



Zachary, Louisiana  
*Unified Development Code*



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12/12/2023



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**Ordinance 2023-20** ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO AMEND ITS UNIFIED DEVELOPMENT CODE - ARTICLE 4 STORMWATER MANAGEMENT AND OPEN SPACES TO INCLUDE POLICY CHANGES AND PRACTICES PERTAINING TO CONSTRUCTION BEST MANAGEMENT PRACTICES ENFORCEMENT TO BE ADDED AS §4.301(C) AND TO CREATE DIVISION 4.500 TO BE ENTITLED ILLICIT DISCHARGE ENFORCEMENT PROCEDURES AND FOR ACTIONS IN FURTHERANCE OF THE SAME AND IN ACCORDANCE THEREWITH

**Ordinance 2021-18** (also referenced as the Group 4 Update)  
ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO AMEND AND TO UPDATE THE UNIFIED DEVELOPMENT CODE AND WHICH ARE DESCRIBED AS “GROUP 4” AMENDMENTS AND FOR ALL RELATED MATTERS IN FURTHERANCE

**Ordinance 2021-02**  
ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO AMEND ARTICLE 2 - DISTRICT INTENSITY AND DEVELOPMENT STANDARDS OF THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF ZACHARY RELATED TO RESIDENTIAL LOT, YARD, AND HEIGHT STANDARDS BY AMENDING TABLES 2.201, 2.301A AND 2.301B AND FURTHER TO AMEND ARTICLE 6 – SUBDIVISION DESIGN AND LAND DEVELOPMENT OF THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF ZACHARY RELATED TO DESIGNATED OPEN SPACES DESIGN STANDARDS DURING DEVELOPMENT AND DESIGN BY AMENDING § 6.406 AND FOR ALL RELATED MATTERS IN FURTHERANCE

**Ordinance 2020-14** (also referenced as the Group 3 Update)  
UPDATE TO THE UNIFIED DEVELOPMENT CODE – WHICH ARE DESCRIBED AS BEING THE GROUP 3 AMENDMENTS AND FOR ALL RELATED MATTERS IN FURTHERANCE....

- Zachary Mobile Vendors Regulations
- Article 1 Zoning Districts; Uses and Accessory Uses
- Article 2 Parcel, Site and Development Standards
- Article 11 Design Standards (no additions)
- Article 13 Administrative Bodies
- Article 14 Permits and Procedures
- Article 18 Definitions

**Ordinance 2020-10** (also referenced as the Group 2 Update)  
UPDATE TO THE UNIFIED DEVELOPMENT CODE - ARTICLE 1 ZONING DISTRICTS, ARTICLE 2 PARCEL SITE AND DEVELOPMENT STANDARDS, ARTICLE 3 ENVIRONMENTAL QUALITY, ARTICLE 6 SUBDIVISION DESIGN, ARTICLE 7 STORMWATER, ARTICLE 8 STREETS, ET AL AND ARTICLE 14 PERMITS AND PROCEDURES AND WHICH ARE DESCRIBED AS GROUP 2 AMENDMENTS AND FOR ALL RELATED MATTERS IN FURTHERANCE.

**Ordinance 2019-16** (also referenced as the Group 1 Update)  
UPDATE TO UPDATE ARTICLE 1 ZONING DISTRICTS, ARTICLE 2 DISTRICT INTENSITY AND DEVELOPMENT STANDARDS, ARTICLE 9 PARKING, LOADING, ACCESS AND LIGHTING, AND ARTICLE 18 DEFINITIONS OF THE ZACHARY UNIFIED DEVELOPMENT CODE.

# ARTICLE 1 TITLE, AUTHORITY, ENFORCEMENT AND ZONING DISTRICTS RULES

## Division 1.100 Title; Reference; Authority; and Jurisdiction

### Sec. 1.101 Title; Reference

- A. **Title.** This Code shall be known as "The City of Zachary, Louisiana, Unified Development Code."
- B. **Reference.** This Code is referred to herein as "UDC."

### Sec. 1.102 Authority

- A. **Constitutional Authority.** The constitutional authority for this UDC is established by:
  - 1. Article 6, Section 5(E), Louisiana Constitution, *Home Rule Charter - Structure and Organization; Powers; Functions.*
  - 2. Article 6, Section 17, Louisiana Constitution, *Land Use; Zoning; Historic Preservation*
- B. **Charter Authority.** The home rule charter authority for this UDC is established by:
  - 1. Section 1-05, City of Zachary Home Rule Charter, *General Powers.*
  - 2. Section 1-06, City of Zachary Home Rule Charter, *Special Powers.*

### Sec. 1.103 Jurisdiction

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

## Division 1.200 Applicability; Private Restrictions; and Vested Rights

### Sec. 1.201 Applicability

- A. **Generally.** No land shall be used or developed except in accordance with this UDC. All the following are subject to the applicable requirements of this UDC, and may require one or more development permits:
  - 1. The use of any building, structure, land, or water, including new uses, existing uses (which may be subject to [Article 12, Nonconformities](#)), or expanded uses.
  - 2. The construction of buildings, structures, and infrastructure.
  - 3. Landscaping, but not including routine landscape maintenance, landscaping of individually owned residential lots, and agricultural and forestry operations.
  - 4. Outdoor lighting.
  - 5. Land clearing in anticipation of development for non-agricultural or non-forestry purposes.
  - 6. The posting of signs.
  - 7. Any other disturbance of land, soil, vegetation, or waterways, including alteration of land for development or other purposes.
  - 8. Any division of land or land development, for sale or lease, whether by metes and bounds, subdivision, or land development.
- B. **Specific Exceptions.** Specific exceptions to the requirements of this UDC may be set out in individual

Articles, Division, or Sections.

### **Sec. 1.202 Exceptions and Exemptions**

- A. **Exceptions.** Any development granted final approval prior to the adoption and/or amending of this UDC shall be controlled by the development standards in place at the time of approval, including provisions for extension and expiration of approvals and permits.
- B. **Exemptions.** The following are exempt from the provisions of this UDC:
1. Railroad tracks and rail sidings on railroad property.
  2. Construction of state or federal highways.
  3. The temporary use of any property as a voting place in connection with a public election.
  4. Agricultural operations that were established outside the City limits and subsequently annexed into the City. However, the City may prohibit or regulate agricultural operations that are negligently operated or that are not operated in accordance with generally accepted agricultural practices. (See RS 3:3607, the Louisiana Right to Farm law, subsection B.4.).

### **Sec. 1.203 Private Restrictions**

- A. **Private Restrictions.** The City will not interpret, search for, or enforce private restrictions to which it is not a party or to which it has no explicit right of enforcement.

## **Division 1.300 Purposes**

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### **Sec. 1.301 General Purposes**

- A. **General Purposes.** The general purposes of this UDC are to promote the public health, safety and general welfare by:
1. Protecting the quality of life of City residents;
  2. Ensuring that the community grows with adequate streets, sidewalks, public ways and utilities, and health, educational, and recreational facilities by:
    - a. Promoting the orderly growth, development, improvement, and redevelopment of the community; and
    - b. Protecting natural resources and the environment, including potable water supplies;
  3. Ensuring that the needs of business and industry are recognized by:
    - a. Providing for sufficient commercial and industrial property to allow for economic development within the City;
    - b. Providing for a fair, orderly, and efficient development review process; and
    - c. Protecting the value of property and buildings;
  4. Ensuring that residential areas provide healthful surroundings for family life;
  5. Protecting the fiscal and functional integrity of the City by:
  6. Preserving, enhancing, and protecting the unique and special character of the City, by:
    - a. Implementing the City's Comprehensive Plan;
    - b. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;

- c. Promoting the preservation, enhancement, development, and redevelopment of a variety of housing types at a variety of price points, in order to provide decent housing opportunities to a broad market;
  - d. Minimizing and mitigating conflicts among adjacent land uses; and
  - e. Preserving and protecting places and areas of historical, cultural, scenic, or architectural importance and significance.
- B. **Specific Purposes.** Specific purposes of this UDC may also be set out in individual Articles, Divisions, or Sections.

## Division 1.400 Enforcement

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### Sec. 1.401 Violations

No land in the City of Zachary shall be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of this UDC.

### Sec. 1.402 Enforcement Procedures

- A. **Generally.** The procedures of this Section are available to the City to enforce this UDC and the terms of any development order issued hereunder or under prior zoning regulations. Nothing in this Section shall be interpreted to prevent the City from taking any other legal action it deems necessary or appropriate for preventing or abating a violation of this UDC, including the immediate pursuit of extraordinary remedies in a court of competent jurisdiction.
- B. **Notice of Violation.**
1. *Generally.* Prior to the commencement of any criminal prosecution of any person, natural or juridical, the appropriate City official shall order in writing the remedying of any condition found to exist in violation of the UDC.
  2. *Contents of Order.* The order, or notice of violation, shall contain:
    - a. The name and address of the owner or applicant;
    - b. The address when available or a description of the building, structure or land upon which the violation is occurring;
    - c. A statement specifying the nature of the violation;
    - d. A description of the remedial measures necessary to bring the development activity into compliance with this UDC and a time schedule for the completion of such remedial action;
    - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
    - f. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 10 days of service of notice of violation.

**Stop Work Orders.** If development is ongoing, persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the responsible official or designee confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in penalties in accordance with the enforcement measures authorized in this UDC (see Section 1.403, *Remedies*) and the *City of Zachary Code of Ordinances*.

### Sec. 1.403 Remedies

- A. **Generally.** The City may pursue any appropriate remedy to redress a violation of this UDC, including the general penalties set out in [Section 1-12, General Penalty, City of Zachary Code of Ordinances](#). If the City prevails in court proceedings to enforce this UDC, it may seek reimbursement of its litigation expenses, costs, and fees from the violator.
- B. **Penalties.** Any person or corporation who shall violate any of the provisions of this UDC or fail to comply therewith or with any of their requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or both such fine and imprisonment. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this UDC shall be placed or shall exist, and any architect, builder, contractor, individual person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided. The City Council may establish a schedule of fines for violations of this UDC by resolution. Such fines shall not exceed \$1,000 per violation.

## **Division 1.500 Legal Status**

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### **Sec. 1.501 Severability**

- A. **Generally.** If any division, section, paragraph, clause, provision, or portion of this UDC is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this UDC shall not be affected. If any application of this UDC to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction "as-applied," such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

### **Sec. 1.502 Repealer**

The following Chapters and Sections of the *City of Zachary Code of Ordinances* that existed on the Effective Date prior to the adoption of this UDC are repealed:

1. Chapter 54, *Manufactured Housing, Trailers, Campers and Motor Homes, Division I, Standards for Construction and Development of New Mobile Home Parks*
2. Chapter 73, *Site Plan Review*
3. Chapter 74, *Subdivisions*
4. Chapter 90, *Zoning*, except Article III, *Airport Location and Vicinity Compatible Land Use Zoning Ordinance*, and Article IV, *Noise Impact Zones and Restrictions*
5. Section 86-92, *Imposition of Utilities Infrastructure Fee*
6. Section 86-93, *Computation of the Utilities Infrastructure Fee*
7. Section 86-94, *Payment of Utility Infrastructure Fee for New Subdivision Developments*
8. Section 74-45, *Schools, Parks, Playgrounds, Other Public Areas*
9. Section 74-41, *Street Names*

### **Sec. 1.503 Conflicting Provisions**

- A. **Generally.** In the event that the provisions of this UDC conflict with each other or with other Sections of the City of Zachary Code of Ordinances, the more restrictive provision shall control.
- B. **State and Federal Law.** No part of this UDC relieves any applicant from compliance with applicable

provisions of State or Federal law. If a use, structure, operational characteristic, construction technique, environmental impact, or other matter is prohibited by State or Federal law, it is also prohibited in the City. Likewise, if a matter is regulated by State or Federal law, then compliance with State or Federal law does not relieve the applicant from compliance with this UDC, unless the application of this UDC is legally preempted.

## **Division 1.600 Official Zoning Map**

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### **Sec. 1.601 Official Zoning Map**

- A. **General.** The "Official Zoning Map of the City of Zachary," (referred to hereinafter as "Zoning Map") which is attached hereto and made part of this Unified Development Code ("UDC"). The zoning map shall be on file at City Hall and copies shall be available for inspection and copying at City Hall.
- B. **Force and Effect.** The Zoning Map and all notations, references, and other information shown on it are a part of this UDC and have the same force as the UDC.
- C. **Status of Official Zoning Map.** The Zoning Map that is on file in the City Hall shall control in the event of a conflict between the map that is on file and any other reproduction of said map.

### **Sec. 1.602 Interpreting the Official Zoning Map**

- A. **Generally.** The precise location of any zoning district boundary line shown on the Zoning Map shall be defined by the rules of this Section.
- B. **Identifiable Features.** Where zoning district boundary lines appear to follow identifiable features, their location shall be determined by applying the rules of this subsection in order from 1. to 4.:
  - 1. *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where streets or alleys on the ground differ from streets or alleys shown on the Zoning Map, the streets or alleys on the ground control.
  - 2. *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shall be construed as following such lines.
  - 3. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
  - 4. *Parallel to Features.* Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in paragraphs 1. through 3., above, shall be construed to be parallel to such features and at such distances as are shown on the Zoning Map.
- C. **Un-subdivided Land or No Identifiable Feature.** On un-subdivided land, or where a district boundary follows no identifiable feature, the location of district boundaries shall be determined by applying the following rules in order from 1. to 3., until the boundaries are known:
  - 1. *Legal Description.* The boundary shall be according to the legal description in the ordinance establishing the district boundaries.
  - 2. *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the Zoning Map, if any.
  - 3. *Map Scale.* The boundary shall be located using the map scale appearing on the Zoning Map.



### **Sec. 1.603 Annexed or Undesignated Land**

- A. **Annexed Land.** Annexation of land into the City of Zachary shall follow the processed outlined in Article 14. Permits and Procedures.
- B. **Undesignated Land.** It is the intent of the City Council that all land within the City be zoned. Therefore, any land that is not assigned a zoning district on the Zoning Map shall be zoned Rural Residential (RR) until the City Council makes a decision on a Zoning Map Amendment for the property in question.

## **Division 1.700 Zoning Districts and Uses**

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### **Sec. 1.701 Zoning District References Updated**

#### **A. Zoning Districts Updates**

1. Per the adoption of Ordinance 2019-16, effective October 24, 2019, any and all references to either the "Commercial Services" or "CS" zoning district in this UDC, the official zoning map of the City of Zachary, and/or any other development code of the City of Zachary are shall be an CN Neighborhood Commercial District.
2. Per the adoption of Ordinance 2020-10, effective August 7, 2020, any and all references to either the "Agriculture and Forestry" or "AF" zoning district in this UDC, the official zoning map of the City of Zachary, and/or any other development code of the City of Zachary shall be an RR Rural Residential District.

### **Sec. 1.702 Prohibited Uses in All Districts**

The following uses are prohibited in all zoning districts:

1. Intensive agriculture.
2. Disposal facilities involving radioactive materials.
3. Uses that are prohibited by state law, or that necessarily involve operations or products that are prohibited by state law.
4. Uses that are prohibited by federal law, or that necessarily involve operations or products that are prohibited by federal law.

### **Sec. 1.703 Unlisted and Functionally Similar Uses**

- A. **Generally.** If a proposed use is not listed in this UDC, or if the definition of a use is not obvious as applied to a proposed use, then the responsible official shall decide whether the proposed use is either a subcategory of a permitted, limited, or conditional use, or a use that is functionally comparable to a permitted, limited, or conditional use. In making this determination, the responsible official shall apply the following criteria:
  1. A proposed use is a subcategory of a permitted, limited, or conditional use if:
    - a. Its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted, limited, or conditional use; and
    - b. With regard to each of the decision criteria enumerated in subsection B., the proposed use's impacts are not materially greater than the permitted, limited, or conditional use with the more general NAICS code.
  2. A proposed use is functionally comparable to a permitted, limited, or conditional use if, with regard to each of the decision criteria enumerated in subsection B., the proposed use has no greater impacts than the permitted, limited, or conditional use with which it is functionally similar.

B. **Decision Criteria.** The following decision criteria shall be evaluated when the responsible official decides whether a proposed use is a subcategory of, or is functionally comparable to, a permitted, limited, or conditional use:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and trucks);
3. Water demand;
4. Solid waste generation;
5. Impervious surface;
6. Noise;
7. Lighting;
8. Dust;
9. Odors;
10. Potentially hazardous conditions, such as projectiles leaving the site;
11. Use and storage of hazardous materials;
12. Character of buildings and structures;
13. Character of operation; and
14. Hours of operation.

C. **Effect of Responsible Official's Determination.**

1. If the responsible official approves an application for a decision pursuant to this Section, then the use is allowed as a permitted or conditional use, with the same restrictions as the use to which it was compared for the purposes of the favorable decision.
2. If the responsible official determines that a proposed use is not a subcategory of, or functionally comparable to, a permitted or conditional use, then the proposed use is a prohibited use.

# ARTICLE 2 RESIDENTIAL ZONING DISTRICTS

## Division 2.100 Residential Zoning Districts

### Sec. 2.101 Residential Zoning Districts

A. **Generally.** Table 2.101 contains general information on the residential zoning districts in the City of Zachary.

Table 2.101 Residential Zoning Summary Table		
District Name	District Code	District Purpose and Description
<b>Residential</b>		
Rural Residential	RR	<b>Generally.</b> This district is a use-based district intended to permit rural residential, agriculture and forestry to be the primary use of land, and restrict uses or activities that interfere with agriculture or where owners would be impacted by the noise, dirt, or odors associated with agricultural uses.
		<b>Character.</b> This district is rural in character
		<b>Uses.</b> Rural single-family residential, agriculture and forestry are the primary use of the land. Other uses are limited to those that are supportive of or similar to the primary residential, agricultural or forestry use.
		<b>Infrastructure.</b> Water and sewer may be provided on-site or by public systems.
Estate Residential	RE	<b>Generally.</b> This district is a very low-density residential district. It is intended to provide for the use of areas that are not presently accessible to the City's urban services. It is intended that this land remain undeveloped until services can be extended, but the district provides a development option.
		<b>Character.</b> This district is semi-rural in nature, which is characterized by a balance between the landscape and buildings that favors the landscape. On-site landscaping and tree-lined streets shelter the buildings. Open space and low proportions of impervious surfaces characterize the built environment. Development clustering may be used to ensure an adequate amount of open space will be available upon build-out to enhance neighborhood character and the lifestyle of residents.
		<b>Uses.</b> This district is intended to allow residential neighborhoods. Recreational uses that serve the neighborhoods are permitted but are restricted in scale to preserve the safety and integrity of the neighborhood streets.
		<b>Infrastructure.</b> Public water is required; sewer treatment may be provided on-site
Suburban Residential	RS	<b>Generally.</b> This district is the primary residential district for the City. It is intended to permit a wide range of residential uses on larger lots, and to encourage a variety of housing types.
		<b>Character.</b> This district is suburban in nature, which is characterized by a balance between the landscape and buildings, with on-site landscaping and tree-lined streets that shelter the buildings. Open space and low proportions of impervious surfaces characterize the built environment. Development clustering will ensure an adequate amount of open space will be available upon build-out to enhance suburban character and the lifestyle of residents.
		<b>Uses.</b> This district is intended to allow residential neighborhoods, while permitting a range of housing types to meet all residential needs. Institutional and recreational uses that serve the neighborhoods are permitted but are restricted in scale to preserve the safety and integrity of the neighborhood streets.
		<b>Infrastructure.</b> Public water and sewer are required.
Urban Residential	RU	<b>Generally.</b> This district is the highest intensity residential district. It is intended to permit a wide range of residential uses and encourage a variety of housing types. It is located near the traditional downtown and near major shopping areas and employment centers.
		<b>Character.</b> This district has an urban character, which is characterized by residential buildings that cover a large percentage of the lot and are spaced closely enough to create a perception of street enclosure.
		<b>Uses.</b> This district is intended to create higher density residential neighborhoods to meet the community's housing needs for higher density and infill housing development. Institutional and recreational uses that serve this urban neighborhood environment are permitted and encouraged.
		<b>Infrastructure.</b> Public water and sewer are required.

## **Division 2.200 Residential Zoning Districts Use Tables**

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### **Sec. 2.201 Interpretation of Use Tables**

- A. **Generally.** The tables list uses in rows and zoning districts in columns. Where rows and columns intersect, a letter indicates if the use is permitted, conditional, or prohibited in the district.
- B. **Symbols.** All the tables use the following symbols:
  - 1. "P" means that the use is **Permitted**. Permitted uses are approved by the issuance of use permits pursuant to Article 14, Permits and Procedures.
  - 2. "C" means that the use is a Conditional Use, subject to all conditional use requirements and standards in the UDC and pursuant to Article 14, Permits and Procedures.
  - 3. "-" or an empty cell means that the use is **Prohibited** in that district.
- C. **Use Standards.** This column references required development standards for uses listed in the use tables. Additional standards for uses may be located elsewhere in this UDC.

**Sec. 2.202 Residential Districts: Residential, Institutional and Overlay/Special Uses**

Table 2.202 Residential: Residential and Institutional Uses and Overlay Districts													
Land Use	Zoning District										Use Standard		
	RR	RE	RS	RU									
<b>Residential Uses</b>													
<i>Housing Types</i>													
Dwelling, Single-Family Detached	P	P	P	P									Sec. 2.303
Dwelling, Single-Family Detached Cluster			P	P									Sec. 2.304
Dwelling, Single-Family Attached				P									Sec. 2.305
Dwelling, Multifamily				P									Sec. 2.306
Manufactured Home	P	C	C	C									Sec. 7.201
Manufactured Home Park or Subdivision	C	C	C	C									Sec. 7.201
<i>Special Housing Types</i>													
Community Homes	C	-		P									Sec. 7.201
Residential Eldercare Facilities	C			P									Sec. 7.201
Institutional Residential	C	C	C	C									Sec. 7.201
<i>Residential Home Uses</i>													
Home Office/Occupation	P	P	P	P									Sec. 7.201
Home Business	P	C	C	C									Sec. 7.201
Day Care Home	P	P	C	C									Sec. 7.201
Bed and Breakfast	C	C	C	C									Sec. 7.201
<b>Institutional Uses</b>													
Cemetery	P	C	C										Sec. 7.201
Cultural Facility	C	C	C	C									Sec. 7.201
Educational Facility, Primary or Secondary	P	P	P	P									Sec. 7.201
Educational Facility, University or Vocational				C									Sec. 7.201
Hospitals	-	-	-	-									Sec. 7.201
Parks and Playgrounds	C	C	C	C									Sec. 7.201
Place of Worship	P	P	P	P									Sec. 7.201
Private Residential Recreation Facilities	C	p	p	P									Sec. 7.201
Protective Care	C	C	C	C									Sec. 7.201
Public Service	P	C	C	-									Sec. 7.201
<b>Overlay and Special Districts</b>													
Traditional Neighborhood Development (TND)		P	P	P									Division 6.500
Planned Unit Development (PUD)		P	P	P									Division 6.400
Zachary Downtown Overlay (ZD)			P	P									Division 6.300
<b>TABLE NOTES:</b>													
1.													

**Sec. 2.203 Residential Districts: Commercial Uses**

Table 2.203 Residential Districts: Commercial, Recreation, and Amusement Uses													
Land Use	Zoning District										Use Standard		
	RR	RE	RS	RU									
<b>Commercial Uses</b>													
Agricultural Support / Other Rural Services	P	-	-	-									Sec. 7.201
Campgrounds	P	C	-	-									Sec. 7.201
Commercial Amusement/Recreation Indoor	C	-											Sec. 7.201
Commercial Amusement/Recreation, Outdoor	P	-		C									Sec. 7.201
Commercial Retail	C	-											Sec. 7.201
Day Care Center	C			C									Sec. 7.201
Financial Institution				C									Sec. 7.201
Kennel/Pet Day Care	C	-											Sec. 7.201
Mini-Warehouse/Self-Storage	C												Sec. 7.201
Nursery or Greenhouse	P			-									Sec. 7.201
Office	-	-		C									Sec. 7.201
Private Club	C	C		C									Sec. 7.201
Reception Facility	C			C									Sec. 7.201
Veterinarian	C	-											Sec. 7.201

**Sec. 2.204 Residential Districts: Industrial, Agricultural, and Special Uses**

Table 2.204 Residential Districts: Industrial, Agricultural and Special Uses													
Land Use	Zoning District										Use Standard		
	RR	RE	RS	RU									
<b>Industrial, Agricultural, and Special Uses</b>													
Extraction	C	-	-	-									Sec. 7.201
Utilities, Community	C	C	C	C									Sec. 7.201
Utilities, Neighborhood	P	P	P	P									Sec. 7.201
<b>Agriculture or Forestry</b>													
Agriculture or Forestry	P	C											Sec. 7.201
Commercial Stables	P	C		-									Sec. 7.201
<b>Special Uses</b>													
Airports	C	-	-	-									Sec. 7.201
Wireless Telecommunications Facilities	C	C	C	C									Sec. 7.201
<b>TABLE NOTES:</b> <sup>1</sup> Only in connection with a community garden and only as an accessory building													

## **Division 2.300 Residential Zoning Districts Parcel and Site Standards**

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### **Sec. 2.301 Purpose of Division**

- A. **Generally.** The purpose of this Division is to establish the general standards for the character of development that is allowed within each zoning district.
- B. **Standards Applicable to Parcels Proposed for Development.** This Division establishes regulations and standards for development including general parcel, lot and building standards, development site standards and accessory use standards.
- C. **Other UDC Development Standards.** Development standards for specific uses and/or development types may exist elsewhere in this UDC. In the event of conflicting standards not addressed in Sec. 2.301.D below, the more restrictive standard shall apply.
- D. **Modifications.** The standards in this Division may only be modified by:
  - 1. A Traditional Neighborhood Development, according to the standards of Division 6.500, Traditional Neighborhood Development and Division 14.500 Special Development Processes.
  - 2. A Planned Unit Development, according to the standards of Division 6.400 Planned Unit Development (PUD) and Division 14.500 Special Development Processes.
  - 3. A development standard defined for a specific use elsewhere in this UDC.
  - 4. A variance as described in Article 14, Variance Requirements, meeting all the decision criteria. **No standard in Article 2 may be modified by any waiver, including a waiver or condition tied to a conditional use and/or development plan approval, unless: 1) specifically allowed by conditional use or, 2) a variance has been granted.**

### **Sec. 2.302 Description of Article**

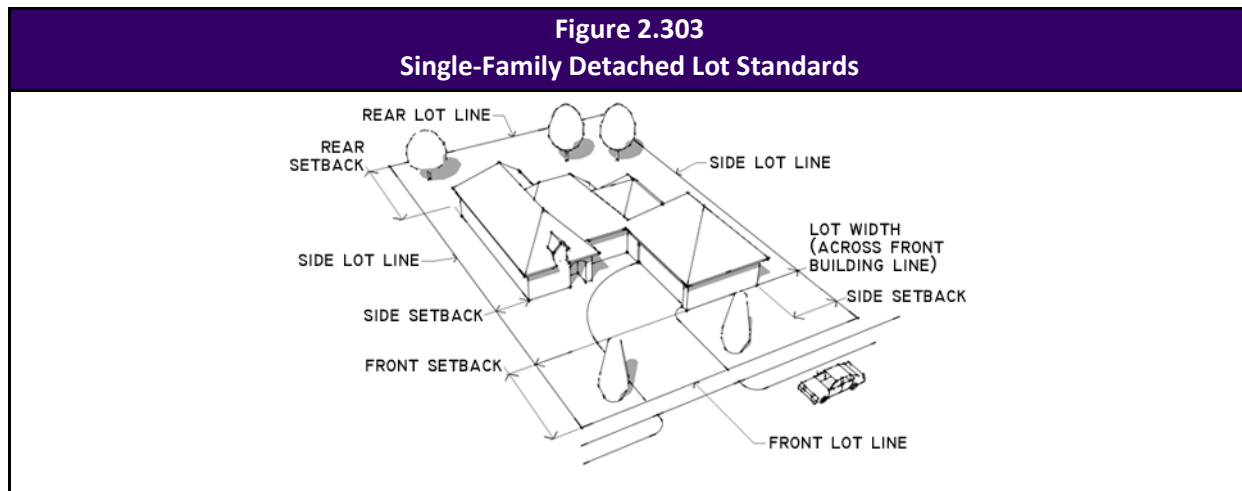
- A. **Residential Use Parcel and Site Standards.** [Division 2.300](#), *Residential Use Parcel Standards* contains general parcel, building and lot standards; site development standards; and additional development and design standards for residential development.
- B. **Residential Lot Averaging and Lot Mix.** [Division 2.300](#), *Residential Lot Averaging and Lot Mix* contains the regulations and standards for implementation of housing mix and lot averaging in residential and mixed-use developments.

**Sec. 2.303 Single-Family Detached Standards**

- A. **General Parcel, Building and Lot Standards.** The lot and building standards for single-family detached residential in standard subdivisions are set out in Table 2.303, *Single-Family Lot and Building Standards; Standard Subdivisions (RR / RE / RS / RU)*.
- B. **Site Development Standards.** Single-Family Detached subdivision, infrastructure and open space standards are in *Article 3 Subdivision Standards and Article 4 Stormwater Management and Open Space*.

Table 2.303 Single-Family Detached Standards (RR / RE / RS / RU)							
Zoning District and Development Type	Minimum					Maximum	
	Lot Area	Lot Width (ft.)	Front Setback <sup>1</sup> (ft.)	Side Setback Min. / Total (ft.) <sup>2</sup>	Rear Setback (ft.)	Height (ft.)	Building Coverage Ratio (%)
<b>RR</b>							
Single Family Detached	3 acres	200	75	30 / 60	50	35	20%
<b>RE</b>							
Single Family Detached	1 acre	125	40	20 / 40	50	35	30%
<b>RS</b>							
Single Family Detached	11,500 sf.	85	30	10 / 20	30	35	45%
<b>RU</b>							
Single Family Detached	6,000 sf.	60	25	8 / 16	25	35	60%

**TABLE NOTES:**  
<sup>1</sup> Street yard refers to all yards on a street front, side, or rear.  
<sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards.





**Sec. 2.304 Single Family Detached Cluster Standards**

- A. **General Parcel, Building and Lot Standards.** The lot and building standards for single-family detached cluster units in large subdivisions are set out in Table 2.202, *Single-Family Lot and Building Standards; Large Subdivisions (RS / RU)*. The table requires three classifications of lot area (lot area groups) and width in order to ensure variety within the neighborhood.
- B. **Site Development Standards.** The minimum development size for single-family detached cluster units are set out in Table 2.202, *Single-Family Lot and Building Standards; Large Subdivisions (RS / RU)*. Single-Family detached cluster subdivision and open space standards are in *in Article 3 Subdivision Standards and Article 4 Stormwater Management and Open Space*.

Table 2.304 Single-Family Detached Cluster Standards (RS/RU)								
Zoning District and Development Type / Lot Area Group	Minimum						Maximum	
	Min Lot Area (sf.)	Lot Width (ft.)	Max Percent in Category	Front Setback (ft.)	Side Setback Min. / Total (ft.) <sup>1</sup>	Rear Setback (ft.)	Height (ft.)	Building Coverage (%)
<b>RS</b>	<b>Single Family Detached Cluster – minimum development size 10 acres</b>							
Small Lot	9,000	80	30%	25	5 / 10	25	35	50%
Average Lot	10,000	90	40%	25	10/20	30	35	45%
Large Lot	11,000	100	remainder	25	10/20	30	35	40%
<b>RU</b>	<b>Single Family Detached Cluster – minimum development size – 15 acres</b>							
Small Lot	4,000	40	45%	10	5 / 10	25	32	60%
Average Lot	6,000	50	35%	10	5 / 10	25	32	50%
Large Lot	8,000	60	remainder	10	10/20	25	32	40%
<b>Table Notes:</b> <sup>1</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. For example, 15 / 40 means that if one side yard is 15 feet, the other must be 25 feet (15 + 25 = 40).								

**Sec. 2.305 Single-Family Attached (Townhouse) Standards**

- A. **General Parcel, Building and Lot Standards.** Townhouse are attached-single-family uses. Table 2.305 contains Townhouse Lot and Building Standards.
- B. **Site Development Standards.** Table 2.305 also contains site development standards for townhouse developments.

Table 2.305 Townhouse Standards	
Development Type	Townhouse
Min. Lot Area per du (sf.)	2,400
Min. Lot Width per du (ft.)	24
Min. Street Setback (building / garage) (ft.)	15
Min. Building Separation (ft.)	15
Rear Setback (ft.)	20
Min. Number of Attached du's	3
Max. Number of Attached du's	8
Max. Height (ft.)	35
Max. Building Coverage Ratio	50%
Min Permeable Open Space	20%

- C. **Additional Standards – Design Requirements.** The following standards apply to all single-family attached development.
  - 1. There shall be a unifying architectural theme for an entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, and colors around the entire structure.
  - 2. For developments of only one group of connected townhouses, the minimum lot area shall 15,000 square feet.
  - 3. Building separation may be common open space if linked to other common areas.
  - 4. Generally, a row of connected townhouses shall include at least three (3) units. When the townhouse lots are part of a development with several townhouse pads on separate lots, the average should be four or more, but two- and three-unit rows are permitted as long as the average of four or more is maintained.
  - 5. All front-loaded garages and driveways must be paired when there is an even number of connected units.
  - 6. Façade Treatments
    - a. Facade articulation should reflect the rhythm of nearby residential areas with porches, projecting eaves and overhangs, and other traditional architectural elements which provide residential scale and help to break up building mass.
    - b. Dwelling entries such as stoops and porches should be the predominant facade feature.
    - c. Additional architectural features such as bay windows and chimneys are encouraged
    - d. Projections should extend beyond facade (2 feet minimum recommended).

**Sec. 2.306 Multi-Family Development and Design Standards**

A. **General Parcel, Building and Lot Standards.** Multi-Family includes multiplex. The multi-family housing type may also be a residential component of mixed-use buildings. Lot standards are set out in Table 2.306, *Multi-Family Lot and Building Standards*.

Table 2.306 Multi-Family Standards	
Development Type	Multi-family
Max Dwelling Units per Acre	16 units/acre
Min. Site Area per Building (sf.)	15,000
Min. Lot Area per du (sf.)	1,800
Min. Street Setback <sup>2</sup> (ft.)	15
Min. Rear Setback (ft.)	20
Min. Building Separation (ft.)	20
Max. Height (ft.)	50
Max. Building Coverage Ratio	40%
Min. Permeable Open Space	20%

B. **Vertically Mixed-Use Exception to Table 2.306, *Multiplex and Multifamily Lot and Building Standards*.** Where multifamily is a component of a vertically mixed-use building, the lot standards that apply to the ground floor use shall control instead of the standards of Table 2.306.

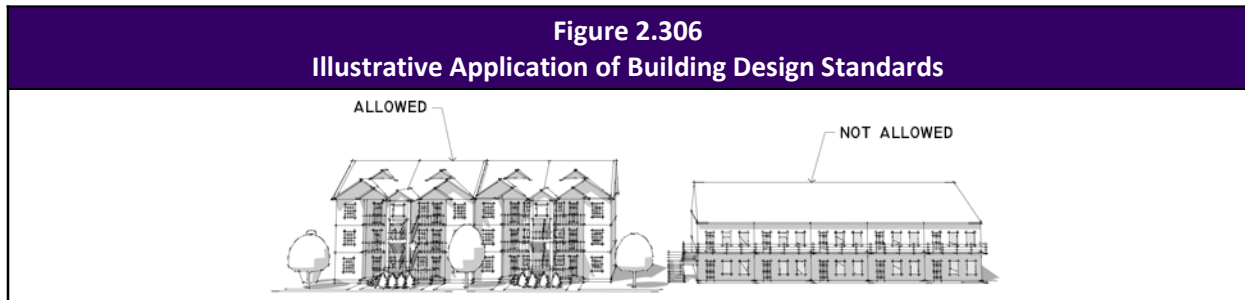
C. **360 Degree Architecture.** No particular architectural style is mandated. However, the architectural style of the front façade shall be expressed on all sides of the building.

D. **Materials and Trim.** The elevations of the building should be treated so that they have similar character when viewed from any direction, street, side, or rear in terms of materials and trim.

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

E. **Building Design.**

3. A multifamily building containing more than eight units shall be designed to break up a rectangular floor plan and avoid a box or monolithic appearance. See Figure 11.401, *Illustrative Application of Building Design Standards*.



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

### **Sec. 2.307 Additional Residential Design Standards and Design Appendix**

- A. **Generally.** The UDC contains several design templates for housing types that may be used in the City of Zachary where permitted and meeting the standards of this UDC.
- B. **Design Templates. The following design templates are in the Design Appendix of the UDC.**
1. Lot-Line House
  2. Patio House
  3. Duplex House
  4. Weak-Link Townhouse
  5. Roof Deck Townhouse
  6. Duplex Townhouse
  7. Multiplex
  8. Cottage Home
  9. Manufactured Home

## Division 2.400 Residential Lot Averaging and Lot Mix

### Sec. 2.401 Mix of Housing Types in TNDs and PUDs

**A. Generally.**

1. The following types of development shall include a mix of housing types pursuant to this Section.
  - a. PUDs.
  - b. TNDs.
2. Other individual housing types defined in the UDC may also be included in the mix if permitted in the zoning district.

**B. Housing Type Mix Requirements.** Table 2.401, *Housing Type Mix Requirements*, sets out the mix of housing types that are required for PUDs and TNDs. When calculating the percentage of each housing type in a proposed development, normal rounding is allowed.

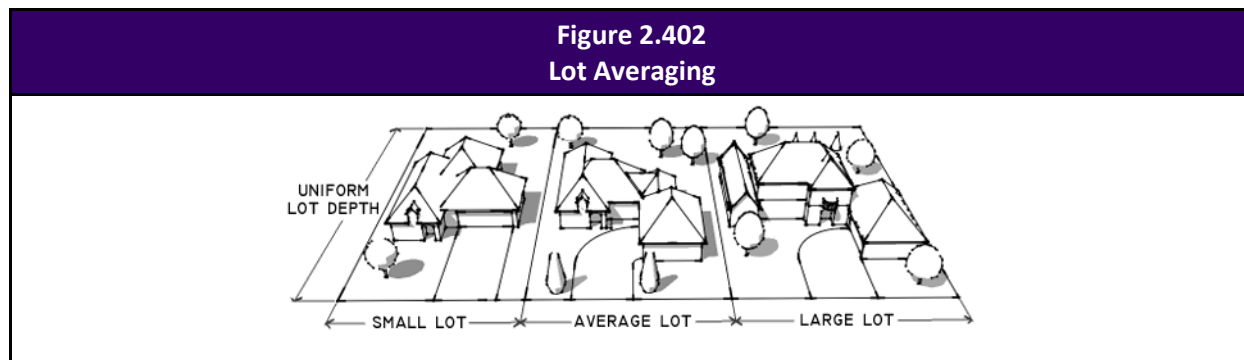
Table 2.401 Housing Type Mix Requirements			
Number of Dwelling Units in Mixed Housing Neighborhood or TND	Min. No. of Housing Types	Max. % Any Housing Type	Min. % Any Housing Type <sup>1</sup>
Less than 40	1	100	20
40 - 89	2	75	25
90-149	3	55	20
150- 220	4	50	12
More than 220	5	30	10

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

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

### Sec. 2.402 Residential Lot Averaging and Distribution of Averaged Lots

**A. Generally.** Lot averaging is a design technique which supplements a minimum lot with an average lot width and a requirement that certain percentages of lots fall into one of three lot area groups: small lots, average lots, and large lots. See Figure 2.302, *Lot Averaging*. Lot averaging shall be applied as required in subsection B. and is optional in other cases.



**B. Applicability.**

1. Lot averaging shall be applied:
  - a. All residential cluster developments containing more than 30 dwelling units.
  - b. To a housing type when there are more than 40 units of the housing type in a PUD or TND (e.g., if there are 50 single family detached homes, 45 patio homes, and 30 standard townhomes in a development, lot averaging must be applied to the single family detached and patio homes, but is not required for the townhomes).
2. Lot area groups for each housing type are provided in the tables of [Division 2.300, Residential Use Parcel Standards](#), if applicable.

**C. Identifying Lots in Each Group.** Lots within each size group are identified by lot width. Small lots shall meet the minimum lot width for small lots, and their lot width may be up to (but not including) the lot width of the average lot category. Average lots shall meet the minimum lot width for average lots, and their lot width may be up to (but not including) the lot width of the large lot category. Large lots must meet the minimum lot width for large lots, and their width is not limited.

**D. Calculating the Required Number of Lots of Each Lot Area Group.** The tables of [Division 2.300, Residential Use Parcel Standards](#) may provide for variable lot sizes, where applicable. The column titled "percent in width type," indicates the minimum proportion of each lot area group that must be provided. The minimum number of small and average lots shall be rounded up to the nearest whole number. The large lot category is always listed as "remainder" because after the minimum proportions for small and average lots are met, the remainder of the lots may be large lots.

**E. Distribution of Averaged Lots.** Lots in the three lot area groups shall be distributed as follows:

1. Lots in each of the three lot area groups (small lots, average lots, and large lots) shall be mixed on each block or cul-de-sac so that they are spread evenly through the development (except as provided in E.2., below). Concentrating lots of a single lot area group in separate areas of a development is not allowed.
2. TND and PUD plans may designate a mix of housing types or diverse single-family house sizes on a single block or block face. The Planning and Zoning Commission may approve such developments even if they do not strictly comply with subsection E.1., above, if it finds that the overall distribution of housing types in the development does not unreasonably concentrate small lots.

## Division 2.500 Nonresidential Use Parcel and Site Standards in Residential Districts

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### Sec. 2.501 Purpose of Article

- A. **Generally.** The purpose of this Article is to establish the general standards for the character of non-residential development that is allowed within each zoning district.

### Sec. 2.502 General Nonresidential Use Parcel and Bulk Standards

- A. **Generally.** The standards that are applicable nonresidential development are provided in this section and includes minimum parcel standards, open space, intensity, minimum area for the parcel proposed for development, and height.
- B. **Public Utilities.** Unless otherwise noted in this section, public sewer and water utilities are required for all non-residential development.
- C. **How to Use Table 2.502, Development Standards in Non-Residential Districts.** The columns in *Table 2.502, General Nonresidential Parcel and Bulk Requirement*, establish the parcel area standards that apply to each of the nonresidential uses. They are interpreted as follows:
1. The first column, district and use, reflects the zoning districts (shaded in orange) and the nonresidential or mixed uses that are allowed.
  2. The second group of columns contains minimum yard, lot and bulk standards.
  3. The column, minimum permeable open space, reflects the minimum permeable open space for the parcel.
  4. The column, minimum parcel area proposed for development, indicates the minimum area of land that is allowed for the specified use in the district.
  5. The column, heights, indicates the maximum development height.

Table 2.502 General Nonresidential Parcel and Bulk Requirements								
District and Use	Minimum					Min Permeable Open Space	Min Parcel Area Proposed for Development	Maximum Height (ft.)
	Lot Width (ft.) <sup>1</sup>	Build-to Line (ft.) <sup>2</sup>	Front Setback (ft.) <sup>2</sup>	Side Yard Min. / Total (ft.) <sup>2</sup>	Rear Setback (ft.) <sup>2</sup>			
<b>RR</b>								
All Nonresidential Uses (except agriculture and forestry) <sup>1</sup>	200	N/A	75	50/100	50	70%	5 acres	35
<b>RE</b>								
Cemetery	200	N/A	50	30/60	50	50%	2 acres	35
Other Nonresidential Uses	125	N/A	50	30 / 60	35	40%	2 acres	35
<b>RS</b>								
Cemetery	200	N/A	50	25/50	50	50%	2 acres	35
Other Nonresidential Uses	85	na.	25	10 / 20	30	30%	9,500 sf.	35
<b>RU</b>								
Cemetery	200	na.	50	30/60	50	50%	1 acre	35
Other Nonresidential Uses	60	na.	20	15/30	20	25%	7,000 sf	35
<b>TABLE NOTES:</b>								
<sup>1</sup> Nonresidential uses in RR may have on-site utilities.								
<sup>2</sup> long arterials, frontages in excess of the minimum lot width may be required. <i>See Access Management and Circulation.</i>								
<sup>2</sup> If a larger bufferyard is required, the setback or build-to line shall be the width of the bufferyard.								
<sup>3</sup> Buildings shall be constructed to a build-to line that allows enough room for a 10-foot-wide attached sidewalk. If the 10-foot wide sidewalk can be constructed entirely within the right-of-way, then the build-to line shall be the property line.								
<sup>4</sup> Individual buildings shall not exceed 5,000 sf. for freestanding buildings; or 9,000 sf. for multi-tenant buildings with separate entrances. Any increase in maximum floor area only allowed through conditional use approval.								



## ARTICLE 3 SUBDIVISION STANDARDS

### Division 3.100 Purpose

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#### Sec. 3.101 Purpose

- A. **Generally.** This Article sets forth regulations for the review of subdivision plats and site plans.
- B. **Purposes.** The purposes of this Article are to:
1. Ensure that new development is consistent with the policies of the Comprehensive Plan and other development plans and ordinances of the City;
  2. Provide for the harmonious development of the City, for the coordination and alignment of streets within subdivisions with other existing or planned streets, or with other features of the City;
  3. Provide for appropriate open space for recreation, public facilities, light, and air;
  4. Equitably allocate the costs of infrastructure needed to support new development and ensure that facilities to be accepted and maintained are properly located and constructed.
  5. Ensure that development is compatible with and properly integrated into existing and future neighborhoods;
  6. Ensure that subdivisions and subdivision improvements are designed to:
    - a. Promote the orderly layout and use of land;
    - b. Facilitate adequate provision of transportation, potable water, wastewater, schools, parks, playgrounds and other public requirements;
    - c. Protect residential and mixed-use neighborhoods from the hazard of high-speed through traffic; and
    - d. Protect groundwater and surface water resources from contamination.
  7. Assure that facilities to be accepted and maintained by the local government are properly located and constructed.

#### Sec. 3.102 Application of Article

- A. **Division 3.200 Subdivision Design Standards.** Division 3.200, provides the basic standards that apply to the layout of a subdivision or site plan.
- B. **Division 3.300 Ownership and Maintenance of Improvements.** Division 3.300, provides criteria for ownership and maintenance agreements, recorded covenants, conditions, and restrictions.
- C. **Division 3.400 Subdivision and Street Names.** Division 3.400 provides the standards for naming of subdivision developments and streets.
- D. **Division 3.500 Streets, Sidewalks and Trails.** Division 3.500 provides the standards for how much right of way must be dedicated and what cross-sections are required for streets, depending upon how many lots they are designed to serve. It also provides requirements for intersection spacing and the geometry of curves.
- E. **Division 3.600 Blocks and Lot Layout and Design.** Division 3.600 sets out the standards for the general design of lots and blocks.
- F. **Division 3.700 Easements and Servitudes.** Division 3.700 sets out the requirements for easements, servitudes and other required dedications in the subdivision process.
- G. **Division 3.800 Utilities and Other Public Improvements.** Division 3.800 provides the standards for

the installation of utilities.

- H. **Division 3.900 Mapping and Monuments.** Division 3.900 sets out the requirements for mapping the subdivision and installing monuments at lot corners and street centerlines.

## **Division 3.200 Subdivision Design and Engineering Standards**

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### **Sec. 3.201 Development Design Review Principles**

- A. **Generally.** It is the policy of the City that the principles of this Section be applied to the maximum extent possible without imposing restrictions that reduce the density or intensity of development that is permitted on the subject property by this UDC. The City may require modifications to proposed site plans or subdivision plats that otherwise conform to the standards of the UDC in order to enhance the quality of the design in accordance with the qualitative principles of this Section. The standards of this Section shall be applied and interpreted in the context of the other applicable standards that are set out in other Articles of this UDC.
- B. **Compatibility.** The proposed site plan or subdivision plat shall be designed in a way that:
1. Provides appropriate space for buffers and transitions between incompatible land uses or obvious changes in density or intensity alongside and rear lot lines;
  2. Provides appropriate vehicular and pedestrian linkages between residential uses and retail, service, and office uses, providing access while protecting neighborhood integrity;
  3. Protects neighboring property from stormwater runoff;
  4. Anticipates and provides for future vehicular and pedestrian connections to neighboring properties that are likely to be developed or redeveloped with similar or supportive land uses within ten years;
  5. Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
  6. Does not materially reduce the level of service of public utilities that are provided to surrounding development.
- C. **Consistency with City Capital Improvement Plans.** The proposed development shall conform to all adopted and applicable capital improvement plans of the City, East Baton Rouge Parish (for capital improvement plans within the City), and the State of Louisiana with regard to public infrastructure and facilities, including water, sewer, gas, streets, trails, and parks and recreation.
- D. **Flood Damage Prevention.** See [Chapter 46, Flood Damage Prevention, City of Zachary Code of Ordinances](#).
- E. **Future Adjacent Development.** The proposed development shall be designed in a way that shows how future development of adjacent parcels under common ownership will relate to the parcel proposed for development in terms of transportation linkages and utilities.
- F. **Preservation of Density and Intensity.** Design review is intended to permit plan modifications that improve design. The design review shall focus on revising the site plan by altering roads, lots, landscaping, or other plan elements, but not by altering development density or intensity unless the density or intensity exceeds permitted standards or the open space, buffering, landscaping, or resource protection does not meet the requirements of this UDC.

### **Sec. 3.202 Development Phasing**

- A. **Generally.** A parcel proposed for development may be developed in phases. In such cases, the applicant shall identify each proposed development phase on the preliminary plat with all associated infrastructure and required improvements to be developed and/or constructed in each

phase. . Each proposed individual phase shall meet all requirements of this UDC and this article. Additionally, each proposed individual phase of development shall show compliance with this UDC by showing:

1. The general arrangements of streets and utilities, and how they will connect to the streets shown on the first application for preliminary plat approval;
  2. The general location of drainage facilities;
  3. The general location of protected natural resources; and
  4. The general location of proposed uses and housing types.
- B. **Consistency with Approved Preliminary Plat.** In considering each subsequent phase shown on a Preliminary Plat, the City of Zachary may impose conditions that are necessary to assure the orderly development of the platted land. Such conditions may include, but are not limited to, temporary alley and street extensions, temporary cul-de-sacs, and off-site utility extensions.

### **Sec. 3.203 Engineering Standards Manual**

The City Engineer shall promulgate and maintain a manual of engineering standards, however titled, for construction of infrastructure. For the purposes of this UDC, this document or collection of documents shall be known as the *Engineering Standards Manual*.

## **Division 3.300 Ownership and Maintenance of Improvements**

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### **Sec. 3.301 Ownership and Maintenance**

- A. **Generally.** If common space, recreational areas, open space, communal facilities and/or other improvements within the proposed subdivision are to be privately owned and not offered for dedication to the City, the Applicant shall submit agreement(s), covenant(s), or other legal instruments stating the ownership and setting forth the manner and means for permanent care and maintenance of the stated common spaces, etc., for review and approval by the City of Zachary. If approved, the document(s) shall be recorded. Reference to recorded covenants or any agreements shall be indicated on the Final Subdivision Plan prior to its recordation.
- B. **Self-Imposed Restrictions.** If restrictions on any of the land contained in the subdivision are greater than those required by the UDC, such restrictions or reference to those restrictions shall be indicated on the subdivision plan and Restrictive Covenant specifying the restrictions recorded. **It will not be a duty of the City to enforce the self-imposed restrictive covenants.**

### **Sec. 3.302 Required Covenants, Conditions, and Restrictions**

- A. **Generally.** Conditions and requirements of development approval that require ongoing efforts of tenants or successors in title shall be included in a declaration of covenants, conditions, and restrictions for the property that shall be recorded in the public records in the chain of title for the property at the applicant's expense. Additionally, if common space, recreational areas, open space, communal facilities and/or other improvements within the proposed subdivision are to be privately owned and not offered for dedication to the City, the Applicant shall submit agreement(s), covenant(s), or other legal instruments stating the ownership and setting forth the manner and means for permanent care and maintenance of the stated common spaces, etc.
- B. **Self-Imposed Restrictions.** If any restrictions on the land contained in the subdivision are greater than those required by the UDC, such restrictions or reference to those restrictions shall be indicated on the subdivision plan and Restrictive Covenant specifying the restrictions recorded. **It will not be a duty of the City to enforce the self-imposed restrictive covenants.**
- C. The applicant shall provide proposed covenants, conditions, and restrictions to the City:

1. Upon filing the application for final plat approval; or
  2. If no plat approval is sought, before the issuance of any permit that directly authorizes development (development approvals that require covenants, conditions, or restrictions shall be contingent upon approval of the covenants, conditions, and restrictions document).
- D. **Plat Annotations.** Requirements regarding maintenance of common areas or operation and maintenance of drainage facilities shall be summarized on the plat and set forth in full in the declaration of covenants, conditions, and restrictions, which shall be referenced on the plat.

## **Division 3.400 Subdivision and Street Names**

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### **Sec. 3.401 Subdivision or Development Name**

No subdivision shall have a name that is substantially similar to the name of another subdivision in the City of Zachary, except that a group of related, adjacent subdivisions that are part of an overall plan of development may be named according to a common theme, or given the same name followed by a phase number to identify each phase of the project.

### **Sec. 3.402 Street Names**

A. **Verification.**

1. Proposed street names shall be checked to ensure that names of existing or planned streets within East Baton Rouge Parish are not duplicated.
2. No street names shall be approved which will duplicate or be confused with the names of existing streets in the City or Parish unless the new street is an extension of, or in alignment with, an existing street.

B. **Naming Conventions.** Street shall be named according to the following conventions:

1. Streets that extend existing streets shall be assigned the same name as the existing street.
2. Streets that are on materially the same alignment as an existing street shall be given the same name as the existing street.
3. No street shall use the same name as an existing street, modified by the term street, avenue, road, court, etc. Only where a single cul-de-sac or loop street comes off a street may the words place, lane, court, or terrace, be used.

C. **Approval of Street Names.** The Planning and Zoning Commission and/or City Council shall approve street names concurrently with the approval of the subdivision.

## **Division 3.500 Streets, Sidewalks, and Trails**

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### **Sec. 3.501 Street Design Objectives**

- A. **Integration.** New streets and substantially improved existing streets shall integrate into the existing street pattern so as to:
1. Address the development's circulation needs; and
  2. Provide a pattern of streets that facilitates safe navigation for all users whether driving, walk, or using other forms of transportation within the City.
- B. **Complete Streets.** New streets and substantially improved existing streets shall be designed and operated to enable safe access for all users including pedestrians, bicyclists, motorists and (when accessible by transit) transit riders of all ages and abilities.
- C. **Slower Speed Street Design and Safety.** A combination of street design, traffic calming and traffic

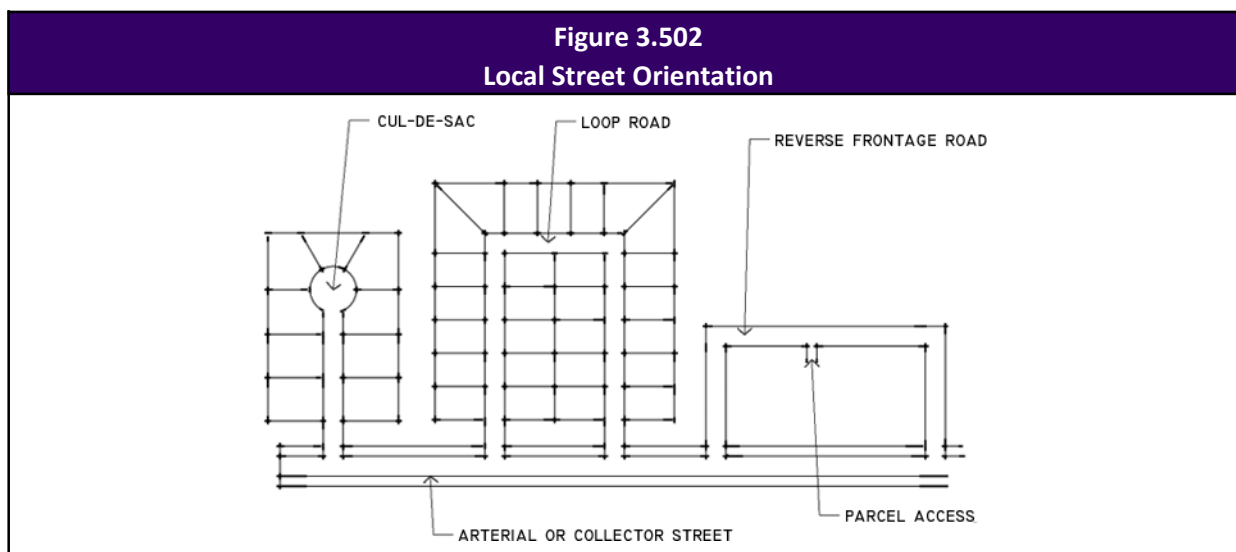
controls shall support a safe and convenient layout and design.

- D. **Character.** New streets and substantially improved existing streets shall correspond to and reinforce the community character of the district(s) in which they are constructed. Within TNDs and PUDs, new streets shall be designed to reinforce the pedestrian environment and encourage use by pedestrians and bicyclists.
- E. **Natural Resources.** New streets and substantially improved existing streets shall respect natural resources, topography, and drainage. Streets shall be adjusted to the contours of the land so as to produce useable lots and streets with reasonable gradients (slopes).

### Sec. 3.502 Street Access and Connectivity

#### A. General Access Requirements.

1. The street layout of a subdivision shall provide access to all building sites and parcels.
2. Subdivisions with 60 or more lots, regardless of phasing shall be designed for at least (2) two connections to existing or planned streets.



#### B. Subdivision Access. Streets that provide ingress and egress to a subdivision shall:

1. Be connected to existing public streets at locations that will not:
  - a. Create sight distance problems on the existing streets; or
  - b. Interfere with the safe operation of existing intersections.
2. When connected to existing streets, have the connecting intersections designed so as to minimize interruption of the flow of traffic on those existing streets. At a minimum:
  - c. The dimensions of the street at the point of connection shall be a minimum of 80 feet in width by 140 feet in depth.
  - d. Deceleration lanes and other traffic control improvements shall be provided on the existing street if warranted to ensure safe traffic operations due to the impact of the proposed development on the street.
  - e. If the subdivision includes more than 60 lots, a minimum of two exit lanes shall be installed on the connecting subdivision street to minimize the delay of vehicles entering the existing street.

#### C. Street Access to Future Development

3. Subdivision streets shall be extended to the boundaries of the parcel proposed for development in appropriate locations to provide for future connections to other properties.

**D. Alignment of Subdivision Streets with Existing Streets.**

1. Streets shall, to the extent practicable, align with existing streets, and be given the name of the streets with which they align, or shall be offset the minimum distance specified in the *Engineering Standards Manual*.
2. Wherever streets have been dedicated or platted on the adjacent properties for extension into or through the proposed subdivision, those streets shall be incorporated into the street layout of the proposed subdivision.

**Sec. 3.503 Street Right-of-Way Widths**

**A. Right-of-Way and Pavement Widths.**

1. Generally, widths of rights-of-way shall conform to the widths specified in Table 3.503A, *Right- of-Way Width*. However, where the major street plan adopted by the City provides a different width of right-of-way for a particular street, the major street plan (if adopted) shall control.
2. Details regarding the width of pavement, number of lanes, sidewalks, medians, parkways, and other street elements are provided in the *Engineering Standards Manual*.
3. Where additional right-of-way is needed to obtain vertical curve, grade, clear sight triangles, turn lanes, or medians, the required right-of-way shall be adjusted to the extent necessary in accordance with local needs as determined by the City Engineer.

Table 3.503A Right-of-Way Width	
Classification	ROW Width
Major Arterial	120 ft.
Arterial	100 ft.
Minor Arterial	80 ft.
Collector	60 ft.
Local Street (Residential)	60 ft.

**B. TND Street Configurations.**

4. Streets within TNDs shall be designed according to Table 3.503B, *TND Street Configurations*. Examples of street configurations that are permissible pursuant to Table 3.503B, *TND Street Configurations* are provided in Figure C-1, *Street Configuration Examples*, in Appendix C, *Illustrations*.
5. In order to promote a pedestrian-friendly environment, curb radii may be reduced as specified by the applicant, provided that:
  - a. The School District approves a bus route that has curb radii that are acceptable to the School District for the safe operation of its buses.
  - b. The Fire Department approves the curb radii or emergency (flattened or mountable) curb treatment.
  - c. The trash removal service provider approves the curb radii.

Table 3.503B TND Street Configurations							
Classification	Type	Min. Right-of-Way	Max. ADT	Min. Travel Lanes	Min. Vehicle Travel Lane Width	Min. Clear Sidewalk Width	On-Street Parking
Collector	Primary Boulevard	110 ft.	-	4	12	10 ft.	Not allowed
Collector	Boulevard	72 ft.	-	2	12 ft.	8 ft.	Allowed
Local	Main Street Mixed-Use	67 ft.	-	2	10 ft.	10 ft.	Allowed
Local	Green Streets	58 ft.	< 1,000	2	9 ft.	5 ft.	Allowed
Local	Main Street Residential	57 ft.	-	2	10 ft.	5 ft.	Allowed
Local	Small Streets	47 ft.	-	2	8 ft. in G or E subdistricts; 9 ft. in C	5 ft.	Allowed
Local	Small streets that abut parks or plazas	43 ft.	< 2,500	2	10 ft.	8 ft. (one side)	Allowed
Local	Small streets that abut parks or plazas	37 ft.	< 1,000	2	9 ft.	5 ft. (one side)	Allowed
Local	One-way streets that abut parks or plazas	32 ft.	< 1,000	1	10 ft.	6 ft. (one side)	Allowed
Alley	Alley	20 ft.	-	1	10 ft.	None	Not allowed

### Sec. 3.504 Performance Standards for Residential Streets

- A. **Floodplain Areas.** In floodplain areas, narrower rights-of-way may be approved, and drainage accomplished in a manner that provides for the minimum width, while accommodating the stormwater movement. The City's Floodplain Manager shall assist in developing an acceptable cross-section that minimizes environmental impact.
- B. **Slower Speed Street Design.** All streets except for collectors and arterials shall be designed for speeds of twenty-five (25) miles per hour or less.
- C. **On-Street Parking.** Streets in all districts may be designed to include on-street parking. Design requirements are outlined in [Article 10 Parking and Loading](#).
- D. **Mid-Block Pedestrian Connections.** Mid-block connections are encouraged in the form of public access easements and walkways along blocks that are 500 feet or greater in length, to establish linkages between blocks and, particularly, to common facilities such as parks and open areas.
- E. **TNDs and PUDs.** In TNDs and PUDs, a Complete Streets, efficient multimodal system shall be provided that include streets, sidewalks, and trails throughout the development. In the "Center" and "General" subdistricts of a TND, and in areas of multi-housing neighborhoods with lot widths that are less than 50 feet, private alleys shall provide access to residential lots.

### Sec. 3.505 Traffic Calming

- A. **Generally.** Traffic calming shall be designed to:
1. Improve neighborhood safety and livability in balance with transportation and access needs of the community.
  2. Support a holistic approach to traffic management, resulting in streets that provide access to

neighborhood destinations for all modes, including walking, bicycling, transit and automobiles.

3. Shall complement the overall transportation network and not result in shifting the problem to an adjacent residential, non-arterial street.
4. Where possible, incorporate green stormwater infrastructure to optimize aesthetics and functionality of the facility.

**B. When Required.**

1. Straight, or nearly straight, sections of residential streets of a length greater than 500 feet shall be designed to include traffic calming devices.
2. All traffic calming infrastructure shall be clearly identified on the preliminary plat. Additionally, no final plat may be approved without inspection and verification of installation of all traffic calming shown on the preliminary plat.
3. Traffic calming shall be included in any Traffic Impact Analysis required by this UDC.
4. The Planning Director, City Engineer, and the Public Works Director shall specifically review all traffic calming as part of any recommendation on, or approval of any subdivision plat.

**C. Design Standards.**

1. All traffic calming infrastructure shall be designed as illustrated in the Engineering Standards Manual.

### **Sec. 3.506 Cul-de-sacs and T-Turnarounds**

A. **Generally.** Cul-de-sacs and T-Turnarounds shall only be permitted when all of the following requirements in are met:

**B. Subdivision/Site Design.**

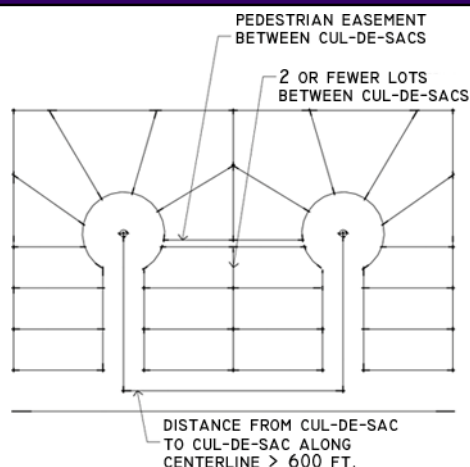
1. Natural resources, such as floodplains, wetlands, or open water, make standard blocks inefficient; and
2. The street segment serves no more than 15 lots, or are no more than 400 feet in length, whichever results in a shorter street segment; and
3. The pedestrian circulation system provides for direct, non-vehicular access between cul-de-sac and T-turnaround ends, where:
  - a. Two lots or fewer are situated between them; and
  - b. The distance between them, measured along street centerlines, is more than 650 feet. See Figure 3.505, Cul-de-sac Connections.

**C. Dimensional Standards.**

1. All cul-de-sacs shall be designed to permit vehicles to turn around without backing.
2. Cul-de-sacs shall have minimum radii of 68 feet to the property line and 59 feet to the back of curb.
3. T-turnarounds shall have a minimum total length of 100 feet and width not less than the street providing access.
4. Cul-de-sacs and T-turnarounds shall not be used to provide multiple access to individual buildings (e.g., two-family or attached single-family units), where private driveways would conflict or involve expanses of driveway pavement that are wider than 24 feet.
5. Cul-de-sacs that terminate residential streets shall have a landscaped island at the center, with no fewer than two canopy trees installed.



**Figure 3.506  
Cul-de-sac Connections**



### Sec. 3.507 Alleys

- A. **Generally.** Alleys may be provided for primary or secondary vehicular access to lots and uses. Alleys may not provide any access to property outside of the parcel proposed for development in which the alleys are dedicated.
- B. **Ownership and Maintenance of Alleys.** Alleys shall be owned and maintained in accordance with Division 3.300 Ownership and Maintenance of Improvements. Covenants, conditions, and restrictions ("CCRs") shall be recorded with the approved final plat or site plan that include alleys. The CCRs shall include the following, which shall be in a form acceptable to the City Attorney, and which shall be enforceable by the City:
1. Ownership of the private streets by a single entity, such as a Property Owners' Association, rather than under lot owners (or other owners); with the perpetual obligation of the entity to maintain the private streets and drainage systems;
  2. A perpetual obligation to enforce restrictions against on-street parking, unless the street is designed for on-street parking;
  3. Cross-access easements for all lot owners;
  4. Easements for access by:
    - a. School buses;
    - b. Emergency vehicles; and
    - c. Garbage and trash collection; and
  5. Easements for public utilities.
- C. **Minimum Widths.** The following minimum widths shall apply to alleys:
1. Minimum Right-of-Way Width: 20 feet
  2. Minimum Cartway Width: 10 feet
- D. **Alley Length.** Alleys shall be the same length as the blocks that provide frontage to the lots that the alleys serve, with minor variation permitted to account for curvature of intersecting streets.
- E. **Alley Intersections and Curves.**
1. Alleys should intersect streets at right angles. The intersection of a street and an alley should be constructed as a standard approach.

2. A minimum curb radius of 30 feet to the inside edge of the alley paving shall be provided at intersections between alleys, and the additional area shall be platted as part of the alley.

F. **Alley Turnouts.** Alley turnouts shall meet the following minimum standards:

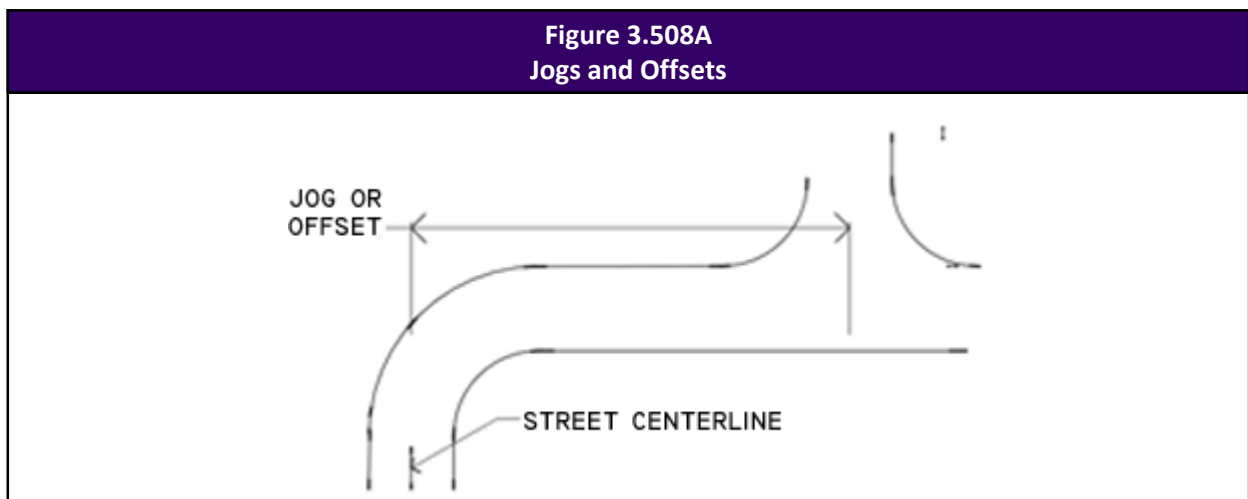
1. Minimum width of pavement at intersection: 18 feet
2. Turnouts shall be paved to the property line.
3. No gate, building, or garage opening shall be located closer than 20 feet to an alley turnout, measured from the closest edges of pavement along the alley and along the intersecting street right-of-way.

G. **Dead-Ends Prohibited.** Dead-end, cul-de-sac or T-turnaround alleys shall be avoided unless:

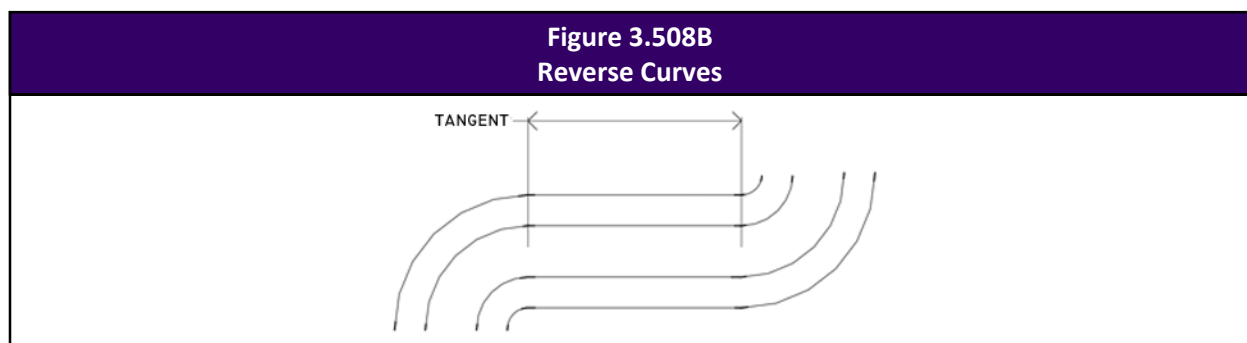
1. Natural resources, such as floodplains, wetlands, or open water prevent their connection to a local street and there is no alternative design that would serve all of the lots with alley access; or
2. The dead end is necessary to improve the street layout.

### Sec. 3.508 Jogs, Offsets, and Reverse Curves

- A. **Jogs and Offsets.** Street jogs with centerline offsets of less than 125 feet shall be avoided. See *Figure 3.508A Jogs and Offsets*.



- B. **Reverse Curves.** A tangent of at least 100 feet in length shall separate reverse curves. See Figure 3.508B, *Reverse Curves*.



### Sec. 3.509 Use and Beautification of Medians and Entrance Ways

- A. **Use and Beautification.**

1. Medians that are part of a dedicated public right-of-way are considered public property and may not be utilized for public purposes as allowed by this UDC and approved by the City of Zachary. However, a subdivider or other entity may beautify a median with landscaping and for stormwater management, subject to the standards of this UDC and approval by the City of Zachary, provided that:
  - a. It does not interfere with existing or proposed public utilities;
  - b. It conforms to the sight distance requirements of Section 3.513, *Sight Distance Requirements*; and
  - c. The applicant has submitted documentation with regard to the entity that will have permanent responsibility for maintenance of and liability for such improvements.
2. Gatehouses or architectural features that highlight the entrance are permitted in the median of a subdivision entranceway that meets the specifications of this Section.

### Sec. 3.510 Sidewalks

- A. **Generally.** Sidewalks are required along all public and private streets. They shall be constructed of concrete.
- B. **Width.** Generally, sidewalks shall be four feet wide along local streets, and five feet wide along arterials and collectors. In TNDs and PUDs, sidewalk width shall be as provided in Table 3.503.B., *TND Street Configurations*.
- C. **Location of Sidewalks.**
  1. Sidewalks shall be provided between the right-of-way line and the edge of pavement, as shown in the *Engineering Standards Manual*. Generally, the outer edge of the sidewalk shall abut private property lines.
  2. Sidewalks may meander into the parkway to protect the root systems of mature trees, provided that no sidewalk is located closer than three feet to the back of curb (or edge of pavement if no curb is present). This arrangement shall not reduce the right-of-way width requirement.
  3. Sidewalks shall also be installed in pedestrian easements.
  4. Publicly accessible sidewalks/multi-use paths shall be provided on the perimeter of a development along a public or private street, in addition to fencing and or other landscaping and buffering requirements.
- D. **Modification of Sidewalk Requirements.** Sidewalk requirements may be altered or waived if a sidewalk plan that provides equal or greater pedestrian circulation is submitted to and approved by the Planning and Zoning Commission at the time of platting. These trade-offs may be permitted:
  1. The parcel proposed for development is located in an RR zoning district;
  2. Improved pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or other off-street trails or multi-use pathways on the perimeter of the parcel proposed for development; and
  3. Lot frontages are greater than 200 feet.
- E. **Completion of Sidewalk Networks.** Adequate provisions shall be made to ensure the timely completion of the sidewalk/path network associated with development. For subdivisions, the surety shall not be released until the sidewalk/path network is completed.

### Sec. 3.511 Bicycle Routes, Lanes, Paths, and Trails

- A. **Bicycle Routes.** Bicycle routes identified on the City's major street plan and/or equivalent plan as

designated by the City Council shall be included on all site plans and primary plats, and shall be posted upon completion of the proposed development.

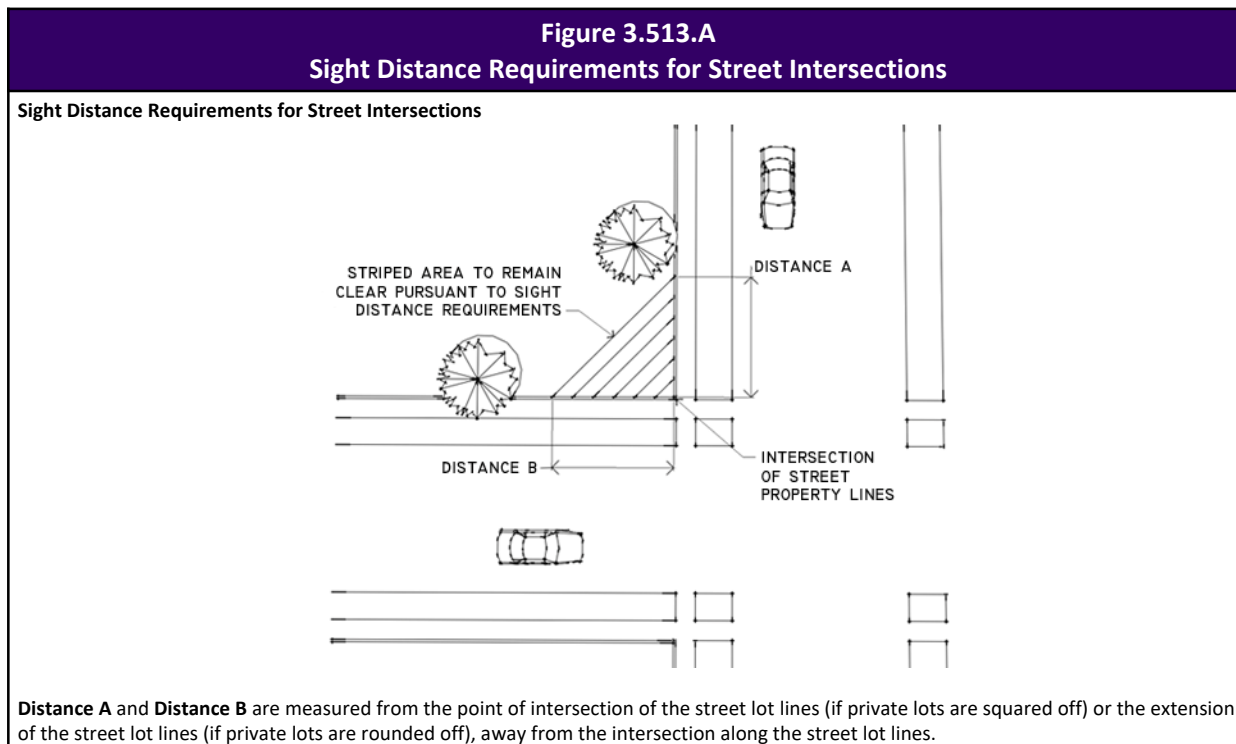
- B. **Bicycle Lanes.** Bicycle lanes are encouraged, except in locations where a bicycle path provides comparable access and mobility for bicycles.
1. Minimum Width (excluding curbs and gutters):
    - a. Street with no on-street parking: four feet; or
    - b. Street with on-street parking: five feet (located between travel lane and parking).
  2. All bicycle lanes shall be designed, posted, marked, and striped according to the requirements of the *Engineering Standards Manual*.
- C. **Bicycle Paths.**
1. All bicycle paths shall be at least eight feet wide, and designed posted, and marked according to the requirements of the *Engineering Standards Manual*.
  2. Where a bicycle path crosses an intersection, the bicycle path shall be marked as a bicycle crossing. Right turns at intersections shall be on the shoulder of the intersecting street if the bicycle path or bicycle lane does not continue along the intersecting street.
- D. **Trails.**
1. Off-street bicycling and jogging trails shall be developed in accordance with any adopted trail plans, to link major attractions and destinations throughout the City, including neighborhoods, parks, schools, places of worship, libraries, employment centers, and shopping areas.
  2. Development that abuts a linear corridor that is identified in an adopted trails plan shall provide an easement for the construction of a trail in accordance with the master plan.
  3. All trails, private or public, shall be marked as such, and maintenance responsibilities shall be established at the time of a preliminary plat or site plan.
- E. **Incentive (Reserved).**

### **Sec. 3.512 Curbs**

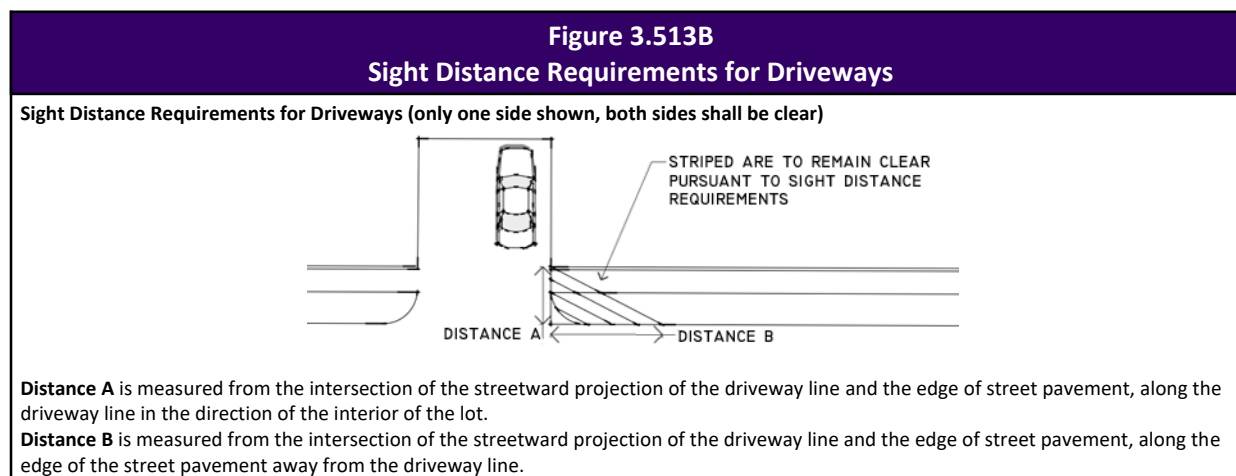
The City Engineer shall promulgate standards for curb radii and curb construction and include them in the *Engineering Standards Manual*.

### **Sec. 3.513 Sight Distance Requirements**

- A. **Street Intersections.** No fence, wall, hedge, or shrub planting which obstructs sight lines shall be placed or permitted to remain on any corner lot in the areas specified by this subsection.
1. At the intersection of a collector street and local street, Distance A and Distance B (refer to Figure 3.513A, *Sight Distance Requirements for Street Intersections*) shall each be at least 25 feet.
  2. At the intersection of two local streets or the intersection of a street and an alley, Distance A and Distance B (refer to Figure 3.513A, *Sight Distance Requirements for Street Intersections*) shall each be at least 15 feet.



- B. **Driveway Intersections.** At the intersection of a local street and a driveway, between the elevations of 2.5 and six feet above the driveway grade, Distance A shall not be less than 10 feet, and Distance B shall not be less than 20 feet (refer to Figure 3.513B, Sight Distance **Requirements for Driveways**). Mature plantings with foliage between 2.5 and six feet above the finished lot grade shall extend no closer than 12 feet to the street right-of-way line.



- C. **Exceptions.**
1. Shade trees are permitted to overhang the specified triangles, provided that all branches are not less than eight feet above the street level.
  2. No portion of a fence or wall exceeding 2.5 feet in height above the finished lot grade shall exceed 25 percent opacity when located in a required yard that either:

- a. Has vehicular access to a street; or
  - b. Abuts such access.
- D. **Trees or Utility Poles Within the Right-of-Way.** Neither trees nor utility poles (except street lights and traffic signal supports) shall be placed within the public right-of-way within 50 feet of the intersecting centerlines at street intersections. Trees which existed in such locations as of the effective date of this UDC shall be pruned to clear the area between two feet and six feet above the ground level if such pruning can be accomplished without compromising the health or structural integrity of the tree.
- E. **Right-of-Way Maintenance.** Owners of property that abuts a public right-of-way shall maintain the property between the edge of pavement or the inside of the curb and the owner's property line, including providing for continuing compliance with this Section.

### **Sec. 3.514 Street Identification, Safety Signage, and Traffic Control Devices**

- A. **Installation of Street Signs.** Two suitable street name signs as approved by the Planning Director and Public Work Director and shall be placed by the developer (at the developer's expense) at all street intersections, at locations designated on the final plat.
- B. **Traffic Safety Signage.** Traffic safety signage within subdivisions and parcels proposed for development shall be installed by the developer at the developer's expense. Signage shall conform to the most current version of the [Manual on Uniform Traffic Control Devices](#) ("MUTCD"), published by the Federal Highway Administration.
- C. **Traffic Signals.** If a subdivision or other proposed development will generate traffic at levels that warrant the installation of traffic signals or other traffic control devices (e.g., signal cameras to improve the function of the intersection) within 1,320 feet of the development, the developer shall contribute its proportional fair share toward the cost of the signal or other traffic control device.

### **Sec. 3.515 Private Streets and Servitudes of Access**

- A. **Generally.** Private roads, streets and servitudes of access are permitted only as provided in this Section.
- B. **Residential Subdivisions.** Private streets and servitudes of access are permitted in residential subdivisions only as follows:
- 1. Because of unique operation or maintenance issues, the City determines that private maintenance and operation of street or access is in the best interest of the City; or
- C. **Nonresidential and Multifamily Subdivisions.** The private street or servitude runs through, to, or between parking areas in commercial, industrial, or multifamily developments, where:
- 1. All property accessed by the street or servitude is under single ownership;
  - 2. There is sufficient alternative access to abutting properties;
  - 3. The access to the parcel proposed for subdivision and the abutting properties meets the spacing requirements of this article.
- D. **Requirements for Private Streets.** If and when private streets are permitted, they shall meet all of the following requirements:
- 1. Private streets shall be laid out, designed, and constructed in the same manner as public streets;
  - 2. The final plat and/or final site plan shall be annotated with a notice that the streets are private and subject to a covenant for maintenance;

3. Street name signs shall indicate that the streets are private;
  4. The private streets will not interfere with the implementation of a public street or ROW development plan or future expansion (Example: plans for construction or expansion of State or Federal highways); and
  5. The private streets will not materially interfere with street connectivity in the City or create an unreasonable impact on an adjacent public street by curtailing opportunities for alternative travel routes.
- E. Requirements of Servitudes of Access.**
1. A servitude of access providing direct access to an existing public or private street shall meet all of the requirements for Private Streets in Section 3.515D.
  2. Flag lots or other irregular lot types shall provide a minimum lot width of at least fifty (50) feet where the lot will front on an existing street.
- F. Gates.** Gates and gatehouses are permitted at entries to private street subdivisions, provided that they comply with the standards of this subsection.
1. Gates and gate houses shall be set back from the public street to allow for stacking, as follows:
    - a. 2 to 30 dwelling units: 20 feet
    - b. 31 or more dwelling units: 40 feet
  2. Two inbound gates shall be provided, one for residents and one for guests, for all subdivisions that include more than 60 dwelling units. The paved area behind the guest gate shall be sufficient to accommodate at least one vehicle without interfering with the use of the resident gate.
  3. A means of prompt access shall be provided to police, fire, and emergency medical transport service providers.
- G. Covenants, Conditions, and Restrictions.** in accordance with Division 3.300 Ownership and Maintenance of Improvements, covenants, conditions, and restrictions ("CCRs") shall be recorded with the approved final plat or site plan that include alleys. The CCRs shall include the following, The CCRs shall include the following, which shall be in a form acceptable to the City Attorney, and which shall be enforceable by the City:
1. Ownership of the private streets by a single entity, such as a Property Owners' Association, rather than under lot owners (or other owners); with the perpetual obligation of the entity to maintain the private streets and drainage systems;
  2. A perpetual obligation to enforce restrictions against on-street parking, unless the street is designed for on-street parking;
  3. Cross-access easements for all lot owners;
  4. Easements for access by:
    - a. School buses;
    - b. Emergency vehicles; and
    - c. Garbage and trash collection; and
  5. Easements for public utilities.
- H. Conversion to Public Streets.**
1. Private roads or streets shall not be converted to public streets unless:
    - a. The rights-of-way comply with the dimensional standards of the UDC and *Engineering Standards Manual*;

- b. The roads or streets are hard surfaced according to City standards for public roads and streets; and
  - c. The streets and associated drainage are in good repair.
2. If private streets do not comply with subsection G.1., above, then the City may allow conversion to public streets if:
  - a. All of the property owners with frontage on the street consent in writing to the conversion; and
  - b. All of the property owners with frontage on the street consent to a special assessment to cover the cost of improving the roads or streets to the standards of subsection G.1., above.

## **Division 3.600 Block and Lot Layout and Design**

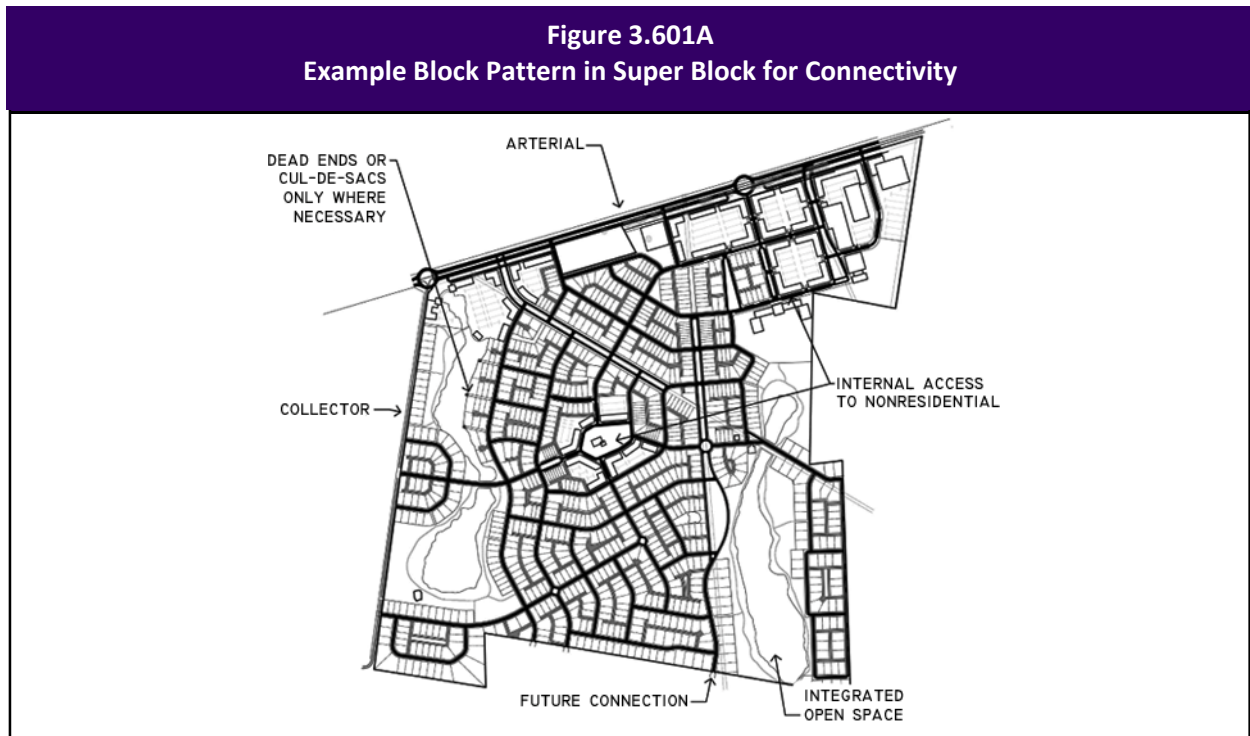
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### **Sec. 3.601 Blocks**

- A. **Block Pattern.** In general, streets shall be laid out to create blocks. Within any superblock created by arterials or collectors, the design objective is to provide an interconnected network of streets and pathways so that people may reach other locations within the superblock by walking or bicycling or driving, but without having to access arterial or collector streets with vehicles. See Figure 3.601A, *Illustrative Block Pattern in Superblock to Create Connectivity*. If practicable, streets shall be arranged in a loose grid or comparable formal arrangement, and open spaces shall be integrated into the block design. Exceptions will be made for green spaces along drainage or stream channels or where other natural resources make a grid or comparable formal arrangement difficult or cost prohibitive.
- B. **Block Orientation.** Where possible, blocks shall be laid out to have their short length abutting arterials, collectors, or the development's major internal street. The length, width, and shape of blocks should be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. See Figure 3.601B, *Block Length*.
- C. **Block Length and Width.**
  1. Blocks should not, in most instances, exceed the lengths specified in Table 3.601A, *Block Length*. Blocks may exceed the lengths in Table 3.601A, *Block Length*, provided that the blocks are the minimum additional length necessary to achieve a stated design objective, and either:
    - a. The block traverses a span of open space that is wider than the distance specified in the table; or
    - b. Mid-block access is provided that allows pedestrian circulation from the block to another block (or, in TND "Center" subdistricts, to parking areas behind buildings). Such access shall be provided at intervals of not less than 300 feet, including street intersections.
  2. Blocks should be such width as will provide two tiers of lots, except:
    - a. Where reverse frontage lots are located along an arterial or collector street;
    - b. Where such an arrangement is prevented by the size or other inherent site conditions of the property; or

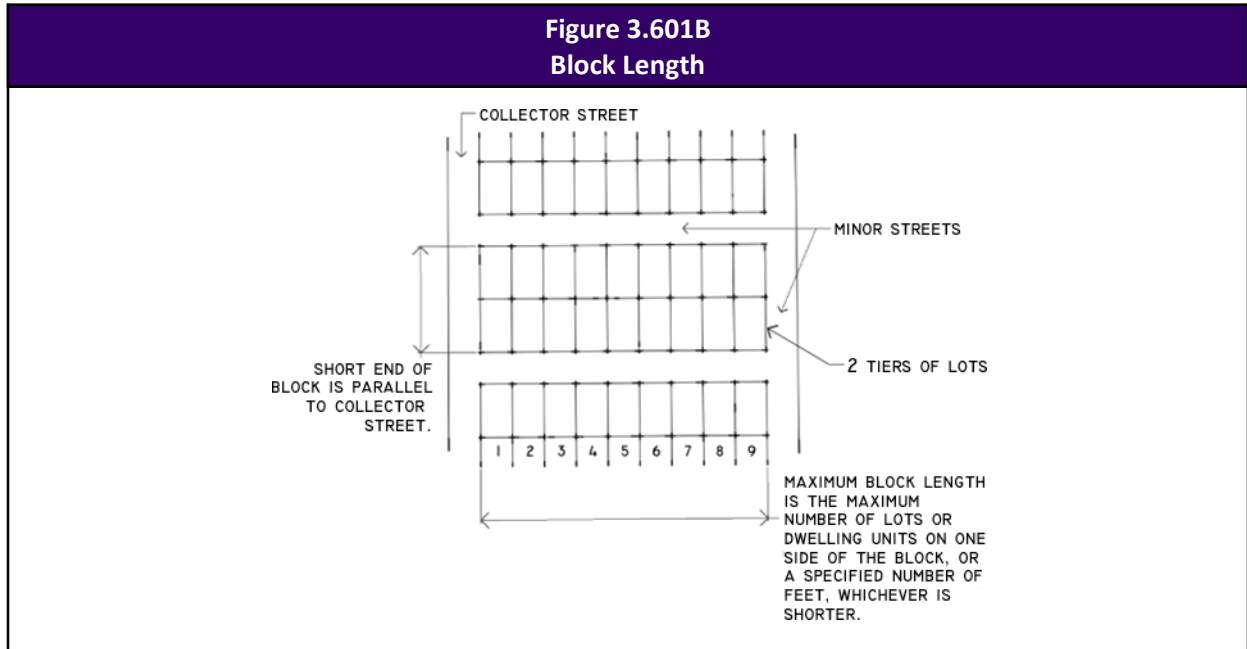


- c. Where lots are arranged in a cluster format that promotes visual access to common open space by reducing back-to-back residential lots.

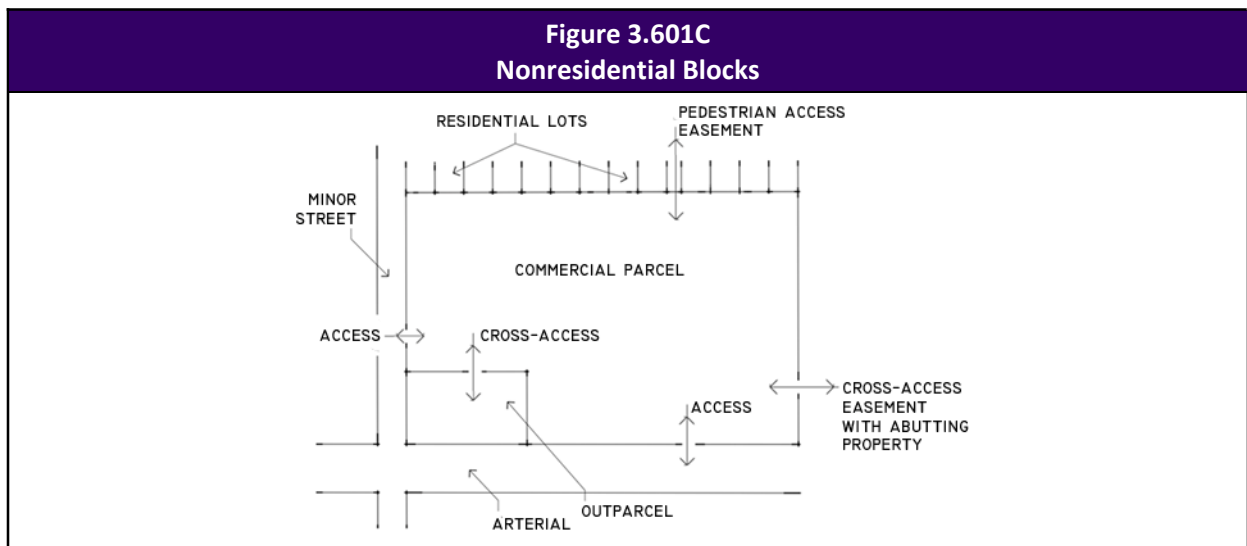


**Table 3.601**  
**Block Length**

Development Type	Maximum Block Length Is Lesser Of . . .	
	Max. Lots Accessed on One Side of Street	Max. Distance Between Intersections or Significant Curves, Jogs, or Offsets
Residential Subdivisions and Mixed-Use Subdivisions (all types)		RS and RU: 800 ft. RE: 1000 ft RR: no max. block length
TND "Center" subdistrict	N/A	500 ft.
TND "General" and "Edge" subdistricts	N/A	650 ft.



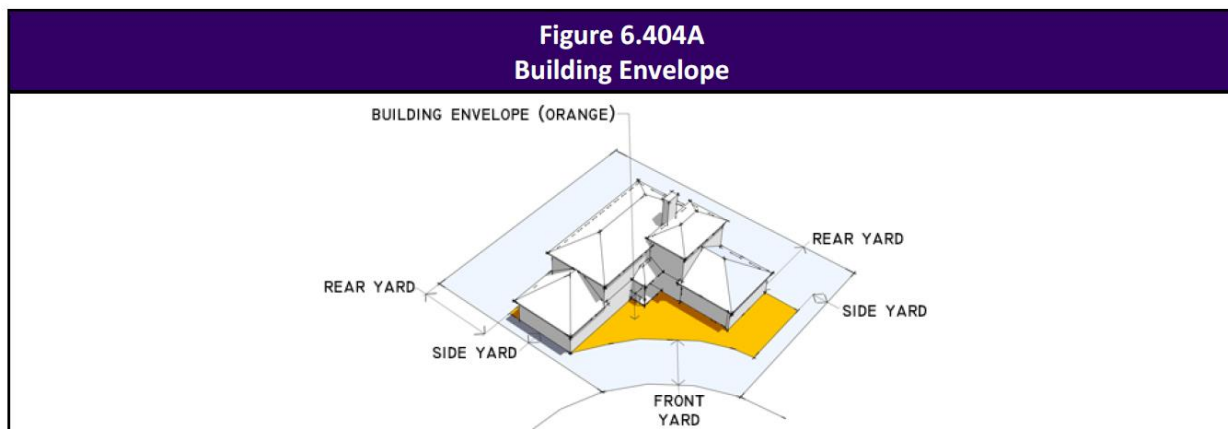
D. **Nonresidential Blocks.** Blocks for commercial, industrial, and mixed-use areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. See Figure 3.601C, *Nonresidential Blocks*. In such cases, safe and convenient access to the street and pathway systems shall be required. Space for off-street parking may also require similar access for employees and customers. Extension of streets and utilities shall be provided, as necessary.



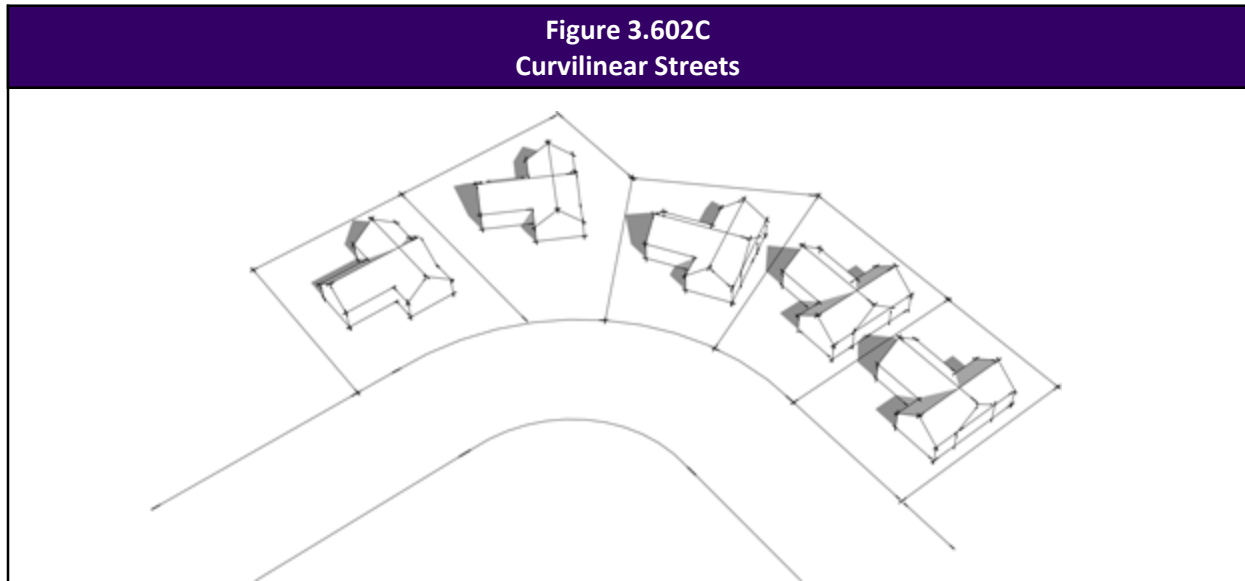
**Sec. 3.602 Lots**

- A. **General Requirements.** All lots in a subdivision shall be as set out in:
1. All lots shall meet the requirements for the applicable zoning district and development type; or
  2. Meet the development standards of a legally approved and permitted PUD or TND.

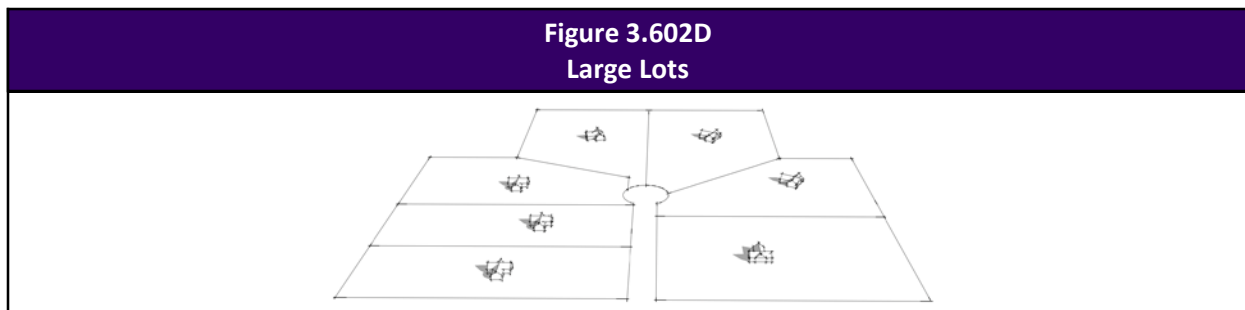
- B. **Required Frontage.** All lots that are not subject to a conservation easement or used as common elements or recreational areas shall front upon an improved public street, unless 1) it is demonstrated that a private street subdivision is approved that complies with Section 3.515, *Private Streets*, or 2) *unless otherwise specifically permitted by this UDC.*
- C. **Lot Shape, Generally.**
1. Generally, lots shall be rectangular or "pie-shaped." All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan.
  2. Corner lots may have extra width to permit the establishment of front building setback line on both the front and the side of the lots adjoining the streets irrespective of whether the rear lot lines of said corner lots abut lots fronting on the side streets.
- D. **Lot Shape, Alternative.** Alternative lot shapes may be approved in any of the following circumstances:
1. *In General.*
    - a. The alternative shape does not interfere with the efficient development of other property; and
    - b. The lots allow for a building envelope that is adequate for conventional building design. The building pad used meets minimum lot width where the home is to be located. The City shall require a building pad designation on the plat. See Figure 3.602A, *Building Envelope*.
  2. *Irregularly Shaped Parcel Proposed for Development.* The shape of the parcel required irregular lots in order to subdivide.
  3. *Preservation of Open Space with Trapezoidal Lots.* Trapezoidal lots may be permitted in cluster development with curvilinear roads or cul-de-sacs to increase the total open space area of the site. Figure 3.602B, *Preservation of Open Space*, compares the use of trapezoidal lots to the use of conservation easements on private lots.



4. *Curvilinear Streets.* Irregular lots may be permitted where the street alignment would otherwise force larger, pie shaped lots and the use of irregular lots would allow for smaller lots and more access to open space. See Figure 3.602C, *Curvilinear Streets.*



5. *Large Lots.* Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used. See Figure 3.602D, *Large Lots.*



**E. Access to Lots.**

1. No residential lots shall front on collector or arterial roads or streets unless:
  - a. They have alley access to parking and on-street parking is permitted on the arterial or collector; or
  - b. They are three acres or larger in area and have a minimum frontage of 250 feet along the collector or arterial.
2. Residential lots in the "Center" and "General" subdistricts of TNDs shall be accessed by alleys.

## **Division 3.700 Easements and Servitudes**

### **Sec. 3.701 Easements (Servitudes)**

- A. **Generally.** During development approval, the City may require the granting of a variety of easements on private property or lots. These easements may be for any of the following, or other approved, purposes:

1. Drainage;
  2. Utilities;
  3. Access to public utilities or drainage areas;
  4. Fire protection;
  5. Police protection and other emergency services;
  6. Solid waste removal;
  7. Pedestrian access; and
  8. Natural resource or open space conservation.
- B. **Utility Easement Width and Location.** Where required, all lots shall provide utility easements (U.E.) for sewer, water, gas, drainage, electricity, cable, fiber-to-the-home, or other public utilities that are necessary or desirable to serve the subdivision. Their width and location shall be such that access and maintenance, repair or reconstruction can be accomplished without undue hardship to the utility. Easement standards may be included in the *Engineering Standards Manual*.
- C. **Drainage Easements.** To the extent possible, existing surface drainage patterns serving any off-site properties or two or more proposed lots or properties shall be protected by easements or open space. In addition, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate.
- D. **Fire Protection Easements.** Rear fire protection access easements, where necessary to provide adequate protection for the structure, shall be improved as appropriate for fire protection equipment, at a width of 20 feet, with appropriate turning radii for the City's fire protection equipment as determined by the Fire Department.
- E. **Pedestrian Access Easements.** Pedestrian access easements may be required in accordance with Division 3.500, *Streets, Sidewalks, and Trails*.

### Sec. 3.702 Easement Standards

- A. **Generally.** Where alleys are not provided, an easement shall be provided on each side of all front and rear lot lines where necessary for the installation and maintenance of underground electrical and communications utilities, gas lines, potable water lines, re-use water lines (if available), subsurface drainage, or drainage ditches, and storm and sanitary sewers. Where both water and sewer lines are located in the same easement and where the contour of the land requires a drainage ditch, a width of easement shall be required sufficient to serve all of the necessary services and to provide and maintain the necessary drainage. Wherever it is necessary to install sanitary or storm sewers or subsurface drainage alongside lot lines or across lots, a sufficient easement shall be required to contain the necessary services as determined by the City Engineer then referred to the Planning and Zoning Commission by the City Engineer.
- B. **Minimum Dimensions.**
1. Rear yard easements shall be not less than 7 1/2 feet in width on each side of the rear lot line.
  2. Front yard easements shall be not less than five feet in width, unless the utilities are located within the right-of-way.
- C. **Encroachments and Removal of Encroachments.** No permanent encroachment or structures shall be allowed to be located within the area of any easement required by this Section. While the City or utility benefiting from the easement will make efforts to minimize disturbances, both shall have

the right to remove any encroachment, structures, fences, landscaping or other improvements placed upon such easements. The City and/or utility shall not be obligated to restore or replace any such encroachment but shall restore any disturbed ground surfaces with seeding. The City may assess the cost of removing an unauthorized improvement from an easement against the landowner, including the placing of a lien on the property.

- D. **Maintenance of Easements.** The responsibility for the regular maintenance of the ground surface in any easement shall rest with the owner of the property within which the easement exists.

### **Sec. 3.703 Conservation Easements**

A. **Conservation Easements.**

1. Conservation easements may be permitted to preserve open space as required by this UDC, and to protect natural resources that this UDC requires to be protected.
2. Conservation easements shall exclude other easements that would result in the disturbance of the land, except that pedestrian access easements and non-destructive utility and drainage easements are permitted within areas protected by conservation easements.
3. Conservation easements shall provide for permanent management and maintenance of the property by a responsible party other than the City, such as a nonprofit land trust or property owners' association.
4. All conservation easements shall run in favor of two parties:
  - a. All lots or unit owners in the development; and
  - b. The City.
5. The conservation easements shall be in a form approved by the City Attorney.

## **Division 3.800 Utilities and Other Public Improvements**

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### **Sec. 3.801 Utilities, Location and Design**

A. **Generally.**

1. All developments shall make provision for water, sewer, stormwater, electric, telephone, and cable service, and may make provision for fiber-to-the-home and other public and/or private utilities available to City residents.
2. Generally. The installation of all sewer connections, subdivision sewer systems, sewerage disposal systems and devices shall be constructed under the supervision of and approved by the parish health unit, Public Works Director, and City Engineer and such connections, systems, and devices shall meet the requirements of the Board of Health of the State and be designed according to the Engineering Standards Manual.

- B. **Capacity.** Where a parcel proposed for development is part of a larger tract of land, the City shall require the capacity of facilities to be adequate to serve the entire tract to the extent that the capacity is matched to that of the lines that are extended to the parcel proposed for development. Where the parcel proposed for development is part of a larger utility service area, the City may require the capacity of the appropriate facilities to be adequate to serve the remainder of the service area.

- C. **Potable Water Line Loops.** Potable water lines shall be looped and shall have a secondary feed to the potable water supply.

- D. **Interceptors.** Where an interceptor is to be extended through the area being developed, the

landowner shall provide the necessary easements.

- E. **Common Use Easements.** Wherever possible, the City shall require compatible utilities to share easements. *See Division 3.700, Easements and Servitudes.*
- F. **Subsurface Utilities.** Electrical distribution lines and telecommunications lines shall be installed underground. All underground conduits for electrical power, telephone and other similar purposes shall be located in the servitude at the rear lot line, with adequate servitude for installing such utilities underground, unless certified by the utility companies concerned that the rear lot line location is impractical, or unless the City of Zachary finds this placement is not feasible.

### **Sec. 3.802 Required Improvements; Upgrade Agreements**

#### **A. Design and Installation of Improvements.**

1. All improvements required by this UDC and related City regulations shall be designed and installed in accordance with the *Engineering Standards Manual*.
2. All improvements shall be furnished, installed, and constructed by the applicant at no cost to the City, except as specifically provided in this UDC. Escrows or sureties may be required for off-site improvements that are required by this UDC.

- B. **Utility Upgrade Agreement.** The City may require that the applicant upgrade the capacity of municipal utility lines in order to provide adequate facilities to future development in the area of the proposed development. To this end, the City Council may authorize the Mayor to enter into a participation agreement or development agreement that sets out the City's share of additional costs of standard line sizes, and the method and timing of repayment to the applicant. The written agreement shall fairly apportion the cost of providing the upgraded capacity and shall be executed between the applicant and the City prior to the final approval of plans and specifications.

### **Sec. 3.803 Water, Sewer and Gas Utilities**

- A. **Generally.** The installation of all sewer connections, subdivision sewer systems, sewerage disposal systems and devices shall be constructed under the supervision of and approved by the parish health unit, Public Works Director and City Engineer and such connections, systems, and devices shall meet the requirements of the Board of Health of the State and be designed according to the *Engineering Standards Manual*.
- B. **Location in Servitude.** All gas, water and sewer lines, and utilities for such purposes, shall be located in the street servitude or rights-of-way, with adequate additional servitude for the location of pumping or lift stations or the like, unless it is certified by the developers and/or property owners concerned that such location is impractical, and the Planning and Zoning Commission and City Council, City of Zachary finds that the placement is not feasible.
- C. **Sanitary Sewer.** The subdivision developer shall be responsible for providing sewers for the subdivision from the nearest public sewer collection line available, at the subdivider's expense; minimum sewer collection line size in the subdivision itself, shall be eight inches in diameter, and the minimum size line from the subdivision to the public collection line shall be eight inches in diameter, but if the City Engineer requires larger diameter pipe, then the subdivision developer shall be responsible for the additional expenses incurred for the larger diameter pipe. The type of sewer pipe to be used by the subdivider shall be ASTMD3034SDR35 pipe or its equivalent. Further, the subdivision developer must provide written approval of the subdivision development from the Department of Public Works of the Parish or the then existing sewer district, the approval being based on a capacity analysis of the then existing sewer systems.
- D. **Water and Gas Supply.** The subdivision developer shall be responsible for providing water and gas for the subdivision from the nearest public water and gas systems available, at the subdivider's

expense; the minimum water line size shall be eight inches in diameter, and the minimum gas line size shall be two inches in diameter, but if the City Engineer requires larger diameter pipe, then the subdivision developer shall be responsible for the additional expenses incurred for the larger diameter pipe. The type of pipe to be used for water lines shall be PVC and shall be C900 or class 160 or the equivalent. The type of pipe to be used for gas lines shall be polyethylene and shall be ASTM2513 or the equivalent. All gas service lines shall be at least 12 inches below the surface at the meter and 18 inches below the surface at the property line to conform with the Department of Transportation rules and regulations. All water service lines shall be at least 18 inches below the surface at the property lines. All rises from the gas service line to the meter shall be a minimum of one inch in diameter. Gas service lines from the main to the meter shall be at least five-eighths inch in diameter. Water service lines from the water main to the meter shall be at least one inch in diameter. The right to upgrade these requirements is reserved to the City Department of Public Works.

1. *Gas and Water Mains.* Main lines for gas and water service must be run along both sides of each street in the subdivision, such that service lines can be connected to each individual lot after construction; or main lines for gas and water service are to be run along one side of a street in the subdivision and service lines must be run from the main line to each lot on both sides of the street.

### **Sec. 3.804 Fire Protection**

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

### **Sec. 3.805 Street Lighting Standards**

- A. **Public Streets.** In any development with public streets, the developer shall provide adequate electrical service to proposed street light locations as determined by the City Engineer. General standards for public street lighting may be included in the *Engineering Standards Manual*.
- B. **Private Streets.** In any development with private streets, the City Engineer shall review the lighting plan for adequacy regarding safety and ease of pedestrian and vehicular access. General standards for private street lighting may be included in the *Engineering Standards Manual*.

### **Sec. 3.806 Recreation**

Consideration shall be given by the developer to the dedication or reservation of suitable sites for parks, playgrounds, and other areas for public use so as to conform to the recommendations of the Planning and Zoning Commission in its adopted master plan or portion thereof of the city. Areas to be dedicated or reserved for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by the appropriate taxing agency.



## Division 3.900 Mapping and Monuments

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### Sec. 3.901 Protected Resources

- A. **Generally.** All subdivisions and site plans that include areas of protected natural resources shall show the boundaries of areas of protected natural resources, if such exist on the site. Such delineation shall be by a registered professional land surveyor.
- B. **Mapping Criteria.** The following criteria shall be used for mapping natural resources:
1. Streams (perennial, **intermittent**, mapped, and unmapped) with identifiable banks and beds shall have their boundaries set at the top of the bank.
  2. Initial identification of the water courses/water bodies shall be made using the U.S. Geological Survey quadrangle maps or more accurate information, as available. Field survey verification to determine evidence and location of channelized flow is required for primary plats and site plans.
  3. Woodlands shall be measured at the canopy line.
  4. Wetlands shall be delineated by the criteria promulgated by the U.S. Army Corps of Engineers.
- C. **Boundaries.** Boundaries shall be drawn as follows:
1. Measurements for boundaries are to be made horizontally, perpendicular from, or radial from any feature or point.
  2. Boundaries that are dependent on elevation shall be based upon on-site elevations and shall not be interpolated.
- D. **Topography.** Topographic lines shall be at one-foot contour intervals unless such intervals are impractical due to essentially flat topography.

### Sec. 3.902 Monumentation

- A. **Generally.** Monuments shall be placed to mark the following:
1. Lot corners, points of curvature, points of tangency, and reference points; and
  2. Street centerlines, points of curvature, points of tangency, and reference points.
- B. **Monument Requirements.** The following guidelines apply to artificial monuments to be set.
1. Monuments of a ferrous material must have at least 1/2 inch outside diameter and must be at least 18 inches in length (longer in soft or unstable soil).
  2. Concrete monuments must be at least 3 inches in width or diameter by 24 inches in length, reinforced with an iron rod at least 1/4 inch in diameter, and may contain a precise mark on top indicating the exact location of the corner.
  3. Marks on existing concrete, stone, or steel surface must consist of drill holes, chisel marks or punch marks and must be of sufficient size, diameter or depth to be definitive, stable and readily identifiable as a survey monument. Marks on asphalt roads may consist of railroad spikes, large nails, "PK nails", or other permanent ferrous spikes or nail-like objects.
  4. Wooden stakes shall not be set as permanent boundary monuments.
- C. **Monument Installation.** Monuments must be set vertically whenever possible and the top may be reasonably flush with the ground when practical. Monuments subject to damage from earthwork, construction or traffic should be buried at a sufficient depth to offer protection.
- D. **Witness Monuments.** When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.

**Sec. 3.903 As-Built Drawings**

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

**Division 3.110 Dedication of Land and Improvements; Fees (Move to Separate Ordinance)**

**Sec. 3.111 Utilities Infrastructure Fee**

**A. Applicability.**

1. After April 27, 2004, a utility infrastructure fee shall be paid as provided by this Section by any person who:
  - a. Has subdivision improvements which are to be connected to the utility system, including but not limited to, the gas, water, storm drainage, or sewer system operated and maintained by the City, which are to be accepted for maintenance by the city; or
  - b. Connects to the utilities infrastructure of the city, or changes, modifies or expands the use of an existing connection to the utilities system.
2. This article is to apply to all subdivisions which have not received final approval and acceptance of a final plat as of April 27, 2004.
3. This fee shall be in addition to any fees assessed or charged by any other governmental entity, including, but not limited to, the City of Baton Rouge/Parish of East Baton Rouge, the East Baton Rouge Sewerage Commission, or any of their related entities.

**B. Computation of Utilities Infrastructure Fee.**

4. *Residential.* The utilities infrastructure fee for residential development is as follows:
  - a. New Single-Family (All Detached and Attached Types, including Manufactured). \$300.00 per lot for each new subdivision development.
  - b. Multiplex or Multifamily. \$300.00 per unit.
5. *Commercial/Light Industrial.*
  - a. The infrastructure fee for new construction shall be calculated based on contract cost for the new construction, as set forth in Table 3.111A, *Commercial and Light Industrial Utilities Infrastructure Fees; New Construction.*

Table 3.111A Commercial and Light Industrial Utilities Infrastructure Fees; New Construction	
Contract Cost for New Construction	Utilities Infrastructure Fee
\$0--\$50,000.00	\$100.00
\$50,000.01--\$100,000.00	\$150.00
\$100,000.01--\$500,000.00	\$50.00 + \$3.00 per \$1,000.00
\$500,000.01--\$1,000,000.00	\$100.00 + \$2.00 per \$1,000.00
\$1,000,000.01--\$2,500,000.00	\$150.00 + \$1.50 per \$1,000.00
\$2,500,000.01--\$5,000,000.00	\$200.00 + \$1.00 per \$1,000.00
\$5,000,000.01 and greater	\$250.00 + \$0.50 per \$1,000.00

- b. Existing commercial structures that undergo improvements the cost of which exceed 25 percent of the current appraised value of the existing structure shall be subject to the utilities infrastructure fee which shall be calculated based on the contract cost for those improvements, the fee to be calculated according to Table 3.111B, *Commercial and Light*

*Industrial Utilities Infrastructure Fees; Improvements.*

<b>Table 3.111B Commercial and Light Industrial Utilities Infrastructure Fees; Improvements</b>	
Contract Cost for Improvements	Utilities Infrastructure Fee
\$0--\$50,000.00	\$100.00
\$50,000.01--\$100,000.00	\$150.00
\$100,000.01--\$500,000.00	\$50.00 + \$3.00 per \$1,000.00
\$500,000.01--\$1,000,000.00	\$100.00 + \$2.00 per \$1,000.00
\$1,000,000.01--\$2,500,000.00	\$150.00 + \$1.50 per \$1,000.00
\$2,500,000.01--\$5,000,000.00	\$200.00 + \$1.00 per \$1,000.00
\$5,000,000.01 and greater	\$250.00 + \$0.50 per \$1,000.00

**C. Payment of Utility Infrastructure Fee for New Development.**

6. *Single-Family Residential (all detached and attached types, including manufactured).* For new subdivision developments, 50 percent of the utilities infrastructure fee assessed for each lot must be paid by the developer of the new subdivision prior to the approval of the final plat. The remaining balance of the utilities infrastructure fee per lot shall be paid by the purchaser of the lot, the builder, or the property owner of the lot prior to the issuance of a building or occupancy permit.
7. *Multiplex, Multifamily, and Manufactured Home Park (rental pads).* For multiplex, multifamily, and manufactured home park developments, the developer must pay 100 percent of the utilities infrastructure fee assessed prior to issuance of the occupancy permit.
8. *Nonresidential.* For nonresidential new construction or remodeling, the developer or owner must pay 100 percent of the utilities infrastructure fee assessed prior to issuance of the occupancy permit.

# ARTICLE 4 STORMWATER MANAGEMENT AND OPEN SPACE

## Division 4.100 Purpose

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### Sec. 4.101 Purpose of Stormwater Management

#### A. Findings of Fact.

1. It is hereby determined that:
  - a. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;
  - b. This stormwater runoff contributes to increased quantities of water-borne pollutants; and
  - c. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
2. The City recognizes that water quality and quantity requirements of federal, state, and parish laws applicable to surface waters provide reasonable guidance for the control of stormwater runoff for the purpose of protecting local water resources from degradation.
3. It is determined that the control of stormwater runoff discharges from land development projects and other construction activities in order to manage and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

B. **Purpose of Regulations that Apply to Permanent Controls and Maintenance.** The purpose of [Division 4.200, Drainage](#), is to ensure that stormwater management requirements and controls are in place to protect and safeguard the general health, safety, and welfare of the public. [Division 4.200, Drainage](#), requires plans that are reviewed according to performance standards promulgated by the City of Zachary, East Baton Rouge Parish, the State of Louisiana, and the federal government, depending upon the circumstances of the individual application. It also includes specifications for construction of drainage facilities.

C. **Purpose of Regulations that Apply to Construction Activities.** During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Consequently, the purpose of [Division 4.300, Stormwater Management During Construction](#), is to implement federal laws that seek to safeguard persons, protect property, and prevent damage to the environment.

### Sec. 4.102 Application of Article

- A. **Generally.** Drainage plans and stormwater pollution prevention programs (for construction activities) are required as provided in federal and state law.
- B. **When Required.** *Storm Water Management*, is applicable to all subdivision or site plan applications, unless a development is specifically exempted in the UDC. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that is not exempt, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by federal, state, and local

environmental protection officials with jurisdiction to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

- C. **Construction with Other Articles and Ordinances.** This Article is not intended to interfere with, abrogate, or annul any other Article, ordinance, rule or regulation, stature, or other provision of law. The requirements of this Article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other Article, ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

## **Division 4.200 Drainage**

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### **Sec. 4.201 Drainage Impact Study Requirement**

#### **A. Requirement.**

1. *Drainage Impact Studies Required.* Any owner, developer, subdivider or their agents who apply to subdivide, develop, improve or build upon any parcel or site must, in addition to any other requirement of law or ordinance, submit a drainage impact study in conformity with this Section.
2. *Required Review.* Construction plans will not be reviewed and approved until the drainage impact analysis has been reviewed. The public works department may refer the study for review by East Baton Rouge Parish, the State of Louisiana, and/or appropriate federal agencies.

#### **B. Exemptions.**

1. *Mandatory Exemptions.* The following development activities are exempted from the requirements of preparing a drainage impact study:
  - a. Development in which the area of impervious surface does not exceed 20 percent of the development area at the point of discharge from the site. The total impervious area shall include all buildings, driveways, sidewalks, streets, parking lots, lakes, ponds, etc. All undeveloped open space, common area, etc., must be clearly identified.
  - b. Additions or modifications to existing developments which result in no more than a ten percent increase in existing impervious area and which have existing public storm drainage facilities designed to accommodate runoff from the existing site.
2. *Discretionary Exemptions.* Developers may request that the Planning and Zoning Commission approve an exemption from providing the drainage impact study. If such a request is granted, the Planning and Zoning Commission director will provide written approval. A copy of the exemption authorization shall be forwarded to the public works director and no detailed drainage impact study shall be required for the development. An exemption under this section must be requested in writing that includes specific details of the proposed development. An exemption under this section shall be considered for approval provided:
  - a. The proposed development results in no more than a ten-year predevelopment peak discharge at the point of discharge from the development site.
  - b. The site is located within existing developed areas which are served by a network of public storm drainage facilities which were designed to accommodate runoff from the development site. Notwithstanding the above, a discretionary exemption may be granted provided sufficient information can be submitted indicating that the runoff from the

proposed development is consistent with, and discharges to, a previously approved development or is a part of an approved larger plan of development, both having adequate drainage facilities.

#### **Sec. 4.202 Information Required in Drainage Impact Study**

- A. **Generally.** The drainage impact study shall include the minimum information requirements of this Section.
- B. **Location.** Describe location of subject property; locate by township and range; identify adjacent developments, major drainage outfalls, streets, highways, lot and block by page number or other reference to recordation with the parish clerk of court; and provide a vicinity map.
- C. **Description.** Describe the predominate existing land use and future land use in projected watershed. Describe the proposed development, soil types, vegetative cover, watershed slopes and provide an estimate of percent of impervious area for pre and post development conditions. Provide photos of existing channels, ditches, natural drains and drainage structures.
- D. **Watershed Map.** Delineate drainage boundaries; indicate the acreage; and show slope of basins, and peak ten-year runoff rate at entry and exit points of the development. The watershed map should indicate the location of existing channels, ditches, natural drains, proposed major drainage structures, channel realignments and cross section locations.
- E. **Hydrologic Design.**
  1. The drainage impact analysis shall indicate existing condition peak 50-year flow rates at the development entry and exit points. Interior drainage shall be designed to ten-year flow rates.
  2. The drainage impact analysis should indicate future condition peak 50-year flow rates at the development entry and exit points.
- F. **On-Site Hydraulic Capacity.** Indicate capacity of any existing drainage outfall facility (ditch, canal, culvert, bridge, etc.) within the proposed development site and required type size, and capacity of any proposed outfall facilities as defined above.
- G. **Off-Site Hydraulic Capacity.** Determine capacity of existing downstream outfall facilities (ditches, canals, culverts, bridges, etc.) that will be utilized to convey flow from the downstream limits of the proposed development to the first public outfall as identified by the city engineer. An inventory of downstream structures including size, type, invert elevation, and cover topping elevation should be made. Channel cross sections at upstream and downstream limits of the proposed development, at structure locations and at intermediate canal locations shall be required to adequately define existing channel capacities.
- H. **Special Site Conditions.** Special conditions which may exist at the proposed development site should be clearly identified including but not limited to such items as:
  1. Special flood hazard areas (firm zones A and AE);
  2. Regulatory floodway;
  3. Fill placement location and mitigation requirements;
  4. Potential wetland sites;
  5. Churches;
  6. Schools;
  7. Cemeteries;
  8. Landfills and hazardous waste sites;
  9. Parks.

- I. **Study Conclusions and Recommendations.** The study should clearly identify the results and conclusions of the analysis and provide recommendations of any required action(s) so that no adverse impact is experienced by surrounding properties.

#### **Sec. 4.203 Required TMDL Review; Exemptions**

- A. **Generally.** Section 303(d) of the Clean Water Act requires the Louisiana Department of Environmental Quality ("LDEQ") to establish total maximum daily loads ("TMDLs") for waterbodies. LDEQ permits are required for all development except for the location of a single-family home or manufactured home, in order to ensure that the TMDLs are not exceeded.
- B. **Required Review.**
  1. No preliminary subdivision approval or site plan approval shall be issued until the applicant submits:
    - a. A "Request for Preliminary Determination of LPDES Permit Issuance" ("RPD") to the Louisiana Department of Environmental Quality; and
    - b. A response letter to the request.
  2. No final subdivision approval shall be granted until a TMDL permit is issued by LDEQ.

#### **Sec. 4.204 Drainage Requirements for Development**

- A. **Generally.** Drainage systems shall be designed according to the standards of this Section.
- B. **Design.** Drainage systems within development shall be designed and engineered for a 10-year design storm, and outfalls shall be designed and engineered for a 50-year design storm.
- C. **Storm Drainage Pipe.** The interior storm drainage pipe shall meet the requirements of ASTM Designation C-67, Class II, Reinforced Concrete Pipe with Rubber Gasket joints or its equivalent, including polyethylene pipe, and shall be sized using Manning's Roughness Coefficient of 0.013 for design. The minimum size of pipe shall be 15 inch inside diameter or equivalent pipe arch. As an alternate for locations not within roadways, corrugated plastic pipe of a minimum 15-inch diameter may be used if approved as part of the drainage impact study. Corrugated plastic pipe or polyethylene shall meet the requirements of ASTM F794, and shall be sized using Manning's Roughness Coefficient as recommended by the pipe's manufacturer. Other pipe materials which are equal to or superior to the above materials may be utilized if approved by the city prior to submission of the drainage impact analysis.
- D. **Changing or Altering Existing Drainage Channels.** No individual, partnership, or corporation shall deepen, widen, fill, re-route or change the location of any existing ditch, stream, drain, or drainage canal without first obtaining written permission from the city engineer and the public works director. Such deepening, widening, filling, re-routing or changing the location of any existing ditch, stream, drain or drainage canal shall be constructed under the supervision of the city engineer and be approved by the planning and zoning commission as part of the drainage impact analysis. Adequate servitude or rights-of-way must be obtained at the cost of the developer and dedicated to public use for the construction and maintenance of any channels which may be relocated. Any such relocation must be by subsurface drainage under terms, conditions and specifications approved by the public works director or the city engineer. The city shall not be required to pipe preexisting open ditches, but if a landowner decides to pipe an open ditch, the landowner must do so according to the specifications promulgated by the city engineer, and the piping of the ditch must be approved by the city department of public works.
- E. **Servitude for Existing Drainage Channels.** Whenever any stream or improved surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate right-of-way along each side of the stream as determined by the city engineer; the subdivider shall,

where feasible, arrange for subsurface drainage to replace any existing open drainage.

- F. **Concrete Liners.** When open drainage is allowed, four-inch concrete liners meeting city standards shall be installed in those portions of drainage channels which are located within the limits of subdivision development. Such open drainage, however, shall be acceptable only when allowed by this chapter.
- G. **Permanent Markers.** All subdivision boundary corners and the four corners of all street intersections in subdivisions of previously un-subdivided tracts shall be marked with permanent monuments of concrete with a minimum dimension of four inches extending a minimum of three feet below the ground, or steel pipe firmly imbedded in concrete which extends a minimum of three feet below the ground line. Should conditions prohibit the placing of monuments on line, offset marking will be permitted, provided however, that exact offset courses and distances are shown on the subdivision plat. A permanent benchmark shall be accessibly placed, and its elevation shall be based on gulf level datum as determined by the U.S. Geological Survey, and accurately noted on the subdivision plat.
- H. **Improvements.** Improvements which are made in accordance with the drainage impact study must be designed and constructed in such a way as to prevent any adverse impact to surrounding areas. Provision of stormwater retention ponds may be required to reduce the stormwater flow to any off- site point to the volume which was discharged prior to development.
- I. **Guidelines; Subsurface Drainage.** The developer shall plan all drainage in the subdivision in accordance with guidelines from the city engineer and the public works director with approval of the planning and zoning commission. All interior storm drainage pipe shall meet the requirements of ASTM Designation C-67, Class II, Reinforced Concrete Pipe and Rubber Gasket joints and shall be sized using Manning's Roughness Coefficient of 0.013 for design. The minimum size of pipe shall be 15 inch inside diameter or equivalent pipe arch. Unless otherwise provided, all drainage in subdivisions will be subsurface drainage. Subsurface drainage shall be required in any plan by a developer submitted to the planning and zoning commission for approval where the smallest lot in the proposed development has less than 150 feet of road frontage and the smallest lot in the proposed subdivision is less than two acres.

#### **Sec. 4.205 As-Built Plans**

All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

#### **Sec. 4.206 Continuing Maintenance**

- A. **Generally.** Continuing maintenance of stormwater management facilities is required pursuant to this Section.
- B. **Maintenance Easement.** Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City, or its contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Article. The easement agreement shall be recorded in the public records of East Baton Rouge Parish, and if associated with a plat, shall be identified on the recorded plat.
- C. **Maintenance Covenants.** Maintenance of all stormwater management facilities shall be ensured



through the creation of a formal maintenance covenant that must be approved by the City and recorded upon final plan approval and prior to the issuance of a building permit. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

1. *Requirements of Maintenance Covenants.* All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.
  2. *Inspection of Stormwater Facilities.* Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.
  3. *Right of Entry for Inspection.* When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system the property owner shall grant to the City or other appropriate enforcement agency the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Article.
- D. **Records of Installation and Maintenance Activities.** Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.
- E. **Failure to Maintain Practices.** If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have not more than seven days to effect maintenance and repair of the facility in an approved manner, which may be reduced if justified by the level of danger posed. After proper notice, the City may assess the owner(s) of the facility for the cost of repair work and any penalties.

- F. **Dedication in Lieu of Covenant.** In lieu of a maintenance covenant, the City may, in its discretion, accept dedication (or allow dedication to another appropriate entity) of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

## **Division 4.300 Stormwater Management During Construction**

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### **Sec. 4.301 Construction Runoff Control**

- A. **Generally.** Pursuant to the Louisiana Pollutant Discharge Elimination System ("LPDES") program, a stormwater pollution prevention plan ("SWP3") permit is required for all development that:
1. Impacts one or more acres of land; or
  2. Occurs within a larger development in which one or more acres of land is disturbed.
- B. **Requirements.**
1. The developer or builder must file a Notice of Intent ("NOI") with the Louisiana Department of Environmental Quality ("LDEQ").
  2. General contractors shall create or update and submit a stormwater pollution prevention plan for the specific sites upon which they work and the sequence of work on the site. Contractors shall follow:
    - a. Best management practices to minimize off-site sedimentation; and
    - b. All requirements of the LAR 1000 *General Permit for Stormwater, General Permit for Construction Activities*.
  3. Erosion control devices shall be maintained for the entire duration of the construction project. The Contractor shall inspect the condition of erosion control devices:
    - a. At intervals of not less than seven days; and
    - b. After each rain event of 0.5 inches or more.
  4. The Contractor shall maintain a record of these inspections, which shall be available to the City or other designated enforcement entity upon request.
  5. Temporary seeding shall be performed as soon as practicable in order to reduce siltation.
  6. The contractor shall file a Notice of Termination ("NOT") with LDEQ after a certificate of approval is issued.
- C. **Construction Best Management Practices Enforcement Procedures** The selection of the enforcement measures for identified non-compliance with storm water pollution prevention best management practices is dependent upon the severity of the violation and site-specific details such as proximity to receiving water, watershed sensitivity, past environmental compliance, or noncompliance of the contractor(s) on site, and potential to cause environmental harm because of the non-compliance. The Department of Public Works enforcement procedure for non-compliance with storm water pollution prevention best management practices is provided below:
1. Upon discovery of the non-compliance by any City representative, communication between that representative and the Department of Public Works will be made to properly document and record the non-compliance.
  2. The Department of Public Works will initiate contact with the contractor and/or developer, either in person, via email, and or via telephone within five business days to document the area of concern with the discharger. A specified time frame to remediate the non-compliance

- or begin corrective action is established and the escalated enforcement process including the potential for stop-work directive is communicated to the contractor and/or developer.
- a. If the violation is corrected in the specified time, no further action required.
  - b. If the violation is not remedied timely, enforcement escalation proceeds as described below.
3. A meeting between the contractor and/or developer and the Department of Public Works is held to communicate expectations and the enforcement process. The contractor is given an opportunity to explain the site-specific issues and is given a specified timeframe to remediate the non-compliance or begin correction.
    - a. If the violation is corrected in the specified time, no further action is required.
    - b. If the violation is not remedied timely, enforcement escalation proceeds as described below.
  4. A formal Letter of Notice of Violation of the non-compliance is provided to the operator, as well as the City Attorney’s Office and LDEQ. The letter provides a specific timeframe to achieve or begin corrective action measures and provides the contractor with notice of actions that will be taken, including stop-work directive, if compliance is not timely achieved.
    - a. If the violation is correct in the specified time, no further action is required.
    - b. If the violation is not remedied timely, enforcement escalation proceeds as described below.
  5. Steps to issue a stop-work directive and/or assessment of fines will be initiated.

## Division 4.400 Open Spaces

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### Sec. 4.401 Open Spaces

- A. **Generally.** This Section is designed to achieve the open space requirements of bufferyards, resource protection, recreation, stormwater management, and preservation of community character.
- B. **Open Space Required.** The amount of required open space for residential subdivisions is based on the zoning district and development type.

Table 4.401 Open Space Residential Density Standards	
Zoning District of Proposed Development	Minimum Open Space Required
RU Single Family Detached Cluster	40%
RU Single Family Detached	35%
RS Single Family Detached Cluster	30%
RS Single Family Detached	20%
RE Single Family Detached	5%
RR Single Family Detached	0%

- C. **Permitted Uses and Functions of Open Space.** Uses of public and private dedicated open space may include the following uses. Some of the uses may contain a limitation on the land area of the use that can be counted towards the minimum open space requirement.
1. Conservation areas archeological or historical resources;
  2. Meadows, woodlands, wetlands, wildlife corridors, other natural areas, game preserves, or similar conservation-oriented areas area may contribute up to a maximum of 30 percent of the minimum open space requirement;
  3. Pedestrian or multipurpose trails;
  4. Passive recreation areas;
  5. Active recreation areas, may contribute up to a maximum of 50 percent of the minimum open space requirement, provided that impervious area is limited to no more than 25 percent of the active recreation area (active recreation areas in excess of this impervious area limit must be located outside of the protected open space);
  6. Golf courses (excluding clubhouse areas and maintenance facilities), may contribute up to a maximum of 50 percent of the minimum open space requirement, and further provided that impervious area is limited to no more than ten percent of the total open space;
  7. Above-ground utility rights-of-way, may contribute up to a maximum of 30 percent of the minimum open space requirement;
  8. Water bodies, such as lakes and ponds, and floodways may contribute to a maximum of 50 percent of the minimum open space requirement;
  9. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
  10. Landscaped stormwater management facilities;
  11. Easements for drainage, access and underground utility lines.
- D. **Design.** Open spaces shall be integrated into the entire development design to bring significant open space to the maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Visual or physical access to open spaces may be limited if such limitations would materially enhance natural resource management. If the entire development is proposed to be developed in stages, phases and/or filings, it shall be designed such that each and every stage, phase and/or filing shall contain sufficient open space to meet the requisite open space percentages for such development as though each stage, phase and/or filing were standing alone. Each phase should consist of all elements in § 6.406 (D)1-6.
1. Open space shall be designed to provide greenways and access along drainage corridors and streams.
  2. Wetlands and floodways are prohibited from being used as open space.
  3. Not more than twenty (20%) percent of all required open space can be comprised of ponds. Ponds used as open space must be landscaped with usable walking trails around ponds, be fully stocked with fish, and be labeled as usable recreational property.
  4. Landscaping along greenways, corridors or streams shall be designed to enhance the filtering of the surface and subsurface water flows.
  5. Paved trails shall provide access along the greenway for the residents of the proposed development.
  6. Walking trails, docks and signage must be labeled and approved with the subdivision preliminary plat.

7. Formal open spaces shall be designed to provide areas of focus within the subdivision development. Landscaping and furniture for pedestrians shall be installed to enhance this effect. Landscaping and furniture plans must be included for approval in the preliminary plat.
  8. Open space shall be designed such that no more than ten (10%) of all required open space will exist outside the perimeter of all public rights of way within the development.
  9. If the proposed residential subdivision has frontage along a main corridor defined as a collector or arterial street, the developer or property owner must either:
    - a. Install four (4) foot wide paved sidewalks forming a path along the length of the subdivision, adjoining with existing paths and/or sidewalks; or
    - b. Pay a surety bond for cost of concrete, installation, labor +10% of cost for the path to be installed with other developments. Cost will be determined by the Public Works Director.
- E. **Prohibited Uses of Open Space.** Required open space cannot be used for the following:
1. Wastewater disposal systems
  2. Streets (except for street crossings as expressly provided above) and impervious parking areas.

## **Division 4.500 Illicit Discharge Enforcement Procedures**

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### **Sec. 4.501 Enforcement Procedures**

The selection of the enforcement measures for identified illicit discharges is dependent upon the severity of the violation and site-specific details such as rate of discharge, type of business facility, evidence of contamination, proximity to receiving water, watershed sensitivity, past environmental compliance or noncompliance of the operator(s) at site, and potential to cause environmental harm as a result of the illicit discharge. The Department of Public Works enforcement procedure for illicit discharges is provided below:

1. Upon discovery of the illicit discharge by any City representative, communication between that representative and the Department of Public Works will be made to properly document and record the illicit discharge.
2. The Department of Public Works will initiate contact with the illicit discharger, either in person, via email, and or via telephone within five business days to document the area of concern with the discharger. A specified time frame to remediate the illicit discharge or begin corrective action is established and the escalated enforcement process including the potential for termination of water service is communicated to the discharger.
  - a. If the violation is corrected in the specified time, no further action required.
  - b. If the violation is not remedied timely, enforcement escalation proceeds as described below.
3. A meeting between the discharger and the Department of Public Works is held to communicate expectations and the enforcement process. The operator is given an opportunity to explain the site-specific issues and is given a specified timeframe to remediate the illicit discharge or begin correction.
  - a. If the violation is corrected in the specified time, no further action is required.
  - b. If the violation is not remedied timely, enforcement escalation proceeds as described below.
4. A formal Letter of Notice of Violation of the illicit discharge is provided to the operator, as well as the City Attorney's Office and LDEQ. The letter provides a specific timeframe to achieve or

begin corrective action measures and provides the operator with notice of actions that will be taken, including termination of water service, if compliance is not timely achieved.

- a. If the violation is correct in the specified time, no further action is required.
  - b. If the violation is not remedied timely, enforcement escalation proceeds as described below.
5. Steps to order termination of water service will be initiated.

# ARTICLE 5 COMMERCIAL, BUSINESS AND INDUSTRIAL ZONING DISTRICTS

## Division 5.100 Commercial, Business and Industrial Zoning Districts

### Sec. 5.101 Commercial Zoning Districts

A. **Generally.** Table 5.101 contains general information on the residential zoning districts in the City of Zachary.

Table 5.101 Zoning Districts		
District Name	District Code	District Purpose and Description
<b>Commercial</b>		
Neighborhood Commercial	<b>CN</b>	<b>Generally.</b> This district is intended to provide for small-scale commercial uses that provide services to nearby neighborhoods, and for the adaptive re- use of residential buildings for commercial and office uses along specific corridors or at specific intersections where changes in traffic patterns have made the buildings less desirable for residential use.
		<b>Character.</b> The character of this district is generally residential. Standards are designed so that commercial uses are compatible with residential neighborhoods. Buildings have a residential character and scale, and sites are heavily landscaped to minimize the impacts of nonresidential uses and associated parking areas so that they appear residential in character. The scale of buildings is restricted to permit only neighborhood- serving uses.
		<b>Uses.</b> The district allows for a range of retail and office uses, with the impacts of the uses limited through buffering and the small scale of the buildings. It also allows for live-work units.
		<b>Infrastructure.</b> Public water and sewer are required.
Corridor Commercial	<b>CC</b>	<b>Generally.</b> This district is intended to provide for commercial uses and activities that provide services to residents of the City of Zachary. This district can accommodate a large range of commercial, office, and service uses.
		<b>Character.</b> The character of this district is commercial uses located on corridors that provide access to the residential neighborhoods of Zachary. Standards are designed to provide for a range of uses including service/retail, commercial clusters and mixed-use corridors. The character of this district balances the pedestrian-oriented environment with reasonable parking requirements.
		<b>Uses.</b> This district is intended to provide a range of commercial uses that serve the residents of Zachary, including but not limited to retail, office, restaurant and service.
		<b>Infrastructure.</b> Public water and sewer are required.
General Commercial	<b>CG</b>	<b>Generally.</b> This district is the primary commercial district. It accommodates highway service uses and community or regional commercial, office, and service uses.
		<b>Character.</b> This district has an auto-urban character. Landscape buffers and landscaping within parking areas are required to soften the impact of large areas of pavement and beautify the district. Building form regulations apply that encourage and require creativity in building design. These regulations are intended to prevent visual degradation that results from "logo building" architecture, and from very large buildings with large blank walls, little or no building articulation, and little or no attention to architectural detail or design elements.
		<b>Uses.</b> This district is intended to provide for a full range of community and regional scale commercial enterprises, including but not limited to retail, office, restaurant, entertainment, and service.
		<b>Infrastructure.</b> Public water and sewer are required.
Urban Center	<b>UC</b>	<b>Generally.</b> This district is for the downtown area, nearby redevelopment areas, and, in some cases, vertically mixed-use areas in Traditional Neighborhood Developments. It is intended to permit a range of ground floor retail and service uses, as well as residential-over-retail and office-over- retail uses.
		<b>Character.</b> This district has an urban character, which is characterized by multi-story connected buildings that define the street and create a sense of enclosure. Buildings are the dominant visual element. Landscaping is formal, with regular street trees, planters, and street furniture. Parking areas are generally located behind buildings, or otherwise screened from view from Main Street and Church Street. A minimum height of two stories and zero (or minimal) front and side setbacks are necessary to create the urban character.
		<b>Uses.</b> This district is intended to encourage mixed-use infill development and adaptive re-use. Retail, restaurants, and service businesses are desired on the street level. Upper levels should provide office and residential uses. A mix of uses that provides for the optimal 24-hour use of the land.
		<b>Infrastructure.</b> Public water and sewer are required.

Table 5.101 Zoning Districts		
District Name	District Code	District Purpose and Description
<b>Industry and Business</b>		
Business Park	BP	<b>Generally.</b> This district provides for a full range of office, research, light industrial, wholesale, distribution, and storage uses in a campus-like setting that attracts high-quality businesses. It is intended to provide few potential nuisances to neighboring residential areas.
		<b>Character.</b> The character of this district is auto-urban buildings, buffered from views outside of the district by landscape buffers and buildings with attractive architecture. Landscaped surfaces are required to provide an amenity for the businesses and to accommodate on-site or shared stormwater detention and treatment areas.
		<b>Uses.</b> This district is intended to provide for wide range of business uses. This includes offices, research, light industrial, wholesale, distribution and storage. Also permitted are commercial uses that support these businesses, such as restaurants and office supply businesses. Also permitted are uses that can share available parking in the evening. Outside storage is limited and must be effectively screened.
		<b>Infrastructure.</b> Public water and sewer are required.
Industry	I	<b>Generally.</b> This district provides for a range of heavier industrial uses that may be unsightly or have higher potential for nuisance to adjoining residential neighborhoods than uses in Business Park (BP) districts. It is intended to protect land that has access to water or rail transportation that are critical to many of these uses.
		<b>Character.</b> The character of this district is a utilitarian auto-urban. Buildings and structures, outside storage, and uses that are basically machines (concrete mixing for example) are often unsightly. This district must be buffered from views outside of the district by extensive landscape buffers. Open spaces are required for on-site or shared stormwater detention and treatment areas.
		<b>Uses.</b> This district is intended to provide for industrial uses that are unsightly or have high nuisance potential. Very large buildings both in height and area are permitted in this district. These uses are generally poor neighbors to residential areas.
		<b>Infrastructure.</b> Public water and sewer are required.

## Division 5.200 Commercial, Business and Industrial Zoning Districts Use Tables

### Sec. 5.201 Interpretation of Use Tables

- A. **Generally.** The tables list uses in rows and zoning districts in columns. Where rows and columns intersect, a letter indicates if the use is permitted, conditional, or prohibited in the district.
- B. **Symbols.** All the tables use the following symbols:
  1. "P" means that the use is **Permitted**. Permitted uses are approved by the issuance of use permits pursuant to Article 14, Permits and Procedures.
  2. "C" means that the use is a Conditional Use, subject to all conditional use requirements and standards in the UDC and pursuant to Article 14, Permits and Procedures.
  3. "-" or an empty cell means that the use is **Prohibited** in that district.



### Sec. 5.202 Residential, Institutional and Overlay/Special Uses

Table 5.202, *Residential, Home, and Institutional Uses*, sets out which residential, home, and institutional uses are permitted, limited, conditional, and prohibited in each zoning district.

Table 5.202 Commercial: Residential and Institutional Uses and Overlay Districts												
See Sec. 5.201, Interpretation of Use Tables, for interpretation of codes in individual cells.												
Land Use	Zoning District										Use Standard	
						CN	CC	CG	UC	BP		I
<b>Residential Uses</b>												
<b>Housing Types</b>												
Dwelling, Single-Family Detached						P	C	C	P	-	-	Sec. 2.303
Dwelling, Single-Family Detached Cluster						-		-	-	-	-	Sec. 2.304
Dwelling, Single-Family Attached							C	P	P			Sec. 2.305
Dwelling, Multifamily							C	P	P	-	-	Sec. 2.306
Manufactured Home						-	-	-	-	-	-	Sec. 7.201
Manufactured Home Park or Subdivision						-		-	-	-	-	Sec. 7.201
<b>Special Housing Types</b>												
Community Homes						P	C	C	C	-	-	Sec. 7.201
Residential ElderCare Facilities						C	P	P	C	-	-	Sec. 7.201
Institutional Residential						-	-	C	C	-	-	Sec. 7.201
<b>Residential Home Uses</b>												
Home Office/Occupation						P	P	P	P	-	-	Sec. 7.201
Home Business						C	C	C	C	-	-	Sec. 7.201
Day Care Home						C	C	C	C		-	Sec. 7.201
Bed and Breakfast						C	C	P	P	-	-	Sec. 7.201
<b>Institutional Uses</b>												
Cemetery						-	-	-	-	-	-	Sec. 7.201
Cultural Facility						C	C	P	P	P		Sec. 7.201
Educational Facility, Primary or Secondary						P	P	P	P	P		Sec. 7.201
Educational Facility, University or Vocational						P	P	P	P	P		Sec. 7.201
Hospitals						-	-	P	P	P	-	Sec. 7.201
Parks and Playgrounds						P	P	P	C	C		Sec. 7.201
												Sec. 7.201
Place of Worship						P	P	P	P	P		Sec. 7.201
Private Residential Recreation Facilities						P					-	Sec. 7.201
Protective Care						-	-	-	-	-	-	Sec. 7.201
Public Service						P	P	P	P	P	P	Sec. 7.201
<b>Overlay and Special Districts</b>												
Traditional Neighborhood Development (TND)						P	P	P	P			Division 6.500
Planned Unit Development (PUD)						P	P	P	P			Division 6.400
Zachary Downtown Overlay (ZD) – Placeholder												Division 6.300
<b>TABLE NOTES:</b>												
1.												

### Sec. 5.203 Commercial Uses

Table 5.203, sets out which commercial, recreation, and amusement uses are permitted, conditional, and prohibited in each zoning district.

Table 5.203 Commercial: Commercial Uses												
See Sec. 5.201, Interpretation of Use Tables, for interpretation of codes in individual cells.												
Land Use	Zoning District											Use Standard
							CN	CC	CG	UC	BP	
<b>Commercial Uses</b>												
Agricultural Support / Other Rural Services						-		-	-	C	P	Sec. 7.201
Alcoholic Beverage Sales						C	C	C	C	C	-	Sec. 7.201
Art Gallery/Studio						P	P	P	P	P		Sec. 7.201
Bar								C	C	C		Sec. 7.201
Brewery								C	C	C		Sec. 7.201
Campgrounds						C		-	-	-	-	Sec. 7.201
Car Wash						C	C	P	C	P	C	Sec. 7.201
Commercial Amusement/Recreation Indoor						C	P	P	P	P	-	Sec. 7.201
Commercial Amusement/Recreation, Outdoor						C	C	C	C	P	-	Sec. 7.201
Commercial Retail						P	P	P	P	P	C	Sec. 7.201
Day Care Center						C	P	P	P	P		Sec. 7.201
Distillery								C	C	C		Sec. 7.201
Drive-in / Drive Through Facility						C	C	P	C	P	C	Sec. 7.201
Financial Institution						P	P	P	P	P		Sec. 7.201
Gas Station							C	P	C	P	P	Sec. 7.201
Heavy Commercial						-		P	C	P	C	Sec. 7.201
Hotel							C	P	P	P		Sec. 7.201
Kennel (add Pet Day Care)						C	P	P	C	P	-	Sec. 7.201
Light Automobile Service						C	P	P	C	P	P	Sec. 7.201
Mini-Warehouse/Self-Storage						C	C	P	C	P	P	Sec. 7.201
Mixed Use							C	P	P	-	-	Sec. 7.201
Mobile Vendors						P	P	P	P	P	P	Sec. 7.201
Nursery or Greenhouse						C	P	P	C	P	-	Sec. 7.201
Office						P	P	P	P	P	P	Sec. 7.201
Pawn Shop							C	P		P		Sec. 7.201
Private Club						C	C	P	P	C	-	Sec. 7.201
Reception Facility						C	C	P	P	C		Sec. 7.201
Restaurant, Café						P	P	P	P	P	C	Sec. 7.201
Restaurant, Fast Food						C	C	P	P	P		Sec. 7.201
Restaurant, Full-Service						C	P	P	P	P	C	Sec. 7.201
Services (Personal)						P	P	P	P	P	-	Sec. 7.201
Shopping Center						C	P	P	P	P	-	Sec. 7.201
Tattoo Parlor							C	P	C	C		Sec. 7.201
Truck Stop								C		C	P	Sec. 7.201
Vehicle Sales, Rental, and Service						-	C	P	-	P	C	Sec. 7.201
Veterinarian						P	P	P	P	P	-	Sec. 7.201

**Sec. 5.204 Industrial, Agricultural, and Special Uses**

Table 5.204, Commercial: *Industrial, Agricultural, and Special Uses*, sets out which industrial, agricultural, and special uses are permitted, conditional, and prohibited in each zoning district.

Table 5.204 Commercial: Industrial, Agricultural, and Special Uses												
See Sec. 5.201, <i>Interpretation of Use Tables</i> , for interpretation of codes in individual cells.												
Land Use	Zoning District											Use Standard
						CN	CC	CE	UC	BP	I	
<b>Industrial Uses</b>												
Disposal						-		-	-	-	C	Sec. 7.201
Extraction						-		-	-	-	C	Sec. 7.201
Heavy Industry						-		-	-	-	P	Sec. 7.201
Light Industry						-		-	-	P	P	Sec. 7.201
Recycling / Salvage						-		C	-	C	P	Sec. 7.201
Utilities, Community						C	C	C	C	P	P	Sec. 7.201
Utilities, Neighborhood						C	C	C	C	P	P	Sec. 7.201
Warehousing and Transportation						-		C	-	P	P	Sec. 7.201
<b>Agricultural Uses</b>												
Agriculture or Forestry						-		-	-	-	-	Sec. 7.201
Commercial Stables						-		-	-	-	-	Sec. 7.201
<b>Special Uses</b>												
Adult Uses											C	Sec. 7.201
Airports						-		-	-	C	C	Sec. 7.201
Parking (stand-alone lot) and Transit Facilities						-		P	C	P	P	Sec. 7.201
Wireless Telecommunications Facilities						C	C	C	C	C	C	Sec. 7.201
<b>TABLE NOTES:</b>												
<sup>1</sup> Only in connection with a community garden and only as an accessory building												

**Division 5.300 Non-Residential Zoning Districts Parcel and Site Standards**

**Sec. 5.301 Purpose of Division**

- A. **Generally.** The purpose of this Division is to establish the general standards for the character of development that is allowed within each zoning district.
- B. **Standards Applicable to Parcels Proposed for Development.** This Division establishes regulations and standards for development including general parcel, lot and building standards, development site standards and accessory use standards.
- C. **Other UDC Development Standards.** Development standards for specific uses and/or development types may exist elsewhere in this UDC. In the event of conflicting standards not addressed in Sec. 5.301.D below, the more restrictive standard shall apply.
- D. **Modifications.** The standards in Article 5 may only be modified by:
  - 1. A Traditional Neighborhood Development, according to the standards of Division 6.500, Traditional Neighborhood Development and Division 14.500 Special Development Processes.
  - 2. A Planned Unit Development, according to the standards of Division 6.400 Planned Unit Development (PUD) and Division 14.500 Special Development Processes.

3. A development standard defined for a specific use elsewhere in this UDC.
4. A variance as described in Article 14, Variance Requirements, meeting all the decision criteria. **No standard in Article 2 may be modified by any waiver, including a waiver or condition tied to a conditional use and/or site plan approval, unless: 1) specifically allowed by conditional use or, 2) a variance has been granted.**

### **Sec. 5.302 General Nonresidential Use Parcel and Bulk Standards**

- A. **Generally.** The standards that are applicable nonresidential development are provided in this section and includes minimum parcel standards, open space, intensity, minimum area for the parcel proposed for development, and height.
- B. **Public Utilities.** Unless otherwise noted in this section, public sewer and water utilities are required for all non-residential development.
- C. **How to Use Table 5.302, Development Standards in Non-Residential Districts.** The columns in *Table 5.302, General Nonresidential Parcel and Bulk Requirement*, establish the parcel area standards that apply to each of the nonresidential uses. They are interpreted as follows:
  1. The first column, district and use, reflects the zoning districts (shaded in orange) and the nonresidential or mixed uses that are allowed.
  2. The second group of columns contains minimum yard, lot and bulk standards.
  3. The column, minimum permeable open space, reflects the minimum permeable open space for the parcel.
  4. The column, minimum parcel area proposed for development, indicates the minimum area of land that is allowed for the specified use in the district.
  5. The column, heights, indicates the maximum development height.

Table 5.302 General Nonresidential Parcel and Bulk Requirements								
District and Use	Minimum					Min Permeable Open Space	Min Parcel Area Proposed for Development	Maximum Height (ft.)
	Lot Width (ft.) <sup>1</sup>	Build-to Line (ft.) <sup>2</sup>	Front Setback (ft.) <sup>2</sup>	Side Yard Min. / Total (ft.) <sup>2</sup>	Rear Setback (ft.) <sup>2</sup>			
<b>CN</b>								
Nonresidential Uses <sup>4</sup>	50	na.	20	10 / 20	25	15%	n/a	35
<b>CC</b>								
Nonresidential Uses	50	20	na.	10/20	10	10%	n/a	45
<b>CG</b>								
Nonresidential Uses	50	20	na.	10/20	10	15%	n/a	45
<b>UC</b>								
Mixed Use	50	03	na.	0	0	n/a	n/a	50
Other Nonresidential Uses	25	03	na.	0	0	n/a	n/a	50
<b>BP I</b>								
Nonresidential Uses	na.	na.	na.	15	30	10%	n/a	4 stories or 50 ft., whichever is lower
<b>TABLE NOTES:</b> <sup>1</sup> long arterials, frontages in excess of the minimum lot width may be required. <i>See Access Management and Circulation.</i> <sup>2</sup> If a larger bufferyard is required, the setback or build-to line shall be the width of the bufferyard. <sup>3</sup> Buildings shall be constructed to a build-to line that allows enough room for a 10-foot-wide attached sidewalk. If the 10-foot wide sidewalk can be constructed entirely within the right-of-way, then the build-to line shall be the property line. <sup>4</sup> Individual buildings shall not exceed 5,000 sf. for freestanding buildings; or 9,000 sf. for multi-tenant buildings with separate entrances. Any increase in maximum floor area only allowed through conditional use approval.								

**Sec. 5.303 Residential Development Standards in Non-Residential Districts**

A. **General Parcel, Building and Lot Standards.** The parcel, building and lot standards for residential uses in non-residential districts are set out in Table 5.303, *Residential Standards in Non-Residential Districts*.

<b>Table 5.303 Residential Development Standards in Non-Residential Districts</b>				
<b>District and Development Type</b>	<b>Min. Permeable Open Space</b>	<b>Maximum Total Floor Area</b>	<b>Required Utilities</b>	<b>Min. Area</b>
<b>CN</b>				
Single-Family Detached – shall comply with Single-Family Detached RS standards	See relevant RS Standard	See relevant RS Standard	See relevant RS Standard	See relevant RS Standard
All Other Residential – shall comply with RU standards	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard
<b>CC</b>				
Single-Family Detached – shall comply with Single-Family Detached RS standards	See relevant RS Standard	See relevant RS Standard	See relevant RS Standard	See relevant RS Standard
All Other Residential – shall comply with RU standards	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard
<b>CG</b>				
All Residential – shall comply with RU standards	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard
<b>UC</b>				
All Residential – shall comply with RU standards	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard
<b>BP and I</b>				
All Residential – shall comply with RU standards	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard	See relevant RU Standard

# ARTICLE 6 OVERLAY AND SPECIAL DISTRICTS

## Division 6.100 Overlay and Special Zoning Districts

### Sec. 6.101 Overlay and Special Zoning Districts Introduction

A. **Generally.** Table 6.101 contains general information on the Overlay and Special zoning districts in the City of Zachary.

Table 6.101 Zoning Districts		
District Name	District Code	District Purpose and Description
<b>Overlay and Special Districts</b>		
Corridor Overlay District	<b>COD</b>	<b>Generally.</b> The purpose of the Corridor Overlay District (COD) is to ensure that multi-family and nonresidential development in the City of Zachary that is located in highly visible corridors is located in high-quality, well-designed buildings that contribute to the level of quality and character that is envisioned by the City's Comprehensive Plan.
		<b>Character.</b> These standards generally apply to all nonresidential and vertically mixed-use development that is located on lots or parcels with any boundary line within 200 feet of Highway 19, Highway 64, and Highway 964, as denoted on the official zoning map.
		<b>Uses.</b> These standards do not affect the list of permitted uses in the underlying zoning districts.
		<b>Infrastructure.</b> Public water and sewer are required.
Zachary Downtown Overlay	<b>ZD</b>	<b>Generally.</b> The purpose and intent of the Zachary Downtown Overlay District is to maintain and enhance the commercial vitality of downtown business area, to encourage new quality residential development, to support existing residential development, to ensure that new construction and property development are harmonious with the character and planned public improvements in the district, to encourage planned development and to encourage capital investments and economic growth within the district, and to support the development of pedestrian, bicycle and people-friendly infrastructure highlighted by future infrastructure and streetscape improvements on Main Street.
		<b>Character.</b> The development character of Zachary Downtown should highlight connectivity and walkability, quality and consistency of design, accessible common green and open spaces, and iconic civic building and structures that that both preserve the history of Zachary and highlight Zachary as a growing, friendly, inclusive community. A strong Zachary downtown will include flexible regulations regarding streetscape design, landscape design, parking, architectural and façade design, residential dwelling units, and setback standards.
		<b>Uses.</b> Zachary Downtown shall include a mix of diverse uses including residential, office, retail, restaurants, entertainment, recreation, greenspaces, public parking, bollards for restricting vehicular traffic and/or a Main Street rebuild/road diet, and a designated space for entrepreneurial pop-up shops.
		<b>Infrastructure.</b> Public water and sewer are required.
PUD	<b>PUD</b>	<b>Generally.</b> The Planned Unit Development (PUD) provides for flexibility, innovation, and variety in the development of land.
		<b>Character.</b> The character of the PUD shall be designed 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>Uses.</b> The PUD is intended to allow for a mix of uses.
		<b>Infrastructure.</b> Public water and sewer are required.
TND	<b>TND</b>	<b>Generally.</b> A traditional neighborhood development ("TND") is a mixed-use community within the City that offers a variety of housing types at a variety of price points; prominently sited civic or community buildings and public open spaces; and stores, offices, services, and (in larger developments) schools, providing a balanced mix of activities in close proximity to each other.
		<b>Character.</b> TNDs have a recognizable center and clearly defined edges, and streets, sidewalks, and pathways are designed so that in most locations the pedestrian and bicyclist are given at least equal status as the automobile.
		<b>Uses.</b> TNDs are mixed-use developments that are allowed to include a wider variety of uses than are otherwise allowed in the zoning district.
		<b>Infrastructure.</b> Public water and sewer are required.

### **Sec. 6.102 Intent and Relation to Base Zoning Districts**

- A. **Generally.** Overlay zoning districts and special zoning districts are designed to require special controls in certain areas of the City that have special characteristics or special development issues.
- B. **Intent.** The intent of an overlay zoning district and special zoning district is to provide common controls over areas that require a specific type of zoning control but are typically zoned with more than one (1) base zoning district.
- C. **Rules Governing Application of Multiple Districts.** Unless modified by the overlay or special zoning district regulations, the regulations of the base zoning district apply. Whenever a lot and/or development site, as defined below, is covered by more than one overlay or special zoning district, the regulations of each overlay zoning district and special zoning district shall apply, except that where the regulations of such overlay zoning district or special zoning district contain an actual, implied or apparent conflict, the more restrictive regulation shall apply unless stated otherwise.

### **Division 6.200 Corridor Overlay District**

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#### **Sec. 6.201 Introduction of District**

- A. **Generally.** The purpose of the Corridor Overlay District (COD) is to ensure that multi-family and nonresidential development in the City of Zachary that is located in highly visible corridors is located in high-quality, well-designed buildings that contribute to the level of quality and character that is envisioned by the City's Comprehensive Plan.
- B. **Purpose.** The purpose of the COD is to provide for a superior environment along major transportation corridors through the application of an overlay district. This district is intended for application along transportation corridors in a suburban setting. The overlay district regulations are intended to supplement the regulations of the base zoning districts and to provide for harmony and compatibility of development over the length of the corridors.

#### **Sec. 6.202 Boundaries**

- A. **Zoning Map.** The official boundaries of the COD shall be delineated on the official Zachary Zoning Map.
- B. **Generally,** the boundaries of the COD shall apply to all development with the exception of single family and two-family residential, that is located on lots or parcels with any boundary line within two hundred (200) feet of Highway 19, Highway 64, and Highway 964, as denoted on the official zoning map. In the event of a conflict, the map shall take precedence.
- C. COD boundaries may be modified through a zoning map amendment in accordance with the process in Article 14.

#### **Sec. 6.203 Building Form and Design**

- A. **360 Degree Architecture.** No particular architectural style is mandated. However, the architectural style of the front façade shall be expressed on all sides of the building.
- B. **Building Walls.** All exterior building elevations that face public streets, customer parking areas, or areas of residential use shall be designed so that there are no areas of blank wall that are more than 30 feet in horizontal direction or 16 feet in vertical direction. This requirement can be met through the use of:
  - 1. Windows
  - 2. Doors



3. Awnings
4. Changes in both finish materials and colors (a change in color alone is insufficient to meet this requirement).
5. Decorative cornices
6. Murals or graphics
7. Sconce lighting
8. Towers
9. Pilasters or columns
10. Arcades
11. At least 3 feet of horizontal or vertical offset in the building wall
12. Comparable elements or design techniques that create an obvious and significant pattern of light and shadow on the building wall.

**C. Building Form.**

1. Buildings that cover more than 16,000 square feet, but less than 30,000 square feet in floor area shall have moderate changes in height or roof line, which can be accomplished by one or more of the following techniques:
  - a. Dormers with ridge lines that are 3 or more feet below the ridge line of the roof.
  - b. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of 2 to 5 feet.
  - c. Parapet walls that vary in height by 2 to 4 feet.
  - d. Towers that have a height that is 4 to 6 feet above the highest peak or ridge of the roof or highest point of the parapet.
2. Buildings that cover 30,000 square feet or more, but less than 60,000 square feet shall have major changes in height or roof line, which can be accomplished by one or more of the following techniques:
  - a. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of 5 or more feet.
  - b. Parapet walls that vary in height by more than 4 feet.
  - c. Towers that have a height that is more than 6 feet above the highest peak or ridge of the roof or highest point of the parapet. The mass of such towers shall be proportional to the building, so that the towers appear as substantial, but not overwhelming, architectural elements.
3. Buildings that cover more than 60,000 square feet shall have major changes in height or roof line, which shall, in addition to the requirements for buildings that cover 30,000 square feet or more, include:
  - a. Significant architectural features to identify principal entrances; and
  - b. Elements such as towers or significant projections from the building to break up the building mass.

**D. Roof Styles.** Flat roof and pitched roof systems are allowed, subject to the following standards:

1. Mansard roofs are not allowed.
  2. Flat roof systems shall be hidden by parapet walls that are at least 30 inches in height.
- E. **Awnings.** Awnings, if installed, shall be constructed of canvas. Back lighting is not allowed.
- F. **Multi-Story Buildings.** Buildings with more than two stories shall be designed with a clearly differentiated base, middle, and top.

### **Sec. 6.204 Primary Building Entrances**

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

1. Canopies, porticos, arcades, or overhangs;
2. Recesses or projections;
3. Raised corniced parapets over the door or peaked roof forms;
4. Arches;
5. Outdoor patios or plazas;
6. Display windows;
7. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design;
8. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

### **Sec. 6.205 Exterior Wall Finish Materials**

- A. **Principal Exterior Finish Materials.** The principal materials used for building exterior finishes shall be proven, high-quality, durable materials, including:
1. Brick
  2. Thin Brick
  3. Stone
  4. Cast stone
  5. Architectural masonry units in the following styles:
    - a. Split face
    - b. Weathered face
    - c. Sandblasted face
    - d. Ground face
  6. Glass fiber reinforced concrete
  7. Portland cement stucco
  8. Fiber cement siding
- B. **Limited Materials.**
1. Exterior Insulation and Finish Systems ('EIFS') may be used in the following ways:

- a. To finish building accents (*e.g.*, columns or window trims); or
  - b. To finish building walls that are located on the side or rear of the building, provided that the EIFS material is installed at least 8 feet above adjacent grade.
2. Glass curtains may be used for building window areas, but shall not occupy more than 60 percent of the ground floor facade, nor more than 40 percent of upper floor facades.

**C. Prohibited Materials.**

1. The use of the following for exterior walls, siding, or cladding is prohibited in all districts except the I district, provided that in the I district, the building that incorporates these materials is located at least 150 feet from arterial streets, or if the building is closer than 150 feet to the street, the elevation upon which the material is applied is not visible from abutting arterial or collector streets:
  - a. Prefabricated metal wall panels
  - b. Corrugated metal
  - c. Smooth-faced, unfinished concrete blocks
  - d. Vinyl, composite, or metal siding
2. The use of the following for exterior walls, siding, or cladding is prohibited in all districts:
  - a. Plywood
  - b. Plastic

**D. Approval of Other Materials.** Other building materials may be used as predominant materials if it is demonstrated that they have comparable durability, impact resistance, and aesthetic quality as the materials permitted by this Section; and either:

1. They are part of a building that is designed to achieve a Leadership in Energy and Environmental Design ("LEED") certification, and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists; or
2. They are part of a building that is EPA certified as Designed to Earn the ENERGY STAR, and the materials substantially improve the energy efficiency of the building compared to materials that are permitted by Subsections A or B.

## **Sec. 6.206 Roofing Materials**

- A. **Flat Roof Systems.** Any material that is permitted by building code is allowed on flat roof systems. Green roof systems are encouraged.
- B. **Roofing Materials for Pitched Roof Systems.** Roofing materials used on pitched roof systems shall be proven, high-quality, durable materials, including:
  1. Architectural shingles
  2. Concrete tile
  3. Slate
  4. Architectural standing seam metal
  5. Building integrated photovoltaics (solar panels that double as roofing material)
  6. Green roof systems

- C. **Prohibited Roofing Materials.** Corrugated metal and other roofing materials that are not listed in subsection B., above, are not allowed.

### **Sec. 6.207 Mechanical Equipment and Meters**

- A. **Generally.** Mechanical equipment associated with building operations (*e.g.*, HVAC systems) shall be screened as provided in this Section.
- B. **Ground-level Equipment.** Mechanical equipment and meters shall be screened from view from principal parking areas, public rights-of-way, and residential uses by landscaping, bufferyards, or building walls. Hedges and screen walls that are used to hide mechanical systems shall be maintained at a height that is at least one foot higher than the equipment.
- C. **Roof-mounted Equipment.** Mechanical equipment shall be screened from all ground level views from adjacent property and rights-of-way by:
1. Parapet walls, which shall include cornice treatments that are of adequate height to screen the equipment (a slope of 1 foot rise per 25 feet of run shall be used to determine if the wall is of adequate height); or
  2. Screening walls of adequate height to hide the equipment, which use materials and colors that are consistent with the design of the building; or
  3. Sloped roof systems or other architectural elements of adequate height to hide the equipment.

## **Division 6.300 Zachary Downtown (ZD) Overlay District**

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### **Sec. 6.301 Purpose of Zachary Downtown**

- A. **Purpose.** The purpose of the Zachary Downtown Overlay District is to ensure that development and redevelopment creates a high-quality, pedestrian-friendly environment within the City's traditional downtown area, including well-designed buildings that contribute to the quality and character of the City.
- B. **Generally.** All development in the ZD district shall prioritize the following elements:
1. Signage that is pedestrian-oriented and human-scale.
  2. Design for the shape, form and density of new buildings and other developments to support a mix of uses and activities.
  3. Utilize car and bicycle parking requirements to make preservation projects and transit-oriented development more feasible.
  4. Use building setback, rear, and side-lot requirements, to dictate the continuity and rhythm of the main corridor/street building facades.
  5. Identify standards intended to support high-quality design, including site planning, lighting, landscaping, screening, signage, infrastructure and traffic flow.
  6. Incentivize active uses on the ground floor to prevent retail gaps and supports retail and human activity concentration while permitting a variety of uses on upper floors, like housing offices.
  7. Increase the attractiveness of the area for investment and economic development through expanded opportunities, collaborations and partnerships with the City of Zachary.

**Sec. 6.302 Zachary Downtown Overlay (ZD) Applicability and Plan Review**

- A. **Applicability.** Unless specifically exempted by this code, the regulations of this overlay district shall apply to:
1. The entirety of any lot located within the area of applicability of the overlay district.
  2. The entirety of any lot that is occupied by an off-site accessory use, including but not limited to off-street parking, that is incidental and subordinate to a principal use that is located on a lot within the area of applicability of the overlay district;
  3. The entirety of any lot on which any portion of a principal or accessory building is constructed, where some portion of the use occupying such building is located on a lot that is indicated within the area of applicability of the overlay district.
- B. **Development Plan Review Required.**
1. Development Plan Review as outlined in Sec. 14.410 is required for the following development in the ZD district:
    - a. New construction or expansion of any use or site.
    - b. Creation of more than 500 square feet of impervious surface (paving).
    - c. Construction of accessory structures on a lot with a multi-family use or nonresidential use.
    - d. Demolition permits that meet any of the of the following criteria:
      - i. Removal of any portion of the front façade.
      - ii. Structural removal of any exterior wall area.
      - iii. Structural removal of any portion of the roof structure.
  2. Development Plan Review as outlined in Sec. 14.410 shall not be required for the following development in the overlay district:
    - a. Ordinary maintenance or repairs to structures that do not involve a change of design, color, material, or the outward appearance of the structure.
    - b. Construction of accessory structures on a lot with a primary single-family residential use.
    - c. A change of building occupancy with no physical change is made to the building. However, in such cases, opportunities to bring the existing site into compliance with the overlay standards shall be explored, with special consideration of those items that are most feasible and would achieve the greatest overall results in the appearance and functionality of the site.

**Sec. 6.303 Zachary Downtown Overlay (ZD) Uses**

A. **Overlay Uses.** In addition to the uses permitted in the underlying zoning districts, this use table shall control for the listed uses in the overlay district.

Table 6.303 Zachary Downtown Overlay District Uses				
Land Use	Underlying Zoning District			Use Standards
	All Residential Zoning Districts		All Non-Residential Zoning Districts	
<b>Residential Uses</b>				
Dwelling, Multifamily	C		C	Sec. 2.306
<b>Institutional Uses</b>				
Cultural Facility	C		P	Sec. 7.201
<b>Commercial Uses</b>				
Alcoholic Beverage Sales			P	Sec. 7.201
Art Gallery/Studio	P		P	Sec. 7.201
Bar			P	Sec. 7.201
Brewery			P	Sec. 7.201
Distillery			P	Sec. 7.201
Drive-in / Drive Through Facility				Sec. 7.201
Mini-Warehouse/Self-Storage				Sec. 7.201
Mixed Use			P	Sec. 7.201
Reception Facility			C	Sec. 7.201

B. **Uses/Activities Requiring Amortization (Placeholder).** The following uses/activities in the overlay district are subject to the amortization requirements of this ordinance:

**Sec. 6.304 Zachary Downtown Overlay (ZD) Rules of Applicability**

A. **Overlay Parcel and Bulk Requirements.**

Table 6.304 General Nonresidential Parcel and Bulk Requirements							
District and Use	Minimum				Min Permeable Open Space <sup>2</sup>	Min Parcel Area Proposed for Development	Maximum Height (ft.)
	Lot Width (ft.)	Front Setback (ft.)	Side Yard Min. / Total (ft.)	Rear Setback (ft.)			
<b>ZD</b>							
All Uses	25'	None required, but a 10' maximum, larger front yard permitted by conditional use	0	0	n/a	n/a	50'

**Sec. 6.305 Building Design Requirements**

A. **Generally.**

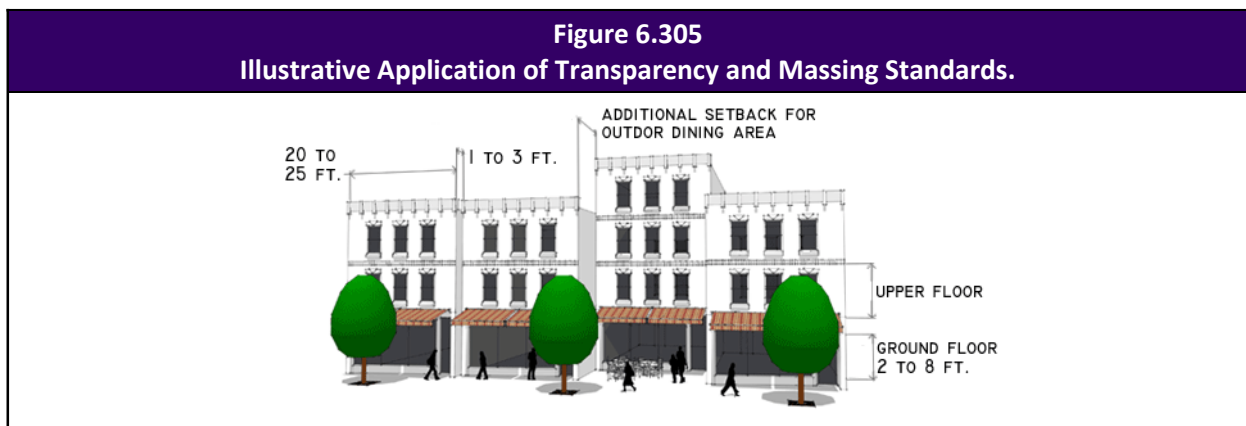
1. Residential development shall comply with the RU Residential Urban standards and requirements in

Article 2 and the Multifamily Design Standards in Article 2, and all other applicable standards in this UDC, including unless specifically exempted and/or amended in this section.

2. Mixed-Use and non-residential development shall comply with the UC Urban Center standards and requirements in Article 6 and the Multifamily Design Standards in Article 2, and all other applicable standards in this UDC, including unless specifically exempted and/or amended in this section.

#### B. Transparency.

1. Not less than 50 percent of the ground floor of the front façade shall be transparent. Transparency includes window or door openings that allow views into and out of the interior of the building.
2. The bottom of any window used to satisfy this requirement may not be more than three and one-half (3.5) feet above the adjacent sidewalk.
3. Windows shall be constructed of clear or lightly tinted glass. Tinting above twenty percent (20%) or reflective glass is prohibited. Windows shall also include obvious sills, heads, and other forms of framing.
4. Not less than 30 percent nor more than 50 percent of the façade of each upper floor shall be transparent. *See Figure 6.305, Illustrative Application of Transparency and Massing Standards.*



#### C. Massing and Facades.

1. Buildings with a front facade greater than 50 feet in length shall be designed to appear as a group of attached buildings or otherwise given interest while maintaining a harmonious facade. The facade shall have a rhythm created by vertical elements with a 20 to 25 foot on center spacing. The vertical elements shall be differentiated by building offsets of one to three feet. Additional offset is allowed to accommodate plazas for outdoor dining or public assembly.
2. The first floor of structures shall be designed with a minimum ceiling height of fourteen (14) feet.
3. The floors of buildings shall be aligned within one foot unless the slope conditions on the site require greater differences. The buildings shall articulate the floor levels with horizontal bands of different materials, offsets and shadow lines, changes in window treatments, or changes in material and color, or the inclusion of balconies or railings.
4. Articulation may also include a change in the number of floors and variations in roof or parapet height or design.
5. Ventilation grates, emergency exit doors, and similar functional elements located on the façade along the corridor shall be designed as decorative elements and integrated into the overall building

design.

**D. Building Entrances and Access.**

1. Structures shall maintain a primary entrance on the primary street front façade. Building entrances may include doors to individual shops and businesses, lobby entrances, entrances to pedestrian plazas, or entrances to a cluster of retail goods establishments or other non-residential uses that are open to the public.
2. The building (and site) shall be designed to ensure safe pedestrian access to the building from the street and from any parking areas. Safe pedestrian access to and from adjacent buildings is also required. Sidewalks shall extend to the lot line and connect to existing sidewalks on abutting property.
3. Mid-building pedestrian passages are encouraged. Such passageways shall be designed to be safe and well lit, providing convenient pedestrian access to and from areas such as parking lots and adjacent buildings, and/or service streets from the opposite sides of a building. Any passage shall be a minimum of eight (8) feet in width.
4. Building design shall be reviewed so that the primary entrance, travel between buildings, parking structures and safe pedestrian access points are physically accessible to allow full access and use by a person utilizing a mobility device.

**Sec. 6.306 Signage**

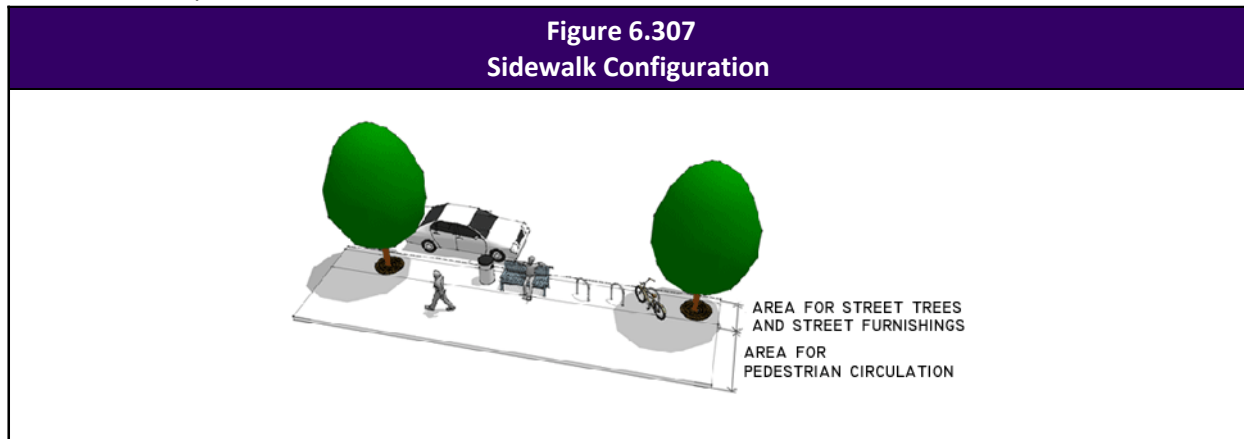
- A. **Generally.** All signage shall follow the standards for signage in the UC Urban Center District, except as follows:
- B. Sign materials shall relate to the materials and style of the building(s) they serve.
- C. Signs oriented to pedestrians (e.g., projecting signs supported by ornamental brackets) are strongly encouraged.
- D. Freestanding principal use signage only permitted by conditional use. If allowed by conditional use the following standards shall apply:
  1. Signage shall be limited to a monument sign, with a maximum sign height of ten (10) feet.
  2. Lower, monument-style signs are preferred where visibility from the right-of-way is not an issue. Preferred monument signs are low, horizontal with raised lettering and set off by flowers, shrubs and/or a lawn.
  3. Ample landscaping shall be provided at the base of all signs.

**Sec. 6.307 Sidewalks, Plazas, and Pedestrian Amenities**

- A. **Generally.** Sidewalks, plazas, and pedestrian amenities shall be designed to support the character of the ZD District.
- B. **Sidewalks.**
  1. Sidewalks that are located along Main Street shall be at least 15 feet in width., with the five feet of width (measured from the outside of the curb) used for planting street trees in tree grates and the installation of street furniture and bicycle parking, and the remaining 10 feet for pedestrian circulation. *See Figure 6.307, Sidewalk Configuration.*
  2. Sidewalks located on other streets in the ZD District shall have ten (10) feet sidewalks.



3. Where the existing sidewalks do not meet this requirement, the additional sidewalk shall be provided, along with an easement for public use of the sidewalk, when a parcel is developed or redeveloped.



- C. **Public Outdoor Spaces.** Placeholder.
- D. **Pedestrian Amenities.** Plazas and squares shall include amenities that provide an active and passive family-friendly urban leisure and recreational experience, such as patio seating areas, benches, covered or shaded playground areas, water features, clock towers or similar focal features or amenities that are scaled for pedestrians. Such amenities shall have direct access to the sidewalk network, and shall be situated in a visible location that is convenient for use as a gathering area.

### Sec. 6.308 Open Spaces

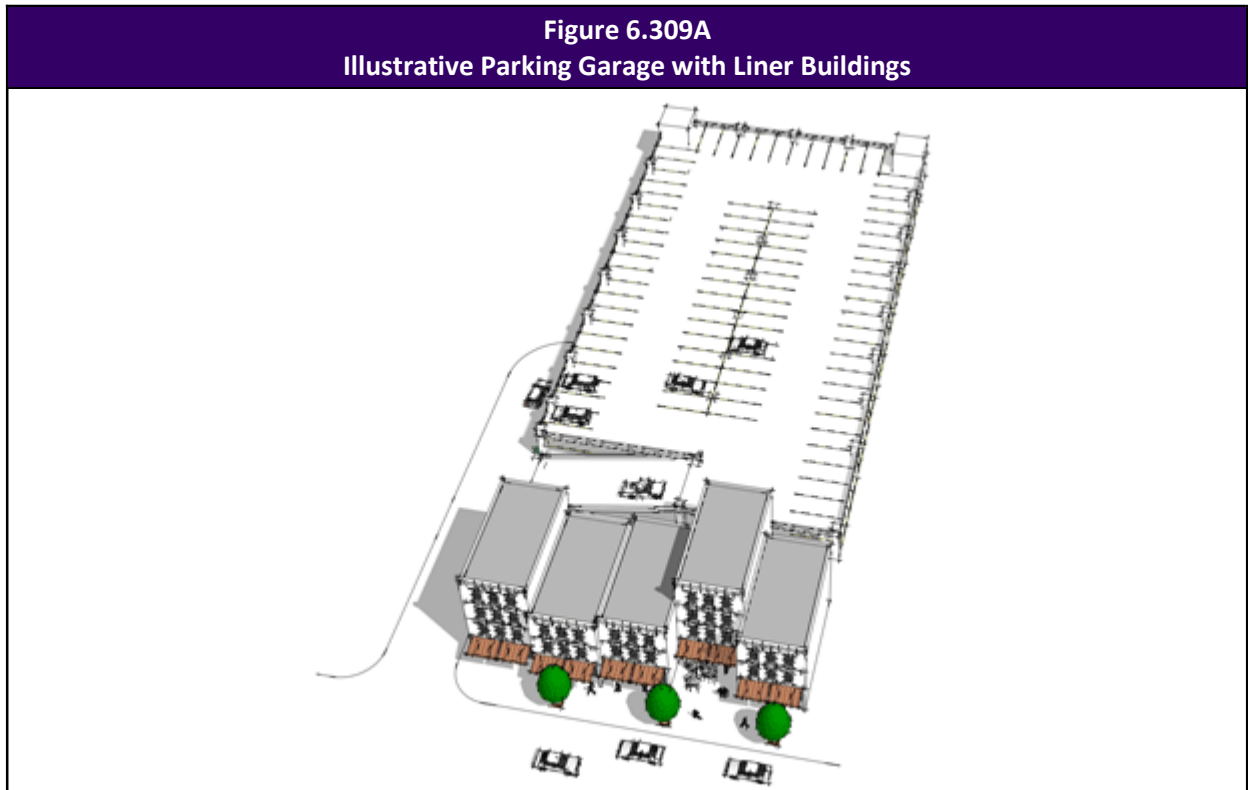
- A. **Open Spaces.** Open Spaces shall comply with the provisions of the underlying zoning, except as follows:
  1. Open spaces should be directly accessible to a street, bicycle or pedestrian path, or public right-of-way.
  2. Open spaces should contain seating, trash receptacles, landscaping, and other amenities such as water features, kiosks, and passive recreation areas, where appropriate.
  3. Open spaces should contain artwork, landmarks and wayfaring signage, where appropriate.

### Sec. 6.309 Off-Street Parking

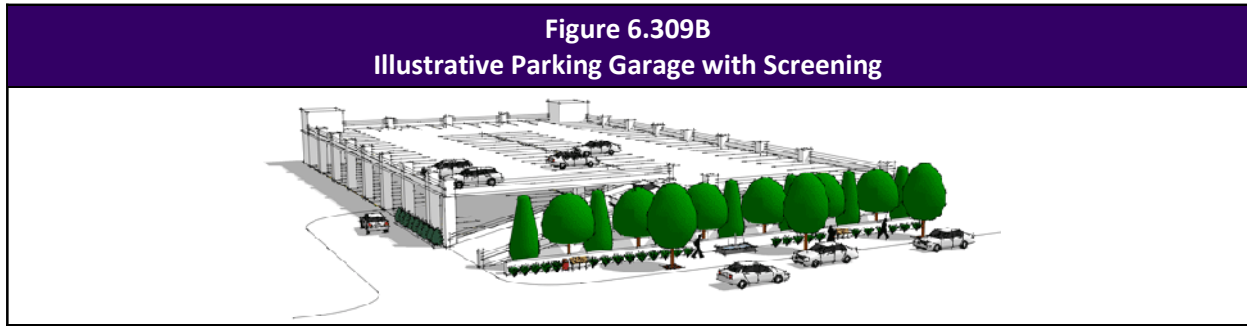
- A. **Generally.** Off-street parking shall be designed and located according to the standards of this Section. These standards are applied in addition to the standards that are set out in Article 10, *Parking and Loading*.
- B. **Parking Lots.** Off-street parking shall be located in the side yard (with the appropriate parking lot buffer) or the rear of the building. Off-street parking in the front yard is only permissible with a conditional use.
  1. All sites shall have one or more continuous internal pedestrian walkways, no less than four (4) feet in width, from the public parking area to the principal customer entrance of all principal buildings on site.
  2. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety.

#### D. Parking Garages.

1. The perception of the bulk (or mass) of a parking garage as seen from the street shall be minimized by orienting the garage so that its short dimension along the street edge of the street with the highest functional classification upon which the lot fronts.
2. Generally, the parking garage shall include active uses such as retail or other appropriate uses at the ground level and/or along the street frontage, or shall be located behind the principal building (see Figure 6.309A, *Illustrative Parking Garage with Liner Buildings*).



3. Where the dimensions of the parcel proposed for development do not accommodate the active use of the street frontage, parking structures and vehicle entrances shall be designed to minimize views into the garage interior from surrounding streets and sidewalks. Methods to help minimize such views may include, but are not limited to landscaping, planters masonry walls up to 3.5 feet in height, and decorative grilles and screens. The frontage along the garage shall include street furniture at intervals of not more than 80 feet (see Figure 6.309B, *Illustrative Parking Garage with Screening*).
4. Parking structures shall be architecturally consistent with exterior architectural elements of the primary structure or adjacent traditional buildings, including rooflines, façade design, articulation, modulation and finish materials.
5. Security grilles for parking structures shall be architecturally consistent with and integrated with the overall design. Chain link fencing is not permitted for parking structure fencing.



**Division 6.400 Planned Unit Development (PUD)**

**Sec. 6.401 Planned Unit Development (PUD) General Criteria**

- A. **Generally.** All PUD development shall meet the following criteria:
  1. Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
  2. Diversification and variation of residential and non-residential uses, infrastructure, open spaces, and lot developments.
  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 planned building and site development program.
  6. Efficient and effective circulation for various means of transportation, both within and adjacent to the development site.
  7. Creation of a variety of architectural styles and housing types compatible with surrounding neighborhoods to provide greater housing choice.

**Sec. 6.402 Planned Unit Development (PUD) Districts**

A. **Permitted Districts.** PUD may be applied for as an overlay as allowed in Table 6.402, PUD Zoning Districts.

Table 6.402 PUD Zoning Districts												
See Sec. 1.301, Interpretation of Use Tables, for interpretation of codes in individual cells.												
Land Use	Zoning District											Use Standard
	RR	RE	RS	RU		CN	CC	CG	UC	BP	I	
<b>Overlay and Special Districts</b>												
Planned Unit Development (PUD)		P	P	P		P	P	P	P	P		Division 6.400

- B. **Site Area.** The minimum site area for a PUD shall be as follows:
  1. In residential districts – Twenty-five (25) contiguous acres

2. In all other zoning districts – Ten (10) contiguous acres
3. If the proposed development site is located in multiple zoning districts, the site must comply with the largest acreage standards.
4. The site of the PUD must be under common ownership and/or unified control. If there are two (2) or more owners, the application for the PUD must be jointly filed by all owners.
5. Every PUD developed under these provisions shall comply with all of the regulations established unless the regulations have been waived by the City Council or as otherwise stated in Division 14.500 Special Development Processes.

## **Sec. 6.403 Planned Unit Development (PUD) Use and Development Standards**

### **A. Residential Use Standards.**

1. Residential development shall comprise a maximum of sixty (60) percent of the overall developable area of the PUD, not including the required open space. Live/work and residential mixed-use development are included in the sixty (60) percent.
2. The PUD shall have a maximum residential density of twelve (12) units per acre.
3. Single-family residential shall be developed in accordance with the standards for RU single-family cluster development in Article 2.

### **B. Non-Residential Standards**

1. Uses allowed in Table 5.203 Commercial Uses in the CC, CG, and UC districts may be located in the PUD, subject to the respective design standards for each use in the UDC.
2. The following non-residential uses in Table 5.203 Commercial Uses shall not be permitted in a PUD development:
  - a. Agricultural Support/Other Rural Services
  - b. Truck Stop
  - c. Vehicle Sales, Rental and Service.
3. Permitted and Conditional Uses in Table 5.203 Commercial Uses that are not prohibited in Sec. 6.604.E.2, may only be allowed by conditional use approval.

### **C. Infrastructure Standards.**

1. The PUD site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The circulation system within the proposed development shall be adequate to serve the uses within the development. The applicant is responsible for the cost and installation of any additional traffic controls and regulating devices that may be required.
2. All PUDs shall provide for acceptable design and construction of all utilities, roadways, parking facilities, landscape, and other site improvements, in accordance with the requirements of this Ordinance and all other relevant ordinances of the City of Zachary.
3. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.
4. The PUD shall connect to the municipal sewer system.

- D. Open Space Standards.** All open space shall meet the standards for Open Space in Division 4.400 Open

Spaces., with the following exceptions:

1. The minimum The minimum open space requirement shall be forty percent (40%) of the total area of the PUD. The minimum open space requirements can be decreased to thirty percent (30%) or twenty-five percent (25%) if specified uses and features are included.
    - a. The minimum open space requirement can be decreased to thirty percent (30%) if three (3) or more of the listed uses or features are included.
    - b. The minimum open space requirement can be decreased to twenty-five percent (25%) if five (5) or more of the listed uses or features are included.
  2. Suggested uses and features include but are not limited to:
    - Pavilion/picnic area
    - Recreational fishing pond (with boardwalk(s) and/or fishing pier(s))
    - Youth recreational playground(s)
    - Recreational Areas (basketball courts, tennis courts, pickle ball courts, outdoor gyms multipurpose fields... etc.)
    - Walking/jogging trail
    - Community Garden
    - Linear Park/Greenway
    - Alternative options will be considered but must be approved by the Planning Director and/or City Council.
- E. **Required PUD Buffers.** Where PUDs adjoin public streets or lands with a different zoning classification, the installation and maintenance of a Type C landscaped buffer area at such perimeter shall be required in accordance with the requirements of the UDC. The detailed landscape plan for any such buffer required shall be part of the landscape plan filed in conjunction with the final plan.

## **Division 6.500 Traditional Neighborhood Development**

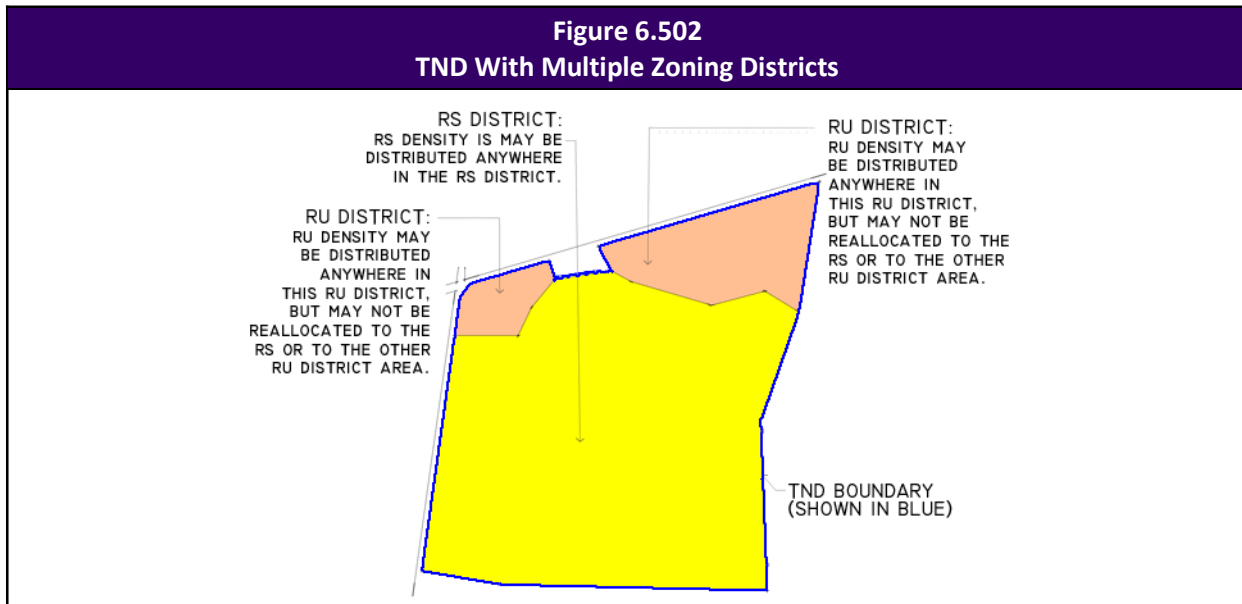
### **Sec. 6.501 Purpose of Division; Application of TND Subdistricts**

- A. **Generally.** A traditional neighborhood development ("TND") is a mixed-use community within the City that offers a variety of housing types at a variety of price points; prominently sited civic or community buildings and public open spaces; and stores, offices, services, and (in larger developments) schools, providing a balanced mix of activities in close proximity to each other. TNDs have a recognizable center and clearly defined edges, and streets, sidewalks, and pathways are designed so that in most locations the pedestrian and bicyclist are given at least equal status as the automobile.
- B. **Mix of Uses.** TNDs are mixed-use developments that are allowed to include a wider variety of uses than are otherwise allowed in the zoning district.
- C. **Pattern Books.** Pattern books are required for TNDs.
- D. **Establishment of Subdistricts.** Plans submitted for approval pursuant to this division shall indicate three sub-districts:
  1. Center ("C"), which is the location for the most intense development, including vertically mixed-use (at the applicant's option), and formal public gathering spaces.

2. General (“G”), which is the location for most of the housing in the development.
3. Edge (“E”), which is the location for the least intense development, in the form of relatively large-lot single-family detached residences.

**Sec. 6.502 Traditional Neighborhood Developments in Multiple Zoning Districts**

- A. **Generally.** The permitted density does not have to be evenly distributed throughout the parcel proposed for development.
- B. **Multiple Zoning Districts.**
  1. *Generally.* If a TND spans multiple zoning districts, density may not be allocated from one contiguous zoning district area to any another. However, it may be unevenly distributed within each contiguous zoning district. *See Figure 6.502, TND With Multiple Zoning Districts.*
  2. *Relationship to TND Subdistricts.* Subdistricts are applied across the entire TND, regardless of the underlying zoning district. Nothing in this Section shall be interpreted to require that each zoning district contain all three TND subdistricts.



**Sec. 6.503 Layout of Traditional Neighborhood Development**

- A. **Generally.** An efficient multimodal circulation system that includes streets, alleys, sidewalks, and trails shall be provided throughout the proposed development. Generally, the density and intensity of development shall be concentrated in the center subdistricts, and lessen as distance to the center subdistricts increases.
- B. **Subdistricts.** The applicant shall designate the boundaries of the subdistricts on the plan for the TND.
- C. **Access to Residential Lots.** Residential lots shall be accessed as provided in Table 6.503A, *Residential Access by Subdistrict.*

Table 6.503A Residential Access by Subdistrict			
Access	Subdistrict		
	Center	General	Edge
Driveway Connects to Street	Not Allowed	Allowed only for single-family detached homes on lots that are wider than 60 feet	Allowed
Driveway Connects to Alley	Allowed	Allowed	Allowed

D. **Access to Nonresidential and Mixed-Use Development.** Nonresidential and vertically mixed-use development shall be accessed as provided in Table 6.503B, *Nonresidential and Mixed-Use Access by Subdistrict*.

Table 6.503B Nonresidential and Mixed-Use Access by Subdistrict			
Access	Subdistrict		
	Center	General	Edge
Parking Lot Access Connects to Street	Allowed only along streets that define the border of the Center subdistrict	Not Allowed	Allowed
Parking Lot Access Connects to Alley	Allowed	Allowed	Not Allowed
On-Street Parking	Allowed	Allowed	Allowed
Mid-Block Access to Parking Structures or Parking Courts Located Behind Buildings	Allowed	Allowed	Allowed

E. **Blocks.** The standards of this subsection supersede standards in Article 3 Subdivision Standards in the event of a direct conflict.

1. *Arrangement.* Although a strict grid is not required, blocks shall be arranged in grid-like fashion to ensure connectivity and alternate travel routes within the development.
2. *Block Length.*
  - a. Street segments in the Center Subdistrict shall not be longer than 500 feet unless buildings provide pedestrian access from the front sidewalk to rear parking areas or structures at intervals of not more than 300 feet.
  - b. Street segments in the General and Edge Subdistricts, shall not be longer than 650 feet, and should generally be shorter than 650 feet. This requirement does not apply where:
    - i. The street segment traverses open spaces that are wider than 650 feet; or
    - ii. The view along the segment is interrupted by a significant curve, jog, or offset in the street, provided that the curve, jog, or offset is situated not more than 650 feet from the intersections that define the street segment.
3. *Cul-de-sacs.* Cul-de-sacs may be used only in the “E” sub-district, but only where necessary due to site constraints. Cul-de-sacs may not be longer than 350 feet.

F. **Streets.** Streets shall be designed according to the applicable standards of Article 3 Subdivision Standards, and as provided therein, may have different right-of-way width and utilization than other streets in the City. Streets shall be laid out to provide connectivity within the development, and

connections to adjacent neighborhoods.

- G. **Alleys.** Alleys shall be installed to provide service and parking access within the Center and General subdistricts, and shall conform to the requirements of Article 3 Subdivision Standards. In areas where alleys will be used to provide services (*e.g.*, trash collection or utilities) in addition to access), the City may require greater dimensions, and the Public Works Director or designee shall approve all connections and curb radii after consultation with the Fire Department and solid waste service provider.
- H. **Sidewalks.** Sidewalks shall be installed on both sides of all streets, except along a side which is a park or designated open space, and shall be designed with the dimensions set out in Article 3 in the table, *TND Street Configurations*, and the Americans with Disabilities Act Accessibility Guidelines.
- I. **Trails.** Off-street trails and multi-use paths shall be installed to enhance access to and through open space and recreational areas that are used as amenities for the TND development, and to connect to existing or planned trail systems in the City. Trails, where used, shall be eight feet wide and paved with concrete, compacted crushed limestone, or compacted cinder.
- J. **Off-Street Parking.** Off-street parking shall be located behind the building it serves, or in parking garages that are designed according to the same standards that apply in the UC zoning district.
- K. **Open Space and Recreation Areas.**
1. *Open Space.*
    - a. Generally, open spaces should be integrated into the development design to bring significant open space to the maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Small, odd, left-over open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.
    - b. Open space shall be designed to provide greenways along drainage corridors and streams. The landscaping along corridors or streams shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway for the residents of the proposed development.
    - c. Formal open spaces shall be designed to provide areas of focus within the development. Landscaping and furniture for pedestrians should be installed to enhance this effect.
    - d. Open spaces shall be protected by appropriate easements and plat notations.
  2. *Accessibility of Recreation Areas.* Outdoor recreation areas shall be provided throughout the development, such that 90 percent of the residential units in the development (and 100 percent of the units in the "C" sub-district) are located within a one-quarter mile walk of an outdoor recreation area. For the purpose of this section, a plaza with features that provide recreational opportunities (*e.g.*, interactive fountain or sculpture, tot lot, etc.) shall be considered an outdoor recreation area.
- L. **Relation to Abutting Parcels.** Development that is approved pursuant to this Division shall be designed to be compatible with abutting parcels, in at least one of the following ways:
1. *Lot Width and Design.* The lot width and design of development at the perimeter of a TND shall be comparable with the lot width and design of abutting subdivisions. This requirement does not apply if the abutting parcel is not subdivided.
  2. *Bufferyard.* In the alternative to subsection A., bufferyards may be installed according to the classifications set out in Article 11., as follows:



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

**Sec. 6.504 Modification of Lot and Yard Standards**

- A. **Generally.** The general standards for each housing type are out in [Article 2](#), which contains lot standards, minimum lot areas and dimensions, setbacks, building heights, and maximum building coverage for each type of building. These standards ensure that each building type will have adequate light and air, living area, and yard areas to provide a quality experience. However, to achieve the design objectives of a TND, it may be desirable to modify the requirements of [Article 2](#). Accordingly, the lot, yard, and building coverage standards of [Article 2](#), may be modified upon approval of a Pattern Book that meets the requirements in Division 14.500 Special Development Processes, and demonstrates compliance with the standards of this tabletion.
- B. **Minimum Number of Housing Types.** Housing types shall be mixed as required by Article 2.
- C. **Subdistricts.** The applicant shall designate the boundaries of the subdistricts on a map that is included in the Pattern Book. Patterns shall be provided for each subdistrict.
- D. **Modification of Setbacks.**
  - 1. *Range of Modification.* Setbacks may be modified, or replaced with "build-to" lines, as provided in Table 6.504, *Reduced Setbacks for TNDs*. Setbacks or build-to lines may be established for subdistricts or for individual street segments, and shall be described in the Pattern Book.

Table 6.504 Reduced Setbacks for TNDs				
Subdistrict	Setback or Build-To Range			
	Front	Interior Side	Street Side	Rear
Center	0 to 8 feet	As allowed by building code	3 feet or more	Any
General	0 to 15 feet	As allowed by building code	5 feet or more	Any
Edge	10 feet or more	5 feet or more	5 feet or more	20 feet or more

- 2. *Criteria for Modification.*
  - a. Where front setbacks will be less than eight feet, the applicant shall provide drawings in the Pattern Book that show:
    - i. How steps giving entry to the homes will be designed;
    - ii. How a combination of street trees, yard landscaping, and open space configuration and

landscaping provide for a streetscape that compensates for the loss of front yard landscape area;

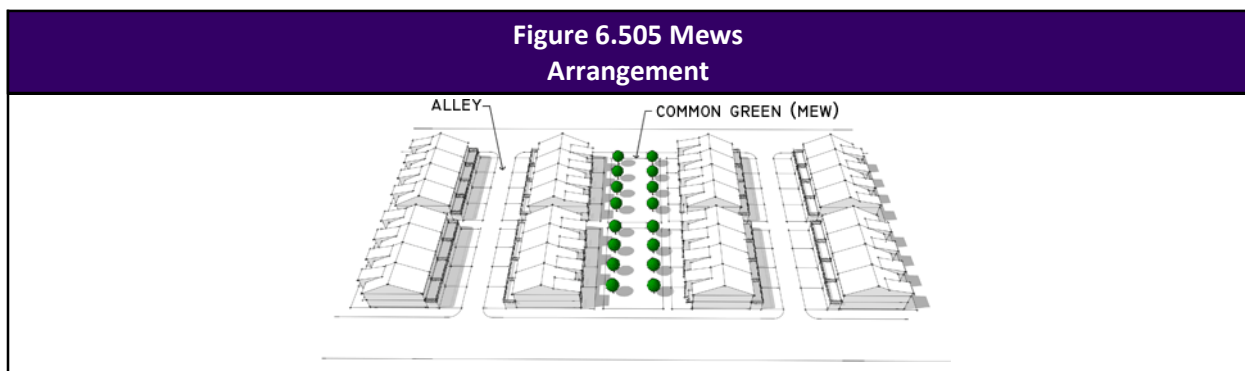
- iii. That the reduction in the front yard will be offset by an equivalent increase in the rear yard of the principal building, or the creation of a courtyard or patio on the side of the building that makes up for the loss of the front and rear yard;
  - iv. That the lot takes access from an alley; and
  - v. That the modified front setback will not impact neighboring properties. If the development has lots that front on an existing street with residential development on the other side, then the standards of Article 2 shall apply to those lots.
- b. Where side setbacks (interior or street) will be modified, the applicant shall demonstrate that:
- i. The buildings will comply with applicable building codes;
  - ii. There is sufficient spacing to provide for building maintenance and access;
  - iii. The configuration will not interfere with sight distance requirements; and
  - iv. With respect to street side yards only, a combination of street trees, yard landscaping, and open space configuration and landscaping will provide for a streetscape that compensates for the loss of front yard landscape area.
- c. Where rear setbacks will be modified, the applicant shall demonstrate that:
- i. The design provides for comparable useable outdoor living space on the lot (e.g., through a larger front yard or a courtyard or patio on the side of the house);
  - ii. The design will not create an unsafe condition for the passage of vehicles and pedestrians in an abutting alley (if present); and
  - iii. The design will not interfere with the use and enjoyment of rear or side yards on abutting lots.
- E. **Modification of Lot Dimensions.** Lot dimensions may be modified if it is demonstrated that:
1. The proposed lot sizes will ensure a diversity of development that is consistent with the intent of the standards of [Article 2](#);
  2. The proposed lot sizes are sufficient to provide light and air to all of the dwelling units in the development;
  3. The proposed lot sizes are appropriate to the types of housing that are proposed on the lots;
  4. The proposed lot sizes, combined with the permitted building coverage, provide enough room for useable outdoor living space for all single family detached housing types; and
  5. The proposed lot sizes provide enough room for utilities and drainage.
- F. **Modification of Building Coverage.** Building coverage may be modified if lot sizes are reduced, as follows:
1. For all housing types except townhomes (of any type):
    - a. The permitted building coverage shall not allow for the complete development of the area bounded by the setback lines on the lot in order to ensure that buildings are not monolithic in appearance (compliance with this standard requires a meaningful articulation of the building);

or

- b. The permitted building coverage allows for the complete development of the area bounded by the setback lines on the lot, but another bulk control is used to ensure that the second floor is articulated to avoid the appearance of a monolithic building.
2. For townhomes, the building coverage may be increased to allow for the complete development of the area bounded by the setback lines.

### Sec. 6.505 Mews Arrangement

- A. **Generally.** The mews arrangement is a site layout in which homes front on a common green, and vehicular access is by way of alleys so that lots have no street frontage. The mews arrangement is allowed in TNDs subject to the standards of this Section.
- B. **Standards.** Lots may take alley access and front on mews (common greens) if the alleys are not longer than 300 feet and do not serve more than 16 dwelling units. See Figure 6.505, *Mews Arrangement*.



### Sec. 6.506 Accessory Buildings and Detached Garages

- A. **Generally.** Not more than two buildings (in addition to the principal building) shall be permitted on a lot pursuant to this Section. In some cases, only an accessory building may be allowed.
- B. **Accessory Buildings.**
  1. Accessory buildings that are not detached garages are permitted on all residential lots except through lots, and shall be subject to the standards for accessory building in Article 7 and Article 8.
  2. Accessory buildings shall have the same architecture and building materials as principal buildings.
- C. **Detached Garages.** Detached garages are permitted as provided in this subsection. These standards supersede any standards in Article 7 and Article 8 that are in direct conflict.
  1. *Maximum Ground Floor Area.*
    - a. Center (“C”) subdistrict and General (“G”) subdistrict: 600 square feet.
    - b. Edge (“E”) subdistrict: 800 square feet.
  2. *Maximum Height.*
    - a. 15 feet if used only as a garage;
    - b. 35 feet if ancillary dwelling unit is constructed above the garage.

3. *Location.* Detached garages shall be located behind the principal building or to the side of the principal building. Such garages shall be set back of at least 25 feet more from the front lot line than the facade of the principal building.
4. *Architecture.* Detached garages shall be designed to be architecturally comparable to the principal building.

### **Sec. 6.507 Accessory Dwelling Units**

- A. **Generally.** Accessory dwelling units ("ADUs") provide a type of housing that can accommodate small households, which increases the choice of housing opportunities for young adults and the elderly. They also provide a way for homeowners to invest in their properties in a way that can produce continuing economic returns by way of rent payments; and a way for elderly or infirm homeowners to provide housing for on-site caregivers with a higher degree of independence than other live-in arrangements.
- B. **Relationship to Density.** ADUs are not counted in the calculation of density.
- C. **New Subdivisions.** ADUs may be built in new traditional neighborhood developments that are approved after the Effective Date of this UDC, provided that compliance with the following standards is demonstrated:
  1. Any or all single-family lots that are larger than 6,000 square feet may developed with ADUs, provided that the site plan or plat specifically designate the lots upon which such development may occur, or provides a general statement that ADUs are allowed on all single-family lots in the subdivision.
  2. In the required pattern book (*see Section 14.504, Pattern Book Requirements*), the applicant shall submit plans showing how the homes will be designed to provide for accessory units. The units may be within the structure, a separate structure, or above a detached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted.
  3. The City may place conditions on the designation of lots that abut existing development in order to ensure compatibility. These conditions may include:
    - a. A limitation on the lots that abut existing development that may be developed with ADUs to those which will have the least impact due to the configuration of lots and natural resources;
    - b. The designation and installation of a Type B Bufferyard along the property lines that divide the parcel proposed for development from existing development; or
    - c. A limitation on the types and designs of ADUs that may be constructed on lots that abut existing development.
- D. **Limitations.**
  1. Not more than one ADU shall be constructed on a single-family lot.
  2. No ADU shall have a floor area that exceeds the lesser of:
    - a. 800 square feet; or
    - b. 30 percent of the floor area of the principal building.
  3. ADUs shall not have more than one bedroom, nor more than one bathroom.
  4. ADUs are not exempt from the calculation of building coverage.
- E. **Design Requirements.** ADUs may be designed in any of the following ways:

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

### **Sec. 6.508 Building Materials**

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

8. Building integrated photovoltaics (e.g., solar panels that double as roofing material).

**D. Limited Materials.**

1. Exterior Insulation and Finish Systems (“EIFS”) may be used in the following ways:
  - a. To finish building accents (e.g., columns or window trims); or
  - b. To finish building walls that are located on the side or rear of the building, provided that the EIFS material is installed at least 8 feet above adjacent grade.
2. Glass curtains may be used for building window areas, subject to maximum window area requirements of these regulations.

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

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

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

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

## **Sec. 6.509 Commercial and Mixed-Use Building Design Standards**

- A. **Generally.** Commercial and mixed-use buildings shall conform to the design standards of this Section.
- B. **Building Height.** Building height is limited to 7 stories in the center subdistrict; 5 stories in the general subdistrict; and 2 ½ stories in the edge subdistrict. These height standards supersede any other standards of this UDC that may be in direct conflict.
- C. **360-Degree Architecture.** The architectural features, materials, and articulation of the front façade shall be continued on all sides that are visible from a public thoroughfare.
- D. **Transparency.**
  1. Not less than 50 percent of the ground level front façade between a height of 30 inches and nine feet above adjacent grade shall be transparent, including window or door openings that allow views into and out of the interior of the building.
  2. Not less than 15 percent nor more than 50 percent of the façade of upper stories shall be transparent.
- E. **Massing.**
  1. Buildings shall be designed to appear as a group of attached buildings with horizontal elements in regular increments of not more than 30 feet.
  2. Fifth stories, where allowed, shall be stepped back not less than eight feet along not less than 85 percent of all facades.

- F. **Blank Walls.** All exterior building elevations that face public streets, customer parking areas, or areas of residential use shall be designed so that there are no areas of blank wall that are more than 16 feet in horizontal or vertical direction. This requirement can be met by window openings, articulation of the building, porches or balconies, material and color variations, decorative cornices, murals, score lines, and graphics.
- G. **Corporate Architecture.** Logo buildings and logo building elements are prohibited.
- H. **Mechanical Equipment.** Rooftop mechanical equipment (*e.g.*, HVAC systems) mounted on a flat roof shall be screened with materials and colors that surround the equipment, and that are consistent with the design of the building. In addition, mechanical equipment shall be screened from all ground level views from adjacent property and rights-of-way by:
  - 1. Parapet walls, which shall include three-dimensional cornice treatments of not less than 12 inches in height, with no less than three reliefs; or
  - 2. Hedges installed on a green roof system, provided that the mechanical equipment is set back at least 25 feet from all exterior building walls; or
  - 3. Sloped roof systems or other architectural elements that conceal the flat roof area where the equipment is mounted.

### Sec. 6.510 Center Subdistrict Design Standards

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

4. Pedestrian-scale lighting;
5. Seating areas and seating benches, walls, or other seating types; and
6. Public art or water features.

#### **Sec. 6.511 Architectural Review Committee**

- A. **Generally.** The pattern books approved pursuant to this Division shall control subsequent approvals within the development according to their terms. No building permits shall be issued for development in a TND except upon a finding that the proposed construction is consistent with the applicable approved pattern book or, in the case of signs, a comprehensive sign program or the standards of [Article 9, Signs](#).
- B. **Architectural Review Committee.** The finding required by subsection A., above, may be certified by an architectural review committee that is formed by the applicant as part of a property owners' association with jurisdiction over the property subject to the certification. If the applicant opts for this type of certification, the Planning and Zoning Commission may periodically review the certifications to ensure that the architectural review committee is making such certifications in good faith. If the Planning and Zoning Commission does not make a finding of good faith compliance, then the Planning and Zoning Commission shall review all subsequent applications for building permits (for new buildings) for compliance with the applicable pattern book.



# ARTICLE 7 USE AND TEMPORARY USE STANDARDS

## Division 7.100 Purpose and Application of Article

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### Sec. 7.101 Purpose of Article

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

### Sec. 7.102 Use of Land and Structures

- A. A structure or land shall be used and/or occupied in conformity with the regulations for the zoning district in which it is located.
- B. The use standards of this section apply to all uses in the zoning districts. Uses shall comply with all other standards of this Ordinance, including any design standards of the zoning district.
- C. Noncompliance with any of these use standards is considered a violation of this Ordinance and subject to enforcement provisions.

### Sec. 7.103 Description of Article

- A. **Division 7.200 Use Standards.** This Article sets forth additional requirements for certain uses of land. These standards are intended to ensure that the use is compatible with the surrounding area.
- B. **Division 7.300 Temporary Use Standards.** This Article sets forth standards and requirements for Temporary Uses.

## Division 7.200 Use Standards

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### Sec. 7.201 Use Standards

#### A. Accessory Dwelling Units.

1. *Generally.* Accessory dwelling units ("ADUs") provide a type of housing that can accommodate small households, which increases the choice of housing opportunities for young adults and the elderly. They also provide a way for homeowners to invest in their properties in a way that can produce continuing economic returns by way of rent payments; and a way for elderly or infirmed homeowners to provide housing for on-site caregivers with a higher degree of independence than other live-in arrangements.
2. *Relationship to Density.* ADUs are not counted in the calculation of density.
3. Accessory Dwelling Units are only allowed in Traditional Neighborhood Developments (TND) that are approved after the Effective Date of this UDC.
  - a. Any or all single-family lots that are larger than 6,000 square feet may developed with ADUs, provided that the site plan or plat specifically designate the lots upon which such development may occur, or provides a general statement that ADUs are allowed on all single-family lots in the subdivision.
  - b. The units may be within the structure, a separate structure, or above a detached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted.
  - c. The City may place conditions on the designation of lots that abut existing development in

order to ensure compatibility. These conditions may include:

- i. A limitation on the lots that abut existing development that may be developed with ADUs to those which will have the least impact due to the configuration of lots and natural resources;
  - ii. The designation and installation of a Type B Bufferyard along the property lines that divide the parcel proposed for development from existing development; or
  - iii. A limitation on the types and designs of ADUs that may be constructed on lots that abut existing development.
4. Limitations.
- a. Not more than one ADU shall be constructed on a single-family lot.
  - b. No ADU shall have a floor area that exceeds the lesser of 800 square feet or 30 percent of the floor area of the principal building.
5. ADUs are not exempt from the calculation of building coverage.
6. Design Requirements. ADUs may be designed in any of the following ways:
- a. *Attached to or Integrated into the Principal Building.* ADUs may be attached to or integrated into the principal building if it is demonstrated that:
    - i. The ADU does not have a separate exterior entrance that faces the street.
    - ii. Modifications to the outside of the principal building that are necessary to accommodate the ADU appear as integrated elements of the principal building in terms of materials, architecture, roof pitch, window styles, and color.
  - b. *In a Separate Building or Above a Detached Garage.* ADUs may be located in a separate building or above a detached garage, provided that:
    - i. The building or detached garage meets the setback requirements that are applicable to the principal building; and
    - ii. On lots that are less than two acres in area, the ADU is located behind the principal building.

**B. Adult Uses.**

1. *Separation.* The separation and radius standards set out below shall be measured in a straight line from the closest points between property lines, without regard to intervening structures or objects, for adult uses that are located on a single tenant parcel. If said establishment is located within a multi-tenant building, the measurement shall be from the property line of the entire multi-tenant premises to the property line of other uses specified below, without regard to the intervening structures or objects.
  - a. No adult use shall be located within a 1,000 ft. radius of any other adult use.
  - b. No adult use shall be located within a 1,000 ft. radius of any parcel located in a residential zoning district or development, whether inside or outside of the corporate boundaries of the City of Zachary.
  - c. No such use shall be located within a 1,000 ft. radius of any parcel put to any of the following uses:
    - i. Educational facility, place of worship, and day care

- ii. Outdoor recreation;
  - iii. Indoor recreation;
  - iv. Indoor commercial amusement; or
  - v. Other public facility typically catering to minors or at which minors typically congregate.
- d. No adult use shall be located within 1,000 feet of an entryway or gateway to the City of Zachary.
- 2. *No Residential Occupancy on Same Block.* No adult use shall be allowed on either side of the same block as a residential occupancy.
- 3. *Single Use Within Premises or Building.* Not more than one adult use shall be located in one building or on one parcel or lot, whichever measurement is more restrictive.
- 4. *Adult Use Not an Accessory Use.* No adult use shall be permitted to operate as an accessory use, although more than one sub-type of adult use may be combined in the same establishment.
- 5. *Conduct of Business.* No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified anatomical areas and or specified sexual activities by display, decorations, signage, show window, or other opening from outside of the building.
- 6. *Signage.* Signage for such establishments shall not display any pictures, photographs, silhouettes, drawing, or other pictorial representations of a sexually oriented nature.
- C. **Airport.** Airports are permitted as provided in Article III, Airport Location and Vicinity Compatible Land Use Zoning Ordinance, and Article IV, Noise Impact Zones and Restrictions, both set out in Chapter 90, City of Zachary Code of Ordinances.
- D. **Agriculture.**
  - 1. Operations. The agriculture or forestry use is operating in accordance with generally accepted agricultural or forestry practices or traditional farm practices. The use is presumed to be operating in accordance with generally accepted agricultural or forestry practices or traditional farm practices unless the contrary is demonstrated.
- E. **Alcoholic Beverage Sales – Secondary Use.**
  - 1. Alcoholic Beverages Sales – Secondary Use is considered a separate principal use. Alcoholic Beverages Sales–Secondary Use may only be established when allowed within a permitted zoning district and only in conjunction with the following principal uses: Restaurant, Café; Restaurant, Standard, Commercial Retail, Commercial Amusement/Recreation, Indoor, Commercial Amusement/Recreational, Outdoor, Gas Station, Hotel, Private Club, Public Market, Reception Facility, Truck Stop.
  - 2. According to the beverage license; service of alcohol allowed at restaurants with following characteristics only: (1) all food prepared on premises; (2) not less than 60% of food eaten on premises; (3) bar closes not more than 1 hour after kitchen; and (4) facility accommodates at least 25 patrons. At least 60% of revenues from non-alcohol sources (independent records shall be kept); hours of operation restricted by Sec. 6-32 Zachary Code of Ordinances.
  - 3. **V&A Note: This is not a land use control, distance standards will default to the state law with oversight by the Zachary Alcohol Beverage Control Board.**
- F. **Bar.**
  - 1. A bar shall submit a security and operation plan to the City of Zachary for approval, which includes

the provision of exterior security cameras. If the bar contains a brewing or distilling facility on-site, a floor plan indicating the area reserved for brewing or distilling and a description of the facility and capacity shall be included in the security and operation plan.

2. A bar shall submit a noise abatement plan to the City of Zachary for approval.
3. Unless otherwise permitted by law, retail sales of packaged alcoholic beverages for consumption off the premises are prohibited.
4. If the bar use plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the security and operation plan shall be updated and resubmitted for approval. A revised security and operation plan shall be approved prior to the issuance of any permits.
5. The property owner or licensed operator may revise security and operation plans. New plans shall be resubmitted for approval.
6. On-site micro-brewing and micro-distillery facilities are allowed.
7. Complies with Sec. 6-32 Zachary Code of Ordinances.
8. **V&A Note: This is not a land use control, distance standards will default to the state law with oversight by the Zachary Alcohol Beverage Control Board.**

**G. Bed and Breakfast.**

1. Minimum lot area is 20,000 sf.
2. A 4 sf. Wall-mounted sign is allowed. Additionally, an 8 sf. Monument sign is permitted if the parcel is larger than 1 acre.
3. In addition to the residential parking requirement, one (1) additional space per bedroom that is available for rental is required.

**H. Brewery.**

1. Complies with Sec. 6-32 Zachary Code of Ordinances.
2. On-site tasting facilities shall be subject to the use and parking standards of a bar and any limitations provided for in state and/or local law.

**I. Campground.**

1. *Residential Use Prohibited.* No recreational vehicle or tent shall be used as a permanent place of residence.
2. *Density.* The overall density shall not exceed five campsites or RV sites per acre for the entire site.
3. Open space for common areas shall be planned and provided for at convenient, centralized locations to provide at least 100 sf. per recreational vehicle space. Such open space may include play yards, pools, and recreation buildings, but do not include public facilities and open areas that are not accessible to the tenants.
4. Campsites and RV spaces must be between 1,600 and 2,400 sf.
5. *Utilities.* All utilities shall be installed underground, and shall be provided to sites as follows:
  - a. All RV spaces shall be served with sanitary sewer, water, and electricity.
  - b. All tent campsites shall be served with water and electricity.
6. Each parking space shall be improved with crushed stone or comparable permeable surface in order to maintain a dust-free condition and still water to infiltrate into the ground.

7. *Buffers.* This use shall have a minimum of a Type C bufferyard on all sides, except that the bufferyard shall be Type D if the adjoining property is in residential use.
8. No campsites shall be allowed in the 100-year floodplain.
9. *Site Area.* The minimum area of a parcel proposed for development as a campground is 20 acres.
10. Commercial Amusement/Recreation Indoor and Outdoor are considered separate primary uses and are subject the use requirements of the zoning district.

**J. Car Wash.**

1. Entrances and exits shall not face abutting streets or residential uses unless screened by a 6-foot-tall masonry wall located within the building envelope, or type C bufferyard located at the lot line providing screening.

**K. Cemetery.**

1. Type A buffer required along streets.
2. Type C buffer required along borders with residential.

**L. Commercial Amusement / Recreation, Outdoor.**

1. An amphitheater is permitted in this zoning district.
2. The premises shall be closed between 9:30 p.m. and 7:00 a.m.; or portions of the use, such as an athletic field, which are open later than 9:30 p.m. shall be located at least 300 feet from any property that is used for residential purposes.

**M. Commercial Outdoor Sales Events.**

1. *Generally.* Commercial outdoor sales events shall only be permitted when hosted by legally permitted commercial use and operated on the same parcel as the current use or operation.
2. *Sale Area.* Outdoor sales events shall be permitted only where no more than thirty (30) percent of the required parking area is used for the staging of the event.
3. *Setback.* No outdoor sales event shall be located closer than 35 feet to any public road frontage.
4. *Frequency and Duration.* Each shopping center is permitted three temporary use permits for commercial outdoor sales events per year. One such permit shall terminate after 72 hours from initiation of the sale, and the other two shall be terminated three weeks from the initiation of the sale.

**N. Commercial Stables**

1. Horse stables shall be located no closer than one hundred (100) feet from any residential district and fifty (50) feet from any public right-of-way.
2. Horse stables shall be constructed to prevent clean water from being contaminated by manure. Roof gutters, downspouts, and drains shall be installed to prevent "clean" roof water from being contaminated by mixing with manure. Clean water shall be diverted around barns, manure storage areas, and paddocks. Areas of high manure concentrations shall be roofed or covered.
3. Prevention measures are required to protect any riparian corridors or waterways on the site. Horses shall be kept out of riparian corridors or waterways to prevent erosion and direct deposit of manure.
4. Horse stables shall comply with all applicable health regulations

**O. Community Home.**

1. 1,000 feet between similar uses, this spacing is a requirement of RS 28:478, Promotion of Community Based Homes and not an independent requirement of the City of Zachary.

**P. Cultural Facility.**

**Q. Day Care Center.**

1. Each day care center shall comply with all applicable state and federal regulations, including regulations within the Louisiana Administrative Code, including Louisiana State Fire Marshal Code and Title 51 Louisiana Public Health Sanitary Code (LA Department of Health Code) where applicable.
2. The operator of any day care center shall be licensed by the State of Louisiana. The operator of any early learning center shall be licensed by the Louisiana Department of Education.
3. An on-site drop-off and/or residential passenger zone is required. The drop-off area shall be located so that clients of the facility are dropped off in front of the facility, which may be demarcated with signs or traffic cones during specific times of day. Stacked parking is permitted. The use of van or bus service is encouraged.
4. The outdoor play area shall meet the following regulations:
  - a. The outdoor play area shall be enclosed to protect the children from traffic hazards and prevent the children from leaving the premises without proper supervision.
  - b. If the home-based child care center is located adjacent to a residential district there shall be a six (6) foot solid fence around the play area adjacent to any abutting property line. Security fences are required where there are open cisterns, wells, ditches, fish ponds, and swimming pools, and to separate the parking from any play area.

**R. Day Care Home.**

1. Each day care home shall comply with all applicable state and federal regulations, including regulations within the Louisiana Administrative Code, including Louisiana State Fire Marshal Code and Title 51 Louisiana Public Health Sanitary Code (LA Department of Health Code) where applicable.
2. The home-based facility shall retain a residential character and shall not alter the residential character of the neighborhood.

**S. Disposal.**

1. Agency approvals required:
  - a. Applications for approval of waste disposal facilities shall provide:
    - i. Copies of all permits required by state and federal law for the type of disposal facility proposed.
    - ii. Copies of all environment impact assessment reports required by state and/or federal agencies.
    - iii. A facility plan, which must include a drainage plan to prevent ponding that could promote waste decay and carry unstable organic materials into nearby water supplies.
  - b. No permits will be issued by the City for a disposal facility until:
    - i. All other required permits are issued;
    - ii. All pertinent "Right to Know" documents are submitted pursuant to 42 U.S.C. §116,

- iii. Emergency Planning and Community Right-to-Know Act;
  - iv. The City Engineer has approved the facility plan; and
  - v. The Planning and Zoning Commission has approved the site plan and facility plan.
2. *Bond.* All local permits will require a two-year bond. If any regulated pollutants are found in excess of state and/or federal standards, the bond funds will be used towards corrective measures as determined by the state and/or federal agencies with legal jurisdiction.
  3. *Size, Separation and Buffering, Generally.* The following standards apply to disposal facilities that do not process or store automobiles.
    - a. *Minimum lot size:* 40 acres.
    - b. The facility shall be separated 1,320 feet from property with residential or mixed-use zoning; and 600 feet from property with commercial zoning.
    - c. All collection and processing facilities must have Type C buffer around all activities, in addition to any other buffering that may be required by Article 11, *Landscaping*.
    - d. All containers shall be clearly marked to identify type of material that may be deposited and in accordance with state and federal requirements.
    - e. Truck access shall be from an arterial or collector street, and the site shall be located such that trucks may travel from an arterial to the site without passing through areas that are zoned for residential use.
  4. *Size, Separation and Buffering, Automotive Disposal or Scrap Metal Processing.* The following standards apply to automotive disposal or scrap metal processor facilities:
    - a. Minimum lot size: 20 acres.
    - b. The facility shall be separated 300 feet from property with residential or mixed-use zoning; and 100 feet from property with commercial zoning.
    - c. All collection and processing facilities must have a Type C buffer around all activities, in addition to any other buffering that may be required by Article 11, *Landscaping*.
    - d. Vehicles shall not be stacked to heights greater than twelve feet.
    - e. Truck access shall be from an arterial or collector street, and the site shall be located such that trucks may travel from an arterial to the site without passing through areas that are zoned for residential use.
  5. *Operation and Inspection.*
    - a. All disposal facilities shall be maintained free of litter, rodents, and other undesirable material and/or pests; and will be inspected for cleanliness at least once a year by the City.
    - b. A notice shall be displayed on all facilities prohibiting dropping off of materials outside of appropriate enclosures or containers.
  6. *Prohibited Practices.*
    - a. No radioactive waste or materials shall be accepted or deposited at any disposal facility, transfer site, or transfer station.
    - b. It shall be unlawful for any person to set fire or allow fire to be set to any solid waste at a transfer site or transfer station.
    - c. No person shall cause or allow open burning of solid waste at a solid waste disposal facility

without Federal, State, and local permits as required for such operations.

- d. No person shall discard or deposit solid waste onto the ground at or on property adjacent to a transfer site or transfer station.

**T. Distillery.**

1. Complies with Sec. 6-32 Zachary Code of Ordinances.
2. On-site tasting facilities shall be subject to the use and parking standards of a bar and any limitations provided for in state and/or local law.

**U. Drive-in / Drive-Through Facility.**

1. In CN:
  - a. Exterior drive through facilities that are located within 30 feet of a single-family residential lot line shall be screened with at least a 5-foot masonry wall.
  - b. Hours of operation limited to 7 AM to 7 PM; no drive-in or drive-through sales of alcoholic beverages.
  - c. Menu boards and ordering stations shall not face abutting streets; ordering stations that are located within 30 feet of residential lot lines shall be screened with a 6-foot masonry wall; access may be taken only from arterial, collector, or internal circulation in shared parking area. City may prohibit access from arterial if such access would create unsafe condition due to street conditions, level of service, and intersection configuration.
2. No drive-in or drive-through sales of alcoholic beverages.
3. Exterior drive through facilities that are located within 30 feet of a single-family residential lot line shall be screened with at least a 5foot masonry wall.

**V. Educational Facility (Primary, Secondary, University, Vocational)**

1. A Campus Development Plan shall be submitted to the Planning and Zoning Commission for review and approval prior to the issuance of building permits for new building construction. The plan shall address the general layout of the entire campus and shall include the following:
  - a. *Site Plan.* A campus site plan including the location, square footage, and building heights of all existing and proposed structures and all existing and proposed uses.
  - b. *Traffic Plan.* A traffic plan shall include the following components: circulation routes for school bus, motor vehicle, bicycle and pedestrian transportation modes; ingress and egress locations for each transportation mode; curb side usage; locations and capacity of all off-street parking and loading spaces; for primary and secondary educational facilities, student pick-up and drop-off locations shall also be shown along with a plan for staff supervision and traffic control during peak hours; and an inventory of school zone signage, pedestrian beacons, crosswalk striping and ADA compliance shall be included.

**W. Family Care Home.**

1. Minimum lot area is 10,000 sf.
2. Maximum floor areas for the use shall be 33% of the floor area of the principal building
3. No signage is allowed
4. Outdoor play equipment shall only be allowed in the rear yard.
5. In addition to the residential parking requirement, two (2) additional parking spaces are required.



**X. Extraction.**

1. *Wellhead Protection Zone.* Extraction uses are prohibited in areas that are within a cone of influence around a wellhead.
2. *Spacing.* Extraction uses shall not be located closer than 1,000 feet to any existing residential occupancy or place of public assembly.
3. *Hours of Operation.* Extraction uses shall restrict hours of operation to 7:00 a.m. to 6:00 p.m., weekdays.
4. *End Use Plan.* An end use plan shall be submitted providing the following:
  - a. The ground surface shall be restored to:
    - i. A condition permitting one of the following uses: agriculture, forestry, or to support building construction; or,
    - ii. A waterbody with sufficient peripheral land for residential or recreational development. The City may require a sketch plan showing how this is to be accomplished (see c., below).
  - b. Either an escrow account or an annual fee shall be required, as approved by the City Attorney and City Council, to ensure that there are sufficient funds set aside to guarantee the restoration.
  - c. If future recreational use is identified, management of such use shall be established. Risks from any subsurface materials to future uses shall be identified.
  - d. Monitoring and post-closure wells and maintenance plans shall be submitted, and adequate funding provided to continue their operation and maintenance.
5. *Buffers.* All buffers shall contain berms.
  - a. The buffer must be at least 100 feet wide, and either put to an agricultural use or forested.
  - b. Noise studies shall be conducted to establish the minimum required berm height, based on the equipment operated at the site. The berm shall ensure that noise is not generated at a level greater than 55 dBA at the property line.
6. *Ground and Surface Water.* Different types of extraction uses have different potential impacts on groundwater. The following standards shall be applied to the review and approval of these uses:
  - a. The depth of natural soil and type of soil shall be reviewed. The City may impose requirements for drainage systems, monitoring, and pumping systems to prevent potential ground and surface water pollution or ground water depletions that would interfere with private water wells.
  - b. Any processing which results in waste materials shall provide information about the pollution potential of the waste materials. The City shall deny any plans that have a substantial risk of polluting ground or surface waters due residual or waste materials from extraction.
  - c. Monitoring wells may be required.
  - d. An emergency response plan must be reviewed and approved. The City may impose fees or require security to ensure that an adequate emergency response fund is available.

**Y. Recycling and Salvage.** Recycling and Salvage required standards:

1. *Reverse Vending Machines.* Reverse vending machines may be located in parking areas, according to the following standards:

- a. *Setbacks*: At least 30 feet from entrances to commercial/industrial structures and at least 15 feet from lot lines.
  - b. No obstruction of pedestrian or vehicular traffic.
  - c. No occupation or blocking of parking spaces required by primary use.  
Machines shall not be larger than 50 square feet in area and 8 feet in height.
  - d. Construction shall be of durable, waterproof, and rustproof material.
  - e. Machines shall be clearly marked to identify type of material to be deposited, operating instructions, and the phone number of the operator.
  - f. The area in which the machines are located shall be maintained in a clean litter-free condition on a daily basis.
2. *Collection Facilities*. Collection facilities are permitted according to the following standards:
- a. All materials shall be stored in containers.
  - b. Containers shall be constructed of durable, waterproof, and rustproof material.
  - c. Collected materials shall be covered when site is not attended and secured from scavenging.
  - d. If the facility is located within 1,000 feet of residentially zoned land, any power-driven equipment shall not operate between 7:00 p.m. and 7:00 a.m.
3. *Automotive Salvage Yards*.
- a. The salvage yard shall be surrounded by a Type D bufferyard.
  - b. Inoperable vehicles shall not be visible from public rights-of-way.
  - c. The use shall be spaced from residential or mixed-use zoning districts at least 300 feet and from commercial zoning districts at least 100 feet.
  - d. The facility shall be maintained free of litter, rodents, and other undesirable material and/or pests; and will be inspected for cleanliness at least once a year by the City.
4. *Processing Facilities*.
- a. All outside storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.
  - b. No storage, excluding trucks, shall be visible above the height of the buffer area if located within 1,000 feet of residentially zoned land.
  - c. The power-driven processing facility shall not operate between 7:00 p.m. and 7:00 a.m.
5. *Composting Facility*.
- a. Located on a site that is a minimum of five acres in size.
  - b. Surrounded by a type E bufferyard.
  - c. Composting facilities shall be spaced from residential or mixed-use zoning districts at least 900 feet and from commercial zoning districts at least 300 feet.
  - d. *Prohibited Practices*. No hazardous or radioactive waste or materials shall be accepted or deposited at any recycling or salvage facility.

**Z. Financial Institution.**

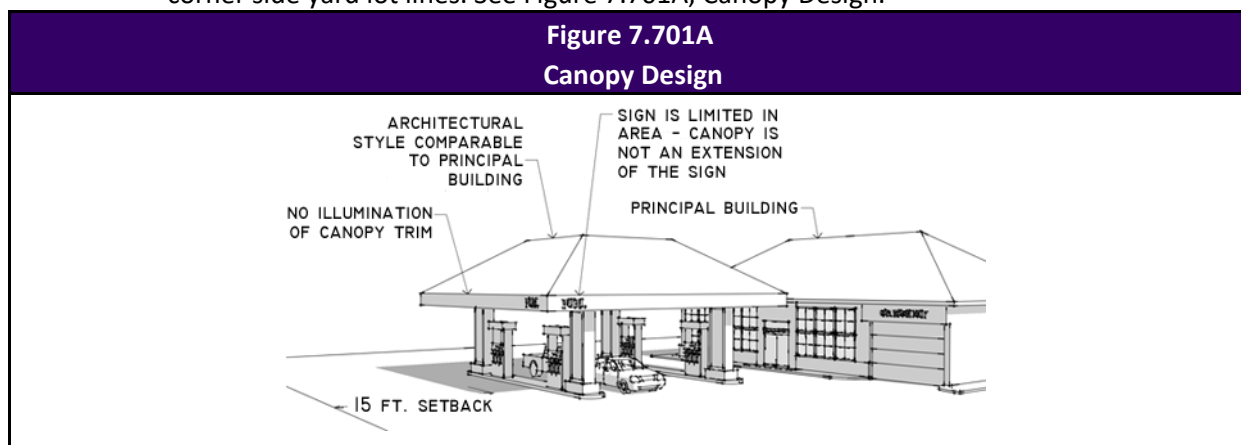
1. In **CN**: No drive thru permitted.

**AA. Garage Sales.**

1. *Generally.* Garage sales, porch sales, yard sales shall comply with the following standards.
2. *Household Goods Only.* No merchandise other than that normally found in the household may be sold. New merchandise may not be sold.
3. *Duration.* The sale shall not last more than three consecutive days.
4. *Number of Annual Sales.* Not more than three sales per year are allowed on a lot or parcel.
5. *Joint Sales.* In the event that more than one household desires to conduct a joint garage sale, porch sale or yard sale, then each participant in the multiple-owner sale shall be considered to have had an individual sale. Neighborhood or community garage sales that involve more than ten parcels upon which sales will take place, or more than one acre of common open space upon which sales will take place shall be permitted as a Public Interest or Special Event, and shall not count as an individual garage sale.
6. *Signs.* Signs shall not be placed in rights-of-way. All garage sale signs shall be removed when the garage sale ends.

**BB. Gas Station.**

1. Gas station canopies shall be designed as follows:
  - a. Canopies use a similar architectural style, materials, and roofing as the principal building.
  - b. Canopies are not used as an extension of signage beyond that which is allowed in Article 9, Signs. The colors of the corporate logo (except white or black) are not painted on the canopy or trim outside of the area allowed for signage.
  - c. The trim of the canopy is not internally or externally illuminated.
  - d. Utilize lighting recessed under the canopy to minimize light pollution.
  - e. Gasoline dispensing islands and service station canopies are set back 15 feet from front lot or corner side yard lot lines. See Figure 7.701A, Canopy Design.



2. All gas station driveways shall be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Gas stations are limited to two (2) curb cuts. For a corner lot, curb cuts are restricted to one (1) curb cut on each street.
3. Gas stations may offer convenience items for sale. Alcoholic Beverage Sales is a separate principal use and is only permitted when allowed in the zoning district.
4. All structures shall comply with the building design standards of the zoning district. Public entrances

shall face the street. Attendant structures shall include windows to allow visibility to all parts of the site.

5. In addition, gas stations may be included accessory to a "Light Automotive Service" establishment. However, "Light Automotive Service" areas are subject to the provisions of this Section.
6. A minimum five (5) foot front landscape yard shall be provided along a public right-of-way. The site shall meet all applicable landscaping and open space requirements of this ordinance.
7. Gas stations shall be effectively screened from view at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting and headlight glare. Such screening shall consist of a masonry wall, a solid fence, or dense evergreen hedge at least six (6) feet in height. Plant materials shall be installed along the fence or wall to provide a softening effect.
8. The volume on any audio component shall be maintained at a level so as not to be audible in adjoining residential districts. The volume on any audio component shall comply with all local noise regulations.
9. All underground storage tanks and fuel delivery systems shall meet or exceed minimum requirements, as regulated by EPA and DOT, for leak detection and preventative measures.

**CC. Heavy Commercial.** Type C buffer required around outside storage.

**DD. Home Office/Occupation.**

1. The home office/occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the use of the dwelling for residential purposes. No home occupation may be operated in an accessory structure.
2. The home office/occupation is limited to fifteen percent (15%) of the floor area of the dwelling unit.
3. A home office/occupation may not be established prior to the member(s) of the family conducting the use residing in the dwelling.
4. No person other than a resident of the dwelling may be employed at the residence.
5. Vehicular traffic and on-street parking shall not be increased beyond what normally occurs through residential usage.
6. The receipt, sale, or shipment of deliveries is not permitted on or from the premises, with the exception of regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods. Other types of truck deliveries are not permitted.
7. A home office/occupation shall not generate noise, solid waste, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential use.
8. No outside storage or display of materials, merchandise, inventory, or heavy equipment is permitted. No mechanical equipment is permitted, except that which is normally used for domestic or household purposes.
9. No stock, merchandise, or products may be displayed, stored, or sold on the premises.
10. No exterior alteration that changes the residential character of the principal building is permitted. A separate entrance from the outside of the building to the home office/occupation is prohibited.
11. Signage is not allowed for a home office/occupation.
12. Any type of motor vehicle service and repair, taxicab or other vehicle dispatch, or beauty salons are prohibited home office/occupations.
13. Day care homes are not considered a home office/occupation.

14. All home office/occupations require an occupational license.

**EE. Home Business.**

1. A home business may be operated in an accessory structure provided:
  - a. The accessory structure is legally permitted in the zoning district and meets all standards of the UDC.
  - b. A home business may not be located in an accessory structure that is legal non-conforming in regards to any standard of the this UDC, unless the accessory structure is specifically granted a variance through the provisions of the UDC.
2. The home business is limited to no more than thirty (30%) of the floor area of the dwelling unit.
3. A home business may not be established prior to the member(s) of the family conducting the home business residing in the dwelling.
4. A home business may employ up to two (2) non-resident employees.
5. Commercial vehicle and equipment storage may be allowed only if:
  - a. The vehicle(s) and/or equipment are stored in an enclosed structure, or
  - b. The vehicle(s) and/or equipment are stored in an area enclosed by an opaque masonry or shadowbox fences at least six (6) feet in high located in the rear or side yard.
6. The receipt, sale, or shipment of deliveries is not permitted on or from the premises, with the exception of regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods. Other types of truck deliveries are not permitted.
7. A home business shall not generate noise, solid waste, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential use.
8. No outside display of materials, merchandise or inventory is permitted.
9. Retail sales of are limited to products produced-on site. Otherwise no stock, merchandise, or products may be displayed, stored, or sold on the premises.
10. No exterior alteration that changes the residential character of the principal building is permitted.
11. Signage is not allowed for a home business.
12. Any type of motor vehicle service and repair, taxicab or other vehicle dispatch are prohibited home businesses.
13. All home businesses require an occupational license.

**FF. Kennel / Pet Day Care.**

1. Dogs/animal runs may be used only from 8 AM to 7 PM.
2. No outdoor dog runs within 200 feet of a residential zoning district except where the runs are screened by the building or a masonry wall 8 feet in height; building must be soundproofed.

**GG. Institutional Residential.**

1. Type C buffer required along borders with residential.

**HH. Light Automobile Service.**

1. Service bays shall not face abutting streets.
2. Service bays and car washes shall be set back 50 feet from residential uses. Car washes shall be

enclosed with overhead doors that open on demand.

3. A 15-foot bufferyard shall be provided along all lot lines that are shared with residential uses. The bufferyard shall include a six-foot tall masonry wall, and shall be planted with 5 plant units per 200 linear feet.
4. Buildings shall be designed as follows:
  - a. Flat roofs are not allowed.
  - b. Building elements shall not function as signage.
5. Canopies shall be designed as follows:
  - a. Materials shall be comparable to the principal building;
  - b. The roof shall be of comparable design and pitch to the principal building; and
  - c. The canopy shall not function as signage (e.g., through the use of logo colors, logo design elements, or back-lit plastic panels), although a sign may be installed on the canopy.
6. Due to the high volume and turnover of these facilities, the Planning and Zoning Commission may require access from a collector street if access from an arterial street would create unsafe conditions due to conditions of the arterial street, including its geometry, level of service, and the configuration of existing intersections.

## II. **Manufactured Home.**

1. No manufactured home shall be occupied for dwelling purposes unless it is placed on a lot of record and connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to inspection and approval by the City of Zachary.
2. A manufactured home shall be used only as a single-family dwelling.
3. Unless specifically waived by a variance approved by the Board of Adjustment, each lot shall contain no more than one (1) manufactured housing unit, unless permitted as a Manufactured Home Park or Subdivision.
4. A manufactured home that is not replacing an existing manufactured home on the same lot shall be located on a lot with a minimum area of one (1) acre and shall meet the minimum requirements of the underlying zoning district to which a conventional site constructed single-family residential dwelling on the same lot would be subjected, and all other additional requirements in this section.
5. A manufactured home replacing an existing manufactured home on the same lot shall meet the minimum requirements of the underlying zoning district to which a conventional site constructed single-family residential dwelling on the same lot would be subjected, and all other additional requirements in this section.
6. The manufactured or modular home shall be placed on an excavated and backfilled permanent masonry slab foundation that meets the requirements of the Louisiana Manufacturing Housing Commission.
7. *Unit Specifications.* All manufactured homes not located in a manufactured home park or subdivision shall meet the following specifications:
  - a. Shall be compatible in appearance, character and materials with site-constructed residences in the area.
  - b. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.

- c. The average elevation of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
  - d. Skirting.
    - iii. The space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, vinyl, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground.
    - iv. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawlspace under the unit.
    - v. Skirting shall be vented and be manufactured of a certified fire-resistant material.
    - vi. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.
    - vii. All skirting shall be installed before the issuance of a certificate of occupancy.
  - e. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings.
  - f. The manufactured home shall have a pitched roof, except that no standards shall require a slope greater than a nominal three (3) feet in height for each twelve (12) feet in width.
  - g. In the event that such installation is delayed due to weather, or for other reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days.
- 8.
9. **CG:** Permitted only on upper floors of mixed-use buildings.

**JJ. Manufactured Home Park or Subdivision.**

- 1. In **RR and RE:**
  - a. *Minimum Size:* A minimum site of 10 acres is required.
  - b. *Minimum Permeable Open Space:* Thirty (30) percent required.
  - c. *Maximum Number of Housing Units: Maximum of fifty (50) units.* Any number of units over fifty (50) may only be approved through the conditional use process.
- 2. In **RS and RU:**
  - a. *Minimum Size:* A minimum site of 5 acres is required.
  - b. *Minimum Permeable Open Space:* Fifty (50) percent required.
  - c. *Maximum Number of Housing Units: Maximum of fifty (50) units.* Any number of units over fifty (50) may only be approved through the conditional use process.
- 3. No manufactured home shall be occupied for dwelling purposes unless it is placed on a lot of record and connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to inspection and approval by the City of Zachary.
- 4. All manufactured home parks and subdivisions shall be built in accordance with the minimum

standards of this Section.

5. Manufactured home parks and subdivisions shall be set back not less than 50 feet from abutting parcels in single-family residential zoning districts and existing single-family subdivisions in any district.
6. The park shall be maintained in a clean sanitary condition at all times.
7. Laundry, office, and maintenance buildings are permitted as an accessory use.
8. No manufactured or mobile home shall be parked or placed in a manner as to obstruct any roadway or walkway within the park.
9. Office for On-Site Management. One manufactured home or other permanent building may be installed upon a lot that is specifically noted on the plat or site plan for use as a permanent office and / or residence for the property manager.
10. *Individual Manufactured Home Unit Standards.* Manufactured housing located in a manufactured home park or subdivision shall meet the following unit specifications:
  - a. Shall be compatible in appearance, character and materials with site-constructed residences in the area.
  - b. The average elevation of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
  - c. Shall be skirted around the perimeter of the unit to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured housing unit.
11. *Access and Circulation.*
  - a. Access to individual homes is only allowed via the internal road system which shall be constructed to meet or exceed standards established by the City of Zachary.
  - b. Where a manufactured home park or subdivision contains more than thirty (30) units, at least two (2) public accesses shall be provided.
  - c. Access of a safe and convenient nature shall be provided for pedestrian and vehicular traffic as well as emergency and service vehicles at all times.
  - d. *Pedestrian Circulation.* A pedestrian circulation plan shall be submitted to indicate how the proposed arrangement of sidewalks, trails, and/or pedestrian ways will connect to features of the manufactured home park, and to existing sidewalks or pedestrian ways. Bus shelters and adequate maneuvering areas for the safe transportation of school children and mass transit passengers may be required.
  - e. Streets shall be named, and all lots shall bear a clearly visible number.
  - f. Where only one internal street is to be provided, an adequate cul-de-sac turnaround shall be provided with a minimum radius of 60 feet for garbage trucks and other vehicles.
12. *Design Standards.*
  - a. All lots shall have a concrete slab foundation and meet the requirements of the Louisiana Manufacturing Housing Commission.
  - b. Each lot shall have two concrete runners that are at least two feet wide, six inches thick, extending for the length of the manufactured housing unit.
  - c. A minimum distance of 20 feet shall separate manufactured homes.



- d. Lighting. Security lighting shall be designed so that no glare onto adjoining properties is created. Street lighting shall be similar to that which is required in single-family residential subdivisions.
- e. Parking. Two paved parking spaces shall be provided for each lot. At least one of the spaces shall be provided on the lot. The other space may be provided within 150 feet of the lot.

*13. Utilities.*

- a. Each lot shall connect to the municipal water supply and sewage system, as required by and in compliance with all applicable sanitary codes and the Zachary Code of Ordinances, unless otherwise provided by law. Furthermore, the developer shall provide fire hydrants in numbers and locations as ordered by the fire chief or his designee.
- b. Servitudes shall be provided for utilities and drainage where necessary. No permanent structures shall be allowed within any servitude.

*14. Solid Waste Facilities.*

- a. If common refuse containers are provided, then one shall be provided for each ten lots, according to the design standards for for Outdoor Storage and Refuse Containers. The location of the refuse containers shall be indicated upon the plat or site plan.
- b. Garbage hoppers with a minimum capacity of 0.5 cubic yards per home site per week may be provided and enclosed in a manner compliant with City of Zachary regulations.

*15. Buffering and Screening.*

- a. At a minimum, adjacent home sites shall include a single Type A buffer yard between homes.
- b. The park or subdivision shall have a minimum Type B side and rear buffer yard, and Type C to the side fronting the publicly maintained street or meet the buffering requirements of the Zachary UDC, whichever is more restrictive.
- c. A solid wood or masonry fence, or an opaque wall at least eight feet high shall be installed along all side and rear property lines of the parcel proposed for development, and the developer or owner shall maintain the fence or wall in good repair. The wall is counted as an element of the required bufferyard.

*16. Recreation Areas.* Where manufactured home parks are established, recreational areas shall be provided which shall be a minimum of ten (10) percent of the overall parcel proposed for development, exclusive of streets and parking areas.

*17. Accommodation of Recreational Vehicles*

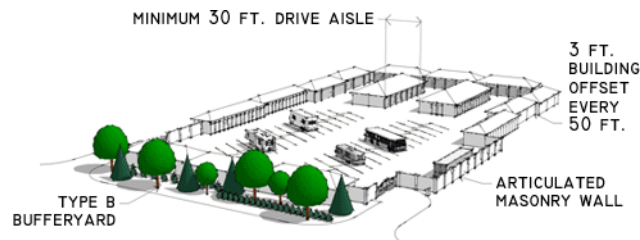
- a. There may be established a separate or optional area for recreational vehicles. This optional area shall not exceed ten percent of the size of the manufactured home park. Occupancy per overnight camper shall not exceed 30 consecutive days. Streets within this optional area shall be designed and constructed to the standards required for public streets.
- b. RV Specifications. All RVs parked in the optional area shall be in good repair, and motorized camper vehicles shall have a valid motor vehicle inspection sticker with proof of insurance. Nothing in this section shall be construed as prohibiting the parking or storage of an unoccupied travel trailer, overnight camper, or motorized camper on a manufactured homeowner's property, regardless of the zoning classification of such property.

**KK. Mini-Warehouse.**

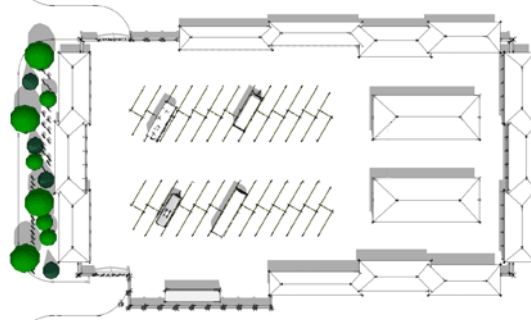
- 1. See Figure 7.701B.

**Figure 7.701B  
Mini-Warehouse**

Pictured below is a bird's eye view of a mini warehouse that includes recreational vehicle parking, designed according to the standards of this Section.



Pictured below is a plan view of the facility.



2. Pictured below is a bird's eye view of a self-storage facility that includes recreational vehicle parking, designed according to the standards of this Section.
3. *Setbacks.* Buildings and parking areas shall be set back 30 feet from public rights of way, or the distance required by the underlying zoning district, whichever is greater.
4. *Enclosure.* The facility, including surface parking and outside storage areas (e.g., for parking recreational vehicles), shall be completely enclosed with a masonry wall that is not less than eight feet in height. The masonry wall may be a building wall or a garden wall. Garden walls shall:
  - a. Be set back 20 feet from public rights-of-way;
  - b. Include columns that are differentiated from the wall in terms of dimension and height, and spaced at distances of not more than 10 feet in order to break up the mass of the wall;
5. *Visibility of Units.* No individual self-storage unit, loading area, or other service area shall be visible from any public right of way, except through entry and exit gates.
6. *Restrooms.* Restroom facilities shall be provided on-site.
7. *Fencing and Gates.* Fencing and gates shall be constructed of decorative metal. Barbed wire and chain link fencing are not allowed.
8. *Buffering.* A Type B bufferyard shall be provided along all street frontages, and a Type C bufferyard shall be provided along the boundaries of the parcel proposed for development that abut property that is zoned or used for residential purposes. However, the requirements of subsection C., above, with respect to enclosure, shall be interpreted to satisfy the requirement for the wall within the bufferyard.
9. *Internal Circulation.* The circulation system within the facility shall provide for continuous traffic flow that avoids conflicts between vehicles. Where cul-de-sacs are necessary, they shall have a radius of

at least 50 feet.

10. *Building Design.* In addition to the other standards of this Division, buildings shall be designed as follows:
11. Flat roofs are not allowed.
12. Building elements shall not function as signage.
13. *Drive Aisles Between Buildings.* Drive aisles between buildings shall be at least 30 feet wide.

**LL. Mobile Vendors.**

1. All Mobile Vendors are required to obtain a Mobile Vendor Permit to operate in the City of Zachary, renewable on an annual basis.
2. *Location.*
  - a. No mobile vendor shall operate on a parcel with an active single-family or two-family residential use.
  - b. Mobile Vendor Units shall provide the City with a copy of written permission from the property owner when permitted and on an annual basis to allow the operation of a mobile vendor.
  - c. The Mobile Vendor Permit is good only for the location assigned to it. Each different location will require a separate permit.
  - d. No more than three (3) Mobile Vendor Units may be located on a parcel at any one time or at the same location for consecutive weeks.
  - e. A Mobile Vendor shall submit a site plan depicting the location of the Mobile Vendor on the property, including dimensions of the Mobile Vendor Unit.
  - f. No mobile vendors, their merchandise, advertising, or seating shall obscure traffic sight visibility. Mobile Vendors may not operate:
    - i. Within 20 feet of any intersection;
    - ii. In driveways or fire lanes
    - iii. Within 20 feet of any stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway;
    - iv. Within five (5) feet of any public or private driveway, wheelchair ramp or bicycle ramp;
    - v. In any manner that impedes an exit or entrance of an operating building.
  - g. Mobile Vendor Units, including any applicable seating, may operate in parking spaces, if the required parking for the parcel remains in compliance with the requirements of this UDC. A site plan indicating the specific location is required.
  - h. No Mobile Vendor Units operating under this regulation shall be allowed to sell or provide service on any public street, sidewalk, or other public right-of-way unless permitted under the requirements of this section and approved by the City Council.
3. *Licensing and Certifications required for permitting.*
  - a. If applicable, a Mobile Vendor shall supply Food Handler Certifications (one per employee) to the City of Zachary.
  - b. A Mobile Vendor shall secure an Occupational License from the City of Zachary.
  - c. A Mobile Vendor shall secure a Louisiana Sales Tax Certificate.

- d. Licenses and permits must be displayed and affixed to the front windshield or window.
4. *Vehicles.* All Mobile Vendor Units shall have the following:
    - a. A valid vehicle registration;
    - b. Motor vehicle operator's license; and
    - c. Proof of vehicle liability insurance.
  5. *Signs.*
    - a. Point-of-Sale attached type signs are permitted to be affixed to the mobile operation (truck, stand, trailer). This includes menus.
    - b. An A-frame type menu board up to nine (9) square feet is permitted to be placed by the Mobile Vendor Unit and within the vending area setback:
      - i. The sign is located within five (5) feet of the Mobile Vendor Unit or the outside edge of the sidewalk; and
      - ii. There is at least six (6) feet of clear sidewalk area for pedestrian use;
      - iii. The sign is located in front of the use to which it is associated at least five (5) feet from all property lines and are not located in a public right of way or roadway.
    - c. An operation is allowed to display this sign only during hours of operations, otherwise the board shall be removed.
    - d. No other signage for a mobile vendor unit shall be allowed unless specifically approved as a conditional use by the City Council.
  6. *Hours of Operation.*
    - a. Mobile Vendor Units shall be removed from the parcel on a daily basis.
    - b. No Mobile Vendor Units shall operate at any time between the hours of 10:00 PM and 7:00 AM.
  7. *Operations Standards.*
    - a. A drive-through is not permitted in conjunction with the Mobile Vendor and shall not provide a drive-through service of any kind.
    - b. All Mobile Vendor Units shall be equipped with a self-closing lidded trash receptacle. The trash receptacle must be placed outside next to the Mobile Vendor Units for use by the patrons of the unit. The area, including a 50-foot radius, around the Mobile Vendor Units shall be kept clean and free from litter, garbage, and debris.
    - c. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Zachary.
    - d. Except as otherwise limited by the City of Zachary Code of Ordinances, or other City Codes, a Mobile Vendor may utilize outside seating consisting of four (4) portable tables and a total seating capacity of not to exceed sixteen (16). All outdoor seating shall be identified on the site plan. No furniture, or any other objects can be placed in the street, sidewalk, or any right-of-way.
    - e. No horns, amplification systems, or other sound-producing devices or music systems which can be heard outside of the Mobile Vendor Unit may be used.
    - f. No vendor may sell alcoholic beverages, controlled substances, or any other illegal item.

- g. All mobile food vendor unit operators must also comply with state and local public health department regulations for food service establishments.
  - h. A Hold-Harmless Agreement is required to be completed with the City of Zachary if the Mobile Vendor is to be located on City of Zachary property.
  - i. Owners of any Mobile Vendor must sign a notarized statement that they acknowledge and accept a minimum amount of \$1,000,000 liability insurance, which covers the mobile vendor, must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the City upon three (3) working days' notice to the owner.
8. *Mobile Vendor Public Interest and Special Events Standards.* In addition to the standards in this section, Mobile Vendors at a Public Interest and Special Events are subject to the following standards.
- a. No Mobile Vendor shall operate before first obtaining a permit from the City of Zachary.
  - b. All Mobile Vendors are required to obtain a Mobile Vendor Permit to operate in the City of Zachary, renewable on an annual basis.

**MM. Multifamily.**

- 1. **CG:** Permitted only on upper floors of mixed-use buildings.
- 2. **UC:** Allowed on upper floors of mixed-use buildings; or in residential-only buildings in which access to individual units is internal; or in the Center subdistrict of a TND.

**NN. Nursery or Greenhouse.**

- 1. *Spacing.* Active areas of the nursery are spaced not less than 100 feet from residential districts.

**OO. Place of Worship.**

**PP. Private Club.**

- 1. No more than fifty percent (50%) of the gross floor area may be used as office space for the private club or lodge.
- 2. Social clubs and lodges are permitted to serve meals and alcoholic beverages on the premises for members only.
- 3. Sleeping facilities are prohibited.
- 4. Social clubs and lodges leased or used as a reception facility shall comply with the requirements for reception halls of this Article.
- 5. Type B buffer required along all lot lines adjacent to a residential use or district.

**QQ. Protective Care.**

- 1. Seventy percent (70%) permeable open space required.
- 2. Principal building set back at least one hundred twenty-five feet (125 ft) from all lot lines.
- 3. *Spacing from Other Uses:* Minimum of 1,320 feet from Educational Facility, Day Care, Cultural Facility, and Place of Worship.
- 4. Type E buffer required on all sides.
- 5. Internal fencing allowed as required for security.

**RR. Private Residential Recreation Facilities.**

- 1. Private residential recreation facilities may be included in residential subdivision developments

subject to the following standards. Private residential recreation facilities within a multi-family dwelling that are developed as part of the structure and not open to the public, such as indoor gym facilities, private balconies, or rooftop terraces, are not subject to the requirements of this section.

- a. Private residential recreation facilities are permitted only for residential developments that are a minimum of three (3) acres in size.
- b. Private residential recreation facilities shall be limited to the exclusive use of residents of a residential development and their guests.
- c. Private residential recreation facilities shall be located at least twenty-five (25) feet from any adjoining property line.
- d. Private residential recreation facilities may be permitted as a private club and/or reception facility only with conditional use approval and only if the development complies with all of the associated commercial use standards.

**SS. Public Market.**

1. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., unless otherwise extended by the provisions of an overlay zoning district.
2. All size restrictions shall be consistent with the retail sales size restrictions in the zoning district, if applicable.
3. No portion of a public market may encroach onto the public right-of-way or be placed in such a way that requires customers to occupy the sidewalk or the public right-of-way.
4. The sale of food for consumption on or off the premises requires licensing by the City and approval by the Department of Health.
5. The sale of firearms, adult retail goods, and sexually oriented devices is prohibited.
6. Alcoholic beverages sales may only be allowed where such use is not prohibited in the zoning district, and subject to a conditional use approval.
7. Fencing and landscaping shall be provided along all interior side and rear property lines of a site on which a public market is located. A fencing and landscaping plan shall be submitted for the review and approval of the Planning Director.

**TT. Public Service.**

1. No outdoor storage allowed for any public service use.
2. Type C buffer required around fleet parking areas and along lot lines shared with residential.
3. Type A buffer required along street.

**UU. Reception Facility.**

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.
2. All events shall be held within a completely enclosed building. Live entertainment and music of any kind is prohibited outside the building, unless approved through the conditional use process.
3. Outdoor lighting shall be directed away from adjacent residentially zoned property.
4. Hours of operation are restricted to 10:00 a.m. and 11:00 pm Sunday through Thursday. Hours of operation are restricted to 10:00 a.m. and 1:00 a.m. Friday through Saturday.

5. A Type A buffer is required on all property lines not adjacent a street. If located within one hundred (100) feet of a residential district a Type B buffer is required on all property lines not adjacent to a street.
6. Alcoholic beverage sales – secondary use is considered a separate principal use and require separate approval.

**VV. Residential Eldercare Facilities.**

1. In **RR, RE, and RS**: Limited to single-family home used for 4 or fewer client residents.
2. In **TND**: Building location in “General” subdistrict shall be residential in character; see Division 6.500, Traditional Neighborhood Development.
3. Type A buffer required.

**WW. Reception Facility.**

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.
2. All events shall be held within a completely enclosed building. Live entertainment and music of any kind is prohibited outside the building, unless approved through the conditional use process.
3. Outdoor lighting shall be directed away from adjacent residentially zoned property.
4. Hours of operation are restricted to 10:00 a.m. and 11:00 pm Sunday through Thursday. Hours of operation are restricted to 10:00 a.m. and 1:00 a.m. Friday through Saturday.
5. A Type A buffer is required on all property lines not adjacent a street. If located within one hundred (100) feet of a residential district a Type B buffer is required on all property lines not adjacent to a street.
6. Alcoholic beverage sales – secondary use is considered a separate principal use and require separate approval.

**XX. Restaurant, Café.**

1. In **CN**:
  - a. Hours of operation limited to 6am – 6 pm; other hours may be approved through the conditional use process.
2. There shall be no cover charge to enter a restaurant.
3. Hours of operation shall be posted on or near the restaurant entrance visible to the public.
4. For restaurants with an outdoor component, the restaurant shall submit a security and operations plan the plan shall include provisions regarding how the facility will control the sales of alcoholic beverages to ensure consumption on-premises.
5. Drive-through facilities and alcoholic beverage sales – secondary use are considered separate principal uses and require separate approval.

**YY. Restaurant, Fast Food.**

1. There shall be no cover charge to enter a restaurant.
2. Hours of operation shall be posted on or near the restaurant entrance visible to the public.
3. For restaurants with an outdoor component, the restaurant shall submit a security and operations plan the plan shall include provisions regarding how the facility will control the sales of alcoholic

beverages to ensure consumption on-premises.

4. Drive-through facilities are considered separate principal uses and require separate approval.

**ZZ. Restaurant, Full Service.**

1. There shall be no cover charge to enter a restaurant.
2. Hours of operation shall be posted on or near the restaurant entrance visible to the public.
3. For restaurants with an outdoor component, the restaurant shall submit a security and operations plan the plan shall include provisions regarding how the facility will control the sales of alcoholic beverages to ensure consumption on-premises.
4. Drive-through facilities and alcoholic beverage sales – secondary use are considered separate principal uses and require separate approval.
5. If a restaurant contains a brewing or distilling facility on-site, a floor plan must be submitted indicating the area reserved for brewing or distilling and a description of the facility and capacity. On-site micro-brewing and micro-distillery facilities are only allowed in full-service restaurants.
6. Average monthly revenue from food and nonalcoholic beverages shall exceed sixty percent of the total average monthly revenue from the sale of food, nonalcoholic beverages and alcoholic beverages.

**AAA. Truck Stop.**

1. All truck stops shall submit a development plan for review by the City of Zachary.
2. A minimum front yard of twenty (20) feet shall be provided. Parking is prohibited in the setback. The setback shall be landscaped with evergreen trees at a rate of one (1) for every twenty-five (25) feet of linear frontage, supplemented with shrubs and groundcover.
3. 3. A solid fence a minimum height of seven (7) feet in height is required for any outside storage areas adjacent to a public right-of-way, residential, or commercial district.
4. All vehicular use areas adjacent to public rights-of-way shall be screened by a berm, masonry wall, hedge, or a combination thereof a minimum of thirty (30) inches in height and within a perimeter yard a minimum of four (4) feet in width.
5. Parking lots of thirty (30) or more parking spaces shall provide landscaped interior parking islands at a rate of one (1) for every twenty (15) parking spaces. The parking islands shall be at least five (5) feet in width.
6. Loading operations shall be screened and designed so that no vehicle blocks the passage of other vehicles on any public right-of-way.
7. All truck stops with video draw poker facilities are regulated by the Louisiana Gaming Control Board and are subject to the Louisiana Administrative Code regulations.

**BBB. Utilities, Community.**

1. *Demonstration of Need.* The applicant shall demonstrate that the intended use cannot be located in a district in which it is has been established as a permitted use and is therefore required to be located in one of the above districts for essential service reasons.
2. In **UC:** The design of the community utilities shall be compatible with the urban environment. Masonry walls, rather than fences, shall be used to screen the facility. The street faces shall be improved to provide an expansion of the sidewalk areas with landscaping and seating to make the utility a useful part of the streetscape.



3. In **all districts except UC**: A Type D bufferyard shall be provided on all sides.

**CCC. Utilities, Neighborhood**

1. Utility substations are screened from view from public rights-of-way and abutting properties by enclosure in structures that are designed to appear to be buildings; or a Type C bufferyard, which may include a fence, if necessary, for safety or security reasons.
2. *Other Facilities*. Lift stations, telephone switches, ground-mounted transformers, and similar facilities are screened from view from public rights-of-way and abutting properties by:
  - a. Enclosure within a building; or
  - b. Enclosure by a hedge composed of shrubs planted 36 inches on center and maintained at a height that is at least equal to the utility facility. A fence may be located behind the hedge, if necessary, for safety or security reasons. An opening on one side of the facility of a size that is sufficient to provide access is permitted, provided that it does not face a public right-of-way, unless otherwise required by the City Engineer in the case of public facilities which require such access.

**DDD. Vehicles Sales, Rental and Service.**

1. Service bays shall not face abutting streets or residential uses; service bays and car wash areas are set back 50 feet from residential uses
2. All driveways shall be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
3. No motor vehicles may be stored, and no repair work may be conducted in the public right-of-way.
4. Flags shall not be strung to span between light poles; temporary signs that are legible from the street shall not be placed on cars
5. Type B buffer along street; may include 3 vehicle stands per 100 feet, provided that the vehicle standards are not higher than 3 feet

**EEE. Veterinarian.**

1. No on-site services for livestock or large animals; all services provided within enclosed building
2. Soundproofing required; kennels may be included as an accessory use, subject to use standards for kennels.

**FFF. Warehousing and Transportation.**

1. Truck Routing. A truck routing plan shall be submitted for approval by the City Engineer to prevent trucks from using streets that are residential in character.
2. The warehousing and transportation use does not involve hazardous materials; and occupies no more than 60% of a building that is used for related light industrial purposes.

**GGG. Wireless Telecommunications Facilities.**

1. *Application*. A report shall be submitted to the City describing the type of proposed wireless telecommunications facility, its effective range, and the technical reasons for its design and placement. If the proposed facility cannot be accommodated on an existing or approved facility within a one-mile search radius of the proposed site, the report shall specify the reasons and conditions along with supporting proof. And in an effort to promote long-range planning to minimize the number of towers and their impact on the community, providers of commercial wireless telecommunications service shall include a plan delineating existing and any proposed or

anticipated facilities within five miles of the City of Zachary.

2. *Structure.* Stealth or monopole structures are preferred. Applications for guyed towers or lattice towers shall demonstrate why a stealth or monopole structure is not feasible.
3. *Location and Setbacks.* Location preference for new wireless telecommunications facilities shall be given to publicly owned structures used for public safety communications, co-location sites, and industrial or commercial sites. Preference shall also be given to locations for wireless telecommunications facilities attached to or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to buildings, water tanks, telephone and utility poles, signage and sign standards, traffic signals, light standards, and roadway overpasses.
4. In **RR, RE, RS, RU, and UC:** New wireless telecommunications facilities should avoid sites located within or near residential districts unless the application includes information sufficient to demonstrate all of the following:
  - a. The location and type of preferred sites which exist within the proposed or technically feasible coverage area.
  - b. Good faith efforts and measures must be taken by the carrier to secure the indicated preferred sites outside of residential districts or the UC district. Specific reasons must be provided which demonstrate why such efforts and measures were unsuccessful and why the location of the proposed facility site is essential to meet the service demands of the applicant.
  - c. That the proposed facility is a stealth facility.
5. *Co-Location Provisions.* Any new co-located wireless telecommunications tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is more than 100 feet in height and for at least one additional user if the tower is more than 60 feet in height but less than 100 feet in height.
  - a. The tower owner shall allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
  - b. The conditions and terms for shared use shall be submitted to the City of Zachary. If the land for the tower is leased, a copy of the relevant portions of a signed lease allowing the tower owner to add additional users and associated facilities on the tower shall be submitted at the time of application to the City for tower erection.
6. *Yards and Setbacks.*
  - a. Towers shall be sited within the rear yard unless located on a vacant lot or parcel.
  - b. Monopole type towers shall provide a minimum setback of the tower designed fail area plus 10% of the tower height.
  - c. Guyed and lattice type towers shall provide a minimum setback of the tower designed fail area plus 25% of the tower height.
  - d. Communications ancillary buildings shall comply with the setback requirements for accessory structures that apply in the district in which the tower is located.
7. *Cessation of Use and Removal.*
  - a. *Prior Notification.* The operator of the facility shall provide a copy of the notice to the Federal Communications Commission of intent to cease operations of subject facility when any intended cessation of operations on the site is expected to exceed a 90-day period.

- b. *Removal.* The operator shall remove all obsolete or unused facilities from the site within 120 days of termination of its lease with the property owner or cessation of operations.
  - c. *Bond.* All applicants will furnish a surety bond or make an equivalent cash deposit in an amount to be determined by the Planning and Zoning Commission to be necessary to remove an abandoned facility in the event the persons responsible for such removal default.
8. *Identification.* The operator shall provide signage that includes the current name and telephone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment/structure.
9. *Safety.*
- a. *Antenna Capacity/Wind Load.* Wireless telecommunications facilities shall be certified by a qualified and licensed professional engineer in the State of Louisiana to conform to the latest structural standards and wind loading requirements of the Building Code.
  - b. *Security Fence.* Ground ancillary buildings and towers shall have a security fence erected within the visually screened area.
  - c. *Liability Insurance.* Proof of adequate liability insurance shall be filed with the City of Zachary annually.
10. *Aesthetic Design and Treatment.* All proposed wireless telecommunications facilities shall be designed so as to minimize their visual impact to the maximum extent feasible.
- a. *Architectural Integration.* All façade-mounted wireless telecommunications facilities shall be positioned and designed to appear as an integral part of the structure.
    - i. Identical paint colors, alone, are not sufficient to meet this requirement.
    - ii. Facade-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view.
    - iii. To the extent feasible, facade-mounted antennas should not be located on the front or most prominent facade of a structure and should be located out of the pedestrian line-of-sight, unless stealthing techniques reasonably eliminate visual impacts.
    - iv. Whenever possible, equipment structures, back-up generators, and other equipment associated with building-mounted antennas should be installed within the existing building compound. If this is not feasible, the equipment shall be screened, fenced, or landscaped to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable).
    - v. Roof-mounted antennas and associated equipment shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations. Where appropriate, construction of a rooftop parapet wall or other appropriate screening may be required to hide the facility.
  - b. *Signage.* No advertising signage or identifying logos shall be displayed on any wireless telecommunications facility, except for small identification plates used for emergency notification or hazardous or toxic materials warning.
  - c. *Stealth Design.* The applicants are encouraged to consider providing architectural treatments

and to use “stealth techniques” to reduce potential visual impacts for all wireless telecommunications facilities, and especially for those proposed in areas easily visible from a major traffic corridor, commercial center or residential area. Stealth techniques can be required as conditions of approval when determined to be necessary to mitigate adverse visual impacts.

- d. *Colors and Materials.* The colors and materials of wireless telecommunications facilities shall be chosen to minimize the visual impact of the facilities.
- e. *Screening.* The lowest ten feet of any accessory building and tower shall be visually screened on a year-round basis with suitable vegetation or nearby buildings. The scale and nature of vegetation shall be of sufficient density to conform with the above requirements within three years, as determined by the Planning and Zoning Commission.
- f. *Lighting.* The use of lighting shall not be allowed on wireless telecommunications facilities except as a required public safety measure by the Federal Aviation Agency. However, when incorporated into the approved design of the tower, light fixtures used to illuminate athletic fields, parking lots, or similar areas may be attached to the tower.

## **Division 7.300 Temporary Uses**

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### **Sec. 7.301 Purpose of Article**

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

### **Sec. 7.302 General Standards for All Temporary Uses**

- A. This section regulates temporary uses conducted on private property. Temporary uses that occur on public right-of-way are subject to the applicable regulations of the City Code.
- B. **General Standards.** All temporary uses except garage sales and portable storage units shall be reviewed for compliance with the following criteria:
  1. *Traffic Circulation.*
    - a. The temporary use shall have adequate sight distances for safe vehicular ingress and egress.
    - b. It shall have adequate turn lanes or provide for traffic control to move traffic in and out of the use.
  2. *Public Convenience and Litter Control.*
    - a. Adequate on-site restroom facilities may be required to handle the demands of the expected attendance.
    - b. Adequate waste containers are required, along with a written guarantee that all litter generated by the event (on the site and adjoining rights-of-way) will be removed at no expense to the City.
  3. *Signs.* A sign permit is not required; however, the responsible official shall review and approve all signage in accordance with the standards in this section, where applicable. The number, type, and size of signs and attention getting devices shall be determined using the following criteria:
    - a. The need for way-finding information, based on the location of the event.
    - b. The type, length, and scale of the proposed event or use.
    - c. Sight distances, other signage in the area or on the property, sidewalks, traffic volumes, and

travel speed of the street upon which the signage is proposed to be posted.

- d. Other lighting in area, neighboring uses, ambient light intensity, and glare potential.
- C. **Additional Conditions.** The responsible official may establish additional conditions that are desirable to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the City as a whole. These may include, but are not limited to, the following:
1. Modification or restrictions on hours of operation or duration of the event.
  2. Posting of a performance bond to ensure clean up and removal of signage.
  3. Arrangements satisfactory to the City for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event. This may also include liability insurance.
  4. The responsible official may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance to ensure it can be properly managed.

**Sec. 7.303 Standards for Temporary Uses**

- A. **How to Use Table 7.303, Temporary Use Standards.** The columns in Table 7.303, *Temporary Uses in Temporary Structures* establish the standards that apply to each of the limited and conditional temporary uses that occupy temporary structures. Classifications of temporary uses are listed in rows, and standards are set out in columns. The columns are interpreted as follows:
1. *Temporary Use.* Refers to the use.
  2. *Where Permitted.* Refers to the district and or area in which use is allowed.
  3. *Temporary Use Standards.* Refers to the section of this UDC where standards specific to the use are located.

Table 7.303 Temporary Use Standards		
Temporary Use	Where Permitted	Temporary Use Standards
Commercial Outdoor Sales Event	In non-residential zoning districts	Sec. 7.304a
Contractor Trailers/Manufactured Units, Construction Refuse Containers, and Real Estate Model Units (Temporary)	Permitted in any Zoning District when used in conjunction with construction operations on the same site where building permit is valid	Sec. 7.304c
Public and Farmer’s Markets (Temporary)	Permitted in non-residential zoning district; Only permitted with conditional use permit in residential districts	Sec. 7.304e
Garage Sales	All districts	Sec. 7.304b
Mobile Vendors	In non-residential districts	Sec. 7.301.LL
Public Interest or Special Event	Permitted in non-residential zoning district; Only permitted with conditional use permit in residential districts	Sec. 7.304f
Temporary Storage Containers	All Districts	Sec. 7.304d



## **Sec. 7.304 Temporary Use Development Standards**

### **A. Commercial Outdoor Sales Event**

1. *Generally.* Commercial outdoor sales events shall only be permitted when hosted by a legally permitted non-residential use. Commercial Outdoor Sales Events include holiday sales lot.
2. *Site Area.* The minimum site area for this use is two (2) acres.
3. *Sale Area.* Outdoor sales events shall be permitted only where no more than fifty (50) percent of the required parking area is used for the staging of the event.
4. *Setback.* No outdoor sales event shall be located closer than twenty (20) feet to any public road frontage.
5. *Frequency and Duration.* Each shopping center is permitted three temporary use permits for commercial outdoor sales events per year. Commercial outdoor sales events are limited to a forty-five (45) day timeframe.

### **B. Garage Sales.**

1. *Generally.* Garage sales, porch sales, yard sales shall comply with the following standards.
2. *Household Goods Only.* No merchandise other than that normally found in the household may be sold. New merchandise may not be sold.
3. *Duration.* The sale shall not last more than three consecutive days.
4. *Number of Annual Sales.* Not more than three sales per year are allowed on a lot or parcel.
5. *Joint Sales.* In the event that more than one household desires to conduct a joint garage sale, porch sale or yard sale, then each participant in the multiple-owner sale shall be considered to have had an individual sale. Neighborhood or community garage sales that involve more than ten parcels upon which sales will take place, or more than one acre of common open space upon which sales will take place shall be permitted only as a Public Interest or Special Event, and shall not count as an individual garage sale.
6. *Signs.* Signs shall not be placed in rights-of-way. All garage sale signs shall be removed when the garage sale ends.

### **C. Temporary Contractor Trailers/Manufactured Units, Construction Refuse Containers and Real Estate Model Units**

1. Temporary contractor trailers used in conjunction with construction operations are permitted when temporary facilities are located on the same site as the development and the building permit is valid. However, temporary facilities may be located on an adjoining site provided the zoning classification of the adjoining site is the same as or less restrictive than the zoning classification of the site being developed. Temporary facilities shall be removed upon completion or abandonment of such construction or two (2) years from the date of the temporary facilities were erected, whichever comes first.
2. Construction refuse containers used in conjunction with construction operations are permitted when the containers are located on the same site as the development and while the building permit is valid. Construction refuse containers shall be removed upon completion or abandonment of such construction. Construction refuse containers shall be located entirely on private property and may not block any means of access to the site. Construction refuse containers located on the public right-of-way are subject to the regulations of the City Code.
3. Real estate model units, including temporary real estate offices, for the sale of improved or

unimproved lots in a residential subdivision are permitted for two (2) years from the date they were erected. However, temporary offices may continue beyond the two (2) year limitation until such time as the developer owns ten (10) lots or less in the subdivision, provided that a certificate of occupancy is obtained each year, and the developer attests to ownership of more than ten (10) lots at the time the application is filed. The certificate is valid for one (1) year from the date of issuance, even if the number of lots owned by the developer is reduced to ten (10) or less lots during that time period.

**D. Temporary Storage Containers.**

1. Temporary storage containers are permitted in any zoning district when used for loading or unloading. No temporary use permit is required.
2. Containers are permitted on site for a period not to exceed fourteen (14) days for residential uses and seventy-two (72) hours for non-residential uses unless there is an active building permit.
3. Temporary storage containers used for permanent storage are prohibited. Containers may not be permanently attached to the ground, serviced with permanent utilities or stacked on the site. The use of shipping containers as a temporary storage container is prohibited.

**E. Public Markets and Farmer's Markets (Temporary)**

1. Permitted in non-residential zoning district; Only permitted with conditional use permit in residential districts.
2. Limited to a maximum of one (1) event every thirty (30) days.
3. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., unless otherwise extended by the provisions of an overlay zoning district.
4. All size restrictions shall be consistent with the retail sales size restrictions in the zoning district, if applicable.
5. No portion of a public market may encroach onto the public right-of-way or be placed in such a way that requires customers to occupy the sidewalk or the public right-of-way.
6. The sale of food for consumption on or off the premises requires licensing by the City and approval by the Department of Health.
7. The sale of firearms, adult retail goods, and sexually oriented devices is prohibited.
8. The retail sale of alcoholic beverages is only allowed where such use is allowed as a permitted use in the zoning district in which the public market is located, or when approved through the conditional use process where such use is a conditional use in the zoning district where the public market is located.

**F. Public or Special Events.**

1. *Generally.* Special events in athletic stadiums or public parks shall be regulated separately by the City and are not limited by this section. All other special events shall comply with the standards of this Section.
2. *Frequency.* Special events shall not be held on a parcel or lot more than three times per calendar year. Any special event held on a parcel or lot after three previous events in a calendar year may only be approved through a Conditional Use Permit and final decision by the City Council.
3. *Duration.* Special events shall not last more than four consecutive days.
4. *Access.* If deemed necessary by the Police Department, property access shall be controlled by special traffic personnel paid for by the applicant. Prior to receiving a permit, the applicant must



provide written communication from the Police Department indicating adequate provisions have been made for access and traffic control.

5. *Sanitation.* The City, or another applicable department or agency, shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide written communication from the applicable department or agency indicating adequate provisions have been made.
6. *Electrical Service and Lighting.* All electric and lighting facilities shall comply with the electrical code and the standards for lighting set out in the UDC.
7. *Noise.* Maximum noise levels may be established. The levels shall be based on the distance of the site to adjoining residential uses and any history of complaints about similar events.
8. *Surety.* The City may require an applicant to provide surety for complete site restoration upon the termination of the event.
9. *Mobile Vendors.* Mobile Vendors included as part of a public interest or special event shall meet the requirements for a Mobile Vendor, however, a waiver for the development standards may be granted, if approved as part of the application and site plan for the event.

# ARTICLE 8 ON-SITE ACCESSORY AND PERFORMANCE STANDARDS

## Division 8.100 Purpose and Application of Article

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### Sec. 8.101 Purpose of Article

- A. **Standards Applicable to Parcels Proposed for Development.** The purpose of this Article is to address the site improvements on a lot other than the principal building. This includes adequate public facility requirements, environmental performance standards, accessory structures and uses and permitted encroachments into required yards.
- B. **Modifications.** The standards in Article 8 may only be modified as follows:
1. If specifically allowed in Article 6 Overlay and Special Districts.
  2. A development standard defined for a specific use elsewhere in this UDC.
  3. A variance as described in Sec. 14.507 Variance Requirements, meeting all the decision criteria in Sec. 14.507.C. **No standard in Article 2 may be modified by any waiver, including a waiver or condition tied to a conditional use and/or site plan approval, unless: 1) specifically allowed by conditional use or, 2) a variance has been granted.**

## Division 8.200 Use of Land and Structures

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### Sec. 8.201 Use of Land and Structures

- A. **Number of Principal Buildings on a Lot.**
1. In residential zoning districts, only one (1) principal residential building is permitted per lot, unless permitted and approved as multifamily, manufactured home park or subdivision, residential eldercare or institutional residential.
  2. Where more than one (1) principal building is located on a single lot, each principal building shall comply with all yard and bulk requirements of the district as if it were a principal building on an individual lot.
  3. All sites shall comply with the maximum density permitted by the underlying zoning district or overlay district, as applicable.
- B. **Frontage on a Public or Private Street.** All lots shall front on a public or private street.
- C. **Applicability of Build and Yard Requirements.** All structures erected after the effective date of this UDC shall 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 Board of Adjustment. Structures that are legally nonconforming as to the bulk and yard requirements may be maintained, structurally altered, or increased in cubical content, provided such alteration or increase in cubical content shall not further increase the extent of the nonconformance or permit an increase in the number of dwelling units.
- D. **Applicability of Use Restrictions.** No structure or land may be used for any use other than one allowed as either a permitted or conditional use in the zoning district, overlay district or special district in which such structure or land is located, Structures or land may also be used for a temporary use or accessory use, in accordance with the requirements of this UDC.

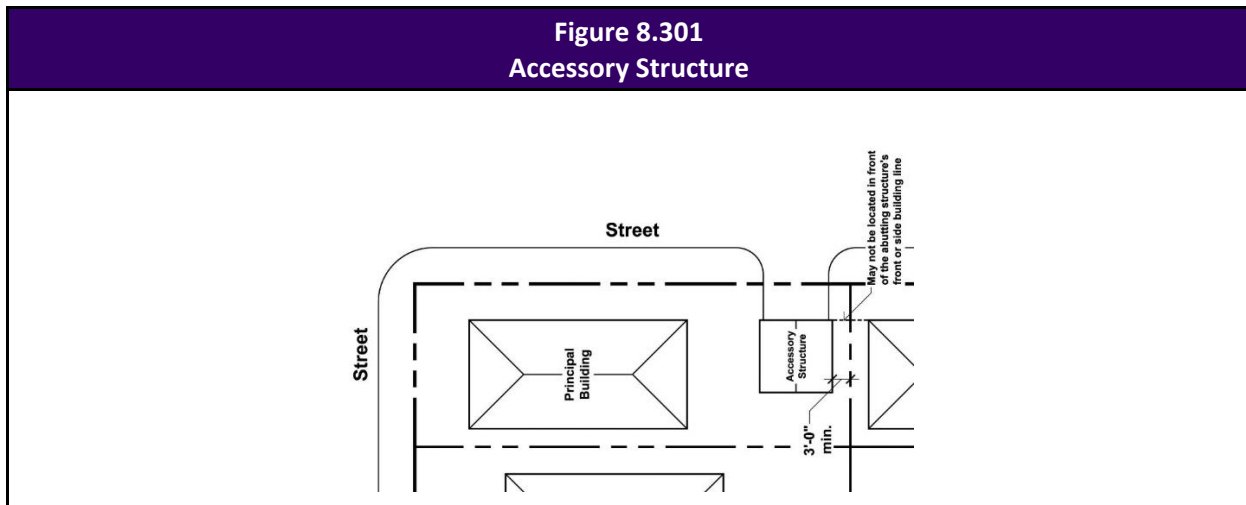
## Division 8.300 Accessory Structures and On-Site Standards

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### Sec. 8.301 General Application

#### A. Generally.

1. All accessory structures are subject to the requirements of this section.
2. Only those accessory structures permitted by this section are allowed to encroach into required yards.
3. *Timing of Construction.* No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.
4. *Attached Accessory Buildings.* Accessory buildings that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building.
5. The combined square footage of all detached accessory structures located in the required rear yard is limited to no more than forty percent (40%) of the required rear yard area.
6. Only one (1) detached accessory structure is permitted in a residential district in a required interior side yard.
7. Accessory structures are permitted within the buildable area unless specifically prohibited by this section. In such cases, the limitation is indicated by language that states “permitted to locate only in...” or similar language, and a designation of the permitted yard or yards. When such location restriction is indicated, the yard indicated includes the area between the principal building wall located parallel to such yard and the lot line, which will include the minimum required yard area.
8. When detached accessory structures are located within a required yard, structures are limited to a maximum height of twenty (20) feet, unless otherwise permitted or limited by the UDC. When detached accessory structures are located within the permitted buildable area, they are subject to the maximum height of the underlying zoning district.
9. Detached accessory structures shall be located a minimum of three (3) feet from any lot line, unless otherwise permitted or limited by this UDC.
10. In the case of a corner lot, when an accessory structure is located in the rear yard and the rear yard abuts the interior side and/or front yard of a lot, the accessory structure shall be located three (3) feet from the rear lot line and in addition may not be located in front of the abutting structure’s front or side building line. In such case, the accessory structure may encroach into the corner side yard but may not be located in front of the abutting structure’s front or corner side building line. The front or corner side building line does not include any architectural features of the front façade (see Figure 8.301).



11. No detached accessory structure may be used for habitation unless legally permitted as an Accessory Dwelling Units in accordance with the standards of this UDC.
12. Any accessory structure that is no longer in use is considered abandoned and the owner shall remove the accessory structure. The City may ensure and enforce removal by means of its existing regulatory authority.

**B. Projections across lot lines.**

1. Projections across lot lines: No projection shall cross a lot line:
  - a. Into separately owned property, unless a recorded document provides for access to and maintenance of the projection; or
  - b. Into public property, rights of way, or access easements, except as provided in this section and approved by the Planning and Zoning Commission and City Engineer; or
  - c. Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the City to efficiently remove the encroachment at the property owner's expense.
2. Accessory structures shall only project into a required yard as allowed in Table 8.301.

<b>Table 8.301 Accessory Use Standards and Permitted Projections into Required Residential Yards</b>			
<b>Accessory Use and General Standards – Uses denoted with a * contain use restrictions</b>	<b>Encroachment allowed into required yards</b>		
	<b>Front Yard, Corner Side Yard</b>	<b>Interior Side Yard</b>	<b>Rear Yard</b>
<p>Accessibility Ramp</p> <ol style="list-style-type: none"> <li>Ramps within the front yard shall be designed to minimize encroachment into the required front yard.</li> <li>Ramps may extend or project into a required rear yard without limitation.</li> <li>Weather protection may be provided over the ramp and landing provided there is a two (2) foot distance between the awning or canopy and any lot line.</li> </ol>	Y	Y	Y
<p>Air Conditioning Units (standalone)</p> <ol style="list-style-type: none"> <li>No more than 5' into a required yard.</li> <li>Shall be at least 2.5' from any lot line.</li> <li>Subject to all addition screen requirements in this UDC.</li> </ol>	N	Y	Y
Arbor and trellises	Y	Y	Y
<p>Amateur Radio Antenna</p> <ol style="list-style-type: none"> <li>Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance standards are permitted to locate only in the rear yard and shall be located ten (10) feet from all lot lines. Towers may not exceed the maximum building height of the applicable district.</li> <li>Antenna may be ground-, building-, or roof-mounted. Every effort shall be made to install radio antennae in locations that are not readily visible from neighboring properties or from the public right-of-way, excluding alleys.</li> <li>If an applicant applies for a variance for an antenna or tower to exceed the height limitation, the applicant shall provide evidence that a taller tower and/or antenna is necessary to engage successfully in amateur radio communications. In addition, the applicant shall provide evidence that the tower and/or antenna is not a hazard to birds (i.e., minimal chance of bird strikes). Such tower and/or antenna shall conform to all applicable performance standards. As part of the application, the applicant shall submit a development plan showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and any additional accessory structures.</li> </ol>	N	N	Y
<p>Antennae and Satellite Dishes (one meter or less in diameter)</p> <ol style="list-style-type: none"> <li>See Sec. 8.302</li> </ol>	Y	Y	Y
<p>Antennae and Satellite Dishes (one meter or more in diameter)</p> <ol style="list-style-type: none"> <li>See Sec. 8.302</li> </ol>	N	N	Y
<p>Awnings and Canopies</p> <ol style="list-style-type: none"> <li>Shall be at least 1' from any lot line.</li> <li>No more than 5' into a required yard.</li> <li>Minimum clearance of 8'.</li> <li>May encroach into the right-of-way with a long-term lease of servitude from the City of Zachary.</li> </ol>	Y	Y	Y
<p>Balconies</p> <ol style="list-style-type: none"> <li>Shall be located at least 2' above ground</li> <li>No more than 4' into a required yard</li> <li>May encroach into the right-of-way with a long-term lease of servitude from the City of Zachary.</li> </ol>	Y	Y	Y

<p>Bay Windows</p> <ol style="list-style-type: none"> <li>No more than 3' into a required yard.</li> <li>Shall be at least 5' from any lot line.</li> </ol>	Y	Y	Y
<p>Carport</p> <ol style="list-style-type: none"> <li>See Sec. 8.303.</li> </ol>	N	Y	Y
<p>Columbarium*</p> <ol style="list-style-type: none"> <li>A columbarium is permitted as an accessory structure to places of worship located on a lot a minimum of one (1) acre in area.</li> <li>Set back not less than fifty (50) feet from residential property lines.</li> <li>Located in or behind the principal building.</li> <li>Screened from view from adjacent property by a Type A bufferyard.</li> </ol>	N	N	N
<p>Chimney</p> <ol style="list-style-type: none"> <li>No more than 2" into a required yard.</li> <li>Shall be at least 1' from any lot line.</li> </ol>	Y	Y	Y
<p>Decks</p> <ol style="list-style-type: none"> <li>No deck shall have a surface that is elevated higher than the level of the second floor of the principal building.</li> <li>Shall be at least 3' from any lot line.</li> <li>No more than 6' into a required side yard</li> <li>No more than 10' into a required rear yard</li> <li>Coverage. Patios may occupy 60 percent of the rear yard.</li> <li>Drainage. Any application for a patio that is more than 750 square feet in area shall include a drainage plan for approval by the City Engineer.</li> </ol>	N	Y	Y
<p>Driveways</p> <ol style="list-style-type: none"> <li>Shared access drives may cross lot lines if appropriate easements are recorded prior to construction.</li> </ol>	Y	Y	Y
<p>Eaves</p> <ol style="list-style-type: none"> <li>No more than 4' into a required yard.</li> <li>1' from any lot line (Lot Line Homes: may encroach onto abutting lot if appropriate easements are recorded prior to construction)</li> </ol>	Y	Y	Y
<p>Fences, garden walls, hedges</p> <ol style="list-style-type: none"> <li>See Sec. 8.304.</li> </ol>	Y	Y	Y
<p>Flagpoles</p> <ol style="list-style-type: none"> <li>Shall be at least 3' from any lot line.</li> <li>Not to exceed maximum height of existing structures.</li> </ol>	Y	Y	Y
<p>Garage</p> <ol style="list-style-type: none"> <li>See Sec. 8.305.</li> </ol>			
<p>Outdoor Display/Sales *</p> <ol style="list-style-type: none"> <li>Commercial Retail, Heavy Retail, and Vehicle Sales, Rental, Service are permitted outdoor display/sales of merchandise, by either a storeowner or occupant, outside the store and within the same lot.</li> <li>See Sec. 8.306 for additional standards.</li> </ol>	N	N	N
<p>Outdoor Storage *</p> <ol style="list-style-type: none"> <li>Permitted uses in the BP and I district shall be permitted outdoor storage. Additionally, the following uses are permitted outdoor storage, regardless of zoning district, in accordance with the standards of this section: agricultural support, brewery, distillery, mini-warehouse, nursery or greenhouse, plants in the open, heavy commercial, truck stop, vehicle sales, rental and service, and industrial and agricultural uses.</li> <li>See Sec. 8.307 for additional standards.</li> </ol>	N	N	N
<p>Parking/Parking Pad</p> <ol style="list-style-type: none"> <li>In front yard, as permitted in Article 10 Parking and Loading.</li> <li>In residential districts, no more than 3' into a required side or rear yard, except for driveway parking</li> </ol>	Y	Y	Y

<p>Patio</p> <ol style="list-style-type: none"> <li>No more than 10' into a front or side yard.</li> <li>Patios may occupy 60 percent of the rear yard.</li> <li>Drainage. Any application for a patio that is more than 750 square feet in area shall include a drainage plan for approval by the City Engineer.</li> </ol>	Y	Y	Y
<p>Recreational Equipment</p> <ol style="list-style-type: none"> <li>Does not include equipment located on park/playground, educational facility or day care center.</li> <li>Located 5' from any lot line.</li> <li>Basketball standards &amp; backboards are exempt from these restrictions &amp; permitted in all yards.</li> </ol>	N	Y	Y
<p>Shed (Small)</p> <ol style="list-style-type: none"> <li>Sheds that are less than ten feet in height to the peak of the roof and less than 350 square feet in floor area may be built on the interior side or rear lot line provided there is no existing structure on the adjoining lot located on or within three (3) feet of the common interior side or rear lot lines. The wall of the accessory structure built on a property line shall meet all standards of the fire code and shall include gutters to drain water away from the adjoining lot.</li> <li>Small sheds are not subject to architectural compatibility requirements.</li> </ol>	N	Y	Y
<p>Steps and Stoops</p> <ol style="list-style-type: none"> <li>Subject to Sec. 8.308.</li> </ol>	Y	Y	Y
<p>Swimming Pools and Spas</p> <ol style="list-style-type: none"> <li>No residential swimming pool shall be constructed unless the principal building is constructed or under construction simultaneously with the swimming pool.</li> <li>Shall be at least 4' from any lot line.</li> <li>Minimum of 6' between the pool wall and any building.</li> <li>Adequate handrails shall be provided for pool entry and exit.</li> <li>Every swimming pool shall be protected by a safety fence or barrier of at least six (6) feet. A walk space at least three (3) feet in width shall be provided on two (2) sides or fifty percent (50%) of the exterior of the pool, whichever is greater, between the pool walls and protective fences or barrier walls.</li> </ol>	N	Y	Y
<p>Trash and Refuse Containers and Storage Areas</p> <ol style="list-style-type: none"> <li>The storage area for containers and receptacles is behind a principal building or in a side or rear yard unless it is not possible to provide service access in such locations.</li> <li>Attached residential, multifamily and non-residential uses are subject to Sec. 8.309.</li> </ol>	N	Y	Y
<p>Vestibule (Enclosed)</p> <ol style="list-style-type: none"> <li>Maximum of forty (40) square feet or less in floor area encroaching.</li> <li>No more than 5" into a required yard.</li> <li>Shall be at least 3' from any lot line.</li> </ol>	Y	Y	Y

## Sec. 8.302 Antennae and Satellite Dishes

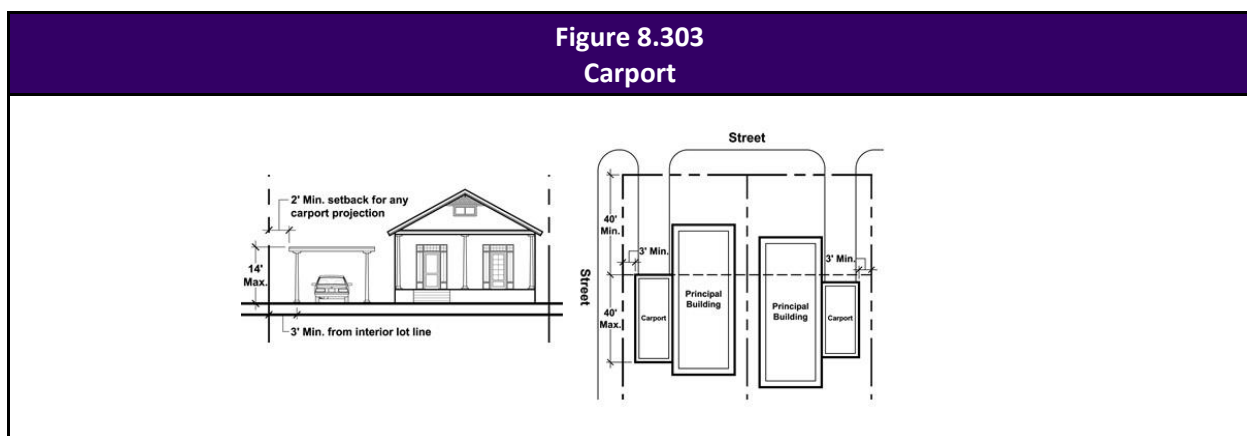
### A. TV Antennae, DTV Antennae, Wireless Cable Antennae, Satellite Dishes.

- The following are permitted if they are attached to a building or mounted on a mast that extends not more than 12 feet above the peak of the roof:
  - TV antennae
  - DTV antennae
  - Wireless cable antennae
  - Satellite dishes that are one meter or less in diameter.
- All cabling must be run internally when feasible, securely attached, and as inconspicuous as practicable.

3. Masts that are greater than 12 feet above the peak of the roof are permitted if it is demonstrated that an adequate signal cannot be obtained at a lower height and:
  - a. The mast and antenna are lower than overhead power lines or set back from overhead power lines such that a collapse of the mast will not result in contact with the lines.
  - b. The mast and antenna are designed to withstand a 110 mile per hour sustained wind.
4. Satellite dishes that are more than one meter in diameter are permitted if:
  - a. They are located on the ground in the rear yard and not visible from ground-level views from public rights-of-way or abutting properties; or
  - b. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building and the dish or antenna is fully screened from view from public rights-of-way with:
    - i. A masonry wall; or
    - ii. An evergreen hedge or shrub and understory trees.

### Sec. 8.303 Carport

- A. A carport, whether attached to or detached from the principal building, shall be unenclosed on any interior side yard or corner side yard.
- B. A carport may be attached to an enclosed accessory building provided that no wall of such accessory building is less than forty (40) feet from the front lot line and the wall or open side of the carport is located no less than three (3) feet from the interior side lot line. (See Figure 8.303: Carport)
- C. Every part of the projection of such carport shall be at least two (2) feet from the interior side lot line. The length of a carport may not exceed forty (40) feet.
- D. The height of any carport in a required yard may not exceed fourteen (14) feet.



### Sec. 8.304 Fences, Garden Walls, and Hedges

- A. **Generally.** The provisions of this Section apply to all residential development.
- B. **Fence Height.** No fence shall exceed the height set out in Table 8.304A, Fence Height. See

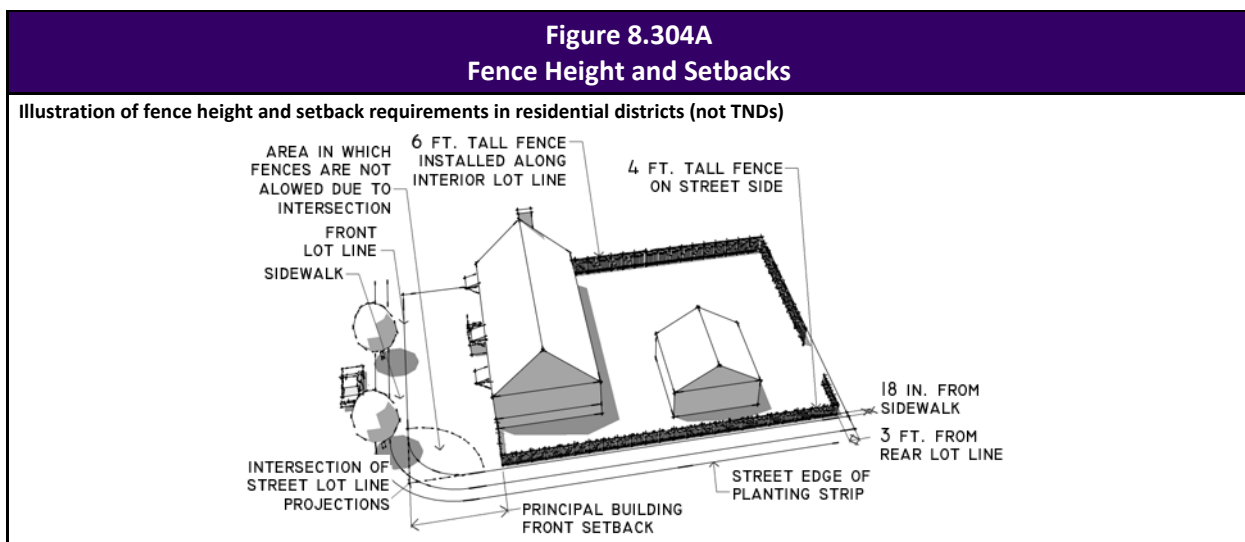


Illustration 8.304A, Fence Height and Setbacks, unless so required by bufferyard requirements:

Table 8.304A Fence, Garden Wall, and Hedge Height					
Location of Lot	Maximum Height of Fence In . . .				
	Front Yard	Street Side Yard	Interior Side Yard	Rear Yard	Yards Abutting Nonresidential District
All residential districts	3.5 feet	6 feet	6 feet	6 feet	8 feet
TNDs	3.5 feet	3.5 feet	6 feet	5 feet	8 feet
Commercial Districts	3 feet	3 feet	6 feet	6 feet	8 feet
<b>I BP</b>	3.5 feet	3.5 feet	8 feet	8 feet	8 feet

C. **Fence Setbacks.** Fences, garden walls, and hedges shall be set back as follows:

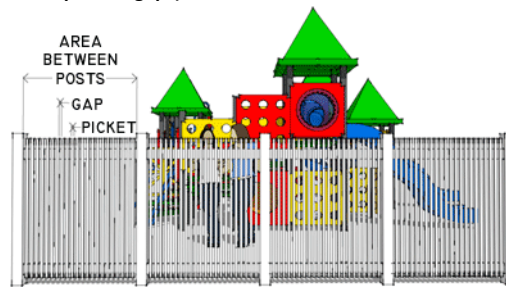
1. 18 inches from sidewalks or 5 feet from streets, whichever results in the greatest setback (this measure shall not allow encroachments into rights-of-way). See Figure 8.304A, Fence Height and Setbacks.
2. No setback required for interior lot lines.
3. 20 feet from the intersection of street lot lines. See Figure 8.304A, Fence Height and Setbacks (lower left corner of illustration)
4. Fences, garden walls, and hedges shall be set back as follows Alley rights-of-way:
  - a. Face is at least 40 percent opaque: Three feet.
  - b. Face is less than 40 percent opaque: One foot. See Figure 8.304B, Fence Opacity.
5. Notwithstanding the setbacks in Table 2.402B, Fence Setbacks, no fence shall be constructed over an easement or servitude.



**Figure 8.304B  
Fence Opacity**

Opacity is measured as the total width of pickets (or other fence components) between posts, divided by the distance between posts; or in the case of horizontal fence types, the total width of horizontal fence elements divided by the height of the fence.

**Fence with 40% opacity (60% of area between posts is gaps)**



**Fence with 80% opacity (20% of area between posts is gaps)**

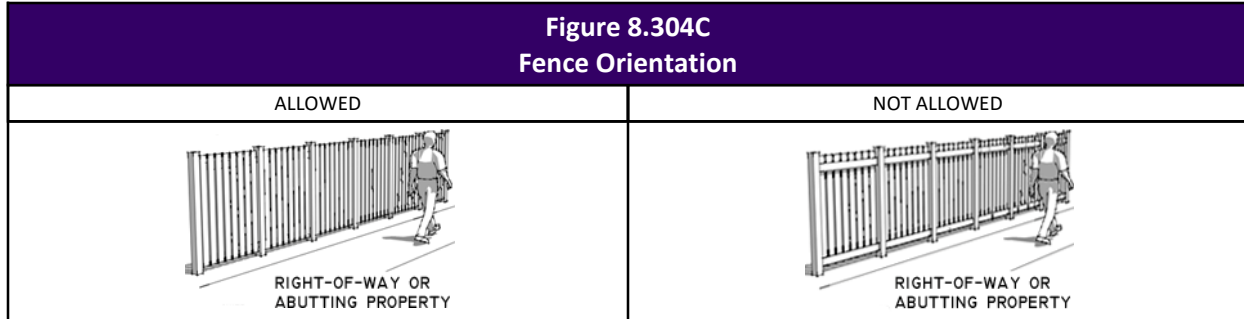


#### **D. Fence Materials and Design.**

1. Materials shall be durable, and of a character commonly used in residential applications including weather resistant wood species, split rail, pressure-treated wood, ornamental wrought iron or powder-coated metal, vinyl, composite materials, brick, and stone.
2. Garden wall materials shall be brick, stone, concrete masonry units (split face or polished), simulated stone, or other materials that are used in the principal building.
3. Chain link fences are permitted only in interior side yards and rear yards (including rear yards that face alleys) that are not also street yards.
4. The following materials are prohibited: plywood; sheet metal; plastic; fiberglass sheets; barbed wire, spikes, nails, or other sharp point or instrument on top or sides of a fence (except as provided in subsection D.4., below); welded wire; agricultural fencing; and poultry mesh (chicken wire) or hardware cloth.
5. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing buildings where the City finds that such are necessary to address a critical security interest. Fences with barbed wire shall be completely screened with a hedge that will be no less than the height of the fence within two years of planting.

**E. Fence Orientation.**

1. The finished side of all fences shall face out toward neighboring property or adjacent rights-of-way. Where fences are located on the property line of residential property, the finished side of the fence shall face the yard that does not belong to the applicant, unless the applicant provides written consent of the abutting property owner to the City. See Figure 8.304C, *Fence Orientation*.



*Orientation.*

2. Exceptions. Fences, walls, or hedges, which are specifically required pursuant to Article 11, Landscaping shall conform to the requirements of that Section.

**F. Garden Wall Height.** No garden wall shall exceed eight feet in height.

**G. Garden Wall Setbacks.** No garden wall shall be set back from lot lines less than the distance set out in Table 8.304B, *Garden Wall Setbacks*. Notwithstanding the setbacks in Table 8.304B, *Garden Wall Setbacks*, no garden wall shall be constructed over an easement or servitude.

Table 8.304B Garden Wall Setbacks					
Location of Lot	Minimum Setback From . . .				
	Streets or Alleys	Sidewalks	Interior Lot Lines	Intersection of Street Lot Lines	Alley Right-of-Way
All residential districts	10 feet	4 feet	0 feet	20 feet	3 feet
TNDs	5 feet	18 inches	0 feet	As required for visibility	0 feet or 5 feet from pavement, whichever is a greater setback

**H. Garden Wall Design and Materials.** Garden walls shall be designed to be architecturally compatible with the principal building. Garden walls shall be constructed of materials that are also used in the principal building.

**I. Hedges.** Hedges may be installed along lot lines and shall be maintained at a height of six feet or less. However, no hedge shall be planted within four feet of a sidewalk or on the street side of an open drainage ditch.

**J. Exceptions.** Fences, walls, or hedges, which are specifically required pursuant to Article 11, Landscaping shall conform to the requirements of that Section.

**Sec. 8.305 Garages, Attached and Detached**

**A.** The following design standards apply to all residential garages. Attached garages are not considered an accessory structure (i.e., they are part of the principal structure) but are subject to the regulations of this section for attached garages.

**B. Garages, Attached**

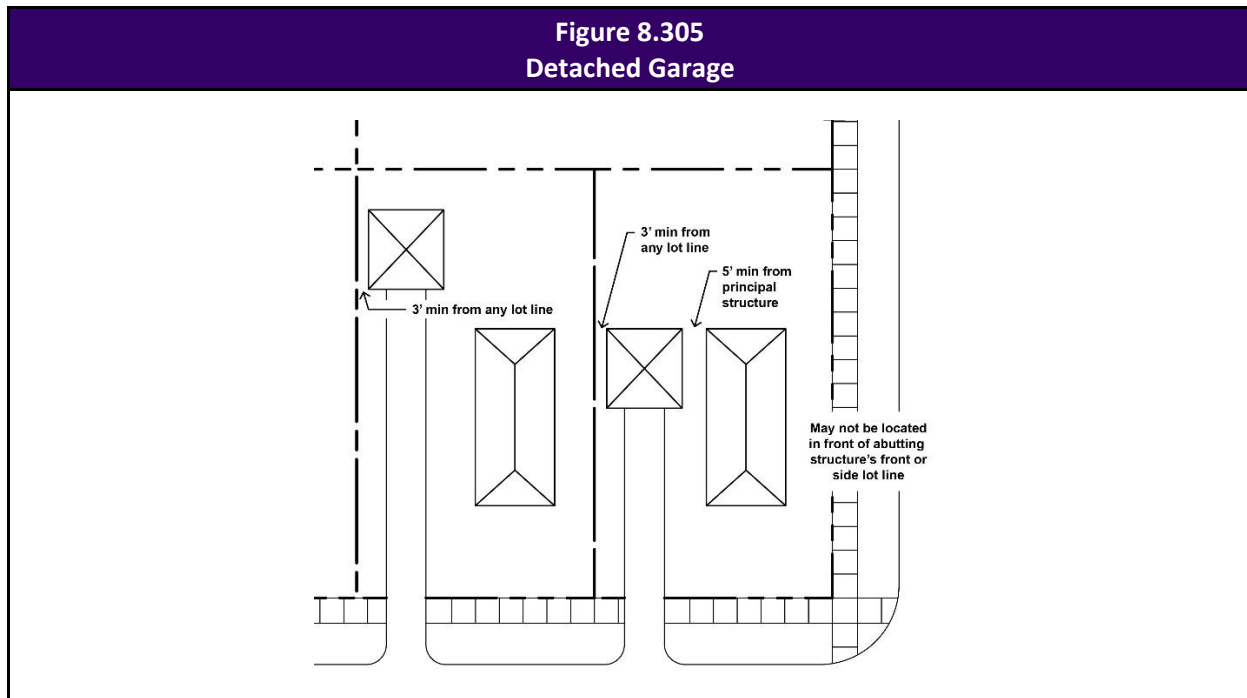
1. Front-loaded attached garages shall not comprise more than twenty-four (24) feet in garage

door width or fifty percent (50%) of the width of the front façade of the house, as measured along the building line that faces the street, whichever is greater.

2. Windows, doors, and roof treatments of that part of the garage facing the street shall incorporate architectural detail expressive of a residence.
3. Garage openings, windows, columns, trims, decorative paneling, and color shall de-emphasize the visual impact of the garage in relation to the building as a whole.

**C. Garage, Detached**

1. A detached garage is allowed in a required interior side or rear yard.
2. A detached garage in a required yard is limited to sixteen (16) feet in height.
3. Unless legally permitted as a residential dwelling unit or accessory dwelling unit, the area above the vehicle parking spaces in a detached garage may be utilized for storage, but not living space. Kitchens and bedrooms are prohibited.
4. A detached garage is limited to one thousand (1000) square feet in area.
5. A detached garage may be constructed in a required interior side and rear yard, subject to the requirements of this section. (See Figure 8.305).
6. Detached garages shall be consistent with the architecture and design of the principal building. Consistency of design includes the use of the same palette of materials as the principal building, roofing, roof pitch, trim, and colors.
7. Detached garages shall be located a minimum of five (5) feet from the principal structure on a lot. The distance is measured from the exterior walls of the structures.



### Sec. 8.306 Outdoor Display of Merchandise

- A. Commercial Retail, Heavy Retail, and Vehicle Sales, and Rental, Service uses are permitted outdoor display/sales of merchandise, by either a storeowner or occupant, outside the store and within the same lot.
- B. Sales and display areas shall not obstruct pedestrian or vehicular traffic.
- C. No sales and display area is permitted in a required yard, unless considered a sidewalk display.
- D. No required parking area may be used as an outdoor sales and display area.
- E. The outdoor sales and display of automobile parts, such as tires, is prohibited.
- F. **Accessory Vending Displays.** Vending machines accessory to commercial uses, such as ice and propane storage machines and DVD vending machines, may be allowed per the following standards.
  1. Permitted for commercial uses of fifteen hundred (1,500) square feet or more of gross floor area.
  2. Shall be placed against the exterior of the principal building and cannot encroach into any public right-of-way or required yard.
  3. Freestanding ice storage machines shall only be permitted as a principle use subject to development plan approval.
  4. Shall be placed so that customers accessing these units do not block the public right-of-way.
  5. Shall not exceed nine (9) feet in height, five (5) feet in width and six (6) feet in length.
  6. Sign area shall be limited to one (1) square foot in area.
  7. The color of these units shall be unobtrusive. Ice or propane storage machines placed against the exterior of the principal building may be steel gray or neutral tones only.

Freestanding ice storage machines shall be consistent with the architecture and design of the principal building. Consistency of design includes the use of the same palette of building materials as the principal building, trim, and colors.

8. The surrounding area shall be kept free of any junk, debris, or other material.
- G. **Sidewalk Displays.** Outdoor display areas may be located within the sidewalk that abuts the principal building if the follow standards are met:
1. Merchandise is displayed at a height of six (6) feet or less and there is at least four (4) feet of clear width on the sidewalk for use by pedestrian traffic.
  2. Displays shall not block any entrance or exit to a property.
  3. All sidewalk merchandise displays are within 40 feet of an entrance to the principal use or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area. Displays may not project in front of a neighboring business or vacant lot.
  4. Displays are limited to the hours of operation of the business to which it belongs.
  5. A-frame signs are permitted as accessory to a permitted commercial use, and are subject to the signage standards of this UDC.
  6. Sidewalk cafés are permitted as accessory to licensed restaurants (all types), bars, and retail goods establishments that sell food products, and are subject to the following standards.

### Sec. 8.307 Outdoor Storage

- A. Permitted uses in the BP and I district shall be permitted outdoor storage. Additionally, the following uses are permitted outdoor storage, regardless of zoning district, in accordance with the standards of this section: agricultural support, brewery, distillery, mini-warehouse, nursery or greenhouse, plants in the open, heavy commercial, truck stop, vehicle sales, rental and service, and industrial and agricultural uses.
- B. No outdoor storage is permitted in any public right-of-way or located so as to obstruct pedestrian or vehicular traffic. No outdoor storage is permitted in a required yard.
- C. All manufacturing, assembly, repair, or work activity shall take place inside an enclosed building. This does not apply to industrial uses that are typically conducted outdoors or have an outdoor component.
- D. No required parking area may be used as an outdoor storage.
- E. No materials stored or displayed outdoors may be of a greater height than that of the required screening, with the exception of storage of construction equipment.
- F. All outdoor storage shall comply with the landscaping and screening requirements of this UDC.

### Sec. 8.308 Steps, Stoops and Porches

- A. **Covered/Enclosed Porches.** Enclosed porches are subject to the same requirements as the building to which they are attached.
- B. **Uncovered Porches.** Uncovered porches, including attached steps, and steps and stoops are permitted in all required yards if they meet the following standards:
  1. Uncovered porches, including attached steps, and steps and stoops may encroach up to six (6) feet into a required front yard, and into a required corner side or interior side yard but shall be located a minimum of two (2) feet from any side lot line:

2. The porch is designed so that it will not cause additional stormwater runoff onto adjacent properties compared to the pre-development condition.
3. However, when an existing dwelling is elevated, side steps and stoops may encroach into the entire width of a corner side or interior side yard if they meet the following standards:
  - i. The existing footprint of the dwelling is maintained. This does not include conforming rear additions with no extension of the side walls beyond the existing footprint.
  - ii. Steps leading to the side door in the side yard are designed as pass-through staircases, with steps accessible from both the front and rear of the lot.
4. Steps and stoops may encroach into the public right-of-way in keeping with the established development pattern. A long-term grant of servitude from the City of Zachary is required for this type of encroachment.
5. Uncovered porches and steps and stoops are limited to a maximum height of five (5) feet above grade or the base flood elevation, if the structure is elevated, whichever is greater.

### **Sec. 8.309 Trash/Refuse Containers and Storage Areas**

- A. The standards of this section apply to attached residential, multifamily and non-residential uses.
- B. Trash/refuse containers and storage areas shall be not visible from a public right-of-way and/or other areas of the site used by/accessible to the public.
- C. Storage Areas for dumpsters and trash/refuse containers visible from a public right-of-way and/or areas of the site use by/accessible to the public shall be constructed as follows:
  1. Fully enclosed on three (3) sides by a solid fence, a masonry wall, or principal structure wall seven (7) feet in height.
  2. The enclosure shall be gated. The gates shall always remain closed except when the area is being serviced.
  3. 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.
  4. If the storage area is located in a yard with a bufferyard requirement for adjacent properties, the storage area shall be screened along the entire boundary along the area where trucks are expected to circulate by a bufferyard that has one level more opacity than required by the district boundary (e.g., if a Type C bufferyard is normally required, then a Type D bufferyard shall be installed). The bufferyard shall include a six-foot tall berm or low maintenance, durable solid fence or wall of the same height.

# ARTICLE 9 SIGNS

## Division 9.100 Purpose and Application of Article

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### Sec. 9.101 Purpose and Authority

A. **Purposes.** The purposes of this Article are to ensure that:

1. Each sign user has a reasonable opportunity to provide information, identification and/or direction to a permitted use;
2. The reasonable, orderly, and effective display of outdoor commercial and noncommercial messages, while remaining consistent with all relevant national and state policies to protect the public investment in highways;
3. The unique "small town" character and quality of the City, which is essential to its economic, cultural, and social welfare, is protected and preserved;
4. The City's property values, which are essential to the City's sustainability and the general welfare of its residents, institutions, businesses, and industries, are maintained and enhanced;
5. The safety of the public and the viability of commercial corridors are promoted by reducing:
  - a. Sign clutter;
  - b. Conflicts between and among signs; and
  - c. The incidence of certain design elements that tend to distract motorists;
6. The character of the community is protected by promoting proper maintenance of signs and requiring removal of abandoned signs and dilapidated signs;
7. The number, size, scale, proportions, design and balance of signs are regulated according to content-neutral standards that are based on architectural quality and character; and
8. The beauty, order and attractiveness of the City to its residents, tourists and visitors, is maintained and enhanced, and thus the economic prosperity of the City and the region is positively influenced.

B. **Authority.** The City Council finds that:

1. The City has the authority to regulate signs under the United States Constitution, the Constitution of the State of Louisiana, and the City Charter of the City of Zachary;
2. This Article advances important and substantial governmental interests;
3. The regulations set out in this Article are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers;
4. The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Article; and
5. Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors.

C. **General Findings of Fact.** The City Council finds that:



1. The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech;
2. The City has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists), because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes all of the messages displayed along the City's streets by creating visual confusion and aesthetic blight;
3. Sign clutter can be prevented by regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the comparable needs of adjacent and nearby property owners and the interest of the community in providing for a high quality community character;
4. Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the City's commercial corridors;
5. The City has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter;
6. The City has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community; and
7. The uncontrolled use of off-premises outdoor advertising signs and their location, density, size, shape, motion, illumination and demand for attention can be injurious to the purposes of this Article, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial messages are necessary and desirable.

### **Sec. 9.102 Application of Article**

- A. **Generally.** Hereinafter, all construction, relocation, enlargement, alteration, and modification of signs within the City shall conform to the requirements of this Article, all State and Federal regulations concerning signs and advertising, and applicable building codes as adopted by the City in Section 14-1, Uniform Construction Codes -- Codes Adopted, *City of Zachary Code of Ordinances*, as may be amended from time to time. Approval of a sign shall be by sign permit, which may be issued with a building permit.
- B. **Design Requirements.** All signs shall comply with the general design requirements of Division 9.200, *General Design and Maintenance Standards*, except as provided in this Section.
- C. **Signs That Do Not Require Permits.** The following signs may be posted in compliance with these regulations without a sign permit:
  1. Temporary signs, provided that they comply with the general standards of Division 9.200, *General Design and Maintenance Standards*, and the standards of Division 9.400, *Temporary Signs*;
  2. Flags that display a noncommercial message, provided that:
    - a. Not more than three flagpoles (which may be vertical or mast arm) are installed on the lot or parcel; and
    - b. The total area of flags does not exceed 45 square feet (*e.g.*, one flag that is 5 ft. x 9 ft.; or

three flags that are 3 ft. x 5 ft. each).

- D. **Exempt Signs.** The following are exempt from the application of this Article, but may be subject to building or electrical codes or other Articles of this UDC if they involve structures or equipment that are regulated by such codes or other Articles:
1. Official traffic signs or sign structures and provisional warning signs or sign structure, when erected or required to be erected by a governmental agency;
  2. Temporary signs designed to call the attention of the public to any detour or public danger;
  3. Changing of copy on a message center (electronic or manual);
  4. Painting and routine maintenance of sign structures and supports, if the sign area is not increased and no structural improvements, alterations or replacements are made;
  5. Signs that are carried by people (however, such signs are not exempt if they are set down or propped on objects);
  6. Bumper stickers on vehicles;
  7. Signs that are not visible from abutting property or public rights of way;
  8. Signs that are affixed to a building wall within five feet of the principal entrance to the building that are:
    - a. Not more than 5 square feet in area; and
    - b. Are not legible from the street.
  9. Signs that are less than three-fourths of a square foot in area, that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets; and
  10. Holiday decorations that are displayed for not more than two months per year.
- E. **Exemption for Addressing.** The City Council finds that the posting of the addresses of buildings in locations that are visible from the street is necessary for the effective delivery of public safety services, including E-911. The efficient and timely delivery of emergency services is a compelling governmental interest. Accordingly, the City requires that street addresses shall be posted as follows:
1. In nonresidential districts, street addresses shall be posted at:
    - a. All primary building entrances; and
    - b. On detached signage if the address on the building is not visible from the street.
  2. In residential districts, street addresses shall be posted:
    - a. On the facade of the building that faces the street from which the address is taken; and
    - b. On the mailbox or mailbox support, if the mailbox is detached from the building.
  3. Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than 14 inches in height.
- F. **Signs Permitted Before Effective Date.** If a permit for a sign has been issued in accordance with all City ordinances in effect prior to the effective date of this Article, and provided that construction is begun within six months of the effective date of this Article and diligently prosecuted to completion, said sign may be completed in accordance with the approved plans on the basis of which the permit has been issued, subject thereafter, if applicable, to the provisions of this UDC

regarding nonconforming signs. See Article 12. Nonconformities.

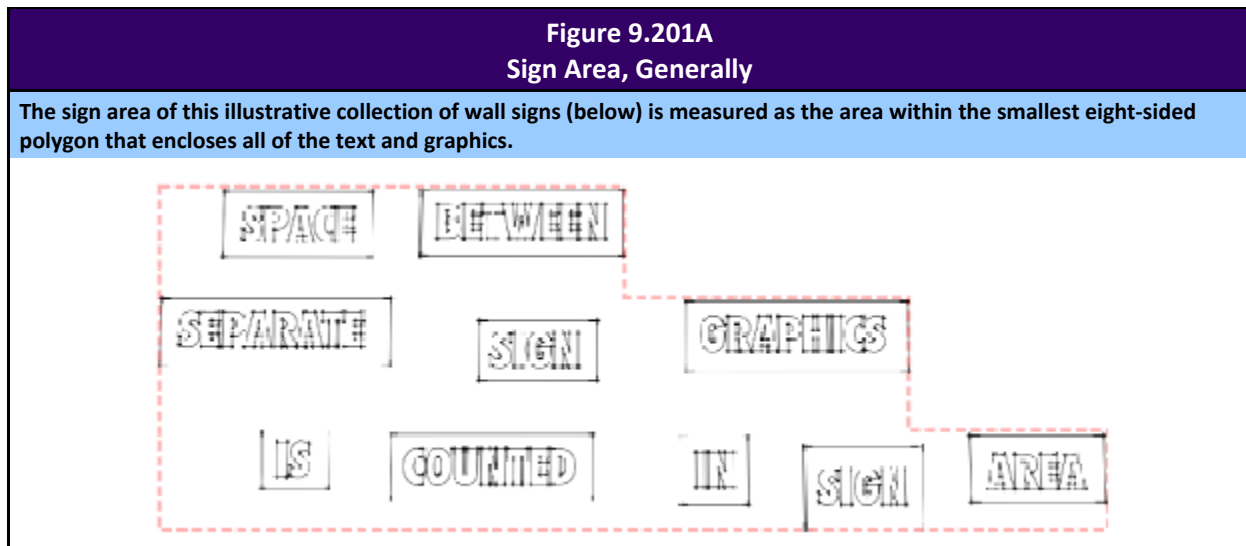
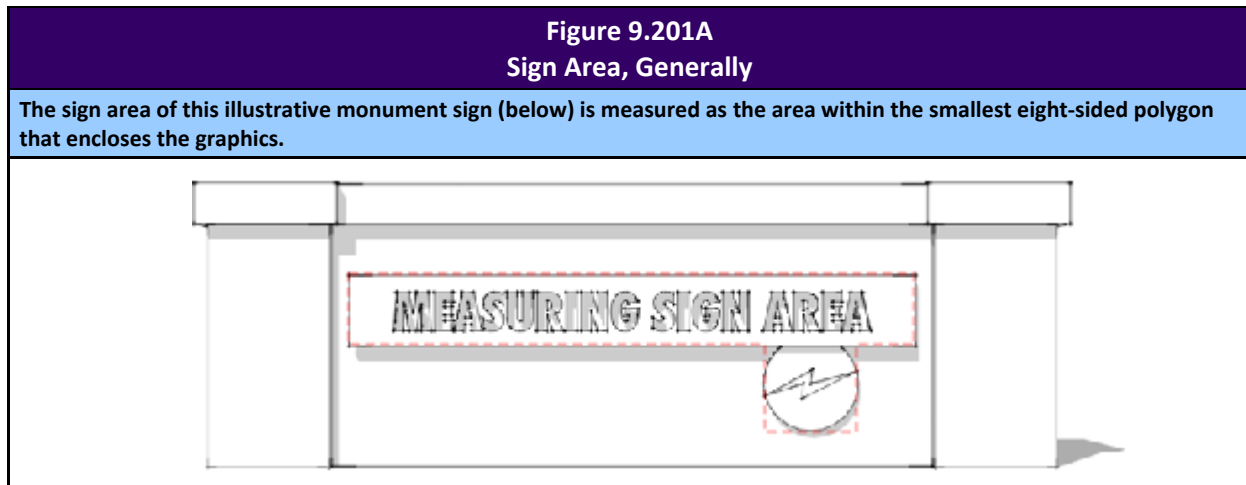
## Division 9.200 General Design and Maintenance Standards

### Sec. 9.201 Measurements

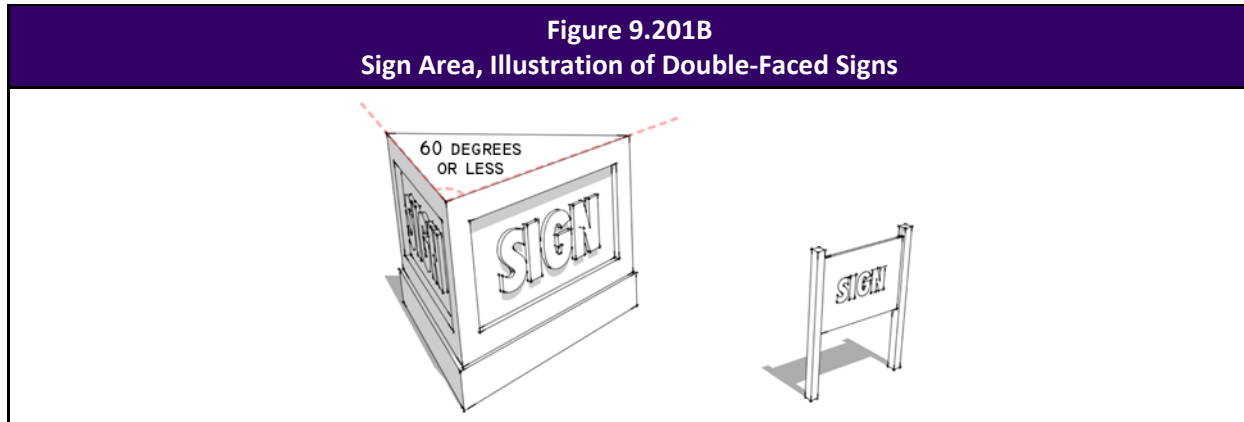
A. **Generally.** The regulations of this Article shall be applied using the measurements set out in this Section.

B. **Sign Area.** Sign area is calculated as follows:

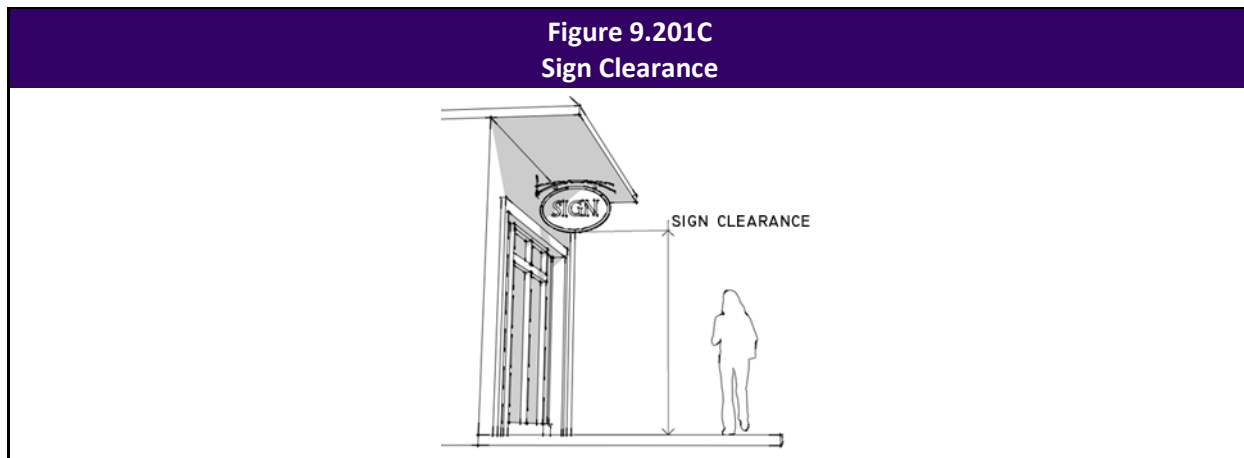
1. *Generally.* The area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed, excluding the structure upon which the sign is placed; but including any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not. See Figure 9.201A, *Sign Area, Generally*, below.



2. *Double-Faces.* For projecting or double-faced signs (see Figure 9.201B, *Sign Area, Illustration of Double-Faced Signs*, below), only one display face is measured in computing sign area which the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less, provided that the signs are mounted on the same structure. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

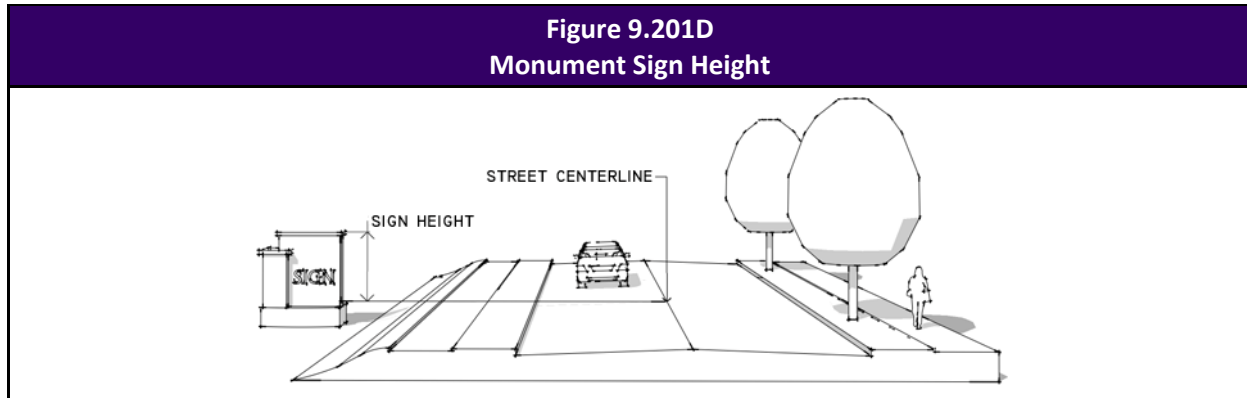


- C. **Clearance.** Clearance is the distance between the bottom of a sign and the nearest point on the surface under it. See Figure 9.201C, *Sign Clearance*.



D. **Sign Height.**

1. *Generally.* Sign height is the distance from the average grade of the surface under the sign to the top of the sign or sign structure, whichever is higher. However, chains or brackets that suspend a shingle sign from a horizontal plane of the building, awning, or canopy are not counted, provided that:
  - a. There are no more than three chains or brackets used in the mount, and
  - b. The chains or brackets are less than three inches in width.
2. *Monument Signs.* The height of monument signs is measured as provided in subsection D.1., unless the surface under the sign is lower than the centerline of the abutting street, in which case the height is measured from the average elevation of the centerline of the abutting street along the frontage of the parcel proposed for development to the top of the sign or sign structure, whichever is higher. See Figure 9.201D, *Monument Sign Height*.



### Sec. 9.202 Prohibited Signs and Prohibited Design Elements

A. **Prohibited Signs.** The following types of signs are prohibited in all areas of the City:

1. Abandoned signs.
2. Signs that advertise a use that is not legally established.
3. Off-premise signs.
4. Inflatable signs.
5. Parasitic signs.
6. Feather flags.
7. Wind socks.
8. Pennant strings.
9. Streamers (including fringe, flag, and pennant streamers).
10. Banners that are tied to stakes, trees, or bollards.
11. Any sign or sign structure determined by the Building Official to be:
  - a. Structurally unsafe; or
  - b. A hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
12. Any sign that is illegal under state or federal law.

B. **Prohibited Design Elements.** The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent:

1. More than two sign faces.
2. Back-lit awnings.
3. Plastic awnings.
4. Bare light bulbs, except on holiday displays which comply with the applicable standards of Section 9.102, *Application of Article*.
5. Flashing lights, except on holiday displays which comply with the applicable standards of Section 9.102, *Application of Article*.

6. Mirrored surfaces that are larger than two square inches or that create a traffic hazard.
7. Sound, smoke, particulate, or odor emitters.
8. Spinning parts.
9. Stacked products.
10. Unfinished wood support structures, except that stake signs may use unfinished stakes.
11. Motor vehicles, unless:
  - a. The vehicles are functional, used as motor vehicles, and have current registration and tags;
  - b. The display of signage is incidental to the motor vehicle use; and
  - c. The motor vehicle is properly parked in a marked parking space or is parked behind the principal building.
12. Semi trailers, shipping containers, or portable storage units, unless:
  - a. The trailers, containers, or portable storage units are functional, used for their primary storage purpose, and, if subject to registration, have current registration and tags;
  - b. The display of signage is incidental to the use for temporary storage, pick-up, or delivery; and
  - c. The semi trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.
13. The following classifications of text and/or graphics:
  - a. Text or graphics which are not constitutionally protected speech because they are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats.
  - b. Text or graphics which are not constitutionally protected because they present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
  - c. Text or graphics that include "material harmful to minors," as defined in R.S. 14:91.11.A.(2) which may be prohibited in areas that are accessible to minors.
  - d. Signs that advertise illegal activities.

### Sec. 9.203 Prohibited Sign Locations

- A. **Generally.** Attached signs shall be installed on signable areas of buildings, as defined by Section 9.201, Measurements. Detached signs shall be set back as required by Section 9.303, *Detached Sign Setbacks*.
- B. **Attached Signs.** In no event shall a sign, whether temporary or permanent, obstruct building ingress or egress, including egress windows.
- C. **Detached Signs.** No detached sign, whether temporary or permanent, shall be posted, installed, or mounted on any of the following locations:
  1. On trees.

2. On utility poles or light poles, unless:
  - a. The sign is a banner that is not more than 24 inches in width and 48 inches in height;
  - b. The banner is attached at the top and bottom to brackets that project not more than 30 inches from the light pole;
  - c. There is at least eight feet of clearance under the banner;
  - d. If the pole is owned or maintained by a utility company, the utility company has granted permission for the brackets to be mounted on the pole; and
  - e. The utility or light pole is on the property of the person or entity that posts the banner.
3. In or over public rights-of-way, except:
  - a. Traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity;
  - b. Signs posted by governmental entities that support emergency management, such as hurricane evacuation or wayfinding to disaster relief facilities;
  - c. Banners posted by the City on utility or light poles according to the standards of subsection C.2., above; or
  - d. Signs that overhang public sidewalks within the UC zoning district or within a center subdistrict of an approved Traditional Neighborhood Development, provided that:
    - i. The signs project not more than four feet or one-third of the width of the sidewalk, whichever is less; and
    - ii. There is at least eight feet of clearance under the sign.
4. In areas around intersections which must remain clear pursuant to Section 3.513 *Sight Distance Requirements*.
5. In any location that obstructs the view of any traffic control sign, traffic light, or street sign.

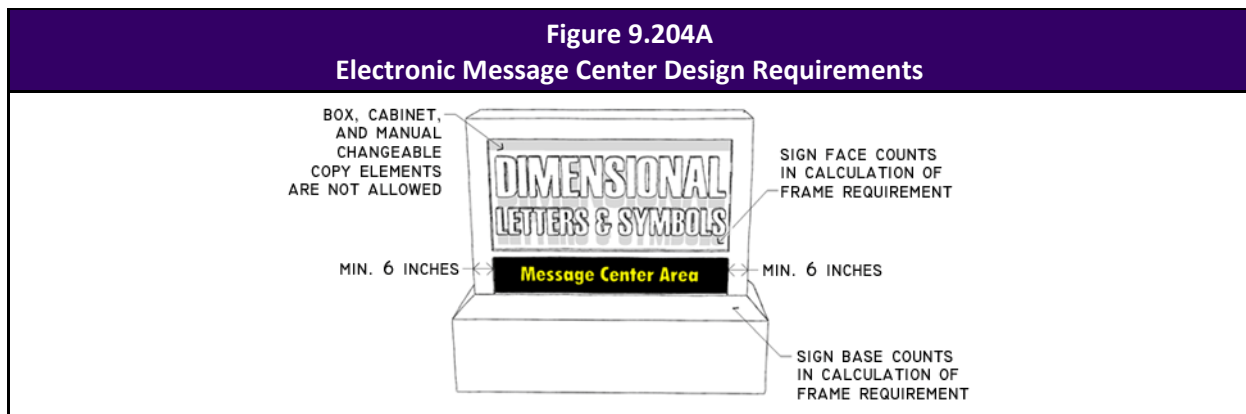
### **Sec. 9.204 Message Centers**

- A. **Generally.** Manual and electronic message centers may be used in detached signs and marquee signs to a limited degree, pursuant to the applicable standards of this Section.
- B. **Removal of Portable Changeable Copy Signs.** If a message center is incorporated into a new or existing sign, then all portable message center signs shall be removed from the property upon completion of the new or modified sign as a condition of the sign permit.
- C. **Electronic Message Centers.** Electronic message centers may be incorporated into signage as follows:
  1. *Design Requirements.*
    - a. Electronic message centers are only permitted on monument signs or marquee signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six inches from the electronic message center in all directions.
    - b. Electronic message centers shall make up not more than 25 percent of the sign area of a monument sign or 40 percent of the sign area of a marquee sign. The balance of the sign area shall utilize permanent, dimensional letters or symbols.

- c. No sign structure that includes a cabinet, box, or manual changeable copy sign may also include an electronic message center. See Figure 9.204A, *Electronic Message Center Design Requirements*.

2. *Operational Requirements*. Electronic message centers:

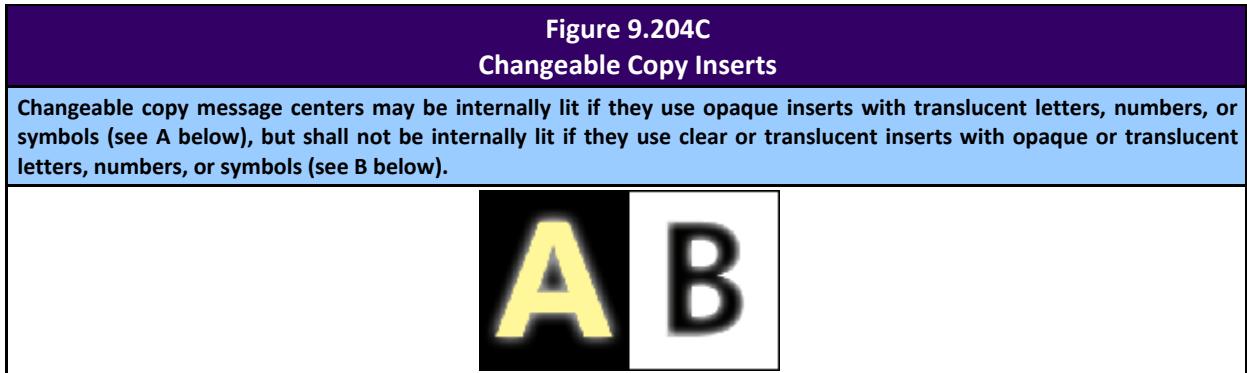
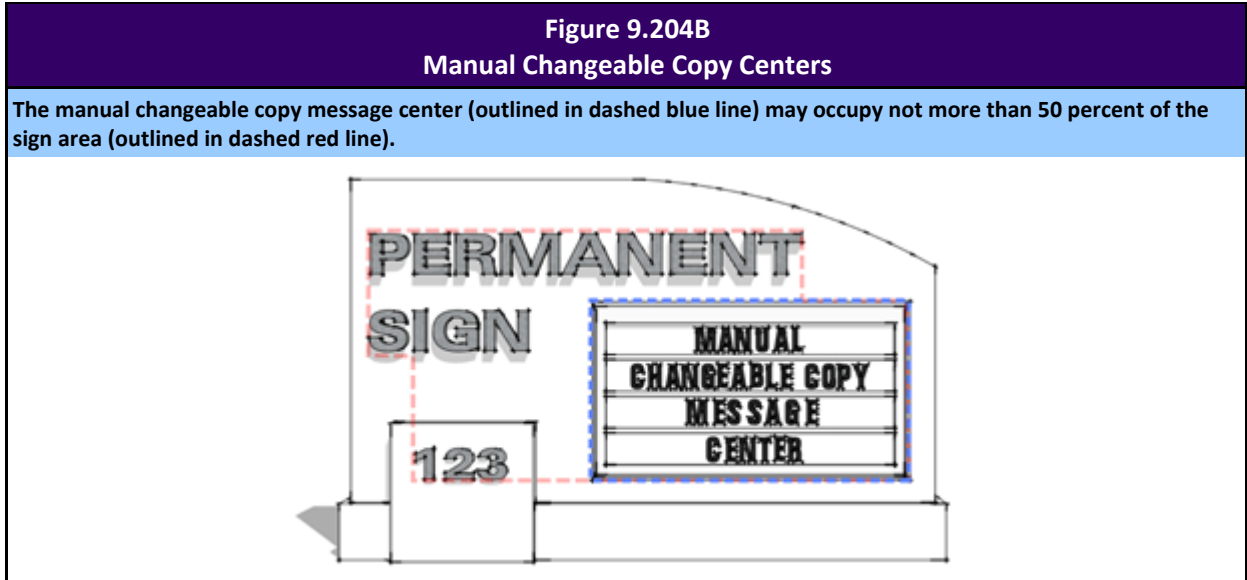
- a. Shall be monochromatic;
- b. Shall contain static messages only;
- c. Shall display messages for a period of not less than one minute;
- d. Shall not use transitions or frame effects between messages;
- e. Shall include an automatic dimmer that dims the sign at dusk or low-light conditions; and
- f. Shall be turned off each day by the later of 10:00 PM or upon closing of the associated land use.



C. **Manual Changeable Copy Message Centers**. Manual changeable copy signs may be incorporated into signage as follows:

- 1. Manual changeable copy message centers are only permitted on monument signs or marquee signs which enclose the message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six inches from the message center in all directions.
- 2. Manual changeable copy message centers, including their frames, shall make up not more than 50 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols. See Figure 9.204B, *Manual Changeable Copy Centers*.
- 3. Manual changeable copy message centers shall not be internally lit unless:
  - a. They use opaque inserts with translucent letters, numbers, or symbols (see Figure 9.204C, *Changeable Copy Inserts*, below);
  - b. Blank opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
  - c. The opaque portion of the letters, numbers, and symbols is the same color.





**Sec. 9.205 Illumination of Signs**

- A. **Generally.** Monument signs may be illuminated only by a reflected or internal light source.
- B. **Shielding of Light Source / Prevention of Glare.** The source of light shall be oriented or otherwise controlled to prevent glare toward any part of an existing residence, a residential area or district, or a public street or highway.
- C. **Code Compliance.** Illuminated signs shall be constructed in accordance with all applicable building and electrical codes.

**Sec. 9.206 Use of Fill Under Monument Signs**

Mounds or berms may be used to elevate permanent monument signs, provided that the mound or berm elevates the base of the sign not more than three feet above the natural grade at the location of the sign.

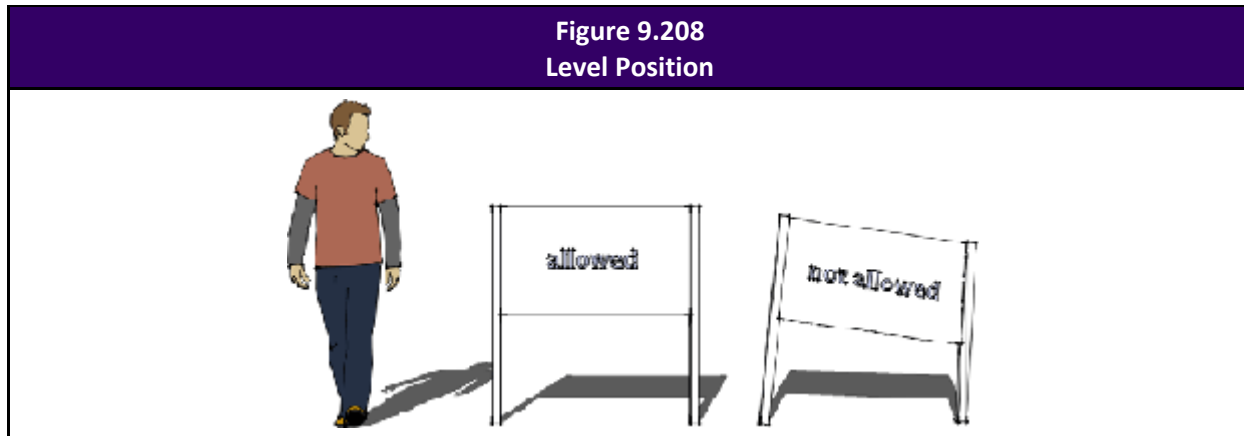
**Sec. 9.207 Construction and Identification**

- A. **Construction.** All permanent signs must be in compliance with the provisions of the building codes and the electrical codes that are adopted by the City.
- B. **Identification.** Every permanent sign shall be marked, in a conspicuous place, the name of the sign

installer and manufacturer, and the voltage of any electrical apparatus used on it.

### Sec. 9.208 Sign Maintenance

- A. **Generally.** Signs and the ground area around signs shall be maintained as provided in this Section. These regulations apply to all signs, temporary or permanent, attached or detached, unless otherwise specifically provided herein.
- B. **Upkeep of Ground Around Sign.** No person constructing, erecting, owning or controlling a monument or pylon sign shall fail, refuse, or neglect to remove all weeds, rubbish, or flammable waste or material within a distance of ten feet on each side of the base of such structure,
- C. **Sign Structure, Generally.** No person shall fail to keep a permanent sign and its structural supports in good repair and safe condition.
- D. **Paint and Finishes.** Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.
- E. **Mineral Deposits and Stains.** Mineral deposits and stains shall be promptly removed.
- F. **Corrosion and Rust.** Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
- G. **Level Position.** Signs that are designed to be level shall be installed and maintained in a level position. See Figure 9.208, *Level Position*.



- F. **Damage or Destruction.** Damaged signs and sign structures shall be promptly repaired (to their original condition or better) or removed. Damaged or destroyed nonconforming permanent signs are subject to the applicable requirements of Article 12, Nonconformities. Damaged or destroyed temporary signs shall be removed.

## Division 9.300 Permanent Signs

### Sec. 9.301 Attached Signs

**A. Generally.**

1. There are many forms of attached signs. This section sets out which forms of attached signs are allowed in each zoning district and the standards that apply to them.
2. Attached signs that are not listed in a table are not allowed in any of the districts set out in the table, except that:
  - a. Traditional Neighborhood Developments are subject to the specific standards of subsection D. and not the standards of subsections B. or C.; and
  - b. Other types of attached signs may be allowed pursuant to a sign design program. See Division 9.500, *Sign Design Program*.

**B. Relationship Between Maximum Sign Area and Maximum Signable Area Ratio.** Where both a maximum sign area and a maximum signable area ratio are set out, the standard that results in the least sign area applies.

**C. Residential Districts.**

1. The standards of Table 9.301A, *Permissible Attached Sign Types in Residential and Agriculture / Forestry Districts*, apply to multifamily and nonresidential uses in the districts set out in the table. However, some may be allowed in Traditional Neighborhood Developments, which are subject to subsection C., below, and not this subsection.
2. Attached signs are not allowed on residential or home uses, except for required address signs.

Table 9.301A Permissible Attached Sign Types in Residential Districts					
Sign Type and Limitations	Zoning District				
		RE	RS	RU	RR
Wall Sign		Allowed	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per building			1 per facade	1 per building
Maximum Sign Area	25 sf.			30 sf.	35 sf.
Other Limitations	-			Not allowed with fascia or parapet sign on same facade	50 sf. of sign area is allowed if no fascia or parapet sign is present

Table 9.301A Permissible Attached Sign Types in Residential Districts					
Sign Type and Limitations	Zoning District				
		RE	RS	RU	RR
Fascia Sign or Parapet Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed
Number of Signs Allowed	-			1 per facade	1 per facade
Maximum Sign Area	-			30 sf.	20 sf.
Other Limitations	-			Not allowed with wall sign on same facade; Box and cabinet signs are not allowed	box and cabinet signs are not allowed
Window Sign	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Allowed
Minimum Window Transparency	-				60%
Maximum Sign Height	-				10 ft.
Awning Sign	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Allowed
Number of Signs Allowed	-				1 per awning
Maximum Sign Area	-				4 sf. (on valence)
Nameplate	Allowed	Allowed	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per building				1 per primary entrance
Maximum Sign Area	2 sf.				3 sf.
Other Limitations	Must be installed with at least one edge that is within 18 in. of door frame				

D. **Nonresidential Districts.** The standards of Table 9.301B, *Permissible Attached Sign Types in Nonresidential / Mixed-Use Districts*, apply in the districts that are set out in the table.

Table 9.301B Permissible Attached Sign Types in Nonresidential / Mixed-Use Districts					
Sign Type and Limitations	Zoning District				
	CN	CC CG	UC	BP	I
Wall Sign	Allowed	Allowed	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per building	1 for each full 80 linear ft. of facade (at least 1 per facade is always allowed)	1 per 25 linear ft. of facade	1 per facade	1 per facade
Maximum Sign Area	30 sf.; or 45 sf. if no fascia or parapet sign is present	Aggregate (total) sign area of 0.25 sf. per linear ft. of facade width	Aggregate (total) sign area of 15 sf. for each full 25 lf. linear ft. of facade width	0.25 sf. per linear ft. of facade width	0.30 sf. per linear ft. of facade width

<b>Table 9.301B</b>					
<b>Permissible Attached Sign Types in Nonresidential / Mixed-Use Districts</b>					
Sign Type and Limitations	Zoning District				
	CN	CC CG	UC	BP	I
<b>Fascia Sign or Parapet Sign</b>	Allowed	Allowed	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per primary building entrance	Greater of 1 per primary building entrance; or 1 for each 80 linear ft. of facade	1 per primary building entrance		
Maximum Sign Area	30 sf.	Aggregate (total) sign area of 0.7 sf. per linear ft. of facade width	Aggregate (total) sign area of 0.8 sf. per linear ft. of facade width	40 sf.	50 sf.
<b>Window Sign</b>	Allowed	Allowed	Allowed	Allowed	Allowed
Minimum Window Transparency	60%	40%	50%	80%	50%
Other Limitations	-	See neon signs, below		-	-
<b>Awning Sign</b>	Allowed	Allowed	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per awning	1 per awning		1 per awning	
Maximum Sign Area	4 sf.	5 sf.		4 sf.	
<b>Marquee Sign</b>	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	-	1 per building		-	
Maximum Sign Area	-	20 sf. per face, up to 3 faces	25 sf. per face, up to 3 faces	-	
Other Limitations	-	Not allowed on facades that face residential uses in a different zoning district; not allowed on buildings that are less than 12,000 sf. of floor area; counts as a fascia or parapet sign		-	
<b>Blade Sign or Shingle</b>	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	-	1 per primary building entrance		-	
Maximum Sign Area	-	8 sf.	10 sf.	-	
Minimum Clearance	-	8 ft.		-	
Maximum Height	-	12 ft.	15 ft.	-	
Other Limitations	-	Allowed under awnings or arcades on front facades only	-	-	
<b>Nameplate</b>	Allowed	Allowed	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per building entrance	Any number, subject to maximum sign area, below		Any number, subject to maximum sign area, below	
Maximum Sign Area	2 sf.	Aggregate (total) sign area of 6 sf.	Aggregate (total) sign area of 8 sf.	Aggregate (total) sign area of 6 sf.	
Other Limitations	Must be installed with at least one edge that is within 18 in. of door frame				

Table 9.301B Permissible Attached Sign Types in Nonresidential / Mixed-Use Districts					
Sign Type and Limitations	Zoning District				
	CN	CC CG	UC	BP	I
<b>Neon Sign</b>	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	-	1 per window	2 per window	-	-
Maximum Sign Area	-	6 sf.	6 sf.	-	-
Other Limitations	-	Sign area of neon sign hung in window counts as opaque in measurement of window transparency; Neon signs must be turned off when the use closes each day		-	-
<b>Roof Sign</b>	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	-	1 per building		-	-
Maximum Sign Area	-	0.6 sf. per linear ft. of facade width		-	-
Other Limitations	-	Allowed only on buildings that meet all of the following criteria: (1) the building existed as of the effective date; (2) the fascia is less than 1 ft. wide; (3) there is less than 25 sf. of signable area; (4) the sign is mounted on a sloped roof system; (5) the sign does not extend higher than two feet below the peak of the roof; and (6) the sign is not illuminated.		-	-

E. **Traditional Neighborhood Developments.** The standards of Table 9.301C, *Permissible Attached Sign Types in Traditional Neighborhood Developments*, apply to Traditional Neighborhood Developments regardless of the zoning district they are in. The table provides standards for signage for each subdistrict within the Traditional Neighborhood Development.

Table 9.301C Permissible Attached Sign Types in Traditional Neighborhood Developments			
Sign Type and Limitations	Subdistrict		
	Center	General	Edge
<b>Wall Sign</b>	Allowed	Allowed on Nonresidential Buildings	Allowed on Nonresidential Buildings
Number of Signs Allowed	Signs allowed in any signable area on first floor front and street-side facades; one sign per interior side and rear elevation	1 per building	1 per building
Maximum Sign Area	Based on signable area ratio	25 sf.	10 sf.
Maximum Signable Area Ratio	60%	80%	60%
Other Limitations	Box and cabinet signs are not allowed	Not allowed if a fascia sign or parapet sign is present	-

<b>Table 9.301C</b>			
<b>Permissible Attached Sign Types in Traditional Neighborhood Developments</b>			
<b>Sign Type and Limitations</b>	<b>Subdistrict</b>		
	<b>Center</b>	<b>General</b>	<b>Edge</b>
<b>Fascia Sign or Parapet Sign</b>	<b>Allowed</b>	<b>Allowed on Nonresidential Buildings</b>	<b>Not Allowed</b>
Number of Signs Allowed	1 per front facade; 1 per street side facade	1 per building	-
Maximum Sign Area	0.8 sf. per linear ft. of facade width	0.6 sf. per linear ft. of facade width	-
Maximum Signable Area Ratio	40%	40%	-
Other Limitations	-	Allowed on one-story nonresidential buildings only; not allowed if a wall sign is present	-
<b>Window Sign</b>	<b>Allowed</b>	<b>Allowed on Nonresidential Buildings</b>	<b>Not Allowed</b>
Minimum Window Transparency	60%	80%	-
Other Limitations	See neon signs, below	-	-
<b>Awning Sign</b>	<b>Allowed</b>	<b>Allowed on Nonresidential Buildings</b>	<b>Not Allowed</b>
Number of Signs Allowed	1 per awning	1 per awning	-
Maximum Sign Area	5 sf.	4 sf.	-
Maximum Signable Area Ratio	90%	85%	-
Other Limitations	Must be located on valence	Must be located on valences	-
<b>Marquee Sign</b>	<b>Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>
Number of Signs Allowed	1 per building	-	-
Maximum Sign Area	20 sf. per face, up to 3 faces	-	-
Other Limitations	Not allowed on facades that face residential uses in a different zoning district; not allowed on buildings that are less than 12,000 sf. of floor area; not allowed on same building as fascia or parapet sign		
<b>Blade Sign or Shingle</b>	<b>Allowed</b>	<b>Allowed on Nonresidential Buildings</b>	<b>Not Allowed</b>
Number of Signs Allowed	1 per primary entrance	1 per primary entrance	-
Maximum Sign Area	10 sf.	5 sf.	-
Minimum Clearance	8 ft.	8 ft.	-
Maximum Height	15 ft.	Nonresidential buildings only	-
<b>Nameplate</b>	<b>Allowed</b>	<b>Allowed</b>	<b>Allowed</b>
Number of Signs Allowed	Any number, subject to maximum sign area, below	1 per building	
Maximum Sign Area	Aggregate (total) sign area of 8 sf.	4 sf.	
Other Limitations	Must be installed with at least one edge that is within 18 in. of door frame		

Table 9.301C Permissible Attached Sign Types in Traditional Neighborhood Developments			
Sign Type and Limitations	Subdistrict		
	Center	General	Edge
<b>Neon Sign</b>	<b>Allowed</b>	<b>Not Allowed</b>	<b>Not Allowed</b>
Number of Signs Allowed	2 per window	-	-
Maximum Sign Area	6 sf.	-	-
Other Limitations	Sign area of neon sign hung in window counts as opaque in measurement of window transparency; Neon signs must be turned off when the use closes each day		

**Sec. 9.302 Freestanding Signs**

A. **Generally.** There are many forms of freestanding signs. Table 9.302, *Permissible Freestanding Sign Types*, and the balance of this Section, set out which forms of freestanding signs are allowed in each zoning district and the size and height standards that apply to them.

Table 9.302 Permissible Freestanding Sign Types										
Sign Type and Limitations	Zoning District									
	RE	RS	RU	RR		CN	CC CG	UC	BP	I
<b>Monument Sign</b>										
Number of Signs Allowed	1 sign per nonresidential lot; or 2 sign faces per subdivision entrance				1 per frontage	1 per 400 ft. of frontage	2 per entrance to UC District	2 per frontage		
Maximum Sign Area	30 sf.				35 sf.	70 sf.	80 sf.	70 sf.	70 sf.	
Maximum Sign Height	5 ft.				5 ft.	7 ft.	8 ft.	7 ft.	6 ft.	
<b>Pylon Sign</b>										
Number of Signs Allowed	1 sign per nonresidential lot; or 2 sign faces per subdivision entrance				1 per frontage	-				
Maximum Sign Area	20 sf.				30 sf.	-				
Maximum Sign Height	4 ft.				5 ft.	-				
<b>Kiosk Sign</b>										
Number of Signs Allowed	-					No limit, except signs shall be located in pedestrian-use areas and spaced at least the shorter of 100 ft. or at sidewalk intersections where the intersecting sidewalks are at least 30 feet long				
Maximum Sign Area	-					8 sf. per sign face	10 sf. per sign face	20 sf. per sign face	10 sf. per sign face	
Maximum Sign Height	-					7 ft.	8 ft.	10 ft.	8 ft.	



Table 9.302 Permissible Freestanding Sign Types										
Sign Type and Limitations	Zoning District									
	RE	RS	RU	RR		CN	CC CG	UC	BP	I
<b>Bus Stop Bench Sign</b>										
Number of Signs Allowed	-		1 per bench	-				1 per bench		
Maximum Sign Area	-		10 sf.	-				10 sf.		
Maximum Sign Height	-		3.5 ft.	-				3.5 ft.		
<b>Transit Shelter Sign</b>										
Number of Signs Allowed										2 per transit shelter
Maximum Sign Area										20 sf. per sign face
Maximum Sign Height										7 ft.

**B. Additional Standards for Signs.** Signs shall comply with the applicable additional standards set out in this subsection.

1. Monument signs in RE, RS, RU, and RR districts are allowed only:
  - a. On parcels that are developed with nonresidential uses; or
  - b. At subdivision entrances, provided that the signs are used for the purposes of identifying the subdivision, in order to facilitate the delivery of emergency services; and the land upon which the sign is located is either:
    - i. Owned by the property owners' association; or
    - ii. Within the right-of-way in a location that is designated on the subdivision plat; or
    - iii. Within the right-of-way in a location that is approved by the City Engineer, who may approve such signs in locations where they do not interfere with the safe movement of traffic or the maintenance of utilities.
  - c. Outside of servitudes.
2. Pylon signs in the RE, RS, RU, RR, and CN districts are allowed only if:
  - a. The sign is mounted in front of a hedge or wall so that the sign appears to be a monument sign that incorporates the hedge or wall as part of the structure;
  - b. The sign is used in place of a permitted monument sign; and
  - c. The pylons are screened by landscaping and finished with colors that blend with the background plants or structure. *See Figure 9.302, Illustrative Pylon Sign.*

**Figure 9.302**  
**Illustrative Pylon Sign**



3. Kiosk signs in the CN, CC, CG, UC, BP, and I districts are allowed only if:
  - a. They are located within three feet of a sidewalk that is part of the internal pedestrian circulation system of the development, or located within pedestrian plazas; and
  - b. They are set back at least 35 feet from any collector or arterial right-of-way.

### **Sec. 9.303 Freestanding Sign Setbacks**

A. **Generally.** Freestanding signs shall be set back from property lines and other uses or districts as provided in this Section.

**B. Setbacks from Property Lines.**

1. *Front and Side Street Setbacks.* Along street frontages, signs shall be set back from street property lines 10 feet.
2. *Side and Rear Setbacks.* Signs shall be set back from side and rear lot lines according to the interior side and rear setback requirements that apply to principal buildings within the applicable zoning district.
3. *Line of Sight / Safety Requirements.* The city building inspector shall review the line of sight from a safety perspective to ensure that signs do not obstruct views from travel lanes of public streets in a manner that would create an unsafe condition.

**C. Additional Setbacks from Uses and Districts.**

1. No permanent freestanding sign shall be constructed:
  - a. Within 200 feet of a public park, or a publicly owned parcel that contains or could contain a public building, or public school facility;
  - b. Within 200 feet of a parcel that contains a private school;
  - c. Within 200 feet of any historical site or historic district; or
  - d. Within two times the height of the sign from the nearest point of entrance into any area zoned for residential purposes.
2. This requirement may be waived for development on existing lots if:
  - a. The development cannot comply with the terms of the subsection because of the existing geometry of the lot;
  - b. The existing building is set back more than 25 feet from the edge of pavement; and

- c. The setback from the uses and districts listed in subsection B.1., above is as large as is practicable in order to give effect to the other setback requirements of this Section.

## Division 9.400 Temporary Signs

### Sec. 9.401 Freestanding Temporary Signs

- A. **Generally.** There are many forms of Temporary signs. This section sets out which forms of temporary signs are allowed in each zoning district and the size and height standards that apply to them. Sign types that are not listed in Table 9.401, *Freestanding Temporary Signs*, are not permitted as freestanding signs.
- B. **Setbacks.** All temporary signs shall be set back at least five feet from all property lines. Temporary signs that are not visible from public rights-of-way or abutting property are not restricted by this Section.

Table 9.401 Freestanding Temporary Signs										
Sign Type and Limitations	Zoning District									
	RE	RS	RU	RR		CN	CC CG	UC	BP	I
<b>Yard Sign</b>										
Number of Signs Allowed	No maximum number; see next row for maximum area					-				
Maximum Sign Area (per sign / total)	4 sf. / 24 sf.					-				
Maximum Sign Height (to top of structure)	3 ft.					-				
Maximum Days Signs May Be Displayed	90 days					-				
<b>Swing Sign</b>										
Number of Signs Allowed	1 per lot			1 per frontage		-				
Maximum Sign Area	5 sf. (including up to 2 riders)					-				
Maximum Sign Height	6 ft.					-				
Maximum Days Signs May Be Displayed	9 months per year					-				
<b>Sidewalk Sign</b>										
Number of Signs Allowed	-	1 per ground floor tenant bay		-			1 per ground floor tenant bay		-	
Maximum Sign Area	-	8 sf.		-			8 sf.		-	

Table 9.401 Freestanding Temporary Signs										
Sign Type and Limitations	Zoning District									
	RE	RS	RU	RR	CN		CC CG	UC	BP	I
Other Requirements	-	Allowed in Center subdistrict of TND only					-	-	-	-
Display Duration	-	During business hours of use to which sign is associated					-	During business hours of use to which sign is associated		-
<b>Site Sign</b>										
Number of Signs Allowed	1 per frontage			-	1 per frontage					
Maximum Sign Area	12 sf.			-	16 sf.					
Maximum Sign Height	5 ft.			-	8 ft.					
Other Requirements	Not allowed on lots with existing residential uses			-	-			Allowed on construction sites only	-	
Maximum Days Sign May Be Displayed	On construction sites: duration of construction; All others: 4 months per year			-	On construction sites: duration of construction; All others: 4 months per year			Duration of construction	On construction sites: duration of construction; All others: 4 months per year	
<b>Temporary Flags<sup>1</sup></b>										
Number of Signs Allowed	-						1 per 100 feet of frontage	-		
Maximum Sign Area	-						10 sf.	-		
Maximum Sign Height	-						9 ft.	-		
Other Requirements	-						Not allowed with site signs; subject to amortization per subsection D., below	-		
Maximum Days Sign Type May Be Displayed	-						100 days per year	-		
<b>TABLE NOTE:</b> <sup>1</sup> Does not include flags that are flown from permanently installed flagpoles, regardless of whether the flags are lowered or changed from time to time.										

B. **Sidewalk Signs.** Sidewalk signs are permitted in areas where they are indicated with an "L" in Table 9.401, *Freestanding Temporary Signs*, if it is demonstrated that:

1. The sign is located within three feet of the building or the outside edge of the sidewalk; and
2. There is at least six feet of clear sidewalk area for pedestrian use;
3. The sign is located in front of the use to which it is associated.

C. **Amortization of Temporary Signs.**

1. After January 1, 2012, temporary feather flags are prohibited and shall not be displayed.
2. After January 1, 2015, the portable changeable copy signs are prohibited and shall not be

displayed.

### **Sec. 9.402 Attached Temporary Signs**

- A. **Generally.** Attached temporary signs are permitted subject to the standards of this Section.
- B. **Banners.** Banners are permitted in the nonresidential and mixed-use districts, provided that:
  1. There is only one banner per principal building;
  2. The banner is attached to the principal building, and complies with the standards of Section 9.203, *Prohibited Sign Locations*;
  3. The sign area on the banner is not larger than the sign area allowed for a wall sign on the building upon which the banner is attached; and
  4. No banner is displayed for a period of more than 14 days every 6 months.
- C. **Sock Signs and Temporary Wall or Fascia Signs.** Sock signs are permitted in nonresidential and mixed-use districts, and may be installed upon issuance of a building permit for a permanent sign, and may remain in place for not more than 30 days. Such signs shall have a sign area that is not more than 15 percent larger than that which is permitted for the permanent sign for which the permit application was filed.
- D. **Window Signs.** Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the transparency standards of Section 9.301, *Attached Signs*, are met.

## **Division 9.500 Sign Design Program**

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### **Sec. 9.501 Sign Design Program Alternative**

- A. **Generally.**
  1. *Purpose.* The requirements of Division 9.200, *General Design and Maintenance Standards*, Division 9.300, *Permanent Signs*, and Division 9.400, *Temporary Signs*, are intended to ensure that signs that meet certain minimum standards that are consistent with the expected character and quality of new development in Zachary may be quickly approved and displayed. For some proposals, alternative standards may contribute to the aesthetic qualities of the development. Approval of a sign design program pursuant to the standards of this Division allows for unified presentation of signage throughout a parcel proposed for development, flexibility to provide for unique environments, and pre-approval of designs and design elements to make subsequent applications for sign permits more efficient. To this end, a sign design program alternative is created.
  2. *Approval Criteria.* The Planning Commission may approve a sign design program if it results in a substantially improved, comprehensive, and unified proposal compared to what is allowed through strict compliance with the sign regulations of this Article. The responsible official shall review all sign types (*e.g.*, freestanding, attached, window, etc.) for the parcel proposed for development, to determine the degree of compliance with this Article, and shall report to the Planning Commission with regard to the degree of deviation from these standards that is sought by the applicant. The degree of deviation sought by the applicant shall be measured against the degree of compliance with the standards of this Division.
  3. *Conditions of Approval.* The Planning Commission may impose reasonable conditions on a sign design program that are not related to the content of the signs or the viewpoints of the sign

users, in order to ensure continuing compliance with the standards of this Division and approved sign design programs.

- B. **Contents of Sign Design Program.** A sign design program shall set forth a master plan for signage for an entire parcel proposed for development. For example, shopping center sign design programs shall include all tenants and out parcels, and office or industrial parks shall include all types of signs for wayfinding and tenants or uses within the development.
1. Sign design programs shall set out:
    - a. Sign dimensions and approximate locations;
    - b. Materials and colors;
    - c. Proposed illumination, including illumination levels;
    - d. Maximum numbers of items of information per sign face;
    - e. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type; and
    - f. A demonstration that the sign design program will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of property in adjacent or nearby residential districts.
  2. Sign design programs may also set out standards for temporary signage, such as the display of banners.
- C. **Effect of Approval.** Upon approval of a sign design program, issuance of a sign permit shall be based on compliance with the standards set out in the sign design program for the parcel proposed for development.

### **Sec. 9.502 Flexibility Criteria**

- A. **Generally.** Signage which is proposed as part of a sign design program may deviate from the standards of this Article in terms of the types and numbers of signs allowed, the maximum sign area, the maximum signable area ratio, and materials and illumination standards (including electronic message centers), subject to compliance with a sign design program that is approved according to the flexibility criteria set out in this Section.
- B. **Prohibited Signs and Sign Elements.** Prohibited signs and sign elements are not eligible for inclusion in a sign design program unless specifically indicated in this Article.
- C. **Modification of Sign Setbacks.** Setbacks for detached signs may deviate from the requirements of this Article if it is demonstrated that there is no impact on public safety or utility easements, and all other requirements for approval of a sign design program are met.
- D. **Architectural Theme.**
1. All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The sign design program shall establish an integrated architectural vocabulary and cohesive theme for the parcel proposed for development.
  2. The design, character, location, and/or materials of all freestanding and attached signs proposed in a sign design program shall be demonstrably more attractive than signs otherwise permitted on the parcel proposed for development under the minimum standards of this Article.

3. The height of all freestanding signs proposed through the sign design program shall relate to the design of the sign and the scale of the use, and shall not exceed 14 feet in height.
- E. **Lighting.** Lighting standards shall not deviate from the standards of this UDC in regards to lighting, except as part of a sign design program for a parcel proposed for development in the UC district, in locations where the lighting:
1. Cannot be seen from outside of the parcel proposed for development;
  2. Does not create a sky glow under normal conditions; and
  3. Does not shine into windows of residential units located within the district.
- F. **Height, Area, Number and Location of signs.**
1. The height, area, number and location of signs permitted through the sign design program shall be determined by the Planning Commission based on the following criteria:
    - a. The overall size of the parcel proposed for development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and / or more signs);
    - b. Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and / or environmental benefit to the City);
    - c. Frontage (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter from multiple adjacent parcels);
    - d. Access and visibility to the site;
    - e. Intended traffic circulation pattern and the need for wayfinding;
    - f. Hierarchy of signage;
    - g. Relationship between the site and adjacent uses; and
    - h. The desired function of the site (*e.g.*, an urban center would tend to include signage that is more urban and more dynamic in character than a strip shopping center).
  2. Additionally, the maximum permitted sign area shall be based on the following formula when evaluated against the above criteria:
    - a. The maximum area permitted for attached signage shall range from one percent up to a maximum of six percent of the building facade to which the sign is to be attached.
    - b. The maximum total permitted area of all freestanding signs on a parcel proposed for development shall not exceed 20 percent more than the total sign area that would otherwise be permitted by this Article.
- G. **Community Character.** The signage proposed in a sign design program shall not have an adverse impact on the community character of the district in which the parcel proposed for development is located, or of the City of Zachary.
- H. **Property Values.** The signage proposed in a sign design program will not have an adverse impact on the value of property in the immediate vicinity of the parcel proposed for development.
- I. **Elimination of Nonconforming Signs.** If there are existing signs on-site, they shall be removed or brought into conformance with the standards of the approved sign design program.

# ARTICLE 10 PARKING, LOADING, ACCESS, AND LIGHTING

## Division 10.100 Purpose and Applicability

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### Sec. 10.101 Purpose

The purpose of this Article is to ensure that:

1. Adequate off-street parking (including parking for the disabled) is provided for uses that are permitted by this UDC.
2. Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
3. Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
4. Adequate stacking areas are provided to ensure safe and efficient circulation within sites that contain drive-through uses;
5. Access to sites is managed to maintain the desired function of the adjacent street; and
6. Vehicular use areas are designed and lighted to promote public safety without creating undue light pollution and glare.

### Sec. 10.102 Applicability

#### A. Applicability.

1. All new development shall provide all of the parking spaces required by Section 10.202, *Required Parking and Loading*, and shall comply with all other provisions of this Article.
2. Expansions to existing development and changes in use of existing buildings that require additional parking shall provide parking to the extent of the new demand created by the expansion or change in use.
3. Changes in use of existing buildings that result in a fewer required parking spaces shall not be required to provide additional parking spaces.

- B. **Timing of Compliance.** No certificate of occupancy shall issue unless and until off-street vehicular parking is provided in accordance with this Article.

## Division 10.200 Parking and Loading Calculations

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### Sec. 10.201 Calculation of Required Parking Spaces

- A. **Generally.** The standards of this Section are used to calculate how many parking spaces are required to serve a proposed development.
- B. **Calculations.** The number of parking spaces that are required for a development relates to one or more independent variables, such as floor area, seating capacity, projected full time equivalent employees, number and type of dwelling units, and so forth.
1. *Measurements.* The independent variables shall be measured as follows:
    - a. **Floor Area:** Where the number of parking spaces in Section 10.202, *Required Parking and*



*Loading*, is calculated based on the floor area of the use, or floor area put to a specified aspect of the use, the measurement of floor area shall not include restrooms, utility rooms (electrical and phone rooms, trash rooms, and custodial closets), elevator cores, and areas of commercial and institutional uses that are designed and used exclusively for incidental storage.

- b. Seats: One seat is equal to:
    - i. One fixed seat;
    - ii. 30 inches of bench seating; or
    - iii. 20 square feet of floor area used for temporary seating.
  - c. Capacity:
    - i. For indoor uses, capacity shall be measured pursuant to the requirements of the applicable fire code.
    - ii. For outdoor uses, capacity shall be measured by the estimated number of persons present during periods of peak use.
    - iii. Number of beds shall be measured by the design capacity of an institutional residential, protective care, or residential eldercare use.
2. *Calculations*. The number of required parking spaces is calculated according to the formulae set out in Section 10.202, *Required Parking and Loading*, and then adjusted as follows:
    - a. First, according to the standards of Section 10.203, *Parking Credits*, if applicable; and
    - b. Second, according to the standards of Section 10.204, *Mixed Uses and Shared Parking*, if applicable.
  3. *Rounding*. If the final calculation of the number of required parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.
- C. **Multiple Nonresidential Uses**. If several nonresidential uses occupy a single parcel or building, the off-street parking and loading requirements shall be the cumulative total for all uses, unless:
1. The uses are of different categories, such that the standards of Section 10.204, *Mixed Uses and Shared Parking*, apply; or
  2. The uses are in a center with multiple retail, service, or restaurant tenants, which shall be classified cumulatively as "shopping center" for the purposes of parking requirements. See Section 10.202, *Required Parking and Loading*, subsection D.

## **Sec. 10.202 Required Parking and Loading**

- A. **Generally**. The number of parking and loading spaces that are required for each land use are set out in the Tables in this Section. The tables include two sets of two columns. The first provide standards for development throughout the City ("Standard Development"). The second provide standards for parking within Traditional Neighborhood Developments ("Traditional Neighborhood Development"). Opportunities for reduction of parking requirements are set out in other sections in this Division.
- B. **Exemption from Loading Space Requirements**. Buildings that are less than 5,000 square feet in area are exempt from loading space requirements.
- C. **Residential Uses**. The parking requirements for residential uses are set out in Table 10.202A, *Required Parking and Loading for Residential Uses*.

Table 10.202A Required Parking and Loading for Residential Uses				
Use	Standard Development		Traditional Neighborhood Development	
	Required Parking Spaces	Required Loading Spaces	Required Parking Spaces	Required Loading Spaces
<b>Residential Uses</b>				
Single-Family Detached	2 spaces / dwelling unit	NA	Same as Standard Development	NA
Single-Family Attached	2 spaces / dwelling unit	NA	Same as Standard Development	NA
Multiplex and Multifamily	1.5 spaces per studio or 1 bedroom dwelling unit +2 spaces per 2+ bedroom dwelling unit + 1 guest space per 4 dwelling units	1 space per 20 dwelling units in a vertically mixed-use building; not required in other configurations	1.5 spaces per studio or 1 bedroom unit + 2 spaces per 2+ bedroom unit	Same as Standard Development
Manufactured Home (outside manufactured home park or subdivision)	2 spaces per dwelling unit	NA		
Manufactured Home (inside manufactured home park or subdivision)	2 spaces per dwelling unit + 1 guest space per 4 dwelling units	NA		
Community Homes	As required for housing type	NA	Same as Standard Development	Same as Standard Development
Live-Work Units	3 spaces per dwelling unit	NA	Same as Standard Development	Same as Standard Development

**D. Institutional Uses.** The parking requirements for institutional uses are set out in Table 10.202B, *Required Parking and Loading for Institutional Uses.*

<b>Table 10.202B Required Parking and Loading for Institutional Uses</b>				
<b>Use</b>	<b>Standard Development</b>		<b>Traditional Neighborhood Development</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
Cemetery	Greater of: Sum of 1 space per 100 sf. of indoor assembly space + 3 spaces per 1,000 sf. of office floor area; or 20 spaces per acre of grave sites	1 space		
College / University / Vo Tech	1 space per 200 sf. of floor area (except auditoriums, theaters, gymnasiums, and stadiums) + 1/3 space per person times the capacity (persons) of auditoriums, theaters, gymnasiums, and stadiums	1 space per building with a floor area of 50,000 sf. or greater	1 space per 2 students	1 space per 40,000 sf.
Hospitals	Special Study	Special Study	Same as Standard Development	Same as Standard Development
Institutional Residential	1 space per 3 beds	1 space per 30 beds	Same as Standard Development	Same as Standard Development
Parks and Playgrounds	1 space per 500 sf.	1 space		
Place of Public Assembly: Adult Day Care	1 space per 300 sf.	NA	Same as Standard Development	Same as Standard Development
Places of Public Assembly: Day Care / Preschool	1 space per 100 sf.	NA	1 space per 500 sf.	NA
Places of Public Assembly: Elementary School	3 spaces per classroom	1 space per 40,000 sf.	Same as Standard Development	Same as Standard Development
Places of Public Assembly: Middle School	4 spaces per classroom	1 space per 40,000 sf.	Same as Standard Development	Same as Standard Development
Places of Public Assembly: High School	Special Study	Special Study	Same as Standard Development	Same as Standard Development
Places of Public Assembly: Library or Museum	1/3 space per person times building capacity (in persons)	1 space per 75,000 sf. of floor area	1 space per 400 sf. + 1 space per 32 sf. of floor area used for assembly (e.g., meeting rooms)	1 space per 75,000 sf. of floor area
Places of Public Assembly: Other	Greater of: 1 space per 6 seats in auditorium; or 1 space per 250 sf. of floor area	NA	Same as Standard Development	Same as Standard Development
Private Residential Recreation Facility	1 space per 500 sf.			
Protective Care: Jail or Prison	1 per 5 cells	1 per 30 cells		
Protective Care: Other	1 space per 4 beds	1 space per 20 sleeping rooms		

Table 10.202B Required Parking and Loading for Institutional Uses				
Use	Standard Development		Traditional Neighborhood Development	
	Required Parking Spaces	Required Loading Spaces	Required Parking Spaces	Required Loading Spaces
Public Service: Fire Station	4 spaces per emergency vehicle bay	NA	Same as Standard Development	Same as Standard Development
Public Service: Police Station	1 space per 250 sf.	1 space per 60,000 sf. if the building is larger than 40,000 sf.	Same as Standard Development	Same as Standard Development
Public Service: Post Office	1 space per 200 sf. + 1 space per postal vehicle stored on-site	1 space per 10,000 sf.	Same as Standard Development	Same as Standard Development
Public Service: Other	1 space per 300 sf.	NA	Same as Standard Development	Same as Standard Development
Residential Eldercare Facilities: Assisted Living	1 space per dwelling unit + 1 space per 3 beds in shared living facilities	1 space	Same as Standard Development	Same as Standard Development
Residential Eldercare Facilities: Congregate Care	1 space per dwelling unit	NA	Same as Standard Development	Same as Standard Development
Residential Eldercare Facilities: Nursing Home	1 space per 3 beds	1 space per 20 sleeping rooms	Same as Standard Development	Same as Standard Development

E. **Commercial Uses.** The parking requirements for commercial uses are set out in Table 10.202C, *Required Parking and Loading for Commercial Uses.*

Table 10.202C Required Parking and Loading for Commercial Uses				
Use	Standard Development		Traditional Neighborhood Development	
	Required Parking Spaces	Required Loading Spaces	Required Parking Spaces	Required Loading Spaces
Agricultural Support / Other Rural Services: Equipment Dealers and Feed Stores	1 space per 300 sf. of office + 1 space per 750 sf. of other floor area	1 space per 75,000 sf.		
Agricultural Support / Other Rural Services: Crop Storage / Packing	1 space per 500 sf. of floor area	1 space per 15,000 sf.		
Art Gallery/Studio	1 space per 500 sf. of floor area	NA	Same as Standard Development	Same as Standard Development
Bar	1 space per 100 sf. of floor area	NA		
Brewery	1 space per 1,000sf GFA +1 per 200 sf of tasting room, restaurant, or bar gross floor area	1 space per 5,000 sf. up to a max of 2 spaces		
Boarding or Rooming House	1 space per 12 beds	NA	Same as Standard Development	Same as Standard Development
Campgrounds	1 space per camp site + 1 space per 20 camp sites	NA		
Car Wash	3 spaces + 2 spaces per bay or stall	NA		

<b>Table 10.202C Required Parking and Loading for Commercial Uses</b>				
<b>Use</b>	<b>Standard Development</b>		<b>Traditional Neighborhood Development</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
Commercial Amusement/ Recreation Indoor	1 space per 200 sf	1 space per 25,000 sq ft		
Commercial Amusement/ Recreation Outdoor	1 space per 400 sf (including all outdoor areas)	1 space per 25,000 sq ft		
Commercial Retail:	1 space per 250 sf.	1 space per 25,000 sf.	3.5 spaces per 1,000 sf.	Same as Standard Development
Distillery	1 space per 1,000sf GFA +1 per 200 sf of tasting room, restaurant, or bar gross floor area	1 space per 5,000 sf. up to a max of 2 spaces		
Financial Institution	1 space per 300 sf	1 space per 10,000 sf		
Heavy Commercial	1 space per 300 sf. of service floor area +  1 space per 200 sf. of Office  + 1 space per 1,000 sf. of warehouse area	1 space per 20,000 sf.		
Hotel	1 space per guest room + 2 spaces per 10 guest rooms + 1 space per 100 sf. of meeting space + 1/2 of required parking for accessory retail, restaurant, and alcoholic beverage sales uses	1 space + 1 space per 50,000 sf. meeting rooms, restaurants, and shops	1 space per guest room + 2 spaces per 10 guest rooms + 1 space per 100 sf. of meeting space	Same as Standard Development
Kennel/Pet Day Care	1 space per 250 sf.	1 space if the use is larger than 10,000 sf.	Same as Standard Development	Same as Standard Development
Light Automobile Service	4 spaces + 1 space per service bay (pump stations are not counted)	1 space	Same as Standard Development	Same as Standard Development
Mini-Warehouse/Self Storage	1 space per 100 storage units	2 spaces		
Mixed Use	<i>See Sec. 10.204, Mixed Uses and Shared Parking</i>	1 space per 25,000 sf. of nonresidential uses	Same as Standard Development	1 space per 25,000 sf. of nonresidential uses; uses that are less than 10,000 square feet in floor area may use over-the-curb loading from local streets outside of peak hours
Nursery or Greenhouse	1 space per 250 sf. of enclosed floor area + 15 spaces per acre of outdoor nursery area	3 spaces per 5 acres		
Office	1 space per 250 sf.	1 space per 20,000 sf.	3 spaces per 1,000 sf.	Same as Standard Development
Pawn Shop	1 space per 250 sf.	1 space per 25,000 sf.		

Private Club	1 space per 250 sf.	1 space	Same as Standard Development	
Reception Facility	1 space per 250 sf.	1 space		

<b>Table 10.202C Required Parking and Loading for Commercial Uses</b>				
Use	Standard Development		Traditional Neighborhood Development	
	Required Parking Spaces	Required Loading Spaces	Required Parking Spaces	Required Loading Spaces
Restaurant, Cafe	1 space per 200 sf+ 3 stacking spaces per drive-through lane	1 space	Same as Standard Development	Same as Standard Development
Restaurant, Fast Food	1 space per 200 sf + 3 stacking spaces per drive-through lane	1 space		
Restaurant, Standard	1 space per 200 sf	1 space	1 space per 75 sf. of restaurant area; see alcoholic beverage sales, other, above, for bar or lounge areas	Over-the-curb loading allowed during off-peak hours, otherwise 1 space. No additional spaces required for bar or lounge areas.
Services (Personal)	1 space per 250 sf.	NA	3 spaces / 1,000 sf.	NA
Shopping Center	1 space per 250 sf.	1 space per 50,000 sf.		
Tattoo Parlor	1 space per 250 sf.	NA		
Truck Stop	1 truck space per 1,000sf GFA, Additional uses within the truck stop (retail, restaurant, etc.): Cumulative - determined by sum of requirements for each uses within development	NA		
Vehicle Sales, Rental, and Service	1 space per 300 sf. of office + 1 space per 600 sf. of showroom + 1 space per 500 sf. of service area	1 space + 1 space per 25,000 sf. of service area		
Veterinarian	1 space per 250 sf.	NA	Same as Standard Development	Same as Standard Development
<b>TABLE NOTES:</b> <sup>1</sup> Grocery areas of supercenter stores (combinations of general retail and grocery in one store) are not counted separately if the floor area used for groceries is less than 40 percent of the total floor area.				

F. **Reserved**

- G. **Industrial Uses.** The parking requirements for industrial uses are set out in Table 10.202E, *Required Parking and Loading for Industrial Uses*.

Table 10.202E Required Parking and Loading for Industrial Uses				
Use	Standard Development		Traditional Neighborhood Development	
	Required Parking Spaces	Required Loading Spaces	Required Parking Spaces	Required Loading Spaces
Disposal	5 spaces per 4 disposal vehicles	1 space per disposal vehicle		
Extraction	Special Study	Special Study		
Heavy Industry	Special Study	Special Study		
Light Industry: Manufacturing, Processing, Assembly	1 space per 750 sf.	1 space per 20,000 sf.		
Light Industry: Laboratories, Research and Development, Testing	1 space per 300 sf.	1 space per 20,000 sf.	Same as Standard Development	Same as Standard Development
Light Industry: Other	1 space per 500 sf.	1 space per 20,000 sf.		
Recycling / Salvage	Special Study	Special Study		
Utilities, Community	Special Study	Special Study	Same as Standard Development	Same as Standard Development
Utilities, Neighborhood	1 space (may be grass)	NA	Same as Standard Development	Same as Standard Development
Warehousing and Transportation	1 space per 300 sf. of office + 1 space per 1,000 sf. of warehouse + 1 space per loading dock	Greater of: 1 space per 20,000 sf.; or 1 space per loading bay		

H. **Reserved**

- I. **Agricultural Uses.** The parking requirements for agricultural use are set out in Table 10.202F, *Required Parking and Loading for Agricultural Uses*.

Table 10.202F Required Parking and Loading for Agricultural Uses				
Use	Standard Development		Traditional Neighborhood Development	
	Required Parking Spaces	Required Loading Spaces	Required Parking Spaces	Required Loading Spaces
Agriculture or Forestry	2 spaces per dwelling unit used as a farm residence	NA		
Commercial Stables	1 space per 6 stalls	1 space per 24 stalls		

J. **Special Uses.** The parking requirements for special uses are set out in Table 10.202G, *Required Parking and Loading for Special Uses*.

Table 10.202G Required Parking and Loading for Special Uses				
Use	Standard Development		Traditional Neighborhood Development	
	Required Parking Spaces	Required Loading Spaces	Required Parking Spaces	Required Loading Spaces
Adult Uses	Greater of:4 spaces per 5 seats; or 1 space per 150 sf. of floor area	1 space		
Airports	Special Study	Special Study		
Parking and Transit Facilities: Stand Alone Parking Lot	NA	NA	Same as Standard Development	Same as Standard Development
Parking and Transit Facilities: Transit Facility	Special Study	Special Study	Same as Standard Development	Same as Standard Development
Wireless Telecommunications Facilities	1 per freestanding facility(may be grass)	NA	Same as Standard Development	Same as Standard Development

K. **Uses Not Listed.** The responsible official shall determine the parking requirements for uses that are not listed based on:

1. The uses in this Section that are most similar to the proposed uses; or
2. Parking studies of similar uses that are provided by the applicant and certified by a qualified professional engineer.

**Sec. 10.203 Parking Credits**

A. **Generally.** This section sets out credits and permissible reductions in the number of off-street parking spaces that must be provided. Based on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parkingspaces.

B. **On-Street and Public Lot Parking.** In the UC district, and in approved traditional neighborhood developments ("TNDs"), on-street parking and parking in public lots may be credited to particular uses in accordance with the formula: Parking Credit = (Sa x P), where Sa = the area of the applicant's parcel divided by the area of the contiguous zoning district or TND, and P = the total parking that is available on-street and in public lots in the district or TND.

C. **Reduction of Parking Requirements by Provision of Transportation Demand Management.** Transportation demand management is an approach to reduce the number of work-related car trips (and parking requirements) by incentivizing the use of bicycles, carpools, or shuttles. The Responsible Official may authorize up to a five percent reduction in the number of required off- street parking spaces for development that provides transportation demand management programs. Examples of accommodations that would qualify for the credit include:

1. Enclosed bicycle lockers, employee shower facilities, lockers, and dressing areas; or
2. Meaningful financial incentives for employees to carpool or bicycle to work, provided that the effectiveness of the program is reported annually to the Responsible Official; or
3. Shuttle service for employees.



## Sec. 10.204 Mixed Uses and Shared Parking

- A. **Generally.** The City Council recognizes that uses may have different hours of operation and peak parking demand hours. The City desires to encourage the sharing of parking for its potential to reduce paved areas and / or enhance the efficiency of land use. Where a mix of uses creates synergy with respect to the use of parking spaces due to differences in when the spaces are most likely to be used, the City may reduce the required number of spaces according to the provisions of this Section.
- B. **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak use of parking areas at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:
1. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals (e.g., spaces that are either posted "reserved," or secured behind a gate), by the appropriate percentage listed in Table 10.204, *Shared Parking Table*, for each of the designated time periods.
  2. Calculate a sum for all uses for each of the five time periods (columns). The minimum parking requirement is the highest of these sums. Figure 10.204, *Illustrative Shared Parking Credit Calculation*, provides an example of how to use Table 10.204, *Shared Parking Table* to calculate required parking.

Table 10.204 Shared Parking Table					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

Figure 10.204 Illustrative Shared Parking Credit Calculation					
<p><b>EXAMPLE:</b> A mixed-use building in a standard development (not in a TND) has 50 2-bedroom residences, 50,000 square feet of general office space, and 50,000 square feet of retail space. Separately, these uses would require 450 parking spaces ((50 sp. x 2 sp. / unit) + (50,000 sf. x (3 sp. / 1,000 sf.)) + (50,000 sf. x (1 sp. / 250 sf.)) = 450). However, combined, they could share 350 parking spaces.</p>					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential <i>100 spaces</i>	100% x 100 = 100	60% x 100 = 60	90% x 100 = 90	80% x 100 = 80	90% x 100 = 90
Office <i>150 spaces</i>	5% x 150 = 8	100% x 150 = 150	10% x 150 = 15	10% x 150 = 15	5% x 150 = 8
Retail / Commercial <i>200 spaces</i>	5% x 200 = 10	70% x 200 = 140	90% x 200 = 180	100% x 200 = 200	70% x 200 = 140
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
<b>COLUMN TOTALS</b>	<b>118</b>	<b>350</b>	<b>285</b>	<b>295</b>	<b>238</b>
		<p>The largest number, 350, is the number of parking spaces that are required. This example is a 22% reduction compared to individual calculations.</p>			

3. In general, the maximum reduction allowed by Table 10.204, *Shared Parking Table*, shall be 25 percent. However, a greater reduction is permitted, provided that:
  - a. Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the City Council determine that they are necessary; and
  - b. The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the Mayor.

**C. Special Shared Parking Study.**

1. In the alternative to the methodology in Table 10.204, Shared Parking Table, an applicant may submit a special study to demonstrate that the parking required to serve mixed uses is less than the total of the parking requirements for each individual use. The special study shall be undertaken by a qualified traffic engineer, and shall:
  - a. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall propose a required number of parking spaces based on the combined peak hour demand for parking.
  - b. Provide data on the following:
    - i. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
    - ii. Similar mixes of uses in other areas of the community.
    - iii. Degree of variability of parking for individual uses (average, range, and standard deviation).
2. The City may require a reserved open area if it believes that the risk of parking needs changing over time so warrants. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.

**D. Shared Parking Among Lots Under Different Ownership.** When a shared parking reduction is to be applied to uses on several lots under different ownership, the following shall be provided:

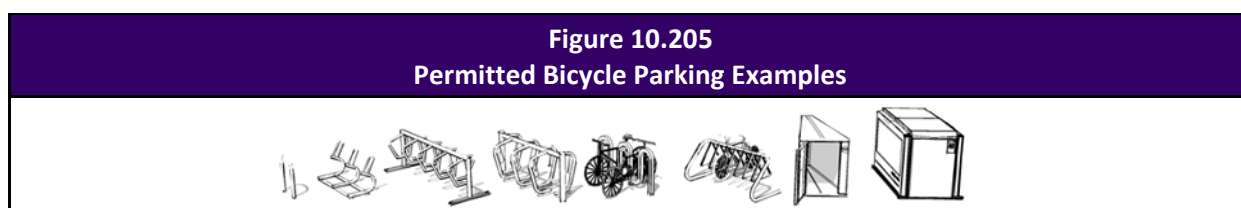
1. A plan that provides for interconnected lots;
2. Recorded easements that provide, at a minimum, for:
  - a. Cross-access among the parking areas and connections to permit parking by the different uses anywhere in the connected properties;
  - b. Allocation of maintenance responsibilities;
  - c. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and
  - d. A right of enforcement by the City.

**Sec. 10.205 Bicycle Parking**

- A. **Applicability.** Bicycle parking shall be required pursuant to this Section for all parcels proposed for development that have parking lots with 20 or more parking spaces.
- B. **Number of Bicycle Parking Spaces.**
  1. Surface parking lots: One bicycle parking space per 10 parking spaces, to a maximum of ten bicycle parking spaces
  2. Structured parking lots:
    - a. Minimum number of bicycle parking spaces: six
    - b. Structures with more than 120 parking spaces shall provide one bicycle parking space per 20 parking spaces,
    - c. Maximum requirement (additional spaces are optional): 10

C. **Bicycle Parking Design Standards.** Bicycle parking shall be designed so that:

1. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped lock if both wheels are left on the bicycle. *See Figure 10.205, Permitted Bicycle Parking Examples.*
2. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components.
3. Racks must be securely anchored.
4. Areas devoted to bicycle parking shall be hard surfaced.
5. Bicycle parking designs that only allow one locking point at the wheel are prohibited.
6. Bicycle racks are not required for bicycle parking associated with residential uses. Required bicycle parking for residential uses may be provided in garages, storage rooms and other resident accessible, secure areas.



D. **Bicycle Parking Location Standards.**

1. Short-term bicycle parking must be located within 50 feet of the principal building entrance, at the same grade as the sidewalk or accessible route.
2. An aisle at least five feet wide shall be provided behind all required bicycle parking to allow room for bicycle maneuvering.
3. If required bicycle parking is not visible from the street or principal building entrance, a sign shall be posted at the principal building entrance indicating the location of the bicycle parking.

E. **Administrative Adjustments.** The responsible official is authorized to approve an administrative adjustment reducing the number of bicycle spaces if it is demonstrated that:

1. The use will not generate any bicycle traffic; or
2. It is impossible to provide bicycle parking at the subject location.

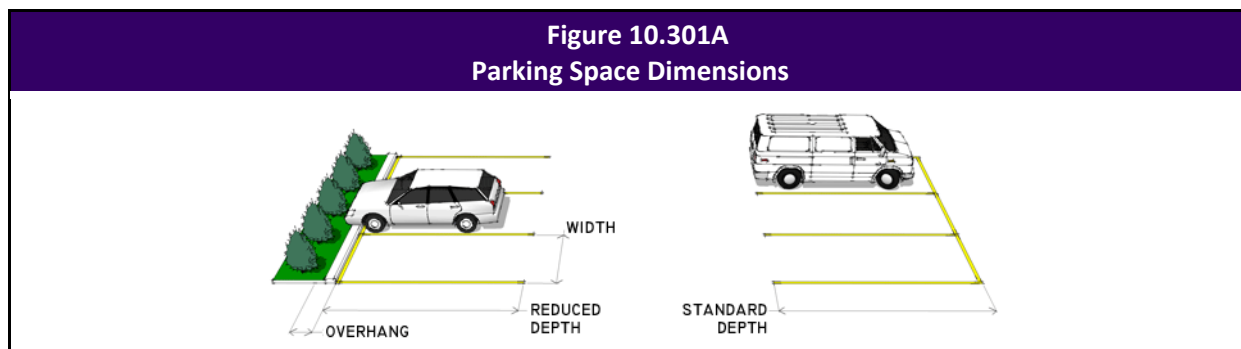
## **Division 10.300 Parking and Loading Design and Use**

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### **Sec. 10.301 Parking Space and Module Standards**

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

1. Generally: 9 ft. width x 20 ft. standard depth
2. 90-degree parking spaces that abut curb or edge of pavement (allowing for overhang): 9 ft. width x 18 ft. reduced depth. *See Figure 10.301A, Parking Space Dimensions.*
3. Parallel (0 degree) parking spaces: 8 ft. width x 20 ft. depth



- B. **Dimensions of Disabled Parking Spaces.** Disabled parking spaces shall be dimensioned as required by the Americans with Disabilities Act Accessibility Guidelines.
- C. **Number of Disabled Parking Spaces.** Disabled parking spaces shall be provided as required by the Americans with Disabilities Act Accessibility Guidelines, as amended. The requirements as of the Effective Date are set out in Table 10.301A, *Disabled Parking Requirements*; however, in the event of amendment to ADAAG, ADAAG standards shall control. Disabled parking is included in the total number of required parking spaces.

Table 10.301A Disabled Parking Requirements		
Number of Required Parking Spaces	Number of Disabled Spaces	Number of Disabled Spaces that Must be Van Accessible <sup>1</sup>
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2 percent of total	1 out of 8 disabled parking spaces, rounded up

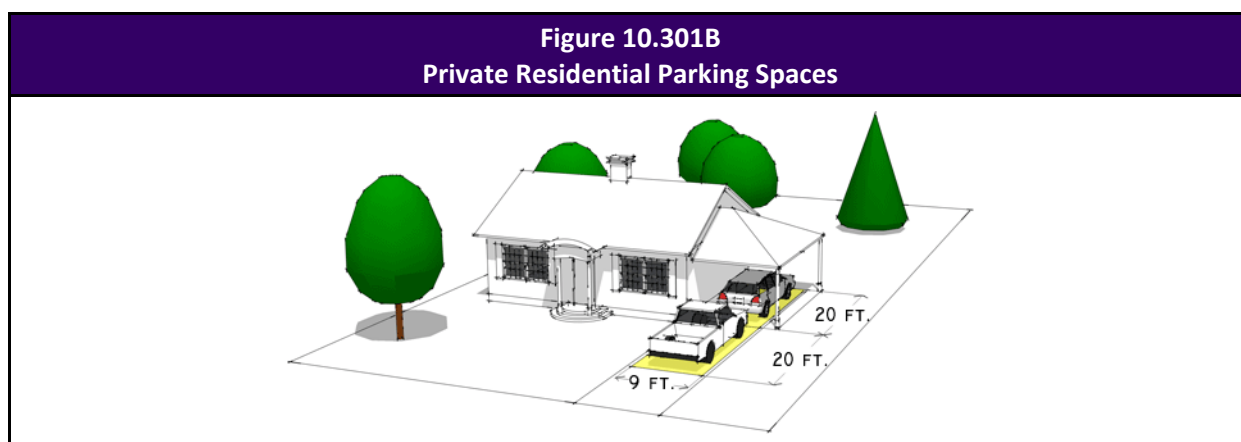
Table 10.301A Disabled Parking Requirements		
Number of Required Parking Spaces	Number of Disabled Spaces	Number of Disabled Spaces that Must be Van Accessible <sup>1</sup>
1001 and over	20 plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

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

- D. **Parking Space Markings.**
  1. All standard and disabled parking spaces that are located in parking lots or provided on-street on a street provided by the developer shall be clearly marked.
  2. Parking spaces for residential uses that are located in private garages, carports, or individual

driveways do not have to be marked. An area on a private residential lot is considered a parking space if:

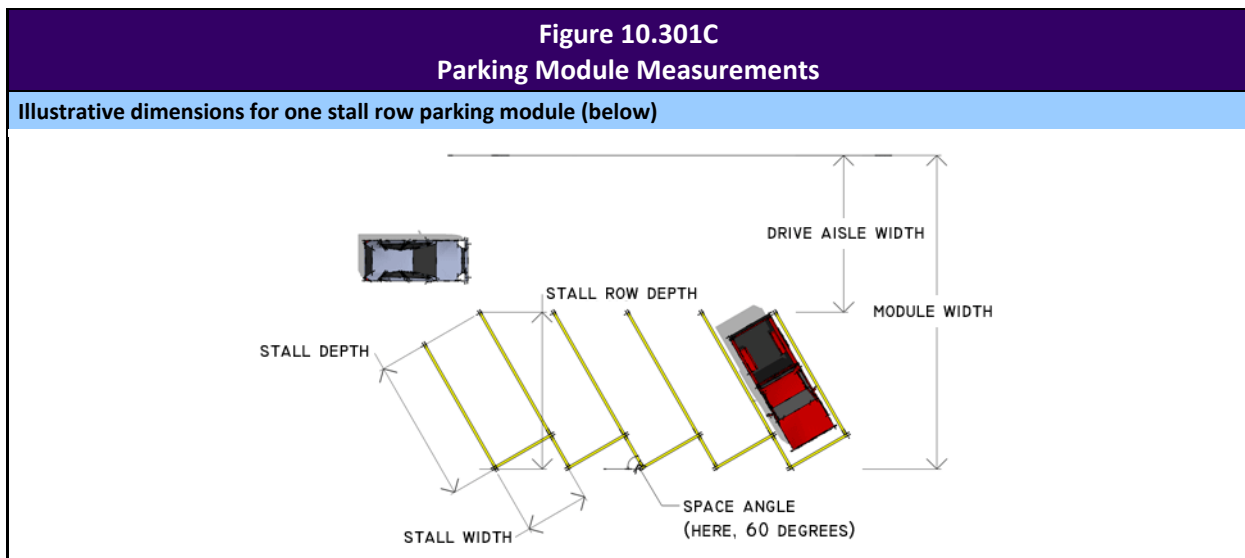
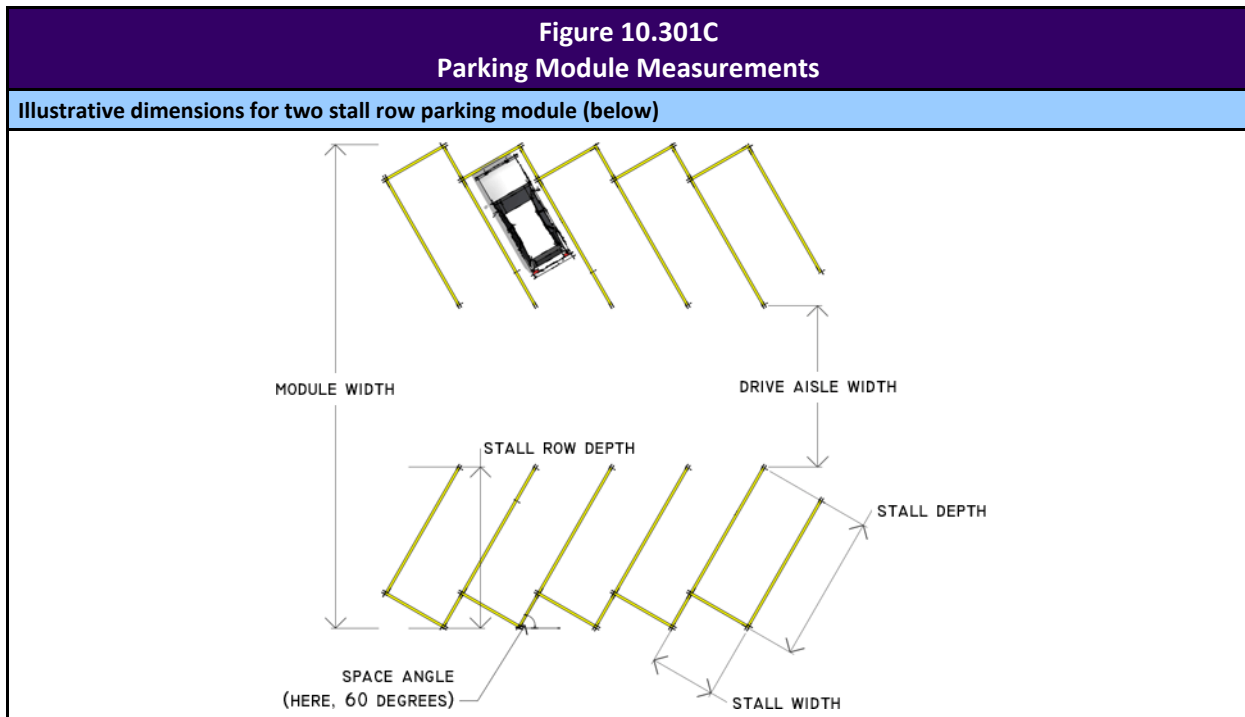
- a. The area is at least 9 feet by 18 feet in dimension;
- b. The area does not encroach upon a public sidewalk;
- c. The area is hard-surfaced; and
- d. The area is accessible from the street. See Figure 10.301B, *Private Residential Parking Spaces*.



- E. **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. Additional clearance shall be provided for larger vans, sports utility vehicles, and light trucks that require such clearance if parking demand from such vehicles is anticipated. All parking garage entrances shall include an overhead bar to alert oversized vehicles regarding clearance.
- F. **Parking Module Dimensions.** Parking modules shall be dimensioned as shown in Table 10.301B, *Minimum Horizontal Parking Dimensions for Standard Automobiles*. The dimensions that are set out in the table are illustrated in Figure 10.301C, *Parking Module Standards*.

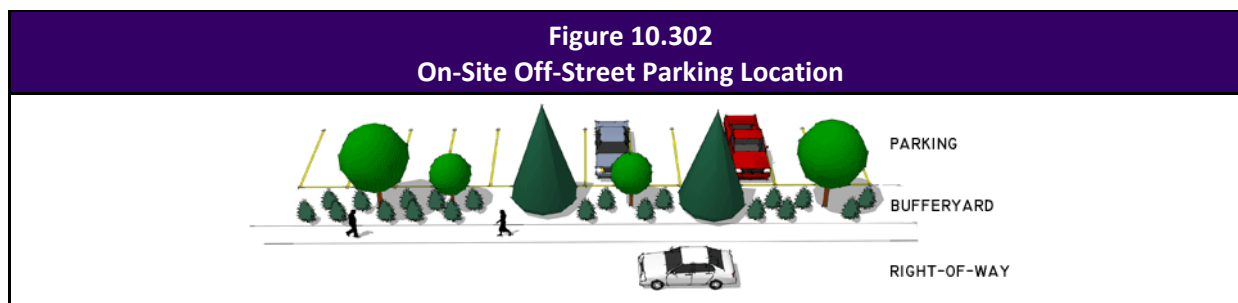
Table 10.301B Parking Module Dimensions				
Measurement	Parking Space Angle (Degrees)			
	0 / Parallel Parking	45	60	90
<b>One Stall Row, One-Way Aisle</b>				
Stall Row Depth	8 ft.	20 ft. 7 in.	21 ft. 11 in.	20 ft.
Drive Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	25 ft.
Minimum Module Width (row & aisle)	21 ft. 2 in.	34 ft. 5 in.	34 ft. 5 in.	45 ft.
<b>Two Stall Rows, One-Way Aisle</b>				
Stall Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	40 ft.
Drive Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	25 ft.
Minimum Module Width (row & aisle)	29 ft. 2 in.	54 ft. 11 in.	59 ft. 2 in.	65 ft.
<b>One Stall Row, Two-Way Aisle</b>				
Stall Row Depth	8 ft.	20 ft. 7 in.	21 ft. 11 in.	20 ft.
Drive Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	25 ft.
Minimum Module Width (row & aisle)	31 ft. 3 in.	40 ft. 7 in.	43 ft. 11 in.	45 ft.
<b>Two Stall Rows, Two-Way Aisle</b>				

Stall Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	40 ft.
Drive Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	25 ft.
Minimum Module Width (row & aisle)	39 ft. 3 in.	61 ft. 1 in.	65 ft. 8 in.	65 ft.



**Sec. 10.302 Location of Off-Street Parking**

- A. **On-Site Off-Street Parking.** On-site off-street parking shall be set back behind any required bufferyard (see [Division 10.300, Bufferyards](#)). Parking spaces, aisles, and turning areas shall not encroach upon or overhang any street, driveway, or public right-of-way. See Figure 10.302, *On-Site Off-Street Parking Location*.



B. **Off-Site Off-Street Parking.** Parking or overflow parking is generally not allowed in off-site locations. However, in Traditional Neighborhood Developments or in the UC District, it is allowed as provided in Table 10.302, *Distance to Required Parking*.

Table 10.302 Distance to Required Parking		
Use	Location of Required Parking	Location of Overflow or Valet Parking Spaces
Traditional Neighborhood Development: Single-Family Attached and Multifamily Uses	Boundary of parking lot within 150 feet of principal building being served	NA
Traditional Neighborhood Development or UC District: All Nonresidential Uses	Boundary of parking lot within 200 feet of principal building being served	Within 300 feet of principal building being served

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

**Sec. 10.303 Off-Street Loading**

- A. **Generally.** All uses shall provide off-street loading as required by Section 10.202, *Required Parking and Loading*. Loading spaces shall be designed as follows:
- B. **Dimensions.** The dimensions of required loading spaces shall depend upon whether the use will be served by semi-trailers. Commercial retail, heavy retail, and industrial uses that are larger than 40,000 square feet shall be presumed to require semi-trailer loading unless the applicant demonstrates otherwise.
  - 1. Minimum width of loading bay (side to side): 12 feet.
  - 2. Minimum length of loading bay (front to back):
    - a. For semi-trailers: 60 feet.
    - b. All other loading spaces: 35 feet.
  - 3. Minimum vertical clearance: 14 feet.
- C. **Use of Right-of-Way.** Where off-street loading areas are required, at no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded.
- D. **Maneuvering Space.** Adequate off-street truck maneuvering space shall be provided on lot (and not within any public street right-of-way or other public property), so that trucks can maneuver to the docking area.
- E. **Location.** All loading areas shall be located on the same lot as the building or lot served by the loading

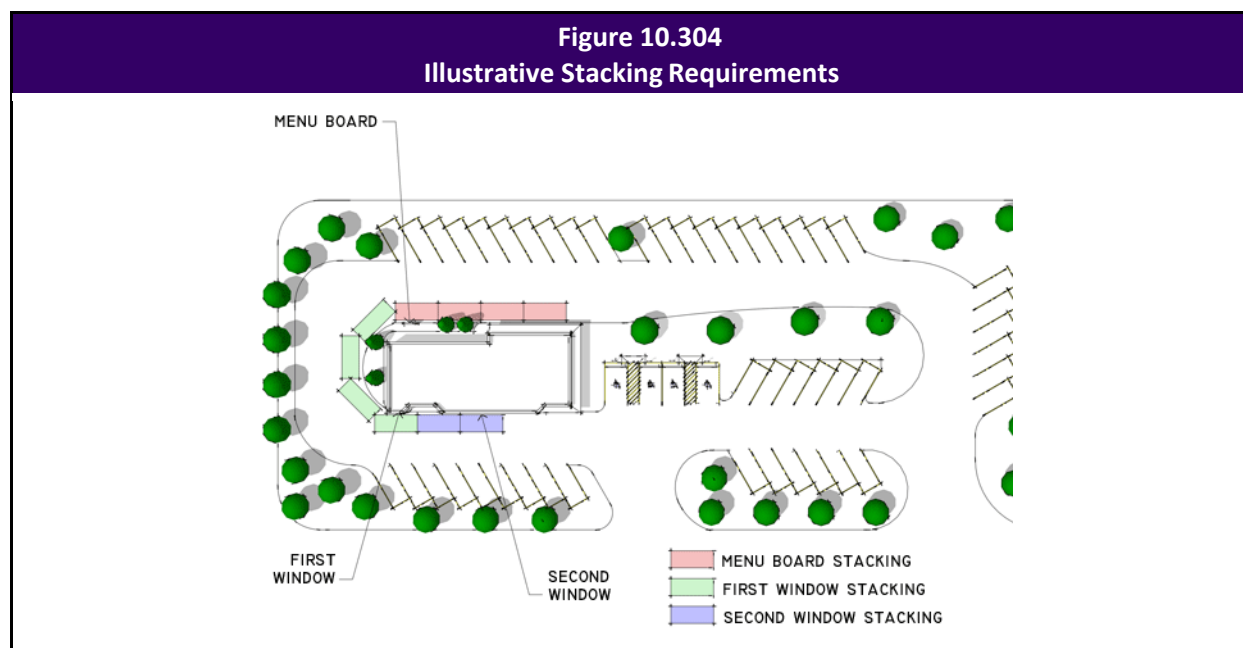


area. Semi-trailer loading spaces and loading docks shall be located behind buildings and screened from view from adjacent properties and public rights-of-way. Loading areas shall be located such that no part of a truck extends into right-of-way or interferes with parking access while it is loading or unloading.

- F. **Fire Exit or Emergency Access.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

**Sec. 10.304 Vehicle Stacking Requirements**

- A. **Generally.** Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (*i.e.*, a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
- B. **Requirements.** Uses that include drive-through service shall not less than the following numbers of stacking spaces:
  - 1. Financial institutions, convenience stores, or pharmacies: Four stacking spaces per drive-through station.
  - 2. Drive through restaurants:
    - a. If two service windows are provided (one for payments and one for pick-up):
      - i. Four stacking spaces to each menu board;
      - ii. Four stacking spaces between the menu board and the first window (including the position at the first window); and
      - iii. Two spaces between the first window and the second window (including the position at the second window). *See Figure 10.304, Illustrative Stacking Requirements.*



- b. If one service window is provided (for both payments and pick up):
  - i. Six stacking spaces to each menu board; and

- ii. Five stacking spaces between the menu board and the service window.
4. Drive-through only uses in buildings with less than 300 square feet of floor area and no separate menu board (e.g., coffee stands, photo processing): Three stacking spaces per service window.
5. Dry cleaners: Two stacking spaces, including the position at the window.

**D. Design.**

3. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation.
4. Stacking areas shall not be located between the facade of a building and the public street upon which the building fronts.
5. Stacking lanes shall be designed with an abutting eight-foot wide bypass lane.

### **Sec. 10.305 Use of Parking and Loading Areas**

**A. Storage Prohibited.**

1. Required off-street parking spaces shall be available for operable passenger automobiles of the residents, customers, patrons, and employees of the use to which they relate.
2. Storing materials, boats, campers, recreational vehicles, or inoperable vehicles, or parking trucks or trailers is prohibited in parking areas, unless:
  - a. The outdoor storage use is permitted in the applicable zoning district and approved for the subject property;
  - b. The areas that are set aside for such parking are not counted towards the parking requirements for the use; and
  - c. The areas that are set aside for such parking comply with the requirements for outdoor storage (e.g., buffering or screening of outdoor storage areas).
3. The long-term storage of trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.
4. Trash enclosures, dumpsters, and transformers shall not be located in parking areas in locations that interfere with circulation or use of parking spaces.

**B. Vehicle Work Prohibited.** No major vehicle work of any kind or nature is permitted within off-street parking lots or parking garages.

**C. Blocking Access Prohibited.**

1. Blocking loading spaces or parking spaces is prohibited.
2. Loading spaces or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces, driving aisles, fire lanes, ingress or egress points, or building entrances. However, tandem parking spaces may be used in valet lots.
3. Parking, loading, and access areas shall be kept free of permanent or moveable structures which block access, of any type (e.g., trash receptacles or compactors).
4. Parking within a driveway approach or across public sidewalks is prohibited.

**D. Sales.** The sale of goods in a parking lot is prohibited, except when allowed as a Mobile Vendor or Temporary Use according to the standards of this UDC.

## Sec. 10.306 Surfacing and Maintenance of Off-Street Parking Areas

- A. **Surfacing.** Off-street parking areas shall be surfaced as follows:
1. Off-street parking areas that are required to have more than three parking spaces shall be graded and hard surfaced with a material approved by the Department of Public Works and the City Engineer that will protect against potholes, erosion, and dust, including hard surfaced permeable paving materials.
  2. An applicant may request use of a less durable surface (such as grass pavers, crushed stone, or gravel) for off-street parking facilities through a conditional use application. The following review standards shall apply to any such request:
    - a. The requested parking area serves low-turnover uses or overflow parking needs;
    - b. The perimeter of such parking areas is defined by bricks, stones, railroad ties, or other similar devices;
    - c. Surfaces with loose materials are set back at least 25 feet from a public street; and
    - d. The material does not generate inordinate amounts of dust.
- B. **Maintenance.** Off-street parking surfaces shall be kept in good condition and parking space lines or markings on hard-surfaced lots shall be kept clearly visible and distinct.

## Division 10.400 Access Management and Circulation

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### Sec. 10.401 Access to Single Family and Duplex Lots

- A. **Existing Lots.** Existing access to single family detached and duplex lots from arterial or collector streets is permitted. However, the existing access shall be moved from the arterial or collector to a local street if:
1. The lot has access a local street; and
  2. The principal building is redeveloped (or a new principal building is constructed)
- B. **New Lots.** New single family detached and duplex lots shall not take access to arterial or collector streets unless they have more than 200 feet of frontage and the driveway is designed to prevent vehicles from backing out onto the arterial or collector.

### Sec. 10.402 Minimum Arterial Frontage

- A. **General.** In general, the minimum arterial frontage that is required of lots that take direct access from an arterial shall not be less that that shown in Table 10.402, *Minimum Arterial Lot Frontage*. No new lots shall be created that have less frontage than set out in Table 10.402, *Minimum Arterial Lot Frontage*, unless the subdivider provides for common access and cross-access easements as set out in Subsection C.

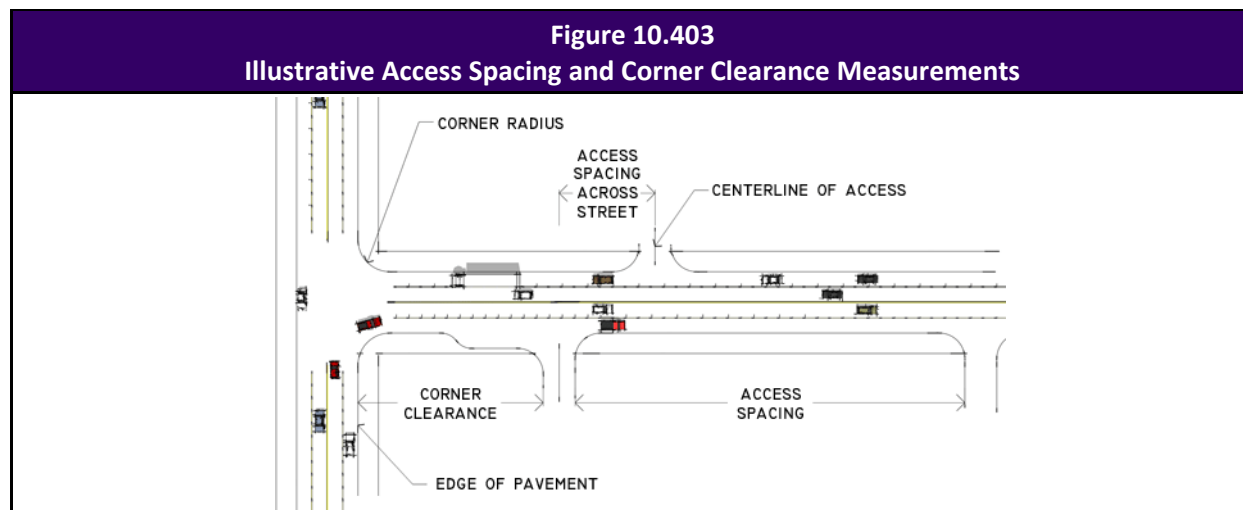
Table 10.402 Minimum Arterial Lot Frontage	
Posted Speed Limit (mph)	Minimum Connection Spacing (ft.)
≤ 30	225
35	275
40	330
45	385

≥ 50	450
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- B. **Increased Frontage Requirement.** The City may require a greater lot frontage for:
1. Development with driveways that are greater than 25 feet in width (not including curb returns); or
  2. Development that requires more than one access connection to the arterial.
- C. **Decreased Frontage Requirement.** The City may allow a decreased lot frontage for individual lots with common access easements and shared access driveways, provided that:
1. The parcel proposed for development, before subdivision, complies with this Section;
  2. The standards of Section 10.403, *Access Spacing and Corner Clearance*, are met; and
  3. Legal instruments are recorded as provided in Section 10.405, *Common Access and Internal Cross Access*.

### Sec. 10.403 Access Spacing and Corner Clearance

- A. **Generally.** Access points include streets, alleys, driveways, and service roads. Spacing of access points shall be provided as set out in this Section.
- B. **Measurements.** Generally, the requirements of this Section are measured along the edge of the travel way, from the closest edge of pavement of the first access connection to the closest edge of pavement of the second access connection, including curb returns. However, access spacing on opposite sides of the street is measured at the centerlines of the access points. The measurements are illustrated in Figure 10.403, *Illustrative Access Spacing and Corner Clearance Measurements*.



- C. **Local Streets and Collectors.** There shall be a minimum spacing between the near edges of adjacent access points to local streets and collectors as set out in Table 10.403A, *Access Spacing, Local Streets and Collectors*.

Table 10.403A Access Spacing, Local Streets and Collectors	
Street Classification of Abutting Lot Frontage	Minimum Connection Spacing
<b>Residential Driveways</b>	
Local Street	30 ft.
Collector Street	30 ft.
<b>Commercial, Recreation, and Institutional Driveways</b>	
Local Street	30 ft.
Collector Street	75 ft.
<b>Industrial Driveways</b>	
Local Street	40 ft.
Collector Street	75 ft.

D. **Arterials.** There shall be a minimum spacing between the near edges of adjacent access points to arterial streets, as set out in Table 10.403B, *Access Spacing, Arterials*. If the City adopts an access management plan for an arterial that includes either specific locations for access or different spacing requirements, then the provisions of the Table shall be superseded by the access management plan.

Table 10.403B Access Spacing, Arterials	
Posted Speed Limit	Minimum Connection Spacing
≤ 30 mph	200 ft.
35 mph	250 ft.
40 mph	305 ft.
45 mph	360 ft.
≥ 50 mph	425 ft.

E. **Access Spacing, Opposite Sides of Street.** In order to prevent conflicting left-turn movements, connections on opposite sides of the street shall be directly opposite each other or offset by a distance of at least 100 feet from centerline to centerline of the access points, unless a median prevents the potential conflicts.

F. **Corner Clearance.**

1. For all uses located on corner lots, there shall be a minimum clearance between the near edge of the nearest access point and the property corner at street intersections. No access point shall interfere with fire hydrants, storm inlets, or other curb frontage improvements. The minimum clearances are set out in Table 10.403.C., *Minimum Corner Clearance*.

Table 10.403C Minimum Corner Clearance			
Street Classification	Intersecting Street Classification	Minimum Corner Clearance	
		Street	Intersecting Street
<b>Residential Driveways</b>			
Local	Local	20 feet	20 feet
Local	Collector	30 feet	30 feet <sup>1</sup>
Collector	Collector	30 feet <sup>1</sup>	30 feet <sup>1</sup>
Arterial	Local	Restricted	75 feet

Arterial	Collector	Restricted	75 feet <sup>1</sup>
Arterial	Arterial	Restricted	Restricted
<b>Commercial and Industrial Driveways</b>			
Local	Local	30 feet	30 feet
Local	Collector	30 feet	30 feet
Collector	Collector	75 feet	75 feet
Arterial	Local	125 feet <sup>2</sup>	75 feet
Arterial	Collector	125 feet <sup>2</sup>	75 feet
Arterial	Arterial	125 feet <sup>2</sup>	125 feet <sup>2</sup>

**TABLE**  
<sup>1</sup> Applies to multifamily driveways only. See Section 10.401, *Access to Single-Family and Duplex Lots* for other housing types.  
<sup>2</sup> A variance is required for corner lots with arterial street frontage where the required corner clearance cannot be met as a result of its lot width or depth.

**NOTES:**

- If the dimensions of an existing lot and the absence of a reasonable opportunity for shared access make compliance with Subsection F.1. impractical, then right-in, right-out access may be permitted at the farthest available point away from the intersection. For example, a light automobile service use (e.g., a gas station) that cannot establish shared access with neighboring properties may be permitted to have two right-in, right-out access points (one on each frontage), provided that they are located as far away from the intersection as possible.
- Where ownership allows, and the geometry of the street intersection warrants, the minimum corner clearance shall be greater than shown in Table 10.403C, *Minimum Corner Clearance*.

**Sec. 10.404 Access Dimensions**

- General.** The dimensions of access points are based on the peak hour trip generation volume of the uses to which access is to be provided. Peak hour trips may be allocated to one or more proposed access points. A qualified engineer shall provide the calculations for peak hour trip generation and assignment to proposed access points. However, the low impact uses described in subsections B. and C. are not required to provide calculations by an engineer with respect to trip generation and assignment.
- Single-Family, Twin Home, and Duplex Lots.** Each lot that contains a single-family, twin home, or duplex shall have no more than two driveway connections along any street frontage. Driveway width shall not exceed the width set out in Table 10.404A, *Maximum Width of Access*.

Table 10.404A Maximum Width of Access		
Use Classification	Standard	Maximum Access Width (ft.)
Single-Family Residential	One-car garage (max. width)	12
	Two-car garage (max. width)	22
	Three-car garage (max. width)	25
Twin Home and Duplex	Two, one-car garages (max. width)	24
	Two, two-car garages (max. width)	27

- Low Volume Presumption.** The following uses are presumed to required only a single low volume access point, as described in Table 10.404B, *Access Standards, General*, or, if located within the Urban Center district, Table 10.404C, *Access Standards, Urban Center*. Uses that are presumed to be of low impact pursuant to this subsection shall not require additional analysis for so long as the conditions of this subsection are met:

1. All residential development of less than 30 units which is not of a type that is subject to subsection B.
2. All nonresidential development, except light automobile service / gasoline station, in which less than 5,000 square feet of floor area is served by the access point.

**D. Standard Dimensional Requirements.**

1. In all districts except Urban Center, the access standards of Table 10.404B, *Access Standards, General* apply.

Table 10.404B Access Standards, General						
Access Type	Maximum Peak Hour Volume	Access Lanes and Lane Widths	Reservoir	Radius Return by Street Functional Classification		
				Arterial	Collector	Minor
Low Volume	50 trips	12 ft. ingress; 12 ft. egress	25 ft.	25 ft.	20 ft.	15 ft.
Mid-Volume	200 trips	14 ft. ingress; 4 ft. median; 2 12 ft. egress <sup>1</sup>	50 ft.	30 ft.	20 ft.	15 ft.
High Volume	500 trips	14 ft. ingress; 4 ft. median; 2 12 ft. egress <sup>1</sup>	100 ft.	35 ft.	30 ft.	20 ft.

**TABLE NOTE:**  
<sup>1</sup> Only 1 egress shall be required if the access point is configured as a right-in, right-out access.

2. In the Urban Center district, the access standards of Table 10.404C, *Access Standards, Urban Center District* apply.

Table 10.404C Access Standards, Urban Center District						
Access Type	Maximum Peak Hour Volume	Access Lanes and Lane Widths	Reservoir	Radius Return by Street Functional Classification		
				Arterial	Collector	Minor
Low Volume	150 trips	12 ft. ingress; 12 ft. egress	25 ft.	25 ft.	20 ft.	15 ft.
Mid-Volume	300 trips	12 ft. ingress; 2 11 ft. egress <sup>1</sup>	25 ft.	25 ft.	20 ft.	15 ft.
High Volume	500 trips	14 ft. ingress; 4 ft. median; 2 11 ft. egress <sup>1</sup>	50 ft.	30 ft.	25 ft.	20 ft.

**TABLE NOTE:**  
<sup>1</sup> Only 1 egress shall be required if the access point is configured as a right-in, right-out access.

**E. Measurement of Reservoir.** Generally, the reservoir indicated in Tables 10.404B, *Access Standards, General*; and 10.404C, *Access Standards, Urban Center District*, is measured from the property line to the edge of the first parking space or aisle. However, the reservoir may be measured from the edge of pavement of the adjacent street if it is demonstrated that:

1. Measurement from the edge of pavement allows for an improved site design; and
2. It is not anticipated that the adjacent street will be widened for at least 25 years.

**F. Peak Hour Volume in Excess of 500 Trips.** If the peak hour volume of an individual access point

exceeds 500 trips, the access point shall be designed as a street intersection. Further access to lots or parking areas shall be evaluated according to the standards of this Division (e.g., the corner clearance standard will apply to the distance from the intersection to the first internal access connection, and the reservoir standard will apply to the distance between the connection and the first parking space).

- G. **Alternative Design.** The City Engineer may require that access points be configured as right turn in, right turn out when the provision of left turn access would result in significant disruption of traffic flow on the public street.

### **Sec. 10.405 Common Access and Internal Cross Access**

- A. **Separate Ownership; No Common Plan of Development.** Where adjacent properties are separately owned and not part of a common plan of development, the City may require common access or internal cross access as the parcels are developed, substantially improved, or redeveloped. As such, an applicant may be granted temporary individual access if:
1. The applicant demonstrates that a reasonable offer with regard to cross-access was refused by the adjacent landowner; and
  2. The applicant records a covenant acceptable to the City to ensure that the connection will be provided and access will be consolidated upon the earlier of:
    - a. Approval for development, substantial improvement, or redevelopment, of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
    - b. The applicant's parcel and the adjacent parcel coming under common ownership; and
  3. The applicant demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic.
- B. **Common Ownership or Common Plan of Development.** Phased development, development sites under the same ownership, or development sites that are consolidated for the purposes of development and comprised of more than one building are considered unified parcels. Unified parcels shall provide access as follows:
1. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for the site's frontage; and
  2. Access to outparcels shall be internalized using the shared circulation system and designed to avoid excessive movement across parking aisles or queuing across surrounding parking and driving aisles.
- C. **Terms.** The City may require that common and cross access easements include one or more of the following:
1. Sufficient width to accommodate a two-way access between properties, designed to accommodate automobiles and service and loading vehicles.
  2. Stub-outs and other design features to allow abutting properties to be tied in to provide future cross access.
  3. Linkage to other cross access drives in the area.
- D. **Location of Cross-Access.** The location of the connections shall be set by the City in accordance with the following:
1. Shallow sites (less than 200 feet deep) with buildings positioned at or near the front setback



line shall provide access along the rear property lines.

2. Shallow sites (less than 200 feet deep) with buildings positioned at or near the rear setback line shall provide connections aligned with their edges along the sidewalk in front of the buildings.
  3. Deep sites (200 or more feet deep) with outparcels shall provide cross-access points as follows:
    - a. To all outparcels, in order to connect them to the parking and circulation areas of the principal parcel;
    - b. On side lot or parcel lines of the principal lot or parcel, behind any outparcels that are located within 60 feet of said side lot or parcel lines, in order to permit movement through the area; and
    - c. On side lot or parcel lines of the principal lot or parcel, aligned with edges along the sidewalk in front of the buildings.
- E. **Dimensions of Cross-Access.** Cross access easements shall include at least 24-feet of pavement width.
- F. **Approval and Recording of Easements.**
1. Access that is shared by adjacent properties, whether under single or separate ownership, requires that an appropriate legal instrument to ensure continued shared access be approved by the City and recorded in the official public record at the applicant's expense. The recorded book and page number shall be referenced on any subsequent subdivision plats of the property.
  2. If there is an existing shared access for which there is no recorded legal documentation, such documentation shall be executed and recorded as provided in subsection D.1.

### Sec. 10.406 Number of Access Points

- A. **General.**
1. Generally, the maximum number of access points allowed will be the smallest number of access points that are necessary to accommodate the peak hour demands of the site. For example, if a use in the Commercial, General (CG) district generates 300 peak hour trips, then it would be served by one high volume access point, not six low volume access points
  2. The maximum number of access points may be increased if:
    - a. The lot fronts on an arterial and one or more side streets of lesser functional classification;
    - b. Access to the site will be provided from the streets of lesser functional classification; and
    - c. The total number of access points along the arterial frontage is reduced.
- B. **Limitation.** Nothing in this Section supersedes the other access management requirements of this Division.

### Sec. 10.407 Timing and Degree of Compliance

- A. **Generally.** Access to streets shall be provided in accordance with this Section.
- B. **Compliance with this Division.**
1. The City Council recognizes that many properties along arterials may not be in compliance with the requirements of this Division as of the effective date of this UDC, and there are many different contexts in which compliance with the standards of this Division are more or less feasible. Table 10.407, *Compliance with Access Management Regulations*, sets out five generalized situations, the access management objective with respect to the particular situation,

and the alternative methods available to the applicant for complying with the requirements of this Division.

2. Even if the requirements of Table 10.407, *Compliance with Access Management Regulations*, does not achieve strict compliance with Section 10.403, *Access Spacing and Corner Clearance*, the requirements shall be utilized if they result in wider spacing between access points than would be provided in the absence of the requirements.

Table 10.407 Compliance with Access Management Regulations		
Situation	Objective	Method of Compliance
Existing lot proposed for development does not meet arterial frontage requirements of Section 10.402, <i>Minimum Arterial Frontage</i> , but has access to a local side street.	Shift access to side streets	Lots that abut intersections of arterial streets and local streets shall take access from the local street if the access meets the corner clearance requirements of Section 10.403, <i>Access Management and Corner Clearance</i> .
Existing lot proposed for development abuts lots that are built, have individual access connections, and do not comply with spacing requirements.	Allow reasonable access for existing lots, but consolidate access at first available opportunity.	Existing access may be maintained, but if thresholds of Subsection C. are met, then compliance with Section 10.405A is required. If there is no existing access, then temporary access may be created upon demonstration of compliance with Section 10.405A.
Existing lot proposed for development does not conform to Section 10.402, <i>Minimum Arterial Frontage</i> and at least one abutting lot under separate ownership is not developed.	Allow reasonable access for existing lot, and ensure that future development will have shared or cross access as necessary to ensure compliance with this Division.	Provide access in compliance with the access spacing and corner clearance standards of Section 10.403, <i>Access Spacing and Corner Clearance</i> and provide for future common access as will ensure implementation of such standards as provided in Section 10.405, <i>Common Access and Internal Cross Access</i> .
Existing lot proposed for development abuts another lot that is under common ownership with the lot proposed for development.	Ensure that development of commonly owned property does not frustrate City's access management objectives.	Lots shall be consolidated, if necessary, to meet the minimum frontage required by Section 10.402, <i>Minimum Arterial Frontage</i> and meet the access spacing and corner clearance standards of Section 10.403, <i>Access Spacing and Corner Clearance</i> ; or applicant provides for common access (Section 10.405) and the common access meets the requirements of Section 10.403, <i>Access Spacing and Corner Clearance</i> to the maximum extent possible.
Lot proposed for development abuts another lot which has recorded a covenant pursuant to Section 10.405, <i>Common Access and Internal Cross Access</i> .	Ensure that recorded common access and cross access covenants are carried out.	Common access or internal cross access is provided as set out in the recorded document. If the common access point would prevent an adjacent undeveloped lot from complying with this Division, then a covenant to provide common or cross access shall be provided as set out in Section 10.405, <i>Common Access and Internal Cross Access</i> .

**C. Timing of Compliance with this Division.**

3. New development and subdivision shall demonstrate compliance with this Division for each required development approval.
4. Properties with access connections that do not meet the requirements of this Division shall be brought into compliance to the greatest extent possible when modifications to the roadway are made or when a change in use results in one or more of the following conditions:
  - a. A connection permit is required.
  - b. Site review or platting is required.
  - c. The site experiences an increase of 20 percent or greater in peak hour trips or 100 vehicles per hour in the peak hour, whichever is less, as determined by one of the following methods:
    - i. An estimation based on the Institute of Traffic Engineers ("ITE") Trip Generation

- manual (latest edition) methodology for typical land uses, or
  - ii. Traffic counts made at similar traffic generators located in the City, or
  - iii. Actual traffic monitoring conducted during the peak hour of the adjacent roadway traffic for the property.
5. If the principal activity on a parcel with access connections that do not meet the regulations of this Division is discontinued for a period of one year or more, then upon establishment of any use, the parcel must comply with all applicable access requirements of this Division to the greatest extent possible.

### **Sec. 10.408 Modification of Access Management Requirements**

- A. **Reduction of Spacing Requirements.** The spacing requirements of Section 10.403, *Access Spacing and Corner Clearance*, may be reduced in any of the following circumstances:
1. Spacing may be based on an assessment of the individual safety and operational considerations of the proposed connection if:
    - a. Current average daily trip ("ADT") volume on the segment of the arterial upon which the proposed development fronts is below 2,000; and
    - b. It is demonstrated that there is little, if any, potential for development within 25 years that would raise the ADT to more than 2,000.
  2. Where adequate access connection spacing cannot be achieved (for example, if the depth of an existing block is less than the distance required between intersections), the City may permit lesser spacing when shared access is established with an abutting property. A shared access agreement shall be executed and recorded as provided in Section 10.405, *Common Access and Internal Cross Access*.
  3. Where no other alternatives exist, construction of an access connection may be allowed along the property line farthest from the intersection or closest access. To provide reasonable access under these conditions, but also provide the safest operation, consideration should be given to designing the driveway connection to allow only the right-in turning movement or only the right-in/right out turning movements if feasible. In such a case, the applicant shall demonstrate that:
    - a. The inability to meet the access spacing requirements was not due to the owner subdividing the property after the effective date of this UDC without providing internal access;
    - b. A reasonable offer with regard to cross-access was refused by the adjacent landowner; and
    - c. A covenant acceptable to the City to ensure that the connection will be provided and access will be consolidated upon the earlier of:
      - i. Approval for development, substantial improvement, or redevelopment, of the adjacent property, if providing such connection is a requirement of the approval; or
      - ii. The applicant's parcel and the adjacent parcel coming under common ownership; and
    - d. Failure to comply with the access spacing requirements will not materially affect the safe and efficient flow of traffic.
  4. If natural resource (e.g., wetland or floodway) protection requires an alternative access.
- B. **Increase of Spacing Requirements.** The City may require greater access spacing if the use will generate significant truck traffic.

- C. **Waiver of Street Intersection Spacing.** The spacing of street intersections may be reduced if:
1. There is no alternative that would bring one or more roads to connection points opposite a local road on the opposite side of the street and avoid the staggered intersection;
  2. The City Engineer determines that the location is not a safety hazard; and
  3. The applicant makes intersection improvements, including bi-pass lanes or deceleration lanes (as recommended by the City Engineer), which would not otherwise be required if the intersection was spaced according to this Division.

## Division 10.500 Exterior Lighting Standards

### Sec. 10.501 Nonresidential Lighting Standards

- A. **Generally.** The maximum permitted illumination and the maximum permitted luminaire height shall conform with this Section.
- B. **Free-Standing Fixtures.** Free-standing light fixtures shall comply with the requirements of Table 10.501A, Free-Standing Fixture Requirements.

Table 10.501A Free-Standing Fixture Requirements				
Fixture Type	Athletic Field Lighting	Parking Lot Lighting	Pedestrian Lighting	Uplights
Description	Pole-mounted lighting for recreational uses such as ball diamonds, playing fields, driving ranges, and tennis courts	Luminaires mounted on poles	Luminaires mounted on poles, or bollards with incorporated light fixtures	Ground-mounted flood lights or lights recessed into sidewalks
Maximum Height (ground to highest point on fixture or support structure)	80 ft. for fields, ranges, and diamonds; 30 ft. for courts	25 ft.	15 ft.	2 ft.
Luminaire Design (cut-off or no-cut-off)	Cut-off luminaires only	Cut-off luminaires only	Generally, cut-off luminaires are required. No-cut-off luminaires are allowed for ornamental post lighting fixtures in the UC district and the center subdistrict of traditional neighborhood developments	Cut-off luminaires only
Other Requirements	If the lighting is within 300 feet of a residential district, lights shall be turned off by 10:00 PM	NA	NA	Generally, allowed for illumination of signs and flags only. May also be used to illuminate tree canopies or sidewalks in the UC district and the center subdistrict of traditional neighborhood developments.

C. **Wall-Mounted Lighting.** Wall-mounted lighting fixtures shall comply with the requirements of Table 10.501, *Wall-Mounted Fixture Requirements*.

Table 10.501B Attached Fixture Requirements				
Fixture Type	Awning or Signs	Decorative Sconce	Canopy	Security
Description	Lights over awnings (e.g., gooseneck lamps)	Sconces on building walls	Lights under service canopies (e.g., at light automobile service stations)	Building-mounted floodlights that face away from the building
Where Allowed	Non-residential Uses	Any district	Non-residential Uses	Any district
Luminaire Design (cut-off or no-cut-off)	Cut-off luminaires only	No-cut-off luminaires are allowed if installed not more than 15 feet above ground level. Fixtures that are installed more than 15 feet above ground level shall be cut-off luminaires.	Cut-off luminaires only (see below for special requirements)	Generally, cut-off luminaires are required. No-cut off luminaires (e.g., motion-sensor floodlights) are allowed on residential buildings, provided that they are set back at least 20 feet from lot lines and angled so that they do not shine into windows of buildings on abutting lots.
Other Requirements	Internal lighting of awnings is not allowed	NA	All luminaires shall be recessed into the underside of the canopy so that no point source of light can be viewed from off-site from a height of four feet (to protect automobile drivers from glare).	Security lighting shall not be used as a substitute for parking lot lighting.

D. **Maximum Illumination.** All exterior lighting fixtures (free-standing or attached) shall comply with the following requirements.

1. Outdoor lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to such adjacent properties. Where no-cut-off fixtures are allowed, areas where such fixtures are not allowed shall be protected in one or more of the following ways:
  - a. The no-cut-off fixtures shall be set back a distance of two times the height of the fixture from the areas where such fixtures are not allowed; or
  - b. Intervening buildings or landscaping shall buffer the view to the no-cut-off fixture from the areas where such fixtures are not allowed.
2. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths foot-candle, measured vertically, and three-tenths foot-candle, measured horizontally, on adjacent properties.
3. The ground-level luminance ratio (the ratio between the luminance of the brightest point on the property and the darkest point on the property) shall not exceed 12 to one.

**Sec. 10.502 Public Safety and Public Nuisance**

- A. **Generally.** The City may require the modification or removal or limited operation of existing or new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this Section.
- B. **Hazards.** Criteria for finding illumination to be a public hazard are as follows:

1. Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.
  2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.
- C. **Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:
1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property.
  2. A high frequency and/or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property.
  3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.

## ARTICLE 11 LANDSCAPING

### Division 11.100 Purpose and Application of Article

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#### Sec. 11.101 Purpose of Article

The purpose of this Article is to provide the detailed landscaping standards for all development, including landscaping for street trees, buildings, residential lots, open spaces, parking lots, and bufferyards. It also contains standards for installing and maintaining landscaping materials. The standards are intended to protect and preserve the appearance and character of the community, to promote the health and quality of life of the residents of the City through the protection of specified trees located on property within the City. In particular, landscaping and tree protection protects the area's natural heritage, conserves water, moderates the heat island effect, and reduces runoff. In bufferyards, landscaping mitigates conflicts between uses and minimizes the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an adjoining or nearby use.

#### Sec. 11.102 Application of Article

- A. **Generally.** This Article requires two general types of landscaping: development landscaping, which is the subject of [Division 11.200, \*Development Landscaping\*](#); and bufferyards, which are the subject of [Division 11.300, \*Bufferyards\*](#), as follows:
1. *Development Landscaping.* Development landscaping is the landscaping that is required regardless of the location of the proposed development with respect to other development. There are four types of development landscaping: lot and building landscaping; open space landscaping; parking lot landscaping; and street trees. No area of development landscaping shall be used to calculate more than one type of landscaping requirement (e.g., a parking lot corner is an area of parking lot landscaping, is not counted for the purposes of open space or lot and building landscaping).
  2. *Bufferyard Landscaping.* Bufferyards are contextual. That is, they are required based on the zoning, development type, or right-of-way type that abuts proposed development. Bufferyards may be required along district boundaries, along street and railroad rights-of-way, and along the boundaries of parking lots. Generally, bufferyards must be provided as required by [Division 11.300, \*Bufferyards\*](#). However, other sections of this UDC may require additional buffering.
- B. **Applicability of Standards.** Except as provided in subsection C., the standards of this Article apply to all new development, redevelopment, or [substantial improvements](#) to existing sites or buildings.
- C. **Exceptions.** The following are exceptions to the standards of this Article:
1. Individual lots of record that are used for existing single-family or two-family dwellings unless a specific requirement is set out in this UDC (e.g., in Section [2.402, \*Alternative Setback Standards for Neighborhood Conservation District\*](#)).
  2. Modifications to nonresidential buildings where the redevelopment does not expand the use by more than ten percent or 3,000 square feet, whichever is less.
  3. Development that was approved in East Baton Rouge Parish prior to the effective date of this UDC shall comply with the terms of the development approval (and not this Article) to the extent that alternative landscaping requirements are already specified. Such approved development shall not be required to install bufferyards if there is insufficient land area identified on the

approved plans to accommodate them.

- D. **Landscaping Requirements.** Landscaping may be required in any of the following areas pursuant to this Article:
  1. Around the perimeter of the parcel proposed for development (bufferyards);
  2. Along streets within and surrounding the parcel proposed for development (street trees);
  3. In the yards of individually-owned lots within a parcel proposed for development (*e.g.*, single family lots);
  4. In nonresidential development, around the foundation of nonresidential buildings (*e.g.*, shopping centers or individual commercial buildings);
  5. In commonly owned or dedicated open spaces; and
  6. In and around parking lots.
- E. **Calculations.** No area of a parcel proposed for development shall be counted more than once for the purposes of applying landscaping requirements.

## **Division 11.200 Development Landscaping**

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### **Sec. 11.201 Lot and Building Landscaping**

#### **A. General.**

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

#### **B. Lot Landscaping.**

1. *Generally.* Lot landscaping is required as described in Table 11.201A, *Lot Planting Requirements*.
2. *Substitution of Understory Trees for Canopy Trees.* Understory trees may be substituted for canopy trees if the dimensions of the lot are such that the canopy trees would not have room to grow to a full canopy without conflicting with buildings or each other. For the purposes of this substitution, one canopy tree equals two understory trees.

<b>Table 11.201A Lot Planting Requirements</b>		
<b>Lot Width</b>		
<b>50 feet or less</b>	<b>More than 50 feet, Less than 80 feet</b>	<b>More than 80 feet</b>
1 canopy tree per 2 lots	2 canopy trees	2 canopy trees, at least one must be in front yard

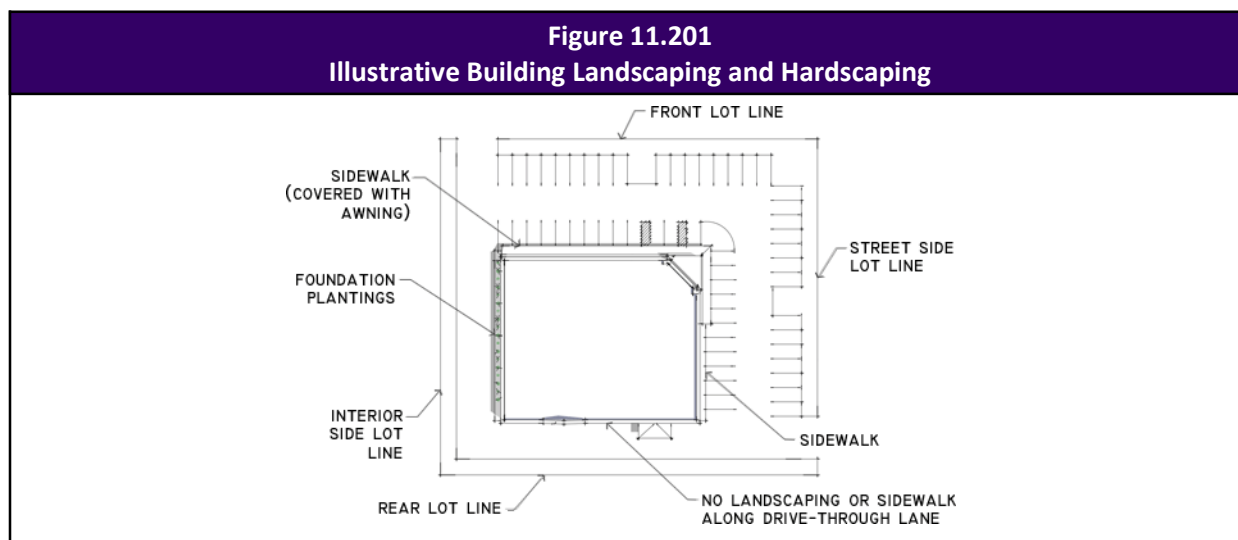
3. *Ground Covers and Sod.* Areas of residential lots that are not covered by buildings, driveways, swimming pools, or other hard surfaces shall be sodded or planted with permitted ground covers



as set out in Appendix B, *Plant Lists*. unless they are covered by woodlands, crops, or feedstock.

**C. Building Landscaping or Hardscaping.**

1. *Generally.* Multifamily and nonresidential buildings shall be surrounded by planting areas and / or sidewalks with a minimum width as set out in *Table 11.201B, Building Landscaping Requirements*. Planting areas count towards the landscape surface ratio. Sidewalks do not.
2. *Awnings and Roof Overhangs.* Awnings and roof overhangs may extend into building landscaping or hardscaping areas.
3. *Location.* The planting areas and / or sidewalks are not required in areas that are designed for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with the service window, but shall be installed between parking spaces and the building. *See Figure 11.201, Illustrative Building Landscaping and Hardscaping.*



4. *Required Planting.*

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

Table 11.201B Building Planting Requirements							
District					Minimum Radius Around Building		
					Facade (Front or Side)	Interior Side	Rear
CG	BP	I	CC		6 ft. (may be any combination of sidewalk or planting area)	5 ft. (may be sidewalk or planting areas)	3 ft. (may be concrete or planting areas)
RE	RS	RU	RR	CN	At least 5 ft. wide planting area between building and parking lot (a sidewalk may be located on either side of the planting area) <sup>1</sup>	At least 5 ft. wide planting area from building foundation <sup>1</sup>	

**TABLE NOTE:**

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

**Sec. 11.202 Open Space Landscaping**

A. **Generally.** Open space landscaping is that landscaping which is installed on designated open space tracts (*i.e.*, areas that are set aside pursuant to the required open space ratio, or otherwise designated as commonly owned open space even if not required by this UDC).

B. **Exceptions.**

1. *General Exceptions.* The area to which open space landscaping requirements applies does not include any open spaces that are in the following categories:
  - a. Areas that are not dedicated as open space tracts or under common ownership by a property owners' association.
  - b. Areas within required bufferyards, even if commonly owned (bufferyards are regulated by [Division 11.300, Bufferyard Requirements](#)).
  - c. Areas within and within 15 feet of ball fields, playing courts, and similar play areas (including bleachers or seating areas for spectators), which are designed to be free of trees and landscaping. However, where the perimeter of such an active recreation area is within 30 feet of one or more residential lots, the perimeter shall be planted with a Type C Bufferyard. *See* [Division 11.300, Bufferyard Requirements](#).
  - d. Parking areas for recreation facilities in the open space (parking lot landscaping is regulated by [Section 11.203, Parking Lot Landscaping](#)).
  - e. Waterbodies and wet detention basins.
  - f. Wooded areas that are designated as open space tracts. For the purposes of identification, the boundaries of the wooded areas follows the canopy line.
2. *Limited Exceptions.* The area within wetlands that are dedicated as open space does not have to be landscaped. However, invasive exotic species (if present) shall be removed and replaced with native wetland species unless the City finds that the cost of removal and replacement is unreasonably excessive in relation to the cost of the proposed development. Landscaping installed near wetlands shall be composed of species that are tolerant of a high water table.

C. **Planting Requirements.**

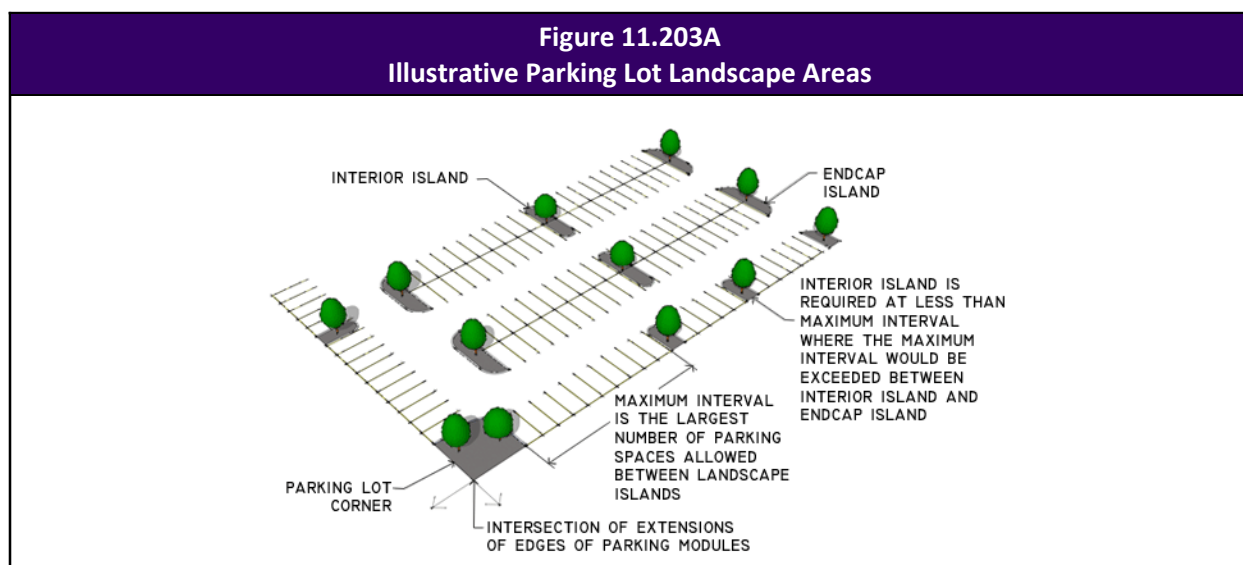
1. *Generally.* Open space landscaping is required as described in [Table 11.202, Open Space Landscaping Standards](#).
2. *Substitution of Canopy Trees for Evergreens and Understory Trees.* Canopy trees may be substituted for understory trees or evergreen trees if the dimensions of the open space tract are such that the canopy trees would not have room to grow to a full canopy without conflicting with buildings or each other. For the purposes of this substitution, one canopy tree equals two understory trees or 1.5 evergreen trees.

Table 11.202 Open Space Planting Requirements					
District					Minimum Number of Canopy Trees Per Acre
CG	UC	CC	BP	I	4
CN	RE	RS	RU	RR	5

3. **Ground Cover.** Open space areas shall be planted with ground covers to prevent erosion and windblown dust. Mulch may be used in areas under the canopy of trees and in beds in which shrubs are planted.
- D. **Distribution.** Open space landscaping should be distributed around the area of open space to serve the following priorities, in order:
1. To give trees adequate room for healthy growth and stability.
  2. To enhance the landscaping's contribution to the ecological or buffering function of the open space tract (e.g., to prevent erosion, to buffer streams, or to buffer land uses from each other).
  3. To contribute to the aesthetics of the parcel proposed for development and adjacent streets.

### Sec. 11.203 Parking Lot Landscaping

- A. **Generally.** Parking lot landscaping is required within and around parking lots that contain more than five parking spaces.
- B. **Exemptions.** Farmsteads, single-family dwellings, and two-family dwellings are not required to provide parking lot landscaping.
- C. **Parking Lot Landscape Areas.** Landscaping is required in all of the following areas:
1. At the ends of parking aisles, planted in endcap islands that are not less than 10 feet wide and 40 feet long, with 10 foot curb radii on the side that faces outward from the parking aisle.
  2. In the middle of parking rows, planted in interior islands that are not less than 10 feet wide and 40 feet long, with 5 foot curb radii at both ends, at intervals required by subsection C., below.
  3. At the corners of parking lots, planted in corner islands, which are the area defined by the extension of the edges of intersecting parking modules. *See Figure 11.203A, Illustrative Parking Lot Landscape Areas.*

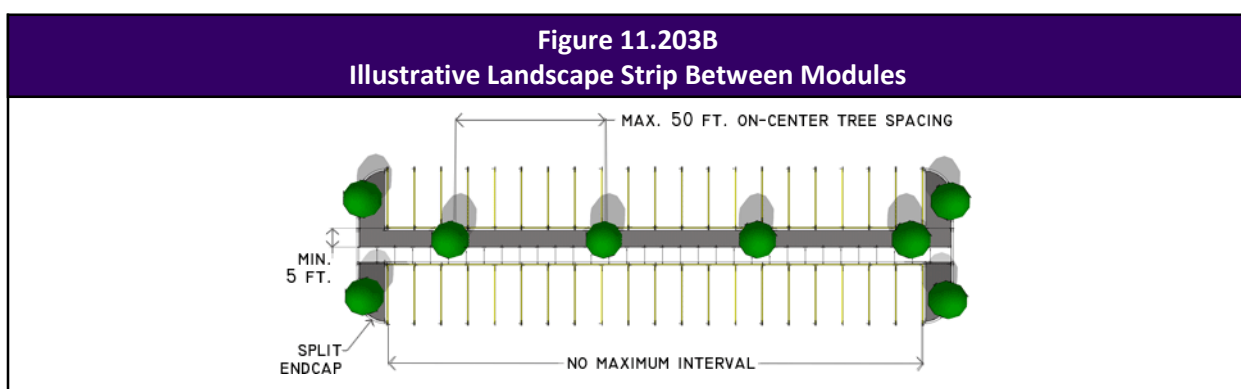


- D. **Required Landscaping.** Parking lot landscape islands shall be provided at the maximum intervals described in Table 11.203, *Maximum Interval Between Landscape Islands* (see Figure 11.203A, *Illustrative Parking Lot Landscape Areas*, for illustration of maximum interval), and planted as follows:

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

Table 11.203 Maximum Interval Between Landscape Islands					
District					Maximum Interval Between Landscape Islands
CG	UC	CC	BP	I	10 spaces
CN	RE	RS	RU	RR	8 spaces

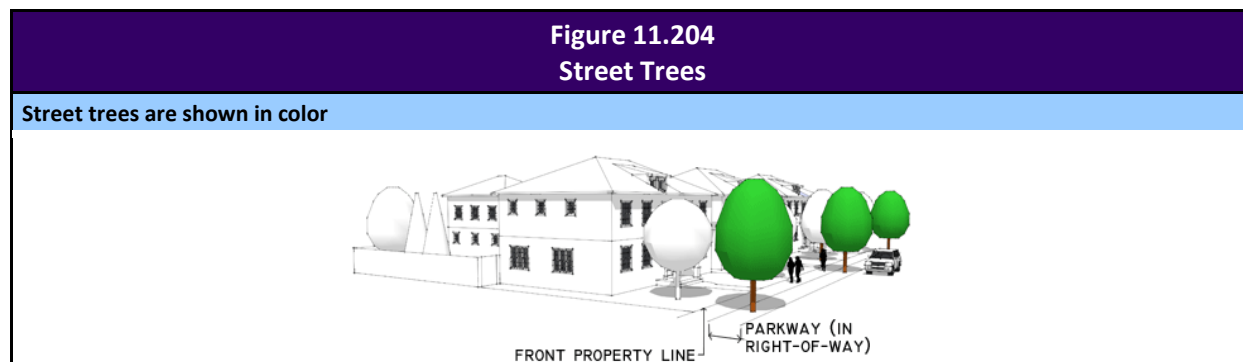
- E. **Alternative Maximum Interval.** The maximum interval may be modified as follows:
1. The maximum interval may be increased up to 75 percent to accommodate landscape islands that preserve existing trees in place, provided that:
    - a. The trees are healthy, non-invasive, and at least five years old; and
    - b. The landscape island is large enough to maintain the health of the tree.
  2. The maximum interval may be waived where parking modules are separated by a landscape strip, provided that at least five feet of the width of the strip is landscaped (other areas may be curb or sidewalk) with trees that are appropriate for street tree use, planted at intervals of not less than 50 feet on center. Endcap islands that are divided by landscape strips shall be planted with two canopy trees or four understory trees. See Figure 11.203B, *Illustrative Landscape Strip Between Modules*.



- F. **Use of Islands for Stormwater Treatment.** Wherever possible, landscape islands shall be designed to incorporate storm water runoff best management practices ("BMPs"), by incorporating vegetated swales, bio-infiltration, and other types of water quality measures. These areas may have to exceed the minimum areas required by subsection C., above, in order to meet engineering requirements.

**Sec. 11.204 Street Trees**

- A. **Generally.** Street trees are trees that are planted within the street right-of-way, either in parkways, tree grates in sidewalks, or medians. Street trees are required:
1. In the UC district, along new rights-of-way (if created), and along existing rights-of-way in front of redeveloped properties where there is at least 5 feet of parkway or sidewalk width within which street trees could be planted, while still providing for at least five feet of clear sidewalk (however, street trees are not required along State highways if the state does not permit them);
  2. Along both sides of all new streets in the center and general subdistricts of traditional neighborhood developments; and
  3. Along both sides of new streets in Urban Residential, Business Park and Industrial districts.



- B. **Types and Species of Street Trees.** To maintain a consistent appearance along individual street segments:
1. All street trees shall be canopy trees that are suitable for installation in the space within the parkway or within a tree grate, as applicable, unless the understory trees are approved for specific effect in limited area pursuant to subsection B.2., below.
  2. Understory trees may be approved in parkways, provided that:
    - a. 1.6 understory trees are provided for each canopy tree that would otherwise required, and spacing between trees is proportionately reduced; and
    - b. The understory trees are used in areas where buildings are close to the parkway, such that the installation of canopy trees would create a likely conflict between the street trees and the nearby buildings.
  3. The trees planted in a landscaped median shall be of a different species from those planted in the parkways. If the parkways are planted with canopy trees, then medians may be planted with understory trees instead of canopy trees.
- C. **Location.** No street trees other than understory trees are planted under or within five lateral feet of any underground water line, sewer line, transmission line or other utility. The City may further limit the species of understory trees that are allowed in these locations to minimize interference with utilities.
- D. **Spacing.**
1. *Minimum Spacing.* No trees may be planted closer than 25 feet together, except that special plantings may be clustered if the cluster does not negatively affect the continuing health of the clustered trees, and the cluster is approved in the landscape plan of the plat or land development.

2. **Maximum Spacing.** Street trees shall be spaced not more than 60 feet on center for trees with large canopies (e.g., live oaks), or 40 feet on center for trees with smaller canopies. If the parkway or median is more than 16 feet in width and does not contain open ditch drainage, then canopy trees shall be installed in two rows, with trees staggered, each row spaced not more than 60 feet on-center.
- E. **Maintenance.** Street Trees required by this UDC shall be maintained by a developer, lot owner, tenant, property owners' association or other entity having a legal interest in the ownership of the subdivision or lots in the subdivision. The entity that is in charge of the maintenance shall be indicated on the landscape plan, and documentation (e.g., covenants, conditions, and restrictions) shall be provided to the City that shows the legal obligation of the entity to perform the maintenance.
  - F. **Replacement.** If the City or a utility provider must remove trees to access utilities for repair or maintenance, then the developer or property owners' association shall pay the cost of removal and shall replace the trees within 30 days of the completion of the work unless the City Engineer determines that replacement would put utilities at material risk.

## Division 11.300 Bufferyards

### Sec. 11.301 Bufferyard Classifications and Bufferyard Model

- A. **Generally.** Bufferyards are classified from less opaque ("Class A") to more opaque ("Class E"). The width and composition of bufferyards shall be as set out in Table 11.301, *Bufferyard Classifications*.

Table 11.301 Bufferyard Classifications							
Type	% Opacity	Width	Required Plantings per 100 Linear Feet				Berm or Opaque Wall or Fence
			Canopy Trees	Evergreen Trees	Understory Trees	Shrubs	
Type A	10%	5 ft.	1	1	1	10	-
Type B	23%	10 ft.	2	2	2	20	-
Type C	52%	25 ft.	3	3	3	30	3 foot high berm, wall, or fence
Type D	74%	40 ft.	3	3	3	30	6 foot high berm, wall, or fence
Type E	99%	50 ft.	4	4	4	40	6 foot high berm, wall, or fence

- B. **Bufferyard Model.** A bufferyard model is provided to provide flexibility with respect to bufferyard width and planting requirements. The bufferyard model is on-line at [\\*\\*\\*](#), by pressing the "BufferBuilder" button on the left-hand side of the screen. The applicant may use the bufferyard model to reduce the width of required bufferyards by specifying one or more bufferyards with the same or higher opacity than required by this Division or other applicable standard of this UDC (opacities for bufferyard types are shown in the second column of Table 11.301, *Bufferyard Classifications*), when the application of the standards of this Article would consume a disproportionate share of the land area of the parcel proposed for development in one or both of the following ways:
  1. If the open space ratio or landscape surface ratio specified for the proposed development in [Article 2, District Intensity and Development Standards](#), would be exceeded by more than 50 percent by the application of the standards of this Division. For example, if the requirement in [Article 2](#) is 20 percent open space, then, since 50% x 20% = 10%, if the application of this Article results in more than 30 percent open space (20% required + 10% additional), then the bufferyard model may be used.
  2. If the requirements of this Division would result in an area of bufferyards that occupies more

than 20 percent of the parcel proposed for development.

- C. **Minimum Width.** No part of a required bufferyard shall be reduced to a width of less than three feet.

**Sec. 11.302 District Bufferyard Standards**

- A. **Generally.** Table 11.302, *District Boundary Bufferyard Standards*, sets out the classification of bufferyard that is required between zoning districts that are not separated by a public street. The table is a matrix in which all districts are shown. Rows show the zoning of the parcel proposed for development, and columns show the zoning of the adjoining land. Two letters are shown for each condition (for example, A and C). The bufferyard required for the proposed use is listed first. The letter listed second is the buffer that is required on the adjoining property. A “-” means that no bufferyard is required.

Table 11.302 District Boundary Bufferyard Standards										
Zoning of Proposed Development	Adjoining District									
	RR	RE	RS	RU	CN	CC	CG	UC	BP	I
RR	-/-	-/B	-/B	-/C	-/B	-/-	-/-	-/-	-/-	-/B
RE	B/-	-/-	/B	A/B	-/C	A/C	A/C	A/D	A/C	A/E
RS	B/-	A/A	-/-	A/B	A/A	A/C	A/C	A/C	A/C	A/D
RU	C/-	B/A	B/A	-/-	A/A	A/B	A/B	A/A	A/B	A/C
CN	-/A	-/A	-/A	-/B	-/C	-/C	-/C	-/C	-/B	-/E
CC	B/-	B/A	B/A	B/A	-/-	-/-	-/-	-/A	A/A	A/C
CG	-/-	C/A	C/A	B/A	C/-	-/-	-/-	-/-	A/A	-/B
UC	-/-	D/A	C/A	A/A	C/-	-/-	-/-	-/-	-/A	-/B
BP	-/-	E/A	D/A	C/A	A/A	B/A	B/A	A/-	-/-	A/B
I	B/-	E/A	D/A	C/A	C/A	B/-	B/-	B/-	B/A	A/A

- B. **Existing Adjacent Development without Bufferyards.** Where the adjoining property is already developed and does not have the required bufferyard, the proposed development shall provide a bufferyard of the next most opaque classification than the more opaque of the two bufferyards required (e.g., if the requirement is C / A, and the adjoining property is already developed and does not have a bufferyard, then the developer must install a Type D bufferyard).
- C. **Relationship to Other Bufferyard Requirements.** Some uses may have different requirements for bufferyards. If bufferyards are required by another section of this UDC along property boundaries that are also district boundaries, then the more opaque bufferyard requirement shall supersede the less opaque one (only one bufferyard is required).
- D. **Buffering Existing Residential Development.** The City may require an increase in the level of opacity of a bufferyard (e.g., from Type A to Type B) between new residential development and existing residential development, if:
  1. The lot widths of the new development are less than 80 percent of the lot widths of the nearest lots of the existing development;
  2. The building height of the new development is more than eight feet taller than the building

height of the existing development; or

3. The housing types that are located on the lots that abut existing development are different from the housing types of the existing development (e.g., new townhome lots abutting existing single family detached lots).

**Sec. 11.303 Existing Trees, Fences, and Walls on Developed Property**

- A. **Generally.** Existing trees, fences, and walls may be counted towards bufferyard requirements, provided that the trees are in good health and are not invasive exotic species, and the fences or walls are in good repair.
- B. **Existing Landscaping Credit.** Credit shall be given for existing trees according to the standards of Section 11.401, *Tree Preservation Credit*.
- C. **Existing Fences and Walls.** If a fence or wall is required and there is already a fence or wall on the property line, then the City may temporarily waive the fence or wall requirement, provided:
  1. The responsible official verifies that the existing fence or wall is sturdy and in good condition;
  2. The height, opacity, and extent of the fence or wall meets the intent of this Article with regard to buffering;
  3. The applicant records an agreement with the City that includes appropriate assurances that if the fence or wall deteriorates, or is damaged, destroyed, or removed, the applicant will cause it to be repaired or replaced with a fence or wall that meets the standards of this Article;
  4. The applicant's final plat or, if no plat is required, development approval, includes an annotation regarding the applicant's responsibilities under the agreement required by subsection C.3., above.

**Sec. 11.304 Street and Railroad Bufferyard Standards**

- A. **Generally.** The bufferyard standards in Table 11.304, *Bufferyard Requirements for Roads and Railroads*, address the type of bufferyard that is required along arterial, collector, and local streets or railroads (for classifications, see Table 11.301, *Bufferyard Classifications*).

Table 11.304 Bufferyard Requirements for Roads and Railroads				
Zoning of Proposed Development	Adjoining Road or Railroad			
	Arterial	Collector	Minor	Railroad
RR	1	1	1	1
RE	C <sup>2</sup>	B <sup>2</sup>	-	D
RS	C	B <sup>3</sup>	-	D
RU	B	-	-	C
CN	A	A	-	B
CG and CC	-	-	-	A
UC	-	-	-	A
BP	B	A	A	A
I	B	B	A	3



**TABLE NOTES:**

<sup>1</sup> For agricultural or forestry use only, no buffer is required. However, residential subdivisions shall follow the requirements for the Estate Residential district.

<sup>2</sup> Single-family cluster, conservation subdivisions, and preservation subdivisions shall provide a Type D bufferyard along arterials and a Type C bufferyard along collectors.

<sup>3</sup> Not required along collectors within traditional neighborhood developments.

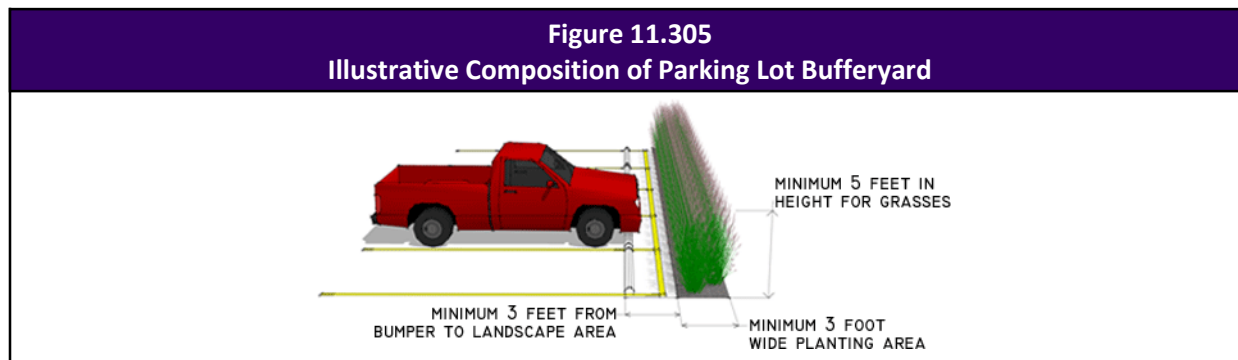
<sup>4</sup> Generally, no buffer is required. However, where there is unbuffered residential on the other side of the railroad right-of-way, a Type B buffer is required.

- B. **Credit for Street Trees.** Street trees provided according to Section 11.204, *Street Trees*, shall be counted towards the buffering requirements of this Section.
- C. **Conditional Uses.** Conditional uses may have additional bufferyard requirements.

### Sec. 11.305 Parking Lot Bufferyards

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

Figure 11.305, *Illustrative Composition of Parking Lot Bufferyard.*



## Division 11.400 Tree Preservation Credit and Tree Protection

### Sec. 11.401 Tree Preservation Credit

- A. **Generally.** Credit may be given for the preservation of existing trees and shrubs, as provided in this Section.
- B. **Condition of Existing Landscaping.** Existing landscaping is eligible for credit only if:
  - 1. It is healthy and in good structural condition;
  - 2. It is not on the prohibited plants list; and
  - 3. Except with respect to street trees (which have no limitation on location except pursuant to subsection C.2.b., below), it is located:
    - a. Within the area where the credit will be applied (e.g., trees preserved in a parking lot are counted as parking lot landscaping); or
    - b. Within 15 feet of such area and situated such that it will contribute to the purpose of the landscape area to which it is credited (e.g., a tree located within 15 feet of a bufferyard may be credited to the bufferyard if it is located between the property line and the building or use).
- C. **Location of Existing Landscaping.**
  - 1. *Generally.* Generally, credit is only available for plants that are located on the parcel proposed for development.
  - 2. *Street Trees.*
    - a. Existing street trees may be credited against street tree requirements.
    - b. The City may also approve the preservation of existing canopy that extends over the street as an alternative to the street tree requirement.
- D. **Calculation of Canopy Tree Preservation Credit.** For the purposes of the planting requirements of this Article, credit shall be given for preserved canopy trees as set out in Table 11.401, *Canopy Tree Preservation Credit*.

Table 11.401 Canopy Tree Preservation Credit		
Diameter at Breast Height of Preserved Canopy Tree		Credit Per Preserved Tree
More Than	Up to and Including	

32 inches	Any	5 canopy trees
24 inches	32 inches	4 canopy trees
16 inches	24 inches	3 canopy trees
8 inches	16 inches	2 canopy trees
4 inches	8 inches	1.5 canopy trees
2.5 inches	4 inches	1 canopy tree

- E. **Calculation of Other Landscaping Credit.** Existing healthy landscaping that is not on the prohibited plant list shall be credited against planting requirements on a one to one basis in the same category of plant material. For example, the preservation of one existing shrub reduces the planting requirement for the area where the shrub is located by one shrub.

### Sec. 11.402 Tree Removal and Planting on Public Property

No person shall remove a tree from public property, nor plant a tree on public property, except with the consent of the City Council, or as provided in an approved landscape plan that includes street tree planting requirements.

### Sec. 11.403 Tree Installation, Removal, and Replacement

- A. **Generally.** The purpose of this Section is to ensure the continued implementation of approved landscape plans and the removal and disposal of dead, diseased, or severely damaged trees on all parcels within the City, except those used for agricultural, forestry, or natural open space purposes.
- B. **Installation Locations.** Trees shall be installed in the locations indicated on an approved landscape plan. Other trees may also be installed at the discretion of the property owner, provided that:
1. Trees that are likely to grow to a height of more than 25 feet shall not be planted within 20 feet of overhead utility lines.
  2. Trees that are likely to grow to a height of more than 40 feet shall not be planted within 50 feet of overhead utility lines.
- C. **Mandatory Tree Removal.** Trees shall be removed pursuant to an order of the Public Works Director that is issued as provided in this subsection.
1. The Public Works Director may order trees to be removed from any parcel within the City, except those used for agricultural, forestry, or natural open space purposes, if any of the following conditions exist:
    - a. The trees are dead; or
    - b. The trees are damaged or diseased and cannot reasonably be saved; or
    - c. The trees are interfering with utilities and removal of the trees is the only practical option; or
    - d. The trees present a safety hazard to pedestrians or motorists;
    - e. The trees present a safety hazard to a building; or
    - f. The trees are an invasive exotic species.
  2. The Public Works Director may order trees to be removed from any agricultural, forestry, or natural open space parcel, if any of the following conditions exist:
    - a. The trees are afflicted with a communicable disease that could spread to other trees in the City; or

- b. The trees are interfering with utilities and the Public Works Director orders their removal; or
- c. The trees present a safety hazard to pedestrians or motorists; or
- d. The trees present a safety hazard to a building; or
- e. The trees are an invasive exotic species; or
- f. An approved landscape maintenance plan requires the removal of the trees.

**D. Other Tree Removal.**

- 1. Trees that are required or protected by a development approval shall not be removed unless the property owner demonstrates that:
  - a. They are dead; or
  - b. They are damaged or diseased and cannot reasonably be saved; or
  - c. A new landscape plan is approved that allows for the removal of the trees.
- 2. Lot landscaping shall be installed on single-family and duplex lots pursuant to Section 11.201, Lot and Building Landscaping, but may be removed by a subsequent owner without approval by the City.

**E. Tree Replacement.** Any tree that is required by a development approval shall be replaced with a tree that has a comparable canopy at maturity, except that replacement is optional if:

- 1. A new landscape plan is approved that does not require their replacement; or
- 2. The tree was installed on a single-family detached or duplex lot pursuant to the lot landscaping requirements of Section 11.201, *Lot and Building Landscaping*, and then removed by a subsequent owner.

### **Sec. 11.404 Tree Protection and Maintenance**

**A. Generally.** Proper pruning of trees is essential to maintaining the trees in good condition. Trees that are installed pursuant to this Article (except trees on individually owned single family and duplex lots), are considered "protected trees," and must be maintained pursuant to this Section. Violations of this section shall be corrected, if possible, or the damaged tree shall be replaced.

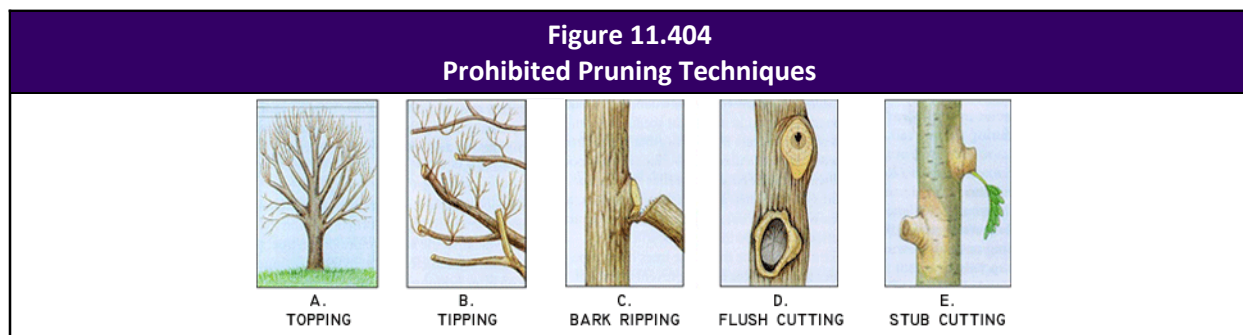
**B. Restrictions Within Drip-line or Critical Root Zone.**

- 1. No cutting or filling, nor storage of building materials or debris, nor disposal of wastes, shall take place within the larger of the drip-line or critical root zone of any protected tree.
- 2. No impervious paving shall be placed within the critical root zone of any protected tree.

**C. Prohibited Pruning Techniques.**

- 1. *Generally.* The following types of pruning are prohibited because they damage the tree and may reduce its lifespan and undermine its structural integrity:
  - a. Topping (cutting large vertical branches of the tree to reduce its height). See Figure 11.404.A.
  - b. Tipping (cutting branches between nodes). See Figure 11.404.B.
  - c. Bark ripping (cutting branches so that the bark rips when the branch falls). See Figure 11.404.C.

- d. Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree). See Figure 11.404.D.
- e. Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree). See Figure 11.404.E.



2. *Exceptions.* Trees that are damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this Section at the discretion of the Public Works Director or designee.
- D. **Tree Protection During Construction.** All trees that are not in areas to be cleared for construction shall be protected during construction as follows:
1. The larger of the drip-line or critical root zone of all protected trees shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment.
  2. All trees near any excavation or construction of any building, structure, or street work, whether on the parcel proposed for development, or on public property, shall be guarded with a good substantial fence, frame, or box. The construction tree guard shall be not less than four feet high and eight feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk at breast height ("D.B.H.") in inches, whichever is greater. All building material, dirt, or other debris shall be kept outside the construction tree guard.
  3. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of 10 feet from any protected tree without first obtaining written permission from the Public Works Director.

## **Division 11.500 Landscape Plan, Installation, and Maintenance**

### **Sec. 11.501 Landscape Plan Approval**

#### **A. General.**

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

#### **B. Contents of Schematic Landscape Plan.** The schematic landscape plan shall provide:

3. Tabular information that shows, for each landscape area required by this Article:
  - a. The surface area available for planting;
  - b. The number of canopy trees, evergreen trees, understory trees, and shrubs, perennials, or

- ornamental grasses that are required in each area; and
- c. The number of, and species of, canopy trees, evergreen trees, understory trees, and shrubs, perennials, or ornamental grasses that are provided in each area (if any conversions from one classification of plant to another are applied, the conversions shall also be shown); and
  - d. Any credits that are requested for preserving existing trees or shrubs pursuant to Section **11.401**, *Tree Preservation Credit*.
4. A plan view, drawn to scale, that shows:
- a. The location and species of each plant, showing the anticipated canopy or spread of the plant five years after installation;
  - b. The general layout of irrigation systems;
  - c. The location of existing landscaping for which credit is requested, including the diameter at breast height measurements of canopy trees; and
  - d. The location of property lines; building footprints, utility easements, and power lines.
- C. **Landscape Installation and Maintenance Plan.** A landscape installation and maintenance plan shall identify the proposed planting techniques, the short-term landscape maintenance program, and long-term landscape maintenance program for all landscaped areas except landscaping of private lots (unless a property owners' association is to maintain the landscaping on private lots). The maintenance plans shall provide a detailed explanation of the work to be done, the reason it is needed, the frequency of the work, and the estimated annual cost of the work. This is intended to be a guide to the property owners' association on the needed maintenance, and an aid to budgeting and contracting. It also informs the developer of work that needs to be accomplished prior to turning the project over to the property owners' association, and ensures continuing compliance with the City's landscape and open space standards.
- D. **Approval and Timing of Approval.**
5. Plans meeting minimum standards of this Section shall be approved. However, in reviewing the plans, adjustments in the location of plants may be required where the City finds such alterations would better serve the purposes for which they are intended.
  6. Landscape plans containing street trees and open spaces shall be submitted for approval at the primary plat application stage.
  7. Landscape plans containing site features, bufferyards and required landscaping shall be submitted for approval at the building permit stage.

### **Sec. 11.502 Species and Diversity**

- A. **Generally.** Large monocultures of plant material pose the risk of large-scale losses of landscaping in the event of species-specific disease or blight. Therefore, diversity of landscape materials is required pursuant to this Section.
- B. **Approved and Prohibited Plant Lists.**
1. *Approved Plant List.* A list of plants that are approved by the City for meeting the requirements of this Article is provided in Appendix B, *Plant Lists*. The list may be amended by resolution of the Planning Commission. Plants that are neither approved nor prohibited may be planted, but do not count towards landscaping requirements unless they are added to the approved plant list by the Planning Commission.

2. *Prohibited Plant List.* A list of plants that are not allowed anywhere in the City is provided in Appendix B, *Plant Lists*. Prohibited plants must be removed from parcels proposed for development prior to the issuance of a certificate of occupancy.
- C. **Development Landscaping and Bufferyard Landscaping Diversity.** In order to avoid large monocultures of trees and shrubs:
1. For projects that require fewer than 25 canopy trees:
    - a. No more than 30 percent of each category of required landscaping (canopy trees, understory trees, evergreen trees, and shrubs) on a parcel proposed for development shall be of any one species; and
    - b. No more than 40 percent of each category shall be of any one genera.
  2. For projects that require 25 canopy trees or more:
    - a. No more than 10 percent of each category of required landscaping on a parcel proposed for development shall be of any one species; and
    - b. No more than 40 percent of each category shall be of any one genera.
- D. **Street Tree Diversity.** Street trees are counted in the calculations of subsection B., above. Trees shall be distributed such that each street block contains at least two genera of street trees.

### **Sec. 11.503 Size and Quality of New Landscape Material**

- A. **Generally.** The size and quality of landscape material that is installed in accordance with the requirements of this Article shall meet the standards of this Section.
- B. **Size and Quality Requirements.**
1. All plant materials shall be of good quality, container grown or balled and burlapped in accordance with the most current edition of the *American Standard for Nursery Stock*.
  2. Canopy trees shall be at least 2.5 inches caliper.
  3. Street trees that are planted in parkways shall be at least 2 inches caliper.
  4. Understory trees shall be at least 1.5 inches caliper.
  5. Evergreens shall be six feet tall at the time of planting.
  6. Shrubs shall be of sufficient container size to reach the heights required by this Article in the period of time established by this Article.
- C. **Additional Standards for Street Trees.** Street trees planted in parkways shall have single-stemmed trunks and shall be branched no lower than six feet above the ground (for visibility purposes).

### **Sec. 11.504 Timing of Installation; Inspections**

- A. **Completion of Landscape Improvements.**
1. Bufferyard and street tree landscaping must be completed prior to a subdivision plat being recorded, or, if no plat is required, a certificate of occupancy being issued. If this requirement would result in the installation of landscaping during an inappropriate season, then the City may:
    - a. Allow the plat to be recorded upon condition that security is provided for the installation of the required landscaping during planting season; or
    - b. Issue a temporary certificate of occupancy, on the condition that a permanent certificate

of occupancy will not be issued unless the required landscaping is installed.

2. All other landscaping must be installed before issuance of a permanent certificate of occupancy. A temporary certificate of occupancy may be issued if necessary to allow for the planting of landscaping improvements during an appropriate season or weather condition.
- B. **Periodic Inspections.** The City may inspect each site periodically after approval of a subdivision plat or issuance of the certificate of occupancy to ensure compliance with the Article.

### **Sec. 11.505 Surety**

- A. **Surety Required.** The applicant shall submit the bid for the landscape plan for review by the City. A bond, landscape contractor guarantee, or other acceptable surety equal to 120 percent of the cost of implementing the landscape plan shall be provided to ensure proper installation and maintenance of the landscaping for a period of two years from the date of installation.
- B. **Replacement Required.** The applicant shall warrant all landscaping materials for a period of two years after installation. All plant materials that die within two years from the date of installation shall be replaced by the applicant. If the applicant fails to replace the plant materials, the City may use the performance guarantee to replace dead materials. For all required landscaping on individual residential lots, the developer shall convey a two-year warranty to the purchaser at the time of closing.
- C. **Return or Release of Surety.** The City shall return or release the surety after the two year period is expired upon request of the applicant and demonstration that the landscaping that is protected by the guarantee is established and in good condition.



## ARTICLE 12 NONCONFORMITIES

### Division 12.100 Purpose and Application of Article

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#### Sec. 12.101 Purpose of Article

- A. **Generally.** Applying new regulations to existing development is likely to create situations where existing lot dimensions, development density or intensity, land uses, buildings, structures, landscaping, parking areas, or signs do not strictly comply with the new requirements. The NC district is intended to minimize these "nonconformities" in established neighborhoods by making existing buildings and lots that were lawfully constructed or created "conforming." For existing lots or development (including uses, buildings, structures, and signs) that are "legally nonconforming," this Article sets out fair rules for whether, when, and how the regulations of this UDC apply.
- B. **Expansion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zoning district. This Article provides standards by which minor nonconforming uses can be made "conforming" through a public hearing process.
- C. **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and improve its quality and character. Since bringing a developed parcel into full compliance with this UDC may involve substantial cost (which could discourage reinvestment), this Article provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for meeting the various standards of this UDC.
- D. **Unlawful Uses, Buildings, Structures, or Signs.** This Article does not authorize or legitimize uses, buildings, structures, or signs that were not legally established or constructed. Such uses, buildings, structures, or signs are not "legally nonconforming," but instead remain "unlawful," and are subject to all of the provisions of this UDC (including enforcement provisions) and any other applicable law. Likewise, this Article does not legitimize unlawful subdivisions of property that may have occurred before the effective date of this UDC.

#### Sec. 12.102 Application of Article

- A. **Generally.** This Article applies to uses, buildings, structures, landscaping, signs, parking, and lots that were lawfully constructed or established, but do not conform to the requirements of this UDC. It does not apply to lots of record in the NC zoning district, regardless of their size (such lots are "conforming").
- B. **Types of Nonconformities.** There are seven general types of nonconformities: uses, buildings, structures, landscaping, signs, parking, and lots. As to uses, nonconformities may be "major" or "minor." These types are set out in Section 12.102, *Types and Classes of Nonconformities*. The application of the standards of this Article is based on the type of nonconformity that is being addressed.
- C. **General Regulations.** Division 12.300, *General Regulations*, sets out the standards for when nonconforming situations must be made conforming (or more conforming) or, alternatively, terminated or removed. It also sets out the circumstances in which a nonconforming situation may be restored or resumed after damage, destruction, or temporary cessation.
- D. **Compliance Thresholds.** Division 12.400, *Compliance Thresholds*, sets out the standards for determining when new construction or modifications to development trigger a requirement for conformity with the various requirements of this UDC.

- E. **Conversion of Nonconformities.** [Division 12.500, Conversion of Nonconformities](#), sets out how to convert a nonconforming use to a conforming use using a conditional use process. Nonconforming buildings and structures may be made conforming with a variance, granted in accordance with the process outlined in Article 14.
- F. **Effect of Article.**
1. *Effect on Existing Development Entitlements.* Nothing in this UDC shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully issued prior to the effective date of adoption or amendment of this UDC, provided construction was commenced within 60 days after obtaining said building permit and diligently completed.
  2. *Effect on Existing Unlawful Uses, Buildings, Signs, and Structures.* Any use, building, structure and/or parcel of land which was used, erected or maintained in violation of any previous Zoning Regulations shall not be considered as a legal, nonconforming use, building structure and/or parcel, and shall be required to comply with all provisions of this UDC.

## **Division 12.200 Types and Classes of Nonconformities**

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### **Sec. 12.201 Nonconforming Uses**

- A. **Generally.** A nonconforming use is a use of land that was lawfully established (*i.e.*, it was allowed and issued a permit, if a permit was required at the time the use was established) on a parcel or lot before the effective date of this UDC, that is no longer allowed after the effective date of this UDC. Amendments to this UDC may also make uses nonconforming. The following uses are legally nonconforming uses:
1. Uses that were lawfully established but are not currently listed as Permitted or Conditional Uses in the district.
  2. Uses that are listed as Limited Uses in the district, but were lawfully established without a limited use permit and do not comply with the applicable use standards.
  3. Uses that are listed as Conditional Uses in the district, but were lawfully established without a conditional use permit. For these uses, the nonconforming use status may be removed by obtaining a conditional use permit.
  4. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.
- B. **Classifications of Nonconforming Uses.** There are two types of nonconforming uses: major nonconforming uses and minor nonconforming uses. The classification of the nonconforming use affects whether it can be converted to a conforming use.
1. *Major Nonconforming Uses.* Major nonconforming uses are those uses for which the nonconformity generates a nuisance *per se* or represents such incompatibility with adjacent uses and/or the Comprehensive Plan that public policy favors their elimination from the district if they are discontinued, abandoned, or destroyed. Major nonconforming uses are:
    - a. [Mobile homes](#)
  2. *Minor Nonconforming Uses.* All nonconforming uses that are not classified as major nonconforming uses are minor nonconforming uses. Such uses may be converted to conforming uses as provided in [Division 12.500, Conversion of Nonconformities](#).

### Sec. 12.202 Nonconforming Buildings

A nonconforming building is a building that was lawfully constructed prior to the effective date of this UDC (or amendment hereto) that does not conform to the height, yard, building coverage, density, intensity, building scale, or design standards that are applicable to the same type of building in the district in which the building is located.

### Sec. 12.203 Nonconforming Structures

A nonconforming structure is a structure other than a building that was lawfully constructed prior to the effective date of this UDC (or amendment hereto) that does not conform to the standards that are applicable to the same type of structure in the district in which the structure is located. The following are illustrative examples of nonconforming structures:

1. Fences or garden walls that do not comply with the height, setback, or materials standards of this UDC; and
2. Structures that are located in floodplains, floodways, or open space areas that do not comply with the applicable regulations of this UDC.

### Sec. 12.204 Nonconforming Landscaping

- A. **Generally.** Nonconforming landscaping is landscaping (or lack thereof) that does not conform to the landscape area or planting requirements of [Article 11 Landscaping](#) or other provisions of this UDC that require the designation of open space or landscape surface areas or the buffering of. Nonresidential, mixed-use, and multifamily residential parcels that were lawfully developed but do not include the required landscape surface ratio or open space ratio that is required after the effective date of this UDC or amendment hereto are also nonconforming with respect to landscaping.
- B. **Exception.** Residential development of housing types other than multifamily is conforming with respect to landscaping if it was platted prior to the effective date of this UDC.

### Sec. 12.205 Nonconforming Signs

- A. **Permanent Signs.** Any permanent sign located within the City limits on the effective date of this UDC that does not conform to the provisions of [Article 5, Signs](#), or, if applicable, other use standards, is a "legal nonconforming" sign, provided it also meets the following requirements:
  1. The sign was approved by a sign permit on the effective date of this UDC, or amendment hereto, if a permit was required under applicable law; or
  2. If no sign permit was required under applicable law for the sign in question, the sign:
    - a. Was in all respects in conformity with the applicable law (or there was no applicable law) immediately prior to the effective date; or
    - b. Had legal nonconforming status at such time.
- B. **Temporary Signs.** Temporary signs that are not in compliance with this UDC shall be removed as required by [Article 5, Signs](#).

### Sec. 12.206 Nonconforming Parking

Nonconforming parking refers to parking spaces, drive aisles, and loading areas that do not conform to the requirements of this code that are set out in [Article 10, Parking and Loading](#), in terms of their number or dimensions.

### **Sec. 12.207 Nonconforming Lots**

- A. **Generally.** Nonconforming lots are lots that were lawfully created before the effective date of this UDC or amendments hereto, but which no longer comply with the lot width, frontage, area, or access requirements of this UDC.
- B. **Exception.** All lots within NC districts that were lawfully created before the effective date of this UDC are conforming, regardless of their dimensions.

## **Division 12.300 General Regulations**

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### **Sec. 12.301 Termination, Restoration, and Removal**

- A. **Generally.** This Section sets out the standards for when a nonconformity must be terminated or removed, and when it is allowed to be restored after temporary cessation, damage or destruction.
- B. **Nonconforming Uses.**
  - 1. If a major nonconforming use is discontinued for a period of six months, for any reason, it shall not be resumed.
  - 2. If a minor nonconforming use is discontinued for a period of six months, for any reason, it shall not be resumed. However, if an application for conversion of the use is filed pursuant to
  - 3. Division 12.500, Conversion of Nonconformities, before the end of the six month period, the use may be resumed as a conforming use after the period expires if the application is granted.
- C. **Nonconforming Buildings, Structures, and Elements of Buildings or Structures.**
  - 1. If a nonconforming building or structure or nonconforming element thereof is damaged or destroyed by any means, or be declared unsafe by the Building Inspector to an extent that repairs would exceed more than 50 percent of the replacement cost of the building or damaged nonconforming element, the building shall be reconstructed in conformity with the provisions of this UDC.
  - 2. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to 50 percent of the cost of replacement or area of the building, respectively, then the structure may be strengthened or restored to a safe condition provided that:
    - a. The original nonconformity is not enlarged, increased, or extended;
    - b. Building permits are obtained for repairs within 12 months of the date the building was damaged or, if no date can be reasonably established for the damage, the date that the building inspector determines that the building is unsafe; and
    - c. The construction is commenced within 12 months after obtaining the required building permits.
- D. **Nonconforming Landscaping.** Nonconforming landscaping shall be made conforming as provided in [Division 12.400, Compliance Thresholds](#).
- E. **Nonconforming Signs or Sign Elements.**
  - 1. A nonconforming sign which has been damaged by fire, wind or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with this UDC.
  - 2. If a nonconforming sign structure is does not display any message for a period of three months, it shall be removed or brought into conformance with this UDC.
  - 3. If a nonconforming sign structure is removed for any reason other than routine repair and

maintenance, it shall not be replaced unless the replacement sign conforms to this UDC.

4. Nonconforming signs that are a danger to the public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this UDC.

### **Sec. 12.302 Changes of Use**

A. **Generally.** A nonconforming use shall not be changed to another nonconforming use.

**B. Effect of Change of Use.**

1. If a nonconforming use is changed to a conforming use, the nonconforming use shall not be resumed.
2. If the use of only a portion of a building or property is changed from a nonconforming use to a conforming use, then the use of that portion of the building or property shall not be changed back to the nonconforming use.

### **Sec. 12.303 Repairs and Modifications**

A. **Generally.** Repairs and modifications to nonconforming buildings, structures and signs is permitted as provided in this Section, except that nonconforming buildings and structures that are located in floodplains are subject to the restrictions of Section 12.305, *Nonconforming Buildings and Structures in Floodplains*, and not this Section.

**B. Repairs and Alterations.**

1. *Buildings and Structures.* Routine maintenance of nonconforming buildings and structures is permitted, including necessary non-structural repairs, paint, and incidental alterations which do not extend or intensify the nonconforming buildings or structures or materially extend their life. This standard also applies to buildings or structures that are used by nonconforming uses if they are designed in a way that is not suitable for re-use as a conforming use (if the building is conforming and could be re-used for a conforming use, there is no limitation on its maintenance).
2. *Buildings Containing Major Nonconforming Uses.* No building or structure that contains a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.
3. *Signs.* Routine maintenance of nonconforming signs is permitted, including non-structural repairs and paint (even if such repairs would materially extend the life of the sign), changes to the sign face or messages, and incidental alterations that do not increase the nonconformity or sign area. Structural repairs or changes are not allowed. If the sign requires structural repairs because it has been damaged, destroyed, or worn, it shall be removed or altered in accordance with subsection B.4., below.
4. *Structural Alterations.* Structural alterations to nonconforming buildings, structures, and signs are permitted only if it is demonstrated that the alteration will eliminate the nonconformity or reduce it in accordance with the standards of [Division 12.400, Compliance Thresholds](#).

**C. Expansion of Nonconforming Uses.**

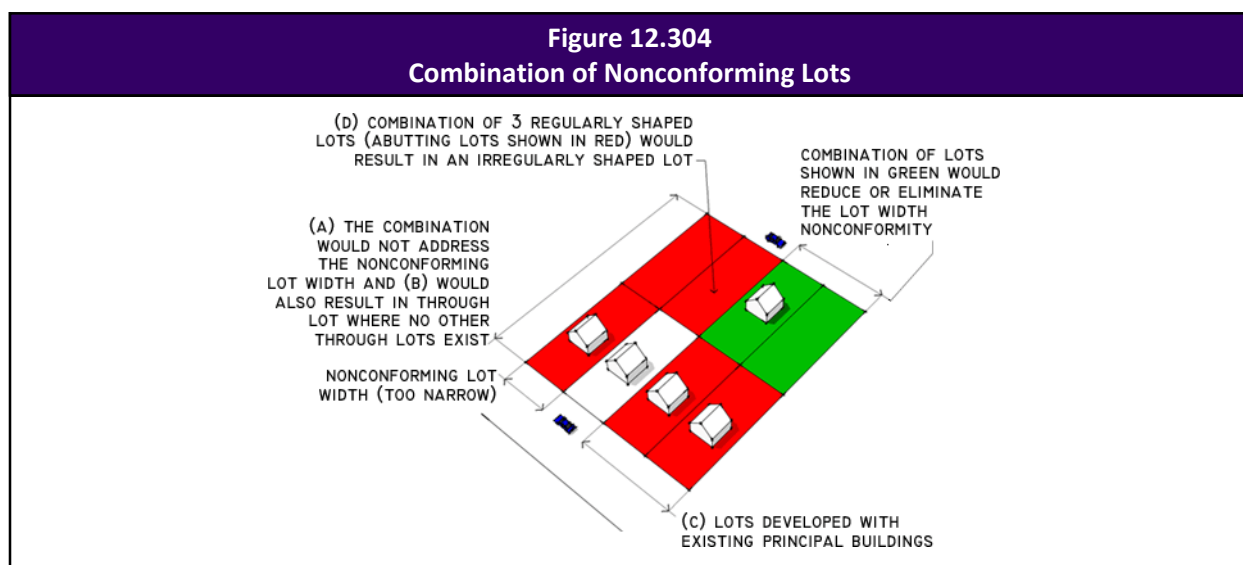
1. *Major Nonconforming Uses.* Major nonconforming uses shall not be expanded, enlarged, extended, increased, or moved to occupy an area of land or building that was not occupied on the effective date of this UDC or any amendment that made the use a major nonconforming use.
2. *Minor Nonconforming Uses.* No minor nonconforming use shall be expanded or extended in such a way as to:

- a. Occupy any open space or landscaped area that is required by this UDC;
- b. Exceed building coverage, intensity, or height limitations of the zoning district in which the use is located;
- c. Occupy any land beyond the boundaries of the property or lot as it existed on the effective date of this UDC; or
- d. Displace any conforming use in the same building or on the same parcel.

## Sec. 12.304 Nonconforming Lots; Combination and Construction

### A. Combination of Lots to Increase Conformity.

1. Where a landowner owns several abutting lots that do not conform to the dimensional requirements of the district in which they are located, they shall combined to create fully conforming lots or, if full conformity is not possible, they shall be combined if the combination will increase the degree of conformity. *See Figure 12.304, Combination of Nonconforming Lots.*
2. The City will not require the combination of lots pursuant to paragraph A.1., above, if:
  - a. The combination of lots would not address the nonconformity (*see Figure 12.304, Combination of Nonconforming Lots*);
  - b. The combination of lots would materially disrupt the lotting pattern of the street, for example, by creating a through lot mid-block on a street segment that does not include any other through lots (*see Figure 12.304, Combination of Nonconforming Lots*);
  - c. Two or more of the lots are developed with principal buildings, and the combination of lots would require that one or more of the buildings be torn down in order to comply with this UDC (*see Figure 12.304, Combination of Nonconforming Lots*);
  - d. The combination of lots would result in regularly shaped lots being combined into a single lot with an irregular shape (*see Figure 12.304, Combination of Nonconforming Lots*); or
  - e. The lots are located in the NC district (in which case they are not nonconforming).



**B. Construction on Legal Lots That Do Not Conform to Dimensional Requirements.** A legal lot that does not meet district requirements with respect to lot area or lot width may be built upon if:

1. The lot is a lot of record; and

2. The use is permitted in the district in which the lot is located;
3. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use; and
4. All yards or height standards are complied with, except that the responsible official may authorize a reduction of required yards of up to 10 percent, provided that the the responsible official finds that the reduction does not allow a building that would be larger than a building that would be permitted on the minimum conforming lot in the district.

### **Sec. 12.305 Nonconforming Buildings and Structures in Floodplains**

It is the intent of the City of Zachary that no permanent structures be located or substantially improved in the floodplain, except according to the standards in [Chapter 46, Flood Damage Prevention](#), of the *City of Zachary Code of Ordinances*, and that existing legal nonconforming buildings, structures, and signs shall be removed upon abandonment, destruction, or substantial damage.

### **Sec. 12.306 Nonconforming Parking**

- A. **Generally.** Nonconforming parking and loading areas are subject to the regulations of this Section.
- B. **Number of Parking Spaces.**
  1. *Building Expansions.* If an existing building or use is expanded, additional parking shall be required only in proportion to the new area of the building or use.
  2. *Change of Use.* If the use of a building changes, resulting in additional demand for parking, additional parking shall be provided in an amount equal to the difference between the requirements of the former use (not the actual parking provided on-site) and the requirements for the new use. However, a permit for the new use may be denied if the available parking is less than 75 percent of the required parking.
  3. *Redevelopment.* If an existing building is redeveloped, parking shall be provided as required.
- C. **Size of Parking Spaces and Drive Aisles.** Parking spaces and drive aisles shall be sized according to the requirements of [Article 10, Parking and Loading](#), when so required by [Division 12.400, Compliance Thresholds](#).

### **Sec. 12.307 Nonconformity Created by Public Action**

Any nonconforming structure or land expressly created or caused by a conveyance of privately owned land to a federal, state or local government to serve a public purpose is conforming for the purposes of this UDC, and is not subject to the limitations of this Article. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation or otherwise, which creates a nonconformity in the remainder parcel in terms of setback, lot size, or other standards of this UDC. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision or other routine development plan approvals.

## **Division 12.400 Compliance Thresholds**

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### **Sec. 12.401 Purpose and Intent**

The purpose and intent of this Division is to encourage reinvestment in existing buildings and properties by mitigating the costs of retrofitting existing buildings and sites to achieve full compliance with this UDC. This Division does not relate to building code compliance or compliance with applicable engineering

standards.

### Sec. 12.402 Sliding Scale Compliance Requirements

Table 12.402, *Sliding Scale Compliance Requirements*, sets out the levels of reinvestment in property that trigger compliance with the regulations set out in this UDC.

Table 12.402 Sliding Scale Compliance Requirements		
Type of Improvement	Definition of Improvement	Level of Compliance that is Required
New development or redevelopment	Expansion of a building by more than 70 percent of its floor area; tear-down and reconstruction of a building (except re-establishment of nonconforming use or building pursuant to Division 12.300, <i>General Regulations</i> ); development of vacant sites.	Full compliance with all provisions of this UDC is required. Compliance with Section 12.304, <i>Nonconforming Lots; Combination and Construction</i> , is sufficient with respect to lot dimensions.
Major expansions	Expansion of a building by 30 percent to 70 percent of its floor area, or increase in parking requirements of more than 20 percent.	<ol style="list-style-type: none"> <li>1. Parking spaces and drive aisles shall be dimensioned, and loading shall be provided, as required by Article 10, <i>Parking and Loading</i>. Parking spaces shall be provided according to the applicable regulations of Section 12.306, <i>Nonconforming Parking</i>.</li> <li>2. Bufferyards shall be provided as required.</li> <li>3. Improvements that are needed to ensure public safety and safe circulation are required.</li> <li>4. Buildings affected by the construction shall be designed according to the standards of this UDC.</li> <li>5. Major nonconforming uses shall be discontinued.</li> </ol>
Minor expansions	Expansion of a building by less than 30 percent or increase in parking requirements of 20 percent or less	<ol style="list-style-type: none"> <li>1. New parking spaces and drive aisles shall be dimensioned as required by Article 9, <i>Parking, Loading, Access, and Lighting</i>, if the new dimensions would not be detrimental to safe circulation when combined with the existing lot.</li> <li>2. Major nonconforming uses shall be discontinued.</li> <li>3. If height is increased by more than 20 percent within 50 feet of a district boundary line, district boundary bufferyards shall be brought into compliance.</li> </ol>

Table 12.402 Sliding Scale Compliance Requirements		
Type of Improvement	Definition of Improvement	Level of Compliance that is Required
Facade and site improvements	Building or architecture changes or site improvements that do not involve expansion of the building or parking, but will change the physical character of the building or site beyond simple repair and maintenance.	<ol style="list-style-type: none"> <li>1. Building improvements shall comply with code requirements that directly relate to the improvements.</li> <li>2. Landscaping improvements must further the objectives of Article 11, <i>Landscaping</i> (e.g., if the only improvement is planting trees, full compliance with the landscaping requirements is not required, but trees that are planted must comply with code requirements).</li> <li>3. Safety improvements must be made in a manner that is proportionate to the level of investment.</li> </ol>



Parking lot improvements	Drainage, expansion, or reconstruction improvements, but not restriping alone unless the restriping according to the standards of <a href="#">Article 10, Parking and Loading</a> results in reduction of the area of the existing parking spaces by more than 10 percent.	<ol style="list-style-type: none"> <li>1. Parking spaces and drive aisles shall be dimensioned, and loading shall be provided, as required by <a href="#">Article 10, Parking and Loading</a>.</li> <li>2. Parking lot landscaping shall be provided as required even if it results in a reduction in the number of parking spaces, but only to the extent that the reduction does not result in a parking lot that contains less than 95 percent of the required parking spaces.</li> </ol>
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## Division 12.500 Conversion of Nonconformities

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### Sec. 12.501 Purpose

Many minor nonconforming uses have existed for a period of time, and some may have only recently become nonconforming. In many instances, minor nonconforming uses are integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Division in order to remove the potential stigma that may be associated with the "nonconforming" designation.

### Sec. 12.502 Procedure

- A. **Generally.** An owner of a minor nonconforming use may apply for a conditional use permit which has the effect of making the nonconforming use conforming. The criteria for conditional use approval are set out in
- B. **Exclusions.** This procedure does not apply to nonconforming lots, which may be buildable in accordance with the standards of Section [12.304, Nonconforming Lots; Combination and Construction](#).

### Sec. 12.503 Criteria for Approval

- A. **Generally.** A conditional use approval may be granted to make a nonconforming building, structure, use, or sign conforming, if, in addition to the criteria for approval of a conditional use, all of the criteria of this Section are satisfied.
- B. **Approval Criteria.** The use, as conducted and managed, has minimal nonconformities and has been integrated into the neighborhood's (or district's if it is not in or adjacent to a residential neighborhood) function, as evidenced by the following demonstrations:
  1. The neighborhood residents regularly patronize or are employed at said use (for nonresidential uses in or abutting residential neighborhoods).
  2. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.
  3. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints).
  4. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.
- C. **Conditions.** Conditions may be imposed relative to the expansion of bufferyards, landscaping, or

other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or operation of the use.

### **Sec. 12.504 Effect and Annotation**

- A. **Generally.** Uses that comply with the terms of a conditional use permit issued in accordance with this Division are converted from "legally nonconforming uses" to "conforming uses" by virtue of the issuance of the permit.
- B. **Written Approval.** Conditional use approvals shall be provided to the applicant in writing and may be recorded by the applicant at the applicant's expense.
- C. **Annotation of Official Zoning Map.** Upon granting a conditional use permit and the applicant's demonstration of compliance with any conditions placed upon it, the Director shall place an annotation on the Zoning Map that states that the property has a conditional use permit, as well as the permit number and date of approval.

## **ARTICLE 13 UDC Administrators**

### **Division 13.100 Purpose and Application of Article**

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#### **Sec. 13.101 Purpose**

The purpose of this Article is to provide an overview of the bodies that are responsible for the administration of this UDC. This Article describes the roles and responsibilities of the City Council, Planning and Zoning Commission, Board of Adjustment, Technical Advisory Committee, and Planning Director with respect to this UDC.

#### **Sec. 13.102 Application of Article**

- A. **Generally.** This Article provides an overview of the general roles and responsibilities of the City Council, Planning and Zoning Commission, Board of Adjustment, Technical Advisory Committee, Planning Director and other City Staff with respect to the administration of this UDC.
- B. **Application of Powers.** This article does not restrict any other powers that are granted to a public body or administrative position mentioned herein, by Federal law, State statute, or the City's Home Rule Charter or Code of Ordinances.
- C. **Conflicts with Other Articles.** In the event of any conflict of powers or responsibilities listed in this article, the specific power granted elsewhere in the UDC and in *Article 14 Permits and Procedures* shall apply.

### **Division 13.200 UDC Administrators**

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#### **Sec. 13.201 City Council**

- A. **Recommendations and Approvals.** The City Council shall have the following powers, subject to the processes outlined in Article 14 Permits and Procedures:
  1. Make a final decision after a public hearing and recommendation from the Planning and Zoning Commission:
    - a. Development Plan Review with waivers or conditional use
    - b. Standard Subdivision Preliminary Plat
    - c. Standard Subdivision Final Plat
    - d. Minor Subdivision with waiver
    - e. Major Subdivision Amendment
    - f. Conditional Use (includes Manufactured Housing, Sign Design Program, Wireless Telecommunications Facilities, and Home Business when required by UDC)
    - g. Zoning Map Amendment
    - h. UDC Text Amendment
    - i. Annexation
    - j. PUD Plans
    - k. TND Plans and Pattern Book
    - l. Development Agreement

2. Make a final decision after review and recommendation from the Planning Director:
  - a. Temporary use permit.
- B. **Appeals to City Council.** The City Council shall hear and decide appeals from final decisions of the Planning and Zoning Commission after a public hearing.

### **Sec. 13.202 Planning and Zoning Commission**

- A. **Recommendations and Approvals.** The Planning and Zoning Commission shall have the following powers, subject to the processes outlined in Article 14 Permits and Procedures:
  1. Make a recommendation to the City Council after a public hearing and a recommendation from the Planning Director:
    - a. Development Plan with waivers or conditional use
    - b. Standard Subdivision Preliminary Plat
    - c. Standard Subdivision Final Plat
    - d. Minor Subdivision with waiver
    - e. Major Subdivision Amendment
    - f. Conditional Use (includes Manufactured Housing, Sign Design Program, Wireless Telecommunications Facilities, and Home Business when required by UDC)
    - g. Zoning Map Amendment
    - h. UDC Text Amendment
    - i. Annexation
    - j. PUD Plans
    - k. TND Plans and Pattern Book
    - l. Development Agreement
  2. Make a final decision after a public hearing and recommendation from the Planning Director:
    - a. Development Plan with no waivers and no conditional use
  3. Consent Agenda Approval by Planning and Zoning Commission
    - a. Minor Subdivision with no waivers
    - b. Administrative Subdivision Amendment

### **Sec. 13.203 Board of Adjustment**

- A. **Variations.** The Board of Adjustment shall make a final decision on a variance after a public hearing and a recommendation from the Planning Director, subject to the processes outlined in Article 14 Permits and Procedures.
- B. **Appeals.** The Board of Adjustment shall hear appeals of alleged errors in any order, requirement, decision, or determination made by the Planning Director and/or any public official as to the administration, interpretation, or enforcement of this UDC, including:
  1. UDC Verification
  2. UDC Interpretation
- C. **Appointment.** The Board of Adjustment shall be appointed by the Mayor.

**Sec. 13.204 Planning Director**

- A. **Generally.** The planning director shall be designated by the Mayor. The planning director may delegate review responsibilities to other members of the City Staff with relevant technical training or expertise, or, as appropriate, to consultants that are authorized by the City of Zachary.
- B. **Recommendations and Approvals.** The Planning Directors shall make a final decision on the following applications, subject to the processes outlined in Article 14 Permits and Procedures:
  - 1. UDC Verification (includes Sign Permit, Home Occupation Permit).
  - 2. UDC Interpretation
  - 3. Minor Subdivision with no waivers (with Planning and Zoning consent agenda)
  - 4. Administrative Subdivision Amendment (with Planning and Zoning consent agenda)
  - 5. Other permits and approvals as required by the UDC.

**Sec. 13.205 Technical Advisory Committee (TAC)**

- A. **General.** The Technical Advisory Committee (TAC) shall review applications and projects and provide comments related to required public infrastructure, public services, subdivision regulations, and any other planning/construction/design concerns.
- B. **Composition.** The TAC shall be appointed by the Mayor. The Planning Director shall chair the TAC and schedule public meetings as needed to review applications and process concerning the UDC. Members of the TAC shall consist of members of City Staff, Police and Fire Department representatives and other representatives of public agencies and city departments as requested by the Planning Director and Mayor.
- C. **Recommendations.** The TAC shall provide comments on the following applications:
  - 1. Site and Development plans
  - 2. All subdivisions
  - 3. PUD applications
  - 4. TND applications
  - 5. Zoning Map Amendments
  - 6. Annexations
  - 7. Other development applications or processes as determined by the Planning Director.

# **ARTICLE 14**

## **PERMITS AND PROCEDURES**

### **Division 14.100 Purpose and Application of Article**

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#### **Sec. 14.101 Purpose**

The purpose of this Article is to set out the City's development approval processes and procedures.

#### **Sec. 14.102 Application of Article**

- A. **Purpose and Application of Article.** *Division 14.100 Purpose and Application of Article.*
- B. **Standardized Administrative Procedures.** *Division 14.200, Standardized Administrative Procedures.*
- C. **Development Applications Summary Table.** *Division 14.300 Development Applications Summary Table*
- D. **Development Application Processes.** *Division 14.400 Development Applications Processes.*
- E. **Special Development Processes.** *Division 14.500 Special Development Processes.*

### **Division 14.200 Standardized Administrative Procedures**

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#### **Sec. 14.201 Standardized Administrative Procedures General**

- A. **Generally.** The standardized approval procedures of this Division apply to all applications for development approval that are set out in Article 14 of this UDC.
- B. **Development Approval Process.** In general, the approval procedures set out in this Division are intended to be undertaken in sequence until a final decision and (if requested) an appeal are considered and decided by the decision-maker identified in this Article.

#### **Sec. 14.202 Pre-Application Conference**

##### **A. Generally.**

- 1. Pre-application conferences are required for specific processes and recommended for all other applications and processes.
- 2. At the pre-application conference, the Planning Director and other members of City Staff, as appropriate, will meet with the applicant to review preliminary materials, identify issues, and advise the applicant regarding which applications and approvals will be required from the City and what information will have to be provided.
- 3. Informal meetings may be scheduled prior to a pre-application conference, at the discretion of the applicant and the City Staff.

##### **B. Meeting Materials.**

- 1. The applicant shall bring to (or submit prior to) the pre-application conference sufficient supporting materials to explain project or development. Materials may include:
  - a. The location of the project;
  - b. The proposed uses (in general terms);
  - c. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities;

- d. The relationship to existing development;
  - e. Generally, the presence of natural resources, open water, floodplains, and floodways on the parcel proposed for development;
  - f. Any other conditions or items that the applicant believes are relevant to the processing of the application.
2. The Planning Director may request that the applicant bring completed application forms (in draft form) for the types of permits being sought.

### **Sec. 14.203 Filing of Application and Fee**

- A. **General.** Every application for development approval required by this UDC shall be submitted on a form approved by the Planning Director, along with the corresponding application fee, except for the following:
  1. When specifically allowed, a resolution from the Planning and Zoning Commission or City Council may substitute for an official application.
  2. When specifically allowed, a written request may substitute for an official application.
- B. **Forms and Information**
  1. The Planning Director shall promulgate and periodically revise forms for each type of application required by this UDC.
  2. The application shall include any information, plans and data specified for the specific application.
- C. **Fees**
  1. The City Council shall establish a fee schedule, and update as needed, for applications and processes in this UDC.
  2. Every application shall be accompanied by the required fee. Failure to pay fees when due is grounds for refusing to process the application.
  3. Applications initiated by the City may be exempt from fees. If it is the City Council's intent to waive the fee, the waiver and the fee amount shall be stated in the motion initiating the request.

### **Sec. 14.204 Application Completeness Review**

- A. **General.** The Planning Director (or designee) shall review the application to ensure that required submittals are included in the application and determine whether the application is complete. Within five (5) business days after an application is submitted the Planning Director shall notify the applicant of completeness.
- B. **Incomplete Applications.**
  1. If the application is deemed incomplete, the Planning Director will not process the application until the deficiencies are remedied.
  2. Applications that do not include the application fee may not be considered complete.
  3. An application is deemed complete for purpose of review if the Planning Director fails to reject it within five business (5) days from the date of submission. However, it may not be complete for the purposes of an official recommendation or decision, and a determination of completeness does not constitute approval of the application. 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. **Complete Applications.** Once the application is determined complete, the application shall be processed according to the applicable procedures of this Article.

### **Sec. 14.205 Withdrawal of Applications**

- A. **Withdrawal.** Any application may be withdrawn by an applicant, either in writing or on the record before the final decision without prejudice and may therefore be resubmitted without limitations. There shall be no refund of application fees.

### **Sec. 14.206 Resubmittal of Denied Applications**

- A. **Time Required Before Resubmittal of Previously Denied Applications.** If previously denied, the following applications will not be accepted for six (6) months from the date of the denial. This includes any application that is substantially similar to the denied application. An applicant may seek a waiver of the successive application rules from the City Council, which may grant the waiver for good cause shown.
1. UDC Text Amendment
  2. Zoning Map Amendment
  3. Conditional Use
  4. Variance
  5. TND Conceptual Plan
  6. PUD Conceptual Plan
- B. The limitations of this section do not apply in the following instances:
1. When the City initiates the application.
  2. When the Board of Adjustments has denied the application without prejudice.

### **Sec. 14.207 Administrative Review**

- A. **Administrative Review.** The Planning Director and any relevant City Staff shall review the application in accordance with the requirements of the UDC for the specific application(s).
- B. If the application requires public notice and public hearing(s), the Planning Director shall set the application on the next available agenda of the next body that will consider the application, consistent with the legal requirements for public notice.
- C. The Planning Director shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings.

### **Sec. 14.208 Public Notice**

- A. **Generally.** Public notice of public hearings required by this UDC shall be provided as required by Table 14., *Required Notice*.



Table 14.208 Required Notice		
Final Decision	Posted Notice	Publication Notice
Applications for Planning Director Administrative Approval	Notice at City Hall	none
Other applicants with no specific Planning and Zoning and/or City Council Public Hearing Requirement	Sign(s) on the property at least ten days before the final decision	none
Applications requiring Planning and Zoning and/or City Council Public Hearings	Sign(s) on the property at least 10 days before the public hearings	Published not less than ten (10) days before public hearings

B. **Technical Requirements for Notice.** All notices shall describe the action proposed to be taken and the date, time, and place of the public hearing (if applicable). In addition, the following requirements apply based on the type of required notice:

1. *Posted Notice.*
  - a. Signs shall be of a size and design as to be readily visible to passersby.
2. *Publication Notice.* Where publication is required, notice shall be published for three consecutive days in the official journal of the City. Time requirements are based on the first day of publication.

C. **Validity of Defective Notice.**

1. 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:
  - a. 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.
  - b. The posting or display of a notification sign if evidence of installation of the sign is presented.
2. Any defect in or failure to adhere to any discretionary forms of notification shall not form a basis for declaring invalid any final decision or City Council resolution, ordinance, or action on any matter regarding this UDC.
3. 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.

**Sec. 14.209 Public Hearings**

- A. 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 14.208.
- B. The public hearing will be conducted in accordance with the rules and regulations of the body conducting the hearing.

C. **Continuance of Public Hearing.**

1. The hearing body may continue the public hearing. No new posted and published notice is required to continue the hearing if a hearing is continued to a specific meeting and/or date, 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. Publication of the agenda shall satisfy the notice requirements.

D. **Deferral of Application:**

1. If an application is deferred before the opening of a public hearing, updated public notice shall be required of the new public hearing date.
2. If an application is deferred before the public hearing is closed that shall be automatically considered a continuance of the public hearing as stated in subsection C above.
3. If an application is deferred after the public hearing is closed the body may reopen the public hearing according to their rules and regulations. No new posted and published notice is required to reopen the hearing if the application is deferred to a specific meeting and/or date, provided that a public announcement of the future date, time, and place of consideration of the deferred application is made at the first hearing and placed in the minutes. Publication of the agenda shall satisfy the notice requirements.

### **Sec. 14.210 Approval; Effect of Approval**

- A. Approval of an application authorizes only the particular use, plan, or other specific activity for which the approval was granted.
- B. **Continuity of Approvals.** Approvals run with the land that is the subject of the approval unless otherwise stated in the UDC. Unless otherwise stated in this UDC, approvals do not change with changes in ownership.
- C. **Records.** A record of all approved applications shall be kept on file by the City of Zachary.
- D. **Expiration of Approvals.**
  1. Approvals may expire at the conclusion of a prescribed time period if: 1) The application process in this Article specifically includes expiration of the approval; 2) the prescribed time period stated in the application process has concluded; and, 3) if either of the following situations exist:
    - a. A building permit or occupancy permit has not been issued and substantial construction has not commenced; or
    - b. The use does not require a building permit and is not established, ongoing, and in operation.
  2. Although an approval may expire, nothing in subsection D.1., above, abrogates the right to a seek a new permit. However, the new permit application will be decided based on its compliance with the standards that are in place at the time it is filed.
- E. **Extensions.**
  1. Upon written request and good cause shown, one extension may be granted by the decision-making body for a period not to exceed the original approval period. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than one month prior to the expiration of the approval.
  2. Failure to apply for an extension within the time limits established by this Section shall result in the approval's expiration as provided above.
- F. **Effect of Appeals and Litigation.** If there is an appeal or litigation during the time period that limits the applicant's ability to proceed, the appeal or litigation shall suspend the expiration date, and the date shall be recalculated when the appeal or litigation, including appeals, is complete. The new expiration date shall be established by adding the number of days that the approval remained valid before the appeal or litigation commenced to the date the appeal or litigation was completed by a final, non-appealable order. This Subsection does not apply if the litigation is related to enforcement of a violation of this UDC.

## **Division 14.300 Development Applications Summary Table**

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**Sec. 14.301 Development Applications Summary Table**

A. **Development Applications Summary Table.** This table summarizes the development applications in Division 14.400 Development Application Processes. In the event of any conflicts Division 14.400 shall apply.

<b>Table 14.203 Development Applications Summary Table</b>			
Application	Initiated by	Final Decision By	Application Procedure <sup>1</sup>
<b>Final Decision by Planning Director</b>			
UDC Verification: <ul style="list-style-type: none"> <li>Includes other applications and permits with final decision by the Planning Director per the UDC</li> </ul>	Owner Any interested party City of Zachary	Planning Director	Sec 14.402 UDC Verification
UDC Interpretation	Owner Any interested party City of Zachary	Planning Director	Sec 14.405 UDC Interpretation
<b>Final Decision by Planning Director (with Planning and Zoning Consent Agenda Approval)</b>			
Minor Subdivision with no waivers	Owner	Planning Director (on Planning and Zoning Commission consent agenda)	Sec 14.411 Minor Subdivision
Administrative Subdivision Amendment	Owner	Planning Director (on Planning and Zoning Commission consent agenda)	Sec 14.415 Administrative Subdivision Amendment
<b>Final Decision by Planning and Zoning Commission</b>			
Development Plan Approval with no waivers and no conditional use	Owner	Planning and Zoning Commission	Sec 14.410 Development Plan Review
<b>Final Decision by Board of Adjustment</b>			
Variance	Owner	Board of Adjustment	Sec 14.426 Variance
Appeal of Administrative Decision	Any aggrieved party	Board of Adjustment	Sec 14.425 Appeal of an Administrative Decision

<b>Table 14.203 cont. Development Applications Summary Table</b>			
<b>Application</b>	<b>Initiated by</b>	<b>Final Decision By</b>	<b>Application Procedure<sup>1</sup></b>
<b>Final Decision by City Council (with recommendation from Planning Director)</b>			
Temporary Use Permit	Owner Any interested party	City Council	Sec 14.406 Temporary Use Permit
<b>Final Decision by City Council</b>			
Development Plan Review with waivers or conditional use	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.410 Development Plan Review
Standard Subdivision Preliminary Plat	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.413 Standard Subdivision Preliminary Plat
Standard Subdivision Final Plat	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.414 Standard Subdivision Final Plat
Minor Subdivision with Waiver	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.411 Minor Subdivision
Major Subdivision Amendment	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.416 Major Subdivision Amendment
<b>Conditional Use</b> <ul style="list-style-type: none"> <li>• Cell Network (Placeholder)</li> <li>• Sign Design Program</li> </ul>	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.420 Conditional Use, Sec. 14.422 Sign Design Program
Zoning Map Amendment	Owner City of Zachary	City Council with recommendation from Planning and Zoning Commission	Sec 14.424 Zoning Map Amendment
UDC Text Amendment	Owner City of Zachary Any interested party	City Council with recommendation from Planning and Zoning Commission	Sec 14.423 UDC Text Amendment
Annexation Request	Owner City of Zachary	City Council after recommendation from Planning and Zoning Commission	Sec 14.427 Annexation Request
PUD Conceptual Plan PUD Preliminary Plan PUD Final Plan	Owner	City Council after recommendation from Planning and Zoning Commission	Sec 14.503 TND Summary of Process
TND Conceptual Plan TND Preliminary Plan with Pattern Book TND Final Plan	Owner	City Council after recommendation from Planning and Zoning Commission	Sec 14.505 PUD Summary of Process
Development Agreement	Owner	City Council after recommendation from Planning and Zoning Commission	Sec 14.512 Development Agreements Authorized
<b>TABLE NOTE:</b>			
<sup>1</sup> Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this UDC.			

## **Division 14.400 Development Applications Processes**

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### **Sec. 14.401 Development Application Processes Introduction**

- A. **Purpose.** The development applications permitted by this UDC are set out in this Division. Other development applications and development permits may also be required by State or Federal law, or the building code. Permits for activities in public rights-of-way are required by the City's Code of Ordinances.
- B. **Administrative Procedures.** All applications shall follow the rules and regulations presented in *Division 14.200 Standardized Administrative Procedures*, unless specifically exempted in a Development Application Process in this section.

### **Sec. 14.402 UDC Verification**

- A. **Purpose/Applicability.** A UDC verification promotes compliance with the UDC by establishing a procedure for the City to verify that an application and/or development project complies with all standards of the UDC prior to issuance of all City of Zachary permits, including, but not limited to: a building permit, certificate of occupancy and business license.
1. No structure or land may be used or occupied, in whole or in part, for any purpose, until a UDC verification has been issued stating that the use, structure, and site improvements comply with the provisions of this UDC.
  2. A UDC verification is needed only for the first permit or license issued for the building or site. For example, new construction that requires both a building permit and a certificate of occupancy only requires a UDC verification for the building permit.
- B. **Initiation.** The following parties may initiate a UDC verification:
1. Owner, or duly authorized representative
  2. Any interested party
  3. City of Zachary Staff
- C. **Authority.** The Planning Director shall make a final decision on a UDC verification.
- D. **Application.**
1. An application shall be filed with the Planning Director.
  2. When a UDC verification is required with an application for a building permit, certificate of occupancy, business license or other City permit, no separate application is required.
  3. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review. After review, the Planning Director shall make a final decision to approve the UDC verification or to deny the UDC verification with specific reasons for the denial provided to the applicant.
- F. **Appeal.** An aggrieved party may appeal a final decision on a UDC verification within forty-five (45) days of the final decision. Such appeal shall be considered an Appeal of an Administration Decision to the Board of Adjustment.

### **Sec. 14.403 Sign Permit (UDC Verification)**

- A. **Purpose/Applicability.** A sign permit is a specific UDC verification required for the installation,

replacement or modification of any sign in the City of Zachary unless the sign is exempted from requiring an application in Article 5 Signs.

1. A sign permit shall follow the process outlined in Sec. 14.402 UDC Verification.
2. A sign design program is a conditional use and shall follow the process outlined in Sec. 14.422 Conditional Use Sign Design Program.

### **Sec. 14.404 Residential Home Use Permit (UDC Verification or Conditional Use)**

- A. **Purpose/Applicability.** A Residential Home Use Permit is required before an occupational license is granted for any Residential Home Use in the City of Zachary.
1. Where a Residential Home Use is a permitted use, the application shall be considered as a UDC Verification per Section 14.402 UDC Verification.
  2. Where a Residential Home Use is a conditional use, the application shall be considered as a Conditional Use per Sec. 14.420 Conditional Use.

### **Sec. 14.405 UDC Interpretation**

- A. **Purpose/Applicability.** A UDC Interpretation may be requested when the provisions of this UDC, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they are applied. request an administrative interpretation of the terms, provisions, or requirements of this UDC if the application of the terms, provisions, or requirements are not obvious.
1. The interpretation process recognizes that many such situations can be readily addressed by an interpretation of the specific provisions of this UDC in the context of other general and specific UDC provisions.
  2. The interpretation authority is not intended to add or change the essential content of this UDC, but only to allow authoritative application of that content to specific cases.
- B. **Initiation.** The following parties may initiate a UDC Interpretation application:
1. Owner, or duly authorized representative
  2. Any interested party
  3. The Planning and Zoning Commission and City Council by adoption of a resolution.
- C. **Authority.** The Planning Director shall make a final decision on a UDC Interpretation.
- D. **Application.**
1. An application shall be filed with the Planning Director.
  2. In addition to the application form the following information and data shall be included as part of the complete application: The applicant shall present a description of the situation or scenario to which the application of this UDC is in question, and a statement of the nature of the interpretation sought.
- E. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review. After review, the Planning Director shall make a final written determination on the UDC interpretation. The Planning Director shall maintain a written record of all interpretations.
- F. **Appeal.** An aggrieved party may appeal a final decision on a UDC interpretation within forty-five (45) days of the final decision. Such appeal shall be considered an Appeal of an Administration Decision to the Board of Adjustment.

**Sec. 14.406 Temporary Use Permit**

- A. **Generally.** Temporary Use applications are allowed as set out in Sec. 1.305 Temporary Uses.
- B. **Initiation.** The following parties may initiate a Temporary Use Permit application:
  - 1. Owner, or duly authorized representative
  - 2. Any interested party
  - 3. The Planning and Zoning Commission and City Council by adoption of a resolution.
- C. **Authority.** The City Council shall make a final decision on a Temporary Use Permit.
- D. **Application.** An application shall be filed with the Planning Director. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review and Recommendation by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review. After review, the Planning Director shall make a recommendation to the City Council on the Temporary Use Permit application.
- F. **Decision by the City Council.** The City Council shall consider the recommendation of the Planning and Director and other City staff, and make a final decision on a Temporary Use Permit application.

**Sec. 14.407 – Sec. 14.409 Reserved.****Sec. 14.410 Development Plan Review**

- A. **Purpose/Criteria.** Development Plan Review is intended to promote orderly development and redevelopment in the City and to assure that such development or redevelopment occurs in a manner that meets the standards and regulations of this UDC, is harmonious with surrounding developments and promotes the general welfare of the City. All development applications and permit requests shall first be reviewed for compliance with this UDC as required by Sec. 14.402 UDC Verification. Unless otherwise required by this section or this UDC, Development Plan Review shall be required for all developments that meet the following criteria:
  - 1. Construction of more than two (2) residential units on a single lot of record.
  - 2. All non-residential construction or expansion, including mixed-use.
  - 3. Creation of more than five hundred (500) square feet of impervious coverage.
  - 4. Any development or redevelopment within an Overlay District, excluding single-family residential dwellings.
- B. **Initiation.** The following parties may initiate a Development Plan Review application:
  - 1. Owner, or duly authorized representative
- C. **Authority.**
  - 1. The Planning Commission shall make a final decision on a Development Plan Review application that:
    - 1) Is not tied to specific conditional use requirement or application, or other application requiring City Council approval; and 2) does not require any waivers or variances.
  - 2. The City Council shall make a final decision on a Development Plan Review application with a Conditional Use application and/or other application requiring City Council approval and/or an application requiring waivers or variances.
- D. **Application.**
  - 1. A pre-application conference is required before submittal of an application.

2. The application shall be filed with the Planning Director.
  3. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
    - a. The name of the individual or firm preparing the plan.
    - b. The north arrow, scale, and date.
    - c. The boundaries and dimensions of the property involved, the general location of all existing easements, sector lines, property lines, existing streets, structures or waterways, and other significant physical features in or adjoining the project.
    - d. The general location and character of construction of any proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, numbers of parking and loading spaces, exterior lighting systems, storm drainage, and sanitary facilities.
    - e. The approximate height of all proposed structures, principal and accessory, or major excavations in relation to heights of structures on adjoining property. The location should be drawn to scale but full dimensioning is not required.
    - f. A tabulation of the total gross area in square feet or acres of the project site and the floor area in square feet of any building(s) in the proposed development.
    - g. Building elevations, locations, and dimensions.
    - h. General location of parking and site circulation.
    - i. General location, height, and material of all fences, walls, screening, and landscape.
    - j. If available, general location, character, size, and height, and orientation of proposed signs.
    - k. If available, the approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other utilities and structures in or near the development.
    - l. If available, a landscape plan.
    - m. A drainage impact study and/or stormwater management plan is required for an application with twenty thousand (20,000) square feet or more of impervious surface, or a total site area of one (1) acre or more.
    - n. A Traffic Impact Analysis (may be waived by the Planning Director).
    - o. A brief narrative description of how the proposed development addresses the design goals.
    - p. Such other information as may be required in order to meet standards in the district in which the use is to be located.
  4. The Planning Director may waive submittal requirements where such information is not necessary to determine the nature of the development or that the development meets relevant approval criteria.
  5. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.



**G. Final Decision by Planning and Zoning Commission for Development Plan Review with no conditional use and no waivers or variances.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Development Plan Review in Sec. 14.410.K and approve, approve with modifications, or deny the application with specific reason(s) for denial added to the record.

**H. Recommendation by Planning and Zoning Commission for Development Plan Review with conditional use and/or waivers or variances.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Development Plan Review in Sec. 14.410.K and recommend approval, approval with modifications, or denial of the application with specific reason(s) for denial added to the record.
3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**I. Final Decision by City Council for Development Plan Review Development Plan Review with conditional use and/or waivers or variances.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Development Plan Review in Sec. 14.410.K and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**J. Development Plan Review Conditions**

1. The Planning Director, Planning and Zoning Commission and the City Council may impose such conditions upon the Development Plan Review as deemed necessary for the protection of the public health, safety, and welfare.
2. Any conditions or waiver imposed shall be set forth in the resolution approving the Development Plan Review and shall be incorporated into or noted on the revised plan for final approval. The applicant shall submit the revised plan and any additional required information incorporating all approved conditions and waivers. The Planning Director shall verify that the revised plan incorporates all conditions and waivers set forth in the resolution approving the Development Plan Review.
3. No permits or licenses for the development shall be issued until the Planning Director issues a final

approval.

- K. **Review Standards for Development Plan Review.** In reviewing development plans, use specific standards shall be evaluated. However, this review shall not consider the validity or appropriateness of the use.
1. Development Plan Review for the proposed development shall consider use specific standards in this UDC, however this process shall not review the validity or appropriateness of the use(s).
  2. The proposed development or structure meets all of the relevant standards and regulations of this UDC.
  3. The proposed development will support the existing and/or planned character of the City.
  4. The development plan demonstrates the following:
    - a. Compliance with any prior approvals;
    - b. Site design and development intensity appropriate for and tailored the unique natural characteristics of the site;
    - c. Adequate, safe and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways and off-street parking, stacking and loading spaces;
    - d. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater; and
    - e. Landscaping, screening and buffers enhance the appearance and use of the site, if applicable.
    - f. Adverse impacts on adjacent properties have been minimized or mitigated.
    - g. Respects historic design context, if applicable.
- L. **Appeal.**
1. An aggrieved party may appeal a final decision on a Development Plan Review by the Planning and Zoning Commission to the City Council within thirty (30) days of the date of the final decision by the Planning and Zoning Commission.
  2. An aggrieved party may appeal a final decision on a Development Plan Review by the City Council to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.
- M. **Expiration.** A Development Plan Review approval may expire after two (2) years in accordance with the provisions of *Division. 14.200 Standardized Administrative Procedures*.
- N. **Changes to Approved Plans.**
1. The Planning Director may approve minor modifications to an approved Development Plan.
  2. A minor modification may not be granted for any part of the Development Plan addressed in a waiver, or in a condition that has not been completed.
  3. The following modifications shall be considered minor:
    - a. Any changes to building materials or building facades, provided that the change in materials is listed as a permitted material;
    - b. Up to twenty (20) percent increase or any decrease in gross floor area of a building that does not does not exceed the regulations of the applicable district;
    - c. Up to ten (10) percent increase or any decrease in height of a building that does not exceed the regulations of the applicable district;

- d. Any changes in the uses of the buildings, provided that the use is considered permitted in the applicable district;
  - e. Rearrangements of internal streets and driveways, where such is found to be consistent with previous approvals, improves traffic circulation, and/or otherwise improves the development plan.
  - f. Such additional changes, adjustments, or alterations to elements of the development plan, such as walks, fencing, signs, lighting, landscape, or other elements, as may be necessary or desirable to improve the quality of the approved development plan or to provide for consistency with such other changes as may be authorized in this section.
4. All modifications not listed as minor shall only be considered as part of a new Development Plan Review in according with the requirements of this section.

### **Sec. 14.411 Minor Subdivision**

- A. **Purpose/Criteria.** A Minor Subdivision is intended to allow for land subdivisions that involve a limited number of parcel(s) and do not include the development, construction and/or dedication of public infrastructure and public improvements. Generally, a Minor Subdivision approval is a final plat approval. If a Minor Subdivision requires a waiver of any criteria listed in this section and/or any other regulation of this UDC, the City Council shall make the final decision on the Minor Subdivision application:
1. The area of the proposed subdivision is located entirely within the City of Zachary. No waiver of this criteria is allowed.
  2. The subdivision creates no more than four (4) new lots of record with one additional residual parcel permitted.
  3. The subdivision will conform fully to all requirements of the current zoning district and each lot will be developable according to the site development regulations of the UDC. No waiver of the minimum lot size or minimum lot width is permitted, except where to do so would lead to parcels that are less nonconforming than prior to the subdivision.
  4. The subdivision complies with all regulations and standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.
  5. The subdivision has direct access to a public street and existing utilities and/or does not require the creation or extension of any public street or public improvement.
    - a. If any public improvement is required, the application shall be considered as a Standard Subdivision.
    - b. If the subdivision includes a private street or servitude of access, the application shall be considered as a Standard Subdivision.
- B. **Initiation.** The following parties may initiate a Minor Subdivision application:
1. Owner, or duly authorized representative.
- C. **Authority.**
1. The Planning Director with ratification by the Planning and Zoning Commission, if the Minor Subdivision creates no more than four (4) new lots of record with one additional residual parcel permitted and does not require any waivers.
  2. The City Council if the Minor Subdivision requires any waivers and/or includes a private street or servitude of access.

**D. Application.**

1. The application shall be filed with the Planning Director.
2. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
  - a. A signed affidavit verifying ownership of all property to be subdivided.
  - b. A copy of any covenants or restrictions that affect the property.
  - c. A survey of that part of the parcel proposed for subdivision that is subject to the application for the Minor Subdivision.
  - d. A plat containing all required information and the required number of print copies in the application.
  - e. A Drainage Impact Study (may be waived by Planning Director).
  - f. A Traffic Impact Analysis (may be waived by the Planning Director).
3. Plat Requirements
  - a. The title under which the proposed subdivision is to be recorded; the location of the property to be subdivided; the name of the owner or owners and/or the subdivider; and the name of the engineer, surveyor or landscape architect, if any, who is platting the tract.
  - b. Boundaries of the subdivision location; width and names of streets; section and township lines; indication of incorporated areas, sewer districts, zoning districts, and other legally established districts; all watercourses, drainage ditches, wooded areas and other features within the area to be subdivided as well as the same facts regarding adjacent property.
  - c. The names of all adjoining subdivisions, and the names and record owners of adjoining tracts of unsubdivided land.
  - d. The proposed location, layout, and approximate dimensions of lots; any other necessary descriptions of lots, servitudes and easements; and location and dimensions of existing buildings.
  - e. Existing drainage ditches, sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent.
  - f. The areas of open space.
  - g. The location of all existing and proposed public utilities including storm and sanitary sewers, water, gas and power lines.
  - h. Location and size of proposed parks, playgrounds, church or school sites or other special uses of land to be considered for dedication to public use.
  - i. North Point, Scale and Date. North point, scale, and date.
  - j. A key or vicinity map, showing the area to be subdivided in relation to the nearest major street or road.
4. The Planning Director may waive submittal requirements where such information is not necessary to determine the nature of the development or that the development meets relevant approval criteria.
5. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.

- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.
- G. **Final Decision by Planning Director with Planning and Zoning Commission ratification for Minor Subdivision Final Plat with no waivers.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning Director shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Minor Subdivisions in Sec. 14.411.K and approve or deny the application with specific reason(s) for denial added to the record.
  2. The decision shall be placed on the consent agenda for the next available Planning and Zoning Commission for ratification and signature of the chairman of the Planning and Zoning Commission as required.
- H. **Recommendation by Planning and Zoning Commission for Minor Subdivision Final Plat with waivers.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Minor Subdivisions in Sec. Sec. 14.411.K and recommend approval, approval with modifications, or denial of the application with specific reason(s) for denial added to the record.
  3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.
- I. **Decision by City Council for Minor Subdivision Final Plat with Waivers.**
1. In accordance with the provisions of *Division 14.200 Standardized Administrative Procedures*, after public notice the City Council shall hold a public hearing.
  2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Minor Subdivisions in Sec. Sec. 14.411.K and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.
- J. **Conditions**
1. The Planning Director, Planning and Zoning Commission and the City Council may impose such conditions upon the Minor Subdivision as deemed necessary for the protection of the public health, safety, and welfare.
  2. Any conditions or waiver imposed shall be set forth in the ordinance approving the Minor Subdivision shall be incorporated into or noted on the revised plat for final approval. The applicant shall submit the revised plat and any additional required information incorporating all approved

conditions and waivers. The Planning Director shall verify that the final plat incorporates all conditions and waivers set forth in the ordinance authorizing the Minor Subdivision.

3. No permits or licenses for the Minor Subdivision may be issued until the Planning Director issues a final approval.

**K. Review Standards for Minor Subdivisions.** The following standards shall be considered when reviewing Minor Subdivisions:

1. The subdivision is generally consistent with the policies embodied in the adopted Master Plan.
2. The subdivision is consistent with the general purpose and intent of the applicable zoning district regulations.
3. The subdivision meets all applicable standards in this UDC.
4. The subdivision is compatible with adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public right-of-way to mitigate development-related adverse impacts.
5. The subdivision is not materially detrimental to the public health, safety, and welfare.

**L. Appeal.**

1. An aggrieved party may appeal a final decision by the Planning Director with ratification by the Planning and Zoning Commission on a Minor Subdivision to the City Council within thirty (30) days of the date of the ratification by the Planning and Zoning Commission.
2. An aggrieved party may appeal a final decision on a Minor Subdivision with waivers by the City Council to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.

**M. Expiration.** A Minor Subdivision Final Plat approval shall not expire.

### **Sec. 14.412 Subdivision Waivers**

**A. Purpose/Criteria.** Whenever the parcel to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this UDC would result in real difficulties and substantial hardships or injustices, the City Council may vary or modify such requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of these regulations are preserved. Petition for variance from these regulations shall be made by written request of the applicant, stating fully the grounds for the request and the facts relied upon by the applicant.

**B. Subdivision Waiver Standards.** All waiver requests shall meet the following criteria:

1. A subdivision waiver may only be applied for as part of a subdivision application.
2. The area of the proposed subdivision is located entirely within the City of Zachary.
3. The waiver complies with all federal, state and local regulations including standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.
4. Granting of the waiver will not be detrimental to the public safety, health, or welfare.
5. A particular hardship or unusual and practical difficulty, but specifically not to include financial hardship, may result from the strict application of these standards or regulations and the conditions upon which the request for waiver are based are unique to the property for which the waiver is

sought because of the physical surroundings, existing surround development, or shape or topographical conditions of the specific property, and are not applicable generally to other properties.

6. Purposes of these standards or regulations may be served to a greater extent by an alternative proposal, or when the waiver is of such an inconsequential nature that it will not have any substantial effect on the purpose and intent of these standards or regulations or the authority for which is specifically granted in these standards or regulations.
7. Waivers only apply to this UDC in the creation of a specific subdivision plat. No waiver approved as part of a subdivision plat shall be considered as a waiver or variance for any other standard or regulation of this UDC. If a zoning variance is required, such a variance must be approved through the process delineated in this UDC.
8. In reviewing and/or approving a waiver, the Planning Director, Planning and Zoning Commission and City Council may recommend and/or approve such alternative conditions as will serve substantially the same objective as the standards or regulations waived.
9. All approved waivers must be recorded on the final plat and certified by the City of Zachary. Any approved waiver that is not recorded on the final plat and certified by the City of Zachary shall be considered void.

### **Sec. 14.413 Standard Subdivision Preliminary Plat**

- A. **Purpose/Criteria.** A Standard Subdivision is generally any subdivision that is not a Minor Subdivision or specifically exempt from these standards in the UDC. A Standard Subdivision shall meet the following criteria:
  1. The subdivision is located entirely within the City of Zachary. No waiver of this criteria is allowed.
  2. The subdivision will conform fully to all requirements of the current zoning district and each lot will be developable according to the site development regulations of the UDC. No waiver of the minimum lot size or minimum lot width is permitted, except where to do so would lead to parcels that are less nonconforming than prior to the subdivision.
  3. The subdivision complies with all regulations and standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.
- B. **Initiation.** The following parties may initiate a Standard Subdivision Preliminary Plat application:
  1. Owner, or duly authorized representative
- C. **Authority.**
  1. The City Council shall make a final decision on a Standard Subdivision Preliminary Plat.
- D. **Application.**
  1. A pre-application conference is required before submittal of an application.
  2. The application shall be filed with the Planning Director.
  3. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
    - a. A signed affidavit verifying ownership of all property to be subdivided.
    - b. A copy of any covenants or restrictions that affect the property.

- c. A survey of that part of the parcel proposed for subdivision that is subject to the application for the subdivision.
  - d. A plat containing all required information and the required number of print copies in the application.
  - e. A Drainage Impact Study (may be waived by Planning Director).
  - f. A Traffic Impact Analysis (may be waived by Planning Director).
  - g. General specifications and/or drawing notes detailing proposed construction materials and methods.
  - h. General description of proposed Public Improvements Plan.
  - i. A detailed description of any requested waivers (see Section 14.412 Subdivision Waivers).
4. Preliminary Plat Requirements:
- a. The title under which the proposed subdivision is to be recorded; the location of the property to be subdivided; the name of the owner or owners and/or the subdivider; and the name of the engineer, surveyor or landscape architect, if any, who is platting the tract.
  - b. Boundaries of the subdivision location; width and names of streets adjoining the subdivision; section and township lines; indication of incorporated areas, sewer districts, zoning districts, school districts and other legally established districts; all watercourses, drainage ditches, wooded areas and other features within the area to be subdivided as well as the same facts regarding adjacent property.
  - c. The names of all adjoining subdivisions, and the names and record owners of adjoining tracts of unsubdivided land.
  - d. The proposed location, names and width of streets; layout, and approximate dimensions of lots; any other necessary descriptions of lots, servitudes and easements; and location and dimensions of existing buildings, if any; and subdivider's front building lines with setbacks.
  - e. Existing drainage ditches, sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent; statement of proposed plans for drainage and sewage disposal, including location of proposed culverts and bridges and a contour map where terrain might affect location of sewers and ditches.
  - f. The areas of open space.
  - g. The location of all existing and proposed public utilities including storm and sanitary sewers, water, gas and power lines.
  - h. Statement of proposed street improvements, including contour map where terrain might affect location of streets.
  - i. Location and size of proposed parks, playgrounds, church or school sites or other special uses of land to be considered for dedication to public use.
  - j. North Point, Scale and Date. North point, scale, and date.
  - k. A key or vicinity map, showing the area to be subdivided in relation to the nearest major street or road.
5. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.



F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.

G. **Recommendation by Planning and Zoning Commission for Standard Subdivision Preliminary Plat.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Standard Subdivisions in Sec. 14.413.J and recommend approval, approval with modifications, or denial of the application with specific reason(s) for denial added to the record.
3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

H. **Decision by City Council for Standard Subdivision Preliminary Plat.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Standard Subdivisions in Sec. 14.413.J and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

I. **Conditions**

1. The Planning Director, Planning and Zoning Commission and the City Council may impose such conditions upon the Standard Subdivision as deemed necessary for the protection of the public health, safety, and welfare.
2. Any conditions or waiver imposed shall be set forth in the ordinance approving the Standard Subdivision shall be incorporated into or noted on the revised plat for final approval. The applicant shall submit the revised plat and any additional required information incorporating all approved conditions and waivers. The Planning Director shall verify that the revised plat incorporates all conditions and waivers set forth in the ordinance authorizing the Standard Subdivision.
3. No permits or licenses for the Standard Subdivision may be issued until the Planning Director issues a final approval.

J. **Review Standards for Standard Subdivisions.** The following standards shall be considered when reviewing Standard Subdivisions:

1. The subdivision is generally consistent with the policies embodied in the adopted Master Plan.
2. The subdivision is consistent with the general purpose and intent of the applicable zoning district regulations.
3. The subdivision meets all applicable standards in this UDC.
4. The subdivision is compatible with adjacent development and neighborhoods and, as required by

the particular circumstances, includes improvements or modifications either on-site or within the public right-of-way to mitigate development-related adverse impacts.

5. The subdivision is not materially detrimental to the public health, safety, and welfare.

**K. Appeal.**

1. An aggrieved party may appeal a final decision on a Standard Subdivision Preliminary Plat by the City Council to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.

- L. Expiration.** A Standard Subdivision Preliminary Plat approval may expire after two (2) years in accordance with the provisions of Division. 14.200 Standardized Administrative Procedures.

### **Sec. 14.414 Standard Subdivision Final Plat**

- A. Purpose/Criteria.** A Standard Subdivision Final Plat is the is the final recorded document which provides the layout of the subdivision, including lots, infrastructure, and protected open space and natural resources. A Standard Subdivision Final Plat shall meet the following criteria:

1. The plat shall conform substantially to the Standard Subdivision Preliminary Plat as approved; and, if desired by the applicant, it may constitute only that portion of the approved plat which was proposed to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
2. Subdivision construction, including public improvements, shall be completed in accordance with the standards and regulation of this UDC.
3. The subdivision complies with all regulations and standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.

- B. Initiation.** The following parties may initiate a Standard Subdivision Final Plat application:

1. Owner, or duly authorized representative

**C. Authority.**

1. The City Council shall make a final decision on a Standard Subdivision Final Plat and acceptance of any public infrastructure.

**D. Application.**

1. The application shall be filed with the Planning Director.
2. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
  - a. A signed affidavit verifying ownership of all property to be subdivided.
  - b. A copy of any covenants or restrictions that affect the property.
  - c. A plat containing all required information and the required number of print copies in the application.
  - d. A Public Dedications Letter of Request indicating all street, infrastructure, parks, and/or other improvements to be dedicated and accepted for public use.
3. Final Plat Requirements
  - a. Descriptive text and graphics, including:

- i. Name of subdivision;
  - ii. Name and address of the subdivider;
  - iii. North point, scale and date;
  - iv. Legal description of the tract being subdivided
- b. Parcel and lot lines and other mapped features, along with text descriptions, which shall include the following:
- i. The outer boundary lines with accurate distances, angles, or true bearings if available, the exact location width of all recorded streets and ways intersecting the boundaries of the tract being divided;
  - ii. Distances and angles, or true bearings if available, to the established street lines or official monuments, which shall be accurately described on the plat; municipal range, township, parish and section lines accurately tied to the lines of the subdivision by distances and angles, or true bearings, if available
  - iii. Alleys, ways, private servitudes of access and streets, together with their widths and names;
  - iv. All curve data, the lengths of all arcs, radii, internal angles, points of curvature, lengths and bearings of tangents;
  - v. All dimensions, both linear and angular, necessary for determining the exact boundary of all lots in the subdivision; all angles must either be given directly or indicated by the bearings shown; where any lot line is curved, the significant elements of the curve, such as the arc length and the subtending central angle, bearing and dimensions of side lot lines and where a curve is involved an indication if it is a radial line and any and all mathematical information and data necessary to locate all interior and exterior boundary lines of any lot;
  - vi. All block indications, if any; lot numbers; all individual areas shall be designated by number or letter, and lots in new subdivisions shall be numbered consecutively. No tract or portion of land shall be indicated as "Reserved";
  - vii. The accurate location, material, type and description of all permanent control monuments. All monuments are to meet the specifications as set forth in this UDC Division 6.600, Mapping and Monuments; location, description and elevation of bench marks based on mean sea level datum as determined by USGS; where no established bench mark exists, a permanent bench mark shall be established on the property based on mean sea level datum and shown on the plat;
  - viii. Delineation and area of special use areas, including the location and size of proposed parks, playgrounds, protected resources and open spaces, sites for places of public assembly (including schools) or other special uses of land to be considered for dedication to public use, and of all property that may be granted by deed and covenants for the common use of the property owners in the subdivision, along with a statement for responsibility for maintenance;
- c. Certifications, notes, and references, including:
- i. Every plat shall show a note giving reference to the basis of the bearing, i.e., "Bearings shown refer to true North" or "Bearings shown refer to Grid North as established for the Louisiana Plane Coordinate System by the U.S.C.&G.S." or "Bearings shown refer to assumed North based on a bearing of S10°03'10"W used for the centerline of State Highway 100", or "Bearings shown refer to the map (or deed) call N30'E for the easterly

- line of the Smith Tract," etc. In all cases the bearings used shall be referenced to some well-established line.
- ii. Statement of dedication, which shall, in addition to the dedication statement, include the following language: "No trees, shrubs or other plants may be planted, nor shall any building, fence, structure or improvements be constructed or installed within or over any drainage or utility servitude or right-of-way without written approval from the public works department and the city inspector. Any reproduction of the final plat or any resubdivision plat, prepared for purposes of sale or advertising, or any other purpose, shall likewise include that statement pertaining to obstructions of servitude."
  - iii. Statement regarding sewage disposal, which shall be signed by the owner and subdivider, and which shall provide that no person shall provide or install a method of sewage disposal, except connection to an approved sanitary sewer system, until the method of sewage treatment and disposal has been approved by the Division of Health and Hospitals.
  - iv. Private restrictions, restrictive covenants or trusteeships and their periods of existence to apply to lots in the subdivision shall be signed by the owner or his agent and recorded in the office of the clerk and recorder of the parish, and references to such instruments shall be made on the plat and a copy shall be furnished to the secretary of the Planning and Zoning Commission and Clerk of the City Council.
  - v. When the area subdivided lies at such elevation that without additional drainage facilities not then available it will become inundated or overflowed by rain or stormwater, a statement shall be lettered on the subdivision plat, setting forth these facts, and portions that have been overflowed shall be indicated on the plat.
  - vi. The project engineer's certification and seal. This certification shall be a statement by a registered professional engineer and/or land surveyor licensed to practice either of these professions in the state. It shall provide that the plan is based upon an actual survey made by him and that the distances, courses, and angles and all other required survey information are shown correctly, that the monuments have been set and the lot and block corners staked correctly on the ground and that he has fully complied with the provisions of the R.S. 33:5051 et seq., and regulations governing platting. The engineer's or land surveyor's seal shall also be shown.
  - vii. Certification by the Director of Public Works that the development has installed all improvements in accordance with the preliminary plat and the requirements of the UDC; or certification of substantial completion of the improvements by the Director of Public Works (i.e. the improvements can be used for the purposes intended) with the posting of a performance bond, letter of credit, or other surety in sufficient amount as certified by the Director of Public Works, for completion of all required improvements. For any bond, letter of credit or other surety, there shall be submitted with the plat a determination by the City Attorney as to the sufficiency of the bond offered.
  - viii. Certification of a maintenance bond, letter of credit or other surety, approved by the City Attorney, in an amount sufficient to cover any costs which might be incurred by the City of Zachary for the maintenance and/or repair to the required improvements for a period of two years after completion has been furnished by the developers and accepted by the City Council.
  - ix. Approval of the Chairman of the Planning and Zoning Commission.
4. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.

- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.
- G. **Recommendation by Planning and Zoning Commission for Standard Subdivision Final Plat.**
  - 1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  - 2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and recommend approval or denial of the application with specific reason(s) for denial added to the record.
  - 3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.
- H. **Decision by City Council for Standard Subdivision Preliminary Plat.**
  - 1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
  - 2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and shall approval, or deny with specific reason(s) for denial added to the record.
- I. **Conditions**
  - 1. No conditions of approval shall be placed upon the final plat.
- J. **Appeal.**
  - 1. An aggrieved party may appeal a final decision on a Standard Subdivision Final Plat by the City Council to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.

### **Sec. 14.415 Administrative Subdivision Amendment**

- A. **Purpose/Criteria.** Administrative subdivision amendments generally include the following:
  - 1. The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided that the plat meets all requirements of this UDC and does not result in an increasing in the total number of lots and/or an increase in the density or intensity of the development.
  - 2. Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the City of Zachary or East Baton Rouge Parish, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines; or

3. The dedication, acceptance, relocation, or deletion of public utility servitudes, other than public roads or streets, or the deletion of gas, electric, or telephone utility servitudes acquired by private act or pursuant to the provisions of RS 19:1 *et seq.* on the property being resubdivided.
  4. Any change to any waiver approved as part of the final, approved subdivision shall be considered a major amendment.
- B. **Process.** An Administrative Subdivision Amendment shall follow the process for Minor Subdivision (No Waivers) in Sec. 14.411 with a final decision by the Planning Director and consent agenda approval by the Planning and Zoning Commission.

### **Sec. 14.416 Major Subdivision Amendment**

- A. **Purpose/Criteria.** A Major Subdivision Amendment is any change to an approved, final subdivision plat that is not considered an Administrative Subdivision Amendment.
- B. **Process.** A Major Subdivision Amendment shall follow the process for Standard Subdivision in Sec. 14.414 with a recommendation by the Planning and Zoning Commission and a final decision by the City Council.

### **Sec. 14.417 – Sec. 14.419 Reserved**

### **Sec. 14.420 Conditional Use**

- A. **Purpose/Applicability.** The standards of this Section are applicable to Conditional Uses and major amendments to previously approved or established Conditional Uses.
1. Development Plan Review (Sec. 14.410) may occur co-currently with a conditional use process. In this case the City Council shall include all Development Plan review conditions and waivers in their final decision on the Conditional Use.
  2. If the proposed use requires a subdivision, the subdivision shall be required as a condition of approval. The subdivision must be completed prior to the completion of the conditional use and prior to the issuance of a building permit.
- B. **Initiation.** The following parties may initiate a Conditional Use application:
1. Owner, or duly authorized representative.
- C. **Authority.** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall make a final decision on Conditional Use applications.
- D. **Application.**
1. A pre-application conference is required before submittal of an application.
  2. An application shall be filed with the Planning Director.
  3. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
    - a. Site and/or development plans at an appropriate scale showing, at a minimum: proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading access, refuse and service areas, proposed locations for utility hook-ups, and required yards and open spaces.
    - b. Preliminary plans for buffering and landscaping.
    - c. Drainage Improvement Study (may be waived by Planning Director).

- d. Traffic Impact Study (may be waived by Planning Director).
  4. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- F. **Recommendation by Planning and Zoning Commission.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Conditional Uses in Sec. 14.420.I and recommend approval, modified approval or denial with specific reason(s) for denial added to the record.
  3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.
- G. **Decision by City Council.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council Commission shall hold a public hearing.
  2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Conditional Uses in Sec. 14.420.I and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.
- H. **Conditions and Rules**
1. The Planning and Zoning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare.
  2. The City Council may grant waivers from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 14.426 (the variance criteria). However, the City Council shall not waive or modify any approval standards of this section.
  3. Any conditions imposed shall be set forth in the ordinance approving the conditional use and incorporated into or noted on the development plan for final approval. The applicant shall submit the revised development plan incorporating all conditions within one (1) year of adoption of the conditional use ordinance by the City Council. The Planning Director shall verify that the development plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final plan approval.
  4. No permits of licenses for the conditional use may be issued until the Planning Director issues final plan approval.

5. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these UDC regulations, the City Code, and any permits required by regional, state, and federal agencies.
  6. No proposed or existing building, premise, or land use authorized by a conditional use may be enlarged, extended, relocated, or otherwise changed from that approved by the conditional use ordinance, unless an application is made for approval in accordance with the procedures set forth in this section.
- I. **Review Standards for All Conditional Uses.** The following standards shall be considered when reviewing Conditional Uses:
1. The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan.
  2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
  3. The proposed use meets all standards specifically applicable to the use as set forth in this UDC.
  4. The proposed use is compatible with and preserves the development character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public right-of-way to mitigate development-related adverse impacts.
  5. Any waivers of zoning standards meets the approval standards of Section 14.426 (the variance criteria).
  6. The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.
- J. **Appeal.** An aggrieved party may appeal a final decision by the City Council on a conditional use to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.
- K. **Expiration.** A conditional use approval may expire in two (2) years from the date of final approval in accordance with the provisions of Division. 14.200 Standardized Administrative Procedures.
- L. **Revocation of Conditional Use.** If the operation of the use for which a conditional use has been approved ceases for a continuous period of one (1) year by discontinuation or abandonment, or if any conditions of this conditional use permit or other requirements of this UDC are violated, the City Council may revoke the conditional use permit after holding a public hearing in accordance with the provisions of Division. 14.200 Standardized Administrative Procedures.
- M. **Annotation of Zoning Map.** If the application is approved, the Official Zoning Map shall be annotated to reference the approval by resolution number.

### **Sec. 14.421 Conditional Use – Cell Network (Placeholder)**

### **Sec. 14.422 Conditional Use – Sign Design Program Conditional Use**

- A. **Generally.** The standards of this Section are applied to sign design programs. Sign design programs are an optional method for applicants to obtain approval of signs that do not strictly comply with the standards of [Article 5, Signs](#). See [Division 5.500, Sign Design Program](#).
- B. **Process.** A Sign Design Program shall follow the process outlined in Sec. 14.420 Conditional Use.



**Sec. 14.423 UDC Text Amendment**

- A. **Purpose/Applicability.** A UDC Text Amendment includes any proposal to amend the text of this UDC.
- B. **Initiation.** The following parties may initiate a UDC Text Amendment:
1. Any interested party.
  2. Planning and Zoning Commission or City Council by resolution.
- C. **Authority.** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall make a final decision on UDC Text Amendments.
- D. **Application.**
1. The application shall be filed with the Planning Director.
  2. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- F. **Recommendation by Planning and Zoning Commission.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for UDC Text Amendments in Sec. 14.423.I and recommend approval, modified approval or denial with specific reason(s) for denial added to the record.
  3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.
- G. **Decision by City Council.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
  2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for UDC Text Amendments in Sec. 14.423.I and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.
- H. **Conditions and Rules.**
1. The Planning and Zoning Commission may recommend and the City Council may approve UDC Text Amendments including additional text changes not specifically identified in the application only if the additional text changes are directly related to the application request and needed to preserve the consistency, enforceability and legality of the UDC.
- I. **Review Criteria.** A Zoning Text Amendment shall meet all of the following criteria:

1. The proposed amendment is compatible with the Comprehensive Plan;
  2. The proposed amendment is compatible with the intent, and related general standards and regulations of this UDC.
  3. The proposed amendment promotes the public health, safety and welfare of the City.
  4. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
  5. The proposed amendment benefits the citizens of the City as a whole.
  6. The proposed amendment provides a more workable way to achieve the intent and purposes of this UDC and the Comprehensive Plan.
  7. The proposed amendment does not create a significant number of nonconformities.
- J. **Appeal.** An aggrieved party may appeal a final decision by the City Council on a conditional use to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.

### **Sec. 14.424 Zoning Map Amendment**

- A. **Purpose/Applicability.** A Zoning Map Amendment includes any proposal to amend the Zoning Map of the City of Zachary.
- B. **Initiation.** The following parties may initiate a Zoning Map Amendment:
1. Owner, or duly authorized representative.
  2. Planning and Zoning Commission or City Council by resolution.
- C. **Authority.** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall make a final decision on a Zoning Map Amendment.
- D. **Application.**
1. The application shall be filed with the Planning Director.
  2. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- F. **Recommendation by Planning and Zoning Commission.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Zoning Map Amendments in Sec. 14.424.I and recommend approval, modified approval or denial with specific reason(s) for denial added to the record.
  3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After

the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**G. Decision by City Council.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Zoning Map Amendments in Sec. 14.424.I and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**H. Conditions and Rules.**

1. The Planning and Zoning Commission may recommend, and the City Council may approve Zoning Map Amendments with a different zoning classification than requested by the applicant.
2. No recommendation or approval shall include any parcel or properties not specifically identified in the public notice for the application.

**I. Review Criteria.** A Zoning Text Amendment shall meet all of the following criteria:

1. The proposed amendment is compatible with the Comprehensive Plan;
2. The proposed amendment is compatible with the intent of this UDC.
3. The proposed amendment is compatible with existing use and zoning of nearby property.
4. The proposed amendment promotes the public health, safety and welfare of the City.
5. The proposed amendment the proposed amendment is a more suitable zoning classification for the property than the current classification considered in the context of both current and future development in the area where the property is located.
6. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
7. The proposed amendment benefits the citizens of the City as a whole.
8. The proposed amendment provides a more workable way to achieve the intent and purposes of this UDC and the Comprehensive Plan.
9. The proposed amendment does not create a significant number of nonconformities.

**J. Appeal.** An aggrieved party may appeal a final decision by the City Council on a conditional use to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.

**K. Annotation of Zoning Map.** If the application is approved, the Official Zoning Map shall be annotated to reference the approval by resolution number.

### **Sec. 14.425 Appeal of Administrative Decision**

**A. Purpose/Applicability.** Appeals to the Board of Adjustment may be filed by an aggrieved party affected by any decision of a public official concerning this UDC. Appeals shall be based on, and provide evidence of, an error in application of the law or a conflict in the law. All appeals shall be filed within forty-five (45) days from the date of the decision.

**B. Initiation.** The following parties may initiate an appeal:

1. Any aggrieved party.
- C. **Authority.** The Board of Adjustment shall make a final decision on an Appeal of an Administrative Decision.
- D. **Application.**
1. An application shall be filed with the Planning Director.
  2. In addition to the application form the following information and data shall be included as part of the complete application:
    - a. The applicant shall provide a written statement citing the decision that is being appealed, and any reason why the appeal should be granted.
  3. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Stay of Proceedings.** An appeal stays all proceeding in furtherance of the action appealed, unless the Planning Director and/or other relevant public official or city staff certifies to the Board of Adjustment 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 Louisiana 19th Judicial District Court.
- F. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- G. **Decision by Board of Adjustment.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Board of Adjustment shall hold a public hearing.
  2. The Board of Adjustment shall limit testimony and other evidence to that contained in the record at the time that the official took final action on the administrative decision.
  3. After the close of the public hearing, the Board of Adjustment shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Appeals of Administrative Decisions in Sec. 14.425.H and The Board may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination appealed.
- H. **Review Criteria.** The Board of Adjustment shall consider all of the following criteria in reviewing an appeal:
1. Whether the decision by the Official was in accordance with the intent and requirements of this UDC;
  2. Whether the Official made erroneous findings based on the evidence and information presented in the original application, or failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; and
  3. Whether the official acted arbitrarily or capriciously.
- I. **Appeal.** An aggrieved party may appeal a final decision of an Appeal of an Administration Decision by the Board of Adjustment to the Louisiana 19th Judicial District Court within forty-five (45) days of the Board's decision.

### **Sec. 14.426 Variance**

- A. **Purpose/Applicability.** A Variance from a specific regulation or standard of this UDC may be allowed

where literal enforcement of the provisions of this UDC will result in practical difficulties or unnecessary hardship.

1. A Variance shall allow permission to deviate from the height, width, bulk, setback, parking or other dimensional requirements established by this UDC, unless specifically not allowed elsewhere in the UDC, except the following in items 2 and 3:
  2. The development standards for conditional uses, TND, PUD, or any other matter designated to the City Council expressly within this UDC, shall not be subject to variances by the Board of Adjustment.
  3. The Board of Adjustment shall have no power to authorize uses in zoning districts which are not authorized in zoning district regulations, nor to change the boundaries of zoning districts.
- B. **Initiation.** The following parties may initiate an appeal:
1. Owner, or duly authorized representative.
- C. **Authority.** The Board of Adjustment shall make a final decision on a Variance.
- D. **Application.**
1. An application shall be filed with the Planning Director.
  2. In addition to the application form the following information and data shall be included as part of the complete application:
    - a. The nature and purpose of the requested variance (including specific reference to the UDC sections from which variance is sought), and the grounds on which the variance is requested; and
    - b. A written statement addressing how the proposed variance meets **ALL** of the standards set out in Sec. 14.426.H.
  3. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.
- E. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- F. **Decision by Board of Adjustment.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Board of Adjustment shall hold a public hearing.
  2. After the close of the public hearing, the Board of Adjustment shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Variances in Sec. 14.426.H and shall approve, approve with modification or deny with specific reasons for the denial added to the record.
- G. **Rules and Conditions.**
1. The Board of Adjustment may impose such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variance as necessary or appropriate to protect the public interest and adjacent property. Failure to maintain such conditions or restrictions as may be imposed constitutes grounds for revocation of the variance.
  2. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.
- H. **Review Criteria.** The Board of Adjustment shall not grant a variance unless and until the following criteria are satisfied:

1. There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
  2. The need for a variance or the extraordinary and exceptional conditions do not result from the actions of the applicant;
  3. Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district;
  4. A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
  5. Granting of the variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
  6. The variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure;
  7. The variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district;
  8. The variance will not permit an intensity of use of land that is not permitted in the applicable district; and
  9. No other relief is available through the application of alternative development standards or an alternative development configuration that is allowed by this UDC.
- I. **Appeal.** An aggrieved party may appeal a final decision of a Variance by the Board of Adjustment to the Louisiana 19th Judicial District Court within forty-five (45) days of the Board's decision.
- J. **Expiration.** A Variance may expire after twelve (12) months according to the provisions of Division 14.200 Standardized Administrative Procedures.
- K. **Annotation of Zoning Map.** If the application is approved or approved with conditions, the Official Zoning Map shall be annotated to reference the approval by resolution or ordinance number.

### **Sec. 14.427 Annexation Request**

- A. **Purpose/Applicability.** The purpose of this section is to establish a procedure and criteria for annexation of land into the City of Zachary. These standards are meant to supplement the State of Louisiana laws and policies concerning annexation. In no case shall this process supersede the State of Louisiana laws concerning annexations. These standards will assist the City in:
1. Protecting the public health, safety, and welfare by establishing standards for annexation of land into the City;
  2. Managing the fiscal impacts of annexation;
  3. Preserving, protecting, and enhancing the character of the City of Zachary; and
  4. Ensuring that annexed land is adequately served by essential public facilities and services, including water facilities, wastewater facilities, drainage facilities, and transportation facilities.
- B. **Initiation.** The following parties may initiate an Annexation Request:
1. Owner, or duly authorized representative.
  2. City Council by resolution.
- C. **Authority.** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall make a final decision on an Annexation Request.

**D. Application.**

1. The application shall be filed with the Planning Director.
2. The Planning Director and/or other City staff may request additional information deemed necessary or appropriate for a full and proper review of the application.

**E. Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.

**F. Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.

**G. Recommendation by Planning and Zoning Commission.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Annexation Requests in Sec. 14.427.J and recommend approval, modified approval or denial with specific reason(s) for denial added to the record.
3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**H. Decision by City Council.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Annexation Requests in Sec. 14.427.J and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**I. Conditions and Rules.**

1. An applicant may submit a Zoning Map Amendment for the property considered for annexation concurrent with the Annexation Request. In this situation the Zoning Map Amendment may only be approved conditionally on the effective date of the annexation.
2. No recommendation or approval shall include any parcel or properties not specifically identified in the public notice for the application.
3. All annexations and approvals must comply with state law, regardless of the approval of an Annexation Request.

**J. Review Criteria.** An Annexation Request shall meet the following criteria:

1. The proposed annexation and parcel configuration is generally consistent with the Comprehensive Plan.
2. The proposed annexation is compatible with the intent of this UDC.

3. The proposed annexation promotes the public health, safety and welfare of the City.
  4. The proposed annexation is compatible with existing use and zoning of nearby property and will not adversely affect the planned development pace of growth or redevelopment in other areas of the City.
  5. The proposed annexation supports the planned capital improvement policy (if available), and public services and utility services are in place or planned to be in place to accommodate the development pace of the land under consideration.
  6. Current infrastructure including streets, drainage, sewer, etc. must meet City standards where applicable, including right-of-way and access standards, unless otherwise exempted by the City Engineer.
  7. The proposed annexation benefits the citizens of the City as a whole.
- K. **Appeal.** An aggrieved party may appeal a final decision by the City Council on an Annexation Request to the Louisiana 19th Judicial District Court within thirty (30) days of the date of the final decision by the City Council.
- L. **Annotation of Zoning Map.** If the application is approved, the Official Zoning Map shall be annotated to reference the approval by ordinance or resolution number.



## **Division 14.500 Special Development Processes**

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### **Sec. 14.501 Special Development Processes**

- A. **Special Applications Established.** The development applications and processes in this section generally have additional requirements, regulations, standard, and/or approval processes.
- B. **Traditional Neighborhood Development**
- C. **Planned Unit Development**
- D. **Development Agreements**

### **Sec. 14.502 Traditional Neighborhood Development Defined**

- A. **Generally.** The pattern book is a design guide for a specific Traditional Neighborhood Development (TND). It is submitted by the applicant to address the design of individual buildings or dwellings. The pattern book ensures that the development will be attractive and harmonious.
- B. Primary difference between TND and PUD (Placeholder)
- C. Specific Standards – (Placeholder for TND standards currently included in other sections of this UDC).

### **Sec. 14.503 TND Summary of Process**

- A. **Generally.** All TNDs shall follow the application and approval process outlined in Division 14.200 Standardized Administrative Procedures, and specifically in Sec. 14.505 Planned Unit Development (PUD) Summary of Process, with the following additions and exceptions:
  - 1. All TNDs shall require submittal and approval of a pattern book. The pattern book shall be submitted as part of the Preliminary Plan, and reviewed according to the standards of Sec. 14.504 Pattern Book Requirements.
  - 2. All TND Preliminary Plans shall be only be approved with the approval of a companion Pattern Book.

### **Sec. 14.504 Pattern Book Requirements**

- A. **Generally.** The pattern book is a design guide for a specific Traditional Neighborhood Development (TND). It is submitted by the applicant to address the design of individual buildings or dwellings. The pattern book ensures that the development will be attractive and harmonious. The pattern book:
  - 1. Provides a palette of development styles and materials (as such, it addresses the design elements not the use or intensity of development);
  - 2. Provides details of streetscape design and landscaping; and
  - 3. May provide for specific modifications of the requirements of this UDC in order to ensure that the development is a cohesive whole.
- B. **Application.**
  - 1. An application for Pattern Book approval shall accompany all applications for approval of a TND, and any application for approval of a mixed-housing neighborhood which also seeks to deviate from minimum lot size, lot averaging, lot width, or setback requirements.
  - 2. The Pattern Book shall include the following elements:
    - a. A description of each type of housing that is proposed.

- b. Standards for lot dimensions for each type of housing, expressed either as lot width and lot depth or lot width and lot area. Such standards may be expressed as averages.
  - c. Standards for setbacks or build-to lines for front, street side, interior side, and rear lot lines, which may be different for principal buildings and accessory buildings. Such standards may be presented in tabular or illustrated format.
  - d. Standards for yards or courtyards, if different from areas between required setback lines and lot lines.
  - e. Standards for the design of each type of building (residential, nonresidential, and mixed- use) that is proposed in the development, which shall include:
    - i. Architectural style / typology;
    - ii. Typical architectural elements for each style / typology; and
    - iii. Typical building materials for each style / typology.
  - f. A collection of illustrative elevations for each architectural style / typology, with standards that will ensure diversity of architectural presentation; or a collection of proposed elevations for each architectural style / typology, which demonstrates diversity of architectural presentation.
  - g. Standards for fences and garden walls, if different from those set out in this UDC.
  - h. Standards for accessory buildings, if different from those set out in this UDC.
- C. **Decision Criteria.** Upon recommendation by the Planning and Zoning Commission, the City Council shall review the pattern book to ensure that it will accomplish the following objectives:
1. *Limitations on Modulation.* Pattern books may modulate residential development standards if the modulations occur in the following ranges:
    - a. Front setbacks (or build-to lines) are in the following ranges:
      - i. Center Subdistrict: 0 ft. to 8 ft.
      - ii. General Subdistrict: 0 ft. to 15 ft.
      - iii. Edge Subdistrict: 10 ft. or more
    - b. Side setbacks shall comply with applicable fire codes.
  2. *Harmony.* The municipality, neighborhood, and development should be harmonious. Harmony is defined as the middle, or balance, of two continuums, both of which have ends that, at their extremes, are unattractive. The balance shall be struck between:
    - a. Monotony and chaos; and
    - b. Unity and interest.
  3. *Quality.* Quality not only refers to the materials and care with which a building or environment is built, but also to its visual richness (e.g., details that are attractive to the resident or visitor). In order to ensure visual interest, the pattern book shall demonstrate the following:
    - a. Single-Family homes (attached or detached) are designed to provide a unit that has a unified appearance from the street with any street façade (front façade and street side façade), having comparable treatment in materials, color, and trim.
    - b. If masonry is used on a front façade, it is also applied to side facades in one or more of the following ways:
      - i. Masonry returns to a break in the side façade, such as a chimney, room projection, or projecting window area;

- ii. An architectural return is applied to all corners so that the greater of ten percent of the length of the side building wall or three feet is finished with masonry to the same height as the front facade;
  - iii. Quoins are used, if consistent with the architectural typology of the building;
  - iv. An architectural detail with a minimum width of 16 inches is applied, such as a pilaster that caps the masonry and the other material that completes the corner; or
  - v. A wing wall screens the view of the side of the building from the street.
- c. Detached single-family homes will be articulated and detailed, and shall avoid undue imposition of building mass on the street.
- d. There should be some detailing or doors, windows and their trim that carries around the buildings sides so that even if the trim is plainer, they show a relationship to the general style and character of the front.
- e. Front porches will be provided on all detached housing types within 1,320 feet along street centerlines from the Center subdistrict, and may be provided elsewhere and on other housing types.
- f. Balconies will be provided on all multistory townhomes and multistory multifamily buildings.
- g. Utility meters shall not be on front or side elevations unless screened by vegetation or other approved screening.
4. *Diversity*. The pattern book shall demonstrate that one or more of the techniques below will be used to achieve harmony (the pattern book is not required to include all of these elements):
- a. Varied Housing Types at a Fine-Grained Scale. Multiple housing types are required, yet this requirement could result in areas or “pods” of each type, which has the potential to lead to monotony. Mixing types on a smaller scale, even having differing dwelling unit types in a block face, is a technique to reduce monotony and add interest.
  - b. Varied Architectural Styles. Different architectural styles (e.g., Colonial Revival and Neoclassical) can be used to vary the appearance of buildings with comparable floor plans. The variations in architectural styles must be meaningful, but must not create a chaotic appearance. For this technique to be reviewed, a number of elements, including roof type and orientation, roof pitch, eave overhangs, windows, doors, decorative elements shall be specified for each architectural style that will be used in the TND. The reference for architectural style shall be *A Field Guide to American Houses* by Virginia and Lee McAlester, et al. (Knopf 1984).
  - c. Varied Floor Plans. If floor plans are meaningfully different, homes will look different. If floor plans are not meaningfully different, homes will often look monotonous. The differences in floor plans must significantly alter the width and shape in order to present a building volume or mass that is different. Such differences include, but are not limited to:
    - i. Minimum of 10 percent difference in front façade width; or
    - ii. Different forms (rectangle, L, or X shapes), if the differences affect the front façade; or
    - iii. Different numbers of stories; or
    - iv. Different symmetry (symmetrical or asymmetrical).
  - d. Varied Gable Orientation. In many cases, a front or side gable roof can be constructed over the same floor plan. This change significantly alters the roof profile of the house, its front elevation massing, and may also alter the height of the roof peak.
  - e. Varied Elements. The pattern book may demonstrate that architectural elements will be varied

in a way that creates meaningful differences in building appearance. Such details may include trims, materials, color, window arrangement (grouping), window fenestration, doors, door lights, window and garage doors, porches, chimneys, bay windows, towers, and balconies, as necessary to create the required variation. This technique is particularly useful when a single architectural style, or two very closely related styles (e.g., Prairie and Craftsman) are used in the development. The pattern book must include detailed elevations, lists of specific elements to be used, and an explanation of how the elements will be mixed to differentiate nearby buildings.

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

### **Sec. 14.505 Planned Unit Development (PUD) Summary of Process**

- A. The PUD application and review process consist of three (3) processes: Conceptual Plan application and approval, Preliminary Plan application and approval, and Final Plan/Final Plat application and approval.
- B. Unless specifically presented in this division, the PUD application and review process does not supersede Division 14.200 Standardized Administrative Procedures, or any other public review and/or approvals required by the City code, including this UDC.

### **Sec. 14.506 PUD Conceptual Plan Application and Process**

- A. **PUD Conceptual Plan Pre-Application Conference.** A pre-application conference is required before submission of a PUD Conceptual Plan application.
  1. The pre-application conference shall include the applicant(s) and/or developer(s), planning and zoning staff, and all other applicable City agencies.

2. The general characteristics of the proposal, evidenced schematically by a conceptual plan, shall be considered during the Pre-Application Conference
3. The Planning Director and other relevant City of Zachary officials shall furnish the applicant with written comments from the pre-application conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the PUD application.

**B. PUD Conceptual Plan Application.**

1. Upon completion of the Pre-Application Conference and after comments from the conference have been provided to the applicant by the City, a conceptual plan application may be filed for a PUD.
2. The application for the PUD Conceptual Plan shall include all of the required information for a Standard Subdivision in the City of Zachary.
3. Additionally, a site and development plan with the following information is required:
  - 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 concept plan schematically showing major streets, major utilities, land uses, access to existing streets, major open space and a conceptual drainage plan.

**C. Review by Planning Director.** The Planning Director shall review the application and may refer the application to other City Officials and affected or interested agencies for review and comment.

**D. Review by the Technical Advisory Committee.** Review by the Technical Advisory Committee is required before the Planning and Zoning Public Hearing.

**E. Public Hearing and Recommendation by Planning and Zoning Commission on PUD Conceptual Plan.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. Within sixty (60) days after the start of the official public hearing, the Planning and Zoning Commission shall consider the comments and recommendations of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Article 6, and the review criteria for a PUD Conceptual Plan in Section 14.506.I and recommend approval, approval with conditions, or denial of the application.
3. An extension of the sixty (60) day consideration period may be granted by the Planning and Zoning Commission at the request of the applicant, however granting additional consideration time shall not preclude the Planning and Zoning Commission from making a recommendation on the application.

**F. Public Hearing and Decision by City Council on PUD Conceptual Plan.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. Within sixty (60) days after the start of the official public hearing on the recommendation on the application by the Planning and Zoning Commission, the City Council shall consider the official recommendation of the Planning and Zoning Commission, the comments and recommendation of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Article 6, and the review criteria for a PUD Conceptual Plan in Section 14.506.I and approve, approve with conditions, or deny the application.
  - a. Approval of the application: Applicant authorized to submit PUD Preliminary Plan in compliance

- with approved PUD Conceptual Plan.
- b. Approval of application with conditions: Applicant authorized to submit PUD Preliminary Plan in compliance with approved PUD Conceptual Plan and all conditions.
  - c. Deny the Application: The City Council shall state the reason for the denial of the application in the official record.
3. An extension of the sixty (60) day consideration period may be granted by the City Council at the request of the applicant, however granting additional consideration time shall not preclude the City Council from making a final decision on the application.
- G. **Appeal of City Council decision on a PUD Conceptual Plan.** A final decision by the City Council on a PUD Conceptual Plan may be appealed to the Louisiana 19th Judicial District Court.
- H. **Expiration of PUD Conceptual Plan Approval.** Approval of the PUD Conceptual Plan shall expire, unless a Preliminary PUD Plan of at least the first phase of the development based thereon is submitted within two (2) years from the date of such approval, unless an extension of time is applied for and granted by the Planning and Zoning Commission. Future phases of development that extend beyond the two (2) year limit shall be subject to review by the Planning Director and the City Engineer to determine if specifications and design standards meet current regulations.
- I. **Review Criteria for PUD Conceptual Plan.**
1. Compliance with the requirements contained in this ordinance.
  2. The proposed development is consistent with the pertinent elements of the Zachary Comprehensive Plan.
  3. The proposed development will reinforce the existing or planned character of the neighborhood and the City.
  4. The site is appropriate for the development proposed in the concept 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.

### **Sec. 14.507 PUD Preliminary Plan Application and Process**

- A. **PUD Preliminary Plan Pre-Application Conference.** A pre-application conference is required before submission of a PUD Preliminary Plan application.
1. The pre-application conference shall include the applicant(s) and/or developer(s), planning and zoning staff, and all other applicable City agencies.
  2. The general characteristics of the PUD Preliminary Plan application shall be considered during the pre-application conference.
  3. The Planning Director and other relevant City of Zachary officials shall furnish the applicant with written comments from the pre-application conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the PUD application.
- B. **PUD Preliminary Plan Application.**
1. Upon completion of the Pre-Application Conference and after recommendations from the

- conference have been provided to the applicant by the City, a PUD Preliminary Plan application may be filed.
2. The application for the PUD Preliminary Plan shall include all of the required information for a Standard Subdivision in the City of Zachary.
  3. Additionally, a site and development plan with the following information is required:
    - a. A detailed description of any proposed exceptions to these regulations and/or the UDC.
    - b. A detailed narrative of the proposed development plan for the PUD including any future phases of development.
    - c. Proposed lot lines.
    - d. Proposed location and floor area of all existing and proposed buildings, structures and other improvements, including maximum building heights.
    - e. Density of residential uses.
    - f. 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.
    - g. 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.
    - h. General landscape plan for all areas.
    - i. 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'.
    - j. Proposed treatment of the perimeter of the PUD, including materials and techniques used (i.e. fences, walls, and other landscaping)
    - k. Adequate drainage facilities for storm water, including storm sewers, gutters, paving, and the proper design of finished grades.
    - l. Any additional fiscal, traffic, or environmental information as required by the City to evaluate the character and impacts of the PUD.
- C. **Review by Planning Director.** The Planning Director shall review the application and may refer the application to other City Officials and affected or interested agencies for review and comment.
- D. **Review by the Technical Advisory Committee.** Review by the Technical Advisory Committee is required before the Planning and Zoning Public Hearing.
- E. **Public Hearing and Recommendation by Planning and Zoning Commission on PUD Preliminary Plan.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. Within sixty (60) after the start of the official public hearing, the Planning and Zoning Commission shall consider the comments and recommendations of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Article 6, and the review criteria for a PUD Preliminary Plan in Section 14.507.I and recommend approval, approval with conditions, or denial of the application.
  3. An extension of the sixty (60) day consideration period may be granted by the Planning and Zoning Commission at the request of the applicant, however granting additional consideration time shall

not preclude the Planning and Zoning Commission from making a recommendation on the application.

**F. Public Hearing and Decision by City Council on PUD Preliminary Plan.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. Within sixty (60) days after the start of the official public hearing on the recommendation on the application by the Planning and Zoning Commission, the City Council shall consider the official recommendation of the Planning and Zoning Commission, the comments and recommendation of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Section 1.601, and the review criteria for a PUD Preliminary Plan in Section 14.507.I, and approve, approve with conditions, or deny the application.
  - a. Approve the application with no conditions: Applicant authorized to submit Construction/Engineering Plan/Public Improvement Plans to proceed with development of the Final PUD Plan.
  - b. Approval with conditions:
    - i. The applicant shall submit an updated PUD Conditional Plan showing compliance with the approved conditions to the Planning Director for staff review and approval prior to submission of Construction/Engineering/Public Improvement Plans and proceeding with the development of the Final PUD Plan.
    - ii. Failure to submit an updated PUD Conditional Plan showing compliance with the approved conditions within the time period prescribed by the City Council shall constitute a failure to meet the conditions of approval and shall cause the application to be denied.
  - c. Deny the Application: The City Council shall state the reason for the denial of the application in the official record.
3. An extension of the sixty (60) day consideration period may be granted by the City Council at the request of the applicant, however granting additional consideration time shall not preclude the City Council from making a final decision on the application.

**G. Appeal of City Council decision on a PUD Preliminary Plan.** A final decision by the City Council on a PUD Preliminary Plan may be appealed to the Louisiana 19th Judicial District Court.

**H. Expiration of PUD Preliminary Plan Approval.** Approval of the PUD Preliminary Plan shall expire, unless a PUD Final Plan of at least the first phase of the development based thereon is submitted within two (2) years from the date of such approval, unless an extension of time is applied for and granted by the Planning and Zoning Commission. Future phases of development that extend beyond the two (2) year limit shall be subject to review by the Planning Director and the City Engineer to determine if specifications and design standards meet current regulations.

**I. Review Criteria for PUD Preliminary Plan**

1. Compliance with the requirements contained in this ordinance.
2. The development will not create potential adverse environmental impacts or effects on neighboring properties.
3. The development is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

**Sec. 14.508 PUD Construction**

**A. PUD Construction.** Construction of the PUD shall be in accordance with the provisions and standards of



this UDC and all other relevant codes and ordinances.

## **Sec. 14.509 PUD Final Plan Application and Process**

### **A. PUD Final Plan Application**

1. After approval of the PUD Preliminary Plan, an application may be made for approval of the PUD Final Plan. Application for the PUD Final Plan shall not be made until substantial completion of the approved PUD Preliminary Plan has occurred, provided the final plan is in compliance with the approved PUD Preliminary Plan and all conditions of the approval plan and does not violate any provision of the UDC and/or all other relevant codes and ordinances.
2. If the PUD Final Plan is not in compliance with the approved PUD Preliminary Plan and all conditions of the approved PUD Preliminary Plan, the Final Plan shall require the same review and public hearing process required for approval of the PUD Preliminary Plan.
3. Final Site Plan --The final site plan shall also serve as the official subdivision final plat and shall meet all of the requirements of a Standard Subdivision Final Plat. This plat must conform to the subdivision ordinance and the UDC of the City of Zachary except where exceptions have been approved by the City Council as part of the approved PUD Preliminary Plan. The plat shall contain proper dedications for public streets, utility easements, and all other public rights required by the PUD Preliminary Plan.
4. In addition to the requirements of a Standard Subdivision Final Plat, the final site plan shall also contain the following:
  - a. Zoning designations of planned development.
  - b. Description of all uses in the planned development.
  - c. 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.
  - d. Final design of 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.
  - 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, school sites, and similar public and semi-public uses.
  - 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 Planning Director and City Engineer. 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 City Council. 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.
  - i. Documentation of all waivers and exceptions granted by the City Council during approval of the PUD Preliminary Plan.

- B. **Final PUD Plan Approval.** Review by the Technical Advisory Committee, recommendation by the Planning and Zoning Commission, and approval by the City Council of the Final PUD Plan and plat shall be required before filing the plat with East Baton Rouge Parish Clerk of Court. Final PUD Plan approval

shall comply with the standards and procedures of the Standard Subdivision Final Plat Approval.

### **Sec. 14.510 PUD Minor Amendments**

- A. Minor changes to the final, approved PUD such as: location, sizing, height, and siting of buildings and structures may be approved by the Planning and Zoning Commission.
- B. Any change to the final, approved PUD considered a major or significant amendment to the planned development shall require public hearings by the Planning Commission and the City Council in accordance with the provisions of the PUD Preliminary Plan application and process.
- C. Any change to any exception or waiver approved as part of the final, approved PUD shall be considered a major or significant amendment.

### **Sec. 14.511 PUD Waivers from District Regulations**

- A. **Generally.** A PUD Preliminary Plan may include exceptions to the regulations contained in these regulations and in the UDC including, but not limited to, use, density, area, bulk, required yards, off-street parking and loading, and signage to achieve the objectives of the proposed planned development. Such exceptions shall be consistent with the procedures and standards of this section.
- B. Waivers for exceptions to UDC regulations may be granted when such exceptions do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or vehicular and pedestrian circulation, subject to the following:
  - 1. No waiver or exception shall be granted for any non-residential uses that are not allowed in Article 5 or Article 6.
  - 2. **No waiver or exception shall be granted to exceed the maximum allowed residential development area or residential density as permitted in Article 6.**
- C. All requested PUD Waivers shall be noted in the Preliminary PUD Plan application. Additionally, all waivers approved with a PUD Preliminary Plan shall be identified on the PUD Final Plan and the final plat when applicable.
- D. **PUD Waiver Review Criteria.** To be granted a waiver, the applicant must demonstrate a substantial benefit to the City, which may include, but is not limited to, superior design characteristics, enhanced amenities within the development, and a commitment to the appropriate use of sustainable design techniques. The following design characteristics and amenities are provided as a guide for consideration as to whether to grant a waiver to UDC requirements, but do not constitute an exclusive list of requirements. Additional design characteristics, public benefits and amenities not listed below may also be considered.
  - 1. Enhanced design characteristics including mixed-use development, circulations systems that utilize traffic calming techniques and pedestrian-oriented environments.
  - 2. Community amenities including plazas, public parks and other areas to congregate, outdoor seating, public art, and pedestrian amenities.
  - 3. The use of sustainable design and architecture, such as the use and/or incorporation of green roofs, white roofs, bio-swales, solar panels, wind turbines and other energy efficient design concepts, new building technologies, and/or Leadership in Energy Efficiency Design (LEED) or LEED-equivalent structures.
  - 4. Preservation of natural areas.
  - 5. Historic preservation included the adaptive reuse of historic structures.
  - 6. Additional open space and recreational amenities such as ball fields, playgrounds, dog parks, natural water features and conservation areas.

7. Additional public infrastructure improvements (in addition to the minimum requirements).
8. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.

### **Sec. 14.512 Development Agreements Authorized**

- A. **Generally.** Development agreements are a tool for providing stability and establishing public and private expectations for large, multi-phased and/or multi-jurisdictional projects with long-term buildouts. Development agreements may also be used, at the City Council's discretion, for any other development, and may be combined with annexation requests.
- B. **Authorization.** The City Council may authorize the Mayor to negotiate and execute a development agreement pursuant to RS 33:4780.21 (Subpart G, Development Agreements), *et seq.*, and the home rule authority provided by the Home Rule Charter of the City of Zachary. Proposed development agreements shall be reviewed by the City Attorney, are subject to all provisions Division 14.200 Standardized Administrative Procedures include a public hearing and recommendation from the Planning and Zoning Commission and a public hearing and approval by the City Council before execution.

### **Sec. 14.513 Contents of Development Agreements**

- A. **Required Development Agreement Provisions.** A development agreement shall include at least the following provisions:
  1. The duration of the agreement;
  2. Documentation of the legal, approved zoning and development standards including:
    - a. The permitted uses of the property;
    - b. The density or intensity of use;
    - c. The maximum height and size of proposed buildings;
  3. Provisions for reservation or dedication of land for public purposes or natural resource protection; and
  4. Terms and conditions relating to financing of necessary public facilities by the applicant; and, if such improvements serve more than the applicant's development, subsequent reimbursement of the applicant over time.
  5. The timing or phasing of extension of utilities and services to the applicant's development, including how the costs of the extension will be allocated between the City, other jurisdictions or agencies, other responsible parties and the property owner.
- B. **Optional Provisions.** Development agreements may include:
  1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the legal, approved zoning and development standards set forth in the agreement;
  2. A requirement that construction shall be commenced within a specified time and/or that the project or any phase thereof be completed within a specified time; and
  3. Any other lawful provision that is mutually agreed between all parties.

### **Sec. 14.514 Review; Modification; and Termination of Development Agreements**

- A. **Generally.** Development agreements shall be reviewed at a minimum of once every twenty-four (24)

months, at which time the applicant or his successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement.

- B. **Termination or Modification of Agreement.** If, as a result of such periodic review, the City Council finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the City Council may terminate or modify the agreement.

## ARTICLE 15 DEFINITIONS

### Division 15.100 Abbreviations and Acronyms

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#### Sec. 15.101 Abbreviations and Acronyms

Table 15.101, *Abbreviations and Acronyms* sets out the meaning of the acronyms and abbreviations used in this UDC.

Table 15.101 Meaning of Acronyms and Abbreviations	
Abbreviation or Acronym	Meaning
ac.	Acres
ADT	Average Daily Trips
ANSI	American National Standards Institute
BMP	Best Management Practice
C.F.R.	Code of Federal Regulations
dba	A-weighted decibels
D.B.H. or DBH	Diameter at Breast Height
du	Dwelling Unit
EIFS	Exterior Insulation and Finish Systems
EPA	United States Environmental Protection Agency
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ft.	Feet
in.	Inches
ITE	Institute of Traffic Engineers
LDEQ	Louisiana Department of Environmental Quality
LEED	Leadership in Energy and Environmental Design
LOMA	Letter of Map Amendment
LSR	Landscape Surface Ratio
Max.	Maximum
Min.	Minimum
na.	Not Applicable
NAICS	North American Industrial Classification System
OSR	Open Space Ratio
PUD	Planned Unit Development
Sec.	Section
sf.	Square Feet
TND	Traditional Neighborhood Development
u/a	Units Per Acre
UDC	City of Zachary, Louisiana Unified Development Code
USACE	United States Army Corps of Engineers

## Division 15.200 Word Usage

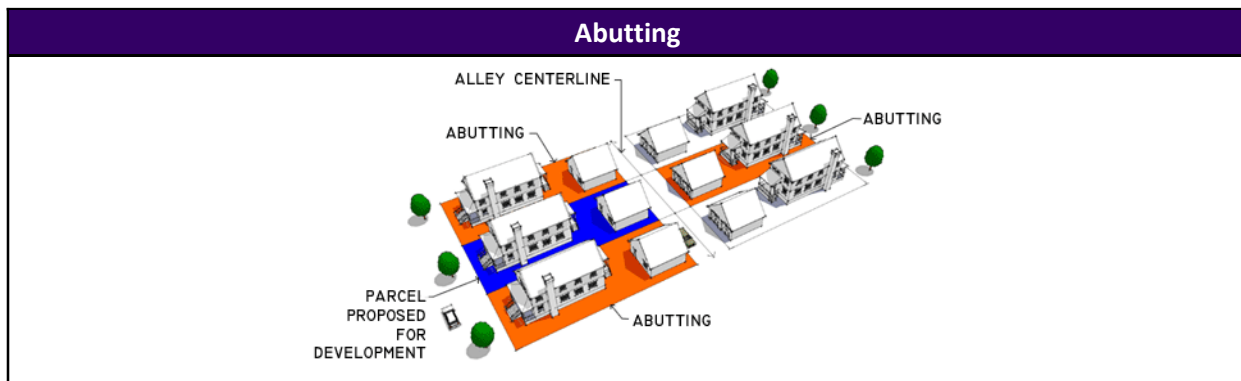
### Sec. 15.201 Word Usage

- A. **Generally.** The rules of this Section shall be observed and applied when interpreting this UDC, except when the context clearly requires otherwise.
- B. **Word Usage.** Words shall be interpreted as follows:
1. Unless the context clearly indicates otherwise, words used or defined in one tense or form shall include other tenses or forms.
  2. Unless the context clearly indicates otherwise, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
  3. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
  4. The words "shall" and "will" are mandatory.
  5. The words "may" and "should" are permissive.
  6. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.

## Division 15.300 General Definitions

### A

**Abutting**, when referring to lots, parcels or property, means next to and having some portion of a boundary that is coterminous with the parcel proposed for development. Lots or parcels that are separated only by an alley are abutting if their property lines would be shared if they extended to the centerline of the alley. See Figure "Abutting."



**Abandonment** means that a use, structure, or sign is no longer being used, occupied, or otherwise operated either because the owner or operator affirmatively intends to discontinue use, occupancy, or operation, or because the use, occupancy, or operation is discontinued for a period of time specified in this UDC, after which it is not allowed to be resumed.

**Access** means a vehicular connection to a public or private street or alley from a lot or parcel.

**Access Easement** means a private easement for vehicular access across one lot or parcel to another (e.g., a driveway across a lot to access another lot). Cross-access easements are reciprocal arrangements that provide for the free flow of vehicles across the property line of abutting lots (e.g., a driveway connection between abutting shopping centers).

**Accessory Building** means a building that is detached from a principal building, but located on the same lot,

and which is incidental and subordinate to the principal use or building.

**Accessory Dwelling Unit** means a building or group of rooms with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is a detached or attached extension to a principal single-family building. Accessory dwelling units are subordinate in size and scale to principal dwelling units, and may be subject to limitations on their configuration and floor area.

**Accessory Structure** means a structure which is on the same parcel of property as a principal use or building, the use of which is incidental to the use of the principal use or building (such as gazebos and carports).

**Accessory Use** means a use of land or a building, or portion thereof, that is incidental and subordinate to the principal use and located on the same lot with such principal use. For example, a single-bay car wash is a typical accessory use to a light automobile service / gasoline station.

**Active Recreation** means recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, and golf courses are examples of active recreation uses.

**Addition** means any construction that adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area or height of a building or structure. Examples of a additions are adding a porch, a carport, or a new room.

**Adult Uses** means:

1. Any use of property available to the public, whether for profit or not, that: Involves nude or topless dancing; Predominantly advertises and offers material and/or items that depict and/or are generally used in sexual activity; or, Allows other similar activities that depict, describe, simulate, or relate to sexual activities.
2. Not limiting the preceding, the phrase "adult use" shall also include any: Bookstore/shop in which the primary type of material offered is of a sexual nature; Motion picture arcade/motion picture theater in which the predominant type of material shown depicts sexual acts; Cabaret/lounge/night club in which the predominant attraction is nude or topless dancing; Health spa/sauna in which services of a sexual nature are offered to the public;
3. Not limiting the preceding, and with respect to specific business types, the phrase "adult use" also includes, but is not limited to, any: Adult arcade; Adult bookstore or supply store; Adult cabaret, lounge, or night club; Adult health spa or sauna; Adult hotel or motel; Adult model studio; Adult motion picture theater; Adult novelty business; Adult outdoor motion picture theater; Escort agency; Lingerie Modeling Studio; Sexual encounter center; or Any other business that offers its patrons services or entertainment that provide nude dancing or other live recording performances that depict, describe, or relate to "specified anatomical areas" or "specified sexual activities."

**Agriculture** means land (with and without farm residences) used for field crops for food, fiber, or energy; orchards; viniculture; horticulture; dairying; pasturage; aquaculture, and truck farming. The term "agriculture" also includes the raising or breeding of livestock, cattle, horses, poultry, and bees where there is no more than one animal equivalent unit or bee colony per acre. The term includes the necessary accessory uses for storing the products and inputs needed to produce them. The term also includes incidental retail sales by the producer of products raised on the premises. The term does not include intensive agriculture.

**Agricultural Support and Other Rural Services** means uses that support agricultural uses, including:

1. Farm supply services and feed stores;
2. Farm equipment dealers; and
3. Crop storage and packing.

**Airports** means aircraft take-off and landing fields and flight training schools; or airstrips for personal aircraft

for the private use of an individual. The term "airport" also includes the term "heliport," which is any area used for the take-off and landing of helicopters that also includes passenger and cargo facilities, fueling, and emergency service facilities.

**Alcoholic Beverage Sales** means the retail sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption subject to state and/or local laws.

**Alley** means a narrow right-of-way that is designed to provide rear (generally secondary) access to property.

**Animal Equivalent Unit** means a unit of measurement to compare various animal types based upon equivalent forage needs or waste generation.

Animal Equivalent Units	
Animal	Animal Units
Adult Cow with Unweaned Calf	1.00
Mature Dairy Cattle	1.40
Slaughter or Feeder Cow	1.00
Sheep	0.20
Goat	0.20
Llama	0.60
Horse	1.25
Mule	1.25
Donkey	1.25
Burro	1.25
Swine (>55 pounds)	0.40
Swine (<55 pounds)	0.07
Laying Hens	0.03
Broiler Chickens	0.01
Turkeys	0.02
Other Animals	Average Animal Weight (in pounds) / 1,000 pounds

**Antenna** means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals. Different types of antennae may be subject to different requirements pursuant to this UDC.

**Appeal** means review of a final decision, determination, order, or act pursuant to this UDC which is made by the responsible official or a decision-making body.

**Applicant** means a person, firm, or agency that executes the necessary forms to obtain a development order for any zoning, subdivision, site plan, building, land disturbance, or other activity regulated by this UDC.

**Approval** means a final action granting a development order, which is taken by the responsible official or decision-making body.

**Architectural Details** means any projection, relief, cornice, column, change of building material, window, or door opening on any building. The phrase does not include wall textures, such as brick, ribbed concrete, split face concrete block, or siding, nor does it include color changes.

**Art Gallery/Studio** means an establishment for the instruction or study of, or a commercial establishment engaged in the sale, loan, and exhibition of painting, sculpture, photography, video art, or other works of art. An art gallery does not include a cultural facility, such as a library, museum, or non-commercial gallery that may also display paintings, sculpture, photography, video art, or other works of art. This includes a permanent outdoor art market on private property where artists display and sell hand-crafted or personally produced art directly to retail customers at stalls, booths, tables, platforms, or similar display areas, under the



supervision of a proprietor that rents or otherwise arranges for assigned spaces for each vendor.

**Awning or Canopy** means a structure partially attached or entirely supported by a wall, and which is covered by canvas, cloth, or other similar material used as a protective cover for a door, entrance, window, walkway, or service area.

## **B**

**Bar** means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages for consumption on the premises. A bar may include a micro-brewery or micro-distillery on site as an ancillary use and retail sales of those beverages produced in the on-site micro-brewery or micro-distillery. Unless otherwise permitted by law, retail sales of packaged alcoholic beverages for consumption off the premises are prohibited.

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

**Base Flood Elevation** means the elevation of the base flood.

**Bed and Breakfast** means any place of lodging that provides five or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

**Best Management Practices** means that combination of conservation measures, structures, vegetation, or other management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or waterways and water bodies.

**Block** means an area of land, normally (but not necessarily) divided into lots, that is surrounded on all sides by any of the following:

1. streets or other transportation rights-of-way (except alleys); or
2. physical barriers such as water bodies or public open spaces.

**Brewery** means a facility listed as a "manufacturer or brewer" as defined in Title 26, Section 241 of the Louisiana Revised Statutes. The facilities may include on-site tasting facilities as an accessory use with retail sales of only those alcoholic beverages produced at that facility for consumption on or off-premise. On-site tasting facilities shall be subject to the use and parking standards of a bar and any limitations provided for in state and/or local law.

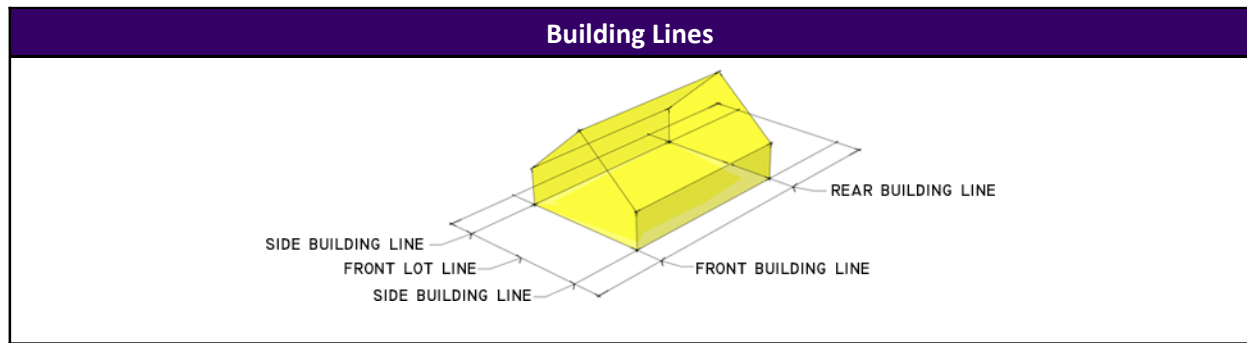
**Buffer** means open spaces, landscaped areas, fences, walls, berms, or any combination thereof, which are used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, or other nuisance.

**Bufferyard** means a designated strip of land upon which a buffer is installed. Bufferyards may be required between land uses, along district boundaries, along parking lot boundaries, and along street and railroad rights-of-way.

**Buildable Area** means the area of a lot or parcel proposed for development that is available for development after setbacks, bufferyards, required open spaces and landscaped areas, stormwater detention and treatment areas, and right-of-way dedications are provided.

**Building** means a roofed structure, enclosed by walls, which is intended to shelter people, animals, property, or business activity. The word "building" shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

**Building Line** means a line that runs along the wall plane of a building, extending from lot line to lot line. The building line is not necessarily the same as the setback line. See Figure "Building Lines."



**Business Park** means a development that contains a number of separate businesses, offices, light manufacturing facilities, accessory and supporting uses, and common open space designed, planned, and constructed on an integrated and coordinated basis. Commercial retail and restaurant uses are not dominant components of business parks.

## C

**Campgrounds** means a form of commercial lodging where guests bring tents, travel trailers, recreational vehicles (RVs), campers, or other similar forms of shelter. The campground rents pads to the guests. The term "campgrounds" also includes the phrase "RV Parks."

**Caliper** means the diameter of new landscape plantings, measured:

1. Six inches above ground for caliper sizes up to 4 inches; and
2. 12 inches above ground for larger sizes.

**Car Wash** means any area or business using, self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to light automobile service / gas station or vehicle sales, rental, and service), or as a standalone operation, of any type, on a commercial basis. The definition includes fleet and municipal in-bay automatic and conveyor vehicle wash facilities.

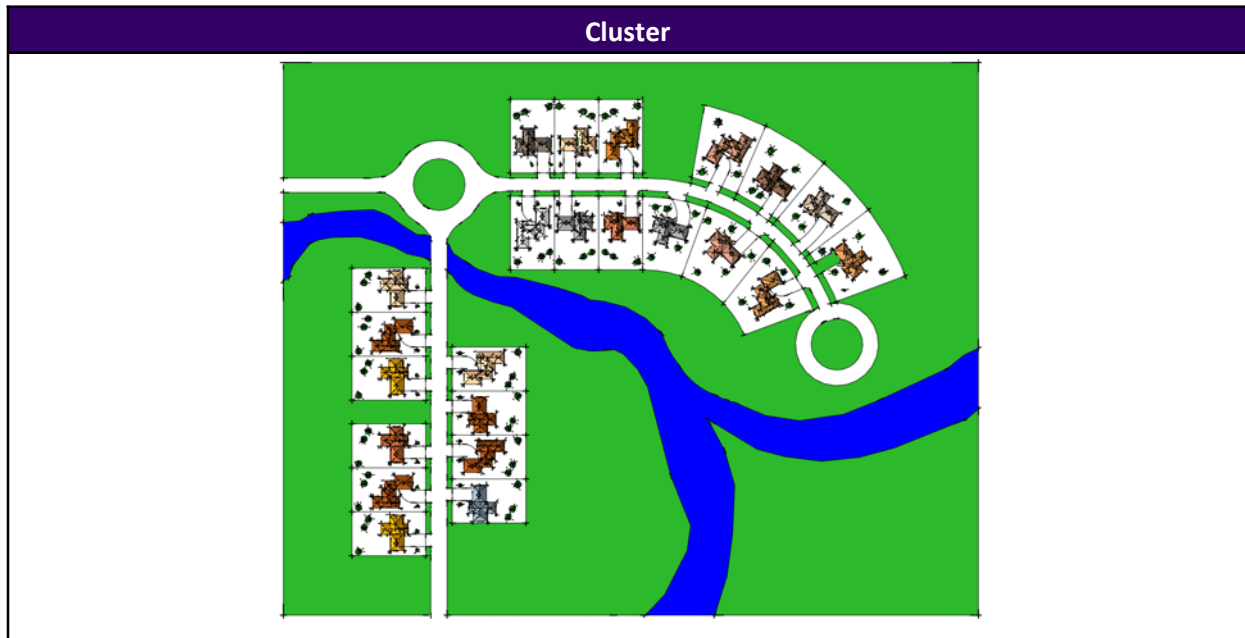
**Cemetery** means any place, including a mausoleum, niche, or crypt, in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies.

**Certificate of Occupancy** means a statement signed by the Building Inspector that sets forth that a building, structure, or use legally complies with this UDC and the applicable Building Codes, and that the building, structure, or use may be used for the purposes stated therein.

**Changeable Copy** means an element of a sign which allows for sign messages to be routinely changed, either manually (using removable inserts with characters or graphics) or electronically (using display panels).

**Cluster** means a development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural resources.

**Commencement of Construction** means that a building permit or other written permit required to be issued



by the Building Inspector has been issued and work has commenced under such permit. This is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the work until completion, such as the clearing of rights-of- ways, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

**Commercial Amusement, Indoor** means uses that provide commercial amusement indoors (except adult uses), including but not limited to:

1. Bowling alleys and pool rooms;
2. Indoor sports arenas;
3. Movie theaters and live theaters;
4. Indoor skating rinks (ice or roller);
5. Video arcades; and
6. Shooting arcades.

**Commercial Amusement, Outdoor** means uses that provide commercial amusement outdoors (except sexually oriented businesses), including but not limited to:

1. Outdoor arenas or stadiums (including but not limited to amphitheaters, sports stadiums, concert facilities, rodeos, and racing facilities);
2. Amusement parks or theme parks;
3. Fairgrounds;
4. Miniature golf establishments;
5. Golf driving ranges;
6. Water slides;

7. Batting cages; and
8. Shooting ranges.

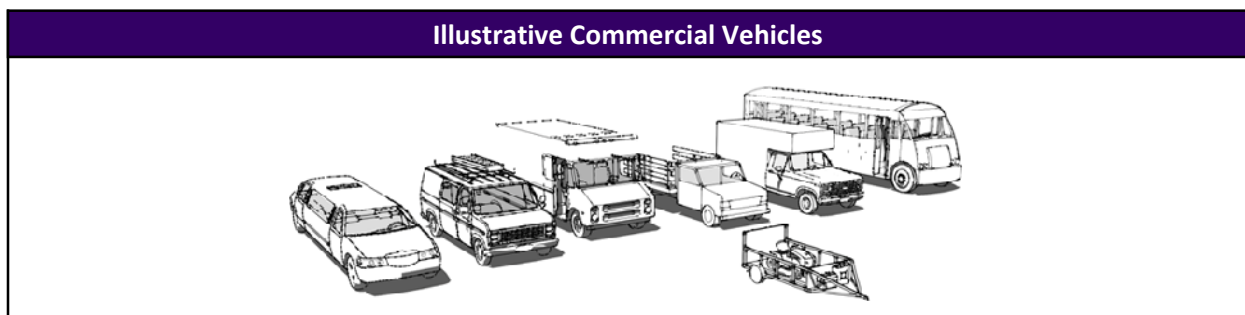
**Commercial Outdoor Sales Event** means periodic outdoor sales of goods by occupants of a commercial parcel.

**Commercial Retail** means an establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. A commercial retail establishment does not include any adult uses. A commercial retail establishment may not sell alcoholic beverages unless retail sales of packaged alcoholic beverages is allowed within the district and a separate approval is obtained for such use. A commercial retail establishment that sells food products, such as a delicatessen, bakery, or grocery, may offer ancillary seating areas for consumption of food on the premises.

**Commercial Stables** means the stabling, training, feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

**Commercial Vehicle** means:

1. Any motor vehicle, trailer, or semi-trailer that:
  - a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
  - b. Has a gross weight of more than 10,000 pounds;
2. Any step van or truck that is designed for commercial moving or parcel delivery services;
3. Any truck that is used for retail sales (*e.g.*, ice cream, lunches);
4. Any vehicle with more than four wheels that is used for business purposes;
5. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
6. Any trailer that is used for commercial hauling (*e.g.*, waste, junk, or lawn clippings), or commercial moving services;
7. Any tracked vehicle used for construction or excavation; and
8. Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment.



**Community Homes** means a group care facility in a residential dwelling with up to six (6) residents, licensed by the state, for twenty-four (24) hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the

individual. Group homes include youth transitional residences, adult residential care facilities, emergency child shelters, and child residential care facilities licensed by the state.

**Comprehensive Plan** means the Comprehensive Plan for the City of Zachary, Louisiana, as adopted and amended from time to time.

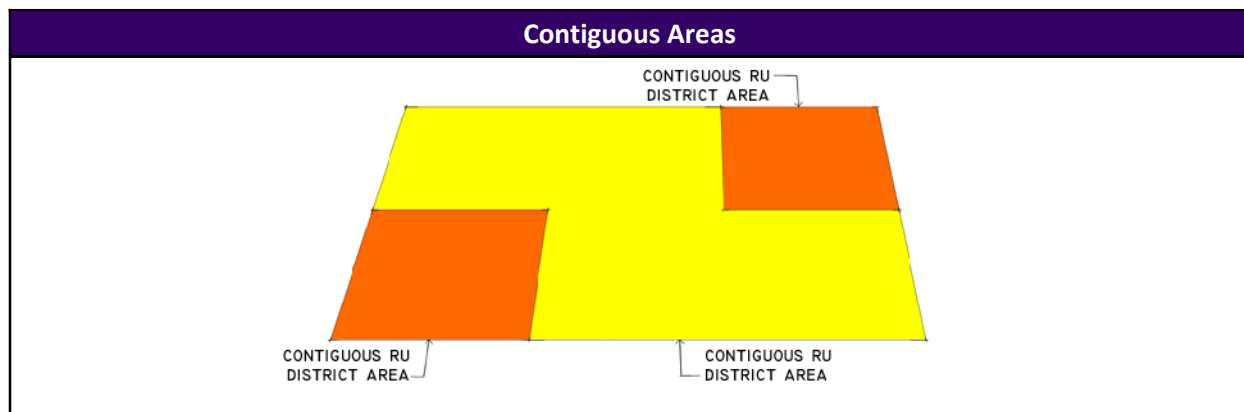
**Conditional Use** means a use, which because of its potential impacts, may be permitted in a given zoning district, only after public hearing review and issuance of a conditional use permit.

**Conservation Easement** means a recorded legal document that restricts the use of land to uses that are compatible with environmental conservation, historic preservation, open space preservation, or agricultural preservation. Conservation easements sever development rights from property and extinguish them, but do not involve transfer of fee simple title to the property to be conserved.

**Constructed Wetland** means a low-lying area, artificially created by dredging, damming, or berming of earth for the retention of water and the establishment of a hydrophytic vegetative community.

**Construction** means the erection of a new building or structure, or the installation of infrastructure, on a parcel proposed for development.

**Contiguous** means connecting without a break. For example, "contiguous zoning district area" means all of the area enclosed within a single zoning district boundary. See Figure "Contiguous Areas."



**Conversion**, when referring to a use, means a change of the original use of a building, lot or parcel to a different use, or the conversion of a nonconforming use to a conforming one (either by a change of the use or by application of [Division 12.500, Conversion of Nonconformities](#)).

**Covenant** (or "Restrictive Covenant") means a restriction on the use or development of land, or which requires affirmative actions to be performed (*e.g.*, the payment of dues to a homeowners' association), that is set forth in a recorded agreement, and that runs with the land (*i.e.*, it is binding upon subsequent owners of the property).

**Critical Root Zone** means a circular area measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every inch DBH, for Live Oaks 1.5 feet for every inch DBH, with a minimum of eight feet.

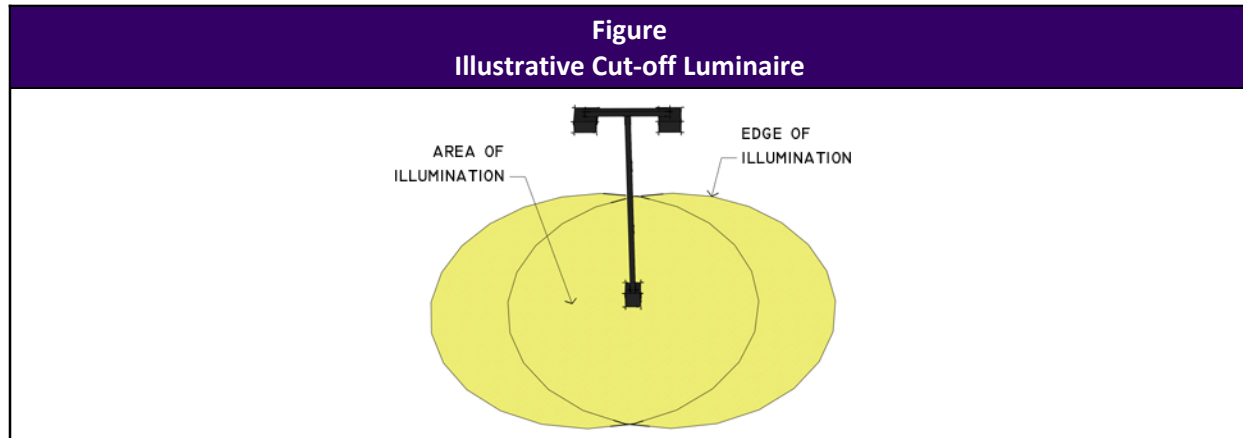
**Cultural Facility**. Means a use that is open to the public and provides cultural services and facilities including, but not limited to, libraries, museums, aquariums, zoos, botanical gardens, and historical societies. A cultural facility may have ancillary retail uses, that offers items related to the facility for sale, and ancillary restaurants, which are only open during the hours of operation of the facility. A cultural facility may hold special events and receptions on-site, including events that take place after closing hours.

**Cut-off** means a point at which all light rays emitted by a lamp, light source, or luminaire are intercepted or redirected by a shield, preventing their continuation. For signs, the term "cut-off" simply refers to the use of

shields to direct the light so light rays shine exclusively on the sign.

**Cut-off Angle** means the angle, formed by a line drawn from the edge of the light beam of a luminaire to the ground and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cut-off Luminaire** means an outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than 90 degrees, in order to ensure that the light from the fixture illuminates an area of ground or wall plane without spilling over onto adjacent property or exposing a light source to view from adjacent property or rights-of-way. See Figure , *Illustrative Cut-off Luminaire*.



## D

**Day-Night Level (DNL)** means a sound measurement scale that measures noise exposure over a 24-hour period. The scale accounts for nighttime noise levels by imposing a 10 a-weighted decibel (dBA) penalty against sounds that occur between 10:00 PM and 7:00 AM during the 24-hour period (this means that one nighttime event is considered equal to 10 daytime events at the same level). The scale also accounts for various weather patterns that may affect noise levels. Generally speaking, this measurement scale converts the a-weighted decibels of various noise events into sound exposure level (SEL), which measures the noise level of each individual event in a one-second period. These individual events are then computed over the 24 hour period to reflect a DNL.

**Dedication** means the transfer of private property to public or common ownership for a public purpose. The transfer may be a fee-simple interest (*e.g.*, a deed or title) or less than fee simple interest (*e.g.*, an easement). Dedication requires the acceptance of the property or property interest in order to be complete.

**Deed Restriction** means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county register of deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

**Density** means the number of dwelling units allowed per unit of land area of a parcel proposed for development. Density is measured as gross density and net density, which are measured as provided in Section 17.205, *Density*.

**Design Storm Frequency** means the time interval in years at which a storm occurrence has a chance to exceed or equal the storm of specific duration and intensity used in design of drainage facilities.

**Detention/Retention Basin** means a natural or man-made basin or structure that is designed as a temporary holding area for water. Water may be detained to minimize flooding downstream or retained to increase aquifer recharge.

**Developer** means a person seeking to build or develop as defined in this UDC.

**Development** means any building, construction, renovation, mining, extraction, dredging, filling, excavation, or comparable activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity of use of land (such as an increase in the number of dwelling units in a structure); any change from one use to another use; and any activity that alters a bayou, river, stream, lake, pond, canal, marsh, woodland, wetland, endangered species habitat, aquifer or other natural resource area. Development does not include agriculture and forestry operations.

**Development Order** means any permit or decision that is processed as an administrative permit or a public hearing permit, as set out in Section 14.202, *Administrative Permits*, or Section 14.203, *Public Hearing Permits*.

**Diameter at Breast Height (DBH)** means a measurement of the size of a tree that is equal to the diameter of its trunk measured four and one-half feet above the adjacent natural grade.

**Dimensional Letters or Symbols** means letters, numbers, or symbols that are manufactured individually, are permanently affixed to a permanent sign, and that project at least one-half inch from the sign face upon which they are mounted, or are engraved at least one-half inch into the sign face. Examples of dimensional letters or symbols include formed plastic sign letters, metal face sign letters, flat-cut acrylic letters, channel sign letters, reverse channel sign letters, and engraved or embossed letters.

**Disposal** means facilities for the disposal of non-nuclear waste or fill, or the composting of organic wastes. The term includes landfill and composting facility.

**Disposal Field** means a system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

**Distillery** means a facility listed as a “manufacturer” as defined in Title 26, Section 2 of the Louisiana Revised Statutes. The facilities may include on-site tasting facilities as an accessory use with retail sales of only those alcoholic beverages produced at that facility for consumption on or off-premise. On-site tasting facilities shall be subject to the use and parking standards of a bar and any limitations provided for in state and/or local law.

**Domestic Animals** means animals that are commonly kept as pets or livestock. Wild animals, wild birds, wild or poisonous reptiles, insects, and arachnids are not included in this definition.

**Drainage** means the process and path by which surface water (usually from rainfall) moves across the land surface to a body of water.

**Drainage Areas** mean the delineated areas that currently contribute, or are proposed to contribute, runoff to a specific location or point.

**Drainage Facility** means any system of artificially constructed drains, including open channels and stormwater sewers, used to convey stormwater, surface water, or groundwater, either continuously or intermittently, to natural water courses.

**Drinking Water Protection Area** means the area around a drinking water source, such as a well or surface water intake, as delineated by the Louisiana Department of Environmental Quality as part of the Source Water Assessment Program. This area is shown on Source Water Assessment Program maps and contains the Drinking Water Protection Critical Area.

**Drinking Water Protection Critical Area** means a 1,000 foot radial boundary from any water well that serves an active public water system.

**Drip-line** means a generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

**Drive-in / Drive Through Facility** means a facility used by an approved commercial retail or service use to provide service to customers in vehicles who either:

1. Drive up to a window or station; or
2. Drive through the building for purchases.

**Driveway** means a private accessway, primarily for vehicles, leading from a street to a dwelling unit, parking lot, parking garage, or loading area.

**Duplex** means a building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family, and each of which has its own primary outside entrance. Duplexes may be configured side-by-side or over-and-under.

**Duplex Townhouse** means a townhouse containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family, and each of which has its own primary outside entrance. The units in a duplex townhouse are separated by a floor. Duplex townhouses are attached to each other with common side walls that run from foundation to roof, which are not penetrated between townhouse units.

**Dwelling, Attached.** A dwelling designed as a single structure, but containing more than one (1) dwelling unit, each of which is designed to be occupied as a separate permanent residence for one (1) household or family.

**Dwelling, Detached.** A structure containing one (1) dwelling unit.

**Dwelling, Multi-Family.** A dwelling designed for occupancy by three (3) or more families. A multi-family dwelling does not include a townhouse dwelling. For the purpose of this UDC, multifamily does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached, or hotels and motels.

**Dwelling, Single-Family.** A dwelling designed for occupancy by no more than one (1) family.

**Dwelling, Townhouse.** A structure consisting of no less than two (2) dwelling units, with no other dwelling or portion of other dwelling located directly above or below, where each unit has a separate entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a single party wall with no opening. A townhouse dwelling does not include a multi-family dwelling. A townhouse dwelling refers to the design of a structure and does not reflect the type of ownership of the individual units.

**Dwelling, Two-Family.** A dwelling designed for occupancy by two (2) families.

**Dwelling Unit.** A room, or group of rooms, providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation for one or more persons.

## E

**Earthen Berm** means a man-made mound of earth used to shield or buffer properties, buildings, or structures from adjoining property or rights-of-way, or to control the direction of surface water flow.

**Easement** means any portion of a parcel that is subject to an agreement between the property owner and another party or the public which grants the other party or the public the right to make limited use of that portion of the property for a specified purpose.

**Educational Facility, Primary or Secondary** means a public, private, or parochial school offering instruction at the pre-elementary, elementary, junior high school and/or senior high school levels. Places of worship with primary educational facilities are classified as primary educational facilities so long as both uses are located on the same lot, even if in separate buildings. An "Educational Facility, Primary or Secondary" includes ancillary uses that serve the student population, such as cafeterias and retail goods establishments. Primary educational facilities may also include day care centers.

**Educational Facility, University or Vocational** means: 1) A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. 2) Post-secondary theological schools for training ministers,



priests, or rabbis. 3) A school that teaches industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), commercial, or artistic skills, or a school conducted as a commercial enterprise, such as a driving school or school for general educational development (GED). This definition applies to privately operated schools that do not offer a complete educational curriculum. An "Educational Facility, University or Vocational" includes ancillary uses such as cafeterias, and if permitted in the zoning district --- restaurants, and retail goods establishments.

**Electronic Message Center** means a variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays that use incandescent lamps, LEDs, LCDs or a flipper matrix, to display the variable messages, and which may enable changes to be made to messages from locations other than at the sign itself.

**End Use Plan** means a plan for the use of a quarry or landfill or similar use for its use after the primary use is closed.

**Erosion** means the wearing away of soil or rock fragments by water, rain, wind, or gravity.

**Extraction** means uses that involve extraction of minerals and fossil fuels from the ground, including surface and subsurface mining and quarrying facility.

## F

**Facade** means an elevation of a building that faces a street or that includes a principal public entrance.

**Family** means:

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

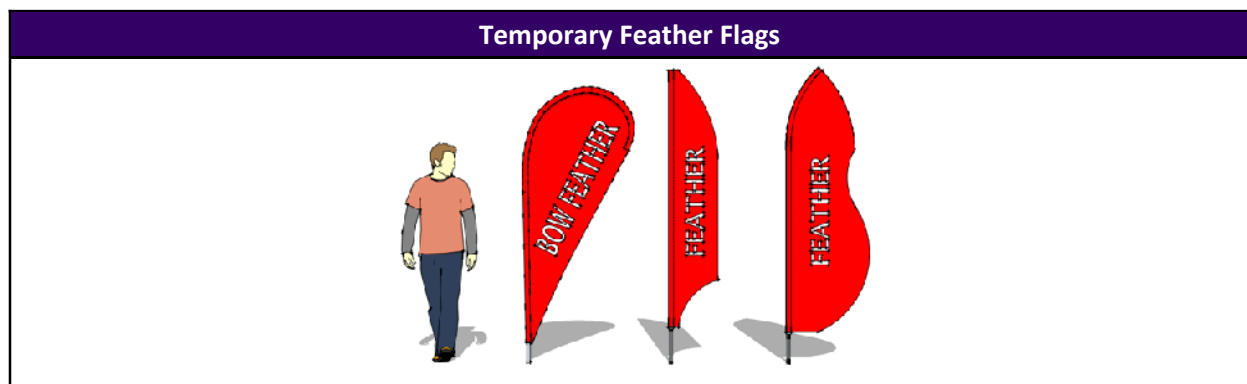
**Farm** means any land or buildings or structures on or in which agriculture and farming operations are carried on, including the residence or residences of owners, occupants, or employees who live on the property.

**Farm Stand** means a temporary or permanent structure or vehicle used for the sale of agricultural produce in-season, at least 50 percent of which is grown by the seller or farmers within 25 miles of the City limits.

**Farmstead** means a residence on a farm that is used by the owner or operator of the farm.

**Fascia** means a band that is located at the top edge of a **building**, but below the actual roofline, and above the building wall. Fascia material is often of a different type than either the roof or the building wall.

**Feather Flag** means a flag that is mounted on a temporary flagpole, which may be vertical, bowed poles, or



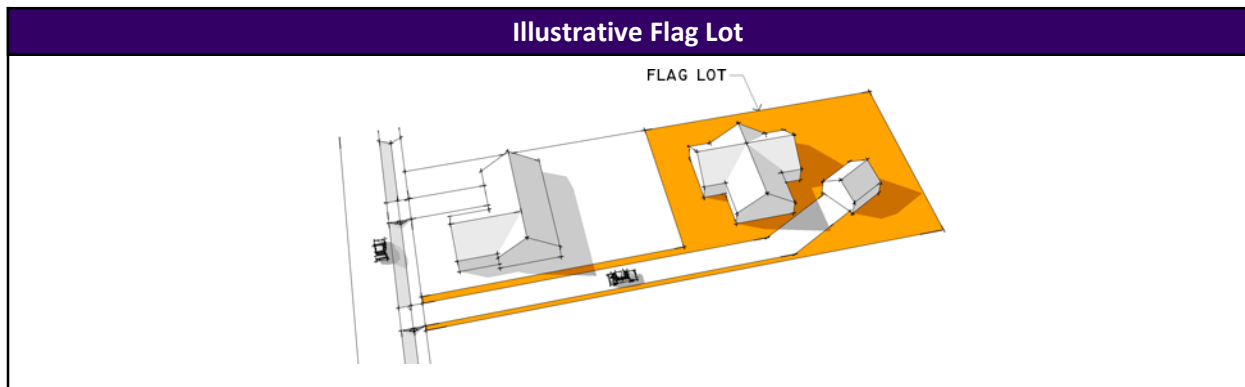
flexible poles. Feather flags do not include flags of comparable form that are flown from permanent, vertical flagpoles.

**Filling** means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials that tend to build up the elevation of the land.

**Financial Institution** means a bank, savings and loan, credit union, or mortgage office. A financial institution does not include check cashing, pay day loan, or title loan establishments.

**Flag** means a flexible piece of fabric, that is attached along one edge to a pole or rope, and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and typically include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

**Flag Lot** means a tract of land having insufficient lot width along a road or at the minimum setback line to meet the requirements of [Article 2, District Intensity and Development Standards](#), but with sufficient area to meet all lot requirements further back on the lot. Flag lots are normally accessed by an easement through the lot that abuts the street, or by a small strip of land that is owned by the owner of the flag lot.



**Flood** (or "Flooding") means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

**Floodplain** means a relatively flat or low-lying land area adjoining a river, stream, or watercourse which is subject to periodic partial or complete inundation. For the purposes of this UDC, floodplains are those areas that are designated "areas of special flood hazard" by [Chapter 46, Flood Damage Prevention, City of Zachary Code of Ordinances](#).

**Floodplain Management Regulations** means [Chapter 46, Flood Damage Prevention, City of Zachary Code of Ordinances](#).

**Floodway** means the portion of the floodplain where water velocities are high and the majority of the discharge the waters of the base flood occurs. Floodways may be indicated on maps created by the Federal Emergency Management Agency.

**Floor Area Ratio** ("FAR") means a measure of the intensity of development of a lot or parcel, which is calculated as provided in Section 17.206, *Floor Area Ratio*.

**Footcandle** means a unit of measurement of the amount of illumination cast on a surface. One footcandle is the amount of illumination falling on all points which are one foot from a uniform point source of one standardized candle.

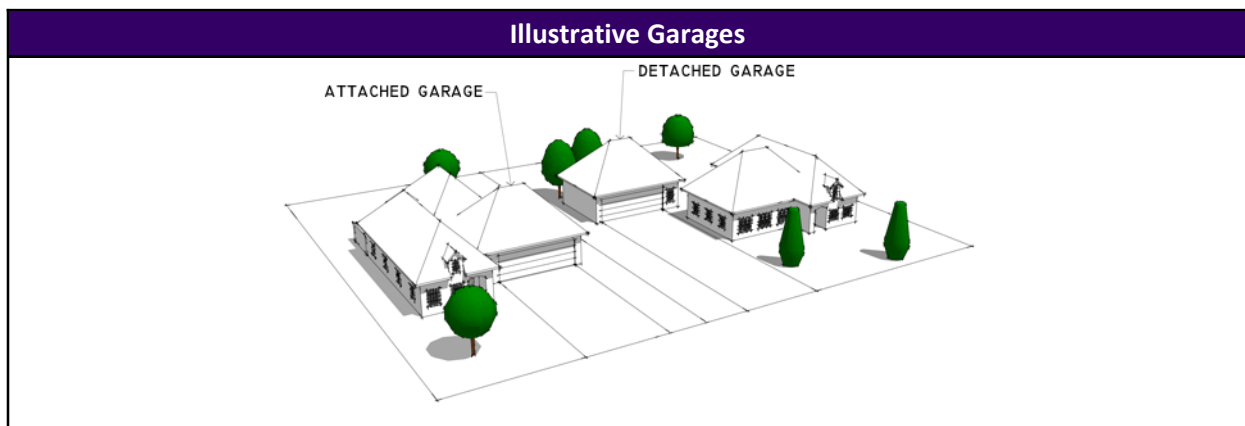
**Forester** means a person who is engaged in the forestry industry or who owns land used for forestry purposes.

**Frontage** means the total length of the line or curve of a lot boundary that is coterminous with a street right-of-way line. For corner lots, frontage may be calculated for each street.

## G

**Gas Station.** An establishment where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Gas stations may include electronic charging stations for automobiles.

**Garage** means an enclosed space for parking vehicles. Garages may be either attached to the principal building or detached accessory structures. The word "garage," alone, does not include the phrase "parking garage."



**Garage Sale** means the temporary use of a dwelling unit or residential property to display tangible personal property for sale to the public, where the property that is offered for sale was obtained for the personal use of a resident of the premises. Garage sales are also commonly known as estate sales, yard sales, attic sales, and rummage sales.

**Grade** means the natural level of the ground, or the elevation of the surface of an improvement, as the context requires.

**Grading** means the excavating, filling (including hydraulic fill), or stockpiling of earth materials, or any combination thereof, generally for the purposes of preparing land for development.

**Ground Floor** means the floor of a building that is closest to grade, provided that the elevation difference between the floor and grade is not more than four feet.

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

**Groundwater** means a portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated. Groundwater is often used as a source of water for drinking, household use, and irrigation.

**Guyed Tower** means any **telecommunications tower** using wire guys connecting above-grade portions of the tower diagonally with the ground to provide support for the tower, antennae, and connecting appurtenances.

## H

**Hazardous Materials** means those materials designated by the Secretary of the U.S. Department of Transportation as posing an unreasonable threat to the public and the environment. The phrase "Hazardous Materials" includes all of the following:

1. Radioactive materials (Class 7 material, as defined in 49 CFR §173.403).
2. Explosives;
3. Hazardous Substances;
4. Hazardous Wastes;
5. Marine Pollutants;
6. Elevated Temperature Material
7. Materials identified in 49 CFR §172.101, and
8. Materials meeting the definitions contained in 49 CFR §173.

**Heavy Commercial** means retail, rental, and/or service establishments of a heavier commercial character typically requiring permanent outdoor service or storage areas or partially enclosed structures. Examples of heavy sales, rental, and service establishments include large-scale home improvement centers with outdoor storage and display and rental components, lumberyards, truck rental establishments, and sales, rental, and repair of heavy equipment.

**Heavy Industry** means primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:

1. An outside storage area that is larger than the area of the first floor of buildings on the same lot;
2. A material risk of environmental contamination, explosion, or fire;
3. Perceptible ground vibration;
4. Excessive noise or dust;
5. Emission of objectionable odors; or
6. More than 12 trips by semi trailer trucks per day; or
7. Petroleum storage.
8. Truck fueling and repair
9. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, or fossil fuels; or
10. Industries that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Louisiana Stationary Sources Program or Title V of the Federal Clean Air Act.

For illustrative purposes, heavy industrial uses include, but are not limited to:

1. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
2. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead

- smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);
3. Portland cement plants;
  4. Sawmills and pulp mills;
  5. Incinerators with the capacity to charge more than 250 tons of refuse per day;
  6. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
  7. Fossil fuel combustion (boilers or electricity generation) totaling more than 250 million BTUs per hour of heat input;
  8. Fabrication of building materials such as countertops, drywall, and cut stone;
  9. Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
  10. Auto or marine body, paint, or upholstery shops;
  11. Drycleaner processing plants that use PERC or comparable petrochemical solvents;
  12. Meat or seafood processing plants;
  13. Manufacture of glass products (e.g., window panes, bottles and jars), except hand-blown products;
  14. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
  15. Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other
  16. Heavy welding procedures (e.g., for structural steel, automotive body, or heavy equipment manufacture or repair);
  17. Hot mix asphalt plants;
  18. Regional wastewater utilities;
  19. Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than 100 megawatts of electricity;
  20. Fossil fuel peaker power plants.

**Holiday Decorations** are decorations that are clearly customary and commonly associated with federal, state, local, or religious holidays, which contain no commercial message, and which, if lit, are lit with bulbs or light emitting diodes ("LEDs") that are comparable to or dimmer than seven watt incandescent light bulbs (e.g., C9 format holiday lighting).

**Home Business** means any business, occupation or activity conducted for financial gain from within a dwelling unit where such use is incidental and accessory to the use of the building as a residence by the person engaged in the home business. Examples of home businesses include landscaping services that involve storage of equipment on-site, assembly of products from premanufactured components where deliveries are by parcel service, and construction contractors and subcontractors with operations that are in accordance with the applicable standards of this UDC.

**Home Office/Occupation** means an accessory (incidental) use of a residential dwelling residential dwelling unit for any office, service or professional occupation that is carried on by a resident of the premise, and does not change the essential character of the residential use.

**Homeowner** means a person to whom a residential lot and / or dwelling units is conveyed at any time after it is developed.

**Hospitals** means hospitals, walk-in clinics, birthing centers, and medical laboratories, including general medical and surgical hospitals and specialty hospitals. The term “hospitals” does not mean alcoholism or drug rehabilitation facilities, nor does it mean medical offices where patients are generally seen by appointment.

**Hotel/Motel** means an establishment providing a room for sleeping accommodations for a fee with private bathroom facilities and customary lodging services. Related ancillary uses may include, but are not limited to conference and meeting rooms, restaurants, sale of convenience items, bars, and recreational facilities.

**Hydrophytic Vegetation** means plants that are adapted to grow in saturated soil conditions.

## I

**Impervious Surfaces** means an area that do not allow significant amounts of water to infiltrate into the ground. Examples of impervious surfaces are blacktop and concrete.

**Improved** means that land has been altered with:

1. Any man-made, immovable item which becomes part of, is placed upon, or is affixed to land; or
2. Has been altered to better suit a particular purpose.

**Infiltration** means the passage or movement of water or other liquids down through the soil profile.

**Institutional Residential** means institutional housing combined with common food service, nursing, counseling, health care, or comparable services, but does not include assisted living facilities, congregate care, nursing homes, or continuing care neighborhoods. The phrase "institutional residential" includes:

1. Facilities, other than community homes, in which residents live in an institutional environment and are, generally, under the care or control of staff;
2. In-patient drug and alcoholism hospitals and rehabilitation centers, in which residents have institutional care, or are treated by staff in an institutional setting, rather than living independently; and
3. Any sheltered care, group care, community home, or residential substance abuse facility with more than six total occupants.

**Interceptor** means the sewer line that carries the waste discharged from one or more collector sewers to the ultimate point of disposal or treatment plant. Occasionally, service laterals discharge directly into the interceptor sewer where conditions do not permit a collector sewer or a collector sewer would be redundant. Interceptor sewers are generally larger than 10 inches in diameter.

**Intermittent Stream** means a channel with banks and a bed within which concentrated water flows some of the time.

**Intensity** means the amount of development per unit of land area, a measure of the degree to which land is used, or allowed to be used, for development.

**Intensive Agriculture** means:

1. Concentrated animal feeding operations ("CAFOs") of any size, as defined by 40 C.F.R. § 122.23, *Concentrated Animal Feeding Operations*.
2. Concentrated aquatic animal production facilities, as defined by 40 C.F.R. § 122.24, *Concentrated Aquatic Animal Production Facilities*.
3. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations; or
4. Any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act because of animal or poultry wastes.

**J****K**

**Kennel/Pet Day Care** means any premises where any combination of dogs, cats or other household pets, totaling four (4) or more animals, six (6) months of age or older, are kept, boarded or bred for the intention of profit.

**L**

**Landscape Architect** means an individual registered by the State of Louisiana to practice the profession of landscape architecture.

**Landscape Maintenance Program, Long-Term** means a program setting out the type and frequency of care of landscaped and natural areas, including mowing, watering, applying fertilizer, and periodic work to remove invasive exotic species and promote the health of the vegetation in the natural areas.

**Landscape Maintenance Program, Short-Term** means a program for maintenance that is needed for the first two years after planting of landscape material, to ensure that trees get sufficient water and other care, and that areas of groundcover are kept free of weeds or other material that prevent it from stabilizing. In natural areas, the program may require intensive initial care to keep out invasive species.

**Landscape Surface Area** means the surface area of land not covered by any buildings, storage areas, or impervious surfaces. These areas shall be maintained as lawn, formally or informally landscaped areas, or natural areas, and may be left undisturbed.

**Landscape Surface Ratio** ("LSR") means the ratio of landscaped surface to a unit of land area, measured as provided in Section 17.204, *Landscape Surface Ratio*.

**Landscaped Area** means any area that is landscaped, including modifications of the existing landscape for an aesthetic or functional purpose, such as drainage enhancements or the preservation and maintenance of existing vegetation, together with minor structures and appurtenances such as outdoor furniture, retaining walls, and water features, public art, and fountains.

**Landscaping** means plant material such as lawns, groundcover, trees, bushes, and the like, in formal, informal, or natural arrangements.

**Lattice Tower** means a structure which consists of vertical and horizontal supports and metal crossed strips or bars to support antennae and connecting appurtenances. Lattice towers may be freestanding or supported by wire guys.

**LEED for Homes** means a rating system established by the United States Green Building Council that promotes the design and construction of high-performance "green" homes. The LEED for Homes rating system measures the overall performance of a home in eight categories:

1. *Innovation and Design Process (ID)*. Special design methods, unique regional credits, measures not currently addressed in the rating system, and exemplary performance levels.
2. *Location and Linkages (LL)*. The placement of homes in socially and environmentally responsible ways in relation to the larger community.
3. *Sustainable Sites (SS)*. The use of the entire property so as to minimize the project's impact on the site.
4. *Water Efficiency (WE)*. Water-efficient practices, both indoor and outdoor.
5. *Energy and Atmosphere (EA)*. Energy efficiency, particularly in the building envelope and heating and cooling design.

6. *Materials and Resources (MR)*. Efficient utilization of materials, selection of environmentally preferable materials, and minimization of waste during construction.
7. *Indoor Environmental Quality (EQ)*. Improvement of indoor air quality by reducing the creation of and exposure to pollutants.
8. *Awareness and Education (AE)*. The education of homeowners, tenant, and / or building manager about the operation and maintenance of the green features of a LEED home.

**Level of Service** ("LOS") means a measure of the amount of capacity of infrastructure that is used by existing and proposed development. With respect to streets, LOS means traffic on a roadway segment or intersection being during peak hours, as determined by the most current version of Report 209, the Highway Capacity Manual, prepared by the National Research Council's Transportation Research Board. Level of service is expressed on a scale of "A" to "F" with "A" indicating the level of service with the least service interruption due to traffic and "F" indicating a street that has exceeded its rated capacity to move traffic. The definitions of levels of service "A" through "F" shall be those contained in the references cited in this definition.

**Light Automobile Service** means quick service oil, tune-up, brake, and muffler shops in which:

1. Repairs are made in fully enclosed bays;
2. Repairs are of a type that is typically completed in less than two hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, and comparable services); and
3. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors; or

**Light Industry** means uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside.

For illustrative purposes, light industry and wholesale uses include:

1. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Offices of general contractors, specialty subcontractors, or tradesmen which include: Bay door access to indoor storage of tools, parts, and materials; Parking of commercial vehicles; or Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
3. Communications facilities, except wireless telecommunications facilities;
4. Data centers, server farms, telephone exchange buildings, and telecom hotels;
5. Food production and packaging other than meat and seafood processing and restaurants;
6. Furniture making or refinishing;
7. Manufacture of textiles or apparel;
8. Screen printing of apparel;
9. Printing and publishing, except copy centers (which are commercial and personal services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);
10. Wholesale trade, durable and non-durable, except: Farm products; Combustible or hazardous materials; and, Wholesale clubs that are open to the public for membership;



11. Research and development, scientific testing, and product testing;
12. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
13. Packaging of products.

**Limited Use** means a use that is allowed in a zoning district, subject to standards that mitigate its impact on other uses in the district or that prevent a concentration of the use in a particular area.

**Limited Use Permit** means a permit issued by the responsible official that approves the establishment of a limited use.

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

**Loading Space** means a durably paved, off-street space used for loading and unloading from vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

**Local Street** means a street that provides access to individual lots or land uses.

**Lot** means a parcel of land with boundaries established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title. This definition shall not be construed to make lots that were not lawfully created conforming with this UDC.

**Lot Area** means the area of a lot within the lot lines, calculated according to the methodology in Section 17.207, *Lot Area*.

**Lot Depth.** The average depth measured in the mean direction of the side lot lines from the front street line to the rear lot line. The rear line shall be deemed to be not farther back than a line drawn parallel with the front **street line**, entirely on the lot, and not less than 10 feet long.

**Lot Line** means the boundary line of a lot. There are five types of lot lines, as follows:

1. *Front Lot Line* means the lot line that is coterminous with the right-of-way boundary for the street from which the lot takes its address, or, in the case of a flag lot, the lot line that is closest to and approximately parallel to the street from which the lot takes access. Front lot lines are not necessarily straight lines.
2. *Rear lot line* means the lot line or lines that are opposite the front lot line. However:
  - a. There is no rear lot line if the lot is triangular or pie-shaped, and the side lot lines intersect at a point; and
  - b. There may be more than one rear lot line if the side lot lines do not meet and are not connected by a single line.
3. *Rear Street Lot Line* means a lot line that is opposite the front lot line that runs coterminously with a street right-of-way line.
4. *Interior Side Lot Line* means the lot line that connects the front lot line to the rear lot line, running generally perpendicular, radial, or at angles to the street.
5. *Side Street Lot Line* means a side lot line that runs coterminously with a street right-of-way line.

**Lot-Line House** means a housing type that consists of a single family detached building located on an individual lot with one wall constructed along the side lot line, and a side yard on the other side of the building that separates it from other buildings. Lot-line house development often requires the recording of covenants, conditions, and restrictions that allow for the maintenance of building walls from, and the overhang of eaves

over, abutting property.

**Lot Width** means the width of a lot, measured as provided in Section 17.302, *Lot Width*.

**Luminaire** means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts ready to be mounted on a pole or other location.

## M

**Manufactured Home** see *Prefabricated Housing*.

**Manufactured Home Park or Subdivision** see *Prefabricated Housing*.

**Map Amendment** means an amendment to the Official Zoning Map that involves a change of one or more district boundaries, generally with the intent of changing the zoning classification of specific property that is owned or controlled by the applicant for the map amendment.

**Mean Sea Level** means the National Geodetic Vertical Datum (NGVD) of 1929, or other datum to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

**Mean Surface Water Elevation** means the observed limit of the dry weather flow elevation in a watercourse.

**Mini-Warehouse/Self-Storage** means a structure that rents individual compartments for the purpose of storing personal property.

**Mixed Use** means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

**Mitigation** means any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties or environmental planning objectives.

**Mobile Home** see *Prefabricated Housing*.

**Mobile Vendor** means any person, firm, corporation, or other entity engaged in the selling or offering for sale any and all goods, services, wares, beverages, merchandise, including food or food products outdoors from a mobile vending unit.

**Mobile Vendor Unit** means any vehicle, cart, trailer, conveyance, or apparatus used for the displaying, storing, or transporting of articles or services offered for sale by a mobile vendor.

**Model Homes and On-Site Real Estate Sales Offices** means a dwelling unit that is used as a model to display the layout and finishes of other dwelling units that are or will be available for sale within a subdivision or condominium development. Sales Office means: a dwelling unit within a subdivision that is used as a sales office; a dwelling unit within a condominium that is used as a sales office; or a modular unit used as a sales office for a subdivision or condominium.

**Modular Home** see *Prefabricated Housing*.

**Monopole Tower** means a single, freestanding pole structure that supports antennae and connecting appurtenances.

**Monument** means a relatively permanent object that is used to identify the location of a lot corner, point of tangency, or point of curvature. An artificial monument retains a stable and distinctive location and is of sufficient size and composition to resist the deteriorating forces of nature. The placement of monuments according to a subdivision plat is known as "monumentation."

**Multifamily** means a building that contains three or more dwelling units, with either direct access to the outside or through a common hallway. Multifamily also includes "multiplex," which is a building designed to

appear as a single, large single family detached building, but which contains three or more dwelling units inside.

**Multiplex** means a multifamily building type that is designed to appear as a large single-family home. Units may be accessed by a shared foyer or separate outside entrances at ground level. Units may be separated in any manner permitted by the applicable building code. The term multiplex also describes existing single-family detached homes that are reconfigured into three or more dwelling units.

## N

**Natural Area** means an area of one or more private lots, or a parcel designated as common open space, or public land, which is set aside, restored, or preserved with locally indigenous plant species and maintained through the encouragement of locally indigenous plant species and elimination of noxious weeds.

**No-cut-off Luminaire** means an exterior lighting fixture that is not shielded in a manner that would qualify the fixture a cut-off luminaire. See Figure "Illustrative No-cut-off Luminaires."



**Nursery or Greenhouse** means an enterprise that conducts the retail and/or wholesale sale of plants grown on the premises. The terms also include, as an accessory use, the sale of a limited selection of items (e.g., soil, planters, pruners, mulch, lawn or patio furniture, garden accessories, etc., but not power equipment) that are directly related to the care and maintenance of landscapes.

## O

**Office** means a use that engages in the processing, manipulation, or application of business information or professional expertise. An office may or may not offer services to the public and is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, with the exception of prototype development, nor engaged in the repair of products or retail services. It is characteristic of an office use that retail or wholesale goods are not shown on the premises to a customer. An office can also be used for medical, dental, chiropractic, etc. services. Examples include, but are not limited to, professional offices for non-profit organizations, government offices, advertising, accounting, investment services, insurance, contracting, architecture, planning, engineering, legal services and real estate services.

**Opacity** means the measurement of the screening effectiveness of a bufferyard or fence, expressed as the percent of view across the bufferyard or fence that may be blocked to a height of 35 feet, based on the expected volume of landscape material at a variety of heights that is likely to result from a given planting program.

**Open Space means** land areas that are left undeveloped from ground to sky, except as provided in Section 3.201, Use and Function of Open Space, in order to meet the open space ratio or other landscaping requirements (e.g., bufferyards, parking lot landscaping, etc.) of this UDC. Section 17.203, Open Space Ratio, enumerates those areas which are counted as open space. Also see Permeable Open Space.

**Open Space Ratio ("OSR")** means the proportion of a development required to be set aside and preserved as

open space. Minimum OSRs for residential development are set out in [Article 2, District Intensity and Development Standards](#). OSR is calculated as provided in [Section 17.203, Open Space Ratio](#).

**Outdoor Storage** means storage of items for a period of more than 24 consecutive hours outside of an enclosed building (T-structures, lean-to type structures, or roofed-over, fenced-in areas are not enclosed buildings). The intent of the definition is to include items that are comparable to any of the following:

1. Personal or business property or supplies, except passenger vehicles and light trucks stored in driveways, carports, or parking lots that are intended for overnight parking.
2. Business inventory for sale or lease, except nursery plants.
3. Raw materials or industrial inputs for processing.
4. Appliances, machinery, vehicles, or other items to be repaired.
5. Fuel stored in above-ground tanks.
6. Construction materials and construction equipment.
7. Landscape maintenance equipment.
8. Recyclable materials.

The phrase "outdoor storage" is not intended to encompass the term "disposal," or uses that involve the long-term storage or transfer of solid waste.

**Outparcel** means a lot that is created within a nonresidential parcel proposed for development, which shares street access and may share parking areas with the principal parcel. Outparcels are typically, but not necessarily, associated with shopping centers, and are usually developed with single-use buildings that are set closer to the street than the other shopping center buildings.

## P

**Parcel Proposed for Development** means any legally described parcel of land which is designated by the owner or developer as land to be used or developed as a single unit, or which has been developed as a unit as determined by the responsible official or decision-maker. Parcels proposed for development are often, but not necessarily, subdivided into individual lots.

**Park** means an area open to the general public and reserved for recreational, educational, or scenic purposes.

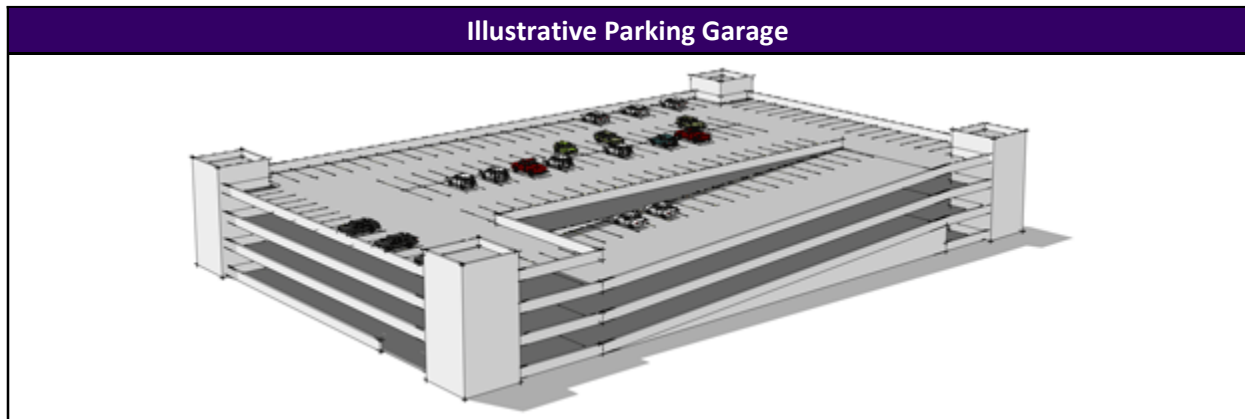
**Parks and Playgrounds.** Non-commercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Parks and playgrounds include, but are not limited to, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, playgrounds, beaches, and park district field houses, which may have indoor recreation facilities.

**Parking (Stand-Alone Lot) and Transit Facilities** means:

1. Parking that is not accessory to a specific use, where a fee is typically charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking Facility. This includes small structures intended to shield attendants from the weather.
2. Terminals used for the ticketing, loading, and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

**Parking Lot** means an area designated for off-street parking.

**Parking Garage** means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. The phrase includes free-standing parking structures, deck parking, and parking pedestals under buildings. See Figure "Illustrative Parking Garage."



**Parking Space** means an area that is used for parking of motor vehicles that:

1. Is accessible from a street, aisle, or alley and meets the applicable dimensional requirements of Section 9.301, *Parking Space and Module Standards*; or
2. Is accessible from a street or alley, is located in a residential driveway, garage, or carport, and meets the dimensional requirements for a standard parking space set out in Section 9.301, *Parking Space and Module Standards*.

**Passive Recreation** means recreational uses, areas, or activities oriented to noncompetitive activities that either require no special equipment or are natural areas. Bicycle riding, hiking, and bird watching are examples of passive recreation activities.

**Patio House** means a housing type that is a detached or attached dwelling unit for a single family, with one dwelling unit from ground to roof. Each dwelling unit's lot is fully enclosed by a wall located at the lot line, which creates a private yard (referred to as a "patio"), between the house and the wall. All living spaces, such as living rooms, dens, and bedrooms, face into the yard or patio.

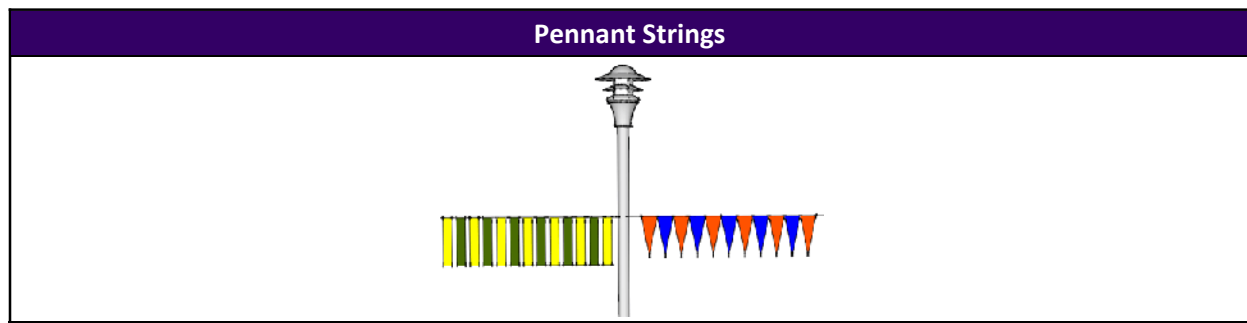
**Pawn Shop** means an establishment that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase such property on the condition of selling it back again at a stipulated price. A pawn shop includes establishments that buy personal property, such as jewelry or artwork, made of gold or other valuable metals for refining. Consignment shops and antique shops are not considered pawn shops.

**Peak Hours** or **Peak Periods** means, with respect to street traffic in general, those periods from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM on weekdays, with peak hours being a 60-minute period within a peak period. Different peak hours may be established by traffic study approved by the City, based on the type of development proposed or the traffic counts on an impacted street.

**Pedestrian Precinct** means a paved or largely paved area set aside for pedestrian circulation that provides a full range of pedestrian amenities, such as seating areas, street furniture, pedestrian-scale lighting, landscaping, fountains or water features, public art, or other appropriate amenities.

**Pedestrian Way** means a publicly or privately owned right-of-way or easement for pedestrian or bicycle use, including paths, sidewalks, and trails.

**Pennant String** means multiple shapes made of cloth, fabric, vinyl, flexible plastic, or other lightweight material that are fastened to a stringer, which is secured or tethered so as to allow movement of the pennants in the wind. Pennant strings are signs. See Figure "Pennant String."



**Perennial Stream** means a channel with banks and a bed within which water flows all of the time.

**Permeable Open Space.** Those areas of a lot open and unobstructed at grade level upward, unless otherwise permitted by this Ordinance. The required permeable open space area shall be substantially covered with grass, live groundcover, shrubs, plants, trees, or permeable outdoor hardscape features or amenities, such as seating areas, un-roofed decks constructed of wood slats over undisturbed ground, pools and patios. Off-street parking and loading areas, driveways or required landscape for parking lots and screening may satisfy permeable open space requirements if permeable paving is used.

**Permeable Paving.** A pavement system designed to allow movement of stormwater through the pavement surface and into an aggregate base. Concrete bases and mortar are prohibited. Materials include but are not limited to pervious concrete and asphalt, aggregate if stabilized with a grid-system that prevents compaction and washout; and permeable pavement, such as open-jointed blocks, pavers, or bricks that provide void spaces between to allow stormwater infiltration.

**Permitted Use** means a use of land that is allowed in a given zoning district. Permitted uses may be subject to design standards.

**Pervious** means a surface that allows rainfall to infiltrate into the ground.

**Place of Worship** means a structure, together with accessory structures and uses, where persons regularly assemble for religious purposes, religious instruction, and related social events, which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A place of worship may include group housing for persons under religious vows or orders. Places of worship may also include day care centers. A funeral home is considered a place of worship, but crematoriums or not allowed.

**Planned Unit Development (PUD)** means a development that consists of a variety of residential lot sizes and more than one housing type, along with neighborhood supportive nonresidential development.

**Planning and Zoning Commission** means the City of Zachary, Louisiana Planning and Zoning Commission. See [Division 13.300, Planning and Zoning Commission](#).

**Plat** means a document, prepared by a registered land surveyor or engineer, which delineates property lines, easements, dedications, and open space parcels, and shows the location of monuments and other landmarks for the purpose of identifying property.

**Portable Storage Units** means enclosed storage containers that are less than 20 feet in length, which are left at a location for temporary storage on-site, or for filling and moving to another site (which may include an off-site storage facility).

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

1. **Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with permanent foundation when

connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Additionally, a manufactured home specifically refers to housing built after June 15, 1976 under the Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD). The term does not include any self-propelled recreational vehicles or other licensed recreational vehicles.

2. **Manufactured Home Park or Subdivision** means a parcel of land that is divided into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes, includes an internal road system, street lighting, proper utilities, and meet all other requirements of this UDC.
3. **Mobile Home** means a refabricated trailer-type housing unit are semi-permanently attached to land, either the owner's fee land or leasehold, such as in a manufactured home park or subdivision. A mobile home does not meet the standards established under the Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD). A mobile home does not include travel trailer, recreational vehicle, modular home, or manufactured home.
4. **Modular Home** means a housing unit divided into multiple modules or sections, which are manufactured in a remote facility and delivered to their intended site of use. The modules are then assembled on a permanent foundation with or without a permanent chassis, into a single residential building. Unlike other prefabricated construction, modular homes conform to all state, local and regional codes (International Building Code standards) where the structure is to be located, therefore a modular home shall be considered the same as all other permitted residential construction.
5. **Travel Trailer** means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be hauled along a roadway.

**Primary Access** means the manner in which a property takes access to the public street system, ordinarily by a drive that intersects the street. Where there are several possible accesses, the one located or configured to have the most traffic is the primary access.

**Principal Building** means a building in which the principal use of a lot or parcel is conducted.

**Principal Structure** means, if there is no principal building, the structure in which the principal use of a parcel is located, or the largest structure on a parcel. Fences and garden walls are not principal structures.

**Principal Use** means the main use to which a parcel, lot, or premise (*e.g.*, a leased space in a shopping center) is put.

**Private Club** means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of Louisiana as a nonprofit corporation or registered with the Secretary of State of Louisiana. The phrase "private club" does not include organizations with a principal purpose of serving alcoholic beverages to its members or others.

**Private Residential Recreation Facilities** means indoor or outdoor recreation facilities located within a residential development that is limited to use by residents and their guests.

**Property Line** means any boundary line of legally described property. In context, the phrase "property line" may refer to the parcel proposed for development, abutting properties, or to distant properties (*e.g.*, for the purposes of separating land uses).

**Protective Care** means housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes: jails or prisons; work release; psychiatric

hospitals; and comparable facilities.

**Public Improvement** means any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, and public utility and energy services.

**Public Interest or Special Event** means outdoor gatherings, auctions, art sales, block parties, and bake sales for the benefit of the community at-large, or community service or non-profit organizations (both faith-based and secular). These events may also include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor meetings, and special entertainment at commercial properties. Such uses are often characterized by frequent travel to various communities and high noise levels, regardless of their purpose.

**Public Service** means uses include emergency service, buildings, or garages (e.g. ambulance, fire, police, rescue), and conservation agencies. (NAICS 62191, 92212, 92216). (Office uses are under Section 17.205.)

**Public Sewer** means a sewer system that is owned by a public entity.

**Public Utilities** means utility services that are provided to the general public, such as potable water, sewer, telephone, solid waste collection, on-site recycling collection, cable communications, natural gas, and electricity). The phrase "public utilities" does not refer to the type of entity that owns or controls the utility.

**Public Water Supply** means a water supply that provides water through constructed conveyances to the public for at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily for at least sixty days per year.

## R

**Recreational Vehicle** means a vehicle designed or used as living quarters for recreational, camping, vacation, or travel use, such as house trailers, [travel trailers](#), trucks, trailers, pickup trucks, and vans.

**Recreational Vehicle Park** means a use that provides for the parking and use of recreational vehicles on a temporary basis, which provides hookups for water, sewer, and electricity.

**Recycling and Salvage** means any land or structure used for collection, sorting, aggregation, and re-sale (or transfer) of recyclable materials or for the aggregate storage of inoperable man-made equipment, machinery, scrap, or other used or discarded materials having a total cubic volume of at least 700 cubic feet, for the purposes of recycling, re-using, or re-selling components. The phrase does not include "waste transfer stations," (even if they include a separate space for collection of recyclable materials), and does not include facilities where the materials are actually recycled into raw materials (such uses are typically heavy industry), but does include:

1. Recycling centers;
2. Composting facilities;
3. Vehicle recycling or scrap metal processing; and
4. Collection, dismantlement, storage, and salvage of inoperable vehicles, boats, trucks, farm vehicles or equipment, or other types of heavy machinery.

**Reforestation** means the planting or replanting of forest plant materials. The term also includes planting in areas that were not recently forested for the purpose of mitigating an environmental impact.

**Residential Eldercare Facilities** means any one or combination of the following units types: assisted living, congregate care, continuing care, and/or nursing home facilities. Units are on the same parcel proposed for development, designed to provide progressively increasing levels of care to residents as their needs for such care increase.



**Responsible Official** means a member of the City Staff who is ultimately responsible for processing an application to decision (in the case of administrative approvals) or recommendation to an approving body (in the case of discretionary approvals).

**Restaurant, Café** means an establishment whose primary business is the sale of one or more specialty types of food or beverage that is or are not considered a complete meal (e.g., candy, coffee, or ice cream). Specialty restaurants may only offer alcoholic beverages for sale with conditional use approval and only if alcoholic beverage sales is either a permitted or conditional use in the zoning district.

**Restaurant, Fast-Food** means an establishment, which may be part of a chain of fast food outlets, that is oriented around the quick-service of meals for on-premise or off-premise consumption. Typically, a fast-food restaurant's design or principal method of operation includes three (3) or more of the following characteristics: 1) a permanent menu board is provided from which to select and order food; 2) standardized floor plans, architecture and/or sign design are used over several locations; 3) customers pay for food before consuming it; 4) a self-service condiment bar is provided; 5) trash receptacles are provided for self-service bussing; 6) furnishing plan indicates hard-finished, stationary seating arrangements; 7) drive-through service is offered; and 8) most main course food items are prepackaged rather than made to order. Fast food restaurants may not offer alcoholic beverages for sale.

**Restaurant, Standard** means an establishment where food and/or beverages are prepared to order, served by wait staff, and usually consumed on-premises. A standard restaurant's principal method of operation includes ordering by customers from an individual menu or menu board and the service of food and beverages by a restaurant employee at the same table or counter where the items are consumed. Standard restaurants may sell and serve alcoholic beverages with conditional use approval only if alcoholic beverage sales is either a permitted or conditional use in the zoning district. Average monthly revenue from food and nonalcoholic beverages shall exceed sixty percent of the total average monthly revenue from the sale of food, nonalcoholic beverages and alcoholic beverages.

**Retaining Wall** means a structure that holds an earthen embankment in place.

**Reverse Frontage Lot** means a lot that extends between and has frontage on both of two generally parallel streets.

**Reverse Vending Machine** means a device that accepts used (empty) beverage containers or other recyclable materials and returns money to the user (the reverse of the typical vending cycle).

**Rezoning** means an amendment to the Official Zoning Map. See Map Amendment.

**Right-of-Way** means a strip of land acquired by reservation, dedication, prescription, or condemnation that is intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities. Rights-of-way are not easements.

**Roadway** means the portion of a street that includes the cartway and shoulders within the right-of-way.

**Roof Deck Townhouse** means a townhouse that provides at least 500 square feet of outdoor living space on the rooftop.

**Runoff** means rainwater that does not evaporate or infiltrate, but instead flows along the land surface to a waterbody.

## S

**Sanitary Sewer Line** means a pipe that carries sewage to a central treatment and disposal plant.

**Sanitary Sewer System** means a central treatment and disposal plant and related systems and pipes including, but not limited to, sanitary sewer lines. Sanitary sewer system, in context, may also mean a portion of the overall system, such as the collection pipes that are installed within a subdivision.

**Satellite Dish** means a dish-shaped type of antenna that is designed to receive communications via satellite relay.

**Sediment** means soils or other surface materials that are transported and / or deposited by the action of wind, water, or gravity as a product of erosion.

**Septic System, Individual** means a system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to either a septic tank and tile disposal field or a mechanical aeration and clarification system that are located within the boundaries of the lot from which the effluent was produced.

**Services, Personal** means an establishment primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty salons and spas, barbershops, tanning salons, massage establishments, commercial copy shops, animal grooming, shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal service establishment also include health clubs, exercise studios, sports instruction, swimming instruction, martial arts schools, yoga studios, or dance instruction studios. Personal service establishments do not include any adult uses.

**Setback** means a distance from a lot line to the nearest point on a building on the lot. Minimum setbacks are those setbacks that are required by this UDC for each yard. Actual setbacks are the setbacks that are provided.

**Shopping Center** means a group of retail, service, or restaurant establishments that are planned, developed, owned, or managed as a unit, with off-street parking that serves all of the uses in the center located on the parcel proposed for development.

**Shrub** means any of the following:

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

**Sidewalk** means a pedestrian way that extends along, parallel to, and within the right-of-way of a public or private street or an abutting easement.

**Sidewalk Sales and Farmers' Markets** means sales that are conducted by either the store owner or occupant, outside their store, or by one or more commercial farms, on:

1. A public sidewalk;
2. A private sidewalk; or
3. Pedestrian areas adjacent to a sidewalk, such as pedestrian plazas.

**Sight Distance Triangle** means the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway. *See Section 8.212, Sight Distance Requirements.*

**Sign** means any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar character, that:

1. Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building or other structure; or is displayed in a building window in a manner that is discernible from public rights-of-way or abutting property; and
2. Is used to display noncommercial information; or announce; or direct attention; or advertise.

**Sign, Abandoned** means:

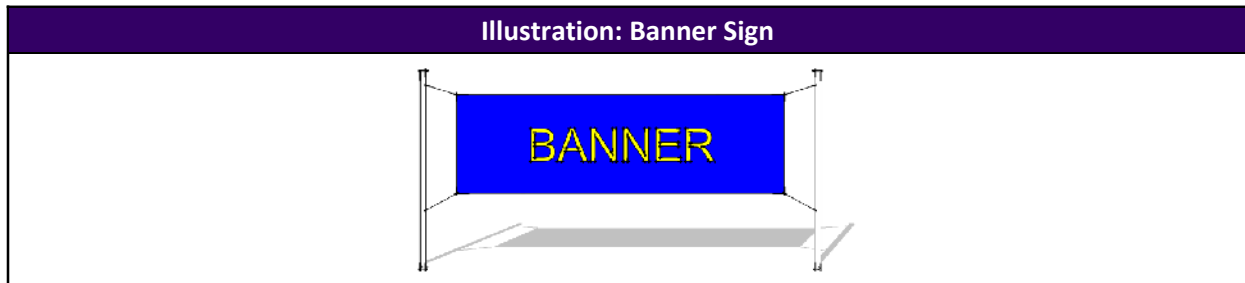
1. A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing on the premises, and which has been inactive or out of business for a period of 90 consecutive days or longer; or
2. A sign structure which does not display a sign for a period of 90 consecutive days or longer.

Abandoned signs include wayfinding signs to events that are no longer ongoing, but do not include other signs that display noncommercial messages.

**Sign Area** is defined in Section 5.201, *Measurements*.

**Sign, Awning** means a sign that is located or printed on a canopy or awning.

**Sign, Banner** means a temporary sign composed of a flexible piece of fabric, plastic, vinyl, or paper, which is



typically mounted with rope to a building, fence, wall, or stakes.

**Sign, Freestanding** means a sign that is not attached to a building.

**Sign, Pylon** means any sign that is affixed to one or more pylons or poles, designed configured in one of the following ways:

1. The combined width of the poles or pylons is less than 60 percent of the width of the sign face; or
2. Two poles support the sign face, one on each end, and the clearance under the sign is more than 30 inches.

**Sign Height** means the height of a sign, calculated as provided in Section 5.201, *Maintenance*.

**Sign, Inflatable** means a sign or component of a sign that is supported by one or more air chambers that may be sealed or kept inflated by blowers. The phrase includes, but is not limited to balloons, tubes in motion, and inflatable sign structures.

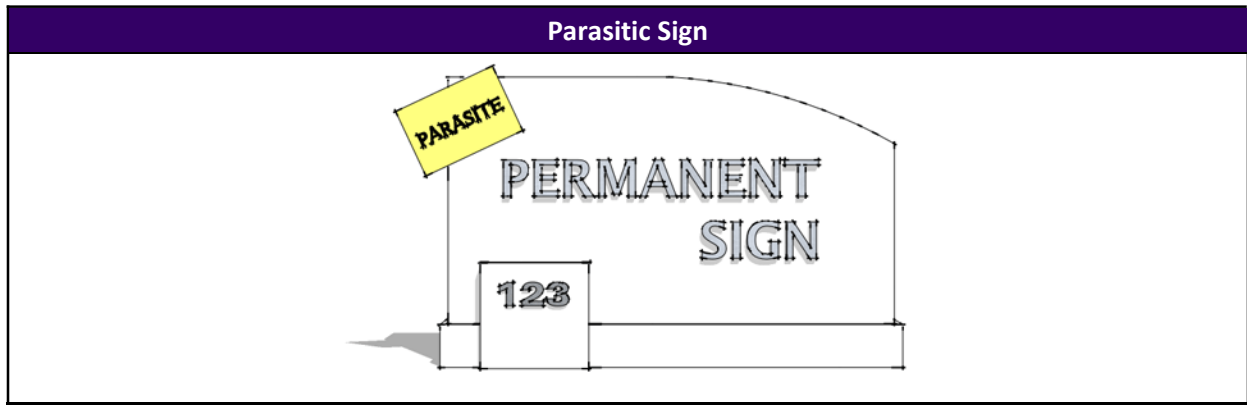
**Sign, Marquee** means a sign affixed to a hood, awning, or permanent roof-type construction that projects from the wall of a building above an entrance (*e.g.*, as traditionally found on movie theaters, live theaters, and comparable uses).

**Sign, Nameplate** means a small sign that is attached to a principal building near the primary entrance, which contains copy that is scaled for pedestrian use.

**Sign, Nonconforming** means a sign that does not comply with the requirements of Article 5, *Signs*, and other applicable provisions of this UDC. See Article 12, *Nonconformities*.

**Sign, Off-premises** means a sign that directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced that is bought or sold, furnished, offered, or transferred elsewhere than on the premises where such sign is located or to which it is affixed. Signs that display only noncommercial messages are not included in this definition.

**Sign, Parasitic** means a temporary sign that is affixed to a permanent sign or sign structure, which is not part of the original design of the permanent sign or sign structure.



**Sign, Portable Changeable Copy** means a sign that:

1. Includes a changeable copy element; and
2. Is not permanently affixed to a building, structure, or the ground.

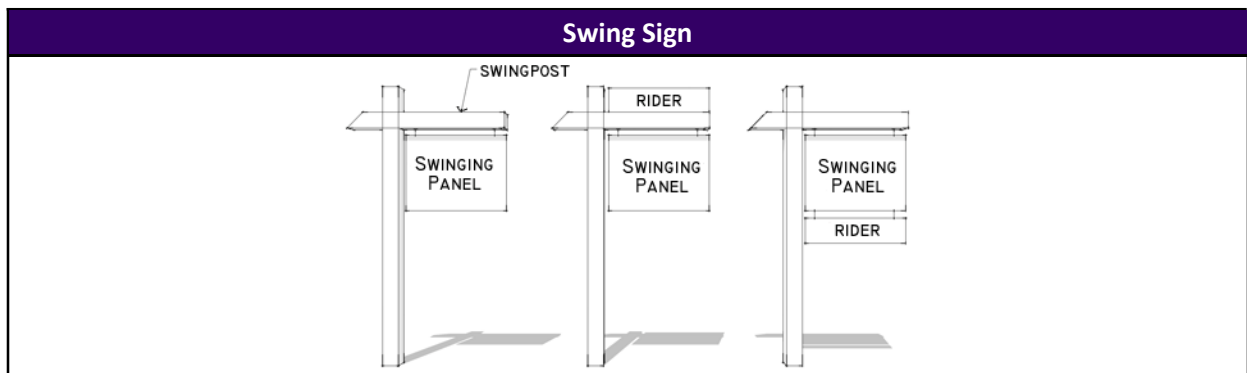
**Sign, Roof** means a sign that is totally supported by or affixed to the roof of a building.

**Sign, Sidewalk** means any type of temporary, self-supporting, freestanding sign that is designed to be placed on a hard surface, without the need for installing posts, anchors, or other supports into the ground. Sidewalk signs include A-frame signs, signs suspended from A-frames, signs suspended from U-frames or H-frames that are installed into a portable base, and other comparable types of signs.



**Sign Structure** means any device or material that supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers or sign roofs.

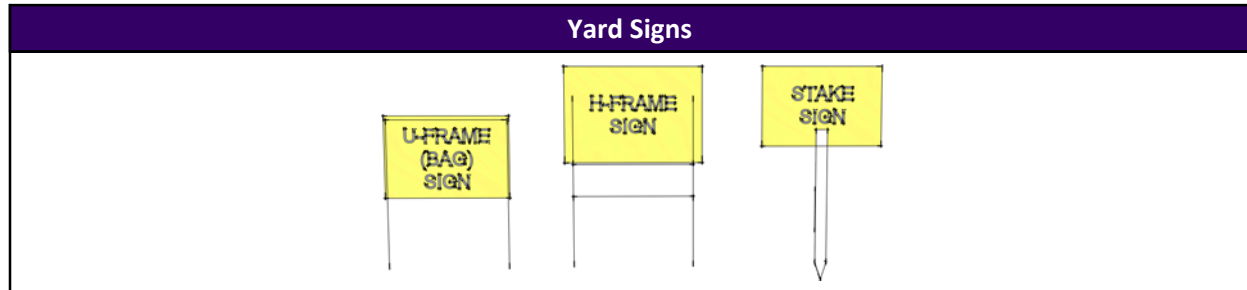
**Sign, Swing** means a temporary sign that is suspended from a swingpost (a post with a horizontal arm for suspending signs). The definition of swing sign includes a single rider sign that is either attached to the top of the swingpost or suspended from the bottom of the swinging panel.



**Sign, Temporary** means a sign or advertising display that is intended for short-term display, which is constructed of cloth, canvas, fabric, paper, plywood, corrugated plastic, metal, or other light material. Temporary signs are not permanently affixed to sign structures, structures, or buildings.

**Sign, Wall** means a sign that is fastened to or painted on a wall of a building or structure in such a manner that the wall serves as the supporting structure or forms the background surface. Wall signs do not project more than 12 inches from the building to which they are attached.

**Sign, Yard** means a form of temporary free-standing sign that is commonly placed in residential yards. It refers to U-frame signs (including bag signs), small H-frame signs, and stake signs, See Figure "Yard Signs."



**Single Family Attached** means housing types with two or more dwelling units that are located in a single structure or attached structures:

1. Which are separated from each other by an unpenetrated dividing side wall (*e.g.*, side-by-side duplexes and all types of townhomes); and / or
2. Which are separated by a floor (*i.e.*, over-under duplexes and duplex townhomes), but have ground floor entrances for each unit.

**Single Family Detached** means a dwelling unit, designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit.

**Sketch Plan** means an informal plan indicating the salient existing features of a parcel proposed for development and its surroundings, including the general layout of a proposed development.

**Slope** means a measurement of the change in the vertical measurement divided by the change in the horizontal measurement (*i.e.*, rise / run). The figure is generally expressed as a ratio or a percentage.

**Stormwater Management** means the mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.

1. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and
2. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

**Stormwater Management Plan** means a plan for the control of soil erosion, sedimentation, stormwater quantity, and water quality impacts resulting from any land disturbing activity.

**Streamer** means strips (called "fringe streamers") or tightly spaced geometric shapes (called "flag streamers" or "pennant streamers") made of cloth, fabric, vinyl, flexible plastic, or other lightweight material that are fastened to a stringer, which is secured or tethered so as to allow movement of the strips or shapes in the wind. Streamers are signs.

**Street** means a strip of land, comprising the entire area within a street right-of-way, which is intended for use as a means of vehicular and pedestrian circulation, which provides access to more than one lot.

**Street, Arterial** means a street that is primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.

**Street, Collector** means a street that serves or is designed to serve as the connection from local streets to arterial streets, such as the main entrance street of a residential development. Collector streets may also serve as a secondary connection between arterial streets.

**Street, Cul-de-sac** means a short, independent, local street having only one point of ingress and egress, terminating in a circular turn-around called a cul-de-sac.

**Street, Half** (or "Street, Partial") means a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street, with the intent that the abutting property will provide the other half of the right-of-way when it is developed.

**Street, Local** means a street which serves or is designed to serve primarily as access to abutting properties.

**Street, Private** means any street right-of-way that is not dedicated to public use, and which is maintained by a private entity, such as a property owners' association.

**Street, Public** means any street right-of-way that is publicly owned by deed, right-of-way dedication, prescription, or any other conveyance, and maintained by a federal, state, or local unit of government.

**Structural Alterations** means any change in the supporting members of a building, such as bearing walls, columns, beams or girders and floor joists, ceiling joists, roof rafters, or stairways; or any change to a structure, including a sign structure, that changes its size or configuration or provides additional or alternative support.

**Structure** means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to fences, signs, kiosks, or similar uses.

**Subdivision** means

1. The division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels, or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership, or of **building** development, exempting, however, the division of land for agricultural purposes into parcels of more than 10 acres not involving any new streets or easements of access, divisions of property by testamentary or interstate provision, or divisions of property upon court order; or
2. The division or allocation of land for the opening, widening, or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage, or other public facilities.

A subdivision includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

**Substantial Damage** means damage sustained by a building or structure (from any cause), whereby the cost of restoring the building or structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the start of construction of the improvement. The term does not include any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety ordinance specifications which have been identified by the City and which are the minimum necessary to ensure safe living conditions.

**Superblock** means an area that is bounded on all sides by arterial or collector streets, railroads, or

waterbodies.

**Surety** means a form of financial guarantee that improvements will be made. Surety provides the City with the financial resources to install required improvements if the developer fails to do so. Surety may include bonds, cash, letters of credit, or other financial instruments approved by the City as appropriate to the type and scale of improvements for which the surety is required.

**Swale** means a linear depression in the land's surface in which sheet runoff collects and forms a temporary watercourse.

## T

**Tattoo Parlor** means an establishment where tattooing, body piercing, and non-medical body modification services are offered. This definition does not include establishments that offer only ear piercing as an ancillary use.

**Telecommunications Tower** means a structure erected to support antennae.

**Temporary Manufactured Buildings** means a manufactured home that is used temporarily as a classroom, dwelling unit, construction office, or storage unit. The phrase includes shipping containers that are 20 feet or more in length, when they are used to store construction materials. The phrase does not include portable on-demand storage units.

**Text Amendment** means a change to the text of the UDC, adopted by Ordinance of the City Council, including amendments that supplement, modify, or repeal any of this UDC's present or future provisions. Changes to the Official Zoning Map are not included in the phrase "text amendment," nor are changes to resolutions that implement this UDC, such as fee and fine schedules.

**Top of Bank** means a point above the mean water surface of a watercourse which defines the maximum depth of channel flow in the watercourse.

**Topography** means the existing configuration of the earth's surface including the relative relief, elevations, and position of land features.

**Total Floor Area** means the sum of the total horizontal areas of every floor of every building on a lot or parcel proposed for development, as appropriate to the context.

**Tower** means a free-standing structure that is used to mount one or more antennae or small wind energy conversion systems. The word tower includes monopoles, guyed towers, lattice towers, and stealth towers.

**Traditional Neighborhood Development (TND)** means development that consists of a variety of residential lot sizes and more than one housing type, along with neighborhood supportive nonresidential development, designed so that its internal streets tend to give equal or greater dignity to the pedestrian compared to the automobile.

**Travel Trailer** see *Prefabricated Housing*.

**Tree, Canopy** means a tree with a canopy that, at maturity, would occupy the upper level of a forest in a natural ecological situation. These trees are commonly called shade trees. They typically reach heights of more than 50 feet at maturity.

**Tree, Evergreen** means a broad leaf evergreen tree or cone-bearing evergreen tree that, at maturity, typically has a height of greater than 35 feet. For the purposes of this UDC, evergreen trees that typically have a height of 12 to 35 feet at maturity are considered understory trees, and evergreens that typically have a height of less than 12 feet at maturity are considered shrubs.

**Tree, Understory** means a tree with a canopy that would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are commonly called ornamental trees. Understory trees are deciduous trees that typically reach heights of 12

to 44 feet at maturity, and evergreen trees that typically reach heights of 12 to 35 feet at maturity.

**Truck Stop** means a structure or land used or intended to be used primarily for the retail sale of fuel for trucks and, usually, incidental service or repair of trucks. The site may also include 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 ten thousand (10,000) pounds or less as rated by the Louisiana Office of Motor Vehicles.

**Truckload Sale** means the sale of various goods outdoors by persons who are not employed by the owners or managers of the parcel on which the sale occurs, or tenants of buildings on the parcel on which the sale occurs.

## U

**Utilities, Community** means a water, wastewater, or stormwater treatment facility that is designed to provide services to more than one square mile of land area; and the generation of not more than 500kW of electricity using wind energy conversion systems or ground-mounted photovoltaic arrays. The phrase "utilities, community" does not include the production of electricity using fossil, biomass, waste, or nuclear fuels, nor the storage of natural gas.

**Utilities, Neighborhood** means water, wastewater, or stormwater treatment facility that serves an area of one square mile or less; utility substations or lift stations; local utility distribution or collection facilities, including electric, gas, telephone, water, sewer, and stormwater; and the generation of not more than 250kW of electricity using wind energy conversion systems or ground-mounted photovoltaic arrays. The phrase "utilities, neighborhood" does not include the production of electricity using fossil, biomass, waste, or nuclear fuels, nor the storage of natural gas.

## V

**Variance** means a departure, where permitted, from a requirement of this UDC except as to use.

**Vehicle Sales, Rental, and Service** means uses that sell, rent and perform service on automobiles, light trucks, boats, and motorcycles. The phrase does not include auto body (e.g., collision repair), paint or upholstery services.

**Veterinarian (Dogs, Cats, Exotic Pets)** means veterinary clinics and hospitals that provide care for small domestic animals. The term does not include large animal and livestock veterinarians, which are classified as agricultural support and other rural services.

**Village House** means a single family detached building on a small lot, with a small front yard and alley access.

## W

**Warehousing and Transportation** means warehousing and logistics facilities, except:

1. Mini- or self-storage warehouses;
2. Warehousing that is accessory to a manufacturing facility, occupying less than 25 percent of the total floor area of the facility; and
3. Parcel service drop-off locations that are not accessory to a parcel service processing facility.

**Water Quality** means characteristics of stormwater runoff that relate to the chemical, physical, biological, or radiological integrity of water.

**Waterbody** means any watercourse, lake, or pond that is defined by a bank or shore, in which water can be found on a year-round basis.

**Watercourse** means a stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which water regularly flows.

**Watershed** means a land area, also known as a drainage area, which collects precipitation and contributes



runoff to a receiving body of water or point along a watercourse.

**Water Table** means the level below the surface at which the ground is saturated by water.

**Weak-Link Townhouse** means a single-family attached dwelling unit, with a single unit from ground to roof and with individual outside access. Each unit has a one-story and a two-story component. Garages are typically, but not necessarily, accessed from the street.

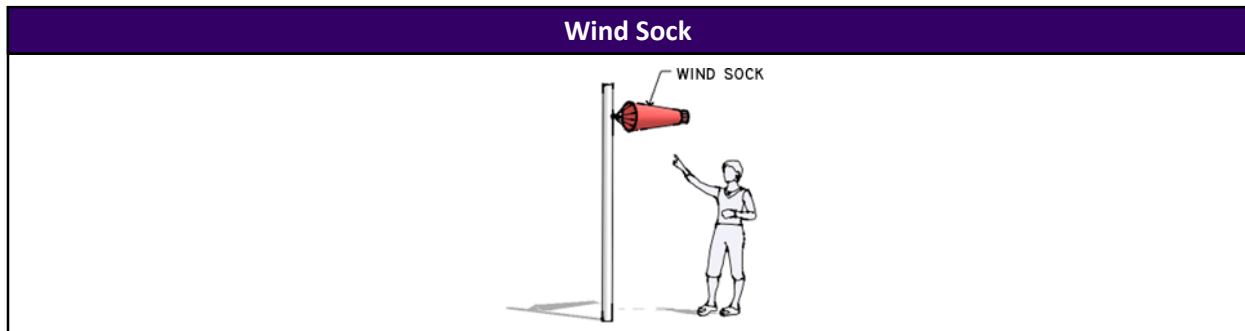
**Weed** means:

4. The Chinese Tallow Tree (*Triadica sebifera*);
5. Cogon Grass (*Imperata cylindrical*);
6. Kudzu (*Pueraria lobata*);
7. Purple Loosestrife (*Lythrum Salicaria*); or
8. Any variety of grass or groundcover that is not generally used for landscaping purposes (or is not part of an approved landscape plan), which is left to grow uncontrolled in a designated landscaped area, and which would tend to crowd out or obscure other landscape materials.

**Wetland** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bayous, and similar areas.

**Wildlife Habitat** means a community of plants that provide food, water, cover, nesting, and foraging or feeding conditions necessary to maintain a population of wildlife.

**Wind Sock** means a type of sign that is made of fabric or other flexible materials that are formed in a conical or tubular shape, designed to extend as the wind flows through it.



**Wireless Telecommunications Facilities** means radio or television broadcasting towers, telecommunications towers, and antenna arrays (free-standing or tower mounted). The phrase does not include residential satellite dishes, TV or HDTV antennae, or amateur radio antennae.

**Woodland** means a naturally occurring forest or stand of trees on a parcel or portion thereof that is not developed; or a stand of trees that was planted for the purposes of forestation or reforestation.

## Y

**Yard** means an at-grade area of a lot that is not improved with buildings (except as allowed by [Article 2, District Intensity and Development Standards](#)), as follows:

1. Generally, a yard is the area between the lot line and the portion of the principal building that is closest to the lot line; and
2. A required yard is the area between the lot line and the required setback in relation to that lot line.

**Yard, Front** means an area that extends across the full width of the lot between the front lot line and the required front setback line.

**Yard, Side Street** means a yard extending from the front setback line to the rear lot line, located between the side street lot line and the side street setback line.

**Yard, Rear** means a yard extending the full width of the lot between the rear lot line and the rear setback line. For a corner lot, the rear yard does not extend beyond the side street setback line.

**Yard, Interior Side** means a yard that extends from the front setback line to the rear setback line, between the interior side lot line and the interior side setback line.

## Z

**Zoning District** means a designation shown on the Zoning Map as being in a district enumerated in [Article 1, Zoning Districts, Uses, and Accessory Uses](#). The phrase may refer to the standards of a particular district, or to an area so mapped, or both.

**Zoning Map** means the Official Zoning Map of the City of Zachary, Louisiana, which incorporated into this UDC by operation of Section [1.202, Official Zoning Map](#), and which shows the location and boundaries of the zoning districts established by this UDC.

**Zoning Permit** means a development order issued by the responsible official in hard copy that certifies that the proposed use of the land is a permitted use in the zoning district in which it is located, and the use is compliance any other applicable requirements of this UDC.