Location and size of storm water management facilities.
19. Utility lines and rights-of-way.



20. Typed name, title and signature of applicant.
21. Drainage plan and drainage calculations that bear the name, address, signature, and seal of a registered professional engineer, with floodplain zones clearly denoted, and design details of all drainage facilities.
22. If applicable, design of storm water management facilities and drainage calculations that bear the name, address, and seal of a registered design professional licensed by the State of Louisiana.
23. Parking plan.
24. Landscaping plan.
25. Signage plan.
26. A traffic impact study, if required by the City Engineer.
27. Any other such information concerning the lot or neighboring lots as may be required by the Public Services Director to determine conformance with, and provide for the enforcement of, this ordinance.
28. If deemed necessary by the Public Services Director in the case of accessory structures or minor additions, a survey by a registered land surveyor or registered design professional licensed by the State of Louisiana, said survey to be provided by the applicant, showing all dimensions on plans relating to the size of the lot and the location of the structures thereon.

#### **D. REVIEW BY DIRECTOR OF PUBLIC SERVICES**

Director of Public Services will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Planning Commission for review.

#### **E. PUBLIC HEARING AND DECISION BY PLANNING COMMISSION**

1. Following notice and a public hearing as required by this Ordinance, the Planning Commission shall approve, approve with conditions, or deny the proposed conditional use permit within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
2. In making this decision, the Planning Commission shall consider the recommendation of the Public Services Director or his/her designee, relevant comments of all interested parties and the review criteria below.

3. The Commission may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties such as but not limited to:
  - a. Require additional fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - b. Designate sites for open space.
  - c. Provide ease of access to major roadways.
  - d. Assure that the degree of compatibility to the surrounding land use shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which the use is proposed to be located.
  - e. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion or traffic.
  - f. Increase the required lot size or yard dimension.
  - g. Limit the height, size or location of buildings, structures and facilities.
  - h. Control the location and number of vehicle access points.
  - i. Increase the number of required off-street parking spaces.
  - j. Limit the number, size, location or lighting of signs.
  - k. Require drainage, sewer and or traffic studies.
  - l. Require evidence of compliance with other federal, state and local requirements.
  - m. Required additional buffer zones for industrial facilities.

## **F. PUBLIC HEARING AND DECISION BY THE CITY COUNCIL**

1. Following notice and a public hearing as required by this Ordinance, the City Council shall accept, accept with conditions or deny the Planning Commission's recommendation on the special exception.
2. In making this recommendation, the City Council shall consider the recommendations of the Director of Public Services, the Planning Commission, and relevant comments of all interested parties and the review criteria in below.
3. The City Council may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. Such conditions may include, but are not limited to, additional screening or buffering, limitations in scale or limitations to hours of operation.
4. Failure to act shall result in acceptance of the recommendation of the Planning Commission.

## **G. REVIEW CRITERIA**

1. The proposed conditional use permit is consistent with the pertinent elements of the City of St. Gabriel Comprehensive Plan and any other adopted plans.
2. The proposed development meets the requirements of this Ordinance.
3. The proposed development will reinforce the existing or planned character of the neighborhood and the City.
4. The conditional use permit complies with any specific use standards or limitations in Article X (Supplementary Use Standards) of this Ordinance.
5. Any adverse impacts on adjacent properties attributable to the major or minor conditional use have been minimized or mitigated.

## **H. EFFECT OF DENIAL**

1. The final denial of a conditional use permit request shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months

## **I. APPEAL**

A final decision by the City Council on a conditional use permit may be appealed to the 18th Judicial District Court within thirty (30) days of the City Council's decision

## **J. EXPIRATION**

### **1. Existing Construction**

In an existing structure, the special exception shall expire after six (6) months if the use is abandoned or discontinued.

### **2. New Construction**

- a. A special exception shall expire after six (6) months if a building permit application has not been filed.
- b. Where a special exception has been granted but no commencement of construction other than clearing and grubbing has been executed within six (6) months from date of such special exception, the property shall revert to its original state prior to such special exception.
- c. Buildings that are actively available for lease and occupancy, or are being remodeled pursuant to permit shall not have its use considered abandoned or discontinued for twelve (12) months.

## **K. REVOCATION OF CONDITIONAL USE PERMIT**

If any conditions of a conditional use permit or other requirements of this Ordinance are violated, the City of St. Gabriel may revoke the special exception.

## **SECTION 5.05 VARIANCES**

### **A. WHEN ALLOWED**

1. Planning and Zoning Commission shall have the authority to grant variances from the terms of this Ordinance, subject to terms and conditions fixed by the Commission, where literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship, if in granting such variance the general intent and purpose of this Zoning Ordinance will be preserved.
2. A variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
3. Under no circumstances shall the Planning and Zoning Commission grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

### **B. APPLICATION**

1. A pre-application meeting is required.
2. A Neighborhood Participation Program (NPP) is required.
3. All applications for variance shall be filed in writing with the Director of Public Services or his/her designee.
4. A list of the names, addresses and phone numbers for owners of property located within 300 feet of the subject property along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area.
5. Any other information deemed helpful by the applicant or necessary by the Planning Department or the Planning Commission to explain the nature of the variance and its consistency with the standards for variances.
6. The Planning Commission must hold a public hearing to review the complete site plan and application for the conditional use.
7. If the variance is granted by the Commission, the applicant must be notified in writing by the Planning Department.
8. If the variance is denied by the Commission, the applicant must be notified in writing of the denial and of the right to seek judicial review of the denial by filing suit in District Court within thirty days of the date of the Planning Commission denial.
9. Be accompanied by the fee established by the City.

### **C. REVIEW BY DIRECTOR OF PUBLIC SERVICES**

Director of Public Services will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Planning Commission for review.

### **D. PUBLIC HEARING AND DECISION BY PLANNING COMMISSION**

Following notice and a public hearing as required by this Ordinance, the Planning and Zoning Commission shall allow, allow with conditions, or deny the proposed variance request, the Planning and Zoning Commission shall consider relevant comments of all interested parties and the review criteria identified in this section.

The Planning and Zoning Commission may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Violations Section of this Ordinance.

In making this recommendation, the Planning Commission shall consider the recommendations of the Director of Public Services and the relevant comments of all interested parties and the review criteria below.

### **E. PUBLIC HEARING AND DECISION BY THE CITY COUNCIL**

Following notice and a public hearing as required by this Ordinance, the Planning and Zoning Commission shall allow, allow with conditions, or deny the proposed variance request, the Planning and Zoning Commission shall consider relevant comments of all interested parties and the review criteria in Review Criteria below.

The Board may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Violations Section of this Ordinance.

## **F. REVIEW CRITERIA**

No variance shall be authorized unless the Planning and Zoning Commission finds that all of the following conditions exist:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. 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.
3. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.
4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district or similarly situated.
5. The variance, if granted, will not alter the essential character of the locality.
6. Strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
7. The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party(s).
8. The proposed variance will not impair an adequate supply of light and air to adjacent property, or increase substantially the congestion in the public street, or increase the danger of fire, or endanger the public safety.

## **G. APPEAL**

A final decision by the City Council on a variance may be appealed to the 18th Judicial District Court.

## **H. EXPIRATION**

A variance runs with the land and does not expire unless the Planning and Zoning Commission or the 18th Judicial District Court assigns an expiration date as a condition.

## **SECTION 5.06 SITE PLAN REVIEW**

### **A. WHEN REQUIRED**

Site plan review by the Director of Public Services or his/her designee and the City Engineer or his/her designee is required for:

1. Construction of three (3) or more residential units on a platted lot of record.
2. Construction of three (3) or more townhouse units.
3. Construction or expansion of five thousand (5,000) or more square feet of multi-family or mixed-use building type.
4. Commercial, industrial or civic development five thousand (5,000) or more square feet.
5. Creation of more than one thousand (1,000) square feet of impervious surface (paving).
6. Construction of accessory structures in non-residential districts.

### **B. NO SITE PLAN REQUIRED**

No site plan review is required for the following:

1. Construction or expansion of less than five thousand (5,000) square feet of multi-family or mixed-use building type.
2. Creation of less than one thousand (1,000) square feet of impervious surface (paving).
3. Construction of accessory structures in residential district.

### **C. APPLICATION**

1. A pre-application conference is mandatory for site plan review.
2. A Neighborhood Participation Program (NPP) is not required.
3. All applications for site plan review shall be filed in writing with the Director of Public Services or his/her designee.



#### **D. REVIEW BY THE DIRECTOR OF PUBLIC SERVICES**

1. The Director of Public Services will review the site plan and may refer the site plan to other affected or interested agencies for review and comment.
2. In deciding to approve, approve with conditions, or deny the proposed site plan, the Director of Public Services shall consider relevant comments of all interested parties and the review criteria in in this ordinance and render a decision within sixty (60) days of the filing of a complete application for review, except where such time period is extended by the applicant.
3. The Director of Public Services may attach conditions required to make the development site comply with this and other City Ordinances, or as necessary to protect the health, safety and welfare of the City of St. Gabriel and to minimize adverse impacts to adjacent properties.
4. The Director of Public Services shall consider the following criteria in approving or denying a site plan:
  - a. The proposed development is consistent with the pertinent elements of the City of St. Gabriel Comprehensive Plan and any other adopted plans.
  - b. The proposed development meets the requirements of this Ordinance.
  - c. The proposed development will reinforce the existing or planned character of the neighborhood and the City.
  - d. The site plan demonstrates.
  - e. Compliance with any prior approvals.
  - f. Site design and development intensity appropriate for and tailored to the unique natural characteristics of the site.
  - g. Adequate, safe and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways, transit access (as appropriate), and off-street parking, stacking and loading spaces.
  - h. Connectivity to surrounding neighborhoods and the City as a whole, while minimizing cut-through traffic and speeds are reduced through the use of traffic calming methods in appropriate location.
  - i. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm water relative to the 100-year floodplain.

- j. Adequate access for disabled residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.
- k. Any adverse impacts on adjacent properties have been minimized or mitigate.

#### **E. BUILDING PERMIT**

No building permit shall be issued for development requiring site plan until the site plan has been approved.

#### **F. DEDICATION AND IMPROVEMENTS**

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

#### **G. MODIFICATION OF APPROVED SITE PLAN**

The Director of Public Services is authorized to approve minor modifications to an approved site plan. The following modifications shall be considered minor:

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

#### **H. APPEALS AND PUBLIC HEARINGS AND DECISIONS BY PLANNING AND ZONING COMMISSION**

A final decision by the Director of Public Services on a site plan review may be appealed to the Planning and Zoning Commission within thirty (30) days of the decision as per LA.R.S. 33:4727 et seq.

## **I. EXPIRATION**

A site plan expires after six (6) months where a building permit application has not been filed for all or part of said development. Applicants may file for one (1) six (6) month extension of the site plan approval in writing with the Director of Public Services subject to administrative approval.

## **SECTION 5.07 PLANNED UNIT DEVELOPMENT**

### **A. COMPONENTS OF A PLANNED UNIT DEVELOPMENT**

1. Approval of a development plan by the Planning Commission and the City Council.
2. Approval of subsequent subdivision plats and site plans consistent with the development plan.

### **B. INTENT OF PLANNED UNIT DEVELOPMENT**

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

The regulations contained within PUDs are intended to have enough flexibility to produce each of the following:

1. Maximum housing choice in the types of living environments.
2. Open space and recreational areas directly related to the intended users, and if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topography, scenic vistas, trees and other vegetation, and prevents erosion and the disruption of natural drainage patterns.
4. A stable development in character with the land use density, transportation facilities, and community facilities objectives of the City of St. Gabriel Comprehensive Plan.
5. A higher quality site design than would be possible through the strict application of other available zoning districts.

### **C. ELIGIBILITY**

The PUD district is designed to allow an applicant to submit a proposal for consideration, for any uses or mixture of uses that are consistent with the City of St. Gabriel Comprehensive Plan, and to allow the City to approve any proposal that it determines to be in the best interest of the public health, safety and welfare, along with any conditions or requirements or limitations thereon that the City deems advisable. The approval of a PUD request rests with the Planning Commission and the City Council. However, no PUD request shall be eligible for approval unless the following minimum conditions are met:

1. The minimum area required for an application to develop a PUD is three (3) acres for purely residential developments and five (5) acres for mixed-use, commercial and industrial developments.
2. The tract of land for which the PUD is made shall be contiguous with sufficient width and depth to accommodate the proposed use.
3. All land included for the purpose of development within a PUD shall be owned by or be under the complete control of the applicant for such zoning designation. The applicant shall provide the City all of the necessary documents and information that may be required, as determined by the Public Services Director or his/her designee, to assure that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the applicant fully complies with the requirements of this Section.

### **D. APPLICATION**

1. A pre-application conference with the Public Services Director or his/her designee is required.
2. A Neighborhood Participation Program is required.
3. All applications for a PUD shall be filed in writing with the Public Services Director or his/her designee.
4. The application shall include the following additional materials:
  - a. A narrative explaining and tabulating the land uses by net acre, number of dwelling units by housing type, residential density, open space acreage, square footage of non-residential uses per net acre, and the relationship of the proposed development to existing development in the area and other related development features.
  - b. A development plan schematically showing major streets, major utilities, land uses, access to existing streets, major open space and a conceptual drainage plan in relationship to the 100-year floodplain and known drainage basins and facilities, as appropriate.

- c. The applicant shall provide concurrent applications for site plan and subdivision review.
- d. A list of the names and addresses for owners of property located within 300 feet of the subject property along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area.
- e. Any other information deemed helpful by the applicant or necessary by the Planning Department or the Planning Commission to explain the nature of the application and its consistency with codes and ordinances

**E. REVIEW BY PUBLIC SERVICES DIRECTOR**

The Public Services Director or his/her designee may refer the application to other affected or interested agencies for review and comment.

**F. PUBLIC HEARING AND DECISION BY PLANNING COMMISSION**

- 1. Following notice and a public hearing as required by Article VI of this Ordinance, the Planning Commission shall recommend to approve, approve with conditions, or deny the PUD and development plan within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
- 2. In making this recommendation, the Planning Commission shall consider the recommendations of the Public Services Director or his/her designee, relevant comments of all interested parties and the review criteria..

**G. PUBLIC HEARING AND DECISION BY THE CITY COUNCIL**

- 1. Following notice and a public hearing as required by this Ordinance, the City Council shall accept, accept with conditions, or deny the Planning Commission's recommendation on the PUD and development plan within sixty (60) days of the Planning Commission's final action.
- 2. In making this recommendation, the City Council shall consider the recommendations of the Public Services Director or his/her designee and the Planning Commission, relevant comments of all interested parties and the review criteria in this ordinance.
- 3. Failure to act shall result in acceptance of the recommendation of the Planning Commission.

## **H. REVIEW CRITERIA**

The Planning Commission and the City Council shall consider the following criteria in approving or denying the PUD:

1. The proposed development is consistent with the pertinent elements of the City of St. Gabriel Comprehensive Plan and any other adopted plans.
2. The proposed development is consistent with the standards and uses of the underlying and adjacent zoning districts.
3. The proposed PUD will reinforce or enhance the existing or planned character of the neighborhood and the City.
4. The site is appropriate for the development proposed in the development plan.
5. The proposed development demonstrates a higher quality of site design than is possible under other available zoning districts, and is not used solely to avoid the requirements of the base zoning district.
6. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, stormwater management, police and fire are adequate for the development allowed in the proposed concept plan.
7. The proposed development will not substantially or permanently injure the appropriate use of adjacent conforming properties.

## **I. REVISIONS TO PUD DEVELOPMENT PAN**

The applicant shall have ninety (90) days from the date of the City Council decision when final action is taken to submit a revised PUD development plan to include any conditions of approval for the PUD development plan. Any such changes shall be reviewed for acceptance by the Public Services Director or his/her designee within ten (10) days of the receipt and shall bear the signature of the Public Services Director or his/her designee before the PUD development plan can be accepted as the approved plan.

Upon written request from the applicant, one ninety (90) day extension may be granted to the applicant by the Public Services Director or his/her designee for submittal of the revised PUD development plan. Failure by the applicant to submit a revised development plan within the time frame specified in this Section shall deem the plan null and void.

## **J. MODIFICATION OF A CONCEPT PLAN**

The Public Services Director or his/her designee is authorized to approve minor modifications to an approved concept plan. The City Council shall consider all modifications not listed as minor below, consistent with the original approval of the planned unit development. The following modifications shall be considered minor:

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

## **K. EFFECT OF DENIAL**

The denial of a PUD shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.

## **L. APPEAL**

Final decision by the City Council on a PUD may be appealed to the 18th Judicial District Court within thirty (30) days of the City Council's decision.

## **M. EXPIRATION**

A PUD expires after eighteen (18) months if no building permit has been filed.

If the property owner chooses not to construct the PUD, but rather to revert back to the requirements of the base zoning district less than eighteen (18) months after the PUD and development plan have been approved, the property owner shall be able to eliminate the PUD with a revocation of the original City Council ordinance.

## **SECTION 5.08 SIGN PERMIT**

### **A. WHEN REQUIRED**

Unless specifically identified as an exempt sign in this ordinance, all signs shall require a sign permit in accordance with this Section.

### **B. APPLICATION**

A pre-application conference is optional.

All applications for sign permits shall be filed in writing with the Director of Public Services.

### **C. DECISION BY DIRECTOR OF PUBLIC SERVICES**

The Director of Public Services may refer the application to other affected or interested agencies for review and comment. In deciding to approve, approve with conditions, or deny the proposed sign permit, the Director of Public Services shall consider relevant comments of all interested parties.

The Director of Public Services may attach any condition to the permit necessary to protect the health, safety and welfare of the City of St. Gabriel and minimize adverse impacts on adjacent properties.

### **D. REVIEW CRITERIA**

The Director of Public Services shall consider the following criteria in approving or denying a sign permit:

1. The proposed sign is consistent with the pertinent elements of the City of St. Gabriel Comprehensive Plan and any other adopted plans.
2. The proposed sign meets the requirements of this Ordinance.
3. The proposed sign will reinforce the existing or planned character of the neighborhood and the City.

### **E. APPEAL**

A final decision by the Director of Public Services on a sign permit may be appealed to the Planning and Zoning Commission within thirty (30) days of the decision.



## **SECTION 5.09 FENCE PERMIT**

### **A. WHEN REQUIRED**

A fence permit is required whenever a fence is erected or extended, in accordance with Article VII of this ordinance.

### **B. WHEN NOT REQUIRED**

A fence permit is not required for ordinary maintenance or repairs to fences that do not involve a change of length, height, material, or appearance of the fence.

### **C. APPLICATION**

1. A pre-application conference is optional.
2. A neighborhood participation program (NPP) is not required
3. All applications for fence permits shall be filed in writing with the Public Services Director or his/her designee

### **D. DECISION BY DIRECTOR OF PUBLIC SERVICES**

1. The Director of Public Services or his/her designee may refer the application to other affected or interested agencies for review and comment.
2. In deciding to approve, approve with conditions, or deny the proposed fence permit, the Director of Public Services or his/her designee shall consider relevant comments of all interested parties and the review criteria.
3. The Director of Public Services or his/her designee may attach any condition to the permit necessary to protect the health, safety and welfare of the City of St. Gabriel and minimize adverse impacts on adjacent properties.

## **E. REVIEW CRITERIA**

In addition to considerations outlined elsewhere in this ordinance, The Director of Public Services or his/her designee shall consider the following criteria in approving or denying a fence permit:

1. The proposed fence is consistent with the pertinent elements of the City of St. Gabriel Comprehensive Plan and any other adopted plans.
2. The proposed fence meets the requirements of this Ordinance.
3. The proposed fence will enhance the existing or planned character of the area and the City.

## **F. APPEAL**

A final decision by the Public Services Director or his/her designee or the Director of Public Services or his/her designee on a fence permit may be appealed to the Planning and Zoning Commission within thirty (30) days of the decision.

**Article VI. ESTABLISHMENT OF ZONING DISTRICTS**

- SECTION 6.01 PURPOSE**
- SECTION 6.02 DISTRICT DESIGNATIONS**
- SECTION 6.03 MAP DESIGNATION OF DISTRICT**
- SECTION 6.04 DISTRICT ZONING MAPS**
- SECTION 6.05 EXCEPTIONS TO APPLICABILITY**
- SECTION 6.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**
- SECTION 6.07 APPLICATIONS OF DISTRICT REGULATIONS**
- SECTION 6.08 USE OF PROPERTY**
- SECTION 6.09 RESTRICTIONS AND APPLICATIONS**
- SECTION 6.10 EXEMPTIONS FOR ESSENTIAL SERVICES**

**SECTION 6.01 PURPOSE**

These regulations divide the City of St. Gabriel into use districts and within the districts regulating and restricting the height, number of stories, and size of buildings and other structures; the size of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures and land for trade, industry, residence and other purposes; prescribing certain powers and duties of the Planning and Zoning Commission; and providing penalties for the violation of the chapter.

**SECTION 6.02 DISTRICT DESIGNATIONS**

In order to effectively carry out the provisions of these regulations, the land within the corporate limits and the land within one mile of the corporate limits of the City of St. Gabriel shall be divided into the following zoning districts:

**Table VI-1: District Designations**

<b>DISTRICT DESIGNATIONS</b>	
R1(A)	Single Family Residential – Low Density
R1(B)	Single Family Residential – Medium Density
RA	Agricultural
R2	Multi Family Residential
I	Institutional
C1	Light Commercial
C2	Heavy Commercial
MUD	Mixed Use Development District
M1	Light Industrial
M2	Heavy Industrial
MIP	Business Industrial Park
P	Park District
PUD	Planned Unit Development Overlay District
HO	Historic Overlay District
FO	Flood Overlay District

The boundaries of the districts designated above are hereby established as shown on the City of St. Gabriel Zoning District Map, Dated August 21<sup>st</sup>, 2014, which is on file in the office of the city clerk. The map and all explanatory matter thereon are hereby made a part of this zoning ordinance as if the notations, references and other matters set forth by the map were all fully described herein.

### **SECTION 6.03 MAP DESIGNATION OF DISTRICT**

The aforesaid districts are bounded and defined on a map entitled "Official Zoning Map of the City of St. Gabriel," adopted on the 18<sup>th</sup> day of September, 2014 as amended, and certified by City Clerk, which map accompanies this Ordinance and is hereby made a part thereof.

### **SECTION 6.04 DISTRICT ZONING MAPS**

The City Council, upon the recommendation of the Planning and Zoning Commission, may adopt a series of Zoning Maps, which shall set out and delineate the zoning districts for all land within the jurisdiction of these regulations. These Zoning Maps are produced from the Public Service Department's digital zoning database stored in the Geographical Information System (GIS).

The Zoning Maps and the Public Service Department's digital zoning database stored in the GIS are hereby designated, established, and incorporated as a part of these regulation and the originals thereof, which are on file at the offices of the Planning Department, shall be as much a part of these regulations as if they were fully described in these regulations. The Zoning Maps shall be reviewed and may be amended from time to time through the amendment process, as provided in this ordinance, to be consistent with the objectives and policies of this ordinance.

### **SECTION 6.05 EXCEPTIONS TO APPLICABILITY**

These regulations shall not be applicable or enforceable without the consent of the owner with regard to lots, buildings, or structures for which a building permit has been issued prior to the effective date of these regulations so long as the permit has not been revoked. If construction authorized by the permit is not started within six (6) months of the permit issuance, or after construction has commenced, it is discontinued for a period of 12 months, the permit shall immediately expire pursuant to local codes and any further work shall be subject to these regulations.

Any amendments, modifications, supplements, repeal, or other changes to these regulations and restrictions or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses for which either a building permit has been issued prior to the effective date of the ordinance making the change, so long as the permit remains valid and unexpired pursuant to local codes and the building permit has not been revoked pursuant to local codes, or a vested right has been established pursuant to local codes and such vested right remains valid and unexpired pursuant to local codes A permit issued pursuant to local codes shall expire by limitation in six (6) months after the date of issuance if the work authorized by the permit has not been commenced, except that a permit shall not expire or be revoked because of the running time while a vested right under this ordinance is outstanding. If after commencement the

work is discontinued for a period of twelve (12) months, the permit therefore shall immediately expire except for a permit issued under local codes. Upon issuance of a building permit, the provisions local codes shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under the section is outstanding. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

The City and adjoining unincorporated territory is hereby divided into zones or districts, as shown on the Official Zoning Maps, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the mayor and Chairman of the Planning and Zoning Commission, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of St. Gabriel, Louisiana", together with the date of the adoption of this ordinance.

No changes of any nature shall be made in the Official Zoning Map, or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under local laws.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

If, in accordance with the provisions of this ordinance and Louisiana R.S. 33:4721 – 4730, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly by the Director of Public Services after the amendment has been approved by the City Commission, with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Commission, the following change (s) were made in the Official Zoning Map: (Brief description of nature of change(s))", which entry shall be signed by the Chairman of the Planning and Zoning Commission and attested by the City Clerk. No amendment to this ordinance, which involved matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map.

## **SECTION 6.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to, or extensions of, features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by Subsections 1 through 6 above, the Planning and Zoning Commissions shall interpret the distance boundaries.
8. Where physical features on the ground are at variance with the information shown on the Official Zoning Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of paragraphs 1 through 8 of this Article, the matter shall be forwarded to the Planning and Zoning Commission to interpret the intent of the Official Zoning Map. The Commission's decision on such matter shall be final.
9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning and Zoning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. Boundaries indicated following other boundary lines, watercourses, and other natural topography features shall be construed to be such boundaries.

11. Where street or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered in this ordinance, the Mayor and City Council shall interpret the district boundaries.
12. All territory which may hereafter be included in the one-mile extra-territorial area due to city annexations and shall be zoned in accordance with Section 1.18 of this ordinance.
13. Regulations of land under water. All lands within the municipality which are under water and are not shown as included with any district shall be subject to all the regulations of the district adjacent to the water area. If the water adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line.
14. Location of streets and public ways. Whenever any street, alley or other public way is vacated by official action of the governing body, the zoning district adjoining each side of such street, alley or public way shall automatically extend to the center of same and all areas included therein shall then become subjected to all appropriate regulations of the extended districts.
15. Protection of major street rights of way. Every building or structure erected on any lot abutting on any street shown as a designated street on the major street plan or land use plan showing major streets shall in the computation of the front and side yards depths as hereafter required, compute and measure the required depth from the right of way lines as set forth in the future land use plan for the municipality.
16. Within each district the regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure of land.
17. Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
18. In the case of a district boundary line(s) dividing a platted lot into two (2) or more parts, and in the absence of a specific legal description which delineates by ordinance such district boundary line(s), the district boundary line shall be construed to be the property line nearest the less restrictive district such that the development standards of the more restrictive district shall apply to the entire platted lot.

## **SECTION 6.07 APPLICATIONS OF DISTRICT REGULATIONS**

No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall hereafter be erected or altered:

1. To exceed the height.
2. To accommodate or house a greater number of families.
3. To occupy a greater percentage of lot area.
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.

No part of a yard, open space, off-street parking or loading space required, in connection with any building shall be included as part of the like requirements for any other building.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein except where to do so would lead to lots that are less nonconforming than prior to the resubdivision. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

## **SECTION 6.08 USE OF PROPERTY**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the District in which it is located.

## **SECTION 6.09 RESTRICTIONS AND APPLICATIONS**

### **A. USE**

No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

### **B. HEIGHT AND DENSITY**

No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this Ordinance for the district in which it is located.



### **C. LOT SIZE**

No lot shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family or other requirements of this Ordinance are not maintained, except in cases of street widening.

### **D. YARD USE LIMITATIONS**

No part of a yard, other open space, off-street, or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, off-street parking, or loading space similarly required for any other building.

### **E. ONE PRINCIPAL BUILDING ON ANY LOT**

Every building hereafter erected, moved, or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, or commercial buildings in an appropriate zoning district, as permitted by this Ordinance. Furthermore, no building shall be constructed or erected upon any lot which does not abut a public street by twenty-five (25) feet.

### **F. NECESSARY REPAIRS PERMITTED**

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Building Inspector, the Fire Chief, or any other duly authorized City officials.

### **G. FLOOD HAZARD ZONE**

No building or structure, shall be on a lot or parcel that is within a FEMA identified flood zone.

## **SECTION 6.10 EXEMPTIONS FOR ESSENTIAL SERVICES**

The following essential services may be permitted, erected, constructed, altered, or maintained in any zoning district:

1. Traffic signals, fire hydrants, and similar equipment and accessories.
2. Gas, electric, communication, water supply, and transmission/distribution systems.
3. Elevated or underground water storage tanks.
4. Stormwater and sanitary sewer collection and disposal systems.

## **SECTION 6.11 RESERVED**

## **Article VII. ZONING DISTRICT REGULATIONS**

<b>Section 7.01</b>	<b>R1(A): LOW DENSITY RESIDENTIAL DISTRICT</b>
<b>Section 7.02</b>	<b>R1(B): MEDIUM DENSITY RESIDENTIAL DISTRICTS</b>
<b>Section 7.03</b>	<b>RA: AGRICULTURAL DISTRICT</b>
<b>Section 7.04</b>	<b>R2: MULTI-FAMILY RESIDENTIAL DISTRICT</b>
<b>Section 7.05</b>	<b>C1: COMMUNITY COMMERCIAL DISTRICT</b>
<b>Section 7.06</b>	<b>C2: HIGHWAY COMMERCIAL DISTRICT</b>
<b>Section 7.07</b>	<b>M1: LIGHT INDUSTRIAL DISTRICT</b>
<b>Section 7.08</b>	<b>M2: HEAVY INDUSTRIAL DISTRICT</b>
<b>Section 7.09</b>	<b>I: INSTITUTIONAL DISTRICT</b>
<b>Section 7.10</b>	<b>MUD: MIXED USE DISTRICT</b>
<b>Section 7.11</b>	<b>P: PARK DISTRICT</b>
<b>Section 7.12</b>	<b>BIP: BUSINESS INDUSTRIAL PARK</b>
<b>Section 7.13</b>	<b>PUD: PLANNED UNIT DEVELOPMENT DISTRICT</b>
<b>Section 7.14</b>	<b>RESERVED</b>

### **SECTION 7.01 R1(A): LOW DENSITY RESIDENTIAL DISTRICT**

#### **H. PURPOSE**

The purpose of this district is to provide single-family neighborhoods for residents who prefer larger lot sizes and generally do not desire to live in close proximity to other types of uses, preserves the desirable character of existing low density neighborhoods, protects such neighborhoods from change and intrusion that may cause deterioration, and provides for adequate light, ventilation, quiet, privacy for neighborhood residents as well as providing supplemental uses compatible with single-family neighborhoods.

#### **A. PRINCIPAL PERMITTED USES**

All uses not designated as permitted uses in a RI district are prohibited.

1. Community Centers.
2. Community Gardens.
3. Daycare Facility - Home Based.
4. Dwellings, Single-family
5. Essential services.
6. Family care homes.
7. Fire, Police Station.
8. Forestry.
9. Guest house
10. Home Occupation class 1
11. Municipal and civic buildings, public meeting halls, libraries, museums.
12. Modular homes.
13. Public libraries.

14. Private schools with a curriculum similar to public kindergartens, elementary and high schools.
15. Public elementary and high schools.
16. Telecommunications class I.

**B. ACCESSORY USES:**

1. No-impact home based businesses.
2. Home occupations.
3. Other accessory uses customarily incidental to a permitted principal use.
4. Private garages or residential parking areas for up to four (4) vehicles.
5. Signs.
6. Swimming pools, inground or aboveground.

**C. USES PERMITTED WITH CONDITIONS**

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance

1. Artist Studio..
2. Bakery Retail
3. Churches, Places of Worship and Philanthropic Institutions.
4. Bed and breakfast inn.
5. Boarding, lodging houses.
6. Business and Professional offices.
7. Bus Shelter.
8. Cemeteries.
9. Country clubs.
10. Day care facilities (Small, Large)
11. Essential Utilities & Equipment.
12. Funeral homes.
13. Financial Services & Banks..
14. Golf courses, but not miniature courses or driving ranges. Lighting golf courses for night playing is not permitted.
15. Greenways/ Bikeways.
16. Group child care homes and child care center.
17. Health/Sports Club.
18. Home Occupation class 2.
19. Hospital and medical complexes.
20. Individual mobile homes, but not mobile home parks.
21. Instructional Studio.
22. Medical clinic.
23. Nursing homes, assisted living and long term care facility.
24. Parks, playgrounds and Recreational Facilities.
25. Parking lot.

- 26. Preschool/Nursery Schools.
- 27. Residential parking lots.
- 28. Restaurant, Small.
- 29. Sewer treatment plants.
- 30. School (K-12).
- 31. Studio for art, music, dance and photography.
- 32. Snow ball stand.
- 33. Temporary Uses (Contractor's office and construction equipment sheds, Real estate sales office and Temporary shelter).
- 34. Telecommunications class II
- 35. Water Tower/ Storage Tank.

**D. BULK, AREA AND HEIGHT REGULATIONS – R 1(A)**

**Table VII-1: Bulk, Area and Height Regulations - R(1) A**

<b>BULK, AREA AND HEIGHT REGULATIONS – R 1(A)</b>	
MINIMUM LOT AREA*	10,800 SF
MAXIMUM BUILDING HEIGHT	30 ft or 2 ½ stories. All accessory structures- 1 story, no more than 15 feet.
MAXIMUM LOT COVERAGE <sup>E</sup>	40%
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT REQUIREMENTS	90 x 120 feet
FRONT YARD	20 ft
INTERIOR SIDE YARD	20 feet total; 10 feet minimum one side.
CORNER SIDE YARD*	15 ft. Corner lot - equal to front yard, all yards abutting rights-of-way.
REAR YARD	20 ft principal structures, 10 feet accessory structures

**E. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

**F. SIGN REQUIREMENTS**

See Article XIII of this ordinance

**G. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS**

See Article XVI of this ordinance

## SECTION 7.02 R 1(B): MEDIUM DENSITY RESIDENTIAL DISTRICTS

### A. PURPOSE

The purpose of the R1(B) Medium Density Residential District is to provide for single family homes on smaller lots, preserve the desirable character of existing medium density family neighborhoods, protect such areas from change and intrusion that may cause deterioration, and provide for adequate light, ventilation, quiet, and privacy for neighborhood residents. This district provides a moderate development intensity pattern with a mix of supplemental uses compatible with residential neighborhoods.

### B. PRINCIPAL PERMITTED USES:

All principal uses expressly permitted in R-1(A) are permitted in this district.

All uses not designated as permitted uses in R-1(A) district are prohibited.

### C. ACCESSORY USES:

All accessory uses expressly permitted in R-1(A) are permitted in this district.

### D. USES PERMITTED WITH CONDITIONS

All conditional uses expressly permitted in R-1(A) are also permitted as conditional uses in this district.

### E. BULK, AREA AND HEIGHT REGULATIONS – R (1B)

Table VII-2 Bulk, Area and Height Regulations - R(1) B

<b>BULK, AREA AND HEIGHT REGULATIONS – R (1B)</b>	
MINIMUM LOT AREA*	SF: 5,000 (Single-family dwelling unit, excluding mobile homes). Others: 8,750 All other permitted uses
MAXIMUM BUILDING HEIGHT	30 ft or 2 ½ stories. All accessory structures- 1 story, no more than 15 feet.
MAXIMUM LOT COVERAGE <sup>E</sup>	60% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT REQUIREMENTS	50 X 100 feet – Single family 50x175 feet - All other permitted uses
FRONT YARD	20 ft
INTERIOR SIDE YARD	20 feet total; 10 feet minimum one side.
CORNER SIDE YARD*	15 ft. Corner lot - equal to front yard, all yards abutting rights-of-way.
REAR YARD	20 ft principal structures, 10 feet accessory structures

## **F. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## **G. SIGN REQUIREMENTS**

See Article XIII of this ordinance

## **H. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS**

See Article XV of this ordinance

## **SECTION 7.03 RA: AGRICULTURAL DISTRICT**

### **A. PURPOSE**

The purpose of the agricultural zoning districts is to:

1. Preserve blocks of agricultural land in agricultural or open space use and maintain a continuing agricultural use of said lands. R-A districts are applied to areas of the City intended to accommodate very low density single-family residential uses in a rural setting with agricultural and accessory use.
2. Protect and preserve lands which are presently rural or agricultural in character and use. These lands are not presently required for urban development, but will accommodate residential development opportunities for those who desire rural living and are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities.
3. Protect and preserve areas of prime agricultural soils as identified in the St. Gabriel Code Ordinances, for continued agricultural and agriculturally- oriented uses. These areas consist of the most agriculturally productive soils and should not be converted from agricultural to another zoning classification unless and until there are no other lands available in St. Gabriel and the extraterritorial area to accommodate nonagricultural uses. This district is not intended to regulate agricultural uses, but to regulate those uses which threaten agriculture.
4. Allow development of mineral resources including oil and gas, coal, potash, sand, gravel, scoria, and the like in a manner that does not adversely impact the natural environment and adjoining land uses.

### **B. PRINCIPAL PERMITTED USES**

All uses permitted in R-1(A) and R-1(B) district.

All uses not designated as permitted uses in this district are prohibited.

Additionally, the following uses are permitted:

1. Any general agricultural or farming use, including dairying, crop production, ranching, farming, grazing areas, veterinary medicine, orchards, vineyards, forestry and pasture land and not involving any retail or wholesale activities except that the roadside sale of fruits and vegetables grown on the site where offered for sale is allowed (provided however vegetable stands are not allowed to be erected within a public right of way or to be furnished' electrical service). Temporary storage of farm products is also allowed as are horse boarding or training stables.
2. Conservation areas, nature or game preserves, and wildlife management areas;
3. General farming and dairying, including the sale of the product of the farm

4. Public stables, greenhouses, nurseries, and the growing and preservation of trees, provided that storage of manure shall not be permitted nearer than 150 feet to any lot line.
5. Fish hatcheries, beekeeping, fur farms, and dog kennels.
6. Stock raising, but not including commercial feed lots.
7. Lumber yards
8. Electric substations and gas regulator stations, provided that for each substation where transformers are exposed there shall be an enclosing fence at least 6 feet high.
9. Radio or television towers, not exceeding 50 feet in height except as may be restricted by airport zoning.
10. Parks, recreation areas, wildlife areas, game refuges, and forest preserves.
11. Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines and power lines, public sewage treatment facilities, and similar essential public utilities and service buildings.
12. Railroad right-of-ways, but not railroad yards.
13. Animal hospital or veterinary clinic.
14. Seismographic exploration as regulated by State Statute.
15. Storage of flammable liquids above grade, up to 1,000 gallons, subject to the state and locally adopted Fire Code Regulations.
16. Storage of liquefied petroleum gases, up to 500 gallons, subject to the state and Locally adopted Fire Code Regulations.

### **C. ACCESSORY USES AND STRUCTURES**

Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Accessory dwellings
2. Accessory uses permitted in all districts
3. Home occupations
4. Signs
5. Day care home (small)
6. Roadside stands for operation during six months of the year for the sale of products produced on the farm

### **D. USES PERMITTED WITH CONDITIONS**

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance

1. Airport
2. Animal Hospitals
3. Residential Care Facility
4. Commercial Kennel
5. Cemeteries, mausoleums
6. Fairgrounds



7. Telecommunications facility exceeding 50 feet
8. Wineries, distilleries
9. Garden Center/plant Nursery
10. Utility facility and infrastructure
11. Hospitals and sanitariums
12. Airports
13. Livestock sales rings
14. Commercial feed lots
15. Stockyard or the slaughter of animals.
16. Oil and gas drilling, provided it meets the requirements
17. Marina.
18. Private clubs.
19. Gun clubs, skeet, ranges or target ranges.
20. Golf driving ranges and golf courses.
21. Amusement parks, commercial baseball or athletic fields.
22. Race tracks or fairgrounds.
23. Open-air theaters.
24. Storage of flammable liquids above grade, over 1,000 gallons, subject to the locally adopted Fire Code Regulations.
25. Storage of liquefied petroleum gases, over 500 gallons, subject to the locally adopted Fire Code Regulations.
26. Building material yards, contractor yards, and lumberyards.
27. Animal units, such as a horse, mule, jackass, goat or other animals kept as a family pet, may be kept within the city limits provided there is a minimum of three acres for the first two animal units; and with one additional animal unit allowed for each acre over three.
28. Temporary Uses
29. Slaughter House
30. Veterinary Facility

**E. BULK, AREA AND HEIGHT REGULATIONS**

**F.**

**Table VII-3 Bulk, Area and Height Regulations - R(A)**

<b>BULK, AREA AND HEIGHT REGULATIONS – R (A)</b>	
MINIMUM LOT AREA*	5 acres
MAXIMUM BUILDING HEIGHT	30 ft. or 2 ½ stories. All accessory structures- 1 story, no more than 20 feet.
MAXIMUM LOT COVERAGE <sup>E</sup>	40% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT WIDTH	90 ft.
FRONT YARD	20 ft.
INTERIOR SIDE YARD	20 feet total; 10 feet minimum one side.
CORNER SIDE YARD*	15 ft. Corner lot - equal to front yard, all yards abutting rights-of-way.
REAR YARD	20 ft. principal structures, 10 feet accessory structures

## **G. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## **H. SIGN REQUIREMENTS**

See Article XIII of this ordinance

## **I. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS**

See Article XV of this ordinance

## **SECTION 7.04 R2: MULTI-FAMILY RESIDENTIAL DISTRICT**

### **A. PURPOSE**

The purpose of the R-2 High Density Residential District provides for a variety of housing density and types and for customary accessory uses at a density higher than in other residential neighborhoods, preserves the desirable character of existing higher density residential neighborhoods, and provides for adequate light, ventilation, quiet, and privacy for neighborhood residents. This district also provides a transitional area between lower density residential uses and commercial or higher density uses, and provides for a wide variety of residential options.

### **B. PRINCIPAL PERMITTED USES:**

All uses not expressly designated as permitted uses in R2 district are prohibited

All uses expressly permitted in R1(A) and R1(B) are permitted in this district. Additionally, the following uses are permitted:

1. Business and professional offices.
2. Churches and worship facilities
3. Clinics
4. Telecommunications – Class 1
5. Dormitory, Rooming House.
6. Dwellings - Townhouses.
7. Dwellings - Two-family dwelling.
8. Dwellings – Apartment Homes
9. Dwellings – Multi-family dwellings to include garden apartments and high-rise apartments.
10. Financial institutions.
11. Halfway house
12. Hospitals and sanitariums.
13. Nursing Home/ Assisted Living
14. Rehabilitative Center
15. Private clubs and lodges.
16. Snack Bar/Snack Shop
17. Snow Ball Stand

### **C. ACCESSORY USES:**

1. No-impact home based businesses.
2. Other accessory uses customarily incidental to a permitted principal use.
3. Private garages or parking areas.
4. Signs.

#### **D. USES PERMITTED WITH CONDITIONS**

All conditional uses expressly permitted in R-1(a) and R-1(b) are permitted in this district.

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

1. Amusement Park
2. Animal Grooming Service
3. Arts/Cultural Center/Museum
4. Art Gallery
5. Appliance Repair
6. Automated Teller Machines
7. Barber Shop/ Beauty Salon .
8. Convenience Store
9. Dance or Social Club
10. Drug stores/pharmacies
11. Dry Cleaning / Laundry, Pick up
12. Electrical Repair Shop
13. Emergency Shelter
14. Florist Shop
15. Fraternities and sororities
16. Gas Station Mini-Mart
17. Gas Station with Vehicle Repair
18. General Business, Administrative, Professional Offices
19. Laundromat
20. Intermediate care facility
21. Mobile Home Park/Trailer Park
22. Oil Change Facility
23. Private Clubs and Lodges
24. Rail Road Terminals
25. Recycling /Donation Collection
26. Restaurant Fast Food
27. Restaurant - Large
28. Shoe Repair/Tailor
29. Parking Lot
30. Planned Residential Development.
31. University, College
32. Wellness Center

### E. USES BY SPECIAL EXCEPTION

There are no uses by special exception provided for in the R-2 Multi-Family High Density Residential District.

### F. BULK, AREA AND HEIGHT REGULATIONS – R2

Table VII-4: Bulk, Area and Height Regulations - R2

<b>BULK, AREA AND HEIGHT REGULATIONS – R2</b>	
MINIMUM LOT AREA	Single family dwelling- 5,000 square feet. Two-family dwelling- 8,750 square feet. All other permitted uses- 10,800 square feet.
MAXIMUM BUILDING HEIGHT	35 ft. or 3 stories. All accessory structures- 1 story, no more than 15 feet.
MAXIMUM LOT COVERAGE	60% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT REQUIREMENTS	50 x 100 feet – Single family dwelling 50 x 175 feet – Two family dwelling 50 x 216 - All other permitted uses
FRONT YARD	20 ft.
INTERIOR SIDE YARD	20 feet total; 10 feet minimum one side.
CORNER SIDE YARD	15 ft. principal structures, 5 ft. accessory structures
REAR YARD	20 ft. principal structures, 10 feet accessory structures

### G. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

### H. SIGN REQUIREMENTS

See Article XIII of this ordinance

### I. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS

See Article XV of this ordinance

## **SECTION 7.05 C-1: COMMUNITY COMMERCIAL DISTRICT**

### **A. PURPOSE**

The purpose of the C-1 Community Commercial District is to provide opportunities for neighborhood or secondary retail and service establishments which supply commodities or perform services intended primarily for residents of the surrounding neighborhoods.

### **B. PRINCIPAL PERMITTED USES:**

All uses not expressly designated as permitted uses in C1 district are prohibited

All uses expressly permitted in R-1(A) and R-1(B) are permitted in this district. Additionally, permitted uses shall be limited to the following:

1. Amphitheater (open air theater)
2. Amusement facilities: all indoor uses
3. Animal Grooming Service
4. Animal Shelter
5. Antique shops
6. Auditorium / Lecture / Assembly Hall
7. Audio/ Video/ Movie Production
8. Automotive repair garages, provided all operations are conducted within the confines of a building established for such purposes.
9. Automotive service stations
10. Automated Teller Machines
11. Automotive Paint & Rentals
12. Automotive Repair Shop
13. Automotive Supply
14. Auction House
15. Automotive Tire Repair/Sales
16. Arts/Cultural Center/Museum
17. Art Gallery
18. Artist Studio
19. Appliance Sales
20. Apparel Shop
21. Appliance Repair
22. Assembly of previously manufactured furniture components, such as mattresses, chairs and sofas.
23. Animal hospitals
24. Bakery Retail
25. Bakery Wholesale
26. Barber Shop/ Beauty Salon
27. Bed and breakfast Inns
28. Betting Facility
29. Blood bank
30. Boarding or rooming houses for up to six boarders

31. Bottling works.
32. Business, Professional School
33. Business offices, Financial Institutions and Professional office, including doctors, lawyers, dentists, engineers, architects, landscape architects, plan services, realtors, insurance, and other similar uses not involving the sale of merchandise
34. Bulk dairy products retail.
35. Bus, railroad passenger and truck terminals.
36. Brew Pub
37. Bus Shelter
38. Catering Kitchen
39. Club or Lodge, Private
40. Car Wash/Detailing
41. Carpet cleaning.
42. Commercial auditoriums, coliseums or convention halls.
43. Commercial stables.
44. Creameries, including daily product processing.
45. Commercial recreation facilities, including private gyms. Commercial green houses and nurseries
46. Community Center
47. Conference Center
48. Convenience stores (gasoline pumps as an accessory use to convenience stores are permitted)
49. Department Store
50. Drug Store
51. Dry Cleaning / Laundry, Pick up Dry Cleaning Service
52. Dance or Social Club
53. Drive in restaurants.
54. Drive-through uses including but not limited to banks, restaurants, pharmacies and service
55. facilities, both public and private.
56. Drive-in Theatre/Outdoor
57. Driving Range Golf
58. Dog pound/animal shelters.
59. Dry cleaners and laundries.
60. Electrical Repair Shop
61. Emergency Shelter
62. Essential services 1 and 2
63. Essential Utilities & Equipment Fire
64. Fabrication of gaskets and packing of soft and metal materials.
65. Farmer's markets
66. Farmer's Market
67. Florist Shop
68. Funeral Home
69. Furniture Sales: New, Used,
70. Garden Center
71. Greenhouse Commercial
72. Grocery Store
73. Gun Store

74. Gas Station Mini-Mart
75. Garage, Public Access
76. General Business, Administrative, Professional Offices
77. Group Residential Facility
78. Grocery Store
79. Hardware stores
80. Health/Sports Club
81. Hotel
82. Half-way house
83. Heliport or Helipad
84. Hospital
85. Home Improvement/ Building Material Sales
86. Jewelry Store/ Repair
87. Indoor Recreational Facilities
88. Instructional Studio
89. Integrated neighborhood shopping centers
90. Kennel Commercial
91. Laboratories (non-medical)
92. Labor Pool
93. Laundromats
94. Lumber Yards
95. Liquor Store
96. Marine Supply Sales/Rental
97. Mixed use structures
98. Medical clinic
99. Medical office
100. Movie Theater Small
101. Mortuary parlors
102. Motorcycle Sales
103. Motor vehicle repair.
104. Motorcycle sales and repair.
105. Motel
106. Newsstand
107. Nursery,
108. Nursing Home/ Assisted Living/
109. Outdoor Recreation Facilities
110. Office Supplies/ Stationery
111. Office Equipment & Repair
112. Oil Change Facility
113. Outdoor Flea Market Pawnshop Small Engine
114. Self serve gas stations
115. Shooting Range (Indoor or Outdoor)
116. Plant Office Equipment Repair
117. Printing/ Copying Small Convenience Store
118. Passenger Station: Bus, Rail
119. Pawn Shop



120. Personal services including, but not limited to beauty shops, manicurists, barber shops, shoe repairs, minor appliance repair and dry cleaning pickup
121. Restaurants, fast food and sit-down.
122. Restaurant Large
123. Restaurant Small
124. Retail businesses excluding automobile, boat, camper, or any other retail service requiring outdoor storage of goods
125. Repair Shop
126. Research and Development
127. Studios of artist and photographers, including small schools or studios such as arts and crafts schools.
128. Self Storage/Outdoor Storage
129. Restaurants, the service of alcohol as an accessory use of a restaurant is expressly permitted.
130. Reception hall, fraternal lodges. General store.
131. Recycling /Donation Collection
132. Research & Development
133. Self serve gas stations.
134. Shops for the repair and servicing of the following: bicycles, computers, radios, televisions, stereos and recorders, and other electronic equipment, household appliances, locksmith, and typewriters and comparable equipment.
135. Shops for the following uses: florist, books and stationary, gifts, health food, grocery, auto parts, office supplies, kitchen goods, electronic goods, appliances, animal feed and grooming products, farm or pet supply products, dressmakers, millinery, tailoring, clothing, bakery goods sales, laundry and dry cleaning pickup stations, theaters, but not the drive in type
136. Snack Bar/Snack Shop
137. Shop Automotive Rentals
138. Small Souvenir Shop
139. Spa Sporting Goods
140. Sales Tattoo/ Piercing
141. Tavern/Bar
142. Timeshare/ Vacation Rental
143. Trailers used as temporary construction offices
144. Taxicab Service/ Parking
145. Temporary sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sale
146. Telecommunications class III
147. Used car sales.
148. Upholstery / Interior Decorating Service
149. United States Post Office Town or City Hall
150. University, College
151. Utility Customer Service Center
152. Video Rental/Sales
153. Vegetable, poultry and fish markets provided they comply to all other laws regulations and ordinances
154. Veterinary Clinic

- 155. Video Gaming / Lottery Establishment
- 156. Water Tower/ Storage Tank
- 157. Wholesale establishments, warehouses, automotive display, sales and associated uses except wrecking and storage of junk vehicles.
- 158. Wholesale sales with related offices, storage and warehousing entirely
- 159. Wellness Center

**C. ACCESSORY USES:**

- 1. Signs.
- 2. Accessory uses on the same lot with and customarily incidental to a principal use.

**D. USES PERMITTED WITH CONDITIONS**

All conditional uses expressly permitted in R-1(a), R-1(b) and R(2) are permitted in this district.

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance

- 1. Boat Repair Shop
- 2. Car Wash/Detailing Gas Station Mini-Mart
- 3. Essential Utilities & Equipment
- 4. Farmer's Market
- 5. Furniture Sales: New, Used, Garden Center Greenhouse Commercial Grocery Store Gun Store Hardware Store
- 6. Large Shopping Center
- 7. Motorcycle Sales
- 8. Printing/ Copying Small Convenience Store
- 9. Office Supplies/ Stationery
- 10. Printing and Publishing
- 11. RV and Camper Sales, Repair
- 12. Sexually / Adult Oriented
- 13. Shoe Repair/Tailor
- 14. Shopping Center
- 15. Self Storage - Outdoors
- 16. Telecommunications class II
- 17. Telecommunications class III
- 18. Upholstery / Interior Decorating Service

## E. BULK, AREA AND HEIGHT REGULATIONS – C1

Table VII-5: Bulk, Area and Height Regulations - C1

<b>BULK, AREA AND HEIGHT REGULATIONS – C1</b>	
MINIMUM LOT AREA	11,250 square feet.
MAXIMUM BUILDING HEIGHT	35 ft. or 3 stories. All accessory structures- 1 story, no more than 15 feet.
MAXIMUM LOT COVERAGE	60% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT REQUIREMENTS	75 x 150 ft.
FRONT YARD	50 ft.
INTERIOR SIDE YARD*	20 feet total; 10 feet minimum one side. If abutting residential, 40 feet total; 20 feet minimum one side.
CORNER SIDE YARD	15 ft. principal structures, 5 feet accessory structures
REAR YARD**	20 ft. principal structures, 10 feet accessory structures If abutting residential 40 feet total

## F. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## G. SIGN REQUIREMENTS

See Article XIII of this ordinance

## H. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS

See Article XV of this ordinance

## **SECTION 7.06 C-2: HIGHWAY COMMERCIAL DISTRICT**

### **A. PURPOSE**

The purpose of the C-2 Highway Commercial District is to provide areas with access to higher volume roadways and are separated from low density residential uses, for a variety of commercial and service uses.

The C-2 heavy commercial district is intended to accommodate a wide variety of commercial and retail uses, as well as offices, businesses and personal services that serve the needs of the community and the region. The intent is to provide for large-scale commercial uses that are typically land intensive and are not well suited to being located in neighborhoods or the central business district. These districts are best located along major arterial streets.

### **B. PRINCIPAL PERMITTED USES:**

All uses not expressly designated as permitted uses in a C2 district are prohibited.

All uses allowed in C-1 district are also permitted in C-2 district.

Additionally, in the C2 district, permitted uses shall be limited to the following:

1. Large Shopping Center
2. Boat Repair Shop
3. RV and Camper Sales, Repair

### **C. ACCESSORY USES**

1. Accessory uses permitted in all zoning districts.
2. Accessory uses on the same lot with and customarily incidental to the principal use.
3. Drive through windows associated with any use.
4. Outdoor storage.
5. Stalls or merchandise stands for outdoor sale of goods at street front encroachment onto sidewalk may be permitted by agreement with City); outdoor storage is expressly prohibited. Items for outdoor sales are returned to inside the building at the end of each business day; goods not brought in at the close of business each day are considered outdoor storage.
6. Signs.
7. Warehousing accessory to merchandise showroom, within an enclosed building.

**D. USES PERMITTED WITH CONDITIONS**

All conditional uses expressly permitted in C-1 are also permitted in this district.

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance

1. Adult business
2. Car wash
3. Commercial kennel
4. Gasoline service stations, including service and repair of motor vehicles
5. Wrecker service storage
6. Signs
7. Truck stops

**E. BULK, AREA AND HEIGHT REGULATIONS – C2**

F.

**Table VII-6: Bulk, Area and Height Regulations - C2**

<b>BULK, AREA AND HEIGHT REGULATIONS – C2</b>	
MINIMUM LOT AREA	11,250 square feet.
MAXIMUM BUILDING HEIGHT	55 ft. or 4 stories. All accessory structures- 1 story, no more than 15 feet.
MAXIMUM LOT COVERAGE	60% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT REQUIREMENTS	75 x 150 feet
FRONT YARD	50 ft.
INTERIOR SIDE YARD*	20 feet total; 10 feet minimum one side. If abutting residential, 60 feet total; 30 feet minimum one side.
CORNER SIDE YARD	15 ft. principal structures, 5 feet accessory structures
REAR YARD**	20 ft. principal structures, 10 feet accessory structures If abutting residential 60 feet total

**G. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

**H. SIGN REQUIREMENTS**

See Article XIII of this ordinance

**I. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS**

See Article XV of this ordinance.

## **SECTION 7.07 M1: LIGHT INDUSTRIAL DISTRICT**

The purpose of the M1 Industrial District is to allow for a variety of commercial, warehousing and industrial uses and economic opportunities relative to those uses. Uses in this district create little or no environmental or safety issues.

### **A. PRINCIPAL PERMITTED USES**

All uses not expressly designated as permitted uses in an M1 district are prohibited.

All uses expressly permitted in R1 (A), R1 (B), R2, CI, and C2 provided that no business or use shall be allowed which involves the sale or serving of alcoholic beverages for consumption on the premises.

The following uses are permitted as long as these uses are not obnoxious, offensive or create a nuisance or present an unreasonable danger due, but not limited to, noise, odor, gas, dust, solids, liquids, water, or air pollution, vibration, fire, explosion, or accidental release:

1. Assembly plants
2. Barge loading repairs and fabrication,
3. Bakeries & Wholesale,
4. Bedding/Carpet manufacturing,
5. Cabinet shops ,
6. Canvas goods manufacturing ,
7. Clothing/Textile manufacturing,
8. Book binderies,
9. Boat works ,
10. Bottling plants ,
11. Bottled gas sales and/or service,
12. Brick, tile & pottery yard,
13. Canneries (except fish and meat products),
14. Cellophane products manufacturing,
15. Ceramic products manufacturing (previously pulverized clay kilns fired only by electricity or gas),
16. Cold storage or refrigerating plants,
17. Concrete mixing or batching plants,
18. Confectionery manufacturing,
19. Contractors storage yards,
20. Distribution centers,
21. Electrical parts manufacturing and assembly,
22. Exterminators ,
23. Fiber products manufacturing (previously prepared fiber),
24. Farm machinery manufacturing and repair,
25. Food products manufacturing (except fish, and meat products, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils),
26. Foundry, casting lightweight nonferrous metal (no brass, manganese, bronze, zinc),
27. Fruit or vegetable canneries,

28. Furniture manufacture,
29. Garment manufacturing,
30. Glass products manufacturing,
31. Grain elevators, Greenhouse,
32. Commercial Iron works, ornamental (no foundry, drop hammer, and no punch presser over twenty (20) tons' capacity), § Ice manufacturing,
33. Leather products manufacturing (previously prepared leather),
34. Light industrial parks,
35. Linen/Uniform service ,
36. Machinery equipment sales and service,
37. Millwork,
38. Open storage of building material, § Monument works/sales
39. Landscaping and lawn services
40. Lumber yard
41. Lumber, coal, machinery, and pipe, provided that a solid fence or solid screen planting at least six (6) feet high shall be provided along all property lines adjoining the residential or commercial district,
42. Paint mixing and treatment (not employing a boiling process),
43. Paper products manufacturing (previously prepared material),
44. Plastic products manufacturing,
45. Petrochemical products bulk terminal,
46. Petroleum products-bulk terminal,
47. Pharmaceutical manufacturing,
48. Plastic products manufacturing (previously prepared material),
49. Poultry processing plants (subject to obtaining a petition of the majority of the property owners within three hundred feet of the proposed site, and one hundred percent on both sides of the street within the block that the proposed site is to be located),
50. Publishing and printing,
51. Railroad freight terminals,
52. Rubber product manufacturing switching and classification yards, repair shops, power houses, and fueling, sanding and watering stations,
53. Sheet metal products manufacturing (light),
54. Sign manufacture,
55. Springs manufacturing
56. Stone and clay product manufacturing ,
57. Television and radio broadcasting transmitters,
58. Textile products manufacturing,
59. Tire retreading, recapping or rebuilding,
60. Tool manufacturing (no drop hammer or punch presses of over twenty (20) tons' capacity),
61. Tobacco products manufacturing
62. Toy manufacturing
63. Warehouse or storage building

**B. USES PROHIBITED:**

1. Any residential use other than permitted caretaker housing
2. Ammonia, chlorine or bleaching powder manufacture
3. Animal slaughtering
4. Asphalt batching plant and rock, sand and gravel pit crushing and screening plant
5. Automobile wrecking, dismantling, and salvage yards
6. Bone, coal or wood distillation
7. Buildings or trailers erected for residential use
8. Mobile home parks
9. Cellular phone towers
10. Explosive manufacture or storage
11. Fat rendering
12. Fertilizer manufacture
13. Foundry or smelting of ferrous metals, steel mill or boiler works
14. Garbage, offal, dead animal or refuse incineration, reduction or dumping
15. Glue manufacture
16. Hydrochloric, nitric or sulfuric acid manufacture
17. Junk, rag or scrap iron storage yards or bailing
18. Landfills
19. Petroleum refining or petroleum products manufacture
20. Rock, sand or gravel excavating
21. Rubber or gutta-percha manufacture
22. Soap manufacture
23. Stockyard, cattle-feeding yard or hog ranch
24. Tallow, grease or lard manufacture or refining
25. Tanning, curing or storing of raw hides or skins



### **C. ACCESSORY USES:**

Customary accessory uses and structures permitted within this Ordinance as complementary to the principal structure shall be located per all uses by the following:

1. No structure shall be located within the minimum distance of the front lot line to the building line of the principal structure.
2. No garage or other accessory building shall be within a required front yard, nor within a side yard although in any I General Industrial District a parking area may utilize that portion of a side yard not otherwise required for a planting screen.
3. Any access drive may be located within a required side yard or required front yard.
4. Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street through either a driveway on the same lot or through means of a permanent easement across an adjoining lot.
5. No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage or any other use.

### **D. USES PERMITTED WITH CONDITIONS**

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

1. Amusement facilities, outdoor
2. Commercial outdoor kennel
3. Essential services 1 and 2
4. Parks
5. Temporary sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales)
6. Truck terminals

Only permitted upon finding by the Planning and Zoning Commission that the proposed use is not likely to be dangerous, offensive or detrimental to the health, safety, welfare, or general character of the zoning district or community by reason of the emission of dust, gas, fumes, odors, glare, noise, vibrations, low-level radioactive waste, or otherwise.

E. BULK, AREA AND HEIGHT REGULATIONS – M1

Table VII-7: Bulk, Area and Height Regulations - M1

<b>BULK, AREA AND HEIGHT REGULATIONS – M1</b>	
MINIMUM LOT AREA	5 acres (217,800 SF)
MAXIMUM BUILDING HEIGHT	All principal structures- Six (6) stories or 75 feet. All accessory structures- Two (2) stories or 24 feet.
MAXIMUM LOT COVERAGE	50% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT WIDTH	300 x 726 feet
FRONT YARD	For properties fronting the river: 2000 ft For properties not fronting the river 1000 feet
INTERIOR SIDE YARD	100 feet total; 50 feet minimum one side. Abutting residential districts – 2,000 feet. Abutting institutional district - 500 feet Abutting institutional district with residential uses - 1000 feet Accessory structures- 50 feet
CORNER SIDE YARD*	Principal – 500 feet Accessory- 100 feet
REAR YARD	Principal structures – 200 feet Abutting residential districts – 2,000 feet. Abutting institutional district - 500 feet. Abutting institutional district with residential uses - 1000 feet Accessory structures- 50 feet

**Setback Exception:** Anything contained in this Ordinance to the contrary notwithstanding, docking facilities, on-loading and off-loading facilities, pipelines, ancillary equipment/facilities may be located within the minimum setback from the land side toe of the Mississippi River levee.

F. USE LIMITATIONS

All uses within the M1 light industrial district shall be subject to the following limitations:

1. The owner or operator shall provide adequate safeguards to limit obnoxious or offensive emissions of smoke, gases, noise, glare, dust, and odors or other noxious or offensive fumes, in accordance with applicable federal and state regulations; these safeguards shall minimize adverse impacts and nuisance to the extent practicable under the circumstances.
2. Where a lot or tract in an M1 district is next to a Residential, Institutional or Commercial district, a solid fence or solid screen planting at least eight (8) feet high shall be provided along all property lines adjoining the Residential, Institutional or Commercial district.
3. No parking devices or structures shall be located within this Buffer Yard area, except that parking is allowed in the buffer yard between M1 and M2 districts.

4. A Buffer Yard shall be located on the outer perimeter of an M1 lot or parcel, extending to the M1 lot or parcel boundary line, with the following distances and the following circumstances:
  - a. Where an M1 district adjoins residential districts – 2,000 feet
  - b. Where an M1 district adjoins institutional district - 500 feet
  - c. Where an M1 district adjoins institutional district with residential uses - 1000 feet
  - d. Where M1 district adjoins commercial districts 100 feet
5. A buffer yard is defined as a yard area that shall remain as a green area to provide separation between land uses. A minimum of one Class A tree or existing tree credit for every sixty linear feet, or fraction thereof, of M1 outer perimeter property line is required in the buffer yard. No parking devices or structures shall be located within this area. The buffer yard shall be kept free of trash and shall be well maintained by the property owner. A reduction in the buffer yard requirements shall be allowed provided that a petition is submitted which has been signed by at least fifty-one (51%) percent of the property owners within 1000 feet of the required buffer yard.
6. The Planning and Zoning Commission shall be notified in writing by the applicant at the time of initial application for any local, state or federal permits for any proposed plant expansions, pipeline(s) or new construction. The Planning and Zoning Commission shall be furnished upon request and at no charge a copy of any permit application(s) by the person(s) making such permit applications.
7. Facilities required to submit annual Toxic Release Inventory emissions data under SARA Title 3134 to the United States Environmental Protection Agency and Tier II Emergency and Hazardous Chemical Inventory forms to the State of Louisiana shall upon request and at no charge, furnish a copy of the those submissions to the Planning and Zoning Commission. No hazardous materials which are listed on the latest National Toxicology Programs Annual Report on carcinogens, SARA Title III Section 302 (EHS) and / or SARA Title III Section 313 (toxicity) shall be manufactured in the M1 light industrial district as a finished product for sale to third parties.
8. To the extent practical under the circumstances, all active operations within the M1 district shall be enclosed within a security fence.
9. All uses, buildings, structures, facilities, premises, setbacks, buffer yards, vehicular use areas, fences, walls, solid screen plantings, and landscaping, if any, lawfully existing at the time of enactment of this Ordinance on properties zoned M1 by this Ordinance shall be deemed to comply with this Ordinance in all respects. Any building, structure, facility, premises or use lawfully existing at the time of enactment of this Ordinance on property zoned M1 by this Ordinance may be extended, reconstructed, altered, enlarged, repaired, modified, changed or improved at any time on property zoned M1 in accordance with zoning requirements.

## **G. SITE PLAN REQUIREMENTS**

A site plan(s) shall be prepared by a Registered Professional Engineer and/or a Registered Land Surveyor at a scale of 1"=20', or such scale as may be approved by the Commission, on standard 24" x 36" sheets and continuation on 8 1/2" x 11" sheets as necessary for narrative. The site plan shall include:

1. Name of the project, locus, boundaries, date, and scale of the plan.
2. Name and address of the record owner, developer, and seal of the engineer or surveyor.
3. Names and addresses of all record owners within three hundred (300) feet of the property line.
4. All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and locations and use of structures within three hundred (300) feet of the site.
5. The location and use of all existing and proposed buildings and structures within the site plan, including dimensions and height, and showing exterior entrances, exits and all anticipated future additions or alterations. The requirements of this section will not apply to residential developments.
6. Location of all present and proposed private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, buffers for screening purposes, paths, landscaping, lighting fixtures, planting areas, walls, signs, service areas, refuse and other waste disposal containers.
7. Location of all present and proposed utility systems including sewage or septic system, water supply system, existing and proposed surface and subsurface drainage systems, telephone, cable and electric lines. Storm drainage system will include existing and proposed drain lines, culverts, drainage swales, catch basins, subdrainage along with soil logs, percolation tests when necessary, and drainage calculations. The applicant shall submit plans to prevent the pollutions of surface or groundwater, erosion of soil, excessive run-off or precipitation, excessive raising or lowering of the water table and flooding of other properties.
8. Existing and proposed topography at a two-foot contour interval. Sufficient information to indicate areas in the site and within 50 feet of the site where gravel removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coast and Geodetic Bench Mark (or National Geodetic Vertical Datum).
9. A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.

10. Zoning District boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan. Floodplain boundaries and the square feet within this district shall be shown.
11. Existing and proposed business signs and traffic signs located on side and within one hundred (100) feet of the site, and the size, dimension, height, color, and illumination of all signs.
12. The dimensions, size, square footage, and shape of the lot to be built upon as shown on a survey by a licensed land surveyor or registered design professional licensed by the State of Louisiana.
13. The exact sizes and locations on the lot of existing structures, if any.
14. The location, square footage, and dimensions of the proposed structure or alteration;
15. The location of the lot with respect to adjacent rights-of-way.
16. The existing and proposed uses of the structure and land.
17. The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate and as defined by code occupancy.
18. The location and dimensions of off-street parking and means of ingress and egress
19. Height of structure.
20. Setbacks.
21. Buffer yard and screening, if applicable.
22. Location of garbage collection area and screening;
23. Location of sign(s).
24. Roadway typical detail for internal roadways.
25. Location and size of storm water management facilities.
26. Utility lines and rights-of-way.
27. Typed name, title and signature of applicant.
28. Drainage plan and drainage calculations that bear the name, address, signature, and seal of a registered professional engineer, with floodplain zones clearly denoted, and design details of all drainage facilities.

29. If applicable, design of storm water management facilities and drainage calculations that bear the name, address, and seal of a registered design professional licensed by the State of Louisiana.
30. Parking plan.
31. A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
32. Signage plan.
33. A traffic impact study, if required by the City Engineer to include:
  - a) Traffic flow patterns within the site, egresses and entrances, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site.
  - b) Traffic impact – the projected number of motor vehicle trips to enter or depart from the site shall be estimated for daily hour and peak.
  - c) Hour traffic levels.
  - d) A projected traffic flow pattern for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
  - e) The impact of this traffic upon existing abutting public and private ways in relation to road capacities. Existing and proposed daily hour and peak hour traffic levels will be given and road capacity levels.
  - f) As a result of subparagraph items 1 through 4 above, the Planning Board may request a plan to implement the improvements needed to provide for the free flow of traffic in areas surrounding the site and identified by the Planning Board as impacted by the proposed uses.
  - g) Any other such information concerning the lot or neighboring lots as may be required by the Public Services Director to determine conformance with, and provide for the enforcement of, this ordinance
  - h) If deemed necessary by the Public Services Director in the case of accessory structures or minor additions, a survey by a registered land surveyor or registered design professional licensed by the State of Louisiana, said survey to be provided by the applicant, showing all dimensions on plans relating to the size of the lot and the location of the structures thereon.

## **H. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## **I. SIGN REQUIREMENTS**

See Article XIII of this ordinance

## **J. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS**

See Article XV of this ordinance.

## **SECTION 7.08 M2: HEAVY INDUSTRIAL DISTRICT**

### **A. PURPOSE**

The purpose of the M2 Industrial District is to allow for a variety of heavy industry that has potential to create environmental or safety issues.

### **B. PRINCIPAL PERMITTED USES:**

All uses are permitted except those uses expressly designated as prohibited.

### **C. PROHIBITED USES**

1. Any residential use other than permitted caretaker housing
2. Ammonia, chlorine or bleaching powder manufacture
3. Animal slaughtering
4. Asphalt batching plant and rock, sand and gravel pit crushing and screening plant
5. Automobile wrecking, dismantling, and salvage yards
6. Bone, coal or wood distillation
7. Buildings or trailers erected for residential use
8. Mobile home parks
9. Cellular phone towers
10. Explosive manufacture or storage
11. Fat rendering
12. Fertilizer manufacture
13. Foundry or smelting of ferrous metals, steel mill or boiler works
14. Garbage, offal, dead animal or refuse incineration, reduction or dumping
15. Glue manufacture
16. Hydrochloric, nitric or sulfuric acid manufacture
17. Junk, rag or scrap iron storage yards or bailing
18. Landfills or similar uses
19. Petroleum refining or petroleum products manufacture
20. Rock, sand or gravel excavating
21. Rubber or gutta-percha manufacture
22. Soap manufacture
23. Stockyard, cattle-feeding yard or hog ranch
24. Tallow, grease or lard manufacture or refining
25. Tanning, curing or storing of raw hides or skins



**D. BULK, AREA AND HEIGHT REGULATIONS – M2**

**Table VII-8: Bulk, Area and Height Regulations - M2**

<b>BULK, AREA AND HEIGHT REGULATIONS – M2</b>	
MINIMUM LOT AREA	10 acres (435,600 SF)
MAXIMUM BUILDING HEIGHT	All principal structures- Six (6) stories or 75 feet. All accessory structures- Two (2) stories or 24 feet.
MAXIMUM LOT COVERAGE	50% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT WIDTH	600 x726 feet
FRONT YARD	For properties fronting the river: 2000 ft For properties not fronting the river 1000 feet
INTERIOR SIDE YARD	200 feet total; 100 feet minimum one side. Abutting residential districts – 2,000 feet. Abutting institutional districts – 750 Abutting institutional district with residential uses - 1000 feet Accessory structures- 50 feet
CORNER SIDE YARD*	Principal – 500 feet Accessory- 100 feet
REAR YARD	Principal structures – 200 feet Abutting residential districts – 2,000 feet. Abutting institutional district – 750 feet. Accessory structures- 100 feet

**E. USE LIMITATIONS**

All uses within the M2 heavy industrial district shall be subject to the following limitations:

1. See industrial standards for additional regulations – Article XVIII
2. The Planning and Zoning Commission shall be notified in writing by the applicant at the time of initial application for any local, state or federal permits for any proposed plant expansions, pipeline(s) or new construction. The Planning and Zoning Commission shall be furnished upon request and at no charge a copy of any permit application(s) by the person(s) making such permit applications. The Planning and Zoning Commission shall also be provided with a full set of construction documents and a site plan showing all proposed activities. The plans shall show buffer yards and other ordinance requirements.
3. The owner or operator shall provide adequate safeguards to limit obnoxious or offensive emissions of smoke, gases, noise, glare, dust, and odors or other noxious or offensive fumes, in accordance with applicable federal and state regulations; these safeguards shall minimize adverse impacts and nuisance to the extent practicable under the circumstances.
4. Where a lot or tract in an M2 district is next to a Residential, Institutional or Commercial district, a solid fence or solid screen planting at least eight (8) feet high shall be provided along all property lines adjoining the Residential, Institutional or Commercial district.

5. No parking devices or structures shall be located within this Buffer Yard area, except that parking is allowed in the buffer yard between M1 and M2 districts.
6. A Buffer Yard shall be located on the outer perimeter of an M1 lot or parcel, extending to the M1 lot or parcel boundary line, with the following distances and the following circumstances:
  - a. Where an M2 district adjoins residential districts – 2,000 feet
  - b. Where an M2 district adjoins institutional district - 750 feet
  - c. Where an M2 district adjoins institutional district with residential uses - 1000 feet
  - d. Where M2 district adjoins commercial districts - 200 feet
7. A buffer yard is defined as a yard area that shall remain as a green area to provide separation between land uses. A minimum of one Class A tree or existing tree credit for every sixty linear feet, or fraction thereof, of M1 outer perimeter property line is required in the buffer yard. No parking devices or structures shall be located within this area. The buffer yard shall be kept free of trash and shall be well maintained by the property owner. A reduction in the buffer yard requirements shall be allowed provided that a petition is submitted which has been signed by at least fifty-one (51%) percent of the property owners within 1000 feet of the required buffer yard.
8. The Planning and Zoning Commission shall be notified in writing by the applicant at the time of initial application for any local, state or federal permits for any proposed plant expansions, pipeline(s) or new construction. The Planning and Zoning Commission shall be furnished upon request and at no charge a copy of any permit application(s) by the person(s) making such permit applications.
9. Facilities required to submit annual Toxic Release Inventory emissions data under SARA Title 3134 to the United States Environmental Protection Agency and Tier II Emergency and Hazardous Chemical Inventory forms to the State of Louisiana shall upon request and at no charge, furnish a copy of the those submissions to the Planning and Zoning Commission. No hazardous materials which are listed on the latest National Toxicology Programs Annual Report on carcinogens, SARA Title III Section 302 (EHS) and / or SARA Title III Section 313 (toxicity) shall be manufactured in the M2 light industrial district as a finished product for sale to third parties.
10. To the extent practical under the circumstances, all active operations within the M1 district shall be enclosed within a security fence.
11. All uses, buildings, structures, facilities, premises, setbacks, buffer yards, vehicular use areas, fences, walls, solid screen plantings, and landscaping, if any, lawfully existing at the time of enactment of this Ordinance on properties zoned M1 by this Ordinance shall be deemed to comply with this Ordinance in all respects. Any building, structure, facility, premises or use lawfully existing at the time of enactment of this Ordinance on property zoned M1 by this Ordinance may be extended, reconstructed, altered, enlarged, repaired,

modified, changed or improved at any time on property zoned M1 in accordance with zoning requirements.

## **F. SITE PLAN REQUIREMENTS**

A site plan(s) shall be prepared by a Registered Professional Engineer and/or a Registered Land Surveyor at a scale of 1"=20', or such scale as may be approved by the Commission, on standard 24" x 36" sheets and continuation on 8 1/2" x 11" sheets as necessary for narrative. The site plan shall include:

1. Name of the project, locus, boundaries, date, and scale of the plan.
2. Name and address of the record owner, developer, and seal of the engineer or surveyor.
3. Names and addresses of all record owners within three hundred (300) feet of the property line.
4. All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and locations and use of structures within three hundred (300) feet of the site.
5. The location and use of all existing and proposed buildings and structures within the site plan, including dimensions and height, and showing exterior entrances, exits and all anticipated future additions or alterations. The requirements of this section will not apply to residential developments
6. Location of all present and proposed private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, buffers for screening purposes, paths, landscaping, lighting fixtures, planting areas, walls, signs, service areas, refuse and other waste disposal containers.
7. Location of all present and proposed utility systems including sewage or septic system, water supply system, existing and proposed surface and subsurface drainage systems, telephone, cable and electric lines. Storm drainage system will include existing and proposed drain lines, culverts, drainage swales, catch basins, subdrainage along with soil logs, percolation tests when necessary, and drainage calculations. The applicant shall submit plans to prevent the pollutions of surface or groundwater, erosion of soil, excessive run-off or precipitation, excessive raising or lowering of the water table and flooding of other properties.
8. Existing and proposed topography at a two-foot contour interval. Sufficient information to indicate areas in the site and within 50 feet of the site where gravel removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coast and Geodetic Bench Mark (or National Geodetic Vertical Datum).
9. A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.

10. Zoning District boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan. Floodplain boundaries and the square feet within this district shall be shown.
11. Existing and proposed business signs and traffic signs located on side and within one hundred (100) feet of the site, and the size, dimension, height, color, and illumination of all signs.
12. The dimensions, size, square footage, and shape of the lot to be built upon as shown on a survey by a licensed land surveyor or registered design professional licensed by the State of Louisiana;
13. The exact sizes and locations on the lot of existing structures, if any.
14. The location, square footage, and dimensions of the proposed structure or alteration.
15. The location of the lot with respect to adjacent rights-of-way.
16. The existing and proposed uses of the structure and land.
17. The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate and as defined by code occupancy.
18. The location and dimensions of off-street parking and means of ingress and egress for such space.
19. Height of structure.
20. Setbacks.
21. Buffer yard and screening, if applicable.
22. Location of garbage collection area and screening;
23. Location of sign(s);
24. Roadway typical detail for internal roadways;
25. Location and size of stormwater management facilities;
26. Utility lines and rights-of-way; and
27. Typed name, title and signature of applicant.

28. Drainage plan and drainage calculations that bear the name, address, signature, and seal of a registered professional engineer, with floodplain zones clearly denoted, and design details of all drainage facilities.
29. If applicable, design of stormwater management facilities and drainage calculations that bear the name, address, and seal of a registered design professional licensed by the State of Louisiana.
30. Parking plan.
31. A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
32. Signage plan.
33. A traffic impact study, if required by the City Engineer to include:
  - a. Traffic flow patterns within the site, egresses and entrances, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site.
  - b. Traffic impact – the projected number of motor vehicle trips to enter or depart from the site shall be estimated for daily hour and peak.
  - c. Hour traffic levels.
  - d. A projected traffic flow pattern for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
  - e. The impact of this traffic upon existing abutting public and private ways in relation to road capacities. Existing and proposed daily hour and peak hour traffic levels will be given and road capacity levels.
  - f. As a result of subparagraph items a through e above, the Commission may request a plan to implement the improvements needed to provide for the free flow of traffic in areas surrounding the site and identified by the Commission as impacted by the proposed uses.
  - g. Any other such information concerning the lot or neighboring lots as may be required by the Public Services Director to determine conformance with, and provide for the enforcement of, this ordinance.
  - h. If deemed necessary by the Public Services Director in the case of accessory structures or minor additions, a survey by a registered land surveyor or registered design professional licensed by the State of Louisiana, said survey to be provided by the applicant, showing all dimensions on plans relating to the size of the lot and the location of the structures thereon.

## **G. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## **H. SIGN REQUIREMENTS**

See Article XIII of this ordinance

## **I. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS**

See Article XV of this ordinance.

## **SECTION 7.09 I: INSTITUTIONAL DISTRICT**

### **A. PURPOSE**

The purpose for the establishment of the (I) Institutional District is to provide an area for the maintenance, development and expansion of educational and related activities and services for school-aged persons in within city limits of the City of St. Gabriel. Additionally, the intent of this district is to provide an area for the establishment federal and/or state properties and facilities.

### **B. PRINCIPAL PERMITTED USES**

All uses expressly permitted under R1.

All uses not expressly designated as permitted uses in I district are prohibited.

Additionally, the following uses are permitted:

1. Administrative offices.
2. Football stadiums and baseball fields.
3. Federal and/or State prisons, prison fare.
4. Education facilities, including classroom buildings, libraries, and science laboratories.
5. Hospital and/or long term care/residence facility with accompanying support functions (recreational, etc.)
6. Interior and exterior recreation facilities, including but not limited to gymnasiums.
7. University agricultural research station.
8. Single family residential for those individuals affiliated with the institution (one or multiple family units per institutional property), and agricultural.
9. All uses not expressly designated as permitted uses in an I district are prohibited.

### **C. ACCESSORY USES:**

1. Dish antennas.
2. Maintenance structures.
3. Parking areas.
4. Signs.

### **D. USES PERMITTED WITH CONDITIONS**

There are no conditional uses provided for in the I Institutional Zoning District.

## E. BULK, AREA AND HEIGHT REGULATIONS - I

Table VII-9: Bulk, Area and Height Regulations - I

<b>BULK, AREA AND HEIGHT REGULATIONS - I</b>	
MINIMUM LOT AREA	5 acres – 217,800 sq. ft.
MAXIMUM BUILDING HEIGHT	All principal structures- Four (4) stories or 55 feet. All accessory structures- Two (2) stories or 24 feet.
MAXIMUM LOT COVERAGE	60% for all principal and accessory structures
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT WIDTH	300 x 726 feet
FRONT YARD	75 feet
INTERIOR SIDE YARD	75 feet total; 37.5feet minimum one side.
CORNER SIDE YARD*	15 feet - Principal 5 feet- Accessory
REAR YARD	75 ft. principal structures 20 feet - Accessory structures

## F. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## G. SIGN REQUIREMENTS

See Article XIII of this ordinance.

## H. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS

See Article XV of this ordinance.



## **SECTION 7.10 MUD: MIXED USE DISTRICT**

### **A. PURPOSE**

This district provides for areas with a mixture of residential and commercial uses that meet the daily shopping and service needs of the residents of the neighborhood, encourages pedestrian-oriented, human scaled construction designed to be compatible with the surrounding neighborhood character, preserves the desirable character of these mixed use neighborhoods, protects them from intrusion that may cause deterioration, and provides for adequate light, ventilation, quiet, and privacy for neighborhood residents.

1. To encourage a mixture of compatible and synergistic land uses, such as residential with compatible non-residential uses including office, retail, personal services, public spaces and other community amenities. These uses are allowed as either:
2. To strengthen the interaction between residential, commercial and employment uses in order to reduce dependency on automobiles, improve air quality, decrease urban sprawl, facilitate use of transit and encourage conservation of land resources.
3. To provide opportunities for transit-oriented development.
4. To revitalize deteriorating commercial areas by integrating residential uses and public institutions into the commercial fabric to create an active street life and enhance the vitality of businesses.
5. To provide alternatives to new development of small shopping centers.
6. To foster pedestrian-oriented activity nodes by providing a mix of uses in compact, walkable areas.
7. To increase the area available for residential development and provide alternative types of housing.
8. To provide appropriate locations for a broad range of live/work activities to occur.
9. To encourage medium- and high-density residential development to occur in close proximity to employment and services.
10. To allow for a greater variety of land uses and structures, including adaptive reuse of existing structures and flexibility in site planning.

**B. PRINCIPAL PERMITTED USES:**

1. Bakery Retail
2. Catering Kitchen
3. Community Center
4. Community Gardens
5. Daycare Facility - Home Based
6. Dwelling Townhome
7. Dwelling Single family
8. Dwelling Two-family
9. Essential Utilities & Equipment
10. Fire, Police Station
11. Home Occupation class 1
12. Restaurant, Large
13. Restaurant, Small
14. Snack Bar/Snack Shop
15. Telecommunications Class I

**C. USES PERMITTED WITH CONDITIONS**

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

1. Administrative, Professional
2. Arts/Cultural Center/Museum
3. Animal Grooming Service
4. Apparel Shop
5. Apparel repair
6. Art Gallery
7. Arts Studio
8. Automotive Repair Shop
9. Automotive Supply
10. Automated Teller Machines
11. Barber Shop/ Beauty Salon
12. Bed and Breakfast Inn
13. Business/Professional Schools
14. Bus Shelter
15. Brew Pub
16. Car Wash/Detailing
17. Club or Lodge, Private
18. Convenience Store
19. Churches, Places of Worship Daycare Facility
20. Cemetery
21. Day Care Facilities

22. Drug Store
23. Dry Cleaning
24. Electrical Repair Shop
25. Farmers Market
26. Florist Shop
27. Funeral; Home
28. Furniture Store
29. General Business,
30. Gas Station
31. Garage, Public Access
32. Greenways/ Bikeways
33. Heliports/Helipad
34. Home Occupations Class 2
35. Indoor Recreational Facilities
36. Instructional Studio
37. Jewellery Store
38. Laundromat
39. Health/Sports Club
40. Movie Theater Small
41. Medical office
42. Office Supplies/ Stationery
43. Outdoor Recreation Facilities
44. Offices
45. Parking Lot
46. Park and Recreational Facilities
47. Preschool/Nursery Schools
48. Printing
49. Recycling/Donation Collection
50. School K-12
51. Snow Ball Stand
52. Telecommunications class I & II
53. Timeshares and vacation rentals
54. Townhouse
55. Veterinary Clinic
56. Wellness Center

#### **D. PROHIBITED USES**

1. Outdoor automatic food, drink, and other personal product vending machines (excluding automated teller machines and pay phones).
2. Outdoor advertising as a primary use.
3. Wrecking yard, auto salvage, junkyard or outside reclamation.
4. Mobile homes.
5. Kennels.
6. Sand, Gravel or other mineral storage and/or extraction, except where the sand or gravel is stored as part of a temporary concrete batch plant.
7. Chemical manufacturing, storage, or distribution (excluding retail pool supplies and garden supplies)
8. Any use that can be classified as a Light or Heavy Industry as defined herein.
9. Outdoor storage (excluding firewood not for sale and for personal use).
10. RV Parks.

#### **E. USE REGULATIONS.**

1. Uses may be singular, stand-alone uses or combined uses in a mixed-use development, provided such uses are consistent with the objectives and policies of the General Plan and adhere to the definitions, development and design standards set forth herein.
2. Certain uses, although permitted, may be inappropriate at specific sites in order to meet the intent of the zone. The Site Plan Review process is used to determine whether a proposed use is appropriate at a specific location.
3. Certain uses may be subject to special conditions regarding the location, operation or design of the use.
4. When a use is not specifically listed in the table in this section (Mixed-Use Zones Development Standards), the Zoning Administrator, pursuant to the provisions (Interpretation of Code), shall have the authority to determine whether the proposed use is permitted based on the finding that the use is similar to and no more detrimental than those permitted in the zone. Uses not listed, or otherwise determined by the Zoning Administrator to be permitted, are prohibited.

#### **F. DEVELOPMENT STANDARDS**

Mixed-Use Zones Development Standards table identifies the development standards applicable to all development in the mixed-use zones. Certain development standards may be subject to special conditions. These standards are provided here or as otherwise referenced. Under Site Plan Review, more restrictive development standards may be applied by the Planning Commission.

**Table VII-10: Mixed-Use Zones Development Standards**

<b>MIXED-USE ZONES DEVELOPMENT STANDARDS – MUD</b>		
Lot Area - Minimum	7,000 sq. ft.	
Lot Depth - Minimum	100 ft.	
Lot Width - Minimum	75 ft.	
Front Yard Setback - Minimum	25 ft.	See Note 1
Side Yard Setback - Minimum	5 ft. except as required by building or fire codes	See Note 2
Rear Yard Setback Minimum	25 ft.	See Note 3
Building Height - Maximum	4 stories, 48 feet	See Note 4
Maximum Lot Coverage		
Front Building Facade Length - Maximum	60 feet	
FAR - Maximum	3.0	See Note 5
Residential Density - Maximum	30 du/ac	See Note 6
Open Space Requirements - Stand Alone	See Note	
Open Space Requirements - Mixed Use Development	50 sq. ft./du	

1. Additional setback may be required depending on existing street frontage.
2. The minimum side yard setback shall be 25 feet when adjacent to a residential zone or if the project contains a residential component.
3. The minimum rear yard setback for any mixed-use zone shall be 25 feet when adjacent to a residential zone or if the project contains a residential component. Where a development abuts an alley to the rear, the rear setback shall be measured from the centerline of the alley.
4. The maximum building height in the for mixed uses adjacent to residential developments shall be shall be 35 feet, or 2 stories, whichever is less.
5. The maximum floor-area ratio (FAR) applies to all development on the site, excluding parking structures.
6. Private useable open space shall have a minimum dimension on any side of 5 feet. Private useable open space can also be met through equivalent design features as approved by the Planning Commission.
7. Common useable open space may be divided into more than one area; however, each area shall be a minimum of 625 square feet, with no dimension on any side of less than 25 feet.
8. Acronyms used in Mixed-Use Zones Development Standards Table are as follows: sq. ft. du ac ft = square feet = dwelling unit = acre = feet.

## **G. SPECIAL PROVISIONS FOR LIVE/WORK UNITS**

The following provisions apply to live/work units:

1. Floor area requirements - The minimum floor area of a live/work unit shall be 750-sq. feet.
2. Access - Access to individual units shall be from common access areas, corridors or hallways.
3. Internal layout - All living space within the live/work unit shall be contiguous with, and an integral part of, the working space, with direct access between the two areas.
4. Occupancy and employees - At least one of the full-time workers of the live/work unit shall reside in the unit. The residential area shall not be rented separately from the working space. The business activity occupying the live/work unit may utilize employees in addition to residents as necessary.
5. Retail sales - Retail space may be integrated with working space.
6. Business Tax Certificate - A business tax certificate shall be obtained in compliance with the Codes and Ordinances, for business activities conducted within the live/work unit.

## **H. OFF-STREET PARKING AND LOADING REQUIREMENTS**

1. Off-street parking and loading requirements shall be provided required by Article XIV of this Ordinance.
2. Parking between the sidewalk and buildings shall be prohibited.
3. As required by Comprehensive Zoning Ordinance, except multifamily residence, which shall be parked at one space per bedroom
4. A reduction in the number of required parking may be permitted for MUD and/or stand-alone uses in mixed-use zones subject to the approval of a shared parking arrangement
5. Parking structures shall be architecturally integrated with the project design and their visual impact minimized through proper siting and design. Parking structures shall include architectural detailing, façade treatment, artwork, landscaping or similar features to enhance the street façade .

## **I. SIGN REQUIREMENTS**

See Article XIII of this ordinance.

## **J. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS**

See Article XV for Landscaping, Screening and Stormwater Management Requirements.

## **SECTION 7.11 P: PARK DISTRICT**

### **A. PURPOSE**

Designates and protects green space, both developed and undeveloped, and specifies uses allowed on these for public access spaces.

### **B. PRINCIPAL PERMITTED USES:**

All uses not expressly designated as permitted uses in a P district are prohibited.

1. Amphitheater (open air theater)
2. Community Gardens
3. Essential Utilities & Equipment
4. Golf course
5. Outdoor Recreation Facilities
6. Park and Recreational Facilities
7. Parking Lot
8. Fire, Police Station
9. Telecommunications Facilities
10. Museums

### **C. USES PERMITTED WITH CONDITIONS**

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

1. Agricultural Activity
2. Bus Shelter
3. Greenways/ Bikeways
4. Shooting Range (Indoor or Outdoor)
5. Snack Bar/Snack Shop
6. Snow-Ball Stand
7. Water Tower/ Storage Tank
8. Zoo

## D. BULK, AREA AND HEIGHT REGULATIONS – PARK DISTRICT

Table VII-11: Bulk, Area and Height Regulations - Park District

<b>BULK, AREA AND HEIGHT REGULATIONS – PARK DISTRICT</b>	
MINIMUM LOT AREA*	SF: 20,000
MAXIMUM BUILDING HEIGHT	24 ft. or 2 stories. All accessory structures- 1 story, no more than 18 feet
MAXIMUM LOT COVERAGE <sup>E</sup>	25%
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT RE	100 x 200 feet
FRONT YARD	40 ft.
INTERIOR SIDE YARD	20 ft.
CORNER SIDE YARD*	20 ft.
REAR YARD	40 ft. principal structures, 10 feet accessory structures

## E. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## F. SIGN REQUIREMENTS

See Article XIII of this ordinance.

## G. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS

See Article XV of this ordinance.



## **SECTION 7.12 BIP: BUSINESS INDUSTRIAL PARK**

### **A. PURPOSE**

The Business Industrial Park (BIP) is established to provide a district for low-intensity and low-impact industrial, office, and related uses. Typical uses include research and development facilities and laboratories; administrative, executive and professional offices; small-scale warehouses, light manufacturing; and support commercial.

Provide for innovative, well designed and maintained office and nuisance-free light industrial, research and other compatible uses, in an environment which is characterized by controlled ingress and egress to major streets and appropriate setbacks and yard areas with imaginative landscaping, and which will provide screening and landscaping necessary to create a proper relationship with adjacent residential and non-residential areas.

1. Provide a course of predictability in business park development, set a minimum level of standards by which a business park can be developed, and establish a regulatory framework within which the community and the developer can work together to plan rationally for future business and industrial growth;
2. Protect the owners and occupants of buildings against improper development and use of surrounding lots, which could have a depreciating effect on the value of each owner's parcel;
3. Prevent the erection or construction of improvements with improper or unsuitable materials or of improper quality;
4. Encourage and insure the erection of attractively designed, innovative, permanent improvements, appropriately located within the Business Park, in order to achieve harmonious appearance and function;
5. Provide for maintenance of open space areas, water detention areas, landscaping and other common areas to promote an attractive and aesthetically pleasing environment;
6. Provide for adequate transportation mobility into and throughout the business park in order to avoid traffic congestion problems, and;
7. Promote a planned business environment that stresses employee amenities, maintained in a high quality fashion consistent with first class business park developments within the metropolitan area.
8. Provide for adequate storm water conveyance and detention, flood prevention, and the prevention of groundwater contamination.

## **B. USES PERMITTED**

All uses not expressly designated as permitted uses in an BIP district are prohibited.

Uses permitted in the Business Park District shall be restricted to those which require a pleasant, hazard-and-nuisance-free environment and to not create either a nuisance or hazard to other property, individuals, or the public in general as follows:

1. Accessory Uses
2. Automobile rental establishments (office only.)
3. Blueprinting and photostatting establishments
4. Business machines sales, rental, and service, including computer stores. Commercial graphic and photocopying services
5. Commercial schools for business, trade, electronics, or data processing. Computer and data processing services
6. Courier services, except air
7. Data processing centers
8. Dwelling unit of caretaker or guar
9. Employment agency
10. Financial institutions, including banks, savings and loan associations, credit unions, and commercial loan offices
11. Graphics and drafting service
12. Health club
13. Insurance office
14. Laboratories, medical, dental, research, and testing
15. Low nuisance light manufacturing fabricating, and assembly plants. Mail order houses and letter shops
16. Medical, dental, and optometry offices
17. Medical surgical centers
18. Offices, business, professional, governmental, political and institutional. Parks, playgrounds, golf courses, forest preserves, wildlife sanctuaries, and other publicly owned open space
19. Printing and publishing establishments
20. Radio and television stations, studios and towers
21. Real estates offices
22. Recording studios
23. Studios for artists, musicians, and photographers.
24. Transportation ticket offices
25. Travel bureaus
26. Warehousing, storage, and distribution facilities

### **C. USES PERMITTED WITH CONDITIONS**

The following uses may be permitted, if approved by the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in this ordinance, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

1. Accessory uses, buildings and structures to all conditional uses in the district. Automated teller machines.
2. Automobile laundries.
3. Automobile service stations.
4. Child day care centers.
5. Clinics, nursing homes, group homes, and mental health centers, retirement homes.
6. Clubs or lodges, private.
7. Convention and exhibit halls.
8. Drive-in and drive-through facilities.
9. Educational institutions
10. Hotels and motels.
11. Newspaper distribution agencies for home delivery and retail trade. Off-street parking lots, public garages, or storage garages, other than as accessory uses.
12. Office supply stores.
13. Planned unit developments
14. Post offices.
15. Public service and utility uses.
16. Restaurants, eat-in, serving alcoholic beverages but without live entertainment or dancing.
17. Studios for artists, musicians, and photographers.
18. Taverns and bars without live entertainment or dancing.
19. Transportation ticket offices.
20. Travel bureaus

## D. BULK, AREA AND HEIGHT REGULATIONS – BIP

Table VII-12: Bulk, Area and Height Regulations - BIP

<b>BULK, AREA AND HEIGHT REGULATIONS - BIP</b>	
MINIMUM LOT AREA*	SF: 20,000
MAXIMUM BUILDING HEIGHT	55 ft. or 4 stories. All accessory structures- 1 story, no more than 15 feet.
MAXIMUM LOT COVERAGE <sup>E</sup>	50%
<b>MINIMUM YARD REQUIREMENTS</b>	
LOT REQUIREMENTS	100 x200 feet
FRONT YARD	100 ft.
INTERIOR SIDE YARD	50 ft. 300 feet when abutting residential districts 100 feet when abutting industrial districts
CORNER SIDE YARD*	50 ft.
REAR YARD	100 ft. principal structures, 20 feet accessory

## E. INDUSTRIAL PERFORMANCE STANDARDS

See Article XVIII

## F. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements shall be provided for all uses as required by Article XIV of this Ordinance.

## G. SIGN REQUIREMENTS

See Article XIII of this ordinance.

## H. LANDSCAPING, STORMWATER MANAGEMENT & SCREENING REQUIREMENTS

See Article XV of this ordinance.

## **SECTION 7.13 PUD: PLANNED UNIT DEVELOPMENT DISTRICT**

### **A. REQUIREMENTS**

1. See Article VIII for PUD Overlay requirements.
2. All PUD developments shall comply with the requirements of Article VIII.

### **B. PURPOSE**

The purpose of a Planned Unit Development District is to encourage flexibility, innovation and variety in the development of land in order to promote its most appropriate use; to improve the design, character and quality of development; to facilitate the adequate and economic provision of streets, utilities and services; to achieve beneficial land use relationships with the surrounding area; to preserve the unique natural and scenic features of the landscape; and to preserve open space as development occurs.

### **C. GENERAL**

1. PUD districts require a high standard for the protection and preservation of environmentally sensitive lands, well planned living, working and shopping environments and the timely provision of essential utilities and streets.

## **SECTION 7.14 RESERVED**

**Article VIII. OVERLAY DISTRICTS**

**SECTION 8.01 PURPOSE OF OVERLAY ZONES**

**SECTION 8.02 PUD: PLANNED UNIT DEVELOPMENTS (PUD) OVERLAY DISTRICT**

**SECTION 8.03 HD: HISTORIC PRESERVATION OVERLAY DISTRICT**

**SECTION 8.04 F-H: FLOOD HAZARD OVERLAY DISTRICT**

**SECTION 8.01 PURPOSE OF OVERLAY ZONES**

The overlay zones in this article establish standards and regulations that apply to specified areas, in addition to the requirements established by the underlying base zone. Whenever a requirement of an overlay zone conflicts with a requirement of the underlying base zone, the overlay zone requirement shall control. Where two or more overlay zone requirements conflict, the Zoning Administrator shall determine the appropriate requirement. For overlay zones that implement an adopted specific plan or neighborhood plan, the standards and regulations from each specific plan or neighborhood plan shall apply.

**SECTION 8.02 PLANNED UNIT DEVELOPMENTS (PUD) OVERLAY DISTRICT**

**A. PURPOSE**

The purpose of these provisions is to encourage flexibility, innovation and variety in the development of land in order to promote its most appropriate use; to improve the design, character and quality of development; to facilitate the adequate and economic provision of streets, utilities and services; to achieve beneficial land use relationships with the surrounding area; to preserve the unique natural and scenic features of the landscape; and to preserve open space as development occurs.

**B. OBJECTIVES OF PUD**

1. Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
2. Diversification in the uses permitted and variation in the relationship of uses, open space and the setbacks in developments intended as cohesive, unified projects.
3. Functional and beneficial uses of open space areas.
4. Preservation of natural features of a development site such as ponds, lakes, creeks, streams, wetlands, animal habitats, etc.
5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
6. Rational and economically sound development in relation to public services.

7. Efficient and effective traffic circulation, both within and adjacent to the development site.
8. Creation of a variety of architectural styles and housing types compatible with surrounding neighborhoods to provide greater housing choice.

### **C. APPLICATION OF THE DISTRICTS**

To enable the planned unit development (PUD) to operate in harmony with the plan for land uses and population density embodied in this article, the PUD is created as a special district, to be superimposed on the base districts contained in Article III, and to be designated as a PUD on the zoning map.

The housing types, minimum lot requirements, maximum height, minimum yard requirements and signage shall be determined by the requirements and procedures set forth in this article, which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance of the City of St. Gabriel.

### **D. MINIMUM AREA**

The minimum area for PUDs under this article shall be as follows:

1. In residential districts – three (3) contiguous acres.
2. In all other zoning districts – five (5) contiguous acres.
3. In calculating the minimum area for a PUD district, the measurement shall not include the area of any dedicated street or alley.

### **E. PUD APPLICATION REQUIREMENTS**

PUD shall be processed in three (3) stages: conceptual review, preliminary plan and subdivision review, and final plan.

The following outlines the requirements for each stage of PUD application:

#### **1. Conceptual Review**

This stage of processing is to allow the exchange of information between the proposed developer, planning and zoning staff, and all other applicable city agencies. Each applicant is required to have a pre-application conference with the Public Services Director or his/her designee, and all other applicable city agencies, in connection with the preparation of the PUD application.

The general characteristics of the proposal, evidenced schematically by sketch plans, shall be considered before submission of the PUD application. Thereafter, staff shall furnish the applicant with written comments from the pre-application conference, including appropriate recommendation to inform and assist the applicant prior to preparing the components of the PUD application.

## 2. Preliminary Plan

Upon completion of the pre-application conference with the Public Services Director or his/her designee, and after the recommendations from the conference have been made, an application may be filed for PUD on a preliminary basis. Materials pertaining to the preliminary plan must be submitted to Planning and Zoning staff at least three (3) weeks prior to the meeting of the Planning Commission at which the preliminary plan will be considered.

The preliminary plan shall be reviewed by the Planning Commission, who will approve, approve conditionally, or reject the plan as per city ordinance.

The application for the preliminary plan shall include the following:

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



### **3. Final Plan**

#### **a. Final Plan Submission**

After approval of the preliminary plan, application may be made for approval of the final plan. Application for the final plan shall not be made until substantial completion of the requirements of the approved preliminary plan, provided the final plan does not violate any provision of this chapter and does not:

- 1) Involve a reduction of more than five percent (5%) of the area reserved for common open space and/or usable open space.
- 2) Increase the floor area proposed for non-residential use by more than five percent (5%).
- 3) Increase residential densities more than five percent (5%).
- 4) Increase the total ground area covered by buildings by more than five percent (5%).

#### **b. Revisions**

If the final plan is not in substantial compliance with the approved preliminary plan, the revisions shall require the same review and public hearing process required for approval of the preliminary plan.

#### **c. Final Site Plan**

The final site plan shall also serve as the official subdivision plat. This plat must conform to the subdivision ordinance of the city except as waived by the approved preliminary plan for the PUD. The plat shall contain proper dedications for public streets, utility easements, and all other public rights required by the preliminary plan. Approval by the Planning Commission of the final PUD shall be required before filing the plat with the Iberville Parish Clerk of Court or issuance of building permits.

The final site plan shall contain the following:

- a. Lot lines.
- b. Location and floor area of all existing and proposed buildings, structures, and other improvements, including maximum building heights, types of dwellings, and density per building type. All buildings shall be dimensioned with distances shown from clear reference points.
- c. Location and size in acres or square feet of all areas to be conveyed, dedicated, reserved, or otherwise used as common open space, public park, recreational areas, schools sites, and similar public and semi-public uses.

- d. Existing and proposed circulation system of streets and pedestrian ways, including off-street parking areas, service areas, loading zones, major points of access to public rights-of-way, and ingress and egress to the development. Street standards shall be consistent with the minimum street standards for the city.
- e. Existing and proposed circulation system of streets and pedestrian ways, including off-street parking areas, service areas, loading zones, major points of access to public rights-of-way, and ingress and egress to the development. Street standards shall be consistent with the minimum street standards for the city.
- f. Final landscape plan shall be submitted, and no certificates of occupancy shall be issued until the landscaping is in place for all non-residential areas.
- g. Detailed utility plans for sewer, water, electrical, street improvements, and other public improvements must be submitted and approved by the Director of Public Works. The developer shall execute an agreement in proper form providing for the installation of such improvements prior to submission of the final plan to the Planning Commission. All utilities shall be placed underground.
- h. Adequate drainage facilities for surface water, including storm sewers, gutters, paving, and the proper design of finished grades.

**d. Amendments**

Minor changes to the location, sizing, height, and siting of buildings and structures may be authorized administratively by the Public Services Director or his/her designee without additional public hearing as required by Article III.

**e. Approval**

The final plan shall be reviewed by the Planning Commission, who will approve, approve conditionally, or reject the plan as per city ordinance.

**f. Penalties**

No plat of land within a PUD shall be transferred, sold, or agreed to be sold before such a plat of a subdivision has been approved by the Planning Commission and filed with the Iberville Parish Clerk of Court. Whoever, owner or agent, who transfers, sells, or agrees to sell unrecorded lots shall pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred, sold, or agreed to be sold; and the description of such lot or parcel by metes and bounds shall not exempt the transaction from such penalties or from remedies herein provided. The city may enjoin such transfer, sale, or agreement by injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

## **SECTION 8.03 SPECIAL CONDITIONS FOR PLANNED UNIT DEVELOPMENTS**

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

### **A. OPEN SPACE MAINTENANCE PLAN**

The developer shall submit a legal instrument(s) setting forth a plan for permanent care and maintenance of open spaces, open recreational areas, community-owned facilities, and private streets. If the common area is to be maintained by the homeowner's association, the applicant shall file the following documents governing the association:

1. The homeowner's association shall be established before any residences are sold.
2. Membership in the association must be mandatory for each residential owner.
3. Open space restrictions must be permanent and not for a period of years.
4. The governing body of the association shall consist of owners of property in the PUD.  
GUARANTEES FOR OPEN SPACE PRESERVATION

Open space shown on the approved final plan shall not be used for the construction of any structures not shown in the final plan.

### **B. DISTRICT REGULATIONS**

1. Every PUD developed under these provisions shall comply with all of the regulations established herein for the district(s) in which the PUD is located unless the regulations have been waived by the Planning Commission approval or as otherwise stated in this Chapter.
2. PUDs shall be located with respect to major streets, highways, or other transportation facilities as to provide direct access while minimizing traffic along major streets in residential neighborhoods.
3. Commercial uses are limited to those set forth in the base district(s) in which the PUD is located.

## **C. DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS**

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

### **1. Open Space**

- a. Required open space shall comprise at least thirty percent (30%) of the total gross area of any residential PUD.
- b. Within said thirty percent (30%), one-half (1/2) of the same may be developed for planting, pedestrian connections, and landscape elements, or may remain in a natural state. The remaining one-half (1/2) shall be developed for active recreational uses.
- c. Recreational facilities or structures and their accessory uses located in approved areas shall be considered open space.
- d. Public dedications may not contribute to the open space requirement.

### **2. Infrastructure**

All public or private streets, paving, curbs, sidewalks, utilities, storm water, lights, and similar facilities shall be developed according to City standards, unless specifically modified by the City Engineer. Waivers, variances or modifications to the private or public street standards, utilities, and other infrastructure through a planned unit development are not allowed. Iberville Parish shall review and approve all storm water designs.

### **3. Spacing of buildings**

The provisions for spacing of buildings shall apply to all PUDs that are maintained on a separate building site.

### **4. PUD Perimeters**

Where PUDs adjoin public streets or lands with a different zoning classification, the installation and maintenance of a landscaped buffer area at such perimeter may be required. The detailed landscape plan for any such buffer required shall be part of the landscape plan filed in conjunction with the final plan

## **SECTION 8.04 HPO: HISTORIC PRESERVATION OVERLAY DISTRICT**

### **A. INTENT AND PURPOSE.**

The "H" Historic Preservation Overlay District shall function as an overlay zoning district. The "H" requirements shall supersede the regulations of the underlying zoning district where such district's regulations are in conflict with the provisions of this Article. All regulations of the underlying zoning districts shall be in effect except as identified in the "HP" Historic Preservation Overlay District regulations.

The City Council of St. Gabriel hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public, and that such landmarks and districts represent the unique confluence of time and place that shaped the identity of generations of citizens, both collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage.

The designation of an historic landmark and/or historic district is intended to:

1. Protect and enhance the landmarks and areas which represent distinctive elements of St. Gabriel's historic, architectural, and cultural heritage;
2. Foster civic pride in past accomplishments of the community;
3. Protect and enhance St. Gabriel's attractiveness to residents, visitors and tourists;
4. Support the harmonious, orderly, and efficient growth and development of the community;
5. Promote, maintain and stimulate economic prosperity and the general welfare of the community; and
6. Encourage stabilization, restoration, and improvements of properties and their values.

### **B. HISTORIC PRESERVATION OFFICER, HISTORIC PRESERVATION ADVISORY COMMITTEE.**

The Mayor or his designee shall appoint a qualified city official or staff person of the City of St. Gabriel to serve as Historic Preservation Officer. This officer shall administer this ordinance, meet with the Historic Preservation Advisory Committee at their regular and called meetings and advise them on matters of historic preservation and the administration of this ordinance.

This officer shall also provide assistance to applicants and shall coordinate the City of St. Gabriel's historic preservation activities with those of federal and state agencies, and with local, state and federal preservation organizations.

**C. HISTORIC PRESERVATION ADVISORY COMMITTEE (ALSO REFERRED TO AS "THE COMMITTEE" AND "HPAC")**

This ordinance establishes a Historic Preservation Advisory Committee. The Committee shall conduct public hearings, make recommendations regarding the establishment of historic landmarks and districts, and approve or disapprove appeals of applications for Certificates of Appropriateness and Economic Hardship applications, as set forth in this ordinance.

The Historic Preservation Advisory Committee shall adopt criteria, guidelines, and rules as necessary to administer this ordinance, provided, however, that said criteria, guidelines and rules must be ratified by the City Council.

**D. DESIGNATIONS.**

1. Contents of an Application for Designation

The standard application form used by the City of St. Gabriel Public Services Department shall be used

2. Criteria for Designation

A designation for an historic landmark or district may be made if, in the opinion of the City Council, the landmark or district:

- a. Possesses significance in history, architecture, archeology or culture;
- b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state or national history;
- c. Is associated with the life of a person or persons significant to the community;
- d. Embodies the distinctive characteristics of a type, period, style or method of architecture or construction;
- e. Represents the work of a significant builder or craftsman;
- f. Represents an established and familiar feature of the community;
- g. Possesses high artistic values;
- h. Represents and/or contributes to a significant and distinguishable entity whose components may lack individual distinction;
- i. Has yielded, or is reasonably likely to yield, information important to history or prehistory;  
or
- j. Is eligible for listing in the National Register of Historic Places or recognition by the Louisiana Historical Commission.

### 3. Process for Designating Landmarks & Districts

The Committee shall, within sixty (60) days from receiving a complete application, hold a public hearing and consider the nomination. Notice of this public hearing shall be posted in the manner set forth in the St. Gabriel Comprehensive Zoning Ordinance, provided that HPAC shall substitute for any and all references to the Planning and Zoning Commission therein.

The Committee shall then forward a recommendation to the Planning & Planning Commission on the nomination, and a report containing the following information, as applicable:

- a. An explanation of the significance of the nomination as it relates to the Criteria for Designation;
- b. An explanation of the integrity and authenticity of historic character of the nominated landmark;
- c. Design criteria to be used to guide and evaluate any alteration, construction, reconstruction, restoration, rehabilitation, removal or demolition of a landmark or within a district; and
- d. Testimony or evidence received by the Committee as part of the application or during the public hearing.

Upon forwarding a recommendation and report from the Committee to the Planning & Planning Commission, the process shall follow the procedures set forth in the ordinance B regarding a hearing before Planning and Zoning Commission, and before the City Council as set in the St. Gabriel Comprehensive Zoning Ordinance.

Upon designation of an historic landmark or district, the City Council shall cause the designation to be recorded in the real property records of the appropriate parish, the tax records of the City of St. Gabriel, and to be shown on the official zoning map of the City of St. Gabriel by an appropriate mark. The record filed with the parish shall include a verified written instrument filed in the real property records of the parish clerk's office of each parish in which St. Gabriel is located listing each historic structure or property that is located in the municipality and that parish and is designated as historic by a political subdivision of the state by: the street address, if available in the municipal files; the legal description of the real property on which the structure or property is located; and the name of the owner of the real property, if the name is available in the municipal files.

### 4. Removing a Designation

A designation for an historic landmark or historic district may be removed in the same manner and by the same process by which it was enacted.

## **E. CERTIFICATE OF HISTORIC APPROPRIATENESS REQUIREMENTS**

In addition to any other permit required by other ordinances of the City of St. Gabriel, a Certificate of Historic Appropriateness shall be required prior to:

1. Any work which requires the issuance of a permit from the Building Inspections Department of the City of St. Gabriel and which affects the exterior appearance of a designated historic landmark or any structure located within a designated historic district.
2. No building permit shall be issued for any alteration, construction, reconstruction, restoration, rehabilitation, removal or demolition on any historic landmark or property within an historic district unless a Certificate of Historic Appropriateness has been approved for said activity.
3. Any work which does not require the issuance of a permit from the Building Inspections Department, but which affects the exterior appearance of a designated historic landmark or any structure located within a designated historic district. Examples of such work may include, but are not limited to:
  - a. Change of exterior appearance by painting or other finish work;
  - b. Installation of siding;
  - c. Window treatment, including, but not limited to, window replacement and the installation of awnings; or
  - d. Door treatment, including, but not limited to door replacement or alteration.
  - e. Ordinary Maintenance and Repair; Emergency Repair
  - f. Nothing in this article shall be construed to prevent the ordinary maintenance and/or repair as defined by Article III.; nor shall a Certificate of Historic Appropriateness be required by this article for ordinary maintenance and repair.
  - g. Emergency maintenance and temporary repair as defined by Article III. may be authorized by the City, provided that said temporary emergency maintenance and temporary repair does not permanently alter the distinctive features of the landmark or district, and that, within thirty (30) days, the owner of record applies for appropriate and adequate permits to make permanent repairs.

## **F. PROCESS FOR OBTAINING A CERTIFICATE OF HISTORIC APPROPRIATENESS**

1. Upon the receipt by the City of St. Gabriel of an application for a Certificate of Historic Appropriateness, the HPO shall review the application.



2. If an application meets the criteria listed in subsection 4 of this section, a Certificate of Historic Appropriateness shall be granted.
3. If, the proposed work does not conform to the criteria listed in subsection 4 of this section, the HPO shall advise the applicant of modifications needed to come into compliance with said criteria. If the applicant makes said modifications, a Certificate of Historic Appropriateness shall be granted.
4. Refusal to grant a Certificate of Historic Appropriateness may be appealed to the Committee by submitting a letter of appeal within ten (10) days of the decision of the HPO.
5. The Committee shall within thirty(30) days, upon receiving a letter of appeal, hold a public hearing and consider the appeal. Notice of this public hearing shall be posted in the manner set forth in Article VI, St. Gabriel Comprehensive Zoning Ordinance, provided that the Committee shall substitute for any and all references to the Planning and Zoning Commission therein.
6. The Committee shall, by motion and vote, approve, approve with modifications, deny for the purpose of continuation or deny the Certificate of Historic Appropriateness.
7. A denial for the purpose of continuation shall only be made to allow the applicant sufficient time to modify their proposal and return to the Committee for additional consideration.
8. In the event the Committee does not act within thirty (30) days, the Certificate shall be deemed approved.
9. An applicant for a Certificate of Historic Appropriateness dissatisfied with the Committee's decision may appeal that decision to the City Council within ten (10) days in accordance with the process and procedures set forth in Article VI, St. Gabriel Comprehensive Zoning Ordinance, provided that the Committee shall substitute for any and all references to the Planning and Planning Commission therein.
10. An applicant dissatisfied with the Committee's decision may also file an application for economic hardship as provided in this article with the Committee.

#### **G. CRITERIA FOR CONSIDERATION OF A CERTIFICATE OF HISTORIC APPROPRIATENESS**

When assessing an application for a Certificate of Historic Appropriateness, consideration shall be given to any design criteria set forth in the ordinance establishing the designated landmark or district and, where applicable, the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, adopted herein, both of which shall be made available to the owners of historic landmarks and the owners of property within historic districts.

Any adopted design guidelines, Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings and Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings shall be on file in city secretary's office and made available to the public.

General guidelines for the rehabilitation, repair, reconstruction or alteration of landmarks, or for any construction in an historic district shall include, but are not limited to, the following:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided where possible.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved where possible.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should, as closely as possible, match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as indiscriminate and careless sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

#### **H. DEMOLITION**

When assessing an application for a Certificate of Historic Appropriateness for demolition, consideration shall be given to the criteria set forth in subsection A above, any criteria set forth in the ordinance establishing the historic designation, and also may include any of the following:

1. The importance of the building, object, site, or structure to the integrity and character of the surrounding area;
2. The difficulty or impossibility of reproducing such a building, object, site, or structure due to design, texture, material, detail, or unique location;
3. Whether the building, object, site, or structure is one of the last remaining examples of its kind in the neighborhood, city, parish, state, or nation;
4. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, and/or environmental character of the surrounding area;
5. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect.
6. Whether reasonable measures can be taken to relocate the building, object, or structure to a new site.
7. The condition of the structure.
8. Estimated cost of restoration or repair.
9. Demonstration that the adaptive use or restoration of the structure has been seriously considered.

#### **I. CONTENTS OF AN APPLICATION FOR A CERTIFICATE OF HISTORIC APPROPRIATENESS**

The standard application form of the City of St. Gabriel shall be used, provided that not more than one blue-line or black-line exhibit of each plan, elevation or drawing shall be required. The applicant shall provide a complete description of the all the work proposed to be done. Said description shall include, but is not limited to, as appropriate: site plans, construction plans, elevation drawings, photographs of existing conditions, photographs of historical conditions and samples of materials. The description shall also encompass adjacent properties, where appropriate.

It shall be the duty and obligation of the applicant to provide, as part of the application, sufficient information to adequately convey the full effect of the work proposed to be completed and any information applicable to the designated property under this Article.

##### **1. Complete Application Required**

An application shall not be accepted unless it is complete, including sufficient description to adequately and completely convey the full effect of the work proposed to be done.

## **2. Economic Hardship Application Procedure.**

### Motion for Rehearing

After receiving written notification from the Committee of the denial of a certificate of appropriateness, an applicant may file a motion for rehearing with the Committee alleging economic hardship as a basis for granting the certificate of appropriateness. No building permit or demolition permit shall be issued unless the Committee makes a finding that hardship exists.

Proof required - Non-residential purposes

When a claim of economic hardship is made concerning property used for non-residential purposes the owner must prove, by a preponderance of the evidence, that:

- a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
- c. Good faith efforts to find a purchaser interested in acquiring the property at fair market value and preserving it have failed.
- d. The applicant has consulted in good faith with the committee, local preservation groups and interested parties, if any, in a diligent effort to seek an alternative that would result in preservation of the property.

### **3. Residential, open farms or open lands purposes**

When a claim of economic hardship is made concerning property used for residential purposes or for open farms or open lands, the owner must prove, by a preponderance of the evidence, that:

- a. Good faith efforts to find a purchaser interested in acquiring the property at fair market value, and preserving it have failed.
- b. The applicant has consulted in good faith with the Committee, local preservation groups and interested parties, if any, in a diligent effort to seek an alternative that would result in preservation of the property.

### **4. Possible Evidence**

As evidence of unreasonable economic hardship, the owner may submit the following information to the Committee by affidavit.

An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the conditions the Committee required for the issuance of a Certificate of Historic Appropriateness.

A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Committee; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

Remaining balance on any mortgage or other financing secured by the property owner and annual debt service, if any, for the previous two years.

All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.

The assessed value of the property according to the two most recent certified tax rolls; Real estate taxes paid for the previous two years.

Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

### **1. Additional information**

In the event the Committee determines that any additional information is necessary in order to evaluate whether an unreasonable economic hardship exists, the Committee shall promptly notify the owner.

The applicant shall consult in good faith with the Committee, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Committee.

### **2. Process**

The Committee shall, within sixty (60) days from receiving a complete application, hold a public hearing and consider the application for unreasonable economic hardship. Notice of this public hearing shall be posted in the manner set forth in Article VI, St. Gabriel Comprehensive Zoning Ordinance, provided that the Committee shall substitute for any and all references to the Planning and Zoning Commission therein.

If the Committee does not act within sixty (60) days of the receipt of the application, a hardship certificate shall be granted.

All decisions of the Committee shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the city clerk's office for public inspection. The Committee's decision shall state the reasons for granting or denying the hardship application.

### **3. Appeal**

An applicant dissatisfied with the action of the Committee relating to the issuance or denial of an economic hardship application shall have the right to appeal to the City Council within ten (10) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in this ordinance, St. Gabriel Comprehensive Zoning Ordinance.

### **4. Temporary stay of issuance of permits for nominated properties.**

No permit shall be issued for alteration, construction, reconstruction, restoration, rehabilitation, removal or demolition on any property for which a complete application has been received for historic landmark designation, or which lies in an area for which a complete application has been received for historic district designation, until such time as the City Council has made a determination as to the nominated designation.

### **Demolition by neglect.**

No owner or person with an interest in real property designated as a historic landmark or within an historic district shall permit said property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historical Preservation Advisory Committee, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Examples of such deterioration include, but are not limited to:

1. Physical deterioration of exterior walls or vertical structural supports;
2. Physical deterioration of roofs or horizontal structural supports;
3. Physical deterioration of chimneys;
4. Physical deterioration of foundations;
5. Physical deterioration of stucco or mortar;
6. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;
7. Physical deterioration of any features so as to create a hazardous condition, which could lead to the claim that demolition, is necessary for public safety.

### **8. Application to public property.**

As allowed by state and federal law, any alteration, construction, reconstruction, restoration, rehabilitation or demolition of any building or structure designated an historic landmark or within a

designated historic district and which is owned by any public or governmental entity shall be subject to the same requirements outlined in this Article as applied to privately-owned property.

## **SECTION 8.05 FHO: FLOOD HAZARD OVERLAY DISTRICT**

### **A. INTENT**

This district is intended to be an overlay district and includes lands subject to a 1 percent or greater chance of flooding in any given year. These lands (known as special flood hazard areas) include, but are not limited to, those identified by the Federal Emergency Management Agency in its latest Flood Insurance Rate Map (FIRM), dated November 1, 2013 and all subsequent revisions thereto. This map is hereby adopted by reference and declared to be a part of this ordinance. It is intended to discourage unwise and incompatible development in special flood hazard areas so as to protect the natural environment and to prevent loss of life and property due to flooding. In addition to other requirements listed in this section, requirements of latest adopted edition of International Residential Code and International Building Code shall be complied with.

### **B. PERMITTED USES.**

Uses permitted in this district shall be restricted to those conforming with allowable uses in the underlying districts and to those which meet the regulations of this section.

### **C. PERMIT PROCEDURES**

Before development begins within any special flood hazard area, a permit shall be obtained from the City Director of Public Services. The permit shall specifically include:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures.
2. Elevation in relation to mean sea level to which any structure will be floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in the Specific Standards Section G.2.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **D. USE OF OTHER BASE FLOOD DATA**

When base flood elevation data has not been provided for the City of St. Gabriel and its extra-territorial jurisdiction, the Director of Public Services shall coordinate with the City Engineer to obtain, review, and reasonable utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this ordinance.

## **E. REVIEW PROCEDURES**

All permit applications shall be reviewed (using the best available base flood elevation data from any Federal, State, or local source) to: assure sites are reasonably safe from flooding; determine that all necessary permits have been obtained from those Federal, State, or local agencies from which prior approval is required; and to determine if the proposed development adversely affects the flood-carrying capacity of a flood-prone area. For the purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1') foot at any time.

1. If it is determined that there is not an adverse effect and the development is not subject to other provisions of this ordinance, then the permit shall be granted without further considerations.
2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required.
3. If it is determined there is no adverse effect, then the following provisions shall apply.

## **F. GENERAL STANDARDS.**

All new development and substantial improvements including the placement of prefabricated buildings and mobile homes (manufactured homes) shall conform to the following standards:

1. All new construction and substantial improvements (including additions) shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All mobile homes (manufactured homes) must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into flood waters.



7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
8. All subdivision proposals shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage.
9. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
10. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

## **G. SPECIFIC STANDARDS**

Where base flood elevation data is available, the following standards shall be met.

### **Residential Construction**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Mobile homes (manufactured homes) shall be placed so that the lowest floor is elevated on fill to or above the base flood elevation.

### **Nonresidential Construction**

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  2. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design methods of construction are in accordance with accepted standards of practice.
  3. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  4. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the City Director of Public Services as set forth in the Administrative Requirements.

## **H. Administrative Requirements.**

In all special flood hazard area, the City Director of Public Services shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
3. Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
4. Maintain the floodproofing certifications as required.
5. Maintain for public inspection all records pertaining to the provisions of this ordinance.
6. Notify nearby communities, water resource districts and the Louisiana State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Management Agency.
7. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**Article IX. USE MATRIX & BULK, AREA AND HEIGHT REGULATIONS – SUMMARY**

- Section 9.01 GENERAL**
- Section 9.02 USE MATRIX**
- Section 9.03 SUMMARY TABLE - BULK , AREA AND HEIGHT REGULATIONS –ALL DISTRICTS**
- Section 9.04 SUMMARY TABLE - RESIDENTIAL BULK, AREA AND HEIGHT REGULATIONS**
- Section 9.05 SUMMARY TABLE - COMMERCIAL BULK, AREA AND HEIGHT REGULATIONS**
- Section 9.06 SUMMARY TABLE - INDUSTRIAL BULK, AREA AND HEIGHT REGULATIONS**

**SECTION 9.01 GENERAL**

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult other sections of this ordinance as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in specific zoning districts, the latter will control.

The list of uses along the left-hand side of the Authorized Land Use Grid apply within the Zoning Districts identified at the top of each column in accordance with the following legend:

P .....Permitted .....Use is permitted by right in the Zoning District.

C.....Conditional .....Use is allowed only as a conditional use in the Zoning District, and is subject to both the general Conditional Use filing requirements and to the Supplemental Regulations specific to that use in the Zoning District.

A.....Accessory.....Accessory uses

Y.....Yes.....Supplementary regulations apply as shown in the applicable section of the ordinance.

<b>KEY</b>	
<b>District Designation</b>	<b>Description</b>
R-1(A)	Low Density Residential District
R-1(B)	Medium Density Residential District
R-A	Agricultural District
R-2	Multi-Family Residential District
C1	Community Commercial District C-1
C2	Highway Commercial District
M1	Light Industrial District
M2	Heavy Industrial District
I	Institutional District
PUD	Planned Unit Development
MUD	Mixed Use District
P	Park District
BIP	Business Industrial Park

## SECTION 9.02 USE MATRIX

Table IX-1: Use Matrix

ASSEMBLY & ENTERTAINMENT															
Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	SUPP. REG
Amphitheater (open air theater)								P	P		P				
Amusement Park				C				P	P						Y
Arts/Cultural Center/Museum			C			C	P	P	P						
Auditorium/Lecture/Assembly Hall								P	P						
Churches, Places of Worship	C	C	C		C	C	C	C	C	C					Y
Club or Lodge, Private			C			C	P	P	P						Y
Commercial auditoriums, coliseums or convention halls								P	P						
Community Center	P	P	P		P	P	P	P	P						
Community Gardens	P	P	P		P	P	P			P	P				
Conference Center								P	P	P		P			
Country clubs	C	C	C												
Dance or Social Club			C					P	P						
Drive-in Theatre/Outdoor								P	P						
Driving Range Golf								P	P		P				
Fairgrounds				C											
Golf course	C	C	C	C	C			P	P		P	P			
Greenways/Bikeways	C	C	C		C	C	C	P	C	C	C				
Health/Sports Club (R2)	C	C	C		C	C	P	P	P	P	P				Y
Indoor Recreational Facilities								P							Y
Movie Theater Large								P							
Movie Theater Small								P?							
Parks, Playgrounds & Public Recreational Facilities	P	P	P		C			P							Y
Shooting Range (indoor or Outdoor)								P							
Video Gaming/Lottery Establishment								P							Y
Zoo												C	C		

### EDUCATIONAL SERVICES

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Business, Professional School					P		C	P	P	P					
Daycare Facility- Home based	P	P	P			P	P								Y
Daycare Facility-Large	C	C	C		C	C	P	P	P	P					Y
Daycare Facility-small	C	C	C			C	C	P	P	P					Y
Industrial, Vocational, Trade School					C					P			P		
Instructional Studio (R2)	C	C	C		C	C	P	P	P						
Preschool/Nursery Schools	C	C	C			C	C	P	P						Y
Private Schools	P	P	P					P							Y
Public elementary and High Schools	P	P	P		C										Y
School (K-12)	C	C	C			C	C	P	P						Y
University, College			C					P	P						

### FOOD & BEVERAGE SERVICES

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Bakery Retail	C	C	C		C	P	P	P	P						
Brew Pub						C	C	P	C						
Catering Kitchen						P	P	P	P						
Restaurant, Fast Food			C			P	P	P	P	C		P			
Restaurant, Small	C	C	C		C										
Restaurant, Large			C					P	P						
Snack Bar/Snack Shop								P							
Snow Ball Stand	C	C	C		P										Y
Tavern/Bar								P							

### HEALTH SERVICES

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Blood bank								P	P	P					
Animal Hospitals				C				P	P						
Cemeteries and Mausoleums	C	C	C			C		P	P	C					Y
Funeral Homes	C	C	C		C										Y
Group child care homes and child care centers	C	C	C		C										
Half-way House			P					P		C					

**HEALTH SERVICES- Continued**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Hospitals and medical complexes	C	C	P					P	P	P					Y
Laboratory (Medical/Dental)								P	P	P		P			
Medical Clinic	C	C	C		C		P	P	P	P					
Medical Office						C	P	P	P	P					
Mortuary Parlors								P	P						
Nursing Home/Assisted Living/Rehabilitative Center-Long term care facilities	C	C	P		C			P	P	P					Y
Rehabilitative Center			P					P							
Veterinary Clinic					C	C	P	P	P						Y
Wellness Center			C			C	P	P	P	P					

**INDUSTRIAL USES**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Agricultural Activity				P							C	P	P		
Assembly Plants															
Barge Loading, repairs and fabrication															
Bakery Wholesale								P	P			P			
Bedding/Carpet manufacturing															
Book binderies															
Boat works															
Bottling plants															
Bottled gas sales,service															
Brick, tile, & pottery yard															
Cabinet Shops															
Canvas goods manufacturing															
Cannerires except meat and fish															
Cellophane manufacturing												P			
Ceramic products manufacturing												P			
Clothing and textile manufacturing															
Creameries				P				P	P						
Composing Operation									P			P			Y
Commercial ironworks												P			
Cold storage of regrigerating												P			

plants															
Concrete mixing or batching plants												P			
Confectionary manufacturing												P			
Distribution Center												P	P		
Fiber products manufacturing												P			
Foundry															
Electrical parts manufacturing and assembly												P			
Exterminators												P			
Fabrication of gaskets, packing of soft and metal							P	P							
Farm machinery manufacturing & repair												P			
Furniture manufacturing															
Food products manufacturing												P			
Fruit or vegetable canneries												P			
Glass manufacturing															
Self storage/outdoor storage									P						
Garment manufacturing															
Grain elevators greenhouse												P			
Heavy Machinery Sales									P			P	P		
Ice manufacturing															
Industrial Equipment Repair												P	P		Y
Industrial Supply sales/Rental												P	P		
Industry Light										C		P	P		Y
Industry/Manufacturing heavy													P		Y
Junkyard												C	P		Y
Laboratories (non-medical)							P	P				P			Y
Leather products manufacturing															
Light Industrial parks															
Linen, uniform service															
Lumber yards				P				P	P						
Machinery equipment sales and service															
Manufactured Housing Sales												P			
Marine Supply Sales/Rental				P				P	P			P			Y
Millwork															
Mineral Extraction/Oil & Gas												P	P		





Production															
Printing/Publishing-Large								C	P				P		

**INDUSTRIAL USES- Continued**

Authorized uses	R1-A	R1-B	R2	RA		PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Solid Waste Transfer station												C	C		Y
Recycling/Donation Collection			C			C	C	P	C	C		C			Y
Research & Development															
Salvage Yard												C	C		Y
Self Storage/Outdoor Storage								C	C			P	P		Y
Trailer, Heavy Truck Sales, Repair												P	P		
Warehousing/Distribution												P	P		
Wholesale Sales									P			P			

**LODGING SERVICES**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Bed and Breakfast Inn	C	C	C			C	C	P	P						Y
Boarding, lodging houses	C	C	C					P	P						Y
Conversion apartments															
Fraternities and Sororities			C												
Hotel							P	P	P	P					Y
Motel			C					P	P						Y
Private clubs and lodges			P												
RV Park								P	C			C			
Timeshares/Vacation Rental							C	P	C						

**OFFICE**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Automated Teller Machines			P				C	P	C	C		C			Y
Financial Services/Banks	C	C	P			C	P	P	P	P					
General Business, Administrative, Professional Offices	C	C	C			C	P	P	P	P					
Labor Pool								P	P						
Research and Development								P	P						
Studio for art, music, dance and photography	C	C													
Trailers used as temporary construction offices								P	P						
Utility Customer Service							P	P	P	P					

Center															
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**PARKING & TRANSIT USES**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Airport				C								C	C		
Bus Shelter	C	C	C			C	C	C	C	C	C	C	C		
Bus, railroad and truck terminals								P	P						
Garage, Public Access							C	P	P	P					
Heliport or Helipad							C	P	C	C		C	C		
Parking Lots	C	C	P			C	C	P	P	P	P	P	P		
Passenger Station: Bus, RR							P	P	P			P			
Taxicab Service/Parking								P	C			P			Y
Terminal Truck or Motor Freight												P	P		Y
Transit/Bus Garage, Repair Facility												C	C		Y
Truck Stop									P			P	P		
Wrecker Service/Storage									C			C	C		Y

**RESIDENTIAL**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Caretaker's Residence								A	A	A	A	A			
Dormitory, Rooming House			P							P					
Dwelling Apartment Homes			P												
Dwelling Joint-use						P	P								
Dwelling Multi-family			P				C			P					
Dwelling Single family	P	P	P			P	P			P					
Dwelling Townhouse			P			C	P			P					Y
Dwelling Two-family			P				C	C	C	C					
Emergency Shelter			C							P					
Family care homes	P	P													
Licensed community residential facility			P												
Modular Homes	P	P	P			P									
Group Residential Facility			C												Y
Group Residential Home			C												Y
Group housing projects			C					C	C						
Guest House	P	P	P			P									

**RESIDENTIAL- Continued**

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Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Home Occupation class 1	P	P	P			P	P								2
Home Occupation class 2	C	C	C			C	C								2
Individual Mobile Homes not mobile home parks	C	C													
Mobile Home Park/Trailer Park			C					P	P						Y
Planned residential development			C												

### RETAIL SERVICES

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Animal Grooming Service			C			C	P	P	P						
Animal Shelter								P	P		P				Y
Apparel Shop						C	P	P	P						
Appliance Repair			C			C	P	P	P						
Appliance Sales							P	P	P						
Art Gallery			C			C	P	P	P						
Artist Studio	C	C	C			C	P	P	P						
Auction House							P	P							
Automotive Paint Shop								P	P			P	P		
Automotive Rentals								P	P						
Automotive Repair Shop							C	P	C			P	P		
Automotive Service Stations								P							
Automotive Sales								P	P			P			
Automotive Supply							C	P	P			P			
Automotive Tire Repair/Sales								P	P			P	P		Y
Boat Repair shop									P			P	P		
Bulk dairy products retail								P							
Car Wash/Detailing						C	C	P	P			P			
Carpet cleaning								P							
Commercial Stables								P							
Gas Station Mini-Mart			C			C		P	P	C		P			Y
Gas Station with Vehicle Repair			C			C		P	P	C		P			Y
Motorcycle Sales								P	P			P			
Oil Change Facility			C					P	P						Y
RV and Camper Sales, Repair									C			P			Y
Furniture Sales: New, Used						C	P	P	P						

**RETAIL -Continued**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Garden Center								P	P						
Greenhouse Commercial									P			P			
Grocery Store						C	P	P	P						
Gun Store								C	C						
Hardware Store						C	P	P	P						
Home Improvement/Building Material Sales								P	P			P	P		
Jewelry Store/Repair						C	P	P	P						
Kennel Commercial								P	P						Y
Laundromat, dry cleaners and laundries			C			C	P	P	P	P					
Liquor Store							P	P	P						
Newsstand			C			C	P	P	P	P					
Nursery, Plant								P	P						
Office Equipment Repair						C	P	P	P						Y
Office Supplies/Stationery						C	P	P	P						
Outdoor Flea Market								C	C						
Pawnshop								P	P						
Small Engine Repair Shop							P	P	P			P			Y
Sexually/Adult Oriented								P	C			C			Y
Shoe Repair/Tailor			C			C	P	P	P	P					
Shopping Center –Large									P						
Shopping Center- Small							P	P	P						
Souvenir Shop							P	P	P						
Spa							P	P	P						
Sporting goods								P							
Tattoo/Piercing								P	C			C			
Upholstery/Interior Decorating Service						C	P	P	P						
Video Rental/Sales						C	P	P	P						

**UTILITIES & GOVERNMENTAL SERVICES**

Authorized uses	R1-A	R1-B	R2	RA	I	PUD	MUD	C-1	C-2	BIP	P	M1	M2	HD	Suppl Reg*
Essential Utilities & Equipment	C	C	P			P	P	P	P	P	P	P	P		Y
Emergency shelters								P							
Essential Services	P	P	P	P				P							
Fire, Police, Station	P	P	P	P		P	P	P	P	P	P	P	P		
Forestry	P	P													
Municipal/civic, museums, public meeting halls, and emergency service buildings	P	P	P	P											
Penal/Correctional Institution												C			
Public Libraries	P	P	P												
Sewage treatment plant	C	C	C									P	P		
Telecommunications class I	P	P	P			P	P	P	P	P	P	P	P		Y
Telecommunications class II	C	C	P			C	P	P	P	P		P	P		Y
Telecommunications class III								C	C	C		P	P		Y
Water Tower/Storage Tank	C	C	C			C	C	C	C	C	C	P	P		Y

**SECTION 9.03 SUMMARY TABLE - BULK , AREA AND HEIGHT REGULATIONS - ALL DISTRICTS**

Table IX-2:Summary Table - Bulk, Area and Height Regulations - All Districts

<b>BULK, AREA AND HEIGHT REGULATIONS <sup>a</sup></b>										
<b>Zoning</b>	<b>Minimum Lot Area</b>	<b>Min. Lot Requirements</b>		<b>Maximum Height</b>		<b>Max. Lot Coverage</b>	<b>Set Backs</b>			
				<b>Principal Structure</b>	<b>Accessory Structure</b>		<b>Corner</b>	<b>Front <sup>c</sup></b>	<b>Rear</b>	<b>Side <sup>b</sup></b>
R-1-A	10,800 sf	90 ft.	120 ft.	2.5 stories or 30 ft.	15 ft.	40%	15 ft.	20 ft.	20 ft.	20 ft.
R-1-B	5,000 sf 8,750 sf.	50 ft. 50 ft.	100 ft. 175 ft.	2.5 stories or 30 ft.	15 ft.	60%	15 ft.	20 ft.	20 ft.	20ft.
R-A	5 acres	90 ft.	Varies	2.5 stories or 30 ft.	20 ft.	40%	15 ft.	20 ft.	20 ft.	20 ft.
R-2	SF:5,000 2F: 8,750 Others: 10,800	50 ft. 50 ft. 50 ft.	100 ft. 175 ft. 216 ft.	3 - stories or 35 ft.	15 ft.	60%	15 ft.	20 ft.	20 ft.	20ft.
I	5 acres	300 ft.	Varies	4- stories or 55 ft.	24 ft.	60%	15 ft	75 ft.	75 ft.	75 ft.
MUD*	11,250 sf	90 ft.	125 ft.	4- stories or 48 ft.	18 ft.	60%	15 ft	25 ft	2 5 ft	10 ft
C-1	11,250 sf	90 ft.	125 ft.	3-stories or 35 ft.	15 ft	60%	15 ft.	50 ft.	20 ft	20 ft
C-2	11,250 sf	90 ft.	125 ft.	4-stories or 55 ft	15 ft	60%	15 ft.	50 ft.	20 ft	20 ft
BIP	20,000 sf	100 ft.	200 ft.	4- stories or 55 ft.	18 ft	50%	50 ft.	100 ft.	100 ft	50 ft
P	20,000 sf	100 ft.	200 ft.	24 ft or 2 stories	18 ft	25%	20 ft.	40 ft.	40 ft.	20 ft.
M1	5 acres	300 ft	Varies	4 stories or 55 ft	24 ft	50%	500 ft.	2000 ft	200 ft.	100 ft.
M2	10 acres	600 ft	Varies	4 stories or 55 ft	24 ft	50%	500 ft.	2000 ft	200 ft.	200 ft.

<sup>a</sup> Refer to individual Bulk, Area and Height tables within specific zoning districts for additional regulations. The table above should only be used as a general guide for bulk, area and height regulations governing principal structures (does not include accessory structures and set backs where abutting residential, industrial or institutional districts).

<sup>b</sup> total side yards.

<sup>c</sup> for properties not fronting the river, front yard is reduced to 1000 feet

**SECTION 9.04 SUMMARY TABLE - RESIDENTIAL BULK, AREA AND HEIGHT REGULATIONS**

**Table IX-3: Residential Bulk, Area and Height Regulations**

<b>RESIDENTIAL USE BULK , AREA AND HEIGHT REGULATIONS <sup>a</sup></b>				
<b>BULK AND YARD REGULATIONS</b>	<b>DISTRICTS</b>			
	<b>R-A</b>	<b>R-1-A</b>	<b>R-1-B</b>	<b>R-2</b>
<b>BULK REGULATIONS</b>				
<b>MINIMUM LOT AREA</b>	5 acres	10,800 sf	SF: 5,000 sf Others: 8,7500 sf	SF: 5,000 sf 2F: 8,750 sf Others: 10,800 sf
<b>MAXIMUM BUILDING HEIGHT</b>	30 ft or 2.5 stories	30 ft or 2.5 stories	30 ft or 2.5 stories	35 ft or 3 stories
<b>MAXIMUM LOT COVERAGE<sup>E</sup></b>	40%	40%	60%	60%
<b>MINIMUM YARD REQUIREMENTS</b>				
<b>LOT REQUIREMENTS</b>	90 ft	90 x 120 ft.	SF: 50 x 100 ft. Others: 50x175 ft.	SF: 50x100 ft. 2F: 50x175 ft. Others: 50x216 ft.
<b>FRONT YARD</b>	20 ft	20 ft	20 ft	20 ft
<b>INTERIOR SIDE YARD</b>	20 ft Total, 10 ft. min. one side	20 ft Total, 10 ft. min. one side	20 ft Total, 10 ft. min. one side	20 ft Total, 10 ft. min. one side Townhouse: none
<b>CORNER SIDE YARD</b>	15 ft	15 ft	15 ft	15 ft
<b>REAR YARD</b>	Principal: 20 ft Accessory: 10 ft	Principal: 20 ft Accessory:10 ft	Principal: 20 ft Accessory: 10 ft	Principal: 20 ft Accessory: 10 ft
<sup>a</sup> Refer to individual Bulk, Area and Height tables within specific zoning districts for additional regulations. The table above should only be used as a general guide for bulk, area and height regulations governing principal structures (does not include accessory structures).				

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**SECTION 9.05 SUMMARY TABLE - COMMERCIAL BULK, AREA AND HEIGHT REGULATIONS**

Table IX-4: Commercial Use Bulk, Area and Yard Regulations

<b>COMMERCIAL USE BULK, AREA AND YARD REGULATIONS</b>			
<b>BULK AND YARD REGULATIONS</b>	<b>DISTRICTS</b>		
	<b>MUD<sup>a</sup></b>	<b>C-1</b>	<b>C-2</b>
<b>BULK REGULATIONS</b>			
MINIMUM LOT AREA	11,250 sf	11,250 sf	11,250 sf
MAXIMUM BUILDING HEIGHT	4 stories, 48 ft	35 ft or 3 stories	55 ft or 4 stories
MAXIMUM LOT COVERAGE	60%	60%	60%
<b>MINIMUM YARD REQUIREMENTS</b>			
LOT REQUIREMENTS	90 x 125 ft.	90 x 125 ft	90 x 125 ft
FRONT YARD	25 ft	50 ft.	50 ft.
INTERIOR SIDE YARD	10 ft	20 ft. Total, 10 feet minimum one side	20 ft. Total, 10 feet minimum one side
CORNER SIDE YARD	15 ft	Principal: 15 ft Accessory: 5 feet	Principal: 15 ft Accessory: 5 feet
REAR YARD	25 ft <sup>b</sup>	Principal: 20 ft Accessory: 10 feet	Principal: 20 ft Accessory: 10 feet
Residential Density	32 dwelling units /acre	n/a	n/a
Open Space Requirements	50 sq. ft/dwelling unit	n/a	n/a
Maximum front building façade length	60 ft.	n/a	n/a
Floor Area Ratio	1	n/a	n/a
<sup>a</sup> Refer to MUD tables for Bulk, Area and Height regulations shown in MUD district regulations			

KEY: SF=SINGLE FAMILY; 2F=TWO-FAMILY; MF = MULTI-FAMILY

## SECTION 9.06 SUMMARY TABLE - INDUSTRIAL BULK, AREA AND HEIGHT REGULATIONS

Table IX-5: Industrial Use Bulk, Area and Yard Regulations

<b>INDUSTRIAL USE BULK, AREA AND YARD REGULATIONS</b>		
BULK AND YARD REGULATIONS	DISTRICTS	
	M-1	M-2
<b>BULK REGULATIONS</b>		
MINIMUM LOT AREA	5 acres (217,800 SF)	10 acres (435,600 SF)
MAXIMUM BUILDING HEIGHT	4 stories or 55 feet	4 stories or 55 feet
MAXIMUM LOT COVERAGE	50%	50%
<b>MINIMUM YARD REQUIREMENTS</b>		
LOT REQUIREMENTS	300 x 726 ft	600 x 726 ft
FRONT YARD	Fronting the river: 2,000 ft Not fronting the river: 1000 ft.	Fronting the river: 2,000 ft Not fronting the river: 1000 ft.
INTERIOR SIDE YARD	100 ft total, 50 ft. each side Abutting residential: 2000 ft Abutting institutional: 500 ft. Accessory structures: 50 ft.	200 ft total, 100 ft. each side Abutting residential: 2000 ft Abutting institutional: 750 ft. Accessory structures: 50 ft.
CORNER SIDE YARD	Principal structures: 500 ft. Accessory structures: 100 ft.	Principal structures: 500 ft. Accessory structures: 100 ft.
REAR YARD	Principal structures: 200 ft. Abutting residential: 2000 ft Abutting institutional: 500 ft. Accessory structures: 50 ft	Principal structures: 200 ft. Abutting residential: 2000 ft Abutting institutional: 750 ft. Accessory structures: 100 ft
<p>*Refer to individual Bulk, Area and Height tables within specific zoning districts for additional regulations.</p> <p>*The table above should only be used as a general guide for bulk, area and height regulations governing principal structures (does not include accessory structures).</p>		

**Article X. SUPPLEMENTARY USE STANDARDS**

- SECTION 10.01 PURPOSE AND USE STANDARDS
- SECTION 10.02 ADULT USES
- SECTION 10.03 ANIMAL CARE:
- SECTION 10.04 AUTO DISMANTLING, OUTDOOR STORAGE, AND/OR USED PART SALES; GENERAL RECYCLING COLLECTION AND TRANSFER, SCRAP METAL COLLECTION AND TRANSFER; AUTO CRUSHING; AND JUNKYARDS/SALVAGE YARDS
- SECTION 10.05 BANQUET HALLS
- SECTION 10.06 BED AND BREAKFAST
- SECTION 10.07 CEMETERIES AND MAUSOLEUMS.
- SECTION 10.08 DAY CARE CENTER – ADULT OR CHILD
- SECTION 10.09 DAY CARE HOME– ADULT OR CHILD
- SECTION 10.10 FRATERNITY/SORORITY HOUSE
- SECTION 10.11 FUNERAL HOMES AND MORTUARIES.
- SECTION 10.12 GENERAL HOSPITALS
- SECTION 10.13 GOLF COURSES, COUNTRY CLUBS, PRIVATE RECREATIONAL AREAS, AND INSTITUTIONAL RECREATION CENTERS
- SECTION 10.14 GROUP HOMES
- SECTION 10.15 GUEST HOUSES.
- SECTION 10.16 HOME OCCUPATION
- SECTION 10.17 HOTEL
- SECTION 10.18 LIGHT AND HEAVY INDUSTRIAL FACILITIES
- SECTION 10.19 LIVE ENTERTAINMENT AND/OR AFTER-HOURS ENT. VENUE
- SECTION 10.20 MANUFACTURED HOUSING/MOBILE HOMES
- SECTION 10.21 MOTEL
- SECTION 10.22 MUNICIPAL GOLF COURSE
- SECTION 10.23 OFF TRACK BETTING FACILITY
- SECTION 10.24 PAY-DAY LOAN AGENCY/ CHECK CASHING FACILITY
- SECTION 10.25 RESTAURANTS
- SECTION 10.26 SALE OF ALCOHOLIC BEVERAGES
- SECTION 10.27 SCHOOLS, COLLEGES, JUNIOR COLLEGES OR INSTITUTIONS OF HIGHER LEARNING
- SECTION 10.28 SCHOOLS, PUBLIC/PRIVATE ELEMENTARY SCHOOLS & KINDERGARTENS.
- SECTION 10.29 SCHOOLS, PUBLIC/PRIVATE JUNIOR HIGH OR SENIOR HIGH SCHOOLS
- SECTION 10.30 SNOW CONE STANDS
- SECTION 10.31 TEMPORARY ON-SITE HIRING OR EMPLOYMENT OFFICE:
- SECTION 10.32 THEATERS
- SECTION 10.33 TOWNHOUSE DEVELOPMENTS
- SECTION 10.34 TRUCK STOPS AND TRUCK TERMINALS.
- SECTION 10.35 UTILITY, ELECTRIC SUBSTATIONS AND TRANSMISSION FACILITIES.
- SECTION 10.36 UTILITY, SEWERAGE LIFT OR PUMPING STATIONS
- SECTION 10.37 UTILITY, STORMWATER PUMPING STATIONS
- SECTION 10.38 VETERINARY HOSPITALS, OR CLINICS OR ASSOCIATED KENNELS
- SECTION 10.39 RESERVED

## **SECTION 10.01 PURPOSE AND USE STANDARDS**

### **A. PURPOSE**

The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement and construction

### **B. USE STANDARDS**

1. A structure or land must be used or occupied in conformity with the regulations for the zoning district in which it is located.
2. The use standards of this Article apply to uses allowed in the zoning districts, whether considered permitted or conditional. Uses must comply with all other standards of this Ordinance, including any design standards of the zoning district.
3. Non-compliance with any of these standards, including any required impact management plans and operation plans, is considered a violation of this Ordinance and subject to enforcement provisions
4. The section below outlines minimum requirements to be met relative to a Special Use Permit for such specific uses. These requirements are not intended to repeal any other Section of this Article or Ordinance, but shall be cumulative and additional to any other requirements of this Article and Ordinance.

## **SECTION 10.02 ADULT USES**

### **A. LOCATION REQUIREMENTS**

Adult uses are prohibited within a fifteen hundred foot (1,500') radius of the following:

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

## **B. MEASUREMENT**

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

## **C. EXTERIOR REQUIREMENTS**

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

## **D. SIGNAGE**

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

## **SECTION 10.03 ANIMAL CARE:**

### **A. ANIMALS, LARGE:**

Purpose: This section reestablishes the standards by which farm animals may be kept within St. Gabriel in a manner that will protect the public health and minimize the potential for nuisance.

Where identified as an accessory use, the keeping of large animals shall be subject to the following:

#### **1. Livestock – Cows and Horses and other similar animals**

- a. All livestock shall be kept in a fenced area.
- b. A property owner must own a total of 2 acres of contiguous land for R-1-A and R-1-B zoned lots to keep a Large Animal. This land may be comprised of several individual lots as long as all lots are under common ownership.
- c. Up to two large animals shall be permitted for R-1-A and R-1-B zoned lots containing a minimum area of two (2) acres. One large animal shall be permitted for every additional acre.
- d. An accessory structure for the keeping of livestock shall not be located in a primary front yard.
- e. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the St. Gabriel building code.
- f. A property owner must live on the property with the animals or within 1/4 mile of the property where the animals are being kept.
- g. There shall be no maximum number of large animal equivalents for R-A zoned lots provided that at least 9,000 square feet of open lot area is provided for the first large animal equivalent unit and 6,000 square feet of open lot area is provided for each additional large animals equivalent unit.
- h. A property owner must keep any Large Animals at least 50 feet away from a Regulated Structure. If a Large Animal is kept in or confined by any building or structure, such as a stable, barn, shed, pen, or fence, the separation distances required shall be measured in a straight line from the nearest point of such building or structure to the nearest point of any Regulated Structure.
- i. Electrified fences are permitted on side and rear yards only if placed inside another security fence. Warning signs shall be posted in a conspicuous location. Electric fences shall be supplied from the secondary side of an approved or listed electric fence device.

The electric wiring for the fence shall be installed pursuant to the manufacturer's instructions.

- j. A minimum containment area of 300 square feet shall be provided and used for each animal.
- k. Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
- l. In zoning districts where farm animals are allowed as a conditional use, the provisions of this chapter shall be the minimum requirements. The Planning Commission may add additional conditions and/or restrictions.
- m. A property owner wanting to claim legal non-conforming status under "Nonconformities" section of this ordinance must register with the City of St. Gabriel, Public Services Department, within one year of the adoption date of this ordinance. Such registration would include the number of Large Animals being kept on the property, the amount of Pasture Land provided, and the distance from any Regulated Structure. The large animal use may only be expanded if the use is brought into full compliance with this section.

## **2. Emus and Ostriches:**

- a. All emus and ostriches shall be kept in a fenced area. The fence shall be a minimum of 66 inches in height and shall be placed in a manner as to provide for the protection of the general public on adjoining land or public property or rights-of-way.
- b. The minimum square footage of open lot area, shall be 8,000 square feet for the first such animal, and 5,500 square feet for each additional such animal.
- c. A minimum containment area of 300 square feet shall be provided and used for each animal.
- d. A building, corral, or containment area shall be located no less than 15 feet from the side or rear lot line.
- e. An accessory structure for the keeping of livestock, emus and ostriches, or a corral shall not be located in a primary front yard. An accessory structure, a riding ring, or a corral may be located in a non-primary front yard. A riding ring may be located in a portion of the primary front yard if there is inadequate area in the side and rear lots, subject to approval of the Director.
- f. Any fence that serves to contain livestock, emus or ostriches shall be constructed of permanent materials, maintained and of sufficient strength and height to confine any animal located on the property. If any livestock, emus or ostrich is found to be encroaching on an adjacent property, as determined by the Director, and/or if a livestock animal has

damaged or is damaging property on adjacent property (e.g.), a corral, riding ring, or containment area shall then be set back a minimum of 8 feet from the property line.

- g. Slaughtering of animals on the premises shall be prohibited

**B. ANIMALS, SMALL:**

Where identified as an accessory use, the keeping of small animals shall be subject to the following:

**1. Rabbits and chinchillas:**

- a. The animals shall be in a fenced area or private rabbit and chinchilla hutches with no more than one animal for every 6 square feet of gross floor area.
- a. Hutches must be set back 15 feet from the side and rear property lines and behind the front edge of the primary structure.

**2. Poultry**

- a. Coops shall contain no more than one bird for every 4 square feet of gross floor area. All coops must be set back 15 feet from the side and rear property lines and behind the front edge of the primary structure.
- b. Poultry shall be kept in an enclosure or in a fenced area. The fence shall be a minimum of four feet in height.

**3. Pigeons:**

- a. Pigeons may be kept without regard to number as long as they are in a fenced area or private pigeon coops.
- b. Coops shall contain no more than one bird for every 4 square feet of gross floor area.
- c. All coops must be set back 15 from the side and rear property lines and behind the front edge of the primary structure.
- d. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop or house as long as the pigeons do not create a public nuisance pursuant to the St. Gabriel Municipal Code.

**4. Hens and Ducks:**

- a. A permit for the keeping of hens and ducks must be obtained from the City in conjunction with the Review of Supplemental Use Standards.



- b. A maximum of four females shall be allowed on a single property. Males shall be prohibited.
- c. A predator-resistant enclosure must be provided. The enclosure shall have a minimum of 6 square feet of living space for each animal and shall be secure, roofed, and well ventilated. However, the total size of an enclosure shall not exceed 32 square feet and shall not exceed 10 feet in height.
- d. Hens and ducks shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of 4 feet shall enclose the yard area.
- e. An enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district.
- f. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

**5. Dwarf Goats:**

- a. A permit for the keeping of dwarf goats must be obtained from the City.
- b. A maximum of three female dwarf goats shall be allowed on a single property. Goats shall be counted towards the total number of household pets permitted on a property. Male dwarf goats shall be prohibited.
- c. A predator-resistant enclosure must be provided. The enclosures shall have a minimum of 30 square feet of living space for each animal, and shall be secure, roofed, and well ventilated. However, the total size of an enclosure shall not exceed 90 square feet, and shall not exceed 10 feet in height.
- d. Goats shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of 4 feet shall enclose the yard area.
- e. An enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in this ordinance.
- f. A special use permit shall apply only to the occupant of the property at the time of approval.
- g. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated
- h. Slaughtering of animals on the premises shall be prohibited.

## 6. Apiaries:

Where identified as a limited or special use, apiaries shall be accessory to the permitted use, and subject to the following:

- a. A permit for the keeping of an apiary must be obtained from the City.
- b. One beehive shall be allowed for each 6,000 square feet of lot area.
- c. Beehives in R zone districts shall be located in a side or rear yard only, and no closer to any property lines than the accessory structure setbacks for the applicable zone district identified in this ordinance tables.
- d. Beehives in M1 or M2 zoning districts may not be located in any required front yard.
- e. The front of any beehive shall face away from the property line of an adjacent residential property closest to the beehive.
- f. A flyway barrier shall be placed along the side of the beehive that contains the entrance to the hive. The flyway barrier shall be located within 5 feet of the hive and shall extend at least 2 feet on either side of the hive.
- g. The flyway barrier shall be 6 feet in height and consist of a solid hedge or be constructed of materials that comply with the standards set forth in this ordinance.
- h. No flyway barrier constructed of any materials other than a solid hedge shall be erected without a building permit unless the structure is less than 8 feet long.
- i. No such flyway barrier shall be required if beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade and more than five feet from a property line.
- j. A supply of fresh water shall be maintained on the lot in a location readily accessible to all bee colonies throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- k. A special use permit shall apply only to the occupant of the property at the time of approval.
- l. Africanized bees are prohibited.
- m. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

**SECTION 10.04 AUTO DISMANTLING, OUTDOOR STORAGE, AND/OR USED PART SALES; GENERAL RECYCLING COLLECTION AND TRANSFER, SCRAP METAL COLLECTION AND TRANSFER; AUTO CRUSHING; AND JUNKYARDS/SALVAGE YARDS**

The following standards apply for auto dismantling, outdoor storage, and/or used part sales, general recycling collection and transfer, scrap metal collection and transfer; auto crushing; and junkyards/salvage yards:

1. Along the side and rear yards, there shall be a fifty (50) foot natural buffer from the property line to the required ten (10) foot fence around the side and rear of the property. No structures, storage, or internal roadway may be placed within the buffer area.
2. There shall be a thirty (30) foot setback from the street right-of-way to the front fence.
3. Off-street parking requirements are as follows: a minimum of five (5) spaces or one (1) space per employee on the shift with the maximum number of personnel, whichever is greater.
4. The fence surrounding the site shall be ten (10) feet in height, be of an opaque construction, and have a uniform height above grade along its entire length. The fence shall be of uniform design and construction materials, color, and decorative pattern. Salvage materials or junk shall not be used in the construction of fences. The fence shall be built and maintained at a ninety (90) degree angle from the ground and shall completely enclose the property.
5. All driveways from the street to twenty (20) feet inside the fenced enclosure shall be covered by a hard surface including but not limited to concrete, asphalt, gravel, or shells.
6. Grass shall not exceed eighteen (18) inches in height.
7. Any trash, debris, or litter on the perimeter of property and extending eighteen (18) inches into the street shall be removed.
8. The required thirty (30) foot setback shall be preserved as permeable landscape areas, allowing only for curb cuts or driveways.
9. A large evergreen continuous hedge to a minimum height of five (5) feet shall be planted along the front property line.
10. Medium to large trees in accordance with Louisiana Cooperative Extension tree rating system shall be planted every twenty-five (25) feet along the front right-of-way and any interior lot lines adjacent to residential property.

## **SECTION 10.05 BANQUET HALLS**

Such uses are subject to the following:

1. Compatibility with adjacent existing or proposed residential properties shall be a primary concern.
2. Rear and side building setbacks of not less than eighty (80) feet from any residential district or residentially used property shall be provided.
3. Screening of residential uses to restrict view from residential property shall be provided by a solid masonry wall eight (8) feet in height, or a solid strip of evergreen plantings pursuant to a plan approved as part of the development, within an area of at least twenty (20) feet in width, with approved trees eight (8) to ten (10) feet in height at planting.

## **SECTION 10.06 BED AND BREAKFAST**

Such uses are subject to the following :

1. All bed and breakfast facilities shall be operated within the principal structure and not within accessory structures.
2. A bed and breakfast facility shall have no more than seven (7) guest rooms.
3. The maximum length of continuous stay for any guest shall be fourteen (14) days.
4. The owner/proprietor shall live in the principal structure of the facility.
5. Meals other than breakfast shall not be served, and shall only be served to paying overnight guests.
6. Cooking facilities are prohibited in individual guest accommodations.
7. Bed and breakfast facilities shall provide one (1) full bathroom per guest room, not including the owner/proprietor's bath.
8. The bed and breakfast facilities in residential districts shall be permitted to have one (1) two- sided advertising sign, not to exceed four (4) square feet in total sign face area. Exterior signs for bed and breakfast facilities may be erected in the front yard at least ten feet (10') from the street right-of-way and shall conform to the general character of the surrounding neighborhood.

No special activities may take place on the premises of the bed and breakfast facility in any residential district. Ancillary social gatherings, such as weddings, receptions, luncheon fundraisers and similar events, attended by any non-lodger, may take place on the premises of a Bed and Breakfast facility within designated business districts

## **SECTION 10.07 CEMETERIES AND MAUSOLEUMS.**

In all districts in which such use is authorized, the following standards apply:

1. Cemeteries and mausoleums may have the following accessory uses: a storage building for the storage of maintenance equipment used in maintaining cemeteries, a caretaker's house, an administrative office, a crematorium, and a chapel, provided that the cemetery and/or mausoleum is located on a site containing a minimum of two (2) acres, enclosed by a masonry fence, iron fence or combination of masonry and iron fence, or a wall not less than eight (8) feet in height along all property lines.
2. The yard area requirements of the district within which such facilities are located shall apply and yards shall remain free of any and all structures. In no instance, however, shall any yard be less than ten (10) square feet when such yard abuts a residential property line;
3. The height regulations of the district within which such uses are located shall apply, except that additional height to a maximum of fifty (50) feet shall be permitted where one (1) foot of additional setback is provided on all sides of a structure for each additional one (1) foot in height in excess of the height limitations of the district;
4. Crematoriums shall not be located closer than 100 feet to any public street, nor closer than 200 feet to any residential district property line, nor closer than 100 feet to any commercial, office, or medical district property line, nor closer than twenty (20) feet from any other property line;
5. A storage building or area for the storage of maintenance equipment used for maintenance of such cemetery shall not exceed thirty-five (35) feet in height unless it is part of a building or structure of greater permitted height; nor shall such use be located closer than 150 feet to any residential district property line, and such structure shall not exceed 5,000 square feet in gross area;
6. A caretaker's or sexton's house shall not exceed the height limitation of the district within which it is located, unless it is part of a building or structure of greater permitted height;
7. Cutting, engraving and marking of headstones and grave markers, and all materials used in conjunction therewith, shall not be located closer than 200 feet from any residential or commercial district;
8. Administrative offices or chapels shall not be located closer than ten (10) feet to a public street right-of-way, nor closer than 100 feet to any residential district property line, nor closer than twenty (20) feet to any other property line, the aggregate gross floor area of all such structures shall not exceed 15,000 square feet. Such facilities shall not have direct access to or from a public street;
9. Subject to the general sign regulations of Article XIII

- a. One (1) sign containing not more than twenty-five (25) square feet shall be permitted at each entrance of the cemetery or mausoleum site.
  - b. One (1) sign containing not more than ten (10) square feet shall be permitted for each mausoleum not located within a cemetery, but located as a separate entity and having direct access to a public way from the mausoleum site;
10. All entrances and exits to the cemetery or mausoleum site from a public street shall be approved by the Department of Streets;
11. The following off-street parking provisions shall apply:
- a. One (1) parking space per 20,000 square feet of cemetery lot area, plus one (1) parking space per each four (4) permanent employees shall be provided; however, the total number of parking spaces provided need not exceed twenty-five (25),
  - b. For mausoleums, a parking area equal to the ground floor area of such mausoleum, plus one (1) parking space for each four (4) permanent employees shall be provided; however, the total number of parking spaces provided need not exceed twenty-five (25);
12. All cemetery property, including buildings and structures shall be landscaped and permanently maintained.

#### **SECTION 10.08 DAY CARE CENTER – ADULT OR CHILD**

Such uses are subject to the following:

- 1. Each day care center must comply with all applicable state and federal regulations including regulations within the Louisiana Administrative Code.
- 2. The operator of any day care center must be licensed by the State of Louisiana, and must provide all permits and licenses to the City of St. Gabriel Director of Public Services before obtaining a Certificate of Occupancy.
- 3. The number of children or adults permitted in a day care center is as follows:
  - a. Day Care Center, Small: Up to fifteen (15) children or adults;
  - b. Day Care Center, Large: Sixteen (16) to fifty (50) children or adults;
  - c. Day Care Center, Commercial: Fifty-one or more (51) children or adults;

**A. ADULT DAY CARE CENTER**

1. No adult may remain on the premises of an adult day care center for more than twenty-four (24) consecutive hours in one (1) stay.
2. A minimum of twenty-five (25) square feet of indoor space must be provided for each adult at the center, exclusive of kitchens, bathrooms, offices, halls, stairways, and storage areas.
3. If no elevator is available, all programs and activities must be located on the ground floor.
4. An on-site drop off and/or residential passenger zone is required. Stacked parking is permitted.
5. The use of van or bus service is encouraged.

**B. CHILD DAY CARE CENTER**

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

fences must be provided where there are open cisterns, wells, ditches, fish ponds, swimming pools, and to separate the parking from any play area.

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

## **SECTION 10.09 DAY CARE HOME– ADULT OR CHILD**

Such uses are subject to the following:

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

### **A. ADULT DAY CARE HOME**

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



## **B. CHILD DAY CARE HOME**

1. No child may remain on the premises of a child day care home for more than twenty-four (24) consecutive hours in one (1) stay.
2. The following square footage of available indoor and outdoor play/instruction area is required for each child day care center:
  - a. A minimum of thirty-five (35) square feet per child of available indoor play/instruction area, which includes all indoor classrooms and play areas available for use by the children, but does not include hallways, office space, restrooms, storage or food preparations areas. If rooms are used exclusively for dining or sleeping, they are not included in the play/instruction area.
  - b. A minimum of thirty-seven and one half (37.5) square feet per child of available outdoor play area. The outdoor play area includes all outdoor play areas on the site available for use by children, but does not include any area within the required front yard. This requirement is not subject to variances
3. The outdoor play area must meet the following requirements:
  - a. The outdoor play area must be enclosed to protect the children from traffic hazards on- and off-site and prevent the children from leaving the premises without proper supervision.
  - b. If the child day care home is located adjacent to a residential district there must be a six-foot (6') solid fence around the play area adjacent to any abutting property line. Security fences must be provided where there are open cisterns, wells, ditches, fish ponds, swimming pools, and to separate the parking from any play area.
  - c. A shade device (shade trees, overhangs, etc.) must be provided within the outdoor play area that covers at least twenty-five percent (25%) of the outdoor play area.
  - d. Play equipment provided must be maintained in good repair, and there must be a soft surface (grass, sand, mulch, mats, etc.) under all climbing equipment.

## **SECTION 10.10 FRATERNITY/SORORITY HOUSE**

1. Fraternity and sorority houses must be used and operated by a fraternal or sororal membership organization or association for residential and/or social uses only. Operations for which the chief activity is customarily carried on as a business are prohibited. The fraternal or sororal organization or association must be incorporated as such under the laws of the State of Louisiana.
2. Fraternity and sorority houses must be located on the campus of the institution that permits said fraternity/sorority, on a parcel immediately adjacent to the campus, or within one thousand feet (1,000') of the college or university.

3. No new fraternity or sorority houses located outside of the university campus are permitted within five hundred feet (500') of an existing fraternity or sorority house. Fraternity and sorority houses located on the campus of the institution are exempt from this separation requirement.
4. Fraternity and sorority houses located outside of the university campus must be located on a site of at least seven thousand two hundred (7,200) square feet.

### **SECTION 10.11 FUNERAL HOMES AND MORTUARIES.**

In all districts in which such use is authorized, the following standards apply:

1. Facilities must be located on a site of at least 25,000 square feet;
2. Facilities must be set back a minimum of twenty (20) feet from all lot lines;
3. The total gross floor area of the building(s) shall not exceed fifty (50) percent of the total site area, except when abutting a commercial or industrial district, in which case the total gross floor area of the building(s) shall not exceed seventy-five (75) percent of the total site area;
4. Where such facilities abut a residential district, a visual screen of a fence or wall a minimum of seven (7) feet in height shall be provided along all interior lot lines

### **SECTION 10.12 GENERAL HOSPITALS**

Such uses shall be subject to the following:

1. Such uses shall not include those hospitals for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease.
2. Such uses shall not exceed four (4) stories.
3. All such hospitals shall be developed only on sites consisting of at least five (5) acres in area, and shall not be permitted on a lot of record.
4. The proposed site shall have at least one (1) property line abutting a major thoroughfare, a thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed.
5. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2) the minimum yard distance shall be increased by at least twenty (20) feet.

6. Ambulance and delivery areas shall be obscured from all residential view with an obscuring masonry wall six (6) feet in height. Ingress and egress to the site shall be directly from a major thoroughfare, a thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed.
7. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facility, shall be directly from a major thoroughfare.

### **SECTION 10.13 GOLF COURSES, COUNTRY CLUBS, PRIVATE RECREATIONAL AREAS, AND INSTITUTIONAL RECREATION CENTERS**

Such uses may be permitted when not operated for profit, and are subject to the following:

1. Any use developed herein and requiring a structure shall have said structure so located on the site as not to be closer than two hundred (200) feet from the lot line of any adjacent residential land.
2. All ingress and egress from said site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least one hundred (120) feet of width.
3. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.

### **SECTION 10.14 GROUP HOMES**

Such uses may be permitted subject to the following:

1. Group homes must be licensed by the State of Louisiana.
2. Group homes are subject to all local and federal regulations, and the regulations of the Louisiana Administrative Code.
3. Group homes must be located no closer than one thousand feet (1,000') from any other existing group home, as measured from a point of the lot line on which the use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.
4. A group home must encompass the entire structure.
5. The location, design and operation of a group home must not alter the residential character of a neighborhood. The facility must retain a residential character, which must be compatible with the surrounding neighborhood in scale and appearance.

Group homes are divided into the following sizes:

- 1) Small group homes: Up to six (6) residents;
- 2) Large group homes: Seven (7) to twelve (12) residents;
- 3) Congregate group homes: Thirteen (13) or more residents.

#### **SECTION 10.15 GUEST HOUSES.**

In all districts in which a guesthouse is authorized, the following standards apply:

1. Only one (1) guest house or one (1) transient use shall be permitted per block, including the facing block frontages.
2. No bathroom facilities shall be accessible from the exterior of the building(s).
3. Dormitory-style rooms shall require a minimum of one (1) bathroom per dormitory-style room.
4. Dormitory-style rooms shall be limited to a maximum of six (6) individuals per sleeping room.
5. A lobby/recreation area shall be provided.
6. All guests and their visitors shall be required to sign a guest and visitor's register located in the management office prior to being granted access to the premises.
7. All housekeeping duties shall be the responsibility of the operator of the establishment. This includes the physical maintenance of the building and guest rooms, cleaning of the guest sleeping rooms, bathrooms and common rooms, and the laundering of all bedding and towels.
8. No more than ten (10) percent of the total number of guest rooms may be used as dormitory-style rooms.

#### **SECTION 10.16 HOME OCCUPATION**

1. A home occupation must be conducted within the dwelling unit and not within any accessory structure. This includes, but not limited to, porches, balconies, carports, or garages.
2. The home occupation shall be incidental to the use of the dwelling unit for residential purposes. No more than twenty-five percent (25%) of the floor area of the residence or five hundred (500) square feet (whichever is less) may be used in connection with the home occupation.

3. The person conducting the home occupation must live at this location, and consider the property as their primary residence. Proof of owner occupancy may be established by submission of proof of a homestead exemption.
4. There shall be no sale of goods on premises in connection with said home occupation.
5. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
6. There shall be no advertising, display, or other exterior indications of a home occupation on the premises, other than one (1) sign attached to the dwelling unit itself. The sign shall be flat, non-illuminated, and shall not exceed one (1) square foot in area.
7. No more than one (1) home occupation or business shall be conducted within a dwelling unit, and services shall be limited to one (1) client at a time. The hours of operation for a home occupation shall be limited to 8:00 am to 6:00 pm.
8. Barber or beauty shops shall be limited to one (1) operator with no assistants, one (1) styling chair and one (1) shampoo bowl. Scheduling shall allow for one (1) appointment at a time only. All parking for customers and residents shall be located on the site.
9. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the site.
10. The use shall not produce offensive noise, odors, vibrations, smoke, fumes, heat, or dust detectable to normal sensory perception beyond the premises.
11. Storage of stock, supplies, and products shall be permitted only inside the premises where a home occupation is being operated. There shall be no outdoor storage of equipment or materials used in the home occupation.
12. The use shall not create greater vehicular or pedestrian traffic than normal for the residential district in which it is located, as determined by the Public Services Director or his/her designee.

#### **CERTIFICATE OF OCCUPANCY**

1. An application for a certificate of occupancy for a home occupation shall be made to the Planning and Zoning Division office on a form provided by the Division.
2. Inspection of the applicant's premises shall be made by the Building Inspector to determine compliance with these regulations before a Certificate of Occupancy shall be issued.

## **PERMITTED HOME OCCUPATIONS**

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

## **SECTION 10.17 HOTEL**

Such uses are subject to the following:

1. Compatibility with adjacent existing or proposed residential properties shall be a primary concern.
2. Rear and side building setbacks of not less than eighty (80) feet from any residential district or residentially used property shall be provided.
3. Screening of residential uses to restrict view from residential property shall be provided by a solid masonry wall six (6) feet in height, or a solid strip of evergreen plantings pursuant to a plan approved as part of the development, within an area of at least twenty (20) feet in width, with approved trees eight (8) to ten (10) feet in height at planting.
4. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
5. All exterior lighting shall be directed along exterior building walls and away from residential property.
6. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
7. Adequate measures shall be taken to provide ingress and egress so designed to minimize traffic congestion on public streets. There shall be no ingress or egress from or to a local residential street.
8. Outdoor trash receptacles shall not be located on the side of a property adjacent to a resident or residential district.

## **SECTION 10.18 LIGHT AND HEAVY INDUSTRIAL FACILITIES**

Such uses are subject to the following:

1. There must be one principal entrance to the industrial site, designed so that there will be adequate vehicular queuing space and appropriate controls for traffic entering and leaving the site.
2. The owner(s) must provide a plan for the installation of adequate facilities for the disposal of human and industrial wastes meeting the approval of the State Department of Health.
3. The owner(s) must establish appropriate organization for the future maintenance of the site, including roads, planting areas, and other improvements.
4. Must comply with Industrial Performance Standards per Article XVIII

## **SECTION 10.19 LIVE ENTERTAINMENT AND/OR AFTER-HOURS ENTERTAINMENT VENUE**

Such uses are subject to the following:

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

## **SECTION 10.20 MANUFACTURED HOUSING/MOBILE HOMES**

Such uses are subject to the following:

1. See Chapter 52 of Manufactured Housing Ordinance for additional requirements.
2. No manufactured housing unit shall be occupied for dwelling purposes unless it is connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to inspection and approval.

## **SECTION 10.21 MOTEL**

Such uses are subject to the following:

1. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.
2. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.
3. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

## **SECTION 10.22 MUNICIPAL GOLF COURSE**

Permanent or temporary structures including tents and pavilions for the purpose of assembling persons shall not be located closer than 500 feet from any adjacent property lines of subdivisions developed for residential uses.

## **SECTION 10.23 OFF TRACK BETTING FACILITY**

Such uses are subject to the following:

1. An Off-Track Betting Facility is prohibited within a five hundred feet (500') radius of the following uses and areas:
  - a. Public parks, playgrounds, or libraries.
  - b. Public or private elementary or secondary educational facilities
  - c. Places of worship
  - d. Child day care centers
  - e. Any residential district
2. Measurement of location shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure where an off-track betting facility is located or conducted to the nearest property line of the premises of any of the uses described above.
3. It shall be unlawful for an owner or operator of an off-track betting facility to allow the activities of the establishment (including video poker) to be visible from a point outside the establishment.
4. Primary access to an off-track betting facility shall not be located along a residential street.



## **SECTION 10.24 PAY-DAY LOAN AGENCY/ CHECK CASHING FACILITY**

1. A pay-day loan agency or check cashing facility, as defined in Article 22 of this Ordinance, is not permitted within one-thousand feet (1,000') of any other pay-day loan agency or check cashing facility.
2. Drive-through facilities are prohibited

## **SECTION 10.25 RESTAURANTS**

1. Retail sales of alcoholic beverages for consumption off-premises are prohibited.
2. Specialty Restaurants in a C-1 and C-2 district are limited to the following daily hours of operation: 6:00 AM to 7:00 PM

## **SECTION 10.26 SALE OF ALCOHOLIC BEVERAGES**

1. The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within 1000 feet of a church, public or private school, or public hospital.
2. The sale of alcoholic beverages in a restaurant with a food and beverage certificate shall be prohibited within 1000 feet of a church, public school, or public hospital.
3. The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within:
  - a. 1,000 feet of a public school if City Council receives a request from the governing body of the school board.
  - b. 1,000 feet of a private school if City Council receives a request from the governing body of the private school.
4. Subsection (1) does not apply to the holder of a license or permit covering a premise where minors are prohibited from entering under Section 109.53 of the Louisiana Alcoholic Beverage Code and that is located within 300 feet of a private school.
5. Subsections 3(a) and 3(b) do not apply if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages.
6. Subsection 3(b) does not apply to the holder of: a license or permit issued under Chapter 27, 31, or 72 of the Louisiana Alcoholic Beverage Code who is operating on the premises of a private school; or a license or permit covering a premise where minors are prohibited from entering under Louisiana State Code and that is located within 1,000 feet of a private school.

7. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be; in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of which the permit or license holder is located.
8. The City Council, upon receipt of a recommendation from the Planning & Planning Commission may approve variances to requirements of subsections (1), (2) or (3) if it determined that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
9. Before acting upon any an application for a variance, Public Hearings shall be held by the Planning & Planning Commission and the City Council. Notification of the Public Hearings shall be in accordance with Comprehensive Zoning Ordinance. However, notice of the public hearings before the Planning & Planning Commission and the City Council shall be sent to all owners of real property lying within three hundred (300) feet of the property on which the change is requested or proposed.
10. For the purpose of this section, "private school" means a private school, including a parochial school, that: offers a course of instruction for students in one or more grades from kindergarten through grade 12; and has more than 100 students enrolled and attending courses at a single location.
11. Pursuant to Louisiana State Code, the extended hours area for the sale of mixed beverages, beer and wine on-premises within the incorporated limits of the City of St. Gabriel shall be extended until 2:00 a.m. on any day of which such extended hours are permissible. A holder of mixed beverages, private club, or retail dealer's on-premises late hours permit or license may sell and offer for sale mixed beverages, beer and wine for on-premises consumption between midnight and 2:00 a.m. on any day.

## **SECTION 10.27 SCHOOLS, COLLEGES, JUNIOR COLLEGES OR INSTITUTIONS OF HIGHER LEARNING**

The developer shall submit site plans for City Planning Commission staff review and approval. These plans shall include litter abatement strategies as well as the location of all dumpsters and/or trash receptacles to be used in conjunction with the use; and

Colleges or university developments within fifty (50) feet of a Residential Zoning District (excluding the R-2 District) shall be considered as conditional uses.

In all districts in which such use is authorized, except in all BIP, M1 and M2 Districts, the following standards apply:

1. Facilities shall be located on a site of at least ten (10) acres;
2. Facilities shall be set back a minimum of fifty (50) feet from all property lines;
3. Any accessory use which has accompanying hazards, such as fire, explosion, noise, vibration, dust, or emission of smoke, odors, or toxic gases, or other hazards to public health, or welfare, may be permitted only in accord with the provisions of this ordinance

In the BIP, M1 and M2 Districts the following standards apply:

1. Facilities shall be located on a site of at least ten (10) acres;
2. Facilities shall be set back in accordance with district regulations.
3. Any accessory use which has accompanying hazards, such as fire, explosion, noise, vibration, dust, or emission of smoke, odors, or toxic gases, or other hazards to public health, or welfare, may be permitted only in accord with the provisions of this ordinance

## **SECTION 10.28 SCHOOLS, PUBLIC/PRIVATE ELEMENTARY SCHOOLS & KINDERGARTEN)**

1. In all districts in which such use is authorized, the following standards apply:
2. Facilities shall be located on a site having a minimum of two (2) acres or one (1) City square, whichever is the lesser;
3. Appropriate setbacks shall be provided for all public and private elementary school structures (exclusive of play equipment), of not less than fifty (50) feet where the side yard line or rear yard line abuts a residential district, and not less than twenty-five (25) feet from all lot lines abutting streets, canals, or open public spaces.

In addition to the above requirements, in R-1(a), R-1(b) and R-2 Districts the following standards shall apply: Access to schools shall be provided by a minimum of a street with two (2) or more clearly marked lanes for traffic in each direction and a street with a single lane for traffic in each direction or three (3) streets with a single lane for traffic in each direction

## **SECTION 10.29 SCHOOLS, PUBLIC/PRIVATE JUNIOR HIGH OR SENIOR HIGH SCHOOLS**

In all districts in which such use is authorized, the following standards apply:

1. Facilities shall be located on a site having a minimum of five (5) acres;
2. Appropriate setbacks shall be provided for all public and private junior high or senior high school structures of not less than fifty (50) feet where the side yard line or rear yard line abuts a residential district, and not less than twenty-five (25) feet from all lot lines abutting streets, canals, or open public spaces.

In all Residential Districts the following standards apply:

1. Facilities shall be located on a site having a minimum of five (5) acres;
2. Appropriate setbacks shall be provided for all public and private junior high or senior high school structures of not less than fifty (50) feet where the side yard line or rear yard line abuts a residential district, and not less than twenty-five (25) feet from all lot lines abutting streets, canals, or open public spaces.
3. Access to schools shall be provided by a minimum of a street with two (2) or more clearly marked lanes for traffic in each direction and a street with a single lane for traffic in each direction or three (3) streets with a single lane for traffic in each direction

## **SECTION 10.30 SNOW CONE STANDS**

### **A. USES**

#### **1. PERMANENT USES**

Snow Cone Stands operated in any other building that is not considered a portable building shall for the purposes of this ordinance be considered a "Snack Bar/Snack Shop" and shall therefore meet all requirements for a Snack Bar/Snack Shop. See Article XXII (Definitions and Rules of Interpretation) for definition of "Snack Bar/Snack Shop".

#### **2. TEMPORARY USES**

A snow cone stand in a portable building shall not operate for more than six (6) months on the same lot or parcel, for any consecutive twelve (12) month period, measured from the date of issuance of a certificate of occupancy. The portable building occupied by the snow cone stand operation, including all tables, chairs, tent, foundation, and other appurtenances thereto, shall be completely removed from the lot or parcel at the end of the operational period.

### **B. RESPONSIBILITY**

It shall be the responsibility of the owner of the property upon which a snow cone stand is located to ensure that all provisions of this subsection are complied with.

### **C. SPECIAL CONDITIONS**

Snow cone stands in portable buildings shall be located and maintained in accordance with the following provisions:

1. A snow cone stand in a portable building and all appurtenances thereto, shall comply with all applicable requirements of the district in which it is located. Such facility shall not be required, however, to meet the landscaping, exterior masonry, or underground utility requirements of the applicable zoning district.
2. A snow cone stand and its appurtenances may be located on parking spaces, provided that such spaces are not necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.
3. A snow cone stand and its appurtenances shall not be located within, nor encroach upon a fire lane, maneuvering aisle, vehicle stacking space, or required landscaping areas of the lot or parcel upon which the facility is placed. The location of such facility shall comply with the Visibility Obstructions Ordinance.
4. The portable building in which the snow cone operation is located shall be placed on a foundation in a manner prescribed by the building codes. Foundation skirts shall be provided on all sides of the building to within six (6) inches of the finished grade at the site where the building is located.
5. Snow cone stands shall not exceed 120 square feet of floor space.
6. Snow cone stands shall contain at least one (1) service window for customers.
7. Snow cone stands shall contain a pitched roof.
8. The snow cone stand shall contain a menu on the same side of the service window where patrons order.
9. A canopy or tent no larger than 100 square feet is a permitted appurtenance to allow for outdoor seating.
10. Ice storage compartments shall be screened from the street.
11. Snow cone stands shall not operate from a trailer, contain a trailer hitch, or be on wheels. In no instance shall snow cone stands occupy a lot or parcel that is unimproved.

### **SECTION 10.31 TEMPORARY ON-SITE HIRING OR EMPLOYMENT OFFICE:**

A temporary on-site hiring or employment office shall comply with the following conditions:

1. The office shall be located on the same lot as the building where, upon completion, such employment will occur.
2. The office shall be allowed only on the lot for which a building permit has been issued, and building construction is active.
3. The office shall be allowed for a period not to exceed six (6) weeks, and shall be removed prior to issuance of a certificate of occupancy for the building under construction.
4. Not more than one (1) trailer or building shall be used for the hiring or employment office.
5. The office shall not be used or occupied until all driveways, driveway approaches and parking areas have been constructed in order to provide on-site traffic circulation and parking relative to the hiring or employment office.

### **SECTION 10.32 THEATERS**

Such uses are subject to the following:

1. Compatibility with adjacent existing or proposed residential properties shall be a primary concern.
2. Rear and side building setbacks of not less than eighty (80) feet from any residential district or residentially used property shall be provided.
3. Screening of residential uses to restrict view from residential property shall be provided by a solid masonry wall six (6) feet in height, or a solid strip of evergreen plantings pursuant to a plan approved as part of the development, within an area of at least twenty (20) feet in width, with approved trees eight (8) to ten (10) feet in height at planting.
4. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
5. All exterior lighting shall be directed along exterior building walls and away from residential property.
6. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
7. Adequate measures shall be taken to provide ingress and egress so designed to minimize traffic congestion on public streets. There shall be no ingress or egress from or to a local residential street

## SECTION 10.33 TOWNHOUSE DEVELOPMENTS

Such uses are subject to the following:

1. Town housing means two (2) or more attached living units with common or party side walls between units designated so that each unit may be sold independently as a lot with its own yards and parking spaces. Town houses shall be permitted only zoning districts as shown in this ordinance.
2. A town house district permits the development of attached town homes compatible with the surrounding residential development. The maximum density is twelve (12) units per acre. Churches, schools, public buildings, recreational facilities and other accessory uses normally compatible with surrounding residential development may be permitted.
3. Location: In town house zoning districts, town house projects shall front at least fifty (50) feet on a public street and be generally compatible with existing developments in the neighborhood.
4. Procedure: Before the Planning and Planning Commission considers an application for a town house zoning district, the applicant shall submit a preliminary subdivision layout to the Director of Public Services as the first step in the procedure requirement and also meet the following design criteria. After initial review by the Director of Public Services the preliminary layout will then be brought before the Planning and Zoning Commission for public hearing.
5. Site plan, lot size and area. Parking and open space provisions.
6. Site plan and design criteria, general. It is the intent of this section that town house projects in areas where they are or may be permitted shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.
7. Site plans and design criteria, details. In line with the general considerations above: Not more than six (6) contiguous town houses shall be built in a row with the same or approximately the same front building line and not more than twelve (12) town houses shall be contiguous.
8. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty (20) feet.
9. Minimum individual lot area shall be fifteen hundred (1500) square feet.
10. No portion of a town house or accessory structure in or related to one (1) group of contiguous town houses shall be closer than twenty (20) feet to any portion of a town house or accessory structure related to another group, or to any building outside the town

house area, nor shall any structure be less than twenty (20) feet from a public street right-of-way and ten (10) feet off any side street right-of-way if said building is located on a [corner] lot. Garage entrances or parking shall be prohibited on side streets.

11. No portion of a duplex shall be closer than ten (10) feet to any portion of a duplex or accessory structure or to any building outside the duplex area, with no more than six (6) being contiguous; however, if more than six (6) duplexes are contiguous then there shall be a minimum separation requirement of twenty (20) feet.
12. Yards. There shall be a twenty-five (25) foot yard along sides and rear of each town house site wherever it adjoins a lot containing single family dwellings or vacant lots in R-1, R-2, R-3 and R-4 districts and a five (5) foot side and ten (10) foot rear yard in any other circumstances not addressed herein. Each town house shall have its own lot yard space of at least two hundred (200) square foot, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for an accessory building.
13. Grouped parking facilities. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. Practicable methods of drainage shall be assured by developers in connection with common parking facilities, and all such facilities shall be improved to city standards for off-street parking areas, with at least two (2) spaces per unit on the lot plus one (1) visitor parking space per each two (2) units, which may be provided in separate areas when an adequate area for three (3) parking spaces, including garage or carport areas, is not provided on an individual lot.
14. Drives, parking and utilities. Design and construction of drives, drainage and landscaping and location of utilities shall be subject to review and approval by the Department of Public Works before approval of the preliminary plan by the Planning and Zoning Commission
15. Lots may front on driveways with access to a public street by means of a private servitude of access, provided that driveways extending more than three hundred (300) feet from a public street provide adequate turning and maneuvering area in accordance with subdivision regulations. All other requirements for public streets and servitudes as set forth in the City of St. Gabriel Subdivision Regulations.
16. Parking areas shall be at least sixty-five (65) feet wide where parking or carports are on both sides of a common driver at least forty-two (42) feet wide where there is parking on one (1) side only except where diagonal parking is to be provided, parking areas shall be at least fifty-seven (57) feet wide for parking on both sides or thirty-six (36) feet for parking on one (1) side.
17. Before approval of the final subdivision plans by the Planning and Zoning Commission, restrictions shall be submitted, including designation of all servitudes, lot lines, parking areas and other open space, with provision for perpetual maintenance where applicable on all improvements including pavements, utilities and services. Restrictions shall clearly indicate that the city will not accept any maintenance responsibility for private drives and parking spaces.



18. Servitudes in favor of the lots shall be provided at the front or rear of lots in the required front or rear yards for off-street parking and utilities, but entrances to front yard parking areas shall be not less than fifty (50) feet apart, unless an individual space is provided for each lot. Parking spaces and drives shall be constructed of concrete or asphalt.
19. There shall be a six (6) foot high wall or solid fence along the sides and rear of the project wherever it adjoins residential lots.
20. Only town houses may be built in such a subdivision and the subdivision must be undertaken within six (6) months of final subdivision approval. If construction of subdivision is not undertaken within six (6) months, the Planning and Planning Commission shall revoke approval of the subdivision unless some compelling reason can be shown for its continuance.

### **SECTION 10.34 TRUCK STOPS AND TRUCK TERMINALS.**

Such uses are subject to the following:

1. All truck stops and truck facilities shall submit a site plan for review and approval by the City Planning Commission staff.
2. Truck stops and truck facilities shall be placed on parcel of land with a minimum of 5 acres.
3. A minimum (500) foot deep front yard setback must be provided. If abutting a residential district, (500) foot setback must be provided. No parking shall occur in this setback area. The setback must be landscaped with evergreen trees, shrubs, and groundcover. Large to medium trees in accordance with Louisiana Cooperative Extension Service's tree rating system shall be planted at a rate of one (1) for every twenty-five (25) feet of lineal frontage.
4. An opaque high fence with a minimum height of seven (7) feet shall enclose any outside storage areas which are adjacent to a public right-of-way or an adjacent residential or commercial use.
5. All vehicular use areas adjacent to public right-of-ways shall be screened from off-site views with a continuous opaque screen to a height no less than thirty (30) inches. This height shall be continuous with no gaps, consisting of a berm, masonry wall, landscape plants in the form of a hedge or a combination thereof. The minimum width of the planting strip shall be three (3) feet.
6. Parking lots with over 100 parking spaces shall provide landscaped interior parking islands at a rate of one (1) for every twenty (20) parking spaces. The parking islands shall be five (5) feet in width.
7. Loading operations shall be screened and conducted in such a manner that in the process of loading or unloading, no vehicle shall block the passage of other vehicles on any roadway.

## **SECTION 10.35 UTILITY, ELECTRIC SUBSTATIONS AND TRANSMISSION FACILITIES.**

In all Residential, Institutional and Agricultural Districts, in which electric substations and transmission facilities are authorized, the following standards apply:

1. Facilities must be approved by the Iberville Department of Utilities and St. Gabriel Department of Public Services.
2. Substation facilities shall be on a site having a minimum area of one (1) acre or on sites completely surrounded by public streets.
3. Substation facilities shall be located within and completely surrounded by an ornamental fence or wall having a minimum of sixteen (16) feet in height and set back a minimum of twenty (20) feet from all property lines in all residential districts and set back in accord with applicable district regulations in all other districts.
4. All buildings or structures for substations, other than poles, shall be set back so as to provide the yard areas required for a particular district with self-supporting radio towers set back a minimum of fifty (50) feet in all residential districts and set back in accord with district regulations in all other districts.
5. All structures other than poles or self-supporting radio towers shall be limited to the height requirements of the particular district.
6. The location, character, and extent of proposed electric utility substations and transmission lines shall be reviewed and approved by the City Planning Commission prior to the issuance of required permits. Such review of said facilities shall ensure that the facility will be in keeping with the existing neighborhood and adjoining property's architectural and aesthetic characteristics so that the facility will not unnecessarily adversely affect the existing environment of the area and will be consistent with the intent and purposes of this Ordinance to promote public health, safety, morals, and general welfare. In such instances the action of the City Planning Commission shall be final, unless the City Council, by majority vote, determines that the Commission's action should be reviewed, in which case, such action by the City Council shall be taken within thirty (30) days from the date of final action by the City Planning Commission.
7. Prior to any review of transmission line facilities, the City Planning Commission shall, in accord with ordinance, hold a public hearing in relation to the proposal.
8. In all districts, existing electric substations may continue to be operated, maintained, structurally altered or expanded provided that such expansion or alteration does not further encroach on the required twenty (20) foot setback from all property lines or the applicable height regulations for such district and provided further that such expansion shall be allowed only if such use is adequately screened from any abutting residential property by a fence, hedge, or other landscaping at least six (6) feet in height.

9. In all districts, existing electric transmission facilities may continue to be operated, maintained or structurally altered without any change in route.

### **SECTION 10.36 UTILITY, SEWERAGE LIFT OR PUMPING STATIONS**

In all residential districts and in the commercial Districts, in which such use is authorized, the following standards apply:

1. Aboveground structures shall be set back a minimum of forty (40) feet from front and rear property lines and a minimum of twenty (20) feet from side property lines.
2. Facilities shall be adequately screened along all lot lines by a fence, hedge, or other landscaping a minimum of seven (7) feet in height.

Aboveground entrance hatches shall be set back a minimum of twenty (20) feet from front and rear property lines and comply with all other applicable setback regulations for such districts.

### **SECTION 10.37 UTILITY, STORMWATER PUMPING STATIONS**

In all residential districts in which such use is authorized, the following standards apply:

1. Aboveground structures shall be set back a minimum of twenty (20) feet from all property lines.
2. At least two (2) off-street parking spaces shall be provided at locations on the site other than within twenty (20) feet of the front property lines.
3. Facilities shall be screened by a fence, hedge, or other landscaping a minimum of seven (7) feet in height.
4. At least two (2) off-street parking spaces shall be provided at locations on the site other than within any required front yard.

In all other districts in which such use is authorized, the following standards apply:

1. Aboveground structures shall be set back according to applicable regulations for such district.
2. At least two (2) off-street parking spaces shall be provided at locations on the site other than within any required front yard.

## **SECTION 10.38 VETERINARY HOSPITALS, OR CLINICS OR COMMERCIAL KENNELS**

### **Veterinary Hospitals and Clinics:**

1. All principal use activities, including animal boarding, shall be conducted within a totally enclosed building.
2. No building used for such purposes shall be located within 500 feet of a residential zoning district.
3. Such enclosed building shall be constructed as nearly soundproof as may be through ordinary building construction
4. A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital or a veterinary clinic is located adjacent to an "R" District.

### **Commercial Kennels:**

1. Kennels shall be subject to all permit and operational requirements established by city, parish, and state regulatory agencies.
2. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required yard setback areas, and shall be located at least 300 feet from any dwellings and 100 feet from any buildings used by the public.
3. All outdoor enclosures shall be either wire fence and heavy shrubbery, or solid fencing. Fencing must be at least eight feet in height so that there shall be a complete barricade to sight from the inside of the enclosure to the outside.
4. All outdoor animal runs or exercise areas shall be fenced and secured at all times so that no animal contained therein may escape such enclosure.
5. A solid wood fence or masonry wall six (6) feet high shall be constructed where a kennel is located adjacent to an "R" District.

## **SECTION 10.39 RESERVED**

## **Article XI. NONCONFORMING USES**

- Section 11.01 PURPOSE**
- Section 11.02 GENERAL STANDARDS OF APPLICABILITY**
- Section 11.03 NONCONFORMING USES**
- Section 11.04 NONCONFORMING STRUCTURES**
- Section 11.05 NONCONFORMING LOTS OF RECORD**
- Section 11.06 NONCONFORMING SIGNS**
- Section 11.07 RESERVED**

### **SECTION 11.01 PURPOSE**

The purpose of this section is to regulate the continued existence of uses, lots, and structures lawfully established prior to the effective date of this ordinance or any amendment thereto which do not conform to the provisions of this ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to allow them to be enlarged, expanded, or extended unless specifically allowed by this ordinance provided they meet the requirements of all other codes and ordinances of the City of St. Gabriel.

### **SECTION 11.02 GENERAL STANDARDS OF APPLICABILITY**

#### **A. CONTINUATION**

Any use, structure or lot that existed as a lawful nonconformity at the time of the adoption of this Ordinance, and any use, structure or lot that has been made nonconforming because of the terms of this Ordinance or its subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise lawful.

#### **B. EVIDENCE OF STATUS**

The Director of Public Services shall make a determination as to the existence of legal nonconforming status under the provision of this Ordinance in the following instances:

1. At the time an application is filed for a building permit.
2. At the time an application is filed for a certificate of occupancy, where no building permit is required.
3. At the time of a request for an occupational or business license.
4. At the time of a request for a change of use.
5. At the request of the property owner or his/her agent.

In doing so, the Director of Public Services shall require the property owner, or his/her agent, to produce acceptable evidence attesting to said legal nonconforming status. Such evidence shall include, but not be restricted to, such documents as: rent receipts, affidavits, documentation of utility services, sales tax receipts, property tax information, or other information as may be deemed to be necessary in a particular case.

Provision of such documents does not guarantee that the Director of Public Services will confirm the existence of legal nonconforming use status. In all cases, the burden of establishing the legality of a nonconformity under the provision of this Ordinance shall be upon the owner of the property.

#### **C. SUSPENSION FOR FORCE MAJEURE OR ACTS OF PUBLIC ENEMY**

In the event of force majeure, such as a hurricane, fire or storm, or acts of public enemy the City Council may, by ordinance, suspend the requirements of this Article for an established period of time.

#### **D. BUILDINGS UNDER CONSTRUCTION**

Any buildings or structures legally under construction but not in accord with the requirements of this Ordinance will become nonconforming at the time this Ordinance or an amendment thereto becomes effective.

#### **E. DEMOLITION OF A NONCONFORMING USE OR STRUCTURE**

The demolition, either voluntary or forced, of a nonconforming use or structure will result in the loss of the legal nonconforming status of that use and/or the nonconforming characteristics of the structure, including off-street parking.

#### **F. ILLEGAL USES**

A structure or use erected, converted, or structurally altered in violation of the provisions of the this or any previous Ordinance shall not be validated by the adoption or amendment of this Ordinance, unless the such adoption or amendment effects a change in zoning classification of the land upon which the zoning violation exists authorizing the use and the use conforms to the regulations of such zoning district as of the effective date of such adoption or amendment.

## **SECTION 11.03 NONCONFORMING USES**

### **A. MAINTENANCE AND REPAIRS**

The repair and maintenance of structures containing nonconforming uses that do not enlarge or expand the nonconforming use, as determined by the Director of Public Services shall be permitted and encouraged. Repair and maintenance of said structures typically include actions such as painting, landscaping, paving, the replacement and addition of windows and doors, and other acts that promote the livability and usability of the structure.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City Official charged with protecting the public safety, upon order of such official. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this ordinance in such a manner that does not extend or increase an existing nonconformity.

### **B. CHANGE OF USE**

In all zoning districts, if no structural alterations are made, the nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification, provided that the new nonconforming use is not more intensive than the prior use, as determined by the Director of Public Services either by general rule or by making findings in the specific case. In permitting such a change the Director of Public Services may require appropriate conditions and safeguards in accord with the provisions of this Ordinance. Appeals of the Director of Public Services decision on nonconforming changes of use may be made to the Planning and Zoning Commission.

Any nonconforming use superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

### **C. DESTRUCTION**

If a structure housing a nonconforming use is whole or in part damaged or destroyed by force majeure, it may be restored and the use continued provided that the restoration is accomplished with no increase in square footage, cubical content or intensity over the building existing immediately prior to the damage.

Application for a building permit to restore a damaged structure housing a nonconforming use must be made within twelve (12) months of the destruction. Restoration must be completed within twelve (12) months from the date of the issuance of the building permit unless an extension is approved by the Planning and Zoning Commission prior to the expiration of said permit.

Where a nonconforming use has ceased operation for renovations because of force majeure, the nonconforming use must restore operation within six (6) months of the completion of construction, subject to one (1) six (6) month extension subject to approval by the Director of Public Services.

#### **D. ABANDONMENT**

A particular use established as nonconforming shall be deemed abandoned when that particular nonconforming use is discontinued or becomes vacant or unoccupied for a continuous period of twelve (12) months.

An abandoned use may not be re-established or resumed regardless of intent. Any subsequent occupancy shall comply with all regulations of the zoning district in which the land or structure is located.

Where a nonconforming use has ceased operation for renovations in conjunction with a lawfully issued building permit, the nonconforming use must restore operation within six (6) months from the issuance of the building permit, subject to one (1) six (6) month extension subject to approval by the Director of Public Services.

This calculation of the period of abandonment does not include any period of discontinuance caused by government action or force majeure.

#### **E. EXPANSION OF NONCONFORMING USES**

Non-conforming uses shall not be extended or enlarged. This prohibition is to prevent the enlargement of non-conforming uses by external additions to the structure in which non-conforming uses are located, as well as the intensification of the use itself.

#### **F. EXISTING NONCONFORMING RESIDENTIAL USES IN RESIDENTIAL DISTRICTS**

An existing nonconforming residential use in a residential district that has lost legal nonconforming status may be re-established, structurally altered, and additions to existing structures permitted provided that no additional dwelling units are added through such alterations or additions.

Removal and replacement of a manufactured home which constitutes a nonconforming use on an individual lot or within a manufactured home park, or removal of any manufactured or mobile home unit which does not conform with current federal manufactured housing construction and safety standards and replacement of such unit with a manufactured home which conforms with said standards, shall be permitted so long as replacement takes place within sixty (60) days of removal.



## **SECTION 11.04 NONCONFORMING STRUCTURES**

### **A. MAINTENANCE AND REPAIRS**

The repair and maintenance of nonconforming structures that does not enlarge or expand the nonconforming structure shall be permitted and encouraged. Repair and maintenance of said structures typically include actions such as painting, landscaping, paving, the replacement and addition of windows and doors, replacement of wiring or plumbing and other acts that promote the livability and usability of the structure.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City Official charged with protecting the public safety, upon order of such official. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this ordinance in such a manner that does not extend or increase an existing nonconformity.

### **B. STRUCTURAL ALTERATIONS**

1. A nonconforming structure may not be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. A nonconforming structure, which is moved, shall thereafter conform to the regulations of the district in which it is located after such move.

### **C. DESTRUCTION**

A nonconforming structure, which is damaged or destroyed to the extent of fifty percent (50%) or more of the fair market value of said structure as it existed immediately prior to such damage, shall not be restored unless it conforms to the provisions of this ordinance.

## **SECTION 11.05 NONCONFORMING LOTS OF RECORD**

A parcel of land with an area less than prescribed in the applicable zoning district may be used for any purpose permitted in the district where:

1. The owner is able to demonstrate to the satisfaction of the Director of Public Services that the parcel was lawful at the time it was created.
2. The use meets all of the other regulations prescribed for the district.

## **SECTION 11.06 NONCONFORMING SIGNS**

Any nonconforming sign in existence on the date of enactment of this Ordinance shall be considered nonconforming sign and shall be subject to the following conditions:

1. The following to be removed or made to conform to this ordinance within ninety (90) days.
  - a. Nonconforming signs made of paper, cloth, plastic, or other nondurable material.
  - b. All temporary signs other than those permitted herein.
2. If any nonconforming sign is removed or destroyed then the replacement sign shall be in conformity with the requirements of this Ordinance.
3. When a change in use, occupancy or ownership occurs, the new business, if begun within one (1) year after previous business closed, may utilize the existing signs even though they may be nonconforming signs. Existing nonconforming signs may be refaced during the aforesaid one- year period.
4. Upon failure to comply, the Director of Public Services is hereby required to cause removal as provided by law of such sign and any expense incident thereto shall be paid by the owner, agent, or lessee of said sign or of the property owner upon which the sign is located. The time period for this is six (6) months.
5. Existence of any nonconforming sign on the premises will prohibit issuance of further sign permits while nonconforming use exists.

## **SECTION 11.07 RESERVED**

## **Article XII. ON-SITE DEVELOPMENT STANDARDS**

- Section 12.01 PURPOSE**
- Section 12.02 ADEQUATE PUBLIC FACILITIES**
- Section 12.03 PROTECTION STANDARDS**
- Section 12.04 USE OF LAND AND STRUCTURES**
- Section 12.05 EXTERIOR LIGHTING**
- Section 12.06 ACCESSORY STRUCTURES AND USES**
- Section 12.07 SUPPLEMENTAL HEIGHT, YARD AND OPEN SPACE REGULATIONS**
- Section 12.08 VISIBILITY AT INTERSECTIONS AND SCREENING**
- Section 12.09 FENCES**
- Section 12.10 RESERVED**

### **SECTION 12.01 PURPOSE**

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

### **SECTION 12.02 ADEQUATE PUBLIC FACILITIES**

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

#### **A. CONFORMANCE TO PLANS**

Proposed improvements should conform to the City of St. Gabriel Comprehensive Plan and all applicable public facilities and capital improvements plans.

#### **B. WATER**

All platted lots must be connected to a public water system or properly permitted to ensure water for health and emergency purposes, including adequate fire protection before they may be developed.

#### **C. WASTEWATER**

All platted lots must be served by an approved means of wastewater collection and treatment.

## **D. STREETS**

All streets must provide a safe, convenient, and functional system for vehicular and pedestrian circulation and must be appropriate for the traffic characteristics and impacts of the proposed development.

## **E. DRAINAGE**

1. Drainage improvements must accommodate potential runoff from upstream drainage areas, and be designed to prevent overloading the capacity of the downstream drainage system.
2. The City Engineer may require the phasing of development; the use of control methods such as retention, detention, or pumping systems; and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development.
3. All developments must comply with the City of St. Gabriel Code of Ordinances and Flood Protection Ordinance.
4. All development must comply with regulations established by the Federal Emergency Management Agency (FEMA) and the United States Army Corp of Engineers for development within a flood plain.
5. Post-development run-off may not exceed pre-development run-off.
6. Drainage Impact Analyses and Construction Plans must be submitted to and approved by the Public Works Services prior to issuance of any building permits.

## **F. PHASING**

The City may require the phasing of development or improvements to maintain current levels of service for existing public services and facilities, or for other reasons based upon maintaining the health, safety and general welfare of the City's inhabitants.

## **G. SUBDIVISION REGULATIONS**

All subdivisions must comply with the City of St. Gabriel Subdivision Regulations.

## **H. WETLANDS**

1. Any development of lots located, or partially located, within the area subject to the Section 404 of the Clean Water Act, 33 USC 1344, as amended, shall not be issued a development permit or building permit until a jurisdictional wetland determination has been completed and either of the following occur:
2. The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a section 404 permit is required, and either a

section 404 permit or a letter of permission is issued by the Corps for the proposed development; or

3. The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no section 404 permit or letter of permission is required.

## **SECTION 12.03 PROTECTION STANDARDS**

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

### **A. NOISE**

No activity or use may be conducted in a manner that generates a level of sound, which at any property line shall be considered a nuisance, as defined in Nuisance Ordinance of the City of St. Gabriel Code of Ordinances.

### **B. GLARE, HEAT AND VIBRATION**

Any activity or the operation of any use that produces glare, heat, or vibration must be conducted so that no glare, heat, or vibration from the activity or operation is detectable from any point at the property line.

### **C. DUST AND AIR POLLUTION**

Dust and other types of air pollution, borne by the wind from sources such as storage areas, yards, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting or other acceptable means.

### **D. RADIOACTIVE, TOXIC AND HAZARDOUS WASTE**

The discharge of fluid and the disposal of solid radioactive, toxic, and hazardous waste materials must comply with all applicable federal, state and local laws and regulations governing such materials or waste. No operation that produces radioactive, toxic, and/or hazardous materials may commence without prior notice to the City as required by all local, state, and federal regulations. Radioactive, toxic and hazardous materials and waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

## **E. ODORS**

Any condition or operation that results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public, or that interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor.

## **F. FIRE AND EXPLOSIVE HAZARDS**

Materials that present potential fire and explosive hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

## **G. PROPER DRAINAGE**

The operation of any use in any district must provide for adequate stormwater drainage of the site and be designed to prevent overloading of the capacity of the drainage system.

## **SECTION 12.04 USE OF LAND AND STRUCTURES**

### **A. NUMBER OF STRUCTURES ON A LOT**

1. Residential Uses – Only one single-family residence or mobile home shall be permitted on a single lot.
2. Commercial and Industrial Uses - In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard, building code regulations and other requirements of this ordinance shall be met.

### **B. FRONTAGE ON A PUBLIC OR PRIVATE STREET**

All lots must front on a public or private street and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

### **C. APPLICABILITY OF BULK AND YARD REQUIREMENTS**

All structures erected after the effective date of this Ordinance must meet the bulk and yard requirements for the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure is located, unless a variance is approved by the Planning and Zoning Commission.

## **SECTION 12.05 EXTERIOR LIGHTING**

### **A. LIGHT TRESPASS AND DISTRACTION**

1. No exterior lighting may glare into, or upon, the neighboring properties or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets.

2. Specifically, the following types of light trespass are prohibited.
3. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
4. Any light that may be confused with, or construed as, a traffic controls device, except as authorized by state, federal or local government.

## **B. UNSHIELDED LIGHT**

The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or other type of support, are prohibited, except on a temporary basis in areas where approved fairs, Christmas tree sales, or similar activities are held and only when such activities are taking place.

## **SECTION 12.06 ACCESSORY STRUCTURES AND USES**

Accessory buildings or uses customarily incidental to permitted uses or special exceptions, such as detached garages, sheds, carports, etc., are allowed in all zoning districts

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within ten (10) feet of any other building.

## **SECTION 12.07 SUPPLEMENTAL HEIGHT, YARD AND OPEN SPACE REGULATIONS**

### **A. EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

### **B. SUPPLEMENTARY YARD REGULATIONS**

#### **1. Front Yard Sight Lines**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches.

#### **2. Through Lots**

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Director of Public Services may waive the requirement for a standard

front yard and substitute a yard requirement which shall not exceed the average of the yards provided on adjacent lots.

### **3. Corner Lots**

In the case of corner lots that do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Director of Public Services shall determine the front yard requirements, subject to the following limitations:

At least one front yard shall be provided having the full depth required generally in the district.

No other front yard on such lot shall have less than half the full depth required generally.

### **4. Special Yards**

A yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Director of Public Services shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

## **C. ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS**

1. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend more than two feet (2') into any required yard.
2. Open fire escapes may extend into any required yard not more than three and a half feet (3.5').
3. Open air carports and patio covers, when attached to the main dwelling unit may occupy any required yard under the following circumstances:
  - a) The carport is no closer than five feet (5') to the side or rear property line.
  - b) The carport is no closer than ten feet (10') to the street right-of-way line.



## **SECTION 12.08 VISIBILITY AT INTERSECTIONS AND SCREENING**

### **A. VISIBILITY**

1. On all corner lots (the intersection of two streets) a clear sight triangle is required where nothing shall be erected, placed, planted or allowed to grow to more than thirty (30) inches in height above the center line grade of the intersecting street in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection. Within this area all established street trees interfering with the clear sight triangle must be maintained by the property owner and must be kept free of foliage for ten (10) feet measured up from the base of the tree.
2. At the intersection of all driveways and streets a clear sight triangle is required where nothing shall be erected, placed, planted or allowed to grow to more than thirty (30) inches in height within fifteen (15) feet of the intersection of the street and driveway. Within this area all established street trees interfering with the clear sight triangle must be maintained by the property owner and must be kept free of foliage for seven (7) feet measured up from the base of the tree.

### **B. SCREENING**

#### **1. Purpose**

The purpose of this section is to protect the privacy and value of adjacent permitted uses, and to provide standards on the location and type of various screening devices to be used when required in the various zoning districts.

#### **2. Service Areas**

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be located on the side or rear of the building and must be effectively screened from view from residential properties and public rights-of-way.
- b. Enclosures must be fully screened by opaque walls or fences at least six (6) feet high with self-closing access doors. Wall or fence materials must be compatible with the primary structure.

#### **3. Loading Areas and Parking Lots**

- a. All loading areas visible from residential property or public rights-of-way must provide a one hundred percent (100%) opaque, year-round screen.
- b. All parking lots for more than ten (10) vehicles that are closer than twenty (20) feet to any dwelling unit, school, or hospital located on an adjacent lot must provide a one hundred percent (100%) opaque, year-round screen.

- c. This screen must consist of walls, fences, plant materials or a combination totaling six (6) feet in height at installation. Wall or fence materials must be compatible with the primary structure.

#### **4. Mechanical Equipment**

- a. All roof, ground and wall-mounted mechanical equipment (e.g. air conditioning equipment, compressors, duct work, transformers or elevator equipment) must be screened from ground level view from residential districts or public rights-of-way.
- b. Roof-mounted mechanical equipment must be shielded from view on all sides. Screening materials must be consistent with the primary building materials, and may include metal screening or louvers painted to blend with the primary structure.
- c. Wall or ground-mounted equipment screening must be constructed of planted vegetative screens; brick, stone, reinforced concrete or other similar masonry materials; or pressure-treated wood or other similar materials.

#### **5. Utilities**

With the exception of those located in the right-of-way, all above-ground utilities and appurtenances to underground utilities which require above-ground installation must be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required access points to these utilities are exempt from screening.

### **SECTION 12.09 FENCES**

#### **A. GENERAL REQUIREMENTS**

1. Notwithstanding other provisions of this Ordinance, fences and walls may be permitted in any required yard or along the edge of any yard, provided that no fence or wall exceeds eight (8) feet in height. A fence or wall along the front edge of any required front yard must not exceed two and one half (2.5) feet in height.
2. All commercial and industrial uses shall have all enclosed outdoor storage and materials within a fenced area at least eight feet (8') in height. The fence shall be solid along the rear and side property lines and open along the front property lines.
3. All fences and walls must be constructed of high quality materials including one or a combination of decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, treated wood, wrought iron, chain link, or other material approved by the Administrator. No wall containing more than 50 percent exposed standard concrete masonry blocks may be allowed, whether painted or not.
4. All fences must be maintained in a clean, orderly and stable condition at the expense of the owner, lessee or a designee.

## **B. SWIMMING POOL FENCES**

1. All swimming pools or other outside bodies of water with a depth greater than eighteen (18) inches, deigned or used for swimming, dipping or immersion purposes shall be completely enclosed with fence or walls not less than five (5) feet in height with no openings greater than four (4) inches.
2. Walls of buildings may be used as part of the enclosure.
3. All gates shall be equipped with self-closing and self-latching devices.
4. Other protective devices or structures may be used as long as the degree of protection afforded by the substitute devices or structure l owner shall keep said fences, gates and doors in a state of repair, and shall keep said gates closed at all times.
5. No variance of this section shall be granted.

## **C. PROHIBITED FENCES**

1. No wall or fence may be located within any required drainage, utility or similar easement.
2. Electrified fences and concertina wire are not allowed.
3. Every swimming pool structures is not less than the fence, gate and latch described herein.

## **SECTION 12.10 RESERVED**

## **Article XIII. SIGN STANDARDS**

- Section 13.01 GENERAL**
- Section 13.02 NON CONFORMING SIGNS**
- Section 13.03 PROHIBITED SIGNS**
- Section 13.04 SIGNS EXEMPT FROM THE SIGN PERMIT PROCESS**
- Section 13.05 SIGNS REQUIRING A SIGN PERMIT**
- Section 13.06 SIGN DESIGN STANDARDS**
- Section 13.07 MAINTENANCE OF SIGNS**
- Section 13.08 OFF-PREMISE OUTDOOR ADVERTISING**
- Section 13.09 GRANDFATHERING PROVISIONS**

### **SECTION 13.01 GENERAL**

#### **A. PURPOSE AND INTENT**

The purpose of this Section is to reinforce and enhance the character of St. Gabriel as an attractive and unique community, and to reflect the architectural resources and natural features of the community. This Article establishes the standards for the design, location, installation and maintenance of signs on private property. Signs are an important means of visual communication for organizations and businesses for location identification and way-finding.

The intent of this Article is to provide standards that result in a reasonable balance between the right of an individual to identify a business or activity location and the right of the public to be protected from the visual discord that results from the unrestricted proliferation of signs. Regulations contained in this Article are a result of consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area and the entire community.

The purpose of these sign standards is to:

1. Protect the public from hazardous conditions which result from structurally unsafe signage.
2. Ensure that signage does not obscure or distract the vision of motorists, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a severe traffic hazard.
3. Protect the public from profuse signage which distracts rather than facilitates identification of businesses and other land uses.
4. Provide appropriate identification in pedestrian-oriented areas as well as in vehicular-oriented areas.
5. Provide a process for large commercial developments to propose signage that complements and is compatible with the site design and architecture.
6. Generally ensure that signage is appropriate to a particular use and location so that the cumulative effect is an attractive City environment, thereby reinforcing community.

## **B. APPLICABILITY**

This Article shall govern and control the design, location, alteration, installation and maintenance of all signs permitted within all zone districts established by this Zoning Ordinance and any amendments thereto except where explicitly superseded by an approved official development plan or as identified in this Article.

## **C. SEVERABILITY**

If any standard of this Zoning Ordinance regulating signs is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining standards of this Zoning Ordinance regulating signs and all of such standards shall remain in full force and effect.

## **SECTION 13.02 NON CONFORMING SIGNS**

Any nonconforming sign in existence on the date of enactment of this ordinance shall be considered nonconforming sign and shall be subject to the following conditions:

1. The following to be removed or made to conform to this ordinance within ninety (90) days.
  - a. Nonconforming signs made of paper, cloth, plastic, or other nondurable material.
  - b. All temporary signs other than those permitted herein.
2. If any nonconforming sign is removed or destroyed then the replacement sign shall be in conformity with the requirements of this ordinance.
3. When a change in use, occupancy or ownership occurs, the new business, if begun within one year after previous business closed, may utilize the existing signs even though they may be nonconforming signs. Existing nonconforming signs may be refaced during the aforesaid one-year period.
4. Upon failure to comply, the Director of Public Services is hereby required to cause removal as provided by law of such sign and any expense incident thereto shall be paid by the owner, agent, or lessee of said sign or of the property owner upon which the sign is located. The time period for this is six (6) months.
5. Existence of any nonconforming sign on the premises will prohibit issuance of further sign permits while nonconforming use exists.

### **SECTION 13.03 PROHIBITED SIGNS**

This Section identifies signage and devices that are determined to be a nuisance by the City and are prohibited in all zone districts. The City shall require the removal of any sign which is determined to be prohibited.

1. Pennants, streamers, lighter-than-air objects, and wind signs.
2. Any sign which uses the word "stop" or "danger" prominently displayed and/or which is a copy or imitation of official traffic control signs.
3. Signs which are electronic, display video, animated, flashing, or with intermittent illumination except time and temperature or public service signs unless otherwise permitted.
4. Signs which emit visible smoke, vapor, particles, or odor.
5. Signs with any lighting or control mechanism which causes radio or television or other communication interference.
6. Any sign or sign structure placed upon any street or highway right-of-way, except directional signs.
7. Signs with light bulbs that have intermittent, flashing, rotating, scintillating, blinking, or strobe illumination.
8. Off-premises advertising, except as permitted by other sections of the ordinances.
9. Roof signs.
10. Revolving signs.
11. Search lights.
12. Signs painted on fences.
13. Portable signs, except as permitted elsewhere.
14. Signs which are located on, or projecting over the public right-of-way, that are not considered a public sign, bus bench sign or transit shelter sign as described in this Article, unless specifically approved by the City.
15. Signs painted on, or attached to, a licensed or unlicensed motor vehicle and parked adjacent to a public right-of-way and not driven off-site during any two day period shall be considered to be primarily functioning as a sign.

16. Any sign erected or painted upon a sloping roof, fence, tree, stand pipe, fire escape or utility pole.
17. Wheeled advertising devices, except for permanent signs
18. Erection of all on-site pylon type signs shall be prohibited. In their stead, monument type signs shall be erected as follows:
  - a. Single businesses shall be allowed one (1) monument type sign not to exceed thirty- two (32) square feet.
  - b. Multiple businesses in a single building shall be allowed one (1) monument type sign not to exceed sixteen (16) square feet per business.
  - c. The above mentioned signs shall be set on a block type base not less than one (1) foot in height, nor more than three (3) feet in height. The overall height of the monument sign shall not exceed six (6) feet. In a single building over one hundred (100) feet from right-of-way, with multiple businesses in excess of eight (8) occupants, the overall height of the monument sign shall not exceed nine (9) feet in height.
  - d. Existing on-site pylon signs shall be "grandfathered" and allowed to stand. owner's expense in compliance with the provisions of this article within one (1) year following dysfunction.
  - e. One (1) changeable letter sign per premise shall be allowed with permanent on- premise signs and shall be an integral part of the structure. The first sixteen (16) square feet of a changeable letter sign face shall not be calculated in the total sign area and such changeable letter sign area shall not exceed a total of thirty-two (32) square feet. The amount of square footage in excess of sixteen (16) will be included in the maximum square footage allowed in aggregate on that sign structure and such signs shall meet all other regulations as set forth herein. (Changeable letter signs that are an integral part of a permanent on-premise sign are not considered temporary signs.)
  - f. One electronic message display board per premise shall be allowed with permanent on- premise sign. The electronic display board shall be an integral part of the on- premise sign not to exceed sixteen (16) square feet and the total area of the sign shall not exceed thirty- two (32) square feet. Such signs shall meet all other regulations as set forth herein. The electronic message display board must consist of only alphabetic or numeric characters on a plain background and may not include any graphic, pictorial or photographic images. Lightness, brightness and color must remain constant within a message and between messages. The electronic sign must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meters) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meters) between dusk to dawn as measured from the sign's face at maximum brightness. All electronic message display signs shall be required to have an ambient light monitor or similar device that will automatically adjust the brightness level based on ambient light conditions.

## **SECTION 13.04 SIGNS EXEMPT FROM THE SIGN PERMIT PROCESS**

The following types of signage are determined to have minimal impact on the public, do not create traffic, safety or other hazards, are temporary in nature, and constitute a unique medium and, therefore, are exempt from the sign permit process. This signage may be erected as described below in all zone districts without a sign permit. This signage is in addition to other allowed signs.

### **A. BANNERS**

1. Banners or bunting authorized by the city building permit official for a citywide celebration, conventions, commemorations, fairs and parades.

### **B. CORNERSTONE SIGNS**

1. Cornerstone signs or tablets, giving the name of the building and date of erection, when cut into any masonry surface or attached or inlaid so as to be part of the building. Cornerstone signs shall not exceed 12 square feet.
2. Cornerstone signs greater than 12 square feet shall be considered wall signs and regulated according to this Article.

### **C. DIRECTIONAL SIGNS:**

1. Directional signs for way-finding shall not exceed 6 square feet in size and 3 feet in height, and shall not advertise or identify a product or business. Directional signs shall not extend outside the property line and shall not be placed in any right-of-way.
2. Directional signs that do not meet the standards listed above shall be considered freestanding signs and regulated according to this Article.
3. Identification signs at the entrance drive of residences, estates, farms, ranches, and plantations which do not exceed four (4) square feet in area.

### **D. ELECTION SIGNS**

1. Election signs shall be limited to wall, window, fence and freestanding signs and shall not exceed 12 square feet in size and 48 inches in height when freestanding or the height of the fence when located on a fence.
2. Election signs shall not extend outside the property line and shall not be in any public right-of-way.
3. Election signs shall not be a paper or cloth, except where banners are otherwise allowed as temporary signs.
4. Election signs shall be removed within five days after the election to which they relate.



5. Election signs that do not meet standards listed above are prohibited.

**E. FLAGS:**

1. Flags of nations, states or cities or an organization of nations, states or cities shall be allowed.
2. A maximum of three flagpoles shall be allowed per property.
3. Flagpoles shall not exceed 35 feet in height.
4. Flags or insignias shall be limited to fifty (50) total square feet in area.

**F. HOLIDAY SIGNS AND LIGHTS:**

1. Signs and lights in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday shall be allowed.
2. Holiday signs and lights shall not advertise or identify a product or a business.
3. Holiday signs and lights shall be located so as not to conflict with traffic regulatory devices.
4. Holiday signs shall comply with the size limitation of banners as identified in the appendix. Within c districts, holiday signs and lights shall be removed within 10 days following the holiday.

**G. IDEOLOGICAL SIGNS:**

1. Signs expressing ideological views shall be limited to wall, window, and freestanding signs not to exceed 12 square feet and 42 inches in height.
2. Ideological signs shall be limited to two per property and shall not advertise or identify a product or business.

**H. INTERNAL SIGNS:**

1. Signs not visible from a public right-of-way or any adjacent property.
2. Indoor signs located within buildings shall not be located closer than 12 inches from a window.

**I. PUBLIC SIGNS**

1. Public signs required or authorized for a public purpose by any law, statute or ordinance.
2. One professional nameplate for each occupant. Each professional nameplate shall not exceed six (6) square feet in area.

3. One identification sign for each premise, denoting only the name, street number and business of an occupant in a commercial building or public institutional building. An identification sign shall not exceed six (6) square feet in area.
4. One bulletin board or identification sign per site for public, charitable, educational or religious institution located on the premises of said institution and not exceeding thirty-two (32) square feet in area.

#### **J. REAL ESTATE SIGNS**

1. Ideological signs shall not extend outside the property line and shall not be in any public right-of-way.
2. Ideological signs shall not be a paper or cloth banner.
3. Real estate signs shall advertise only the sale or lease of real property.
4. Real estate signs shall be limited to one sign per street frontage.
5. Real estate signs on property within the R districts shall not exceed 6 square feet per face in size and 6 feet in height.
6. Real estate signs on property within the commercial and residential districts shall not exceed 32 square feet in size if single sided or 16 square feet per face in size if double sided, and 8 feet in height.
7. Existing sign cabinets, monument or pole signs on property within the commercial and residential districts may contain temporary real estate signs. The signs shall not exceed 16 square feet per face.
8. Real estate signs shall be located a minimum of 2 feet from the back of the adjacent sidewalk and outside of the right-of-way.
9. Real estate signs shall be removed from a property within three days of the sale of the property or the move in date for rental properties.

#### **K. SCOREBOARDS**

Scoreboards shall be located adjacent to athletic fields or courts.

#### **L. SYMBOLS**

Symbols or crests of national, state, religious, fraternal and civic organizations shall be allowed.

#### **M. BUS BENCH, TRANSIT SHELTER AND OTHER SIMILAR SIGNS**

1. Bus bench signs shall be attached to a bus bench that is legally installed and maintained along a major transportation corridor in accordance with all requirements of an executed and approved agreement between the City and the provider of the bus bench.
2. Transit shelter signs shall be attached to a transit shelter that is legally installed and maintained along a major transportation corridor in accordance with all requirements of an executed and approved agreement between the City and the provider of the transit shelter stop.
3. Other off-premise signs attached to trash and recycling receptacles or other similar uses shall be in accordance with all requirements of an executed and approved agreement between the City and the provider of the item to which the sign is attached.

#### **N. WINDOW SIGNS**

1. Window sign(s) shall not exceed 25 percent of the area of first floor windows on which it is located, unless otherwise approved by the Director.
2. Window signage is not allowed in windows above the first floor of the building.
3. Illumination directed at window signs shall not be allowed.

#### **O. WORKS OF ART, ARCHITECTURAL FEATURES AND BUILDING DECORATION**

1. Architectural features or building decoration which are integral to the design of a building or provide an artistic accent shall be allowed.
2. Works of art which in no way identify a specific business, business activity, or product are not considered a sign and shall be allowed. Works of art which contain text or logos that portray a commercial message suggestive of the on-site business shall be interpreted to constitute a sign, shall be counted toward the number and size of signs permitted for the premises and shall comply with building height limits and setback requirements applicable to the property on which they are located.
3. Non-advertising not to exceed four (4) square feet in area directional signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property.
4. Window signs which identify or advertise activities, services, goods or products available within the building and which collectively cover thirty (30) percent or less of the window glass surface area.
5. Directional and regulatory signs erected by an agency of government or any lawfully constituted utility.

6. One under-canopy sign per business not to exceed three (3) square feet, in areas.

**P. SPECIAL EVENT "TEMPORARY" SIGN.**

Any one business, individual or organization may display a banner sign or product promotional "special event or temporary sign" on as many occasions as needed during a twelve-month period provided:

1. Any such sign shall be temporary in nature and is not allowed as a permanent on- premise sign.
2. All such signs and any components shall be kept in good repair and be maintained in a safe condition. These signs shall be maintained in a neat, clean and attractive condition and shall be kept free of peeling and/or fading or other deterioration. Signs in violation of this section shall be removed in accordance with the enforcement section of this ordinance.
3. Any such sign shall be non-electric.
4. Such signs shall be permitted in multi-tenant buildings only when they are properly fastened to the building and shall drape in a manner parallel to and not perpendicular to the building and not be allowed to flutter, other than where such signs are allowed under the grand opening provisions of this section.
5. Such signs shall be professionally designed, printed and produced (hand grafted/written signs will be prohibited) and shall include franchise advertising and product promotional items.
6. No more than one (1) temporary sign, not exceeding thirty-two (32) square feet (back to back) shall be allowed per premise. A business with a premise containing greater than one hundred (100) feet of street or thoroughfare frontage shall be granted one (1) additional sign.
7. Such signs shall be attached and properly fastened to the building and shall drape in a manner parallel to and not perpendicular to the building and not be allowed to flutter.
8. Signs that contain statements, words or pictures of an obscene, indecent or immoral character that will offend public morals or decency are prohibited.

**Q. TEMPORARY SIGNS NOT AFFIXED OR ATTACHED TO A BUILDING**

Temporary signs not affixed or attached to a building shall comply with the provisions of "Prohibited signs" section and the following requirements:

1. Signs shall be firmly affixed to the ground to which it is attached and shall not be allowed to flutter.

2. Any sign which by reason of its location, position, size, shape or color that may obstruct, impair, obscure or interfere with the view of or confuse traffic shall be prohibited. Type of temporary sign allowed: Attached or detached signs: One (1) sign per event, per premises with less than one hundred (100) feet frontage on a thoroughfare. An additional one (1) sign shall be granted for a premises with greater than one hundred (100) feet of thoroughfare frontage. Number of faces: Two (2) per sign (back to back). Sign area: Thirty-two (32) square feet maximum. Set back: Fifteen (15) feet from public right-of-way. Maximum height: Six (6) feet.
3. Special event signs promoting the grand opening of a business shall comply with the provisions of this section, with exception to the following: Such signs shall only be displayed for a period not to exceed fourteen (14) days. Such signs will be permitted under this section in multi-tenant buildings. An additional two (2) temporary signs, not to exceed thirty-two (32) square feet shall be permitted. One (1) inflatable sign/advertising will be permitted under this section in addition to temporary signs. Type of temporary sign allowed: Attached or detached. Number of signs: Two (2) additional per grand opening. Number of faces: Two (2) per sign (back to back). Sign area: Thirty-two (32) square feet maximum each. Set back: Fifteen (15) feet from right- of-way. Maximum height: Six (6) feet.
4. Political campaign, real property sale, school, spirit, religious or charitable organization or other like activity temporary signs shall be permitted on private property at the property owner's discretion under the provisions of this ordinance. However, such signs shall conform with the provisions of this section and shall be prohibited if, in combination with any other temporary sign, the provisions of this section are violated.
5. Any sign or promotional product not included in this ordinance will be considered prohibited.

## **R. ENFORCEMENT**

The Director of Public Services of the City of St. Gabriel and his designees shall be authorized to enforce this ordinance. The Director of Public Services shall order the removal of any sign erected or maintained in violation of this ordinance. The Director of Public Services shall remove a sign at cost to the owner, immediately and without notice, if in his opinion the sign presents an immediate threat of danger to the safety of the public.

If the owner of the sign and/or premises fails or refuses to comply or remove the sign or is unable to be located, the Director of Public Services may remove or authorize others to remove such sign at the expense of the owner. The Director of Public Services shall not be responsible for any sign that has been removed and may dispose of it in any manner he deems appropriate.

## **S. PENALTIES**

Each sign placed in violation of this ordinance shall be deemed to be a separate violation and shall be enforced as outlined in this ordinance.

## **SECTION 13.05 SIGNS REQUIRING A SIGN PERMIT**

### **A. BUILDING SIGNS**

#### **1. Awning Signs**

Awning signs shall be parallel to the face of the awning upon which such signs are displayed.

- a. Awning signs shall not project above or below the vertical face of the awning and shall not occupy more than 50 percent of the width of the awning.
- b. Graphical logos shall be allowed on a maximum of 10 percent of the sloped awning panel area.

#### **2. Major Tenant Identification Signs**

- a. Major tenant identification signs shall be allowed on buildings containing three or more floors.
- b. Major tenant identification signs shall be located at the top of the building below the parapet.
- c. Major tenant identification signs shall not occupy more than 75 percent of the width of the building façade on which it is located.

#### **3. Projecting Signs**

- a. Projecting signs shall be attached to the building façade and must not obscure major architectural details or extend above the roof line.
- b. Projecting signs shall have a clearance of 10 feet from grade level to the bottom of the sign.
- c. Maximum projection shall be 36 inches from the building to which it is attached. A license agreement may be required for projecting signs.
- d. The maximum height shall be 20 feet.

#### **4. Wall Signs**

1. Wall signs shall be placed only in signable areas of a building façade, as defined in b through i, below.
2. Wall signs shall not occupy more than 75 percent of the width of the building façade of the storefront or tenant space on which it is located.
3. Wall signs shall not project more than 18 inches from the supporting wall.

4. Wall signs shall not extend above the roof line or parapet wall of a building up to two stories in height. However, no wall sign shall be located more than 25 feet above grade.
5. Each tenant is allowed to have a minimum of 30 square feet of wall signage so long as it complies with all other sign standards.
6. For tenants in multi-tenant buildings the permitted signage may be allocated to any wall on the building provided the tenants meet all other sign criteria and receive permission from the property owner or authorized manager of the multi-tenant building.

## **B. FREE STANDING SIGNS**

### **1. Pole and Monument Signs:**

- a. No portion of a sign cabinet shall extend into the adjacent right-of-way and must be a minimum of 2 feet from the back of a sidewalk.
- b. The pole structure and base of a freestanding sign shall be architecturally compatible with the building to which it is associated.

### **2. Digital Display Boards**

- a. Digital display boards shall be incorporated into a freestanding or wall sign and shall not constitute more than 50 percent of the sign size.
- b. The text display of the message shall not change more frequently than once per eight seconds. Each message shall transition to the next message instantaneously.
- c. Digital display boards shall not flash, rotate, scintillate, blink, or strobe illumination when transitioning between messages.

### **3. Menu Boards**

- a. Menu boards are allowed in the area adjacent to an order station for a drive through.
- b. Signage or advertising contained on a menu board shall not be readable from an adjacent street.

## **C. TEMPORARY SIGNS**

### **1. Banners, banner flags, and special event signs:**

- a. Permits for banners and banner flags shall be issued for any time frame not to exceed a cumulative 90 days in a one calendar year period per tenant. Only one banner or banner flag shall be allowed at any time.
- b. In addition to a banner or banner flag, a special event sign shall be issued for any time frame not to exceed a cumulative 90 days in a one calendar year period per business.
- c. Banner signs shall be attached flat against the side of the building or fence. However, no more than one banner can be located on a fence at any time.
- d. Banner flags shall only be allowed with the written consent of the property owner or the property owner's management company. Banner flags shall be located a minimum of four feet from the back of sidewalk and shall not be placed in any public right-of-way.

### **2. Portable**

- a. Only one portable A-frame sign shall be allowed per business.
- b. A-frame signs shall be displayed during business hours only.
- c. A-frame signs shall be located within 10 linear feet parallel to the front entrance to the business that the sign advertises.
- d. A-frame signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
- e. A-frame signs shall be located as to allow a 5-foot clear passageway for pedestrians.
- f. A-frame signs may be located within the public right-of-way, if specifically approved by the City. Portable signs may also be located on the private property where the use the sign is advertising is located.



## D. CONSTRUCTION SIGNS

1. Construction signs are allowed as temporary signage to display the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
2. Construction signs may be installed no earlier than issuance of a grading permit, or at issuance of a building permit if a grading permit is not required, and shall be removed when a certificate of occupancy is issued.
3. Construction signs must be affixed to a structure or fence located on the property

Table XIII-1: Permitted Sign Table

PERMITTED SIGN TABLE						
Zoning District	R-1(A) R-1(B) R-2 R-A I P	C-1 C-2	M1 M2 BIP	MUD	Freestanding Height Limits (in inches)	Sign (in inches)
<b>Ground Signs</b>						
Construction	Y	Y	Y	Y	48"	
Directory (Logo/name)	Y	Y	Y	Y	48"	
Directory (Detailed)	Y	Y	Y	Y	60"	
Directional	Y	Y	Y	Y	48"	
Menu Board	N	Y	N	Y	60"	
Monument	Y	Y	Y	Y	72"	
Post and Panel	N	Y	Y	Y	*	
Pole or Pylon Sign	N	N	N	N	*	
Sandwich Board	Y	Y	N	Y	48"	
<b>Building Signs</b>						
Directory	Y	Y	Y	Y	**	
Electronic, scrolling message	N	Y	Y	N	**	
Marquee	N	Y	N	Y	**	
Suspended	N	Y	N	Y	**	
Temporary	Y	Y	Y	Y	**	
Wall	Y	Y	Y	Y	**	
<b>Other Signs</b>						
Off Premise Sign	N	N	N	N	48"	
Political	Y	Y	Y	Y	48"	
Public Event Banner	Y	Y	Y	Y	*	
*Heights are subject to establishment by the Planning Commission.						

## **SECTION 13.06 SIGN DESIGN STANDARDS**

### **A. DESIGN, MATERIALS AND LANDSCAPING**

1. Sign design shall be complementary to the architectural style of the main building or buildings upon the site through the use of materials, colors and detailing.
2. A two dimensional sign with backing or where the logo and/or lettering are flush with the background panel is considered a cabinet sign.
3. A sign without backing includes individual letters mounted on a building wall or raceway or panel where the letters protrude and are three-dimensional.

### **B. LANDSCAPING:**

Each freestanding sign shall be located in a landscaped area at least two times the size of the area of the sign, unless the Director determines that landscaping is inappropriate for the sign context.

### **C. SIGHT TRIANGLE**

Placement of any sign shall not interfere with the vision clearance requirements stated in the Transportation.

### **D. ENGINEERING DESIGN STANDARDS**

1. Sign Lighting
  - a. This Section establishes the general standards for sign lighting. The specific standards for sign illumination by zone district are identified in the "Permitted Signs: table as shown above. Sign illumination shall complement, not overpower, the overall composition of the site.
  - b. The light source of signs shall not be visible from adjacent properties. The light reading at 10 feet from the property line on an adjacent property shall be 1 foot candle of light or less. Permanent signs within residential zone districts may be illuminated if they meet the following criteria:
  - c. The sign is at least 100 feet away from the closest building occupied as a residence, provided however that the Director may authorize a smaller distance if it is determined that the orientation and character of the sign and nearby residence is such that the sign will not adversely impact the residence.
  - d. The sign identifies a use which lawfully exists in a residential zone district as a permitted or nonconforming use.
  - e. The source of illumination is within the sign cabinet or mounted on the ground. Illumination by means of neon tubing is not allowed except where indicated in this ordinance.

- f. The use which is identified by the sign has frontage on an arterial or collector street.
- g. Illumination ceases between the hours of 9:00 p.m. and 6:00 a.m., except signs permitted for medical services and public services such as police and fire, which are provided on a 24-hour basis, and signs for other traffic safety purpose

## **SECTION 13.07 MAINTENANCE OF SIGNS**

### **A. PURPOSE AND INTENT**

This Section is intended to provide regulations and procedures to address signs that are in disrepair or become a hazard.

### **B. MAINTENANCE OF SIGNS**

- 1. Every sign shall be maintained in good condition at all times, as determined by the Director. Signs shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust-resistant metals. Banners and banner flags shall not be torn or in disrepair.
- 2. The Director shall have the authority to inspect signs to ensure they are adequately maintained and in compliance with this Zoning Ordinance.
- 3. If upon inspection, the Director determines a sign to be in violation of this Zoning Ordinance or a safety hazard, the Director may order the sign to be painted, maintained or removed by the property owner.

### **C. ABANDONED ON-PREMISE SIGNS**

- 1. A sign is determined to be abandoned at the time the business identified by the sign discontinues the business or vacates the premises.
- 2. Signs abandoned for a period of 30 days are hereby declared a nuisance. The Director shall require the abandoned sign be replaced or removed based on the following circumstances:
  - a. Signs that will likely be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel until the new business occupies the premises.
  - b. Signs that do not meet the requirements of this ordinance for that type of sign, or for the zone district where they are located, or on sites which will be or have been cleared for redevelopment, must be removed from the property.

## **SECTION 13.08 OFF-PREMISE OUTDOOR ADVERTISING**

### **A. SIGN DEFINITIONS**

1. Off-premises sign means any outdoor sign, display, figure, painting, drawing, 45 message, billboard, or any other thing which is designed, intended, or used to advertise or inform, any part of which advertising or information content is visible from any place on the main traveled way of any thoroughfare in the city; but does not include on-premises signs advertising or identifying activities conducted on or products sold on the property upon which they are located.
2. Thoroughfare means any street, road, expressway, freeway, or highway located within this city
3. Sign means all portions of an outdoor advertising structure, including structural elements, bases, sign faces, trim and borders.
4. Sign Face or panels means that portion of a sign, including the display area, border and trim, but excluding the base, supports, and other structural members, facing traffic moving in one direction.
5. Back-to-back sign means a structure with two (2) parallel sign faces oriented in opposite directions, or two (2) structures, each with one sign face and located not more than ten (10) feet from an obstruction preventing both structures from being seen at the same time from any point along the thoroughfare.
6. V-Type sign means a structure or structures with two (2) or three (3) sign faces, forming the shape of the letter "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than sixty (60) degrees.

### **B. LOCATION OF OFF-PREMISES SIGNS**

Off-premise signs which conform with the provisions of this section shall be permitted in all commercial and industrial zoning districts except C-1.

#### **1. Size of off-premises signs.**

The maximum area of an off-premise sign face shall be four hundred square feet with maximum length of forty-five (45) feet, plus temporary embellishments not exceeding twenty (20) percent of the permanent sign area, but not to exceed one display panel on the same face.

## **2. Location of off-premises signs.**

1. Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of off-premises signs shall be subject to the following:
2. V-type or back-to-back off-premises signs shall be considered one sign

No two (2) off-premises signs shall be spaced less than four hundred (400) feet apart in all directions on any thoroughfare

3. No premises sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of, an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

## **3. Height of off-premises signs**

1. There shall be a minimum clearance of seven (7) feet to the bottom of an off-premises sign face and a maximum height of forty-five (45) feet to the top of an off-premise sign face, from grade of the thoroughfare to which the sign is oriented.

## **C. LIGHTING OF OFF-PREMISES SIGNS.**

Off-premise signs may be illuminated, subject to the following restrictions:

1. No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs which indicate customary public information, such as time, date, temperature or other similar information shall be permitted.
2. External lighting, such as floodlights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare.
3. The illumination of any sign within one hundred feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.

#### **D. PROHIBITED OFF-PREMISES SIGNS.**

1. The following off-premises signs shall not be permitted to remain or to be erected.
2. Signs which are obsolete structures not meeting city engineer construction standards, out-of-date political billboards, signs advertising defunct businesses and signs which have been erected without a building permit having been issued therefore.
3. Signs which are not clean and in good repair. Signs which are illegal under state law or regulations. Signs that are not securely fixed on a substantial structure.
4. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
5. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
6. Signs which are nonconforming and damaged or destroyed commencing with the year 2000.
7. Signs that prevent free ingress or egress from any doors, window, or fire escape; or that are attached to a standpipe, fire escape.
8. Signs are prohibited in the following areas.
9. Sign panels cannot be side by side or stacked; single sign panels only.

#### **E. CONSTRUCTION STANDARDS**

1. All off-premises signs shall be constructed in accordance with the Building Code of the city. The structural elements of all off-premises signs shall be of metal construction

### **SECTION 13.09 GRANDFATHERING PROVISIONS**

All legal and permitted signs built and installed prior to this ordinance are "grandfathered.

## **Article XIV. OFF-STREET PARKING AND LOADING**

### **Section 14.01 PURPOSE**

### **Section 14.02 GENERAL**

### **Section 14.03 COMPUTATION OF PARKING AND LOADING REQUIREMENTS**

### **Section 14.04 REQUIRED OFF-STREET VEHICLE PARKING SPACES**

### **Section 14.05 MAINTENANCE**

### **Section 14.06 OFF-STREET LOADING FACILITIES**

### **Section 14.07 RESERVED**

#### **SECTION 14.01 PURPOSE**

The off-street vehicle parking, bicycle parking and loading regulations of this ordinance are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas, provide the appropriate number of spaces in proportion to the demands of the proposed use, increase public safety by reducing congestions of public streets, and encourage the use of alternative modes of transportation.

#### **SECTION 14.02 GENERAL**

1. Off-street parking and loading facilities shall be provided in compliance with this Section whenever any building or use is erected, altered, enlarged, converted or otherwise increased in size or capacity. Enlargement of the building shall include increases in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking or loading spaces. Such additional spaces shall be provided on the basis of the enlargement or change.
2. The provision and maintenance of the off-street parking and loading facilities herein required shall be the joint responsibility of the operator and/or owner of the use and the owner of the property or structure on which the use requiring off-street parking and loading facilities are located.
3. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure.

#### **SECTION 14.03 COMPUTATION OF PARKING AND LOADING REQUIREMENTS**

1. Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle and bicycle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this Ordinance.
2. A fraction of less than one-half (1/2) is disregarded, and a fraction of one-half or more is considered one (1) parking or loading space.

3. For uses where patrons or spectators occupy benched, pews or open floor areas used for service, each twenty-four (24) linear inches of benches, pews or permanent seating is counted as one (1) seat for the purpose of determining the required number of parking and loading spaces.

### SECTION 14.04 REQUIRED OFF-STREET VEHICLE PARKING SPACES

The off-street parking spaces required for each use permitted by this Ordinance shall not be less than that found in table below. For uses not mentioned in this Section, the Director of Public Services or his/her designee shall determine the requirements for off-street parking. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the City.

Table XIV-1: Assembly & Entertainment

<b>ASSEMBLY AND ENTERTAINMENT</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Amphitheater (open air theater)	1 per 4 persons at capacity
Amusement Park	1 per 200 sq. ft. of enclosed buildings PLUS 1 per 4 persons capacity in outdoor facilities
Arts/Cultural Center/Museum	3 per 1000 sq. ft.; 1 space/300 sf GFA
Conference Center	1 per 6 seats; 1 space/6 seats
Auditorium/Lecture/Assembly Hall	
Club or Lodge, Private	1 per 4 persons at capacity; 1 space/300 sf GFA
Churches, Places of Worship	1 per 4 seats; 1 space/50 sf gross floor area without fixed seats used for assembly purposes plus 1 space/every 3 seats
Community Center	5 per 1000 sq. ft.; 4 spaces for the first 1,000 sf plus 3 spaces/each additional 1,000 sf GFA
Community Gardens	4 per acre
Conference Centers	3 per 1000 sq. ft. GFA
Dance or Social Club	3 per 1000 sq. ft. GFA
Drive-in Theatre/Outdoor	1 per employee PLUS one per audio station
Driving Range Golf	0.5 per employee PLUS 1 per 1.5 tees
Fairgrounds	1 per 6 seats
Golf course	4 per tee; 4 spaces/hole
Greenways/Bikeways	To be determined on case specific basis
Health/Sports Club	5 per 1000 sq. ft.
Indoor Recreational Facilities	1 per employee PLUS 4 per acre
	Bowling Alley: 2 spaces/lane
	Pool Hall: 1 space/100 sf GFA
Library	1 space/300 sf GFA
Movie Theater Large	1 per 6 seats; 1 space/4 seats plus 1 space/6 seats after 1st 400



Movie Theater Small	
Outdoor Recreation Facilities	3 spaces/1,000 sf GFA including all outdoor areas
Park and Recreational Facilities	5 per acre
Shooting Range (Indoor or Outdoor)	1 per employee PLUS 1 per range
Video Gaming/Lottery Establishment	3 per 1000 sq. ft.
Zoo	1 per 200 sq. ft. of enclosed buildings PLUS 1 per 4 persons capacity in outdoor facilities
<b>EDUCATIONAL SERVICES</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Business, Professional School	1 per 2 students (maximum capacity)
Daycare Center – Adult or Child	2 spaces/1,000 sf GFA
Daycare Facility- Home based	1 per 4 clients PLUS dwelling requirement
Daycare Facility-Large	1 per employee PLUS 1 per 4 clients
Daycare Facility-small	
Industrial, Vocational, Trade School	1 per 2 students (maximum capacity); 5 spaces/classroom plus 3 spaces/1,000 sf of office
Instructional Studio	3 per 1000 sq. ft.
Preschool/Nursery Schools	1 per employee PLUS 1 per 4 clients
Private Schools	1 per 2 students (maximum capacity); 5 spaces/classroom plus 3 spaces/1,000 sf of office
School (K-12)	1 per employee PLUS 1 per classroom (K-8); 2 spaces/classroom OR 1 per 4 students (9-12); 4 spaces/classroom plus 3 spaces/1,000 sf of office
University, College	1 per 3 students; 5 spaces/classroom plus 3 spaces/1,000 sf of office
<b>FOOD &amp; BEVERAGE SERVICES</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Bakery Retail	1 per employee PLUS 3 per 1000 sq. ft.
Brew Pub	1 per employee PLUS 10 per 1000 sq. ft.
Catering Kitchen	1 per employee on site (none required for servers on location); 1 space/1,000 sf GFA
Restaurant Fast Food	0.5 per employee PLUS 1 for every four seats (inside/outside); 2 spaces/1,000 sf GFA plus 3 stacking spaces for drive-through
Restaurant, Large	1 per employee PLUS 10 per sq. ft. of eating area; 2 spaces/1,000 sf GFA
Restaurant, Small	
Snack Bar/Snack Shop	1 per employee PLUS 1 per 3 seats
Snow Ball Stand	2 spaces
Tavern/Bar	1 per employee PLUS 10 per 1000 sq. ft. of eating area; 1 spaces/100 sf GFA
<b>HEALTH SERVICES</b>	

<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Blood bank	4 per 1000 sq. ft.
Animal hospitals	1 per employee PLUS 2 spaces/1,000 sf GFA
Cemetery	1 per employee; 1 space/20,000 of GFA plus 1 space/4 chapel seats plus 3 spaces/1,000 sf of office
Funeral Homes	1 per employee PLUS 2 spaces/1,000 sf GFA
Group child care homes and centers	1 per employee PLUS 2 spaces/1,000 sf GFA
Half-way House	1 per employee PLUS 1 per 4 beds; 1 space/4 occupants (rated capacity) plus 1 spaces/300 sf of office
Hospital	1 per employee PLUS 1 per bed at capacity; 1 space/room
Laboratory (Medical/Dental)	4 per 1000 sq. ft.; 1.5 spaces/medical exam room
Medical Clinic	
Medical Office	
Mortuary Parlors	4 per 1000 sq. ft.; 1 space/350 sf GFA
Nursing Home/Assisted Living/Rehabilitative Center	1 per employee PLUS 1 per 4 beds; .25 space/dwelling unit; .5 space/dwelling unit; 1 space/2 rooms; 1 space/4 rooms
Veterinary Clinic	4 per 1000 sq. ft.; 1 space/350 sf GFA
Wellness Center	2.5 per 1000 sq. ft.
<b>INDUSTRIAL USES</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Agricultural activity	0.5 per employee
Assembly plants	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Arment manufacturing	
Barge Loading, repairs and fabrication	
Bakery wholesale	
Bedding/Carpet manufacturing	
Boat works	
Bottling plants	
Bottled gas sales, service	
Brick, tile, & pottery yard	
Composing operation	
Cabinet shops	
Canvas goods manufacturing	
Canneries excepts meat and fish	
Contractor storage yard	
Clothing and textile manufacturing	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Creameries	
Composing operation	

Distribution center	1 per employee PLUS 1 per company vehicle used
Foundry	
Fabrication of gaskets, packing soft metal	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Furniture manufacturing	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Food/beverage processing	3 spaces/1,000 sf manufacturing area plus 2 spaces/1,000 sf office
Glass manufacturing	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Heavy machinery sales	2 per 1000 sq. ft. PLUS 1 per 2500 sq. ft. open sales area; 3 spaces/1,000 sf GFA plus 1 space/1,000 sf of outdoor sales and display area
Ice manufacturing	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Industrial equipment repair	0.5 per employee PLUS 2 per 1000 sq. ft. floor area open to public
Industrial Supply sales/Rental	2 per 1000 sq. ft.
Industry light	
Industry/Manufacturing heavy	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Junkyard	
Laboratories (non-medical)	3 per 1000 sq. ft.
Leather products manufacturing	
Light industrial parks	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Linen, uniform service	
Lumber yards	1 per employee PLUS 1 per company vehicle used
Machinery equipment sales and service	1 per employee PLUS 1 per 2500 sq. ft. open sales area
Manufactured housing sales	1 per employee PLUS 1 per 2500 sq. ft. open sales area
Marine supply sales/rental	1 per 1000 sq. ft.
Mineral extraction/oil & gas	1 per employee PLUS 1 per company vehicle used
Monument works/sales	
Landscaping and lawn services	
Paint mixing and treatment	
Paper products manufacturing	
Plastic products manufactruing	
Poultry processing plants	1 per employee PLUS 1 per company vehicle used; 1 space/1,000 sf GFA
Petrochemical products bulk manufacturing	
Petroleum products bulk terminal	
Pharmaceutical manufacturing	
Rubber products manufacturing	
Sheet metal manufacturing	

Sign manufacturing	
Springs manufacturing	
Television and radio broadcasting transmitters	
Textile products manufacturing	
Tire retreading, recapping or rebuilding	
Tool manufactruing	
Warehouse and storage building	
Well drilling services	
Wood products manufacturing	
Audio/video/movie production	3 per 1000 sq. ft.
Printing/publishing-large	2 per 1000 sq. ft.
Solid Waste Transfer station	1 per employee PLUS 5 for drop off
Recycling/donation collection	
Research & development	3 per 1000 sq. ft.; The sum of the required spaces for the various uses computed separately
Salvage yard	1 per employee PLUS 1 for each company vehicle PLUS 3 for customers
Self storage/outdoor storage	1 per 10 warehouse storage spaces PLUS 1 per 2500 sq. ft. outdoor storage area
Trailer, heavy truck sales, repair	2 per 1000 sq. ft. floor area PLUS 1 per 2500 sq. ft. of outside sales area
Warehousing/distribution	3 per 1000 sq. ft. office area PLUS 1 per 10,000 use of storage area; 1 space/20,000 sf of warehouse plus 2 spaces/1,000 sf office; plus 2 spaces/1,000 sf public use area
Wholesale sales	
<b>LODGING</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Bed and Breakfast Inn	2 for owner PLUS 1 per guest room; 1 space/guest room plus 2 spaces/dwelling unit
Boarding, lodging houses	
Conversion apartments	
Private clubs and lodges	1 per guest unit PLUS 1 per 3 persons capacity in largest meeting room; 1 spaces/guest room
Hotel	1 per guest unit PLUS 1 per 3 persons capacity in largest meeting room; 1 spaces/guest room
Motel	1 per guest unit PLUS 1 per 3 persons capacity in largest meeting room; 1 spaces/guest room
RV Park	1 per RV Site (PLUS the RV space)
Timeshares/Vacation Rental	1 per guest unit
<b>OFFICE</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Automated Teller Machines	Included in underlying use

Financial Services/Banks	3 per 1000 sq. ft.; 2 spaces/1,000 sf GFA plus 3 stacking spaces/drive-through
General Business, Administrative, Professional Offices	3 per 1000 sq. ft.; 1 space/300 sf GFA
Labor Pool	3 per 1000 sq. ft.
Studio for art, music, dance and photography	3 per 1000 sq. ft.; 1 space/300 sf GFA
Utility Customer Service Center	1 per employee PLUS 1 per 1000 sq. ft.
<b>PARKING AND TRANSIT USES</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Airport	1 per employee PLUS 10 per 1000 sq. ft. of passenger circulation and waiting area; 5 spaces/1,000 sf GFA
Bus Shelter	To be determined on case specific basis
Bus, railroad and truck terminals	1 per employee PLUS 5 spaces/1,000 sf GFA
Garage, Public Access	None
Heliport or Helipad	1 per employee PLUS 5 for commercial facilities OR 2 for non-commercial facilities
Marina	1 space/2 slips
Parking Lot Commercial or Private	None
Passenger Station: Bus, RR	1 per employee PLUS 10 per 1000 sq. ft. of passenger circulation and waiting area
Taxicab Service/Parking	1 for dispatcher PLUS 1.5 per cab
Terminal Truck or Motor Freight	To be determined on case specific basis
Transit/Bus Garage, Repair Facility	1 per employee
Truck Stop	To be determined on case specific basis
Wrecker Service/Storage	1 per employee PLUS 1 for each company vehicle PLUS adequate storage for towed vehicles
<b>RESIDENTIAL USES</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Caretaker's Residence	1 per residence
Dormitory, Rooming House	1 per 2 beds
Dwelling, Apartment homes	2 spaces/dwelling unit
Dwelling Joint-use	Parking spaces set according to the non-residential use of the building. Residential tenants allowed use of the parking lot associated with the non-residential portion of the building
Dwelling Multi-family	Efficiencies: 1 per unit; 1-2 Bedrooms: 1.5 per unit; 3 or more Bedrooms: 2 per unit; 2 spaces/dwelling unit
Dwelling Single family	2 per unit; 2 spaces/dwelling unit
Dwelling Townhouse	1.5 per unit; 2 spaces/dwelling unit

Dwelling Two-family	1.5 per unit; 2 spaces/dwelling unit
Emergency Shelter	1 per employee PLUS 1 per 2 bedrooms
Family care homes	2 per 1000 sq. ft.
Group Residential Facility	1 per 5 residents; 1 space/3 residents
Group Residential Home	
Guest House	1 per guest house
Home Occupation class 1	No additional requirements
Home Occupation class 2	
Modular Homes	Follows Dwelling requirements
Mobile Home Park/Trailer Park	1.5 per site
<b>RETAIL SERVICES</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Animal Grooming Service	4 per 1000 sq. ft.; 1 space/350 sf GFA
Animal shelter	1 per employee PLUS 1 per 7 animals at capacity
Apparel shop	3 per 1000 sq. ft.
Appliance repair	1 per employee PLUS 2 per 1000 sq. ft. open to public
Appliance sales	2 per 1000 sq. ft.
Art gallery	2 per 1000 sq. ft.; 2 spaces/1,000 sf GFA
Artist studio	1 per studio; 4 spaces/1,000 sf of public use area
Auction house	3 per 1000 sq. ft.
Automotive paint shop	3 per 1000 sq. ft.
Automotive rentals	3 per 1000 sq. ft.
Automotive repair shop	3 per 1000 sq. ft.
Automotive service station	3 per 1000 sq. ft.
Automotive sales	3 per 1000 sq. ft.
Automotive supply	3 per 1000 sq. Ft.
Automotive tire repair/sales	3 per 1000 sq. Ft.
Barber shop/Beauty Salon	1 per 2 client chairs
Boat repair shop	1 per employee plus 3 per 1000 sq. Ft.
Bulk dairy products retail	1 per employee plus 3 per 1000 sq. Ft.
Car wash/detailing	1 per employee plus 3 per 1000 sq. Ft.
Carpet detailing	1 per employee plus 3 per 1000 sq. Ft.
Commercial stables	1 per employee plus 3 per 1000 sq. Ft.
Convenience store	1 per employee plus 3 per 1000 sq. Ft.
Department Store	3.5 per 1000 sq. ft.
Drug Store	2.5 per 1000 sq. ft.
Dry Cleaning/Laundry, Pick up	1 per employee PLUS 3 for customers
Dry Cleaning Service	1 per employee PLUS 2 per 1000 sq. ft. open to public
Electrical Repair Shop	1 per employee PLUS 2 per 1000 sq. ft. open to public

Equipment/Furniture Rental	3 per 1000 sq. ft.
Farmer's Market	1 per vendor PLUS 5 per 1000 sq. ft.
Florist Shop	1 per employee PLUS 2.5 per 1000 sq. ft.
Funeral Home	15 per 1000 sq. ft. of parlor areas, but not less than 20 spaces; 1 space/4 chapel seats + 1 space/300 sf of office
Furniture Sales: New, Used	2.5 per 1000 sq. ft.
Gas station mini-mart	
Gas station with vehicle repair	
Garden Center	
Greenhouse Commercial	2.5 per 1000 sq. ft. of sales area (indoor and outdoor)
Grocery Store	4.5 per 1000 sq. ft.
Gun Store	3 per 1000 sq.ft.
Hardware Store	
Home Improvement/Building Material Sales	3 per 1000 sq. ft.
Jewelry Store/Repair	
Kennel Commercial	1 per employee PLUS 1 per 7 animals at capacity; 1 space/350 sf GFA; 2 spaces/1,000 sf GFA
Laundromat	5 per 1000 sq. ft.
Liquor Store	3 per 1000 sq. ft.
Motorcycle sales	3 per 1000 sq. ft.
Newsstand	3 per 1000 sq. ft.
Nursery, Plant	1 per employee PLUS 6 per 1000 sq. ft. of sales area open to public
Office Equipment Repair	1 per employee PLUS 2 for customers
Office Supplies/Stationery	2.5 per 1000 sq. ft.
Oil change facility	3 per 1000 sq. ft.
Outdoor Flea Market	1 per vendor PLUS 10 per acre
Pawnshop	3 per 1000 sq. ft.
RV and Camper Sales, Repair	
Small Engine Repair Shop	
Sexually/Adult Oriented	5 per 1000 sq. ft.; 3 spaces/1,000 sf GFA
Shoe Repair/Tailor	3 per 1000 sq. ft.
Shopping Center: Large Scale	5 per 1000 sq. ft.; Under 500,000 sf GFA: 2 spaces/1,000 sf gross leasable area 500,000 sf or more GFA: 4 spaces/1,000 sf gross leasable area
Shopping Center: Small Scale	
Souvenir Shop	3 per 1000 sq. ft.
Spa	5 per 1000 sq. ft.
Tattoo/Piercing	5 per 1000 sq. ft.; 2 spaces/1,000 sf of public use area
Upholstery/Interior Decorating Service	3 per 1000 sq. ft.
Video Rental/Sales	

<b>UTILITIES/GOVERNMENTAL</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Communications Equipment	1 space (for maintenance personnel)
Community center	
Community gardens	
Essential services	
Essential Utilities & Equipment	
Emergency shelters	3 per 1000 sq. ft.
Fire, Police, Station	1 per crew member PLUS 2
Penal/Correctional Institution	1 per employee PLUS 1 per 20 inmates; 2 spaces/20 inmates of rated inmate capacity
Public libraries	1 per employee PLUS 2 spaces/1,000 sf GFA
Public recreation land and facilities	1 per employee PLUS 2 spaces/1,000 sf GFA
Sewage treatment plant	1 per employee PLUS 3
Telecommunications class I	1 space (for maintenance personnel)
Telecommunications class II	
Telecommunications class III	
Water Tower/Storage Tank	
<b>VEHICULAR SERVICES</b>	
<b>Authorized uses</b>	<b>Required Parking Spaces per Unit</b>
Automotive Paint Shop	2 per 1000 sq. ft.
Automotive Rentals	2 per 1000 sq. ft.; 2 spaces/1,000 sf of office and public waiting area
Automotive Repair Shop	Greatest of 1 per service bay OR 10 per 1000 sq. ft. repair area; 2 spaces/service bay
Automotive Sales	3 per 1000 sq. ft. PLUS 3 service bay; 2 spaces/1,000 sf of indoor sales area
Automotive Supply	3 per 1000 sq. ft.
Automotive Tire Repair/Sales	
Boat Repair shop	1 per employee PLUS 3 per 1000 sq. ft.
Car Wash/Detailing	1 per employee PLUS 1 for drying and 2 stacking
Gas Station Mini-Mart	3 per 1000 sq. ft. PLUS 1.5 per nozzle; Greatest of 1 per service bay OR 10 per 1000 sq. ft. repair area; 2 spaces/pump plus 3 spaces/1,000 sf of retail area plus 2
Gas Station with Vehicle Repair	spaces/accessory motor vehicle service and repair plus 4 stacking spaces/car wash bay
Motorcycle Sales	1 per employee PLUS 3 per 1000 sq. ft.
Oil Change Facility	Greatest of 1 per service bay OR 10 per 1000 sq. ft. repair area
RV and Camper Sales, Repair	3 per 1000 sq. ft.



**A. PARKING SPACE DIMENSIONS**

The following minimum design standards, in as shown in the table below shall be observed in laying out off-street parking facilities:

**Table XIV-2: Parking Space Dimensions**

<b>PARKING SPACE DIMENSIONS</b>				
A. PARKING ANGLE	B. STALL WIDTH	C. AISLE WIDTH	D. STALL LENGTH	CURB TO CURB LENGTH
E. 30 Degrees	10 ft	F. 10 ft	G. 20 ft	H. 44.0 ft
I. 45 Degrees	J. 10 ft	K. 11 ft	L. 20 ft	M. 50.6 ft
N. 60 Degrees	O. 10 ft	P. 18 ft	Q. 20 ft	R. 60.6 ft
S. 90 Degrees	T. 10 ft	U. 22 ft	V. 20 ft	W. 62.0 ft

**B. LOCATION OF PARKING SPACES**

1. Off-street parking spaces for single- and two-family detached dwellings shall be located on the same lot as the building to be served.
2. As per this Ordinance, no part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, or hospital located on an adjacent lot, unless separated by an opaque wall or fence
3. When off-street parking for other uses is located on a lot other than the lot occupied by the use that required it, then the provisions of this Ordinance shall apply as shown below.

**C. PROVISION OF ADDITIONAL VEHICLE SPACES**

1. Nothing in this Section prevents the voluntary provision of additional off-street vehicle and bicycle parking spaces above that required by this Ordinance. There is no limit on the number of bicycle parking spaces that may be provided.
2. In an effort to limit the amount of impervious surface associated with development, the maximum number of vehicle parking spaces shall be one hundred twenty-five percent (125%) of the number of required parking spaces. Structured parking facilities are exempt from this maximum.
3. Where a use exceeds the required number of vehicle spaces required by above (Off-Street Vehicle Parking Requirements), the area used for additional spaces must be paved with semi-pervious material, such as permeable pavers, porous asphalt, porous concrete, grass-crete, reinforced grass, or an equivalent.

#### **D. JOINT USE OF REQUIRED PARKING SPACES**

Two (2) or more nonresidential uses may jointly provide and use off-street parking facilities as long as the following specifications are met

1. None of the uses require the parking facilities at the same time.
2. The shared parking facility is located within three hundred feet (300') of each use.
3. All other location and design requirements of this Section are met.

#### **E. SHARED PARKING AGREEMENT**

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

#### **F. COMBINED PARKING FACILITIES**

Parking requirements for two (2) or more uses of the same or different type may be satisfied by the allocation of a common or collective parking facility. Such facility shall be adequate in area to provide the sum total of spaces required of all uses

### **SECTION 14.05 MAINTENANCE**

Off-street parking facilities, and when applicable loading areas, shall be constructed, maintained and operated in accordance with the following specifications:

#### **A. DRAINAGE**

1. Off-street parking facilities and loading areas must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion resistant material in accordance with applicable City standards.
2. Any new surface parking lot with twenty-five (25) or more parking spaces or additions to existing parking lots of twenty-five (25) or more vehicle parking space must be designed to

filter or store the first inch of rainwater during each rain event. This can be accomplished through the use of permeable paving, rain gardens, bio swales, detention areas, constructed wetlands, and other methods deemed appropriate by the City Engineer. Where installed, detention areas should be appropriately designed and located to filter, store and convey the expected stormwater flows from surrounding paved areas.

3. Off-street parking areas must be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee. A minimum of one (1) litter receptacle must be included in any parking lot.

## **B. SURFACING**

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

## **C. WHEEL GUARDS AND CURBS**

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

## **D. STRIPING**

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

## **E. LIGHTING**

Parking lot lighting must be provided for off-street parking spaces that are to be used at night. All lighting must be arranged to eliminate glare on residential property by location of light fixtures or use of fixtures designed to eliminate direct view of luminaries in fixtures from residential property.

## **F. LANDSCAPING REQUIREMENT**

All parking lots shall be landscaped in accordance with Article XV of this ordinance.

## **SECTION 14.06 OFF-STREET LOADING FACILITIES**

### **A. GENERAL REQUIREMENTS**

Except in the C-1 district, whenever a non-residential building is erected, altered, enlarged, converted or otherwise increased in size or capacity, the off-street loading facilities herein required shall be provided for uses that distribute or receive materials or merchandise by trucks or other commercial vehicles in accordance with Table shown in this section

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.

### **B. COMPUTATION OF OFF-STREET LOADING REQUIREMENTS**

The off-street loading requirements for each use permitted by this Ordinance shall not be less than that found in the table above. For uses not mentioned in this Section, the Director of Public Services shall determine the requirements for off-street loading facilities. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the City.

### **C. COMBINED OFF-STREET LOADING FACILITIES**

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

**Table XIV-3: Off Street Loading Requirements**

<b>OFF-STREET LOADING REQUIREMENTS</b>	
<b>USE TYPE</b>	<b>NUMBER OF SPACES REQUIRED</b>
<b>MULTI FAMILY USES</b>	
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
<b>COMMERCIAL AND INSTITUTIONAL USES</b>	
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
<b>INDUSTRIAL USES</b>	
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. OFF-STREET LOADING DIMENSIONS**

A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways and other circulation areas, and a height of not less than 15 feet.

**SECTION 14.07 RESERVED**

**Article XV. LANDSCAPE, STORMWATER MANAGEMENT, & SCREENING**

<b>SECTION 15.01</b>	<b>PURPOSE</b>
<b>SECTION 15.02</b>	<b>ENFORCEMENT</b>
<b>SECTION 15.03</b>	<b>APPLICATION FOR NON-CONFORMING DEVELOPMENTS</b>
<b>SECTION 15.04</b>	<b>LANDSCAPE AND STORMWATER MANAGEMENT PLANS</b>
<b>SECTION 15.05</b>	<b>SELECTION, INSTALLATION, AND MAINTENANCE OF PLANT MATERIALS</b>
<b>SECTION 15.06</b>	<b>GENERAL LANDSCAPE DESIGN STANDARDS</b>
<b>SECTION 15.07</b>	<b>BUILDING FOUNDATION LANDSCAPE AND LANDSCAPE YARDS</b>
<b>SECTION 15.08</b>	<b>PARKING LOT LANDSCAPE</b>
<b>SECTION 15.09</b>	<b>BUFFER YARDS</b>
<b>SECTION 15.10</b>	<b>REQUIRED LANDSCAPE ILLUSTRATION</b>
<b>SECTION 15.11</b>	<b>TREE PRESERVATION</b>
<b>SECTION 15.12</b>	<b>SCREENING REQUIREMENTS</b>
<b>SECTION 15.13</b>	<b>STORMWATER MANAGEMENT REQUIREMENTS</b>
<b>SECTION 15.14</b>	<b>RESERVED</b>

**SECTION 15.01 PURPOSE**

The landscape, stormwater management, and screening requirements established by this Article are intended to:

1. Enhance the aesthetic appearance of developments throughout the City by providing standards related to the quality and functional aspects of landscape.
2. Reduce urban runoff and mitigate the effect of new development, redevelopment, or infill development on the existing drainage system by ensuring the preservation of permeable surfaces and requiring the installation of stormwater Best Management Practice (BMPs) to slow surface flow of stormwater runoff and promote filtration, plant uptake, absorption, and infiltration into sub-soils to reduce subsidence rates.
3. Increase compatibility between abutting land uses, and between land uses and public rights-of-way by providing landscape screening or buffers.
4. Provide for the conservation of water resources through the efficient use of irrigation, appropriate mix of plant materials, recycling water elements, and regular maintenance of landscaped areas.
5. Protect public health, safety, and welfare by preserving and enhancing the positive visual experience of the built environment, providing appropriate transition between different land uses, preserving neighborhood character, and enhancing pedestrian and vehicular traffic safety.

- A. Reduce the urban heat island effect, enhance the local micro-climate, and increase biodiversity.

## **SECTION 15.02 ENFORCEMENT**

1. No building permit or certificate of occupancy may be issued for any lot or use subject to the requirements of this Article unless all the requirements of this Article have been met. Failure to implement the landscape and/or stormwater management plan, or to maintain the lot or use in conformance with the landscape and/or stormwater management plan, is cause for revocation of the certificate of occupancy and/or the application of fines and penalties, as established in this Ordinance. In addition, all landscape is subject to periodic inspection.
2. Prior to the issuance of a certificate of occupancy, any development that requires a stormwater management plan shall have a landscape architect and civil engineer licensed in Louisiana certify with signature and seal in an affidavit that the stormwater management measures have been installed in accordance with all approved plans and specifications.
3. When the landscape and stormwater management plans are approved, the City requires a performance bond in the amount of twenty-five (25%) percent of the initial combined costs, which shall be posted prior to the issuance of the building permit to ensure that the needed replacement and continued maintenance of materials occurs during the two (2) years following construction and installation.

## **SECTION 15.03 APPLICATION FOR NON-CONFORMING DEVELOPMENTS:**

The requirements for the installation and maintenance of landscape elements as set forth herein shall apply to all development and construction of structures subsequent to the effective date of this ordinance. All property with an existing structure(s) on the effective date of this ordinance which is not in compliance with the provisions of this Article shall be considered nonconforming, and shall be allowed to continue until such time as:

1. The total floor area of the nonconforming structure is expanded or enlarged in excess of ten (10) percent, but not more than twenty-five (25) percent as such floor area has been established at the time of application for a building permit. Such expansion or enlargement shall cause the lot or parcel upon which such structure is located to be in compliance with not less than twenty-five (25) percent of the minimum required landscape area, as provided in this ordinance. Landscaping Required of this Article, or Section B, Subsection 2. Landscaping of Large Tracts if applicable, for the district in which such structure is located. All other provisions of this Article shall apply;
2. The total floor area of the nonconforming structure is expanded or enlarged in excess of twenty-five (25) percent, but not more than fifty (50) percent as such floor area has been established at the time of application for a building permit. Such expansion or enlargement shall cause the lot or parcel upon which such structure is located to be in compliance with not less than fifty (50) percent of the minimum required landscape area, as provided in this

ordinance. Landscaping of Large Tracts if applicable, for the district in which such structure is located. All other provisions of this Article shall apply;

3. The total floor area of the nonconforming structure, upon approval of the Planning and Zoning Commission in accordance with Article VI of this ordinance, is expanded or enlarged in excess of fifty (50) percent, as such floor area has been established at the time of building permit application. In such instance all provisions of this Article shall apply to the entire lot or parcel upon which such structure is located.
4. The parking lot is expanded. In such instance, the expansion shall be landscaped in accordance with all other provisions of this Article.
5. The expansion onto undeveloped adjacent land; including undeveloped portions of a single lot or if additional lots are platted together. In such instance the undeveloped area(s) shall be landscaped in accordance with all other provisions of this Article.
6. Upon removal of an existing nonconforming structure and redevelopment of the lot with any new structure(s). In such instance all provisions of this Article shall apply to the entire lot or parcel upon which such new structure is located.
7. On sites where additional landscaping is required a Non-Conforming Development, not less than fifty (50) percent of the total required on-site landscaping shall be located in the designated front yard, with not less than seventy (70) percent of the total required on-site landscaping located in the front one-half of the lots.
8. Building area increases or parking lot increases on existing developed lots shall not require the installation of a landscape buffer. All other provisions of this Article shall apply.

## **SECTION 15.04 LANDSCAPE AND STORMWATER MANAGEMENT PLANS**

### **A. APPLICABILITY**

1. A landscape plan is required for all developments, with the exception of single-family dwellings, two-family dwellings, and multi-family dwellings of six (6) units or less.
2. In order to comply with federal, state, and local regulations for urban stormwater management, a stormwater management plan shall be submitted to Iberville Parish as part of any new development, including redevelopment, of a site of ten thousand (10,000) square feet or more of impervious surface, or any new development, including redevelopment, of a site of one (1) acre or more in size. City will require a parish approved stormwater management plan.
3. Single-family, two-family, and multi-family dwellings of six (6) units or less do not require submittal of a stormwater management plan, but shall comply with all other applicable federal, state, and local stormwater ordinances.



## **B. CONTENT OF LANDSCAPE PLAN**

Landscape plans shall be prepared by a landscape architect or landscape contractor licensed in Louisiana.

A landscape plan shall contain the following information:

1. The location and dimensions of all existing and proposed structures, property lines, servitudes, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the Chairman of the City Planning Commission.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials and trees, and a description of all tree preservation measures.
3. The location, quantity, size, name, and condition of all plant material and trees in the right-of-way, and indicating plant material and trees to be retained and removed.
4. The location, quantity, size, and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals, perennials, and turf.
5. The existing and proposed grading of the site indicating contours at one (1) foot intervals.
6. Elevations of all proposed fences, walls, steps, and fixed retaining walls (cast concrete, unitized walls) on the site.
7. Elevations, cross-sections, and other details as deemed necessary by the Chairman of the City Planning Commission.

## **C. CONTENT OF STORMWATER MANAGEMENT PLAN**

Stormwater management plans shall be prepared by a landscape architect and civil engineer licensed in Louisiana. A stormwater management plan, including the pre-development runoff rate and the post-development runoff rate, shall contain the following information:

1. The location of the property and adjacent developments and infrastructure.
2. Existing site conditions, including a description and map of land cover, contours, soil types, and estimated pollutant load.
3. Description and development plan of the proposed development, including land cover, contours, and empirically expected pollutant load.

4. All storm drainage systems, including existing and proposed drain lines, culverts, catch basins, headwalls, hydrants, manholes, and temporary and permanent stormwater Best Management Practices (BMPs).
5. All pertinent calculations and specifications used in the design and construction of the permanent stormwater BMPs to retain, detain, or filter the first one (1) inch of stormwater runoff during each rain event. Safeguards to prevent short-circuiting of permanent stormwater BMPs shall be designed into the system.
6. Capacities of BMPs shall show surface and sub-surface volumes (in aggregate, chambers, cisterns, etc) in gallons.

#### **D. PLAN IMPLEMENTATION.**

1. A plan showing site sub-catchment areas, retention BMP areas and capacities, detention BMP areas and capacities, conveyance BMPs, and stormwater runoff treatment train of BMPs in which runoff is filtered through a series of BMPs before entering the City drainage system (surface or sub-surface).
2. Description of how the proposed drainage and temporary and permanent stormwater BMPs will be maintained.
3. The estimated cost of proposed drainage and temporary and permanent stormwater BMPs.

#### **E. MINOR CHANGES TO APPROVED LANDSCAPE PLANS**

1. Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan or a reduction in the net amount of water detained or stored and filtered on-site may be approved by the Director of the Department of Public Services or the Chairman of the City Planning Commission.
2. Changes to the size and amount of plant materials of an approved landscape plan are not considered a minor change. Major changes shall be approved by the body initially granting approval of the landscape plan.

#### **F. ALTERNATIVE COMPLIANCE**

The landscape and stormwater management standards contained in this Article are intended to encourage development that is environmentally functional, economically viable, and aesthetically pleasing. The following standards are not intended to inhibit creative development. Project conditions associated with individual sites may justify approval of alternative methods of compliance when landscape is part of an integrated water management strategy. It is acknowledged that conditions may arise where normal compliance is impractical or impossible, a design proposal offers superior results, or maximum achievement of the City's objectives can only be obtained through alternative compliance.

Requests for alternative compliance will be accepted for any permit application to which the requirements of this Article apply, when one (1) or more of the following conditions are met:

1. City will require a parish approved stormwater management plan.
2. Topography, soil, vegetation, drainage, or other site conditions are such that full compliance is impractical.
3. Improved environmental quality would result from the alternative compliance of the provisions of this Article.
4. Spatial limitations, unusually shaped pieces of land, unusual servitude requirements, or prevailing practices in the surrounding area may justify alternative compliance for infill sites.
5. A request for alternative compliance shall be submitted at the time the landscape and/or stormwater management plan is submitted. In no case shall the landscape requirements be reduced by more than twenty-five percent (25%). Request for alternative compliance shall be accompanied by a written explanation of such alternatives to allow appropriate valuation and decision by the by the Chairman of the City Planning Commission.

## **SECTION 15.05 SELECTION, INSTALLATION, AND MAINTENANCE OF PLANT MATERIALS**

### **A. SELECTION**

All planting materials used shall be of good quality and meet American Association of Nurserymen (ANNS) standards for minimum acceptable form, quality, and size for species selected, and capable to withstand the seasonal temperature variations, as well as the individual site micro-climates. The use of wet-tolerant native species in stormwater BMPs or drought-tolerant native species is encouraged. Size and density of plant material, both at the time of planting and at maturity, shall be considered when selecting plant material.

### **B. INSTALLATION**

All landscape materials shall be installed in accordance with the current planting procedures established by the "Louisiana Nurseryman's Manual for the Environmental Horticultural Industry," latest edition, as published by the Louisiana Nursery and Landscape Association. All plant materials shall be free of disease and installed so that soil is of sufficient volume, composition, and nutrient balance to sustain healthy growth.

#### **1. Wet- and Drought-Tolerant Plant Requirements**

Plant selection should emphasize wet-tolerant native species in stormwater BMPs whenever possible. When this is not feasible, drought-tolerant native species with irrigation systems may be installed. Wet-tolerant and drought-tolerant species shall be grouped by common irrigation need.

## **2. Plant Materials**

Plant selection shall first emphasize a variety of wet-tolerant native species incorporated in stormwater management BMPs. A minimum of fifty percent (50%) of all required landscaped areas shall be designed as part of a vegetated BMPs.

For all projects that include landscape areas not included within stormwater BMPs, at least fifty percent (50%) of the landscaped area shall be drought-tolerant plants.

For all projects that include total landscape areas not within stormwater BMPs, the landscape plan shall contain irrigation water calculations and shall not exceed the maximum applied water allowance of twenty-five (25) gallons per square foot of landscape area. The applicant shall indicate the square footage and the water use calculation for each irrigated landscape area.

## **3. Groupings**

Landscape areas having plants with similar water needs shall be grouped together and irrigated by a dedicated irrigation controller station. All plants listed in the landscape plan shall be classified and grouped by category of water use calculations. Water use calculations shall be grouped as low, medium, and high.

## **4. Protection of Existing Vegetation**

All construction projects are subject to the "Landscape Protection During Construction" requirements of the City Code.

## **5. Required Element**

Landscape materials depicted on landscape plans approved by the City are required development plan elements in the same manner as structures, parking, and other improvements. As such, the owner of record is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements over the entire life of the development.

## **6. Maintenance**

All landscape materials shall be maintained in good condition, present a healthy, neat and orderly appearance, and kept free of weeds, refuse, and debris. Any dead, unhealthy, or missing plants shall be replaced within six (6) months of notification by the City. Fences, steps, retaining walls, and similar landscape elements shall be maintained in good repair. The owner of the premises is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements, and all refuse disposal areas. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

## **SECTION 15.06 GENERAL LANDSCAPE DESIGN STANDARDS**

Landscape plans, as described above, shall be prepared by a landscape architect or landscape contractor licensed in Louisiana, and evaluated and approved based on the following design criteria.

### **A. SCALE AND NATURE OF LANDSCAPE MATERIAL**

The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.

### **B. SELECTION OF PLANT MATERIAL**

Plant material shall be selected for its form, texture, color, pattern of growth, and suitability to local conditions. All landscape plans shall incorporate at least thirty percent (30%) of native trees and shrubs into required plant materials to provide habitat for wildlife and reduce irrigation requirements.

### **C. TREES**

All deciduous shade trees at the time of installation shall have a minimum caliper of two and one-half (2.5) inches for single trunk trees and one and one-quarter (1.25) inches for multi-trunk trees, and a clear trunk height of at least six (6) feet, unless otherwise specified. Caliper is measured at diameter at breast height.

Evergreen trees shall have a minimum height of eight (8) feet at planting.

Single stem ornamental trees shall have a minimum caliper of three (3) inches taken at diameter at breast height, unless otherwise specified.

Multiple stem ornamental trees shall have minimum height of eight (8) feet at planting and a minimum of three (3) trunks, unless otherwise specified.

### **D. SHRUBS**

Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18) inches at installation.

Large shrubs are those species that reach five (5) or more feet in height at maturity. Small shrubs are those species that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty-six (36) inches.

## **E. PERENNIALS AND GROUNDCOVER**

Unless otherwise specified, perennials and groundcover shall be a minimum of four (4) inch container stock.

## **F. MULCH**

Unless otherwise specified, mulch shall be a minimum two (2) inch dressing and shall be applied on all exposed soil surfaces of planting areas, except turf, creeping or rooting groundcovers, or direct seeding applications, where mulch is contra-indicated. Mulch shall be kept from direct contact with tree trunks and organic material.

## **G. IRRIGATION**

Sprinkler irrigation systems are required for landscaped areas that are not part of a stormwater BMP. The type of plant material, the condition, and growing medium where they are installed, and sun exposure shall dictate the type of sprinkler irrigation system(s). All irrigation systems shall be designed to minimize the use of water and are approved as part of the landscape plan.

When irrigation is installed, it shall comply with the following standards:

1. Automatic controllers shall be set to water between 7:00 p.m. and 10:00 a.m. to reduce evaporation.
2. Irrigation systems shall be designed to avoid runoff, low-head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, non-irrigated areas, walks, roadways, or structures.
3. Irrigation equipment shall comply with the following standards.
  - a. Low-volume irrigation systems with automatic controllers are required. Low-volume irrigation systems include low-volume sprinkler heads, dry emitters, and bubbler emitters.
  - b. Drip, trickle or other low-volume irrigation shall be provided on at least ninety percent (90%) of the landscape areas except for those areas devoted to turf and flat groundcover plants. If a licensed landscape architect or landscape contractor verifies that a drip or trickle system is not feasible due to location, the required percentage of drip or trickle irrigation may be reduced by body approving the landscape plan.
  - c. Integral, under-the-head, or in-line anti-drain valves shall be installed as needed to prevent low-head drainage.

- d. Automatic control systems shall be able to accommodate all aspects of the design. Automatic controllers shall be digital, have multiple programs, multiple cycles, and sensor input capabilities.
- e. Soil moisture sensors and rain or moisture-sensing override devices are mandatory.
- f. Sprinkler heads shall be selected and spaced for proper area coverage, application rate, operating pressure, and adjustment capability. Sprinklers shall have matched precipitation and application rates within each control valve circuit.
- g. Drip irrigation systems are permitted if commercial or agricultural grade materials are used. Components shall be installed below the soil except for emitters.
- h. Backflow prevention devices are required.
- i. Rainwater harvesting and/or dedicated landscape water meters are recommended

#### **H. WATER WASTE PREVENTION**

Water waste resulting from inefficient landscape irrigation is prohibited. Water waste from irrigation is defined as runoff that leaves the target landscape due to low head drainage, overspray, or similar conditions where water flows onto adjacent properties, non-irrigated areas, walks, or roadways. Overspray and runoff are not considered water waste from irrigation if either one of the following conditions are met:

- 1. The landscape area is adjacent to semi-pervious or pervious surfaces.
- 2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscape.

#### **I. ENERGY CONSERVATION**

Plant material placement shall be designed to reduce the energy consumption needs of the development. Shade trees shall be included on the exposed west and south elevations when landscape is required.

#### **J. SPECIES DIVERSITY**

Diversity among required plant material for on-site landscape is required. This provides visual interest and reduces the risk of losing a large population of plants due to disease.

The table below indicates the percentage of diversity required based on the total quantity of species being used. For example, if a development requires forty-five (45) shade trees, no more than eighteen (18) trees nor less than five (5) trees can be of one (1) species, and there shall be a minimum of five (5) different species within the forty-five (45) trees.

**Table XV-1: Diversity Requirements**

<b>DIVERSITY REQUIREMENTS</b>			
TOTAL NUMBER OF PLANTS PER PLANT TYPE	DIVERSITY REQUIREMENTS		MINIMUM NUMBER OF SPECIES
	MAXIMUM OF ANY SPECIES	MINIMUM OF ANY SPECIES	
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

**K. PLANTING**

In order to meet the landscape requirements of this Ordinance, plant material shall be planted in the ground. Landscape planted within planters and raised planter boxes is not considered to meet the landscape requirements.



## SECTION 15.07 BUILDING FOUNDATION LANDSCAPE AND LANDSCAPE YARDS

### A. BUILDING FOUNDATION LANDSCAPE

For all multi-family dwellings of seven (7) or more dwelling units, mixed-use developments, and non-residential uses that maintain a front or corner side yard of ten (10) or more feet and no parking is located within that front or corner side yard, the following building foundation plantings are required: (Figure 23-1: Building Foundation Landscape)

1. A single hedge row is required, planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly. The shrubs shall measure a minimum of twenty-four (24) inches at planting, and a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity.
2. The remainder of the area shall be planted with live groundcover.
3. These plantings may be supplemented with trees and perennials.
4. Plantings are not required where walkways and driveways are located.

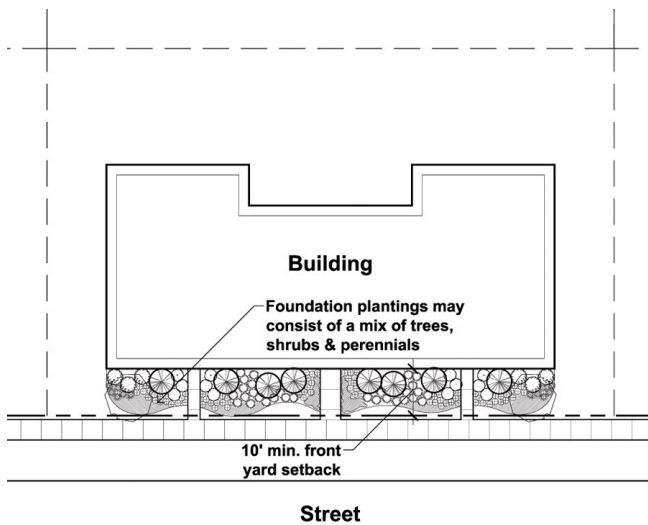
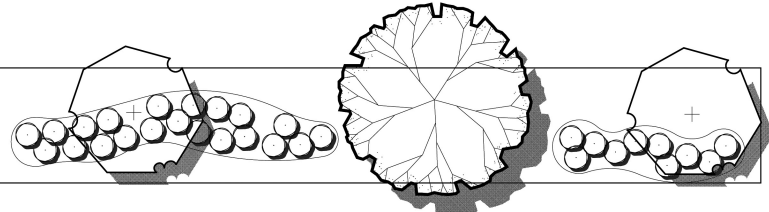
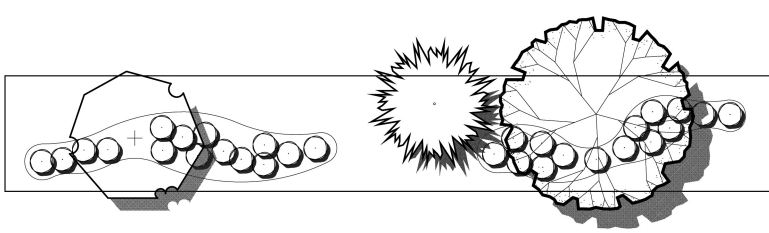
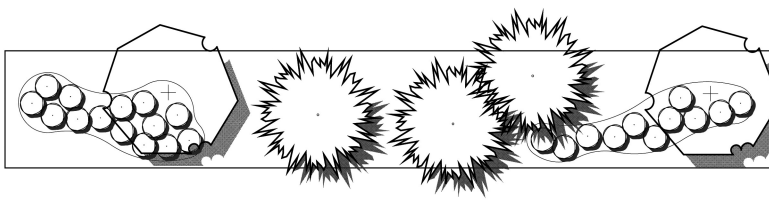
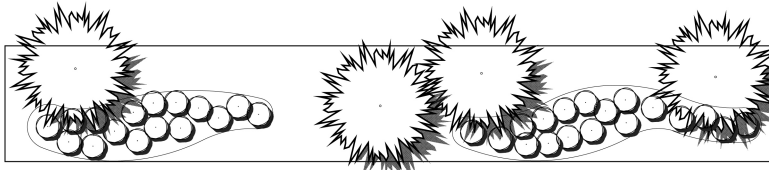
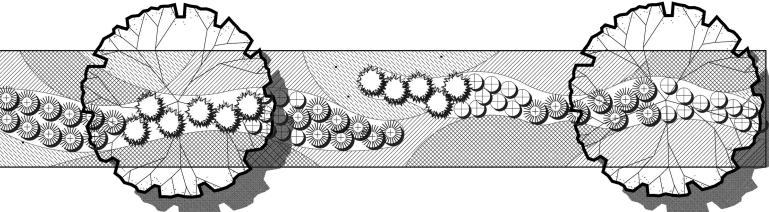


Figure XV-1 Building Foundation Landscape

## **B. FRONT LANDSCAPE YARD**

Where a multi-family dwelling of seven (7) or more dwelling units, mixed-use development, or non-residential use maintains parking in front of the principal building, a front landscape yard a minimum of ten (10) feet in width shall be installed along the front lot line. In this case, the front landscape yard requirements control rather than the perimeter parking lot landscape requirements.

1. Five (5) plant unit options are presented in the table below: Plant Unit Options. Any alternative or a combination of alternatives may be used. Plantings may be spaced at various intervals and/or clustered based on specific site requirements or design scheme, to be approved as part of the landscape plan.
2. One (1) plant unit per one-hundred (100) linear feet shall be provided.
3. When figuring the number of plant units or quantity of plant material required, the number shall be rounded up. For example, three and one-tenths (3.1) shade trees is rounded up to four (4) shade trees.
4. All plant materials, excluding trees, shall be in the bedline. All plant materials in raised planters do not meet the requirements of this section.
5. Use of rocks or bare earth in lieu of groundcover plantings may not exceed twenty percent (20%) of the total front yard landscape area, excluding driveways, walkways or other access points.

PLANT UNIT OPTIONS	QUANTITY & TYPE OF PLANTS	ILLUSTRATION
STANDARD PLANT UNIT	1 Shade Tree 2 Ornamental Trees 20 Shrubs	
ALTERNATIVE UNIT A	1 Shade Tree 1 Ornamental Tree 1 Evergreen Tree 30 Shrubs	
ALTERNATIVE UNIT B	2 Ornamental Trees 3 Evergreen Trees 25 Shrubs	
ALTERNATIVE UNIT C	4 Evergreen Trees 34 Shrubs	
ALTERNATIVE UNIT D	Native Landscape Alternative	

## **SECTION 15.08 PARKING LOT LANDSCAPE**

### **A. REQUIRED PARKING LOT LANDSCAPE**

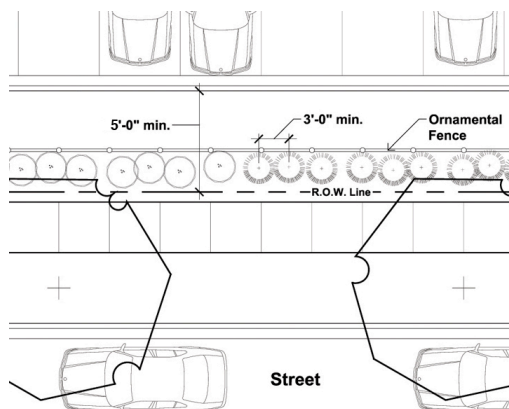
1. All parking lots of ten (10) or more spaces require a landscape plan as a condition of obtaining a building permit.
2. Perimeter parking lot landscape is required for all parking lots, whether an accessory or principal use, and shall be established along the edge of the parking lot that abuts a public right-of-way, excluding alleys.
3. Interior parking lot landscape, whether an accessory or principal use, is required for parking lots of ten (10) or more spaces.
4. For existing parking lots that currently do not comply with the required parking lot landscape, such landscape shall be provided when any one (1) of the following occurs:
  - a. A new principal building is constructed.
  - b. A building addition is constructed that expands the building footprint by thirty percent (30%) or more.
  - c. Over fifty percent (50%) of the total area of an existing parking lot is reconstructed.
  - d. When an existing parking lot under ten thousand (10,000) square feet in area is expanded by fifty percent (50%) or more in total surface area.
  - e. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.
5. When an existing parking lot is required by this section to provide landscape, which would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, the existing parking lot is not required to install all or a portion of the required landscape.
6. The applicant is required to show that landscape cannot be accommodated on the site. If only certain requirements can be accommodated on the site, only those elements are required. The Director of Department of Public Services will make the determination that all or a portion of required landscape does not have to be installed.
7. Nothing in this section prevents the applicant's voluntary installation of additional parking lot landscape, so long as parking space requirements and parking lot design requirements are complied with.

## B. PERIMETER PARKING LOT LANDSCAPE

Perimeter parking lot landscape provides for the enhancement and screening of parking lots by requiring a scheme of landscape along public streets. A perimeter landscape yard is required for all parking lots and the landscape treatment shall run the full length of the parking lot where it abuts a public right-of-way, excluding an alley. In the case of parking located at the front of the building, the front landscape yard requirements control.

The perimeter parking lot landscape yard shall be improved as follows:

1. The perimeter landscape yard shall be a minimum of five (5) feet in width.
2. A single hedge row is required, planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly. The shrubs shall measure a minimum of twenty-four (24) inches at planting, and a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity.
3. A minimum one (1) foot of width of groundcover or mulch.
4. One (1) shade tree every twenty-five (25) feet on center, spaced linearly. Trees may be spaced at various intervals and/or clustered based on specific site requirements or design scheme to be approved as part of the landscape plan.
5. An ornamental fence a minimum of four (4) feet in height is required.
6. Alternatively, a low pedestrian wall, the height of which provides effective screening to a maximum height of three (3) feet, may be used instead of shrubs and an ornamental fence. Where possible, plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the wall.
7. All perimeter parking lot landscape areas shall be protected with raised concrete curbs.



**Figure XV-3** Parking lot perimeter landscape yard

### C. INTERIOR PARKING LOT LANDSCAPE

For parking lots consisting of ten (10) or more spaces, interior parking lot landscape is required as illustrated in this ordinance. However, these planting provisions may be waived if the applicant presents an alternate landscape plan that provides a combination of tree canopy, landscape design elements, and/or non-reflective auto canopies, including solar panels and solar powered electric auto recharging stations, that shade a minimum of fifty percent (50%) of the parking lot paved surface within five (5) years of completion.

1. One (1) parking lot island shall be provided between every ten (10) contiguous parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, to be approved as part of the landscape plan, but the total number of islands shall be no less than the amount required of one (1) island for every ten (10) spaces.
2. In addition to parking lot islands, additional landscaped areas shall be provided within the interior of parking lots. All rows of parking spaces shall terminate in a parking lot island or landscaped area. The minimum total landscaped area, including parking lot islands, is ten percent (10%) of the total parking lot area, excluding any area of perimeter parking lot landscape.
3. Parking lot islands or landscaped areas shall be at least one-hundred sixty (160) square feet in area. However, parking lot islands shall be the same dimension as the parking stall. Double rows of parking shall provide parking lot islands that are the same dimension as the double row.
4. Parking lot islands or landscaped areas shall be designed to apply sustainable techniques allowing the flow and access of stormwater. Such islands and landscaped areas shall be protected by tire stops or curbing with gaps that allows runoff to flow through.

The following plantings are required in parking lot islands and landscaped areas:

1. Trees, preferably with capacity for high water retention, shall be the primary plant materials used in parking lot islands and landscaped areas. Other plant materials may be used to supplement the shade tree plantings but shall not create visibility concerns for automobiles and pedestrians.
2. One (1) shade tree is required every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) shade trees are required.
3. Shrubs shall be planted within the parking island to provide a third layer of planting for visual interest.
4. A minimum of seventy-five percent (75%) of every parking lot island shall be planted in live groundcover, perennials, or ornamental grasses. Mulch is required to fill in planting areas for early growth protection until the groundcover is established and covers the planting

area. It is encouraged to mulch bare areas for three (3) to five (5) years, or until the plant material is fully established in the parking islands.

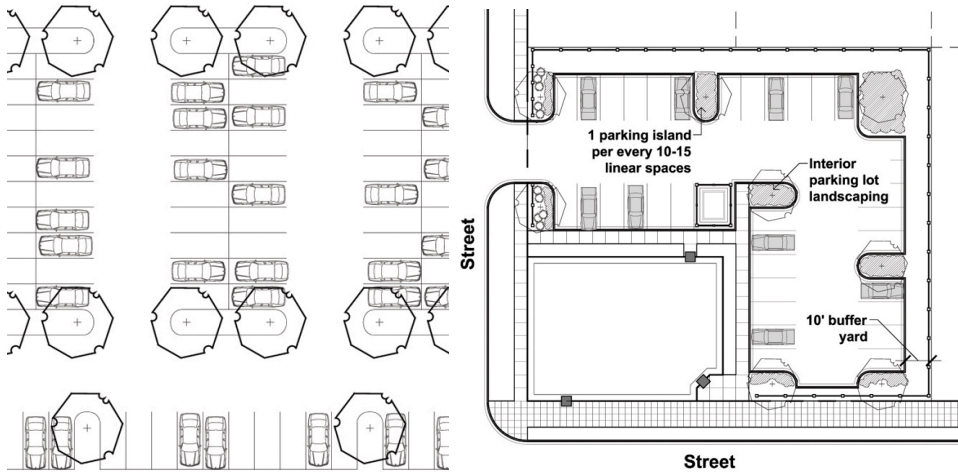


Figure XV-4 Interior Parking Lot Landscaping

## SECTION 15.09 BUFFER YARDS

Buffer yards maintain an appropriate relationship between adjacent developments by clarifying the delineation between properties, and creating attractive and effective buffers between uses.

Where the parking lot of a non-residential use or district abuts a residential district, a buffer yard of ten (10) feet shall be provided along the lot line that abuts a residential district.

The buffer yard shall be landscaped as follows:

1. A solid fence, constructed of wood or simulated wood, or a wall a minimum of seven (7) feet in height is required. Chain-link fences are prohibited.
2. A single hedge row planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly. The shrubs shall measure a minimum of twenty-four (24) inches at planting, and a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity.
3. One (1) shade tree for every twenty-five (25) linear feet of the adjacent property line.
4. The remainder of the area shall be planted with turf or groundcover.

**SECTION 15.10 REQUIRED LANDSCAPE ILLUSTRATION**

Landscape Requirements illustrates the location of the landscape requirements in this Article.

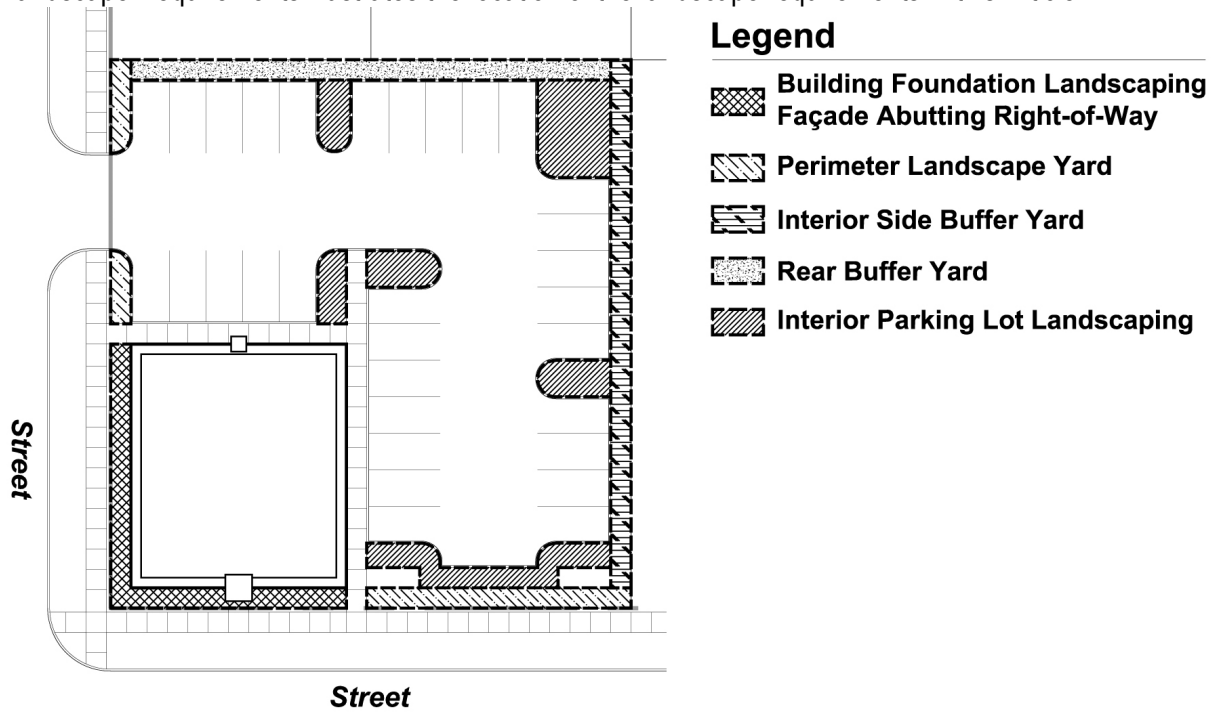


Figure XV-5 Landscape Requirements



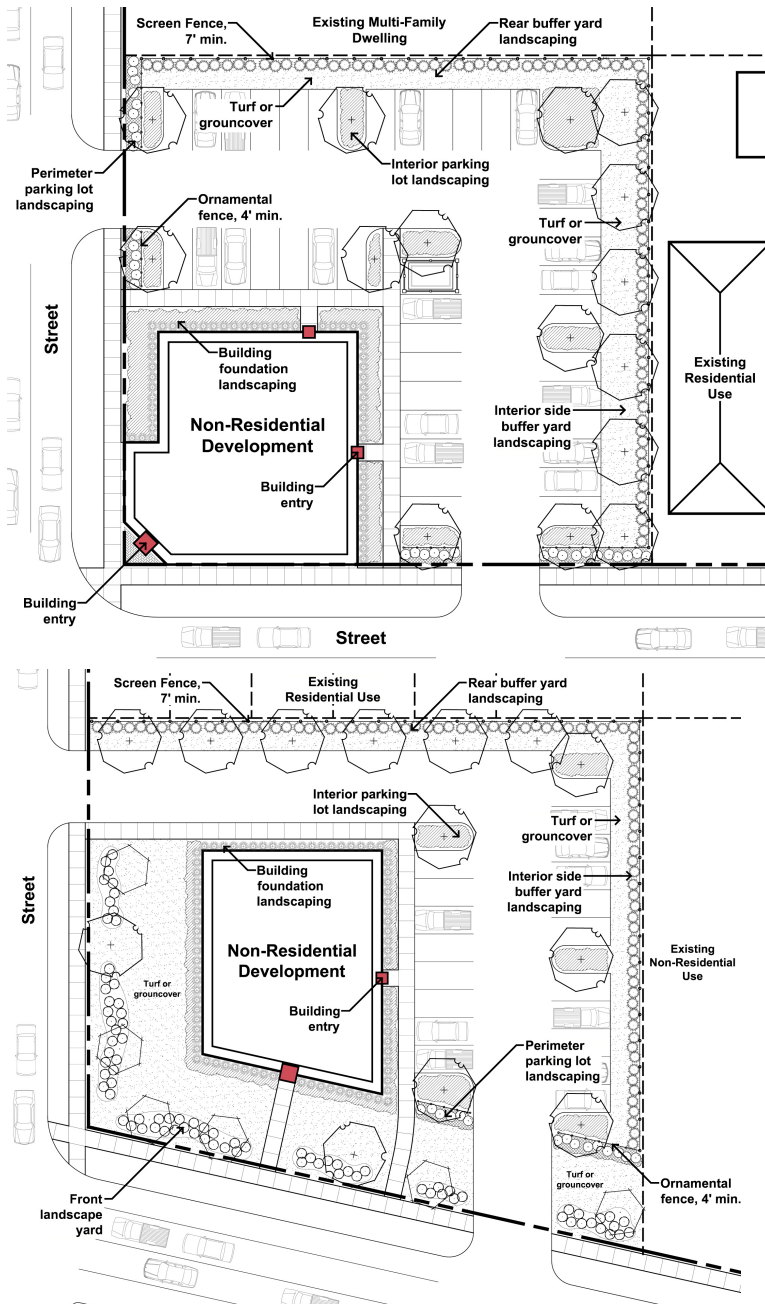


Figure XV-6 Non-Residential Development Buffer Yard

## **SECTION 15.11 TREE PRESERVATION**

### **A. TREE REMOVAL**

Approval of a landscape plan requires preservation of all trees with a diameter at breast height of over six (6) inches. Such may not be removed from a site, and shall be maintained and protected during construction in accordance with the requirements of the City Ordinance.

Trees may only be removed in one (1) of the following situations:

1. The Chairman of the City Planning Commission, as part of landscape plan approval, may approve tree removal.
2. The Director may consult the Department of Parks and Parkways to verify that tree removal is necessary.
3. The tree poses a hazard. In order to verify that a hazard exists, the City may require a tree hazard assessment to be performed by a qualified arborist.
4. The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.
5. The roots of the tree are causing damage to paved areas or sewer and plumbing lines.
6. The tree has an incurable disease or pest infestation that cannot be eliminated. The City may require this condition to be verified by a qualified arborist.
7. The tree has been damaged to the point that it cannot recover and grow properly, or it will grow in a misshapen or unsightly manner.
8. The Chairman of the City Planning Commission determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.
9. A tree that is removed shall be replaced with a tree of a species and in a location to replace the removed tree without posing the hazards for which the tree was removed.
10. The tree is out of keeping in character with a proposed comprehensive landscape plan or with an otherwise cohesive existing landscape.

## B. TREE REPLACEMENT

The Director of the Department of Public Services may allow trees to be replaced with other types of landscape if one (1) of the following conditions are met:

1. The property includes other trees that provide sufficient shade so that additional trees are not necessary.
2. If a replacement tree would be out of character in conjunction with an approved landscape plan.
3. If in the opinion of the Director of the Department of Public Services there is no suitable location on the property for a replacement tree.
4. May impact such trees, and any other pertinent information as required by the Director of Landscape and Forestry to evaluate existing and proposed conditions.
5. The Tree Preservation Plan shall include a detailed description of all methods to be used to ensure the survival of all trees scheduled for preservation credit, including information that may be required by the Director of Landscape and Forestry to interpret the intent and methodology proposed.
6. All tree preservation methodology shall conform to the standards of the Louisiana Department of Agriculture and Forestry, the Louisiana Horticulture Commission, and the International Society of Arboriculture.

## C. NATIVE TREES

The following is a list of trees native to City of St. Gabriel. Their planting and preservation is strongly encouraged.

Table XV-2 Native Trees

Scientific Name	Common Name
<b>Class A Trees</b>	
<i>Acer rubrum</i>	Red Maple
<i>Catalpa bignonioides</i>	Catalpa
<i>Carya cordiformis</i>	Bitternut Hickory
<i>Carya illinoensis</i>	Pecan
<i>Carya ovata</i>	Shagbark Hickory
<i>Diospyros virginiana</i>	Persimmon
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Juglans nigra</i>	Black Walnut

Liriodendron tulipifera	Tulip Tree
Magnolia grandiflora	Southern Magnolia
Nyssa sylvatica	Swamp Tupelo/Black Gum
Pinus Taeda	Loblolly Pine
Platanus occidentalis	Sycamore
Quercus alba	White Oak
Quercus falcata	Red Oak
Q. falcata Pogodifolia	Cherrybark Oak
Quercus lyrata	Overcup Oak
Quercus michauxii	Cow Oak
Quercus nuttallii	NuttallOak
Quercus phellos	Willow Oak
Quercus shumardii	Shumard Oak
Quercus virginiana	Live Oak
Taxodium acendends	Pond Cypress
Taxodium distichum	Bald Cypress
Tilia spp. Americana/caroliniana, floridana	Linden
Ulmus Americana	American Elm
Ulmus alata	Winged Elm

<b>Class B Trees</b>	
Carpinus caroliniana	Ironwood
Cercis canadensis	Eastern Redbud
Chionanthus virginicus	White Fringetree
Cornus florida	Flowering Dogwood
Crataegus marshallii	Parsley Hawthorn
Crataegus opaca	Mayhaw
Halesia diptera	Silverbell
Ilex cassine	Dahoon Holly
Ilex opaca	American Holly
Ilex vomitoria	Yaupon
Magnolia virginiana	Sweetbay Magnolia
Ostrya virginiana	Hop Hornbeam
Persea borbonia	Red Bay
Robinia pseudoacacia	Black Locust
Sassafras albidum	Sassafras

#### **D. PROTECTION OF TREES DURING SITE DEVELOPMENT AND CONSTRUCTION.**

1. In general, the area beneath the canopy of a tree shall be designated as a Tree Protection Zone and shall be kept safe from harmful impact.
2. Contractor, Etc.; Duties Relating to Trees, and the Placing of Materials; Indemnity Bond: In the erection of any building or structure, the builder, contractor or owner thereof shall place such tree guards or barriers around all the nearby trees belonging to the City as shall effectually prevent injury to them, and shall not place building materials or trash upon neutral grounds without the permission of the Director of Public Works; contractors and others doing work on neutral grounds, either for excavation or other projects for which permission has been granted by the Director of Public Works Shall give bond to the Director of Public Works to guarantee the payment of all costs for repairing any settlement or other damage or deterioration that shall take place in the neutral grounds as a result of the project undertaken by them.
3. Trees designated on the Tree Protection Plan as Protected Trees must be completely enclosed by a rigid wood or metal fence of a minimum height of six (6) feet, and as approved by the Director of Landscape and Forestry. Tree fence location must be as described on the Tree Protection Plan. Plastic or non-rigid forms of fencing will not be allowed.
4. Tree protection fencing must be in place prior to any clearing or site work. Failure to install tree protection fencing at the appropriate time will result in the loss of tree protection credits and will require that the job be stopped until a revised Landscape Plan is approved. Tree protection fencing must remain in place until all construction has been completed or final occupancy permit has been issued, whichever is latest.
5. Tree protection fencing must carry durable signs designating the area as a "Tree Protection Zone. No entry unless authorized by the City Office of Landscape & Forestry". Such signs shall be spaced around the perimeter of all tree protection zones with a maximum spacing of twenty-five (25) feet. Signs shall be a minimum eight inches (8" x10") in size and shall be firmly affixed to the tree protection fence.
6. Any violation of a tree protection zone will subject the owner to the loss of tree preservation credits and will require the suspension of all work until a revised Landscape Plan is approved for the project.
7. Tree protection zones shall explicitly follow the terms and conditions of the approved Tree Preservation Plan for that project or site. Any variation must receive the prior approval of the Director of Landscape & Forestry.
8. Additional tree protection measures may be ordered by the Director of Landscape & Forestry if site conditions warrant them.

## **SECTION 15.12 SCREENING REQUIREMENTS**

### **A. REFUSE DISPOSAL DUMPSTERS, RECYCLING CONTAINERS, AND REFUSE STORAGE AREAS**

All refuse and recycling containers shall be fully enclosed on three (3) sides by a solid fence, a masonry wall, or principal structure wall seven (7) feet in height. The enclosure shall be gated. The materials used for screening, including the enclosure, shall complement the architecture of the principal building. An extension of an exterior principal building wall may be used as one of the screening walls for a refuse container, provided that the wall meets the minimum seven (7) foot height requirement and is of the same building materials as the principal building. The wall may not serve as the required gated enclosure.

### **B. LOADING BERTHS**

Where feasible, loading berths shall be located and oriented so as not be visible from the street and adjacent properties, while still allowing access to the use served. In addition, loading berths shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan. Such screening shall consist of a masonry wall or a solid fence at least seven (7) feet in height.

### **C. OUTDOOR STORAGE AND DISPLAY**

#### **1. Areas Outdoor Storage Areas**

- a. All outdoor storage areas shall be completely screened by an opaque masonry wall of stone, stucco, or brick, or a solid fence of wood or simulated wood no less than seven (7) feet in height. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors may exceed the height of the required fence or wall with the exception of construction material.
- b. Outdoor storage areas shall provide landscape and shading of the interior with a combination of tree canopy and non-reflective canopies covering twenty-five percent (25%) of the site.

#### **2. Outdoor Sales and Display Areas**

- a. When the rear or interior side yard of an outdoor display area abuts a residential district, the outdoor display area shall be effectively screened from view by a masonry wall, solid fence, or dense evergreen hedge at least seven (7) feet in height.
- b. All outdoor display areas shall be designed with a landscape yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening

requirements are not intended to prohibit openings necessary for access drives and walkways.

- c. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-of-way, excluding alleys. The screening shall consist of small shrubs and an ornamental fence or a low pedestrian wall no less than three (3) feet in height. Shrubs shall be planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly. The shrubs shall measure a minimum of twenty-four (24) inches at planting, and a minimum of thirty- six (36) inches to a maximum of forty-eight (48) inches in height at maturity.
- d. Growing areas for nursery stock located in the front or corner side yard are considered to meet outdoor sales and display screening requirements.

## **SECTION 15.13 STORMWATER MANAGEMENT REQUIREMENTS**

### **A. STORMWATER MANAGEMENT MEASURES**

Effective on-site stormwater management is supported by a combination of stormwater BMPs, as outlined elsewhere in this ordinance and guided by the following strategies:

1. First, create conditions that allow detention and infiltration of stormwater runoff on- site through the use of pervious paving, open vegetated areas, green roofs, blue roofs, and other methods that allow water to permeate back into the ground.
2. Next, additional stormwater runoff should be detained, stored, infiltrated, and/or filtered through the use of BMPs.
3. Finally, runoff in excess of the first one (1) inch shall exit the site through surface or subsurface drainage.
4. Infiltration practices shall be utilized to reduce runoff volume increases, stabilize sub- soils, and recharge shallow groundwater.
5. Best Management Practices (BMP) shall be employed to minimize pollutants in stormwater runoff prior to discharge into a separate storm drainage system or water body.
6. All stormwater management facilities shall be designed to provide an emergency overflow system, and incorporate measures to provide a non-erosive velocity of flow along its length and at any outfall.
7. The designed release rate of any stormwater structure shall be modified if any increase in flooding or stream channel erosion would result at a downstream dam, highway, structure, or normal point of restricted stream flow.

## **B. STORMWATER BEST MANAGEMENT PRACTICES**

Stormwater best management practices (BMP) minimize runoff, increase infiltration, recharge groundwater, and improve water quality. In order to accomplish the performance standard required by this section, stormwater BMPs shall be used. Alternate BMPs may be considered but shall be approved as part of the stormwater management plan. The following list of stormwater BMPs are not prescriptive, but provide guidance for establishing a site-specific stormwater management regime, and include, but are not limited to:

### **1. Bioswales**

Bioswales are vegetated swales planted with native plants or ornamental grasses. They transport water, allow some to infiltrate, and can be designed as a landscape feature. Bioswales are not grassed but are planted with a variety of wetland plant species that flower, fruit, and have ornamental qualities.

### **2. Circular depressions**

Circular grassed depressions are similar to rain groves, but are smaller and contain only grass within the depressions. It is preferable to use multiple circular grassed depressions. Circular grassed depressions should be six (6) inches deep and range in diameter from thirty-six (36) inches to seventy-two (72) inches.

### **3. Constructed wetlands**

Constructed wetlands, such as wet ponds, are commonly used on large development projects such as golf courses, shopping centers, business parks and industrial sites. These wetlands shall be designed as part of an integrated drainage system, built around lakes and ponds that may include detention areas, retention areas, irrigation ponds, or low-lying areas that collect and store stormwater.

### **4. Detention/retention basins**

Wet retention basins are constructed, naturalistic ponds with a permanent or seasonal pool of water (also called a "wet pool" or "dead storage"). Aquascape facilities, such as artificial lakes, are a form of wet pool facility that can incorporate innovative design elements to allow them to function as a stormwater treatment facility in addition to a water feature.

Dry extended detention (ED) basins are basins whose outlets have been designed to drain from a full condition within thirty-six (36) to forty-eight (48) hours to allow sediment particles and associated pollutants to settle and be removed. Dry ED basins do not have a permanent pool and are designed to drain completely between storm events. The slopes, bottom, and forebay of dry ED basins should be vegetated.



## **5. Disconnected roof tops, recycling, and irrigation**

A disconnected roof top is one where stormwater falling on a building roof is captured and prevented from being added to stormwater runoff from a construction site. Since the water is relatively clean, it can be reused for certain domestic use or recycled through an irrigation system for evaporative disposal or to feed moisture to landscape beds, lawns, and tree stands.

## **6. Ditch gardens**

Louisiana ditch gardens are a variant of a bioswale that increases water quality. These are constructed by designing long thin but shallow depressions that can be planted with Louisiana wetland plants that trap sediments, infiltrate water, and clean water of pollutants.

## **7. Flow diffusers**

Flow diffusers consist of several design features that can accept channelized flow and convert it to sheet flow to disengage the erosive power of running water. Examples of flow diffusers include turf grass panels, vegetative meadows, shallow stone filtration trenches, or basins reinforced with very low earth berms.

## **8. French drains, infiltration trenches, and dry wells**

Infiltration trenches are excavated into the ground either horizontally or vertically and filled with stone aggregate to capture and allow exfiltration of stormwater runoff into the surrounding soils from the bottom and sides of the trench or well. Pollutant removal is achieved by filtration of the runoff through the stone aggregate and soil, as well as biological and chemical activity within the soil. This is called a french drain in Louisiana, and can be fitted with an outflow if soil types warrant such treatment.

## **9. Grassed swales**

Grassed swales are designed conveyance devices used to transport water over the surface of the ground to a point of disposal that may be a catch basin, ditch, water body, or a stormwater BMP that will filter, infiltrate, evaporate, and clean the water of TSS, solid waste, and other pollutants. Swales are often appropriate along property lines, public streets, and around buildings.

## **10. Habitat preservation and protection areas**

Habitat Protection Areas (HPA) are large tree protection areas in which a complete habitat of plants, soils, water regimes, animal life, and nutrients work together to produce clean air, pure water, rich soils, and a population of animal life living and growing off of the biological productivity and diversity.

## **11. Permeable Pavers, Porous Surfaces, Grass Paving, and Structural Soils**

Porous paving reduces site runoff and allows the infiltration of stormwater. Structural soils are designed to bear the weight of heavy construction such as parking lots, terraces, and courtyard, but also provide void space for tree roots and stormwater infiltration.

## **12. Planted stormwater buffers**

Planted stormwater buffers can absorb stormwater falling on development sites. Planted buffers can improve internal drainage and be linked for maximum stormwater collection during rainfall events. Buffers can be built for stormwater management along roadways, at property edges, parallel to walkways, driveways, structures, and almost any place on a development site in which open space can be found that can be planted.

## **13. Preserved forest floors**

Rain falling on the tree canopy is managed as soon as raindrops fall on leaves and continues until the roots uptake the water hours after the storm event. This preserves trees and manages stormwater, as well as preserves natural habitat and remnant forest stands on development sites.

**Preserved Wetlands** Wetlands are characterized as vegetated parcels of land that have standing water for part of the year. Wetlands are also delineated according to existing vegetation and soil types. The Army Corps of Engineers designate a wetland as any low area meeting certain jurisdictional requirements of water, soil, and vegetation. Wetlands within cities are often low areas that trap and hold rainfall and release it at very slow rates of water flow.

## **14. Rain gardens**

Rain gardens are small shallow depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality. Rain gardens are generally small collections of water loving plants planted on a low site area that naturally collects rainfall.

## **15. Rain groves**

Rain groves are miniature forests that provide multiple services. They provide habitat for birds and other fauna that live close to developed areas. A rain grove will intercept runoff to provide a suitable habitat to grow a variety of wetland trees and shrubs.

## **16. Rooftop runoff management**

Rooftop runoff management captures stormwater through a variety of techniques, including green roofs, blue roofs, cisterns, and rain barrels.

### **17. Sand Filters**

Sand filters are depressions, trenches, barriers, or sand lens constructed of porous mineral matter that improve groundwater recharge to filter, clean, and trap waterborne pollutants.

### **18. Stream bank or riparian buffers**

A stream bank buffer is a protected area along a waterbody, such as a stream, bayou, pond, or lake, where development is restricted or prohibited. They can vary in width from twenty (20) feet to two-hundred fifty (250) feet. The width of the buffer zone is dependent upon the size of the stream, its drainage load, and overflow characteristics, although other factors such as slope, soils, and amount of vegetation are considered.

### **19. Tree protection areas**

Tree Protection Areas (TPA) are small Habitat Preservation Areas (HPA) that are set aside as an area around the trunk of a tree to be preserved on a development site. The purpose of the TPA is to protect the critical root zone (CRZ) of the tree and to prevent damage or interference during construction. This area is established in relation to the tree size, diameter of the crown, diameter of the tree at DBH, and location of feeder roots where most of the water and plant nutrients are absorbed.

### **20. Cisterns and underground stormwater chambers**

Aboveground stormwater cisterns and underground stormwater chambers are effective long-term stormwater management systems. They are primarily used for landscape irrigation with grey water, or to temporarily store and release at a predictable rate of stormwater flow.

## **SECTION 15.14-1RESERVED**

**Article XVI. WIRELESS SERVICES AND COMMUNICATION**

<b>SECTION 16.01</b>	<b>INTENT AND APPLICABILITY</b>
<b>SECTION 16.02</b>	<b>WIRELESS FACILITIES</b>
<b>SECTION 16.03</b>	<b>REQUIREMENTS FOR FREESTANDING SUPPORT STRUCTURES</b>
<b>SECTION 16.04</b>	<b>OTHER WIRELESS FACILITY TYPES</b>
<b>SECTION 16.05</b>	<b>ACCESSORY EQUIPMENT</b>
<b>SECTION 16.06</b>	<b>ABANDONMENT AND REMOVAL</b>
<b>SECTION 16.07</b>	<b>RESERVED</b>

**SECTION 16.01 INTENT AND APPLICABILITY**

**A. INTENT**

This Article is intended to ensure that residents, public safety operations and businesses in the City have reliable access to personal wireless services and state of the art communications services in a way that reasonably preserves the aesthetic character of the community and complies with Federal laws.

It is the City's intent to:

1. Ensure the City has sufficient wireless infrastructure to support public safety and emergency response communications throughout the City.
2. Ensure access to reliable personal wireless services throughout all areas of the City and in no event prohibit or have the effect of prohibiting the provision of personal wireless services;
3. Encourage the use of existing structures for the siting of facilities.
4. Encourage the location of new freestanding support structures in areas where any potential adverse impacts on the community will be minimized.
5. Minimize the potential adverse effects of wireless service facilities through the implementation of reasonable design, landscaping and construction practices.
6. Conform to federal and state laws which exempt certain facilities, receiving dishes and antennas from local regulations.

## **B. APPLICABILITY**

The standards in this Article shall control the design, location, alteration, installation and maintenance of all wireless service infrastructure in all zone districts. No provision of this Article shall apply to:

1. The siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.
2. Any dish antenna less than 40 inches in diameter located in a residential zone district; or C.
3. Any dish antenna less than 80 inches in diameter located in any other zone district.

## **SECTION 16.02 WIRELESS FACILITIES**

### **A. REQUIREMENTS FOR WIRELESS STEALTH FACILITIES**

1. The installation of new wireless stealth facilities on any non single-family or two-family structure may be allowed in any zone district if reviewed and approved in accordance with the Zoning Review procedures identified in this ordinance. The Director shall exercise discretion in applying the standards outlined for all new wireless stealth facilities, where such standards are determined to be necessary to minimize the potential adverse effects of wireless service facilities. At a minimum the following standards shall apply:
2. The dimensions of the stealth facility must reasonably approximate the dimensions of the object they are being disguised as, and
3. The location of the stealth facility must be in concert with its surroundings.

### **B. REQUIREMENTS FOR NEW WIRELESS FACILITIES ON EXISTING STRUCTURES**

The installation of new wireless facilities on existing structures may be allowed in any zone district if reviewed and approved in accordance with the Zoning Review procedures identified in Article V.

#### **1. Building Façade Mounted Antennas:**

- a. Building façade mounted antennas shall not protrude horizontally more than 2 feet from the building wall and shall be painted or treated to match the building or structure to which the antenna is attached.
- b. Building façade mounted antennas shall not exceed the height of the parapet or the roofline, whichever is greater.

- c. The total of all visible building façade mounted antennas may not exceed the greater of 10 percent of the square footage of the building façade or 25 square feet per façade.

**2. Roof Mounted Antennas:**

- a. Roof mounted antennas and accessory equipment shall be painted or treated to match the façade of the building to which they are attached in order to minimize visibility from adjacent residential land uses and/or from public sidewalks.
- b. Roof mounted antennas and accessory equipment shall not exceed the height of the penthouse or mechanical equipment room to which the antennas are attached.
- c. Antennas not mounted on a penthouse or mechanical equipment room shall be set back at least 5 feet from the exterior wall of a building.
- d. The maximum height of a roof mounted antenna that is not mounted on a penthouse or mechanical equipment room is equal to the distance the antenna is set back from the exterior wall up to a maximum height of 10 feet above the taller of either roofline or parapet of the building to which the antenna is attached.

**3. Antennas On Existing Support Structures:**

- a. In single-family and two-family zone districts, the mounting of an additional antenna or antennas on an existing support structure, including any existing support structure that is nonconforming with regards to height, may be permitted provided that the height of the existing structure may not be increased by more than 15 percent.
- b. In non-single-family and two-family zone districts, the mounting of an additional antenna or antennas on an existing support structure may be permitted provided that the height of the existing structure may not be increased above 60 feet without triggering the review requirements for New Freestanding Support Structures.

**SECTION 16.03 REQUIREMENTS FOR FREESTANDING SUPPORT STRUCTURES**

- 1. New freestanding support structures of 60 feet in height or less may be allowed in any zone district other than a single-family or two-family district if reviewed and approved in accordance with the site plan procedures identified in this ordinance.
- 2. New freestanding support structures of more than 60 feet in height may be allowed in any zone district other than a single-family or two-family district if reviewed and approved in accordance with the Conditional Use Permit and site plan procedures identified in this ordinance.
- 3. New freestanding support structures of any height located on public property, right- of-way, or utility property that will support street lights, public facilities or equipment in addition to wireless facilities may be allowed in any zone district if reviewed and approved in accordance with the Site Plan procedures identified in this ordinance. Examples include,

but are not limited to, municipal communication facilities, athletic field lights, traffic lights, and other light structures.

4. The maximum height for any new freestanding support structure shall be 60 feet, or the maximum building height allowed in the subject zoning district, whichever is greater.
5. When adjacent to a property that is zoned residential or contains a residential use or structure, new freestanding support structures must be setback from property at least the minimum setback required by the zone district where the structure is located or 50 percent of the support structure height, whichever is greater.
6. New freestanding support structures shall be enclosed by security fencing 6 feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the City may waive such requirements, if the Director determines that the waiver will not create an increased risk to public health or safety.
7. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
8. New free standing support structures shall be designed to accommodate a minimum number of colocations based upon their height.
9. Support structures between 45 feet and 100 feet in height shall support at least two telecommunications providers.
10. Support structures greater than 100feet and up to 150 feet in height shall support at least three telecommunications providers.
11. Support structures greater than 150 feet in height shall support at least four telecommunications providers.
12. New freestanding support structures over 60 feet in height shall not be located within 1000 feet from any existing freestanding support structure that is over 60 feet in height, unless the applicant has shown to the satisfaction of the City that colocation is impracticable and that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

#### **SECTION 16.04 OTHER WIRELESS FACILITY TYPES**

The Director may apply the standards defined for new wireless facilities on existing structures or new freestanding support structures to any wireless facility type that is not directly addressed in these regulations as appropriate to minimize the potential adverse effects of wireless service facilities.

## **SECTION 16.05 ACCESSORY EQUIPMENT**

Accessory equipment shall meet the following requirements:

1. The buildings, shelters, cabinets, and other accessory components shall be setback a minimum of 15 feet from each property line with a residential zone district or a lot containing a residential structure, or shall meet all setback requirements of the underlying zone districts, whichever results in the greater setback, and shall be grouped as closely as technically possible.
2. Total footprint coverage area of the accessory equipment shall not exceed 500 square feet per provider, with a maximum of 1500 square feet total for three or more providers.
3. No accessory equipment or accessory structure shall exceed 15 feet in height.
4. Accessory equipment shall be painted a neutral color and enclosed by security fencing 6 feet in height and shall be landscaped with a buffer of plant materials that effectively screens the view of the accessory equipment from adjacent residential property and from the adjacent street; provided, however, that the City may waive such requirements, if the Director determines that the waiver will not (1) create an increased risk to public health or safety or (2) create a negative visual impact to adjacent residential property or from the adjacent street.
5. No accessory equipment or accessory structures shall be sited in a manner that reduces the parking or landscaped areas for other principal uses on the parcel below the minimums required by the Zoning Ordinance.

## **SECTION 16.06 ABANDONMENT AND REMOVAL**

If a support structure is abandoned and remains abandoned for a period longer than 12 consecutive months, the City may require that the support structure be removed. The City shall first provide written notice to the owner of the support structure of the requirement for removal and give the owner the opportunity to take such action(s) as may be necessary to reinstate the active use of the support structure within 30 days of receipt of the written notice. If the owner of the support structure fails to reinstate the active use of the support structure within the 30-day period, the owner of the support structure shall be required to remove the same within six months.

## **SECTION 16.07 RESERVED**



## **Article XVII. MIXED USE STANDARDS**

<b>SECTION 17.01</b>	<b>PURPOSE AND INTENT</b>
<b>SECTION 17.02</b>	<b>DESIGN STANDARDS FOR MIXED-USE DEVELOPMENT</b>
<b>SECTION 17.03</b>	<b>OVERALL ARCHITECTURAL DESIGN</b>
<b>SECTION 17.04</b>	<b>BUILDING DESIGN STANDARDS AND GUIDELINES</b>
<b>SECTION 17.05</b>	<b>OVERALL BUILDING FORM.</b>
<b>SECTION 17.06</b>	<b>SIGNAGE</b>
<b>SECTION 17.07</b>	<b>OFF-STREET PARKING—PARKING FACILITIES—LOTS—STRUCTURES.</b>
<b>SECTION 17.08</b>	<b>LANDSCAPE DESIGN</b>
<b>SECTION 17.09</b>	<b>MIXED USE ENVIRONMENTAL PERFORMANCE STANDARDS</b>
<b>SECTION 17.10</b>	<b>SITE PLAN REVIEW PERMIT AND REQUIRED FINDINGS</b>

### **SECTION 17.01 PURPOSE AND INTENT**

1. This zoning district intended to create a dynamic walkable, mixed-use environment, provide a range of housing choices in close proximity to each other, and to create quality usable public spaces. In addition, the MUD district proposes high standards of design for buildings, infrastructure, and landscaping as well as guarantees a high degree of pedestrian and vehicular connectivity. Streets and squares feel enclosed by buildings located close to the streets. Streets will be utilized for on-street parking but will be designed to allow for slow speeds.
2. A mixed-use district is intended to accommodate and foster pedestrian usage by combining commercial/retail uses and residential uses in the same buildings or in close vicinity of each other. The interaction of these different uses during day and evening hours provides a dynamic that cannot usually be created with typical single use zones.

### **SECTION 17.02 DESIGN STANDARDS FOR MIXED-USE DEVELOPMENT**

#### **A. DESIGN REVIEW**

Administrative design review will be used by the city to approve development (site plans and architectural designs) in mixed-use districts.

#### **B. OVERALL DISTRICT DESIGN**

The public services director will make urban design decisions based on the following guidelines to promote visual quality in these areas of the city.

1. Mixed-use development should create a new diverse and pedestrian-friendly neighborhood, with a mix of housing, shopping, workplace and entertainment uses and nodes for transportation access, all within a short walk of each other. A range of types, sizes, amenities, and uses will enhance a series of inviting functional public spaces, including shopping streets and pedestrian-friendly streetscapes, open spaces, courtyards,

trails, residential, office, and retail in mixed-use buildings. The design principles for buildings and streets are taken from traditional small towns that provided a close-in community life.

2. To foster pedestrian usage in the mixed-use district, sidewalks must be a minimum of ten feet in width, except when the public works director determines this width is not feasible.
3. Properties or development projects abutting major streets in the district shall have zero- to ten-foot setbacks from the right-of-way, pedestrian-friendly storefronts with display windows along fifty percent of their facade and the facades shall not be plain or sterile but incorporate architectural features, such as windows, entrances and variations in setback, so that no wall plane is wider or longer than two and one-half times the height of the wall plane.

### **SECTION 17.03 OVERALL ARCHITECTURAL DESIGN**

1. Building design concepts should respond to the site plan by forming street edges and by encouraging active, safe street life offering a variety of activities. Buildings should recognize site patterns and help define entries to interior courtyards, building entrances, and public spaces to encourage family and community activities.
2. Use architectural styles that are associated with traditional neighborhood design and newer multifamily designs that delineate separation of the units. Commercial architectural styles should mimic the old main street concept with architectural context taken from waterfront, northwest timber or historic building designs.
3. The architectural designs shall utilize a variety of roof forms to create diverse elevations. Residential units, office and commercial/retail spaces shall overlook the streets and courtyards as part of a unified and defined sense of space.
4. Parapets, cornices, shed roofs, dormers and other secondary roof forms create variety in the units and break up the massing of the overall buildings. Varied roof heights and roof elements also serve to reinforce the diverse experience of the streetscape. Vertical elements such as bays and decks which sometimes carry to the ground and to upper levels help to create variation in the facade that modulate the building facade.
5. The materials used in design of the buildings should also reinforce the diverse experience of the elevations. Roof colors should be coordinated to complement the color schemes.
6. Plaza or courtyard materials can be used to create a community space, through the use of color and scoring as patterns in the hardscape. Landscape creates diversity, provides color and softens the building and hardscape environment, while benches or seating areas, play areas and public art help residents and visitors enjoy the space and environment, making it a place where people want to visit, shop, live and recreate.

## **SECTION 17.04 BUILDING DESIGN, GUIDELINES AND STANDARDS**

### **A. ARCHITECTURAL DETAILS.**

The following architectural elements are required to provide visual interest and create a sense of human scale.

#### **1. Awnings, Sunshades and Canopies.**

Weather protection is encouraged for pedestrian street frontages with ground floor commercial. The minimum width of such elements shall be four feet. Minimum height is eight feet, maximum height is twelve feet. Awnings with painted signs are permitted; however, they must be externally lit. Internally illuminated awnings are not permitted.

#### **2. Front Porches**

Front porches, stoops, bay windows and dormers are encouraged on buildings which contain residential dwellings.

#### **3. Trees, Plants and Flowers.**

The use of potted plants and flowers as well as street trees are encouraged, but shall not impede pedestrian traffic.

#### **4. Street Furniture.**

Public seating, trash receptacles and informational directional kiosks shall be of uniform design and be provided throughout district where needed. Sidewalk widths, street trees, landscaping, weather protection, public art, street furniture and other amenities for pedestrians in public rights-of-way and public plazas which are required and are abutted by private development shall provide an additional three feet to six feet for a total sidewalk width of no less than eight feet.

#### **5. Exterior Lighting.**

Pedestrian areas need to be well-marked and well-lit. Exterior lighting shall be an integral part of the architecture and landscape design. Street lighting shall relate in scale to the pedestrian character of the area. Pedestrian lighting shall be provided at a pedestrian scale of three to twelve feet, with the source light being shielded to reduce glare, thereby encouraging safe access to these areas twenty-four hours per day. Overall, lighting and pedestrian zone lighting is needed but shall not create glare or light spillage off site or beyond parking lots and streets.

## **6. Building Fenestration.**

- a. Facades. Any facade visible from a public right-of-way, pedestrian corridor or public open space should incorporate fenestration. Fenestration patterns for street level uses should have generous amounts of clear glass and be designed to incorporate displays. Glass curtain walls, reflective glass, and painted or dark tinted glass are not permitted.
- b. Blank Walls. Where windowless walls are necessitated by the uses housed within the building, they shall have an interesting exterior treatment such as artwork, decorative tile, or masonry, or trellises with plant material. Blank walls visible from a public way, larger than ten feet in any dimension, which exceed two hundred square feet, must be screened by one of the above methods.
- c. Street Visibility. Upper and lower story windows are encouraged to overlook streets and open spaces, thereby helping to provide “community eyes” to make these spaces more comfortable and safe.

## **B. PROPORTIONS.**

The scale of all structures in relationship to other structures and spaces is important. Buildings and the spaces between should relate easily and openly to the external public areas. To balance horizontal features on longer facades, vertical building elements, such as building entries, should be emphasized.

## **C. MODULATION.**

Building facades visible from public rights-of-way, pedestrian corridors or public open space, except for ground floor commercial, shall be modulated approximately every forty feet. The modulation shall have a minimum depth of four feet.

## **D. ARTICULATION**

Facades should be varied and articulated to provide visual interest to pedestrians. The roof line of buildings should be modulated and should include interesting architectural features, such as decorative eave, trim, or cornice. Window articulation through use of a decorative trim, such as window hoods and the use of smaller regularly spaced windows in upper stories with smaller divided lights. Storefront designs and materials should be allowed to be unique while maintaining the character of the building facade of which they are a part. The base of buildings should be articulated through use of plinths, pilasters or other elements.

## **E. MATERIALS AND COLORS**

Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, stucco, wood, terra cotta, and tile are encouraged. Where masonry is used for exterior finish, decorative patterns should be considered. These patterns could include a change in color or material. Exterior colors should be given careful consideration in the context of the surrounding buildings and environment.

## **F. SCREENING.**

- a. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, landscaping or other approved means.
- b. All rooftop and sidewall mechanical equipment and other extensions allowed above the building height shall be concealed by or integrated within the roof form or screened from view. The following appurtenances or necessary extensions above the roofline that require screening include: stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
- c. Service and loading areas must be screened from street and pedestrian ways.

## **G. SETBACKS**

- a. The front setback area shall include landscaping and/or a hard-surface expansion of the sidewalk. Walkway connections to building entrances shall include special paving treatment or materials. The use of awnings, canopies and arcades shall be provided as appropriate to provide visual interest and shade
- b. In pedestrian areas along street frontages in the MU-U Zone, where there is no front building setback (0-foot setback), a portion of the front building elevation may be set back to allow for outdoor use, such as outdoor patio dining, display, public art, entry forecourts, or other amenity appropriate to an urban development.

## **H. BUILDING MATERIALS**

Exterior finish building materials shall consist of:

1. Masonry, which is defined cast stone, glass fiber reinforced concrete, glass fiber reinforced gypsum, and split face concrete masonry units
2. Stucco, including synthetic stucco (exterior insulation finishing system - EIFS)
3. Glazed ceramic and porcelain tile
4. Hardboard and/or cementitious siding and trim components (containing no asbestos or formaldehyde)
5. Fiber reinforced plastic - used for exterior building components, including but not limited to: cornice and entablature elements, decorative columns and pilasters, storefront trim, railings and balustrades, spandrel panels, and other similar materials (not including plastic or vinyl siding products).
6. Painted steel and aluminum, cast iron, bronze, brass, copper (including terne coated).

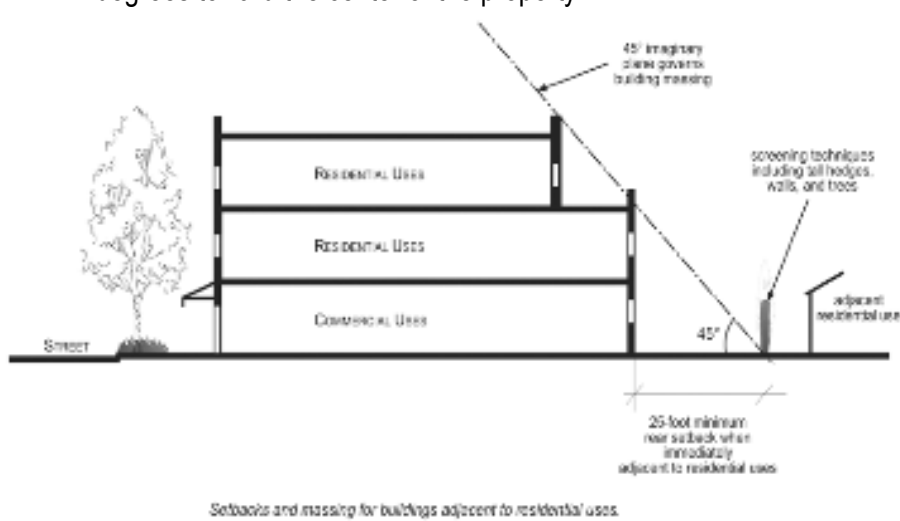
7. Roofing materials (visible from streets and Public Squares): copper (including terne coated), factory finished painted metal, slate, synthetic slate, terra cotta and cement tile, glass fiber shingles.
8. Materials other than those listed above may be used for architectural trim and accent applications including, but not limited to, cornices and decorative brackets, frieze panels, decorative lintels, shutters, and porch and balcony railings.
9. Prohibited Materials and Installations
  - a. Roll-up metal security doors in front of storefront.
  - b. Metal security gates (excluding decorative metal gates or fences)
  - c. Exterior applied metal security bars
  - d. Chain-link fencing
  - e. Unpainted wood fencing

#### **I. BUILDING SITING, ORIENTATION AND ENTRANCES**

1. Buildings should be sited to avoid random and irregular building relationships, and shall be arranged to create a sense of unity and overall harmony. To the maximum extent possible, new structures shall be clustered to create plazas and pedestrian malls and avoid the creation of "barrack-like" rows of structures. Where clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis or other open structure.
2. The main entrance or entrances shall be oriented to the street or major plazas or open space. Main entries to buildings should be clearly demarcated, visible and accessible from the street and/or pedestrian walkways. Secondary entries may be from parking areas.
3. Commercial facilities in mixed-use projects should be oriented to the street, with parking generally located in the rear or side of buildings. The perimeter of parking areas and driveways adjacent to streets and sidewalks shall be screened with an attractive low wall, berm, fence or landscaping.

## J. SCALE AND MASS

1. The scale and mass of a new mixed-use development should be consistent with neighboring developments and not overwhelm them with disproportionate size or incompatible design. Buildings shall step down to lower-profile buildings on adjacent properties.
2. At residential edges, buildings should maintain low profiles to provide a transition between urban and residential areas (Figure below – Scale and Mass). Taller elements of the building shall increasingly step back from adjacent single-family residential zones. No portion of the building, excluding parapets, shall be above an imaginary plane drawn at the rear property line, that is adjacent to a residential zone, and extended at an angle of 45 degrees toward the center of the property.



## K. BUILDING MODULATION AND ARTICULATION

1. Building design shall avoid large monotonous facades, long straight-line building fronts, plain box shapes, and barren exterior treatment. All building elevations visible from a public way, including freeways, shall be highly articulated and incorporate the chosen design theme in a consistent manner.
2. Commercial facades of mixed-use projects should be modulated at least every 50 feet by changes in building mass or facade treatment, such as projected entrance windows, roof form or other architectural features.
3. Building facades shall be designed so as to give individual identity to each vertical module of residential units, using techniques such as providing a deep notch between the modules; varying architectural elements between units (e.g., window color, roof shape, window shape, stoop detail, railing type); providing porches and balconies; varying color or materials of each individual module within a harmonious palette of colors and materials, etc.

## **L. PRIVACY FOR RESIDENTIAL UNITS**

1. Buildings shall be oriented to promote privacy to the greatest extent possible. In mixed-use projects, residential windows should face away from loading areas and docks. To the extent residential windows face the windows of an adjacent unit, the windows should be offset to maximize privacy.
2. Windows, balconies or similar openings should be oriented so as not to have a direct line-of-sight into adjacent units within the development. In addition, units above the first story should be designed so that they do not look directly onto private patios or backyards of adjoining residential property or units
3. Landscaping may be used to aid in privacy screening and as a buffer from commercial development.

## **M. VEHICLE CIRCULATION AND ACCESS**

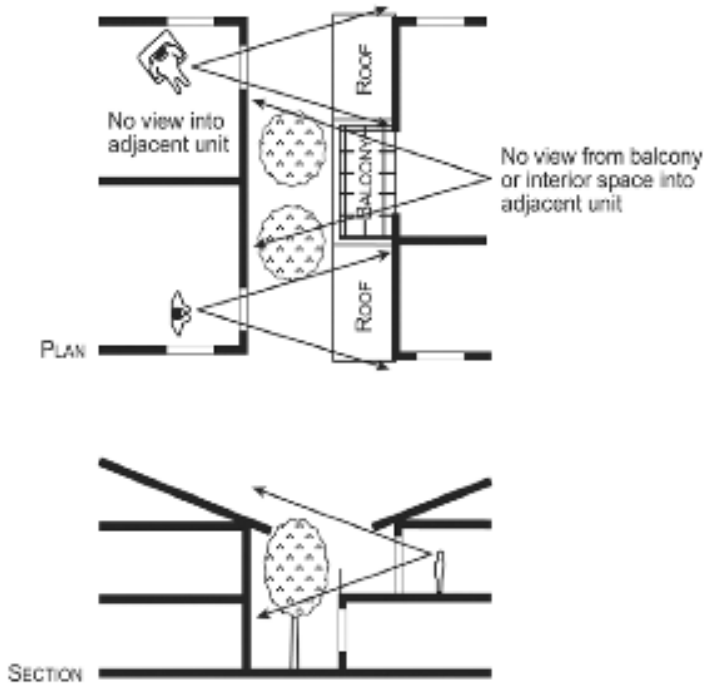
Site access and internal circulation shall promote safety, efficiency and convenience. Vehicular traffic shall be adequately separated from pedestrian circulation. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved access ways and to eliminate traffic and pedestrian hazards. They should be located as far as possible from street intersections, and should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Common driveways that provide vehicular access to more than one site are encouraged.

## **N. PEDESTRIAN CIRCULATION**

1. All new uses shall be oriented and designed to enhance pedestrian movement to and between adjacent uses.
2. New development shall include pedestrian walkways, that shall be separated from vehicular traffic to the extent possible.
3. Pedestrian entrances and walkways shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
4. Pedestrian walkways shall link dwelling units with commercial facilities in the project, common open space, plazas and courtyards, parking areas and public sidewalks.
5. Decorative paving or some other method shall be used to delineate crossings at circulation drives and parking aisles





*Plant appropriate trees and offset windows and balconies (or patios) to maintain privacy between residential units.*

## **O. PLAZAS AND COURTYARDS**

New development shall incorporate outdoor plazas and courtyards into their design. Buildings may be clustered to create usable pedestrian areas.

### **1. Open Space**

Common open space areas shall be convenient to the majority of dwellings, and shall contain amenities appropriate to the project's size.

Private useable open space shall be contiguous to the unit served and screened from public view for privacy. All balconies and patios that front a public street shall be substantially enclosed for screening and privacy.

### **2. Trash Receptacles and Enclosures**

The residential units shall maintain a trash storage container area that is separate from that used by the commercial uses. It shall be clearly marked for residential use only.

All trash storage areas for commercial uses shall be located so as to be convenient to the commercial users and where associated odors and noise will not adversely impact the residential uses.

**P. SCREENING.**

1. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, landscaping or other approved means.
2. All rooftop and sidewall mechanical equipment and other extensions allowed above the building height shall be concealed by or integrated within the roof form or screened from view. The following appurtenances or necessary extensions above the roofline that require screening include: stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
3. Service and loading areas must be screened from street and pedestrian ways.

**Q. LANDSCAPE DESIGN.**

1. Development in a mixed-use district should have extensive landscaping of large parking areas, along streetscapes and for pedestrian-oriented open spaces which can be seen from the street and pedestrian-oriented areas. Landscaping can also help to define areas and separate areas thereby bringing a human scale to these intense uses.
2. Parking areas shall have one tree per every four parking stalls or have trees between every two to four ferry loading lanes. Parking areas must be screened from all pedestrian-oriented areas through the use of trees, shrubs, walls and/or trellis structures with plants.
3. Parking lots shall provide landscaping next to buildings and along walkways. Parking lots shall provide enough trees so that fifty percent of the lot is shaded within a five-year period and landscape beds have a ninety percent ground coverage in five years.
4. Arbors or trellises supporting living landscape materials should be considered for ornamentation on exterior walls. Any such feature should cover an area of at least one hundred square feet and include sufficient plantings to achieve at least thirty percent coverage by plant materials within three years.
5. Where pedestrian activity is encouraged onto the site, the screening doesn't have to be sight obscuring.
6. Utilities are required to be underground and aboveground equipment shall be located away from major pedestrian streets and corners. Equipment boxes and vaults must be placed in back of the sidewalk.

## **SECTION 17.05 OVERALL BUILDING FORM.**

1. Buildings should provide and enhance the pedestrian scale and orientation of the district. The following concepts help to achieve that goal.
2. Buildings shall be built to the property line or right-of-way easement to enclose a pedestrian-oriented landscape. Pedestrian-oriented amenities are important. When development accommodates specific pedestrian activities, the setback may vary up to twenty feet with city approval, if the space is planned for outdoor dining associated with an eating establishment, recessed plaza or specific district design standards or landscape needs. The setback cannot be used for parking.
3. Buildings shall utilize elements such as massing, materials, windows, canopies and articulated roof forms to create a visually distinct base as well as a cap.
4. Within larger projects, variations in facades, floor levels, architectural features and exterior finishes are encouraged to create the appearance of several smaller buildings. Upper stories shall be articulated with features such as bays and balconies.
5. Special attention should be given to designing a primary building entrance, one that is clearly visible from the street and incorporates changes in mass, surface, or finish to give emphasis.
6. Corner and public buildings because of location, purpose or size should be given special attention in the form of building features, such as towers, cupolas, and pediments.
7. The development of ground level view points and corridors as well as public balconies and roof spaces which take advantage of solar access and views are encouraged.
8. Minor pedestrian passages shall be provided between buildings where access is needed to allow pedestrians to move through the district to another.

## **SECTION 17.06 SIGNAGE**

Signage in the mixed-use district should be done to clearly relay information and should be appropriate scale to the buildings and should focus on the close-in nature of the slow vehicle and pedestrian traffic. Signage shall be consistent throughout district.

1. Where possible, signs should be an integral part of the building rather than an afterthought. Wall-mounted signs shall not project more than six inches from the building.
2. Sign creativity is encouraged. Signs may be fabricated of mixed media, including metal reverse-illuminated letters, suspended neon letters, illuminated individual letters, signs etched or cut out of solid material such as wood or brass and illuminated from behind.
3. Building-mounted or wall signs for retail shops and commercial area will be located in the storefront area above the door height and below canopy (typically eight feet above floor).

4. Signs shall be centered between architectural elements and between columns to allow building architecture to be expressed. Signs shall not necessarily be centered on lease premises.
5. Signs shall be compatible in scale and proportion with building design and other signs.
6. Signage shall be placed facing primary pedestrian streets.
7. Overhanging, building-mounted or blade signs which hang from the canopy, arcade or building front may be utilized to increase visibility. Overhanging signs shall not have an area of more than three square feet or exceed two inches in thickness. Overhanging signs area is not included in signage area allowed under the sign code. The bottom of the sign shall not be lower than eight feet aboveground.
8. Letter height shall not exceed eighteen inches. Larger first letters up to twenty-four inches will be permitted.
9. Length of the signs shall not be more than two-thirds of the overall "leased" facade area or less than three feet from demising wall of lease premises. Each sign is calculated separately and shall conform to all applicable maximum area limitations. Calculated maximum areas are not transferable to other facades. Each tenant is allowed to place signage on no more than two facades.
10. Awnings with signs painted on them are allowed, but the awnings cannot be internally illuminated.
11. Monument signs and wall signs cannot be internally illuminated.

#### **SECTION 17.07 OFF-STREET PARKING — PARKING FACILITIES—LOTS—STRUCTURES.**

1. Off-street parking in commercial areas shall either be behind or to the side of development with ground-floor retail along the street frontage.
2. Structured parking and/or shared or joint parking is encouraged to maximize development potential in mixed-use districts.
3. A minimum of curb cuts should be allowed in mixed-use zones for parking access.
4. Adjacent street frontage to commercial properties can be counted on a one-to-one basis towards the parking requirement on streets that are improved and have designated parking.
5. Two parking spaces for each two-bedroom and larger residential dwelling unit and one and one-half parking space for each studio and one-bedroom unit, and one guest space per

every four units shall be provided on site. Parking for the commercial/retail/office space shall be determined using the parking matrix contained in this ordinance.

6. Employee parking shall be provided on site, or as part of a shared parking agreement or at a parking structure.
7. Joint or shared access, and off-street parking, internal circulation or parking is encouraged with adjacent uses.
8. A development can reduce the required off-street parking spaces up to fifty percent when it can be demonstrated, in a parking-traffic study, prepared by a traffic engineer, that use of transit or demand management programs, special characteristics or customer, client, employee or resident population will reduce expected vehicle use and parking space demand for their development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and city parking requirements.
9. Parking lots shall have internal landscaping as well as be screened from streets and pedestrian ways.
10. Parking garages shall be screened to improve the pedestrian environment in mixed-use zones.

#### **SECTION 17.08 LANDSCAPE DESIGN.**

1. Development in a mixed-use district should have extensive landscaping of large parking areas, along streetscapes and for pedestrian-oriented open spaces which can be seen from the street and pedestrian-oriented areas. Landscaping can also help to define areas and separate areas thereby bringing a human scale to these intense uses.
2. Parking areas shall have one tree per every four parking stalls or have trees between every two to four ferry loading lanes.
3. Parking lots shall provide landscaping next to buildings and along walkways. Parking lots shall provide enough trees so that fifty percent of the lot is shaded within a five-year period and landscape beds have a ninety percent ground coverage in five years.
4. Arbors or trellises supporting living landscape materials should be considered for ornamentation on exterior walls. Any such feature should cover an area of at least one hundred square feet and include sufficient plantings to achieve at least thirty percent coverage by plant materials within three years.
5. Where pedestrian activity is encouraged onto the site, the screening doesn't have to be sight obscuring.
6. Utilities are required to be underground and aboveground equipment shall be located away from major pedestrian streets and corners. Equipment boxes and vaults must be placed in back of the sidewalk and where landscaping can minimize or screen their impact.

## **SECTION 17.09 MIXED USE ENVIRONMENTAL PERFORMANCE STANDARDS**

The purpose of this Section is to ensure that residential uses in mixed-use zones are not adversely impacted by adjacent commercial uses, including but not limited to traffic, noise, light and safety impacts.

No land, building or structure shall be used or occupied in any manner so as to create or maintain any dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards; noise or vibration; smoke, dust or other form of air pollution; liquid or solid refuse or wastes; or any other substance, condition or element used in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.

No Site Plan Review Permit shall be approved for a project unless the project is designed to meet the following performance standards.

### **A. NOISE**

1. No noise shall be generated which causes the maximum sound level to exceed the noise levels specified in this ordinance. Further, in a mixed use project, no increase in the ambient noise base level for non-residential uses shall be permitted. Such noise measurements shall be taken at the residential zone property line, or at any point within an abutting residential zone, or at a point within the residential portion of the mixed use project, where the noise level from the non-residential use is greater. No steady impulsive noise (such as hammering or riveting) or steady audible tone components (such as whines, screeches or hums) shall be detectible from any residential use which is part or adjacent to the mixed use project.
2. Residential units shall be constructed and designed in compliance with codes and ordinances. Proper design may include, but shall not be limited to, building orientation, double windows, wall and ceiling insulation and orientation of vents.
3. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic, routine deliveries or late-night activity. No amplified sound, including music, shall be audible to neighboring residents.
4. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.

## **B. SECURITY**

1. The residential units shall be designed to ensure the security of residents through the provision of separate and secured entrances and exits that are directly accessible to secured parking areas. Where residential units are in the same structure as a commercial use, access to residential units shall be from a secured area located on the first floor at the ground level.
2. Nonresidential and residential uses located on the same floor shall not have common entrance hallways or common balconies.
3. Any multi-family residential development or group home shall participate in the City's Crime Free Multi-Housing Program, or successor equivalent program.

## **C. LIGHT AND GLARE**

1. All outdoor lighting associated with commercial uses adjacent to or within the immediate vicinity of residential uses shall be designated with fixtures and poles that illuminate commercial uses, while minimizing light trespass into residential areas.

## **D. AIR QUALITY.**

1. Any activity, operation, or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the Louisiana DEQ and with the following:
2. Visible emissions. No visible emissions of air contaminants or particulate matter shall be discharged into the atmosphere. No combustible refuse incineration shall be permitted.
3. Dust. Windborne dusts and debris across lot lines shall be prevented by planting, wetting, compacting, paving or other suitable treatment of land surface; storing, treating or enclosing materials; controlling sources of dust and debris by cleaning; or, such other measures as may be required.

## **E. ODORS.**

No odorous material shall be permitted so as to be obnoxious to persons of normal sensitivity as readily detectible at the property line or at any point off-site where the odor is greater.

## **F. WASTE AND CONTAMINANTS.**

No wastewater, radioactive material or other potential groundwater contaminant shall be discharged into or under the ground surface except for such groundwater recharge operations as may be conducted by or under the supervision of City and Parish. Any discharge into a public sewer, private sewer, private sewerage disposal system or into the ground of any materials that may contaminate any water supply, interfere with bacterial processes in sewerage treatment, or otherwise cause the emission of dangerous or offensive elements is prohibited.

All mixed uses shall comply with the provisions of this Code pertaining to refuse, weeds, sewer construction and sewer use. Liquid wastes shall be disposed of only by authorized discharge to a public sewer system or by transport to an acceptable disposal facility. Burning, dumping, or littering of solid wastes is prohibited.

Solid wastes shall be disposed of only by transport to an acceptable disposal facility, except that inert solid materials may be utilized in landfills and construction when specifically authorized by a grading permit or building permit, and organic materials may be utilized in connection with normal and customary landscaping and agricultural activities providing that such activities meet all the requirements of the St. Gabriel Municipal Code and these environmental performance standards; and do not endanger groundwater quality.

## **G. VIBRATION.**

No activities shall be permitted which cause objectionable vibration to adjoining property except for construction activities in connection with an effective building permit.



## **SECTION 17.10 SITE PLAN REVIEW PERMIT AND REQUIRED FINDINGS.**

### **A. REVIEW REQUIREMENTS**

Prior to submittal of a Site Plan Review Permit application, a pre-application conference with the Planning Division staff is required. The Planning and Zoning Commission may approve a Site Plan Review Permit for new development upon making the following findings:

1. The proposed development is consistent with the General Plan, any applicable specific plans and the intent and purpose of the mixed-use zones
2. The proposed development, as conditioned, will not have substantial adverse effects on the surrounding property or uses, and will be compatible with the existing and planned land use character of the surrounding area.
3. The proposed development is appropriate for the site and location by fostering a mixture and variety of land uses within the zone and the general vicinity and contributing to a synergistic relationship between uses
4. The proposed development is harmonious with its surrounding environment. Buildings within a mixed-use development project must also be compatible with each other and be designed as an integrated, unified project.

### **B. PHASING**

1. For any mixed-use development that is proposed to be constructed in phases, the applicant shall submit a development phasing plan, to be reviewed in conjunction with the Site Plan Review Permit where required, that specifies the chronology of development, including structures, public facilities and infrastructure. The project shall be phased so that supporting public facilities and infrastructure are provided concurrent with their need and are completed before the occupancy of structures. Project phasing may be reviewed independently subsequent to initial approval of the Site Plan Review Permit.
2. If the initial phase of development does not include a mix of uses, the conditions may be applied to the development phasing plan so that a mix of component uses is provided before the completion of the project

**Article XVIII. INDUSTRIAL PERFORMANCE STANDARDS**

- SECTION 18.01 INDUSTRIAL PERFORMANCE STANDARDS**
- SECTION 18.02 SITE DEVELOPMENT STANDARDS FOR INDUSTRIAL USES**
- SECTION 18.03 INDUSTRIAL DEVELOPMENT STANDARDS**
- SECTION 18.04 RESTRICTIONS AND CONDITIONS**
- SECTION 18.04 RESERVED**

**SECTION 18.01 INDUSTRIAL PERFORMANCE STANDARDS:**

1. Any use established in the BIP, M1 and M2 Districts, after the effective date of this Ordinance, shall be so operated as to comply with the Performance Standards governing:
  - a. Noise;
  - b. Vibration;
  - c. Air pollution;
  - d. Fire and explosion hazards; and
  - e. Glare—as set forth hereinafter.
2. Uses in Business Industrial Park district shall be governed by the Category A Performance Standards described below, and Uses in the M-1 and M-2 General Manufacturing District shall be governed by the Category B Standards.
3. Uses in the commercial and business districts shall be governed by Category B Standards with regard to glare. Uses already established on the effective date of this Ordinance shall be permitted to be altered, enlarged, expanded or modified, provided that the additions or changes comply with said Performance Standards.

**A. NOISE**

For the purpose of measuring the intensity and frequency of sound, noise shall be measured with a sound level meter and impact noise analyzer, meeting the applicable standards of the American National Standards Institute (ANSI S1.4-1971 and ANSI S1.11-1966). The instrument shall be set to the A-weighted response and the meter to the slow response.

1. Maximum Permitted Sound Levels

The following table specifies the noise limits that apply on or beyond adjacent lot lines or zone boundaries outside the user's property. Noises shall not exceed the maximum sound levels specified in the table, except as designated below. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

**Table XVIII-1: Maximum Permitted Sound Levels**

Category	Maximum Permitted Sound Levels
A	65 dBA at Lot Line
B	65 dBA at Zone Boundary

In any residential zone, the weighted sound level shall not exceed 55 dBA during the hours of 7:00 a.m. to 10:00 p.m., and shall not exceed 45 dBA during the hours of 10:00 p.m. to 7:00 a.m.; however, these levels may be exceeded by 10 dBA for a single period no longer than fifteen (15) minutes in any one day.

For impact noise levels, the maximum sound levels described above, increased by 20 dB, shall apply. For purposes of this Ordinance, impact noise shall be considered to be those noises whose peak values, as measured on the impact noise analyzer are more than 6dB higher than the values indicated on the sound level meter. Noises not under the direct control of an industrial operation (such as motor vehicles, excavation equipment, or other independent transportation facilities) are excluded from the above limitations.

**B. VIBRATION**

No activity or operation shall cause or create earth borne vibrations in excess of the displacement values given below. Ground-transmitted vibrations shall be measured with a seismograph or complement of instructions capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three mutually perpendicular directions. Measurements may be made at points of maximum vibration intensity.

Vibration Level Restrictions: The maximum peak permitted particle velocities, measured at the adjacent lot line or any point along a residential district boundary line, shall not exceed the following:

\* In any residential zone, the peak particle velocity shall not exceed 0.02 inches per second during the hours 7:00 a.m. to 9:00 p.m., and shall not exceed 0.01 inches per second during the hours 9:00 p.m. to 7:00 a.m. The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by frequency in cycles per second.

**Table XVIII-2: Maximum Peak Particle Velocity**

Category	Maximum Peak Particle Velocity (in/sec*)
A	0.05 at Lot Line
B	0.10 at Zone Boundary

For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations. Impact vibrations shall be limited to values no more than twice as high as those specified for the maximum peak particle velocities permitted above.

### C. AIR POLLUTION

In all zoning districts, any activity, operation, or device which causes or tends to cause air pollution shall comply with the Louisiana DEQ Pollution Control Regulations and the Performance Standards governing smoke, steam, particulate matter, toxic matter, and odor as herein set forth.

#### 1. Smoke:

The emission of smoke from all stacks, chimneys, processes, and devices shall not exceed the limitations described below.

**Table XVIII-3: Smoke Emissions Permitted**

Category	Smoke Emissions Permitted
<b>A</b>	No visible smoke from any source of air pollution except once during an eight (8) hour period when smoke up to Ringelmann No. 2 may be permitted for an aggregate of three (3) minutes.
<b>B</b>	Smoke emissions shall not exceed Ringelmann No. 1 or an equivalent opacity of twenty (20) percent. However, smoke up to Ringelmann No. 2 will be permitted for an aggregate of three (3) minutes in any eight (8) hour period.

#### 2. Steam

The emission of visible steam (condensed water vapor) from all stacks, chimneys, processes, and devices shall not exceed the limitations described below. For the purpose of this regulation, visible steam is defined as a plume of condensed water vapor droplets having an equivalent opacity of sixty (60) percent or greater.

#### 3. Particulate Matter

The total emission of particulate matter from all stacks, vents, chimneys, flues, and openings of all sources of air pollution on a lot shall not exceed the following limitations:

**Table XVIII-4: Steam Emissions Permitted**

Category	Steam Emissions Permitted
<b>A</b>	No visible steam (except as the direct result of a combustion process) permitted.
<b>B</b>	No visible steam (except as the direct result of a combustion process) permitted within five hundred (500) feet of a residential district.

**Table XVIII-5: Total Particulate Matter Emission Limit**

Category	Total Particulate Matter Emission Limit (pounds per hour per acre of lot)
A	1.0
B	5.0

The emission of suspended particulate matter (windblown emissions) from all stacks, vents, chimneys, flues, openings, storage piles, fugitive sources, and open sources on a lot shall not exceed the following limitations measured across lot lines or district boundaries as indicated below. Suspended particulate matter shall be measured at ground level or habitable elevation, whichever is more restrictive. The limitations shall apply to the contribution by the sources on a lot, over and above background levels.

**4. Toxic Matter**

The emission of toxic matter from all stacks, vents, chimneys, flues, openings, storage piles, fugitive sources and open sources on a lot shall not exceed the following limitations measured across lot lines or district boundary lines as indicated below. Measurement shall be taken at ground level or habitable elevation and shall be a twenty-four (24) hour sample. Threshold Limit Value (TLV) of toxic materials adopted by the American Conference of Governmental Industrial Hygienists shall be employed, except when air quality standards for such toxic materials have been adopted by the State of Illinois, in which case the latter shall apply. If a toxic material is not listed, the applicant shall satisfy the Zoning Administrator that the proposed levels will be safe to the general population.

**5. Odorous Matter**

The emission of odorous matter from all sources on a lot shall not exceed the following limitations across lot lines or district boundaries, as indicated below.

Measurement shall be at ground level or habitable elevation, whichever is more restrictive.

**Table XVIII-6: Suspended Particulate Matter**

Category	Suspended Particulate Matter Limitation (above background micrograms per cubic meter)	
	Measured Across	24-Hour Sample
A	Lot Lines	50
B	District Boundary	100

**Table XVIII-7: Toxic Matter Emission Limitation**

Category	Toxic Matter Emission Limitation	
	Measured Across	Percent of TLV
A	Lot Lines	2.5
B	District Boundary	2.5

**Table XVIII-8: Odorous Matter Emission Limitation**

Category	Odorous Matter Emission Limitation	
	Measured Across	Odor Units Per Cubic Foot
<b>A</b>	Lot Lines	4
<b>B</b>	District Boundary	4
<b>All</b>	Residential District Boundary	1

**D. FIRE AND EXPLOSION HAZARDS**

In all districts, any activity involving the manufacture, utilization, or storage of flammable, combustible, and/or explosive materials shall be conducted in accordance with the regulations herein set forth.

**1. Detonable Materials**

Activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted only in accordance with the regulations of each Performance Standard category.

Such materials shall include but are not limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong unstable oxidizing agents, such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

Uses subject to Category A standards involving the storage, utilization, or manufacture of materials or products which decompose by detonation are permitted up to five (5) pounds inventory of such materials.

Uses subject to Category B standards involving the storage, manufacture, or utilization of materials and products which decompose by detonation are permitted up to five (5) pounds inventory of such materials. The storage and/or utilization (but not manufacture) of materials and products which decompose by detonation may be allowed an inventory in excess of five (5) pounds only as special exception.

**2. Flammable Solids**

In both BIP and M-1 Districts, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:

- a. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having no less than two- (2) hour fire resistant exterior walls and protected with an automatic fire extinguishing system; or
- b. Said material, if stored outdoors, will be no less than fifty (50) feet to the nearest lot line.

**3. Flammable Liquids and Gases**

Uses subject to Category A standards involving the storage, utilization, or manufacture of flammable liquids shall be permitted a maximum inventory in accordance with the following table, except that the storage of finished products in original sealed containers of fifty-five (55) gallons or less shall be unrestricted. Spacing and location of storage tanks shall conform with the current Flammable and Combustible Liquids Code of the National Fire Protection Association, Code NFPA-30.

**Table XVIII-9 Total Capacity of Flammable Materials Permitted**

Category Standards	Total Capacity of Flammable Materials Permitted (Gallons*)	
	Above Ground	Below Ground
<b>Category A Standards</b>		
<b>Flash Point, Closed Cup Tester</b>		
<b>140°F or Higher</b>	50,000	100,000
<b>Above 73°F but below 140°F</b>	25,000	100,000
<b>Below 73°F</b>	5,000	100,000
<b>Category B Standards</b>	Unrestricted	Unrestricted

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure permitted shall not exceed thirty times the quantities listed above. Tank spacing and diking shall conform to the applicable NFPA Code, except as noted above.

A dike or drainage area shall be provided for all above-ground tanks in conformance with Code NFPA-30.

The diked area or drainage area shall be no less than two (2) times the largest dimension of the diked area or drainage area from the nearest property line. For below-ground tanks, the specified distance shall be two (2) times the largest lateral tank dimension.

For example, for a rectangular dike or tank, the largest dimension is measured along the diagonal. In the M-1 General Manufacturing District the standards for flammable liquids and gases shall be the same for uses subject to Category A standards, as outlined herein, except:

- a. The inventory of flammable liquids or gases shall be unrestricted in capacity.
- b. For flammable gases, the appropriate NFPA Code shall be applied in place of NFPA-30.

However, minimum distances from district boundaries, shall be two (2) times the maximum dimension of the diked area or drainage area, as specified above.

**E. GLARE:**

Any operation or activity permitted within the commercial and industrial districts which produces glare at night shall be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half (1/2) foot candle when measured in a residential district. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

Illumination levels shall be measured with a photoelectric photometer, having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Uses in all business and commercial districts shall be governed by the Category B standards. Uses subject to Category A and Category B Performance Standards shall limit the use of light sources and illuminated surfaces within five hundred (500) feet of, and visible in, a residential district to comply with the light intensities indicated below.

**Table XVIII-10 Maximum Intensity of Light Sources**

Source	Maximum Intensity of Light Sources	
	Category A	Category B
Bare Incandescent Bulbs	15 watts	40 watts
Illuminated Buildings	15-foot candles	30-foot candles
Back-lighted or Luminous Background Signs	150-foot lamberts	250-foot lamberts
Outdoor Illuminated Signs and Poster Panels	25-foot candles	50-foot candles
Any Other Unshielded Sources/ Intrinsic Brightness	50 candles per square centimeter	50 candles per square centimeter

**F. RADIOACTIVITY**

No activity, including storage or dumping, shall result in the emission of radioactivity in dangerous amounts.

**G. ELECTRICAL DISTURBANCE**

No activity shall cause electrical disturbance adversely affecting the environment and operations



## SECTION 18.02 SITE DEVELOPMENT STANDARDS FOR INDUSTRIAL USES

1. No improvements shall be constructed, erected, placed, altered, maintained, or permitted on any building site until plans and specifications of the proposed improvements have been approved by the Planning and Zoning Commission of St. Gabriel. Such plans and specifications shall be drawn to scale and shall show, among other things: plot layout and all exterior elevations; materials and colors; signs and landscaping; number and size of parking spaces; driveways; grading, easements, and utilities; proposed building use; number of employees (approximately); and such other information as may be requested by said Commission.
2. All buildings and improvements shall be constructed and maintained in accordance with the following standards:
  - a. No building or structure shall be erected nearer than fifty (50) feet to any existing street right-of-way, or nearer than twenty-five (25) feet to the side property lines of any building site;
  - b. Building construction and design shall be used to create a structure with four (4) equally attractive sides of high quality, rather than place all emphasis on the front elevation of the building while neglecting or down grading the aesthetic appeal of the side and rear elevations of the building;
  - c. All on-site electrical telephone and other utility lines shall be underground and shall not be exposed on the exterior of any building or structure;
  - d. All loading docks must be located at least sixty (60) feet from the front lot line. No trucks, or portion thereof, shall be allowed to park in any street while loading or unloading;
  - e. Any outside storage for equipment, raw materials, semi-finished and finished products, waste, or refuse must be located to the rear of the principal building and shall be screened from streets and adjoining property by a wall, solid fence, or hedge at least eight (8) feet in height.
  - f. There shall be maintained on each site facilities for parking and passenger loading and unloading sufficient to serve the business conducted thereon without using adjacent streets. Parking areas and access drives and loading areas shall be paved with an impervious surface such as asphalt or concrete and shall be graded to assure proper drainage. No parking shall be permitted within ten (10) feet of the right-of- way line of any street, and no more than twenty-five (25) percent of the area between the front setback line and the street right-of-way line shall be used for parking areas and access drives.
  - g. Every site on which a building or structure is placed shall be landscaped according to plans approved in writing by the Planning and Zoning Commission. Such landscaping plan shall include information regarding other customary landscape treatment for the entire site. Further, it shall be the responsibility of the owner of the building site to landscape and

maintain the area between the lot lines and the street pavement adjacent to the owner's building site. Landscaping shall be installed within sixty (60) days of the completion of construction or as soon thereafter as weather conditions permit.

- h. The Planning and Zoning Commission shall base its recommended approval (or disapproval) on compliance with the standards of the City Comprehensive Zoning Ordinance and such other things as: the adequacy of site dimensions; the effect of the proposed location and use on the development or maintenance of improvements on neighboring sites; the proposed operations and uses; the effect upon neighboring sites of the topography, grade and finished ground elevations proposed for the site; coordination of landscaping within the site or with neighboring sites; and the facing of the main elevation with respect to nearby streets, the extent to which the design of all proposed elevations is integrated.

## **SECTION 18.03 INDUSTRIAL DEVELOPMENT STANDARDS**

### **A. GENERAL**

The following development standards apply in the BIP, M1 and M2 Districts.

1. Outdoor Operations in the BIP District: In the operation of a primary use in the BIP District:
2. All display areas shall be located within a building. No outdoor display areas shall be allowed
3. No outdoor storage of materials or products shall be allowed.
4. No outdoor processes shall be employed in the operation of the business.
5. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

### **B. OUTDOOR OPERATIONS**

1. **Outdoor Operations in the M1 District: In the operation of a primary use in the M1 District:**

Display of products shall be located within an enclosed building. No outdoor display areas shall be allowed. Notwithstanding these limitations, outdoor display of finished products may be permitted as a conditional use, and provided that, at a minimum, outdoor display areas and items on display shall:

- a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
- b. Be located a minimum of 15 feet from the front lot line(s);

- c. Be maintained to project an organized and neat appearance at all times; and
- d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.

**2. Limited outdoor storage areas shall be allowed, subject to the following criteria:**

- a. Except as permitted as a conditional use, as established by Table 602- 1, outdoor storage may occupy an area no greater than the area of the ground floor of the building(s) on the same premises.
- b. Outdoor storage areas shall be located behind the building, to the rear of the site, and not adjacent to front lot lines.
- c. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height. Fencing shall be located behind the landscaping strips required by codes and ordinances
- d. Equipment, vehicles, materials, and other items located within outdoor storage areas shall be maintained in an orderly fashion and, except for large industrial or commercial vehicles and equipment, shall be no higher than the height of the fence.
- e. Outdoor storage areas shall not be used to store waste or recyclable materials.
- f. No outdoor processes shall be employed in the operation of the business.
- g. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

**3. Outdoor Operations in the M2 District: In the operation of a primary use in the M2 District:**

Outdoor display of finished products is permitted, provided that outdoor display areas and items on display shall:

- a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots.
- b. Be located a minimum of 10 feet from the front lot line(s).
- c. Be maintained to project an organized and neat appearance at all times.
- d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.

**4. Outdoor storage and processing are permitted, subject to the following standards:**

- a. Outdoor storage and processing areas shall be located a minimum of 20 feet from the front lot line(s), a minimum of 15 feet from side or rear lot lines that abut a commercial or mixed use zoning district, and a minimum of 35 feet from side or rear lot lines that abut a residential, natural resource, or Open Space Management zoning district.
- b. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height and a maximum of 10 feet in height. Fencing shall be located behind the landscaping strips required by this ordinance. Outdoor processing areas shall be buffered pursuant to applicable Subsections.
- c. Equipment, stockpiles of materials, and other items located within outdoor storage and processing areas shall be maintained in an orderly fashion.
- d. Waste materials (by-products that are not further processed or recycled on-premise) shall not accumulate in outdoor storage and processing areas for more than two weeks, except that waste materials from water treatment facilities or surface water retention facilities may accumulate for such longer period as necessitated by Best Management Practices for the facility.
- e. It shall be demonstrated through engineering and design or monitoring that outdoor storage of waste materials will not negatively impact ground or surface waters.

#### **SECTION 18.04 RESTRICTIONS AND CONDITIONS**

Any use established in the BIP and M-1, Light Industrial, shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

##### **A. HOT FORGINGS, STEAM OR BOARD HAMMERS**

Not permitted

##### **B. REMOVAL OF SOIL, SAND, GRAVEL, STONE, MINERALS, AND OTHER EARTH MATERIALS**

The removal of soil, sand, gravel, stone, minerals, and other earth materials shall be subject to the following conditions:

1. There shall not be more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset unless it is determined reasonable and necessary in promoting the best interests of the community that such activities be permitted to take place at the discretion of the operator.

3. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any adjoining property shall be paved, watered, or DNR State approved chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stock-piling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or sub-surface, water-course, or body outside the lines of the lot on which such use shall be located.

Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.

There shall be erected a fence around the periphery of the area being excavated to restrain entry into the area and all access from a public road shall be controlled by a gate. Further, there shall be erected a fence not less than six (6) feet in height between the area being excavated and abutting residentially zoned properties.

All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

The operator shall file with the Planning and Zoning Commission a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning and Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans. It will

be at the discretion of the Planning and Planning Commission to request that a hydro geological study be performed by the applicant on the said property in question.

After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the City Council, after hearing recommendations from the City Planning and Planning Commission shall determine whether or not a permit shall be issued. The permit shall be issued in the event the City Council shall determine that issuance of the permit would not detrimentally affect the public health, safety and general welfare of the citizens of the city. The permit or each renewal thereof shall be for a period of not more than one (1) year and shall be renewable only upon reapplication, a redetermination by the City Council and a filing of a Surety Bond. Said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of the initial permit.

The City Council shall, to insure compliance with any regulation contained herein or required as a condition of the issuance of a permit for the excavation, mining, stockpiling or removal of soil, sand, gravel, stone, minerals and other earth materials, require the permittee to furnish a Surety Bond executed by a Surety Company authorized to do business in the State of Michigan in an amount determined by the City Council to be reasonably necessary to insure compliance hereunder; provided, however, that in no case will the sum of the Surety Bond be less than one thousand (\$1000) dollars for each acre or fraction thereof of land as shown in the original application. In fixing the amount of such Surety Bond, the City Council shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises to comply by Court Judgment, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. Said Surety Bond shall be kept in a special account in the depository and shall not be used for any other purpose than those specified herein. The Surety Bond shall be released upon written certification of the Planning and Planning Commission that the restoration is complete and in compliance with the restoration plan. The Surety Bond requirement applies to all operators but may be waived if the operator is a government agent of a township, city, or village, parish, or state. The waiving of the Surety Bond requirement for a government agent shall not imply that other requirements and conditions stated herein are also waived.

## **SECTION 18.05 RESERVED**

## **Article XIX. TEMPORARY USES**

<b>SECTION 19.01</b>	<b>APPLICABILITY</b>
<b>SECTION 19.02</b>	<b>PURPOSE AND INTENT</b>
<b>SECTION 19.03</b>	<b>APPLICATION PROCEDURE</b>
<b>SECTION 19.04</b>	<b>APPLICATION REQUIREMENTS</b>
<b>SECTION 19.05</b>	<b>TEMPORARY USE PERMIT FOR USES OF LIMITED, SPECIFIC DURATION (NONRECURRING).</b>
<b>SECTION 19.06</b>	<b>TEMPORARY USE PERMIT FOR ANNUAL, SEASONAL, OR RECURRING USES</b>
<b>SECTION 19.07</b>	<b>TEMPORARY USE PERMIT FOR CONCRETE BATCH PLANT, ASPHALT PLANT, STONE CRUSHING AND/OR PROCESSING OPERATIONS</b>
<b>SECTION 19.08</b>	<b>CONDITIONS OF APPROVAL FOR ALL TEMPORARY USE PERMITS</b>
<b>SECTION 19.09</b>	<b>CRITERIA FOR REVIEW</b>
<b>SECTION 19.10</b>	<b>EXCEPTIONS</b>
<b>SECTION 19.11</b>	<b>REVOCAION</b>
<b>SECTION 19.12</b>	<b>EXPIRATION</b>
<b>SECTION 19.13</b>	<b>RESERVED</b>

Temporary uses of land may be permitted in any zoning district by the issuance of a Temporary Use Permit, subject to the provisions of the Zoning Ordinance.

Definition. A temporary use is a use that:

1. Is established for a fixed period of time with the intent to discontinue such use upon
2. The expiration of such time; and
3. Does not involve the construction or alteration of any permanent structure.

### **SECTION 19.01 APPLICABILITY**

The temporary uses listed herein shall be permitted in various zoning districts as specified, subject to the restrictions and standards established in these regulations, including the requirement for a Temporary Use Permit, unless exempted. Additional review and approval may be required for certain types of temporary uses, as specified herein, including review and approval by the City Public Services Department, Police Department, Fire Department, as well as outside agencies, including Iberville Parish Health Unit, Louisiana DOTD and others, as required.

## **SECTION 19.02 PURPOSE AND INTENT.**

The City recognizes that certain types of land use, due to the nature of the use, require special individual review. The intent of this section is to accommodate reasonable requests for interim, temporary or seasonal uses within any zoning district, when such activities are desirable for the community in the short term but would have detrimental effects if allowed to continue on a permanent basis.

Temporary uses allowed under this section shall be sensitive to the health, safety and general welfare of persons residing and working in the community and shall be conducted so as not to cause any long term detrimental effects on surrounding properties and the community.

This section does not supersede existing regulations pertaining to specific temporary uses included in other code sections.

The issuance of a temporary use permit does not confer any land use entitlement or property right to the holder of the permit.

## **SECTION 19.03 APPLICATION PROCEDURE**

### **A. FILING OF APPLICATIONS**

Application for a Temporary Use Permit shall be filed with the Public Services Director or his/her designee on a form provided by the City at least thirty (30) days prior to initiation of the use.

### **B. REVIEW AND APPROVAL**

1. Upon receipt of a complete application, the Public Services Director Department will route copies to other City departments for review and comments. Such comments will be returned to the Public Services Director Department within a specified timeframe.
2. After review of all required information and comments from other departments and agencies, the Public Services Director shall approve, conditionally approve, or deny the application. Approval shall be given only when in the judgment of the Director such approval is in compliance with all applicable City ordinances and regulations.

## **SECTION 19.04 APPLICATION REQUIREMENTS**

The applicant shall furnish the City and other relevant agencies with any additional information that may be considered necessary to adequately review and make a decision, including estimated attendance for event, peak times and estimated number of employees, vendors or staff on-site at peak times, noise levels, lighting, traffic control plan, dust control and other conditions that may impact surrounding properties or the city in general.



Applications for temporary uses shall contain the following information:

1. A detailed site plan showing all information necessary to demonstrate that the proposed temporary use will comply with all applicable City codes, ordinances and regulations.
2. The name and address of the sponsoring business or organization.
3. The proposed location of the temporary use.
4. The name and address of the party responsible for the temporary use.
5. A list of communities in Louisiana where the temporary use has been previously conducted by the party responsible for the temporary use.
6. The number of persons who will be engaged in conducting the temporary use, if applicable.
7. A plot plan showing the entire property in addition to that portion of the property to be used to conduct the temporary use, including an exact description and plot plan describing the total extent of any off-street parking area which would be occupied for the purpose of conducting the temporary use.
8. A completed property owner affidavit.
9. Such other information as shall be required by the Public Services Director.

**SECTION 19.05 TEMPORARY USE PERMIT FOR USES OF LIMITED, SPECIFIC DURATION (NONRECURRING).**

Nonrecurring temporary uses, located within any zoning district in the City, except as specified in this section, shall include:

1. Modular buildings used for classrooms or offices.
2. Outdoor storage.
3. Contractors' Offices and Equipment Shed
4. Swap meets.
5. Other temporary uses of a similar nature as determined by the Public Services Director.

## **SECTION 19.06 TEMPORARY USE PERMIT FOR ANNUAL, SEASONAL, OR RECURRING USES.**

Annual, seasonal or recurring temporary uses, located within any zoning district in the City shall include:

1. Off-site agricultural sales or displays including, but not limited to, Christmas tree lots, pumpkin patches, floral commodities and strawberry stands.
2. Temporary holiday storage containers/trailers and outdoor storage containers/trailers ancillary to an existing permitted use.
3. Arts and crafts show.
4. Other annual, seasonal or recurring temporary uses of a similar nature as determined by the Public Services Director.
5. Duration. Annual, seasonal, or recurring temporary uses may be allowed for a maximum time period of six months.

## **SECTION 19.07 TEMPORARY USE PERMIT FOR CONCRETE BATCH PLANT, ASPHALT PLANT, STONE CRUSHING AND/OR PROCESSING OPERATIONS**

1. Temporary batch plants and material processing operations located on-site for approved construction projects are allowed with a Temporary Use Permit in commercial, industrial or planned development zoning districts or with a multi-unit residential development or subdivision. Such uses shall be required to obtain all necessary permits from applicable federal, state and local agencies prior to beginning operations.
2. Temporary batch plants and material processing operations located off-premise may be considered in commercial or industrial zoning districts in association with a permitted construction project located within the City of St. Gabriel subject to obtaining a Conditional Use Permit.
3. The application for any temporary material processing plant shall include a detailed routing plan indicating truck and vehicle access to the plant location along with estimated hours of operation and frequency of travel. Primary routing shall be by arterial and collector streets and highways. Operations proposing to use local residential streets for direct access to and from the plant shall be required to obtain a Conditional Use Permit.
4. Upon completion of activities, the site shall be completely restored to the pre- development condition which existed prior to the beginning of operations.
5. Such temporary facilities may only be considered for projects located within the City of St. Gabriel, such as local, state or federal road projects, public works improvements, newly platted subdivisions or individual commercial development sites.

6. Such facilities shall be permitted only for the period of construction activity for a one (1) year period. An extension of the permit may be considered for up to one (1) year; however, any additional time beyond a total of two (2) years shall require approval of a Conditional Use Permit.
7. Facilities proposed to be located within one thousand (1,000) feet of any property used for residential purposes shall require approval of a Conditional Use Permit.
8. Prevention of any dust, fumes, vapors, mists, or gas nuisances due to operations shall be maintained at all times in accordance with established City property nuisance standards.

### **SECTION 19.08 CONDITIONS OF APPROVAL FOR ALL TEMPORARY USE PERMITS**

In granting any temporary use permit, the reviewing authority may prescribe appropriate conditions and safeguards in conformity with this section. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of this code and punishable under this code. The reviewing authority may prescribe a time limit within which the action for which the temporary use permit shall be started, completed, or both. Conditions of approval may include, but are not limited, to:

1. The temporary use or structure shall be removed from the property upon issuance of a Certificate of Occupancy or cessation of construction activities.
2. Regulations of hours and days.
3. Requirements of bonds or other guarantees for cleanup or removal of structures or equipment.
4. Return of temporary use site to its original state within a specified period of time;
5. Regulation of permit duration
6. Regulation of signs and advertising.
7. Regulation of lighting.
8. Regulation of public-address or sound system.
9. Regulation of gas, smoke, noise, fumes, vibrations or other nuisances.
10. Regulation of design features including, but not limited to, size, colors, material, architectural details and landscaping.
11. Referral to the Design Review Committee.

Such other conditions as are deemed necessary to protect the health, safety and welfare of the community and to assure compliance with the intent and purpose of this section.

#### **SECTION 19.09 CRITERIA FOR REVIEW.**

The reviewing authority shall consider the following criteria in granting a temporary use permit:

1. That the temporary use permit is compatible with the various provisions of this chapter;
2. That the temporary use is a reasonable use of land compatible with the general plan land use designation and zoning classification;
3. That the temporary use will not impede the reasonable use of land, or the orderly development of land in the immediate vicinity;
4. The temporary use will not adversely affect the adjacent uses, buildings or other structures;
5. That the temporary use will not endanger the public health, safety or general welfare;
6. Provisions for adequate traffic access/circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity; and
7. That the granting of the temporary use permit is made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

#### **SECTION 19.10 EXCEPTIONS**

The following uses and activities shall be considered exempt from the requirements for a Temporary Use Permit where such uses are conducted entirely on private property or permitted public facilities. Uses listed as exempt are required to be in compliance with all applicable City codes, ordinances and regulations at all times, including those pertaining to noise, signs and off-premise activities.

1. Fair Grounds: Activities conducted entirely within the boundaries of the Fair Grounds, not including events with outdoor amplified music or temporary structures subject to building or fire codes.
2. Weddings and funeral ceremonies. Weddings, funerals and similar religious ceremonies conducted at churches, cemeteries, private facilities or residences.
3. Yard and garage sales. Sales events conducted at single-family residential properties by and for the residents to allow disposal of miscellaneous used personal property, where such events are otherwise in compliance with all applicable City codes, ordinances and regulations.

4. Benefit car washes and bake sales. One-time events at approved locations conducted by individuals, schools, churches, non-profit groups, and other non-commercial groups entirely for benefit fundraising.
5. Election activities and political rallies. Activities, meetings, and gatherings of a political nature.
6. Church and school rummage sales. Temporary sales events conducted by and for churches and schools entirely at the church or school location. Benefit sales events that include outdoor activities with live or amplified music or any temporary structures, or other types of unrelated activities are required to obtain a Temporary Use Permit.
7. Private community center events. Activities and events, including craft and art shows, meetings, exhibitions and similar community events, conducted by and for residents of planned developments within their community centers. Events that include any temporary structures, outdoor musical or performance activities, or are sponsored or managed by organizations or businesses from outside the community are required to obtain a Temporary Use Permit.

#### **SECTION 19.11 REVOCATION**

This permit may be revoked by the City for any reason in the sole and absolute discretion of the Public Services Director, or his or her designee, upon thirty (30) days written notice, or immediately in the event that the permittee, as determined by the Public Services Director, or his or her designee, is in violation of any law or activity that endangers the public health, safety, or general welfare.

#### **SECTION 19.12 EXPIRATION**

Permits for nonrecurring temporary uses shall not exceed a one year time period. Any nonrecurring temporary use exceeding one year must reapply. In no case shall any nonrecurring temporary use be allowed for more than two years.

Annual, recurring temporary uses expire after 90 days and may renewed for an additional 30, 60 or 90 days.

#### **SECTION 19.13 RESERVED**

**Article XX. BOARD OF ADJUSTMENT**

**Section 20.01 ESTABLISHMENT**

**Section 20.02 POWERS AND DUTIES**

**Section 20.03 APPEALS FROM THE BOARD OF ADJUSTMENT**

**Section 20.04 DUTIES OF THE ADMINISTRATIVE OFFICIAL; BOARD OF ADJUSTMENT, CITY COUNCIL, AND COURTS ON MATTERS OF APPEAL**

**Section 20.05 RESERVED**

**SECTION 20.01 ESTABLISHMENT**

A Board of Adjustment may be established (as provided for in Section 4727, Title 33, of the Louisiana Revised Statutes of 1950 as amended), which, if established, shall consist of five (5) members and two (2) alternate members, all of whom are appointed by the mayor. The regular members shall serve for a term of five (5) years. Alternate members shall be appointed for a term of three (3) years, and shall serve only when called upon to comprise a full five-member board when a quorum is present. When so serving, alternate members shall have all the powers and duties of regular members. Members and alternates of the board of adjustment may be removed from office by the mayor and city council for cause upon written charges and other public hearing. Vacancies shall be filled by appointment for the unexpired term of the member affected. The City Council may serve in the capacity of the Board of Adjustment when necessary.

**A. PROCEEDINGS**

1. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
2. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

**B. HEARINGS; APPEALS; NOTICE.**

1. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Official.
2. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days of such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to both the Board and

the Planning Commission all papers constituting the record upon which the action appealed from was taken.

3. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

### **C. STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

## **SECTION 20.02 POWERS AND DUTIES**

### **A. ADMINISTRATIVE REVIEW**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.

### **B. VARIANCES**

To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions or peculiar circumstances, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, or would not be in the best interest of the citizens of the city or of the aims of the city in promoting zoning in general. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. That 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 the ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That there are special conditions and circumstances concerning the particular application for which the board of adjustment feels that the interest of zoning and the city as well as the neighborhood would best be served by granting the variance.
6. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
7. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of the ordinance in the district, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

### **C. POWERS**

1. In exercising the above mentioned powers, the Board of Adjustment may or City Council, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.
2. The concurring vote of three members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.
3. The City Council may serve in the capacity of the Board of Adjustment when necessary.

### **SECTION 20.03 APPEALS FROM THE BOARD OF ADJUSTMENT**

Any person or persons, or any board, taxpayer, aggrieved by any decision of the board of adjustment may seek review by a court of record, in the manner provided by the laws of the state and particularly by title 33:4727 of the Louisiana Revised Statutes of 1950.



**SECTION 20.04 DUTIES OF THE ADMINISTRATIVE OFFICIAL; BOARD OF ADJUSTMENT, CITY COUNCIL, AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise.

The procedure for deciding such questions shall be as stated in this section and this Ordinance.

Under this Ordinance the City Council shall have only the following duties:

1. Considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and
2. Establishing a schedule of fees and charges as outlined in Section 105 of this Ordinance.
3. The City Council may serve in the capacity of the Board of Adjustment when necessary.

**SECTION 20.05 – RESERVED**

**Article XXI. MANUFACTURED/MOBILE HOMES & RV PARKS**

See, Chapter 47 of City of St. Gabriel's Code of Ordinances – located at St. Gabriel City Hall Administrative Offices.

**Article XXII. DEFINITIONS AND RULES OF INTERPRETATION**

**SECTION 22.01 RULES OF CONSTRUCTION, INTENT AND USAGE**

**SECTION 22.02 INTERPRETATION**

**SECTION 22.03 DEFINITIONS OF TERMS**

**SECTION 22.01 RULES OF CONSTRUCTION, INTENT AND USAGE**

The following rules of construction apply to the text of this ordinance:

1. In case of conflict between regulations, the more restrictive will apply.
2. Words used in the present tense include the future.
3. Words used in the singular number include the plural, and the plural the singular, unless the context indicates the contrary.
4. The word “must” is always mandatory and not discretionary.

**SECTION 22.02 INTERPRETATION**

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. Words used in the present tense shall include the future.
2. Words used in the singular shall include the plural, and those used in the plural shall include the singular, unless the context indicates clearly to the contrary.
3. The word “person”, “subdivider” or “owner” includes a corporation, unincorporated associations, partnerships or other legal entities, as well as an individual.
4. The word “lot” includes the word “plot” or “building site” or “tract “parcel.”
5. The word “shall” is mandatory and not discretionary.
6. The word “should” is discretionary and not mandatory.
7. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
8. The word “building” includes the word “structure”, and shall be construed as if followed by the phrase “or part thereof”.

9. Unless otherwise specified, all distances shall be measured horizontally.
10. If there is a conflict, the text of this chapter controls over the charts or any other graphic display in this chapter.
11. Words not defined herein shall have the contextual meaning stated in Webster's New International Dictionary, unabridged.
12. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", "occupied for", and shall apply exclusively to physically existing uses.
13. When interpreting and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
14. Nothing in this Ordinance shall be construed as repealing any existing ordinance regulating nuisances or as permitting or requiring uses which are now prohibited by law.

## **SECTION 22.03 DEFINITIONS OF TERMS**

For the purpose of this ordinance, the following words and phrases have the meanings ascribed to them by this section. If not defined herein, terms used in this ordinance have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Director of Public Services.

**ABUTTING** – Having a common border with, or being separated from such a common border only by a right-of-way, alley, or easement.

**ACCESS** – A means of vehicular or pedestrian entry to, or exit from property.

**ACCESSORY APARTMENT** – An accessory apartment is a secondary, independent living facility located in, or on the same lot as, a single-family residence.

**ACCESSORY BUILDING** - A building subordinate to the main building and used for purposes customarily incidental to those of the main building.

**ACCESSORY STRUCTURE** – A subordinate structure detached from but located on the same lot as a principal building and used in a manner that is incidental. Accessory structures include detached garages, carports, sheds, greenhouses, playhouses, and similar structures.

**ACCESSORY USE** – An accessory use is a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ADDITION** – Any increase in the gross floor area of a building or structure, including those in which the building footprint is not enlarged.

ADJACENT – as used in this Zoning Ordinance and for all applications of this Zoning Ordinance, the term “Adjacent” shall mean adjoining, abutting, touching, and sharing a common boundary.

ADMINISTRATIVE OFFICE – An establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal and sales activities.

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE – means a commercial establishment which has significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial portion of its sales or display space to the sale or rental, for any consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis or description of “specified sexual activities” or “specified anatomical areas”; Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use of themselves or others.
2. Adult Bookstore, Adult Novelty Store or Adult Video Store: shall also include a commercial establishment which regularly maintains one or more “Adult Arcades”. “Adult Arcades” means any place to which the public is invited wherein coin operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer patrons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing “specified sexual activities” or “specified anatomical areas”.

ADULT CABARET – means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

ADULT MOTION PICTURE THEATER – means any commercial establishment where films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

ADVERSE IMPACT or EFFECT– A negative consequence for the physical, social, or economic environment resulting from an action or project.

AFFECTED PERSONS – Those owners of record of real property located in whole or in part within 300 feet of a proposed addition, change of use or other development or proposal; for Planned Unit Developments, Annexations, or other large project, the Director of Public Services may extend the distance.

AGRICULTURAL ACTIVITY – Farming, including plowing, tillage, cropping, seeding, animal and poultry husbandry, cultivating, or harvesting for the production of food and fiber products, but not including commercial logging and timber harvesting.

AIRPORT – The term airport shall mean any area of land or water which is used or intended for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangers, and other necessary buildings and open spaces.

ALLEY – An alley is a public or private thoroughfare which affords only a secondary means of access to the rear of abutting property fronting on another thoroughfare and not intended for general traffic circulation.

ALTERATION – Any addition or modification in construction of an existing structure.

ALTERATION (STRUCTURAL) – A structural alteration is any change other than incidental repairs which would prolong the life of the supporting members of a building such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

AMPHITHEATER - An open air structure devoted primarily to the showing of theatrical or musical productions, with the provision of seating areas for patrons.

AMUSEMENT PARK – See RECREATION FACILITY, OUTDOOR.

AMUSEMENT, COMMERCIAL OUTDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

ANIMAL GROOMING SERVICE – Any place or establishment whose primary service offered for a fee is to bathe, clip or comb animals for the purpose of enhancing their aesthetic value or health.

ANIMAL HOSPITAL (A) – An animal hospital is any building or portion thereof designed or used for the care and observation of animals under medical treatment, supervised by a licensed veterinarian. The treatment of animals shall be limited to the confines of the principal building and shall not be permitted in ancillary or accessory buildings. No outside kennels are permitted.

ANIMAL HOSPITAL (B) – An animal hospital is any building or portion thereof designed or used for the care, boarding, grooming, observation, or treatment of animals, supervised by a licensed veterinarian.

ANIMAL PRODUCTION –A facility or area for raising animals (including fish and birds) and the development of animal products, such as meat, fur, or eggs, on a commercial basis. Typical uses include beef, horse or sheep ranching; piggeries; poultry; dairy; and fish farming. This use does not include raising animals to sell as pets

ANIMAL SHELTER – A facility that is used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

ANIMAL UNIT. A unit of measurement developed by the US Environmental Protection Agency that is used to compare different types of animal operations.

ANTENNA – Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, and external to or attached to the exterior of any building.

APPAREL SHOP - An establishment involved in selling clothing or clothing accessories.

APARTMENT – A room or suite of one or more rooms in a multiple structure intended for use as a residence by a single family.

APARTMENT HOTEL – An apartment hotel is a hotel in which at least 90 percent of the hotel accommodations are available for occupancy by permanent guests.

APARTMENT HOUSE – See “DWELLING, MULTIFAMILY.”

APPEAL– A means for obtaining review of a decision, determination, order, or failure to act under the terms of this ordinance.

APPLICANT– The owner of the subject property, developer or agent subject to a fully executed Agent's Authorization Form submitted in its approved form to City of St. Gabriel Public Services Department.

APPLIANCE REPAIR – An establishment involved in repairing instruments or devices that are operated by gas or electricity, such as stoves, fans or refrigerators.

APPLIANCE SALES – An establishment involved in selling instruments or devices that are operated by gas or electricity, such as stoves, fans or refrigerators.

ARCHITECTURAL APPURTENANCES – Cornices, eaves, gutters, belt courses, sills, lintels, bay windows, and chimneys.

AREA OF SHALLOW FLOODING – A designated AO, AH, or VO Zone on a community's rate map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking had been completed

in preparation for publication of the (FIRM), Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, VI-30, VE or V.

AREA, BUILDABLE – The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

ART GALLERY – An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other creative works.

ARTIST STUDIO – A workspace for artists or artisans, including individuals who are practicing one or more of the fine arts or who are skilled in crafts.

ARTS/CULTURAL CENTER – An establishment that provides visual and performing arts exhibitions, including music, dance and theater.

ASSISTED LIVING FACILITY – An accommodation designed to provide personal assistance or supervision, or both, to four or more residents who are dependent upon the services of others by reason of physical or mental impairment and who may also require nursing care at a level that is not greater than limited and intermittent nursing care.

ATTACHED HOUSE ROWHOUSE – City house, duplex, triplex, or quadriplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.

APARTMENT HOUSE - More than four dwelling units placed one on top of another and/or side-by-side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

ACCESSORY DWELLING - A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home

ATHLETIC FIELD – Outdoor sites designed for formal athletic competition in field sports that usually require equipment.

AUCTION HOUSE – An establishment, open to the public, at which property or items of merchandise, but not including animals, are sold to the highest bidder.

AUTOMATED TELLER MACHINE (ATM) – An automated device that performs banking or financial functions; considered to be accessory uses in commercial or office zones.

AUTOMOTIVE PAINT SHOP - An establishment primarily engaged in painting and refinishing of passenger cars, trucks, and other such automotive vehicles.



**AUTOMOTIVE RENTALS** - Establishments involved in renting passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and facilities for the servicing of rental vehicles.

**AUTOMOTIVE REPAIR.** A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

**AUTOMOTIVE SALES** - Establishments involved in the retail sale of new or used automobiles, noncommercial trucks, motor homes or recreational vehicles, including incidental facilities for storage, maintenance and servicing.

**AUTOMOTIVE SERVICE STATION (gas, filling station).** A building used for the sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building. Also referred to as retail sale of gasoline.

**AUTOMOTIVE SUPPLY** - An establishment primarily engaged in the retail sale of automotive parts, tires and accessories.

**AUTOMOTIVE TIRE REPAIR AND SALES** - An establishment primarily engaged in the sale, installation or repair of automotive tires.

**AUTOMOTIVE WRECKING YARD.** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot of four or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute an automobile wrecking yard

**AUTO LAUNDRY OR CARWASH** – An auto laundry is a building or portion thereof containing facilities for the simultaneous washing of automobiles.

**AWNING** – An awning is a roof-like cover, temporary in nature, which projects from the wall of a building or roof overhang and is supported by cantilevering or bracketing from the face of the building.

**BAKERY, RETAIL** – An establishment primarily engaged in the retail sale of baked goods for consumption off-site.

**BAKERY, WHOLESALE** - An establishment primarily engaged in manufacturing bakery products for sale through non-baking retail outlets.

BAR – A bar is an establishment wherein the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises.

BARBER SHOP/BEAUTY SALON – An establishment where hair-cutting or cosmetology services are offered on a regular basis for compensation.

BASE FLOOD: The flood having a one (1) percent chance of being equaled or exceeded in any given year

BASEMENT – The part of a building that is wholly or partly below ground level. If any portion of any basement wall is above grade, then the basement shall be calculated in the building height.

BED & BREAKFAST- A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s). Duration of stay may not exceed three (3) week

BEDROOM – A habitable room in any dwelling unit not less than 70 square feet in area, with a minimum 7'-6" ceiling height, that is used primarily for sleeping

BIKEWAY – A pathway designed in whole or in part to be used for bicycling, walking and other recreation.

BILLBOARD - An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

BILLIARD or POOL HALL – See RECREATION FACILITY, INDOOR

BINGO HALL – See RECREATION FACILITY, INDOOR

BLOCK – Property having frontage on both sides of a street, and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier, including an alley between zoned areas.

BLOOD BANK – A facility where blood or blood products are collected, stored, prepared or processed.

BOARDINGHOUSE – A boardinghouse is a building other than a hotel where meals or lodging, or both, are provided for compensation by pre-arrangement for a definite period.

BOARD OF ADJUSTMENT – The term "Board of Adjustment" shall mean the St. Gabriel Board of Adjustment created under LA.R.S. 33:4727 et seq., which shall have the powers provided for by Louisiana law to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official; and to grant variances

where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance and as may be provided in other sections of St. Gabriel Code of Ordinances.

**BOWLING ALLEY** – See RECREATION FACILITY, INDOOR

**BREW PUB** – A restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year for consumption on premises, or for sale directly to the consumer in sealed containers.

**BUFFER STRIP** – A buffer strip shall consist of a planting strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than ten (10) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one (1) growing season, and said strip shall be planted and maintained in a healthy, growing condition by the property owner. No such buffer strip shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot.

**BUFFERYARD** – A unit of land, together with a specified type and amount of planting and any fencing which may be required between land uses to minimize conflicts between them.

**BUILD** – To erect, construct, convert, enlarge, reconstruct, restore or alter a building, structure or infrastructure

**BUILDABLE AREA** – The area of that part of the lot not included within the yards or open spaces herein required is known as the buildable area.

**BUILDING** – An independent enclosed structure, anchored to a permanent foundation and having exterior or party walls and a roof designed for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

**BUILDING AREA** – The building area is the total area, to the outside of walls, taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, drives, and uncovered parking.

**BUILDING ENVELOPE** – The area formed by the front, side and rear setback lines of a lot within which the principal building must be located.

**BUILDING FACE.** The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

**BUILDING FOOTPRINT** – The outline of the total area of a lot covered by a building's perimeter. Where a building has a recessed ground floor, the footprint shall be construed to be the outline of the largest perimeter of the building, excluding architectural appurtenances or features as defined herein.

**BUILDING HEIGHT** – A vertical distance measured from the average elevation of the proposed finished grade around and at the structure to the highest point of the roof and flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE** – An imaginary line located a fixed distance from the front boundary line of the lot and interpreted as being the nearest point that a building may be constructed to the front lot line. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line.

**BUILDING FRONT** – That exterior wall of a building which faces the front lot line of the lot

**DIRECTOR OF PUBLIC SERVICES** – The Director of Public Services is the officer or other designated authority charged with the administration and enforcement of this Code, or the Director of Public Service's duly authorized representative.

**BUILDING MATERIALS SUPPLIER** – An establishment selling lumber, roofing, siding, shingles, wallboard, paint, and cement to the general public, including incidental storage of such items on the premises.

**BUILDING SITE** – A building site is a parcel of land composed of one or more lots upon which a building(s) and the accessory building(s) are located or can be located; and also includes such open spaces as are required by this Ordinance.

**BUILDING WALL** - An exterior vertical structure that encompasses the area between the final grade elevation and eaves of the building and that encloses the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

**BUILDING, ACCESSORY** – A building which is (1) subordinate to and serves a principal structure or principal use; (2) is subordinate in area, extent and purpose to the principal structure or use; (3) is located on the same lot as the principal structure or use; and (4) is customarily incidental to the principal structure or use. Any portion of a principal building which is devoted to an accessory use is not an accessory building. Manufactured homes and tractor-trailers are not considered accessory buildings.

**BUILDING, DETACHED** - A building having no structural connection with another building.

**BUILDING, NONCONFORMING** – The lawful use of a building or structure, or portion thereof, existing at the time this ordinance or amendments thereto take effect, that does not conform to the height, area, yard, distance, or other regulations prescribed for the district in which it is located.

**BUILDING, PRINCIPAL** – A building in which is conducted the principal use of the lot on which said building is situated. In any residential district any structure containing a dwelling unit shall be defined to be the principal building on the plot on which the same is situated.

**BUILDING, SETBACK LINE** – A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost five (5) feet of any overhang, uncovered porches, steps, gutters, and similar fixtures, and the related front, rear, or side property or right-of-way line, whichever is closest to the building.

**BUS SHELTER** – A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

**BUS TERMINAL** - See PASSENGER STATION, RAILROAD, MOTOR BUS

**BUSINESS, CONVENIENCE** – Commercial establishments designed to attract and to be dependent upon large volumes of stop-and-go traffic, including, but not limited to, all types of convenience stores and fast food restaurants, with or without drive-in windows.

**BUSINESS, GENERAL** – Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including supermarkets, department stores, discount store variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, automotive supply stores, and appliance stores.

**BUSINESS, NEIGHBORHOOD** – Small scale unified or independent commercial establishments with a per-unit floor area no more than three thousand (3000) square feet that generally serve the day-to-day commercial needs of a residential neighborhood, including but not limited to: small drugstores, neighborhood gasoline stations, tobacco shops, newsstands, bakeries, confectioneries, delicatessens, food markets, beauty salons, barber shops and child daycare facilities

**BUSINESS, OFFICE-TYPE** – Quasi-commercial uses that generally accommodate occupations such as administrative, executive, legal, accounting, writing, clerical, and drafting occupations, and including offices of a charitable, philanthropic, religious, or educational nature.

**BUSINESS, TRADE, or VOCATIONAL TRAINING SCHOOL** – A secondary or post-secondary school, that offers instructions and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, and construction, or in medical, technological, or business service skills.

**CAFETERIA** – A restaurant at which patrons serve themselves at a counter and take the food to the tables to eat.

**CAMP** – A camp is a dwelling unit designed to house persons for short periods of time rather than indefinite periods as single-family dwellings are.

**CAMPERS, CAMPING TRAILERS** – These units are not designed for use as single-family dwellings, but rather as camps, and shall include units which are self-propelled.

CANOPY – A canopy is a roof-like structure projecting from a wall that is cantilevered or supported in whole or in part by vertical supports to the ground and erected primarily to provide shelter from the weather.

CARPORT – A carport is an automobile shelter usually formed by extension of the roof from the side of a building, with one or more open sides.

CARWASH – See “AUTO LAUNDRY.”

CAR WASH/DETAILING – The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

CARETAKER’S RESIDENCE – A residence located on a premises with a mainly nonresidential use and occupied only by a caretaker or guard employed on the premises.

CASINO – A public or private establishment containing a minimum of 50,000 sq.ft. of floor area in a building where legal gaming is conducted, including ancillary restaurants, theaters, offices and other uses as allowed by state gaming regulations or local regulatory authorities.

CATERING ESTABLISHMENT -- A facility containing a commercial kitchen and other related spaces used for the preparation, but not retail sale, of food that is to be served and consumed elsewhere.

CEMETERY - Land used, or intended to be used, for burying the human dead and dedicated for such purposes, including mausoleums and mortuaries operated in conjunction with and located within the boundary of the cemetery.

CHANGE OF OCCUPANCY or USE - Discontinuation of an existing use and substitution of a use of a different kind or class, but not including a change of tenants or proprietors unless accompanied by a change in the type of use.

CHILD CARE FACILITY, COMMERCIAL – A facility that is licensed as such by the State of Louisiana and provides non-medical care to children, normally for periods less than 24 hours. It serves more than six children and/or is operated by a person who is not a resident of the site.

CHILD CARE FACILITY, RESIDENTIAL – A facility that is licensed as such by the State of Louisiana and provides for non-medical care to children, normally for periods less than 24 hours. It serves six children or less, and the operator is a resident of the site.

CHURCH. A structure in which persons regularly assemble for religious worship and which is maintained by a religious body organized to sustain public worship.

CITY - The City of St. Gabriel, Louisiana

CITY COUNCIL - The City Council of St. Gabriel, Louisiana.

CIVIC, SOCIAL SERVICE, OR FRATERNAL ORGANIZATION FACILITY. A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

CLINIC – A clinic is a building or portion thereof designed for or used by one or more physicians, surgeons, dentists, psychiatrists, physiotherapists, or practitioners in related specialties, or combination of persons in these professions who do not offer in-patient care.

CLINIC, MEDICAL - An establishment providing medical, chiropractic, psychiatric, or surgical services, including emergency treatment and diagnosis, operated exclusively on an outpatient basis.

CLUB OR LODGE, PRIVATE – A private club or lodge is a non-profit association of persons which owns, rents, or leases a building, or portion thereof; the use of such premises being restricted to members and guests.

CO-LOCATION - Locating wireless communication equipment for more than one provider on a single structure.

COMMERCIAL USE – A category of uses that includes retail establishments, offices, professional and personal services, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), hotels and inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Excluded from the commercial use category are adult businesses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use; wholesale sales; heavy Manufacturing; outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

COMMISSION – The Commission shall constitute a city planning commission. Planning and Zoning Commission shall have all of the powers and duties conferred or imposed on City planning commissions by the general laws of the State.

COMMON AREA – Any portion of a development that is designed for the shared usage of the development, including open spaces, parking lots, and pedestrian walkways. Maintenance of such areas must be set forth by the development association in the form of covenants, which shall guarantee the upkeep of these areas.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing equipment required for the operation of one or more antennae and covering an area on the ground not greater than 250 feet.

COMMUNITY CENTER – A building or buildings owned or operated by public or private entities, and used for activities that benefit the general public, including meeting space for civic groups, clubs, or organizations; spaces for the provision of daycare services; cultural or recreational activities, whether self-directed or organized; space for performing arts, artisans, and crafters; and educational or instructional programs.

COMMUNITY GARDENS – A facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMPATIBLE USE – A compatible use is a use which is capable of existing in harmony with other uses situated in its immediate vicinity.

COMPOSTING OPERATION - A solid waste processing facility specifically designed and operated for the express purpose of converting yard and kitchen waste to produce soil and soil enhancers through the application of natural processes.

CONDITIONAL USE PERMIT. A permit granted by the Planning and Zoning Commission after said Board holds a public hearing that authorizes a use which would not generally be appropriate throughout a particular zoning district, but which, if controlled as to number, size, location, or relation to the neighborhood, would promote the public health, safety, and general welfare.

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

CONFORMING BUILDING, STRUCTURE, OR USE – A conforming building, structure, or use is one which complies with all the regulations of this Ordinance or any amendments hereto for the zoning district in which such building or structure is located.

CONVENIENCE STORE, A retail establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items. Sale of beer and alcohol is permitted. Sale and service of food is also permitted. No fuel sales are permitted.

CONTROLLING INTEREST: means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control or power to vote twenty percent or more of any class of voting securities of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

CONTIGUOUS - Lots, parcels, or City boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous.

COPY SHOP – An establishment providing copying and reproduction services to the general public using xerographic machines and computer printers; may also stock some office supplies or provide other business support activities such as postal boxes or faxing services.



COURT – An open space which may or may not have access, and around which is arranged a single building or a group of related buildings, is known as a court.

COURTYARD – An open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices

COVENANT – A restriction on the use of land that runs with the land and is binding upon subsequent owners of the property.

DANCE or SOCIAL CLUB, YOUTH - An establishment that does not sell, serve or allow alcoholic beverages to be consumed on the premises, where dancing and other social activities occur.

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.

Day Care Center, Small: Up to fifteen (15) adults  
Day Care Center, Large: Sixteen (16) to fifty (50) adults  
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.

Day Care Center, Small: Up to fifteen (15) children  
Day Care Center, Large: Sixteen (16) to fifty (50) children  
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.

Day Care Home, Small: Up to five (5) adults  
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.

Day Care Home, Small: Up to five (5) children  
Day Care Home, Large: Six (6) twelve (12) children

DENSITY – The number of dwelling units situated, or to be developed, on a tract of land, expressed as units per acre, and calculated by dividing the number of units by the acreage of the parcel, less undevelopable areas, such as surface water and wetlands, and the area in rights-of-way for streets and roads.

DEPARTMENT STORE - A retail store carrying a general line of apparel, home furnishings, floor coverings, major household appliances, and housewares, normally arranged in separate sections or departments, integrated under a single management.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT. The use or occupancy of any land or structure, or the construction, erection, alteration, or moving of any structure; any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil

DIRECTOR OF PUBLIC SERVICES – The Director of the Department of Planning for the City of St. Gabriel or his or her designee.

DIRT PIT, SAND PIT OR SIMILAR EXCAVATION – An excavation from which extracted dirt, clay, sand or gravel is or may be used at the same location or may be transported for use at a different location and which has one or more of the following characteristics:

1. Exceeds a total surface area of 10 acres;
2. The excavated area exceeds an average depth of 25 feet at any time after the commencement of excavation; or
3. The time needed for completion will exceed 180 days.

DISTRIBUTION CENTER - A use where goods are received or stored for delivery to the ultimate customer at remote locations.

DISTRICT. A zoning district; a section of the City for which the regulations governing the area, height and use of buildings and land are uniform.

DOG RUN – An enclosed outdoor area intended for the exercise or containment of dogs and similar animals.

DONATION COLLECTION BIN – A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, but not including trailers where personnel are present to accept donations.

DORMITORY – See “BOARDINGHOUSE.”

DRAINAGE – the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

DRIVE-IN ESTABLISHMENT – An establishment which accommodates patrons in automobiles, from which the occupants may purchase goods or services which may be consumed or utilized on the premises. Such an establishment may also serve customers inside the building.

DRIVE-THRU ESTABLISHMENT – An establishment designed so as to accommodate patrons to purchase goods or services from an automobile, the consumption or utilization of which shall be off premises. Such an establishment may also serve customers inside the building.

DRIVEWAY – A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DRIVING RANGE, GOLF - An area typically equipped with distance markers, clubs, balls, and tees for practicing golf shots or putting, that may include a snack-bar or pro-shop, but that does not include miniature golf courses or “putt-putt” courses.

DRUG STORE – A business authorized by state law to dispense prescription drugs.

DRY CLEANING AND LAUNDRY PICK-UP - An establishment providing dry cleaning and laundry pickup services, but where no dry cleaning and laundering are done on the premises.

DRY CLEANING SERVICE - An establishment providing dry cleaning services where the dry cleaning is done on the premises.

DUPLEX – See “DWELLING, TWO-FAMILY.”

DWELLING – A dwelling is any building which is designed for or used exclusively for residential purposes.

DWELLING, JOINT USE – A dwelling unit or units located behind or on the upper floors of a building containing a non-residential use on the ground floor, and accessed directly from the outside or through a common building entrance, but not exclusively through the non-residential use on the ground floor.

DWELLING, MULTIFAMILY – A multifamily dwelling is a building designed as a residence for more than two families living separately, including apartment houses, apartment hotels, flats, and group houses.

DWELLING, SINGLE-FAMILY – A single-family dwelling is a detached building designed as a residence for one family.

DWELLING, TWO-FAMILY – A two-family dwelling is a building designed as a residence for two families living separately, commonly called a duplex.

DWELLING UNIT - A building, or portion thereof, designed and arranged, and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

DETACHED HOUSE - A dwelling unit that is developed with no parti-walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

DUPLEX HOUSE - Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.

ELECTRICAL REPAIR SHOP - An establishment primarily engaged in repairing electrical and electronic equipment, such as electrical household appliances, television and audio equipment, and the like, but not including offices for electrical contractors.

ELEVATION – (1) A vertical distance above or below a fixed reference level; or (2) a flat scale drawing of the front, rear or side of a building.

EMERGENCY SHELTER – A residential facility that provides room and board for a temporary period, and provides protection, counseling, and pre-placement screening for abused, displaced or transient adults or children.

EQUIPMENT OR FURNITURE RENTAL ESTABLISHMENT - An establishment involved in renting small tools and equipment, janitorial equipment, and small furniture and appliances, such as baby beds, chairs and tables, televisions, and audio equipment and similar items.

ESSENTIAL SERVICES - Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

1. Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);
2. Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.

3. Class 3 Generation, production, or treatment facilities such as power plants and sewage treatment plants.

ESTABLISHMENT – An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

EXCAVATION – Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXTRACTIVE INDUSTRY – All or any part of an enterprise involved in the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gasses, such as natural gas, and also including quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

FAÇADE – That portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and along the entire width of the building elevation.

FAÇADE, NONPRINCIPAL – Any exterior wall of a structure that does not face a public right-of-way.

FAÇADE, PRINCIPAL – One or more exterior wall(s) of a building that are adjacent to or front on a public street, park, or plaza.

FAIRGROUNDS – An area of land use including, but not limited to agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales, and auctions, storage, theaters located on the premises.

FAMILY - An individual or two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit; or a group of not more than six (6) persons, one (1) or more of whom is not related by blood, marriage, or adoption to the others.

FARM – A farm is any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products on sites of five acres or more. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

FARMER'S MARKET – An establishment offering for sale fresh agricultural products directly to the consumer at an open-air facility.

FENCE – A barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

FENCE, OPAQUE – A fence that has on average less than seventy percent open in the square footage of the fence panels.

FENCE, PRIVACY – As required for certain developments, minimum six-foot high barrier constructed of masonry or other durable, solid material, including low maintenance wood.

FENESTRATION RATIO – The percent of a building facade that is comprised of window area, calculated as the total square feet of windows in the façade divided by the total area of the façade in square feet.

FILL – Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans, for purposes of creating a new elevation of the ground.

FILLING STATION – See “SERVICE STATION.”

FINANCIAL SERVICES - An establishment primarily engaged in providing financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities and similar services.

FIREARMS STORE – An establishment devoted to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. Such establishments must comply with all federal, state and local laws and regulations related to the purchase and resale of firearms.

FLAG - Any fabric or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other entity.

FLAG, BUSINESS – A flag displaying the name, insignia, emblem, or logo of a profit-making entity.

FLAG, PUBLIC – A flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or noncommercial organization.

FLEA MARKET – An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea markets shall not be construed to be Farmers Markets.

FLOOD OR FLOODING – is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) – is an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard. and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY – The official report provided by the Federal Emergency Management Agency. The report contains flood profiles and water surface elevation of the base flood, as well as the flood boundary-floodway map.

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

**FLOOD PROTECTION SYSTEM** –Those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standard.

**FLOODPLAIN** –is the area located in the 100-year flood plain as determined by the Department of Public Works.

**FLOODPLAIN OR FLOOD-PRONE AREA** – is any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

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

**FLOODPLAIN MANAGEMENT REGULATIONS** – Zoning ordinances, subsection regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**FLOOR AREA** – Floor area is the sum of the gross horizontal areas of the several floors of the main buildings but not including the area of roofed porches, terraces, or breezeways. All dimensions shall be measured between the exterior faces of the walls.

**FLOOR AREA, GROSS.** The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor areas used for access and storage. Not countable as floor area are open terraces, open patios, open atriums, open balconies, open carport garages, and breezeways.

**FLOOR AREA, NET** – The gross area of a floor or several floors of a building or structure, excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior walls or interior walls. Examples of areas to subtract from the gross floor area include stairways, storage rooms, mechanical equipment rooms, and other areas generally not accessible to the public.

FLOOR AREA, RATIO. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FLORIST SHOP – A retail establishment engaged in the selling of flowers and flower arrangements to the public either on-site or via delivery to the customer’s home.

FRATERNAL ORGANIZATION – See "CHARITABLE, FRATERNAL OR SOCIAL ORGANIZATION." (THIS DEFINITION REFERENCES “CHARITABLE, FRATERNAL, SOCIAL ORGANIZATION” but those definitions are not in the rest of the document.)

FRONTAGE –The front lot line and boundary of a lot fronting on a public street.

FRONTAGE BUILDOUT – The length of a front building façade compared to the length of the front lot line, expressed as a percentage.

FUNERAL HOME – An establishment used for human funeral services, containing facilities for embalming and other services used in the preparation of the dead for burial, performance of autopsies, cremation of human remains, storage of caskets, funeral urns, and other funeral supplies, and parking for funeral vehicles.

FURNITURE SALES – An establishment where furniture is the main item offered for sale; however, these places of business may also sell home furnishings, major appliances and floor coverings.

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

GARAGE, PRIVATE – A private garage is an enclosed space for the storage of motor vehicles, provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC – A public garage is a building, land, or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE – A storage garage is an enclosed space for the storage of vehicles pursuant to previous agreement and not to transients; to include principally, but not to restrict, the occupants of those premises for which the storage garage is being built, and at which automobile fuels and oils are not sold and motor vehicles are not equipped, repaired, hired, or sold.

GARDEN CENTERS - An establishment primarily engaged in selling containerized trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public and where no trees, shrubs or plants are grown on the premises.



**GAS STATION MINIMART** – A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store or supermarket.

**GASOLINE SERVICE STATION** – A building, place of business, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing of gasoline, oil and grease, and other vehicle fuels, and including, as an accessory use, the sale and installation of batteries, tires, lubricants, and other automobile accessories and retail items. Minor repair service may also be rendered.

**GOLF COURSE** – A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, a driving range and shelters as accessory uses.

**GOVERNMENT FACILITY** – A building or structure owned, operated or occupied by a governmental agency or entity to provide a governmental service to the public. Such facilities are generally exempt from municipal zoning; except when they are sold or leased to a private firm or person for purposes of conducting a non-governmental use therein.

**GRADE** – The average level of the finished surface of the ground adjacent to the exterior walls of the building.

**GRANDFATHERED** –The status accorded certain properties, structures, uses, and activities (grandfathered condition(s)) that existed legally prior to the adoption of this ordinance and amendments to it; the grandfathered condition is allowed to continue until such time as the property, structure, use or activity is modified, as which point the grandfathered condition(s) must cease and be brought into compliance with the regulations of this ordinance.

**GREEN AREA** – Land shown on a development plan, master plan, or official map as designated for preservation, recreation, landscaping, or park.

**GREENHOUSE, COMMERCIAL** – A building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is used for the growing of plants, all or part of which are sold at retail or wholesale.

**GROCERY STORE** - A building used for the sale of primarily food products in a space larger than 2,000 square feet.

**GROUND FLOOR** – The first floor of a building other than a cellar or basement.

**GROUP RESIDENTIAL FACILITY** – A facility licensed by the state of Louisiana, owned or leased by a behavioral health service provider to provide residential services and supervision for individuals who are developmentally or behaviorally disabled.

**GROUP RESIDENTIAL HOME** – A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence in compliance with relevant provisions of the Code of the State of Louisiana.

**GROSS FLOOR AREA** - is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

**GUEST HOUSE** – An attached or detached building located on a residential lot, clearly subordinate to the principal residence on the lot, that provides sleeping quarters for personal guests and for the use of which the owners receive no compensation.

**GUYED TOWER:** a telecommunication tower that is supported, in whole or in part by guy wires and ground.

**HALFWAY HOUSE** – A place for transitional group living arrangements for persons discharged from hospitals, correctional facilities, or in lieu of hospitalization, characterized by the presence of such live-in staff, emphasizing the development of skills necessary for more independent living. The facility shall be licensed and operated in accordance with all applicable laws.

**HARDWARE STORE** - A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies and cutlery. If the facility is larger than 30,000 square feet, then it is a **HOME IMPROVEMENT CENTER**.

**HEALTH/SPORTS CLUB** – A building or portion of a building designed and equipped for the conduct of sports, exercise, or other customary and usual recreational activities, operated for profit or not-for-profit. The sale of sports nutrition products, non-alcoholic beverages, packaged health foods, exercise clothing, and sports videos and magazines is permitted as an accessory use to such facilities.

**HEAVY MACHINERY SALES** - An establishment primarily engaged in marketing heavy machinery, such as used for road construction and maintenance, mining, agriculture, and industry.

**HEAVY INDUSTRIAL:** Intended to accommodate high-impact manufacturing, compounding, processing, packaging, treatment and other industrial uses, including extractive and waste-related uses, that by their nature create a nuisance, and which are not properly associated with or are compatible with nearby residential or commercial neighborhoods.

**HEIGHT** – The vertical distance of a building measured from the average grade level at the base of the building to the highest point of the roof if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof if the roof is of any other type. Height calculation shall not include chimneys, spires, towers, elevator and mechanical penthouses, water tanks, radio antennas, and similar projections.

**HEIGHT OF STRUCTURE** – The vertical distance measured from the lowest ground elevation to the highest point of the structure.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HELIPORT or HELIPAD – An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

HELISTOP – An area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

HISTORIC DISTRICT – The geographic area of St. Gabriel defined by the Historic District Ordinance, as amended

HISTORIC DISTRICT ORDINANCE – The Historic District Ordinance of the City of St. Gabriel, adopted by the St. Gabriel City Council

HOLIDAY DECORATIONS - Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent and contain no advertising material.

HOME FURNISHING SALES – An establishment where furniture home furnishings, major appliances and floor coverings are sold.

HOME IMPROVEMENT CENTER – A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, house wares and household appliances, garden supplies, lumber, plumbing and electrical supplies, etc.

HOME, CONVALESCENT – See “NURSING HOME.”

HOME BASED BUSINESS (NO-IMPACT): A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

HOME OCCUPATION - As applied to all residential districts an occupation, profession, or limited commercial activity distinct from a home based business, carried on in a dwelling unit or accessory structure dwelling unit which is clearly incidental and secondary to the use of the dwelling unit as a residence, and conducted by a member of the family occupying such dwelling unit and which does not change the residential character of the dwelling unit or its surroundings.

HORSE OR AUTO RACING - A facility or area with a course laid out for racing horses or automobiles and necessary accessory uses including but not limited to retail sales, gambling, automobile maintenance, veterinarian supplies and shops, exercise areas and stables

HOSPITAL – A hospital is a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of three or more non-related individuals suffering from illness, disease, injury, or deformity, except homes for the aged or nursing or convalescent homes.

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

HOTEL OR MOTEL. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services.

HOTEL, APARTMENT -See “APARTMENT HOTEL.”

HOTEL, FULL-SERVICE – A hotel consisting of a building or a group of buildings in which lodging and meals prepared on-premises are provided and offered to guests for compensation; and which is open to transient guests and provides additional accessory services, which may include any of the following: restaurants, meetings rooms, convention or conference rooms, catering facilities.

HOTEL, SMALL – Essentially the same as “hotel” but does not contain more than 50 guest rooms and does not exceed three stories in height.

HOUSEHOLD – A family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

ILLUMINATED SIGN: Signs which are illuminated by electrical, mechanical or other source of illumination.

IMPROVEMENT – Any man-made, immovable item that becomes part of, placed on, or is affixed to real estate.

INCOMPATIBLE USE – An incompatible use is a use which is incapable of existing in harmony with other uses situated in its immediate vicinity.

INDUSTRIAL EQUIPMENT REPAIR ESTABLISHMENT- An establishment primarily engaged in repairing industrial equipment, including repairing heavy-construction and earth-moving equipment.

INDUSTRIAL PARK - A planned, coordinated development of a tract of land designed to contain two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INDUSTRIAL SUPPLIES - An establishment primarily engaged in marketing industrial supplies, such as bearings, boxes, gaskets, bottles, rubber goods, welding supplies, metal containers, and so forth.

INDUSTRY, HEAVY - A heavy industrial use is one that requires both buildings and open area manufacturing, fabricating, processing, extraction, repairing, dismantling, storage, or disposal equipment, raw materials, manufactured products, or wastes, and that conform to the following performance standards:

1. Smoke: No smoke is emitted of a density greater than No. 2 according to Ringlemann's Scale, except that smoke of a greater density is permitted period not to exceed six minutes in any one hour.
2. Fly Ash: No particles from any flue or smokestack may exceed 0.3 grains cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit.
3. Dust: No dust of any kind produced by the industrial operations is permitted escape beyond the limits of the property being used.
4. Odor: No noxious odor of any kind is permitted to extend beyond the lot lines.

5. Gases and Fumes: No gases or fumes toxic to persons or injurious to property are permitted to escape beyond the building in which they occur.
6. Glare: No glare may be visible from any street or any residential area.
7. Vibration: No intense earth-shaking vibration may be created or maintained any industry beyond the property on which it is located.
8. Noise and Sound: A maximum of 70 decibels at the property line is permitted. Noise must be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Sound may equal but not exceed street traffic in the vicinity during a normal day shift work period.

INDUSTRY, LIGHT – A light industrial use is one that ordinarily uses only light machinery; conducted entirely within enclosed substantially-constructed buildings; does not use the area around such buildings for storage of raw materials or manufactured products or for any industrial purpose; and conforms to the following performance standards:

1. Smoke: No smoke is emitted of a density greater than No. 1 according to Ringlemann's Scale, except that smoke of a density not in excess of No. Ringlemann's Scale is permitted for a period not to exceed six minutes in hour.
2. Fly Ash: No particles from any flue or smokestack are permitted to escape beyond the confines of the building in which they are produced.
3. Dust: No dust of any kind produced by industrial operations is permitted escape beyond the confines of the building in which it is produced.
4. Odor: No noxious odor of any kind is permitted to extend beyond the lot line.
5. Gases and Fumes: No gases or fumes toxic to persons or injurious to property are permitted to escape beyond the building in which they occur.
6. Glare: No glare may be visible from any street or any residential area.

INSTITUTION – An institution is a building or group of buildings designed or used for the non-profit, charitable, or public-service purposes of providing board, lodging, or health care for persons aged, indigent, or infirmed; or a building or group of buildings for the purpose of performing educational or religious services and offering board and lodging to persons enrolled for training.

INSTRUCTIONAL STUDIO - A facility offering educational instruction, having regular sessions with regularly employed instructors, but not a school as defined by the State.

INTEGRATED BUSINESS CENTER – A development with two or more attached or detached businesses, on one or more lots, designed as a unit with identifiable boundaries, and served by common features such as shared access and/or parking facilities and signs. Configuration and design shall include such features as: identification by a single name or consistent architectural

style, and the appearance or public impression that the center acts as a single facility. When separated by public or private streets, the Board of Zoning Adjustment shall have the authority to declare a group of lots to be an integrated business center.

**JUNKYARD** – As used in this Zoning Ordinance and for all applications of this Zoning Ordinance, a facility for storing, keeping, abandoning, selling, dismantling shredding, compressing, demolishing, or salvaging scrap, discarded material or equipment – which shall include but not be limited to metal, paper, rags, tires, bottles, motor vehicles or motor vehicle parts, machinery, structural steel, equipment and appliances. Examples of “junkyard” include but are not limited to: Facilities or sites for separating trash and debris from recoverable or recyclable resources, such as paper products, glass, metal cans and other products; and Facilities or sites where damaged and/or wrecked and/or dismantled and/or partially dismantled motor vehicles are stored for periods of no longer than ninety (90) days; and Facilities and sites where motor vehicle parts may be removed and stored, sold or salvaged.

**KENNEL** – A kennel is any premise on which animals are maintained, boarded, bred, or cared for, in return for remuneration; or are kept for the purpose of sale.

**KENNEL, COMMERCIAL** – A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

**KENNEL, PRIVATE** – A structure used for the outdoor accommodation of no more than five (5) small domestic animals and not operated on a commercial basis

**KINDERGARTEN** – A kindergarten is a school for children which attempts to cultivate a normal aptitude for exercise, play, observation, imitation, and socializing.

**KITCHEN** – Any room principally used, intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

**LABORATORIES** - Facilities equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation or practice in a field of study.

**LAND DEVELOPMENT** – The development of one or more lots, tracts or parcels of land by any means and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.

**LANDSCAPED AREA** - A portion of the site or property containing vegetation intended to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, streetscapes, lawns and plantings.

LANDSCAPED BUFFER – An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one land use on the other.

LANDSCAPING – For all definitions pertaining to landscape requirements, see Article XVI, Section (need to put what Section).

LAUNDROMAT – A business which provides for the hire and use on the premises of self-service washing, drying, and/or ironing machines is known as a laundromat.

LEVEE – A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM – A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices

LIBRARY - A building containing printed and pictorial material for public use for purposes of study, reference and recreation.

LINE, RIGHT-OF-WAY – A right-of-way line is the boundary or dedication line of a street.

LINE, STREET – A dividing line separating a lot, tract, or parcel of land from an adjacent street is known as a street line.

LIQUOR STORE – A retail establishment where more than fifty percent of floor area is devoted to the sale of packaged liquor and alcoholic beverages for off-premises consumption in compliance with all state and local liquor laws. If less than fifty percent of the floor area is devoted to the sale of liquor, such sales are Accessory Uses.

LICENSEE – shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In the case of an “employee”, it shall mean the person in whose name the sexually oriented business employee license has been issued

LIGHT INDUSTRIAL – Intended to accommodate light manufacturing, research and development, warehousing, wholesale and processing uses. Light industrial is intended to encourage originality and flexibility in design to ensure that the development is properly related to its site and buffered to surrounding land uses. Development should be operated in a relatively clean and quiet manner in accordance with applicable noise ordinance regulations (City Code of Ordinances) and should not be obnoxious to nearby residential or commercial uses. Uses shall create little or no environmental or safety problems

LIVE/WORK OCCUPATIONS – An Occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises solely by an occupant of the residence. A Live/Work Occupation is one that is carried on in the home, but does not include a business that:



1. Employs more than two (2) assistants in the operation of the business;
2. Operates during hours other than 8:00am to 10:00pm;
3. Conducts outdoor activities;
4. Involves more than six (6) patrons on the premises at one time;
5. Has exterior storage of material, equipment and/or supplies and used in conjunction with such occupation;
6. Has offensive noises, vibrations, smoke, dust, odors, heat, light or glare that travel beyond the property lines;
7. Parking required is not more than four (4) spaces; and
8. Requires a sign other than a Live/Work Occupation Placard

LOT: A parcel of land undivided by any street of (or) private road and occupied by, or designated to be developed for, one building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by this ordinance for such building, use, or development.

LOT AREA: The area contained with (within) the boundary lines of a lot.

LOT FRONTAGE: Lot width measured at the street lot line. When a lot has more than one street of lot line, lot width shall be measured, and the minimum lot width required by this ordinance shall be provided, at each such line.

LOT LINE: A line bounding a lot which divides one lot from another or from a street or any public or private space.

LOT LINE, REAR: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

LOT LINE, SIDE – Any lot line other than a front or rear lot line.

LOT LINE, STREET – In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double-frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard.

LOT OF RECORD – Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT WIDTH – The mean horizontal distance between the side lot lines measured at right angles to those side lot lines at the building line. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line

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

LOADING DOCK/SPACE – A space or berth available for the loading or unloading of goods from commercial vehicles.

LOCAL/RESIDENTIAL STREET – A local or residential street is a street shown as such on the Consolidated Thoroughfare Plan of the St. Gabriel Consolidated Government.

LODGING HOUSE – See “ROOMING HOUSE.”

LOGO - The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

LOT – A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

LOT AREA – The total area within the lot lines of a lot, excluding any public rights-of-way.

LOT, BUILDING - A parcel of land that was legally existing at the time of adoption of this Ordinance, or is legally created through subdivision thereafter, upon which a building or structure may be erected in accordance with all relevant provisions in this Ordinance (including variance provisions, if applicable). Parcels of land that are created in violation of any provision of the Subdivision Regulations shall not be eligible for the issuance of permits to build any structure thereupon.

LOT, CORNER - A lot located at the intersection of two or more streets

LOT, COVERAGE – The percentage of a lot which may be covered with buildings or structures (excluding walks, drives, and other similar uses) and recreational facilities which are accessory to a permitted use (such as swimming pools). Properties within the protected areas as defined by the Water Supply Watershed Protection Act shall include walks, drives, and all other impervious and graveled surfaces in the total lot coverage.

LOT, DEPTH OF – The depth of a lot refers to the horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT, FLAG – A polygonal-shaped lot with the appearance of a frying pan or flag and staff in which the handle is most often used as the point of access. The handle, when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope.

LOT, FRONTAGE OF – The frontage of a lot is the length of all the property of such lot fronting on a street and measured between the side lot lines.

LOT, INTERIOR – An interior lot is a lot other than a corner lot.

LOT, IRREGULAR - A lot of such shape or configuration that technically meets the area and frontage requirements of the Ordinance but has unusual elongations, angles or curvilinear lines.

LOT LINES – Lot lines refer to the property lines bounding a lot as defined herein.

LOT, NONCONFORMING – A lot or parcel of land that was of record and lawfully established and maintained by which, because of the enactment of this code, no longer conforms to the land use standards or use regulations of the zone in which it is located.

LOT OF RECORD – A lot of record is a lot which is part of a subdivision, the map of which has been recorded in the office of the Parish Clerk of Court; or a parcel of land which became legally established and defined by deed or act of sale on/or before the adoption of this Ordinance.

LOT, THROUGH – A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOT, WIDTH OF – The width of a lot refers to the mean width measured at right angles to its depth.

LOUNGE – See “BAR.”

MAJOR STREET – A street shown as a major street on the City Plan of the City is a major street.

MANUFACTURED HOME – A manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having measurement of forty (40) feet or more in length and eight (8) feet or more in width. It shall also comply with the National Mobile Home Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. This definition shall also include the term "mobile home."

MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS – mean the standards for the construction, design, and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development, commonly referred to as the HUD Code.

MANUFACTURING, LIGHT – Light manufacturing is the manufacturing or processing of materials employing electrical or other unobjectionable motive power, utilizing hand labor, or other

unobjectionable machinery or processes, and free from any objectionable odors, fumes, lint, vibration, or noise.

MANUFACTURING, RETAIL – Baking, confectionery, dress making, dyeing, laundry, printing, tailoring, upholstering, and similar establishments, and businesses of a similar and no more objectionable character. Goods or products manufactured or processed may be sold at retail or wholesale on or off the premises.

MARINE EQUIPMENT REPAIR – An establishment primarily engaged in the maintenance and repair of motorboats and other watercraft, marine supplies, and outboard motors, including no more than incidental storage.

MARINE SUPPLIES - An establishment primarily engaged in the retail sale of motorboats and other watercraft, marine supplies, and outboard motors, including no more than incidental storage.

MARQUEE - A roof-like structure that cantilevers from the wall of a building over its principal entrance, that has no vertical supports other than the wall from which it cantilevers, and that provides a wall surface at least four feet high, generally constructed for purposes of containing a sign.

MINIWAREHOUSE/SELF-STORAGE – See “SELF-SERVICE STORAGE FACILITY”.

MIXED-USE DEVELOPMENT. The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, retail, entertainment, in a compact urban form.

MIXED USE. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

MOBILE HOME: See MANUFACTURED HOME.

MOBILE HOME LOT– A plot of land within a designated mobile home park designed for the accommodation of one mobile home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.

MOBILE HOME PARK – A mobile home park is an area providing spaces where one or more mobile homes can be or are intended to be parked, with flush toilet and bathing facilities provided on the site.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the Louisiana State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTEL – A motel is an establishment which ;(1) Is intended primarily for automobile transient guests. (2) Provides sleeping accommodations in rooms for pay. (3) Provides customary motel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, and the provision and maintenance of furniture.

MOTION PICTURE, AUDIO, VIDEO PRODUCTION – An establishment which develops, equips and maintains a controlled environment for the making of film, video, or audio recordings, or is engaged in the production, editing or distribution of such.

MOTORCYCLE SALES - An establishment primarily engaged in the retail sale of new or used motorcycles, motor scooters, clothing and accessories, and personal watercraft, including incidental storage, maintenance and servicing.

MOTOR VEHICLE – A motor vehicle is a vehicle which is self-propelled.

MOVIE THEATER, LARGE - A building for showing motion pictures or for live dramatic, dance, musical, or other productions, which is usually commercially operated. Consists of five (5) or more screens, audience seating and auditorium, and a lobby and refreshment stand.

MOVIE THEATER, SMALL – A building for showing motion pictures or for live dramatic, dance, musical, or other productions, which is usually commercially operated. Consists of four (4) or fewer screens, audience seating and auditorium, and a lobby and refreshment stand.

NEWSSTAND – A temporary structure, manned by a vendor, that sells newspapers, magazines, and other periodicals.

NON-PROFIT ORGANIZATION – A corporation established as a non-profit organization pursuant to the Code of the State of Louisiana and recognized as a non-profit organization by the U.S. Internal Revenue Service.

NIGHTCLUB – See “BAR”

NEIGHBORHOOD GASOLINE STATION. A building and use for the sale of gasoline primarily to non-commercial vehicle operators, having no more than one pumping canopy, with no more than 4 pumping stations allowing a maximum simultaneous fueling of 8 motor vehicles.

NEIGHBORHOOD RECREATION. Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

NON-CONFORMING LOT OF RECORD. A lot described by a plat or deed that was recorded prior to and lawfully existed prior to the adoption of this Ordinance, but which does not meet the limitations on size, depth, width, street frontage, or other development requirements of the statewide watershed protection rules for the district in which such lot is located.

NON-CONFORMING USE. A building or land lawfully occupied by a use that does not conform to use regulations of the district in which it is situated

NON-CONFORMING USE – A non-conforming use is a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

NURSERY – A nursery is a place for the propagation of small trees, shrubs, and plants; when permitted in a residential zone, the nursery may not cover an area greater than 2,000 square feet and must be located in the side or rear yard only; and only the products grown on the premises may be sold on site.

NURSING OR CONVALESCENT HOME – A nursing home is a building or part thereof, providing shelter, board, and nursing care for three or more persons of all ages not related to the operator, requiring such care because of infirmities of old age, illness, and/or disability of a physical or mental nature.

OFFICE. - A building or portion thereof wherein services are performed involving predominately administrative, professional, or clerical operations.

OFFICE BUILDING – A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or candy stand.

OFFICE EQUIPMENT REPAIR ESTABLISHMENT- An establishment involved in repairing office equipment, such as typewriters, copying machines, computers, calculators, and so forth.

OFFICE, MEDICAL – An office for medical providers including doctor, surgeons and dentists.

OFFICE PARK – A development that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed, and managed on an integrated and coordinated basis, and located on one or more parcels under single ownership.

OFFICE SUPPLIES ESTABLISHMENT - Places of business where stationery and other supplies typically used in offices are the main items offered for sale.

OIL CHANGE FACILITY – Operations that provide lubrication or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that these services will be provided while customers wait, generally within a 15 to 30 minute time period. Rotation of tires is also permitted. If the establishment offers tire sales, tune-ups or other mechanical servicing and repair, then the facility shall be deemed an AUTOMOBILE REPAIR FACILITY.

OPEN SPACE – Any area of a lot, site, tract, or plot exclusive of structures, driveways, parking, or open storage areas, which is open to the sky, is known as open space. In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size in all zoning districts, excluding the Special Districts.

OPEN SPACE, IMPROVED – Parks, playgrounds, swimming pools, ball fields, plazas, landscaped green spaces, and other areas that are created or modified by man. Improved open space shall not include spaces belonging to schools, community centers or other similar areas in public ownership

OPEN SPACE, NATURAL – Areas of natural vegetation, water bodies, or other landforms that are to be left undisturbed. Creation of a graded and surfaced walking trail through areas of natural open space shall constitute disturbance of the area in the amount of the length of the walking trail multiplied by its approximate average width. Natural open space shall not include schools, community centers or other similar areas in public ownership.

OPEN STORAGE. The storing, depositing or accumulating (for more than twenty-four (24) hours) of materials, goods, equipment, etc., for any use or sale, within any uncovered area, whether enclosed by a fence, etc., or not.

OUTDOOR FLEA MARKET – An open-air market for secondhand articles or antiques, often operated on an occasional or seasonal basis.

OUTDOOR STORAGE – The storage of any material for a period of greater than 24 hours, including items for sale or, lease, processing, and repair (including vehicles) not in an enclosed building.

OUTDOOR STORAGE, SEASONAL – Outdoor storage of items for retail sale that are, by their nature, sold during a peak season, including such items as fruits, vegetables, Christmas trees, pumpkins, lawn accessories, bedding plants, etc. and in conjunction with existing commercial establishments.

OUT PARCEL – A parcel of land abutting and external to the larger main parcel, which may be under separate ownership and has roadway frontage.

OVERLAY DISTRICT – A zoning district that extends on top of a base zoning district and is intended to protect certain critical features and resources. Unlike with a planned unit development, overlay districts govern only development standards. The uses permitted in the underlying zoning district remain the same.

PARAPET – The portion of a wall which extends above the roofline.

PARCEL – A single lot, or a grouping of old lots acquired by a single deed and considered as one buildable lot for zoning purposes. Parcels that consist of a grouping of old city lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, provided all regulations contained within this ordinance and the Subdivision Regulations are adhered to.

PARK – Any area that is predominately open space, used principally for active or passive recreation, and not used for a profit-making purpose. Any area designated by the City as a park.

**PARK AND RECREATION FACILITIES** – An establishment or area owned and operated by or under contract to a governmental entity designed to serve the recreation needs of community residents, including neighborhood, regional and city parks, special use facilities, gymnasiums, and outdoor facilities for baseball, football and soccer.

**PARKING AISLE** – The clear space for either one or two-way traffic movement or maneuvering between rows of parking stalls.

**PARKING LOT** – A parking lot is an open area which is used for temporary parking of motor vehicles for a fee or as a service.

**PARKING LOT, COMMERCIAL** – A commercial parking lot is an open area which is used for temporary parking of motor vehicles and for which service a fee is charged.

**PARKING LOT, PRIVATE** – A private parking lot is an open area which is used for the temporary parking of motor vehicles which is an adjunct to the operation of a business or industry.

**PARKING SPACE.** An area of appropriate dimensions, exclusive of drives, of not less than nine (9) feet by eighteen (18) feet to be used exclusively as a temporary storage space for private motor vehicles.

**PARKING STRUCTURE** – A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under building parking areas.

**PARKING, PUBLIC** - A publicly owned or operated open area or parking garage, other than a street or alley, designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for public use or as an accommodation for clients or customers.

**PASSENGER STATION, RAILROAD, MOTOR BUS** - A facility designed to accommodate passengers who arrive and depart on commercial buses, or rail which may include management offices, bus parking or storage areas and personal services for passengers.

**PAWNSHOP** – Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

**PENAL/CORRECTIONAL INSTITUTION** – A facility for the confinement or safe custody of persons so confined as the result of a legal process and includes attendance centers established for persons sentenced to serve periods of community service.

**PERSON** – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, and assignee, or a similar representative of any of them.



PERSONAL SERVICE SHOP – A personal service shop is a business establishment such as a barbershop, beauty parlor, massage, or similar personal service shops.

PLANNED UNIT DEVELOPMENT (PUD). A form of development characterized by a unified site design for multiple housing units, clustering of buildings, common spaces, increased density, and a mix of building types and uses. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site plan must include two or more principal buildings. Such development shall be based on a plan, which allows for flexibility of design most available under normal district requirements.

PLANNING COMMISSION – The St. Gabriel Planning Commission, as the officially constituted body appointed to carry out planning duties and responsibilities in accordance with the Louisiana Revised Statutes.

PLAT. A map or plan of a parcel of land which is to be, or has been, subdivided.

PORCH – A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes. If a porch is uncovered it is considered to be a deck.

POSTER BOX - A box installed on a wall for the purpose of displaying posters of movies at a theater.

PRINTING AND GRAPHICS – A business engaged in the custom design and/or reproduction of written or graphic materials. Typical processes include computerized design and printing, photocopying, and facsimile sending and receiving.

PROPERTY LINES – Property lines are the lines bounding a lot, as defined herein.

PUBLIC IMPROVEMENT – Any improvement, facility, or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable television, or similar essential services.

PUBLIC PLACE – Any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.

PUBLISHING – A business which produces publications using equipment capable of high-volume, large scale output.

RAILROAD RIGHT-OF-WAY – A railroad right-of-way is a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train shed, warehouses, car or locomotive shops, or car yards.

RECREATION FACILITY, INDOOR – A privately-owned commercial establishment designed and equipped for the conduct of leisure activities and other recreational activities wholly within an enclosed building. Examples of such uses include but are not limited to indoor play areas, training studios for martial arts, gymnastics and dance, bowling alleys, shooting ranges and skating – skateboard rinks.

RECREATION FACILITY, OUTDOOR – A privately-owned commercial establishment designed and equipped for the conduct of sports, leisure activities and other recreational activities wholly or partially outside of any building or structure. Examples of such uses include but are not limited to swimming pools, miniature golf courses, amusement parks, skateboard facilities and go-cart tracks.

RECREATIONAL VEHICLE (RV) – A vehicle built on a single chassis, containing 400 square feet or less when measured at the largest horizontal projections and designed to be self propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house- boats, and campers.

RECYCLABLE COLLECTION CENTER/ SOLID WASTE TRANSFER STATION - A facility for the collection, separation, compaction, processing and storage of solid waste or recyclable materials until said waste can be transported or transferred to a sanitary landfill or other facility approved and licensed for the disposal of solid wastes or the recycling of materials by the State of Louisiana.

RECYCLING CENTER - An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials. A recycling collection point may also include a facility for the temporary collection of used clothing and household goods.

RELIGIOUS INSTITUTION. A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

REPAIR OR MAINTENANCE – An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, authorized, and undamaged condition. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.

REPAIR SHOP, SMALL ENGINE OR MOTOR - An establishment primarily engaged in the repair or refurbishment of engines and motors, excluding passenger and marine vehicles.

RESEARCH AND DEVELOPMENT CENTER – Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, sale of products, or, a structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

RESTAURANT- A retail establishment offering food and beverage for consumption on the premises where the major source of revenue is the sale of food. For establishments which serve

alcoholic beverages, a restaurant shall be distinguished from a bar or lounge by further having the following minimum requirements:

1. Is a place of business whose purpose and primary function is to take orders for and serve food and food items
2. Serves alcoholic beverages in conjunction with meals;
3. Serves food on all days of operation;
4. Maintains separate sales figures for alcoholic beverages;
5. Operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises;
6. Derives greater than 50% of its gross sales income from the sale of food and food items rather than alcoholic beverages.

**RESTAURANT, LARGE** – A commercial establishment of more than 1,000 gross square feet where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than sixty (60) percent of the gross sales receipts. The sale of Liquor for on-site consumption is subject to state liquor laws and additional regulations by this Ordinance.

**RESTAURANT, SMALL** – An establishment engaged in the preparation of food and beverages containing no more than 1,000 gross square feet and characterized primarily by table service to sixteen (16) or fewer customers in non-disposable containers, such as cafes, coffee shops, diners, delis, etc. These establishments do not have beer/liquor license. Drive through or pick-up windows are subject to additional regulations by this Ordinance.

**RETAIL SALES ESTABLISHMENT** – A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the “primary function” of the business when such sales equal at least eighty (80) percent of the gross sales of the business.

**RETAINING WALL** – A wall or terraced combination of walls used to retain more than eighteen (18) vertical inches of material.

**RIGHT-OF-WAY** – A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, or other public utilities or facilities.

**ROOMING HOUSE** – A rooming house is a residential building or portion thereof containing sleeping rooms which will accommodate persons who are not members of the keeper’s family.

**SALVAGE YARD** – A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes, but is not limited to, metal, paper, rage, tires, bottles, motor vehicle parts, machinery,

structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products that can be returned to a condition in which they may again be used for production.

**SANITARIUM** – A sanitarium is an institution for the recuperation and treatment of victims of physical or mental disorders.

**SCHOOL, BUSINESS/PROFESSIONAL** – A business school is a privately owned school offering instruction in accounting, secretarial work, business administration, fine or illustrative arts, trades, dancing, music, and similar subjects.

**SCHOOL, PRIVATE** – A private school is one which is privately owned which has a curriculum essentially the same as ordinarily given in a public elementary or high school. The term includes day nurseries and kindergartens.

**SCHOOL, TRADE OR INDUSTRIAL** – A trade or industrial school is an establishment, public or private, offering training to students in skills required for the practice of trades in industry.

**SELF-SERVICE STORAGE FACILITY** – A building or group of buildings in a controlled- access compound that contains varying sizes of individual, compartmentalized, controlled- access stalls or lockers for the storage of customers' goods or wares.

**SERVICE STATION** – A service station is any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, lubricants, or tires except that indoor car washing, minor motor adjustment, and flat tire repair may be performed when incidental to conduct of a service station.

**SETBACK** – The minimum distance by which any building or structure must be separated from street right-of-way or lot line.

**SETBACK, FRONT** – The shortest distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.

**SETBACK, FRONT, ON CORNER LOTS** – The front setback of a corner lot shall be measured from the side of the lot designated as the "front." On a corner lot, only one street line shall be considered a front line, which shall be the shorter street frontage.

**SETBACK, REAR** – The shortest distance between the building line and the rear lot line.

**SETBACK, SIDE** – The shortest distance between the building line and the side lot line.

**SEXUALLY-ORIENTED BUSINESS** means the sale, rental, or exhibition for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity. – Shall include "adult book store", "adult motion picture theatre", "adult videotape store", and "adult entertainment."

1. ADULT BOOK STORE - An establishment having more than 10 square feet of floor area devoted to stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance.
2. ADULT ENTERTAINMENT - An establishment used for presenting persons depicting, showing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance.
3. ADULT MOTION PICTURE THEATER – An establishment used for presenting motion picture material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, for observation by patrons thereto.
4. ADULT VIDEO STORE - An establishment having more than 10 square feet of floor area devoted to offering videos which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

SPECIFIED ANATOMICAL AREAS – (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or (2) human male genitals in a discernible turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; or (3) fondling, erotic display or erotic touching of human genitals, pubic region, buttocks or breasts, even if completely and opaquely covered.

SHOOTING RANGE, INDOOR – The use of a structure for archery or the discharging of firearms for the purposes of target practice or temporary competitions. See also, RECREATION FACILITY, INDOOR.

SHOPPING CENTER – See Integrated Business Center.

SIGHT TRIANGLE – The area of a corner lot, located on private and/or public streets, formed by the intersecting projections of the right-of-way lines (for public streets) or the edge of the pavement (for private streets) at points which are 30 feet distant from the point of intersection, measured along said right-of-way lines or edge of pavement.

SIGN – Any object, devise, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious, or civic

organizations; works of art which in no way identify an object, person, institution, organization, business, product, service, event or location by any means; or scoreboards located on athletic field.

SIGN, ABANDONED – A sign or supporting structure which no longer identifies a bona fide business conducted or product sold on the premises. A sign shall be deemed abandoned when these conditions have been in existence for a period exceeding ninety (90) calendar days.

SIGN, ANIMATED - Any sign that uses movement or change of lighting to depict action or create a special effect or scene, except LED displays on restaurant menu boards.

SIGN AREA - The entire face of a sign including the advertising surface and any framing, trim, or modeling, but not including the supporting structure.

SIGN, AWNING - A sign located on an awning. See CANOPY SIGN ("SIGN, CANOPY").

SIGN, BANNER - A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. All banners are temporary signs.

SIGN, BUILDING MARKER - Any sign indicating the name of a building and date and incidental information about its construction. Such sign typically is cut into a masonry surface or made of bronze or other permanent material, and is not regulated under this Ordinance.

SIGN, BUILDING - Any sign attached to any part of a building, as contrasted to a ground sign.

SIGN, CANOPY - Any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

SIGN, CHANGEABLE COPY - Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

SIGN, COMMERCIAL MESSAGE - Any sign, wording, logo or other representation, except for the actual name of the business, that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

SIGN, CONSTRUCTION - Any sign bearing the names of contractors, architects, engineers and the like, or advertising, promotions, price ranges and similar information, that is placed at a construction site that has received development plan approval.

SIGN COPY – Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

SIGN, DIRECTIONAL – An on premise sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way. A directional sign excludes commercial messages and logos but may include information, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and similar information and directives. A directional sign may also include information stating the hours of operation of a business, emergency telephone numbers, credit card usage, or other information of a similar nature.

SIGN, DIRECTORY - A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information.

SIGN, ELECTRONIC SCROLLING MESSAGE – A sign with a fixed or changing display/message composed of a series of lights, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, EXTERNALLY ILLUMINATED - A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it. Sources of illumination for such signs may be in the form of gooseneck lamps, spotlights, or luminous tubing.

SIGN FACE – The area of a sign on which the copy is placed.

SIGN FLAG, FLAGPOLE - See FLAG, BUSINESS FLAG (“FLAG, BUSINESS”) AND PUBLIC FLAG (“FLAG, PUBLIC”) definitions.

SIGN, FLASHING - A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects. LED displays on restaurant menu boards are not considered flashing signs.

SIGN, FREESTANDING – A sign that is attached to, erected on, or supported by some structure (such as a post, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

SIGN, GROUND - Any sign attached to the ground, as contrasted to a building sign; a freestanding sign.

SIGN HEIGHT – The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

SIGN, IDENTIFICATION - A sign bearing the address of the premises or name of occupant, put containing no logo or commercial message.

SIGN, ILLUMINATED - A sign that is illuminated by electrical or other artificial devices.

SIGN, INTERNALLY ILLUMINATED – A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign. Such signs may not be located in any residential, office, or neighborhood services district.

SIGN, MARQUEE - A sign attached to or mounted on top of a marquee.

SIGN, MENU BOARD - An accessory sign providing items and prices associated with a drive-thru window.

SIGN, MONUMENT – A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve (12) inches above the adjacent grade. The width of the top of the sign structure can be no less than 90 and no more than 120 percent of the width of the base.

SIGN, NEON – A sign containing glass tube lighting in which gas and phosphors are used in combination to create a colored light.

SIGN, OFF-PREMISE – A sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such a sign is located or to which it is affixed. Such signs may or may not be of the pole sign variety.

SIGN, ON-PREMISE – Any sign identifying or advertising a business, person, activity, goods, services, or products, located on the premises where the sign is installed and maintained.

SIGN, POLE – A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the sign face is six feet or more above the grade. Such signs are prohibited within the City, except within 500 feet of a Federal Interstate Highway. Also called a PYLON SIGN.

SIGN, POLITICAL - A sign attracting attention to political candidates or issues, expressing support for a candidate for public office or another position regarding a public figure or issue, but bearing no commercial message.

SIGN, PORTABLE - Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; and balloons used as signs. Such signs are prohibited within the City.

SIGN, POST AND PANEL – A sign consisting of one or more panels which are supported between two posts permanently anchored in the ground.

SIGN, PROJECTING - Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

SIGN, PUBLIC EVENT BANNER – A banner sign advertising or announcing a special community wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit corporation. A special community wide event or activity is one that occurs not more than twice in any twelve (12) month period and seeks to attract donations, participants, or customers throughout the city.

SIGN, PUBLIC INFORMATION – Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local government authorities.

SIGN, PYLON – See SIGN, POLE.

SIGN, REAL ESTATE - A sign advertising real property for sale or for lease.

SIGN, ROOF – A sign erected above the eaves of a building.



SIGN, SANDWICH BOARD - A sign not permanently attached to the ground or some type of permanent structure; a sign connected to or located on A or T frames; a two-sided sign attached to boards.

SIGN, SHINGLE – A sign suspended from and located entirely under a covered porch, covered walkway, or an awning. See SIGN, SUSPENDED.

SIGN, SPECIAL EVENT – A sign advertising or announcing a special community wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, or a nonprofit corporation. A special community wide event or activity is one that occurs not more than twice in any twelve (12) month period and seeks to attract donations, participants, or customers throughout the City.

SIGN, SUSPENDED - A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

SIGN, TEMPORARY - Any sign that is used only temporarily and is not permanently mounted, and that can be used only for a designated period of time.

SIGN, TRAFFIC - A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle or pedestrian movement.

SIGN, V-TYPE – A type of sign with two faces connected at one end, but facing away from each other at angles that impart a “V” shape to the sign. For purposes of computing surface area, such signs are two separate signs if the angle between the two outer surfaces is less than 60 degrees; otherwise the wings shall be considered one sign.

SIGN, WALL - Any sign painted on or attached to and extending not more than six (6) inches from an exterior wall in a parallel manner.

SIGN, WINDOW - Any sign that is applied to the inside of glassed areas of a building. Such signs shall be treated as wall signs.

SINGLE FAMILY RESIDENTIAL. Any development where: 1) no building contains more than one dwelling unit; 2) every dwelling unit is on a separate lot; and 3) where no lot contains more than one dwelling unit.

SITE, BUILDING – See “BUILDING SITE.”

SITE PLAN. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features for a specific parcel of land.

SNACK BAR/ SNACK SHOP – An establishment similar to a restaurant, but limited to the extent that no food is cooked on the premises other than heating by a microwave oven or similar heating device, no drive-through windows exist on the premises, and seating for customers does not exceed twelve (12).

**SNOW CONE STAND** – is a portable building where snowballs are made and sold, with no permanent seating and shall not operate for more than six (6) months on the same lot or parcel, for any consecutive twelve (12) month period, measured from the date of issuance of a certificate of occupancy. It shall have a maximum floor area of 14 square feet.

**SOUVENIR SHOP** – An establishment primarily engaged in selling souvenirs, including T-shirts but excluding books, magazines or maps, which serve as a token of remembrance of the City and which bear the name of the City or geographic areas or streets thereof, or of events associated with the City.

**SPA** - A facility offering therapeutic baths, massages, and saunas.

**SPORTING GOODS** - An establishment primarily engaged in selling sporting goods, sporting equipment and accessories.

**STACKING LANE** – An area for temporary queuing of motor vehicles.

**STAFF** – Employees of the St. Gabriel Planning Department, or other City of St. Gabriel department if specifically referenced.

**STATE** - The State of Louisiana, unless otherwise specified.

**STEALTH TECHNOLOGY** - Towers designed with alternative design structures such as clock towers, artificial trees and similar non-traditional structures that are compatible with the surroundings and camouflage or partially conceal the presence of telecommunications towers. Antennae erected on alternative structures such as ball field light poles, electric utility poles, water towers and similar existing structures.

**STORAGE, OUTSIDE** – The storage, collection or display for more than three (3) consecutive days, or any part of a day for three consecutive days, of any products, materials, equipment, appliances, vehicles not in service, and/ or personal property of any kind on an unenclosed, uncovered area.

**STORMWATER MANAGEMENT** – Any storm water management technique, apparatus, or facility that controls or manages the path, storage, or rate of release of storm water runoff. Such facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

**STORY** – That portion of a building comprised between a floor and a floor or roof next above. The first floor of a two- or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutive

**STREET** – A street is a public or private thoroughfare which affords the principal means of access to abutting property.

STREET, ARTERIAL – A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

STREET, COLLECTOR – A street which primarily collects traffic from local streets and feeds it to an arterial street. Collector streets provide circulation within neighborhood areas.

STREET ENCLOSURE – An urban design principle whereby street space is semi-enclosed by placing building facades and/or street trees close to the curbs on both sides of the street, with as few gaps as possible. It is understood that this type of enclosure promotes pedestrian comfort, safety and visual interest. An ideal ratio for enclosure is 3:1, whereby the front facades of buildings on opposite sides of the streets are separated by not more than three (3) times their average height. Any ratio smaller than 6:1 is generally regarded as ineffective in achieving enclosure.

STREET FRONTAGE - The distance for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same street.

STREET, PRIVATE - Any road or street that is not publicly owned and maintained, used for access by the occupants of the development, subdivision, or mobile home park and their guests.

STREET, RESIDENTIAL – A street used primarily for access to abutting properties, usually residential.

STREET WALL – The wall or part of the building nearest to the street line.

STREET LINE – See “LINE, STREET.”

STREET (PUBLIC ROAD, PUBLIC STREET, LANE, WAY, TERRACE, DRIVE) – A dedicated and accepted public right-of-way used, or intended to be used, for passage or travel by motor vehicles which affords the principal means of access to abutting properties.

STREET, PRIVATE – Any right-of-way or area set aside to provide vehicular access which is not dedicated or intended to be dedicated to the City of St. Gabriel or the State of Louisiana, and which is not maintained by the City of St. Gabriel or the State of Louisiana.

STRUCTURAL ALTERATIONS – Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams, or girders.

STRUCTURAL ALTERATION, SIGN – A change in the supportive structure of a sign such as support beams or poles, uprights or braces, cabinet supports, or any rebuilding of the supportive elements of a sign or any action that changes the height, size or shape of a sign or any action that affects the structural supports of a sign so as to prolong the life of a sign.

STRUCTURE –Anything constructed or erected the

STRUCTURE – An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, poles, water towers, cranes, smokestacks, earth formations and overhead transmission lines, in which the use of which required more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

STRUCTURE, PERMANENT – A structure built of materials or constructed in a manner that would commonly be expected to remain useful for a substantial period of time.

STRUCTURE, TEMPORARY – A structure built of materials or constructed in a manner that would commonly be expected to have relatively short useful life, or built for a purpose that would be expected to be relatively short-term in duration.

STRUCTURE, DETACHED – A structure with no vertical common or party wall with another structure.

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION – All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by these rules:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of these rules;
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of streets;
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of these rules. The division of a tract into plots or lots used as a cemetery

SUBDIVISION REGULATIONS - The Subdivision Regulations of the City of St. Gabriel, Louisiana, effective December 1, 2002 and as amended.

SWIMMING POOL – A pool or tub constructed either above or below grade and having a capacity of 1,000 or more gallons.

TANNING STUDIO – Any business that uses artificial lighting systems to produce a tan on an individual's body. The use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

TATTOO PARLOR/ BODY-PIERCING STUDIO – An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAXI – Any motor vehicle other than a limousine offered to the public by a taxicab service for the purpose of carrying or transporting passengers for a charge or a fee.

TAXICAB SERVICE – A service that offers transportation in passenger automobiles or vans to persons for compensation.

TELECOMMUNICATIONS, CLASS I -- Facilities such as television antennas, ham radio antennas, am/fm reception. No Class I facility may be utilized for cell phone reception.

TELECOMMUNICATIONS, CLASS II -- Facilities such as antennae and associated electronic equipment designed expressly for use by cell phone companies, as regulated under the Federal Telecommunication Act of 1996, that are not intended to be supported by or attached to a new telecommunications tower, as defined. They may be attached to existing, permitted tower structures, as provided for in this Ordinance.

TELECOMMUNICATIONS, CLASS III -- Facilities such as antennae and associated electronic equipment that is supported by or attached to a new telecommunications tower, as defined herein, and is designed expressly for use by cell phone companies, as regulated under the Federal Telecommunications Act of 1996.

TEMPORARY LIGHTING - Lighting installed or erected for a specific purpose or activity and on a non-permanent basis. Temporary lighting must be removed once the purpose or activity is discontinued.

TERMINAL, TRUCK or TERMINAL, MOTOR FREIGHT – Any premises used by a motor freight company regulated by the public utility commission and/ or the Interstate Commerce Commission as a carrier of goods, which is the origin and / or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

THEATER, DRIVE-IN – See “DRIVE-IN ESTABLISHMENT.”

TOURIST HOME – A tourist home is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TOWING SERVICE – Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

TOWNHOUSE – A townhouse is a single-family dwelling forming one of a group or series of two or more attached single-family dwellings, separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.

TOXIC SUBSTANCE. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

TRAFFIC IMPACT ANALYSIS – A formal analysis prepared by a traffic engineer or transportation planner, on the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

TRAILER – A trailer is any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motor power or other means. The term “trailer” shall include camp car and house car.

TRAILER PARK – See “MOBILE HOME PARK.”

TRANSITIONAL BUFFER. A landscaped area that buffers between land uses of varying intensities on the perimeter of the building site. Does not apply to land fronting on a public right-of-way

TRANSIENT AMUSEMENT ENTERPRISE – Bazaars, carnivals, circuses or other similar transient amusement enterprise.

TRAVEL TRAILER. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and to be towed behind a motor vehicle, being either of a gross weight of not more than four thousand five hundred pounds or an overall length of not more than thirty feet.

TRANSFER OF OWNERSHIP OR CONTROL: of a sexually oriented business shall mean any of the following:

1. Sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or

3. The establishment of a trust, gift, or similar legal device which transfers the ownership or control of the business, except for the transfer by bequest or other operation of law upon the death of the person possessing ownership or control.

TREE - A plant having at least one well defined stem or trunk and normally attaining a mature height of at least ten (10) feet, with an average mature spread of ten (10) feet, and having a trunk that shall be kept clear of leaves and branches at least six (6) feet above grade at maturity.

TRUCK STOP – A structure or land intended to be used primarily for the sale of fuel for trucks and usually incidental service or repair of trucks; or a group of facilities consisting of such uses and attendant eating, sleeping, or truck parking facilities. As used in this definition, the term “truck” does not include any vehicle whose maximum gross weight is 10,000 pounds or less.

UNNECESSARY or UNDUE HARDSHIP – A hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

UPHOLSTERY/INTERIOR DECORATING SERVICE - An establishment offering re-upholstery and repair services and specific upholstery materials for sale.

USE – The use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY – See “ACCESSORY USE”.

USE, CONDITIONAL – A conditional use is one allowed in certain districts at the discretion of the Planning Commission provided it meets criteria set forth in this Ordinance.

USE, EXISTING – The use of land, buildings or activity permitted or in existence prior to the adoption of this ordinance and subsequent amendments.

USE, PERMITTED – A use listed in the Grid of Allowed Uses as a permitted use, subject to the design standards and other restrictions applicable to that zoning district.

USE, PRINCIPAL – A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

USE, ACCESSORY: An accessory use in one which (1) is subordinate to and serves a principal structure or principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this ordinance, and (4) is customarily incidental to the principal structure or use.

USE, TEMPORARY: A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

USE, PUBLIC – A use by an agency or department of the city, parish, state, or federal government. This shall also include public utilities or uses by any organization that receives funding either all or in part from any agency or department of the city, parish, state, or federal government. This shall also include buildings and premises used in the operation of the public use.

UTILITY – A public or private distribution service to the public that is regulated by the Louisiana Public Service Commission.

VARIANCE, ZONING. A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

VETERINARY CLINIC - A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. Veterinary clinic shall not include the boarding or training of animals, except for medical purposes and shall not provide outdoor runs or kennels. Also includes veterinary hospital.

VIDEO GAMING or LOTTERY – A lottery that allows a game to be played utilizing an electronic computer and an interactive terminal device, equipped with a video screen and keys, a keyboard or other equipment allowing input by an individual player, into which the player inserts coins or currency as consideration in order for play to be available, and through which terminal device, the player may receive free games or a voucher that can be redeemed for a cash or non-cash prize, or nothing, determined wholly or predominantly by chance. "Video lottery" does not include a lottery game that merely utilizes an electronic computer and a video screen to operate a lottery game and communicate the results of the game and which does not utilize an interactive electronic terminal device allowing input by one or more players. Video gaming or lottery shall be regulated in accordance with all applicable State and other regulations.

VIDEO GAMING or LOTTERY ESTABLISHMENT – An establishment at which any form of gambling of chance is permitted or played, including "video lottery" machines licensed by the appropriate Louisiana Codes and Commissions, but excluding establishments that only sell lottery tickets.

VIDEO RENTAL STORE – An establishment primarily engaged in the retail rental or lease of videotapes, films, CD-ROMs, DVDs, electronic games, cassettes or other electronic media. Sale of film, videotapes, laser discs, CD-ROMs, DVDs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.

WALL, EXTERIOR - A vertical, structural component of a building which encloses habitable or usable space; a parapet extending not more than twelve inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

WAREHOUSE - Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise and odors, but not involved in manufacturing or production.



WAREHOUSING AND DISTRIBUTION - An establishment involved in storing, stocking or distributing of merchandise or commodities.

WELLNESS CENTER - An establishment in which any combination of the following activities are provided: stress management, aerobics and other exercise programs, nutrition counseling, complementary medicine, physical therapy, cardiac rehabilitation therapy and other similar noninvasive health-related activities.

WHOLESALE ESTABLISHMENT – A wholesale establishment is a business establishment engaged in selling to retailers or jobbers rather than consumers.

WRECKER OPERATOR – Any person, firm, partnership, corporation or association engaged in the business of providing wrecker and towing services and providing facilities for the storage of motor vehicles.

YARD – A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT – An open space on the same lot with a principal building, extending the full width of the lot, and situated between the front property or street right-of-way line and the front line of the building (exclusive of steps) projected to the sidelines of the lot.

YARD, REAR – An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

YARD, SIDE – An open, unoccupied space on the same lot with the principal building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

ZONING – The division of a municipality into districts or zones which specify permitted and conditional uses and development standards for real property within the districts or zones.

ZONING DISTRICT – See “DISTRICT.”

ZONING MAP – The map or maps that geographically illustrate all zoning district boundaries within the City of St. Gabriel, as described within this Ordinance, and which is certified as the official zoning map for the City.

**Article XXIII. MAPS**