Unified Development Code (effective 6-22-19 edits through 10-8-25)

ARTICLE I CODE ADMINISTRATION 9

Division 1. Generally 9
Sec. 58-1 Title 9
Sec. 58-2 UDC Organization 9
Sec. 58-3 Authority 10
Sec. 58-4 Effective Date 10
Sec. 58-5 Purposes 10
Sec. 58-6 Jurisdiction and Applicability 10
Sec. 58-7 Exceptions. 11
Sec. 58-8 Rules of Interpretation 12
Sec. 58-9 Consistency with Comprehensive Plan Required 12
Sec. 58-10 Relationship to Other Documents 12
Sec. 58-11 Minimum Requirements 13
Sec. 58-12 Violations 14
Sec. 58-13 Penalties 14
Sec. 58-14 Enforcement 14
Sec. 58-15 Severability 15

Division 2. Responsibilities for UDC Administration 15
Sec. 58-20 Generally 15
Sec. 58-21 City Council 15
Sec. 58-22 Planning & Zoning Commission 16
Sec. 58-23 Board of Adjustments and Appeals 19
Sec. 58-24 Historic District Commission 19
Sec. 58-25 Planning Director 19
Sec. 58-26 City Engineer 20
Sec. 58-27 Building Official 20
Sec. 58-28 Floodplain Manager 20
Sec. 58-29 City Attorney 21
Sec. 58-30 Licensing Officer 21
Sec. 58-31 Development Review Committee 21

ARTICLE II DEVELOPMENT PROCEDURES 23

Division 1. Common Procedures 24
Sec. 58-40 Procedural Requirements 24
Sec. 58-41 Approvals Required 24
Sec. 58-42 Conditional Development Approvals 24
Sec. 58-43 Applications Required 27
Sec. 58-44 Application Requirements 27

Sec. 58-45 Fees....27
Sec. 58-46 Completeness Review....27
Sec. 58-47 Digital Submittals Required....29
Sec. 58-48 Review of Applications....30
Sec. 58-49 Phased Development....31
Sec. 58-50 No Occupancy, Use, or Sale of Lots until Requirements Fulfilled....31
Sec. 58-51 Notice....31
Sec. 58-52 Hearing Procedures....34
Sec. 58-53 Failure of the Planning Commission to Act....41
Sec. 58-54 Appeals to Planning & Zoning Commission Decisions....41
Sec. 58-55 Review of City Council Decisions....41

Division 2. Development Applications Requiring Hearings....42
Sec. 58-60 Comprehensive Plan Amendments....42
Sec. 58-61 UDC Text and Map Amendments (Rezonings)....43
Sec. 58-62 Planned Developments....47
Sec. 58-63 Conditional Use Permits....58
Sec. 58-64 Site Plans....64
Sec. 58-65 Variances....68
Sec. 58-66 Appeals to Staff Decisions....71
Sec. 58-67 Vested Rights Determination....73
Sec. 58-68 Development Approval Revocation....75
Sec. 58-69 Subdivisions, Generally....76
Sec. 58-70 Subdivisions, Major....78
Sec. 58-71 Vacations of Rights-of-Way or Servitudes....98
Sec. 58-72 Historic Districts and Major Work....99

Division 3. Ministerial Development Applications....106
Sec. 58-80 Administrative Development Approvals....106
Sec. 58-81 Zoning Certificate....110
Sec. 58-82 Minor Site Plan and Plot Plan Review....110
Sec. 58-83 Minor Subdivision....112
Sec. 58-84 Historic Districts, Minor Work....113
Sec. 58-85 Temporary Use Permits....114
Sec. 58-86 Administrative Relief....115
Sec. 58-87 Building Permits....117
Sec. 58-88 Certificates of Use or Occupancy....117
Sec. 58-89 Stormwater Management Permit....118
Sec. 58-90 Sign Permits....119
Sec. 58-91 Driveway Permit / Right-Of-Way Permit....121
Sec. 58-92 Home Occupation Permit....125
ARTICLE III ZONING....127

Division 1. Generally....128
Sec. 58-100 Overview....128
Sec. 58-101 Establishment of Zoning Districts....128
Sec. 58-102 Transitions from Prior Zoning Districts....129
Sec. 58-103 Zoning Map....129
Sec. 58-104 Interpretation of Zoning Map....129

Sec. 58-105 Tables of Authorized Uses Established 130
Sec. 58-106 Interpretation of Authorized Land Use Tables. 131

Division 2. Residential Districts 133
Sec. 58-108 Residential District Purposes 133
Sec. 58-109 Authorized Uses in Residential Districts. 135
Sec. 58-110 Residential District Use Conditions 139
Sec. 58-111 Residential District Development Standards 140

Division 3. Business Core Districts 142
Sec. 58-112 Business Core District Purposes 142
Sec. 58-113 Business Core District Authorized Uses. 144
Sec. 58-114 Business Core District Use Conditions. 151
Sec. 58-115 Business Core District Development Standards. 153
Sec. 58-116 Additional BC-1 Development Standards. 153
Sec. 58-117 Additional BC-2 Development Standards. 156

Division 4. Commercial Districts 157
Sec. 58-122 Commercial District Purposes. 157
Sec. 58-123 Commercial District Authorized Uses. 159
Sec. 58-124 C-1 District Use Conditions. 169
Sec. 58-125 C-2 District Use Standards. 170
Sec. 58-126 Commercial District Development Standards. 170
Sec. 58-127 C-1 District Development Standards 171
Sec. 58-128 C-2 District Development Standards 174

Division 5. Manufacturing Districts 175
Sec. 58-132 Industrial District Purposes 175
Sec. 58-133 Authorized Uses in Manufacturing Districts. 176
Sec. 58-134 M-1 District Use Standards. 186
Sec. 58-135 M-2 District Use Conditions. 187
Sec. 58-136 Manufacturing District Development Standards. 187
Sec. 58-137 M-1 District Development Standards. 188
Sec. 58-138 M-2 District Development Standards. 189

Division 6. Recreation/Open Space District 191
Sec. 58-139 R/ District Purpose 191
Sec. 58-140 Authorized Land Uses 191
Sec. 58-141 R/OS District Use Standards 192
Sec. 58-142 R/OS District Development Standards 192

Division 7. PD - Planned Development District 193
Sec. 58-143 PD District Purpose. 193
Sec. 58-144 Applicability. 193
Sec. 58-145 Procedures. 193
Sec. 58-146 Authorized Land Uses. 193
Sec. 58-147 PD Development Standards. 194

Division 8. Overlay Districts 195
Sec. 58-148 Flood Hazard Overlays 195
Sec. 58-149 Historic Preservation Districts 195

Sec. 58-150 Neighborhood Overlay Districts. 198
Sec. 58-151 Mixed Use Neighborhood Overlay District. 202
ARTICLE IV : SITE DEVELOPMENT AND DESIGN STANDARDS 205

Division 1. Bulk and Density Standards 207
Sec. 58-170 Height. 207
Sec. 58-171 Setbacks. 210
Sec. 58-172 Density, Lot Area, and Lot Dimensions 214
Sec. 58-173 Impervious Cover Standards 215

Division 2. Off-Street Parking and Loading 215
Sec. 58-180 Generally 215
Sec. 58-181 Location of Off-Street Parking Facilities to Development 216
Sec. 58-182 Parking Specifications 217
Sec. 58-183 Parking Surfacing. 218
Sec. 58-184 Required Number of Parking Spaces 219
Sec. 58-185 Parking Lot Design 222
Sec. 58-186 Parking Structures 223
Sec. 58-187 Bicycle Parking 224
Sec. 58-188 Off-street Loading Berth Requirements 226
Sec. 58-189 Electric Vehicle Charging Stations 227

Division 3. Signs 228
Sec. 58-191 Purpose 228
Sec. 58-192 Findings 228
Sec. 58-193 Severability. 229
Sec. 58-194 Exemptions. 229
Sec. 58-195 Prohibited Signs. 231
Sec. 58-196 Permitted Signs 232
Sec. 58-197 Sign Design Standards. 232
Sec. 58-198 Sign Requirements by Zoning District. 244
Sec. 58-199 Sign Measurement Standards. 248
Sec. 58-200 Sign Maintenance. 250
Sec. 58-201 Non-conforming Signs. 250
Sec. 58-202 Removal of Signs Upon Closing of Business. 253

Division 4. Lighting 253
Sec. 58-204 Purpose 253
Sec. 58-205 Applicability 253
Sec. 58-206 General Standards 254
Sec. 58-207 Additional Regulations 256
Sec. 58-208 Lighting Plan Required 256

Division 5. Streets, Alleys, and Sidewalks 257
Sec. 58-211 Generally 257
Sec. 58-212 Applicability 257
Sec. 58-213 Street Classification 257
Sec. 58-214 Access to Lots 258
Sec. 58-215 Access to Arterial Streets 258
Sec. 58-216 Access to the Fourth Street Extension 258

Sec. 58-217 Entrances to Streets 259
Sec. 58-218 Coordination with Surrounding Streets 259
Sec. 58-219 Street Connections Required 259
Sec. 58-220 Blocks 260
Sec. 58-221 Street Width, Sidewalk and Drainage Requirements in Subdivisions: 260
Sec. 58-222 Clear Vision Areas 266
Sec. 58-223 Traffic Calming 267
Sec. 58-224 Attention to Accessibility in Street and Sidewalk Construction 268
Sec. 58-225 Street and Sidewalk Improvements 268
Sec. 58-226 Street Names and Traffic Signs 268
Sec. 58-227 Pavement Markings and Pavement Materials 268
Sec. 58-228 Sidewalk Accessibility 268
Sec. 58-229 Traffic Impact Analysis 269

Division 6. Utilities 273
Sec. 58-230 Purpose and Applicability. 273
Sec. 58-231 Generally. 273
Sec. 58-232 Water and Sewer System Requirements. 273
Sec. 58-233 Use of Public Streets and Alleys. 274
Sec. 58-234 Notice Before Work Is Concealed. 274
Sec. 58-235 Guarantee of Installation. 274
Sec. 58-236 Underground Electrical and Telephone Distribution Systems. 275
Sec. 58-237 Underground Street Lighting Systems. 275
Sec. 58-238 Responsibility for Street Light Installation. 276
Sec. 58-239 Permit, Plans and Specifications for Street Lighting. 276
Sec. 58-240 Raceways. 276
Sec. 58-241 Service Equipment. 277
Sec. 58-242 Feeder Conductors. 277
Sec. 58-243 Connections at Service Pole or Light Standard. 277
Sec. 58-244 Grounding of Service Equipment at Utility Company's Poles. 277
Sec. 58-245 Street Light Standards and Luminaires. 277
Sec. 58-246 Spacing of Light Standards 278
Sec. 58-247 Street Light Foundations. 278
Sec. 58-248 Special Street Light Installation. 278

Division 7. Open Space 278
Sec. 58-249 Applicability. 278
Sec. 58-250 Open Space Defined. 278
Sec. 58-251 Areas Not Allowed as Open Space 279
Sec. 58-252 Ownership and Maintenance of Recreational Areas and Required Open Space. 279
Sec. 58-253 Dedication of Open Space 279
Sec. 58-254 Homeowners Associations 280
Sec. 58-255 Flexibility in Administration Authorized 280
Sec. 58-256 Open Space Linkages 280
Sec. 58-257 Open Space Design Criteria 280
Sec. 58-258 Connectivity Required 281

Division 8. Fencing and Screening 281
Sec. 58-259 Purpose 281

Sec. 58-260 Non-conforming Fences and Walls 281
Sec. 58-261 Fence Regulations 281
Sec. 58-262 Screening requirements. 283

Division 9. Planting and Stormwater Management 284
Sec. 58-268 Purpose 284
Sec. 58-269 Enforcement 285
Sec. 58-270 Tree Preservation and Protection, Land Clearing, & Demolition 285
Sec. 58-271 Stormwater Management 288
Sec. 58-272 Planting. 292
Sec. 58-273 Clear Vision Area Plantings 300
Sec. 58-274 Plantings in Right-of-way 300
Sec. 58-275 Selection of Plant Material 300
Sec. 58-276 Irrigation Systems 303
Sec. 58-277 Maintenance 303

Division 10. Other Public Improvements 304
Sec. 58-278 Fire protection. 304

Division 11. Flood Damage Prevention 304
Sec. 58-279 In General 304
Sec. 58-280 Development of Publicly Owned Open Areas Greater Than Five Acres Prohibited 304
Sec. 58-281 Ten-Year and Twenty-Five-Year Storm Event Post-Development Rate of Runoff for Proposed Developments 304
Sec. 58-282 Flood Damage Prevention 305
Sec. 58-283 Definitions 306
Sec. 58-284 General Provisions 312
Sec. 58-285 Floodplain Administrator 313
Sec. 58-286 Floodplain Management Permits 314
Sec. 58-287 Standards of Construction 316
Sec. 58-288 Administration. 321

ARTICLE V SUPPLEMENTARY CONDITIONS FOR SPECIFIC USES 325

Sec. 58-300 Accessory Guesthouses 326
Sec. 58-301 Accessory Buildings and Structures 328
Sec. 58-302 Short-Term Vacation Rental 331
Sec. 58-303 Commercial Use of Patios and Outdoor Dining Areas 338
Sec. 58-304 Commercial Use of Rooftops 339
Sec. 58-305 Amusements and Entertainments 340
Sec. 58-306 Automobile Service Stations/Fuel Sales 340
Sec. 58-307 Bars and Nightclubs 341
Sec. 58-308 Bed and Breakfast Establishments 342
Sec. 58-309 Brewpubs and Microdistilleries 344
Sec. 58-310 Convenience Stores 345
Sec. 58-311 Day Care Facilities 345
Sec. 58-312 Drive-Through Facilities 346
Sec. 58-313 Event Halls 346
Sec. 58-314 Food Trucks, Trailers and Carts 348
Sec. 58-315 Hair Care Services 348

Sec. 58-316 Home Occupations 348
Sec. 58-317 Institutional Care Facilities 351
Sec. 58-318 Large-Scale Retail Development 352
Sec. 58-319 Laundromats 354
Sec. 58-320 Manufactured Homes 355
Sec. 58-321 Medical Marijuana Dispensary 355
Sec. 58-322 Mini-Warehouse 356
Sec. 58-323 Multi-Family Development Standards 357
Sec. 58-324 Outside Kennels 360
Sec. 58-325 Outside Operations 360
Sec. 58-326 Outside Storage 361
Sec. 58-327 Outdoor Vending Machines 361
Sec. 58-328 Recreational Vehicle, Motor Home, Trailer and Boat Parking 361
Sec. 58-329 Religious Institutions 362
Sec. 58-330 Sexually Oriented Businesses 362
Sec. 58-331 Shopping Cart Management 362
Sec. 58-332 Short Term Loans, Check Cashing, Pawn Shops and Precious Metals Purchasing 366
Sec. 58-333 Special Events. 367
Sec. 58-334 Telecommunications, Towers, Antennas and Related Structures and Uses 367
Sec. 58-335 Temporary Buildings and Temporary Construction Uses 370
Sec. 58-336 Three and Four-Family Dwellings 374
Sec. 58-337 Townhouse and Rowhouse Dwellings 375
Sec. 58-338 Vehicle Sales Lots 378
Sec. 58-339 Veterinary Clinics 378
Sec. 58-340 Warehousing 378
ARTICLE VI : NON-CONFORMITIES 381

Division 1. General Provisions 381
Sec. 58-380 Purposes 381
Sec. 58-381 Applicability 382
Sec. 58-382 Continuation 382
Sec. 58-383 Repairs and Maintenance 382
Sec. 58-384 Costs and Values 382
Sec. 58-385 Tenancy and Ownership 383
Sec. 58-386 Expansion or Redevelopment of Non-Conformity 383
Sec. 58-387 Conditions Applicable. 384
Sec. 58-388 Determination of Non-conformity Status 384
Sec. 58-389 Termination of Non-conformities 384
Sec. 58-390 Accessory Uses. 384
Sec. 58-391 Abandonment. 385

Division 2. Non-Conforming Uses 385
Sec. 58-392 Applicability 385
Sec. 58-393 Continuance and Expansion 385
Sec. 58-394 Change of Use 385

Division 3. Non-conforming Lot or Site 386
Sec. 58-395 Applicability 386
Sec. 58-396 Generally 386

Sec. 58-397 Change in Use for a Non-Conforming Lot 386
Sec. 58-398 Uses for Non-conforming Lots 386

Division 4. Non-Conforming Structures 386
Sec. 58-399 Applicability 386
Sec. 58-400 Continuance and Expansion 387
Sec. 58-401 Termination of Non-Conforming Structures 387
Sec. 58-402 Exception for Repairs Pursuant to Public Order 387
Sec. 58-403 Incomplete Construction 388
Sec. 58-404 Proposed Construction 388
Sec. 58-405 Non-Conforming Signs 390

ARTICLE VII DEFINITIONS 391

Sec. 58-420 Generally 391
Sec. 58-421 Rules of Construction 391
Sec. 58-422 Responsibility for Interpretations 391
Sec. 58-423 Abbreviations 392
Sec. 58-424 Definitions 392

APPENDICES 417

Appendix A Amendments to UDC 417
Appendix B Amendments to Zoning Map 417
Appendix C Development Fees 418
Appendix D Public Improvements Design Standards Manual 419

ARTICLE I CODE ADMINISTRATION

Division 1. Generally 9
Sec. 58-1 Title 9
Sec. 58-2 UDC Organization 9
Sec. 58-3 Authority 10
Sec. 58-4 Effective Date 10
Sec. 58-5 Purposes 10
Sec. 58-6 Jurisdiction and Applicability 10
Sec. 58-7 Exceptions. 11
Sec. 58-8 Rules of Interpretation 12
Sec. 58-9 Consistency with Comprehensive Plan Required 12
Sec. 58-10 Relationship to Other Documents 12
Sec. 58-11 Minimum Requirements 13
Sec. 58-12 Violations 14
Sec. 58-13 Penalties 14
Sec. 58-14 Enforcement 14
Sec. 58-15 Severability 15

Division 2. Responsibilities for UDC Administration 15
Sec. 58-20 Generally 15
Sec. 58-21 City Council 15
Sec. 58-22 Planning & Zoning Commission 16
Sec. 58-23 Board of Adjustments and Appeals 19
Sec. 58-24 Historic District Commission 19
Sec. 58-25 Planning Director 19
Sec. 58-26 City Engineer 20
Sec. 58-27 Building Official 20
Sec. 58-28 Floodplain Manager 20
Sec. 58-29 City Attorney 21
Sec. 58-30 Licensing Officer 21
Sec. 58-31 Development Review Committee 21

Division 1. Generally

Sec. 58-1 Title

This chapter shall be cited as "Unified Development Code of the City of Gretna, Louisiana" or “UDC.”

(Code 1997, § 102-1; Ord. # 1945, § I, 6-12-1989)

Sec. 58-2 UDC Organization

This UDC consists of seven articles, which are listed below. The appendices include a variety of documents necessary to carry out the provisions of this UDC and are referred to as appendices throughout this document.

Article I establishes the purposes and applicability of the UDC, describes its organization, guides this code's enforcement and interpretation, and establishes penalties for violations of the UDC.
Article II establishes procedures and criteria for approval of development applications, as well as changes to this UDC and the Comprehensive Plan.
Article III establishes zoning districts, creates the official zoning district map and lists the uses allowed in each zoning district.
Article IV establishes development and design requirements for buildings, sites and subdivisions, which includes rules for infrastructure development and environmental factors.
Article V establishes supplemental conditions for specific land uses and development patterns.
Article VI establishes the rules for non-conforming situations.
Article VII defines the terms used in this UDC.
Appendices to this UDC are administrative rules for the application and enforcement of the UDC that include applications, submittal requirements, landscape planting standards and design standards for infrastructure improvements.

Sec. 58-3 Authority

The UDC is enacted pursuant to the authority of Title 33 of the Louisiana Revised Statutes.

Sec. 58-4 Effective Date

This UDC is effective as of June 22, 2019.

Sec. 58-5 Purposes

The procedures and standards of the UDC as set forth herein have been made in accordance with the City of Gretna's Comprehensive Plan to promote the public health, safety and general welfare of the City of Gretna. They have been designed to lessen congestion in the public streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each zoning district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(Code 1997, § 102-2; Ord. # 1945, § II, 6-12-1989)

Sec. 58-6 Jurisdiction and Applicability

(a) **Jurisdiction**. This UDC shall apply to development within the municipal boundaries of the City of Gretna.

(b) **Authorization Required**. Unless otherwise authorized by the UDC, no development shall proceed without securing the approvals required herein.

(c) **Compliance Required**. The following activities are subject to and shall conform to the standards, criteria, requirements and procedures of the UDC. Thresholds for specific development standards and procedures are established in subsequent articles of the UDC and are summarized in **Exhibit 58-6**. Applicability of specific development procedures are established in Article II.

(1) All development and redevelopment;

(2) The use of any parcel of land or any structure or any combination thereof;

(3) Changes of use of a parcel, structure, or any combination thereof; and

(4) Divisions of land or the adjustment of property boundaries.

Exhibit 58-6: Applicability of Development Standards

Standard	Threshold for Applicability	Section Reference
Parking space provision	New use, expansion of an existing structure, or change of use that increases parking	58-180
Parking lot surfacing	Changes to parking lots with 5 or more spaces	58-183
Lighting plans	Any development requiring major site plan review	58-205
Tree preservation	New development or development of sites of 10,000 square feet or more	58-270
Stormwater management plan	New development or redevelopment of sites of 10,000 square feet or more	58-271
Vehicular use area/parking lot plantings	For parking lots with 5 or more parking spaces	58-272

Sec. 58-7 Exceptions.

The following general conditions of circumstances are exempt from the provisions and requirements of the UDC:

(a) Projects for which a local development approval or building permit has been lawfully issued, provided that:

(1) The local development approval or building permit has not expired prior to the effective date of the UDC or the effective date of an amendment to the UDC;

(2) The activity authorized by the local development approval or building permit has commenced and continued in good faith; and

(3) The activity authorized by the local development approval or building permit complies with the requirements of all applicable local development approvals and building permits and any other permits required by any governmental authority.

(b) Work required for public facilities and services within the public right-of-way, as further described below:

(1) Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, electric power, or telecommunications services (except telecommunications towers).

(1) Work required for the purpose of inspecting, repairing, or replacing any existing water or sewer lines, mains, or pipes.

(2) Work required for the purpose of inspecting, repairing, or replacing cables, power lines, utility poles, utility tunnels, or the like.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, provided that a building permit, if required, is issued for the work and the following conditions are met:

(2) The work affects only the exterior color or interior of the structure.

(1) The work is only for the decoration of the interior or exterior of the structure.

(2) The work is only for de minimis development as established from time to time by administrative order.

Sec. 58-8 Rules of Interpretation

(b) This UDC is intended to be administered with the flexibility to respond to unique circumstances of individual properties in ways that best achieve its purposes.

(a) This UDC establishes many, but not all, of the standards and procedures for development. Other portions of the City Code, as well as other standards, shall apply to development, including, but not limited to, Building Codes, fire codes, utility, street and drainage design and construction standards.

(b) The issuance of any local development approval pursuant to this UDC shall not relieve the recipient from the responsibility to comply with all other City, Parish, State, or federal laws, ordinances, rules or regulations.

(c) References to other regulations or provisions of the UDC are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other regulations.

(d) The UDC contains numerous titles, graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the UDC. However, to the extent that there is any inconsistency between the text of the UDC and any such title, graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

(e) Additional rules for interpreting language and terms are included in Article VII of this UDC.

Sec. 58-9 Consistency with Comprehensive Plan Required

The City Council intends this UDC to implement the City's Comprehensive Plan and all other area or corridor plans. Any amendments to the UDC or local development approvals shall be consistent with the Comprehensive Plan in effect at the time of the amendment or local development approval.

Sec. 58-10 Relationship to Other Documents

(a) **Higher Standards Prevail**. Where a regulation contained within the UDC imposes higher or more stringent standards than those required under another statute, ordinance or regulation, the regulation adopted under the UDC controls. If the other statute, ordinance, or regulation imposes higher or more stringent standards, that statute, ordinance, or regulation controls so long as it is consistent with the purposes, findings and intent of the UDC and with the goals, objectives, policies and strategies of the Comprehensive Plan.

(b) **Development under Prior Regulations**. Development under prior regulations shall be allowed pursuant to section Sec. 58-7, provided a valid development approval has not expired. All new applications shall comply with the provisions of this UDC. Legal non-conforming situations may continue in conformance with Article VI of this UDC.

(c) **Issuance of Rules and Regulations for Public Improvements**. The City may promulgate reasonable rules and regulations regarding the design and installation of improvements required pursuant to this UDC.

(d) **Minimum Standard May Exceed State Standards**. Any rule and regulation established shall meet the minimum City and State standards, but nothing in this section shall prevent the City from requiring compliance with higher or more stringent requirements than the State regulations.

(e) **Relationship to Private Agreements**. This UDC is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this UDC are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the regulations of this UDC shall govern.

(f) **Relationship to Other Codes**. The procedures and standards of the UDC are intended to facilitate and ensure compliance with other technical standards adopted by the City, including, but not limited to Building Codes, fire codes, and historic district guidelines.

Sec. 58-11 Minimum Requirements.

The requirements of this UDC are the minimum requirements for the promotion of the public health, safety and general welfare. For discretionary approvals, the City may impose additional requirements to ensure that proposed development will:

(a) Express and reflect the unique sense of place and the desirable qualities of Gretna through innovative and sustainable design and architectural standards for development;

(b) Promote the use of the best available technology at reasonable cost, using local, state and federal grants, loans, tax credits and deductions, for installation of energy and resource conservation measures, including green and sustainable building and neighborhood requirements for all public and private buildings, structures and land uses;

(c) Ensure that building projects are planned, designed, constructed, and managed to minimize adverse environmental impacts; to effectively manage stormwater; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Gretna;

(d) Respect historical patterns, precedents, and boundaries in the development approval process for new development and redevelopment;

(e) Reflect the transportation network of the region and provide within each development a framework of transportation alternatives and inter-connectivity, including automobiles, transit, pedestrian, and bicycle systems to maximize access and mobility throughout the region; and

(f) Place high regard for the protection of individual property rights in appropriate balance with the community's need to implement the goals, objectives, policies and strategies of the Comprehensive Plan.

Sec. 58-12 Violations

Any person who shall do anything prohibited by this chapter as it exists or may hereafter be amended, or who shall fail to do anything as required by this chapter as it exists or may hereafter be amended is hereby declared to be guilty of a misdemeanor and shall be punished as provided by law. Each and every day that such violation exists shall be deemed to be a separate offense. The law enforcement agency of the City shall furnish, upon request by the Planning Director, the necessary police personnel to carry out these orders. Notice of any alleged violations of this chapter, and of any hearings required because of such alleged violations, shall be made in accordance with Sec. 58-51 of this UDC.

Sec. 58-13 Penalties

(a) Penalties are Misdemeanors. The owners, agent, or person in charge of the building or premises where a violation of any provisions of this chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, agency, person in charge, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the agent, architect, builder, contractor, or any other person who takes part in, commits, or who assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine or imprisonment for each day that the violation continues pursuant to Section 1-8 of the City Code.

(b) First and Second Offense. In the case of first and second offenses, calculation of fines for continuing but separate and distinct offenses shall not begin until seven (7) days after receipt of delivery of a certified letter concerning the infringement. If an appeal is made, the calculation of fines will be terminated until a decision has been made by the, magistrate, City Council or by the Parish District Court.

(c) Third Offense. Upon conviction for a third offense as described herein, in addition to criminal penalties provided for in this section, the magistrate may order, and the City shall cause any and all utilities (whether publicly or privately owned) to be shut off and services discontinued. The City must attempt to notify the owner of the property and the occupants of the property at least ten days before the scheduled date to disconnect. Such notice must be sent by mail with delivery confirmation, and a copy of the notice must be also posted on the property. Posted notice must be in a prominent location at least four days before the scheduled disconnect date. Notice shall include declaration of the order of the magistrate, the services to be disconnected and the date and approximate time that the disconnect is to take place.

Sec. 58-14 Enforcement

In case any building or structure is erected, structurally altered or maintained, or if any building, structure, or land is used in violation of any provision of this chapter, any proper officer of the City or their duly authorized representatives, may institute injunctive or other appropriate action to prevent or correct such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in and about such premises.

Sec. 58-15 Severability

Should any article, section, subsection, provision, or clause of this UDC be declared by any court of competent jurisdiction to be unconstitutional or invalid for any reason whatsoever, the same shall not affect the validity of the UDC as a whole or any part thereof other than the part judicially determined to be invalid.

Division 2. Responsibilities for UDC Administration

Sec. 58-20 Generally

Exhibit 58-41 Summarizes the responsibilities for actions to implement the UDC.

Sec. 58-21 City Council

The City Council shall be responsible for the following actions as applicable pursuant to the procedures in Article II of the UDC:

(a) Render decisions on appeals to Planning & Zoning Commission decisions on comprehensive plan text or map amendments.

(b) Render decisions on amendments to the UDC text or maps.

(c) Render decisions on appeals to Planning & Zoning Commission decisions on planned development conceptual plans.

(d) Render decisions on planned development preliminary development plans.

(e) Render decisions on planned development final development plans.

(f) Render decisions on conditional use permit applications.

(g) Review decisions of the Planning & Zoning Commission.

(h) Render decisions on appeals to Planning & Zoning Commission decisions on site plan applications.

(i) Render decisions on appeals to Planning & Zoning Commission decisions on variance applications.

(j) Render decisions on appeals to Planning & Zoning Commission decisions on appeals to staff determinations.

(k) Make determinations of vested rights.

(l) Render decisions on revocations of development approvals.

(m) Render decisions on preliminary plat applications.

(n) Render decisions on improvement guarantees and development agreements

(o) Render decisions on variances to lot area and dimensional variances associated with major subdivisions.

(p) Render decisions on final plat applications.

(q) Render decisions on applications for vacation of rights-of-way and servitudes.

(r) Render decisions on appeals to decisions of the Historic District Commission.

(s) Carry out other responsibilities assigned by City ordinance or State statute.

Sec. 58-22 Planning & Zoning Commission

(a) **Creation**. The Planning & Zoning Commission is hereby created and shall be appointed within sixty (60) days of adoption of this UDC. Pending the initial appointment of the Planning & Zoning Commission:

(1) The City Council assume all responsibilities of the Planning & Zoning Commission.

(2) When hearings are required by both the Commission and Council, only one hearing shall be required.

(b) **Number and Terms of Members, Appointments, Qualifications and Removal.** The Planning Commission shall consist of five (5) members who shall serve staggered terms of three (3) years. A Planning Commission member shall be at the time of appointment have attained the age of eighteen (18) years, been legally domiciled and have actually resided in the City for at least two (2) years immediately prior to the appointment and be a qualified elector of the City. A Planning Commission member shall be required to obtain four (4) hours of APA sanctioned or City sponsored education per year, or as otherwise required by State law. They shall be appointed and confirmed by a vote of the Council. Should any member of the Commission fail to meet any of the above qualifications, that position shall be declared vacant and another appointment shall be made for the unexpired term.

(c) **Appointment.** One member of the Planning and Zoning Commission shall be appointed by the Mayor and all other members shall be appointed by a majority vote of the City Council. The outgoing member of the Commission shall, absent some disqualifying condition or regulation, continue to serve until a successor is appointed.

(d) **Initial Appointments**. Initial appointees to the Planning & Zoning Commission shall serve until the expiration dates listed in **Exhibit 58-22**. Subsequent appointees shall serve three (3) year terms.

Exhibit 58-22: Initial Terms of Planning & Zoning Commissioners

Member	Expiration Date of Term	Appointed by
1	December 31, 2022	City Council
2	December 31, 2022	City Council
3	December 31, 2021	Mayor
4	December 31, 2021	City Council
5	December 31, 2020	City Council

(e) **Vacancies**. If a vacancy in the Planning Commission occurs otherwise than by expiration of term, it shall be filled by appointment by the original appointing authority for the duration of the unexpired term. Vacancies created by completion of a term shall be filled for a new three (3) year term.

(f) **Limitations**. Members shall be eligible for appointment to an unlimited number of successive terms. No member of the Planning & Zoning Commission shall also be an elected official of this state or any political subdivision thereof. In addition, no member of the Commission shall be an employee of the City of Gretna.

(g) **Removal.** The City Council may, by a vote of a majority of the City Council members, remove any member of the Planning & Zoning Commission, after notice and public hearing, for inefficiency, neglect of duty, or malfeasance in office.

(h) **Election and Term of Chairman**. The Gretna Planning & Zoning Commission shall elect a chairman and vice-chairman from its members and create and fill such other of its offices as it may determine necessary. The terms of the chairman and vice-chairman shall be one year, with eligibility for reelection. The vice-chairman of the Commission shall, in the absence of the chairman, assume all power, duties and responsibilities of the chairman.

(i) **Rules and Records of Proceedings, Meetings and Quorum**. The Planning & Zoning Commission shall adopt rules of procedure for the transaction of its business, not in conflict with any other City or state laws, and shall keep a record of its resolutions, motions, transactions, findings and determinations, which shall be a public record. The Commission shall hold at least one regular meeting in each month, unless there is no business before the Commission, and all meetings shall be open to the public. Meetings at other than regularly scheduled times may be announced at a prior meeting and thereby made a part of the record.

(j) **Special Meetings**. The Chairman, may, or upon the request of three (3) members of the Planning & Zoning Commission, shall, by giving notice to the members of the Commission, call a previously unannounced special meeting of the Commission for a time no earlier than 24 hours after the notice is given. Notice of a previously unannounced meeting shall be posted at City Hall and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting.

(k) **Quorum and Actions**. Three (3) of the Planning & Zoning Commission constitutes a quorum necessary to hold a meeting. Furthermore, no motion, resolution, or other official action shall be passed upon except by a majority vote of a quorum of the Commission.

(l) **Compensation.** The members of the Gretna Planning Commission shall serve without compensation and shall hold no other public office or employment by the City, except they may also serve as members of any duly constituted commission of the region or Parish of which Gretna municipality forms a part.

(m) **Expenditures**. The expenditures of the Planning & Zoning Commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for that purpose by the City Council. Members of the Commission may, when authorized by the Mayor, attend planning and zoning conferences, meetings of planning and zoning institutions and hearings upon pending planning and zoning legislation and the Mayor may pay the reasonable traveling expenses incidental to such attendance out of any funds appropriated by the City Council for that purpose.

(n) **Personnel.** The City shall provide the Planning & Zoning Commission with the services of a clerk and a planning consultant. The Planning Director shall serve as planning consultant. The Commission may request of the City such other employees as it may deem necessary for its work, and with the advance consent of the City Council may also contract with planning experts, engineers, attorneys, architects, landscape architects, arborists, horticulturists and other consultants for such services as they may require within the scope of budgetary authority.

(o) **Duties of Clerk**. The clerk shall be responsible to the Commission and for the issuance of prior notice of term expirations, for the advertisement and posting, as required by law, of all matters to be heard by the Commission, for the notification of applicants regarding meetings and for all other correspondence and duties as required by these regulations or the adopted rules of procedure of the Commission. The clerk shall keep a true and correct public record of all proceedings which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of any member, and any failure of a member to vote at both general and special meetings. Certified copies of the adopted minutes of all such proceedings may be obtained from the clerk upon request and in accordance with established fees. The clerk shall prepare and submit reports of all actions and recommendations of the Commission to the City Council, case applicants, or other parties as required by these regulations or other state or local laws.

(p) **Powers and Duties of the Planning & Zoning Commission**. The Planning & Zoning Commission serves as the City's Planning Commission, Zoning Commission, and Board of Adjustments and Appeals and may be referred to generally in the UDC as the Planning and Zoning Commission or the P&Z Commission when serving in the role of any of those bodies.

(1) When serving as the Planning Commission, it shall be responsible for the following actions pursuant to the procedures in Article II of the UDC:

a. Oversee planning studies and make recommendations regarding the City's planning needs.

b. Render decisions on amendments to the Comprehensive Plan text or Future Land Use Map, including any plans adopted as part of the Comprehensive Plan.

c. Make recommendations to the City Council on preliminary plat applications.

d. Make recommendations to the City Council on vacations of rights-of-way and servitudes.

e. Carry out other responsibilities assigned by City ordinance or State statute.

(2) When serving as the Zoning Commission, it shall be responsible for the following actions pursuant to the procedures in Article II of the UDC

a. Make recommendations to City Council for action on UDC text or map amendments.

b. Render decisions on planned development conceptual plans.

c. Recommend action on planned development preliminary development plans to the City Council.

d. Recommend action on conditional use applications to the City Council.

e. Render decisions on major site plan applications.

(3) When serving as the Board of Adjustments and Appeals, it shall be responsible for the following actions pursuant to the procedures in Article II of the UDC.

a. Render decisions on variance applications; and

b. Render decisions on appeals to staff decisions.

(Ord. # 4938, 7-14-2021)

Sec. 58-23 Board of Adjustments and Appeals

The Planning & Zoning Commission shall serve as the City's Board of Adjustments and Appeals pursuant to section Sec. 58-22, deciding applications for variances and appeals to decisions by City Staff.

Sec. 58-24 Historic District Commission

(a) **Establishment**. An Historic District Commission (HDC) is hereby established and shall consist of seven members recommended by the City Council and appointed by the Mayor to four-year terms of service. Members shall include one architect and one historian. The architect, the historian and two members shall be appointed at the beginning of the regular term of the mayor and City Council. The remaining three members shall be appointed at the beginning of the third year of the regular term of the City Council and Mayor. In the event that an appointment of a specific discipline is not forthcoming within sixty (60) days of a vacancy, the mayor may appoint a resident of a historic district or property owner of a historic district property without such qualification, subject to the approval of the council. In the event that an appointment by the Mayor is not forthcoming within sixty (60) days of a vacancy, the Council may appoint and fill such vacancy. Nothing shall preclude the mayor from removing or replacing an appointment with council approval, and nothing shall prohibit the reappointment of any prior member of the committee to the new term.

(Code 1997, § 52-3; Ord. # 4653, 2-11-2015) State Law reference— Historic district commissions, R.S. 25:732.

(b) **Responsibilities**. Historic District Commission shall be responsible for the following actions pursuant to the procedures in Article II of the UDC:

(1) Render decisions on applications for certificates of appropriateness for major work.

(2) Render decisions on appeals to staff actions on certificates of appropriateness for minor work.

(3) Make recommendations to the City Council on historic preservation needs for the City of Gretna.

(4) Carry out other responsibilities assigned by City ordinance or State statute.

(Code 1997, § 52-41; Ord. # 4653, 2-11-2015)

Sec. 58-25 Planning Director

The Planning Director shall be appointed by the Mayor and shall be responsible the following actions pursuant to the procedures in Article II of the UDC:

(a) Administering and interpreting the code.

(b) Coordinate the activities of the Development Review Committee (DRC).

(c) Serve as the planning consultant to the Planning & Zoning Commission.

(d) Prepare or oversee the preparation of reports, studies and plans necessary to implement the comprehensive plan and this UDC.

(e) Recommend Comprehensive Plan text and map amendments to the Planning & Zoning Commission.

(f) Recommend UDC text and map amendments to the Planning & Zoning Commission.

(g) Prepare reports and recommendations regarding development applications required to be heard and acted upon by the Planning & Zoning Commission or City Council.

(h) Render decisions on administrative development applications.

(i) Render decisions on applications for administrative relief.

(j) Render decisions on minor subdivision applications.

(k) Other responsibilities assigned by this UDC or the Mayor.

Sec. 58-26 City Engineer

The City Engineer shall be responsible for the following actions pursuant to the procedures in Article II of the UDC:

(a) Participate in and provide needed support for Development Review Committee activities.

(b) Review and render decisions on applications for construction plan applications.

(c) Review and recommend action on improvement guarantees to the Development Review Committee.

(d) Develop and recommend updates to the City's public improvements design requirements.

(e) Inspect installation of public improvements and make recommendations related to construction, repair, maintenance and acceptance of improvements constructed pursuant to the UDC.

(f) Other responsibilities assigned by this UDC or the Mayor.

Sec. 58-27 Building Official

The Building Official shall be appointed by the Mayor and shall be responsible for the following actions pursuant to the procedures in Article II of the UDC.

(a) Participate in and provide needed support for Development Review Committee activities.

(b) Review and render decisions on applications for building permits pursuant to Chapter 10 of the City Code.

(c) Serve as consultant and secretary to the Historic District Commission.

(d) Other responsibilities assigned by this UDC or the Mayor.

Sec. 58-28 Floodplain Manager

The Floodplain Manager shall be appointed by the Mayor and shall be responsible for the following actions pursuant to the procedures in Article II of the UDC:

(a) Participate in and provide needed support for the Development Review Committee activities.

(b) Administer the City's flood hazard regulations and program responsibilities.

(c) Other responsibilities assigned by this UDC or the Mayor.

Sec. 58-29 City Attorney

The City Attorney shall be responsible for the following actions pursuant to the procedures in Article II of the UDC:

(a) Provide requested support to the Development Review Committee.

(b) Provide requested guidance to the Planning Director, Planning & Zoning Commission, Mayor, City Council and Historic District Commission as requested by each entity.

(c) Review and recommend action on development agreements to the City Council.

Sec. 58-30 Licensing Officer

The Licensing Officer shall be appointed by the Mayor and shall be responsible for the following actions pursuant to the procedures in Article II of the UDC:

(a) Participate in and provide needed support for Development Review Committee activities.

(b) Review and render decisions on applications for home occupation permits, short-term vacation rentals, garage sales, fireworks sales, accessory dwelling units, guest houses, and gaming and entertainment devices.

(c) Issue and monitor occupational licenses required pursuant to City Code for uses authorized by the UDC and elsewhere within the City Code.

(d) Other responsibilities assigned by this UDC or the Mayor.

Sec. 58-31 Development Review Committee

(a) **Purpose**. The Development Review Committee (DRC) is intended to collect, coordinate, and resolve conflicts from input provided by various City departments and other agencies having responsibility for review or providing services to proposed development.

(b) **Membership**. The Planning Director shall serve as the chair and coordinator for all DRC meetings. Other participants, who shall participate as needed in the review of specific applications shall include the City Engineer, Building Official, Floodplain Administrator, City Attorney, Police Chief, Fire Chief, Public Works representative, Public Utilities representative, members of other departments and agencies providing public services within the City of Gretna or their designees, and a City Council member.

(c) **Responsibilities**. DRC communications may occur at staff meetings or through any other means determined appropriate by the Planning Director. The DRC shall be responsible for reviewing applications for all site plans including development of 10,000 square feet or more of floor area and other development as requested by the Planning Director; evaluating compliance with the requirements of the UDC and other technical requirements; recommending site and building design modifications to ensure greater compliance with adopted standards; and identifying public improvement implications for the following types of actions pursuant to the procedures in Article II of the UDC:

(1) Comprehensive plan map and text amendments;

(2) UDC map and text amendments;

(3) Planned development applications;

(4) Conditional use permit applications;

(5) Site plan applications;

(6) Variance applications;

(7) Subdivision applications; and

(8) Administrative development approvals.

ARTICLE II DEVELOPMENT PROCEDURES

Division 1. Common Procedures 24
Sec. 58-40 Procedural Requirements 24
Sec. 58-41 Approvals Required 24
Sec. 58-42 Conditional Development Approvals 24
Sec. 58-43 Applications Required 27
Sec. 58-44 Application Requirements 27
Sec. 58-45 Fees 27
Sec. 58-46 Completeness Review 27
Sec. 58-47 Digital Submittals Required 29
Sec. 58-48 Review of Applications. 30
Sec. 58-49 Phased Development 31
Sec. 58-50 No Occupancy, Use, or Sale of Lots until Requirements Fulfilled 31
Sec. 58-51 Notice 31
Sec. 58-52 Hearing Procedures 34
Sec. 58-53 Failure of the Planning Commission to Act 41
Sec. 58-54 Appeals to Planning & Zoning Commission Decisions 41
Sec. 58-55 Review of City Council Decisions 41

Division 2. Development Applications Requiring Hearings 42
Sec. 58-60 Comprehensive Plan Amendments 42
Sec. 58-61 UDC Text and Map Amendments (Rezonings) 43
Sec. 58-62 Planned Developments 47
Sec. 58-63 Conditional Use Permits 58
Sec. 58-64 Site Plans 64
Sec. 58-65 Variances 68
Sec. 58-66 Appeals to Staff Decisions 71
Sec. 58-67 Vested Rights Determination 73
Sec. 58-68 Development Approval Revocation 75
Sec. 58-69 Subdivisions, Generally 76
Sec. 58-70 Subdivisions, Major. 78
Sec. 58-71 Vacations of Rights-of-Way or Servitudes 98
Sec. 58-72 Historic Districts and Major Work 99

Division 3. Ministerial Development Applications 106
Sec. 58-80 Administrative Development Approvals 106
Sec. 58-81 Zoning Certificate 110
Sec. 58-82 Minor Site Plan and Plot Plan Review 110
Sec. 58-83 Minor Subdivision 112
Sec. 58-84 Historic Districts, Minor Work 113
Sec. 58-85 Temporary Use Permits 114
Sec. 58-86 Administrative Relief 115
Sec. 58-87 Building Permits 117
Sec. 58-88 Certificates of Use or Occupancy 117
Sec. 58-89 Stormwater Management Permit 118
Sec. 58-90 Sign Permits 119
Sec. 58-91 Driveway Permit / Right-Of-Way Permit 121

Sec. 58-92 Home Occupation Permit 125

Division 1. Common Procedures

Sec. 58-40 Procedural Requirements

No development is permitted unless all applicable approvals are issued in accordance with this article. Development approvals are required for all development, unless otherwise exempted, to ensure compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This part describes procedural elements common to all applications. The specific procedures followed in reviewing various applications for development approval differ. Subsequent sections of this article address the procedures and requirements for particular applications. Generally, the procedures for all applications have five common elements:

(a) Submittal of a complete application, including required fee payments and appropriate information and studies;

(b) Review of the submittal by appropriate staff, agencies, commissions, committees, and boards, which may require public notice and hearings;

(c) A decision to approve, approve with conditions, or deny, together with the description of the actions authorized and the time period for exercising rights;

(d) Options to amend or appeal the decision; and

(e) Documenting the decision.

Sec. 58-41 Approvals Required

Except as specifically exempted by State law or this UDC, the use of property may not be substantially changed; substantial clearing, grading, or excavation may not be commenced; and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to this UDC. **Exhibit 58-41** lists the types of development approvals required pursuant to the UDC, identifies the entities involved in review and action for each type of development, and provides a reference to the applicable sections that describe each process in more detail.

Sec. 58-42 Conditional Development Approvals

(a) The Planning Director, the Planning & Zoning Commission and the City Council may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards identified in this UDC after review of the application and other pertinent documents and any evidence made part of the public record.

(b) Any conditions imposed by recommendation of the Planning Director or Planning & Zoning Commission may be modified subsequently by the City Council.

Exhibit 58-41: Draft Development Review Process Summary Table

Development Application	Recommendation	Final Decision	Appeal	Code Section	Decision Type
Approvals Requiring a Public Hearing:					
Comprehensive Plan Amendment	Staff	Planning & Zoning (P&Z) Commission	City Council	Sec. 58 -14	Legislative
UDC Text and Map Amendment	Staff/P&Z Commission	City Council	District Court	Sec. 58-61	Legislative
Planned Development				Sec. 58-62	
Conceptual Development Plan	Staff	P&Z Commission	City Council	Sec. 58-62(d)	Legislative
Preliminary Development Plan (may include contingent zoning approval, and preliminary plat approval)	Staff/P&Z Commission	City Council	District Court	Sec. 58-62(d)(8)	Legislative
Final Development Plan (Includes final zoning approval and may include final plat approval)	Staff/P&Z Commission	City Council	District Court	Sec. 58-62(f)	Legislative
Conditional Use Permit	Staff/P&Z Commission	City Council	District Court	Sec. 58-63	Legislative
Site Plan (No hearing required for minor site plan)	Staff	P&Z Commission	City Council	Sec. 58-64	Quasi-judicial
Variance	Staff	P&Z Commission	City Council	Sec. 58-65	Quasi-judicial
Appeals to Staff Decisions	Staff	P&Z Commission	City Council	Sec. 58-66	Quasi-judicial
Vested Rights Determination	Staff	City Council	District Court	Sec. 58-67	Quasi-judicial
Development Approval Revocation	Staff	City Council	District Court	Sec. 58-68	Quasi-judicial
Major Subdivision:				Sec. 58-70	
Preliminary Plat	Staff/P&Z Commission	City Council	District Court	Sec. 58-70(d)	Legislative
Construction plans (No hearing required)	Staff	Staff	---	Sec. 58-70(e)	Ministerial
Improvement Guarantees (optional)	Staff	City Council	---	Sec. 58-70(f)	Legislative
Development Agreement (optional)	Staff	City Council		Sec. 58-70(i)	Legislative
Final Plat	Staff	Planning Director	City Council	Sec. 58-70(j)	Legislative

Development Application	Recommendation	Final Decision	Appeal	Code Section	Decision Type
Vacations of Right-of-Way and Servitudes (no hearing required if no protests filed)	Staff/P&Z Commission	City Council	District Court	Sec. 58-71	Legislative
Certificate of Appropriateness – Major Work	Staff	Historic District Commission	City Council	Sec. 58-72(d)	Quasi-Judicial
Approvals NOT Requiring a Public Hearing:					
Administrative Development Approvals	Staff	Staff	P&Z Commission*	Sec. 58 -18	Ministerial
Zoning Certificate	Staff	Staff	P&Z Commission*	Sec. 58-81	Ministerial
Minor Site Plan and Plot Plan Review	Staff	Staff	P&Z Commission*	Sec. 58-82	Ministerial
Subdivisions, Minor	Staff	Staff	P&Z Commission*	Sec. 58-83	Ministerial
Temporary Use Permits	Staff	Staff	P&Z Commission*	Sec. 58-84	Ministerial
Administrative Relief	Staff	Staff	P&Z Commission*	Sec. 58-86	Ministerial
Building Permits	Staff	Staff	P&Z Commission*	Sec. 58-87	Ministerial
Certificates of Use and Occupancy	Staff	Staff	P&Z Commission*	Sec. 58-88	Ministerial
Certificate of Appropriateness – Minor Work (does not require public hearing)	Staff	Staff	Historic District Commission*	Sec. 58-72	Ministerial
Stormwater Management Permit	Staff	Staff	P&Z Commission*	Sec. 58-89	Ministerial
Sign Permits	Staff	Staff	P&Z Commission*	Sec. 58-90	Ministerial
Driveway/Right-of-Way Permit	Staff	Staff	P&Z Commission*	Sec. 58-91	Ministerial
Home Occupation Permit	Staff	Staff	P&Z Commission*	Sec. 58-92	Ministerial
Table Note: * All decisions on appeals to staff actions made by the Planning and Zoning Commission and Historic District Commission must be appealed to the City Council before being appealed to the District Court.					

(Ord. # 4938, 7-14-2021)

Sec. 58-43 Applications Required

The first step in any development approval process is the submittal of a complete application to the City on a form approved by the Planning Director that includes, at a minimum, the information required by Sec. 58-44, submittal requirements. Each application requiring a hearing shall be assigned a case or docket number.

(Code 1997, § 102-53; Ord. # 3419, 10-14-2002)

Sec. 58-44 Application Requirements

(a) **Pre-Application Conference Recommended**. Before any application is made, the applicant may schedule a pre-application conference with the reviewing department representative to discuss applicable procedures and standards.

(b) **Submittal Requirements**. Applicants for development requiring a hearing shall provide the information listed in **Exhibit 58-44** and any other information required for the specified application in subsequent sections of this UDC.

(c) **Number of Copies and Formats for Submittals**. The Planning Director shall determine the number of copies and the formats for application forms required for complete submittals.

Sec. 58-45 Fees

Before any action shall be taken on an application for a development approval, the applicant shall pay a non-refundable fee to the City in accordance with the City's adopted fee schedule contained in **Appendix B** or the UDC. All fees shall be deposited through the Planning Director and credited to the general fund of the City. The City Council may adjust fees from time to time by ordinance to reflect the costs or processing development applications.

(Code 1997, § 102-54; Ord. # 3419, 10-14-2002; Ord. # 4141, 5-12-2010; Ord. # 4766, 3-8-2017)

Sec. 58-46 Completeness Review

(a) **Completeness Required**. No application is complete unless all the information required herein is included and all filing fees have been paid. An application that includes such information is deemed complete.

(1) Proof of ownership or authorization by the owner of the property shall be required for all development applications.

(2) Additional information may be required to decide whether the development, if completed as proposed, will comply with all UDC requirements. Failure to provide additional required information may result in application denial. The presumption established by this UDC is that all required application information is necessary.

(3) Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing and shall not constitute a decision as to whether application complies with the provisions of the UDC.

(4) The Planning Director may agree to process an application without all required information upon determining that the information is not necessary to evaluate compliance with the UDC and informing the applicant that the decision-making body may later require the information prior to acting on the application.

Exhibit 58-44: Submittal Requirements for Applications Requiring Public Hearings

Required Submittals	Development Application								
	Comp. Plan Map Amendment	Zoning Text Amendment	Zoning Map Amendment	Planned Development	Conditional Use Permit	Variance or Appeal	Major Subdivision	Vacations	Certificate of Appropriateness
Completed application form	✓	✓	✓	✓	✓	✓	✓	✓	✓
Applicant's name and address and owner's authorization if different than applicant	✓	✓	✓	✓	✓	✓	✓	✓	✓
Required fee	✓	✓	✓	✓	✓	✓	✓	✓	✓
Detailed description of the request (e.g., plan map amendment citing existing and proposed future land use category) and the purpose of the change	✓	✓	✓	✓	✓	✓	✓	✓	✓
Legal description of applicable property	✓		✓	✓	✓	✓	✓	✓	✓
A scale drawing of the subject property, stamped by a registered land surveyor, civil engineer, or landscape architect, showing property lines with bearings and distances, corner point, north arrow, scale, and ownership of the property	✓		✓	✓	✓	✓	✓	✓	✓
The names of adjacent property owners as required to provide notice pursuant to Sec. 58-51	✓		✓		✓				
A site plan pursuant to the requirements of Sec. 58-64	✓		✓	✓	✓	✓			✓
Documentation demonstrating the amendment's consistency with the vision, goals and policies of the Comprehensive Plan	✓	✓	✓	✓	✓		✓		✓
Plan showing phases and planned street layout If less than the entire contiguous holdings of the applicant are shown, or the project is to be developed in phases				✓			✓		
Additional requirements for the specific application included in this article (e.g., required plats for subdivisions or plans for planned developments)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Other information the applicant feels will support the application	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ = Required

(b) **Incomplete Applications**. Submittal of an incomplete application shall not vest the applicant to any rights pursuant to this UDC. If the application, together with the submitted materials, is determined to be incomplete:

(1) The Planning Director shall specify in writing the additional required information.

(2) The applicant may resubmit the application with the information required by the Planning Director or may appeal that decision in writing to the Planning & Zoning Commission.

(3) If the application is resubmitted within six (6) months of the original submittal, repayment of the application fee is not required.

(4) Planning & Zoning Commission shall render a final written determination on the appeal not later than the next available meeting after receipt of the applicant's written appeal.

(Ord #4897, 12/11/19)

Sec. 58-47 Digital Submittals Required

(a) **Generally**. Site plans, building permit applications and subdivision drawings shall be submitted in the forms required by the Planning Director. To facilitate ongoing administration of this UDC and to improve delivery of ongoing public facilities and services, digital copies of submittals are required. Hard copies may be required for some submittals. The applicant shall bear no liability for the City's subsequent use of digital data and the City reserves the right to modify data to improve the operations of its geographic information system (GIS).

(b) **Building Permit, Site Plan and Planned Development Plan Submittals**. Applications that include building construction plans, plot plans, site plans, building elevations, PD plans, and applications listed in Division 3 of this article shall include those drawings in PDF format or other format approved by the City at sufficient resolution for all text and dimensions to be legible.

(c) **Subdivision Submittals**.

(1) Plat information shall be provided to Gretna in two forms: PDF format and in a digital format compatible with the City's GIS. The purpose of the digital plat data requirement is to coordinate with Gretna's GIS program and is to be used for information only.

(2) Digital data for preliminary and final plats will consist of graphical elements representing the hard-copy subdivision plat. The applicant shall provide digital data before the subdivision plat is recorded.

(3) The digital data submittal shall include the subdivision boundaries, all parcel boundaries, all rights-of-way, easements, control points and labels.

(4) The digital data submittals are subject to review and approval as a condition to the subdivision plat review and approval process. The X-Y coordinates indicated with the initial submittal are subject to approval. If an error is found to exist in the digital data that Gretna cannot correct, or if the digital data are otherwise unacceptable, the City will contact the applicant to have the digital data corrected.

(5) For required construction plans, horizontal data for water lines, sewer lines, drainage features, street cross-sections, easements and right-of-way boundaries shall be submitted in PDF and digital format consistent with the City's GIS at the accuracy standards for the plat subdivision plat data.

(d) **Control Points and Monumentation Guidelines**.

(1) Primary horizontal control points will be used when surveying each tract being subdivided. These primary horizontal control points must be established by using centimeter-grade accuracy global positioning system devices, procedures, and methods that meet the state standards. New primary horizontal control points must be established and monumented for each subdivision.

(2) Primary horizontal control points shall be tied to at least one National Geodetic Survey mark and the point will be identified as the datum point on both the hard-copy and digital plat submittals.

(3) The minimum number of required primary horizontal control points (reference corners) is based upon the overall plat size in acres as described in **Exhibit 58-27**.

(4) The plat must include the X-Y coordinates for each of the primary horizontal control points, and consistent and appropriate bearings between each of the primary horizontal control points. These primary horizontal control points will be provided in NAD 1983 State Plane Louisiana FIPS 3200 feet.

(5) All primary horizontal control points shall be permanently identified with monumentation set to minimum state standards.

Exhibit 58-27: Horizontal Control Points

Plat Size	Number of Points
20 acres or less	2 points
20+ to 50 acres	3 points
More than 50 acres	4 points

Sec. 58-48 Review of Applications.

Following a determination of completeness pursuant to Sec. 58-46, the Planning Director shall:

(a) Forward a copy of the application to the Council member of the district in which the change is requested within three (3) days of the completeness determination.

(b) Distribute the application to other City Staff to review the application for compliance with the requirements of the UDC and other applicable rules and regulations.

(c) Cause notice to be provided if required by Sec. 58-51.

(d) Prepare initial findings and recommendations.

(e) Present the application, findings and recommendations to the applicable hearing body (City Council, Planning & Zoning Commission, or Historic Preservation Board) for hearing within thirty (30) days of the completeness determination.

(Code 1997, § 102-56; Ord. # 3419, 10-14-2002)

Sec. 58-49 Phased Development

An applicant may submit subdivision, planned development or major site plans that show multiple development phases provided that:

(a) The requirements of this UDC will be satisfied with respect to each phase.

(b) A phasing plan shall be approved by the City that designates a date or event by which substantial work on each phase will begin and be completed.

(c) If a development that is to be built in phases includes public or private improvements that benefit the entire development, then the applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases and may reference dates and milestone events.

(d) Once a schedule has been approved and made part of the approval by the decision-making body, no land may be used, buildings occupied, or subdivision lots sold except in accordance with the approved schedule unless otherwise provided in this chapter.

Sec. 58-50 No Occupancy, Use, or Sale of Lots until Requirements Fulfilled

(a) Except as provided in this section, no use may be established, no building may be occupied, and, in the case of subdivisions, no lots may be sold until all of the requirements of this UDC and additional requirements imposed pursuant to approval have been met.

(b) Subject to Development Review Committee (DRC) comments, Planning Director may authorize the use or the occupancy of buildings prior to development completion if:

(1) The applicant provides security satisfactory to the Planning Director that is sufficient to ensure that all approval requirements will be fulfilled by a specified date not to exceed twelve (12) months as determined by the Planning Director; and

(2) The security shall be sufficient to ensure compliance and be approved by the City Attorney prior to the Planning Director authorizing the intended use or occupancy.

(c) The authorization in paragraph (b) of this section is limited to the following:

(1) When, because of weather conditions or other factors beyond the control of the applicant, exclusive of financial hardship, it would be unreasonable to require the applicant to comply with all of the requirements of this UDC prior to commencing the intended use of the property or occupying any buildings;

(2) When the City Council imposes additional requirements pursuant to a planned development or conditional use permit, or the applicant proposes to install amenities beyond those required by this UDC; or

(3) When the developer is selling only undeveloped lots after final plat approval and acceptance of applicable surety for improvements.

Sec. 58-51 Notice

(a) **Generally**. The notice requirements for each type of application are established in Exhibit 58-51. For any inconsistency between the provisions of this chapter and state

statute, the state statute governs. At the time public notice is provided, notice of the application shall be forwarded to the at-large City Council representative and the representative of the applicable council district.

(b) **Content**.

(1) All notices shall include: the development approval requested; the time, date and place of the public meeting; and contact information for persons seeking additional information about the application.

(2) Published or mailed notice shall include:

a. A description of the property subject to the application that includes the street address or if the street address is unavailable the legal description and the real property tax assessment roll parcel number;

b. A brief description of the proposed development, including, current and revised zoning classification (if any); and

c. Notice that the application can be reviewed at the Planning office.

Exhibit 58-51: Notice Requirements

Development Application	Publication	Mail	Signage	Agenda
Comprehensive Plan Amendment	✓			✓
UDC Text Amendment	✓			✓
UDC Map Amendment (rezonings)	✓	✓	✓	✓
Planned Development District				
Conceptual PD Plan			✓	✓
Preliminary PD Plan	✓		✓	✓
Final PD Plan				✓
Conditional Use Permit	✓	✓	✓	✓
Variances			✓	✓
Appeals		✓	✓	✓
Development Approval Revocation		✓	✓	✓
Major Subdivision/Resubdivision				
Preliminary Plat	✓	✓	✓	✓
Development Agreement or Subdivision Improvement Agreement	✓			✓
Final Plat				
Minor Subdivision		✓	✓	
Vacations of Streets, Alleys, or Servitudes		✓		✓
Major Site Plans			✓	✓
Minor Site Plans				
Certificates of Appropriateness (Major Work)				✓

✓ - indicates that the corresponding type of notice is required. Additional standards for notice may apply.

(c) **Format and Timing**.

(1) **Published Notice**. Notice of the purpose or subject of each case on the docket of the City Council, the time, date and place of the hearing shall be published in accordance with state law. Notice shall be provided at the expense of the applicant.

(2) **Mailed Notice**. The applicant shall file with the application an affidavit containing the names and addresses of all property owners within one hundred (100) feet of the outer boundaries of the subject property.

a. Where the City Council or other City official in the course of official duties has requested, by taking steps prescribed in the City official code, that an area's zoning classification be changed, notice of the meeting at which the ordinance changing the zoning classification of this property shall be sent at least 60 days prior to the meeting by certified mail to the owners of all such property within the required notification distance.

b. Where an applicant for such rezoning other than the City Council or other City official has requested, by taking steps prescribed in the City official code, that an area's zoning classification be changed, notice of the meeting at which the ordinance changing the zoning classification of this property shall be sent at least fourteen (14) days prior to the hearing by certified mail to the owners of all such property within one hundred (100) feet of the outer boundaries of the subject property. The cost of the certified mail shall be borne by the applicant in addition to all other fees required by the City Council.

(3) **Posted Notice**. At least one (1) Sign shall be posted at least fourteen (14) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director.

(4) **Agenda.** The City shall post an agenda of any public hearing prior to said hearing.

(5) **Other Notice**. No other mandatory type of notice shall be required; however, the City Council, by rule, may provide for additional discretionary forms of notice.

(d) **Defective Notice; Validity**.

(1) Provided that the notice must have complied with State law, no decision shall be declared invalid by reason of any defect in:

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 notice of its purpose, subject matter, substance or intent; or

b. The posting or display of the notification sign if proof of the installation by the appropriate City agency is presented; routine work order or other such documents of the planning and zoning department shall be prima facie evidence of the installation.

(2) Any defect in or failure to strictly adhere to the discretionary forms of notification shall not form a basis for declaring invalid any ordinance or City Council action on any zoning matter.

(3) No approval 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.

(e) **Substitute, Alternative, or Modified Proposal**. Notice of the original proposal on the docket of the City Council in accordance with this section shall also constitute notice of any substitute, alternative, or modified amendment, supplement or change that may be adopted by City Council following the public hearing, if the alternative proposal:

(1) Is within reasonable limits of the purpose or subject matter of the original proposal; or

(2) Is more restrictive than the district, plan or proposed development approval that was advertised.

(Code 1997, § 102-57; Ord. #3419, 10-14-2002; Ord #4897, 12/11/19)

Sec. 58-52 Hearing Procedures

(a) **Generally.** Upon referral of the matter from the Planning Director, within 30 days of the time of receipt of such application, the hearing body shall conduct a hearing which shall be open to the public and at which all parties in interest and citizens shall have the opportunity to be heard. During the public hearing, the Planning Director shall be called upon for presentation of a technical recommendation and analysis of the proposed change. The hearing body may provide for the order of presentation of cases during public hearings in accordance with this section.

(Code 1997, § 102-55; Ord. # 3419, 10-14-2002)

(b) **Continuances and Deferrals**. The hearing body shall consider requests for continuances and may grant continuances in its sole discretion. If, in the opinion of the hearing body, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review to evaluate the issue presented, then the hearing body may continue the matter to a date and time certain to allow for such research or review.

(c) **Modification of Application at Hearing**.

(1) In response to questions or comments by person appearing at the hearing or to suggestions or recommendations by the hearing body, the applicant may agree to modify the application, including the plans and specifications submitted.

(2) Unless such modifications are so substantial or extensive that the hearing body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the hearing body may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Planning Director.

(3) No modification may allow a more intensive zoning district or use than advertised for the public hearing.

(d) **Record of Proceedings**. The hearing body shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with statute and case law. Such record shall be provided at the request of any person upon application to the Planning Director and payment of a fee set by the City Council to cover the cost of duplication of the transcribed record.

(e) **Legislative Hearing Procedures**.

(1) **Purpose.** The purposes of legislative public hearings are to:

a. Obtain public input on decisions on matters of policy. Legislative public hearings are generally less formal than quasi-judicial public hearings. They apply to Comprehensive Plan text or map amendments, UDC text or map amendments, planned developments, conditional use permits, subdivisions and vacations.

b. Provide the public with an opportunity to be heard consistent with procedures provided by statute.

c. Secure or report citizens' comments on a specific policy proposal.

(2) **Conduct of Hearing.**

a. Any party may appear at any legislative hearing, in person, or by agent or attorney.

b. Public hearings on legislative zoning decisions must be conducted in a fair and impartial manner, but the formalities of an evidentiary hearing (oaths, exhibits, cross-examinations, avoiding gathering evidence outside of the hearing, and the like) need not be observed.

c. The deliberations of the hearing body shall be guided by Robert's Rules of Order (most current edition) unless other rules of conduct are adopted. The City may adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules:

1. Fixing the maximum time allotted to each speaker;
2. Providing for the designation of spokesmen for groups of persons supporting or opposing the same positions;
3. Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
4. Providing for the maintenance of order and decorum in the conduct of the hearing.

d. The hearing body may question the applicant, other parties, witnesses and City staff at any time during the hearing.

e. The hearing body may receive petitions, hear personal opinions or talk to members of the public about the issue prior to the hearing.

f. Although no written findings of fact or explanation of the decision is required, the Chair may decide that the hearing body should make findings

of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or City Attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.

(f) **Quasi-Judicial Hearing Procedures**.

(1) **Purpose**. Decisions made at quasi-judicial public hearings must be based upon and supported by the "record" developed at the hearing. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings. Quasi-judicial hearings are a formal means of gathering evidence before a decision is made in the application of the UDC for a variance, appeal, or certificate of appropriateness. These hearings are much like a court proceeding--witnesses present testimony, exhibits are submitted, detailed minutes are kept, and a formal written decision is rendered. In making quasi-judicial decisions, decision makers must investigate facts or ascertain the existence of facts; hold hearings; weigh evidence; and draw conclusions from them as a basis for their official action; and exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land-use policies to individual properties as opposed to the creation of policy. These decisions involve two key elements:

a. The finding of facts regarding the specific proposal; and

b. The exercise of discretion in applying the standards of the ordinance.

(2) **Due Process Required**. Due process requirements for quasi-judicial decisions mandate that all fair trial standards be observed when these decisions are made. This includes an evidentiary hearing with the right of the parties to offer evidence; cross-examine adverse witnesses; inspect documents; have sworn testimony; and have written findings of fact supported by competent, substantial, and material evidence.

(3) **Responsibilities of the Chairperson.**

a. The Chair shall:

1. Preside over the hearing.
2. Recognize speakers and members of the hearing body before they may be heard.

b. The Chair may:

1. Rule on any objections or requests from participants in the hearing regarding the procedure of the hearing or evidence presented.
2. Rule on the competence (i.e. the admissibility) of evidence with or without an objection from a participant.
3. Place reasonable and equitable limitations on the presentation of evidence, arguments, and cross-examination of witnesses so that the matter at hand is heard without undue delay. Adequate time shall be provided for presentation of all evidence.

4. Impose additional requirements and take actions as may be necessary or desirable to facilitate the fair and efficient conduct of the hearing and other agenda items. Additional requirements or actions may include requiring witnesses to sign up in advance of the hearing allocating reasonable time for each side to present their testimony and evidence, limiting the overall time for the hearing, and delaying a hearing to a later point in the agenda or continuing the hearing to a later meeting.

(4) **Responsibilities of the Hearing Body**.

a. Members of the hearing body must make their decision solely on the written, graphic and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications.

b. Members may view the premises at issue before the hearing so long as the members disclose the site visit and any facts or information gleaned from the site visit that are relevant to the case at the hearing.

c. Members must disclose any specialized knowledge they may have that is relevant to the case at the hearing.

d. Members of the hearing body shall not engage in ex parte communications about upcoming or ongoing cases with any parties or other members of the hearing body, and at the commencement of the hearing, members must disclose any intentional or inadvertent ex parte communications.

e. Members may seek and receive general, technical information pertaining to the case from City staff prior to the hearing, but the City staff should provide the information to all during the hearing before the entire hearing body.

f. Members shall disclose any potential conflicts of interest to the Planning Director prior to the hearing and shall recuse themselves from the hearing if the Planning Director, after consultation with the City Attorney, finds that a conflict exists.

(5) **Responsibilities of Witnesses.**

a. Witnesses shall observe time limits imposed on testifying unless the Chair grants additional time for good cause shown.

b. Witnesses shall avoid all hearsay evidence.

c. Witnesses shall focus their testimony on the applicable criteria. Unless they are a qualified expert or have knowledge of the preparation and implementation of the specific site's development or use, witnesses are not competent to testify about matters that require special training or expertise. Non-expert witnesses are competent to testify about facts known to them and their opinion so long as it is not about matters that require special training or expertise.

(g) **Conduct of Hearing**.

(1) The hearing shall be conducted in accordance with the procedures set forth in this UDC, by statute and by case law.

(2) The deliberations of the hearing body shall be guided by Robert's Rules of Order (most current edition). The City may adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules:

a. Fixing the maximum time allotted to each speaker;

b. Providing for the designation of spokesmen for groups of persons supporting or opposing the same positions;

c. Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and

d. Providing for the maintenance of order and decorum in the conduct of the hearing.

(3) Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state for the record his/ her name, address, and, if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

(4) All testimony, including from City staff, must be sworn testimony. All persons wishing to speak will be given a reasonable time in which to be heard; however, groups are encouraged to select a spokesperson to speak for the group to avoid repetitive testimony. Inflammatory, irrelevant, repetitive and incompetent testimony and hearsay is not permitted.

(5) At any point, members of the hearing body may ask questions of the applicant, staff, or public, or of any witness, or require cross-examination to be conducted through questions submitted to the chair, who will direct the questions to the witness.

(6) The order of proceedings for each quasi-judicial hearing should be as follows:

a. All persons, including City staff, who intend to present evidence must be sworn in.

b. Members of the hearing body should disclose the following information to the Planning Director prior to the hearing and, if the Planning Director, after consultation with the City Attorney, determines there is no reason for recusal, the member shall disclose the following information at the beginning of the hearing:

1. Any site visits,
2. Ex parte communications,
3. Specialized knowledge they have relevant to the case,
4. Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;

5. Whether they have a close familial, business, or other relationship with the applicant or other affected person;
6. Whether they have a financial interest in the outcome of the case; and
7. Any other information relevant to determining whether a conflict of interest exists.

c. The Planning Director should present the staff report. Evidence and exhibits that were not provided by the deadline in advance of the hearing shall be given to the applicant and any opposing party. If an exhibit is presented it becomes part of the record and will not be returned.

d. The applicant and a representative of an opposing party may present brief opening statements that shall only be considered as argument and not testimony.

e. The applicant shall present the arguments and evidence in support of the application and address applicable approval criteria.
    1. Members of the hearing body or any attorney representing the hearing body or the City may ask questions for clarification.
    2. If all parties are represented by attorneys, opposing parties may ask questions of (cross-examine) the applicant (if the applicant testifies) or supporting witnesses at this time.
    3. If those opposed to the applicant are not represented by attorneys, the Chair may delay cross-examination until all sides present their arguments and evidence.

f. Persons opposed to granting the application shall present the arguments and evidence against the application based on the applicable approval criteria.
    1. Members of the hearing body or any attorney representing the hearing body or the City may ask questions for clarification.
    2. The applicant may cross-examine the speaker or opposing witnesses at this time.

g. If cross-examination was not done at the conclusion of each side's case, then both sides will be permitted to cross examine previous witnesses.
    1. Those who oppose the application should cross examine the applicant (if the applicant testified) and the applicant's supporting witnesses first.
    2. Then the applicant may cross examine those witnesses who spoke in opposition to the application.

h. Both sides will be permitted to present rebuttals to opposing testimony. Both sides may, as necessary, object to incompetent evidence and testimony (such as improper lay opinion testimony and hearsay) offered by other witnesses. The Chair may rule on such objection or take it under advisement.

i. Unless the Chair continues the public hearing to a publicly stated date, time and location, the Chair shall close the period for public discussion and the hearing body shall publicly discuss the case without further general input from the public. Members of the hearing body, however, may seek clarification or ask questions of persons previously sworn on any piece of evidence presented. Cross-examination and rebuttals may be made only on new evidence presented. The Hearing shall be closed after hearing body deliberations are complete.

j. Unless the public hearing has been continued, the hearing body shall render a decision on the matter, or, if it so chooses, recess the case to a publicly stated date, time and location, which should generally be the next regular meeting of that body.

k. A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or City Attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.

(h) **Evidence**.

(1) The hearing body's decision must be based on substantial, competent, and material evidence. Substantial evidence is "that which a reasonable mind would regard as sufficiently supporting a specific result." Competent evidence is evidence that can be subjected to cross-examination, inspection, explanation and rebuttal. Material evidence is evidence that is relevant to the issue being considered by the hearing body.

(2) As a general rule, anyone with knowledge material to the case may provide factual information, but only experts may provide opinion testimony. Lay witnesses may provide opinion testimony, but this testimony is generally deemed incompetent unless it is corroborated by competent evidence.

(3) Competent evidence shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

a. The use of property in a particular way would affect the value of other property.

b. The increase in vehicular traffic resulting from a proposed Development would pose a danger to the public safety.

c. Matters about which only expert testimony would generally be admissible under the rules of evidence.

(i) **Findings of Fact.**

(1) To either approve or deny an application, the hearing body must make findings of facts that are relevant to the decision.

(2) Hearing bodies shall investigate facts or ascertain the existence of facts, weigh evidence and make final findings of fact applicable to the specific proposal as a basis for their official action.

(j) **Conclusions of Law**.

(1) To either approve or deny an application, the hearing body also shall make conclusions of law. Conclusions of law are the application of specific standards and criteria in this UDC that are relevant to the application by the hearing body.

(2) Hearing Bodies shall exercise their discretion applying the standards and criteria of this UDC and draw conclusions from them as a basis for their official action.

Sec. 58-53 Failure of the Planning Commission to Act

If the Planning & Zoning Commission has failed to convene a quorum or to make a recommendation approving or denying an action at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation. The Planning Director shall then submit the application to the City Council for its consideration.

Sec. 58-54 Appeals to Planning & Zoning Commission Decisions

Any person or any officer, department, commission, board, district, or any other agency jointly or severally aggrieved by a decision of the Planning & Zoning Commission may appeal the decision to the City Council within thirty (30) days of said decision. A private citizen has the right to appeal if directly and uniquely affected by the decision and not if the decision affects all citizens in the City. Said appeal shall be filed with the Planning Director, who shall schedule a hearing with the City Council within forty-five (45) days of the filing of the appeal. The City Council shall review the appeal and, after conducting a hearing, may affirm or reverse the decision in whole or in part based on the UDC review criteria for applicable decision. An appeal shall stay action on the appealed application until the City Council has rendered a decision.

Sec. 58-55 Review of City Council Decisions

(a) Any person or any officer, department, commission, board, district, or any other agency jointly or severally aggrieved by the decision of the City Council may file writs of certiorari or other appropriate legal proceedings to review such decision to the 24th Judicial District Court of Jefferson Parish, within a maximum time period of thirty (30) days after the decision of the City Council. The actions of the City Council in denying a request for amendment, supplement, or change to the regulations, restrictions, zoning district, or boundaries shall be subject to review on grounds of abuse of discretion, unreasonable exercise of policy powers, an excessive use of powers granted to the City Council, or the denial of the right of due process. The right of the judicial review of zoning ordinances enacted by the City Council shall not be limited to the forgoing grounds.

(b) A fee shall be paid to the Planning Director at the time the notice of the appeal of the decision of the City Council is filed, which shall be credited to the City general revenue fund. Such fee is an administrative fee or cost for preparation of the record of City proceedings subject to court review.

(Code 1997, § 102-67; Ord. # 3419, 10-14-2002; Ord. # 4610, 9-10-2014)

Division 2. Development Applications Requiring Hearings

Sec. 58-60 Comprehensive Plan Amendments

(a) **Applicability**. This section applies to any amendment to the Comprehensive Plan or to the preparation or amendment of an area or corridor plan that is adopted as part of the Comprehensive Plan.

(b) **Comprehensive Plan Amendment Approval Process Overview**. The approval process and typical timing for Comprehensive Plan amendments are summarized in **Exhibit 58-60a** and **58-60b**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled before the P&Z Commission or the City Council. The P&Z Commission shall conduct its hearing and make its decision in its statutory capacity as the City's Planning Commission.

Exhibit 58-60a: Comprehensive Plan Amendment Process Summary

Comprehensive Plan Amendment Process
Application, Review and Notice
P&Z Commission Public Hearing
City Council Public Hearing

Exhibit 58-60b: Comprehensive Plan Amendment Timing

Comprehensive Plan Amendment Timing	
Completeness Review	5 business days (from application submittal)
P&Z Commission Public Hearing and Decision	25 days (from completeness certification)
City Council Public Hearing and Action* (optional)	7- 30 days (from P&Z Commission Decision)
*The City Council may, at its sole discretion, choose to conduct a hearing and may ratify the P&Z's decision or remand the amendment to the Commission for further consideration.	

(Ord. # 4938, 7-14-2021)

(c) **Initiation**.

(1) The Planning & Zoning Commission, the City Council, a property owner, resident, neighborhood association, or the owner of any business located in the City of Gretna may initiate a request for an amendment to the future land use map or text of the Comprehensive Plan.

(2) The application for amendment of the future land-use map may be accompanied by an application for a zoning district map amendment, which may be processed concurrently.

(3) Before any application is made, the applicant may schedule a pre-application conference with the Planning Director to discuss the procedures and requirements for a Comprehensive Plan amendment request pursuant to these regulations.

(4) The application shall be filed with the Planning Director, shall describe the proposed amendment and shall include a complete application.

(d) **Submittal Materials**. A complete application shall include the materials required by Sec. 58-44.

(e) **Review.** The Planning Director shall review the Comprehensive Plan amendment application and shall determine if the application is complete pursuant to the provisions of Sec. 58-46. Upon finding that the application is complete the Planning Director may consult with the Development Review Committee (DRC) and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Sec. 58-51.

(f) **Planning & Zoning Commission Action**. The Planning & Zoning Commission shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this article.

(g) **City Council Review.** The City Council may review the decision of the Planning & Zoning Commission in a public hearing and ratify the decision or remand the decision with specific comments and recommendations to the Planning & Zoning Commission.

(h) **Approval Criteria**. In determining whether the proposed amendment shall be approved, the Planning & Zoning Commission and City Council shall consider if the change is needed to address:

(1) **Errors or Omissions**: Whether there was error or omission in the adoption of the Comprehensive Plan, or in the supporting premises and findings.

(2) **Subsequent Events**: Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the City, or demonstrated new information, such that an amendment is acceptable.

(i) **Effect of Approval**. The approval of an amendment to the Comprehensive Plan does not authorize the use, occupancy, or development of property until the applicant receives necessary development approvals, such as zoning changes, subdivision and site plan approval.

Sec. 58-61 UDC Text and Map Amendments (Rezonings)

(a) **Applicability**. The City Council may from time to time amend, supplement, or change the regulations, restrictions, zoning districts, or boundaries as established in this chapter according to the provisions of this section.

(Code 1997, § 102-51; Ord. # 3419, 10-14-2002)

(b) **Approval Process Overview**. The approval process for UDC map and text amendments, and the typical timing for UDC text and zoning map amendments are summarized in **Exhibits 58-61a** and **58-61b**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the P&Z Commission or the City Council. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City's Zoning Commission.

Exhibit 58-61a: UDC Amendment Process Summary

UDC Amendment Process
Application, Review and Notice
P&Z Commission Public Hearing
City Council Public Hearing

Exhibit 58-61b: UDC Text and Zoning Map Amendment Timing

UDC Amendment Timing	
Completeness Review	5 business days (from application submittal)
P&Z Commission Public Hearing and Recommendation	25 days (from completeness certification)
City Council Introduction of Text or Zoning Map Amendment Ordinance*	7 - 30 days (from P&Z Commission Recommendation)
City Council Public Hearing and Decision	30 days (from introduction of ordinance)
*At its sole discretion the City Council may opt to conduct a public hearing at the time of introduction of the zoning text or map amendment ordinance or it may defer the hearing to a later date.	

(Ord. # 4938, 7-14-2021)

(c) **Initiation**.

(1) Amendment, supplement, or change to the UDC text or zoning map may be initiated:

a. By action of the City Council, by introduction of an ordinance;

b. Upon recommendation of the Mayor, Planning & Zoning Commission, or Planning Director; or

c. For map amendments, on application or petition of property owners filed with the City Council through the Planning Director according to the standards and requirements of this chapter.

(2) No property owner petition for a zoning map amendment shall be considered or acted upon unless such petition is duly signed by the owners or authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested. If an affected lot has multiple owners, all co-owners or their authorized agents must sign the petition for that lot to be included in the fifty (50} percent provision.

(Code 1997, § 102-52; Ord. # 3419, 10-14-2002)

(d) **Submittal Materials**. A complete application shall include the materials required by Sec. 58-44.

(e) **Review.** The Planning Director shall review the UDC amendment application and shall determine if the application is complete pursuant to the provisions of Sec. 58-46. Upon finding that the application is complete the Planning Director shall consult with the DRC and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Sec. 58-51.

(f) **Planning & Zoning Commission Hearing and Recommendation**. The Planning Director shall submit findings and recommendations to the Planning & Zoning Commission and present the findings at the next regularly scheduled meeting of the Commission. The Commission shall not take official action until the report of the Planning Director is received. However, if such report has not been filed within forty-five (45) days after a determination of completeness, the Commission may then take official action upon the change or amendment. After the proposed change has been presented to the Commission at a legislative public hearing the Commission may recommend that the City Council approve the change, approve the change with conditions or disapprove the change.

(g) **City Council Action**.

(1) The Planning Director shall present the Planning & Zoning Commission's actions to the City Council for hearing at the next regularly scheduled meeting of the City Council. The City Council shall not take official action until the Commission's recommendation is received. However, if such recommendation has not been filed within forty-five (45) days after notice of the matter has been received by the City Council, the City Council may then take official action upon the change or amendment.

(2) After the proposed change has been presented to the City Council, a public legislative hearing on the matter shall be scheduled for the next regularly scheduled meeting of the City Council.

(3) After the hearing, the City Council may approve the change, approve the change with conditions, or disapprove the change by a vote of the majority of Council members.

(4) A final yea or nay vote shall have been taken on the proposal by the City Council within 105 days from the date of the public hearing. In the event that the 105-day deadline falls on a holiday or if a meeting has been cancelled by the City Council, the 105-day deadline will be extended automatically to the next regular meeting of the City Council.

(5) Whenever a petition or application is filed requesting or proposing a zoning map amendment and such petition or application has been finally acted upon by the City Council, the Planning Director shall not consider a substantially similar application for the same property for one (1) calendar year from the date of the City Council's final action. The provisions of this section shall not apply to comprehensive zoning revisions of areas of more than twenty (20) acres.

(Code 1997, § 102-61; Ord. # 3419, 10-14-2002)

(h) **Approval Criteria for Text Amendments**. In its review of an application for a UDC text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(1) **Consistency**. The text amendment shall be consistent with the adopted Comprehensive Plan.

(2) **Health, Safety, and Welfare**. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.

(3) **Public Policy**. Certain public policies in favor of the text amendment may be considered. Examples include a need for work-force housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the City, area, neighborhood, or specific plans.

(4) **Other Factors**. The hearing body may consider any other factors relevant to a text amendment application under state law.

(5) **Impacts.** The hearing bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large

(i) **Approval Criteria for Map Amendments**. In its review of an application for a zoning map amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(1) **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan.

(2) **Adverse Impacts on Neighboring Lands**. The hearing body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The City finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.

(3) **Suitability as Presently Zoned**. The hearing body shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDC.

(4) **Health, Safety, and Welfare**. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the tract will also benefit.

(5) **Public Policy**. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.

(6) **Size of Tract**. The hearing body shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned,

or that there have been substantial changes in the immediate area, may justify ordinance rezoning.

(7) **Other Factors**. The hearing body may consider any other factors relevant to a rezoning application under state law.

(8) **Applicant Representations**. The hearing body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification unless such limitations are part of the motion for zoning approval. Rather, the hearing body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

Sec. 58-62 Planned Developments

(a) **Purpose**. The purpose of this section is to establish procedures and review criteria for the establishment of Planned Development (PD) districts that comply with the purposes and standards established in Article III, Division 7 of this UDC. No building permits shall be issued prior to final development plan approval within a PD, except for single-family detached dwelling units on a single parcel.

(b) **Approval Process Overview**. The general approval process for the creation of a PD involves concurrent zoning map amendments and subdivision of land. Because most PDs involve a mix of uses and the application of flexible development standards that deviate from the specific standards in other zoning districts, most applications in Gretna will involve approval of site plans. The process summarized in Exhibit 58-62a identifies the steps involved in a typical PD district creation. Actual process may vary based on the complexity of the proposed development.

Exhibit 58-62a: PD Approval Process Summary

Planned Development Process
Pre-application Conference (optional)
Conceptual Development Plan (optional unless the multiple phases of development are proposed; may be reviewed concurrently with preliminary development plan)
Preliminary Development Plan (may include preliminary plat and contingent zoning approval)
Construction Plans
Improvement Guarantees and Development Agreement (optional steps contingent on the applicant's proposed phasing and improvements plans)
Final Development Plan (includes final zoning approval and may include Final Plat approval)

(c) **Initiation.**

(1) **Pre-Application Conference Recommended**. Before any application is made, the applicant may schedule a pre-application conference with the Planning Director to discuss the procedures and requirements for a PD.

(2) **Application Filing**. The application shall be filed with the Planning Director, shall describe the proposed development and shall include a complete application for the conceptual development or preliminary development plan as applicable.

(3) **Ownership and Division of Land**. No tract of land may be considered for a planned development district unless such tract is under single or unified ownership or control. If listed in several ownerships, the application for the creation of a PD shall be accompanied by each landowner's written consent. The holder of a written option to purchase or a developer under contract shall be considered an owner for purposes of this section provided the landowner's written consent is included with the application.

(d) **Conceptual Development Plan**.

(1) **Purpose.** The purposes of the conceptual development plan are to demonstrate that:

a. The mix and intensity of land uses are consistent with the Comprehensive Plan;

b. The general street layout is consistent with mobility needs of the City, the streets master plan, and the proposed development;

c. The phasing plan enables each phase to be developed in a way that it creates a sustainable neighborhood that will be enhanced as each successive phase is developed; and

d. The proposed arrangement of land uses and the phasing plan are compatible with surrounding neighborhoods.

(2) **Applicability.** A conceptual development plan shall be required when an applicant is planning to develop less than the entire, contiguous land area held in common ownership in a single phase or subdivision plat. The conceptual development plan shall illustrate future development of the entire area under common ownership.

(3) **Conceptual Development Plan Process Overview**. The approval process and typical timing for conceptual development plan approval are summarized in Exhibits 58-62.b and 58-62.c. Actual timing may vary based on the date of submittal and scheduled hearing dates. At the option of the applicant, the PD conceptual development plan may be processed concurrently with a PD preliminary development plan. These time periods may be extended if an application is tabled by the Zoning Commission or the City Council. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City's Zoning Commission.

Exhibit 58-62b: Conceptual Development Plan Approval Process Summary

Conceptual Development Plan Process
Application, Review and Notice
P&Z Commission Public Hearing
City Council Public Hearing

Exhibit 58-62.c: Timing

Final Development Plan Timing	
Completeness Review	5 business days (from application Submittal)
P&Z Commission Public Hearing and Recommendation	25 days (from Completeness Certification)
City Council Public Hearing and Decision	7 - 30 days (from P&Z Commission Decision)

(Ord. # 4938, 7-14-2021)

(4) **Initiation.** The conceptual development plan application shall be filed with the Planning Director. It may be submitted for concurrent review with preliminary development plans for one or more of the planned phases of development. The conceptual development plan application shall include the following information in addition to the requirements of Sec. 58-44.

a. **PD Conceptual Development Plan** – Copies of a scaled drawing (1" to 100' or other scale approved by the Director) of the entire tract to be subdivided showing:

1. property boundaries;
2. a project location map at a scale of one (1) inch equals two thousand (2,000) feet or other scale approved by the Planning Director;
3. the location and right-of-way width of public streets and roads adjoining, providing access to, or crossing the property;
4. the location and proposed functional classification of proposed public and private streets;
5. the location and size of proposed development areas, their proposed uses, amount of development (maximum dwelling units for residential, maximum square footage of building area for non-residential) and proposed impervious coverage;
6. the location and area of common areas, open spaces and water bodies;
7. the location of easements for pipelines, utilities, drainage, or other purposes;
8. scale drawing of proposed building heights and building footprints; and
9. proposed phasing schedule for development and infrastructure and delivery of building lots, if applicable.

b. **Nature of Services** – planned utility services and providers.

c. **Written Narrative** - describing the application's consistency with the Comprehensive Plan, the UDC, and any other applicable regulations.

(5) **Completeness.** The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of Sec. 58-46. Upon finding that the application is complete and consulting with the DRC, the

Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Sec. 58-51.

(6) **Planning & Zoning Commission Action**. The Commission shall conduct a legislative hearing and recommend approval, conditional approval, or disapproval of the conceptual development plan if it finds that the criteria in paragraph (8) are satisfied.

(7) **City Council Action**. The City Council shall conduct a legislative hearing and approve, conditionally approve, or deny the conceptual development plan based on the criteria in paragraph (8).

(8) **PD Conceptual Development Plan Approval Criteria.** Prior to approving the application, the application shall satisfy each of the following criteria:

a. The conceptual development plan conforms to all applicable provisions of this UDC;

b. The conceptual development plan represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the City;

c. The proposed development is appropriate for the area of the City in which it is located; and

d. The proposed development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.

(9) **Effect of Conceptual Development Plan Approval**.

a. Approval of a conceptual development plan constitutes acceptance that the proposed type, density and intensity of land use; the classification and arrangement of streets; the proposed phasing plan; and the nature of utility service proposed are consistent with the Comprehensive Plan.

b. Approval of a conceptual development plan shall constitute acceptance of the general land-use mix, range of development types and intensities, street patterns, drainage patterns, lot sizes and patterns, parks and open space, and pedestrian and bicycle trails.

c. The approval of the conceptual development plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one (1) year behind the approved phasing plan, the approval shall expire unless the applicant submits a written request for the extension and continuance of the conceptual development plan. Approval of any such extension request shall be automatic one time only for a period of twelve (12) months. Subsequent extensions to the conceptual development plan shall require approval of the Planning & Zoning Commission.

d. Action on the conceptual development plan may include approval of a conversion schedule providing for the substitution of certain land uses for

other land uses. The conversion schedule shall be based on relative peak hour trip generation, peak parking demand and other impacts affecting the function of on- and off-site infrastructure and land use compatibility.

e. Conceptual development plan approval does not ensure approval of a preliminary development plan involving a substantially different concept, failing to meet specific requirements of these regulations, or failing to satisfy conditions of conceptual development plan approval. Approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

(e) **Preliminary Development Plan**.

(1) **Purpose.** The purposes of the preliminary development plan are to demonstrate that:

a. The proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PD and the approved conceptual development plan, if applicable;

b. Proposed system of streets, trails and greenways are consistent with this UDC, as well as the mobility needs of the City and the proposed development;

c. The proposed development is consistent with the ability to provide and maintain public facilities and services on which the development, area and City depend;

d. The proposed development is well integrated with the protection of natural features; and

e. The proposed development patterns and development products are compatible with the character and vitality of the neighborhood and community.

(2) **Applicability**. A preliminary development plan is a mandatory step in the process for PD approval and shall be required to show all contiguous land holdings and the detailed development patterns for the portions that are proposed to be developed. Preliminary development plan and conceptual development plan approval are not required if the property has a valid approval of a site plan for a planned unit development and zoning under the prior PUD development process.

(3) **Preliminary Development Plan Process Overview**. The approval process and typical timing for preliminary development plan approval are summarized in **Exhibits 58-62d** and **58-62e**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the P&Z Commission or the City Council. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City's Zoning Commission.

Exhibit 58-62d: Preliminary Development Plan Approval Process Summary

Preliminary Development Plan Process
Application, Review and Notice
P&Z Commission Public Hearing
City Council Public Hearing

Exhibit 58-62e: Preliminary Development Plan Approval Timing

Preliminary Development Plan Timing	
Completeness Review	5 business days (from application submittal)
P&Z Commission Public Hearing and Recommendation	25 days (from completeness certification)
City Council Hearing and Decision, and/or Introduction of Zoning Map Amendment*	7 - 30 days (from P&Z Commission Recommendation)
City Council Public Hearing and Decision on Zoning Map Amendment (optional)	30 days (from introduction of zoning map amendment ordinance)
*At its sole discretion the City Council may opt to introduce the ordinance approving the PD at the time of introduction of action on the Preliminary Development Plan or it may defer the introduction to a later date.	

(Ord. # 4938, 7-14-2021)

(4) **Initiation**. The preliminary development plan application shall be filed with the Planning Director. In addition to complying with the requirements of Sec. 58-44, the preliminary development plan shall include:

a. PD Preliminary Development Plan – A preliminary development plan at a scale approved by the Director of the entire tract that shows:

1. property boundaries;
2. a project location map at a scale of one (1) inch equals two thousand (2,000) feet or other scale approved by the Director;
3. locations, functional classes and right-of-way widths of public and private streets adjoining, providing access to, or crossing the property;
4. locations, functional classes and right-of-way widths and streetscaping of proposed public and private streets;
5. locations of proposed blocks, their proposed uses, amount of development (maximum dwelling units for residential, maximum square footage of building area for non-residential) and proposed impervious coverage for each proposed block;
6. locations and area of wooded areas. floodplains, floodways, common areas, open spaces and water bodies;
7. locations of easements for pipelines, utilities, stormwater management or other purposes;
8. conceptual site plan for proposed multi-family, mixed-use, and non-residential development that shows the proposed building elevations,

building heights, and building footprints in relationship to adjacent properties;

9. proposed landscaping, buffering, amenities, and streetscaping demonstrating internal and external land use transitions;
10. proposed parking and vehicular use areas;
11. proposed topographic contour lines at one-foot intervals unless otherwise approved by the Planning Director;
12. changes to the proposed phasing plan or approved Conceptual Development Plan (if applicable); and
13. proposed development standards applicable to each lot or type of lot.

b. Stormwater Management Concept Plan (if applicable) – see Sec. 58-89.

c. Traffic Impact Analysis (if applicable) - see Sec. 58-229.

d. Preliminary Plat (if applicable) see Sec. 58-70(d).

e. Written Narrative - describing the application's consistency with the Comprehensive Plan, the UDC, and any other applicable plans, policies, and regulations.

(5) **Completeness.** The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of Sec. 58-46. Upon finding that the application is complete and consulting with the DRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Sec. 58-51.

(6) **Planning & Zoning Commission Action**. The Commission shall conduct a legislative hearing and recommend approval, conditional approval, or denial of the preliminary development plan based on the criteria in paragraph (8).

(7) **City Council Action**. The City Council shall conduct a legislative hearing and approve, conditionally approve, or deny the preliminary development plan based on the criteria in paragraph (8). Approval of the preliminary plat shall be subject to the approval criteria established in the following paragraph.

(8) **PD Preliminary Development Plan Approval Criteria.** Prior to approving the application, the application shall satisfy each of the following criteria:

a. The application demonstrates that it will achieve the purposes of the PD district and this section;

b. The preliminary development plan is consistent with the conceptual development plan and conforms to all applicable provisions of this UDC;

c. The preliminary development plan represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the City;

d. The proposed PD satisfies the criteria for a zoning map amendment established in this chapter;

e. The proposed development is located in an area of the City that is appropriate; and

f. The proposed development will not cause the need for inefficient or cost-prohibitive, extensions and expansions of public facilities, utilities and services.

(9) **Effect of Approval**.

a. Approval of a preliminary development plan shall constitute approval of the specific land-use mix, which shall include the development types and intensities and improvements to include but not limited to streets, stormwater management, utilities, parks and open space, and pedestrian and bicycle trails.

b. Action on the preliminary development plan may include approval of the preliminary plat for subdivision of all or a portion of the proposed planned development.

c. If preliminary development plan approval is accompanied by preliminary plat approval, the applicant may proceed with final plat approval pursuant to Sec. 58-70(j).

d. At the request of the applicant, the City Council may conditionally approve the rezoning to PD in conjunction with preliminary development plan approval subject to the condition that the applicant secure final development plan approval for one or more phases of development within eighteen (18) months of preliminary development plan approval.

e. For multi-phase developments, the zoning to PD shall remain valid as long as development keeps pace with an approved phasing plan. The applicant requesting zoning at the time of preliminary development plan approval shall agree that if development lags behind the phasing plan, the City Council may revoke the zoning on any portion of the property that has not received final development plan approval.

(10) **Expiration**.

a. The approval of the Preliminary Development Plan shall be null and void unless a final development plan for at least the initial phase has been submitted for review and approval within eighteen (18) months after the date of approval of the PD conceptual development plan application.

b. Upon written request, one extension of time may be granted by the City Council for a period not to exceed one (1) year for good cause shown. No request for an extension shall be considered unless a written request is submitted to the Planning Director no later than forty-five (45) calendar days prior to the date the PD is to exp1re.

c. The extension shall not be deemed granted until the City Council has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the

approved PD preliminary development plan null and void upon the expiration of the three-year term.

(11) **Interim Actions.** Prior to the submittal of the final development plan for the PD application, the applicant should secure approval of construction plans in accordance with Sec. 58-70(e) and, after approval of the construction plans, may initiate construction of public improvements for the PD or coordinate with staff to enter into an improvements agreement in accordance with Sec. 58-70(f) and/or a development agreement in accordance with Sec. 58-70(i).

(f) **Final Development Plan**.

(1) **Purpose.** The purpose of the final development plan is to demonstrate that the proposed PD is consistent with the preliminary development plan approval, purposes of the PD and other applicable requirements of the UDC. Final development plan approval may be accompanied by final plat approval for the phase of the development being approved and may include sufficiently detailed site plans for multi-family and non-residential development to receive site plan approval in conjunction with the approval.

(2) **Applicability**. A final development plan is the mandatory final step in the process for PD approval. Final development plan approval is not required if the property has a valid approval of a site plan and zoning under the prior PUD development process.

(3) **Final Development Plan Process Overview**. The approval process and typical timing final development plan approval are summarized in **Exhibits 58-62f** and **58-62g**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the City Council.

Exhibit 58-62f: Final Development Plan Approval Process Summary

Final Development Plan Process
Application, Review and Notice
City Council Public Hearing

Exhibit 58-62g: Final Development Plan Typical Timing

Final Development Plan Timing	
Completeness Review	5 business days (from application submittal)
City Council Public Hearing and Decision, or Introduction of Zoning Map Amendment Ordinance*	30 days (from application submittal)
City Council Hearing and Decision on Final Development Plan and Zoning Map Amendment Ordinance*	30 days (from City Council Public Hearing)
*If the ordinance approving the PD was introduced at the time of action on the Preliminary Development Plan and it finds that the Final Development Plan is consistent with the City Council may adopt the ordinance approving the PD Final Development Plan without conducting another public hearing, provided that a public hearing was conducted in conjunction with the introduction of the ordinance.	

(Ord. # 4938, 7-14-2021)

(4) **Initiation**.

a. The final development plan application shall be filed with the Planning Director. The final development plan shall comply with the application requirements established in Sec. 58-44 and include the following information on a final development plan, which is includes scaled drawings (1" to 100' or other scale approved by the Director) of the entire tract to be subdivided showing:

1. property boundaries;
2. a project location map at a scale of one (1) inch equals two thousand (2,000) feet or other scale approved by the Director;
3. locations, dimensions and right-of-way widths of existing and proposed public and private streets adjoining, providing access to, or crossing the property;
4. locations and sizes of proposed lots, their proposed uses, amount of development (maximum dwelling units for residential, maximum square footage of building area for non-residential) and proposed impervious surface area for each proposed lot;
5. locations, boundaries and proposed uses of common areas, open spaces and water bodies;
6. locations of all existing and proposed servitudes and rights-of-way;
7. locations, building and site layout of all multi-family and non-residential lots showing building footprints, vehicle use areas, lot access, landscaping and buffer areas;
8. proposed building and site design standards and sample elevations; and
9. applicable development covenants and restrictions.

b. Supplemental submittals at the option of the applicant unless requested by the City Council at the time of preliminary development plan approval, including, but not limited to:

1. Final plat meeting the standards of Sec. 58-70(j)
2. Site plan meeting the standards of Sec. 58-64.
3. Restrictions, covenants, architectural standards and conceptual site plans shall be submitted in conjunction with the application.

(5) **Review by Planning Director**. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of Sec. 58-46. Upon finding that the application is complete and consulting with the DRC, the Planning Director shall:

a. Determine if the final development plan complies with the preliminary development plan approval;

b. Transmit notice to the City Council of the submittal of the final development plan together with a copy of the final development plan and other submittals for concurrent approval;

c. Cause notice to be provided pursuant to Sec. 58-51.

d. Prepare a report including the Director's findings and recommendations regarding the requested approvals.

(6) **City Council Action**. The City Council shall conduct a legislative hearing and approve, conditionally approve, or deny the final development plan based on the criteria in paragraph (7). If submitted for concurrent approval, the Council shall act on PD final development plan before acting on the final plat, site plan and other concurrent submittals based on the applicable approval criteria contained herein for each document.

(7) **Criteria for Final Development Plan Approval.** Prior to approving the application, the application shall satisfy each of the following criteria:

a. The application demonstrates that it will achieve the purposes of the PD district and this section; and

b. The final development plan application is consistent with the previously approved conceptual development plan and preliminary development plan approvals, and conforms to all applicable provisions of this UDC

(8) **Effect of Approval.** Approval of a final development plan entitles the applicant to do any of the following pursuant to securing additional required approvals that are consistent with the approved final development plan:

a. Subdivide the property pursuant to Sec. 58-70;

b. Develop the property pursuant to site plan meeting the requirements of section Sec. 58-64; and

c. Establish authorized uses.

(9) **Request for Amendments to a PD Approval - Administrative Approval**. The Planning Director may authorize the following minor amendments to a preliminary or final development plan:

a. Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.

b. Amendments required to bring the application into compliance with adopted technical codes.

c. Any other change which has no material effect on the character of the approved preliminary or final development plan, as determined by the Planning Director, such as:

1. Driveway relocations;
2. Facility design modifications for recreational or other amenities;
3. Substitutions of landscaping materials within the same genus, so long as the substituted material is not of a type that is specifically prohibited per the UDC or approved PD landscape standards;

4. Realignments of internal streets prior to final plat approval as long as the realignment does not result reduce the gross area of common areas or open spaces, reduce residential lot sizes, eliminate required buffers, or create street alignments that fail to conform with City standards;
5. Modifications to uses in accordance with an approved conversion schedule; and
6. Expansions of buffers, open spaces and landscape areas.

(10) **Request for Amendments to a PD Approval – Resubmittal and Rehearing**. Major design modifications to the preliminary development plan shall be resubmitted for final development plan review and approval by the City Council. Major modifications include:

a. Increased density or intensity of uses along the perimeter of the PD.
b. Change in use, other than allowable changes specified in a conversion schedule that was approved during the initial PD approval;
c. Designation of additional land uses;
d. Change in the location of permitted use(s) from what is shown on the approved final development plan;
e. An increase or decrease in project area other than surveyor base data corrections;
f. Decrease in open space;
g. Change in dimensional standards set forth in the development conditions that result in a decrease in minimum standards (e.g., reduction in minimum setbacks or reductions in street widths), or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses);
h. Changes that reduce lot sizes, or the amount or effectiveness of proposed buffering, or landscaping along the perimeter of the PD;
i. Addition or reduction of the number of driveways or access points, especially those which negatively affect connectivity or street safety; or
j. Other design modifications to the approved preliminary development plan that the Planning Director determines to be major.

Sec. 58-63 Conditional Use Permits

(a) **Purpose.** This section establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a conditional use permit (CUP) after ensuring that the use complies with the CUP approval criteria. No inherent right exists to receive a CUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

(b) **Applicability**. The provisions of this section apply to any application for approval of a CUP, which is required prior to the establishment of any use authorized subject to a conditional use in Article III.

(c) **Approval Process Overview**. The approval process and typical timing for conditional use permit approval are summarized in **Exhibits 58-63a** and **58-63b**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the Zoning Commission or the City Council. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City's Zoning Commission.

Exhibit 58-63a: CUP Approval Process Summary

CUP Process
Application, Review and Notice
P&Z Commission Public Hearing
City Council Public Hearing

Exhibit 58-63b: CUP Typical Timing

CUP Timing	
Completeness Review	5 business days (from application submittal)
P&Z Commission Public Hearing and Recommendation	25 days (from completeness certification)
City Council Public Hearing and Decision	7 - 35 days (from P&Z Commission Decision)

(Ord. # 4938, 7-14-2021)

(d) **Initiation**. The CUP application shall be filed with the Planning Director including the items identified in Sec. 58-44 and the following information:

(1) Stormwater Management Concept Plan (if applicable) - see Sec. 58-89.

(2) Traffic Impact Analysis (if applicable) - see Sec. 58-229.

(3) Preliminary Plat (if applicable) see Sec. 58-70(d).

(4) Written Narrative - describing the application's consistency with the Comprehensive Plan, the UDC, and any other applicable plans, policies, and regulations.

(e) **Review**.

(1) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of Sec. 58-46.

(2) Upon finding that the application is complete, forwarding copies of the application to the DRC, and considering DRC comments, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Sec. 58-51. When reviewing the CUP application, the Planning Director may consider the following factors:

a. History of police calls related to the applicant's property;

b. Water, sewer and stormwater management facilities serving the applicant's property, with reference to location, availability and adequacy;

c. Proximity to schools, churches, libraries and playgrounds;

d. Traffic generation for peak-hour of use and peak-hour of street for both weekdays and Saturday (Current ITE Trip Generation Manual shall be used);

e. Parking demand for peak-hour of use for both weekdays and Saturday (Current ITE Trip Generation Manual shall be used);

f. Traffic circulation patterns;

g. Hours of operation; and

h. Other factors that may impact on surrounding businesses and residences.

(f) **Conditions.**

(1) In approving any CUP, the Planning & Zoning Commission may recommend, and the City Council may impose such reasonable standards, conditions, or requirements, in addition to or superseding any standard specified in the UDC, as it may deem necessary to protect the public health, safety and welfare. Such additional standards may include, but need not be limited to:

a. Adequate and reasonable mitigation of potentially adverse effects on adjacent properties. In making such a determination, consideration shall be given to:

1. The location, type, orientation, design and height of buildings or structures;
2. The type and extent of landscaping and screening on the site; and
3. Whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities;

b. Provision of adequate public facilities or services;

c. Dedication of right-of-way, servitudes, or land in fee title;

d. Funding for extraordinary costs associated with the development through direct contribution or agreement to establish an acceptable funding mechanism;

e. Creation of restrictive covenants;

f. Development phasing;

g. Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;

h. Adequate measures to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;

i. Provision of sustainable features; solar or other renewable energy source; rain water capture, storage and treatment; stormwater management facilities exceeding minimum requirements; or other sustainability requirement;

j. Provision of performance guarantee acceptable in form, content, and amount to the City Attorney to ensure continued compliance with all conditions and requirements as may be specified; or

k. Other conditions that the City Council finds are necessary to achieve the purposes of this section and UDC.

(2) The City Council may not attach conditions that provide regulatory relief from specific requirements set forth in this UDC unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

(3) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

(g) **Planning & Zoning Commission Action**. The Commission shall conduct a legislative hearing and recommend approval, conditional approval, or denial of the CUP based on the criteria in paragraph (i) of this section. The Planning Director shall forward the Commission's recommendations to the City Council.

(h) **City Council Action**. The Council shall conduct a legislative hearing and approve, conditionally approve, or deny the CUP application based on the criteria in paragraph (i). If the application is denied, the City Council shall advise the applicant of the reason for denial. If the City Council fails to act on an application within six (6) months of the Planning and Zoning Commission hearing, the application shall be deemed denied. If applicant wishes to pursue the project a new application will be required.

(Ord. # 4967, 8-10-2022)

(i) **CUP Approval Criteria**. A conditional use is permitted only if the applicant demonstrates that:

(1) The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

(2) The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

(3) Adequate public facilities shall be provided as set forth herein;

(4) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

(5) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and

(6) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

(j) **Withdrawal and Subsequent Applications**.

(1) An application for a CUP approval may be withdrawn at any time.

(2) If the application has been advertised in compliance with state law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within one (1) year of withdrawal.

(3) No application for CUP approval for any lot or parcel that requests the same use and same conditions shall be considered within one (1) year of a final decision denying the application.

(k) **Effect of Approval**.

(1) Once a CUP is granted, such use may be enlarged, extended, increased in intensity, or relocated following the same process as the initial application unless the initial approval specifically established alternative procedures for consideration of future expansion or enlargement.

(2) The provisions of this UDC addressing expansion of non-conforming uses do not supersede this requirement unless the conditionally permitted use for which the development approval was initially granted is no longer a use permitted as of right or as a conditional use in the zoning district in which it is located.

(3) A CUP shall expire if:

a. The use for which the CUP was granted has not been established within one (1) year of issuance of the CUP; or

b. The use for which the CUP has been granted was established and then terminated for twelve (12) consecutive months.

(l) **CUP Amendments**.

(1) An amendment or modification is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid CUP.

(2) Amendments to an approved conditional use permit approval may follow one of three tracts described below. The Planning Director shall review a request for a modification and shall determine whether the process for amending an approved CUP is insignificant, minor, or major. In addition to a CUP application, a developer requesting approval of modifications shall also submit a written request, and plans or drawings as necessary, identifying and detailing the requested changes. Approval or denial of a request and any changes shall be provided to the applicant in writing.

a. The Planning Director may authorize and approve minor amendments upon finding that the amendment has no discernible impact on neighboring properties, the general public or those intended to occupy or use the proposed development.

b. Major amendments are any proposed amendment other than those defined above as minor CUP amendments and shall be approved in the same manner and under the same procedures as the original approval. During the process for a major amendment, new conditions may be imposed only on the specific site or area requested to be modified, but the applicant retains the right to reject such additional conditions by

withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit. Major amendments shall include, but are not limited to the following:

1. Designation of additional land uses that the Planning Director finds to be substantially different than approved uses.
2. An increase or decrease in project area by ten (10) percent or more.
3. Change in dimensional standards set forth in the development conditions that result in a decrease in minimum standards (e.g., reduction in minimum setbacks or reductions in street widths) or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses, a decrease in required setbacks or yards). The Planning Director may determine that changes of less than ten (10) percent are minor if they do not negatively impact adjacent properties.
4. Reduction in buffering, landscaping, land uses, or lot sizes along the perimeter of the development that materially impacts adjacent properties.
5. Addition of driveways or access points that the Planning Director finds may negatively affect connectivity or street safety.
6. Other modifications to the approved conditional use permit that the Planning Director determines to be major.
7. Reduction by ten (10) percent or more below the minimum stormwater volume required to be managed on-site.
8. Reduction of the area devoted to green infrastructure by ten (10) percent or more, even if replaced by non-planted green infrastructure (such as bioswale changed to pervious pavers).
9. Reduction of open space.

(3) The hearing bodies for minor and major amendments shall base their actions on the approval original approval criteria.

(m) **Revocation of Conditional Use Permits**. Any CUP granted under the authority of this chapter is subject to revocation by the City Council for any or all of the following reasons:

(1) Non-compliance with any conditions or requirements imposed by the UDC or by the City Council at the time of approval of the CUP.

(2) Violation of any provisions of the UDC pertaining to the use of the land, construction or uses of buildings or structures, or activities conducted on the premises by the applicant or agents of the applicant.

(3) Violation of any other applicable UDC provisions or any state or federal law or regulation by the applicant or agents of the applicant, provided that such violations relate to the conduct or activity authorized by the CUP or the qualifications of the applicant or its agents to engage in such conduct or activity.

Sec. 58-64 Site Plans

(a) **Purpose**. The purpose of the site plan approval process is to ensure that proposed site development, building development, and land uses are consistent with the requirements of the UDC and any applicable approvals made pursuant to the UDC (e.g., planned developments, conditional use permits, conditional zoning).

(b) **Applicability**. Site plan approval is required for zoning map amendments, planned developments, conditional use permits, new construction, building additions, parking lot changes, and changes of use that cause the need for additional parking, additional landscaping or other site or exterior building modifications.

(c) **Site Plan Classifications**. Site plans are classified based on the proposed development as follows:

(1) **Plot Plans** are required prior to developing a single family or duplex residence. These plans are intended to demonstrate compliance with building setback, building height and impervious cover requirements and do not require a hearing. They require review and approval by the Planning Director and may be processed concurrently with a building permit application.

(2) **Minor Site Plans** are required for new construction or additions of less than 10,000 square feet of floor area to existing multi-family, mixed-use, or non-residential structures. They require review and approval by the Planning Director and may be processed concurrently with a building permit application. At the option of the applicant or the Planning Director, these site plans may be forwarded to the DRC and the Planning & Zoning Commission for review and action. Minor site plans that deviate from the requirements of the UDC shall be subject to review and action by the Planning & Zoning Commission.

(3) **Major Site Plans,** which include all new multi-family, mixed-use, or non-residential development with gross floor areas of 10,000 square feet or more, require approval from the DRC and Planning & Zoning Commission.

(d) **Major Site Plan Process Overview**. The approval process and typical timing for major site plan approval are summarized in **Exhibits 58-64a** and **58-64b**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the P&Z Commission. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City's Zoning Commission.

Exhibit 58-64a: Major Site Plan Approval Process Summary

Major Site Plan Approval Process
Application, DRC Review and Notice [(1)]
P&Z Commission Public Hearing and Action[(1)]

[(1)] Notice and Hearing are not required for plot plans and minor site plans

Exhibit 58-64b: Major Site Plan Approval Timing

Major Site Plan Approval Process	
Completeness Review	5 business days (from application Submittal)
DRC Review	20 days (from completeness certification)
P&Z Commission Public Hearing and Decision[1]	25 days (from completeness certification)
City Council Hearing and Action[2]	P&Z Commission Action
[1] P&Z hearing and action are not required for plot plans and minor site plans. (2) City Council action is only required if the decision of the P&Z Commission is appealed by the applicant, or the Planning Director finds the requested development approval will have significant impacts on the City's budget or ability to provide adequate public facilities.	

(Ord. # 4938, 7-14-2021)

(e) **Initiation**. All site plan applications shall be filed with the Planning Director, who shall review for completeness pursuant to Sec. 58-46. The site plan application shall include the items identified in Sec. 58-44 and the following information:

(1) Site plan drawn at a scale of one-inch equals 50 feet or less, which includes the information listed in **Exhibit 58-64c** on one or more sheets. The "✓" indicate that the information is required for the corresponding type of site plan.

(2) Stormwater Management Concept Plan (if applicable) - see Sec. 58-89.

(3) Traffic Impact Analysis (if applicable) - see Sec. 58-229.

(4) Preliminary Plat (if applicable) see Sec. 58-70(d).

Exhibit 58-64c: Site Plan Information Requirements

Required Information	Type of Site Plan		
	Plot Plan	Minor	Major
Name and description of the proposed development	✓	✓	✓
North arrow, scale and date	✓	✓	✓
Name and contact information for the owner, developer and entities that prepared the site plan application content	✓	✓	✓
The total area of the site (square feet or acres) indicating the total area to be used for open space or green spaces, exclusive of parking area	✓	✓	✓
The boundaries of the property involved, the general location of all servitudes, property lines, open spaces, existing streets and/or waterways, marshes, floodplains, and all other significant topographical features in and adjoining the project	✓	✓	✓
The location and sizes of sanitary and storm sewers, water mains, culverts, and other underground utilities and structures in or near the project		✓	✓
A litter abatement plan indicating days and times of trash pick-up, location of the trash disposal system and details of screening, including type, height and elevation of dumpster and fence. The name of a contact person shall be provided in the event of an emergency or the need for inquires and complaints regarding trash disposal and pick-up		✓	✓
The floor plans of all structures and proposed uses to be located on the site showing the main floor, typical floors and the layout of individual units. The	✓	✓	✓

Required Information	Type of Site Plan		
	Plot Plan	Minor	Major
total number of residential units, gross square footage of residential area, and gross square footage of non-residential area shall also be delineated on the site plan			
Density (dwelling units per acre) and intensity (floor area ratio) of existing and proposed development including existing development to remain and additional development		✓	✓
The location and dimensions of all existing and proposed streets, driveways, entrances and exits, drop-off zones, loading areas, parking spaces, and sidewalks;	✓	✓	✓
The existing property boundary of the site and all adjoining street rights-of-way, north point, date and scale of the site plan;	✓	✓	✓
The location, height and elevations drawings of all structures to be located, erected, converted, enlarged, reconstructed, structurally altered or relocated on the site, showing setback dimensions, use and type of materials	✓	✓	✓
Grading plan showing existing and proposed grade at six (6) inch contour intervals		✓	✓
Grading plan showing the amount of fill and stormwater runoff patterns	✓		
The planting plan pursuant to Sec. 58-272(b)		✓	✓
Location, species, and tree canopy coverage, of all existing trees with a diameter at breast height (DBH) of six (6) inches or more.	✓	✓	✓
Locations of floodplain zones		✓	✓
Locations of existing and proposed green spaces	✓	✓	✓
The lighting plan of the site showing the number, height, types of fixtures, their location, and illumination levels.		✓	✓
The detail of all signs indicating the number, size, height, materials and their location, including setbacks from all property lines and rights-of-way		✓	✓
The emergency systems/plan for fire and evacuation, and the location of the fire hydrants on the site		✓	✓
The location of the trash disposal and recycling system with the details of its screening		✓	✓
The parking layout showing the number of required and proposed spaces, dimensions of parking spaces and parking aisles, and a typical individual parking space with dimensions;		✓	✓
Erosion control and soil loss plan for sites with disturbed land over 10,000 square feet; and		✓	✓
Additional information may be required by the Planning Director, depending on the nature and extent of the proposed facility and such other information as may be necessary to provide for the enforcement of this chapter.	✓	✓	✓

(f) **Review**. Upon determining that the application is complete, the Planning Director shall forward the application to the DRC for review and comment. For major site plans or minor site plans that will be reviewed by the Planning & Zoning Commission, the Director shall ensure that notice is provided pursuant to Sec. 58-51 and the findings and recommendations from the Director and DRC are forwarded to the Planning & Zoning Commission.

(g) **Planning Director Action**. If the site plan meets the requirements of the UDC and complies with the criteria in paragraph (i) below, the Director may approve the plot plan or minor site plan. If there are unresolved issues the Director shall deny the application, or at the request of the applicant, may forward the application to the Planning & Zoning Commission for action after notice is provided pursuant to Sec. 58-51.

(h) **Planning & Zoning Commission Action**. After conducting a quasi-judicial hearing, the Planning & Zoning Commission shall approve, approve with conditions, or deny the application based on the approval criteria in paragraph (i) of this section. If the Commission fails to act on an application within six (6) months of its hearing, the application shall be deemed denied. If applicant wishes to pursue the project a new application will be required.

(Ord. # 4967, 8-10-2022; Ord. #4996, 12-4-2024)

(i) **Approval Criteria**. The site plan shall comply with each of the following requirements:

(1) The proposed building, site development and uses are consistent with the Comprehensive Plan;

(2) The proposed buildings are located and designed to comply with the applicable zoning district requirements in Article 3 and 4 of this UDC;

(3) The proposed uses are consistent with the applicable zoning district requirements in Article 3 of this UDC, and any supplemental conditions in Article 5 of this UDC; and

(4) The Planning Director has granted approval for any administrative relief pursuant to Sec. 58-86 and the Planning & Zoning Commission has granted approval for any variances pursuant to Sec. 58-65 that are required for UDC compliance.

(j) **Effect of Approval**. Site plan approval entitles the applicant to apply for building and site development permits that are consistent with the approved site plan.

(k) **Appeals to Planning & Zoning Commission Action**. The applicant may appeal the decision of the Commission to the City Council by filing the appeal with the Planning Director stating the reasons that the Commission's decision is inconsistent with the provisions of the UDC within thirty (30) days of the Commission's action. Notice shall be provided pursuant to Sec. 58-51. The Planning Director shall forward the appeal to the City Council, which, after considering the appeal and any evidence presented may:

(1) Approve the appeal upon finding that the Commission erred in its decision;

(2) Remand the decision to the Commission citing specific factors that the Commission should reconsider in their evaluation; or

(3) Deny the appeal.

(l) **Final Plans Required**. When required changes have been made, and the request has been approved, the applicant will submit one original and one copy to be stamped for approval. The revised plans will receive stamped approval from the Planning Director. The copy of the approved and stamped site plans will be returned to the applicant. The original set of approved and stamped plans to be recorded retained by the City.

(m) **Minor Amendments.** The Planning Director may approve minor amendments upon finding that the amendments result in a betterment of the site plan, or have no negative impact on the appearance or function of the site development or its effect on neighboring properties

(n) **Expiration and Extension**.

(1) If an application for a building permit for the use subject to the site plan has not been filed within one (1) year of the date of stamped approval, the site plan

approval shall expire and no construction shall be permitted nor use be established until a new site plan is approved for the intended use.

(2) If the applicant requires an extension of the site plan, the applicant shall submit a written request to the Planning Director at least sixty (60) days prior to the date of expiration. The Planning Director may extend site plan approval for a period not to exceed twelve (12) months upon determining that the applicant is taking active steps to pursue the proposed development.

(Ord. #4923, 12-9-20)

Sec. 58-65 Variances

(a) **Purpose**. The variance provisions of this division permit an applicant to apply for relief from the requirements of the letter of this chapter when a physical hardship exists that presents an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood, and which condition would prevent a reasonable or sensible arrangement or use of building or lot.

(b) **Applicability**. The Planning & Zoning Commission may grant variances from the provisions of the UDC in the following instances:

(1) To permit a variance in yard requirements, height restrictions, or lot-area-per-family requirements of any district;

(2) To waive or reduce the parking and loading requirements in the R-3 multiple-family residential and all other less restrictive districts;

(3) To permit a variance in family-per-structure requirements in any residential district in order to comply with federal law relating to fair housing where the applicant has demonstrated a special need requiring a reasonable accommodation by the City, as defined and required by federal law; or

(4) To grant relief to other design requirements in Articles IV or V of the UDC.

(c) **Variance Process Overview**. The approval process and typical timing for variance approval are summarized in **Exhibits 58-65a** and **58-65b.** Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the P&Z Commission. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City's Board of Adjustments and Appeals.

Exhibit 58-65a: Variance Approval Process Summary

Variance Approval Process
Application, Review and Notice
P&Z Commission Public Hearing and Action

Exhibit 58-65b: Variance Approval Process Timing

Variance Approval Process	
Completeness Review	5 business days (from application Submittal)
P&Z Commission Public Hearing and Decision	25 days (from Completeness Certification)

(Ord. # 4938, 7-14-2021)

(d) **Initiation**. All variance applications shall be filed with the Planning Director, who shall review for completeness pursuant to Sec. 58-46. The application shall be filed with the Planning Director including the items identified in Sec. 58-44.

(e) **Review**. Upon determining that the application is complete, the Planning Director shall forward the application to the DRC for review and comment, ensure that notice is provided pursuant to Sec. 58-51, and prepare findings and recommendations for the Planning & Zoning Commission.

(f) **Planning & Zoning Commission Action**. After conducting a quasi-judicial hearing, the Planning & Zoning Commission shall approve, approve with conditions, or deny the application based on the criteria established in paragraph (g) of this section. The action of the Planning & Zoning Commission shall be accompanied by a written finding of fact, based upon testimony, evidence, or inspections by the Planning Director, specifying the reasons for granting or denying the variance.

(Code 1997, § 102-62; Ord. # 3419, 10-14-2002)

(g) **Variance Approval Criteria**. The Planning & Zoning Commission shall not grant approval for a requested variance unless it makes a finding, based upon the evidence presented to it, that indicate each of the following:

(1) The variance granted is the minimum amount of relief required to enable reasonable use of the affected property.

(2) The approval, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.

(3) The approval, if granted, will tend to preserve and advance the prosperity and general welfare of the neighborhood and community.

(4) The approval, if granted, will not be detrimental to the public welfare or seriously affect or be injurious to other property in which the property is located, in that it will not: impair an adequate supply of light and air; or increase substantially the congestions in the public streets, create a traffic hazard, or permit inadequate parking; or increase the danger of fire; or substantially affect or overburden existing stormwater management or sewerage systems; or otherwise endanger the public safety; or cause serious annoyance or injury to occupants or adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise, vibration, light or glare, or other nuisances.

(5) A physical hardship with special conditions and circumstances exists that is peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; and the special conditions and circumstances do not result from the intentional actions of the applicant or any person who may have or had interest in the property.

(6) The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party, and strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner as distinguished from mere inconvenience or economic relief.

(7) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(8) Granting the variance requested will generally not confer on the applicant any special privilege which is denied by this chapter to other lands, structures, or buildings in the same district similarly situated.

(h) **Neighborhood Norm**. In lieu of the approval standards noted in paragraph (g) of this section and to maintain and ensure the stability and uniqueness of the City's neighborhoods, the Planning Director, Planning & Zoning Commission, or City Council may consider neighborhood norm as delineated in this section, in granting or denying a request for a resubdivision where the lots to be created are not in conformity with the characteristics of the existing residential lots in the immediate area.

(1) **Definitions**.

a. **Immediate area**. An area that consists of two (2) street blocks on both sides of a street and not less than 600 feet from subject property.

b. **Neighborhood**. An area with identifiable characteristics common to the properties or lots within a subdivision or portion thereof, that may be demarcated by a street, highway, canal, or water course.

c. **Neighborhood Norm**. Distinguishing characteristics or physical features that prevail in a neighborhood including lot width, lot depth, lot area, and building setbacks in the front, rear and side yards and lot orientation as related to lot frontage.

(2) **Neighborhood Norm Criteria**. Any combination of the following criteria may be used to determine the neighborhood norm.

a. General purpose or intent of the original lot layout within the subdivision in general, and in particular, within the immediate area of subject property.

b. The predominant lot frontage or lot width within the immediate area of subject property.

c. The predominant orientation of lots relative to street frontage within the immediate area of subject property.

d. The predominant lot depth within the immediate area of the subject property.

e. The predominant lot area within the immediate area of subject property.

f. The average lot frontage, lot depth and lot area within the immediate area of subject property.

g. Neighborhood stability relative to the frequency of resubdivision of lots within the immediate area of subject property.

h. The resulting lot pattern from the resubdivision will result in or enable development that is a betterment to the existing conditions of the subject property.

(3) **Determination of Neighborhood Norm**.

a. “Neighborhood norm" for subdivision requests not in conformity with the characteristics of existing residential lots in the immediate area in shall be determined in accordance with the definitions and criteria specified in this section.

b. If the neighborhood norm criteria are met or exceeded, the applicable approval authority may approve the subdivision request.

(Code 1997, § 102-60; Ord. # 3419, 10-14-2002; Ord. # 3586, § I, 8-14-2006)

(i) **Effect of Approval**.

(1) Variance approval allows the deviations from the code that are expressly cited in the Commission’s action. If the condition for which the variance was granted has not been established within one (1) year of its approval, the variance approval shall expire and must be reapplied for in the manner established herein.

(2) The nature of the variance and any conditions attached to it shall be entered on the face of the building permit. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

(j) **Appeals to Planning & Zoning Commission Action**. The applicant may appeal the decision of the Commission to the City Council by filing the appeal with the Planning Director stating the reasons that the Commission’s decision is inconsistent with the provisions of the UDC within thirty (30) days of the Commission’s action. Notice shall be provided pursuant to Sec. 58-51. The Planning Director shall forward the appeal to the City Council, which, after considering the appeal and any evidence presented may:

(1) Approve the appeal upon finding that the Commission erred in its decision;

(2) Remand the decision to the Commission citing specific factors that the Commission should reconsider in their evaluation; or

(3) Deny the appeal.

Sec. 58-66 Appeals to Staff Decisions

(a) **Purpose**. The Planning & Zoning Commission shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Planning Director or other member of the DRC.

(b) **Applicability**. The applicant or the Mayor may appeal a decision of the Planning Director or other member of the DRC within fourteen (14) days after the notice of the decision has been received by the applicant.

(c) **Appeals Process Overview**. The approval process and typical timing for appeals are summarized in **Exhibits 58-66a** and **58-66b**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the P&Z Commission. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City’s Board of Adjustments and Appeals.

Exhibit 58-66a: Appeals Process Summary

Appeals Process
Application, Review and Notice
P&Z Commission Public Hearing

Exhibit 58-66b: Appeals Process Timing

Appeals Timing	
Completeness Review	5 business days (from application submittal)
P&Z Commission Hearing and Decision	25 days (from completeness certification)

(Ord. # 4938, 7-14-2021)

(d) **Initiation**. The appeal shall consist of a written statement setting forth fully the grounds for the appeal and exhibits relevant to the appeal. The Planning Director shall notify the Planning & Zoning Commission of any appeal, provide notice pursuant to Sec. 58-51, and shall forward the entire record to the Commission including the application, related documentation and the appeal itself.

(e) **Stay of Proceeding**. An appeal stays all actions by the City seeking enforcement of, or compliance with the order or decision appealed from, unless the Planning Director certifies to the Commission that a stay would cause imminent peril to life or property. If enforcement is not stayed, then the Commission shall meet and hear the appeal within thirty (30) days after such request is filed.

(f) **Planning & Zoning Commission Action**. The public hearing in such appeal shall be at the next regularly scheduled meeting of the Planning & Zoning Commission, provided that the required notice can be given prior to such meeting.

(g) **Burden of Proof**. When an appeal is taken to the Planning & Zoning Commission in accordance with this section, the Planning Director shall have the initial burden of presenting to the Commission sufficient evidence and argument to justify decision being appealed. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who also shall have the burden of persuasion.

(h) **Appeals Review Criteria**. In evaluating an appeal, the Planning & Zoning Commission shall determine whether the action being appealed:

(1) Was made based on correct interpretation of the UDC and other applicable regulations; and

(2) Reflected the correct response to the application that was approved, denied, or conditionally approved.

(i) **Appeals to Planning & Zoning Commission Action**. The applicant may appeal the decision of the Commission to the City Council by filing the appeal with the Planning Director stating the reasons that the Commission's decision is inconsistent with the provisions of the UDC within thirty (30) days of the Commission's action. Notice shall be provided pursuant to Sec. 58-51. The Planning Director shall forward the appeal to the City Council, which, after considering the appeal and any evidence presented may:

(1) Approve the appeal upon finding that the Commission erred in its decision; or

(2) Deny the appeal.

(j) **Exemption Based on Constitutional or Statutory Claims.**

(1) The Planning & Zoning Commission may approve an exemption from the requirements of this UDC, to the extent necessary to comply with or conform to federal or state law, or to avoid or resolve any alleged violation federal or state law caused by the enforcement of any regulation imposed by this UDC.

(2) Any person desiring such an exemption shall file a written petition with the Planning Director, who shall forward the petition to the Commission for purposes of conducting a public hearing on the petition and issuing a final determination. The petition shall include separate statements that:

a. Advise to which particular regulation of the City the requested exemption relates;

b. Explain how the regulation is not in conformance with federal or state law, or how it allegedly violates federal or state law;

c. Describe how granting the exemption would be in the public interest and not be contrary to the public health, safety, and welfare; and

d. Describe the intended use of land or activity for which the exemption is being sought.

(3) Applications for exemptions shall be processed and decided in the same manner that an appeal is processed.

(Code 1997, § 102-66; Ord. # 3419, 10-14-2002; Ord. # 4610, 9-10-2014)

Sec. 58-67 Vested Rights Determination

(a) **Applicability**.

(1) This section applies to any application for development approval in which the applicant claims an exemption from any provision of this chapter based on common law, statutory vested rights or estoppel.

(2) Any applicant may apply for a vested rights determination, provided that the requirements of this section are satisfied. An application for a vested rights determination may be approved subject to compliance with a consent agreement.

(b) **Vested Rights Determination by Staff**. Vested rights may be acknowledged by the Planning Director after consultation with the City Attorney if the applicant shows compliance with the following criteria for the specific project to acquire such rights:

(1) In reliance upon lawfully issued development approval, the applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said development approval;

(2) The applicant has proceeded in good faith, has relied upon the issuance of the development approval, and such development approval has not lapsed or been revoked;

(3) The applicant has established any other factor that may establish estoppel under state or federal law; and

(4) The applicant has obtained a favorable vested rights determination.

(c) **Consent Agreement**. At any time prior to a final decision relating to an application for a vested rights determination, the applicant and the City may enter into a voluntary consent agreement conferring vested rights. A consent agreement shall be executed by the City and the applicant and shall include the following terms and conditions:

(1) A legal description of the subject property and the names of the legal and equitable owners;

(2) The duration of the consent agreement and the conditions that will result in revocation;

(3) The uses permitted on the property, including population densities and/or building intensities and height, setbacks, floor area ratio, setbacks, and other bulk regulation requirements;

(4) A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date that any new facilities, if needed, will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the development;

(5) A description of any reservation or dedication of land for public purposes;

(6) A description of all development approvals or other local, state, or federal approvals needed for the proposed development;

(7) A finding that the proposed development is consistent with the Comprehensive Plan and the relevant provisions of this chapter;

(8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;

(9) A statement indicating that the omission of a limitation or restriction shall not relieve the applicant of the necessity of complying with all applicable local, state, and federal laws;

(10) A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development;

(11) Provisions for remedies in the event of default;

(12) A statement that the City Attorney shall review progress pursuant to the consent agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the consent agreement; and

(13) Any other provisions as required by State law.

(d) **Failure to Comply with Consent Agreement**. If the City Council finds, based on substantial competent evidence, that there has been a failure to comply with the terms of the consent agreement, the consent agreement may be revoked or modified by the City Council after a public hearing, which has been noticed by publication and for which notice has been expressly provided to the applicant.

(e) **Vested Rights Determination Process**.

(1) **Initiation**. An application may be made to the City Council for recognition of vested rights for a project by completion of a form provided by the Planning Director that indicates which development approval or development approvals are being relied on by the applicant for establishment of vested rights. The applicant for a vested rights determination shall provide the Planning Director with a completed application copies of any documents on which the applicant is relying to establish vested rights. The Planning Director shall provide public notice in accordance with Sec. 58-51.

(2) **Review and Approval**. After receiving an application for a vested rights determination, the City Council shall review the application and determine if the applicant shall provide additional information for consideration of the application within 20 working days. After the application is completed, the City Council shall hold a quasi-judicial hearing and, upon the evidence submitted and upon review of the application, if the City Council finds that there is sufficient evidence to establish vested rights, it shall issue a certificate to the applicant recognizing vested rights for the project. The certificate shall set forth all terms and conditions required for the continuance of the vested rights being recognized.

(3) **Variance to Time Limits.** An individual or entity that requests a vested rights determination may at the same time request a variance from the time limit, required action, or term that otherwise would cause the vested rights to expire. The request for variance must identify the specific provisions for which a variance is being requested and the reasons the applicant feels will justify the granting of the variance. The City Council shall review the application for variance and shall determine whether the variance is granted, conditionally granted, or denied. In granting a variance, the City must make written findings establishing that:

a. The applicant will suffer undue hardship in the absence of a variance that is not the result of the applicant's own negligence;

b. The applicant has been actively attempting to pursue and complete development of the project that is the subject of the vested rights; and

c. Compliance with rules and regulations passed after the recognition of vested rights will cause a substantial economic hardship to the developer/property owner, which precludes the capability of completing the project in a reasonable and prudent manner.

Sec. 58-68 Development Approval Revocation

(a) **Purpose and Applicability**. This section establishes the process by which a development approval may be revoked by the City Council. The revocation may apply to any approval described in this Article except for amendments to the Comprehensive Plan and UDC text or maps. Nothing in this section precludes the City from taking other enforcement actions enabled by the City Code or State law.

(b) **Initiation**. The Planning Director shall investigate alleged violations of the requirements of this UDC and conditions imposed upon development approvals. The Planning Director shall determine whether to terminate or suspend a development approval. If the Planning Director determines that a termination, or suspension, of a development

approval is appropriate, a recommendation, including the reason for their determination, shall be made to the City Council after providing notice as required in Sec. 58-51.

(c) **City Council Action**.

(1) The City Council shall conduct a quasi-judicial hearing and shall approve, conditionally approve, or deny the Planning Director's recommendation regarding the revocation of the development approval.

(2) The Council's action shall contain findings that address the basis for the decision; shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the action shall state the length of time such violation can be cured. In the case of a termination, the action shall state the reason such violation cannot be cured.

(d) **Grounds for Revocation**. The following are grounds for revocation of a development approval:

(1) The intentional provision of materially misleading information by the applicant (the provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); and

(2) The failure to comply with any condition of a development approval.

(e) **Right Cumulative**. The right to revoke a development approval, as provided in this section, is cumulative to any other remedy allowed by law.

Sec. 58-69 Subdivisions, Generally

(a) **Applicability**.

(1) No person may subdivide land except in accordance with the provisions of this chapter. No person may subdivide land unless and until a final plat of the subdivision has been approved in accordance with the provisions of this chapter and recorded with the Jefferson Parish Clerk.

(2) No person or agency shall record a plat of any subdivision within the City's planning jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.

(3) The owner or proprietor of any tract of land who desires to subdivide land (i.e., to create a "subdivision") shall submit a plat of such subdivision to the Planning Director.

(b) **Exemptions**. A major subdivision plat is not required for any of the following:

(1) Exceptions granted by state law;

(2) Any lot, parcel, or tract of land located within the area governed by these regulations that has been legally subdivided or re-subdivided by map, plat, or deed or other legal means prior to the adoption of these regulations;

(3) Cemetery lots;

(4) An interest in oil, gas, minerals, or building materials, which is now or hereafter severed from the surface ownership of real property;

(5) The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the City's site plan requirements;

(6) The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon; and

(7) Court approved subdivision or transfer of land by charitable gift or will, provided such gift or will has been recorded in the Office of the Jefferson Parish Clerk of Court or ordered by a court of law, and further provided that the use, development, or transfer by sale of any land involved in a court approved subdivision or transferred by charitable gift or will shall be regulated by this Code.

(c) **Subdivision Classification**. Major and minor subdivisions are subject to the criteria for approval of subdivision plats, unless a specific provision indicates that it does not apply to minor subdivisions. Different time limits are prescribed for the review and processing of major and minor subdivisions to reflect the level of complexity involved in review of the applications. Subdivisions shall be classified as established in this UDC.

(1) **Minor Subdivisions** that may be approved by Planning Director pursuant to Sec. 58-83 include:

a. Lot line adjustments, which provide for 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 the application meets the following requirements:

1. Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section.

2. Does not involve more than two acres of land or five (5) lots of record.

3. Does not reduce a lot size below the minimum area or frontage requirements established for the applicable base or overlay district unless the subdivision results in a betterment of existing site conditions.

4. Otherwise meets all the requirements of the UDC.

b. Dedication plats, which include:

1. Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the parish or municipality, thereby leaving a severed portion of the original property which requires a re-designation of lot number and establishment of new lot boundary lines.

2. **T**he dedication, acceptance, relocation, or deletion of public utility servitudes, other than streets, or the deletion of gas, electric, or telephone utility servitudes acquired by private act or pursuant to

the provisions of R.S. 19:1 et seq. on the property being resubdivided.

(2) **Subdivisions, Generally.** Major subdivisions that must be approved by the City Council include any subdivision not exempted by the UDC or State law, other than a minor subdivision. Any subdivision that involves an increase in the number of lots of record within the City shall be considered a major subdivision, but for subdivisions that do not involved the construction of public improvements other than extensions of service lines, the Planning Director may authorize the modification of submittal requirements and the concurrent processing of the preliminary and final plats.

(d) **Subdivision Procedures, Generally.**

(1) A final plat for a major subdivision plat shall be approved by the City Council before the subdivision of a parcel may be recorded.

(2) Approval of a final plat for a minor subdivision plat shall be approved by the Planning Director before the subdivision of a parcel may be recorded.

(3) The approval of the preliminary plat shall not be deemed final acceptance of a subdivision, but rather an expression of approval of the layout as submitted on the preliminary plat; such approval shall be noted on the preliminary plat.

(4) Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary plat or in accordance with an approved phasing plan, provided that the final plat for the additional area conforms substantially to the approved preliminary plat.

(Ord #4897, 12/11/19)

Sec. 58-70 Subdivisions, Major.

(a) **Applicability**. The major subdivision process applies to any subdivision or resubdivision of land that does not qualify as a minor subdivision pursuant to Sec. 58-69(c)(1).

(b) **Variances for Subdivisions**. The City Council may approve variances to strict application of lot and block area and dimensional requirements during the subdivision approval process by citing the variances from the UDC in the motion to approve the final plat. The Council should consider the criteria for variance approvals but need not find that each criterion is met.

(c) **Approval and Submittal Process**. The applicant for major subdivision shall follow the procedures established in this section, which is summarized in **Exhibit 58-70a**.

Exhibit 58-70a: Major Subdivision Approval Process Summary

Major Subdivision Process
Pre-application Conference (optional)
Preliminary Plat
Construction Plans
Improvement Guarantees and Development Agreement
Final Plat

(d) **Preliminary Plat**.

(1) **Purposes**.

a. The preliminary plat serves as a guide to future density, intensity, land uses, pedestrian and bicycle ways, trails, parks and open space, as well as lot, street and drainage patterns. It is intended to ensure that a landowner investigates the broad effects that subdivision of property will have on the site itself as well as on adjacent properties and public infrastructure systems.

b. Approval of a preliminary plat shall constitute acceptance of the land-use mix, development intensity, general street patterns, drainage patterns, lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these may be modified in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during preliminary plat review.

c. The preliminary plat, together with the attendant items required herein, is to provide a basis for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To achieve this, the applicant should consult with the Planning Director, City Engineer and other agencies concerned with the subdivision and the improvements.

(2) **Applicability**. Preliminary plat approval is required prior to final plat approval for any major subdivision.

(3) **Preliminary Plat Process Overview**. The approval process and typical timing preliminary plat approval are summarized in **Exhibits 58-70c** and **58-70d**. Actual timing may vary based on the date of submittal and scheduled hearing dates. These time periods may be extended if an application is tabled by the P&Z Commission or the City Council. The P&Z Commission shall conduct its hearing and make its recommendation in its statutory capacity as the City's Planning Commission.

Exhibit 58-70d: Preliminary Plat Approval Process Summary

Preliminary Plat Process
Application, Review and Notice
P&Z Commission Public Hearing
City Council Public Hearing

Exhibit 58-70e: Timing

Preliminary Plat Timing	
Completeness Review	5 business days (from Application Submittal)
P&Z Commission Public Hearing and Recommendation	25 days (from Completeness Certification)
City Council Public Hearing and Decision	30 days (from P&Z Commission Recommendation)

(Ord. # 4938, 7-14-2021)

(4) **Initiation**. The applicant shall file the preliminary plat application with the Planning Director. The application shall comply with the requirements in Sec. 58-44 and the following information:

a. **Preliminary Plat** – Copies of drawings at a scale of 1" = 100' unless otherwise approved by the Director and shall include:

1. Name of the proposed subdivision owner, applicant and developer;
2. Name of the plat preparer;
3. Legal description of the property;
4. A north arrow and scale;
5. A location map showing the property at a scale of 1" = 2,000';
6. Proposed street names, which may not duplicate or be substantially similar to any existing streets in the City as determined by the Planning Director;
7. Lot and block numbers;
8. Alignment and dimensions of proposed lots, blocks, existing and proposed streets, and easements that adjoin, traverse, or are included in the proposed subdivision;
9. Property lines of adjacent properties within 100 feet of the perimeter of the subdivision;
10. Number of lots and intended use of lots that corresponds with zoning;
11. Boundaries of open space, common areas; greenways and other subdivision amenities;
12. Location and extent of existing and proposed boundaries of floodways and floodplains;
13. All portions of subdivision located within a wetland;

14. Locations and approximate alignments of water, wastewater and stormwater utilities; and
15. Topographic contour lines at one-foot intervals or as otherwise approved by the Planning Director; and

b. A phasing schedule describing the location, sequencing and timing of infrastructure improvements and lot development for subareas of the proposed subdivision (if applicable).

c. Utility letters confirming the availability of service and improvements necessary to provide water, wastewater, natural gas, or telecommunications services (not needed for City services).

d. Covenants & restrictions (if applicable).

e. Stormwater Management Plan (if applicable) – see Sec. 58-89.

f. Traffic Impact Analysis (if applicable) - see Sec. 58-229.

(5) **Completeness.**

a. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of Sec. 58-46.

b. Reviewing agencies shall act on a plat within thirty (30) days after the date the preliminary plat is found to be complete. A plat is deemed approved by a reviewing agency unless the reviewing agency has provided reasons for disapproval within the thirty (30) day period.

c. Upon finding that the application is complete and consulting with the DRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Sec. 58-51.

(6) **Planning & Zoning Commission Action**. The Commission shall conduct a legislative hearing and recommend that the City Council approve, conditionally approve, or deny the preliminary plat based on the criteria in paragraph (7).

(7) **Preliminary Plat Approval Criteria.** Prior to approving the application, the application shall satisfy each of the following criteria:

a. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;

b. The proposed subdivision complies with the UDC and applicable state and federal regulations;

c. The proposed subdivision, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;

d. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

e. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development.

(8) **City Council Action**. The City Council shall conduct a legislative hearing and shall approve, conditionally approve, or deny the preliminary plat based on the preceding criteria. If the City Council fails to act on an application within six (6) months of the Planning and Zoning Commission hearing, the application shall be deemed denied. If applicant wishes to pursue the project a new application will be required.

(Ord. # 4967, 8-10-2022)

(9) **Minor Amendments**. Minor amendments may be approved by the Planning Director without filing a new preliminary plat.

a. Minor amendments include the following:

1. Changes in the internal alignment of streets that do not affect external properties or connectivity;
2. Changes in internal parcel boundaries that do not abut external property lines;
3. Changes in setbacks along internal property lines;
4. Changes in the routing of trails and pedestrian ways;
5. Adjustments in easements, utilities, or stormwater management improvements identified as necessary during the preparation of construction plans; or
6. Changes in the orientation of buildings on internal parcels.

b. Minor plat amendment shall not include any of the following:

1. Change in permitted uses;
2. Increased intensity of use as measured by the number of dwelling units or square feet of nonresidential building area;
3. Increased trip generation or demand for public utilities;
4. Decreased public or private open space area; or
5. Increased volume or velocity of stormwater runoff from the development.

(10) **Major Amendments**. Plat amendments not categorized as minor amendments in the above paragraph require the filing and approval of a new preliminary plat. Such amendments may be processed concurrently with a final plat application at the option and risk of the applicant.

(11) **Effect of Approval**.

a. The preliminary plat governs the preparation of construction plans and the final subdivision plat, which must be submitted for approval and recordation upon fulfillment of the requirements of this chapter.

b. The approval is valid as long as the applicant receives and maintains a valid subsequent development approval or initiates construction within two (2)

years of the preliminary plat approval. If development has not been initiated within two years of preliminary plat approval, any changes in development standards shall apply to the development proposed by the preliminary plat.

c. If a final plat is not submitted within two (2) years after approval of the preliminary plat, or within such extended period as may be allowed, the preliminary plat approval shall be void. The City Council may approve a staging plan extending the effective period of the preliminary plat approval for up to five (5) years where it is the intent of the landowners to proceed to Final Plats covering only a portion of the site at any one time. Beyond two (2) years or, in the case of staged development, five (5) years, the applicant shall resubmit a preliminary plat to the Planning Director for review by staff and the referral agencies to ensure that the application is still in compliance with the UDC and requirements of other agencies.

d. After the expiration of two (2) years following approval of a preliminary plat, changes to the preliminary and final plats may be required where a change in the Comprehensive Plan or the UDC has occurred that affects compliance of the application with the ordinance. the applicant may make the necessary changes and then proceed to a final plat, or may choose to resubmit the preliminary plat for review through the normal development approval review process.

e. Approval of the preliminary plat by the City Council shall not be deemed final approval of the overall subdivision.

(12) **Recording Procedures**. A copy of the preliminary plat shall be kept on file in the planning department offices.

(e) **Construction Plans**.

(1) **Purpose**. To establish an efficient process to ensure that public improvements associated with private developments are consistent with the City's design standards and that improvements are documented in a way that facilitates the long-term management and enhancement of public infrastructure.

(2) **Applicability**. Following approval of the preliminary plat, the applicant shall have prepared, by a professional engineer registered in the State of Louisiana, construction plans consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, water system facilities, sidewalks, and other improvements required by this chapter. Landscape shall be prepared by a registered landscape architect. Stormwater management plans shall be prepared by a qualified professional engineer or registered landscape architect licensed in the State of Louisiana.

(3) **Initiation.** Construction plans shall be submitted to the Planning Director for review and distribution. The application shall include the information in Sec. 58-44 and:

a. **Servitudes and Rights-of-Way** shall include separate legal instrument when off-site improvements require easements or rights-of-way.

b. **Construction Plans**. Copies of construction plans shall be signed and sealed by a professional engineer in the State of Louisiana (and registered landscape architect as applicable), shall be drawn on 24” by 36” sheets, and shall include:

1. Copies of the detailed layout and construction plans and specifications for the proposed subdivision;
2. The name of the proposed subdivision and the name of the owner, developer and applicant;
3. The name of the individuals who surveyed the property and prepared, stamped, signed and sealed the plans and specifications;
4. A copy of the approved preliminary plat, reflecting required amendments;
5. The location and description of existing and proposed sewerage facilities, if any central sewerage collection, treatment and disposal system is planned;
6. Plans showing the dimensions, as well as the proposed vertical and horizontal alignments of water, sewer, gas, electrical and telecommunications lines;
7. Location and construction details of all utility appurtenances, including, but not limited to switches, valves, pumps, and manholes;
8. The proposed location and design of light standards and fire hydrants;
9. Specifications of the proposed improvements, including typical street cross-sections, utilities, and the materials to be used in such improvements;
10. Horizontal alignments of all streets and sidewalks;
11. Details of plans for sewerage disposal, tie-in to existing collection systems, construction of a new collection and disposal system, use of lagoons, lift stations, force mains, etc.;
12. Information required to demonstrate compliance with the stormwater management requirements of Article IV of this UDC;

c. A phasing schedule describing the location, sequencing and timing of infrastructure improvements and lot development for subareas of an overall proposed subdivision (if applicable); and

d. Copies of the proposed covenants or restrictions governing the use of the property and the construction of improvements in the subdivisions.

(4) **Public Agency Reviews**. The applicant shall submit the construction plans to all applicable local reviewing agencies and public utility companies that will service the subdivision. The Planning Director shall forward comments from those agencies to the applicant along with the City's comments.

(5) **Approval**. Subject to comments from the DRC, the City Engineer shall approve, conditionally approve, or deny the construction plans after considering comments from the DRC.

(6) **Construction**. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements herein and, where applicable, the requirements and authorization of the appropriate state agency, utility company, or local franchisee.

(7) **Modification of Construction Plans**. If the applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the applicant's own risk, but only with the written approval of the City Engineer. It shall be the responsibility of the applicant to notify the City Engineer in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans and such deviation was not approved in advance by the City Engineer, the applicant may be required to correct the installed improvements to conform to the approved construction plans. In addition, the City may take such other actions as may be deemed appropriate including, but not limited to, revocation of plat approval and/or permits already issued and/or withholding of future approvals and permits.

(8) **As-Built Drawings**.

a. **Required Drawings**. Prior to final inspection of the required improvements, the applicant shall submit to the Planning Director one (1) digital copy and one (1) reproducible copy of as-built engineering drawings for each of the required improvements that have been completed. The reproducible drawings shall be certified by the applicant's engineer indicating the date when the as-built survey was made. A landscape architect registered to practice in Louisiana may seal landscape plans and the designs of erosion control measures. Digital copies are for the City’s infrastructure management purposes only and the engineer shall bear no liability for the use and modification of the digital files by the City.

b. **Control Points**. As-built drawings and digital files shall include all control points using state plane coordinates and monuments.

(9) **Completion of Improvements**.

a. Except as provided herein, improvements shall be completed or assured prior to recording the final plat, to the satisfaction of the City Engineer. The required improvements shall be those specified in the approved Preliminary Plat and construction plans. Unless otherwise approved and assured, sidewalks shall be completed at the time of street construction.

b. As a condition of final plat approval, the City Council may require the Applicant to deposit in escrow a deed describing by metes and bounds and conveying to the City all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the City and recordation of the final plat. In the event the applicant is unable to

complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the City may compel the delivery of the deed in order to complete the improvements as required.

(10) **Timing of Improvements**. Except upon the written approval of the City Engineer, no grading, removal of trees or other vegetation, land filling, excavation, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the applicant has:

a. Entered into a subdivision improvement agreement with the City or otherwise arranged for completion of all required improvements;

b. Received approval of the construction plans and all necessary permits from the Planning Director; and

c. Obtained necessary approvals and permits from other affected agencies.

(11) **Inspection of Improvements**.

a. **Inspection Required**. All improvements required by these regulations shall be inspected by the City Engineer, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the City with written reports of each final inspection.

b. **Inspection Schedule**. It shall be the responsibility of the applicant to notify the City Engineer of the commencement of construction of improvements twenty-four (24) hours prior thereto.

c. **Compliance with Standards**. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

(12) **Acceptance of Improvements**.

a. Approval of the installation and construction of improvements by the City Council shall constitute acceptance by the City of the improvement for dedication purposes.

b. The City shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the City Council.

c. When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of the City, and the applicant has submitted as-built reproducible copies to the City Engineer, the Mayor shall recommend that the City Council accept

the dedications and improvements for maintenance by the City. This shall not apply to improvements maintained by another entity.

(13) **Site Cleanup**. The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way, or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property, or onto other land in the City is prohibited.

(14) **Failure to Complete Improvements**. If no subdivision improvement agreement has been executed and no security has been posted, the failure to complete all required public improvements within the period specified by the City shall result in expiration of plat approvals. If a subdivision improvement agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the agreement, the City may:

a. Declare the subdivision improvement agreement to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

b. Suspend final plat approval if not recorded;

c. Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;

d. Suspend development of lots within the subdivision;

e. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or

f. Exercise any other rights available under the law.

(f) **Subdivision Improvement Agreements**.

(1) **Applicability**. The Mayor may waive the requirement for the completion of required improvements prior to action on the final plat if the applicant enters into a subdivision improvement agreement by which the applicant covenants and agrees to complete all required on- and off-site public improvements no later than one (1) year following the date upon which the final plat is recorded. Such period may be extended for up to an additional six (6) months upon its expiration at the discretion of the Mayor.

(2) **Dedication Required**. If the applicant chooses to phase a subdivision or enter into a subdivision improvement agreement in lieu of completing all required improvements, the City Council may require the applicant to dedicate land or complete and dedicate some required public improvements prior to approval of the final plat.

(3) **Preparation of Agreement**. The applicant shall bear the responsibility to prepare a subdivision improvement agreement. The City Attorney shall approve any subdivision improvement agreement as to form.

(4) **Covenants to Run with the Land**. The subdivision improvement agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs, and assignees of the applicant. The subdivision improvement agreement shall be recorded with the register of deeds. All existing lien holders shall be required to subordinate their liens to the covenants contained in the Subdivision Improvement Agreement.

(5) **Performance Security**.

a. Whenever the Mayor permits an applicant to enter into a subdivision improvement agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements.

b. The performance security shall be in an amount approved by the City Engineering as reflecting one hundred and fifty (150) percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the subdivision improvement agreement.

c. In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee.

d. The Mayor is authorized to sign the agreement on behalf of the City after the City Attorney has approved same as to form.

(6) **Type of Security**. The security shall be in the form of a performance bond, a letter of credit, or cash as follows:

a. **Performance Bond.** A performance bond shall be executed by a surety company licensed to do business in the state in an amount equal to the cost estimate, as approved by the City Engineer, of all uncompleted and unaccepted improvements required by these regulations (other than gas, telecommunications and electric lines), with the condition that the applicant shall complete such improvements and have them accepted by the City within three (3) years from the date of plat approval. The City Engineer may sign the bond instrument on behalf of the City, and the City Attorney shall approve same as to form.

b. **Letter of Credit**. The applicant shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the City Engineer, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations.

c. **Cash or Cashier's Check**. The applicant shall provide to the City cash or a cashier's check in an amount equal to the cost estimate as approved by the City Engineer of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon

completion of the required site improvements and their acceptance by the City Engineer, the amount will be refunded to the applicant by the City.

(7) **Reduction of Guarantees**.

a. When an applicant has given security in any of the forms provided herein, and when fifty (50) percent of the required site improvements have been completed and accepted by the City Engineer, or whenever any segment or segments of the required site improvements have been completed and accepted by the City Engineer, the applicant may substitute for the original guarantee a new guarantee in an amount equal to one hundred and fifty (150) percent of the cost of the remaining site improvements. The cost estimate shall be approved by the City Engineer.

b. Such new guarantee need not be in the same form as the original guarantee so long as such guarantee is one that is listed herein. However, in no event shall the substitution of one security for another in any way change or modify the terms and conditions of the performance agreement or the obligation of the applicant as specified in the subdivision improvement agreement.

(8) **Reimbursement**. Where oversized facilities are required, the subdivision improvement agreement shall specify a reimbursement procedure.

(g) **Maintenance Bond.**

(1) The applicant shall guarantee the improvements against defects in workmanship and materials for a period of three (3) years from the date of acceptance of such improvements.

(2) In exceptional situations, where undue hardship would otherwise result, and the shorter term would be consistent with the purposes of the UDC, the Mayor may recommend. and the City Council may approve a shorter-term maintenance guarantee.

(3) The maintenance guarantee shall be secured by a performance bond or cash in an amount reflecting fifty (50) percent of the cost of the completed improvements.

(4) If the applicant has entered into a subdivision improvement agreement for the completion of required improvements, an appropriate percentage of the performance bond or cash may be retained by the City in lieu of a maintenance bond.

(5) If the applicant has not entered into a subdivision improvement agreement, the applicant shall guarantee the improvements as required by this section.

(h) **Temporary Improvements**. The applicant shall construct and pay for all costs of temporary improvements required by the City Engineer and shall maintain said temporary improvements for the period specified.

(i) **Development Agreements**.

(1) **Purpose**. This section promotes and facilitates orderly and planned growth and development through the provision of certainty in the development approval

process by the City and through corresponding assurances by developers. The development agreement is intended to:

a. Implement the CIP and the conditions of development approval

b. Eliminate uncertainty in the development approval process;

c. Assure applicants that, upon approval of their project, they may proceed in accordance with the policies, rules, and regulations identified in the development agreement;

d. Achieve the City's goals and objectives through assurances that public facilities will be provided concurrent with development; and

e. Provide a mechanism to allow regulatory flexibility for specific development proposals that achieve the City's goals and objectives.

(2) **Applicability**. This section applies to any development agreement entered into between an applicant and the City to:

a. Enforce a condition of development approval;

b. Recognize the existence of vested rights;

c. Facilitate the reasonable phasing of large-scale developments requiring significant infrastructure investment;

d. Provide for the provision of infrastructure, design amenities, or other conditions; and/or

e. Resolve potential legal disputes.

(3) **Criteria for Entering into Development Agreements**. The City Council may approve a development agreement pursuant to this section only if it finds that:

a. The development to which the development agreement pertains is consistent with the Comprehensive Plan and capital improvements program, this UDC and other applicable requirements;

b. The development subject to the agreement contains features that advance the City's adopted goals, objectives and policies, in accordance with the criteria established herein;

c. The property owner agrees to make contributions of capital improvements for community facilities for one or more types of public improvements, that advance provision of facilities needed to serve the community.

(4) **Initiation**. An application for a development agreement may be made to the Planning Director. Application may be made by any person having a legal or equitable interest in the subject real property in accordance with State Law. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed development agreement executed by the holder of the legal interest.

(5) **Contents of the Application**. The application shall be on a form prescribed by the Planning Director and shall be accompanied by a proposed development agreement.

(6) **Mandatory Provisions of Development Agreement.** The development agreement shall include, at a minimum, provisions pertaining to the following:

a. The land that is the subject of the agreement;

b. The duration of the agreement;

c. The permitted land use or uses and density/intensity for the proposed development and any conditions attached thereto;

d. Proposed infrastructure improvements and the timing of their installation;

e. Provisions for the dedication of land for public use, whether by easement, right-of-way, or fee simple conveyance; and

f. Any other provisions required by State Law.

(7) **Optional Provisions of Development Agreement**. If agreed to by the applicant and approved by the City Council, the development agreement may include, without limitation, provisions pertaining to the following:

a. The phasing of the proposed development project in coordination with the provision of public facilities, including, but not limited to, roads, water, sewer, stormwater management, parks, municipal, and other facilities, required to accommodate the impacts of the proposed development project on such facilities at the City;

b. The identification of public facilities to be dedicated, constructed, or financed by the developer pursuant to the development agreement and the designation of such facilities as project improvements, system improvements, or subsystem improvements;

c. The determination of the development project's proportionate share of the total system and subsystem improvement costs required to be dedicated, constructed, or financed by the developer of the development project;

d. The City's share of the costs of system and subsystem improvements to be dedicated, constructed, or financed pursuant to the development agreement;

e. Reimbursements, as applicable, to the owner of the subject property for the amount of any contributions for system or subsystem improvements in excess of the proportionate share of the benefit derived from such facility by the subject property;

f. The rules, regulations, ordinances, laws, plans, and official policies of the City governing development applicable to the subject property; and

g. If the property to which the development agreement relates is located outside the incorporated area of the City, the period of time within which each property shall be annexed to the City.

(8) **Completeness Review**. Upon submission of an application for a development agreement, the Mayor shall coordinate the review of the application and accompanying documentation for legal sufficiency, compliance with technical requirements, consistency with the adopted Comprehensive Plan and applicable rules, regulations, and policies. Upon satisfactory completion of such review, the

Planning Director shall provide required notice and place the matter on the agenda of the City Council for a legislative hearing at the Council's next regularly scheduled meeting. If the application for development agreement is incomplete or legally insufficient, the Planning Director shall notify the applicant by certified U.S. mail, return receipt requested, within 14 days after the date of submission of such application. Said notifications shall detail the specific grounds for rejection of the application. The applicant may resubmit at any time.

(9) **Decision by City Council.** Within thirty (30) days of the certification of completeness, the application shall be submitted to the City Council, which shall consider the proposed development agreement at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time. The City Council may:

a. Approve the development agreement as recommended by the Mayor;

b. Approve the development agreement with modifications; or

c. Reject the development agreement as recommended by the Mayor, in whole or in part, and take such further action as it deems to be in the public interest. Any such action shall be taken by the affirmative vote of at least a majority of the voting members of the City Council.

(10) **Ordinance**. The City Council may approve a development agreement by ordinance. The City Council's action shall be final and conclusive.

(11) **Execution of Development Agreement**. If approved by the City Council, the development agreement shall become effective upon execution by the Mayor and any other parties to the development agreement.

(12) **Recordation.** Within ten (10) days following execution of a development agreement, the City Clerk shall record with the recorder of deeds a fully executed copy of the development agreement and ordinance. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to, the parties of the development agreement.

(13) **Coordination of Development Agreement Application with Other Discretionary Approvals**. It is the intent of these regulations that the application for a development agreement will be made and be considered simultaneously with the review of other necessary applications, including, but not limited to: rezoning; subdivision and planned development. If combined with an application for development, the application for a development agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A development agreement is not a substitute for, nor an alternative to, any other required development approval, and the applicant must comply with all other required procedures for development approval.

(14) **Existing and Subsequently Adopted Rules, Regulations, Ordinances, Laws, and Policies**.

a. Unless otherwise provided by the development agreement, rules, regulations, ordinances, laws, general or specific plans, and official policies

of the City governing permitted uses, development, density and intensity of use, permitted uses of the land, growth management, public facilities, environmental considerations, and governing design, improvement and construction standards and specifications applicable to the subject property shall be those in force and effect at the time of commencement of the term of the development agreement.

b. The adoption of a development agreement, however, shall not prevent the City, in subsequent actions applicable to the property or to the City general, from applying such newer, modified rules, regulations, ordinances, laws and official policies that do not conflict with those applicable to the property at the time of the development agreement and that do not prevent the development of the land as set forth in the development agreement. The existence of the development agreement shall not prevent the City from denying or conditionally approving any subsequent development not expressly addressed in said agreement based on such existing or new rules, regulations, and policies.

c. Unless otherwise addressed in the agreement, application, processing and inspection fees, utility fees and improvement standards that are revised during the term of a development agreement shall apply to the property, provided that:

d. Such fees, standards, and specifications generally apply to public works within the City; and

e. Their application to the subject property is prospective only as to applications for building and other development approvals not yet accepted for processing.

(15) **Subsequently Adopted State and Federal Laws**. If state or federal laws or regulations are enacted following approval of a development agreement that prevent or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such development agreement shall so provide.

(16) **Periodic Review, Termination, or Modification**. An adopted development agreement shall be reviewed at least every 24 months, at which time the owner or owners of the property subject to the development agreement shall be required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of such review, the Mayor and City Council find and determine, on the basis of substantial evidence, that the owner or owners have not complied in good faith with the conditions of the development agreement, the Mayor and City Council may unilaterally terminate or modify the agreement. Such action shall be taken by the City Council at a regular or special meeting, provided that the developer is notified at least ten (10) days in advance of such meeting.

(17) **Amendment or Cancellation of Agreement**. A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. The procedure for amendment or cancellation shall be the same as that for adoption as provided in this UDC.

(18) **Enforcement**. A development agreement shall be enforceable by any party to the agreement. The remedies specified herein and in the development agreement are not exclusive; any party to the agreement may pursue any other available remedies at law or in equity.

(j) **Final Plat.**

(1) **Purpose**. To establish a process and standards to create and document the rights and responsibilities associated with the subdivision of land.

(2) **Applicability**. No final subdivision plat shall be recorded until a final plat has been approved as provided in this section.

(3) **Final Plat Process Overview**. If the Planning Director determines that the final plat is consistent with the approved preliminary plat and the approved construction plans, if applicable, the Planning Director may approve the final plat application. No City Council hearing will be required unless the Planning Director determines that City Council action is required for improvement guarantees, a development agreement or acceptance of public improvements. Appeals to the Planning Director's decision shall be heard by the City Council.

(Ord. # 4938, 7-14-2021)

(4) **Initiation**. The final plat application shall be filed with the Planning Director and shall include the information required by Sec. 58-44 and the following:

a. **Final Plat** – Copies drawn at a scale of 1" = 100' on sheets with maximum dimensions not exceeding 24 inches by 36 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheets. The plat shall contain the following information:

1. Name of the subdivision;
2. The name of the owner or owners, or subdividers;
3. Date, scale and north arrow, on each page. Each sheet of the plat shall indicate its page number in relation to the total number of sheets;
4. The correct legal description of the property being subdivided shall be shown on the Plat;
5. Accurate references to known or permanent monuments, giving the bearing and distance from said monuments and State Plane coordinates of at least two subdivision corners;
6. The location of all survey monuments and their descriptions;
7. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, servitudes and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot. The radii, arcs, or chords,

points of tangency and central angles for all curvilinear streets and radii for rounded corners;

8. The names, lines and right-of-way widths of all proposed streets with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
9. The descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions which shall mathematically close. Bearings and distances of all exterior boundary lines and along the center lines of streets shall be furnished;
10. Accurate location of all existing and recorded roads intersecting the boundaries of the tract;
11. The gross area, net area and lot area of the land being subdivided;
12. The boundary lines of all adjoining lands for a distance of 150 feet and showing (with dotted lines) the right-of-way lines, adjacent streets and alleys with their widths and names, and adjacent zoning districts;
13. Servitudes and servitudes for rights-of-way provided for public use, services, or utilities, with figures showing their dimensions and listing uses that are being provided and any limitations on such servitude;
14. Clearly numbered lots in sequence and blocks clearly lettered in sequence;
15. A statement dedicating all servitudes, streets alleys and other public areas not previously dedicated, including an accurate outline of any portions of the property intended to be dedicated or granted for public use; and
16. Appropriate certificates as determined by the City Attorney.

b. **Development Agreement** (if applicable) – approved as to form by the City Attorney.

c. **Approved Construction Plans**, or as-built plans, conforming with the requirements of the UDC, for all streets, grading, sanitary sewerage system, stormwater management facilities, water distribution system, and other pertinent site improvements.

d. **Covenants and Restrictions** (if applicable) – two copies of all covenants and restrictions and, if applicable, articles of incorporation and bylaws of a homeowner's association for the proposed subdivision,

e. **Homeowners Association Documentation** (if applicable) – homeowners' association articles of incorporation and/or bylaws shall contain the following information:

1. The legal description of the common land;
2. A description of common facilities;
3. The restrictions placed upon the use and enjoyment of the lands or facilities;

4. Persons or entities entitled to enforce the restrictions;
5. A mechanism to assess and enforce the common expenses for the land or facilities (e.g., utility systems, private roads and other public or quasi-public improvements) including upkeep and maintenance expenses, real estate taxes and insurance premiums;
6. A mechanism for resolving disputes among the owners or association members;
7. The conditions and timing of the transfer of ownership and control of land facilities to the association;
8. Any other matter the developer deems appropriate.

(5) **Review**.

a. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of **Sec. 58-46**.

b. Upon finding that the application is complete the Planning Director shall distribute the final plat to the DRC, which shall evaluate whether the final plat complies with the approved preliminary plat and other applicable standards of this UDC. The applicant may submit a final plat for only that portion of the approved preliminary plat, if such portion conforms to all requirements of this chapter. Any deviation from the approved preliminary plat that does not constitute a minor amendment shall require resubmittal of the preliminary plat.

(6) **Planning Director Action**. If the Planning Director finds the application to be consistent with previous approvals and the requirements of the UDC, the Planning Director may approve the final plat. If a development agreement, subdivision improvement agreement, or acceptance of public improvements to be dedicated to the City is part of the application, or if the plat requires any deviations from strict interpretation of this ordinance, the Planning Director shall forward the application to the City Council which shall approve, approve with conditions, or deny the application. If the Planning Director does not approve the final plat within six (6) months of its application, the final plat shall be deemed denied. Appeals to the denial may be requested of the City Council not more than thirty (30) days after denial. The City Council may approve, approve with conditions or deny the appeal.

(Ord. # 4967, 8-10-2022)

(7) **Recording**. Following approval of the final plat, the Planning Director shall secure necessary signatures to execute the plat. The action of the City shall be noted on all copies of the final plat to be retained as required for records or further action of the department or other affected agencies of the City or state. Within six (6) months of approval of the final plat, the applicant shall record it with the Parish Clerk of Court. The Planning Director may grant up to two extensions of final plat approval, each up to six (6) months. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void.

(8) **Effect of Approval.**

a. Where only a portion of an area included in an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary plat approval or within the time frame consistent with the approved phasing plan.

b. Applicants failing to complete construction of improvements within the specified time may submit a request for an extension of six (6) months. If an extension is granted, the final plat must be submitted within a total of thirty (30) months from the original date of approval of the preliminary plat by the City Council or within the time frame consistent with the approved phasing plan.

c. If the final plat is not submitted within the period prescribed above, the approval of the preliminary plat shall be rescinded. The developer will be required to resubmit the application for preliminary plat and be subject to all fees related to the application. The preliminary plat shall comply with all current regulation in place at the time it is resubmitted.

d. Upon approval of the final plat by the Planning Director, the plat shall be submitted for recording within sixty (60) days.

(9) **Alternative to Completion of Improvements**. Except as provided as per the subdivision improvement agreements section of this chapter, all applicants shall complete all street, sanitary, and other public improvements of the subdivision as required by the UDC before the final plat is recorded.

(10) **Monuments**. The applicant shall place reference monuments in the subdivision as required by Louisiana law. At least two (2) monuments shall be set at locations where the plat establishes x,y coordinates pursuant to the City's digital submittal requirements in Sec. 58-46(b).

(11) **Amendments**. Amendments to a final plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein.

(12) **Plat Approval Not Acceptance of Dedication Offer**. Approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the City may accept any such offer of dedication by resolution of the Council or by actually exercising control over and maintaining such facilities.

(13) **Protection Against Defects.** Prior to City Council acceptance of improvements, a licensed professional retained by the applicant shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this chapter. Additionally, the City Engineer will periodically inspect the installation of all facilities and improvements to be dedicated to the City for compliance with all standards and specifications.

(14) **Maintenance of Dedicated Areas Until Acceptance**. All facilities and improvements with respect to which the applicant makes an offer of dedication

to public use shall be maintained by the applicant until such offer of dedication is accepted.

(15) **Maintenance of Common Areas**, **Improvements and Facilities**. Applicant shall be responsible for maintaining all common areas, improvements, or facilities required by this UDC except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.

(Ord. # 4938, 7-14-2021)

Sec. 58-71 Vacations of Rights-of-Way or Servitudes

(a) **Applicability**. This section establishes the process for approving the elimination of a street, alley, or servitude in which the City has an interest in whole or in part.

(b) **Initiation.** The process may be initiated by the City Council or the owner of property abutting the street or alley, or containing the servitude. The City Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing. The applicant shall prepare a legal description of the right-of-way or servitude and a survey of same.

(c) **Review.** The Planning Director shall cause the notice to be provided in accordance with Sec. 58-51 and shall prepare recommendations for the Planning & Zoning Commission with the input of the DRC.

(d) **Planning & Zoning Commission Action**. The Commission shall conduct a legislative hearing on the application and shall recommend approval or denial to the City Council based on the criteria established in paragraph (f) of this section.

(e) **City Council Action**. The Councils shall conduct a hearing on the application and shall approve or deny the application based on the criteria established in paragraph (f).

(f) **Approval Criteria**. Prior to taking action, the Commission and Council shall consider whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the Council after the hearing that closing the street, alley or servitude is not contrary to the public interest, and that no individual owning property in the vicinity of the street, alley, or servitude or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress, egress, or service to his property, the Council may adopt a resolution closing the street or alley. A certified copy of the resolution shall be filed in the office of the register of deeds.

(g) **Appeals.** Any person aggrieved by the closing of any street, alley, or servitude may appeal the Council's order to the District Court within thirty (30) days after its adoption.

(h) **Ownership.**

(1) Except as provided in paragraph (3) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

(2) The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(3) The City may reserve its right, title, and interest in any utility improvement or servitude within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or servitudes owned by private utilities which at the time of the street or closing have a utility agreement or franchise with the City. To retain such servitudes, the City Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

(i) **Recording Procedures**. The recorder of deeds shall write legibly on the vacated plat the word “vacated,” and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

Sec. 58-72 Historic Districts and Major Work

(a) **Purpose.** The purposes of this section and the formation of the Historic District Commission (HDC) in Article I are to:

(1) Promote the preservation of historic districts, buildings and landmarks for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of such districts, buildings, and landmarks, within the City;

(2) Safeguard the cultural, social, economic, political, and architectural history of the City; to preserve and enhance the environmental quality of neighborhoods;

(3) Ensure the appropriateness of renovations and new construction in the district;

(4) Strengthen the City's economic base by the stimulation of the tourist industry;

(5) Establish and improve property values; and

(6) Foster economic development; and to manage growth.

(Code 1997, § 52-2; Ord. # 4653, 2-11-2015)

(b) **Historic District Commission—Appointment; Term**. A Historic District Commission (HDC) is hereby established and shall consist of seven members recommended by the City Council and appointed by the mayor to four-year terms of service. Members shall include one architect and one historian. The architect, the historian and two members shall be appointed at the beginning of the regular term of the mayor and City Council. The remaining three members shall be appointed at the beginning of the third year of the regular term of the City Council and mayor. In the event that an appointment of a specific discipline is not forthcoming within sixty (60) days of a vacancy, the mayor may appoint a resident of a historic district or property owner of a historic district property without such qualification, subject to the approval of the council. In the event that an appointment by the Mayor is not forthcoming within sixty (60) days of a vacancy, the

council may appoint and fill such vacancy. Nothing shall preclude the mayor from removing or replacing an appointment with council approval, and nothing shall prohibit the reappointment of any prior member of the committee to the new term.

(Code 1997, § 52-3; Ord. # 4653, 2-11-2015)

(c) **Historic District Commission Powers and Regulations.**

(1) No private building, structure, or edifice, including fences, boundary walls, signs, or steps shall be erected, altered, restored, moved, or demolished within a district until a certificate of appropriateness has been provided by the HDC and the City has issued a permit for the activity. Ordinary repairs and standard maintenance shall not require such approval. Similarly, there shall be no excavating or moving of subsoil from earthworks of historical or archaeological importance without such approval.

(2) The HDC shall consider the exterior architectural features and the relationship of the exterior of the buildings concerned with all others in the district to avoid incongruity. In all instances, the City and HDC shall regulate those elements of the outside of a building, structure, or edifice, including fences, boundary walls, signs, or steps that can be viewed from a public street.

(3) The style, scale, materials, and location of signs as defined in article VII of this UDC within a district shall also require a certificate of appropriateness from the historic district commission prior to zoning and permitting by the City. No certificate of appropriateness shall be issued for a sign or display that does not comply with the requirements of the sign ordinance found in article IV of this; however, a certificate of appropriateness may be more restrictive than the requirements found for signs or displays in article IV of this UDC.

(4) No structure within a historic district shall be allowed to deteriorate due to neglect. All property shall be reasonably maintained to prevent or avoid deterioration described in the definition of the term "demolition."

(Code 1997, § 52-6; Ord. # 4653, 2-11-2015)

(d) **Procedures for Application of Certificate of Appropriateness.**

(1) Whenever the Building Official becomes aware that an application has been filed for a permit that would be considered to be major work subject to HDC approval, the Building Official shall notify chairman of the HDC that such an application has been filed.

(2) The Building Official shall make a preliminarily determination on the completeness of an application in accordance with Sec. 58-46 and whether the work is minor or major work; however, the HDC shall have the final authority to determine when a filed application for a certificate of appropriateness for major work is complete and contains all required information. An application deemed incomplete by the HDC shall not be considered to have been filed for the purposes of this section.

(3) The HDC shall review all applications for major work within an historic district. Major work includes exterior work that involves a significant alteration, addition,

reconstruction, or demolition of an existing building or structure, or the erection of new buildings or structures. All major work shall be undertaken in accordance with adopted historic district design guidelines.

(4) The Building Official may approve minor work in accordance with Sec. 58-84.

(5) The HDC shall establish a regular schedule for the hearings. One hearing shall be scheduled for each month unless no application for a certificate of appropriateness has been submitted. However, the HDC must meet at least once every three months even if no applications for a certificate of appropriateness have been submitted.

(6) Notice of the time and place of a scheduled public meeting of the HDC shall be given by publication in a newspaper having general circulation in the City and placed on the City's official web site at least four days before such meeting and by posting such notice on the bulletin board in the lobby of City Hall.

(7) At the scheduled public hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant information pertaining to the application. Likewise, the City, the HDC, staff, and members of the public shall have the right to present any additional relevant information pertaining to the application. The HDC shall follow City Council's rules of procedure specifying in detail how a public hearing shall be conducted and when comments and information from different sources shall be heard.

(8) The HDC, at a public hearing, shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the HDC. The HDC may choose to convert the public hearing to a preliminary conference after an application for a certificate of appropriateness has been filed.

(9) The HDC shall act upon an application, either approving, denying, or conducting a preliminary hearing and then deferring action until the next meeting of the commission, giving consideration to the factors set forth in Sec. 58-72(c) and Sec. 58-72(f). Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the City building official within 48 hours. The certificate of appropriateness shall be valid for one (1) year. Failure to commence work addressed by the certificate of appropriateness within one (1) year or to complete the work within two (2) years shall result in the expiration of the permit. No subsequent work shall proceed until a new certificate of appropriateness is granted. If work has begun within one (1) year and the Building Official determines that the applicant is pursuing completion of the project in a timely manner, the Building Official may extend the completion date by up to one (1) year.

(10) The issuance of a certificate of appropriateness shall not relieve an applicant of the requirement for a companion building permit, special use permit, variance, or other authorization and compliance with any other requirement or provision of the laws of the City concerning zoning, construction, repair, or demolition. In all such cases, applicants are encouraged to apply first for a certificate of

appropriateness as other City agencies will be advised by the commission in making their subsequent decisions.

(11) No building permit which affects the historic district shall be issued by the City official prior to the issuance of a certificate of appropriateness by the HDC. Even if a building permit is not otherwise required by the City ordinances for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness from the HDC is required.

(12) Application for a historic district certificate of appropriateness shall be made in the office of the building official. Each application shall be accompanied by a $50.00 administration fee. Such application must be filed no later than five (5) business days prior to any meeting of the HDC, at which time such application is to be heard.

(Code 1997, § 52-7; Ord. # 4653, 2-11-2015; Ord. #4923, 12-9-20)

State Law reference— Certificates of appropriateness, R.S. 25:738.

(e) **Submission Requirements to HDC for Exterior Changes**.

(1) The owner of any property within the historic district shall apply for a certificate of appropriateness from the commission before the commencement of any work in:

a. Demolition of a historic building.

b. Moving a historic building.

c. Material change by additions, reconstruction, or alterations in the exterior appearance of existing buildings classified as historic.

d. Any new construction of a building or accessory building or structure if subject to view from a public street.

e. Change in existing walls and fences, or construction of new walls and fences, if along a public street.

f. Change in the exterior appearance of existing non-historic buildings by additions, reconstruction, alteration or maintenance of exterior, if subject to view from a public street.

(2) The application therefor shall be made to the HDC, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, texture, materials, and architectural design of the exterior, including the front, sides, rear and roof of such buildings, alterations, or addition of any building or outbuilding, party wall, courtyard, sidewalk, driveway, parking area, fence, or other dependency thereof.

(Code 1997, § 52-8; Ord. # 4653, 2-11-2015)

(f) **Certificate of Appropriateness; Criteria**. The HDC shall adhere to and seek compatibility of structures in the district in terms of size, texture, scale, and site plan. The following guidelines shall be applied in evaluating applications:

(1) **New Construction**.

a. All new construction shall be visually compatible with the buildings and environment with which they are related.

b. The general design, scale, gross volume, arrangement, site, plan, texture, material and exterior architectural features of new construction shall be in harmony with its surroundings and shall not impair the historic character of the neighborhood.

c. No one architectural style shall be imposed.

d. Quality and excellence in design shall be major determinants.

(2) **Exterior Alterations**.

a. All exterior alterations to a building shall be compatible with the building itself and other buildings with which it is related, as provided in section 68-52(e)(1)Sec. 58-72(f)(1)b of this section, and in applying these standards, the original design of the building shall be considered.

b. Exterior alterations shall not affect the architectural character or historic quality of the building.

(3) **Signs.**

a. General prohibitions of miscellaneous signs. The display of signs of a miscellaneous character visible from public streets, within a historic district of the City, except as otherwise provided in this Code, is prohibited.

b. Signs must conform to character of section. Approval of the display of a sign in any historic district shall be granted by the commission only when they meet the requirements of article IV of chapter 58 and the appearance, color, size, position, method of attachment, texture of materials and design of such signs conform to the quaint and distinctive character of a historic district or do not injuriously affect it or impair the value of the community or those buildings having architectural or historical value. The HDC may approve painted wall signs and murals that it determines are consistent with the purposes of the historic district.

c. Only one sign per bona fide business. Each bona fide business shall be allowed only one sign.

d. Recommended surface area of certain signs.

1. Single-faced wall sign: no more than eight square feet.
2. Double-faced attached sign: no more than 16 square feet.
3. Detached sign: no more than 28 square feet per side.

e. No sign shall be displayed in any manner whatsoever to disfigure or conceal any architectural feature or detail of any building.

(4) **Demolition**. In considering an application for the demolition of a landmark or a building in a historic district, the following shall be considered:

a. The historic or architectural significance of the building.

b. The importance of the building to the historic character of the district.

c. The special character and aesthetic interest that the building adds to the district.

d. The difficulty or impossibility of reproducing such a building because of its design, texture, material, or detail.

e. The future utilization of the site.

(5) **Cost Considerations in Restoration**. Whenever a property owner shows that a building classified as historic is incapable of earning any economic return on its value, as appraised by a qualified real estate appraiser, such building may be demolished; provided, however, that before a demolition permit is issued, notice of proposed demolition shall be given three times during a period of thirty (30) days to afford interested persons the opportunity to acquire or to arrange for the preservation of such buildings.

(6) **Restriction of Intrusions**. The reconstruction of buildings legally non-conforming to the surrounding uses and destroyed by fire, storms, or other acts of God shall be governed by the provisions of all applicable Building Codes and ordinances. In addition, the City shall regulate the exterior design of such buildings as stipulated by the provisions of this chapter.

(7) **Prohibition of Aerials, Antennas, and Satellites, Restrictions on Solar Panels**. The construction or installation of satellite dishes larger than twenty-four (24 inches in diameter, within an historic district shall require a historic district permit. Such permits shall not be denied when the installation is not visible from the street.

(8) **Vinyl siding**. Vinyl and metal siding on new construction in the historic districts are prohibited.

(Code 1997, § 52-9; Ord. # 4653, 2-11-2015; Ord. # 4658, 3-11-2015; Ord. # 4726, 6-8-2016; Ord. #4923, 12-9-20)

(g) **Recommendation and Action Thereon**. The HDC shall, upon due consideration, render its decision concerning the submitted application, which may include such changes, if any, as in its judgment are reasonably necessary to comply with the requirements of this chapter, and send its decision, in writing, to the applicant and the building official. If the application is approved, the building official shall promptly issue a permit for such work in conformance with the HDC's decision unless any building condition or circumstances precludes the issuance of a permit.

(Code 1997, § 52-10; Ord. # 4653, 2-11-2015)

(h) **Appeals**.

(1) Any person or persons aggrieved by any decision, act or proceedings of HDC shall have a right to an appeal before the City Council for reversal or modification thereof; such appeal shall be lodged with the City Clerk, and the Mayor, or presiding officer of the City Council, shall have the right to stay all further action until the City Council shall have had an opportunity to rule thereon. Any such appeal shall be taken within five (5) days, exclusive of holidays and weekends from date of the written decision, and the City Council may consider said appeal at its next general or special meeting, but, in any event, not more than forty-five (45) days thereafter. The City Council may affirm a decision of the HDC by

majority vote of all its members. The City Council shall have the right to reverse, change, or modify any decision of the HDC by majority vote of all its members.

(2) Any person or persons aggrieved by any decision of the City Council shall have the right to file a civil suit within thirty (30) days from the date of the decision in a court of competent jurisdiction under the usual rules of procedure governing same.

(Code 1997, § 52-11; Ord. # 4653, 2-11-2015)

(i) **Amendment of Certificates of Appropriateness.** Any change to or deviation from an approved certificate of appropriateness shall be reviewed by the HDC unless the Building Official determines that the change is consistent with the City's pattern book or qualifies as a minor work in accordance with paragraph (d)(4) of this section.

(j) **Enforcement Powers**.

(1) Upon request, the Building Official shall make all necessary inspections in connection with the enforcement of this chapter. The Building Official shall have the same right to inspect premises in connection with the enforcement of this chapter as the Building Official now has in relation to other violations.

(2) It shall be the duty of the City to send notices to all persons who may be in violation of the provisions of this chapter or the rules and procedures and inform them of such violations. Notice of such violations must be made in accordance with Sec. 58-12. If such violations have been noted and the owner has been informed of the violation, and the violation has not been corrected within ten days, then a second notice shall be sent, in accordance with Sec. 58-12, giving the owner five (5) days within which to comply or demonstrate an intent to comply. If the second notice is not complied with, then it shall be the duty of the City to prosecute or to cause to have prosecuted such violators of this chapter in the Mayor's Court of the City, or such other court of competent jurisdiction as may be proper, either civil or criminal.

(3) Failure to comply with the provisions of this chapter shall constitute a misdemeanor and shall be punishable under Sec. 58-12Sec. 58-13 of this Chapter.

(4) The City shall have the right to enforce any violations of this section by civil action for injunctive relief or other appropriate remedy brought on in the name of the City.

(Code 1997, § 52-12; Ord. # 4653, 2-11-2015)

(k) **Injunctions.** Whenever any person has engaged in, or is about to engage in any act or practice which constitutes or will constitute a violation of this chapter, the City may make application to the appropriate court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation, or to remedy such violation by restoring the affected property to its previous condition. Upon a showing by the City that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order or other appropriate action shall be granted without bond.

(Code 1997, § 52-13; Ord. # 4653, 2-11-2015)

(l) **Neglect of Historic Structure**.

(1) In the event the City determines that a building or landmark is being demolished or allowed to deteriorate by neglect, it shall notify the owner of the preliminary finding to appear at the next meeting of the HDC, and direct the owner to, within fifteen (15) days from the date of notice, begin rectifying the conditions determined to be causing the demolition by neglect. Such notice shall be issued by certified mail to the last known address of the owner; or if the owner cannot be located, then the notice shall be attached to the building or landmark twice within a month.

(2) At the noticed meeting of the HDC, the owner shall appear and give evidence concerning the initial determination of demolition by neglect.

(3) If after the hearing, the historic district advisory committee determines:

a. That the property is a contributing element to the historic district;

b. That the building or landmark is being demolished or allowed to deteriorate by neglect; and

c. The owner has failed to commence work sufficient to remediate the cited conditions;

the City may, through the building official or other appointed officer, bring charges against the owner for the violation of this chapter; and the City may cause such property to be repaired at its expense, which expense shall be paid by the owner, and the City may file an affidavit to that in the office of the recorder of mortgages for the parish, which notice shall constitute a lien and privilege against the property.

(4) If the HDC determines that the property is not a contributing factor to the historic district the owner may be cited by the City under the provisions of Section 24-56(c) of the City Code.

(5) If it is determined by the HDC that the owner has commenced work sufficient to remediate the cited conditions, no further action shall be taken by the City for a period of sixty (60) days.

(Code 1997, § 52-14; Ord. # 4653, 2-11-2015)

Division 3. Ministerial Development Applications

Sec. 58-80 Administrative Development Approvals

(a) **Generally**.

(1) Administrative development approvals are routine, ministerial UDC implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Planning Director is a purely administrative agent following the literal provisions of this UDC.

(2) The Planning Director may engage in some fact finding, to determine if an application is complete and compliant with objective standards set forth in this UDC.

(3) No notice shall be required for an administrative permit issued pursuant to this UDC unless otherwise provided by this City ordinance or state law.

(b) **Types of Applications and Responsibilities**. **Exhibit 58-80** lists the types of permits that may be decided by staff under specified conditions, the permit issuing authority who has responsibility for decision-making, and the applicable sections of City code.

(c) **Applications**.

(1) Written application shall be made for all permits required by this chapter. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative. The owner shall authorize any work for which a permit is required.

(2) The permit review authority may waive informational requirements upon finding that the information is not necessary to evaluate compliance with the UDC.

(3) Applications for one or more types of approvals may be processed concurrently. For example, building permit applications are typically accompanied by zoning certificates, stormwater management permit, and plot or minor site plan approval. Similarly, administrative relief will generally be requested in conjunction with site plan or minor subdivision approval. Where reviews of multiple concurrent applications are requested, the permit review authority may authorize the consolidation of applications and adjustment or waivers of fees for secondary approvals accompanying consolidated applications.

(d) **Records**. The permit issuing authority shall maintain a record of all administrative development approvals. Copies shall be furnished, upon request, to any person upon the payment of a fee established by the Planning Director.

(e) **Plans and Specifications**. Where plans and specifications are required, a copy of the same shall be available at the work site for all inspections.

(f) **Review**. The permit issuing authority shall review all applications for completeness pursuant to Sec. 58-46 and compliance with the applicable section(s) indicated in **Exhibit 58-80.**

Exhibit 58-80: Types of Ministerial Applications

Type of Application	Permit Review Authority	Code Reference
Zoning Certificate	Planning Director	Sec. 58-81
Plot Plan Approvals	Building Official	Sec. 58-82
Minor Site Plan Approvals	Planning Director	Sec. 58-82
Minor Subdivision Approvals	Planning Director	Sec. 58-83
Temporary Use Permits	Building Official	Sec. 58-84
Administrative Relief	Planning Director	Sec. 58-86
Building and other Construction Permits	Building Official	Sec. 58-87
Certificate of Occupancy	Building Official	Sec. 58-88
Stormwater Management Permit	Planning Director/City Engineer	Sec. 58-89
Sign Permits	Building Official/Planning Director	Sec. 58-90
Driveway and Right-of-Way Permits	Building Official/City Engineer	Sec. 58-91
Home Occupation Permits	Licensing Officer	Sec. 58-92
Construction Plans	City Engineer	Sec. 58-70(e)
Certificates of Appropriateness for Minor Works	Building Official	Sec. 58-72

(g) **Resubmittals Due to Incompleteness**.

(1) If a permit application it is not complete, it shall be returned to the applicant with instructions for completion and resubmittal. The applicant shall have thirty (30) days from the date of notification to revise and resubmit the application.

(2) There is no charge for a resubmittal within this period. If the applicant fails to revise and resubmit the application within this period or to submit a complete application after two (2) submittals, the application shall be deemed withdrawn.

(3) Thereafter, a resubmittal of an application for the same site shall constitute a new application subject to the payment of fees and commencing a new timeline for action.

(4) Upon receipt of any resubmittal of the application, a new completeness review period shall begin.

(h) **Resubmittals Due to Non-Compliance**. Upon determination that a permit application does not comply with standards and regulations set forth in this UDC, or requires extensive revision to comply with said standards and regulations, the permit issuing authority shall deny the application. Up to two (2) resubmittals of an application that was denied for non-compliance with the UDC may be made within sixty (60) days of the initial action. Subsequent submittals shall be considered new applications.

(i) **Limitations on Issuance of Permits**.

(1) No permit shall be issued until the Planning Director has certified that the proposed structures and uses comply with the applicable zoning district requirements.

(2) No permit shall be issued for work on any new or existing structure unless the plans and specifications thereof contain information sufficient to indicate that the work proposed will conform to the provisions of this UDC.

(3) No permit shall be issued for new construction where City water or sewer mains are not available without written approval by the Jefferson Parish Health Department of the required water supply or waste disposal systems.

(4) No permit shall be issued to any person who has failed after notice to remedy defective work; or has failed to pay a civil penalty assessed pursuant to this UDC that is due and for which no appeal is pending; or to otherwise comply with the Code of the City, the regulations adopted therein, or the laws of the State of Louisiana.

(5) No licensed contractor shall secure a permit for any other person or persons not qualified in accordance with the provisions of the technical codes to do any work covered by the regulatory codes.

(6) No building or flood permit shall be issued during the pendency of an application for the revision of a floodprone area boundary of such property unless the proposed construction or filling is permitted under the existing regulations and under the revision proposed for the property.

(7) No permit authorized by this UDC shall allow construction to begin on a site until the boundaries of any natural resource buffer yard, any open space area, any

riparian surface water buffers, and any tree protection adjacent to or encompassing a work site are clearly and accurately demarked by a protective fence in the field. The location and extent of all authorized land-disturbing activities shall be similarly demarcated for so long as any land-disturbing activity continues.

(j) **Issuance of Development Approval**. The permit issuing authority shall review applications for conformance with this UDC, the appropriate regulatory and technical codes adopted herein, and the laws of the State. Unless review and approval is required by an external agency, the permit issuing authority shall approve, approve with conditions, or deny applications within thirty (30) days of receipt of a complete application. Applications that are denied shall have the reasons for denial, in writing, attached to the application. The Applicant and the City may agree to extend the response time contained in this section.

(k) **Right of Entry**.

(1) Whenever necessary to make an inspection to enforce any of the provisions of this UDC, or whenever the permit issuing authority has reasonable cause to believe that there exists in any building or upon any premises any condition or article violation which makes such building, structure, or premises unsafe, dangerous, or hazardous, the permit issuing authority may enter such building, structure, or premises at all reasonable times to inspect the same or perform any duty imposed upon the Planning Director by this UDC.

(2) If such building or premises are occupied, the permit issuing authority shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the permit issuing authority shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(3) If entry is refused, the permit issuing authority shall have recourse to every remedy provided by law to secure entry.

(4) When the permit issuing authority shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the permit issuing authority for the purpose of inspection and examination pursuant to this article.

(l) **Stop Work Orders**. Upon notice from the permit issuing authority, work on any building, structure, or premises that is being done contrary to the provisions of this article shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(m) **Revocation of Permits**.

(1) The permit issuing authority may revoke a permit or approval issued under the provisions of this UDC if there has been any false statement or misrepresentation

as to the material fact in the application or plans on which the permit or approval was based.

(2) The permit issuing authority may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this article.

Sec. 58-81 Zoning Certificate

(a) **Purpose.** The purpose of a zoning certificate is to confirm that the proposed land use, building and site development are consistent with the applicable zoning district and any prior development approval applicable to the property.

(b) **Applicability**. A zoning certificate shall be required in conjunction with any development application establishing a new use or building, changing the use of a building, modifying a site to establish a new use, or subdividing land.

(c) **Initiation and Review.** Upon submittal of any development application, the Planning Director shall review the application and determine whether the proposed development complies with the applicable zoning district use regulations established in Article III of this UDC, as well as the applicable use, building and site development standards established in Articles IV, and V of this UDC.

(d) **Action**. If the application complies, the Planning Director shall sign a zoning certificate concurrently with action on the application. If it does not comply, the application shall be denied or approved on the condition that the development application be modified to remedy non-compliant use, structure, or design.

Sec. 58-82 Minor Site Plan and Plot Plan Review

(a) **Purpose**. Ministerial site plan review is intended to ensure that the layout and general design of proposed development in areas regulated by this UDC complies with all applicable standards in this ordinance and all other applicable City of Gretna regulations.

(b) **Applicability**. Ministerial site plan review applies to plot plans and minor site plans as defined in Sec. 58-64. All minor site plans shall comply with all applicable provisions of this UDC, except to the extent that the Planning Director may grant administrative relief pursuant to Sec. 58-86. For single family and duplex development that does not require a variance or administrative relief, the Building Official may review and approve a plot plan that demonstrates compliance with the requirements of this UDC and other applicable local and State rules and regulations.

(c) **Initiation.**

(1) Applications for site plan review may be initiated by any party with an interest in developing property within areas regulated by tis UDC. Written approval from the current landowner shall be required as part of any application for site plan review.

(2) Except where otherwise required by this UDC, a licensed professional engineer is not required to certify a site plan. However, all site plans shall be prepared to scale and with sufficient detail and clarity to demonstrate compliance with

applicable technical requirements for development within the City of Gretna's jurisdiction.

(d) **Submittal Requirements**. Minor site plan applications shall include the materials identified in 0. Incomplete site plan application submittals may not be processed until they are made complete by the applicant or the information requirement is waived in writing by the Planning Director.

(e) **Site Plan Review Process**. Site plan review shall occur as follows.

(1) **Pre-application meeting**. Prior to applying for site plan review, the applicant or an authorized agent of that applicant is encouraged to participate in a pre-application meeting with the Planning Director to discuss the proposed development.

a. The purpose of the pre-application meeting is to have an introductory, concept-level discussion about the proposed development. A pre-application discussion is not binding on the applicant or the City.

b. A request for a pre-application meeting containing basic information about the location and nature of the proposed development shall be submitted to the City. The City shall have five (5) business days to review and schedule pre-application requests.

(2) **Minor Site Plan Submittal and Review**. Minor site plan applications shall be submitted to the Planning Director. After determining that the application is complete pursuant to Sec. 58-46, the Planning Director shall distribute the application to the DRC, who shall, within five (5) business days to review the site plan submittal and provide comments to the Planning Director. If after receiving the comments from DRC members, the Planning Director determines that there is a need, the Director shall schedule a DRC meeting at which the submittal will be discussed.

(3) **Action on Minor Site Plan Application**.

a. Within fifteen (15) days of determining that the application is complete, the Planning Director shall approve, conditionally approve, or deny the application. The Planning Director may approve deviations to building design requirements upon finding that they meet the approval criteria for administrative relief.

b. If the application is conditionally approved or denied, the Director shall provide a written explanation for the needed changes.

c. When the applicant has addressed all comments and submitted a site plan conforms to applicable City regulations, the Planning Director shall approve the site plan.

d. If the applicant fails to address all comments, the application is deemed denied and the applicant may:

1. Submit a revised site plan within ninety (90) days of the original application;

2. Submit a revised site plan more than ninety (90) days of the original application as a new site plan application; or
3. Request that the Planning & Zoning Commission review the application as a major site plan pursuant to Sec. 58-64.

(f) **Effect of Approval**

(1) Site plan approval shall expire or be extended pursuant to timelines set forth in Sec. 58-64(m).

(2) Development activities shall conform to the approved site plan and any conditions of approval. Any deviation from the approved site plan, unless approved in advance and in writing by the Planning Director is deemed a violation of the UDC.

(g) **Amendments.** An approved site plan may be modified only in accordance with the procedures and standards established herein, including the applicability section.

Sec. 58-83 Minor Subdivision

(a) **Purpose and Applicability**: The minor subdivision process is intended to establish a ministerial approval process to facilitate divisions of land that do not require public review due to their small scale and limited impact on adjacent development or public facilities. The Planning Director or the applicant may at any time refer the application to the major subdivision approval process.

(b) **Minor Subdivisions include**:

(1) Lot line adjustments, which provide for 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 the application meets the following requirements:

a. Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section.

b. Does not involve more than two acres of land or five (5) lots of record.

c. Does not reduce a lot size below the minimum area or frontage requirements established for the applicable base or overlay district unless the subdivision results in a betterment of existing site conditions.

d. Otherwise meets all the requirements of the UDC.

(2) **Corrections to Existing Plats**, which include corrections to bearings, distances, lot or block numbering, or the text of the subdivision plat that do not materially alter the effect of the development.

(3) **Dedications Plats,** which include the modification of lot lines to reflect the dedication of right-of-way or the addition of a servitude to an existing plat of record.

(c) **Limitations on Minor Subdivisions**. If any of the following conditions are met, then the application shall be reviewed as a major subdivision:

(1) The Planning Director determines that the proposed subdivision creates the need for off-site public infrastructure improvements that have not been funded by the City, Parish, or State capital improvements programs; and

(2) The Planning Director determines that the proposed subdivision would create lots that differ substantially from the neighborhood norm as established in Sec. 58-65(h) of this UDC.

(d) **Minor Subdivision Plat Review**. The applicant shall submit a minor subdivision final plat application that complies with Sec. 58-70(j) to the Planning Director, who, after reviewing for completeness, may distribute copies to the DRC for review and comment and cause notice to be mailed in accordance with Sec. 58-51.

(e) **Action.** Not less than fourteen (14) days or more than twenty-one (21) days after notice is mailed, and after reviewing the concerns of the DRC and public comments, the Planning Director shall approve or disapprove the minor subdivision based on the criteria for final plat review. If the plat is approved, the applicant shall supply two originals for the Planning Director to sign the certificate of approval. If the subdivision is disapproved, the Planning Director shall furnish the applicant with a written statement of the reasons for disapproval.

(f) **Effect of Approval**. Approval of a minor subdivision final plat is contingent upon the plat being recorded within sixty (60) days after the date the Certificate of Approval is Signed by the Planning Director.

(Ord #4897, 12/11/19)

Sec. 58-84 Historic Districts, Minor Work

(a) **Purpose and Applicability.** The Building Official may approve minor work, which includes exterior work that involves the repair and/or partial replacement of an architectural feature or building element but does not involve a significant alteration or addition to the existing building or structure. Minor work shall include alterations or new construction of fences, plantings, grading and:

a. Establishment of parking spaces or driveways;

b. Installation of swimming pools; Construction or placement of sheds not exceeding ten (10) feet in height or 150 square feet in area;

c. Construction of wooden fences;

d. Installation of metal fences that are consistent with the City's pattern book;

e. Repair or replacement of metal fences, windows, doors, windows, railings, siding, or trim that is consistent with the City's pattern book;

f. Aerials or antennas located in a side or rear yard;

g. Satellite dishes measuring twenty-four (24) inches or less in diameter;

h. Solar panels when the installation is ten (10) feet or more behind the front wall of the structure, twelve (12) inches or more below ridgeline of the installation area of the structure, and less than eight (8) inches above the roof surface; and

i. Other work deemed by the Building Official to have insignificant impact on the historic integrity of the building or site.

(b) **Application, Review, and Action**. All applications for minor work shall be submitted to the Building Official, who shall review the applications and permit minor work that is in compliance with the adopted historic district design guidelines. The Building Official's decision may be appealed to the Historic District Commission under the process for certificates of appropriateness for major work in Sec. 58-72(d)-(g)

(Ord #4897, 12/11/19)

Sec. 58-85 Temporary Use Permits

A Temporary Use Permit shall be secured from the Planning Director prior to establishing any of the uses described in this section. The Planning Director shall issue the Temporary Use Permit upon finding that the proposed use will comply with all applicable laws and the provisions of this UDC. The applicant shall provide documentation showing that the applicable criteria are met for the requested temporary use listed below.

(a) **Construction Dumpsters**. In all districts, the following requirements shall apply to temporary dumpster use:

(1) No construction dumpster may impede pedestrian or vehicular access to and from adjoining properties or otherwise create an unsafe condition for pedestrian and vehicular traffic;

(2) Every construction dumpster shall clearly identify the owner of such dumpster and telephone number and shall be clearly labeled for the purpose of containment of construction materials only; and

(3) Every construction dumpster shall be routinely emptied so it does not create an unsightly or dangerous condition on the property resulting from the deposit, existence, and accumulation of construction materials.

(b) **Construction-Related Uses**. Temporary buildings, structures, or construction dumpsters are permitted in any district in connection with and on the site of building and land development or redevelopment, including, but not limited to, grading, paving, installation of utilities, building construction, site improvements, and such buildings or structures may include offices, construction trailers or construction dumpsters, storage buildings and signs as long as the applicant has a valid permit for an activity requiring the temporary building, structure, or construction dumpster.

(c) **Special Events Structures**. Temporary buildings, structures, or tents used in conjunction with a special event (including carnivals, circuses, and similar events) are subject to the provisions of Chapter 6 of the City Code.

(d) **Temporary Sales**. A zoning certificate may be authorized by the Licensing Officer for Christmas Tree, Pumpkin and related ornament sales, collective retail merchant sales and shows, and fireworks sales provided that:

(1) All applicable City and state permits and/or licenses have been obtained.

(2) No more than one ground or wall sign, not to exceed six (6) square feet in area is located on the premises and no banners, pennants, streamers, strings of twirlers or propellers and similar devices are erected.

(3) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty (30) consecutive days.

(4) No more than two (2) permits are issued to the same person, household, firm or organization in any calendar year.

(e) **Yard/Garage Sales**. Garage sales, estate sales, yard sales, rummage sales, or any similar type of sale shall comply with the provisions of Section 46-71 of the City Code.

Sec. 58-86 Administrative Relief

(a) **Purpose.** Administrative relief provides for expeditious review of minor deviations from the provisions of the UDC under specified circumstances. The administrative relief process does not involve a public hearing unless a decision is appealed by the applicant to the Planning & Zoning Commission.

(b) **Initiation.** The City Council, Mayor or property owner may request administrative relief in conjunction with an application for minor subdivision or minor site plan approval. After determining that the application is complete, the Director shall forward the application to the DRC for review and comment.

(c) **Types of Administrative Relief**. Administrative relief may be granted for any of situations listed in **Exhibit 58-86** subject to the limitations established in this section and the applicable section referenced in the following exhibit:

Exhibit 58-86: Types of Administrative Relief

Relief Factor	Description	UDC Reference
Application Submittal Requirements	Modify application information requirements required for a complete application where the information is not required to evaluate compliance with the UDC.	Sec. 58-46(a)(4)
Building Setback Reductions	Reduce building setbacks to reflect character of the existing neighborhood, to protect existing trees or achieve other purposes of this UDC. Reduce setbacks by not more than ten (10) percent to facilitate efficient use of lots.	Sec. 58-150(b), Sec. 58-171
Lot Size and Dimensions	Reduce minimum lot sizes and dimensions to reflect the character of the neighborhood and allow for more efficient use of constrained properties. Reduce lot sizes and dimensions by not more than ten (10) percent to facilitate efficient use of land through the minor subdivision process.	Sec. 58-83, Sec. 58-172
Loading Zones	Waiver of loading zone requirements when there is no practical way to provide a side or rear yard loading berth that is consistent with the applicable zoning district purposes.	Sec. 58-188
Sidewalks	Waiver or reduction of sidewalk requirements where property or right-of-way conditions render construction of a sidewalk impractical.	Sec. 58-221(n)
Building Design Requirements	Modify specified standards for buildings and site subject to minor site plan review.	Sec. 58-82(e)(3)a

Relief Factor	Description	UDC Reference
Parking Spaces	Reduce the minimum number of spaces where uses sharing parking have different peak demands, or where existing standards would result in a parking surplus	Sec. 58-180(d), Sec. 58-184
Parking Lots Design	Reduce minimum parking aisle widths where insufficient space is available, and the parking spaces are widened.	Sec. 58-185
Lighting Design	Allow alternative lighting plans or designs that provide adequate lighting without resulting an increase in spillover lighting onto adjacent properties.	Sec. 58-208(b)
Open Space Design	Minor changes to open space design requirements.	Sec. 58-255
Fencing or Screening	Allow for alternative screening requirements that achieve the same functional benefits of those required by the UDC.	Sec. 58-261(b)
Stormwater Management Standards	City Engineer may; a) Allow alternative green infrastructure designs that are certified by a licensed landscape architect or engineer to achieve the same rates of on-site capture and retention as otherwise approved designs. b) Allow for a waiver of reduction of stormwater management requirements when the proposed development would reduce or not increase stormwater runoff rates from existing conditions.	Sec. 58-271(b), Sec. 58-89(d)
Planting and Buffer Design	Allow alternative planting layouts that achieve the purposes of the landscaping requirements	Sec. 58-272
Minor Amendments	Subject to specific conditions of approval, the Planning Director may approve minor amendments to planned development plans, conditional use permits, site plans, certificates of appropriateness, and stormwater management permits	Sec. 58-62(f)(9), Sec. 58-63(l)(2)a, Sec. 58-64(m), Sec. 58-70(d)(9), Sec. 58-72(i), Sec. 58-89(h)

(d) **Criteria**. Administrative relief may be granted when the Planning Director finds that the application meets the following criteria:

(1) The relief that is sought is authorized by the UDC,

(2) The relief will not create a burden on adjacent property owners or conflict with the zoning district's purposes;

(3) The relief is the minimum needed to allow efficient use of the property due to site conditions or circumstances that do not commonly affect properties in the district; and

(4) The relief does not convey a right or privilege that would be unavailable to similarly situated properties.

(e) **Action**. After a review period of not more than fifteen (15) business days following determination of completeness, the Planning Director shall approve, conditionally approve, or disapprove any application for administrative relief and provide written documentation justifying the action.

(Ord #4897, 12/11/19)

Sec. 58-87 Building Permits

Prior to the construction, assembly, placement, or modification of any structure or building requiring a building permit, the applicant shall obtain said permit in accordance with Chapter 10 of the City Code. No building permit shall be issued unless the structure or building complies with the provisions of this UDC, the building regulations in Chapter 10 and the flood damage prevention provision of Chapter 28 of the City Code.

Sec. 58-88 Certificates of Use or Occupancy

(a) **Certificates Required**. No change in the use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose until a certificate of use or occupancy has been issued by the Building Official. Every certificate of use or occupancy shall show that the new use or occupancy complies with UDC provisions pertaining to the district in which it is located.

(b) **Limitation**.

(1) No certificates of use or occupancy shall be issued pending amendment or change of any the applicable UDC text or Official Zoning Map.

(2) No permit for excavation, erection, or alteration of any building shall be issued before a building permit has been issued.

(c) **Temporary Certificates**. Pending the issuance of a regular certificate, a temporary certificate of use or occupancy may be issued for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as altering the respective right, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Chapter, and such temporary certificate shall not be issued except under these restrictions to adequately ensure the safety of the occupancy.

(d) **Records**. A record of all certificates of use and occupancy shall be maintained by the Building Official.

(e) **Refusal and Cancellation**. It shall be the duty of the Building Official to refuse to issue any certificate of use or occupancy until all fees required have been paid. The Building Official shall further cancel any and all certificates of use or occupancy applied for or issued to any delinquent party and shall prevent any further construction, repairs, alterations, additions, maintenance, use, or occupancy of buildings, structures or land anywhere within the City by such party until all delinquent fees and charges are paid in full.

(f) **Certificate Not Required for Ownership or Tenancy Changes**. This section shall in no case be construed to require any party, upon a change in ownership or tenancy only, without a change in use, to obtain a certificate of use or occupancy for any existing

residential unit or units, provided that no repairs, alterations, and/or additions are proposed for such residential unit or units.

(Code 1997, § 102-34; Ord. # 1945, § XXVII, 6-12-1989)

Sec. 58-89 Stormwater Management Permit

(a) **Purpose.** Application for a stormwater management permit and preparation of a stormwater management plan are required to ensure that the stormwater management and other applicable provisions of this UDC are met prior significant clearing, grading, filling, or excavating of land; the establishment of significant impervious coverage; or other activities that may significantly affect stormwater runoff.

(b) **Applicability and Preparation**. The stormwater management permit application and plan shall be prepared by a landscape architect or civil engineer licensed by the State of Louisiana. Stormwater management permits are required for any development that encompasses 10,000 square feet or more of gross site area, excluding development of a single-family or duplex residential lot.

(c) **Initiation.** The applicant shall submit an application to the City Engineer in that includes the following information:

(1) Proof of ownership – filed deed, vendor's lien, act of donation, or tax assessment with legal description.

(2) Site plan – see Sec. 58-64 and Sec. 58-81.

(3) Erosion control and soil loss plan.

(4) Stormwater management plan – including the information listed in paragraph (c) of this section.

(5) Application fee (included in site plan review fees).

(6) Signed application – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.

(7) Additional documentation – additional text and/or maps provided to demonstrate consistency with the approval criteria.

(d) **Stormwater Management Plan Contents.** All Stormwater Management Plans shall include the following information unless the City Engineer determines that the information is not needed to assess the site's compliance with the City's stormwater management requirements:

(1) Stormwater calculations prepared by a landscape architect or civil engineer;

(2) Name, address, phone number, and email address of the property owner and proof of ownership;

(3) Name, address, phone number, signature, email address, and seal of the firm/persons who are responsible for the plan preparation;

(4) Zoning classification and land use of the property;

(5) The location of the property and adjacent developments;

(6) All above ground, surface, and sub-surface infrastructure on site;

(7) Location and dimensions of all existing and proposed impermeable surfaces to remain;

(8) Existing site conditions, including a description and topographic map of land cover and contours at one (1) foot intervals;

(9) All storm drainage systems, existing and proposed. This includes, but is not limited to, drain lines, culverts, catch basins, headwalls, hydrants, manholes, and temporary and permanent stormwater management facilities;

(10) All existing and proposed green infrastructure as defined in Sec. 58-271;

(11) All calculations used in the design and construction of the permanent stormwater management facilities shall comply with design storm requirements of Sec. 58-271(c). Capacities of stormwater management facilities shall detain surface and sub-surface volumes (in soils, aggregate, chambers, cisterns, etc.) in cubic feet. Calculations must contain post-development runoff rates; and

(12) A plan showing site sub-catchment areas, stormwater management facility areas and capacities, and stormwater runoff treatment train of facilities in which runoff is directed before leaving the site (surface or sub-surface). The applicant shall also describe the receiving stream, canal, pipe, culvert, ditch, or other drainage structure into which the runoff from the property flows.

(Ord. # 4912, 6-22-2020; Ord. #4996, 12-4-2024)

(e) **Green Infrastructure Required**. Proposed stormwater management should consist primarily of green infrastructure features to lengthen the time of concentration to the drainage system, filter runoff through plants and soil, and reduce total runoff pursuant to Sec. 58-271. Planting areas required by Sec. 58-272 shall be designed as part of the site's stormwater management system to the greatest extent practical.

(f) **Review**. The City Engineer shall review the application for compliance with the provisions of City Code within thirty (30) days of submittal of a complete application.

(g) **Action**. The City Engineer shall issue a stormwater management permit upon finding that the application complies with applicable provisions of this UDC.

(h) **Minor Changes**

(1) Minor changes to the approved stormwater management plan may be submitted and approved by the Planning Director. Minor changes include:

a. Changes to the stormwater management plan that do not alter the net amount of stormwater managed on site.

b. Changes to the planting plan that do not alter approved stormwater management facility types.

(2) All other changes are considered major changes and shall be submitted for approval to the City Engineer.

Sec. 58-90 Sign Permits

(a) **Applicability**.

(1) It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any sign or advertising structure within the City without first obtaining a sign permit and paying the required fee. This provision shall include, but not be limited to, the business owner, property owner and the sign installation contractor.

(2) All illuminated signs shall be subject to the additional provisions of the electrical code and the permit fees required therein.

(b) **Application**. Application for a sign permit shall be made upon forms provided by the Building Official, may be submitted for concurrent review at the time of site plan application. and shall contain the following minimum information:

(1) Name, address, and telephone number of the applicant.

(2) Location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(3) Position of the sign or other advertising structure in relation to nearby buildings or structures.

(4) Plans and specifications describing the method of construction and attachment to the building or in the ground.

(5) When engineering calculations are required, the building official shall be provided with a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City and state.

(6) Name of person erecting the structure.

(7) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.

(8) Any electrical permit required and issued for such sign.

(9) Other information required to show full compliance with this article and all other laws and ordinances of the City.

(c) **Signs Involving Wiring**. For an application for a permit for a sign or advertising structure in which electrical wiring and connections are to be used, the Building Official shall examine the specifications for all wiring and connections to determine if the project complies with the electrical code of the City. The permit shall be approved only if the plans and specifications comply with the City Code.

(d) **Review**. The Planning Director and Building Official shall review the application. If it appears that the proposed structure complies the requirements of this UDC and all other laws and ordinances of the City and state, the Building Official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void, unless renewed prior to the expiration date.

(e) **Rights Revocable**. All rights and privileges acquired under the provisions of this article or any amendment thereto are mere licenses, which are revocable by the City. All such permits shall contain this provision. Revocation shall be for just cause and failure to comply with any provision of this chapter, as determined by the Building Official or Planning Director.

(f) **Inspections**. The Planning Director and/or Building Official may inspect annually, or at such other times as it is deemed necessary, each sign or other advertising structure regulated by this article, for the purpose of ascertaining whether the same is secure and whether it needs removal or repair.

(g) **Removal.** The Building Official shall remove or cause to be removed any and all signs constructed or maintained in the City in violation of any of the provisions of this article.

(Code 1997, § 102-166; Ord. # 1945, § XX(H)—(L), 6-12-1989; Ord. # 4304, § X, 10-12-2011)

(h) **Substitution of Noncommercial Speech for Commercial Speech**. Notwithstanding anything contained in this section or sign code to the contrary, any sign erected pursuant to the provisions of this section or sign code, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type.

(i) **Content Neutrality as to Sign Message**. Notwithstanding anything in this section or sign code to the contrary, no sign or sign structure shall be subject to any limitation based on the content of the message contained on such sign or displayed on such a sign structure.

(j) **Non-Conforming Signs**. Non-conforming signs are subject to the provisions of Sec. 58-201(d)Sec. 58-201 of this UDC.

(k) **Discontinued Signs**. Upon the discontinuance of business occupancy of an establishment for a consecutive period of ninety (90) days, the administrator shall require the removal of the on-premises sign(s) advertising or identifying the establishment. The Planning Director shall give thirty (30) days notice to the property owner to remove the sign(s), including all of its attendant supports, frames and hardware unless such sign is proposed to be used by a new establishment on the premises in conformance with all current regulations. Failure to remove the sign(s) within the thirty (30) day period shall constitute a violation of this chapter and shall be remedied in accordance with the provisions of this UDC.

Sec. 58-91 Driveway Permit / Right-Of-Way Permit

(a) **Purpose**. To ensure that any person or entity engaging in development activities within the City's right-of-way complies with applicable conditions to protect the public health, safety and welfare.

(b) **Applicability**. Any person, firm or corporation, including utility companies, both private and public, desiring to use or cross any public right-of-way, street, alley, roadway, easement, or drainageway involving surface disturbance within the City and under the jurisdiction of the City shall first obtain a driveway or right-of-way permit from the Building Official. The permit may be approved in conjunction with site plan approval at the applicant's request

(c) **Submittal.** The applicant shall furnish the following information to the Building Official as applicable to the request:

(1) Applicable application form and review fee. Driveway permit applications submitted in conjunction with site plan review shall not be subject to an additional review fee.

(2) A declaration of the intended purpose of a right-of-way work or use.

(3) Date and time of the proposed work or use, and if related to vehicular traffic, plans for rerouting of such traffic if required.

(4) Scale drawings related to such work or use. The drawings (or written plan) shall include the extent of disturbance of the right-of-way surface, curbs, gutters, plantings, and sidewalks, and the restoration of same, and shall comply with local and State standards for utility facilities within rights-of-way.

(d) **Maintenance Bond; Duration**. A maintenance bond of sufficient monies, as the City Engineer shall determine, may be required to guarantee to the City the reasonable estimated cost resulting from defective workmanship or material in repair of the right-of-way disturbance. Such bond shall be in full force and effect for a minimum period of one (1) year and shall be cancelled only by the City Engineer.

(e) **Administrative Conditions**. The Building Official, in coordination with the City Engineer and Public Works Department shall ensure that the following conditions are met prior to performing work subject to a driveway or right-of-way permit:

(1) The applicant certifies that prior to filing this application that said applicant has ascertained the location of all existing utilities both aerial and underground and the accurate locations are shown on the plans. The applicant further certifies that each utility company, public and private within the rights-of-way has been contacted and a copy of its response is attached as part of this application.

(2) It is understood and agreed that the rights and privileges herein set out are granted to the extent of the City's right, title and interest in the land to be entered upon and used by the applicant. The applicant will, at all times, assume all risk of and indemnify, defend and save harmless the City from and against all loss, damage, cost, or expense arising in any manner out of the exercise or attempted exercise of the aforesaid rights and privileges.

(3) All City property and/or rights-of-way shall be restored to current standard or to original condition as far as approved by the Public Works Department.

(4) This permit is a license for permissive use only and that placing facilities upon public property pursuant to this permit shall not create or vest any property rights in said holder.

(5) Whenever necessary for the construction, repair, improvement, alteration, or relocation of all, or any portion of a City facility as determined by the Public Works Department, any or all poles, wires, pipes, cables, or other facilities appurtenances authorized hereunder, shall be removed from said rights-of-way, or reset or relocated thereon as required by the Public Works Department, and shall be done at the expense of the applicant.

(6) This permit may be terminated by the City if the applicant violates any provision contained herein and/or fails to promptly correct such violation within forty-eight (48) hours of notice from the City.

(7) If the permit is to allow the installation of improvements in the right-of-way, then the property owner must execute a restrictive covenant and hold harmless agreement as part of the application process. The restrictive covenant and hold harmless agreement must be recorded in the official records Jefferson Parish.

(f) **Conditions Minimizing the Impacts of Work in the Rights-of-Way and Public Easements**.

(1) **Protection of the Public Interest**. Work shall be conducted to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property.

(2) **Protection of Utilities**. No person shall fail to support and protect all infrastructure, including, without limitation, pipes, conduits, poles, wires, or other apparatus, which may be affected by the work from damage during construction performance of the work, or settlement of trenches subsequent to construction.

(3) **Dust and Erosion**. No person shall fail to use appropriate measures, such as watering and best management environmental practices, to control dust and erosion at the construction site.

(4) **Deposit of Dirt and Material on Roadways**. No person shall fail to comply with the requirements to eliminate the tracking of mud or debris upon any street or sidewalk. Equipment and trucks used during construction, excavation, or work activity shall be cleaned of mud and debris prior to leaving any work site.

(5) **Use of Street and Sidewalk within the Right-of-Way or Public Easement**. An applicant for a right-of-way construction permit shall:

a. Make provisions for employee and construction vehicle parking so that neighborhood parking adjacent to a work site is not impacted;

b. Obtain permission from the Mayor to occupy public parking spaces and pay applicable parking reimbursement fees for any work activity that impacts the parking spaces;

c. Maintain safe traffic operations along all public streets;

d. Maintain an adequate and safe unobstructed public walkway through or around the working construction site or blocked sidewalk; and

e. Secure all dangerous areas, such as trenches and excavations, with appropriate markers, barricades and/or fencing.

(6) **Protection of Trees and Plantings**. No person shall fail to protect trees, landscape and landscape features as required by the City. All protective measures shall be provided at the expense of the person performing work. Any damage to existing trees or landscaping shall be reported to the Building Official for inspection. The person performing work shall be required to complete any remedial action necessary to repair and restore damaged trees and landscaping, as determined by the Building Official. Any trees and landscape materials that are damaged beyond repair or restoration shall be replaced with same or other City-approved species at the expense of the person performing work. Replacement trees shall have four times the total caliper width of damaged protected trees being replaced.

(7) **Protection of Paved Surfaces from Damage**. The applicant or any other person performing work shall be responsible for any damage caused to any pavement by any work activity. Upon order of the City Engineer, said person shall repair all damage. Failure to repair such damage will result in the use of the applicant's

performance bond, financial guarantee or warranty by the City to repair any damage. To protect against pavement damage, backhoe equipment outriggers shall be fitted with rubber pads when used on pavement surfaces, and tracked vehicles are not permitted on paved surface unless specific precautions approved by the City Engineer are taken to protect the surface.

(8) **Protection of Property**. No person shall fail to protect from injury any adjoining property by providing adequate support and taking other necessary measures. Said person shall, at their expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out work in the public right-of-way and public easements.

(9) **Cleanup**. As the work progresses, all public rights-of-way, public easements and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock and other debris. All cleanup operations shall be done at the expense of the applicant or any other person performing work.

(10) **Preservation of Monuments**. No person shall disturb any surface monuments or survey hubs and points found on the line of work unless approval is obtained from the City Engineer. Any monuments, hubs and points disturbed shall be replaced by a Louisiana Registered Land Surveyor at the expense of the applicant or the person that is responsible for its removal.

(11) **Construction and Restoration Standards for Newly Constructed or Overlayed Streets**. For any excavation or opening in a public street or alley in the three (3) year period following new construction or overlay, trenches shall be filled with flowable fill backfill material, and the streets shall be repaired so as to not reduce the useful life of the pavement in accordance with design and construction standards adopted by the City.

(12) **Emergency Procedures**. Any person maintaining facilities in the public right-of-way or public easement may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that the work be done immediately. Emergency work is defined to mean any work necessary to restore water, sewer, gas, phone, electric, and cable facilities. Repairs on other facilities in the public right-of-way may also be classified as emergency work by the City Engineer. The person doing the work shall apply to the City for a permit on the first working day after such work has commenced. No person performing emergency work shall fail to notify the City police and fire departments prior to commencing such work.

(13) **Work in the Public Right of Way or Public Easement Exempt from Required Permit**. The following work activities do not require a permit under this chapter:

a. **Public Projects**: Maintenance and construction of public infrastructure by an employee or official of the City designated by the City Engineer, or a person under contract with the City.

b. **Private Projects**: Maintenance and construction of non-City-owned utilities by public utility companies, their employees, or agents, in public utility easements less than fifteen (15) feet in width where no City-operated utilities, transportation, or stormwater management system improvements are in place.

c. **Maintenance of Plantings and Surface Improvements**: Maintenance of plantings and surface improvements located within a public easement, or within the public right-of-way as it abuts a property outside of any street section, behind the curb and gutter or edge of pavement shall be provided by the owner of the abutting property. "Maintenance" generally includes, without limitation, watering, mowing, raking, and weeding activities.

Sec. 58-92 Home Occupation Permit

(a) **Applicability.** Except as exempted in this UDC, it shall be unlawful for any person to operate a home occupation without first obtaining a home occupation permit.

(b) **Initiation.** An application for a home occupation shall be filed with the Licensing Officer and shall include the following information:

(1) **Proof of Ownership**. Filed deed, vendor's lien, act of donation, or tax assessment with legal description.

(2) **Application Fee.**

(3) **Signed Application** – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.

(4) **Additional Documentation** – Additional text and/or maps provided to demonstrate consistency with the home occupation standards in **Sec. 58-316** of this UDC.

(c) **Action.** The Licensing Officer shall issue the home occupation permit if the applicant demonstrates that the home occupation will comply with all applicable requirements of the applicable zoning district and **Sec. 58-316**.

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ARTICLE III ZONING

Sec. 58-100 Overview. 128
Sec. 58-101 Establishment of Zoning Districts. 128
Sec. 58-102 Transitions from Prior Zoning Districts 129
Sec. 58-103 Zoning Map 129
Sec. 58-104 Interpretation of Zoning Map 129
Sec. 58-105 Tables of Authorized Uses Established 130
Sec. 58-106 Interpretation of Authorized Land Use Tables. 131

Division 2. Residential Districts 133
Sec. 58-108 Residential District Purposes 133
Sec. 58-109 Authorized Uses in Residential Districts. 135
Sec. 58-110 Residential District Use Conditions 139
Sec. 58-111 Residential District Development Standards 140

Division 3. Business Core Districts 142
Sec. 58-112 Business Core District Purposes 142
Sec. 58-113 Business Core District Authorized Uses. 144
Sec. 58-114 Business Core District Use Conditions. 151
Sec. 58-115 Business Core District Development Standards. 153
Sec. 58-116 Additional BC-1 Development Standards. 153
Sec. 58-117 Additional BC-2 Development Standards. 156

Division 4. Commercial Districts 157
Sec. 58-122 Commercial District Purposes. 157
Sec. 58-123 Commercial District Authorized Uses. 159
Sec. 58-124 C-1 District Use Conditions. 169
Sec. 58-125 C-2 District Use Standards. 170
Sec. 58-126 Commercial District Development Standards. 170
Sec. 58-127 C-1 District Development Standards 171
Sec. 58-128 C-2 District Development Standards 174

Division 5. Manufacturing Districts 175
Sec. 58-132 Industrial District Purposes 175
Sec. 58-133 Authorized Uses in Manufacturing Districts. 176
Sec. 58-134 M-1 District Use Standards. 186
Sec. 58-135 M-2 District Use Conditions. 187
Sec. 58-136 Manufacturing District Development Standards. 187
Sec. 58-137 M-1 District Development Standards. 188
Sec. 58-138 M-2 District Development Standards. 189

Division 6. Recreation/Open Space District 191
Sec. 58-139 R/ District Purpose. 191
Sec. 58-140 Authorized Land Uses 191
Sec. 58-141 R/OS District Use Standards 192
Sec. 58-142 R/OS District Development Standards 192

Division 7. PD - Planned Development District 193
Sec. 58-143 PD District Purpose. 193
Sec. 58-144 Applicability. 193

Sec. 58-145 Procedures.....193
Sec. 58-146 Authorized Land Uses.....193
Sec. 58-147 PD Development Standards.....194

Division 8. Overlay Districts 195
Sec. 58-148 Flood Hazard Overlays.....195
Sec. 58-149 Historic Preservation Districts 195
Sec. 58-150 Neighborhood Overlay Districts. 198
Sec. 58-151 Mixed Use Neighborhood Overlay District. 202

Division 1. Generally

Sec. 58-100 Overview.

This article of the UDC establishes base and overlay zoning districts; the official zoning map, as well as the rules for its maintenance, amendment, interpretation, and replacement; the use matrices, which identify the land uses and the types of approvals required for each authorized land use; and the rules for interpretation of the use matrices.

Sec. 58-101 Establishment of Zoning Districts.

To classify, regulate, and restrict the location and use of land, buildings, and structures for trade, industry, residence, and other purposes; to regulate and restrict the height and size of buildings hereafter erected or structurally altered; to establish the area of yards, courts, and other open spaces, and to regulate the density of population, all incorporated areas of the City, are hereby divided into the zoning districts listed in **Exhibit 58-101**. The "Future Land Use" column in the exhibit indicate the future land use categories that are compatible with each zoning district.

Exhibit 58-101: Gretna Zoning Districts

District Abbreviation	Zoning District Name	UDC Reference	Future Land Use Categories
Base Zoning Districts			
R-1	Single-Family Residential District	Sec. 58-108 - Sec. 58-111	Residential
R-2	Two-Family Residential District	Sec. 58-108 - Sec. 58-111	Residential
R-3	Multiple-Family District	Sec. 58-108 - Sec. 58-111	Residential, Mixed-Use
BC-1	Business Core District	Sec. 58-112 - Sec. 58-117	Mixed-Use, Commercial
BC-2	Business Core District	Sec. 58-112 - Sec. 58-117	Mixed-Use, Commercial
C-1	Neighborhood Commercial District	Sec. 58 -34 - Sec. 58-128	Mixed-Use, Commercial
C-2	General Commercial District	Sec. 58 -34 - Sec. 58-128	Commercial
M-1	Industrial District	Sec. 58 -38 - Sec. 58-138	Light Industrial
M-2	Special Industrial District	Sec. 58 -38 - Sec. 58-138	Heavy Industrial
R/OS	Recreation/Open Space	Sec. 58-139 - Sec. 58-142	Open Space
PD	Planned Development District	Sec. 58-143 - Sec. 58-147	Any Category
Overlay Zoning Districts			
	Flood Hazard Areas	Sec. 58 -41	Any Category
	Historic District Overlays	Sec. 58-149	Any Category
NO	Neighborhood Overlay Districts	Sec. 58-150	Any Category
MUN	Mixed Use Neighborhood Overlay District	Sec. 58-151	Any Category

(Code 1997, § 102-81; Ord. # 1945, § IV(A), 6-12-1989; Ord. # 3555, § I, 12-12-2005; Min. of 3-30-2016)

Sec. 58-102 Transitions from Prior Zoning Districts

The 2018 UDC eliminates several zoning districts. Unless otherwise rezoned subsequent to UDC adoption, the following districts will transition to the new districts listed in Exhibit 58-102. All buildings, structures, and uses that were legally established prior to UDC adoption may continue to be occupied and used as authorized prior to UDC adoption in accordance with Article VI: Non-Conformities. New development, redevelopment and newly established uses must comply with the provisions of the newly adopted zoning district and other applicable rules and regulations.

Exhibit 58-102: Zoning District Transitions

Prior Zoning District to be Eliminated	New Zoning District for Eliminated Districts
OTR - Old Town residential district	R-1
R-1A - Single-family residential district	R-1
R-1MH - Manufactured home district	R-1
R-1 TH - Townhouse district	R-3
GO-1 - General office district	C-1
H-1 - Medical services district	C-1
MUCD Mixed-use corridor district	C-2
PUD – Planned development	PD

Sec. 58-103 Zoning Map

(a) The boundaries of these zoning districts are shown upon the map entitled Official Zoning Map, City of Gretna, Louisiana. The official zoning map of the City shall be kept on file in the office of the Planning Director of the City. The official zoning map of the City is hereby made a part of this UDC. All notations, references, and other information shown on the official zoning map shall be a part of this chapter.

(b) The Planning Director shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the City Council. Upon entering any such amendment on the map, the Planning Director shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The City's GIS records shall indicate the zoning designation, the number and date of the ordinance creating the designation and, where a conditional zoning district is established, the conditions of that rezoning. GIS records shall maintain the zoning history.

(e) Should the Official Zoning Map be lost, destroyed, or damaged, the Planning Director may have a new map generated from the most reliable available data. No further Council authorization or action is required so long as no district boundaries are changed in this process.

(Code 1997, § 102-82; Ord. # 1945, § IV(B), 6-12-1989)

Sec. 58-104 Interpretation of Zoning Map

(a) **Uncertainties**. When any uncertainties exist with respect to the boundaries of any zoning district, the following rules shall apply:

(1) Where district boundaries are indicated at the centerlines of streets, highways, or alleys, the boundary shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be interpreted as following the lot line.

(3) Boundaries indicated as following unplatted property lines shall be interpreted as following the property line.

(4) Boundaries indicated as approximately following City limits shall be interpreted as following City limits.

(5) Boundaries indicated as following railroad lines shall be interpreted to be midway between the tracks.

(6) Boundaries shown as parallel to or as extensions of the manmade features indicated above shall be so interpreted.

(7) Boundaries indicated at shore lines, watercourses, or other natural topographic features shall be interpreted according to the present location of such commonly recognized features.

(8) Where interpretation is needed as to the exact location of boundaries of any mapped area, the Planning Director shall make the necessary interpretation.

(Code 1997, § 102-83; Ord. # 1945, § IV(C), 6-12-1989)

(b) **Existing Parcels Divided by District Lines.**

(1) Whenever a single parcel of two (2) acres or less in size is within two (2) or more different zoning districts, the district regulations applicable to the district within which the larger portion of the parcel lies shall apply to the entire parcel.

(2) Whenever a single parcel greater than two (2) acres in size is within two (2) or more different zoning districts, then:

a. If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all regulations applicable to the district in which it is located.

b. If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

Sec. 58-105 Tables of Authorized Uses Established

Each district includes a table of authorized land uses showing the principal uses allowed by right within zoning districts, uses subject to supplemental conditions, and uses that must be authorized by conditional use permit. Function codes of the Land Based Classification Structure (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDC. A master table showing all uses and districts is included in Appendix B.

(a) **LBCS Hierarchy**. The LBCS function codes establish a four-digit hierarchy of uses with digits to the right expressing greater specificity. LBCS structure codes are used for

residential uses. Where no entry appears in the zoning district columns of the district authorized use tables (for example 1000, 1100, and 1110), the uses described more specifically in the rows below (1111 and 1112 in the above example) indicate whether or not a specific use is authorized. Where an entry appears in the zoning district columns for a general use (for example 2520) and also for a more specific use (for example 2521) within the same classification, the more specific code and its entry shall govern.

(b) **Permit Uses by Right**. A "P" indicates the listed use is allowed by right within the respective zoning district subject to issuance of a zoning certificate and other required approvals in accordance with the procedures established in Article II.

(c) **Supplemental Conditions**. An "S" indicates that the listed use is allowed by right, but subject to supplemental use regulations established in the zoning district regulations and in Articles IV and V of this UDC.

(d) **Conditional Uses**. A "C" indicates the listed use is allowed within the respective zoning district only after review by the Planning & Zoning Commission and approval of a conditional use permit by the City Council in accordance with the procedures established in Article II. Specific conditions for some of these uses are established in the zoning district standards and Article V of this UDC.

Sec. 58-106 Interpretation of Authorized Land Use Tables.

(a) **Uses Not Specifically Listed**. In the case where a use is not listed in the use matrix, either as a specific LBCS classification or as an example, and such use is not otherwise prohibited by law, the Planning Director shall determine whether a substantially similar use exists in the use matrix. If the Planning Director determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the determination, the Planning Director shall endeavor to maintain the national standardization of the LBCS while addressing the City's particular needs for zoning and land use classification, and shall refer to the following rules of construction:

(1) If a use is listed for a general classification while a more specific classification within the same LBCS classification is also listed, the specific classification shall govern.

(2) The presumption established by this article is that most uses of land are permissible within at least one zoning district in the City. Therefore, because the list of permissible uses set forth in the authorized use tables cannot be all-inclusive; those uses that are listed shall be interpreted liberally by the Planning Director to include other uses that have similar impacts to the listed uses.

(3) If a use cannot be interpreted by the Planning Director for inclusion in an authorized land use table, that use shall be prohibited. Authorized land use tables shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(4) If, when seeking periodic ratification of interpretations through text amendment to this UDC, the Planning Director's interpretation is reversed by action of the Planning & Zoning Commission or City Council, then prior decisions regarding a

development application made in reliance on the Planning Director's interpretation shall be valid, except that non-conforming use regulations of this UDC shall apply to the use.

(b) **Prohibited Uses**. The following uses are specifically prohibited in all districts:

(1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City's fire prevention code.

(2) Stockyards, slaughterhouses, rendering plants.

(3) Use of a travel trailer as a temporary or permanent residence.

(4) Other uses that are subject to moratoria adopted by the City Council.

Division 2. Residential Districts

Sec. 58-108 Residential District Purposes

(a) **R-1 - Single-Family Residential District Purpose**. The R-1 District applies to low density, single-family residential neighborhoods. Uses are limited to single-family residences and small scale, nonresidential institutional uses that are intended to provide service to the adjacent neighborhood.

Examples of R-1 Development

(b) **R-2 – Two-Family Residential District**

Purpose. The R-2 district applies to areas with a greater variety and higher densities of residential uses than the R-1 district. This district allows for one-family and two-family dwelling units, and small scale, nonresidential institutional uses that are intended to provide service to the adjacent neighborhood. Multiple-family structures are not permitted in the R-2 district.

Examples of R-2 Development

(c) **R-3 – Multiple-Family Residential District.** The R-3 district applies to areas where it is desirable to allow a greater variety and higher densities of residential structures than in the R-1 and R-2 districts. Because of the greater density of population and concentration of vehicles, these districts are situated where they have direct access to collector or higher order streets and proximity to a variety of public and private services.

Examples of R-3 Development

Sec. 58-109 Authorized Uses in Residential Districts.

Exhibit 58-109 identifies the uses allowed within the R-1, R-2 and R-3 districts. Additional use conditions for these districts can be found in Sec. 58-110 and Article V. Additional uses may be authorized within the historic overlay district.

Exhibit 58-109: Authorized Uses in Residential Districts

P – Permitted by Right, S – Supplemental Conditions Apply, C- CUP Required

Land Use	LBCS #	Description	R-1	R-2	R-3	Use Standards
RESIDENCE OR ACCOMMODATION FUNCTIONS	**1000**	Homes, apartments, housing for the elderly, and hotels				
Detached unit	**S1110**	Detached, single-family dwelling	P	P	P	
Two-family dwelling	**S1121**	Duplex or double		P	P	
Zero lot line, row house	**S1122**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered		P	P	
Three or four family dwelling	**S1162**	Includes triplexes, four-plexes, and other multi-household dwellings			S	Sec. 58-336
Other multi-family dwellings	**S1163**	Dwellings with 5 or more dwelling units			S	Sec. 58-323
Guesthouse	**S1130**	Independent dwelling unit that is secondary to the principal use and located on the same lot and is not offered for rent separately from the principal dwelling.	S	S	S	Sec. 58-300
Townhouse	**S1140**	Three or more attached dwelling units separated horizontally			S	Sec. 58-336
Manufactured home	**S1113**		S	S	S	Sec. 58-320
Retirement housing services	**1210**	Provide minimal convenience services, attracting elderly residents and providing social support			P	
Congregate living services	**1220**	Provide meals and other services for low-income households			S	Sec. 58-317
Assisted living services	**1230**	Provide board-and-care, including daily activity assistance such as bathing, dressing and grooming			S	Sec. 58-317
Live care or continuing care services	**1240**	Retirement centers operated by religious or social welfare organizations where residents exchange assets for housing and personal care			S	Sec. 58-317
Skilled-nursing services	**1250**	Provide 24-hour skilled nursing care, including nursing homes and convalescent hospitals			S	Sec. 58-317
Bed and Breakfast and Tourist Homes	**1310**	Guest rooms in a private home or accessory building to a private home	C	C	S	Sec. 58-308
Short-term vacation rentals	**1352**	Dwelling units with one or more rooms that may be rented for periods of 30 days or less	S	S	C	Sec. 58-302
GENERAL SALES OR SERVICES	**2000**	Comprises the vast majority of establishments associated with commercial land use				
Florist, art supplies	**2141-2142**	Florists, art supplies and art dealers, and frame shops			C	Sec. 58-110(b)(2)
Tobacco products	**2143**	Establishments retailing cigarettes, cigars, tobacco, pipes, e-cigarettes, vape supplies and other tobacco supplies				
Art galleries	**2142b**	Excludes art supply sales and retail framing services			C	Sec. 58-110(b)(2)
Convenience store	**2152**	Convenience stores or food marts (except those with fuel pumps) primarily retail a limited line of goods that generally includes milk, bread, soda, and snacks.			C	Sec. 58-110(b)(2)

Land Use	LBCS #	Description	R-1	R-2	R-3	Use Standards
Specialty food store	**2153**	Retail specialty food items, such as coffee and tea (i.e., packaged), confectionery products (i.e., packaged), nuts, spices, and gourmet foods			C	Sec. 58-110(b)(2)
Fruit and vegetable store	**2154**	Retail fresh fruits and vegetables either as standalone business or part of a larger collection of shops, such as is common with farmers markets, bazaars, and roadside grocery stands			C	Sec. 58-110(b)(2)
Property management services	**2320**	Manage real property for others			C	Sec. 58-110(b)(2)
Professional offices	**2411-2414**	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design			C	Sec. 58-110(b)(2)
Copy center, private mail center, other business support services	**2424**	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners			C	Sec. 58-110(b)(2)
Full-service restaurant	**2510**	Restaurants serving meals to customers who order from and dine at tables and not including drive-in or drive-through service			C	Sec. 58-110(b)(2)
Personal care	**2610**	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services			C	Sec. 58-110(b)(2), Sec. 58-315
Laundromat, laundry and dry cleaning	**2621**	Includes laundry/dry cleaner collection facilities where cleaning does not take place on site and laundromats			C	Sec. 58-110(b)(2), Sec. 58-319
Transportation, communication, information, and utilities	**4000**					
Rail transportation	**4124**	Rail transportation lines for freight or passengers that cross public right-of-way	C	C	C	
Library or archive	**4242**	Provide library or archive services	P	P	P	
Public utilities services, minor	**4315, 4329, 4339, 4349**	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P	P	P	
Arts, Entertainment, and Recreation	**5000**					
Museums and Other Special Purpose Recreational Institutions	**5200**	Public and private museums, historical sites, and similar establishments	P	P	P	

Land Use	LBCS #	Description	R-1	R-2	R-3	Use Standards
Country club	**5350**	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P	P	P	
Outdoor recreation	**5372, 5373 & 5374**	Includes golf courses, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding. Excludes automobile, dog and horse racing facilities. May include lighted outdoor facilities.	C	C	C	Sec. 58-110(a)(3) and Sec. 58-110(a)(4)
Natural and other Recreational Parks	**5500**	All parks without special economic functions, other than limited concessions	P	P	P	
Education, public administration, health care, and other institutions	**6000**					
Nursery or preschool	**6110**		S	S	S	Sec. 58-110(a)(5)
Grade school	**6120**	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards	S	S	S	Sec. 58-110(a)(5)
Public safety	**6400**	Government-owned establishments providing fire and rescue, police, and emergency response services	C	C	C	
Halfway house	**6521**	Residential services for pre- or post-release of convicted individuals			C	Sec. 58-317
Group home small	**6522**	Fewer than six (6) aged or infirm individuals or individuals with mental, intellectual or developmental disabilities	P	P	P	
Group home large	**6523**	Six (6) or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities			C	Sec. 58-317
Rehabilitation centers	**6524**	See sanitarium for definition			C	Sec. 58-317
Child and adult day care	**6562**	Provide day care for children and adults				
Family day care home	**6562a**	Day care for 6 or fewer children in a residence	C	C	C	Sec. 58-311
Child care centers	**6562b**	Day care for 7 or more children			C	Sec. 58-311
Adult day care	**6562c**	Day care for 2 or more adults who are not related to the owner or operator			C	Sec. 58-311
Religious institutions	**6600**	Churches, temples, synagogues, mosques, convents and monasteries	S	S	S	Sec. 58-329
Free-standing cemetery	**6722**		P	P	P	
Associations, non-profit associations	**6800**	Civic, labor, political, business, professional and similar organizations promoting interests of members			P	
Agriculture, forestry, fishing, and hunting	**9000**	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries				
Vegetable farming or growing	**9120**	Includes private fields and community gardens	P	P	P	
Greenhouse – no on-premises sales	**9141**	Commercial greenhouse production	P	P	P	

Land Use	LBCS #	Description	R-1	R-2	R-3	Use Standards
Poultry -accessory to residential use	**9374**	Keeping of poultry as an accessory to residential use	S	S		Sec. 58-110(a)(8)

(Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020; Ord #4955, 2-9-2022)

Sec. 58-110 Residential District Use Conditions.

The following provisions apply in addition to the specific use conditions in Article V.

(a) **In the R-1 and R-2 districts**:

(1) **Camping and Recreational Equipment**. Camping and recreational equipment may be parked or stored on private property as an accessory use subject to the following conditions:

a. At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping, or housekeeping purposes.

b. If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot.

c. Camping and recreational equipment may be parked anywhere on the premises of the designated site during loading or unloading of the equipment.

(Ord. # 4938, 7-14-2021)

(2) **Private Clubs/Non-profit Associations**. Private or service clubs may be established if the building is located at least fifty (50) feet from the nearest residential structure.

(3) **Recreational Uses Accessory to Single-Family or Duplex Homes** in and R-1 or R-2 district such as tennis courts and swimming pools are allowed as accessory uses, but no above ground lighting shall be allowed for those facilities unless the Planning Director determines that the lighting design, buffering and screening obscure the lighting from adjacent properties.

(4) **Recreational Uses Accessory to Other Uses** such as tennis courts, swimming pools, public or private golf courses and clubs may be established if the use is located at least fifty (50) feet from the nearest residential structures if the use has above-ground lighting.

(5) **Public Schools and Private Educational Institutions** are allowed if they are located on lots containing a minimum area of not less than 20,000 square feet and a transportation impact assessment conducted pursuant to Sec. 58-229, confirms that there is adequate street capacity to safely accommodate the proposed school.

(6) **Home Occupations** are allowed as accessory uses subject to compliance with Sec. 58-316.

(7) **Accessory Buildings,** including private garages, are allowed pursuant to Sec. 58-301.

(8) **Poultry as an Accessory Use**. The resident of a single-family dwelling in an R-1 or R-2 zoning district may keep up to four (4) chickens provided that they are all hens, are kept in a fenced yard and that no chicken coop is located closer than ten (10) feet from the nearest property line.

(Ord. # 4912, 6-22-2020)

(b) **In the R-3 District**.

(1) **Accessory buildings and uses** customarily incidental to any authorized use are allowed pursuant to Sec. 58-301 when located on the same lot and not involving the conduct of a business. These uses include parking and storage garages, where the lot is occupied by a multiple-family dwelling, club, institution or other building requiring provisions for off-street parking.

(2) **Retail and service businesses** within the R-3 district are allowed by conditional use permit and are limited to businesses no larger than 2,000 square feet of floor area in the following situations:

a. Located within a predominantly multi-family structure on the ground floor facing a collector street or at the intersection of two streets where either street is a collector street;

b. Located on the ground floor at an intersection of any two streets within a designated historic district; or

c. Located on the ground floor of a mixed-use structure facing an arterial street.

Sec. 58-111 Residential District Development Standards

(a) **Residential District Development Standards**. Exhibit 58-111a summarizes site development standards applicable that are described in more detail in Article IV. These standards may be superseded by neighborhood overlay district standards. All dwelling units in City of Gretna shall have a minimum of 800 square feet and shall be prohibited from having interior keyed access to the dwelling unit.

(Ord. # 4938, 7-14-2021)

(b) **In any residential district,** Single-family residential structures shall:

(1) Be permanently anchored to a slab or pier foundation.

(2) Have a primary entry facing the street with a covered porch or stoop measuring at least three (3) feet in depth and five (5) feet in width; and

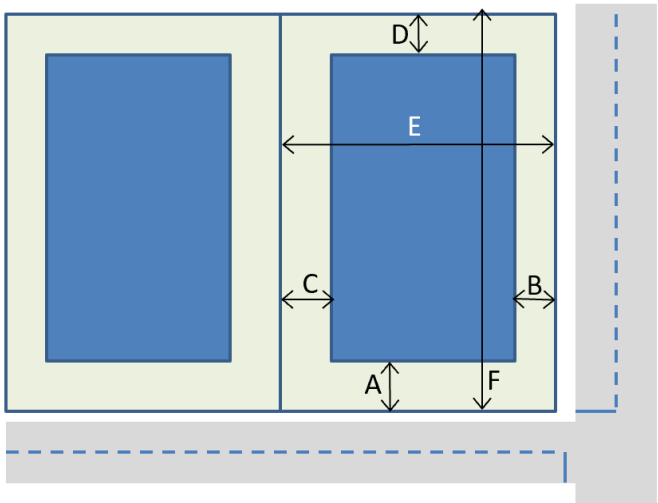
(3) Have a minimum roof pitch of 3.5:12 (horizontal run to vertical rise).

(c) **In any residential district developed for a single-family or duplex use,** not more than fifty (50) percent of required setback areas shall be covered with impervious surfaces unless the Planning Director determines that the impervious surface is necessary to allow a permitted use or results in a better site development condition. Pervious surfaces may be required for parking provided in required setback areas.

Exhibit 58-111a: Residential District Development Standards Summary

Design Element	Principal Structure Standards			Section Cross-Reference
	R-1	R-2	R-3	
Maximum height	35’	35’	45’	Sec. 58 -56
Minimum front setback (dimension A)	20’	20’	20’	Sec. 58-171
Minimum side setback, exterior (dimension B)	10’	10’	10’	Sec. 58-171
Minimum side setback, interior (dimension C)	5’	5’	5’	Sec. 58-171
Minimum rear setback (dimension D)	15’	15’	15’	Sec. 58-171
Minimum lot width (dimension E)	50’	40’	40’	Sec. 58-172
Minimum lot depth (dimension F)		75’	75’	Sec. 58-172
Minimum lot area for single-family and two-family units	Varies by Neighborhood Overlay District (see Sec. 58-150(c))			Sec. 58-172
Minimum lot area for multi-family units			See (d)(2) below	

Residential District Development Standards



(Code 1997, § 102-88; Ord. # 1945, § IX, 6-12-1989; Ord. # 3370, §§ 2, 5, 2-4-2002; Ord. # 3386, 5-13-2002; Ord. # 3555, § III, 12-12-2005)

(d) **In the R-1 or R-2 district**:

(1) An accessory building may be located in the side yard five (5) feet from the side street lot line if the lot adjacent to the rear does not front on the same side street.

(2) Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

(Code 1997, § 102-87; Ord. # 1945, § VIII, 6-12-1989; Ord. # 3555, § III, 12-12-2005)

(e) **In the R-3 district**:

(1) Building height shall not exceed the lesser of the following:

a. Forty-five (45) feet; and

b. Maximum height allowed subject to height transition provisions in Sec. 58-170(f).

(2) Minimum lot area shall be based upon the number of dwelling units on the lot pursuant to Exhibit 58-93b. This standard does not apply to hotels, motels and other accommodation services.

Exhibit 58-111b: Minimum Lot Area in the R-3 District

Number of Units per Lot	Minimum Lot Size
1	4000
2	5000
3-4	6000
5 or more	1,000 square feet per dwelling unit

(3) Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

Division 3. Business Core Districts

Sec. 58-112 Business Core District Purposes

(a) **BC-1 District Purpose**: The BC-1 Business Core District is intended to foster a pedestrian-oriented environment for retail and service activities in support of the business core, governmental complex, and surrounding residential neighborhoods. In addition to the variety of commercial and governmental uses in conjunction with City and Parish administrative offices, the district will accommodate mixed-use development with residences located above office, retail, or restaurant uses. Parking structures may be integrated into blocks where they are located and designed to promote pedestrian safety and vibrant commercial activity along most streets.

Examples of BC-1 Development

Examples of BC-2 Development

(b) **BC-2 District Purpose.** The BC-2 Business Core District applies areas of high-intensity development and in locations with a high potential for redevelopment for pedestrian oriented commercial and mixed-use development near principal thoroughfares that support intensive urban development. These high-density developments may contain local and regional office, retail, and service uses as well as residential uses when part of a mixed-use development. These districts are intended to become places where people can live, work, and shop.

Sec. 58-113 Business Core District Authorized Uses.

Exhibit 58-113 identifies the uses allowed within the BC-1 and BC-2 districts. Additional use conditions are in Sec. 58-114 and Article V.

Exhibit 58-113: Authorized Uses in Business Core Districts

P – Permitted by Right, S – Supplemental Conditions Apply, C- CUP Required

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
RESIDENCE OR ACCOMMODATION FUNCTIONS	**1000**	Homes, apartments, housing for the elderly, and hotels			
Detached unit	**S1110**	Detached, single-family dwelling	S		Sec. 58-114(a)(2)
Two-family dwelling	**S1121**	Duplex or double	S		Sec. 58-114(a)(2)
Zero lot line, row house	**S1122**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	S		Sec. 58-114(a)(2)
Three or Four family dwelling	**S1162**	Includes triplexes, four-plexes, and other multi-household dwellings	S		Sec. 58-336
Other multi-family dwellings	**S1163**	Dwellings with 5 or more dwelling units	S		Sec. 58-323
Accessory Unit/guesthouse	**S1130**	Independent dwelling unit that is secondary to the principal use and located on the same lot and is not offered for rent separately from the principal dwelling.	S		Sec. 58-300
Townhouse	**S1140**	Three or more attached dwelling units separated horizontally	S		Sec. 58-336
Accessory Unit	**S1130**	Independent dwelling unit that is secondary to the principal use and located on the same lot.	S	S	Sec. 58-300
Dwellings in mixed-use buildings	**S1160**		S	P	Sec. 58-114(a)(1)
Retirement housing services	**1210**	Provide minimal convenience services, attracting elderly residents and providing social support		C	
Congregate living services	**1220**	Provide meals and other services for low-income households		C	Sec. 58-317
Assisted living services	**1230**	Provide board-and-care, including daily activity assistance such as bathing, dressing and grooming		C	Sec. 58-317

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
Live care or continuing care services	**1240**	Retirement centers operated by religious or social welfare organizations where residents exchange assets for housing and personal care		C	Sec. 58-317
Skilled-nursing services	**1250**	Provide 24-hour skilled nursing care, including nursing homes and convalescent hospitals		C	Sec. 58-317
Bed and Breakfast	**1310**	Guest rooms in a private home or accessory building to a private home	C	C	Sec. 58-308
Hotel, motel, or tourist court	**1330**	Hotels that do not have gambling services; includes extended-stay hotels	P	P	
Hostels	**1351**	Youth hostels and similar short-term lodging		P	
Short-term vacation rentals	**1352**	Dwelling units with one or more rooms that may be rented for periods of 30 days or less	S	S	Sec. 58-302
GENERAL SALES OR SERVICES	**2000**	Comprises the vast majority of establishments associated with commercial land use			
Bicycles	**2113b**	New or used bicycle sales, rental and repair	P	P	
Gasoline service	**2116**	Gas stations with or without convenience stores or food marts, excludes truck stops, and light auto repair		S	Sec. 58-306
Light vehicle repair (automobile service station)	**2117a**	Oil change, light vehicle repair and car wash. May include gasoline and other retail sales.		S	Sec. 58-306
Furniture or home furnishings	**2121**	Furniture, flooring, bedding stores	P	P	
Hardware, home center	**2122**	Home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment	S	P	Sec. 58-114(a)
Lawn and garden supplies	**2123**	Nursery and garden products predominantly grown elsewhere, and power equipment sales or services	S	S	Sec. 58-114(a)
Department store, warehouse club or superstore	**2124**	Large variety stores		S	Sec. 58-114(b), Sec. 58-318
Electronics and appliances	**2125**	Household-type appliances, television, stereos, including repair shops and cell phone stores		P	
Computer and software	**2131**	Computers and prepackaged software including repair, support, and training	P	P	
Camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	**2132-2135**	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	S	S	Sec. 58-114(a)(7) & Sec. 58-114(b)(4)
Florist, art supplies	**2141-2143**	Florists, art supplies and art dealers, frame shops	P	P	
Tobacco products	2143	Establishments retailing cigarettes, cigars, tobacco, pipes, e-cigarettes, vape supplies and other tobacco supplies		P	
Art galleries	**2142b**	Excludes art supply sales and retail framing services	P	P	

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
Antique shop	**2145**	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P	P	
Flea markets and thrift stores	**2145b**	Flea markets, consignment, secondhand, and thrift stores, (excludes pawn shops)	P		
Grocery store, supermarket, or bakery, convenience store, specialty food stores	**2151-2154**	Included are grocery stores, convenience stores, meat, seafood and produce markets, and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales)	P	P	
Convenience store	**2152**	Convenience stores or food marts (except those with fuel pumps) primarily retail a limited line of goods that generally includes milk, bread, soda, and snacks.	S	S	Sec. 58-309
Specialty food store	**2153**	Retail specialty food items, such as coffee and tea (i.e., packaged), confectionery products (i.e., packaged), nuts, spices, and gourmet foods	P	P	
Fruit and vegetable store	**2154**	Retail fresh fruits and vegetables either as standalone business or part of a larger collection of shops, such as is common with farmers markets, bazaars, and roadside grocery stands	P	P	
Beer, wine, and liquor store	**2155**	Retail packaged alcoholic beverages, such as ale, beer, wine, and liquor	C	C	
Health and personal care	**2160**	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements	P	P	
Markets for farm produce or crafts	**2199**	Farmers' markets	C	C	
Bank, credit union, or savings institution	**2210**	Central banking functions	P	P	
Bail bonding	**2225**		C	C	Sec. 58-114(a)(4)
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	**2230-2250**	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P	P	
Real estate services	**2310**	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P	P	
Property management services	**2320**	Manage real property for others	P	P	
Recreational goods rental – non-motorized	**2333a**	Rent canoes, bicycles, sailboats and other non-motorized recreational goods	S	S	Sec. 58-325 Sec. 58-326

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
Professional offices	**2411-2414**	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P	P	
Consulting services (management, environmental technical)	**2415**	Advise and assist businesses on management, scientific, and technological issues	P	P	
Scientific research and development services	**2416**	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.		P	
Advertising, media and photography services	**2417**	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P	P	
Veterinary services	**2418**	Veterinary medicine, testing services for veterinary practitioners with no boarding or outside kennels	S	S	Sec. 58-339
Other professional offices	**2419**	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P	P	
Office administrative services	**2421**	Office administration such as billing, record keeping, personnel, organizational planning	P	P	
Copy center, private mail center, other business support services	**2424**	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P	P	
Travel arrangement and reservation services	**2430**	Promote or sell travel, includes convention and visitors' bureaus	P	P	
Investigation and security services	**2440**	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths		P	
Packing, crating	**2455**	These establishments: a). package client owned materials, possibly with package labeling or imprinting; and b). organize, promote, and manage events, such as business and trade shows, conventions, conferences, and meetings, with or without providing staff	C	P	
Full-service restaurant	**2510**	Restaurants serving meals to customers who order from and dine at tables and not including drive-in or drive-through service	P	P	
Cafeteria or limited-service restaurant	**2520**	Cafeteria or restaurant where food may be ordered or picked up before dining at tables – may include take-out or delivery service, but does not include drive-through or drive-in service	P	P	
Snack or non-alcoholic bar	**2530a**	Food and/or beverage service, excluding drive-through or drive-in service, includes bakeries, candy and coffee shops primarily engaged in retail sales of goods on-site	P	P	
Snack or non-alcoholic bar	**2530b**	Food and/or beverage service, including drive-through or drive-in service, includes bakeries, candy and coffee shops primarily engaged in retail sales of goods on-site		S	Sec. 58-312

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
Bar rooms and lounges	**2541a**	Any premises where the principal business is the sale of alcoholic beverages at retail for consumption on the premises, where minors are excluded therefrom by law, and where incidental service of food may or may not occur, provided an excess of 25% of the patron area is used for the consumption of alcoholic beverages. Typical uses include cocktail lounges and piano bars.	C	C	Sec. 58-307
Nightclub	**2541b**	A bar room or lounge in which a dance floor or dance area is provided for patron use.			
Bars as accessory uses	**2542**	Accessory bars to hotels and restaurants, or as part of a mixed-use building.	S	S	Sec. 58-307
Brewpub	**2543**	Eating or drinking establishment with a small brewery on premises that produces beer, ale, or other malt beverages	S	S	Sec. 58-309
Micro-distillery	**2544**	Eating or drinking establishment with a small distillery on premises that produces liquor	S	S	Sec. 58-309
Mobile food services	**2550**	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	S	S	Sec. 58-313
Catering	**2560**	Provide single event-based food services. They transport food via equipment and vehicles to events Banquet halls or events halls are excluded from this subcategory.	C	S	
Event Halls	**2561**	Facility located on private property that primarily functions to social gatherings. Events halls consist of one or more meeting or multipurpose rooms, that are available for use by various private groups for such· activities as meetings, parties, weddings, receptions, and dances. Events halls may include kitchen facilities.		C	Sec. 58-313
Personal care	**2610**	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P	P	
Laundromat, laundry and dry cleaning	**2621**	Includes laundry/dry cleaner collection facilities where cleaning does not take place on site and laundromats	S	S	Sec. 58-319
Photofinishing	**2630**	Primarily engaged in developing film or making slides, etc.	P	P	
Surface parking lots	**2641**		C	C	
Parking structures/garages	**2642**		C	P	
Licensed massage therapist	**2651**		P	P	
Pet or Pet supply store	**2710**	Retail pets, pet foods, pet supplies	P	P	
Animal services	**2721**	Grooming and training	C	P	Sec. 58-324 and Sec. 58-330
Animal boarding	**2722**	Sitting and boarding		C	Sec. 58-324 and Sec. 58-330
MANUFACTURING AND WHOLESALE TRADE	**3000**	When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing			

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
Jewelry and silverware, sporting goods, toys, games and office supplies	**3410-3430**	Jewelry, silverware, sporting goods, toys, musical instruments, office supplies, including inks. Excludes paper mills and businesses primarily engaged in on-premises retail sales		C	
Warehousing, accessory	**3620a**	Storage of goods as an accessory use pursuant to section Sec. 58-340	S	S	Sec. 58-340
Refrigerated storage, accessory	**3650a**	Storage of foodstuffs, furs and other goods requiring refrigeration or climate control as an accessory use pursuant to section Sec. 58-340	S	S	Sec. 58-340
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	**4000**				
Rail transportation	**4124**	Rail transportation lines for freight or passengers that cross public right-of-way	C	C	
Marine and sightseeing transportation	**4151**	Provide water transportation, including scenic and sightseeing, for passengers	C	C	
National post office	**4181**		P	P	
Retail courier and package delivery	**4182**	Retail courier, package drop-off and mail services	P	P	
Motion pictures and sound recording	**4220**	Produce and distribute motion pictures and sound recordings (includes indoor movie theaters)	S	S	Sec. 58-325
Radio and television broadcasting	**4231, 4232 & 4241**	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	S	S	Sec. 58-334
Wireless telecommunications transmission	**4233**	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see Sec. 58-334 for telecommunications towers	S	S	Sec. 58-334
Library or archive	**4242**	Provide library or archive services	P	P	
News syndicate	**4243**	Supply information such as news reports, articles, pictures and features to the news media		P	
Data processing and management, hosting and related services	**4244**	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging		P	
Public utilities services, minor	**4315, 4329, 4339, 4349**	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P	P	
ARTS, ENTERTAINMENT, AND RECREATION	**5000**				
Theater, dance or music establishment	**5110 & 5160**	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P	P	

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
Motion picture viewing and exhibition services	**5111**	Operate movie theaters (excluding drive-ins), film festival exhibitions	P	P	
Promoter of sports, performing arts, similar events and management services	**5140 - 5150**	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P	P	
Indoor auditorium or arena	**5170**	Indoor auditoriums, arenas, conference centers, or multipurpose facilities		C	
Outdoor auditorium/arenas	**5180**	Outdoor arenas and theaters		C	
Museums and Other Special Purpose Recreational Institutions	**5200**	Public and private museums, historical sites, and similar establishments	P	P	
Games arcade establishment	**5320**	Operate arcades and parlors	P	P	
Miniature golf establishment	**5340**	Operate miniature golf establishment with or without games arcade	P	P	
Fitness and recreational sports center	**5371**	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P	P	
Outdoor recreation	**5372, 5373 & 5374**	Includes golf courses, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding. Excludes automobile, dog and horse racing facilities. May include lighted outdoor facilities.	C	C	
Bowling, billiards, pool, etc.	**5380**	Bowling alleys, billiards or pool halls	P	P	
Skating rinks	**5390**	Indoor skating rinks		P	
Natural and other Recreational Parks	**5500**	All parks without special economic functions, other than limited concessions	P	P	
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	**6000**				
Nursery or preschool	**6110**		P	P	
Grade school	**6120**	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards	P	P	
College or university	**6130**	Academic colleges and universities providing education in classroom and laboratory settings		P	
Technical, trade, or other specialty school	**6140 & 6568**	Offer vocational and technical training as well as vocational rehabilitation services			
General technical schools	**6141-6143, 6145, 6147**	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities		P	
Tutoring	**6149**	Offering of one-on-one or classroom education within and enclosed building	P	P	

Land Use	LBCS #	Description	BC-1	BC-2	Additonal Conditions
Other government functions	**6300**	Other government owned establishments not classified elsewhere such as defense and national guard establishments		C	
Public safety	**6400**	Government-owned establishments providing fire and rescue, police, and emergency response services	P	P	
Clinic	**6511**	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P	P	
Outpatient care clinic	**6512**	Provide outpatient family planning services and outpatient care	P	P	
Child and youth services	**6561**	Offer services such as adoption, foster care, drug prevention services	P	C	
Child and adult day care	**6562**	Provide day care for children and adults			
Family day care home	**6562a**	Day care for 6 or fewer children in a residence	S	S	Sec. 58-311
Child care center	**6562b**	Day care for 7 or more children	S	S	Sec. 58-311
Adult day care	**6562c**	Day care for 2 or more adults who are not related to the owner or operator	S	S	Sec. 58-311
Care services community food services	**6563 - 6566**	Includes community food services, emergency and relief services, services for the elderly and disabled other family services; does not include on-site provision of housing	P	P	
Religious institutions	**6600**	Churches, temples, synagogues, mosques, convents and monasteries	S	S	Sec. 58-329
Associations, non-profit associations	**6800**	Civic, labor, political, business, professional and similar organizations promoting interests of members	P	P	
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	**9000**	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries			
Greenhouse – no on-premises sales	**9141**	Commercial greenhouse production	P	P	
Greenhouse – sales of products grown on premises	**9142**		P	P	
Greenhouse – sales of products and related accessory products	**9143**		P	P	

(Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020; Ord #4955, 2-9-2022; Ord. #5003, 4-11-24)

Sec. 58-114 Business Core District Use Conditions.

The following provisions apply in addition to the specific use conditions in Article V:

(a) **BC-1 Use Conditions.**

(1) Residential units are allowed in the upper floors or behind non-residential uses on the ground floor of mixed-use building. Ground floor residential uses shall not exceed fifty (50) percent of the ground floor area.

(2) Conversion of an existing two-family dwelling or double shall be limited to conversion to a single family residential dwelling, a single residential dwelling unit and a single business, or a single business; they shall not be converted to two (2) businesses. All uses shall provide the minimum number of parking spaces in accordance with Article IV, Division 2 of this UDC..

(3) Retail establishments may not exceed 15,000 square feet of floor area unless authorized through issuance of a conditional use permit.

(4) The number of bail bond establishments in the BC-1 district shall not exceed eight (8). When reviewing the conditional use permit for a bail bond establishment the Council may consider the proximity of other bail bond establishments to avoid a concentration of facilities on any given block.

(5) Bars are allowed as accessory uses to hotels and restaurants, or when located in a main structure containing two (2) or more of the following uses: offices, retail, hotels, restaurants, and theatres. Accessory use bars shall not exceed the lesser of twenty-five (25) percent of the total floor area of the business or floor on which the bar is located.

(6) Parking lots and structures shall comply with the provisions of Division 2 of Article IV of this UDC. Parking lots should not be located on corner lots where one or more of the intersecting streets is a collector unless liner buildings are established pursuant to Division 2 of Article IV.

(7) The sale of firearms shall be considered a conditional use, whether as a primary use or as an accessory to another use.

(8) Subject to the provisions of section 58-301(a)(6), accessory buildings and structures other than fences and parking-related structures shall be considered principal buildings or structures subject to setback provisions of principal buildings in the applicable district.

(Ord. # 4912, 6-22-2020; Ord. # 4967, 8-10-2022; Ord. #5003, 4-11-2024)

(b) **BC-2 Use Conditions.**

(1) Residential uses are limited to dwellings that are located within a mixed-use building or are part of the mixed-use development where residential uses either:

a. Are located on floors above a nonresidential use permitted in this district in a mixed-use building; or

b. Do not exceed 50 percent of the total floor area of a mixed-use development.

(2) Bars are allowed as accessory uses to hotels and restaurants, or when located in a main structure containing two (2) or more of the following uses: offices, retail, hotels, restaurants, and theatres. Accessory use bars shall not exceed the lesser of twenty-five (25) percent of the total floor area of the business or floor on which the bar is located.

(3) Authorized health clinics do not include chemical dependency units.

(4) The sale of firearms shall be considered a conditional use, whether as a primary use or as an accessory to another use.

(5) Subject to the provisions of section 58-301(a)(6), accessory buildings and structures other than fences and parking-related structures shall be considered principal buildings or structures subject to setback provisions of principal buildings in the applicable district.

(Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020; Ord. # 4967, 8-10-2022)

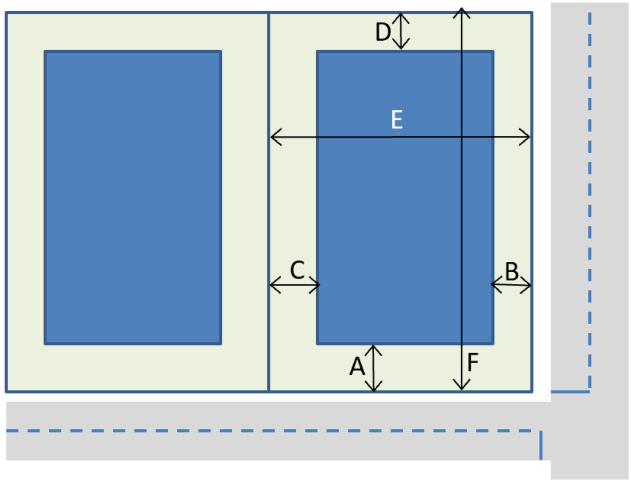
Sec. 58-115 Business Core District Development Standards.

Exhibit 58-115 summarizes lot development standards applicable that are described in more detail in Article IV. These standards may be modified by neighborhood overlay district standards.

Exhibit 58-115: Business Core Development Standards Summary

Design Element	Principal Structure Standards		Section Cross-Reference
	BC-1	BC-2	
Maximum height	35'/45'	45'/72'	Sec. 58 -56
Minimum front setback (dimension A)	5'	10'	Sec. 58-171
Minimum side setback, exterior (dimension B)	10'	10'	Sec. 58-171
Minimum side setback, interior (dimension C)	0'	0'	Sec. 58-171
Minimum rear setback (dimension D)	0'	0'	Sec. 58-171
Minimum lot width (dimension E)	40'	50'	Sec. 58-172
Minimum lot depth (dimension F)	75'	100'	Sec. 58-172
Minimum lot area	5,000 sq.ft.	5,000 sq.ft.	Sec. 58-172

Business Core District Development Standards

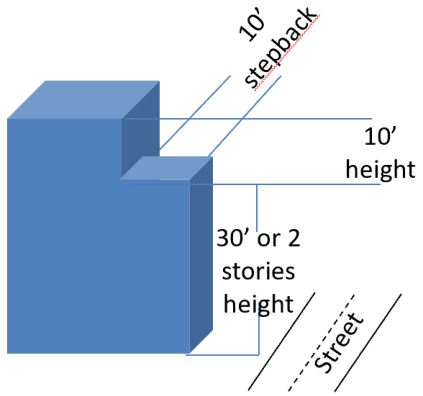


Sec. 58-116 Additional BC-1 Development Standards.

(a) **Height Limitations**. Buildings or structures exceeding thirty-five (35) feet in height shall be allowed through the conditional use permit process in Sec. 58-63 subject to the following criteria:

(1) Portions of the building fronting on a street shall not exceed thirty (30) feet or two (2) stories. An additional stepback of at least one (1) foot from the front of the building shall be provided for each additional one (1) foot of building height.

BC-1 Required Height Stepback from Street



(2) All structures or portions of a structure shall comply with the height transition provisions of Sec. 58-170(f).

(b) **Waiver of Street Setbacks**. Front and side street setbacks may be eliminated along collector or local streets provided that:

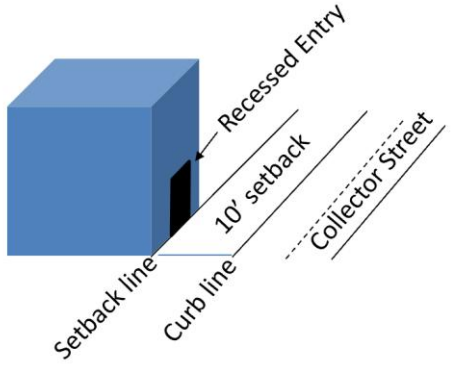
(1) The building complies with the requirements of paragraphs (d) and (e) of this section;

(2) The building is no more than two (2) stories within the required setback areas; and

(3) There is at least ten (10) feet between the building and the back of the curb along collector or higher order streets, there is at least six (6) feet between the building and the back of the curb along local streets, and entries are recessed so that open doors do not extend beyond the outer wall of the building.

(Ord. # 4938, 7-14-2021)

BC-1 Setback Allowed from Curb Line (show recessed entry)



(c) **Other Setbacks**.

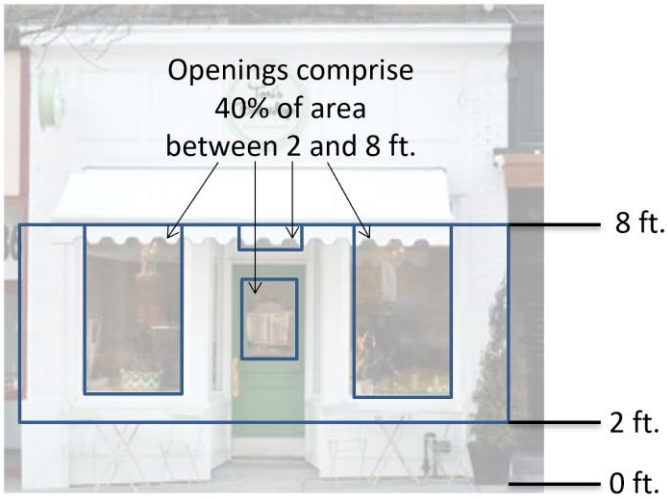
(1) A minimum setback of five (5) feet is required from any property line abutting a residential district.

(2) While no side or rear setbacks are required, if any setback is provided, it must be a minimum of three (3) feet.

(d) **Building Entries and Orientation**. Buildings shall have customer entries along each frontage. Buildings on corner lots may have a corner-facing entry in lieu of entries on each street frontage. Buildings with one hundred (100) or more feet of frontage shall have at least two (2) entries along the frontage.

(e) **Windows**. Unless approved by the Planning Director or HDC, windows and door openings shall comprise at least forty (40) percent of street-facing walls between the heights of two (2) and eight (8) feet above street facing sidewalks for retail and restaurant uses and thirty (30) percent for office uses. Upper story windows and transparent doors shall comprise at least fifteen (15) percent of street facing wall areas.

BC-1 District Facade Requirements



(f) **Building Materials**. Building walls in the BC-1 district shall be predominantly brick, textured concrete or fiber-cement boards designed to look like horizontal lap siding unless otherwise approved by the Planning Director or HDC as being appropriate for the context.

(g) **Parking**.

(1) On-street parking abutting the property may be counted towards the minimum required parking.

(2) Off-site parking and parking partnerships as described in Sec. 58-184(d) may be counted towards required parking if the spaces are located within 800 feet of the parcel.

(3) Parking lots and structures should be in rear yards or interior side yards to the greatest extent possible.

(4) The Planning Director may authorize the reduction of required parking spaces by up to ten (10) percent below minimum parking requirements when no reasonable on or off-site parking alternatives are available.

(5) The City Council may consider reductions in the number of parking spaces greater than ten (10) percent where no reasonable on or off-site parking alternatives are available.

(h) **Additional Standards**. Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

(Ord #4897, 12/11/19)

Sec. 58-117 Additional BC-2 Development Standards.

(a) **Height**. Maximum height may be limited by the height transition provisions of Sec. 58-170(f) subject to the following criteria:

(1) Buildings or structures exceeding forty-five (45) feet in height may be authorized through the conditional use permit process in Sec. 58-63 pursuant to height incentives established in Sec. 58-170(f)**.**

(2) No structures exceeding forty-five (45) feet in height may be located closer than one hundred (100) feet from a residential district.

(b) **Setbacks.**

(1) Side setbacks along lot lines that are interior to the development may be waived through the site plan process if adequate provisions are made for pedestrian circulation within and through the development.

(2) Minimum side setbacks abutting a residential district or lot used for residential purposes are fifteen (15) feet.

(3) Minimum rear setbacks abutting a residential district or lot used for residential purposes shall be twenty (20) feet.

(c) **Building Entries and Orientation**. On sites of one acre or larger, customer entries shall be oriented toward public streets or internal vehicle use areas. Loading, service and mechanical areas shall be located in a rear or internal side yard.

(d) **Windows**. Unless specifically approved by the Planning & Zoning Commission or City Council, windows and door openings shall comprise at least forty (40) percent of street-facing walls between the heights of two (2) and eight (8) feet above street facing sidewalks shall be comprised of windows and glass doorways for retail and restaurant uses and thirty (30) percent for office uses. Upper story windows and transparent doors shall comprise at least fifteen (15) percent of street facing wall areas.

(e) **Building Materials**. Facades facing a street on all development, and internal drives for developments on sites of one acre or larger, shall be finished with brick, stucco, textured concrete, or fiber-cement board designed to look like horizontal lap wood siding.

(f) **Parking.**

(1) Unless otherwise provided in this section, parking requirements shall comply with the provisions of Division 2 of Article IV of this UDC.

(2) Parking areas shall be broken into smaller sections pursuant to Sec. 58-185, with most parking located to the side and rear of the properties with not more than two (2) rows of parking between any arterial street and a principal structure.

(3) Development is eligible for minimum parking space reductions based on the shared parking provisions of Sec. 58-184(d).

(g) **Additional Standards**. Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

Division 4. Commercial Districts

Sec. 58-122 Commercial District Purposes.

(a) **C-1 District Purpose**. The C-1 neighborhood commercial district applies to lands and structures used primarily to provide for retail goods and selected services at a neighborhood scale. Regulations for the district are intended to encourage buildings and uses that are compatible with and accessible to adjacent residential neighborhoods. Small-scale, pedestrian-oriented businesses occur in one or two-story structures.

Examples of C-1 Development

(b) **C-2 District Purpose**. The C-2 general commercial district provides opportunities for more intensive retail and service uses. This district characteristically occupies a larger area than the neighborhood commercial district since it is intended to serve community and regional demands for wide range of services. C-2 districts are located along major thoroughfares in larger nodes than the C-1 district to accommodate larger-scale development. Portions of this district that abut residential neighborhoods are more limited in scale and intensity of uses and buffers are required. Expansions of districts should result in deeper parcels that create flexible nodes of development rather than shallow strip-like extensions along the major thoroughfares. While primarily serving clientele that arrives by automobile, pedestrian and bicycle access and circulation are required.

Examples of C-2 Development

Sec. 58-123 Commercial District Authorized Uses.

Exhibit 58-123 identifies the uses allowed within the C-1 and C-2 districts. Additional use conditions are in Sec. 58-124, Sec. 58-125, and Article V.

Exhibit 58-123: Authorized Uses in Commercial Districts

P – Permitted by Right, S – Supplemental Conditions Apply, C- CUP Required

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
RESIDENCE OR ACCOMMODATION FUNCTIONS	**1000**	Homes, apartments, housing for the elderly, and hotels			
Detached unit	**S1110**	Detached, single-family dwelling	S		Sec. 58-124(a), Sec. 58-125(a)
Two-family dwelling	**S1121**	Duplex or double	P		Sec. 58-125(a)
Zero lot line, row house	**S1122**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P		Sec. 58-125(a)
Guesthouse	**S1130**	Independent dwelling unit that is secondary to the principal use and located on the same lot.	S	S	Sec. 58-300
Three or Four family dwelling	**S1162**	Includes triplexes, four-plexes, and other multi-household dwellings	S		Sec. 58-336
Townhouse	**S1140**	Three or more attached dwelling units separated horizontally	S		Sec. 58-125(a)
Dwellings in mixed-use buildings/developments	**S1160**	One or more dwellings that are part of a mixed-use building or development	S	C	Sec. 58-124(c),
Retirement housing services	**1210**	Provide minimal convenience services, attracting elderly residents and providing social support	P	P	
Congregate living services	**1220**	Provide meals and other services for low-income households	S	S	Sec. 58-317
Assisted living services	**1230**	Provide board-and-care, including daily activity assistance such as bathing, dressing and grooming	S	S	Sec. 58-317
Live care or continuing care services	**1240**	Retirement centers operated by religious or social welfare organizations where residents exchange assets for housing and personal care	S	S	Sec. 58-317
Skilled-nursing services	**1250**	Provide 24-hour skilled nursing care, including nursing homes and convalescent hospitals	S	S	Sec. 58-317
Bed and Breakfast and Tourist Homes	**1310**	Guest rooms in a private home or accessory building to a private home	S	S	Sec. 58-308

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Hotel, motel, or tourist court	**1330**	Hotels that do not have gambling services; includes extended-stay hotels	P	P	
Short-term vacation rentals	**1352**	Dwelling units with one or more rooms that may be rented for periods of 30 days or less	S		Sec. 58-302
GENERAL SALES OR SERVICES	**2000**	Comprises the vast majority of establishments associated with commercial land use			
Car, motorcycle, manufactured homes or RV dealer	**2111- 2113**	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses		C	Sec. 58-125, Sec. 58-325, Sec. 58-326, Sec. 58-338
Bicycles	**2113b**	New or used bicycle sales, rental and repair	P	P	
Boat or marine craft dealer	**2114**	New or used boats sales, rental and related repair services		C	Sec. 58-125
Parts, accessories, or tires	**2115**	Automotive parts and supply stores, automotive stereo stores.		S	Sec. 58-125
Gasoline service	**2116**	Gas stations with or without convenience stores or food marts, excludes truck stops, and light auto repair	C	S	Sec. 58-306
Automotive repair and maintenance	**2117**	Repair garages, body and paint shops, oil change, car wash			
Light auto repair (automobile service station)	**2117a**	Oil change, light auto repair and car wash. May include gasoline and other retail sales.	C	S	Sec. 58-306
Heavy consumer goods sales or service	**2120**	Heavy or durable goods sales or services			
Furniture or home furnishings	**2121**	Furniture, flooring, bedding stores	P	P	
Hardware, home center	**2122**	Home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment	P	P	
Lawn and garden supplies	**2123**	Nursery and garden products predominantly grown elsewhere, and power equipment sales or services	P	P	
Department store, warehouse club or superstore	**2124**	Large variety stores		S	Sec. 58-125(e), Sec. 58-318
Electronics and appliances	**2125**	Household-type appliances, television, stereos, including repair shops and cell phone stores	P	P	
Lumber yard and building materials; heating and plumbing equipment; heavy equipment	**2126-2128**	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)		P	
Computer and software	**2131**	Computers and prepackaged software including repair, support, and training	P	P	

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	**2132-2135**	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	S	S	Sec. 58-124(f) & Sec. 58-125(e)
Florist, art supplies, tobacco products	**2141-2142**	Florists, art supplies and art dealers, frame shops	P	P	
Tobacco products	**2143**	Establishments retailing cigarettes, cigars, tobacco, pipes, e-cigarettes, vape supplies and other tobacco supplies		P	
Art galleries	**2142b**	Excludes art supply sales and retail framing services	P	P	
Mail order or direct selling establishment	**2144**	Retailing other than through locations where shoppers physically visit		P	
Antique shop	**2145**	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P	P	
Flea markets and thrift stores	**2145b**	Flea markets, consignment, secondhand, and thrift stores, (excludes pawn shops)	C	C	
Grocery store, supermarket, or bakery, convenience store, specialty food stores	**2151-2154**	Included are grocery stores, convenience stores, meat, seafood and produce markets, and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales)	P	P	
Convenience store	**2152**	Convenience stores or food marts (except those with fuel pumps) primarily retail a limited line of goods that generally includes milk, bread, soda, and snacks.	S	S	Sec. 58-309
Specialty food store	**2153**	Retail specialty food items, such as coffee and tea (i.e., packaged), confectionery products (i.e., packaged), nuts, spices, and gourmet foods	P	P	
Fruit and vegetable store	**2154**	Retail fresh fruits and vegetables either as standalone business or part of a larger collection of shops, such as is common with farmers markets, bazaars, and roadside grocery stands	P	P	
Beer, wine, and liquor store	**2155**	Retail packaged alcoholic beverages, such as ale, beer, wine, and liquor	C	C	
Health and personal care	**2160**	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements	P	P	
Medical Marijuana Dispensary	**2161**	Facility for the distribution or medical marijuana and related products but not for production of marijuana or related products		S	Sec. 58-321

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Bank, credit union, or savings institution	**2210**	Central banking functions	P	P	
Credit card and other financing	**2221**	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing		P	
Pawn shops	**2222**			S	Sec. 58-332
Short-term loans	**2223**	Pay-day lenders and other businesses providing loans with terms of 45 days or less		S	Sec. 58-332
Precious metal buyers	**2224**	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)		S	Sec. 58-332
Bail bonding	**2225**			C	
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	**2230-2250**	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P	P	
Real estate services	**2310**	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P	P	
Property management services	**2320**	Manage real property for others	P	P	
Vehicles	**2331 & 2332**	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided		P	
Recreational goods rental – non-motorized	**2333a**	Rent canoes, bicycles, sailboats, and other non-motorized recreational goods	P	P	Sec. 58-325 and Sec. 58-326
Recreational goods rental - motorized	**2333b**	Rent motorized recreational goods		C	Sec. 58-325 and Sec. 58-326
Commercial, industrial or consumer machinery and equipment rental	**2334 -2335**	Rent or lease: office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing)) personal and household-type goods and a range of equipment geared toward consumers		C	Sec. 58-325 and Sec. 58-326
Professional offices	**2411- 2414**	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P	P	
Consulting services (management, environmental technical)	**2415**	Advise and assist businesses on management, scientific, and technological issues	P	P	
Scientific research and development services	**2416**	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.		C	

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Advertising, media and photography services	**2417**	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P	P	
Veterinary services	**2418**	Veterinary medicine, testing services for veterinary practitioners	S	S	Sec. 58-324, Sec. 58-339
Other professional offices	**2419**	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P	P	
Office administrative services	**2421**	Office administration such as billing, record keeping, personnel, organizational planning	P	P	
Facilities support services	**2422**	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P	P	
Employment agency	**2423a**	Provide employee placement, temporary help	P	P	
Hiring hall	**2423b**	Place of assembly for the registration or assignment of employment		P	
Copy center, private mail center, other business support services	**2424**	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P	P	
Collection agency	**2425**	Collect payments, compile credit information and repossess tangible property		P	
Travel arrangement and reservation services	**2430**	Promote or sell travel, includes convention and visitors' bureaus	P	P	
Investigation and security services	**2440a**	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths		P	
Security services	**2440b**	Selling of security systems, remote monitoring of security systems, locksmiths	P	P	
Services to buildings and dwellings	**2450a**	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)		P	
Services to buildings and dwellings	**2450b**	Provide janitorial services, landscaping, carpet cleaning, etc. (2452-2454)		P	
Packing, crating and convention/trade show services	**2455**	These establishments: a). package client owned materials, possibly with package labeling or imprinting; and b). organize, promote, and manage events, such as business and trade shows, conventions, conferences, and meetings, with or without providing staff.	P	P	
Full-service restaurant	**2510**	Restaurants serving meals to customers who order from and dine at tables and not including drive-in or drive-through service	P	P	
Cafeteria or limited-service restaurant	**2520**	Cafeteria or restaurant where food may be ordered or picked up before dining at tables – may include take-out or delivery service, but does not include drive-through or drive-in service	P	P	

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Snack or non-alcoholic bar	**2530**	Food and/or beverage service, including drive-through or drive-in service, includes bakeries, candy and coffee shops primarily engaged in retail sales of goods on-site	C	S	Sec. 58-125 Sec. 58-312
Bars as accessory uses	**2542**	Accessory bars to hotels and restaurants, or as part of a mixed-use building.	S	S	Sec. 58-307
Brewpub	**2543**	Eating or drinking establishment with a small brewery on premises that produces beer, ale, or other malt beverages	C	C	Sec. 58-309
Micro-distillery	**2544**	Eating or drinking establishment with a small distillery on premises that produces liquor	C	C	Sec. 58-309
Mobile food services	**2550**	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	S	S	Sec. 58-313
Catering	**2560**	Provide single event-based food services. They transport food via equipment and vehicles to events Banquet halls or events halls are excluded from this subcategory.	C	P	
Event Halls	**2561**	Facility located on private property that primarily functions to social gatherings. Events halls consist of one or more meeting or multipurpose rooms, that are available for use by various private groups for such· activities as meetings, parties, weddings, receptions, and dances. Events halls may include kitchen facilities.		C	Sec. 58-313
Food service contractor and vending machine operators	**2570 & 2580**	Provide food services at institutional, governmental, commercial, or industrial locations. Retail merchandise through vending machines that they service		P	
Personal care	**2610**	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P	P	
Laundromat, laundry and dry cleaning	**2621**	Includes laundry/dry cleaner collection facilities where cleaning does not take place on site and laundromats	S	S	Sec. 58-319
Laundry cleaning facilities	**2622**	Laundries where cleaning is done on site and employing not more than ten people exclusive of drivers		S	Sec. 58-319
Photofinishing	**2630**	Primarily engaged in developing film or making slides, etc.	P	P	
Surface parking lots	**2641**		C	C	
Parking structures/garages	**2642**		C	P	Sec. 58-186
Licensed massage therapist	**2651**		P	P	
Pet or pet supply store	**2710**	Retail pets, pet foods, pet supplies	P	P	
Animal services	**2721**	Grooming and training	C	P	Sec. 58-324 and Sec. 58-330

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Animal boarding	**2722**	Sitting and boarding	S	S	Sec. 58-324 and Sec. 58-330
MANUFACTURING AND WHOLESALE TRADE	**3000**	When captive services such as accounting are provided by a separate establishment, they are classified in the appropriate function code and not in manufacturing			
Furniture and related products	**3230**	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	C	P	
Metal products	**3342**	Includes creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items; sheet metal products; and other products that do not involve smelting or refinement of metals		C	
Jewelry and silverware, sporting goods, toys, games and office supplies	**3410-3430**	Jewelry, silverware, sporting goods, toys, musical instruments, office supplies, including inks. Excludes paper mills and businesses primarily engaged in on-premises retail sales		C	
Signs	**3440**	Manufacturing of signs to be erected or installed (excludes banner printing)		S	Sec. 58-325, Sec. 58-326
Blacksmith	**3450**	Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	S	S	Sec. 58-325, Sec. 58-326
Indoor display and sale of merchandise	**3501**	Excludes warehousing of wholesale goods	P	P	
Office and warehousing	**3610**	Storage of goods related to on-site office or retail use		S	Sec. 58-340
Warehousing, accessory	**3620a**	Storage of goods as an accessory use pursuant to section Sec. 58-340	S	S	Sec. 58-340
Refrigerated storage, accessory	**3650a**	Storage of foodstuffs, furs and other goods requiring refrigeration or climate control as an accessory use pursuant to section Sec. 58-340	S	S	Sec. 58-336
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	**4000**				
Rail transportation	**4124**	Rail transportation lines for freight or passengers that cross public right-of-way	C	C	
Local transit systems--bus, special needs, sightseeing, taxi and limousine services	**4133 – 4134 & 4136 - 4137**	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services		P	
National post office	**4181**		P	P	
Retail courier and package delivery	**4182**	Retail courier, package drop-off and mail services	P	P	
Publishing	**4210 & 4221**	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography		P	

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Motion pictures and sound recording	**4220**	Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters)		P	
Radio and television broadcasting	**4231, 4232 & 4241**	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	S	S	Sec. 58-334
Wireless telecommunications transmission	**4233**	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see Sec. 58-334 for telecommunications towers	S	S	Sec. 58-334
Library or archive	**4242**	Provide library or archive services	P	P	
News syndicate	**4243**	Supply information such as news reports, articles, pictures and features to the news media	P	P	
Data processing and management, hosting and related services	**4244**	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging		P	
Public utilities services, minor	**4315, 4329, 4339, 4349**	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P	P	
Electric substations	**4316**			P	
Recycling collection centers	**4349**	Drop-off facilities for the collection of recycled goods		C	
ARTS, ENTERTAINMENT, AND RECREATION	**5000**				
Theater, dance or music establishment	**5110 & 5160**	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P	P	
Motion picture viewing and exhibition services	**5111**	Operate movie theaters (excluding drive-ins), film festival exhibitions	P	P	
Promoter of sports, performing arts, similar events and management services	**5140 - 5150**	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P	P	
Indoor auditorium or arena	**5170**	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C	P	
Outdoor auditorium/arenas	**5180**	Outdoor arenas and theaters		C	
Museums and Other Special Purpose Recreational Institutions	**5200**	Public and private museums, historical sites, and similar establishments	P	P	

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Amusement or theme park establishment	**5310**	Operate a variety of attractions such as mechanical rides, water rides, games		C	Sec. 58-305
Games, arcade establishment	**5320**	Operate arcades (except gambling, billiard, or pool,) for amusement.	P	P	
Miniature golf establishment	**5340**	Operate miniature golf courses, and typically provide the necessary equipment to patrons. These establishments are distinct from golf courses and country clubs.	P	P	
Fitness and recreational sports center	**5371**	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P	P	
Outdoor recreation	**5372, 5373 & 5374**	Includes golf courses, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding. Excludes automobile, dog and horse racing facilities. May include lighted outdoor facilities.	C	C	
Bowling, billiards, pool, etc.	**5380**	Includes bowling alleys, billiards halls, or pool centers. These establishments often provide food and beverage services	P	P	
Skating	**5390**	Operate indoor skating rinks; they may further offer skating products and services.		P	
Camps, Camping, and Related Establishments	**5400**	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles		C	
Natural and other Recreational Parks	**5500**	All parks without special economic functions, other than limited concessions	P	P	
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	**6000**				
Educational services	**6100**	Offer teaching and learning			
Nursery or preschool	**6110**		P	P	
Grade school	**6120**	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards	P	P	
College or university	**6130**	Academic colleges and universities providing education in classroom and laboratory settings	C	P	
General technical schools	**6141- 6143, 6145, 6147**	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C	P	
Driving education	**6144**	Offer courses and training in operation of automobiles, light trucks and motorcycles		P	
Tutoring	**6149**	Offering of one-on-one or classroom education within an enclosed building	P	P	

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Other government functions	**6300**	Other government owned establishments not classified elsewhere such as defense and national guard establishments	C	P	
Public safety	**6400**	Government-owned establishments providing fire and rescue, police, and emergency response services	P	P	
Clinic	**6511**	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P	P	
Outpatient care clinic	**6512**	Provide outpatient family planning services and outpatient care	P	P	
Medical or diagnostic laboratory; blood/organ bank	**6513 - 6514**	Provide analytic or diagnostic services including medical imaging		C	
Halfway house	**6521**	Residential services for pre- or post-release of convicted individuals	C		Sec. 58-317
Group home small	**6522**	Fewer than six (6) aged or infirm individuals or individuals with mental, intellectual, or developmental disabilities	C	C	Sec. 58-317
Group home large	**6523**	Six (6) or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C	C	Sec. 58-317
Hospital	**6530**		C	P	Sec. 58-317
Child and youth services	**6561**	Offer services such as adoption, foster care, drug prevention services		P	
Child and adult day care	**6562**	Provide day care for children and adults			
Family day care home	**6562a**	Day care for 6 or fewer children in a residence	S	S	Sec. 58-311
Child care center	**6562b**	Day care for 7 or more children	S	S	Sec. 58-311
Adult day care	**6562c**	Day care for 2 or more adults who are not related to the owner or operator	S	S	Sec. 58-311
Care services community food services	**6563 - 6566**	Includes community food services, emergency and relief services, services for the elderly and disabled other family services; does not include on-site provision of housing	P	P	
Religious institutions	**6600**	Churches, temples, synagogues, mosques, convents and monasteries	S	S	Sec. 58-329
Funeral home w/ crematoria	**6710a**	Includes funeral homes combined with crematoria		P	
Funeral homes no crematoria	**6710b**	Includes funeral homes but does not allow crematoria	P	P	
Associations, non-profit associations	**6800**	Civic, labor, political, business, professional and similar organizations promoting interests of members	P	P	
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	**9000**	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries			
Vegetable farming or growing	**9120**	Includes private fields and community gardens	P	P	

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Commercial orchards	**9130**	Includes fruit and nut trees for commercial production	P	P	
Greenhouse – no on-premises sales	**9141**	Commercial greenhouse production	P	P	
Greenhouse – sales of products grown on premises	**9142**		P	P	
Greenhouse – sales of products and related accessory products	**9143**		P	P	
Large scale retail establishments	**9953**	A retail business occupying 25,000 square feet or more of floor area		S	Sec. 58-318

(Ord #4897, 12/11/19; Ord. #4912, 6-22-2020; Ord #4955, 2-9-2022; Ord. #5003, 4-11-24)

Sec. 58-124 C-1 District Use Conditions.

The following provisions apply in addition to the use conditions in Article V.

(a) Detached, single-family dwellings shall comply with R-1 district requirements. Other authorized residential dwellings shall comply with R-3 district requirements.

(b) Outdoor operations, display or storage are prohibited, except that

(1) Plants for sale may be kept within portions of the side or rear yards that are screened by an opaque wall or fence that is at least six (6) feet in height.

(2) Outdoor seating, event and dining areas shall comply with the standards in Sec. 58-302(a).

(c) Residential dwellings that are part of a mixed-use structure or development may be allowed subject to the following conditions:

(1) Compliance with building and fire safety codes;

(2) Provision of a separate entrance for residents; and

(3) Provision of at least one on-site parking space per dwelling unit and provision of additional required spaces pursuant to Sec. 58-184(d).

(d) Dry cleaning and laundries, collection and distribution stations, including pressing machines operated as part of the business, shall not discharge steam or lint into the atmosphere.

(e) Residential institutional uses shall not to include chemical dependency units and penal, correctional, or mental institutions in a C-1 district.

(f) The sale of firearms shall be considered a conditional use, whether as a primary use or as an accessory to another use.

(g) Subject to the provisions of section 58-301(a)(6), accessory buildings and structures other than fences and parking-related structures shall be considered principal buildings or structures subject to setback provisions of principal buildings in the applicable district.

(Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020; Ord. # 4967, 8-10-2022)

Sec. 58-125 C-2 District Use Standards.

The following provisions apply in addition to the use conditions in Article V.

(a) Residential uses established on or after May 13, 2002 are non-conforming unless authorized by Sec. 58-123; free-standing residences in a mixed-use development may be approved through the conditional use process. Residences that are part of a mixed-use building may be approved through the major site plan process.

(b) Accessory buildings, warehouses, and other uses customarily pertinent to C-2 commercial uses may be located on the same lot to provide for storage of articles or materials necessary to conduct the principal use. These materials must be stored in an enclosed building or side or rear yards that are screened from view by an opaque wall or fence that is at least eight (8) feet in height.

(c) Outdoor dining areas shall comply with the standards in Sec. 58-302(a).

(d) Automobile, trailer and farm equipment sales are not required to be enclosed but outdoor display areas shall comply with the design standards for parking lots in Sec. 58-185. However, any major mechanical or body repairs must be conducted within a building having no opening other than stationary windows and doors, located a minimum of 1,000 feet from a residential district. All vehicles on a car sales lot must be operable at all times. Customer parking as set forth in Chapter 58.Article IDivision 2 of Article IV of this UDC must be provided and minimum street frontage of one hundred (100) feet is required.

(e) The sale of firearms shall be considered a conditional use, whether as a primary use or as an accessory to another use.

(f) On C-2 lots that are located adjacent to and across the street from an R-1 district, a conditional use permit shall be required for any of the following unless the Planning Director determines that the change would have no visual, auditory, or traffic impact on the R-1 district:

(1) Any new use of the lot that is allowed in the C-2 district but not a C-1 district;

(2) Any new structures or changes to existing structures on the lot;

(3) Any outdoor storage or operations;

(4) Changes to loading facilities or operations; or

(5) Modification of vehicular use areas.

(Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020)

(g) Subject to the provisions of section 58-301(a)(6), accessory buildings and structures other than fences and parking-related structures shall be considered principal buildings or structures subject to setback provisions of principal buildings in the applicable district.

(Ord. # 4967, 8-10-2022)

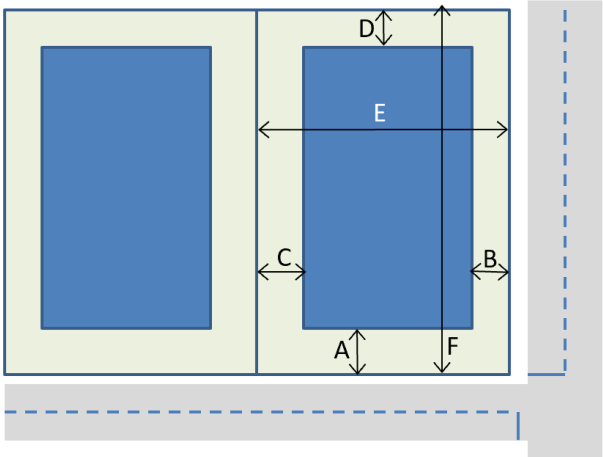
Sec. 58-126 Commercial District Development Standards.

Exhibit 58-126 summarizes lot development standards applicable that are described in more detail in Article IV. These standards may be modified by neighborhood overlay district standards.

Exhibit 58-126: Commercial District Development Standards Summary

Design Element	Principal Structure Standards		Section Cross-Reference
	C-1	C-2	
Maximum height	35’/45’	45’/65’	Sec. 58 -56
Minimum front setback (dimension A)	10’	20’	Sec. 58-171
Minimum side setback, exterior (dimension B)	5’	5’	Sec. 58-171
Minimum side setback, interior (dimension C)	0’	5’	Sec. 58-171
Minimum rear setback (dimension D)	10’	15’	Sec. 58-171
Minimum lot width (dimension E)	40’	none	Sec. 58-172
Minimum lot depth (dimension F)	75’	none	Sec. 58-172
Minimum lot area	5,000 sq.ft.	5,000 sq.ft.	Sec. 58-172

Commercial District Development Standards



Sec. 58-127 C-1 District Development Standards

(a) **C-1 Building Area**. Commercial uses in the C-1 district shall be designed to a neighborhood scale in accordance with the maximum square footages established in **Exhibit 58-127**. More than one business may be located in a structure, provided that the individual businesses occupy separate spaces with separate entries and that individual businesses do no exceed the specified maximum gross leasable floor areas.

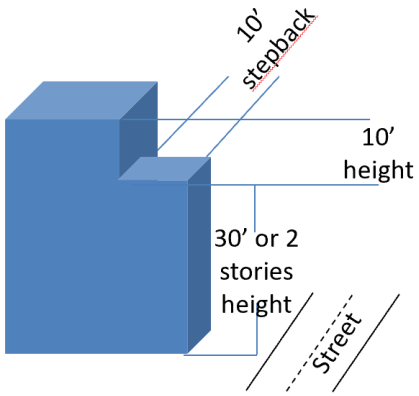
Exhibit 58-127: Maximum Business Size by Type

Business Type	LBCS References	Maximum Area (GLA)
General sales or services and other permitted uses not listed below	2000	15,000 sq.ft.
Food service and personal service establishments excluding parking garages	2500-3000	3,000 sq.ft.

(b) **Height**. Buildings or structures exceeding thirty-five (35) feet in height shall be allowed through the conditional use permit process in Sec. 58-63 subject to the following criteria:

(1) Portions of the building fronting on a street shall not exceed thirty (30) feet or two (2) stories. An additional step-back of at least ten (10) feet from the front of the building shall be provided for each additional ten (10) feet of building height.

C-1 Required Height Step-back from Street



(2) All structures or portions of a structure shall comply with the height transition provisions of Sec. 58-170(f).

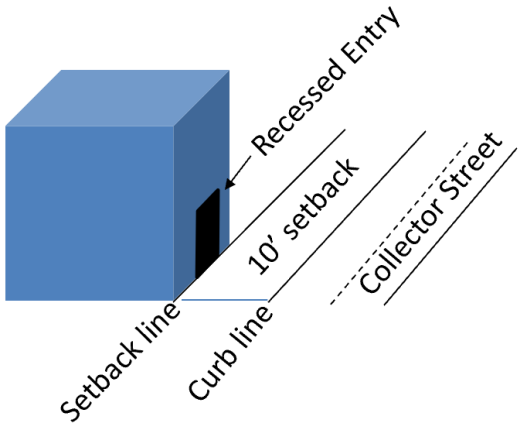
(c) **Waiver of Street Setbacks**. Front and side street setbacks may be eliminated along collector or local streets provided that:

(1) The building is no more than two (2) stories within the required setback areas;

(2) There is at least ten (10) feet between the building and the back of the curb along collector or higher order streets, there is at least six (6) feet between the building along local streets, and entries are recessed so that open doors do not extend beyond the outer wall of the building.

(Ord. # 4938, 7-14-2021)

C-1 Setback Allowed from Curb Line



(d) **Side Setbacks.**

(1) The side setback abutting a residential district shall be not less than the width of the required buffer pursuant to Sec. 58-272(e).

(2) Where a side setback is provided, the setback shall not be less than three (3) feet.

(3) On corner lots, the side setback on the side of the lot abutting the side street shall not be less than ten (10) feet, except an accessory building which is not part of the main building may be located as close as five (5) feet from the street side lot line if the lot adjacent to the rear does not front the side street.

(4) The side setback regulations for detached single family residences and duplexes shall comply with the standards for R-2 districts and the side setbacks for other dwellings allowed in this district shall be the same as those in the R-3 multiple-family residential district.

(Ord. # 4913, 8-12-2020)

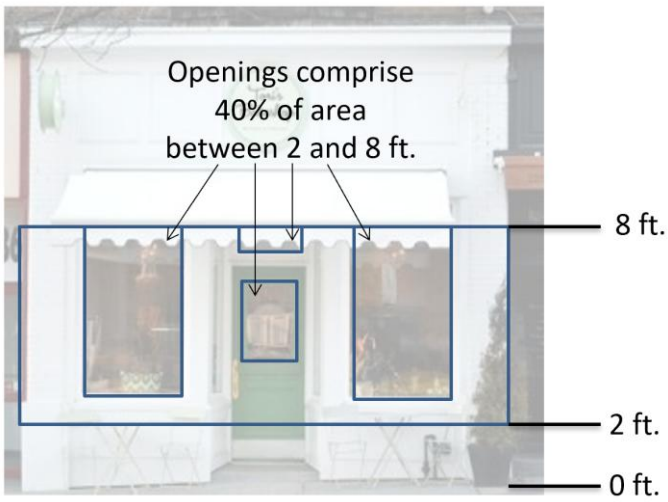
(e) **Rear Setbacks**. A rear setback of at least twenty (20) feet in width is required where a lot abuts upon a residential district.

(f) **Lot Area**. When living facilities are erected above or in connection with other uses, the lot area per family shall be the same as those listed in the R-3 multiple-family residential district.

(g) **Building Entries and Orientation**. Buildings shall have customer entries along each frontage. Buildings on corner lots may have a corner-facing entry in lieu of entries on each street frontage. Buildings with one hundred (100) or more feet of frontage shall have at least two (2) entries along the frontage.

(h) **Windows**. Unless specifically approved by the Planning & Zoning Commission or City Council, windows and door openings shall comprise at least forty (40) percent of street-facing walls between the heights of two (2) and eight (8) feet above street facing sidewalks for retail and restaurant uses and thirty (30) percent for office uses. Upper story windows and transparent doors shall comprise at least fifteen (15) percent of street facing wall areas.

C-1 District Design Requirement



(i) **Building Materials**. Building walls in the C-1 district shall be predominantly brick, stucco, textured concrete or fiber-cement boards designed to look like horizontal lap siding.

(j) **Parking**.

(1) Parking lots and structures should be in rear yards or interior side yards to the greatest extent possible.

(2) Off-site parking may be provided via parking partnerships pursuant to Sec. 58-184(d).

(3) Parking areas abutting lots zoned for residential purposes shall comply with the parking lot design standards of Sec. 58-185.

(k) **Additional C-1 Standards**. Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

(Code 1997, § 102-94; Ord. # 1945, § XV, 6-12-1989; Ord. # 3370, § 3, 2-4-2002; Ord. # 3386, 5-13-2002; Ord. # 3537, § 3D, 6-13-2005; Ord. # 3555, § III, 12-12-2005; Ord. # 4264, § II, 4-13-2011; Ord. # 4629, 12-10-2014; Ord. # 4674, § 102-94, 7-8-2015; Ord. # 4751, 11-9-2016; Ord. # 4762, 2-8-2017; Ord. # 4786, 7-12-2017; Ord #4897, 12-11-19; Ord. # 4913, 8-12-2020)

Sec. 58-128 C-2 District Development Standards

(a) **Side Setbacks**. The minimum side setback from a residentially zoned lot shall be not less than the width of the required buffer pursuant to Sec. 58-272(e). A corner lot where the rear lot line abuts a residential district all buildings shall have a side setback on the side street of not less than twenty (20) feet in width unless the setback is modified pursuant to Sec. 58-125(f).

(b) **Rear Setbacks**. A rear setback of at least twenty-five (25) feet in width is required where a lot abuts upon a residential district.

(c) **Building Entries and Orientation**. On sites of one acre or larger, customer entries shall be oriented toward public streets or internal vehicle use areas. Loading, service and mechanical areas shall be located in a rear or internal side yard.

(d) **Windows**. Unless specifically approved by the Planning & Zoning Commission or City Council, windows and door openings shall comprise at least forty (40) percent of street-

facing walls between the heights of two (2) and eight (8) feet above street facing sidewalks shall be comprised of windows and glass doorways for retail and restaurant uses and thirty (30) percent for office uses. Upper story windows and transparent doors shall comprise at least fifteen (15) percent of street facing wall areas.

(e) **Building Materials**. Facades facing a street on all development, and internal drives for developments on sites of one acre or larger, shall be finished with brick, stucco, textured concrete, or fiber-cement board designed to look like horizontal lap wood siding.

(f) **Additional C-2 Standards**. Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

(Code 1997, § 102-95; Ord. # 3028, 8-8-1994; Ord. # 3136, § III, 1-13-1997; Ord. # 3386, 5-13-2002; Ord. # 3555, § III, 12-12-2005; Ord. # 4264, §§ V—VIII, 4-13-2011; Ord. # 4304, § XIX, 10-12-2011; Ord. # 4700, 12-9-2015; Ord. # 4546, 12-11-2013; Ord. # 4752, 11-9-2016; Ord. # 4913, 8-12-2020)

Division 5. Manufacturing Districts

Sec. 58-132 Industrial District Purposes

(a) **M-1 District Purpose**. The M-1 light industrial district is intended for light manufacturing, processing, storage and warehousing, wholesaling and distribution. This district should be accessible to major transportation routes and located to maximize safety and minimize infrastructure costs to local government. Service and commercial activities relating to the character of the district and supporting its activities are encouraged.

Examples of M-1 Development

(b) **M-2 District Purpose**. The M-2 special industrial district accommodates a broad range of manufacturing, processing, storage and warehousing, wholesaling and distribution uses in addition to service and commercial activities supporting district activities. The district provides areas for intensive employment activities that must be carefully developed and operated to ensure the health and safety of the City's commercial and residential neighborhoods.

Examples of M-2 Development

Sec. 58-133 Authorized Uses in Manufacturing Districts.

Exhibit 58-133 identifies the uses allowed within the M-1 and M-2 districts. Additional use conditions are in Sec. 58-134, Sec. 58-135, and Article V.

Exhibit 58-133: Authorized Uses in Manufacturing Districts
P – Permitted by Right, S – Supplemental Conditions Apply, C- CUP Required

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
RESIDENCE OR ACCOMMODATION FUNCTIONS	**1000**	Homes, apartments, housing for the elderly, and hotels			
Accessory Unit	**S1130**	Independent dwelling unit that is secondary to the principal use and located on the same lot.	P		
Hotel, motel, or tourist court	**1330**	Hotels that do not have gambling services; includes extended-stay hotels	C		
GENERAL SALES OR SERVICES	**2000**	Comprises the vast majority of establishments associated with commercial land use			
Car, motorcycle, manufactured homes or RV dealer	**2111-2113**	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses	C		Sec. 58-325, Sec. 58-326, Sec. 58-338
Boat or marine craft dealer	**2114**	New or used boats sales, rental and related repair services	C		Sec. 58-325, Sec. 58-326, Sec. 58-338
Parts, accessories, or tires	**2115**	Automotive parts and supply stores, automotive stereo stores.	P		
Gasoline service	**2116**	Gas stations with or without convenience stores or food marts, excludes truck stops, and light auto repair	S	C	Sec. 58-135 Sec. 58-306

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Light auto repair (automobile service station)	**2117a**	Oil change, light auto repair and car wash. May include gasoline and other retail sales.	S	S	Sec. 58-306
Heavy auto repair	**2117b**	Auto and motorcycle repair, paint and body shops. May include gasoline and other retail sales.	S	S	Sec. 58-306
Truck stop	**2118**	Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services	P	P	
Heavy consumer goods sales or service	**2120**	Heavy or durable goods sales or services			
Furniture or home furnishings	**2121**	Furniture, flooring, bedding stores	P		
Hardware, home center	**2122**	Home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment	P		
Lawn and garden supplies	**2123**	Nursery and garden products predominantly grown elsewhere, and power equipment sales or services	P		
Electronics and appliances	**2125**	Household-type appliances, television, stereos, including repair shops and cell phone stores	P		
Lumber yard and building materials; heating and plumbing equipment; heavy equipment	**2126-2128**	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)	P		
Computer and software	**2131**	Computers and prepackaged software including repair, support, and training	P		
Camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	**2132-2135**	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	S		Sec. 58-134(e), Sec. 58-135(f)
Mail order or direct selling establishment	**2144**	Retailing other than through locations where shoppers physically visit	P		
Antique shop	**2145**	Antique shops, (excludes flea markets, thrift stores and pawn shops)	P		
Flea markets and thrift stores	**2145b**	Flea markets, consignment, secondhand, and thrift stores, (excludes pawn shops)	P		
Grocery store, supermarket, or bakery, convenience store, specialty food stores	**2151-2154**	Included are grocery stores, convenience stores, meat, seafood and produce markets, and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales)	P		
Convenience store	**2152**	Convenience stores or food marts (except those with fuel pumps) primarily retail a limited line of goods that generally includes milk, bread, soda, and snacks.	S		Sec. 58-309

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Real estate services	**2310**	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P		
Property management services	**2320**	Manage real property for others	P	P	
Vehicles	**2331 & 2332**	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	P		
Recreational goods rental	**2333**	Rent canoes, bicycles, sailboats, motorcycles and other recreational goods – motorized or non-motorized	C		
Commercial, industrial or consumer machinery and equipment rental	**2334 - 2335**	Rent or lease: office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) personal and household-type goods and a range of equipment geared toward consumers	P	P	
Heavy equipment rental	**2337**	Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles	P	P	
Professional offices	**2411-2414**	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P		
Consulting services (management, environmental technical)	**2415**	Advise and assist businesses on management, scientific, and technological issues	P		
Scientific research and development services	**2416**	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P	P	
Advertising, media and photography services	**2417**	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P		
Veterinary services	**2418**	Veterinary medicine, testing services for veterinary practitioners	S		Sec. 58-324, Sec. 58-339
Other professional offices	**2419**	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P		
Office administrative services	**2421**	Office administration such as billing, record keeping, personnel, organizational planning	P		
Facilities support services	**2422**	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P	P	
Employment agency	**2423a**	Provide employee placement, temporary help	C		
Hiring hall	**2423b**	Place of assembly for the registration or assignment of employment	C		

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Copy center, private mail center, other business support services	**2424**	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P	P	
Collection agency	**2425**	Collect payments, compile credit information, repossess tangible assets	P	P	
Travel arrangement and reservation services	**2430**	Promote or sell travel, includes convention and visitors' bureaus	P		
Investigation and security services	**2440**	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P	P	
Services to buildings and dwellings	**2450**	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)	P	P	
Packing, crating	**2455**		P	P	
Cafeteria or limited service restaurant	**2520**	Cafeteria or restaurant where food may be ordered or picked up before dining at tables – may include take-out or delivery service, but does not include drive-through or drive-in service	P		
Bar rooms, nightclubs and lounges	**2541**		S		Sec. 58-307
Bars as accessory uses	**2542**	Accessory bars to hotels and restaurants, or as part of a mixed-use building.	S		Sec. 58-307
Mobile food services	**2550**	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	S	S	Sec. 58-313
Catering	**2560**	Provide single event-based food services. They transport food via equipment and vehicles to events or prepare food at an off-premises site. Banquet halls with catering staff are included in this subcategory.	P		
Food service contractor and vending machine operators	**2570 & 2580**	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P	P	
Personal care	**2610**	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P		
Laundromat, laundry and dry cleaning	**2621**	Includes laundry/dry cleaner collection facilities where cleaning does not take place on site and laundromats	S	S	Sec. 58-319
Laundry cleaning facilities	**2622**	Laundries where cleaning is done on site and employing not more than ten people exclusive of drivers	S	S	Sec. 58-319
Linen and uniform supply	**2623**		P	P	
Photofinishing	**2630**	Primarily engaged in developing film or making slides, etc.	P		
Surface parking lots	**2641**		P	P	

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Parking structures/garages	**2642**		P	P	
Tattoo parlor	**2652**	Tattoos by a licensed professional		C	
Adult retail establishment	**2653**	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods		C	Sec. 58-330
Pet or pet supply store	**2710**	Retail pets, pet foods, pet supplies	P		
Animal services	**2721**	Grooming and training	P		
Animal boarding	**2722**	Sitting and boarding	P		
MANUFACTURING AND WHOLESALE TRADE	**3000**	When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing			
Food and beverages	**3110**	Includes facilities for the production of food and beverages; water purification; ice manufacturing; production of alcoholic and non-alcoholic beverages; dairies; bottling plants; and peanut and coffee roasting (see 2530 for retail sales of bakery goods, candy and coffee)	P	P	
Textiles, leather and leather substitute products	**3130 & 3140**	Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P	P	
Wood products	**3210**	Except furniture	P	P	
Paper products and printing materials	**3220**	Manufactures paper goods and offer printing-related products, excludes pulp or paper manufacture	P	P	
Furniture and related products	**3230**	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P	P	
Petroleum storage / sales	**3311**	This category addresses storage and wholesale services and does not apply to incidental sales for home or business use		C	Sec. 58-135
Petroleum refining	**3312**	Refinement and production of petroleum products		C	
Chemicals, plastics, paint, chlorine, adhesives, acids, fertilizer, or explosive manufacturing or storage	**3320**	Manufacture inorganic chemicals, plastic or rubber products, adhesives, pharmaceuticals, wax products,		C	Sec. 58-135
Manufacture of lime or cement	**3331**			C	
Manufacture of non-metallic products	**3332**	Manufacture of non-metallic products, including: insulation, bricks, ceramics, glass, cement, concrete, statuary, and other stone products	P	P	
Smelting and refining	**3341**	Smelting or refining metals, including recovering metals from scrap to produce basic metal products, such as ingot, billet, sheets, strips, bars, rods, wires, and castings		C	

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Metal products	**3342**	Includes creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items; sheet metal products; and other products that do not involve smelting or refinement of metals	P	P	
Machinery , electrical equipment, appliance, and components manufacturing	**3350 & 3360**	Make machinery for particular applications, such as construction, ventilation, heating and cooling; manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances, household goods and medical equipment		C	
Transportation equipment and automobiles	**3370**	Produce equipment for transporting people and goods. Includes tire retreading and rebuilding. Although transportation equipment is a type of machinery, assembly tends to be distinct from the production processes common in the machinery manufacturing subsector, so these establishments are classified separately.		C	
Jewelry and silverware, sporting goods, toys, games and office supplies	**3410-3430**	Jewelry, silverware, sporting goods, toys, musical instruments, office supplies, including inks. Excludes paper mills and businesses primarily engaged in on-premises retail sales	P	P	
Signs	**3440**	Manufacturing of signs to be erected or installed (excludes banner printing)	P	P	
Blacksmith	**3450**	Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P	P	
Indoor display and sale of merchandise	**3501**	Excludes warehousing of wholesale goods	P	P	
Wholesale trade with indoor storage	**3502**		P	P	
Wholesale trade with outdoor storage	**3503**		S	S	Sec. 58-326
Office and warehousing	**3610**	Storage of goods related to on-site office or retail use	P	P	
Warehousing	**3620**	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P	P	
Tank farm	**3630**	An area used for bulk storage of oil, other petrochemicals, or other hazardous or noxious chemicals in above ground tanks			
Underground petroleum storage	**3640**	An area used for bulk storage of oil, other petrochemicals, or other hazardous of noxious chemicals in underground tanks	C	C	
Refrigerated storage	**3650**	Storage of foodstuffs, furs and other goods requiring refrigeration or climate control	P	P	
Outdoor storage, limited	**3661**	Outdoor storage and lots, excluding wrecking, salvage, and junk yards used in whole or part for scrap and salvage operations	S	S	Sec. 58-326

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Wrecking, salvage, and junk yards	**3662**	Includes operations used in whole or part for scrap and salvage operations		C	Sec. 58-325 and Sec. 58-326
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	**4000**				
Air transportation	**4110**	Provide transportation for passengers or cargo using aircraft	C	C	
Rail passenger transportation	**4121**	Passenger stations only	P		
Rail freight transportation	**4122**	Rail lines or yards for freight systems; excludes accessory sidings allowed within the M-2 and M-3 districts	C	C	
Rail transportation support establishment	**4123**	Provide specialized services such as repair, maintenance, loading and unloading	C	C	
Rail transportation	**4124**	Rail transportation lines for freight or passengers that cross public right-of-way	C	C	
Local transit systems--bus, special needs, sightseeing, taxi and limousine services	**4133 – 4134 & 4136 - 4137**	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P	P	
School and employee bus transportation	**4135**	Maintain and dispatch buses and other motor vehicles to transport pupils or employees	P	P	
Towing and other road and ground services	**4138**	Tow vehicles	P	P	
Truck and freight transportation services	**4140**	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	P	P	
Marine and sightseeing transportation	**4151**	Provide water transportation including scenic and sightseeing for passengers	C	C	
National post office	**4181**		P		
Retail courier and package delivery	**4182**	Retail courier, package drop-off and mail services	P		
Courier and messenger services	**4190**	Provide air, surface, or combined courier delivery services of parcels and messages (excludes retail package drop-off and local courier services)	P	P	
Publishing	**4210 & 4221**	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P	P	
Motion pictures and sound recording	**4220**	Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters)	P	P	

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Radio and television broadcasting	**4231, 4232 & 4241**	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P	P	
Wireless telecommunications transmission	**4233**	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see Sec. 58-334 for telecommunications towers	P	P	
Telephone and other wired telecommunications	**4234**	Operate telephone networks – excludes switching stations	P	P	
Telecommunications switching stations/exchanges	**4239**	Telecommunications switching stations and exchanges with no on-site employees	P	P	
News syndicate	**4243**	Supply information such as news reports, articles, pictures and features to the news media	P		
Data processing and management, hosting and related services	**4244**	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P		
Public utilities services, major	**4315, 4329, 4339, 4349**	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature. All overhead transmission lines are included in this definition.	C	C	
Public utilities services, minor	**4315, 4329, 4339, 4349**	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P	P	
Power generation	**4315**		C	C	
Electric substations	**4316**		P	P	
Water treatment plants	**4331**	Water treatment plants	P	P	
Wastewater treatment plants	**4348**		C	C	
Hazardous waste processing, storage, treatment or disposal	**4341 & 4342**	Operate treatment and disposal facilities for hazardous waste, combine, collect, or haul hazardous waste materials, including businesses cleaning contaminated buildings, soil or groundwater		C	

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
Solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams	**4343 - 4347**	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials, operate waste transfer stations; landfill, incineration or composing of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance		C	
Recycling collection centers	**4349**	Drop-off facilities for the collection of recycled goods	P	P	
ARTS, ENTERTAINMENT, AND RECREATION	**5000**				
Theater, dance or music establishment	**5110 & 5160**	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P		
Motion picture viewing and exhibition services	**5111**	Operate movie theaters (excluding drive-ins), film festival exhibitions	P		
Promoter of sports, performing arts, similar events and management services	**5140 - 5150**	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P		
Indoor auditorium or arena	**5170**	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	P	P	
Outdoor auditorium/arenas	**5180**	Outdoor arenas and theaters	P	P	
Museums and Other Special Purpose Recreational Institutions	**5200**	Public and private museums, historical sites, and similar establishments	P		
Amusement or theme park establishment	**5310**	Operate a variety of attractions such as mechanical rides, water rides, games	S	S	Sec. 58-305
Commercial amusements	**5320, 5380, 5390**	Operate arcades and other commercial amusements as defined herein	P		
Fitness and recreational sports center	**5371**	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P	P	
Shooting ranges, indoor	**5375**		C		
Bowling, billiards, pool, etc.	**5380**	Bowling alleys, billiards or pool halls as a principal use	P		
Skating rinks	**5390**	Indoor skating rinks	P		
Camps, Camping, and Related Establishments	**5400**	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles	C		
Natural and other Recreational Parks	**5500**	All parks without special economic functions, other than limited concessions	P		

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	**6000**				
Nursery or preschool	**6110**		C		
College or university	**6130**	Academic colleges and universities providing education in classroom and laboratory settings	P	P	
General technical schools	**6141-6143, 6145, 6147**	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	P	P	
Driving education	**6144**	Offer courses and training in operation of automobiles, light trucks and motorcycles	P		
Truck and heavy equipment training	**6145**	Offer courses and training in operation of commercial vehicles, construction equipment, and other heavy equipment	C	C	
Other government functions	**6300**	Other government owned establishments not classified elsewhere such as defense and national guard establishments	P		
Public safety	**6400**	Government-owned establishments providing fire and rescue, police, and emergency response services	P	P	
Clinic	**6511**	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P		
Outpatient care clinic	**6512**	Provide outpatient family planning services and outpatient care	P		
Medical or diagnostic laboratory; blood/organ bank	**6513 - 6514**	Provide analytic or diagnostic services including medical imaging	P	P	
Halfway house	**6521**	Residential services for pre- or post-release of convicted individuals	C	C	Sec. 58-317
Rehabilitation centers	**6524**	Rehabilitation services establishments in this category provide include housing services for hearing or visually impaired, disabled, etc. but exclude correctional facilities and halfway houses	P	P	
Hospital	**6530**		P	P	
Child and adult day care	**6562**	Provide day care for children and adults			
Family day care home	**6562a**	Day care for 6 or fewer children in a residence	S		Sec. 58-311
Child care center	**6562b**	Day care for 7 or more children	S		Sec. 58-311
Adult day care	**6562c**	Day care for 2 or more adults who are not related to the owner or operator	S		Sec. 58-311
Funeral home w/ crematoria	**6710a**	Includes funeral homes combined with crematoria	P	P	
Funeral homes no crematoria	**6710b**	Includes funeral homes but does not allow crematoria	P	P	
Associations, non-profit associations	**6800**	Civic, labor, political, business, professional and similar organizations promoting interests of members	P		

Land Use	LBCS #	Description	M-1	M-2	Additional Conditions
CONSTRUCTION-RELATED BUSINESSES	**7000**	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.	C	C	
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	**9000**	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries			
Vegetable farming or growing	**9120**	Includes private fields and community gardens	P		
Commercial orchards	**9130**	Includes fruit and nut trees for commercial production	P		
Greenhouse – no on-premises sales	**9141**	Commercial greenhouse production	P	P	
Greenhouse – sales of products grown on premises	**9142**		P		
Greenhouse – sales of products and related accessory products	**9143**		P		

(Ord. # 4912, 6-22-2020; Ord #4955, 2-9-2022)

Sec. 58-134 M-1 District Use Standards.

The following provisions apply in addition to the use conditions in Article V.

(a) On May 13, 2002, all existing residential uses in this district became non-conforming.

(b) Outdoor storage shall not be located closer than twenty-five (25) feet to any public street right-of-way line and shall be screened in accordance with Sec. 58-262(d). This provision shall not permit wrecking yards, junkyards, or yards used in whole or in part for a scrap or salvage operation.

(c) The storage of hazardous and obnoxious substances shall be prohibited in above-ground storage tanks greater in volume than 3,000 gallons, except for existing tanks used exclusively for the storage of Class III Class IIIA and Class IIIB combustible liquids (as defined in Section 42-278 NFPA 1) with a flash point above 140 degrees Fahrenheit.

(d) Subject to penalties provided in this UDC, where such properties house an adult establishment, adult cabaret, or other sexually oriented business as defined in this code, such use of property shall meet the following criteria:

(1) The use shall be located a minimum of 1,000 feet from any residential district, as measured along the nearest pedestrian walkway or sidewalk, from the structure used for the adult use to the nearest residential district boundary.

(2) Approval of the use will not result in more than one such use per 1,000 linear feet, as measured from the nearest point of the lot on which the use is proposed,

to the nearest point on the lot on which another M-1 light industrial use is located.

(3) The use shall be located at a minimum of 1,000 feet from any existing or proposed school, nursery, kindergarten, church, or place of worship.

(4) The use shall be located at a minimum of 1,000 feet from any park or recreational area.

(5) All necessary state and parish licenses and/or permits shall be applied for and obtained by the applicant.

(e) The sale of firearms shall be considered a conditional use, whether as a primary use or as an accessory to another use.

(Ord #4897, 12/11/19)

Sec. 58-135 M-2 District Use Conditions.

The following provisions apply in addition to the use conditions in Article V.

(a) All permitted uses in this district shall comply with the standards in the M-1 district. All conditional uses and any permitted use that does not comply with the M-1 district standards must be established through the conditional use process and be subject to applicable district use conditions and development standards.

(b) On May 13, 2002, all existing residential uses in this district became non-conforming.

(c) Storage of petroleum products and gases that are clearly incidental and secondary to the principal use of the property, provided that all aboveground tanks contain a maximum of 500 gallons and are located no closer than 300 feet from all property lines. All storage tanks below ground shall contain a maximum of 12,000 gallons and shall be located no closer to any property line than the largest dimension (diameter, length, height) of the tanks to be buried.

(d) The storage of hazardous and obnoxious substances shall be prohibited in above ground storage tanks greater in volume than 3,000 gallons.

(e) Petroleum storage tanks, said tanks, defined as any vessels designed to contain petroleum liquid having a liquid capacity that exceeds 60 gallons (227 L), shall not be used for the processing of petroleum products.

(f) The sale of firearms shall be considered a conditional use, whether as a primary use or as an accessory to another use.

(Ord #4897, 12/11/19)

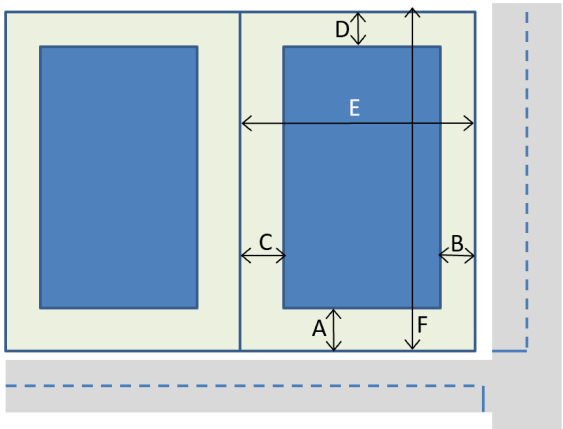
Sec. 58-136 Manufacturing District Development Standards.

Exhibit 58-136 summarizes lot development standards applicable that are described in more detail in Article IV.

Exhibit 58-136: M-1 Development Standards Summary

Design Element	Principal Structure Standards	
	M-1	M-2
Maximum height	35’	See Sec. 58-138
Minimum front setback (dimension A)	25’	
Minimum side setback, exterior (dimension B)	25’	
Minimum Side setback, interior (dimension C)	0’	
Minimum rear setback (dimension D)	25’	
Minimum lot width (dimension E)	None	
Minimum lot depth (dimension F)	None	
Minimum lot area	10,000 sq.ft.	

Industrial District Development Standards



Sec. 58-137 M-1 District Development Standards.

(a) **Height.** For parcels that are located at least hundred (100) feet from the nearest residential district, additional height of up to fifty (50) feet may be approved by the Planning Director through the site plan process, subject to the height transition provisions of Sec. 58-170(f) and the height incentive provisions of Sec. 58-170(f),

(b) **Setbacks**. Where a side setback is provided, it shall be a minimum of three (3) feet.

(c) **Buffer Requirements**. When an M-1 Light Industrial District or use abuts an existing residential or commercial use or district, buffer zones shall be provided in the applicable side and/or rear yard as follows:

(1) A 100 percent sight-obscuring fence a minimum of eight (8) feet in height.

(2) One Class A tree for each fifteen (15) lineal feet of lot depth or width will be planted for the purpose of screening.

(d) **Additional M-1 Standards**. Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

(Code 1997, § 102-96; Ord. # 1945, § XVII, 6-12-1989; Ord. # 3136, §§ II, III, 1-13-1997; Ord. # 3313, 7-10-2000; Ord. # 3386, 5-13-2002; Ord. # 3555, § III, 12-12-2005; Ord. # 3615, § III, 11-13-2006; Ord. # 4698, 11-10-2015)

Sec. 58-138 M-2 District Development Standards.

(a) **Administration and Enforcement**. As required by State law, the Department of Natural Resources will administer, monitor and enforce the environmental requirements of this section. Before the City issues a building permit, the City Council may require additional buffering if noise, sight, sound and public safety factors related to the proposed use warrant greater buffer requirements than are otherwise required by this section.

(b) **Height Requirements**. No building or structure shall exceed forty-five (45) feet in height except for telecommunication towers, in which case an additional one-foot setback for each foot over forty (45) feet shall be required from the nearest property line.

(c) **Area Regulations**. Area regulations will be determined in the plan review process on a site-by-site basis.

(d) **Buffer Requirements**. Where an M-2 Special Industrial District or use abuts an existing residential or commercial district or use, buffer zones shall be provided in the applicable abutting side and/or rear yard as follows:

(1) A 100 percent sight-obscuring fence a minimum of eight feet in height.

(2) One Class A tree for each fifteen (15) feet of lot depth or width to be put in place for the purpose of screening.

(3) The applicant will be notified in writing if the proposed use may possibly warrant additional buffer requirements.

a. The City Council shall arrange for a public hearing on any proposal with additional buffer requirements. The City Council may request additional information on the proposed use of the property. Studies by an independent consultant or institute may be required. These studies will be conducted at the expense of the applicant or legal property owner.

b. At the public hearing the City Council must decide if additional buffer requirements are necessary for the proposed use. Additional buffer requirements, if any, shall become a part of the public record and the conditions under which the permit is issued; they must be indicated on the plans submitted as part of the permit application records. The permits may be issued only after a final decision on the requirements for additional buffer is made by the governing authority.

(e) **Locational Criteria/Performance Standards for Permitted Conditional Uses**. In reaching recommendations and decisions for land use plans in an M-2 Special Industrial District within the City, the City Council shall apply the following locational criteria and performance standards:

(1) **Locational criteria**.

a. **Relation of major transportation facilities**.

1. A M-2 District shall be located in proximity to major roadways, state or federal highways and other transportation facilities, such as rail lines and river access, to provide direct access to such M-2 district or without creating or generating traffic along minor streets in residential districts outside of the M-2 commercial district.
2. An M-2 special industrial district or use area shall be located a minimum of 1,000 feet away from residential neighborhoods with a concentration of dwellings with a density exceeding one dwelling unit per gross acre (1 du/ac).

b. **Relation to utilities, public facilities and services**. Neither the M-2 district nor uses within the district shall adversely impact sanitary sewers, water lines, structural surface drainage systems and other utility systems. Any extension or enlargement of such systems shall be at the expense of the user, or where applicable, the user shall provide adequate utility systems on site.

(2) **Performance standards**. An M-2 special industrial district is provided to ensure protection of the environment and surrounding areas by regulating air and water resources and the regulation of pollution, radiation hazards, noise, fire and explosive hazards.

a. **Exhaust emission**. No industry in an M-2 special industrial district shall emit from any exhaust pipe or fire chimney, or any emission that shall be deemed harmful by the Louisiana Department of Environmental Quality.

b. **Odor.** The emission of obnoxious odors of any kind beyond the property boundaries shall not be permitted, and particular industries may be required to present comprehensive statements of measures to be taken for elimination of obnoxious odors to the planning advisory board before the required building permits are granted. Odorous matter released from any operation or activity in the M-2 district shall not exceed the odor threshold concentration established by applicable state agencies beyond lot lines, measured at ground level or habitable level.

c. **Water quality**. No industry shall emit harmful substances into groundwater, soil, a waterway or water disposal system, in compliance with the federal Water Pollution Control Act and Louisiana Water Control Law.

d. **Noise.** No industry shall emit a noise level above 70 decibels (dBA) at the lot boundary line measured at ground level or habitable elevation. Applicable measurement standards shall be taken by an independent lab institute at the expense of the applicant or legal property owner. The City Council shall be the discretionary governing body to determine the frequency of decibel measurements taken annually.

e. **Radiation**. No operation involving radiation hazards which violate the standards of the nuclear energy and radiation control law regulated by the

office of environmental affairs shall be conducted in an M-2 special industrial district.

f. **Fire and explosive hazards**. All uses in an M-2 Special Industrial District shall comply with applicable standards set forth in the rules and regulations of the state fire marshal.

(f) **Additional M-2 Standards**. Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters are established in Article IV.

(Code 1997, § 102-97; Ord. # 1945, § XVIII, 6-12-1989; Ord. # 3313, 7-10-2000; Ord. # 3386, 5-13-2002; Ord. # 3458, 10-13-2003; Ord. # 3555, § III, 12-12-2005; Ord. # 3615, § IV, 11-13-2006; Ord #4897, 12-11-19)

Division 6. Recreation/Open Space District

Sec. 58-139 R/ District Purpose.

The R/OS recreation open space district is intended to retain public and private recreational lands and open spaces for open space, recreational and related uses.

Sec. 58-140 Authorized Land Uses

Exhibit 58-140 identifies the uses allowed within the R/OS district. Additional use conditions are in Sec. 58-141 and Article V.

Exhibit 58-140: Authorized Uses in the Recreation/Open Space District
P – Permitted by Right, S – Supplemental Conditions Apply, C- CUP Required

Land Use	LBCS #	Description	R/OS	Additional Standards
RESIDENCE OR ACCOMMODATION FUNCTIONS	**1000**	Homes, apartments, housing for the elderly, and hotels		
Accessory Unit	**S1130**	Independent dwelling unit that is secondary to the principal use and located on the same lot.	C	
GENERAL SALES OR SERVICES	**2000**	Comprises the vast majority of establishments associated with commercial land use		
Grocery store, supermarket, or bakery, convenience store, specialty food stores	**2151-2154**	Included are grocery stores, convenience stores, meat, seafood and produce markets, and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales)	C	
Recreational goods rental	**2333**	Rent canoes, bicycles, sailboats and other non-motorized recreational goods	C	
Full-service restaurant	**2510**	Restaurants serving meals to customers who order from and dine at tables and not including drive-in or drive-through service	C	
Snack or non-alcoholic bar	**2530**	Food and/or beverage service, with or without drive-through or drive-in service, includes bakeries, candy and coffee shops primarily engaged in retail sales of goods on-site	C	Sec. 58-312
Marine sightseeing and transportation	**4151**	Provide waters transportation, including scenic and sightseeing for passengers	C	

Land Use	LBCS #	Description	R/OS	Additional Standards
Theater, dance or music establishment	**5110 & 5160**	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	C	
Motion picture viewing and exhibition services	**5111**	Operate movie theaters (excluding drive-ins), film festival exhibitions	C	
Indoor auditorium or arena	**5170**	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C	
Outdoor auditorium/arenas	**5180**	Outdoor arenas and theaters	C	
Museums and Other Special Purpose Recreational Institutions	**5200**	Public and private museums, historical sites, and similar establishments	C	
Country club	**5350**	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C	
Fitness and recreational sports center	**5371**	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	C	
Outdoor recreation	**5372, 5373 & 5374**	Includes golf courses, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding. Excludes automobile, dog and horse racing facilities. May include lighted outdoor facilities.	C	
Camps, Camping, and Related Establishments	**5400**	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles	C	
Natural and other Recreational Parks	**5500**	All parks without special economic functions, other than limited concessions	P	
Free-standing cemetery	**6722**		C	
Columbarium	**6724**		C	

(Ord #4955, 2-9-2022)

Sec. 58-141 R/OS District Use Standards

Principal uses in this district are limited to open space, active and passive parks, outdoor recreational facilities, and cultural facilities developed in a park-like environs. Residential and general sales or services uses shall be authorized only as accessory uses to conditional uses approved by the City Council at the time of conditional use permit approval. Accessory uses shall be sized, located, and designed to accommodate people visiting the principal use, consuming less than ten (10) percent of each district's land area.

Sec. 58-142 R/OS District Development Standards

(a) **Height**. Building heights shall not exceed the lesser of two (2) stories or thirty (30) feet unless otherwise authorized through issuance of the conditional use permit.

(b) **Setbacks**. All buildings shall be set back a minimum of fifty (50) feet from the nearest property line unless otherwise approved in conjunction with the issuance of the required conditional use permit.

(c) **Building and Parking Arrangement**. The arrangement of buildings and parking shall be subject to the site plan approved in conjunction with the issuance of the required conditional use permit.

(d) **Additional Standards**. Additional site development standards addressing parking, signs, streets, alleys, sidewalks, utilities, open space, planting, fencing and screening, stormwater management and other matters shall comply with Article IV unless otherwise approved in conjunction with the issuance of the required conditional use permit.

Division 7. PD - Planned Development District

Sec. 58-143 PD District Purpose.

The purpose of the planned development (PD) district is to provide an alternate development tool that encourages creative and innovative solutions not achievable by the standards under which the property is currently zoned. The flexibility provided within a PD district shall be reserved for development that meets at least two (2) of the following goals in addition to being consistent with the Comprehensive Plan and compatible with the neighborhood in which the PD is located:

(a) Encourages unique innovations in residential, commercial and industrial development to meet the growing demands on the City for a greater variety in the type, design and layout of buildings and the conservation and more efficient use of open space;

(b) Encourages a more efficient use of land that reflects changes in the technology of land development to the long-term benefit of the City;

(c) Relates the type, design and layout of development to the site in ways that better preserve of the site's natural and historic characteristics than could be achieved under existing zoning district standards;

(d) Provides infill development that enhances, revitalizes, protects the overall characteristics of the surrounding neighborhoods, and conserves historic and natural resources.

(e) Incorporates designs and uses that capitalize on the City's proximity to the Mississippi River and recognizes the local commitment to historic preservation.

Sec. 58-144 Applicability.

Any land within the City may be considered for the establishment of a PD district, provided that the area encompasses at least one (1) acre of land.

Sec. 58-145 Procedures.

The process for establishing a PD district is described in Sec. 58-62 of this UDC.

Sec. 58-146 Authorized Land Uses.

(a) The land uses within a PD district should be consistent with the future land use category established within the Comprehensive Plan. Prior to establishing uses or intensities of development within a PD that are not consistent with the Comprehensive Plan, the City

shall approve a change in the future land use category to one that is consistent with proposed PD through the amendment process established in Sec. 58 -14.

(b) Any combination of land uses authorized in any zoning district that the City Council finds to be consistent with the Comprehensive Plan for the proposed PD district location may be approved through the PD approval process, except that uses allowed only within the M-2 special industrial district are expressly prohibited.

(c) Authorized uses within a PD shall be identified at the time of PD approval. Authorization of uses that are not identified but are substantially similar in intensity and impacts may be approved by the Planning Director or Planning & Zoning Commission in conjunction with site plan approval. All other uses that are not identified at the time of PD approval may be considered through the conditional use permit process, except uses that are prohibited by paragraph (b) of this section.

Sec. 58-147 PD Development Standards.

(a) **Generally**. Except as established in this section, setbacks, heights and other site and building development standards shall be consistent with the standards applicable to the use within other districts that allow such uses unless the applicant demonstrates that the overall benefit of the proposed deviation from the standard better achieves the purposes of the PD. For instance, multi-family development should comply with the R-3 zoning district standards, the applicable standards in Article IV, and the applicable use standards in Article V unless the applicant demonstrates to the City that the overall arrangement of uses better achieves the purposes of the PD and this UDC.

(b) **Special PD Design Standards**. Special PD design standards set in this section are in addition to those listed in other sections of this UDC referenced in paragraph (a). When there is a conflict between the following standards and applicable district, use or development standard, the more stringent design standards shall apply to ensure the superior quality of the PD.

(1) **Transition Zones**. Transition zones shall be provided in the height of structures within the PD relative to the surrounding development. The perimeter of the PD site shall conform to the height transition provisions of Sec. 58-170(g).

(2) **Building Materials**. All PD structures shall have an architectural façades consisting of wood, brick or other decorative masonry material. If the PD is within or adjacent to an historic district, the structures shall match the architectural standards for exterior finishes established in the historic district.

(3) **Open Space**. Open space shall be provided in the PD pursuant to Article IV, Division 7 of this UDC in a manner that that capitalizes on scenic views of historic areas, the Mississippi River or other scenic views to the greatest extent practicable. Public and private open space shall comprise not less than twenty (20) percent of the PD's gross acreage.

(4) **Fencing**. The City may require brick, masonry walls or other durable decorative materials that meets or exceeds the provisions of Article IV, Division 8 of this UDC.

(5) **Signs**. In addition to applicable sign regulations in Article IV of Division 3, the following standards shall be met.

a. All signs serving the PD development shall incorporate the architectural theme of the development in materials and style.

b. No "pole type" detached signs shall be permitted. Detached signage shall consist of a low-level monument type signs no greater than ten (10) feet in height and no greater than one hundred (100) square feet in area.

c. No off-premises advertising shall be permitted.

(6) **Lighting**. Lighting shall comply with the provisions of Article IV, Division 4 of this UDC.

(7) **Streets, Alleys and Sidewalks**. Streets, Alleys and Sidewalks shall comply with the provisions of Article IV, Division 5 of this UDC.

(8) **Planting and Stormwater Management**. Planting and stormwater management shall comply with the provisions of Article IV, Division 9 of this UDC unless otherwise approved through the PD process.

(9) **Amenities**. Through the PD approval process, the applicant and City shall determine the most appropriate mix of amenities for the proposed mix of uses within the development and access to those amenities. Amenities may include indoor and outdoor recreational facilities, courtyards, gardens, water features, or gathering places for the users of the development or the general public.

(Code 1997, § 102-98; Ord. # 3479, 5-10-2004; Ord. # 3555, § III, 12-12-2005; Ord. # 4647, 2-11-2015)

Division 8. Overlay Districts

(Code 1997, § 102-99; Ord. # 3612, §§ I—VIII, 10-9-2006)

Sec. 58-148 Flood Hazard Overlays

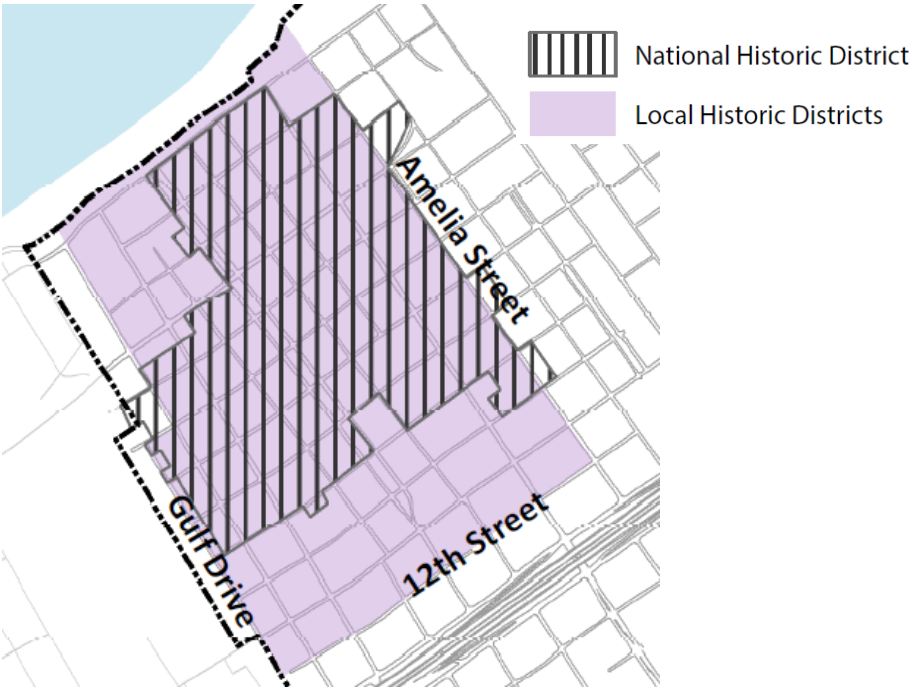
Chapter 28 of the City Code establishes the City's flood hazard overlay districts and the City's floodplain management procedures and standards. [Note: Chapter 28 was repealed by Ordinance # 4923 on 12-9-2020 and moved in its entirety to **Article IV, Division 11** of this UDC]

Sec. 58-149 Historic Preservation Districts

(a) **Regulated Areas and Facilities**. The following areas and resources are subject to the historic preservation rules and regulations established in Sec. 58-72 of this UDC.

(1) The Mechanickham-Gretna Historic District is hereby bounded by the east side of Gulf Drive, the north side of Sixth Street to the west side of Dolhonde, on the west; the north side of Twelfth Street on the south; the east side of Amelia Avenue on the east; and the Mississippi River on the north. The Mechanickham-Gretna Historic District map shall be on file in the City clerk's office where it is available for reference and review during normal business hours.

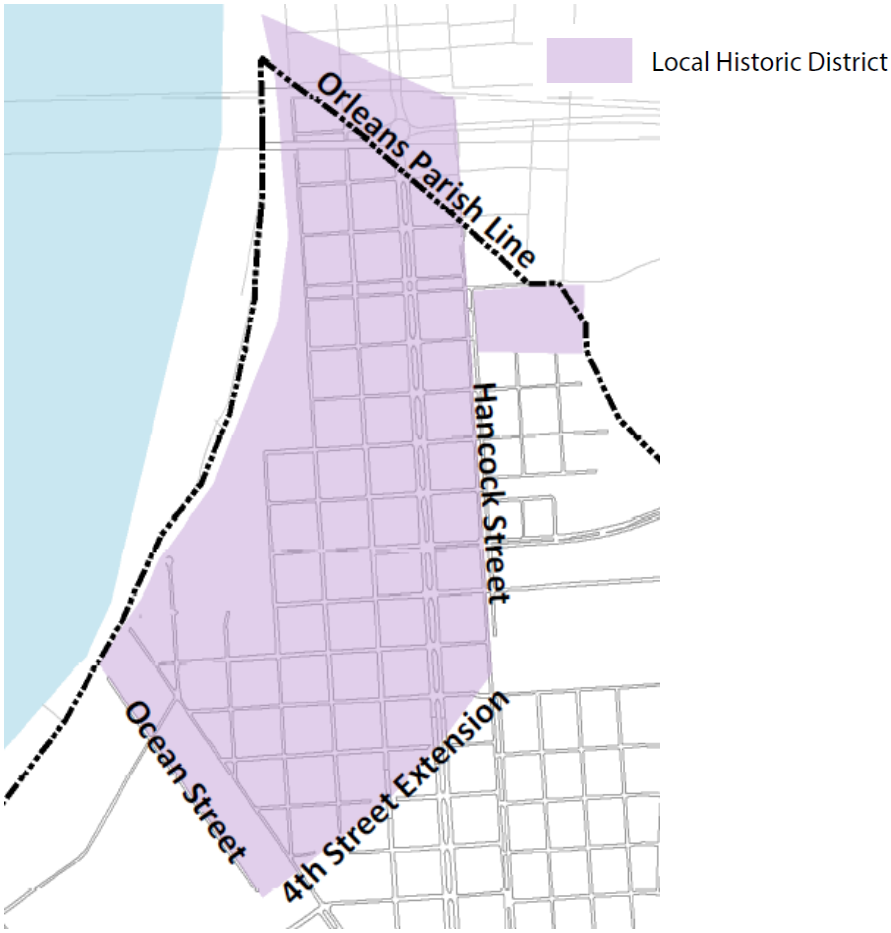
Mechanickham-Gretna and National Historic Districts



(1) The National Register Historic District mostly included within the Mechanickham-Gretna Historic District. The National Register Historic District map shall be on file in the City clerk's office where it is available for reference and review during normal business hours. (see above map)

(2) The McDonoghville Historic District is hereby bounded by the east side of Ocean Avenue from the river to the Fourth Street right-of-way to the west side of Hancock Street to the Orleans Parish line and Mississippi River. The McDonoghville Historic District map shall be on file in the City clerk's office where it is available for reference and review during normal business hours.

McDonoghville Historic District



(3) The McDonoghville Cemetery.

(4) Any other local historic district that is established by the City Council upon nomination of the mayor and approval by the Historic District Commission.

(5) Any other historic building or landmark that is declared by the City Council upon nomination of the Mayor.

(6) Ceramic blue letter sidewalk tiles (or similar ceramic tile lettering) and bronze letter street identifiers are hereby declared landmarks.

(Code 1997, § 52-5; Ord. # 4653, 2-11-2015)

(b) **Supplemental Historic District Use Standards**. Where historic districts overlay residential zoning districts, the following uses may be authorized subject to site plan approval.

(1) Buildings existing at the time of adoption of this UDC that were designed for and previously used for commercial purposes may be used for commercial purposes authorized in the C-1 zoning district. Said buildings may be remodeled but may not be enlarged more than twenty-five (25) percent. Sites for changed buildings shall comply with site development standards to the greatest practicable extent as determined by the Planning Director.

(2) On corner lots where the front or side yard abuts a collector or arterial street, a single-family residential structure may be modified and used for a professional office, personal service or restaurant use, provided that the use does not exceed 3,000 square feet and that the parking requirements for the non-residential use can be met on-site, or through the C-1 provisions for off-site parking or parking partnerships. This provision does not apply to any lot with frontage on Madison Street.

(3) An existing double shall be considered a conforming use. When an existing double has been converted to a single-family dwelling, it may be reestablished on any parcel subject to owner occupancy and issuance of a conditional use permit. In addition to the conditional use permit approval criteria, the City shall consider the availability of on-street and off-street parking, compliance with historic district guidelines for four-bay, double shotgun residences and signs of blight that should be remedied prior to issuance of a conditional use permit.

Sample Images of Doubles

(Ord #4897, 12/11/19; Ord. #4923, 12-9-20)

Sec. 58-150 Neighborhood Overlay Districts.

(a) **Purpose**. The Neighborhood Overlay (NO) districts shown in **Exhibit 58-150a** are intended to provide the regulatory framework to modify zoning district regulations to address the distinct characteristics and challenges of the following neighborhoods, which are mapped and described in the City's Comprehensive Plan: Old Gretna-Mechanickham, Old Garden Park, McDonoghville, Jonestown, New Garden Park, Bellevue and Timberlane. Existing development patterns in these neighborhoods create a variety of differing development challenges that have regulatory implications as the City tries to foster neighborhood vitality, stable or increasing property values, housing opportunities, and appropriate service provision that reflect each neighborhood's needs. The specific provisions of each of the seven neighborhood overlay districts are anticipated to change over time to meet the evolving needs of each neighborhood.

(b) **Setback Adjustments.** The Old Gretna-Mechanickham, Old Garden Park and McDonoghville overlay districts include extensive development that predates the application of current zoning setback standards and the applicable zoning standards in

these neighborhoods would result in an incongruous street line. Therefore, the setbacks in these neighborhoods shall be modified as follows:

(1) Front setbacks shall not exceed the average of the front setbacks sharing the same block face. For purposes of this calculation, any building with a setback that exceeds the minimum required setback shall be calculated as being setback to that minimum required setback. For non-residential properties, the setback may exceed the minimum setback required by this district where a courtyard or other public space is established.

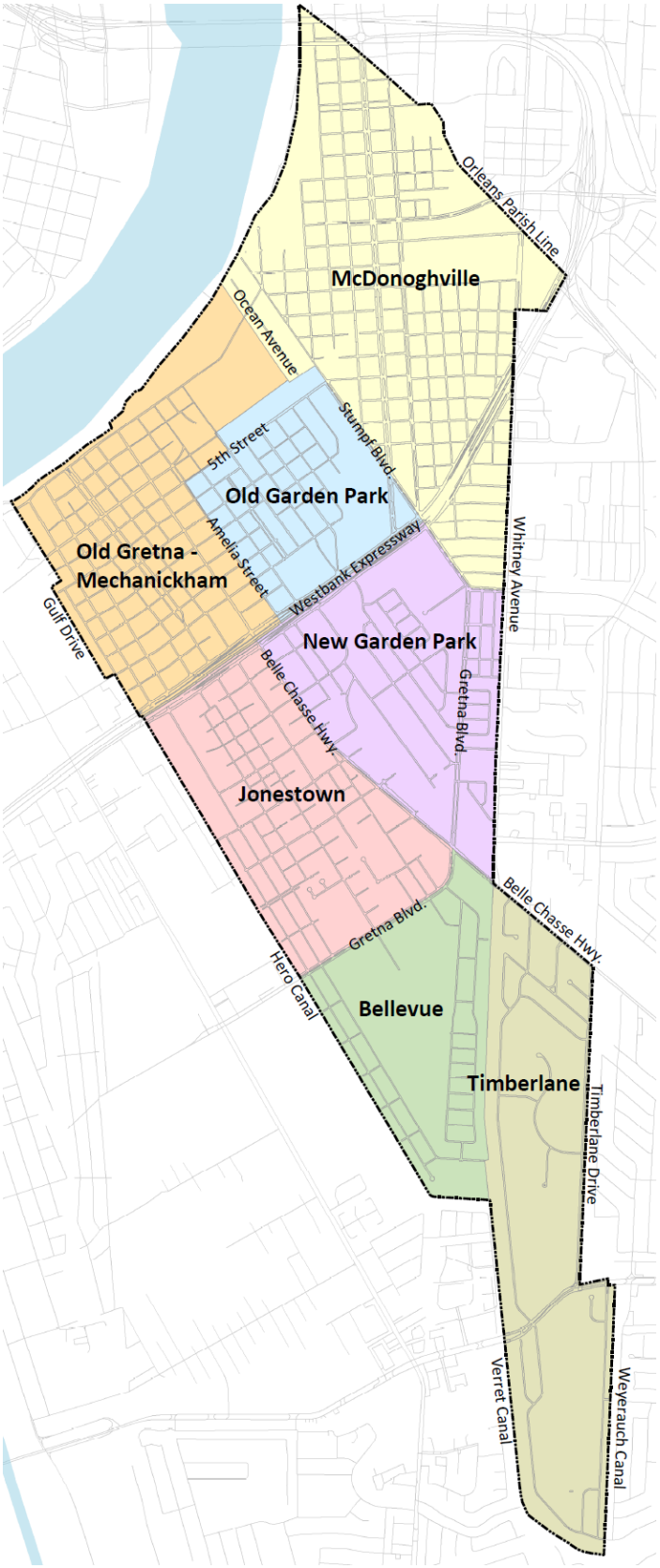
(2) The Planning Director may increase or decrease front setbacks in other neighborhoods upon finding that the minimum required front setback for the applicable zoning district is inconsistent with the average setback of the block face on which a new structure is proposed.

(3) Exterior or street side setbacks may be reduced by the Planning Director to reflect the front setback of the abutting property along the side street, historical precedence of nearby parcels or other circumstances that improve the function and compatibility of the building with adjacent properties.

(4) Internal side and rear setbacks may be reduced by the Planning Director to the typical setback of the block on which the property is located, provided that the resulting setback does not violate adopted building and fire safety codes.

(Ord. # 4912, 6-22-2020)

Exhibit 58-150a: Neighborhood Overlay Districts



(c) **Lot Area and Dimensions for Single-Family and Two-Family Dwellings**.

(1) Unless otherwise approved by variance or through authorized administrative relief in paragraph (c)(2) of this section, minimum lot areas for single-family and two-family dwellings shall exceed the minimums established in Exhibit 58-150b within any residential zoning district. The Planning Director or City Council may approve minimum lot dimensions that do not comply with base district minimums through the minor or major subdivision processes to facilitate creation of lot sizes enabled through this paragraph.

Exhibit 58-150b: Minimum Lot Areas for Single-Family and Two-Family Dwellings

Neighborhood Overlay District	Minimum Lot Area
Old Gretna-Mechanickham	3,500 sq.ft.*
McDonoghville	3,500 sq.ft.*
Old Garden Park	4,500 sq.ft.
New Garden Park	5,000 sq.ft
Jonestown	5,000 sq.ft.
Bellevue	5,000 sq.ft.
Timberlane	6,000 sq.ft.
*Lots with two-family dwellings shall be at least 4,500 sq.ft.	

(2) For minor subdivisions, the Planning Director shall have the authority to grant the following administrative relief for lot areas or dimensions for the Old Gretna-Mechanickham, Old Garden Park and McDonoghville overlay districts due to the extensive subdivision activity that predates the application of current zoning lot size standards. For lot line adjustments or lot splits that are processed through the minor subdivision process, the Planning Director may authorize the creation of substandard lots if the subdivision either:

a. Documents a current functional division between two (2) properties that may continue to function equally well after the subdivision occurs (e.g., two abutting buildings on the same parcel that are independently accessible); or

b. Results in an overall reduction in the extent of the nonconformity in the opinion of the Planning Director or a betterment of existing conditions. For example, in lieu of having one lot that is only fifty (50) percent of the minimum lot width requirement next to a lot that meets minimum lot width requirements, the Planning Director may find that two (2) lots that each have seventy-five (75) percent of the minimum width will result in lot patterns that better support the purposes of the Comprehensive Plan and this UDC.

(d) **Parking Space Flexibility.**

(1) In any neighborhood overlay district, the Planning Director may reduce the minimum number of required parking spaces by up to the greater of five spaces or ten (10) percent of the required parking subject to the provisions of Sec. 58-180(d).

(2) In the Old Gretna-Mechanickham, Old Garden Park and McDonoghville neighborhood overlay districts, the City Council may approve a reduction or waiver of parking subject to the provisions of Sec. 58-180(d).

(e) **Doubles or Two-family Dwellings**. In R-1 districts in the Old Gretna-Mechanickham, McDonoghville, and Old Garden Park neighborhood overlays, where an existing double has been converted to a single-family dwelling, it may be reestablished on any parcel subject to owner occupancy and issuance of a conditional use permit. In addition to the conditional use permit approval criteria, the City shall consider the availability of on-street and off-street parking, compliance with historic district guidelines for four-bay, double shotgun residences and signs of blight that should be remedied prior to issuance of a conditional use permit.

(Ord #4897, 12/11/19)

Sec. 58-151 Mixed Use Neighborhood Overlay District.

(a) **Purpose.** The Mixed-Use Neighborhood Overlay (MN) district is intended to apply to areas where C-1 or C-2 zoning occurs in close proximity to single-family residential neighborhoods and encompasses corridors with a mix of residential andnon-residential uses. The purposes of the district are to retain a mix of residential and non-residential uses, to promote compatibility between residential and non-residential uses, and to retain a streetscape and neighborhood character that supports the long-term desirability of existing single-family residential dwellings.

(b) **Authorized Uses**.

(1) Not all authorized uses will be feasible throughout this district. Small lot sizes limited off-street parking capacity, inadequate spaces for required buffers, and other constraints may preclude the establishment of non-residential uses.

(2) Permitted uses within the portions of this district that overlay C-1 or C-2 zoning districts are limited to uses permitted by right or permitted with supplemental conditions in the C-1 zoning district.

(3) In portions of this district that overlay C-2 districts, all uses that are not permitted by right or permitted with supplemental conditions in a C-1 district shall be considered conditional uses.

(4) Conditional use permits shall also be required where a non-residential use abuts a residential use, and an applicant proposes:

a. Any new non-residential structures or changes to existing non-residential structures on the lot other than structures accessory to a single-family dwelling;

b. Any outdoor storage or operations for a non-residential use;

c. Changes to loading facilities or operations for a non-residential use;

d. Modification of vehicular use areas;

e. Reductions of off-street parking spaces otherwise authorized by variance or through administrative relief below the required number of spaces established in section 58-184 of this UDC. Reductions in parking space numbers under this process shall not exceed ten (10) percent of

required on-site parking, provided that on-street parking abutting the applicable lot may be counted towards the required number of off-street parking spaces; or

f. Development of an authorized non-residential use on a lot with less than 5,000 square feet of area.

(c) **District Development Standards**.

(1) **Parking.** Parking requirements shall comply with the provisions of Article. IV, Division 2 of this UDC except that:

a. New head-in parking spaces are prohibited for non-residential uses. Existing spaces constructed for non-residential development prior to adoption of this provision may be counted towards the number of required parking spaces.

b. When a non-residential use with more than two (2) head-in parking spaces or more than two (2) parking spaces in the front yard is converted to a detached single-family residential use, any such parking spaces in excess of two (2) shall be removed.

c. For purposes of this UDC, head-in parking includes any parking spacethat requires a person to enter or leave a parking space directly from orto a public street (e.g., a situation where a driver pulls into a parking space from the street in a forward gear must back into the street to leave the parking space).

(2) **Buffers.** Buffers required by Sec. 58-272(e) may be reduced a maximum of fifty (50) percent in width except that where a structure previously used for non-residential purposes makes said buffer unfeasible, the provisions Sec. 58-272(g) for alternative compliance may be applied between the structure and the adjacent property.

(3) **Front Yards.** For any land use, not more than fifty (50) percent of the front yard may be paved or used for parking or driveways except where head-in parking is authorized by paragraph (c)(l). of this section.

(Ord #4934, 5/14/21)

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ARTICLE IV: SITE DEVELOPMENT AND DESIGN STANDARDS

Division 1. Bulk and Density Standards 207
Sec. 58-170 Height. 207
Sec. 58-171 Setbacks. 210
Sec. 58-172 Density, Lot Area, and Lot Dimensions 214
Sec. 58-173 Impervious Cover Standards 215

Division 2. Off-Street Parking and Loading 215
Sec. 58-180 Generally 215
Sec. 58-181 Location of Off-Street Parking Facilities to Development 216
Sec. 58-182 Parking Specifications 217
Sec. 58-183 Parking Surfacing. 218
Sec. 58-184 Required Number of Parking Spaces 219
Sec. 58-185 Parking Lot Design 222
Sec. 58-186 Parking Structures 223
Sec. 58-187 Bicycle Parking 224
Sec. 58-188 Off-street Loading Berth Requirements 226
Sec. 58-189 Electric Vehicle Charging Stations 227

Division 3. Signs 228
Sec. 58-191 Purpose 228
Sec. 58-192 Findings 228
Sec. 58-193 Severability. 229
Sec. 58-194 Exemptions. 229
Sec. 58-195 Prohibited Signs. 231
Sec. 58-196 Permitted Signs 232
Sec. 58-197 Sign Design Standards. 232
Sec. 58-198 Sign Requirements by Zoning District. 244
Sec. 58-199 Sign Measurement Standards. 248
Sec. 58-200 Sign Maintenance. 250
Sec. 58-201 Non-conforming Signs. 250
Sec. 58-202 Removal of Signs Upon Closing of Business. 253

Division 4. Lighting 253
Sec. 58-204 Purpose 253
Sec. 58-205 Applicability 253
Sec. 58-206 General Standards 254
Sec. 58-207 Additional Regulations 256
Sec. 58-208 Lighting Plan Required 256

Division 5. Streets, Alleys, and Sidewalks 257
Sec. 58-211 Generally 257
Sec. 58-212 Applicability 257
Sec. 58-213 Street Classification 257
Sec. 58-214 Access to Lots 258
Sec. 58-215 Access to Arterial Streets 258
Sec. 58-216 Access to the Fourth Street Extension 258
Sec. 58-217 Entrances to Streets 259

Sec. 58-218 Coordination with Surrounding Streets 259
Sec. 58-219 Street Connections Required 259
Sec. 58-220 Blocks 260
Sec. 58-221 Street Width, Sidewalk and Drainage Requirements in Subdivisions: 260
Sec. 58-222 Clear Vision Areas 266
Sec. 58-223 Traffic Calming 267
Sec. 58-224 Attention to Accessibility in Street and Sidewalk Construction 268
Sec. 58-225 Street and Sidewalk Improvements 268
Sec. 58-226 Street Names and Traffic Signs 268
Sec. 58-227 Pavement Markings and Pavement Materials 268
Sec. 58-228 Sidewalk Accessibility 268
Sec. 58-229 Traffic Impact Analysis 269

Division 6. Utilities 273
Sec. 58-230 Purpose and Applicability. 273
Sec. 58-231 Generally. 273
Sec. 58-232 Water and Sewer System Requirements. 273
Sec. 58-233 Use of Public Streets and Alleys. 274
Sec. 58-234 Notice Before Work Is Concealed. 274
Sec. 58-235 Guarantee of Installation. 274
Sec. 58-236 Underground Electrical and Telephone Distribution Systems. 275
Sec. 58-237 Underground Street Lighting Systems. 275
Sec. 58-238 Responsibility for Street Light Installation. 276
Sec. 58-239 Permit, Plans and Specifications for Street Lighting. 276
Sec. 58-240 Raceways. 276
Sec. 58-241 Service Equipment. 277
Sec. 58-242 Feeder Conductors. 277
Sec. 58-243 Connections at Service Pole or Light Standard. 277
Sec. 58-244 Grounding of Service Equipment at Utility Company's Poles. 277
Sec. 58-245 Street Light Standards and Luminaires. 277
Sec. 58-246 Spacing of Light Standards. 278
Sec. 58-247 Street Light Foundations. 278
Sec. 58-248 Special Street Light Installation. 278

Division 7. Open Space 278
Sec. 58-249 Applicability. 278
Sec. 58-250 Open Space Defined. 278
Sec. 58-251 Areas Not Allowed as Open Space 279
Sec. 58-252 Ownership and Maintenance of Recreational Areas and Required Open Space. 279
Sec. 58-253 Dedication of Open Space 279
Sec. 58-254 Homeowners Associations 280
Sec. 58-255 Flexibility in Administration Authorized 280
Sec. 58-256 Open Space Linkages 280
Sec. 58-257 Open Space Design Criteria 280
Sec. 58-258 Connectivity Required 281

Division 8. Fencing and Screening 281
Sec. 58-259 Purpose 281
Sec. 58-260 Non-conforming Fences and Walls 281

Sec. 58-261 Fence Regulations....281
Sec. 58-262 Screening requirements. 283

Division 9. Planting and Stormwater Management....284
Sec. 58-268 Purpose....284
Sec. 58-269 Enforcement....285
Sec. 58-270 Tree Preservation and Protection, Land Clearing, & Demolition 285
Sec. 58-271 Stormwater Management 288
Sec. 58-272 Planting....292
Sec. 58-273 Clear Vision Area Plantings....300
Sec. 58-274 Plantings in Right-of-way....300
Sec. 58-275 Selection of Plant Material 300
Sec. 58-276 Irrigation Systems....303
Sec. 58-277 Maintenance....303

Division 10. Other Public Improvements 304
Sec. 58-278 Fire protection. 304

Division 11. Flood Damage Prevention....304
Sec. 58-279 In General 304
Sec. 58-280 Development of Publicly Owned Open Areas Greater Than Five Acres Prohibited 304
Sec. 58-281 Ten-Year and Twenty-Five-Year Storm Event Post-Development Rate of Runoff for Proposed Developments 304
Sec. 58-282 Flood Damage Prevention 305
Sec. 58-283 Definitions 306
Sec. 58-284 General Provisions....312
Sec. 58-285 Floodplain Administrator....313
Sec. 58-286 Floodplain Management Permits 314
Sec. 58-287 Standards of Construction....316
Sec. 58-288 Administration....321

Division 1. Bulk and Density Standards

This division establishes the rules for measuring, interpreting and applying building setbacks, height, density, intensity and other provisions related to the outer envelope of buildings within the City of Gretna. While summaries of the district standards are included in this division, more stringent standards or relief from standards may be established through the procedures in Article II, the zoning district standards in Article III, or the specific use standards in Article V

Sec. 58-170 Height.

(a) Summary of District Standards. Subject to the provisions of this section, buildings and structures shall not exceed the maximum heights established in **Exhibit 58-170a**. In the BC and C districts, the exhibit lists the maximum by-right height and the maximum height that can be achieved through incentives authorized in paragraph (f) of this section.

Exhibit 58-170a Summary of Height Limitations

Dimensional Factor	Zoning District								
	R-1	R-2	R-3	BC-1	BC-2	C-1	C-2	M-1	M-2
Maximum Height (feet)	35	35	35	35/45(1)	45/72(1)	35/45(1)	45/65(1)	35	(2)

Notes:
(1) First number is maximum by-right height/second number is maximum height with incentives
(2) Maximum height to be determined through the zoning or site approval process.

(b) **Measurement**. The height of a building is the vertical distance measured from the mean elevation of front building line prior to the addition of fill to the highest point of a flat roof or parapet, the deck line of a mansard roof or the midpoint between the ridge and the eave for a pitched roof (see building height definition for more detail). For buildings subject to the height transition provisions, height is measured to the highest point of the building at the applicable distance from the property line.

(c) **Institutional Structures**. The following buildings, where authorized in a zoning district, may be constructed to any height subject to Fire and Building Codes and the requirement that any portion of a structure exceeding the maximum height of the district is set back from each property line at least one (1) foot for every one (1) foot that that portion of the building exceeds the maximum height of the applicable zoning district:

(1) Government offices;

(2) Schools;

(3) Religious institutions;

(4) Libraries, museums, art galleries, art centers and similar uses; and

(5) Hospitals in excess of 10,000 square feet of floor area.

(d) **Exceptions**. The maximum height regulations shall not apply to:

(1) Belfries, cupolas, domes, and monuments, water towers, transmission towers, steeples, windmills, chimneys, smokestacks, radio towers, masts and aerials, conveyors, fire towers, and oil derricks.

(2) Bulkheads, elevator penthouses, water tanks, cooling towers, scenery lofts and similar structures provided that such structures shall cover not more than twenty-five (25) percent of the total roof area of the building on which such structure is located.

(3) Heating and air conditioning equipment, solar collectors and similar equipment, fixtures and devices are exempt, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.

(Code 1997, § 102-117; Ord. # 1945, § XXIII(B), 6-12-1989; Ord #4897, 12-11-19)

(e) **Additional Rules for Specific Structures.**

(1) Towers and antennas, where allowed, are subject to the provisions of Sec. 58-334.

(2) Light standard heights shall not exceed the limits established in Sec. 58-206.

(3) Flagpoles and similar devices shall be limited to thirty-five (35) feet in height.

(f) **Height Incentives**. Subject to the height transition provisions of paragraph (g) of this section, the height incentives authorized in **Exhibit 170b** may be authorized through the site plan approval process in the BC, C or M districts. The exhibit describes improvements that must be provided and the maximum bonus height that may be provided for each improvement. Total incentives may not result in a building that exceeds the maximum height with incentives established in **Exhibit 170a**.

Exhibit 170b: Height Incentives

Public Benefit	Description	Height Incentive
Green Infrastructure	50 – 74% of stormwater managed by green infrastructure	5 feet
	75 – 100% of stormwater managed by green infrastructure	10 feet
Photovoltaic Electricity	2**5** – 5**0**% of projected energy used produced by photovoltaics	5 feet
	5**1** – 99% of projected energy used produced by photovoltaics	10 feet
	100% or more of projected energy used produced by photovoltaics	15 feet
Energy Conservation	LEED Silver or equivalent	5 feet
	LEED Gold or equivalent	10 feet
	LEED Platinum or equivalent	15 feet
Shared Parking	Use of shared parking that reduces demand by 20 percent or more	5 feet
Pervious Pavement	25 – 49% of parking area has pervious surfaces (excluding pervious surface used for green infrastructure incentive)	5 feet
	50 - 100% of parking area has pervious surfaces (excluding pervious surface used for green infrastructure incentive)	10 feet
Shaded Parking	25 – 49% of parking lot shaded	5 feet
	50-74% of parking lot shaded	10 feet
	100% of parking lot shaded	15 feet
Open Space	25 – 39% site retained for open space (excluding open space used for green infrastructure incentive)	5 feet or 10 feet if publicly accessible open space
	40% or more of site retained for open space (excluding open space used for green infrastructure incentive)	10 feet or 15 feet if publicly accessible open space

(g) **Height Transitions**. The following provisions for height transitions are measured from property lines of parcels where multi-family, mixed-use or non-residential structures abut a R-1 or R-2 zoning district. For purposes of this section, any story in excess of fifteen (15) feet shall be considered to be two (2) stories.

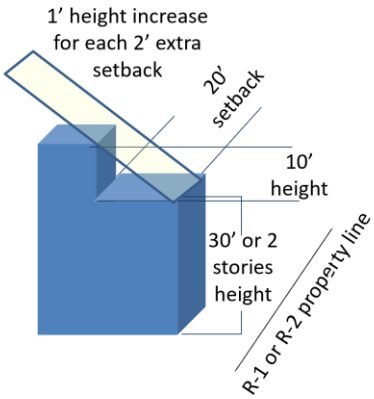
(1) In all districts, balconies that are located above the second story shall be setback at least fifty (50) feet from affected property lines.

(2) In a R-3 district, portions of the building exceeding the lesser of two (2) stories or thirty (30) feet shall be set back at least thirty (30) feet from affected property lines.

(3) In BC, C, and M districts:

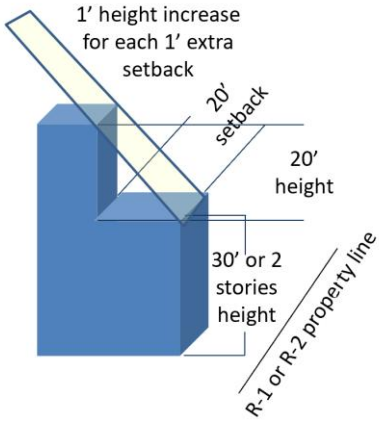
a. Outside an historic district, portions of the building exceeding the lesser of two (2) stories or thirty (30) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty (30) feet.

Height Transitions Lots Outside Historic District Abutting R-1 or R-2 District



b. Inside an historic district, portions of the building exceeding the lesser of two (2) stories or thirty (30) feet shall be setback an additional one (1) foot from the required building setback for each foot of height in excess of thirty (30) feet.

Height Transitions Lots Inside Historic District Abutting R-1 or R-2 District



Sec. 58-171 Setbacks.

(a) **Generally**. Unless otherwise authorized in this UDC, no building or structure may encroach into required setback areas. Unless specifically authorized by this UDC or

approved by variance or administrative relief, any structure that is more than thirty (30) inches in height is prohibited in required setback areas. No building or permanent structure shall be constructed across any property line and/or on multiple lots of record. Nothing herein shall prohibit the placement of fencing across property lines provided that a permit is issued for each lot or parcel on which the fence is to be placed.

(Ord. #4390, 3/11/2021)

(b) **Summary of District Setbacks**. **Exhibit 58-171** summarizes the building setback standards for each of the zoning districts within the City. Note that base and overlay district conditions, as well as the provisions of this section modify the requirements listed in this table under specific circumstances. Additional setbacks may be required to meet height, parking, planting, buffering, stormwater, or other standards specified in this article or the specific use standards of Article V.

Exhibit 58-171 Summary of Setback Requirements

Dimensional Factor	Zoning District								
	R-1	R-2	R-3	BC-1	BC-2	C-1	C-2	M-1	M-2
Minimum Setback Front (feet)	20	20	20	5	10	10	20	25	*
Minimum Setback Int. Side (feet)	5	5	5	0	0	0	5	0	*
Minimum Setback Ext. Side (feet)	10	10	10	10	10	5	5	0	*
Minimum Setback Rear (feet)	15	15	15	0	0	10	15	25	*
* Maximum setback to be determined through the zoning or site approval process.									

(c) **Setback Adjustments**. Neighborhood overlay district provisions of Sec. 58-150(b) establish maximum setbacks and allow minimum setbacks that may be less than the setbacks established in **Exhibit 58-171**.

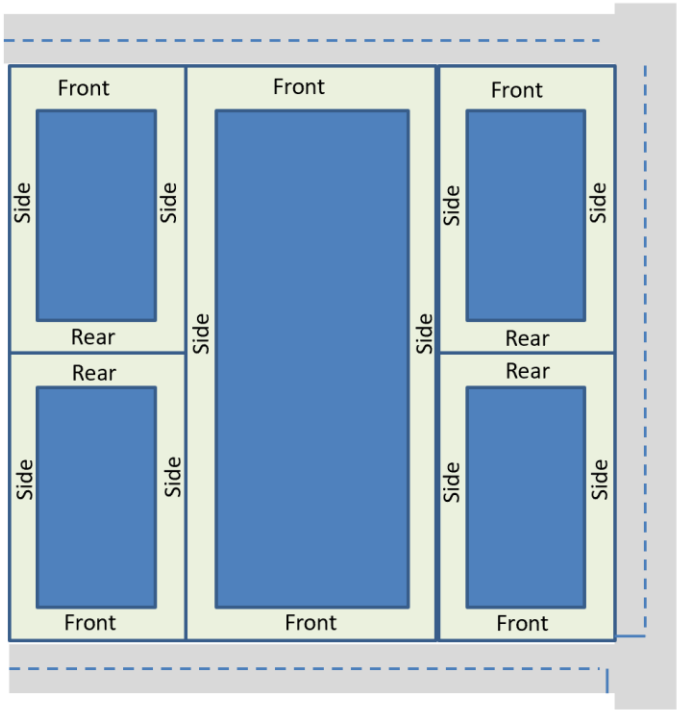
(d) **Setback Measurement**. The setback is the shortest horizontal distance from the applicable property line to nearest extension of any part of a building or regulated structure that is substantially a part of the building or structure itself and not a mere appendage to it (such as a flagpole, etc.). The following rules are used to identify the applicable yard on which the setbacks are based when the yard cannot be readily determined based on the definition.

(1) When a lot has street frontage on two contiguous sides, the frontage shall be determined by the Planning Director based on the most prevalent orientation of lots on each street. Where lots front equally on each street, the shorter of the two property lines abutting the street shall be considered the front property line and the longer property line shall be considered the exterior side or street side line.

(2) A duplex, multi-family dwelling, mixed-use, or non-residential structure located on a corner lot that has front entries to separate units on each street shall be considered to have frontage on each street and shall meet front setback requirements on each street.

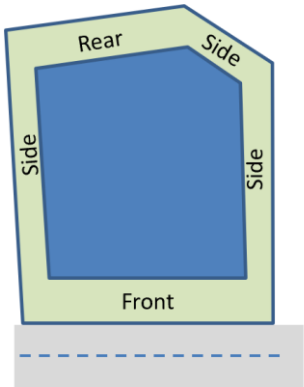
(3) When a lot has frontage on two non-contiguous property lines (e.g., for through lots), the lot is considered to have two (2) front yards, and each shall be subject to the front yard setback requirements.

Front Yard Determination for Normal and Double-Frontage or Through Lots



(4) When a lot has more than one property line that is opposite the front yard, the rear property line shall be the lot line that is closest to paralleling the front property line and the rear setback shall be measured from that property line. The other property line shall be considered a side property line.

Determining Rear and Side Yards for Irregular Lots



(e) **Allowed Setback Encroachments**. The area between the front, side or rear property line and the minimum setback shall be free from any portion of a building or other structure subject to setback requirements except as follows:

(1) A step, stoop, open porch, awnings or other appurtenances may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five (25) percent into the minimum setback.

(2) Screening walls and solid fences that are less than eight (8) feet are permitted within required setback areas subject to the provisions of Article IV, Division 8.

(3) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projection of chimneys and flues may extend into a rear setback for a distance of not more than five (5) feet from the property line if such items are placed to avoid obstructing light and ventilation.

(4) Existing residential dwellings that have a side setback of at least three (3) feet may be permitted to maintain such setback on additions, provided that all other setbacks conform to this UDC.

(5) Ordinary projections of sills, belt courses, cornices and ornamental features may project not more than eighteen (18) inches beyond any structure into a required setback.

(6) A roof, gutter or eaves may project up to four (4) feet into a required front, rear, and side yard, if a minimum distance of one foot remains open to the sky between the farthest projection of the roof, gutter or eaves and the side property line.

(7) Retractable shading devices may extend up to six (6) feet into side or rear setback areas provided that they do not extend within three (3) feet of any property line.

(8) Walls of residential fireplaces not exceeding eight (8) feet in width shall not project nearer than three (3) feet from the side lot line.

(9) Mechanical equipment may be located in a side or rear setback area, provided that such equipment is not located within three (3) feet of the property line and in a BC, C, or M district is screened pursuant to Sec. 58-262.

(10) A residential carport or canopy may project into a portion of a required side if part of the projection of such carport or canopy is unenclosed on the side nearest the front property line and the side nearest the side lot line. This projection must be no closer than three (3) feet from the nearest side lot line and may not extend more than forty (40) feet in length parallel to the side lot line. The mean height of the structure as measured along the slope of the roof may not exceed fifteen (15) feet in height. In the Old Gretna-Mechanickham, McDonoghville, and Jonestown neighborhood overlay districts, a carport that is open on the front, exterior side, and rear may extend to the property line provided the roof or gutters are constructed so that stormwater does not drain directly onto the adjacent property.

(11) If a storage or utility room is combined with the carport, the exterior side wall of the storage or utility room shall not be closer than three feet from the side lot line.

(12) Canopies may be located in required front or street side setback areas on lots occupied by churches, schools, hospitals, clinics, funeral homes, hotels, or governmental buildings, and institutions of a philanthropic, educational, or religious nature.

(13) An open, unenclosed, uncovered porch, terrace or steps not greater in elevation than the ground floor of a structure may project into a required front yard a distance of not more than ten (10) feet. This projection shall not be more than half the distance from building line to the front property line, or project into a required side yard more than three (3) feet from any side lot line. This provision shall not be interpreted to include or permit fixed marquees or canopies except where otherwise provided herein.

(14) Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard provided the water's edge is not located closer than five (5) feet from a rear or interior side lot line. Every swimming pool shall be protected by a safety fence or barrier approved by the Planning Director. A walk space at least three (3) feet in width shall be provided for fifty (50) percent of the exterior of the pool between the pool walls and protective fences or barrier walls.

(Code 1997, § 102-121; Ord. #1945, § XXIII(F), 6-12-1989; Ord. #4611, 9-10-2014; Code 1997, § 102-118; Ord. #1945, § XXIII(C), 6-12-1989; Ord. #4912, 6-22-2020; Ord. #4390, 3/11/2021; Ord #4955, 2-9-2022)

Sec. 58-172 Density, Lot Area, and Lot Dimensions

(a) **Summary of District Standards**. **Exhibit 58-172** summarizes the City's minimum lot area and maximum density standards for each zoning district. Note that base and overlay district conditions, as well as the provisions of this section modify the requirements listed in this table under specific circumstances. These requirements may be affected by base and overlay zoning district provisions, as well as parking, planting, buffering, stormwater, or other standards specified in this article or the specific use standards of Article V.

Exhibit 58-172 Lot Area, Lot Dimensions, and Density Requirements

Dimensional Factor	Zoning District								
	R-1	R-2	R-3	BC-1	BC-2	C-1	C-2	M-1	M-2
Minimum Lot Area (sq. ft.)	See Sec. 58-150(c)		4,000+	5,000	5,000	5,000	5,000	10,000	*
Minimum lot width (feet)	50	40	40	*	50	*	*	*	*
Minimum lot depth (feet)	90	75	75	*	100	*	*	*	*
Maximum density (dwelling units/acre)	NA	NA	NA	*	*	*	NA	NA	NA
+ Minimum lot areas for duplex and multifamily dwellings are established in zoning district provisions. * Standards to be determined through the subdivision or site approval process. NA – no applicable standard is established.									

(b) **Measuring Lot Area**. Minimum lot area includes all developable land within the lot, excluding areas dedicated to private streets or alleys, ponds, canals and areas below the top of a bank with a slope greater than 3:1 run to rise ratio. For water bodies with side

slopes of 3:1 or less, lot area includes all land above the water line during a design storm.

(c) **Measuring Lot Width**. Minimum lot width is the shortest distance between side property lines at all points between the front and rear setbacks.

(d) **Measuring Lot Depth**. Minimum lot depth is the shortest distance between the front and rear property lines at all points between the side property lines.

(e) **Measuring Density**. Maximum density for residential districts shall be based on minimum lot size requirements in each district.

(f) **Flexibility Lot Area and Lot Dimensions**. Sec. 58-150(c) enables the Planning Director to allow for smaller lot areas and lot dimensions than the minimums established in Exhibit 58-172 where the resulting subdivision meets specific criteria.

(Ord #4897, 12/11/19)

Sec. 58-173 Impervious Cover Standards

<Reserved>

Division 2. Off-Street Parking and Loading

Sec. 58-180 Generally

(a) **Purpose**. Recognizing that different land uses have varying requirements for off-street parking, the City finds it necessary to establish minimum requirements for facilities and space for the off-street parking of vehicles and loading and unloading of goods, to promote the economic vitality, safety of pedestrians and motorists, the orderly movement of people, vehicles and goods, and maintaining the public ways,

(b) **Applicability.** No development permit shall be issued that causes any of the following situations unless the use for which the permit is being sought complies with these off-street parking and loading regulations:

(1) **New Use**. Whenever a new use is established or the existing use is changed to a use with greater parking demands than the existing use.

(2) **Expansion of a Building or Structure**. Whenever an existing building or structure is enlarged.

(3) **Expansion or Change of Use**. Whenever the use of an existing building, structure or site is expanded or changed so that it will increase the number of required spaces.

(4) **Resurfacing or Enlarging Existing Parking Areas**. Whenever an existing parking lot is resurfaced or is expanded by the greater of ten (10) percent or six (6) spaces, parking lot surfaces and plantings shall comply with the provisions of this UDC.

(c) **Existing Structures and Uses**. Structures and land uses in existence on the date of enactment of this ordinance, or structures and uses for which building permits have been approved on the said date, shall not be subject to the parking and loading requirements set forth in this section. However, any parking and loading facilities now existing to serve such structures or uses may only be reduced if they continue to comply with the minimum parking and loading standards established herein.

(d) **Exemptions**. The Planning Director may adjust or waive the requirement for additional parking in the following circumstances:

(1) If the expansion or change of use of an existing development increases the demand for spaces and the applicant demonstrates the adequacy of existing parking to meet existing and projected demands.

(2) If the expansion or change of demand is less than the greater of ten (10) percent of the total parking requirement or five (5) or fewer spaces. This provision may be used only once for any given site.

(3) If the existing parking is non-conforming, yet accommodates existing demands, the Planning Director may base the increased parking requirement on the demand created by the expansion of the building or use.

Sec. 58-181 Location of Off-Street Parking Facilities to Development

(a) **One and Two-Family Dwellings.**

(1) Off-street parking facilities for one- and two-family dwellings outside the historic districts shall be located on the same lot or plot of ground as the building served.

(2) Garage and carport entries in the R-1 district shall be located at least five (5) feet behind the front building line if the garage or carport is a detached structure.

(3) The width of driveways in the front yard shall not exceed fifty (50) percent of the lot width.

(4) Driveways shall be separated by at least five (5) feet of green space unless the properties use a shared driveway, lot width prevents this spacing, or the Planning Director otherwise approves of less separation. If two adjacent properties had abutting driveways, they should be separated by fencing.

(5) Driveways shall not exceed twenty (20) total feet in width measured along the front property line for a single lot or twenty-four (24) feet in width for a shared driveway.

(6) The parking of vehicles in the area reserved for front yard green space is prohibited. Where side or rear yard parking are not feasible, front yard parking areas may cover no more than fifty (50) percent of the front building setback area. In the Old Gretna/Mechanickham and McDonoughville neighborhood overlay districts, the Planning Director may approve alternative front yard parking arrangements that do not interfere with safe use of sidewalks.

(7) Parking or storage of vehicles, watercraft, trailers, or equipment shall be prohibited on any vacant lot located in an R-1, R-2 or R-3 district.

(Ord. # 4912, 6-22-2020; Ord #4955, 2-9-2022; Ord. #4967, 8-10-2022; Ord. #5003, 4-11-2024)

(b) **Multifamily Dwellings.**

(1) Off-street parking facilities for multifamily dwellings outside of an historic district containing up to and including six (6) dwelling units shall be provided on the same lot or plot of ground as the building served and shall not be located within any required front setback area.

(2) Off-street parking facilities for multifamily dwellings containing more than six (6) dwelling units shall comply with the standards for smaller multifamily dwellings except that up to fifty (50) percent of required parking may be located on an abutting or adjacent parcel that is located within 200 feet of the building intended to be served and connected by continuous pedestrian facilities.

(c) **Mixed-Use Development**. Required off-street parking for the residential component of the development shall be located on the same parcel or parcel contiguous with the development. Required parking for the non-residential component of development should be located on the same parcel or a parcel adjacent to the site. Where required parking for the non-residential component of a mixed-use development cannot be provided on-site, it shall be provided on a lot that is located within 350 feet of the development and connected by continuous pedestrian facilities.

(d) **Non-Residential Development**. Off-street parking facilities for all other industrial or commercial establishments should be located on-site or on the same parcel or a parcel adjacent to the site. Where required parking cannot be provided on-site, it shall be provided on a lot that is located within 350 feet of the development and connected by continuous pedestrian facilities.

(e) **Historic Districts**. Allowed parking for mixed-use and non-residential uses within a historic district shall comply with the above standards to the greatest practical extent, but remote parking may be located up to 800 feet from the development.

Sec. 58-182 Parking Specifications

(a) **Parking Dimensions**. Except as otherwise provided in this section, each parking space and the necessary access aisles shall have at least the minimum dimensions listed in Exhibit 58-183, depending on the parking angle and the direction of the traffic flow.

(b) **Compact Car and Motorcycle Parking**. In parking areas containing ten (10) or more parking spaces:

(1) Up to twenty (20) percent of the parking spaces may contain a rectangular area of only eight (8) feet in width by sixteen (16) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(2) Up to five (5) percent of the required parking spaces may be designated for motorcycle or motor scooter parking in spaces measuring at least four (4) feet wide by (8) feet long.

(c) **Parallel Parking**. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by eight (8) feet.

(d) **Driveways**. Driveways that are not parking aisles shall be not less than ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic where:

(1) The driveway is no longer than fifty (50) feet;

(2) It provides access to not more than six (6) spaces; and

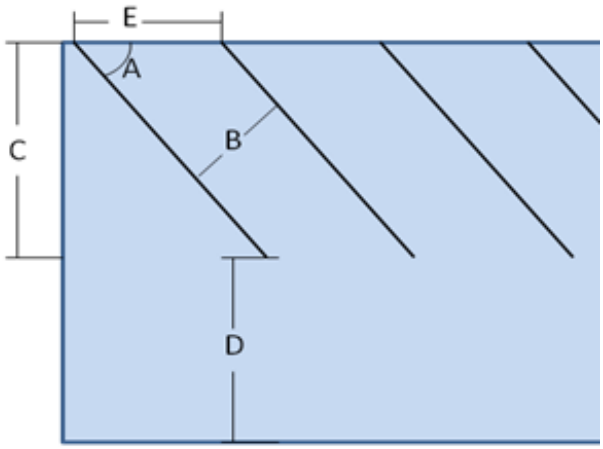
(3) Sufficient turning space is provided so that vehicles need not back into a public street.

(e) **Head-In Parking**. Head-in parking shall not be counted towards required off-street parking unless the Planning Director finds that provisions have been made for the extension of a safe public pedestrian walkway that connects to existing or future sidewalks along the applicable street. Excepting single-family and duplex driveways, no parking space shall be counted that requires pedestrians to walk between head-in parking spaces and a public street. Head-in parking may be approved for alleys.

Exhibit 58-183: Minimum Parking Lot Dimensions

A Parking Angle (degrees)	B Standard Stall Width (feet)	C Stall Depth from Curb (feet)	D Aisle Width 1-way/2-way (feet)	E Curb Length (feet)	Minimum Lot Width (feet) (2 rows plus aisle)
0	9	9	10/22	22	28
30	9	15	10/22	18	40
37.5	9	16	11/22	15.1	43
45	9	17	13/22	12.7	47
52.5	9	18	15/22	11.4	51
60	9	19	18/22	10.4	56
90	9	20	23/23	9	63

Note: Letters A-E in the first 5 columns correspond to the angles and dimensions shown below.



Sec. 58-183 Parking Surfacing.

(a) Pervious pavement is encouraged in lieu of pavement wherever feasible and required for any parking that exceeds the minimum number of required parking spaces for a site.

(b) Parking areas having more than five (5) spaces shall be paved or surfaced with pervious or impervious material approved by the City Engineer. In reviewing the surfacing material, the City Engineer shall consider the following factors:

(1) Volume of traffic;

(2) Frequency of use;

(3) Size and location of the parking area;

(4) Type of land use requiring the parking;

(5) Topography; and

(6) Control measures needed for stormwater, erosion and dust management.

(Ord. #4996, 12-4-2024)

Sec. 58-184 Required Number of Parking Spaces

(a) **Minimum Number of Parking Spaces. Exhibit 58-184** establishes the minimum number of required parking spaces for uses. LBCS (see Article III for a description of the Land Based Classification Structure) code references follow the uses in parentheses where applicable.

(1) In determining the number of parking spaces required, if calculations result in fractional parts of parking spaces, the number of spaces required shall be construed to be the next highest whole number.

(2) Whenever there is a change of use, increased in floor area, or increased number or dwelling units that would increase the amount of required spaces, additional parking spaces shall be provided in amounts caused by the change unless there are sufficient spaces to serve the increased activity.

(3) The required number of spaces may be increased based on projected parking demands pursuant to approval of a conditional use if the City determines that the proposed use or uses would generate parking demands in excess of the City's minimum requirements.

(4) The required number of spaces may be reduced by the Planning Director or other approval body if the applicant provides information documenting that the use will require fewer spaces and the Planning Director determines that the reduction will not reduce the viability of future use of the site.

(5) The number of spaces or area reserved for off-street parking or loading in accordance with the provisions of this division shall not be reduced in size or changed to any other use unless the permitted use it serves is discontinued or modified.

(6) The off-street parking shall be limited to the parking of passenger vehicles, trucks and vans of no more than three-quarter ton capacity.

(7) Required parking spaces shall not be used for storage or display of merchandise, signs, vehicles used in connection with a business, dumpsters or operations associated with the use.

Exhibit 58-184: Minimum Number of Parking Spaces Required

Use	Minimum Number of Spaces
Residential Uses	
Single family dwellings, attached or detached (S1110-S1122 & S1140)	2 per dwelling unit
Multi-family dwellings (S1162-S1163)	Studio – 1.25 per dwelling unit 1 bedroom – 1.5 per dwelling unit 2 bedroom – 1.75 per dwelling unit 3 bedroom – 2 per dwelling unit
Accessory dwellings (S1130)	1 per dwelling unit
Housing services (1200)	Determined based on clientele and services unless specified below
Bed and Breakfast in R-1 District (1310)	1 for residence plus one for each guest room on site or abutting parcel
Bed and Breakfast in Other Districts (1310)	2 for the residence plus 1 for each guest room on site or adjacent parcel
Hotels, motels and other accommodations (1300)	1 per guest room plus 1 for each three (3) employees on duty at any one time
Institutional Uses	
Day Care Facilities (6562), excluding home care facilities	1 per employee plus one per 6 client children or adults
Places of worship (6600)	1 for each 4 fixed seats included; benches shall be deemed to have capacity of 1 person per 20 linear inches of bench
Arenas, auditoriums, and stadiums (5170-5180)	1 per 3 spectator seats; plus 1 parking space per 10 square feet of additional places for spectators provided by the establishment, plus 1 parking space per employee.
Art galleries, libraries, museums (4242 & 5200)	3 per 1,000 square feet of floor space, exclusive of utility areas
Clubs, lodges and other recreational facilities (6830)	1 per 4 persons of the rated capacity of the building
Fraternities and sororities with residential component (1323)	1 parking space per employee, plus 1 parking space per site resident, plus 1 parking space per 50 square feet of floor area of common areas.
Schools, public and private, elementary and junior high (6120)	2 per 3 teachers and other employees
High schools, public and private (6120)	2 per 3 teachers and employees plus 1 per 10 students
Colleges (6130)	2 per 3 teachers and employees, plus 1 per 5 students up to 100 students for on campus and commuting students. For colleges exceeding 100 on campus and commuting students the parking need shall be estimated by the applicant and approved as part of a conditional use permit or site plan approval process
Group homes (6522-6523)	2 per home, plus 1 per 8 residents, plus 1 per 3 staff members
Hospitals (6530)	1 per 3 patient beds, plus 1 per resident doctor, plus 1 per 3 other employees
Nursing homes (1200)	1 per 3 beds, plus 1 per resident doctor, plus 1 per 3 staff members
Other institutional and special uses and facilities (1200)	1 per 4 persons of the rated capacity of the building
Commercial uses	
Offices for business, banking, professional and similar uses (2210, 2230-2250, 2411-2414)	2.5 per 1,000 square feet of gross leasable floor area

Use	Minimum Number of Spaces
Retail sales and services (2100)	2.5 per 1,000 square feet of gross leasable floor area
Convenience stores (2126 & 2152)	5 per 1,000 square feet of gross leasable floor area
Automobile service stations (2117)	2 per 3 employees on main shift plus 2 per service bay
Personal services (2600)	1 per 300 square feet of gross leasable floor area
Commercial and trade schools (6140 & 6568)	1 per 5 students and 1 per 2 employees
Health and human services (6500)	5 per 1,000 square feet of gross leasable floor area
Mobile food vendors	No spaces required if mobile food vendors operate in conjunction with an approved special event permit unless required pursuant to the special events permit
Mortuaries and funeral parlors (6710)	1 for each 4 fixed seats included; benches shall be deemed to have capacity of 1 person per 20 inches of bench
Outdoor Dining	1 space per each 4 seats, but if indoor dining is provided, no additional parking is required for the first 20 seats for outdoor dining
Restaurants, night clubs, taverns, places of assembly (including theaters) (2500, 5110, 5160 & 5111)	1 per each 4 persons of the rated capacity of the building
Snack bars without indoor dining	1 space per each 4 seats of outdoor dining area, but no fewer than 4 off-street parking spaces
Warehouse (3600)	2 per 3 employees on main shift
All others	1 per 4 persons of the rated capacity of the building
Industrial uses	
Manufacturing, (3000-3599)	1 per 750 square feet of operations area plus 1 per 350 square feet of office area
Warehousing	1 per 1,000 square feet of gross leasable floor area
Mini-warehousing	1 per 50 storage units plus 2 for manager's office

(Ord. # 4938, 7-14-2021)

(b) **Uses Not Listed**. For uses not listed in Exhibit 58-159, or where the Planning Director and property owner agree the minimum required standards would create excess parking, the Planning Director shall determine the appropriate minimum requirements in accordance with the DRC recommendation.

(c) **Two (2) or More Uses on the Same Lot**. Where two (2) or more uses occur on the same lot, the minimum parking requirement shall be the sum of the requirements for each individual use calculated separately; except that the Planning Director, may reduce the minimum parking space requirements in accordance with the DRC recommendation, upon finding that the timing of parking demands for the uses results in less demand for parking spaces.

(d) **Shared Parking**. Shared parking may be approved by the Planning Director during site plan review. Uses sharing parking need not be located on the same lot but shall be located within the same block or an adjacent block. In approving shared parking, the Planning Director shall require the following:

(1) Shared parking shall be connected to the uses it serves by pedestrian facilities.

(2) That the applicant shows through a study of peak parking needs for all proposed uses involved, that shared parking is feasible and that the number of spaces proposed is adequate to meet the projected parking demand at all hours;

(3) That the design and location of parking areas is convenient for sharing by customers, patrons, and residents of all properties involved;

(4) That a shared parking agreement that establishes ongoing access to the shared parking for all users, responsibilities for parking lot maintenance and limits on hours of operation has been executed between all property owners involved and is binding on all tenants; and

(5) That the agreement shall be recorded and shall not be terminated without approval of the Planning Director.

(e) **Special Conditions in the BC-1 District**. In the BC-1 district, providing required parking spaces on the basis of individual uses in highly congested areas may not be practical for all sites. The City Council may authorize reductions of greater than ten (10) percent through the conditional use permit process established in Sec. 58-63 where the applicant demonstrates that no alternatives exist for provision of required parking through on- or off-site arrangements and that the community benefits of the use exceed the public inconvenience due to the lack of adequate parking. The City Council shall consider the viability of proposed uses under proposed parking conditions and capacity of public parking districts as applicable. New residential uses will not be considered to be viable without adequate parking. .

(Ord. # 4938, 7-14-2021)

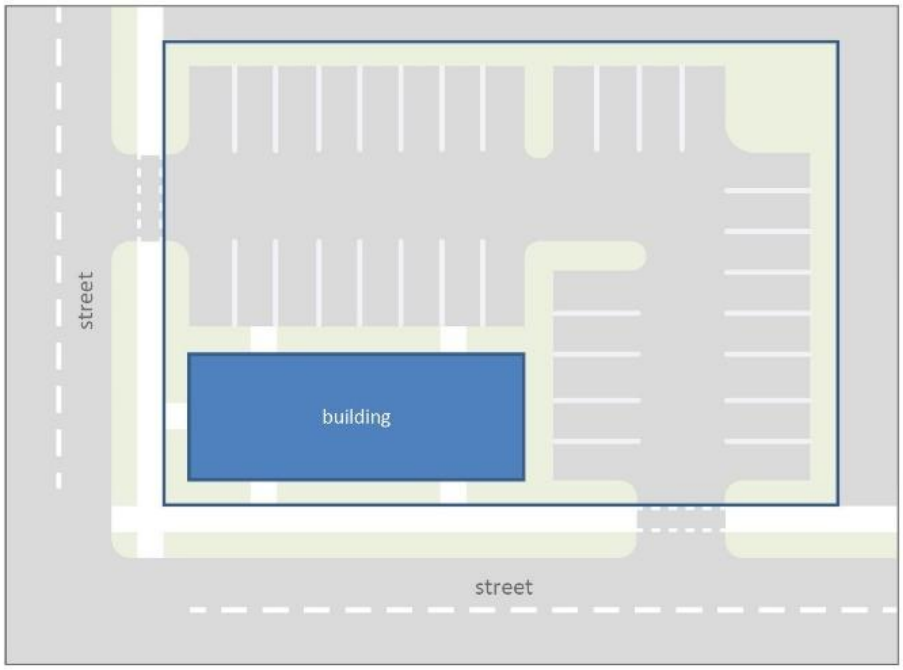
(f) **Accessible Parking**. Accessible parking shall be provided in compliance with the Americans with Disabilities Act Accessibility Guidelines, as determined by the State Fire Marshal.

(Ord #4897, 12/11/19)

Sec. 58-185 Parking Lot Design

(a) **Location of Parking Lots**. Parking lots for newly developed or redeveloped sites shall, to the greatest extent possible, be in the interior side or rear yards as shown in **Exhibit 59-185a.**

Exhibit 59-185a: Location of Parking Lots for New Development and Redeveloped Sites



(b) **Parking Lot Layout**.

(1) Parking lots consisting of twenty (20) or fewer parking spaces shall provide perimeter planting pursuant to paragraph (c) below.

(2) Parking lots consisting of more than twenty (20) parking spaces shall be organized into parking areas having no more than 160 spaces that comply with the perimeter planting requirements and parking lot planting requirements of paragraph (c) below.

(Ord. # 4912, 6-22-2020)

(c) **Parking Lot and Vehicle Use Area Planting.** Planting requirements for areas within and abutting vehicle use areas and parking lots are established in Sec. 58-272(f).

Sec. 58-186 Parking Structures

(a) **Parking Structure Design**. Parking structures and garages shall be designed to fit in architecturally with the main structure and shall employ the same architectural features and finishes as used in the main part of the structure.

(b) **Parking Structure Locations**. Parking structures and garages in multistory developments shall not be located on the first or ground floor on the exterior of the lot facing an arterial or collector street in a BC or C-1 district; street facing uses shall be limited to restaurants, small retail shops, retail and similar uses that generate pedestrian activity in the corridor. However, parking structures or lots may be situated on the interior of the development as long as commercial uses are located on the exterior of the lot and face the street frontage. Limited access drives to parking structures may be allowed to connect to public rights-of-way.

(c) **Ground Level Facades**. The ground level or first floor of any given structure shall not be situated as to wall off the development and isolate the structure from surrounding uses.

Sec. 58-187 Bicycle Parking

(a) **Quantity.** Exhibit 58-188 establishes the minimum number of required bicycle parking spaces for each use.

(1) Under no circumstances will a building with a single use and business be required to provide more than ten (10) spaces.

(2) If calculation results in an odd number and a fraction of a space, then the number of required spaces shall be increased to the next whole number. If calculation results in an even number and a fraction of a space, then the number of required spaces shall be reduced to the even number whole number. All racks shall be designed and located to accommodate at least two (2) bicycles.

Exhibit 58-188: Minimum Number of Bicycle Parking Spaces Required

Use*	Requirement
RESIDENTIAL	
Single household dwellings	none
Multi household dwellings	One (1) space for every six (6) dwelling units. Minimum requirement is 2 spaces.
CIVIC: CULTURAL/RECREATIONAL	
Non-assembly cultural (library, government buildings, museum)	One (1) space for each 10,000 s.f. of floor area. Minimum requirement is 2 spaces.
Assembly (church, theaters, stadiums, parks)	5% of provided vehicular spaces. Minimum requirement is 2 spaces.
Health care / hospitals	1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces.
COMMERCIAL / INDUSTRIAL	
Food sales or groceries (includes restaurants)	1 space for each 2,000 s.f. of floor area. Minimum requirement is 2 spaces.
General retail	1 space for each 5,000 s.f. of floor area. Minimum requirement is 2 spaces.
Office	1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces.
Auto-related uses (sales, rental, repair, etc.)	1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces.
Manufacturing and production	1 space for each 15,000 s.f. of floor area. Minimum requirement is 2 spaces. (can be long-term and not publicly available)
**Schools, daycare facilities, colleges and universities are not required to provide bicycle parking but are encouraged to provide spaces according to their need.*	

(b) **Bicycle Rack Design**. Required bicycle racks must be permanently anchored and located in a safe, accessible area within fifty (50) feet of the building entrance. Required bicycle racks shall be of inverted U construction and adequately spaced to accommodate multiple bicycles unless otherwise approved by the Planning Director provided they meet the following standards:

(1) Provide stable support for a bicycle locked against it with at least two points of contact with a typical adult or child's bicycle frame.

(2) Do not hold or otherwise place stress upon the bicycle's wheels.

(3) Allow the user to lock both the bike frame and one wheel to the rack using a standard u-lock.

(4) Bike racks are not grid/radiator, wheel block, or wave/ribbon style.

(5) Single racks may provide spaces for multiple bicycles.

Inverted U Bike Rack Design

(c) **Bicycle Racks for Multi-tenant Developments**.

(1) Bike racks may be clustered on site, but no more than two hundred (200) feet from the entries of businesses for which they are required.

(2) Bike racks must be connected to the building entrance by pedestrian facilities.

(3) Bike racks must be visible from the business entrance or the business owner shall provide a sign indicating where bicycle parking may be found.

(d) **Bicycle Racks in Right-of-Way**. When buildings are set back fewer than twenty (20) feet from the right-of-way:

(1) The applicant for site plan approval may, subject to the City Engineer's approval, voluntarily pay for the City to install a required rack(s) within the public right-of-way.

(2) Racks placed within City right-of-way must be no more than two hundred (200) feet from the entries of businesses for which they are required.

(3) Bike racks must be connected to the building entrance by pedestrian facilities.

(4) When the Planning Director determines that no space exists to place a new rack, existing racks within City right-of-way and connected by pedestrian facilities may count towards the required bicycle parking.

(e) **Shared Bicycle Parking**. Shared parking may be approved by the DRC during final site plan review. Uses sharing parking need not be located on the same lot but shall be located within the same block or an adjacent block. In approving shared parking, the DRC shall require that:

(1) Shared bicycle parking is connected to the entrances of the uses it serves by pedestrian facilities; and

(2) The number of spaces proposed is adequate to meet the total minimum required spaces for all uses sharing the parking.

Sec. 58-188 Off-street Loading Berth Requirements

(a) Except within a Historic District, whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate such uses in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. Loading spaces shall be at least twelve (12) feet wide by fifty-five (55) feet long and have an overhead clearance of at least fourteen (14) feet.

(c) Exhibit 58-189 lists the number of spaces required to comply with this section. However, the Planning Director may require up to ten (10) percent fewer or more loading spaces if the resulting number reasonably satisfies the use's loading requirements.

Exhibit 58-189: Required Loading Spaces

Gross Leasable Area of Building (square feet)	Number of Required Spaces
10,000 - 19,999	1
20,000 - 79,000	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,000	5
256,000 - 319,000	6
320,000 - 399,999	7
400,000 or more	One (1) for each additional 72,000 square feet or fraction thereof above 400,000 square feet

(d) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can:

(1) Maneuver safely and conveniently to and from a public right-of-way; and

(2) Complete the loading and unloading operations without obstruction or interfering with any public right-of-way or any parking space or parking Lot aisle.

(e) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(f) The Planning Director may authorize the reuse of a building in reliance on reasonably available loading spaces when:

(1) There exists a lot with one or more structures on it constructed before the effective date of this chapter;

(2) A change in use that does not involve any enlargement of a structure is proposed for such lot; and

(3) The loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading.

Sec. 58-189 Electric Vehicle Charging Stations

(a) **Applicability**. For parking required subject to Sec. 58-180(b), parking spaces specifically designed for charging of electric vehicles shall be required in accordance with the following provisions for all municipal buildings, public parks, medical campuses, public buildings, higher education institutions, mixed-use developments, commercial uses, leisure destinations, multi-family residences, and parking structures.

(b) **Definitions**.

(1) **Electric vehicle (EV)**. A device which is considered a vehicle that uses electricity as its primary source of power, such as a plug-in electric vehicle or a plug-in hybrid electric vehicle.

(2) **Electric vehicle supply equipment (EVSE)**. A unit of fueling infrastructure that supplies electric energy for the recharging of electric vehicles and plug-in hybrids.

(3) **EVSE-Installed**. A parking space having such electric vehicle supply equipment and electric vehicle supply infrastructure installed so as to be EVSE-ready, including an installed electric vehicle charging station.

(4) **EVSE-ready space**. A parking space with full circuitry in accordance with the adopted electric codes and ready for the charger to be connected.

(5) **EVSE Space**. A space intended for future installation of EVSE and charging of electric vehicles.

(6) **Level 1 EVSE**. An EVSE on dedicated 15 or 20 ampere circuit at 120V, which can be implemented with a dedicated hardwire unit or with a mobile charging cord plugged into an outlet.

(7) **Level 2 EVSE**. An EVSE on a circuit of 40 amperes or greater at 208 or 240 Volt AC, which can be implemented with a dedicated hardwire unit or with a mobile charging cord plugged into an outlet.

(c) **Location**. To the greatest extent, EVSE-ready and EVSE-installed spaces shall be installed near security stations or be monitored by camera to decrease the chance of vandalism. EVSE-ready spaces shall be located in the same lot as the principal use and located as close to a primary entrance of the principal building as possible. In order to ensure the public safety and reduce potential hazards, EVSE-ready and EVSE-installed shall not obstruct:

(1) Building access (including ingress, egress, common path of travel, etc.);

(2) Rights-of-way;

(3) Sidewalks or pathways;

(4) Bicycle areas;

(5) Parking space and parking lanes;

(6) Clear vision area pursuant to Sec. 58-222.

(d) **Signage and markings**. All electric vehicle parking spaces shall be prominently designated with a permanent above-ground sign. The bottom of the sign must be at least five feet above grade when attached to a building, or seven feet above grade for a detached sign. The parking spaces shall be marked by painted lines, indicating the individual parking spaces or stalls.

(e) **Fees**. The EVSE operator may charge a fee for electric vehicle charging in accordance with local, county and/or state law.

(f) **Required number of electric vehicle charging stations**.

(1) The number of Level 2 EVSE-Ready or Level 2 EVSE-Installed spaces shall be two (2) percent of the total number of parking spaces provided for municipal buildings, public parks, medical campuses, multi-family, public buildings, higher education institutions, mixed-use development, commercial uses and public garages with 50 or more parking spaces. Fractional numbers derived from this calculation must be rounded up to the nearest whole number.

(2) EVSE-Ready or EVSE-Installed spaces shall count toward the minimum required number of parking spaces.

(g) **Where allowed**. Level 1 and Level 2 electric vehicle charging stations are allowed in all zoning districts.

(h) **Spaces reserved**. Non-electric vehicles are prohibited from stopping or parking in designated EVSE-ready and EVSE-installed parking spaces.

(i) **Permit required**. EVSE electrical installations must be according to the Building Code and require a building permit.

(j) **Parking incentive**. Provision of more parking spaces with Level 1 or Level 2 electric vehicle charging stations than required is encouraged by counting each such parking space as two (2) required spaces, up to a maximum of five (5) EVSE-installed parking spaces.

(Ord #4955, 2-9-2022)

Division 3. Signs

Sec. 58-191 Purpose.

The purpose of these sign regulations is to regulate the size, location, height and construction of all signs; to recognize the need to identify businesses, products and services through signage; to protect the public health, safety and general welfare of the citizens of the City; to facilitate the creation of an efficient, attractive and harmonious physical environment; to protect property values; to improve aesthetics; and to improve the overall quality of life.

(Code 1997, § 102-150; Ord. # 4304, § II, 10-12-2011)

Sec. 58-192 Findings

The City Council, after due and careful study and deliberation, and in full consideration of comments received from interested members of the general public, hereby find and declare:

(a) That the people of the City have a primary interest in controlling the erection, location and maintenance of signs in a manner designed to protect the public health and safety, and to promote the public welfare;

(b) That the poorly regulated signs create conflicts between advertising signs themselves and between traffic regulating devices and advertising signs, which by their primary purpose draw mental attention to them potentially to the detriment of safe driving practices;

(c) That it is necessary to the public safety that official traffic regulating devices be easily visible and free from such nearby visual obstructions as blinking signs, distracting signs, as excessive number of signs, or signs in any way resembling official signs;

(d) That it is necessary to provide equity and equality in displaying identification signs by establishing regulations on size and location of such signs to afford local businesses equal and fair opportunity to advertise and promote their products and services;

(e) That the construction, erection and maintenance of large outdoor signs, suspended from or placed on top of buildings, walls or other structures constitute a direct danger to pedestrian traffic below such signs, especially during periods when winds of high velocity are prevalent;

(f) That the uncontrolled erection and maintenance of large or distracting signs seriously detracts from the enjoyment City's character, and the fact that such signs are intended to command visual contact grants them a proportionately greater role than other structures in determining the overall aesthetic and visual quality of the community;

(g) That there is a compelling public interest in promoting active participation in the democratic process and elections through the allowance of temporary signs that exceed the number and area allowed for other temporary signs;

(h) That these sign provisions are enacted to provide for fair and equal treatment of all sign users and for a reasonable period of time for the elimination of non-conforming signs, to assure that sign users who erected signs prior to this code shall not have an unfair advantage over sign users who conform to this code; and

(i) That this code shall apply to the design, quality of materials, construction, location, electrification, illumination, and maintenance of all signs and sign structures to be located within the City.

(Ord. #5027, 10-8-2025)

Sec. 58-193 Severability.

The provisions of this division are intended to be content neutral and any reference to a sign based on content is provided solely for illustrative purposes. If any provision of this division is found to be invalid by a court of competent jurisdiction for any reason, it shall have no effect on the validity of the remaining provisions of this division.

Sec. 58-194 Exemptions.

The provisions and regulations of this article shall not apply to the following signs, provided, however, that the signs comply with safety and other provisions of this chapter and meet the following criteria:

(a) Directional signs limited to four (4) square feet in area or less, limited to three (3) feet in height from grade when detached, and conforming with the Manual on Uniform Traffic Control Devices.

(b) Historic signs and historic markers, provided the sign or marker meets the following historic landmark criteria:

(1) At least 30 years in age.

(2) Retains sufficient integrity of materials and design to convey its historic appearance.

(3) Embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; or contains features representing ethnic or folk art, architecture or construction.

(4) Has significant associations with persons, groups, institutions, businesses or events of historical importance contributing to the history of the City, state or nation.

(5) Recommended for historic landmark status by the City historic district advisory committee.

(6) Approved by the City Council.

(c) Holiday decorations which are not permanently installed celebrating national, state and local holidays or holiday seasons, and provided the display is removed a maximum of ten (10) days following the holiday.

(d) Memorial signs or tablets, names of building and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(e) Official state or national flags of the United States that do not convey a commercial message on a flag pole limited to thirty (30) feet above grade.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, temporary emergency or non-advertising signs as may be approved by the City Council and signs erected by the City or any other government entity in the right-of-way or on any government owned parcel.

(g) Under canopy sign for incidental purposes mounted perpendicular to the building front up to a maximum of six (6) square feet in area and a maximum projecting length of three feet. The minimum height shall be eight (8) feet from the level of the sidewalk, or street level if no sidewalk is present. The placement of the sign shall be within two (2) feet of the primary ingress/egress for customers unless the architectural features of the building dictate specific placement. The under canopy incidental sign is in addition to a larger primary attached sign or canopy identification and is not included in the allowable sign area. Murals approved by the City Council or HDC as applicable pursuant to **Sec. 58-197(n)** are not subject to the sign area limitations of the applicable zoning district.

(h) Political signs for candidate or proposition shall be allowed temporarily without a permit sixty (60) days prior to a Special Primary Election, Special General Election, Municipal Primary Election, Municipal General Election, Open Primary Election or Congressional Election and shall be promptly removed by the property owner within fifteen (15) days following said election of a candidate or passage/defeat of a proposal.

(Code 1997, § 102-160; Ord. # 1945, § XX(V), 6-12-1989; Ord. # 4304, § IV, 10-12-2011; Ord. #4923, 12-9-20; Ord. #5003, 4-11-2024)

Sec. 58-195 Prohibited Signs.

The following signs are prohibited:

(a) Abandoned signs.

(b) Animated signs.

(c) Bench signs.

(d) Illegal signs, which are subject to immediate removal at the expense of the owner.

(e) Merchandise, equipment, products, vehicles or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.

(f) Moving signs, with any part of which that moves by motorized or similar mechanical means, or which flash, rotate or blink. Includes sky dancers and inflatables.

(g) Obsolete signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located, also referred to as "abandoned" or "discontinued" signs, and which does not meet the conditions specified in section 58-248.

(h) Pennants, streamers, and all other fluttering, spinning or similar type signs and advertising devices such as sky dancers and inflatables.

(i) Projecting signs.

(j) Rate and price signs, except as provided otherwise in this chapter.

(k) Roof signs.

(l) Rotating signs.

(m) Signs achieved by light projection on a surface.

(n) Signs affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to an activity located on the same or a nearby property. This provision does not include signs on trade trucks or other vehicles parked at their regular place of business.

(o) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control, direction signals or other government signs.

(p) Signs located on utility poles and City-owned medians or neutral ground and rights-of-way, public benches or any other form of public property unless advertising official City sponsored events or otherwise explicitly authorized by the City.

(q) Signs that are illuminated to outline any building or part thereof with neon or other lights, or which reflect or cast glare, directly or indirectly, on any adjacent property or public right-of-way.

(r) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.

(s) Snipe signs.

(t) Signs painted on walls or windows, except as provided for in the section of this Code regulating signs in the historic district.

(u) Signs that obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law.

(Code 1997, § 102-161; Ord. #4304, § V, 10-12-2011; Ord. # 4656, 3-11-2015; Ord. #4726, 6-8-2016; Ord. #4732, 7-13-2016; Ord. #5027, 10-8-2025)

Sec. 58-196 Permitted Signs.

Subject to sign requirements and standards established herein, the following signs shall be permitted:

(a) Attached signs.

(b) Awning and canopy signs.

(c) Billboards (see Sec. 58-197(d)).

(d) Detached signs.

(e) Electronic message signs.

(f) Incidental signs.

(g) Marquee signs.

(h) Monument signs.

(i) Sandwich board signs.

(j) Temporary signs.

(k) Window signs.

(l) Works of art or murals.

(m) Seasonally licensed temporary business signs.

(n) Licensed disaster recovery business signs.

(Code 1997, § 102-162; Ord. # 4304, § VI, 10-12-2011; Ord. # 4466, 3-13-2013; Ord. # 4531, § 102-162, 10-9-2013; Ord. # 4732, 7-13-2016)

Sec. 58-197 Sign Design Standards.

(a) **Generally**.

(1) A sign shall be designed as an integral architectural element of the building and development site to which it principally relates. Materials and colors that are compatible with the character of the building and the surrounding environment shall be used in all signage.

(2) All permitted signs allowed under these regulations shall be required to secure a permit from the City, in accordance with Sec. 58-90, and shall meet all building, electrical, mechanical and other pertinent codes to ensure public health and safety.

(3) Lighting shall be used carefully to illuminate signs and shall only be directed upon the sign that it is meant to illuminate. All illuminated signs shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light from the illumination upon the adjacent public rights-of-way and surrounding property.

(4) To ensure timely emergency services response, each business or residential occupant shall provide the street address as an attached sign in clearly visible

numbers near the primary entrance of the structure a minimum of three and one-half (3.5) to six (6) inches in height. The street address shall not be included in the total allowable sign area. In multitenant developments, the street address for each tenant shall be displayed uniformly with respect to size, style of numbering, placement and position.

(5) Signs shall not be located in any way that interferes with safe vehicular and pedestrian circulation or public safety signals and signs.

(6) **General location of signs**. Except where otherwise noted, a sign must be located inside of the property line and not on the street side of the property line established by law. A letter of approval from the electrical utility company is required for signs to be located within fifteen (15) feet of high-voltage power lines. This letter of approval shall be supplied by the applicant as part of the permit documentation.

(7) **Number, date and voltage to be on sign**. The date of erection, permit number and the voltage of any electrical apparatus used in connection with every sign shall be delineated in paint using one-inch block lettering placed in a conspicuous location, on every sign permitted in the City.

(8) **Attached letters, figures, etc**. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(9) **Wind pressure and dead load requirements**. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure in pounds per square foot of area as required by the Building Code as adopted and amended by the City. Signs shall be constructed to withstand dead, live and wind loads as required in the Building Codes or other ordinances of the City.

(10) **Illuminated signs**. The application for a permit for a sign or advertising structure in which electrical wiring and connections are to be used shall be submitted to the Building Official. The electrical inspector shall examine the specifications for all wiring and connections to determine if the project complies with the Electrical Code of the City. The permit may be approved only if the plans and specifications comply with the City code.

(11) **Obscene matter prohibited**. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

(b) **Attached Signs.**

(1) **Area**. Attached signs shall be limited to one (1) square foot of sign area for each linear foot of building tenant frontage up to a maximum sign area established in Sec. 58-198, sign requirements by zoning district.

(2) **Length**. Attached signs shall not be greater than eighty (80) percent of the length of the tenant space or the length of the building frontage for single tenant buildings.

(3) **Materials/Construction**. All attached signs shall have a surface or facing of material which complies with the Building Code as adopted and amended by the City.

(4) **Location**.

a. No attached sign shall cover wholly or partially any wall opening or project beyond the ends or tops of the wall to which it is attached.

b. No attached sign shall be erected above the parapet level of the main building.

c. No attached sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.

d. All attached signs shall be safely and securely attached to the building wall to sufficiently withstand weight load and imposed wind loads in accordance with the Building Code as adopted and amended by the City. The Building Official may, at the director's discretion, require all sign erection applications to be accompanied by supporting design calculations by a registered professional civil engineer.

e. No attached sign shall project more than eighteen (18) inches from a building or structure.

f. Attached signs shall have a minimum vertical clearance of eight (8) feet above the sidewalk or average grade of the wall to which it is attached. If the attached sign extends over a vehicular right-of-way or driveway, a vertical clearance of fourteen (14) feet shall be required.

(5) **Multi-tenant Buildings**.

a. Each tenant may have multiple attached signs if the total sign area does not exceed the allowances established for the total area allotted that particular tenant.

b. Multiple tenants or businesses sharing the same facade shall have uniform standardized attached signage with respect to size, shape, position and placement of signs.

(6) **Multiple Frontage Lots**. Lots with multiple frontage located in the BC-2, C-2, M-1 or M-2 districts may be permitted one additional attached sign located on a secondary building face provided the following conditions are met:

a. That the property is located at the intersection of a collector or arterial street and a street that primarily serves mixed-use or non-residential development.

b. The total area for the secondary attached sign is no more than half of the area allowed on the front building face.

c. The sign area for any attached sign taken independently does not exceed the square footage allowed for attached signage located on the primary building face.

d. Planted areas with equal or greater footage to the additional attached sign area is provided on that side of the property on which the additional sign is located.

(7) **Multi-story Buildings**. To increase visibility of multistory buildings, additional attached sign area may be permitted on buildings with three (3) or more floors in the amount of twenty-five (25) square feet per floor up to a maximum of one hundred (100) square feet of additional signage if the attached sign is placed on the primary building face of the highest floor.

(c) **Awning/Canopy Signs**.

(1) Awning/canopy signs shall be considered attached signs and included in the allowable attached sign area for the development.

(2) The sign area for an awning/canopy sign shall not exceed forty (40) percent of the total face area of the awning or canopy upon which the sign is affixed.

(3) The maximum vertical dimension of an awning/canopy shall be five (5) feet and shall be limited to the first story only for multistory buildings.

(4) Awning/canopy signs may extend three feet into the pedestrian public right-of-way and shall have a minimum vertical clearance of eight (8) feet above the ground level. If the awning or canopy sign extends over a vehicular right-of-way or driveway, in which case a vertical clearance of fourteen (14) feet shall be required.

(5) Backlit awnings shall be limited to building facades that contain signs and shall not exceed twenty-five (25) percent of the facade upon which it is placed.

(d) **Billboards**.

(1) Billboards shall be limited to fourteen (14) feet by forty-eight (48) feet and 672 square feet in size.

(2) Billboards shall be supported by uprights or braces such that the total height not exceed fifty-five (55) feet.

(3) The content of a billboard need not relate to a business activity, use or service undertaken on the premises on which it is placed.

(4) Billboards shall not be permitted [to] face any residential district and must be oriented to face the elevated portion of the Westbank Expressway.

(5) Frequency of a change in copy or message on an electronic billboard shall not exceed once every eight seconds.

(6) The billboard shall not distract drivers of vehicles within the area and shall not under any circumstances imitate or emulate traffic control devices.

(7) Permits for electronic billboards may be restricted based on an overall reduction of the number of billboards in the City.

(8) New billboards shall only be authorized when replacing one or more existing billboards.

a. Establishment of a new billboard or the modification or replacement of an existing billboard that includes an electronic message sign shall be

authorized when replacing two (2) or more existing billboards, one (1) of which may be an existing billboard that is modified, provided that the establishment of an electronic message sign on a billboard results in the net reduction of at least one (1) billboard in the City and the billboard complies with the requirements of paragraphs (f)(3) through (f)(12) of this section.

b. No new billboard shall be established unless it is located on a site of at least one (1) acre, all required setbacks are met on the site and the billboard is located at least 1,200 feet from the nearest billboard. The reduction and replacement requirements shall not apply to portions of the City annexed in 2014.

(Ord. #5003, 4-21-2024)

(e) **Detached Signs.**

(1) Except as provided in paragraph (e)(12) of this section for pole signs along the West Bank Expressway, detached signs shall be limited to one (1) square foot of sign area for each linear foot of building frontage up to a maximum sign area and height dictated in Sec. 58-198, sign requirements by zoning district.

(2) One (1) detached sign shall be allowed per development site, unless otherwise noted in this section, for sites with multiple street frontage. To reduce visual clutter, multitenant developments shall not be allowed individual signs on a development site and shall share the detached sign allotted the development site.

(3) All detached signs shall have a surface or facing of material in accordance with the standard Building Code as adopted and amended by the City.

(4) No detached on-premises sign shall be allowed to project into the line of vision of any traffic control sign from any point in a moving traffic lane within fifty (50) feet of the signal.

(5) The total depth of the detached sign shall not exceed five (5) feet, excluding the base of a monument sign.

(6) Except as provided in paragraph (e)(12) of this section for pole signs along the West Bank Expressway, detached signs shall be located within landscaped islands of twenty-five (25) square feet or more with sufficient barriers to protect the sign from damage by vehicles.

(7) Except as provided in paragraph (e)(12) of this section for pole signs on sites in the BC-2 and C-2 districts that abut the West Bank Expressway, all detached signs shall be monument signs.

(8) The detached sign shall be affixed to a substantial support structure permanently attached to the ground and wholly independent of any building. Footing, anchoring, wind loads, or other construction detail shall meet minimum requirements of the Building Code as adopted and amended by the City. All detached signs shall be mounted on a base constructed of the same material matching the facade of the principal use (brick, stone, stucco or wood) or similar

quality material, color and texture as the primary materials used in the exterior finish of the primary structure on the site.

(9) Developments employing a monument style sign may have up to twenty-five (25) percent more of attached sign area if the following conditions are met:

a. The height of the monument sign is a maximum of twelve (12) feet.

b. All other requirements for detached signs set in this article are met.

(10) Lots with multiple frontage (i.e., corner or through lots) may be permitted one additional detached sign located on a secondary street frontage provided the following conditions are met:

a. That street frontage associated with the secondary sign is situated on a collector or higher order street and not located on a residential street, to protect residential development from the intrusion of additional signage.

b. The additional detached sign is no larger than one-half the allowable area of the primary detached sign.

c. The sign area for any additional detached sign taken independently does not exceed the square footage allowed for the primary detached sign.

d. A landscaping area with an identical square footage to the additional detached sign area is provided on that side of the property on which the additional sign is located. Landscape areas shall include protection from damage by vehicles.

(11) All detached signs, including pole and monument signs shall be located within landscaped islands with minimum six (6) inch barrier curbs that are planted in accordance with the requirements of Division 9 of this article.

a. Monument signs shall be located within a landscaped area of 25 square feet or more.

b. Pole signs shall be located within a landscaped area of 100 square feet or more.

(12) **Pole Signs Along the West Bank Expressway**

a. **Applicability**. Pole signs are authorized in the BC-2 and C-2 zoning districts for non-residential uses only on lots that abut the West Bank Expressway [and/or] have West Bank Expressway addresses subject to the conditions in this paragraph (e)(12).

b. **Pole Sign Location**. Pole signs shall be located between the front building line and the right-of-way of the West Bank Expressway and may not be located within 100 feet of another pole sign unless designed to allow both pole signs to be visible to automotive traffic along the upper deck of the West Bank Expressway. New pole signs cannot block existing monument signs and should be located at least forty feet (40) feet from an existing monument sign from the vehicle approaching direction. Supporting poles shall not obstruct visibility of traffic entering or exiting the site; if located to the left of traffic exiting the site, poles shall be set back at least ten (10)

feet from the driveway and ten (10) feet from the West Bank Expressway right-of-way.

c. **Pole Sign Height**. Pole signs shall not exceed fifty (50) feet in height from grade to the highest point of the sign, except that regional commercial centers on sites of 25,000 square feet or more may have one pole sign up to a maximum height of sixty (60) feet.

d. **Pole Sign Area**. The area of the upper pole sign face may not exceed two-hundred (200) square feet, except that this may be increased to up to three-hundred square feet for regional commercial centers on sites of 25,000 square feet or more. For signs that are thirty-five (35) feet or taller, a secondary sign face not exceeding seventy-five (75) square feet may be established if the top of the secondary sign face does not exceed twenty (20) feet in height.

e. **Pole Sign Design**. Pole signs shall have permanent decorative cladding of brick, stucco, or other durable material approved by the Planning Director that extends from grade to twenty (20) feet or the bottom of a secondary sign face. The decorative cladding shall extend at least four (4) inches and no more than twelve (12) inches beyond the outside diameter of the pole. .

f. **Pole Sign Landscaping**. The base of the sign shall be located within a landscaped area not less than one-hundred (100) square feet, with a minimum depth and width of not less than five (5) square feet. Pole sign landscaping may not result in the reduction of required parking for a site. Plantings shall include at least one (1) class B tree and four (4) shrubs, and comply with applicable provisions of Division 9 of this Chapter.

(Ord. # 4912, 6-22-2020; Ord. # 4938, 7-14-2021; Ord. #5027, 10-8-2025)

(f) **Electronic Message Signs**.

(1) The electronic message sign area shall not exceed 40 square feet.

(2) Computation of the sign area for the electronic message shall be included in the total permitted sign area.

(3) Electronic message signs shall not flash, rotate, blink or employ any animation when displaying or changing messages.

(4) If freestanding, the sign may be double faced.

(5) Each electronic message sign shall be permanently installed. No portable signs of any kind shall be allowed under this provision.

(6) Frequency of a change in copy or message on the electronic message sign shall not exceed once every one (1) minute and no lag time shall be allowed between message changes.

(7) The electronic message sign shall not distract drivers of vehicles within the area and shall not under any circumstances imitate or emulate traffic control devices.

(8) Electronic message signs shall not be permitted on that side of the property that may be located adjacent to any residential district.

(9) Electronic message signs shall not be permitted in local or national historic districts.

(10) One electronic message sign or one marquee sign, but not both, is permitted per business or development site.

(11) **Auto-dimming Required**. All EMCs shall have an automatic dimmer that limits the brightness based on ambient light conditions to no more than the maximum luminance allowed in this section.

(12) **Maximum Brightness**. Electronic Message Signs shall be adjusted at the time of installation so that auto-dimming shall be set so that the luminance is no greater than 0.3 foot-candles brighter than ambient lighting conditions. Luminance shall be measured at the time of sign installation and in response to citizen complaints in accordance with the following process:

a. **Time**. The measurement shall be taken at least 1 hour after sunset.

b. **Distance**. The measurement shall be taken from a distance based on illuminated area of the EMC in accordance with the following table:

Area of Sign (square feet)	Distance between Sign and Light Meter (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110

c. **Measurement Criteria**. The brightness shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the EMC off and again with the EMC displaying a white image for a full color capable EMC or a solid message for a single-color EMC. All measurements shall be taken

perpendicular to the face of the EMC at the distance established in the previous paragraph.

(g) **Incidental Signs**. Incidental signs attached to a building or other structure requiring a building permit do not require a sign permit. Menu boards on which incidental signs are posted are subject to the following limitations:

(1) One (1) menu board is allowed per drive-through service lane if it is located within a minimum sixty (60) square foot planting area and oriented so the face is not be visible from the street right-of-way from which access to the premises is obtained.

(2) The menu board shall not be located within twenty (20) feet of the front of the development site or any public right-of-way.

(3) The menu board shall not be located with twenty (20) feet of a perimeter of a lot adjacent to abutting residential property.

(4) The menu board shall not exceed twenty-four (24) square feet in total sign area or eight (8) feet in height.

(5) A menu board with speakers shall not face a residential property line located within fifty (50) feet of the face of the menu board.

(6) Lighting and sound systems associated with the menu board sign are minimized so as to reduce intrusion into surrounding development.

(h) **Marquee Signs**. Marquee or reader board signs shall only be permitted if the changeable copy does not exceed thirty (30) percent of the allowable sign area. One marquee sign or one electronic message sign, but not both, is permitted per business or development site.

(i) **Monument Signs**.

(1) The City requires the use of monument signs wherever detached signs are authorized except that one (1) pole sign is allowed on parcels in C-2 districts that are more than one (1) acre in area and abut the expressway.

(2) The City allows the establishment of monument signs at the entrance to multi-lot developments under the following conditions:

a. One sign shall be allowed at each entrance for a residential neighborhood, subdivision or development that contains at least fifty (50) residences or a non-residential or mixed-use development including six (6) or more lots on twenty (20) or more acres.

b. The maximum area allowed for the multi-lot development signs shall be fifty (50) square feet and the maximum height is twelve (12) feet.

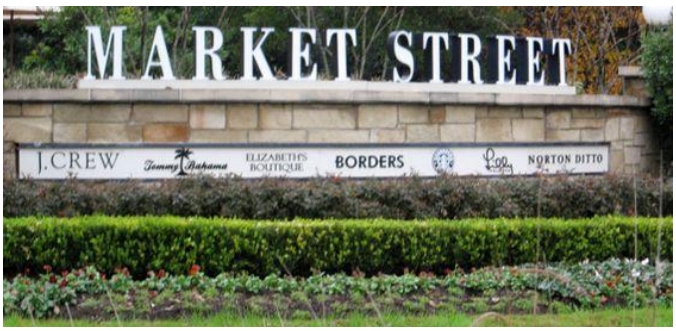
c. The sign is located within a planted area and consists of wood, brick or masonry materials that reflect the architectural style of the neighborhood, subdivision or development it serves.

d. No neon, electronic message or internal illumination shall be permitted.

e. A neighborhood or homeowner's association or some other entity having maintenance responsibilities in the development shall be responsible for perpetual maintenance of the sign.

(Ord. # 4912, 6-22-2020)

Monument Sign Examples



(j) **Neon Signs**.

(1) Neon may be a permitted medium in the construction of signs.

(2) Neon signs shall be included in the total allowable sign area.

(3) Neon signs shall be designed, located, shielded and directed to prevent the casting of glare or direct light from illumination upon adjacent residential property or vehicular traffic within a public rights-of-way.

(k) **Sandwich Board Signs**. Sandwich board signs may be permitted to advertise daily specials to pedestrians, provided the following criteria are met:

(1) One sandwich board may be allowed per business.

(2) Sandwich board signs are limited to eight (8) square feet in area per side, for a maximum total area of sixteen (16) square feet for both sides.

(3) Sandwich board signs shall be displayed near the main entrance to the business and shall be no further away than five (5) feet, and not positioned so as to obstruct any public right-of-way, pedestrian passage or detract from public safety.

(4) In order to provide for pedestrian safety and free passage, sandwich board signs shall be a minimum of twenty (20) feet apart.

(l) **Temporary Signs**. Temporary signs are used for a broad range of purposes in all zoning districts and are subject the following criteria. All temporary signs shall be removed within forty-eight (48) hours of the event or completion of the purpose for which the temporary sign is posted.

(1) **In residential districts**, one (1) free-standing or attached temporary sign that is no larger than eight (8) square feet. For political signs, a single sign is allowed for each candidate or issue upon a local ballot in lieu of another temporary sign.

(2) **In business core, commercial and manufacturing districts**, the following rules shall apply to attached temporary signs:

a. Temporary signs shall be allowed per building or per business for multi-tenant businesses and shall be maintained in good condition for the duration of its use.

b. Each business shall be allowed to display temporary signs not more than two (2) times per calendar year for not more than thirty (30) days at a time, provided, however that this time period may be extended for up to ninety (90) days for properties that are for lease, for sale or are using the temporary sign in lieu of a permanent sign for which the applicant has obtained a sign permit.

c. Temporary signs shall not exceed thirty-two (32) square feet or the attached sign area allowed by Sec. 58-198, sign requirements by zoning district, whichever is greater.

d. Temporary shall not be longer than eighty (80) percent of the length of the tenant space or the length of the building frontage for single tenant buildings. Temporary signs shall not cover more than twenty-five (25) percent of façade windows.

e. Signs shall be safely and securely attached to a wall, building or other such structure so as to sufficiently withstand weight load and imposed wind loads according to the Building Code adopted and amended by the City. The Building Official may require all sign permit applications to be accompanied by supporting design calculations by a registered, professional civil engineer.

f. Temporary signs shall not extend over or into any street, alley, sidewalk or other public thoroughfare, and it shall not be placed, nor shall it project, over any wall opening.

g. No temporary sign shall be erected that prevents free ingress to or egress from any door, window, or fire escape. No sign shall be attached to any standpipe or fire escape.

h. Temporary signs must be located a minimum of ten (10) feet from a public right-of-way so as not to obstruct the view of traffic or negatively impact ingress and egress.

(3) **In business core, commercial and manufacturing districts**, Detached temporary political signs shall not exceed thirty-two (32) square feet per candidate or issue on the ballot.

(4) **Permits for Temporary Signs**. A sign permit shall be required for an attached temporary sign in a business core, commercial or manufacturing district.

(Ord. # 4938, 7-14-2021; Ord. #5027, 10-8-2025)

(m) **Window Signs**.

(1) Window signs shall be permitted in commercial districts up to a maximum of fifty (50) square feet or twenty-five (25) percent of the window area, whichever is less.

(2) One window sign per occupancy is permitted. However, if the window area exceeds 250 square feet, a maximum of two window signs may be allowed.

(3) No window signs shall be permitted on a door.

(4) The window sign area shall be counted toward the attached sign allowable area.

(5) In addition to window signs, seasonal window displays may be permitted if the following conditions for window coverage are met:

a. The size of the seasonal display does not exceed twenty-five (25) percent of the total window area.

b. Seventy-five (75) percent of the window area is clear in order to maximize visibility, security and safety for police and other emergency services.

c. The seasonal window display shall be counted toward the total overall window signage.

(n) **Works of Art or Murals**. Works of art or murals may be approved by the Historic District Commission for sites within a historic district or by the City Council for other locations within the City provided the following conditions are met:

(1) No commercial message is included with the work of art or mural.

(2) The work of art or mural is compatible with surrounding development and complements the City's sense of place and history.

(Ord. #4923, 12-9-20)

(o) **Seasonally Licensed Temporary Business Signs**. Special area regulations and exceptions shall apply to seasonally licensed temporary businesses. Signs may not exceed a maximum of 400 square feet for all signs. No prohibited signs listed in section 58-195 will be allowed – all businesses shall comply with the same prohibited sign types.

(Ord. #5027, 10-8-2025)

(p) **Licensed Disaster Recovery Business Signs**. Special area regulations and exceptions shall apply to temporary licensed disaster recovery business signs. Signs may not exceed a maximum of 300 square feet for all signs and the following signs are permitted for licensed disaster recovery businesses:

(1) Any signs permitted under Sec. 58-196.

(2) Pennants, streamers, and all other fluttering, spinning or similar type signs and advertising devices.

(3) Projecting signs, provided they do not project onto public servitudes and/or rights of ways.

(4) Flags.

(Code 1997, § 102-163; Ord. # 4304, § VII, 10-12-2011; Ord. # 4457, § I, 1-9-2013; Ord. # 4466, 3-13-2013; Ord. # 4531, § 102-163, 10-9-2013; ; Ord. # 4549, 12-11-2013; Ord. # 4732, 7-13-2016; Ord #4897, 12-11-19)

Sec. 58-198 Sign Requirements by Zoning District.

Exhibit 58-198 establishes sign number, area, and height requirements by zoning district. The requirements are subject to the additional standards and regulations established in all other sections of this article.

Exhibit 58-198: Sign Requirements by Zoning District

Zoning District	Section #		Sign Requirement
Single-Family Residential District (R-1) Two-Family Residential District (R-2) Multiple-Family Residential Districts (R-3)	(a)	1.	One institutional use sign may be permitted up to a maximum of twelve (12) square feet in area with said sign being a monument sign.
		2.	One multi-lot development monument sign shall be permitted up to a maximum of 50 square feet in area and 12 feet in height.
		3.	One street address sign shall be required with a minimum font lettering height of 3.5 inches for one- and two-family dwellings and 6 inches for multiple family structures.
		4.	Institutions such as schools and religious institutions shall be allowed a temporary sign up to a maximum of 32 square feet in area.
Business Core District (BC-1) and non-residential properties in Historic Preservation Districts regardless of underlying district	(b)	1.	One detached monument sign shall be permitted up to a maximum of 50 square feet in area and 12 feet in height.
		2.	The detached sign may have an additional 10 square feet in sign area per tenant up to a total maximum sign area of 100 square feet for a multi-tenant development.
		3.	Attached signs shall be permitted up to a maximum of 50 square feet in total area per building or business. Additional attached signage shall be permitted on a secondary street frontage, up to a maximum of half of the area allowed for the primary building face.
		4.	A street address sign shall be required at a minimum of 6 inches in height.
		5.	One temporary sign per building or business shall be permitted up to a maximum of 32 square feet, but not exceeding 1 square foot per linear foot of building frontage
Business Core District (BC-2)	(c)	1.	a. See Sec. 58-197 (e)(12) for dimensional standards for pole signs along the West Bank Expressway. b. For other parcels, detached signs are limited to monument signs meeting the following standards for sign area and sign height:
			Site Area (sq.ft.) / Maximum Sign Area (sq.ft.) / Maximum Sign Height (ft.)
			<25,000 / 100 / 10
			25,000-50,000 / 150 / 12
			>50,000 / 200 / 16
		2.	The allowed detached sign for developments with multiple tenants may have an additional 20 square feet in area per tenant up to a maximum of 300 square feet in area.

Zoning District	Section #		Sign Requirement
		3.	One electronic message sign may be allowed up to a maximum of 40 square feet in area as part of the allowed detached sign or in the attached signage and shall be included in the respective detached or attached allowable sign area.
		4.	One marquee sign shall be allowed up to a maximum of 30 percent of the allowable attached or detached signage.
		5.	One (1) additional detached sign shall be permitted under the following circumstances: a. On a secondary street frontage, up to a maximum of half of the area of the primary sign and at the same height restrictions as the primary detached sign. b. On an arterial road with at least 275 feet of frontage on U.S. 90 or Belle Chase Highway, a second detached sign may be established provided that there is at least 200 feet of separation between the signs.
		6.	Attached signs shall be allowed up to a maximum of 100 square feet. However, larger developments that meet minimum area and setback requirements listed below may have larger attached signs:

Minimum Site Area (sq.ft.)	Minimum Setback (ft.)	Maximum Attached Sign Area (sq.ft.)
25,000	200—299	150
50,000	300—399	200
100,000	400+	300

		7.	Additional attached signage shall be permitted on a secondary street frontage, up to a maximum of half of the area allowed for the primary building face.
		8.	A street address sign shall be required at a minimum of 3.5 to six inches in height.
		9.	One temporary sign shall be permitted up to a maximum of 1 square foot per linear foot of building frontage but not exceeding 32 square feet, whichever is greater.

Zoning District	Section #		Sign Requirement
Neighborhood Commercial District (C-1)	(f)	1.	One detached sign shall be permitted up to a maximum of 50 square feet in area and 12 feet in height.
		2.	A detached sign for developments with multiple tenants may have an additional ten square feet in sign area per tenant up to a total maximum sign area of 100 square feet for the entire development.
		3.	Attached signs shall be permitted up to a maximum of 50 square feet in area. Additional attached signage shall be permitted on a secondary street frontage, up to a maximum of half of the area allowed for the primary building face.
		4.	A street address sign shall be required at a minimum of 3.5 to six inches in height.
		5.	One temporary sign shall be permitted up to a maximum 1 square foot per linear foot of building frontage but not exceeding 32 square feet, whichever is greater.
		6.	Businesses located in a C-1 district and located on U.S. Highway 90 may have one detached sign up to a maximum height of 50 feet
General Commercial District (C-2)	(g)	1.	a. See Sec. 58-197 (e)(12) for dimensional standards for pole signs along the West Bank Expressway. b. For other parcels, detached signs are limited to monument signs meeting the following standards for sign area and sign height:

Site Area (sq.ft.)	Maximum Sign Area (sq.ft.)	Maximum Sign Height (ft.)
<25,000	100	10
25,000-50,000	150	12
>50,000	200	16

		2.	A detached monument sign for developments with multiple tenants may have an additional 20 square feet in area per tenant up to a maximum of 300 square feet in area.
		3.	One electronic message sign may be allowed up to a maximum of 40 square feet in area as part of the primary detached sign or in the attached signage and shall be included in the respective detached or attached allowable sign area.
		4.	One marquee sign shall be allowed up to a maximum of 30 percent of the allowable attached or detached signage.
		5.	One (1) additional detached sign shall be permitted in the following circumstances: a. On a secondary street frontage, up to a maximum of half of the area of the primary sign and at the same height restrictions set for the primary detached sign. b. On an arterial road with at least 275 feet of frontage on U.S. 90 or Belle Chase Highway, a second detached monument sign may be established provided that there is at least 200 feet of separation between the signs.
		6.	Attached signs shall be allowed up to a maximum of 100 square feet. However, larger developments that meet minimum area and setback requirements listed below may have larger attached signs:

Minimum Site Area (sq.ft.)	Minimum Setback (ft.)	Maximum Attached Sign Area (sq.ft.)
25,000	200—299	150
50,000	300—399	200
100,000	400+	300

Zoning District	Section #		Sign Requirement
		7.	Additional attached signage shall be permitted on a secondary street frontage, up to a maximum of half of the area allowed for the primary building face.
		8.	A street address sign shall be required at a minimum of 3.5 to six inches in height.
		9.	One temporary sign shall be permitted up to a maximum 1 square foot per linear foot of building frontage but not exceeding 32 square feet, whichever is greater.
Industrial District (M-1)	(h)	1.	One detached sign shall be allowed up to a maximum of 200 square feet in area and a height of 20 feet. However, total height for a detached sign may be increased to 30 feet if an additional one-foot setback for every foot over 20 feet in height is provided.
		2.	A detached sign for developments with multiple tenants may have an additional 20 square feet in area per tenant up to a maximum of 300 square feet in area.
		3.	One electronic message sign may be allowed up to a maximum of 40 square feet in area as part of the primary detached sign or in the attached signage and shall be included in the respective detached or attached allowable sign area.
		4.	One marquee sign shall be allowed up to a maximum of 30 percent of the allowable attached or detached signage.
		5.	One additional detached sign shall be permitted on a secondary street frontage, up to a maximum of half of the area of the primary sign and at the same height restrictions set for the primary detached sign.
		6.	Attached signs shall be allowed up to a maximum of 100 square feet. However, larger developments that meet minimum area and setback requirements listed below may have larger attached signs:
		7.	Additional attached signage shall be permitted on a secondary street frontage, up to a maximum of half of the area allowed for the primary building face.
		8.	A street address sign shall be required at a minimum of 3.5 to six inches in height.
		9.	One temporary sign shall be permitted up to a maximum 1 square foot per linear foot of building frontage but not exceeding 32 square feet, whichever is greater.
Special Industrial District (M-2)	(i)	1.	One detached sign shall be allowed up to a maximum of 200 square feet in area and a height of 20 feet. However, total height for a detached sign may be increased to 30 feet if an additional one-foot setback for every foot over 20 feet in height is provided.
		2.	A detached sign for developments with multiple tenants may have an additional 20 square feet in area per tenant up to a maximum of 300 square feet in area.
		3.	One electronic message sign may be allowed up to a maximum of 40 square feet in area as part of the primary detached sign or in the attached signage and shall be included in the respective detached or attached allowable sign area.
		4.	One marquee sign shall be allowed up to a maximum of 30 percent of the allowable attached or detached signage.
		5.	One additional detached sign shall be permitted on a secondary street frontage, up to a maximum of half of the area of the primary sign and at the same height restrictions set for the primary detached sign.
		6.	Attached signs shall be allowed up to a maximum of 100 square feet. However, larger developments that meet minimum area and setback requirements listed below may have larger attached signs:

Zoning District	Section #		Sign Requirement		
			Minimum Site Area (sq.ft.)	Minimum Setback (ft.)	Maximum Attached Sign Area (sq.ft.)
			25,000	200—299	150
			50,000	300—399	200
			100,000	400+	300
		7.	Additional attached signage shall be permitted on a secondary street frontage, up to a maximum of half of the area allowed for the primary building face.		
		8.	A street address sign shall be required at a minimum of 3.5 to six inches in height.		
		9.	One temporary sign shall be permitted up to a maximum of 1 square foot per linear foot of building frontage or 32 square feet, whichever is greater.		
Planned Development (PD)	(j)	1.	All signs serving the PD development shall incorporate the architectural theme of the development in materials and style.		
		2.	No "pole type" signs shall be permitted. Detached signage shall consist of a low level monument type signs no greater than ten feet in height and no greater than 100 square feet in area.		
		3.	Attached signage shall be no greater than ten percent in area of the primary face of the structure it serves.		
		4.	The content of PD signage shall be limited to identification of the primary business served. No slogans or product and service advertisement shall be permitted.		
		5.	No off-premises advertising shall be permitted.		
		6.	No blinking or movement of the sign or its contents shall be permitted.		
		7.	Directional signage shall be no greater than 6 feet in height and no greater than two square feet in area.		
		8.	A street address sign shall be required at a minimum of 3.5 to 6inches in height.		

(Code 1997, § 102-164; Ord. # 4304, § VIII, 10-12-2011; Ord. # 4613, 9-10-2014; Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020; Ord. #4967, 8-10-2022; Ord. #5027, 10-8-2025)

Sec. 58-199 Sign Measurement Standards.

(a) **Determination of sign area and dimensions**.

(1) **Attached Signs**.

a. For an attached sign, which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

b. For an attached sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form or approximate the perimeter of all elements in the display, the frame and any applied background that is not part of the architecture of the building.

(2) **Detached or Freestanding Signs.**

a. For a detached or freestanding sign, the sign area shall include the frame, if any, but shall not include:

1. The structural support unless the structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
2. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

b. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two (2) display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.

c. The height of a detached or freestanding sign shall be measured from the base of the sign or support structure at its point of attachment to the ground, to the highest point of the sign. A detached or freestanding sign constructed on a graded earth mound shall be measured from the grade of the nearest pavement or top of any pavement curb and not from the tip of the mound.

d. Clearance for detached or freestanding signs and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

(b) **Building Frontage**.

(1) A building unit is equal to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible attached sign area. The building frontage for a building unit or tenant space shall be measured from the centerline of the party walls defining the building unit.

(2) The frontage of any building unit shall include the elevations facing a public street, facing a primary parking area for the building or tenants or containing the public entrances to the building or building units.

(3) The primary frontage shall be considered that portion of any frontage containing the primary public entrances to the building or building units.

(4) The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building elevations facing a public street or primary parking area that are not designated as the primary building frontage noted in subsection (b)(3) of this section.

(5) For buildings with two (2) or more frontages, the length of the building face and allowable sign area shall be calculated separately for each building frontage.

(Code 1997, § 102-165; Ord. # 4304, § IX, 10-12-2011)

Sec. 58-200 Sign Maintenance.

(a) All signs shall be maintained in accordance with the following:

(b) The property owner shall maintain the sign at all times in a condition appropriate to the intended use, to all City standards, and has a continuing obligation to comply with all Building Code requirements.

(c) If the building official and/or code enforcement official determines the sign to be in an unsafe condition, the owner of the business shall be notified in writing and shall respond to the City within 48 hours of receipt of such notification with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after two (2) days, the unsafe condition has not been corrected through repair or removal, the building official may cause repair or removal of such sign, at the expense of the property owner or lessee plus an additional twenty-five (25) percent administrative fee. If the total costs are not paid in full within thirty (30) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property for collection as prescribed for unpaid real estate taxes.

(d) In cases of emergency, the Building Official or Planning Director may cause the immediate removal of a dangerous or defective sign without notice.

(e) Whenever any sign, either conforming or non-conforming to these regulations, is required to be removed for the purpose of routine maintenance including repair, re-lettering, repainting, or replacement of a sign panel, the same may done without permit or without any payment of fees provided that all of the following conditions are met:

(1) There is no alteration or remodeling to the structure or the mounting of the sign itself.

(2) There is no enlargement or increase in any of the dimensions of the sign or its structure.

(3) The sign is accessory to a legally permitted or non-conforming use.

(Code 1997, § 102-167; Ord. # 1945, § XX(P), 6-12-1989; Ord. # 4304, § XI, 10-12-2011)

Sec. 58-201 Non-conforming Signs.

(a) **Generally.** The City Council finds that non-conforming signs that do not conform with the provision set in this article, as applicable, threaten the public health, safety and welfare because:

(1) Non-conforming signs create traffic safety hazards.

(2) Non-conforming signs create pedestrian safety hazards.

(3) Non-conforming signs decrease property values.

(4) Non-conforming signs increase the potential for blight.

(5) Non-conforming signs discourage property reinvestment essential to the City's economic well-being.

(b) **Purposes of Non-conforming Signs Section**. The purposes of these non-conforming sign regulations are:

(1) To recognize that the eventual elimination of existing signs not in conformity with the provisions of this article is as important as the prohibition of new signs that would violate these regulations.

(2) To establish a fair and equitable process for the elimination of non-conforming signs that will facilitate compliance to these regulations.

(c) **Immediate Removal of Certain Signs.**

(1) **Sign to be Removed**. The following non-conforming signs shall be removed immediately within thirty (30) days from the effective date of adoption of the ordinance from which this section is derived:

a. Illegal signs.

b. Any sign and/or support structures which are abandoned, obsolete or discontinued not meeting the conditions for good condition or state of repair, and not actively being marketed or replaced with a blank panel, non-commercial message or applicable commercial message, such as "for lease."

c. Owners of placards, posters, advertisements and signs affixed to utility poles, light fixtures, benches, medians, rights-of-way and any other forms of City-owned public property.

(2) **Cost of Sign Removal and Fees.**

a. Upon failure to comply within the time specified in subsection (c)(1) of this section, the Planning Director is hereby authorized to cause removal of such signs and any expense incident thereto shall be paid by the owner, agent or lessee of such sign or of the property upon which the sign is located plus an additional 25 percent administrative fee. If the total costs are not paid in full within 30 days of the removal, the amount owed shall be certified as an assessment against the property of the sign owner and lien upon that property, for collection as prescribed for unpaid real estate taxes.

b. Owners of placards, posters, advertisements and signs affixed to utility poles, light fixtures, benches, medians, rights-of-way and any other forms of City-owned public property shall be subject to a fee of $25.00 to cover the costs of removal.

(d) **Limits on Non-conforming Signs**.

(1) **Change of Business or Use**. Any non-conforming sign advertising, identifying or pertaining to a business on the premises on which it is located shall be removed upon any change in the business name or change in the use advertised by the sign.

(2) **Limitations**. A non-conforming sign may not be:

a. Changed to another non-conforming sign.

b. Structurally altered in any way including conversion to LED or other electronic or mechanical enhancements.

c. Expanded in height, width, depth or weight.

d. Reestablished after a business is discontinued for thirty (30) days, unless the sign is in a state of good condition and repair and is actively marketed as set in Sec. 58-202, then the new sign panel may remain for up to a maximum of one year in search of a new occupant for the business.

e. Reestablished after damage or destruction of more than fifty (50) percent of its value, as determined by the Building Official.

f. No new sign shall be approved for a site, structure, building or use that contains a sign or signs prohibited by this article unless such prohibited signs are removed or modified to conform with the provisions of this article. For multi-tenant developments, a non-conforming detached sign advertising for multiple tenants does not need to be brought into compliance unless the tenant requesting a new sign has advertising that comprises twenty-five (25) percent or more of the area of a non-conforming sign.

g. Nothing in this section shall be interpreted to exclude routine maintenance, repair or renovation which does not extend, increase or enlarge the non-conforming sign.

h. No building permit shall be issued for any structures, building expansions or new building construction that contains a sign or signs prohibited by this article unless all signs are brought into conformance with the provisions in this article. This does not include interior alterations which do not substantially change the character or intensity of the site.

i. Nothing in this section shall be construed so as to allow any illegal sign to be considered a non-conforming sign.

j. Signs that are non-conforming due to exceeding the permitted height, width or area by ten percent or less shall not be subject to removal under this section.

k. The burden of proving the legal non-conforming status of a particular sign shall be the responsibility of the owner of said sign.

l. Non-conforming signs that lose their non-conforming status under subsections (d)(2)d and e of this section shall be removed within thirty (30) days after the date of the loss of non-conforming status.

(3) Amortization of Non-Conforming Pole Signs. Pole signs in any zoning district along the Westbank Expressway that do not comply with the provisions of this Division shall be removed or modified to meet UDC standards by January 1, 2030.

(Ord. # 4912, 6-22-2020; Ord. #5027, 10-8-2025)

(e) **Time Limits for Compliance**. The time frame for compliance may be extended at the request of the sign or property owner. The City Council may grant the request for time extension after consideration of the following factors to determine whether the owner of the sign has had a reasonable amount of time to recoup the initial investment:

(1) The value of the sign at the time of construction and the length of time the sign has been in place.

(2) The life expectancy of the original investment in the sign and its salvage value, if any.

(3) The amount of depreciation and or amortization of the sign already claimed for tax or accounting purposes.

(4) The length of the current tenant lease or expected occupancy.

(5) The extent to which the sign is not in compliance with the requirements of these regulations.

(6) The degree to which the City determines that the sign is consistent with the purposes of these regulations.

(7) A timeline for compliance set for a specific and reasonable period of time expressly based on the factors listed above. In no case shall the timeline for compliance exceed seven years from the effective date of the ordinance from which this article is derived.

(Code 1997, § 102-168; Ord. # 1945, § XX(X), 6-12-1989; Ord. # 4304, § XII, 10-12-2011)

Sec. 58-202 Removal of Signs Upon Closing of Business.

(a) Any commercial sign, including any structure used for the mounting or display of said sign shall be removed within thirty (30) days of closing, from the building and premise of business no longer in operation.

(b) This section shall not apply to commercial signs advertising the property's availability to return to commerce that are otherwise in conformity with other sections of this Code.

(Code 1997, § 102-224; Ord. # 3665, 12-13-07; Ord. # 3686, 7-10-2008)

Division 4. Lighting

Sec. 58-204 Purpose

These outdoor lighting provisions establish standards for outdoor lighting to:

(a) Protect against direct glare and excessive lighting;

(b) Provide safe roadways for motorists, cyclists and pedestrians;

(c) Promote efficient and cost-effective lighting;

(d) Ensure that sufficient lighting can be provided where needed to promote safety and security; and

(e) Allow for flexibility in the style of lighting fixtures.

Sec. 58-205 Applicability

(a) All applications for major site plan approval shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The applicant shall provide information to verify that lighting conforms to the provisions of this lighting code at the time of site plan approval. Compliance with the provisions of this Division is required even if a lighting plan is not required.

(b) All permanent exterior lighting installed on private property, excluding single-household and duplex dwellings, after the effective date of these provisions shall comply with the requirements established herein unless required by a public agency for public safety purposes. The standards established in this section do not apply to public street lights.

(c) Lighting that is established pursuant to submittal of a master lighting plan may exceed the heights established in the applicable zoning district as long as a qualified lighting professional certifies that spillover lighting at the outer property lines of the area subject to the master lighting plan does not exceed the maximum lighting thresholds established in in this division.

(d) The outdoor lighting requirements of this section do not apply to holiday lighting between November 15 and January 15 of each year.

Sec. 58-206 General Standards

(a) **Shielding Required**. All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the exception of unshielded luminaires installed pursuant to paragraph (c) of this section. All other lighting shall be installed so that the direct lighting from fixtures is shielded from crossing any residential property line.

(b) **Maximum Spillover Lighting**. Outdoor lighting shall not cause spillover lighting at any residential property line exceeding 0.5 footcandles measured horizontally and vertically at the property line

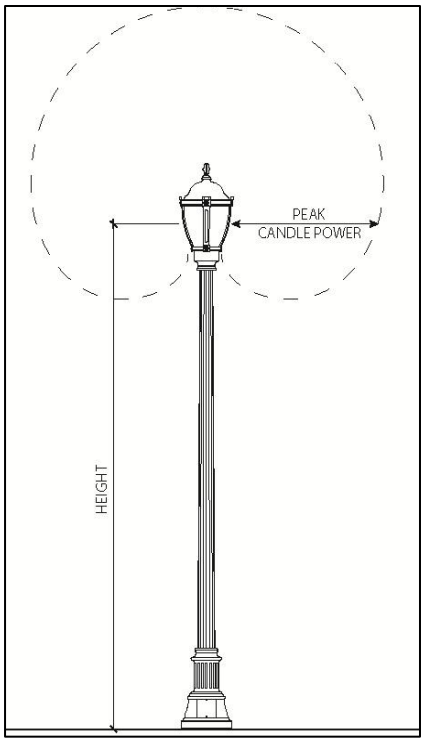
(c) **Unshielded Luminaires**. When a light source or luminaire has no cutoff or a cutoff that is greater than ninety (90) degrees, the requirements of **Exhibit 58-206a** shall be met.

Exhibit 58-206a: Standards for Unshielded Luminaires

Standard	Maximum Permitted Average Maintained Illumination Measured Vertically and Horizontally	Maximum Permitted Height of Light Source*	Uniformity (ratio of maximum to minimum illumination)
Residential Districts	2.0 footcandles	16 feet	15:1
Business and Institutional Districts	5.0 footcandles	16 feet	15:1
Industrial Districts	5.0 footcandles	20 feet	15:1

*Measured from the ground to light source.

Examples of Unshielded Luminaires



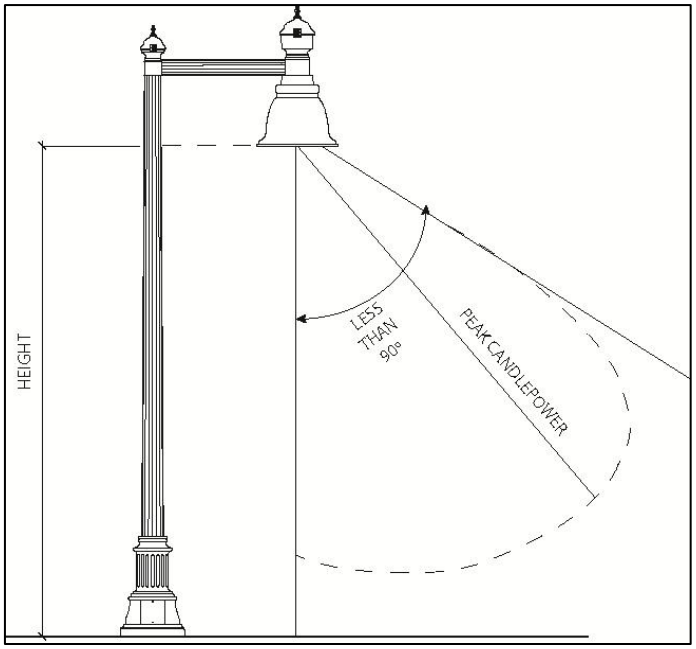
(d) **Other Outdoor Lighting Fixtures**. All outdoor lighting fixtures other than those listed in paragraph (c) of this section shall have a total cutoff of light at an angle equal to or less than ninety (90) degrees and shall be shielded from abutting residential properties. The maximum permitted height of the luminaire shall meet the standards in Exhibit 58-206b.

Exhibit 58-206b: Standards for Luminaires with Cutoffs

Standard	Maximum Permitted Height of Light Source*
Residential District	25 feet
Business, Institutional and Industrial District	35 feet

* Measured from the ground to light source.

Examples of Luminaires with Cutoffs



Sec. 58-207 Additional Regulations

Notwithstanding any other provision of this section to the contrary:

(a) No flickering or flashing lights shall be permitted.

(b) Light sources or luminaires shall not be located within a required buffer except along pedestrian walkways.

(c) Measurement.

1. Metering equipment. Lighting levels shall be measured in footcandles.
2. Method of measurement. The meter sensor shall at ground level for horizontal footcandles and five (5) feet above ground for vertical footcandles. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading.
3. Responsibility for Measurement at the Time of Installation. Prior to issuance of a certificate of occupancy, the person installing lighting fixtures shall document compliance with the requirements of the lighting requirements in this section

Sec. 58-208 Lighting Plan Required

(a) **Lighting Plan Requirements**. As part of the site plan approval process, the applicant shall submit a lighting plan that includes the location of outdoor lighting and a key to the proposed outdoor lighting that provides the following information:

(1) Type and number of luminaire equipment (fixtures), including the "cut off characteristics", indicating manufacturer and model number(s).

(2) Lamp source type (bulb type, i.e. high-pressure sodium), lumen output, and wattage. Mounting height with distance noted to the nearest property line for each luminaire.

(3) Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.

(4) Total foot candles for each fixture, and total square footage of areas to be illuminated.

(5) Lighting manufacturer-supplied specifications ("cut sheets") that include photographs of the fixtures, indicating the certified "cut off characteristics" of the fixture.

(6) Lighting design shall be submitted showing an average maintained point-by-point analysis of the area and showing the foot candles at the property lines for light trespass analysis.

(7) A statement from a lighting professional that the resulting lighting, including all on-site sources of lighting complies with the standards of this UDC.

(8) A statement that no substitutions, additions, or changes may be made without prior approval by the Planning Director.

(b) **Alternative Lighting Design**. The Planning Director, Planning & Zoning Commission or City Council may approve alternative designs for lighting that comply with the purposes of this Division.

Division 5. Streets, Alleys, and Sidewalks

Sec. 58-211 Generally

These transportation provisions address the mobility and accessibility needs within the City of Gretna. In addition to addressing the design, function and access to public streets, these regulations address mobility for bicyclists and pedestrians, the necessary coordination of design between the public and private realms and analysis of traffic impacts.

Sec. 58-212 Applicability

The provisions of this division shall apply to all subdivisions, planned developments, conditional use permits and major site plans. The sidewalk provisions shall also apply to development requiring minor site plan approval.

Sec. 58-213 Street Classification

(a) **Generally.**

(1) In all new subdivisions, streets that are dedicated to public use shall be classified as provided in paragraph (b) of this section.

(2) The classification shall be based upon the projected volume of traffic to be carried by the street, and the function of the street;

(3) The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;

(4) Whenever a subdivision street continues or is expected to extend an existing street in the future, the classification of the street will be based upon the street in its entirety, both inside and outside of the subdivision.

(b) **Classifications**. The classification of streets shall be as follows:

(1) **Local:** A street whose primary function is to provide access to abutting properties but may sometimes provide relief to other roadways within the City's grid at very low speeds.

(2) **Minor collector**: A street whose principal function is to provide access to abutting properties at very low speeds but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it is intended to serve up to eight hundred (800) trips per day.

(3) **Major Collector**: A street whose principal function is to carry traffic between minor, local and sub-collector streets and arterial streets at relatively low speeds. It also provides direct access to abutting properties. It is intended to serve, directly or indirectly, more than eight hundred (800) trips per day.

(4) **Minor Arterial:** A major street whose principal function is to provide continuous access between neighborhoods and principal arterials or the expressway. These roads carrying high volumes of automobile and delivery truck traffic at relatively low speeds.

(5) **Arterial:** A major street that serves as an avenue for the circulation of traffic into, out of, through or around the City, carrying high volumes of traffic at relatively high speeds. Direct access to these streets should be limited to streets and relatively few driveways that are designed to minimize traffic conflicts.

(6) **Expressway:** A limited access street designed to carry high volumes of traffic at high speeds.

Sec. 58-214 Access to Lots

Every lot must be accessible to a public street for the users of the lot and emergency vehicles.

Sec. 58-215 Access to Arterial Streets

Whenever a major subdivision or site plan abuts or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within the subdivision onto the arterial street unless the City Council finds that an internal street system or alternative access is not practicable.

Sec. 58-216 Access to the Fourth Street Extension

The following standards apply to development access along the 4th Street Extension from Richard Street to Burmaster St.:

(a) No net new lot of record shall be created where the only public right-of-way (RoW) access is to the 4th Street Extension.

(b) Only an existing lot of record that has no other RoW access or tie in option may provide driveway connections to the 4th Street Extension.

(c) All driveway cuts on the 4th Street Extension shall be subject to a Conditional Use Permit. The Council may grant a CUP for 4th Street Extension access if any the access meets the parameter established within or has a compelling traffic management rationale.

(d) For properties along the south side of the 4th Street Extension bounded by Richard St. and Hamilton St., the following shall apply:

(1) The City, at its discretion, may allow rear access and/or loading and delivery route along the service alley RoW that runs parallel to the 4th Street Extension between roughly Richard St. and Hamilton St.

a. If the City chooses to create a rear access and/or loading and delivery route within the service alley RoW, connecting properties shall only use the alley for traffic egress and loading and service delivery function unless otherwise authorized through a conditional use permit.

b. Direct access to the 4th Street Extension shall not be allowed.

c. All properties opting to tie-in to the service alley RoW shall be responsible for offsetting, in part or entirety, the cost of the public improvement to the City at a rate to be determined.

(2) The City Council, at its discretion, may elect to abandon any portion of this service alley RoW.

Sec. 58-217 Entrances to Streets

(a) All driveways shall be constructed so that:

(1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians or vehicles traveling in abutting streets; and

(2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(b) Requests for new or modified driveways, when not associated with a conditional use permit application shall be reviewed and approved by the Planning Director and Building Official.

Sec. 58-218 Coordination with Surrounding Streets

(a) The street system of a subdivision shall be connected to existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots as provided in this section. Where applicable, the street layout in all new subdivisions shall conform to the alignment and cross-section indicated on the City or regional transportation plan.

(b) Streets connections shall be provided to foster the safe and convenient movement of traffic between residential neighborhoods and to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons.

Sec. 58-219 Street Connections Required

(a) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended, and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected.

(b) The City may:

(1) Waive the requirement to develop the street when the right-of-way is extended, if it is determined that the development of such street is not practicable.

(2) Require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. However, no temporary dead-end street or cul-de-sac in excess of one-thousand (1,000) feet may be created unless no other practicable alternative is available.

(3) Authorize the applicant to pay a fee in lieu of constructing the road connection at the time of development.

Sec. 58-220 Blocks

When any newly created block exceeds six hundred (600) feet in length, the City may require a mid-block crossing to enhance mobility for bicyclists and pedestrians. Such connections shall be at least fifteen (15) feet in width and shall, at the City's discretion include a sidewalk or multi-user trail that meets the minimum design specifications.

Sec. 58-221 Street Width, Sidewalk and Drainage Requirements in Subdivisions:

(a) **Street Design**. Street rights-of-way shall be designed and constructed in conformance with the provisions of Exhibit 58-220a, Exhibit 58-229b and the other provisions of this section. The City Engineer may require modifications to these standards based on natural and built conditions to effectively serve the following functions:

(1) To safely and efficiently carry motor vehicle traffic and in some cases allow on-street parking;

(2) To provide a safe and convenient passageway for bicycle and pedestrian traffic; and

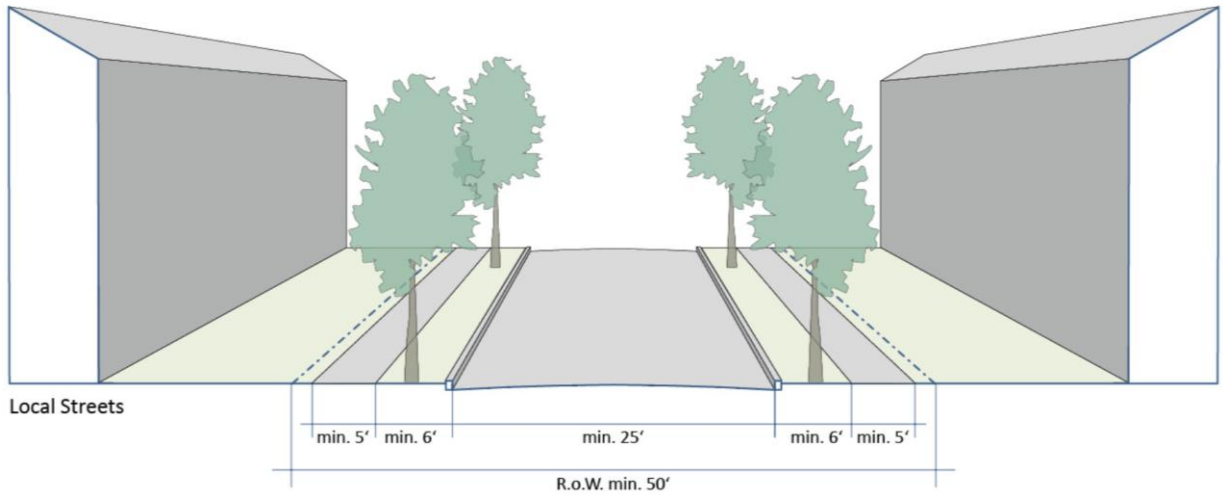
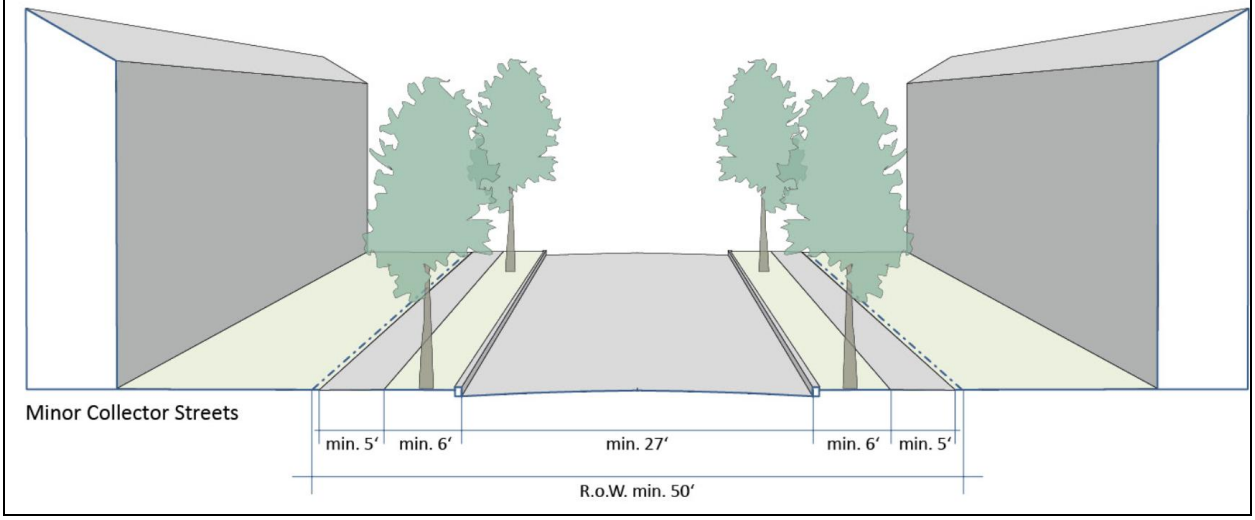
(3) To serve as an important link in the City's drainage system.

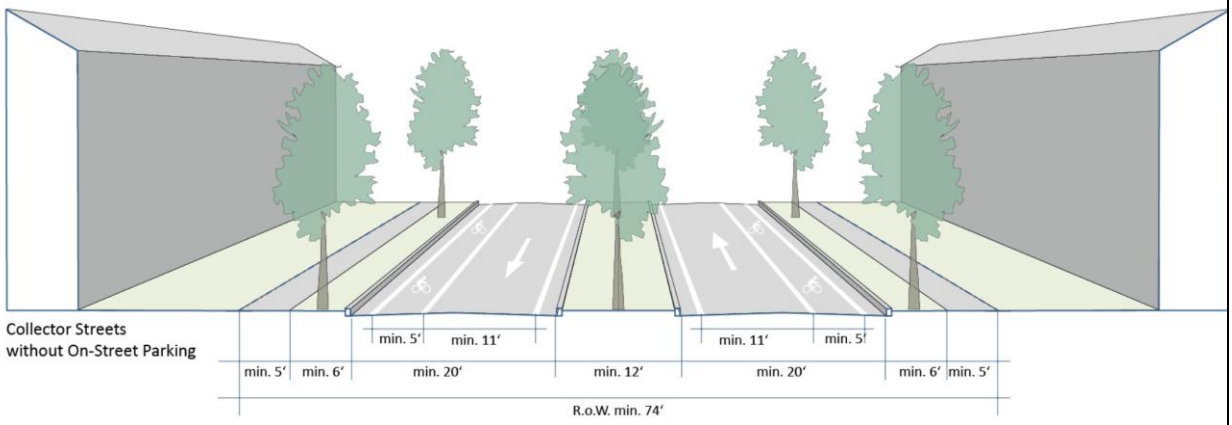
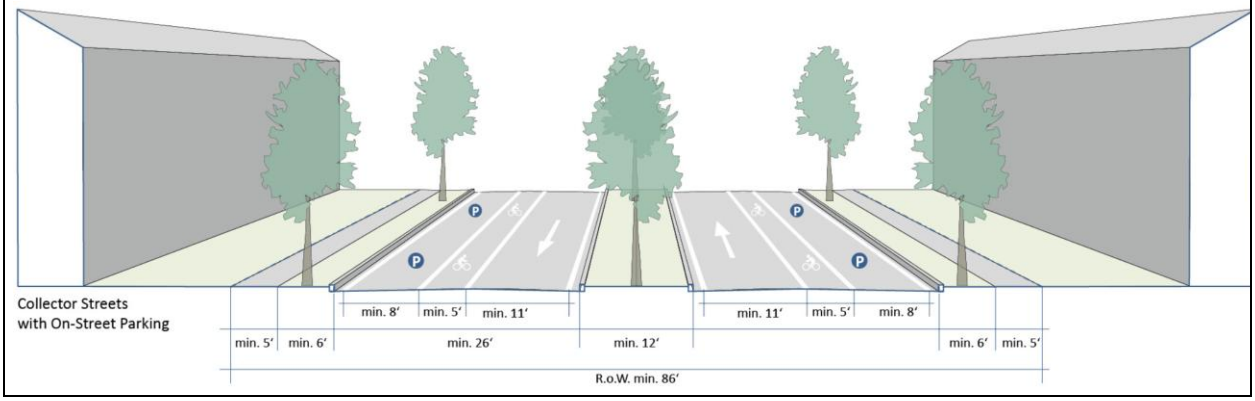
(b) **Curbs and Gutters**. All streets, except as provided in paragraph (c), shall be constructed with curb and gutter and shall conform to the other requirements of this paragraph. Only standard ninety (90) degree curb may be used, except that roll-type curb shall be permitted along minor and local streets within residential subdivisions.

(c) **Public Streets without Curbs and Gutters**. When the City Engineer determines that due to site-specific drainage requirements and proposed street grade, another edge treatment would be more appropriate than curb and gutter, the requirements for curb and gutter may be waived. Where curbs and gutters are not used, the installation, maintenance and repair of existing drainage improvements and driveways shall be the responsibility of the property owner(s) relying on such access to the public street.

(d) **Standards are Minimums**. The standards in **Exhibits 58-189a** and **58-189b** are minimums. Streets are listed from lowest order (local) to higher order (collector). Standards for arterial streets shall be determined on a case-by-case basis. Additional right-of-way may be needed to accommodate larger drainage swales in some locations due to topographical conditions.

Exhibit 220a: Street Design Standards

Street Type: Standards
<u>Local Streets:</u> • Right-of-way minimum: 50 feet • Street width: 25 feet from back of curb to back of curb • Planting strips: 6 feet wide with street trees planted in the strip between street and sidewalks • Sidewalks: 5 feet wide on both sides of the street. 
<u>Minor Collector Streets:</u> • Right-of-way minimum: 50 feet • Street width: 27 feet from back of curb to back of curb • Planting strips: 6 feet wide with street trees planted in the strip • Sidewalk: 5 feet wide on both sides of the street. 

Street Type: Standards
<u>Collector Streets without On-Street Parking:</u> • Right-of-way minimum: 74 feet • Street width: 20 feet per side from back of curb to back of curb • Median width minimum: 12 feet with street trees planted in the median • Travel lanes: 11 feet • Bike lanes 5 feet • Planting strips minimum: 6 feet with street trees planted in the strip • Sidewalks: 5 feet on each side 
<u>Collector Streets with On-Street Parking:</u> • Right-of-way minimum: 86 feet • Street width: 26 feet per side from back of curb to back of curb • Median width minimum: 12 feet with street trees planted in the median • Travel lanes: 11 feet • Bike lanes: 5 feet • Parking lanes: 8 feet wide • Planting strips minimum: 6 feet with street trees planted in the strip • Sidewalks: 5 feet each side 

Street Type: Standards
<u>Major Collector Streets:</u> • Right-of-way: 61 feet • Street width: 39 feet from back of curb to back of curb • Travel lanes: 11 feet • Parking lanes: 8 feet • Sidewalks: 11 feet each side with planting wells for street trees • Include bulb-outs at intersections to provide pedestrians with sidewalk extensions for safer crossing

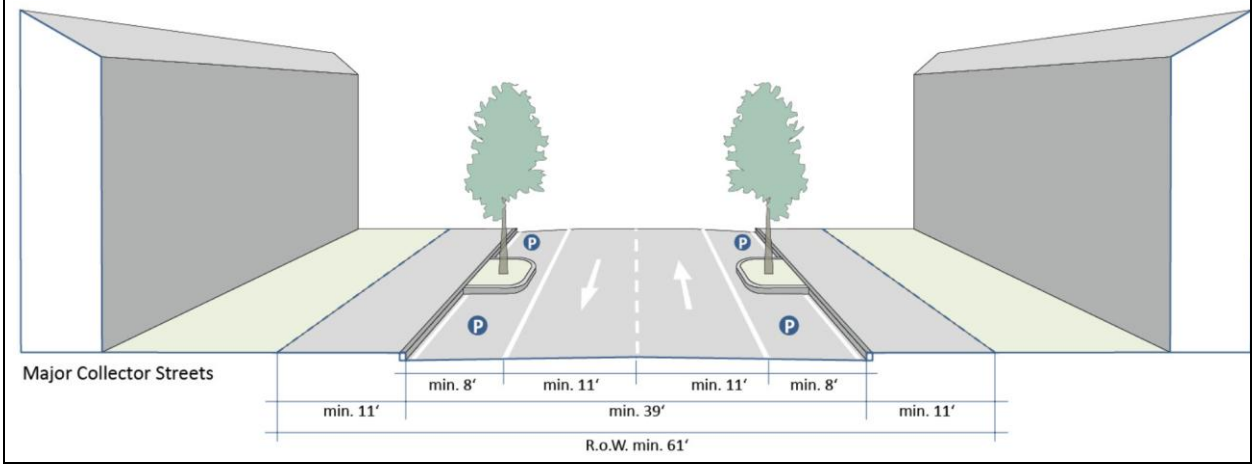
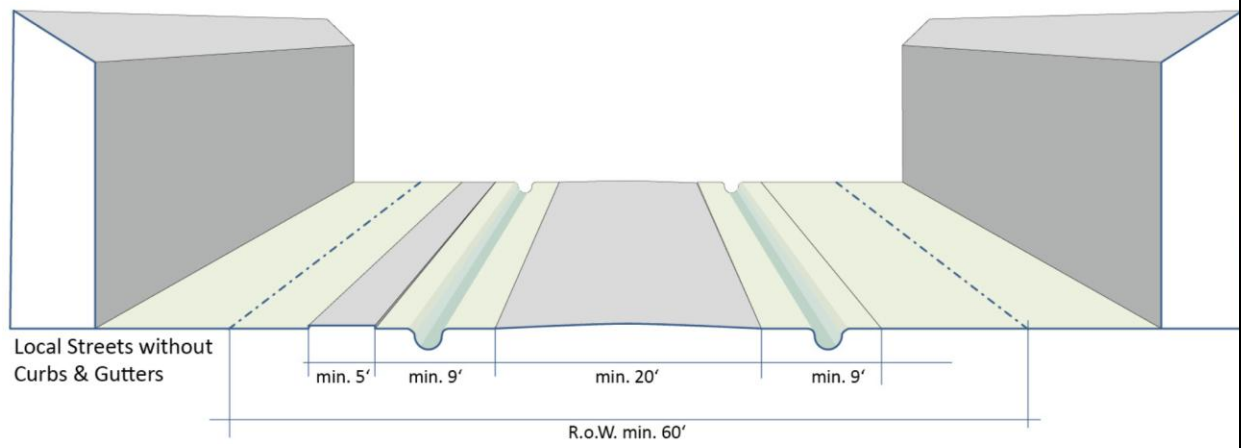
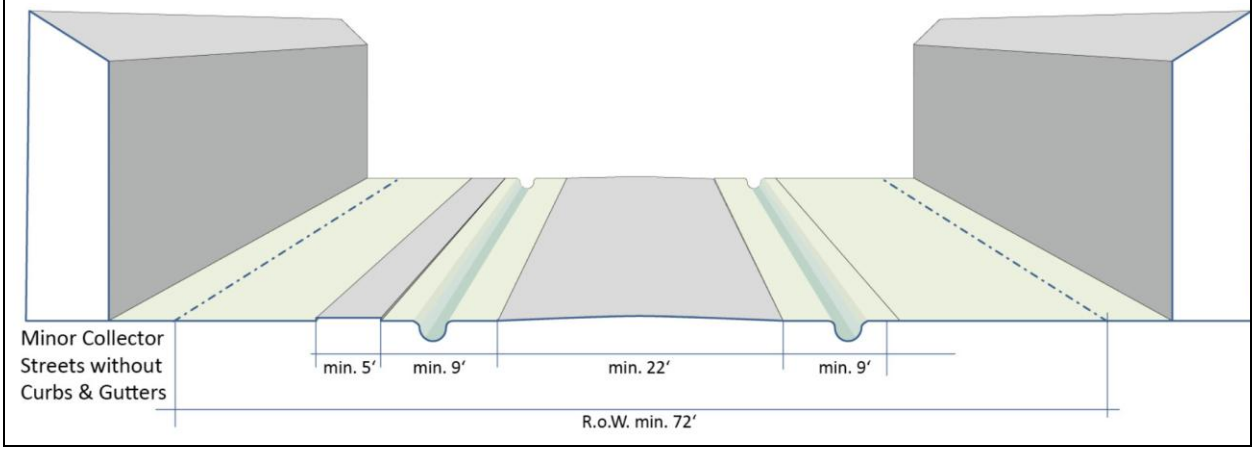


Exhibit 220b: Streets Design Standards for Streets without Curbs and Gutters

Street Type: Standards
Local Streets • ROW minimum: 60 feet • Pavement width minimum: 20 feet • Shoulder and drainage swales minimum: 9 feet • Sidewalks: 5 feet on one side 
Minor Collector Streets • ROW minimum: 72 feet • Pavement width minimum: 22 feet • Shoulder and drainage swales minimum: 9 feet • Sidewalks: 5 feet at least one side 

(e) **Alleys.** The minimum width for an alley shall be twenty (20) feet, and it shall be paved. Alleys shall be provided at the rear of all business lots but are not required at the rear of residential lots except under unusual conditions.

(f) **Greenways**. In circumstances when sidewalks otherwise would be required on both sides of the street, an unpaved greenway may be permitted if the Planning Director determines that that the proposed greenway provides and equal level of service (that paved sidewalks would provide) to the users of the greenway facility. Such a greenway may be substituted for a sidewalk on one or both sides of the street if:

(1) Provision is made that reasonably assures that the greenway will be installed and maintained in perpetuity without cost to the City;

(2) The greenway is ADA compliant; and

(3) The City Engineer reviews and approves the appropriateness of the substitution and the adequacy of the provision for installation and maintenance.

(g) **Provision for Bicycles**. All streets and stormwater improvements shall be designed to minimize bicycle safety hazards. Where sufficient right-of-way exists on collector and arterial streets, the City shall establish bike lanes.

(h) **On-street Parking**. On street parking shall not be allowed along minor collector, major collector, or arterial streets unless provisions are made for sidewalks or a multi-user trail.

(i) **Additional Pedestrian Connections Required**. If the City finds that pedestrian access is necessary from a proposed subdivision to a nearby school, park, open space, playground, or other facilities, and that access is not conveniently provided by sidewalks adjacent to the streets, the applicant may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.

(j) **Sidewalks in M Districts**. In industrial districts sidewalks may be installed on only one side of the street if the tract being developed provides greenways that satisfy the following conditions:

(1) The greenway is at least fifty (50) percent of the length of the required sidewalk on one side of the street;

(2) They provide reasonable connectivity to streets, sidewalks, and greenways within or adjoining the Development;

(3) They are constructed and maintained to the same standards as the City's public greenways;

(4) The public is entitled to use the greenways to the same extent as the sidewalk;

(5) Provision is made that reasonably assures that the greenway will be installed and maintained in perpetuity without cost to the City; and

(6) The Planning Director reviews the proposed greenway and the provisions for its installation and maintenance and determines that it satisfies the requirements set forth above.

(k) **Encroachments on Sidewalks**. No fence, wall, building shrub or tree shall be located within two (2) feet of the outer edge the sidewalk except on commercial streets.

(l) **Cul-de-Sac Streets**. Sidewalks are not required on a cul-de-sac serving only lots of single-family residences when either:

(1) The cul-de-sac is no more than three-hundred (300) feet in length; or

(2) The cul-de-sac is more than three hundred (300) feet in length and serves no more than six (6) residences or Lots, and the Planning Director, in consultation with City Engineer, determines that there is no reasonable possibility that the street right-of-way to which the cul-de-sac connects will include a sidewalk.

(m) **Greenways**. Where a previous conditional use permit was approved with greenways located on street right-of-way, greenways may be substituted for sidewalks in those approved greenway locations.

(n) **Alternative Sidewalks Arrangements**. The Planning Director, Planning & Zoning Commission or City Council may approve alternative sidewalk arrangements in conjunction with planned development, subdivision, conditional use permit, or major site plan approval. Alternatives include the provision of multi-user trails in lieu of sidewalks, location of sidewalks within easements located adjacent to public right-of-way or other pedestrian accommodations that adequately provide for pedestrian circulation.

Sec. 58-222 Clear Vision Areas

(a) Required clear vision areas for each intersection of two streets shall consist of two overlapping right triangles that each have legs of fifteen (15) feet and twenty-five (25) feet extending from the projected intersection of the curb lines as illustrated in **Exhibit 59-220a**.

(b) Required clear vision areas for intersections of streets and alleys or non-residential driveways shall consist of a single right triangle that has a leg of fifteen (15) feet extending from the projected intersection of the curb line as illustrated in **Exhibit 59-220b.**

(c) There shall be no obstruction between the heights of three (3) and eight (8) feet measured from the crown of the abutting streets in the clear vision area.

(d) Fence columns, posts and sign supports in the clear zone shall not be greater than eighteen (18) inches in width or diameter.

(e) Plantings in clear vision areas shall be subject to the provisions of Sec. 58-273.

Exhibit 58-221a: Clear Vision Areas at Intersection of Two Streets

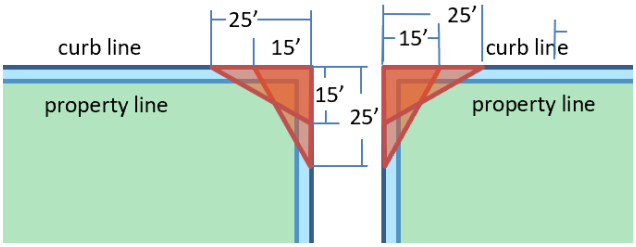
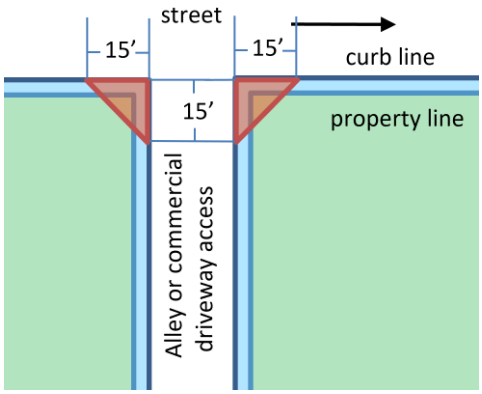


Exhibit 58-221b: Clear Vision Areas at Intersection of Street and Non-Residential Driveway or Alley



Sec. 58-223 Traffic Calming

(a) Traffic calming devices may be approved along local residential streets or adjacent to parks, schools, and other uses with high concentrations of pedestrians. To allow flexibility for various contexts in which traffic calming may be appropriate, no exact standard or distance between traffic calming devices are set.

(b) Traffic calming may not be used when the DRC determines that its effect would be to shift traffic from one local residential street to another.

(c) In new developments, the developer shall meet with appropriate DRC to determine the need, if any, for traffic control devices. Once the need is established, a visioning session with City staff and developer shall be conducted to discuss the traffic calming measures that will best serve the new community/development. After the visioning session, the developer shall submit to the City, for review, the proposed traffic calming plan for approval or approval with modifications. Once approved by the City, the traffic calming devices shall be incorporated in the proposed site plan or Engineering Plan.

(d) Traffic calming measures that may be considered are listed below. However, the measures identified are not meant to exclude other measures subject to approval by the City Engineer.

(1) Non-Physical measures may include, but not be limited to, speed enforcement, radar trailers, land striping, signage, pavement marking legends, high visibility crosswalks, on street parking, raised pavement markings, streetscaping, multi-way stops, turn prohibitions and other restrictions, gateways/entryways and colored pavements.

(2) Vertical traffic calming measures may include, but not be limited to, textured pavements, speed tables, raised crosswalks and raised intersections.

(3) Horizontal traffic calming measures may include, but not be limited to, traffic circles, roundabouts, curb extensions, chicanes, lateral shifts, neck-downs, realigned intersections, bulb-outs, two lane chokers, one lane chokers, center island narrowing and medians.

(4) Diversion traffic calming measures may include, but not be limited to, street closures, diagonal diverters and semi-diverters.

Sec. 58-224 Attention to Accessibility in Street and Sidewalk Construction

Whenever curb and gutter construction is used on public streets, ADA compliant ramps and connections shall be provided at intersections and other major points of pedestrian traffic.

Sec. 58-225 Street and Sidewalk Improvements

The cost of installing required street and sidewalk improvements required by this article shall be borne by the applicant. In no case shall the City of Gretna be responsible for the cost of street and sidewalk improvements required by this section. Sidewalks shall be installed at the time of street construction or prior to certificate of occupancy for single-lot developments. Damage to streets or sidewalks during site development shall be repaired prior to issuance of a certificate of occupancy.

Sec. 58-226 Street Names and Traffic Signs

(a) Street names shall be assigned by the developer subject to the approval of the City. Proposed streets that align with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within Jefferson Parish, regardless of the use of different suffixes (such as those set forth in paragraph (B)).

(b) Street names shall include a suffix such as the following:

(1) Circle: A short street that returns to itself.

(2) Court or Place: A Cul-de-sac or dead-end street.

(3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

(4) Street, Avenue and other common suffixes not applying above: All public streets not designated by another suffix.

(c) Street name and traffic signs which meet the standards of the City specifications shall be placed at all street intersections. The cost to install street name and traffic signs shall be borne by the developer. In the case of a subdivision with private streets, street and traffic signs shall comply with the latest edition of the Manual on Uniform Traffic Control Devices unless otherwise approved by the City Engineer.

Sec. 58-227 Pavement Markings and Pavement Materials

All pavement markings and materials in public street pavement shall be approved by the City. Pavement markings and material changes to street pavement shall be limited to pedestrian crossings, lane markings, edge of pavement marking and traffic warning or control markings or materials approved by the City Engineer and should be consistent with the standards of the latest edition of the Manual on Uniform Traffic Control Devices.

Sec. 58-228 Sidewalk Accessibility

Paved pedestrian access complying with City design standards is required from the primary entrance of any multi-family or non-residential building to the adjoining sidewalk or street.

Sec. 58-229 Traffic Impact Analysis

(a) Purpose. The intent of this section is to provide the information necessary to allow decision-makers to assess the adequacy of available capacity to meet existing, projected and proposed demand at adopted levels of service. Traffic Impact Analyses (TIA) are intended for developments having traffic impacts on multiple streets or intersections. Where there is not sufficient available capacity to meet these demands, the TIA should identify improvements required to accommodate proposed demand and maintain adopted levels of service. A TIA will be required for development applications exceeding specific trip generation thresholds established in this section. The specific purposes of the TIA are to:

(1) Evaluate traffic operations and impacts at site access points under projected traffic loads;

(2) Evaluate the impact of site-generated traffic on affected intersections in the impact area;

(3) Evaluate the impact of site-generated traffic on the quality of traffic flow on public streets located in the Impact area;

(4) Evaluate the impact of the proposed development on residential streets in the impact area;

(5) Ensure that site access and other improvements needed to mitigate the traffic impact of the development meet commonly accepted engineering design standards;

(6) Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided; and

(7) Identify transportation infrastructure needs and related costs created by the development and cost sharing for needed improvements.

(b) **Traffic Impact Analysis Applicability**: A TIA will be required prior to approval of a major site plan, preliminary plat, zoning map amendment, planned development, or conditional use permit for development that exceeds the following thresholds in one or more development applications submitted for a parcel or contiguous parcels under common ownership at the time of the adoption of this UDC or at the time of the development application:

(1) The proposed development will generate more than 1,000 average daily trips at full occupancy, according to most current version of the ITE Trip Generation Informational Report or comparable research data approved by the City Engineer; or

(2) The proposed development will concentrate three hundred (300) or more trips per day through a single access point.

(c) **Traffic Study Threshold**. The Planning Director may require a traffic study where development from a major or minor site plan is projected to generate two hundred (200) average daily trips more than existing conditions.

(1) **Purpose**. The purposes of a traffic study are to:

a. Ensure that the proposed road layout is consistent with adopted road design standards;

b. Ensure the proper design and spacing of site access points and identify where limitations on access should be established;

c. Ensure that potential safety problems have been properly evaluated and addressed;

d. Ensure that internal circulation patterns will not interfere with traffic flow on existing public roads;

e. Ensure that appropriate facilities for pedestrians, transit users and bicyclists have been provided in plans for the development; and

f. Identify the transportation infrastructure needs and related costs created by the development.

(2) **Scope**. The scope of a traffic study includes the function of access to a site and the impacts of projected traffic on the nearest intersections to the site. The Planning Director shall determine the scope of the information and analysis required for a traffic study within this geographic scope, which may include any data or analysis required for a TIA.

(d) **Waiver.** The requirements of this section for a TIA may be waived by the City Engineer upon determining that such report is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed development, and that no unsafe or hazardous conditions will be created by the development as proposed.

(e) **Preparation**. The cost of TIA preparation shall be the responsibility of the applicant. The applicant shall retain the services of a qualified traffic engineer or AICP certified traffic planner approved by the City Engineer. A TIA shall be sealed by a licensed professional engineer.

(f) **Traffic Level of Service Standards**. The standards for traffic service that shall be used to evaluate the findings of a TIA are:

(1) **Level of Service**. Level of Service D (LOS D) or less congested shall be maintained on all arterial and collector street segments and intersections. LOS C or less congested shall be maintained on all other street segments and intersections. For multi-phase developments, the applicable levels of service shall be maintained for each phase. No development shall result in the decline in the level of service of an adjacent street by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the City Council.

(2) **Number of Access Points**. The spacing of access points shall comply with applicable City, state and AASHTO or other standards approved by the City Engineer.

(3) **Internal Circulation**. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic at projected volumes.

(4) **Safety.** Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic.

(5) **Curb Space Use Plan**. Details shall be provided on curb space use on public streets along the edge of the development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. This review shall include a description of existing conditions prior to development, and proposed changes resulting from the development, including a description of any loss or gain in curb space use by the activities intended.

(g) **Traffic Impact Analysis Contents**. A TIA shall be based on peak hour traffic and shall contain information addressing the factors **listed** below as determined by the City Engineer.

(1) **Project and Site Description**. The analysis shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the Impact area that will influence future traffic conditions. A description of the proposed development including access plans, staging plans and an indication of land use and intensity, shall be provided.

(2) **Study Area**. The analysis shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The study shall include: all street segments, intersections and driveways on or within 300 feet of the site; all collector or arterial streets and street intersections within one-quarter (¼) mile of the site; and all streets and intersections for which the proposed development is projected to generate five (5) percent or more of the peak hour traffic.

(3) **Existing Traffic Conditions**. The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:

a. Existing demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;

b. Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures (speed limits, traffic Signals, etc.) and existing driveways and turning movement conflicts in the Impact area; and

c. The existing LOS for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the City Engineer.

(4) **Traffic Assignment**. The TIA shall identify projected peak hour traffic volumes for applicable roadway segments, intersections and driveways in the study area. Applicable road segments, intersections and driveways and traffic distribution assumptions shall be identified by the City Engineer prior to completion of the study. Projected trip generation shall be based on latest data from the ITE or

other studies approved in writing by the City Engineer. This section will document all assumptions affecting the direction, volume and mode split of traffic generated by the project.

(h) **Analysis**. The analysis shall be based on ten (10) and twenty (20) year traffic projections. The analysis shall compare the total of existing demand, projected demand, and proposed demand with planned capacity for the applicable facilities.

(i) **Mitigation Alternatives**. In situations where the LOS standards are projected to be exceeded, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:

(1) Identify additional right of way and street improvements needed to implement mitigation strategies;

(2) Identify suggested phasing of development and transportation improvements where needed to maintain compliance with LOS standards;

(3) Identify the anticipated cost of recommended improvements; and

(4) For developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed development on the constrained facility.

(j) **Process for the Review and Preparation**. The following steps provide an outline of the steps to be included in the preparation and review of a TIA:

(1) The applicant shall meet or correspond with the City Engineer to determine whether a TIA needs to be prepared for a proposed development application, and to identify study issues, assumptions, projections and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. LaDOTD shall be contacted and coordinated with as appropriate when the TIA includes state or federal highways as points of access for a development.

(2) Following initial completion of a TIA, the report shall be submitted to the Planning Director for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the development. If direct access is being proposed to a State Highway, the applicant shall submit a highway access permit application to LaDOTD when submitting the TIA, if not previously submitted.

(3) Within five (5) business days, the City Engineer shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the Applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the Applicant. LaDOTD approval shall be required for any traffic mitigation involving the state system;

(4) Within thirty (30) days of submittal of a complete application, the City Engineer shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed development's access needs and impacts on the transportation system.

Depending on the type of application, the recommendations may be presented to the Planning & Zoning Commission and/or City Council.

(5) In the case of a TIA showing deficiencies requiring mitigation within the public right-of-way, negotiations based on the conclusions and finding resulting from the TIA shall be held with appropriate City staff. The subsequent development approval or, at the option of the applicant, a subdivision improvement agreement or development agreement, shall identify the applicant's and the City's responsibilities for implementing identified mitigation measures.

(k) **Findings.** If the proposed development will not meet applicable service level standards, City Engineer shall recommend denial of the application unless the Applicant submits a mitigation plan that, in the opinion of the City Engineer, addresses the deficiency through one or more of the following actions:

(1) Reduce the size, scale, scope or density of the development to reduce traffic generation;

(2) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of development;

(3) Dedicate right-of-way for street improvements;

(4) Construct new street improvements;

(5) Expand the capacity of existing streets and/or intersections;

(6) Redesign ingress and egress to the project to reduce traffic conflicts;

(7) Alter the use and type of development to reduce peak hour traffic;

(8) Reduce background (existing) traffic;

(9) Eliminate the potential for additional traffic generation from undeveloped properties in the Impact area; or

(10) Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation.

Division 6. Utilities

Sec. 58-230 Purpose and Applicability.

The requirements of this division are necessary to ensure that every lot and habitable structure in the City has access to adequate public utilities. The provisions of this division shall apply to all new development or redevelopment that requires the installation of utilities, including water, wastewater, electrical, natural gas or telecommunications facilities.

Sec. 58-231 Generally.

All utilities shall be placed underground unless otherwise approved through the subdivision, conditional use permit, planned development, rezoning, or site plan approval process.

Sec. 58-232 Water and Sewer System Requirements.

Connection to the City's water and sewer systems is required for all new, remodeled or expanded buildings requiring a plumbing permit. Connection to existing water or sewer lines required subject to minor site plan approval or a building permit approval shall be made in accordance with adopted regulations, policies, and procedures. Connection to existing water or sewer lines required subject to

a major site plan, subdivision, planned development or conditional use permit shall be made in accordance with the following requirements:

(a) All on-site improvements and connections to existing lines shall be approved by the DRC.

(b) Where off-site improvements are required, the applicant shall submit construction plans for review and approval by the City Engineer.

(c) Water and sewer lines other than service lines shall be required to be extended through the property and may not be stubbed out at a service connection between property lines.

(d) If the City determines that a line needs to be oversized or extended through the property, the City shall bear the difference in costs between the required size and the costs of an eight (8) inch diameter water or sewer line.

(e) If the development creates the need for pumps, lift stations or other utility appurtenances, the applicant's share of those costs shall be determined prior to the applicable development approval.

(f) The applicant shall provide servitudes as required by the City Engineer that are sufficient to provide access for maintenance, repair and operations of all public water and sewer facilities.

(g) Unless otherwise determined at the time of development approval, the applicant shall bear the full costs of connecting to the City's water and sewer systems.

Sec. 58-233 Use of Public Streets and Alleys.

Any installation of raceway, tube, conduit or wires under the public places, alleys and streets shall be in accordance with this division and other City ordinances covering the use of public places, alleys and streets.

(Code 1979, § 6-85; Code 1997, § 102-336)

Sec. 58-234 Notice Before Work Is Concealed.

When any part of a utility installation is to be buried or concealed from view, the person supervising and installing the improvement shall notify the Public Works Department, and such improvements shall not be concealed until they have been inspected and approved by the Public Works Department. Where, in the discretion of the Public Works Department, it is necessary, the Department shall post upon the premises a notice stating that work is approved and may be covered; or is not approved and may not be covered until such further inspection as is necessary has been made. Any person removing, destroying, altering or defacing such notice without the consent of the Public Works Department shall be deemed guilty of an offense under this division, and any work described in such notice shall be stayed pending the further necessary inspection.

(Code 1979, § 6-86; Code 1997, § 102-337)

Sec. 58-235 Guarantee of Installation.

The person installing underground installations and in whose name the permit is issued shall guarantee to the City work for a period of one year from date of adoption by the City Council. Warranty bond must be furnished in the amount determined by the City Engineer to be sufficient to cover the costs of street repair.

(Code 1979, § 6-87; Code 1997, § 102-338)

Sec. 58-236 Underground Electrical and Telephone Distribution Systems.

(a) Any person, firm or corporation, excepting those enumerated in section 10-64, developing any new subdivision and/or resubdivision or land involving new streets shall provide underground (or rear line overhead wiring services) to each lot from any surface-mounted transformers and appurtenances, located along a rear yard or side yard, servitude or easement, or in a dedicated public street or in a servitude provided in the front yard area.

(b) All electrical, telephone and cable television service distribution shall be installed underground in new subdivisions or resubdivisions as provided for in the Building Code of the City, and shall meet with the requirements of the local utility companies in the area and shall also comply with all grounding requirements as specified by the National Electrical Code as adopted and amended by the City.

(c) Where a complete underground or overhead rear line distribution system by the utility exists, street light connections shall be made in the utility junction box nearest the location of the first light standard. All other standards on the same circuit to be connected to conductors to be run parallel to the curb and forty-two (42) inches in rear thereof. Only one feed point per block will be allowed except, on circuits over 500 feet, or where conditions exist requiring special consideration as approved by the electrical inspector of the City.

(1) Conductors to be used for street lighting circuits shall not be installed in any easement between side lot lines of adjoining properties. The utility company will be responsible for furnishing and installing a junction box and installing and maintaining a watertight and fused connection in such junction box, approved by the public works department.

(2) Wherever galvanized two-inch piping is mentioned in articles governing street lighting installations, wording is to be changed to two inches galvanized conduit or schedule 40 P.V.C.

(Code 1979, § 6-88; Code 1997, § 102-339)

Sec. 58-237 Underground Street Lighting Systems.

(a) No person, excepting those enumerated in section 10-64, shall have the right to install any electrical conduit, wires, ducts, poles, light standards or equipment of any character for the transmission, distribution or utilization of electrical energy, or for the operation of signals or transmission of intelligence on, over or under the public streets, alleys, highways, parks, etc. in the City without first obtaining from the Public Works Department a permit for the particular installation so desired to be made and any such installation so made under such permit shall be in conformity with all rules, regulations and ordinances of the City.

(b) Any person operating under such a permit shall before placing any raceway, duct, conduit, or tubes under the public places, alleys and streets of the City, secure permission from the Public Works Department for such installation and shall submit to the City Engineer, Public Works Department, Public Utilities Department and the local utility company for approval a plot showing where such installations are to be made, the

type and character of the work to be done and signed by the developer or owner of plot before being submitted to City departments. The approval of such agencies shall be secured prior to submitting the plans to the City Engineeer and the department of public works for the permit necessary to make such installations. A copy of the approved plot, showing all details required by the City Engineer, shall be kept in their files. Approved plot will be valid for a period of six months after date of approval by the department.

(Code 1979, § 6-89; Code 1997, § 102-340)

Sec. 58-238 Responsibility for Street Light Installation.

When any person enters into an agreement with a local electric utility company providing for rear lot line electric distribution, it shall be the responsibility of that person to install street lighting with underground wiring.

(Code 1979, § 6-90; Code 1997, § 102-341)

Sec. 58-239 Permit, Plans and Specifications for Street Lighting.

(a) The application for permit shall describe the work to be done and shall be to the City Engineer. The permit, when issued, shall be issued to such applicant to cover such work as described and detailed.

(b) Any changes or additions must be covered by additional permits at the time changes are to be made. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this division. If it shall be found that the installation as described will generally conform to the requirements of this division and if the applicant has complied with all other provisions of other ordinances of the City, a permit for such installation shall be issued; provided, however, that the issuance of a permit will not be taken as permission or as a license to violate any of the requirements of this division or any other ordinance of the City.

(Code 1979, § 6-91; Code 1997, § 102-342)

Sec. 58-240 Raceways.

All underground conductors supplying current for street lighting systems shall be installed in a nonmetallic polyethylene coilable plastic duct and conductor type assembly prefabricated with conductors at the factory in one continued length or equivalent thick walled water-tight raceway; except where run under paved or other completed streets the duct shall be run in metallic or P.V.C. schedule 40 or better raceway and the raceway shall be coated and wrapped with a protective coating. The coating shall be a type normally used for protection purposes and shall be applied in accordance with manufacturers specifications. Where run under undeveloped or newly cut streets (not yet paved, blacktopped or graveled) they may be run in a nonmetallic raceway encased in four inches of concrete; otherwise they shall be installed in a metallic raceway and be protected as described above. All raceways shall have a minimum trade size of two inches and be buried a minimum of 24 inches below grade. Where the raceway rises to the light standard, it shall be encased in a minimum of four inches of concrete. All elbows or bends used in the system shall be two inches minimum galvanized of P.V.C. schedule 40 or better pipe encased in a minimum of four inches of concrete and duct installed in two inches conduit. Where the raceways enter the base of the light standard, they shall extend a minimum of four inches above the concrete base supporting the

standard, be provided with insulated busings to prevent abrasion to the conductors and the ends of each raceway shall be sealed with a standard sealing compound.

(Code 1979, § 6-92; Code 1997, § 102-343)

Sec. 58-241 Service Equipment.

The service equipment shall consist of a rigid two-inch threaded entrance conduit and fitting mounted on the utility company's pole to connect service wires with underground feeder wires. The service head at a height predetermined by the utility company standards. This service conduit shall be supported and grounded as required by the National Electrical Code as adopted and amended by the City. The service conductors shall be run in galvanized rigid threaded conduit from the service head to the junction box. This junction box to be furnished, installed, and contain a watertight fused connection maintained by Louisiana Power and Light.

(Code 1979, § 6-93; Code 1997, § 102-344)

Sec. 58-242 Feeder Conductors.

The underground feeder conductors and the grounding conductors shall be copper with Type (R.R.—U.S.E.) A.W., or R.H.W. insulation and shall be of sufficient size so that the voltage drop to the last light standard will not exceed five percent. The conductor size in any case shall not be smaller than No. 8 B and S gauge.

(Code 1979, § 6-94; Code 1997, § 102-345)

Sec. 58-243 Connections at Service Pole or Light Standard.

All electrical connections shall be made with U.L. approved mechanical connectors and shall be made in the junction box at the base of the service pole or in the hand hole at the base of the light standard. "Y" type connection will be installed for feeders going up the pole. No splices or connections shall be made in conduit or raceways. Each connection shall be covered with insulation equal to the insulation of the conductor.

(Code 1979, § 6-95; Code 1997, § 102-346)

Sec. 58-244 Grounding of Service Equipment at Utility Company's Poles.

The service equipment shall be grounded at the utility company's pole to a driven electrode. There shall be run the length of the system an equipment grounding conductor of No. 8 B and S gauge copper for grounding all light standards, metallic sections of raceways and other metallic equipment. The equipment grounding conductors shall be an insulated conductor.

(Code 1979, § 6-96; Code 1997, § 102-347)

Sec. 58-245 Street Light Standards and Luminaires.

(a) Street lights and luminaires shall comply with the provisions of Sec. 58-206.

(b) Street light standards shall be fabricated of a spun aluminum pole approximately 20 feet in length with seven inches diameter at the bottom and four inches diameter at the top. The pole shall be furnished with a pole cap, anchor base bottom and a six-foot continuous rise single bracket for 1.25-inch slip fitter mounting. No scroll brace or truss arm shall be used with the arm. The pole shall be designed for mounting on concrete base with anchor bolts. For locations where there exist similar light standards, standards

shall match those existing in such streets, upon approval by the division of regulatory inspections.

(Code 1979, § 6-97; Code 1997, § 102-348)

(c) Luminaries shall be standard size street lighting luminaries equipped with aluminum head and separate aluminum reflector (with mogul screw multiple socket for mercury vapor 175 watt minimum lamp, each with individual photo cell control and type V glassware), with automatic latch glassware fastener and with 1.25-inch slip fitter type mounting and wire for two-inch wire 240 volt system.

(Code 1979, § 6-98; Code 1997, § 102-349)

Sec. 58-246 Spacing of Light Standards.

There shall be one standard installed at each intersection and spacing of standards shall not exceed 200 feet and shall not be less than 150 feet except by special permission of the City Engineer.

(Code 1979, § 6-99; Code 1997, § 102-350)

Sec. 58-247 Street Light Foundations.

Foundations shall be of concrete cast in place; depending on the design of the installation, one, two, or three 90-degree two (2) inch galvanized or P.V.C. conduit bends shall be provided for raceway and shall be placed with the raceway extending four inches above the top of the foundation, and shall extend six (6) inches from the sides of the foundation, two (2) feet below grade in a line parallel with the curb line. A copper weld ground rod five-eighths inch long, shall be installed in the foundation of each light standard, anchor bolts to be set in the concrete in accordance with plans furnished by the supplier of the street light standards. The top of the concrete foundation shall be level and shall be finished to two and one-half (2.5) inches above grade. The size of the foundation and the necessity for piling under the foundation will be determined by the parish engineer, at the time that plans for street lighting are provided. Any variation of the above, as to the specific type of foundations, shall be approved by the City Engineer.

(Code 1979, § 6-100; Code 1997, § 102-351)

Sec. 58-248 Special Street Light Installation.

When in the opinion of the City engineer, light standards, luminaries and lamps other than those specified herein are required for special lighting projects, the City engineer will furnish detailed specifications for each project.

(Code 1979, § 6-101; Code 1997, § 102-352)

Division 7. Open Space

Sec. 58-249 Applicability.

The provisions of this Division apply to planned unit developments and other developments where open space is required or voluntarily provided.

Sec. 58-250 Open Space Defined.

For purposes of this section, usable open space means an area that:

(a) Is not encumbered with any substantial structure;

(b) Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that multi-user trails may be counted towards required open space;

(c) Reflects the character of the land as of the date development began;

(d) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;

(e) Is part of an independent lot shown on the plan as being reserved for open space; and

(f) Is legally and practicably accessible to the residents of the development from which the required open space subdivided or to the public if the open space is dedicated to the City.

Sec. 58-251 Areas Not Allowed as Open Space

The following areas shall not count toward common open space set-aside requirements:

(a) Private Lots, yards, balconies and patios dedicated for use by a specific dwelling unit;

(b) Electric or gas transmission line servitudes or rights-of-way;

(c) Public right-of-way or private streets and drives;

(d) Open parking areas and driveways for dwellings;

(e) Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;

(f) Designated outdoor storage areas;

(g) Land areas between buildings of less than forty (40) feet;

(h) Land areas between buildings and parking lots or driveways of less than forty (40) feet in width;

(i) Required setbacks; and

(j) Detention/retention facilities except as provided herein.

Sec. 58-252 Ownership and Maintenance of Recreational Areas and Required Open Space.

(a) Open space required to be provided by the applicant in accordance with these open space standards shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a homeowner's association or similar organization. Open space shall be designated as an independent lot on the plat and shall be noted as being reserved for their intended purposes.

(b) The person or entity identified in paragraph (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

(c) Open space may be dedicated to a registered land trust, if approved by the City Council.

Sec. 58-253 Dedication of Open Space

Subject to approval by the City Council,

(a) The applicant may voluntarily dedicate the additional land to the City;

(b) The applicant may be required dedicate portions of planned open space required to establish greenway connections in conjunction with a subdivision or planned development; or

(c) The City may purchase or condemn the land.

Sec. 58-254 Homeowners Associations

Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including open space, shall be:

(a) Established before any lot in the development is sold or any building occupied;

(b) Be granted clear legal authority to maintain and exercise control over such common areas and facilities;

(c) Have the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Sec. 58-255 Flexibility in Administration Authorized

(a) The requirements set forth in this UDC concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with residential developments are established by the City Council as standards that presumptively will result in the provision of that amount of recreational facilities an open space that is consistent with officially adopted City Plans. The City Council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Planning Director is authorized to permit minor deviations from these standards whenever it determines that:

(1) The objectives underlying these standards can be met without strict adherence to them; and

(2) Because of peculiarities in the applicant's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

(b) Whenever the City approves a deviation from these open space standards pursuant to paragraph (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

Sec. 58-256 Open Space Linkages

Where a trail, natural area or public park is dedicated to or acquired by the City, such area may be credited toward the minimum amount of common open space required.

Sec. 58-257 Open Space Design Criteria

All required open space shall meet the following design criteria, as applicable:

(a) Water bodies, retention areas, detention basins and wetlands basins, may constitute up to forty (40) percent of required open space, provided that retention facilities are designed to provide safe access to water and are preserved so that natural attenuation, retention, or detention of runoff is provided. Unless otherwise approved by the City Council, side slopes to retention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.

(b) The open space must be accessible from a public right-of-way.

(c) Unless otherwise approved by the City Council, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

(Ord. #4996, 12-4-2024)

Sec. 58-258 Connectivity Required

To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the Development:

(a) Dedicated public park or greenway lands;

(b) Dedicated school sites;

(c) Other dedicated open spaces;

(d) Common open space located adjacent to the development; or

(e) Portions of the regional trail and open space system.

Division 8. Fencing and Screening

Sec. 58-259 Purpose

Fencing and screening provisions in this division are intended to:

(a) Promote the public health, safety, and general welfare,

(b) Preserve the character of each area within the City of Gretna,

(c) Provide traffic safety.

Sec. 58-260 Non-conforming Fences and Walls

(a) A lawful fence or wall existing as of the effective date of this zoning code or any amendment to this zoning code, may continue to be used for any purposes permitted in the district provided it is in conformance with the provisions of this section.

(b) A non-conforming fence or wall may be maintained or repaired provided no expansion of the nonconformity occurs.

(c) A non-conforming fence or wall shall not be expanded.

(d) A non-conforming fence or wall which is damaged to fifty (50) percent or less may be repaired provided all construction complies with current construction codes.

(e) If the damage of a non-conforming exceeds fifty (50) percent, restoration or improvement shall not be permitted unless the restoration results in a fence or wall conforming to all applicable requirements of this UDC's fencing and screening requirements.

Sec. 58-261 Fence Regulations

(a) **Lot fencing standards**. Along lot lines, fences may be erected in compliance with the following requirements:

(1) A side or rear yard fence or wall shall not exceed eight (8) feet in height, except in cases where a fence is to be built along a sloping grade, then:

a. The maximum height may be averaged across stepped, six-foot segments to allow the fence to follow the natural rise and fall of the slope; or,

b. For a uniform height fence along a sloping grade, fence height may be increased one inch for every twenty (20) feet in fence length; and,

c. In either case, no portion of the fence shall exceed nine (9) feet.

(2) Columns of rear and side yard fences or walls, if spaced not less than five (5) feet apart, shall not exceed nine (9) feet in height.

(3) A side yard fence shall not extend in front of the front corners of any residence. Additionally, on corner lots, side and rear yard fences facing a side street shall comply with at least one of the following:

a. The fence shall be set back at least the same distance as the front building line of the primary structure on the adjacent lot facing the side street, but not greater than ten (10) feet; or,

b. The fence within ten (10) feet of a side or rear property line abutting a street shall not exceed six (6) feet in height; or,

c. The zoning administrator shall determine that the fence is located and designed to minimize interference with the view of the lot fronting the side street, including the provisions set forth in Sec. 58-222, clear vision area.

(4) A front yard fence or wall shall not exceed four feet in height.

(5) In BC-1, BC-2, C-1, and C-2, districts, front yards shall not be fenced, with the following exceptions:

a. Any fence not taller than four (4) feet measured from sidewalk elevation may be erected to enclose allowed outdoor customer areas along street frontages.

b. Dumpsters and recycling containers shall be fenced as set forth in Sec. 58-262(b).

(6) In R-1 and R-2 districts, front yard fences shall only be permitted subject to the following conditions:

a. Front yard fences are allowed in all areas on the north (Mississippi River) side of the Westbank Expressway (US 90), but excluding the Old Garden Park neighborhood overlay district.

b. Front yard fences are allowed in the Jonestown neighborhood overlay district.

c. All fences and walls shall not exceed three (3) feet in height within clear vision areas as defined in Sec. 58-222, clear vision area.

(Ord. # 4912, 6-22-2020; Ord. #4923, 12-9-20)

(b) **General Fence Design Standards**.

(1) All fences facing public right-of-way shall be constructed of wood, wrought or cast metal and expose the finished side, minimizing public view of non-decorative posts, horizontal posts, cross members and similar unfinished components. The administrator may allow alternative fence materials of similar appearance and durability as allowed under this paragraph.

(2) Chain-link security fencing may be established on side and rear yards that do not face a street.

(3) Barbed and razor wire shall not be allowed in any residential, business, or commercial district. barbed wire may be used in M-1 and M-2 districts, and for the protection of critical facilities, as determined by the Planning Director. Fencing incorporating barbed wire shall meet the following design standards:

a. Where barbed wire is used, it shall be screened with a planted buffer strip measuring at least five (5) feet in depth. Buffer planting requirements of Sec. 58-272(e) shall apply; and

b. Barbed wire must be at a height of at least eight feet from the nearest interior adjacent grade.

(4) A chain wall shall be constructed of concrete or masonry and shall not exceed a height of 12 inches, as measured from the outside adjacent grade, with a minimum width of six inches. Such chain wall shall be constructed in a manner as to effectively withstand the soil and water pressures exerted against it. The chain wall shall extend below the lowest adjacent grade to a depth equal to the height of chain wall. In cases where a chain wall is not sufficient to prevent water flowing onto adjacent lots, a retaining wall, exceeding 12 inches in height, may be used at the determination of the administrator. A retaining wall shall be designed and stamped by a design professional.

(5) For the purposes of this screening and fencing article, fence measurement shall be made as follows:

a. Fence height shall be measured from the nearest interior adjacent grade of the permit holder's property and shall include the height of a chain wall; or

b. The top of a retaining wall that has been properly permitted, as measured from the nearest interior adjacent grade of the higher elevation.

(6) A fence exceeding a height of eight feet shall be accompanied by stamped design specifications from a design professional and shall only be allowed for screening purposes in non-residential zoning districts.

(7) Fences shall be structurally sound and durable and in compliance with Chapter 16, Structural Loads, of the currently adopted International Building Code. No fragile, readily flammable materials, such as paper, cloth, reeds, canes or canvas, shall constitute a part of any fence, nor shall such material be used as an adjunct, attachment or supplement to any fence.

(Ord. # 4780, 6-14-2017; Ord. # 4834, 6-13-2018; Ord #4897, 12-11-19)

Sec. 58-262 Screening requirements.

(a) **Vehicular Use Areas**. Vehicular use areas shall be screened in accordance with Sec. 58-272(f).

(b) **Dumpster and Recycling Containers**.

(1) Dumpsters and recycling containers shall be fully enclosed on all sides by a solid fence, a masonry wall, or principal structure wall measuring at least six (6) feet in height. The enclosure shall be gated.

(2) The materials used for screening, including the enclosure, shall use similar materials and colors of the principal building.

(c) **Utilities**.

(1) Above ground public utilities, with the exception of utility poles, shall be screened by a continuous hedge of no less than three (3) feet in height if surrounded by at least three (3) feet of exposed soil or grass. A setback of no less than one and one-half (1.5) feet must be provided around equipment to allow for property operation and maintenance of the equipment.

(2) On non-residential lots mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from view at the front property line and the side property line if the property is a corner lot. Exterior screening materials shall be the same as or complementary to the predominant exterior materials of the principal building.

(d) **Outside Storage Areas**. All outside storage of commercial and industrial uses must provide a visual screen consisting of a combination of solid fences or walls made of wood, brick, or masonry, berms and plantings. The screen must be of such height that all outside storage is screened from public view. No sheet metal fence shall be allowed.

Example of Screen Incorporating Wall, Berm and Plantings

Division 9. Planting and Stormwater Management

Sec. 58-268 Purpose

(a) The purpose of this Division is to establish a consistent and transparent set of performance standards and minimum requirements for planting and stormwater management that diminish threats to public health, safety, public and private property, and natural resources of the City of Gretna.

(b) Regulations are intended to:

(1) Encourage sustainable practices for stormwater management, planting, plant maintenance, and tree protection.

(2) Protect public health and safety by establishing buffer requirements that decrease potential conflicts between non-compatible land uses.

(3) Preserve and increase the City's tree canopy to reduce the urban heat island effect.

(4) Protect the ecological functions of waterbodies and wetlands, support riparian ecosystems, and provide plant and animal habitat by promoting the use of native plant species;

(5) Reduce runoff, increase permeability, and minimize erosion to reduce public and private property's flood risk and dangers associated with flooding;

(6) Promote infiltration to enable groundwater recharge and limit soil subsidence;

(7) Filter runoff through green infrastructure facilities to maintain or improve water quality of urban runoff.

Sec. 58-269 Enforcement

(a) No building permit or certificate of occupancy may be issued for any new or substantially rehabilitated development unless all requirements of this article have been met.

(b) Failure to implement planting and stormwater management plans is cause for revocation of the certificate of occupancy and/or the application of fines and penalties as established herein.

(c) Planting and stormwater management facilities are subject to periodic inspection.

(d) Installation of plant materials may be delayed until appropriate planting season (fall through spring) if project is otherwise completed during summer months. A request must be submitted to the City of Gretna for approval of delay. Certificate of occupancy shall be issued, contingent upon completion of planting at a later, specified time.

Sec. 58-270 Tree Preservation and Protection, Land Clearing, & Demolition

(a) **Applicability**. The provisions of this section shall apply to all new development, redevelopment or site modifications to properties over 10,000 square feet in gross site area in the City of Gretna.

(b) **Tree Preservation and Protection.**

(1) Property owners are encouraged to preserve as many existing mature trees with six (6) inch or greater DBH as possible. Existing trees that are preserved within street planting areas, buffer areas and other areas of the site left undisturbed may be counted towards the planting materials required by Sec. 58-272.

(2) Before any protected tree can be removed, a tree removal plan must be prepared by a landscape architect or arborist, licensed by the State of Louisiana, and approved by the Planning Director. Protected trees include any class A or class B tree from the approved tree planting list with a DBH of six (6) inches or more.

(3) The tree removal plan must include the following:

a. Location, species, size, and condition of trees which are proposed for removal;

b. Reason for removal; and

c. A plan for replacement trees.

(4) Any hazardous tree must be replaced with a tree of the same. A tree is considered hazardous if one or more of the following occurs.

a. The tree poses a demonstrable hazard to public safety;

b. The tree is damaging or has the clear potential to damage an existing structure that cannot be resolved by pruning alone;

c. The tree has a disease or pest infection that cannot be eliminated or cured;

d. The tree is damaged to the point that it cannot recover.

(5) Any tree that is designated to be removed must be replaced with one or more trees, so that the sum of the DBH of replacement trees meets a minimum of two-hundred (200) percent of the DBH of the removed tree.

a. Allowed tree species for replacement trees are listed in Sec. 58-274 Selection of Plant Materials.

b. All replacement trees must be planted on the same property.

(c) **Land Clearing Restrictions**. All activities related to disturbance shall require a stormwater management permit pursuant to Sec. 58-89. Prior to disturbance of land for any development or redevelopment of a lot or parcel of land exceeding 10,000 square feet of gross site area, a stormwater management permit for such activity shall be obtained from the Planning Director following review by the City Engineer. This provision does not apply to development of a single-family or duplex lot.

(d) **Protection of Trees during Site Development and Construction**.

(1) The area directly beneath and covered by the canopy of a tree shall be designated as a tree protection zone (see **Exhibit 58-270a**: Tree Protection Zone) and shall be kept safe from harmful impact during construction and site development.

(2) Before the erection of any building, or during site clearing, grading, paving, or any other site work begins, rigid tree protection fencing must be installed around all trees to be preserved and protected, to effectively prevent injury to them.

(3) Trees designated on the tree preservation plan as protected trees must be completely enclosed by rigid tree protection fencing as approved by a licensed Louisiana Landscape Architect or ISA certified Arborist. Tree protection fencing must be located as described on the tree preservation plan.

(4) Tree protection fencing must remain in place until all construction has been completed or final occupancy permit has been issued, whichever is last.

(5) Failure to install tree protection fencing prior to any clearing, demolition, or construction will result in the loss of tree protection credits, a stop work order, and a possible fine.

(6) Any damage on protected trees, breach of the Tree Protection Zone, or other protection violation outlined herein which occurs during site development and construction phases must be documented and reported to the Planning Director within seven (7) days.

Exhibit 58-270a: Fencing for Tree Protection Zone

(e) **General Tree Protection**.

(1) The area directly beneath and within the drip line of trees shall be designated as the Critical Root Zone (see **Exhibit 58-270b**: Critical Root Zone).

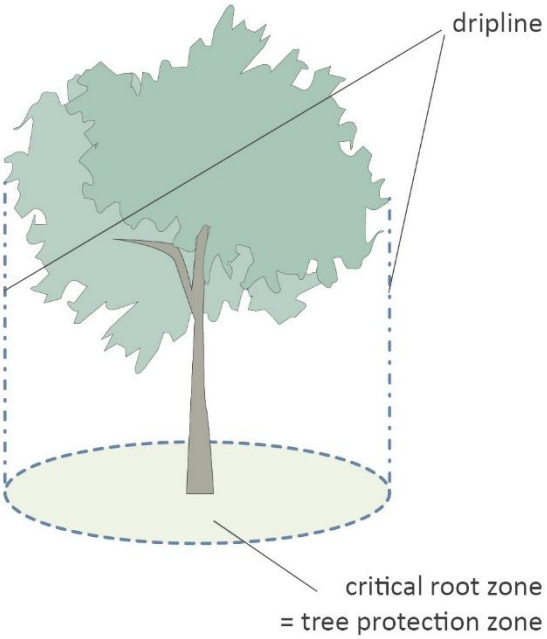
(2) No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of equipment are allowed in the Critical Root Zone.

(3) No ropes, signs, wires, unprotected electrical installation, or other device or material shall be secured or fastened around or through a tree.

(4) Toxic chemicals, gas, smoke, salt brine, oil, or other injurious substances shall not be stored or allowed to seep, drain, or empty within the Critical Root Zone.

(5) Except for sidewalks and curb and gutter, no paving with concrete, asphalt, or other impervious material within the drip line of trees to be retained shall be allowed.

Exhibit 58-270b: Critical Root Zone



Sec. 58-271 Stormwater Management

(a) **Applicability.**

(1) All new development or substantial redevelopment of a site accommodating multi-family residential, commercial, institutional, or industrial uses shall provide green infrastructure to manage stormwater runoff on site. Substantial redevelopment includes:

a. Improvements with a cost exceeding fifty (50) percent of the building's assessed value;

b. Increases in impervious coverage on a site that exceed ten (10) percent of the existing impervious cover; or

c. Resurfacing or modification of the hardscape of a parking lot other than restriping.

(2) All new development or substantial redevelopment of a site of 10,000 square feet or larger, shall prepare and submit a stormwater management permit together with the site plan submittal, pursuant to Sec. 58-89. This requirement does not apply to development of a single family or duplex lot. In addition to providing erosion control and soil loss plans, for all sites 10,000 square feet or larger, stormwater management plans are required to meet the following standards:

a. A minimum of fifty (50) percent of the site's planting area, as required by this code, shall consist of green infrastructure.

b. A minimum of fifty (50) percent of all hardscape, including but not limited to parking spaces, drive isles, walkways, outdoor vehicular storage areas, and gathering spaces, shall be surfaced with pervious paving.

(3) New development and substantial redevelopment of a site less than 10,000 square feet do not require the submittal of a stormwater management plan. Other than the development of a single family or duplex lot, such development shall provide green infrastructure for a minimum of fifty (50) percent of the site's required planting area.

(4) Where a subdivision involves five (5) or fewer lots and two (2) acres or less of land, or involves a lot consolidation not triggering substantial improvement requirements, the Planning Director may exempt the development from the requirement for a stormwater management plan upon finding that development from the proposed subdivision will not adversely affect drainage onto neighboring sites resulting from development under existing conditions.

(Ord. #4923, 12-9-20; Ord. #4996, 12-4-2024)

(b) **Green Infrastructure Types**.

(1) Green infrastructure (GI) for planting areas includes:

1. Bioswales;

2. Bioretention cells;

3. Constructed wetlands;

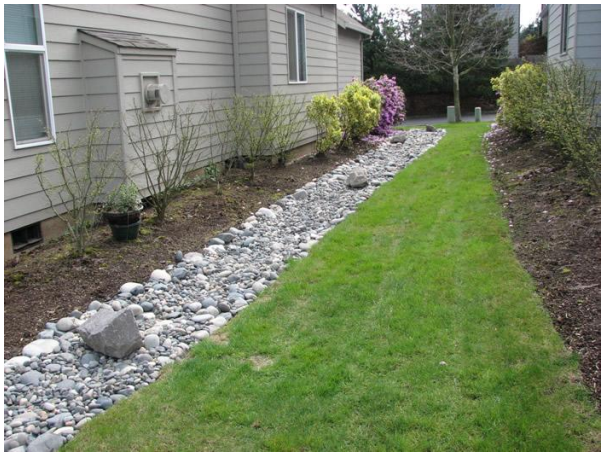
4. Dry detention basins;

5. Stormwater planters; and

6. Green roofs.

(2) Green infrastructure that does not require planting includes:

1. Infiltration Trenches;



2. Cisterns and underground stormwater chambers, constructed for detention;

3. Retention ponds.

(3) Design and construction of hardscape surfaces, including but not limited to parking spaces, drive aisles, walkways, and gathering spaces with pervious paving.

(4) Alternative green infrastructure designs that the City Engineer determines will safely and efficiently manage stormwater.

(c) **Design Storm**.

(1) The design storm events for post-development rates of runoff for proposed development shall be the ten (10) year and twenty-five (25) year storm events. For all proposed developments with site areas totaling The post-development peak rates of runoff must be calculated using future condition rainfall depths resulting from no less than fifty (50) years of climate escalation, while not exceeding pre-development peak runoff rates produced by current rainfall depths estimates. To ensure that the post-development rate of run-off does not exceed

the predevelopment rate of runoff, on-site detention is hereby required in a manner approved by the City Engineer. The detention system cannot release water from the site at a rate greater than the predevelopment rate of runoff. These provisions do not apply to the development of a single-family or duplex residential lot. Detention systems shall be designed as amenities rather than single purpose facilities unless the City determines that such a design is unfeasible.

(2) Stormwater management facilities shall be designed to retain, detain, or filter the first one and one-quarter (1.25) inch of stormwater runoff during each rain event. Safeguards to prevent short-circuiting of permanent stormwater management facilities shall be design into the system.

(Ord. # 4912, 622-2020; Ord. #4996, 12-4-2024)

(d) **Green Infrastructure Credit for Flood Protection Requirements**.

(1) Drainage capacity of green infrastructure may be counted towards drainage requirements of paragraph (b) of this section.

(2) To take advantage of the green infrastructure credit, a stormwater management plan including stormwater calculations, prepared and stamped or sealed by a landscape architect or civil engineer licensed by the State of Louisiana, and shall be submitted to the City Engineer together with the required detention documentation.

(Ord #4897, 12/11/19)

Sec. 58-272 Planting.

(a) **Applicability.** The provisions of this section shall apply to the following:

(1) All new development and substantial redevelopment that requires a planted buffer area, as set forth in **Sec. 58-272(e).**

(2) New development and redevelopment of vehicular use areas (parking lots) or vehicular use area additions of five (5) parking spaces or more, as set forth in **Sec. 58-272(f)**.

(3) All new development and substantial redevelopment, that requires the planting of street frontage trees as set forth in **Sec. 58-272(d)**.

(4) All development that proposes the removal of healthy, non-hazardous trees of a DBH of six (6) inches or more, as set forth in **Sec. 58-270(d)**.

(b) **Planting Plan**.

(1) The planting plan shall be submitted together with the application for development and redevelopment before any clearing or construction takes place and before any building permit is issued.

(2) The planting plan shall be prepared by a landscape architect licensed by the State of Louisiana.

(3) **Planting Plan Contents**. The planting plan must include the following:

a. Name, address, phone number, and email address of the property owner;

b. Name, address, phone number, email address, and seal of the firm/persons who are responsible for the plan preparation;

c. Zoning classification and land use of the property and all adjacent properties;

d. Location and dimensions of all proposed/existing structures, property lines, servitudes, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse and disposal areas, parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures;

e. All existing and proposed impervious surfaces;

f. All existing and proposed green infrastructure, if applicable;

g. Irrigation or watering system plans if applicable;

h. The existing and proposed grading of the site at one (1) foot intervals;

i. Plant inventory, including location, quantity, size, name (botanical and common), and condition of all existing plant materials and trees over six (6) inches DBH, including those in the public right-of-way. The plan should designate which plant materials that are to be retained and which are to be removed;

j. Summary tabulation of all planting requirements;

k. Tree preservation plan, prepared according to Sec. 58-270; and

l. Other details as deemed necessary by the Planning Director.

(4) The planting plan containing the information needed to evaluate the planting of projects shall be submitted to the Planning Director in conjunction with any site plan submittal.

(5) Any as-built changes made during construction and approved by the Planning Director must be noted in digital or conventional drawings and maintained in City records.

(c) **Changes.** Changes to the approved planting plan may be approved by the Planning Director unless the Director determines that the change is a major change from a plan approved in conjunction with a major site plan, conditional use permit or planned development. Major changes shall be reviewed and acted upon by the Planning & Zoning Commission.

(d) **Planting Requirements on Public Land**.

(1) It shall be unlawful to prune, destroy, deface, or cut down any tree or limbs located in the public right-of-way or other publicly owned land within the corporate limits of the City of Gretna except with written approval from the Planning Director.

(2) All properties, except those zoned as R-1 or R-2, shall be required to provide street plantings when the property is adjacent to the right-of-way of any public street, road, lane, or other public roadway.

(3) Street planting requirements are as follows unless the Planning Director determines through the site plan review process that there is insufficient right-of-way to accommodate the healthy growth of required plantings:

a. A minimum of one (1) Class A Tree planted every twenty-five (25) feet on center; or

b. Two (2) Class B Trees planted every fifteen (15) feet on center.

c. Tree beds shall additionally be planted with ground covers and /or turf grasses.

d. The minimum width of the street planting area shall be five (5) feet wide.

(4) All plantings must comply with **Sec. 58-274.**

(e) **Buffer Planting Requirements**.

(1) Buffer planting areas shall be required between different uses and/or districts in accordance with **Exhibits 58-272a** and **58-272b**.

Exhibit 58-272a: Minimum Width of Buffer Planting Area

Zoning District or Use of Proposed Development	Zoning/Use of Abutting Development					
	R-1, R-2	R-3	BC-1, C-1	BC-2, C-2	M-1, M-2	ROS
R-1, R-2	none	none	none	20’	30’	none
R-3	10’	none	none	20’	20’	20’ if Multi-Family building
BC-1, C-1	10’	10’	none	none	20’	20’
BC-2, C-2	20’	15’	none	none	20’	20’
M-1, M-2	50’	40’	20’	20'	10’	30’
PUD	10’	10’	10’	10’	30’	10’
Active Recreational Facilities	20’	20’	10’	10’	20’	20’
Institutions (public, private or religious)	20’	20’	none	none	20’	20’
Scaling of Buffer Requirements 1. The width of the buffer required for lots smaller than 10,000 feet may be reduced by 30 percent of the width listed in the table 2. The width of the buffer required for lots smaller than 6,000 feet may be reduced by 60 percent of the width listed in the table						

(Ord. #4967, 8-10-2022)

Exhibit 58-272b: Minimum Planting Required in Buffers

Plant Type	Minimum Planting Rate
Class A Trees	One tree per 400 square feet of planting area
Class B Trees	One tree per 400 square feet of planting area
Shrubs	For buffers 20 feet or narrower – one shrub per 50 square feet of planting area
	For buffers between 20 and 50 feet wide – one shrub per 75 square feet of planting area
	For buffers 50 feet or wider – one shrub per 200 square feet of planting area
Notes: 1. For lots smaller than 10,000 square feet with reduced buffers an 8 ft. tall privacy fence shall be provided. 2. For any sized site with buffers of less than 7 ft. in width, plantings are encouraged, but not required – however if no plantings an 8 ft tall privacy fence will be required unless otherwise approved by the Planning Director.	

(Ord. #4967, 8-10-2022)

(2) Unless modified by the Planning Director pursuant to Section 58-252(g), the minimum width listed in **Exhibit 58-272a**, indicates the total required buffer between the properties. Provision of the buffer is the sole responsibility of the applicant for the proposed development. Modifications may include the reduction of plantings and/or buffer widths, provided that alternative screening abates visual and noise impacts comparably to the required buffer.

(3) The buffer zone shall consist of an area not less than the required depth measured at right angles to the property line(s) along the entire length of a contiguous to the property line adjacent to the more restrictive zoning district.

(4) Trees in buffers that are healthy and of desirable species from Exhibits 58-274a and 58-274b (Class A Trees and Class B Trees), and existing trees measuring six (6) inches at DBH or greater shall be preserved regardless of the number of said trees.

(5) The buffer yard shall be planted with vegetation in accordance with Sec. 58-274.

(6) The property owner shall maintain planting required by this article in accordance with the following standards:

a. Use of required planting area. No required landscape area shall be used for accessory structures, garbage or trash collection, parking, or any other functional use contrary to the intent and purpose of this article.

b. All required plantings and green infrastructure shall be watered when needed.

c. Replacement of dead materials. The property owner shall replace required plants which die. Replacements shall be installed at the earliest possible time within a planting season, and replacements shall be as shown on the approved landscape plan.

(Ord. #4967, 8-10-2022)

(f) **Vehicular Use Areas Planting Requirements.**

(1) **Applicability**. Vehicular use area planting requirements shall apply to all newly established parking areas with five (5) or more parking spaces and the triggers established in **paragraph (f)(2)** of this section.

(2) **Existing Parking Lots**. For existing parking lots that currently do not comply with the required parking lot planting, such plantings shall be provided when any one (1) of the following occurs:

a. A new principle building is constructed;

b. A building addition is constructed that expands the building footprint by at least the lesser of thirty (30) percent or the five-thousand (5,000) square feet;

c. Rehabilitation of a building with a non-conforming parking lot that exceeds fifty (50) percent of the appraised value of the building.

d. An existing parking lot is reconstructed or repaved or substantially modified;

e. When an existing parking lot under ten-thousand (10,000) square feet in area is expanded by fifty (50) percent or more in total surface area;

f. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.

(3) **Interior Parking Lot Planting**. Planting islands shall be required within parking lots that include more than twenty (20) parking spaces as follows:

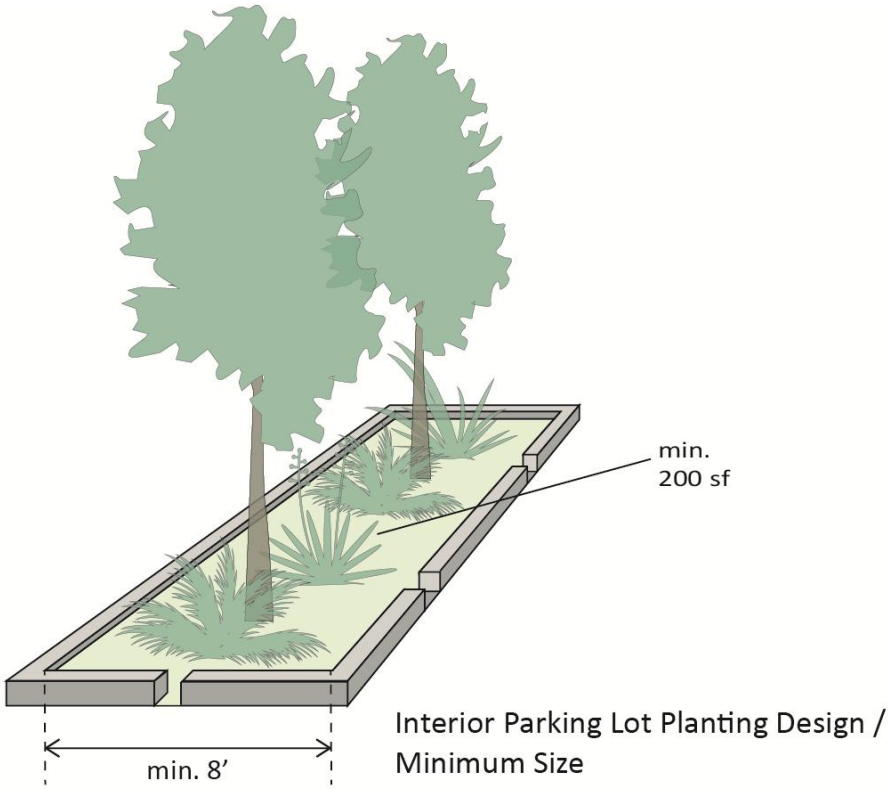
a. An interior planting island shall be provided for every ten (10) spaces. Each island shall contain a minimum of 200 square feet with a minimum width of eight (8) feet in all directions.

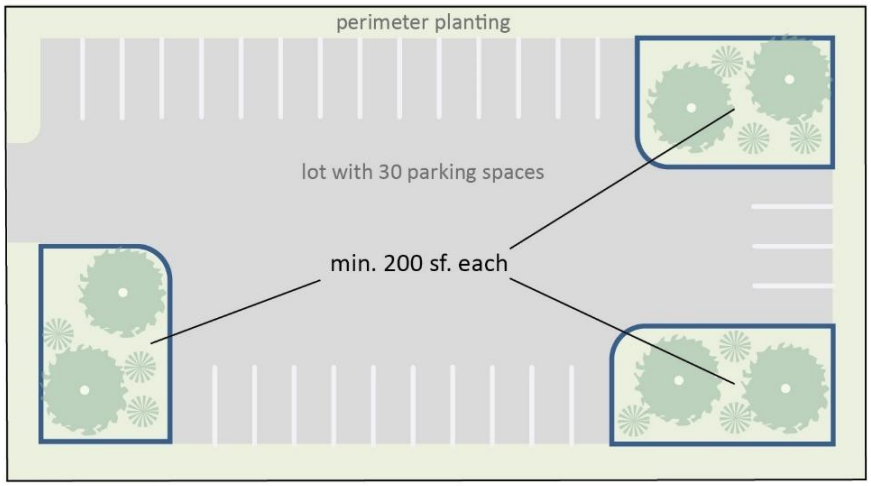
b. Planting islands should be disbursed in a safe and efficient manner to promote safe pedestrian and traffic movements, and to increase on-site stormwater detention.

c. For parking lots with fewer than 100 parking spaces, the planting islands should be consolidated.

d. Plantings shall comply with the standards in **Sec. 58-275.**

Sample Interior Parking Island and Parking Lot Layout





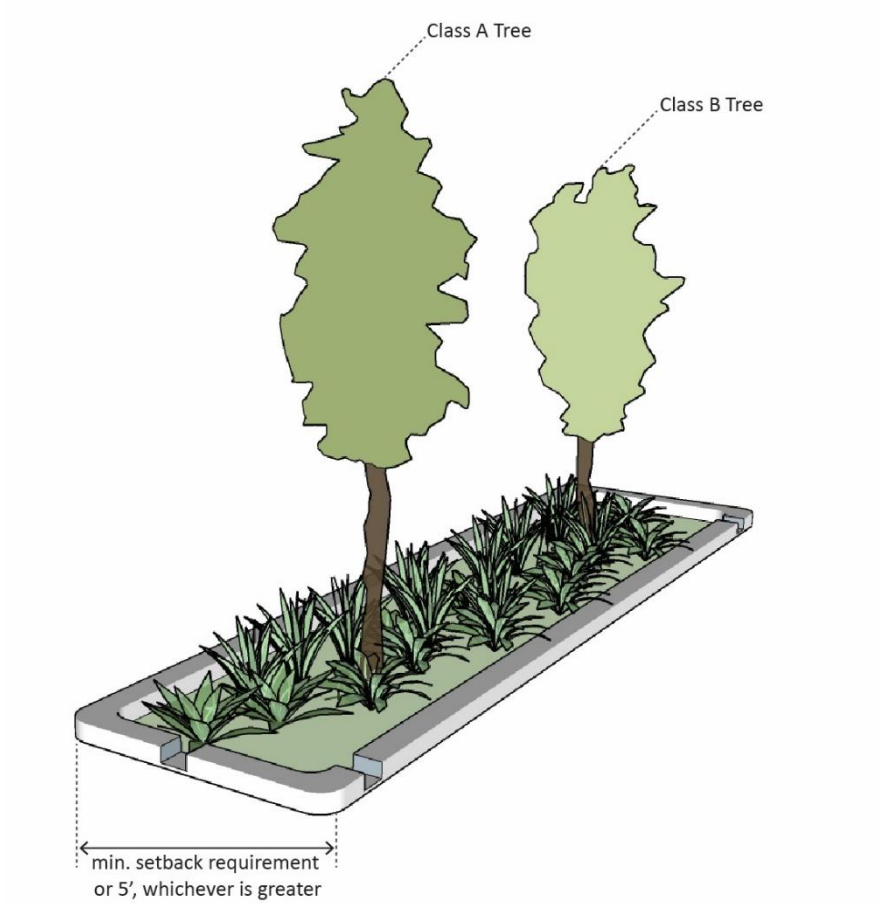
(4) **Abutting Residential Lots**. On side and rear lot lines of the lot abutting any residential lot, vehicular use areas shall be screened by a planted buffer strip measuring ten (10) feet in width, as defined in **Sec. 58-272(e)** and an opaque fence, not taller than eight (8) feet in height shall be provided.

(5) **Abutting Right-of-Way**. Vehicular use areas adjacent to the public right-of-way shall be screened by a planting strip along the entire length of the perimeter of the street facing area. The planting strip shall be planted as follows:

a. The width of the planting area shall be at least equal to the required setback, but in no case less than five (5) feet wide as shown in **Exhibit 58-272c**;

b. All plantings must comply with Sec. 58-275.

Exhibit 58-272c: Planting Strip for Vehicular Use Areas



(6) **In Historic Districts**. Vehicular use areas located within the City's Historic Districts shall be screened from the public right-of-way along the entire length of the perimeter of the street facing area by a planted buffer strip. The buffer strip shall be subject to the design review of the City of Gretna Historic District Commission and designed to the following standards.

a. The planted buffer strip shall have a minimum width of three (3) feet width

b. The buffer strip shall contain a masonry wall, or wrought iron fence, or a combination thereof, of not less than two feet and not more than four (4) feet in height, except within clear vision areas as defined in **Sec. 58-222**, where the barrier shall be not more than three (3) feet in height.

c. All plantings must comply with **Sec. 58-275**.

d. The planting strip shall contain one Class B tree for every 15 linear feet of the planting strip. However, the trees need not be spaced exactly 15 feet apart.

e. **Exhibits 58-272d** and **58-272e** illustrate typical screening examples and dimensions.

(Ord. # 4912, 6-22-2020)

Exhibit 58-272d: Historic Screening Examples

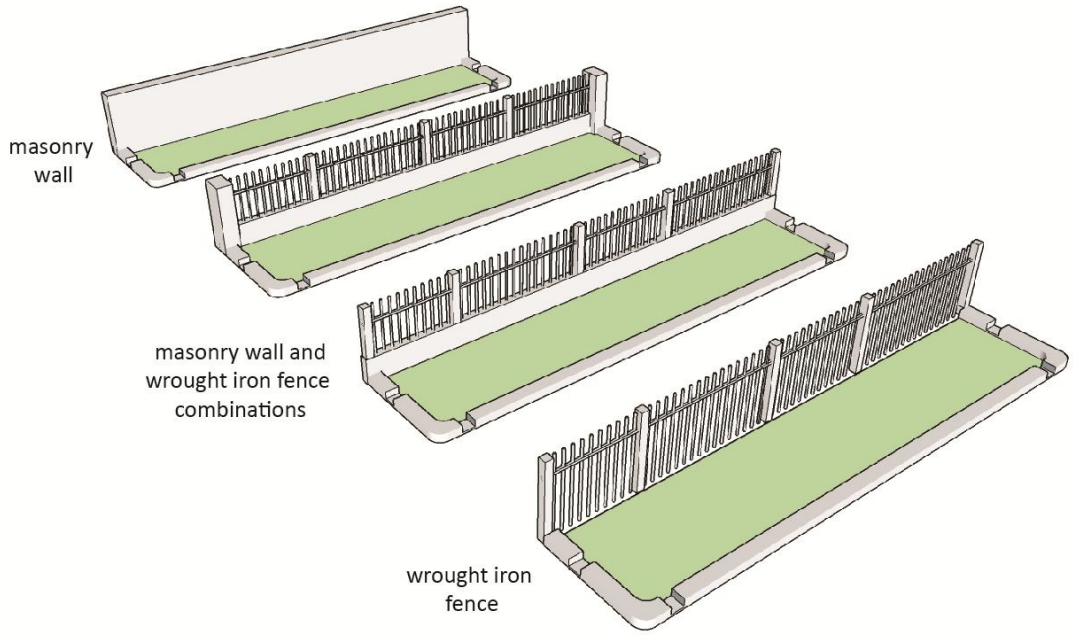
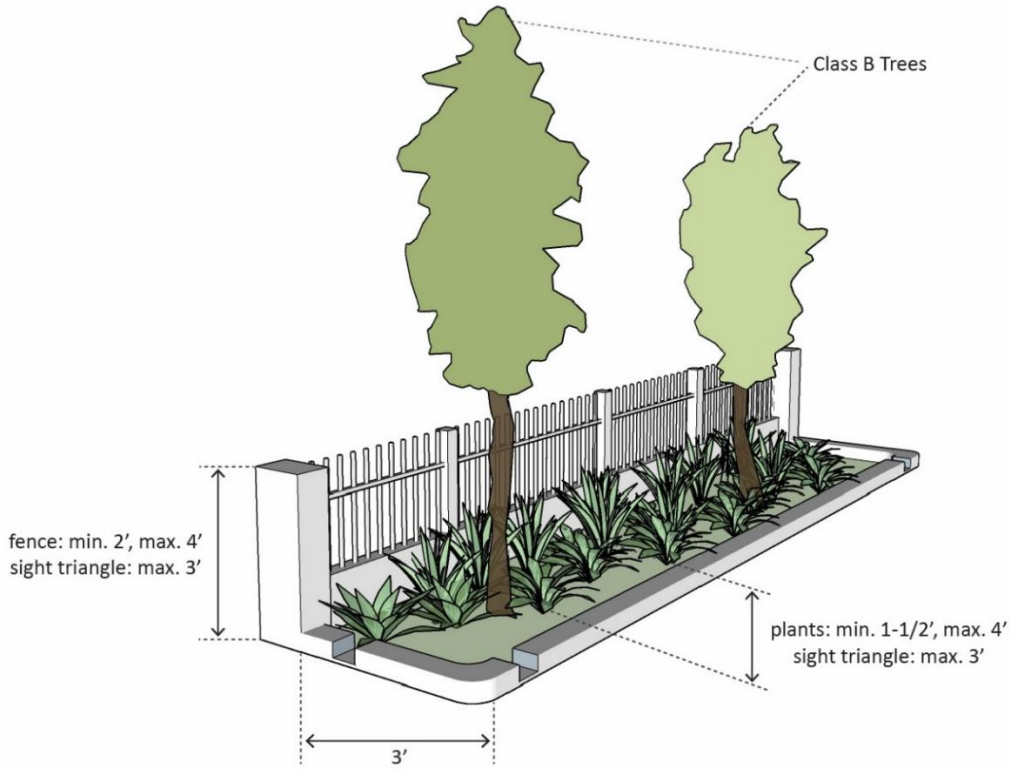


Exhibit 58-272e: Historic District Screening Dimensions



(g) **Alternative Compliance.**

(1) Conditions may arise where normal compliance is impractical or impossible. A request for alternative compliance for any planting requirements may be submitted at the time the planting plan is submitted.

(2) Alternative compliance will be accepted only when one or more of the following conditions are met:

a. Improved environmental quality would result from the alternative compliance of the provisions in this Section;

b. Spatial limitations, unusually shaped parcels, unusual servitude requirements, and/or prevailing practices in the surrounding area may justify alternative compliance for infill sites; or

c. Setbacks have been reduced subject to Sec. 58-86 or 58-150(b).

(Ord #4897, 12/11/19; Ord. #4967, 8-10-2022)

Sec. 58-273 Clear Vision Area Plantings

Plantings in the clear vision area defined in Sec. 58-222 shall not exceed three (3) feet in height above the crown of the adjacent street at maturity.

Sec. 58-274 Plantings in Right-of-way

Due to the varied conditions throughout the City of Gretna, the City must retain broad flexibility in the design of plantings in public rights-of-way.

(a) Wherever feasible, the City will require Class A plantings in the right-of-way within a planting bed with a minimum width of five (5) feet between the sidewalk and the curb.

(b) Where insufficient right-of-way exists, the City may approve Class B plantings within a planting bed with a minimum width of five (5) feet between the sidewalk and the curb.

(c) Plantings shall maintain an eighty (80) inch crotch height within areas that may encroach into sidewalks.

Sec. 58-275 Selection of Plant Material

(a) All planting plans shall incorporate native or naturalized plants to provide habitat for wildlife, reduce irrigation requirements, and promote the sustainability and survivability of plant material.

(b) Trees shall have a minimum two and one-half (2.5) inch caliper for single trunk trees and one and one-half (1.5) inches for multi-trunked trees at the time of planting.

(c) Trees shall be offset from catch basins, fire hydrants and utility poles.

(d) Where required for linear planting strips, one Class A tree shall be required every twenty-five (25) feet and one Class B tree shall be required for every 15 linear feet of the planting strip. However, the trees need not be spaced evenly. For vehicular use areas, one Class A and one Class B tree shall be required for every 400 square feet of required planting area.

(e) Trees shall be selected from the following pre-approved list of Class A and Class B trees established in **Exhibits 58-274a** and **58-274b**. Trees outside of this list may be approved by the Planning Director.

Exhibit 58-274a: Class A Trees

Scientific Name	Common Name
Acer rubrum var. drummondii	Maple, Swamp Red
Carya illinoinensis	Pecan
Celtis laevigata	Hackberry
Fagus grandifolia	American Beech
Fraxinus pennsylvanica	Green Ash
Ginkgo biloba	Ginkgo
Liquidambar styraciflua	Sweetgum
Magnolia grandiflora	Magnolia, Southern
Nyssa sylvatica	Black Gum
Pinus elliottii	Pine, Slash
Pinus glabra	Pine, Spruce
Pinus palustris	Pine, Longleaf
Pinus taeda	Pine, Loblolly
Platanus occidentalis	Sycamore
Quercus acutissima	Oak, Sawtooth
Quercus alba	Oak, White
Quercus lyrata	Oak, Overcup
Quercus michauxii	Oak, Swamp Chestnut
Quercus nuttallii	Oak, Nuttall
Quercus phellos	Oak, Willow
Quercus shummardii	Oak, Shumard
Quercus virginiana	Oak, Southern Live
Taxodium ascendens	Cypress, Pond
Taxodium distichum	Cypress, Bald
Ulmus alata	Elm, Winged
Ulmus americana	Elm, American
Ulmus parvifolia	Lacebark Elm

Exhibit 58-274b: Class B Trees

Scientific Name	Common Name
Betula nigra	River Birch
Carpinus caroliniana	Ironwood
Cercis canadensis	Redbud
Chionanthus virginicus	Fringe Tree
Crataegus opaca	Mayhaw
Ilex opaca	Holly, American
Ilex vomitoria	Yaupon
Ilex x attenuata 'Fosteri'	Holly, Fosters
Ilex x attenuata 'Savannah'	Holly, Savannah
Ligustrum japonicum	Wax Leaf Ligustrum
Magnolia grandiflora 'Little Gem'	Magnolia, Little Gem
Magnolia virginiana	Magnolia, Sweetbay
Myrica cerifera	Waxmyrtle
Ostrya virginiana	American Hop Hornbeam
Pistacia chinensis	Pistachio
Prunus caroliniana	Cherry Laurel
Sabal palmetto	Palm, Cabbage

(f) Shrubs or grasses shall be selected from the species listed in **Exhibit 58-274c** and shall be a minimum of two (2) feet height during installation and a maximum of four (4) feet at maturity, except within the clear vision area as defined in **Sec. 58-222,** where planting and shrubs shall be not more than three (3) feet in height. They shall be spaced no greater than four (4) feet on center.

Exhibit 58-274c: Shrubs

Scientific Name	Common Name
Aspidistra elatior	Cast-iron plant
Buxus microphylla	Littleleaf Boxwood
Callistemon citrinus	Dwarf Bottlebrush cultivars
Chasmanthium latifoloium	River Oats
Crinum americanum	Crinum Lily
Dietes bicolor	Fortnight Lily
Dietes grandiflora	African Iris
Gardenia jasminoides 'Radicans'	Dwarf Gardina
Hymenocallis liriosme	Spider Lily
Ilex cornuta 'Carrisa'	Carrisa Holly
Ilex cornuta 'Rotunda'	Rotunda Holly
Ilex vomitoria 'Nana'	Dwarf Yaupon
Indigofera kirilowii	Indigo
Itea virginica 'Henry's Garnet'	Henry's Garnet Virginia Sweetspire
Juncus effusus	Soft Rush

Scientific Name	Common Name
Loropetalum chinense	Dwarf Loropetalum cultivars
Muhlenbergia capillaris	Muhly Grass
Nandina domestica	Dwarf Nandina cultivars
Nerium oleander	Dwarf Oleander cultivars
Panicum virgatum	Switch Grass
Pittosporum tobira	Dwarf Pittosporum cultivars
Raphioleps indica	Dwarf Indian Hathorns cultivars
Rhodendron incidum	Indian Azalea cultivars
Schizachyrium scoparium	Little Bluestem
Spiraea japonica	Dwarf Spiraea cultivars

(g) Mulch shall be a minimum of three (3) inches deep and maximum of four (4) inches deep. It shall be applied on all exposed soil surfaces of planting areas, except turf, and/or groundcovers. Cypress mulch is not allowed due to adverse environmental impacts. Pine straw and hardwood mulch are encouraged.

(Ord. # 4912, 6-22-2020)

Sec. 58-276 Irrigation Systems

(a) Planted areas that are not part of a green infrastructure facility require a permanent irrigation system suited for the type of plant material, the condition, and growing medium where they are installed.

(b) Irrigation systems shall be designed to minimize the use of water and shall be submitted as part of the planting plan.

(c) When irrigation is installed, it shall comply with the following standards:

(1) Irrigation systems shall be designed to avoid runoff, low-head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, non-irrigated areas, walks, roadways, or structures.

(2) Rainwater harvesting and/or dedicated landscape water meters are recommended on all landscape areas to facilitate water management and cost reduction.

Sec. 58-277 Maintenance

(a) The property owner is responsible for the maintenance, repair, and replacement of all plant materials, mulch, irrigation, fences, steps, retaining walls, and similar elements over the entire life of the development. All plant materials shall be maintained in good condition and present a neat appearance free of debris and weeds.

(b) Required plant materials that die or become diseased following completion of construction are to be replaced with the same size and type of plant material originally specified on the planting plan within six (6) months.

(c) Tree topping is not allowed without written approval from the City of Gretna. Tree pruning work must be performed by an ISA (International Society of Arboriculture) certified arborist.

Division 10. Other Public Improvements

Sec. 58-278 Fire protection.

A plan shall be furnished of a subdivision showing the proposed location of fire alarm boxes or other devices for reporting fires; the costs for the fire alarm boxes or other devices together with all connection thereto and connections with the existing fire alarm system shall be paid for by the person applying for approval of dedication of land or the subdivision and resubdivision of the same; type of fire alarm boxes or other device for reporting fires shall be approved by the mayor and City Council. All wiring and connections shall be of materials of standard quality approved by the City engineer, as well as the location of such boxes or other devices. Fire plugs of standard make shall be provided and paid for by the developer at spots designated by the City.

(Code 1979, § 21-6; Code 1997, § 102-313)

Division 11. Flood Damage Prevention

[This division moved from Chapter 28 by Ord. #4923, 12-9-20. State Law reference— General powers of city, R.S. 33:361.]

Sec. 58-279 In General

Blocking or impeding drainage ditches, canals or subsurface drains.

(a) No person shall dump, discharge or permit to be dumped or discharged into any waters or drains of this city, specifically drainage ditches, canals and subsurface drains, any trees or other objects, substances or materials, which might interfere with the drainage.

(b) The blocking or impeding of any drainage ditch, canal or subsurface drain on or across a highway or street, or the blocking or impeding of any natural drainage is prohibited.

(Code 1979, § 16-112.1(a), (b); Code 1997, § 46-1; Ord. #4923, 12-9-20)

Sec. 58-280 Development of Publicly Owned Open Areas Greater Than Five Acres Prohibited

Development of publicly owned open areas greater than five acres is prohibited and such open areas shall be preserved as publicly owned or controlled open space.

(Code 1997, § 46-2; Ord. No. 3211, 5-11-1998; (Ord. #4923, 12-9-20)

Sec. 58-281 Ten-Year and Twenty-Five-Year Storm Event Post-Development Rate of Runoff for Proposed Developments

For all proposed developments, other than single-family residential, totaling 10,000 square feet or more (all phases), and all single-family residential developments totaling five acres or more (all phases), the ten-year and twenty-five-year storm event post-development rate of runoff shall not exceed the ten-year and twenty-five-year storm event predevelopment rate of runoff. The post-development peak rates of runoff must be calculated using future condition rainfall depths resulting form no less than fifty years of climate escalation, while not exceeding predevelopment peak runoff rates produced by current rainfall depths estimates. The developershall also submit calculations showing the impacts to the detention facility from the one-hundred year storm event. To ensure that the post-development rate of run-off does not exceed the predevelopment rate of runoff, on-site detention is hereby required in a manner approved by the city department of public works. The detention system cannot release water from the site at a rate greater than the predevelopment rate of runoff.

(Code 1997, § 46-3; Ord. No. 3213, 5-11-1998; Ord. #4923, 12-9-20; Ord. #4996, 12-4-2024)

Sec. 58-282 Flood Damage Prevention

(Editor's note— Section 1 of Ord. No. 4809, adopted Dec. 13, 2017, repealed art. II in its entirety and enacted new provisions to read as herein set out. Former art. II, §§ 28-25—28-32, 28-53—28-55, 28-84—28-87, pertained to similar subject matter, and derived from the 1979 Code, §§ 6-109—6-120; the 1997 Code, §§ 46-31—46-38, 46-56—46-58, 46-76—46-79; Ord. No. 3618, §§ 1, 2, adopted Dec. 12, 2006; Ord. No. 4106, adopted March 10, 2010; and Ord. No. 4439, adopted Oct. 10, 2012. Moved from Chapter 28 by Ord. #4923, 12-9-20. **State Law reference—** Ordinances to comply with federal flood insurance programs, R.S. 38:84.)

(a) **Statutory authorization**. R.S. 38:84 delegates responsibility to local governmental units to adopt regulations designed to minimize flood losses to comply with the Federal Flood Insurance Act. In the event of conflict between these regulations and state or federal laws or regulations the more restrictive requirement shall take precedence.

(b) **Findings of fact**.

(1) The special flood hazard areas and local flood hazard areas of the parish are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental service, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) Flood losses may be avoided by development standards described in this division including elevating new construction safely above the recognized flood hazard and minimizing cumulative effect of encroachments in special and local flood hazard areas, which may increase flood heights and velocities.

(c) **Statement of purpose**. It is the principal purpose of this section to prescribe minimum requirements for land use and control measures for flood-prone areas in the parish as determined by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA). These regulations are based upon relevant technical storm data specific to the parish, as developed by the U.S. Corps of Engineers for the Federal Insurance Administration. These measures must be applied uniformly throughout the community to all privately and publicly owned land within floodprone areas based upon standards set forth in these regulations as prescribed by the Federal Insurance Administration. It is the purpose of this division to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health; and

(2) Minimize expenditure of public money for costly flood control projects; and

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; and

(4) Minimize prolonged business interruptions; and

(5) Minimize damage to public facilities located in special flood hazard areas and local flood hazard areas; and

(6) Ensure that current flood hazard data is available for property owners, prospective buyers, insurance agents, real estate agents, and other interested parties; and

(7) Ensure that those who develop in special flood hazard areas or local flood hazard areas do so pursuant to this division; and

(8) Ensure that those who develop special flood hazard areas or local flood hazard areas assume responsibility for their actions.

(d) **Methods of reducing flood losses**. In order to accomplish its purposes, this division includes methods and provisions to:

(1) Restrict or prohibit development which is dangerous to health, safety, and property due to flood hazards, or which result in damaging increases in flood heights or velocities; and

(2) Require that development vulnerable to floods, including facilities which serve such development, be protected against flood damage at the time of initial construction; and

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(4) Control filling, grading, dredging, and other development which may increase flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards in other areas.

(Ord. No. 4809, § 1, 12-13-2017; Ord. #4923, 12-9-20)

Sec. 58-283 Definitions

As used in this division, the following words and phrases shall have the meaning given in this section.

(1) *Adverse impact* means causing increased flood stages, increased flood velocity, or increased flows in or near a special or local flood hazard area, to an extent including to but not limited to an increase in base flood elevation equal or greater than foot on upstream, downstream, or adjacent properties.

(2) *Anchored* means adequately secured to prevent flotation, collapse or lateral movement.

(3) *Appeal* means a request for a review of the floodplain administrator's determination or action pursuant to, or interpretation of, any provision of this division.

(4) *Applicant* means any person who submits an application for a permit pursuant to this division.

(5) *Appurtenant/accessory structure* means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure provided the structure is solely used for parking and storage or access and does not exceed 1,000 square feet. (If exceeds 1,000 square feet, see non-residential).

(6) *Area of future conditions flood hazard* means the land area that would be inundated by the one-percent annual chance flood based on future conditions hydrology.

(7) *Base flood* means a designated flood elevation on any property having a one-percent annual chance of being equaled or exceeded in any given year.

(8) *Base flood elevation (BFE)* means the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year. The BFE is shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones AE and VE.

(9) *Basement* means an area of a building having its floor below ground level on all sides.

(10) *Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) *Building* means a structure with two or more outside rigid walls and fully secured roof, that is affixed to a permanent site; or a manufactured home build on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or a travel trailer without wheels, build on a chassis and affixed to a permanent foundation. Note—Building does not mean a gas or liquid storage tank or a recreational vehicle, a park trailer, or other similar vehicle, except as described above.

(12) *Coastal high hazard area* means special flood hazard areas (SFHAS) along the coasts that have additional hazards due to wind and wave action. These areas are identified on flood insurance rate maps (FIRMs) as zone VE.

(13) *Community rating system (CRS)* means a program developed by FEMA to provide incentives for those communities in the regular program that has gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

(14) *Crawlspace* means an under-floor space that has its interior floor area (finished or not) no more than five feet below the top of next-higher floor. Crawlspaces generally have solid foundation walls. See diagram 8 in the elevation certificate instructions.

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

(16) *Date of construction* means the date that the building permit was issued provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date.

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

(18) *Enclosure or enclosed area* means an area below the base flood elevation that is either partially or fully shut with rigid walls.

(19) *Flood, flooding, or floodwater* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source.

(20) *Flood boundary and floodway map* means the official map on which the Federal Emergency Management agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

(21) *Flood hazard boundary map* means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

(22) *Flood insurance rate map (FIRM)* means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the parish.

(23) *Flood insurance study (FIS)* means the official report of the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the FEMA base flood, represented as a flood with a one-percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

(24) *Floodplain or floodprone area* means any land area susceptible to flooding in the base flood.

(25) *Floodplain administrator* means the director of inspection and code enforcement or his/her designee.

(26) *Floodplain management* means the operation of a program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain.

(27) *Floodplain management regulations* means this division, zoning ordinances, subdivision regulations, building codes, special purpose ordinances such as grading and erosion control and other parish ordinances and regulations which control development in floodprone areas.

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

(29) *Freeboard* means an additional amount of height above the base flood elevation used as a factor of safely in determining the level at which a structure's lowest flood must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

(30) *Functionally dependent use* means a use which must be located in close proximity to water, including only docking facilities, port facilities necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities, and not including long-term storage or manufacturing facilities.

(31) *Garage* means a building on the same lot as a dwelling or a portion of a main building for the housing of noncommercial vehicles of the occupants of the dwelling. A garage has an opening ten feet or more in width.

a. An attached garage is constructed horizontally adjacent to a house or underneath a house.

b. A detached garage is not structurally connected to a house.

(32) *Grading* means the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

(33) *Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed perimeter of a building.

(34) *Historic building* means a pre-FIRM building or structure that is:

a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior; or

b. Directly by the Secretary of the Interior in states without approved programs.

(35) *Letter of map amendment (LOMA)* means an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area (SFHA). A LOMA is issued only by FEMA.

(36) *Levee* means a manmade structure or earthen embankment, which contains, controls or diverts the flow of water to provide protection from flooding.

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

(38) *Lowest adjacent grade* means the lowest elevation of the ground surface after construction next to the perimeter of a building.

(39) *Lowest floor elevation* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered the lowest floor, provided that such enclosure is not built so as to render the building in violation of the applicable non-elevation design requirements of this division.

(40) *Manufactured home* means a building, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" may include a mobile home that does not constitute a "recreational vehicle".

(41) *Manufactured home park or subdivision* means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

a. *Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads was completed pre-FIRM.

b. *Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

c. *New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the issuance of the first FIRM.

(42) *Market value* means the price that the seller is willing to accept and the buyer is to pay on the open market and in an arm's length transaction.

(43) *New construction* means any construction of a new structure commencing on or after the date of this division.

(44) *Non-residential building* means a commercial or mixed-use building where the use is commercial or non-habitational.

(45) *North American Vertical Datum (NAVD) of 1988* means the vertical control datum established for vertical control surveying in the United States of America based upon the general adjustment of the North American Datum of 1988. It replaced the NGVD 1929.

(46) *Out-as-shown determination* means an alternative outcome of the FEMA LOMA review process stating that a specific property is located outside the SFHA on the FIRM.

(47) *Post-FIRM building* means a building for which construction or substantial improvement occurred on or after July 9, 1976.

(48) *Pre-FIRM building* means a building for which construction or substantial improvement occurred before July 9, 1976.

(49) *Recreational vehicle* means a vehicle which is:

a. Built on a single chassis;

b. Four hundred square feet or less when measured at the largest horizontal projection;

c. Self-propelled or permanently towable by a light-duty truck; and

d. Used for temporary living quarters (less than 180 consecutive days); or for recreation, camping, travel, or seasonal use.

(50) *Repetitive loss structure* means a structure that has sustained flood-related damages resulting in two or more claim payments of more than $1,000.00 each from the National Flood Insurance Program (NFIP) within any rolling ten-year period for a home or business.

(51) *Residential building* means a non-commercial building, or portion thereof, designed for habitation by one or more families or a mixed-use building that qualifies as a single-family, two- to four-family, or other residential building not including trailers, hotels, motels, and motor lodges.

(52) *Severe repetitive loss structure* means a building that is covered under an NFIP flood insurance policy, having two of the referenced claims within any ten-year period but greater than ten days apart, and either:

a. Has at least four NFIP claim payments (including building and contents) over $5,000.00 each, and the cumulative amount of such claims payments exceeds $20,000.00; or

b. For which at least two separate claims payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the fair market value of the building.

(53) *Special flood hazard area (SFHA)* means an area shown in the FEMA flood insurance study and FIRM as zone AE or VE.

(54) *Start of construction,* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(55) *Structure* means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank (not including water tanks smaller than 5,000 gallons), a manufactured home that is affixed to a permanent site or foundation and a travel trailer without wheels. For floodplain management purposes, a utility box is not a structure unless it is large enough to allow human walk-in access.

(56) *Substantial damage* means damage of any origin sustained by a building whereby the cost of restoring the building to the before damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred.

(57) *Substantial improvements* means any reconstruction, rehabilitation, addition, or alteration of a building, or any part thereof, the cumulative cost of which equals or exceeds 50 percent of the market value of the building prior to start of construction. Start of construction is the point at which a building permit for the improvements is issued. The term does not include either:

a. Any project for improvement of a building to correct existing violations or state or local, health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a "historic building" provided that the alteration would not preclude the building's continued designation as a "historic building".

(58) *Surge* means the mass of water causing an increase in elevation of water surface at the time of a hurricane or storm.

(59) *Vertical datum* means the National Geodetic Survey Vertical Datum North American Vertical Datum 1988 (NAVD88) used parish wide for floodplain mapping.

(60) (Note: NAVD88 replaces the previous parish vertical datum NGVD29. All flood insurance rate maps preceding March 23, 1995 are in NGVD29.)

(61) *Variance* means a grant of relief from the requirements of this division which allows development in a manner that would otherwise be prohibited by this division.

(62) *Violation* means the failure of a structure or other development to be fully compliant with this division. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this division is presumed to be in violation until such time as that documentation is provided.

(63) *Water surface elevation* means the height, in relation to currently adopted vertical datum, where specified, of floods of various magnitudes and frequencies in floodplain areas.

(64) *Watercourse* means a river, stream, creek, tributary, basin, lake, pond, waterway, or channel, natural or man-made having a defined bed and banks on or over which water flows at least periodically.

(65) *Zone AE* means a special flood hazard area as shown in the FEMA flood insurance study and depicted on the FIRM with an assigned base flood elevation.

(66) *Zone VE* means a special flood hazard area as shown in the FEMA flood insurance study and depicted on the FIRM with an assigned base flood elevation.

(67) *Zone X, X-protected by levee, and 0.2 percent chance* means a local flood hazard area as shown in the FEMA flood insurance study and depicted on the FIRM.

(Ord. No. 4809, § 1, 12-13-2017; Ord. #4923, 12-9-20)

Sec. 58-284 General Provisions

(a) **Lands to which this division applies***.* This division shall apply to all special flood hazard areas (SFHAs) and local flood hazards within the jurisdiction of the City of Gretna.

(b) **Basis for establishing the areas of special flood hazard***.* The special flood hazard areas represented as zone AE and zone VE identified by the Federal Insurance Administration

(FIA) of the Federal Emergency Management Agency (FEMA) in the most recent effective flood insurance study (FIS) dated February 2, 2018 for the City of Gretna and accompanying flood insurance rate maps and their subsequent amendments and/or revisions, are hereby adopted by reference and declared a part of this division. This FIS and FIRM are the minimum area of applicability of this division. Current and historic maps are on file with the department of inspection and code enforcement.

(c) **Basis for establishing the areas of local flood hazard**. The areas of local flood hazard are represented by zones X, X-protected by levee, and 0.2 percent chance of flooding by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the most recent effective flood insurance study (FIS) dated February 2, 2018 for the City of Gretna and accompanying flood insurance rate maps and their subsequent amendments and/or revisions.

(d) **Compliance**. No structure or land shall hereafter be filled, graded, developed, constructed, reconstructed, rehabilitated, or altered without complying with the terms of this division and 44 CFR Part 60.

(e) **Abrogation and greater restrictions**. This division is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or ordinances. Where this division and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) **Interpretation.** In the interpretation and application of this division, all provisions shall be considered as minimum requirements and shall be liberally construed in favor of the parish and shall not be deemed to limit or repeal any other powers granted by state statutes.

(g) **Warning and disclaimer or liability**. The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This division does not imply that land outside of areas designated as special flood hazard areas or local flood hazard areas or uses allowed within such areas will be free from flooding or flood damages. This division shall not create liability on the part of the City of Gretna, any officer or employee thereof, for any damages or injuries that result from reliance on this division or any administrative decision lawfully made hereunder.

(Ord. No. 4809, § 1, 12-13-2017; Ord. #4923, 12-9-20)

Sec. 58-285 Floodplain Administrator

(a) **Designation of the floodplain administrator**. The director of the department of inspection and code enforcement or designee is authorized to administer and implement this division and to enforce such rules or regulations consistent with and necessary to implement the purposes, intent and express terms of this division.

(b) **Responsibilities of the floodplain administrator**. The duties and responsibilities of the floodplain administrator shall include but not be limited to the following:

(1) *Review and use of any other base flood data.* When base flood elevation data has not been provided the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, other flooding studies, measured high water elevations from historic flooding events, local topography, or other available information in order to administer this division and establish base flood elevations. Any base flood elevation established by the floodplain administrator shall not be lower than the base flood elevation established in the FIS for the same location.

(2) *Notification of other agencies.* In alteration or relocation of a watercourse:

a. Notify affected communities prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Insurance Administration of the Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(3) *Map determinations.* Make interpretations as to the location of the boundaries of the areas of special flood hazard where there is conflict between a mapped boundary and actual field conditions.

(4) *Map changes.* Notify FEMA of changes to the floodplain.

(5) *Community rating system.* Prepare, obtain, and maintain all documentation necessary for the annual certification of the community rating system program review and designated renewal period to complete certification of the program.

(6) *Comply with general standards.* Any new or substantial damage/improvement structure within zones AE and VE (SFHAs) complies with the general standards of this division.

(7) Comply with elevation standards.

a. The elevation of any new or substantial damage/improvement structure within zones AE and VE (SFHAs) complies with the elevation standards of this division; and

b. The elevation of new structures within zone X (local flood hazard) complies with the elevation standards of this division.

(8) Review elevation certificate.

a. Upon application for a building permit, notation of the required first floor elevation shall be made on the face of building permits.

b. Prior to the issuance of a completion certificate a final elevation certificate shall prove the structure meets the elevation standards of this division.

(Ord. No. 4809, § 1, 12-13-2017; Ord. #4923, 12-9-20)

Sec. 58-286 Floodplain Management Permits

(a) **Securing a permit**.

(1) In the City of Gretna, it shall be unlawful to proceed with any new development, construction, substantial improvement, to include "repetitive loss" and

"substantial damaged structures", or manufactured homes, without having obtained a permit properly numbered and approved from the director of the department of inspection and code enforcement.

(2) It shall be the duty of the department of inspection and code enforcement to see that such work requiring a permit is authorized. All work must comply with the building code, as well as this division, and shall be subject to inspection whether a permit is required or not, and is subject to citation at the discretion of the director.

(3) All necessary permits must be received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Pollution Control Act Amendments of 1973, 33 U.S.C. 1334.

(b) **Permit application**. Application for a floodplain development building permit shall be presented to the department of inspection and code enforcement on forms furnished by the department and may include, but not be limited to:

(1) Plans drawn to scale showing the nature, location, dimensions; and

(2) Proposed elevation in NAVD 88 to which any non-residential structure will be floodproofed. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of this division;

(3) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

(4) Maintain a record of all such information in accordance with this division.

(c) **Permit review**. Approval or denial of a floodplain development building permit by the department of inspection and code enforcement shall be based on all of the provisions of this division and may consider the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage; and

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and

(3) The danger that materials may be swept onto other lands to the injury of others; and

(4) The compatibility of the proposed use with existing and anticipated development; and

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles; and

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems; and

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(8) The necessity to the facility of a waterfront location, where applicable; and

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. No. 4809, § 1, 12-13-2017; Ord. #4923, 12-9-20)

Sec. 58-287 Standards of Construction

(a) **General standards**. In all areas of special flood hazards, the following provisions for permits are required for all new construction and substantial damage/improvement to insure sites are reasonably safe from flooding:

(1) *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the building resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. All manufactured homes shall also meet the standards of subsection (e).

(2) *Construction materials and methods.* All new construction and substantial damage/improvement shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

(3) *Tanks.* Underground and above-ground tanks shall be designed, constructed, installed and anchored to prevent flotation, collapse and lateral movement resulting from floodwater loads, including the effects of buoyancy, hydrostatic pressure, and velocity. Tank inlets, fill openings, outlets, and vents shall be installed one foot above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater and outflow of the contents of the tank during the base flood.

(4) *Foundations.* Foundations and walls constructed below the base flood elevation shall be vented to equalize hydrostatic pressures.

(5) *Vents.* Vent openings shall be permanent openings in the walls that allow for the free passage of water automatically in both directions without human intervention. Such venting shall be on at least two sides of the structure, or enclosure, have a bottom at no more than one foot above the ground elevation. The total area of such venting shall be at least one square inch per square foot of enclosed footprint. Openings may be equipped with screens, louvers, or automated float control in accordance with FEMA Technical Bulletin TB #1-08 Foundations and walls below the base flood elevation shall be constructed of flood resistant materials in accordance with FEMA Technical Bulletin TB #2-08. Alternatively, the project proponent may submit a design that will allow for automatic equalization of hydrostatic flood forces on exterior walls, signed and stamped by a registered civil engineer and approved by the floodplain administrator. A window, a door, or a garage door is not considered a vent opening. If there are multiple enclosed areas within the foundation, each area must be vented as herewith described.

(b) **Elevation standards**. In all areas of special flood hazards (zone AE and VE) and areas of local flood hazard (zone X, X protected by levee, and 0.2 percent annual chance), the following higher regulatory provisions for permits are required for all new construction and substantial damage/improvement (as further denied below) to ensure sites are reasonably safe from flooding. In all instances of higher regulatory standards written below the term lowest floor includes basement, mechanical and utility equipment, and ductwork. A registered professional engineer, architect, or land surveyor shall submit a certification to the department of inspection and code enforcement that the standard of this division is satisfied.

(1) *Residential elevation—New construction.* Permits issued for new construction of any residential structure, must have the required NAVD 88 elevation of the lowest floor or lowest horizontal portion of the structural member and the base flood elevation noted on the permit.

a. In zone X, X protected by levee, and 0.2 percent annual chance, the lowest floor shall be at 36 inches above the centerline of the street.

b. In zone AE the lowest finished floor shall be at the highest of either:

1. The BFE on the FIRM plus 1’-0” of Freeboard; or
2. Thirty-six (36) inches above the centerline of the street.

(2) *Residential elevation—Substantial damage/improvement.* Permits issued for substantial damage/improvement of any residential structure, must have the required NAVD 88 elevation of the lowest floor (including basement) and the base flood elevation noted on the permit.

a. In zone AE the lowest floor shall be at the BFE on the FIRM plus 1’-0” of Freeboard.

(3) *Non-residential elevation and/or floodproofing—New construction.* Permits issued for new construction of any non-residential structure including accessory structure greater than 1,000 square feet, must have the required NAVD 88 elevation of the lowest floor and the base flood elevation noted on the permit. In lieu of meeting the elevation requirement stated below, a non-residential structures in zone X and zone AE may be floodproofed so that structural components are capable of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy and be certified by a registered professional engineer or architect that the standards of this section are satisfied.

a. In zone X, X protected by levee, and 0.2 percent annual chance, the lowest floor shall elevated or floodproofed to be at 36 inches above the centerline of the street.

b. In zone AE the lowest finished floor shall be elevated or dry-floodproofed to the highest of either:

1. The BFE on the FIRM plus 1’-0” of Freeboard; or
2. Thirty-six (36) inches above the centerline of the street.

(4) *Non-residential elevation and/or floodproofing—Substantial damage/improvement.* Permits issued for substantial damage/improvement of

any non-residential structure including accessory structure greater than 1,000 square feet, must have the required NAVD 88 elevation of the lowest floor and the base flood elevation noted on the permit. In lieu of meeting the elevation requirement stated below, a non-residential structures in zone AE may be floodproofed so that structural components are capable of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy and be certified by a registered professional engineer or architect that the standards of this section are satisfied.

a. In zone AE the lowest finished floor shall be at BFE on the FIRM plus 1'-0" of Freeboard.

(Ord. No. 4991, 9-13-2023)

(c) **Enclosure standards**. New construction and substantial damage/improvement, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and

(2) The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) **Standards for subdivision proposals**. All subdivision development proposals including the placement of manufactured home parks and subdivisions shall:

(1) Be consistent with this division; and

(2) Meet floodplain development permit requirements of this division; and

(3) Generate base flood elevation data for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to this division; and

(4) Have adequate drainage provided to reduce exposure to flood hazards; and

(5) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and

(6) Detain stormwater runoff as follows:

(7) For all proposed developments, other than single-family residential, totaling 10,000 square feet or more (all phases), and all single-family residential developments totaling five (5) acres or more (all phases), the ten and twenty-five-year storm event post-development rate of run-off shall not exceed the ten-year storm event pre-development rate of run-off. To ensure that the post-development rate of run-off does not exceed the pre-development rate of run-

off, on site detention will be required in a manner approved by the department of public works. The detention system cannot release water from the site at a rate greater than the pre-development rate of run-off; and

(8) The design concepts for detention facilities and determination of storm run-off shall be consistent with sound hydrological and hydraulic engineering principles and practices, and the provisions of the Jefferson Parish "Storm Drainage Design Manual" dated 1981, or any subsequent revision thereof, and "Parking Lot Storm Run-Off Detention Manual" prepared by the Engineering Division of the Jefferson Parish Department of Public Works. The director of public works shall approve any and all modifications to the drainage manuals; and

(9) The developer shall submit drainage design calculations including a drainage map along with engineering plans to the department of public works for approval by the director of the department of engineering and the director of the department of capital projects. The drainage map shall include a lien diagram reflecting the existing drainage system from the outfall end of the proposed development to the receiving outfall canal, reflected in the applicable current master drainage plan. The developer shall also submit calculations showing the impacts to the detention facility from a 100-year storm event; and

(10) Drainage calculations shall consider all relevant information that would affect the hydraulics of the drainage system including, but not limited to, the following: (1) drainage basin characteristics; (2) system hydraulics; and (3) other external influences upstream and downstream from the drainage system that may impact or be impacted by the proposed system. Drainage calculations shall consist of: (1) ten and twenty-five-year pre-development flow; (2) ten and twenty-five-year post-development flow; (3) description of release facility and volume of release versus depth of storage in detention facility for ten, twenty-five and one-hundred-year storm events; (4) maximum depth of water in the detention facility for design storms; (5) description of impact to the proposed facility resulting from increased depth of storage; and (6) the description of how the system will be maintained; and

(11) Unless unstable or highly erosive soil conditions indicate a lower design velocity is desirable, or unless ditch paving at the outlet is provided, the maximum velocity for culvert design shall adhere to the criteria in the Jefferson Parish "Storm Drainage Design Manual" dated 1981, or any subsequent revision thereto; and

(12) The director of the department of public works shall review for approval each proposed development covered by this section prior to the issuance of permits to proceed with said development. Any decision in which the director of public works denies a request or which requires a variance shall be submitted to the board of standards and appeals for review and recommendation. Decisions of the board of standards and appeals recommending approval of a variance shall be submitted for final approval by the parish council; and

(13) Any denial of a variance request by the board of standards and appeals may be appealed to the parish council for final resolution.

(e) **Standards for manufactured homes**. Require that all new or substantial damage/improvement manufactured homes within the special flood hazard area outside of a manufactured home park or subdivision, in a new or existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, shall be installed using methods and practices which minimize flood damage and shall:

(1) Be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces including but not limited to:

a. Over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side;

b. Frame ties at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

d. Any additions to the manufactured home are similarly anchored.

(2) Be elevated on a permanent foundation of compacted fill or pilings such that the lowest floor of the manufactured home is elevated at or above the elevation standards of this section 28-30.

a. If pilings are used for elevation:

1. Lots shall be large enough to permit steps; and
2. Piling foundations shall be placed in stable soil no more than ten feet apart; and
3. Reinforcement shall be provided for pilings more than six feet above the ground level; and

b. Adequate access and drainage shall be provided and access for a hauler are provided; and

c. Upon the completion of an installation the elevation of the lowest floor shall be certified by a registered professional engineer or surveyor, and verified by the community building-inspector to be properly elevated; and

d. No new manufactured home shall be placed in a coastal high hazard area, except in an existing manufactured home park or subdivision.

(f) **Standards for recreational vehicles**. All new recreational vehicle parks or additions to parks in a special flood hazard area shall clearly post the hazard and methods of flood warning. All recreational vehicles placed on sites within special flood hazard areas shall:

(1) Be on wheels, mobile, fully licensed, attached to the site only by quick disconnect type utilities and security devices; and

(2) Be on the site few than 180 consecutive days; and

(3) Have no attached additions on adjoining foundation; or

(4) Meet the anchoring and elevation requirements for manufactured homes of this division.

(g) **Certification requirements***.* When development occurs on property that has been identified by the floodplain administrator as being located in a special flood hazard area or local flood hazard area, the following shall be certified by a registered civil engineer or licensed land surveyor and provided to the department of inspection and code enforcement:

(1) Flood zone; and

(2) Base flood elevation; and

(3) Elevation of the lowest floor of all detached buildings; and

(4) Elevation of the lowest adjacent grade; and

(5) Elevation of the highest adjacent grade; and

(6) Elevation of the centerline of the street; and

(7) Elevation to which a structure has been floodproofed (if applicable); and

(8) Elevation of swimming pools, utilities, and any other structures, as requested by the floodplain administrator; and

(9) Calculation of vent space for crawlspaces.

(Ord. No. 4809, § 1, 12-13-2017; Ord. #4923, 12-9-20; Ord. #4996, 12-4-2024)

Sec. 58-288 Administration.

(a) **Variances***.* The board of standards and appeals, as established by the community, shall hear and render judgment on requests for variances from the requirements of this division.

(1) Any applicant for a permit from the department of inspection and code enforcement required by this division whose application has been refused or revoked, or any person who has been ordered by the director in incurring any expense, or any person who feels that there are practical difficulties or unnecessary hardships involved in carrying out the strict letter of this division, or where it is alleged that there is an error in any order, requirement, decision, or any determination made by the director may, within 15 days after being notified of such refusal or order, appeal from the decision of the director to the board of standards and appeals by giving the director notice in writing that he does so appeal. Said notice shall be accompanied by a check in the amount indicated in chapter 8 building code amendments of the City of Gretna, "schedule of appeal fees" payable to the City of Gretna, which amounts is to be retained by the City.

(2) It shall be the duty of the board of standards and appeals to:

a. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the director in the enforcement of this division; and

b. Hear and decide all matters referred to it or upon which it is required to pass under this division; and

c. Pass upon appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this division, to vary or modify the application of any of the regulations or provisions of this division relating to the construction or alteration of buildings or structures so that the spirit of this division shall be observed, public safety and welfare secured, and substantial justice done; and

d. Interpret the intent or meaning of this division and so advise the director and to recommend to the council such amendments or revisions which may be required to clarify the wording as well as recommend amendments or revisions as may be required from time to time to meet the changing condition.

(3) Variances may be issued:

a. In cases generally limited to construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, in conformance with:

1. A showing of good and sufficient cause; and
2. A determination that failure to grant the variance would result in:
   i. Increased flood heights; or
   ii. Additional threats to public safety; or
   iii. Extraordinary public expense; or
   iv. Create nuisances; or
   v. Cause fraud on or victimization of the public; or
   vi. Conflict with existing local laws or ordinances.

b. Only upon a determination that the variance is the minimum necessary, considering the flood hazard to affect relief and for other development necessary for the conduct of a functionally dependent use; and

c. In situations which could result in an undue delay in construction when all of the above conditions have been met and the requested variance will not increase the cost of the flood insurance, the board may grant a variance.

(4) In order to execute the above mentioned powers, the board of standards and appeals may reverse or affirm wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination of the director, or to decide in favor of the applicant on any matters on which it is required to pass under this division.

(5) Decisions of the board of standards and appeals should state the variances or denials granted and conditions, if any, as they may require in such action. The decisions shall be filed in the department of inspection and code enforcement

within ten working days after the hearing and a certified copy sent to the applicant by certified mail. The director must abide in the actions taken by the board.

(6) In those instances where a variance is granted, the appellate shall be given a written notice that a structure built with the lowest floor elevation below the BFE will then have the cost of flood insurance commensurate with the increased risk resulting from the reduced lowest floor elevation.

(b) **Appeals***.* If the applicant for a permit, the permittee, or other persons whose property rights may be affected, is dissatisfied with any determination made by the floodplain administrator or board of standards and appeals such person may appeal to the City of Gretna Council. Any such appeal shall be in writing, shall state the specific reasons therefore and grounds asserted for relief, and shall be filed with the clerk of the parish council. If it is deemed that the proposed variance may negatively affect the parish's standing in the National Flood Insurance Program, adequate public notice and public hearing shall be required before the parish council may act on the proposal.

(c) **Recording of a variance affidavit***.* Any applicant whose variance from the base flood elevation is approved by the board of standards and appeals or the parish council shall record in the conveyance records of the clerk of court of Jefferson Parish an affidavit indicating that the applicant's property does not meet the required base flood elevation of the parish. Verification of the applicant's recorded affidavit shall be presented to the department of inspection and code enforcement prior to the issuance of a use and occupancy certificate.

(d) **Penalties for noncompliance***.* Under the authority of the building code of the City of Gretna, the director of the department of inspection and code enforcement is authorized to enforce the provisions of the current adopted technical codes. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this division and other applicable regulations. The owner or general agent of the building or premises where a violation of any regulation pertinent to the special flood hazard areas has been committed or exists, or the general agent, architect, building contractor, or any other person who assists in any violation of the pertinent flood regulations or who maintains any building or premises in which the violation exists shall be punished as provided in chapter 1, section 1-10, "penalty: maximum: continuing violations" of the City of Gretna Code of Ordinances.

(e) **Adjoining communities**.

(1) Consideration of overall flood management in the Metropolitan New Orleans area shall be given to individual floodplain management programs in:

a. The incorporated City of New Orleans; and

b. The parishes of Jefferson, Orleans, and Plaquemines.

(2) In riverine situations, adjacent communities and the state coordinating office will be notified prior to any alteration or relocation of a watercourse, and copies of such notification will be submitted to FIA. The flood carrying capacity of altered or relocated portions of any watercourse will be maintained.

(3) *Priority of floodprone area regulations.* All regulations described in this division represent minimum standards and supersede all existing ordinances which require lower standards.

(Ord. No. 4809, § 1, 12-13-2017; Ord. #4923, 12-9-20)

ARTICLE V SUPPLEMENTARY CONDITIONS FOR SPECIFIC USES

Sec. 58-300 Accessory Guesthouses 326
Sec. 58-301 Accessory Buildings and Structures 328
Sec. 58-302 Short-Term Vacation Rental 331
Sec. 58-303 Commercial Use of Patios and Outdoor Dining Areas 338
Sec. 58-304 Commercial Use of Rooftops 339
Sec. 58-305 Amusements and Entertainments 340
Sec. 58-306 Automobile Service Stations/Fuel Sales 340
Sec. 58-307 Bars and Nightclubs 341
Sec. 58-308 Bed and Breakfast Establishments 342
Sec. 58-309 Brewpubs and Microdistilleries 344
Sec. 58-310 Convenience Stores 345
Sec. 58-311 Day Care Facilities 345
Sec. 58-312 Drive-Through Facilities 346
Sec. 58-313 Event Halls 346
Sec. 58-314 Food Trucks, Trailers and Carts 348
Sec. 58-315 Hair Care Services 348
Sec. 58-316 Home Occupations 348
Sec. 58-317 Institutional Care Facilities 351
Sec. 58-318 Large-Scale Retail Development 352
Sec. 58-319 Laundromats 354
Sec. 58-320 Manufactured Homes 355
Sec. 58-321 Medical Marijuana Dispensary 355
Sec. 58-322 Mini-Warehouse 356
Sec. 58-323 Multi-Family Development Standards 357
Sec. 58-324 Outside Kennels 360
Sec. 58-325 Outside Operations 360
Sec. 58-326 Outside Storage 361
Sec. 58-327 Outdoor Vending Machines 361
Sec. 58-328 Recreational Vehicle, Motor Home, Trailer and Boat Parking 361
Sec. 58-329 Religious Institutions 362
Sec. 58-330 Sexually Oriented Businesses 362
Sec. 58-331 Shopping Cart Management 362
Sec. 58-332 Short Term Loans, Check Cashing, Pawn Shops and Precious Metals Purchasing 366
Sec. 58-333 Special Events. 367
Sec. 58-334 Telecommunications, Towers, Antennas and Related Structures and Uses 367
Sec. 58-335 Temporary Buildings and Temporary Construction Uses 370
Sec. 58-336 Three and Four-Family Dwellings 374
Sec. 58-337 Townhouse and Rowhouse Dwellings 375
Sec. 58-338 Vehicle Sales Lots 378
Sec. 58-339 Veterinary Clinics 378
Sec. 58-340 Warehousing 378

The uses listed in this Article have specific conditions that apply to them in one or more zoning districts.

Sec. 58-300 Accessory Guesthouses

(a) **Generally**. Where authorized by zoning district standards, guest houses may be allowed as an accessory use to single-family detached dwelling units subject to minor site plan review and compliance with the standards in this section. Covered open porches, carports and detached single story garages may not be converted to guesthouses, except when a converted garage retains at least two independently accessible parking spaces.

(b) **Guesthouse Types**. There are two types of guesthouses:

(1) **Integrated**. Integrated guesthouses are units that are created by dividing space within a principal building, or by adding floor area to an existing building. Integrated guesthouses may be accessed from within the principal building or from outside, according to the standards of this section.

(2) **Detached**. Detached guesthouses are units that are located inside of accessory buildings. The accessory building that includes a detached guesthouse may also include a garage.

(c) **Minimum Lot Areas Where Permitted**. New guesthouses are allowed only where the minimum lot area provided in **Exhibit 58-300**. Where an existing, legally established guesthouse does not meet the minimum standards, the Planning Director may authorize its continued use upon finding that the unit satisfies the criteria for approval of administrative relief established in Sec. 58-86.

Exhibit 58-300: Minimum Lot Area for ADUs or Guesthouses in Residential Districts

Neighborhood Overlay District	Integrated Unit	Detached Unit
Old Gretna-Mechanickham	4,000 sq.ft.	4,500 sq.ft.
McDonoghville	4,000 sq.ft.	4,500 sq.ft.
Old Garden Park	5,000 sq.ft.	5,500 sq.ft.
New Garden Park	5,500 sq.ft.	6,000 sq.ft.
Jonestown	5,500 sq.ft.	6,000 sq.ft.
Belleview	5,500 sq.ft.	6,000 sq.ft.
Timberlane	7,500 sq.ft.	8,000 sq.ft.

(d) **Number of Guesthouses**. No parcel shall contain more than one (1) guesthouse.

(e) **Maximum Floor Area**. The floor area of a newly established guesthouse shall not exceed the 550 square feet of floor area. The floor area is measured as the area within the guesthouse itself and does not include areas of an accessory building that are used for other purposes, such as a detached garage or a workshop that is not incorporated into the guesthouse.

(f) **Setbacks**. Buildings with internal or external guesthouses shall comply with applicable minimum setbacks for principal structures. Where a guesthouse is established in an

existing principal or accessory structure that fails to conform with applicable setbacks for a principal structure, a guesthouse may be established on the ground floor provided that the guesthouse is setback at least five (5) feet from the nearest property line. The provisions of this paragraph do not apply to guesthouses existing at the time of adoption of this UDC.

(g) **Height**. The height of a detached guesthouse shall not exceed fifteen (15) feet above the base flood elevation unless the guesthouse is established in a legally non-conforming accessory building. The Planning Director may grant up to a ten (10) percent increase upon finding that the additional height enables the building design and roof-pitch to be more consistent with the principal structure. A guesthouse may be established in the second story of a principal dwelling unit or above a garage in space that existed prior to adoption of this UDO.

(Ord. # 4912, 6-22-2020)

(h) **Building Code Compliance**. All guesthouses shall comply with building code requirements for residences.

(i) **Design Standards**. Guesthouses shall conform to the following design standards:

(1) **Integrated**. Integrated guesthouses shall not involve design modifications to the exterior of the principal building that make their presence obvious. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single-family building (*e.g.*, side doors, French doors, etc.). External stairs are not allowed to provide access to a newly established second-story guesthouse. If a building is expanded to accommodate a guesthouse, the expansion shall be designed in a manner that is comparable to the principal building.

(2) **Detached.** Detached guesthouses shall be designed and configured in the following manner:

a. Where an alley access exists, guesthouses shall take vehicular access from the alley.

b. The use of dormers shall be limited as follows:

1. A dormer ridge or roof line shall not extend above the primary roof ridge.
2. The width of a dormer face shall not exceed the lesser of sixteen (16) feet or fifty (50) percent of the length of the wall plane upon which the dormer is located.
3. More than one dormer is allowed on a wall plane, provided that the total combined width of dormer faces does not exceed fifty (50) percent of the wall plane length.
4. The space between dormers shall not be less than the greater of one-half the width of the adjoining dormer, or one-half the average of the two dormers if they are different sizes.

5. A dormer shall be set back a minimum of three (3) feet from the nearest building wall plane that runs perpendicular to the dormer face.

c. Second floor windows of detached units or garage units shall face streets and alleys. Windows that face or overlook interior lot lines shall be located at least three and one-half (3.5) feet above the finished floor unless the Planning Director determines that other features are in place to protect the privacy of the adjacent lot's side and rear yards.

d. Access to second floor units shall be from internal stairs, except that the Planning Director may approve external stairs if:

1. External stairs parallel streets or alleys and are not located parallel to or within twenty (20) feet of an interior side property lines; or
2. The Director determines that other features are in place to protect the privacy of the adjacent lot's side and rear yards.

e. Exterior second floor decks or balconies may not be located so they face or overlook the interior side property lines. Decks or balconies for a guesthouse shall face streets or alleys.

(j) **Parking.**

(1) In addition to the parking requirements for the principal building set out in Sec. 58-181(a) and Sec. 58-184, one (1) off-street parking space shall be provided for the guesthouse. The Planning Director may allow tandem parking spaces to be counted towards minimum parking requirements.

(2) Existing on-site, required parking must be retained but may be reconfigured.

(3) Parking spaces must be enclosed in a garage, under a carport, or on a pad surfaced with a pervious parking surface approved by the City Engineer.

(4) If no on-site parking on the parcel and all other requirements of this section are met, the Planning Director may approve the establishment of a guesthouse upon finding that at least two (2) parking spaces are available along the curb abutting the property and sufficient parking is available within the neighborhood to accommodate the additional parking demand.

(k) **Additional Requirements in R-2 and R-3 Districts**. A buffer pursuant to Sec. 58-272(e) is required along the boundary of the proposed development with an R-1 zoning district.

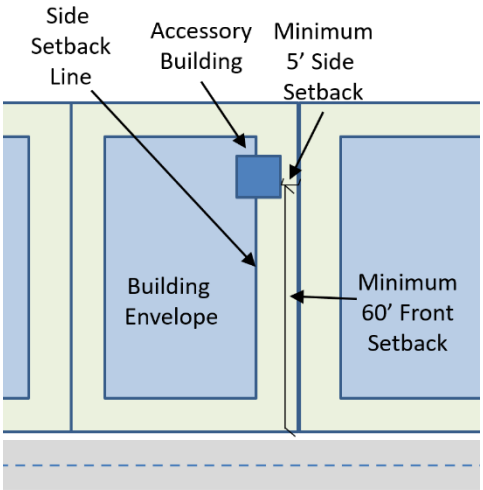
Sec. 58-301 Accessory Buildings and Structures

(a) **Regulation of Accessory Buildings**. Except as otherwise provided for ADUs or guesthouses, or modified by the neighborhood overlay district provisions of **Sec. 58-150**:

(1) **Accessory Buildings in Side Setback Areas**. A single-story accessory building that is not a part of the main building and not used for an accessory dwelling unit may be built in a required side setback, provided that such accessory building is not less than sixty (60) feet from the front lot line and not less than five (5) feet from the nearest interior side lot line. On through lots, an accessory building may be built in a required side setback if no part of such accessory building is less than

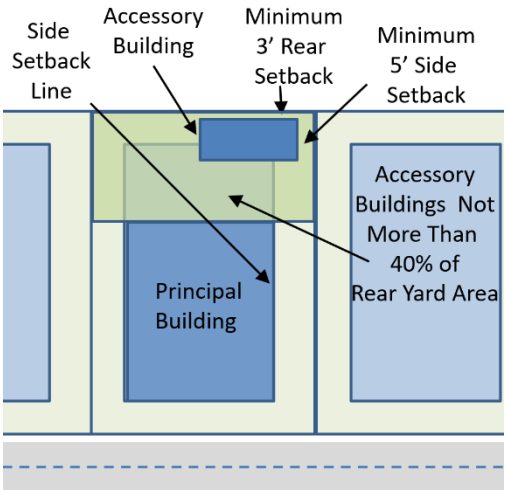
five (5) feet from the nearest interior side lot line and no portion of such building is located in a front setback area (see **Exhibit 58-301a**).

Exhibit 58-301a Accessory Building Side Setback



(2) **Accessory Buildings and Accessory Structures in Rear Setback Areas**. In residential districts, a single-story accessory building or structure that is not used as an accessory dwelling unit may be built in a required rear setback area, but such accessory buildings or accessory structures shall not occupy more than forty (40) percent of the required rear setback area and they shall not be located less than five (5) feet from either side and not less than three (3) feet from a rear lot line (see **Exhibit 58-301b**).

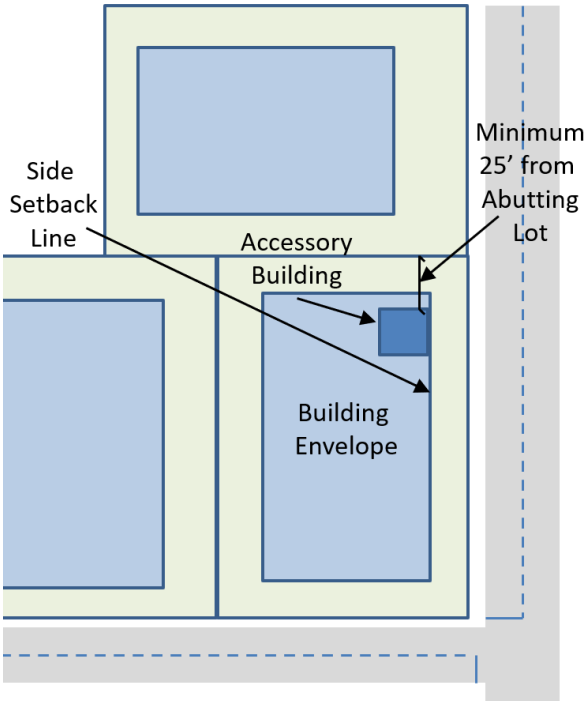
Exhibit 58-301b Accessory Building Rear Setback and Area



(3) **Accessory Buildings and Accessory Structures on Corner Lots**. On a corner lot where a side yard is required, there shall be a minimum distance between any accessory building or accessory structure and the side street line equivalent to the width of the required side yard on the side of the lot abutting on the side street. Where a lot to the rear of the corner lot fronts on the side street, no part of any accessory buildings or accessory structures on that corner lot within twenty-five

(25) feet of the common lot line shall be placed closer to the side street than the front setback line of the lot facing the side street (see **Exhibit 58-301c**).

Exhibit 58-301c Accessory Building Rear Setback on Corner Lot



(4) **Accessory Building Height**.

a. The mean height, as measured along the slope of the roof of accessory buildings or accessory structures permitted in a required rear or side setback area, may not exceed fifteen (15) feet in height.

b. The Planning Director may grant up to a ten (10) percent increase upon finding that the additional height enables the building design and roof-pitch to be more consistent with the principal structure.

c. The Planning Director may approve accessory structure heights of up to twenty-two (22) feet if the accessory structure meets the minimum setback requirements and is not taller than the principal structure on the lot on which it is located or on adjacent lots.

d. Mean height shall not include the height of the parapet if the Planning Director finds that the parapet is consistent with and complementary to the front of the principal structure.

(5) **Limits on Accessory Building Area and Number**. The combined gross area of all accessory buildings or portions thereof located in side and rear yards shall not exceed forty (40) percent of the required rear setback area, nor shall more than two (2) accessory buildings over any part of a required side or rear setback area.

(6) **Non-residential Districts**.

a. In BC, C and M districts, all structures shall be considered principal structures unless the Planning Director finds that the structure and its use

are accessory to a principal use being conducted in another building on the site.

b. Accessory structures shall comply with the minimum setback requirements for principal non-residential structures in the applicable zoning district, except where a property in a C or M district backs up to a B-C, C or M district, an accessory structure that is no more than fifteen (15) feet in height shall be set back from the rear property a minimum of five (5) feet.

c. In BC and C districts, accessory structures other than gas station pumps in C-2 districts, shall be located in an interior side or rear yard.

d. Portable storage units shall comply with the provisions of section 10-10(c) of the City Code.

e. Not more than two (2) accessory structures may be allowed per lot in a BC or C district.

(7) **Free-standing Carports**. Free-standing carports shall comply with the setback requirements for carports and accessory structures established in this section and **Sec. 58-150**, as applicable, subject to those provisions and the following:

a. If the free-standing carport is more than eight (8) feet in height, it shall have more than one roof plane and shall have roofing materials that match the roof of the principal structure. For purposes of this paragraph, an arched roof shall be considered to have more than one plane.

b. If located within a required side and or rear setback, there shall be an opaque fence of not less than six (6) feet in height between the free-standing carport and the nearest property line.

(Ord. #4923, 12-9-20; Ord. #5003, 4-11-24)

(b) **Accessory Swimming Pools.** In a R-1, R-2 or R-3 district may be established as an accessory use to a single-family dwelling provided that the pool is set back a minimum of five (5) feet from the property line and is secured by a fence that complies with adopted building codes.

[Note: See section 10-10(c) of the City Code for rules related to use of a temporary portable storage units and containers.]

(Code 1997, § 102-123; Ord. # 1945, § XXIII(H), 6-12-1989; Ord. # 4612, 9-10-2014; Ord. # 4733, 7-13-2016; Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020; Ord. # 4913, 8-12-2020)

Sec. 58-302 Short-Term Vacation Rental

(a) **Purpose.** The purpose of this Article is to allow for the efficient use and sharing of residential structures without detracting from residential character or enjoyment. Nothing in this Article shall be deemed or interpreted to restrict or prevent a home owners association or other organization of property owners from prohibiting short term home sharing rental in restrictive covenants or other title restrictions.

(b) **Permit and License – Created and Required**

(1) An annual Home Sharing Short-Term Rental license permit allowing up to 156 days per year of short-term home sharing may be issued to eligible applicants by the Planning, Zoning and Licensing Department. A Short-Term Home Sharing

rental license permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with the requirements of the city code and/or the requirements provided herein.

(2) No property shall be utilized as a short-term home sharing rental, as herein, without an authorized short-term rental license permit. No license permit shall be issued where prohibited by a homeowner's association, action of the governing body of a homeowner's association, neighborhood restrictive covenants or action of other homeowner's organization.

(3) Any holder of a Short-Term Home Sharing rental license permit issued pursuant to this article shall maintain on file with the City a current address of a natural Person in the City of Gretna on whom service may be made, including without limitation the service of legal notices and lawsuits related to the operation of short-term rentals and/or compliance with this article and/or applicable provisions of this code. Service upon the person on file shall be deemed effective service upon the holder of the short-term rental license permit. Any juridical person holding a short-term rental license permit shall be qualified to do business in the State of Louisiana. Failure to comply with this provision or to keep current the agent for service shall be grounds for revocation of the short-term rental license permit.

(c) **Submission Documents and Requirements**. An applicant for a Short-Term Home Sharing rental license permit shall:

(1) Attest to the following and furnish the necessary documentation upon request of the City:

a. That the property has current, valid liability insurance of $500,000.00 or more;

b. That each short-term rental unit has working carbon monoxide detectors in the immediate vicinity of each sleeping area and, working smoke detectors in every bedroom, outside the sleeping area, and on all habitable floors;

c. That each short-term rental unit has a properly maintained and charged fire extinguisher in each short-term rental unit;

d. That in each short-term rental unit there is a posting and/or brochure that provides a floor plan indicating fire exits and escape routes, the name, phone number with area code, and e-mail address of the licensee and the designated local responsible party. The brochure also shall provide information pertinent to the neighborhood where the short-term rental is located, including, but not limited to, restrictions on parking, noise, trash, the trash collection schedule, and shall be displayed in a prominent location.

e. That the property is in compliance with applicable provisions of the City's Minimum Property Maintenance, Building, Electrical, Mechanical and Plumbing Codes;

f. That the owner, or operator if applicable, has made best efforts to notify the properties immediately adjacent to the desired short-term rental of the license application; and

g. That the property has no outstanding taxes or municipal code violation liens.

h. The applicant does not operate more than one home sharing unit or guest room, in the City of Gretna

i. That the applicant is not or was not the operator of a short-term rental which has a currently suspended license or has had such license revoked by the City or any other jurisdiction within five (5) years of the date of application

j. That the applicant hold a valid homestead exemption for the property listed in the application

(2) Furnish the following documentation upon request of the Planning, Zoning and Licensing Department:

a. A floor and/or site plan that indicates the location of the required smoke detectors, fire extinguisher, and emergency contact/fire-exit posting, as attested to in subsection (a).

b. The contact information for the owner of the short-term rental unit, which includes the owner's primary physical mailing address, cell phone number, and email address. Additionally, the same contact information for an alternate local person that is able to respond on premises to complaints, if required by the city.

c. Proof of ownership via a valid homestead exemption.

d. A list of the short-term rental hosting platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.

e. Verification that the property has no outstanding taxes or property liens.

f. A current address of a natural person the City of Gretna upon whom service may be made.

g. Include a complete criminal background investigation of the individual(s) named in the application as owners and/or operators, said investigation to be conducted by the Gretna Police Department or its designee, and confirmation that the person(s) subject to the criminal background investigation has/have not been convicted of any crime involving drugs, vice or felony violence in the ten (10) years immediately prior to the date of the application;

h. Any fraud, material misrepresentation, or false statements contained in the attestations, required documentation, or correlating application materials shall be grounds for immediate revocation of a short-term rental license permit. Furthermore, all requirements herein shall be continuously maintained throughout the duration of the permit.

(3) **Host Responsibilities.**

a. A Host shall be responsible for any nuisance violations of this code, arising at a property during home sharing activities. When the host is temporarily away from the premises, the designated local responsible person shall respond to a complaint concerning the short-term rental from a guest or a neighbor and, if necessary, shall appear on the premises to address the issue.

b. Host shall require every guest to provide evidence of identity through at least one (1) of the following methods:

1. Pre-approved identification system.
2. Government-issued identification which contains the registrant's following information:
   i. Full name.
   ii. Date of birth or age.
   iii. Residence address.
   iv. Photograph of the guest

c. The Host shall keep and preserve, for a period of three years, all records including the number and length of each home sharing stay during the past year, and the price paid for each stay. The city shall have the right to inspect these records at all reasonable times.

d. The Host shall fully comply with all the requirements of state and local tax collection requirements.

(d) **Permit and License Issuance.**

(1) Upon satisfactory submission of the required attestations and requested documentation in Sec. 58-302(c), the City may issue an annual Short-Term Home Sharing rental license permit. Said permit shall contain:

a. The address of the short-term rental;

b. The permit holder's name;

c. Permit number, and rental limitations, including bedroom limit and guest occupancy limit;

d. Contact information (name, phone and e-mail) for complaints by guests or neighbors the listed contact information shall be of an individual able to respond on-premises to complaints;

e. Dates the permit is valid.

(2) The permit holder shall provide the valid permit number on any listing advertising or soliciting the property for use as a short-term rental. The permit holder shall only advertise the short-term rental as allowed by their short-term rental permit.

(3) The permit holder shall post the following information in a prominent location in the interior, clearly visible to guests:

a. The permit number;

b. The name and contact information of the owner/operator;

c. The name and contact information of the property manager, if applicable;

d. Occupancy limit;

e. Trash and recycling collection rules and dates; and

f. Additional short-term rental rules and operational standards, including but not limited to: prohibition on the use of the rental for commercial or social events and noise limitations.

(e) **Permit and License Renewal**. The short-term home sharing rental license permit shall be valid one year from the date of issuance. Renewal permits shall be issued in the same manner as initial permits, and requires:

(1) Providing the department an updated copy of any of the documents required by Sec. 58-302(c) if applicable.

(2) A revised attestation, indicating continued compliance with the requirements in Sec. 58-302(c).

(3) A revised list of short-term rental platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.

(4) Proof of payment of all applicable taxes and fees as required by law.

(f) **Permit and License Fees**

(1) A nonrefundable fee for the initial issuance and renewal thereof shall be $750.00

(2) A $7.50 fee for each night of occupancy of a residential dwelling unit used for dwelling, lodging, or sleeping purposes pursuant to a short-term rental, shall be remitted to the city to offset the cost of the enforcement and other costs borne by the city.

(g) **Registration Created**. The City will maintain a registry of information regarding short-term rentals based upon data provided by short-term rental hosting platforms. Each short-term rental hosting platform shall provide the city the following information regarding short-term rentals on a monthly basis:

(1) The name of the person issued the license-permit and their contact information (e-mail address/phone number);

(2) The listing address; and

(3) The tax assessment address (if different than the listing address).

(h) **Short-Term Home Sharing Hosting Platform Requirements**

(1) **Requirements**. In providing the information required by this subsection, the short-term rental hosting platform is not required to provide personally identifiable information.

a. Actively prevent, remove and cancel any illegal listings and bookings of short-term home sharing rentals including where a listing has been offered: without a short-term home sharing rental registration number; by a Host who has more than one listing in the City of Gretna; or, for a rental unit that exceeds 90 days in a calendar year.

b. Provide to the City, within 45 days of the effective date of this Ordinance, contact information for an employee or representative that will respond to

requests for information or verification of violations of this section. Hosting Platforms established after the effective date, provide this information prior to facilitating short-term home sharing rentals to transient guests.

c. In cases where advertisements appear on Hosting Platforms that are not in compliance with this Subdivision, work with the City to investigate and resolve any violations. This includes contacting the alleged violator, particularly in cases where the City is unable to locate them and instructing them to apply for short-term home sharing rental permit. If no response is obtained in a reasonable amount of time, or the Short-Term Home Sharing permit is not applied for within 30 days of the notice, the listing shall be removed from the Hosting Platform

d. Provide to the City, on a monthly basis, a log in an electronic format, including the Short-term home sharing registration number, address of all sites maintained, authorized, facilitated or advertised by the Hosting Platform for transient use during the period, the total number of nights that the residential unit was occupied during the period and the amounts paid for each stay, the total amount of tax collected by the platform and remitted to the City. If the Hosting Platform does not have the technical capability to collect such information, it shall provide written documentation to the City of Gretna within 75 days of adoption of this Ordinance that it either does not participate in the booking of short-term home sharing rentals or provide alternative methods to comply with the intent of this provision, to the satisfaction of the City.

e. If the Hosting Platform collects payment for the short-term home sharing rental, the platform and the Host shall both have legal responsibility for the collection of all applicable state and local occupancy/sales tax and remittance of the collected tax to the City on a monthly basis.

(2) The City shall have the authority to subpoena information from short-term rental hosting platforms. Any such administrative subpoena shall:

a. Be submitted in writing by the City attesting that the city has a reasonable belief based on evidence that a short-term rental may be in violation of this article or of applicable provisions of the City Code;

b. Be sent to the short-term rental hosting platforms via regular and certified mail; and

c. Be related to a specific investigation by the City relating to a single short-term rental that is specifically identified in the subpoena, and alleges the specific violations of this article or of the applicable provisions of the City Code.

(3) The platform shall notify their user of the information requested in the subpoena within ten (10) days of receipt of the subpoena and produce the responsive records within twenty-one (21) days of providing notice to the user, except to the extent that the user has sought relief in a court of competent jurisdiction.

(4) Failure to comply with the subpoena shall give rise to an action in the 24th Judicial District Court seeking compliance and the platform shall be responsible for all court cost, fines and attorney fees required in seeking such compliance

(5) For purposes of this article, short-term rental hosting platforms are defined as any marketplace that facilitates short-term rentals, as defined in the city code, through advertising, matchmaking or other means, from which the platform derives revenues, including booking fees or advertising revenues, from or maintaining the marketplace.

(i) **Prohibitions.**

(1) No Person shall advertise, undertake, maintain, authorize, book or facilitate any renting to transient guests in a manner that does not comply with this section.

(2) No Person shall advertise any home sharing activity without a City issued home sharing registration number included on a visible location on the advertisement.

(3) No Person shall operate home sharing for more than 156 days per calendar year.

(4) No person shall offer a whole home short term rental.

(5) Additional dwelling units, such as a guesthouse, mother-in-law apartment or an unoccupied unit of a multifamily home, may not be used for home sharing.

(6) No Person shall offer or engage in home sharing in any part of the property not approved for residential occupancy, including but not limited to, a vehicle parked on the property, a storage shed, recreation room, trailer or garage or any temporary structure like a tent.

(7) A Host may not rent all or a portion of his home for the purposes of home sharing to more than one group of guests as limited in the definition of Home Sharing in this chapter, under more than one booking, at any given time.

(8) Home sharing is not permitted in units that are subject to affordable housing covenants, are in units subject to any form of government Rent Stabilization and/or are income-restricted under City, state, or federal law.

(9) Non-residential uses shall not be permitted, including but not limited to, sales or exchange of products, parties, functions or events that exceed the maximum number of permitted guests as limited in the definition of Home Sharing in this chapter, events that charge a fee, or the promotion, display or servicing of any product is conducted on the premises.

(10) No Person shall advertise home sharing on a Hosting Platform not included on the home sharing registration form without prior noticing of the Planning, Zoning and Licensing Department and amending of the home sharing application form.

(j) **Suspension and Revocation**. A license permit shall be subject to suspension or revocation by the administration upon good cause, that the short-term rental has engaged in any of the following since issuance of its current license permit:

(1) Failure to comply with the requirements of this chapter or with applicable provisions of this Code.

(2) Refusal and/or failure to remedy building, zoning, or other code violations.

(3) Three (3) or more felony drug-related independent incidents resulting in arrests where the offense occurred on short-term rental property by a guest in a period of one year, except when the arrest is the result of notification to and/or in direct cooperation with law enforcement by lodging accommodation management.

(4) Three (3) or more prostitution-related independent incidents resulting in arrests where the offense occurred on bed and breakfast, hotel, motel, or short-term rental property by a guest in a period of one year except when the arrest is the result of notification to and/or in direct cooperation with law enforcement by lodging accommodation management.

(5) Except when the result short-term rental management notifying or directly cooperating with law enforcement, five (5) or more verified calls for service regarding short-term rentals within a thirty (30) day period regarding the following activities on the property of the bed and breakfast, hotel, motel, or short-term rental: illegal felony drug activity, prostitution, or violent felony crimes.

(k) **Penalties.** Any violation of this article and the correlating provisions in the city code may subject a violator to any remedy, legal or equitable, available to the city. Violations include but are not limited to: advertisement or rental of a short-term rental without proper permitting and licensure, operation outside the scope of any of the applicable short-term rental regulations provided by law, failure to include the license number or property address of a short-term rental unit in any advertisement, and advertising a short-term rental outside the permitted scope of a short-term rental license permit. Remedies include, but are not limited to: revocation of a short-term rental license permit, daily fines, property liens, and the discontinuance of electrical and/or water service. The minimum penalty for operation of a short-term rental in violation of this chapter shall be a six (6) month prohibition of the issuance of a permit license at the offending address. Nothing contained herein shall be construed to limit the legal remedies available to any other person for the correction of violations of this article and the correlating provisions in the City Code.

Sec. 58-303 Commercial Use of Patios and Outdoor Dining Areas

(a) **Generally**. The commercial use of patios and outdoor dining areas is an accessory use to alcoholic beverage sales; on-premise consumption; brewing/ distillery / winery production with on-premise consumption; and restaurant uses of all types. Commercial use of patios and outdoor dining areas is limited to service of food and beverages, and may include occasional live entertainment, as provided in this section.

(b) **Use of Sidewalks**. Outdoor dining areas are not allowed within public easements or rights-of-way unless a permit for use of the public right-of-way is granted by the City for such use.

(c) **Detectable Barrier**. If a patio or outdoor dining area projects from a building, a detectable barrier, which may be movable, that is at least thirty-six (36) inches in height shall enclose the patio or outdoor dining area. Access openings through the barrier shall be at least forty-four (44} inches wide.

(d) **Furnishings**.

(1) Umbrellas may be used to shade tables shall provide at least seven (7) feet of clearance.

(2) No cooking utilities, including grills, shall be permitted in the outdoor dining area. Cooking facilities shall be contained within the principal building unless specific written authorization is granted by the Planning Director for special event.

(3) Appropriate waste receptacles with affixed lids shall be provided.

(e) **Clear Pedestrian Passage**. Outdoor dining areas that are located next to sidewalks or hard-surfaced trails shall leave not less than five (5) feet of clear sidewalk for pedestrian circulation.

(f) **Relationship to Abutting Businesses**. Outdoor dining areas and patios shall not interfere with access or visibility to abutting businesses.

(g) **Hours of Operation**. Commercial use of patios and outdoor dining areas is limited to the hours of:

(1) 7:00 AM to 11:00 PM if the principal use is located more than 600 feet from a residential zoning district; or

(2) 7:00 AM to 10:00 PM if the principal use is located 600 feet or less from a residential zoning district.

(3) All distances shall be measured from the nearest property line of the principal use to the nearest zoning district boundary.

(h) **Live Entertainment**. Amplification shall be permitted only in conjunction with a special events permit.

(i) **Conditions of Approval**. The Planning Director may condition approval of this accessory use upon:

(1) Limiting its extent;

(2) Establishing a certain approved layout, including a maximum number of tables and chairs;

(3) Establishing the range of dates during which the use may operate; and / or

(4) Restricting the piping of music or prohibiting live entertainment.

Sec. 58-304 Commercial Use of Rooftops

(a) **Generally**. Commercial use of rooftops is not allowed except according to the standards of this section. This section does not apply to the use of rooftops for gardening, residential amenities, producing electricity using photovoltaic panels, or producing hot water using solar thermal panels.

(b) **Required Approval**. Commercial use of rooftops may be approved only in the BC-1, BC-2, C-1 or C-2 district. Commercial use of rooftops require site plan (S) or conditional use (C) approval, depending upon the type of use, the proximity to residential uses, and the zones in which the use is located, as set out in Exhibit 58-306.

Exhibit 58-306: Required Approvals for Commercial Use of Rooftops

Type of Rooftop Use	Context	Zoning District			
		BC-1	BC-2	C-1	C-2
Generally (not listed elsewhere in this table)	All rooftop uses that are not listed elsewhere in this table.	C	C	C	C
Special events	Locations that front on a commercial street or are in a historic district.	S	S	S	S
	Buildings that are adjacent to or abut a residential district.	C	C	C	C
Live music	Locations that front on a commercial street, are within a historic district or abut the expressway and do not abut residential district.	S	S	S	S
	Buildings that are adjacent to or abut a residential district.	C	C	C	C
C – Conditional Use S – Supplemental Conditions of this section apply					

(c) **Operations.** The design of rooftop areas that are put to commercial use must take all reasonable efforts to minimize the effect of noise, light, and odor on adjacent properties and on the street and downtown area.

(d) **Amplification.** Amplification shall be permitted only in conjunction with a special events permit.

(e) **Compliance with Building Codes**. Rooftop use design and construction shall comply all applicable building codes (including plumbing codes with respect to rooftop vents), prior to use for commercial purposes.

Sec. 58-305 Amusements and Entertainments

Amusement and entertainment uses, including temporary events, such as circuses, fairs, festivals, and carnivals, and ongoing amusements, such as coin-operated amusement device arcades, bingo halls, and other games of chance shall comply with the provisions of Chapter 6 of the City Code.

Sec. 58-306 Automobile Service Stations/Fuel Sales

Where authorized as a use in a zoning district by right or as a conditional use, filling stations and service stations are subject to the following criteria:

(a) The station's lot or site is not within 100 feet of a residential zoning district;

(b) That no parts or waste material shall be stored outside the building unless enclosed by fence of sufficient height and material to adequately screen the area from public view;

(c) That damaged vehicles awaiting servicing shall be stored in an area enclosed with a solid wood or masonry fence of sufficient height to screen the vehicles from public view;

(d) There shall be a minimum five (5) foot landscape strip along each property line, excluding accessways such as driveways;

(e) All repair shall be conducted within an enclosed garage; and

(f) All display, storage and repair activities shall be in an enclosed structure, except that business vehicles may be stored in an area that is screened.

Sec. 58-307 Bars and Nightclubs

Where authorized as a use in a zoning district as a conditional use, bar rooms, nightclubs and lounges are subject to the following criteria:

(a) **Separation from Other Uses**. Bars and Nightclubs as a principal use, must be a minimum of 300 feet from any religious institution, school, park, playground, or library used measured to the nearest point of the premises to be licensed. The City Council may waive this separation requirement for accessory bars.

(b) **Graffiti Removal**. The owner or operator of the bar, nightclub or lounge shall remove all graffiti from the walls, fences, pavement, buildings, or other structures associated with the business within forty-eight (48) hours of discovery of its appearance on the property.

(c) **Litter Control.** Each day, the owner or operator of the bar, nightclub or lounge shall collect all litter and trash originating from and deposited on the business site and on public property within 200 feet of any boundary of the property upon which the bar, nightclub or lounge is located. The owner or operator of the bar, nightclub or lounge shall provide trash receptacles as required by solid waste regulations set in Section 48-14 of the City Code and shall remove all trash from these receptacles on a daily basis or more frequently if needed to maintain a litter-free environment, and from the sidewalk and public right-of-way adjacent to the property upon which the bar, nightclub or lounge is located.

(d) **Soundproofing.** The owner or operator of the bar, nightclub or lounge shall install soundproofing so that noise does not intrude into surrounding development. Outdoor speakers shall be prohibited except as authorized through a special events permit. Should there be noise complaints, the City police department shall be responsible for enforcement of sound protection for neighboring properties as established in Sections 24-127 through 24-133 of the City Code.

(e) **Vegetation**. No outdoor vegetation shall be planted or maintained that could be used as a hiding place for persons on the premises. Outdoor vegetation shall be planted and maintained in a manner that minimizes its use as a hiding place.

(f) **Loitering**. The owner or operator of the bar, nightclub or lounge shall discourage loiterers and ask persons loitering longer than fifteen (15) minutes to leave the area, and shall contact the City police department for enforcement of applicable trespassing, congregating and loitering laws if persons requested to leave fail to leave.

(g) **Zoning Violation and Revocation of Liquor License**. Failure to comply with any of the criteria listed in this section shall constitute a violation of the UDC and independently or in combination with other violations of City Code may constitute grounds for revocation of an alcoholic beverage license.

(h) **Accessory Bars**. Bars and holding bars shall be allowed as accessory uses to a hotel, restaurant, private club, or fraternal organization, provided the following standards are met:

(1) **Size**. The total floor area of all bars shall not exceed thirty (30) percent of the ground floor area up to a maximum area of 600 square feet of the hotel or restaurant.

(2) **External Entrance**. The bar shall not have a separate external entrance other than emergency exits required by this code.

(i) **Nightclubs**. Nightclubs shall be limited to a maximum seating capacity of forty (40) people at tables, maximum floor area of 2,000 square feet, and a maximum dance floor area of 300 square feet.

(Ord #4897, 12/11/19; Ord. # 4912, 6-22-2020)

Sec. 58-308 Bed and Breakfast Establishments

Where authorized as a use in a zoning district by right or as a conditional use, bed and breakfast establishments are subject to the following criteria:

(a) **Bed and Breakfast Establishments in R-1 Districts.** In R-1 districts, bed and breakfast establishments are only allowed within historic districts adopted by the City.

(b) **Owner Occupancy Required in an R-1 or R-2 District**. Within an R-1 or R-2 district, the bed and breakfast must be a single-family, owner-occupied residence; the individual recorded owner of the property shall be the operator and reside on the premises.

(c) **Employees**. In a R-1 district, with the exception of hired service for normal maintenance, repair and care of the residence, nonresident employees shall only be allowed under the following restrictions:

(1) No more than two (2) employees shall be permitted to work on the premises at any time.

(2) No employee shall be present between the hours of 11:00 p.m. and 6:00 a.m.

(3) Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.

(d) **Number of Guests**. The number of guest rooms shall not exceed one per 750 square feet of the primary residence. In a R-1 district, a maximum of five (5) guest rooms are allowed per establishment.

(e) **Required Parking**.

(1) Parking spaces shall be provided as required in Sec. 58-184.

(2) Parking spaces shall be located outside of required yards and screened from adjacent residentially zoned lots.

(f) **Signage**.

(1) In a R-1 district, an identification sign or name plate shall be permitted up to a maximum of four (4) square feet in sign area.

(2) In other districts, an identification sign or name plate shall be permitted up to a maximum of twelve (12) square feet in sign area.

(g) **Building Design**. The bed and breakfast shall preserve and complement the residential character and integrity of the surrounding neighborhood through the following standards in addition to applicable historic district standards:

(1) Minimum outward modification of the structure may be allowed only if such changes are compatible with the character of the neighborhood;

(2) The exterior appearance of the structure shall not be altered from its single-family character and, with the exception of permitted signs, shall exhibit no outward indication of the business;

(3) If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space at least five (5) years prior to the establishment of the bed and breakfast, it may be included in the operation of the bed and breakfast; and

(h) **Duration of Guest Stays**. The facility shall be limited to providing short-term overnight lodging; guest stays shall extend no more than fifteen (15) consecutive days in R-1 districts and 30 consecutive days in other zoning districts.

(i) **Guest Registration Log Required**. A guest registration log shall be maintained by the owner, including the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by City officials upon request.

(j) **Food Services**. Food services may be provided to overnight guests in all districts where a bed and breakfast establishment is allowed and may be offered to visitors of the bed and breakfast establishment in other districts.

(k) **In-Room Kitchens Prohibited**. Cooking or kitchen facilities shall not be permitted in any of the guest rooms.

(l) **Commercial Activities**. Excluding R-1 districts, commercial type activities including luncheons, banquets, parties, weddings, meetings or other gatherings shall be permitted subject to the provision of adequate parking and any and all other requirements of the City.

(m) **Code Compliance Required.** All applicable building, health, safety and fire codes shall be met.

(n) **Additional Application Requirements**. In addition to general site plan submittals contained in Sec. 58-64, review of the application and site plan shall include, but not be limited to, the following considerations:

(1) Relationship and compatibility of the proposed bed and breakfast to uses of adjacent parcels in the immediate vicinity, together with their scale.

(2) A detailed floor plan of the proposed bed and breakfast.

(3) Location, arrangement, appearance and sufficiency of off-street parking spaces.

(4) Adequacy and arrangement of vehicle access and traffic circulation.

(5) Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or other visual or noise-deterring buffers between the site and adjacent or adjoining uses.

(6) Location, arrangement, size and design of lighting and signs.

(7) Any other matter which may affect the health, welfare and safety of the City and the parcels in the immediate vicinity of the site.

Sec. 58-309 Brewpubs and Microdistilleries

(a) Operators shall obtain required state permits prior to operating a microbrewery as defined by RS 26:241 or micro-distillery as defined by RS 26:2.

(b) Operators shall comply with all applicable State and local laws or permit conditions. Operators of a brewpub shall comply with all State laws for manufacturers or brewers as defined by RS 26:241. Operators of a microdistillery shall comply with all State laws for manufacturers as defined by RS 26:2.

(c) A brewpub may brew beer and other malt beverages in quantities not to exceed twelve thousand five hundred (12,500) barrels per year.

(d) A micro-distillery may distill, make, blend, rectify, or process not more than twelve thousand (12,000) gallons per year.

(e) Not more than fifty (50) percent of the gross floor area of the brewpub or micro-distillery shall the used for production of alcoholic beverages, including, but not limited to, the brewhouse, boiling and water treatment areas, stills, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.

(f) Where permitted by state and federal law, retail carryout sale of beverages produced on a brewpub premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers.

(g) Brewpubs may sell beer in keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) for the following purposes and in the following amounts:

(1) An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers;

(2) An unlimited number of kegs for City co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.

(h) All mechanical equipment visible from the street (excluding alleys), an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.

(i) Access and loading bays shall not face any street, excluding alleys.

(j) Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.

(k) Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.

(l) No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.

(Ord #5003, 4-11-2024)

Sec. 58-310 Convenience Stores

Convenience stores shall meet the following criteria:

(a) **Minimum Separation**. Except in a C-2 district, the minimum distance between any two convenience stores shall be 1,000 feet, measured in a straight line from the property lines without regard to any intervening structures.

(b) **Litter Control**.

(1) Each day the owner or operator of the convenience store shall collect all litter and trash originating from and deposited on the site of the convenience store and public property within two-hundred (200) feet of any boundary of the property upon which the convenience store is located.

(2) The owner or operator of the convenience store shall provide trash receptacles as required by solid waste regulations set in section 48-14 of the City Code and shall remove all trash from these receptacles on a daily basis, or more frequently if needed to maintain a litter-free environment.

(c) **Loitering.** The owner or operator of the convenience store shall discourage loiterers and ask persons loitering longer than fifteen (15) minutes to leave the area and shall contact the City police department for enforcement of applicable trespassing, congregating and loitering laws if persons requested to leave fail to leave.

Sec. 58-311 Day Care Facilities

All facilities authorized by this Chapter shall comply with all applicable City and State rules and regulations.

(a) **Adult Day Care Facilities.** Adult Day Care Facilities shall comply with the following criteria:

(1) A drop off area shall be provided at grade directly adjacent to the entry door and separate from the parking area and street for safe and easy loading and unloading of passengers for facilities serving more than six (6) adults.

(2) In a residential district:

a. The operating hours shall be limited to times between 7:00 a.m. and 10:00 p.m.

b. The number of clients shall not exceed ten (10) individuals.

(b) **Child Day Care Centers**. Child day care centers shall obtain a business license from the City, shall be licensed by the State of Louisiana Social Services department, shall comply with all applicable State rules and regulations, and shall provide a minimum outdoor play area of at least 1,000 square feet, which shall be enclosed by a fence eight (8) feet in height. In a residential district operating hours shall be limited to times between 7:00 a.m. and 10:00 p.m.

(c) **Family Day Care Homes**. Family day care homes must be registered with the State of Louisiana and shall comply with State requirements for operating a family day care home. In a residential district operating hours shall be limited to times between 7:00 a.m. and 10:00 p.m.

(Ord #4955, 2-9-2022)

Sec. 58-312 Drive-Through Facilities

Drive-through uses shall comply with the following criteria:

(a) Traffic queues shall not interfere with pedestrian movement along public sidewalks or create a traffic hazard.

(b) Use of the drive-through service shall not interfere with the use, enjoyment or operations of adjacent properties.

(c) Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district.

(d) If a speaker box faces a residential zoning district, there shall be a fifty (50) foot separation or sound wall between the speaker box and the residential district.

(e) Stacking Lane Requirements.

(1) All uses and facilities providing drive-up or drive-through service shall provide the at least the minimum required vehicle stacking spaces established in Exhibit 58-314.

(2) Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

(3) Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.

(f) A solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting lots or parcels zoned residential purposes to block lights from vehicles in the stacking lanes or drive-through facility.

Exhibit 58-314: Minimum Stacking Space Requirements

Activity	Minimum Required Stacking Spaces	Measured From
Bank teller lane	4	Teller or Window
Restaurant or Beverage Sales, drive-through	4	Order Box to Beginning of Drive Through Lane
Restaurant or Beverage Sales, drive-through	3	Order Box to Pick-up Window
Car wash stall, automatic	5	Stall Entrance
Car wash stall, self-service	2	Stall Entrance
Gasoline Pump Island	2	Pump Island

Sec. 58-313 Event Halls

Events Halls may be authorized by conditional use permit as a primary or secondary use subject to the following conditions, which may be modified through the conditional use permit process:

(a) **Application**: The applicant for a conditional use permit for an events hall shall provide the following information:

(1) A description of the specific types of events proposed to be conducted in the facility,

(2) Services provided for the events, including but not limited to food, beverage, audio visual and staffing;

(3) Frequency of events;

(4) Maximum size of events;

(5) Proposed hours of operation;

(6) Means of complying with Chapter 24, Article V Noise provisions of the City Code;

(7) Building plans showing compliance with adopted building and safety codes;

(8) If food service is provided, kitchen plans demonstrating compliance with applicable health codes;

(9) If alcoholic beverages are to be available at any event, documentation of compliance with applicable local and State laws;

(10) Site plan documenting locations and dimensions of available space for events, signage, outdoor lighting, parking lot design complying with the provisions of this section, any vehicle operational areas for patrons or service providers, and loading zones;

(11) Planting plan showing proposed landscaping and buffering; and

(12) Stormwater management plan.

(b) **Parking**: On-site parking (on the same site, lot, or parcel as the event hall) shall be provided in accordance with Article IV, Division 2 of this UDC at a rate of 1 parking space per 4 people of maximum capacity of the entire facility.

(c) **Access:** The facility shall have direct access to a collector or arterial level street with sufficient capacity to accommodate maximum occupancy of the event hall.

(d) **Uses**: No event hall shall host any event that would be subject to adult use regulations under Chapter 12, Article III of the City Code.

(e) **Food Service**: Preparation and serving of food shall comply with all local and State requirements.

(f) **Alcoholic Beverages**: Compliance with all local and State laws and rules is required If alcoholic beverages are sold, provided, or served for participants in and events.

(g) **Revocation of Conditional Use Permit**: Failure to comply with any of the conditions of this section or the applicable conditional use permit may result in revocation of the permit pursuant to Section 58-63 of this UDC.

(h) **Location:** No event hall shall be located within 300 feet of a residential use or district.

(i) **Outdoor Events:** No outdoor music or amplification shall be allowed unless approved pursuant to a special event permit.

(j) **Event Attendance:** Events open to the general public in exchange for admission or other compensation shall only be authorized subject to issuance of a special event permit.

(Ord. #5003, 4-11-2024)

Sec. 58-314 Food Trucks, Trailers and Carts

Food trucks, trailers or carts providing retail sales of food may be permitted subject to issuance of a special events permit pursuant to Chapter 26 of the City Code.

Sec. 58-315 Hair Care Services

Hair care service as an accessory use in R-1 districts shall be subject the following criteria:

(a) The hair care service shall be an accessory use to a single-family dwelling in the Old Gretna-Mechanickham, or McDonoghville neighborhood overlay district.

(b) The hair care service shall not be provided in an accessory structure unless the Planning Director finds that the lot is in a historic district and has a pre-existing structure that was legally established for a commercial use.

(c) The hair care service shall comprise no more than the lesser of fifteen (15) percent of the total floor area of the dwelling unit or 500 square feet.

(d) The hair care service shall employ only family members residing in the dwelling unit.

(e) In addition to the off-street parking required for the residential use, one off-street parking space or room for one space at a curb abutting the property line shall be provided for the hair care service. The additional off-street parking space shall be located on the same lot as the building to be served and shall not be located in the required front yard.

(f) No exterior indication of the hair care service shall be allowed except permitted signs.

(g) The operator shall maintain and display applicable state licenses on the premises for the duration of the use.

Sec. 58-316 Home Occupations

(a) **Purpose.** The purposes of these regulations are to:

(1) To permit the conduct of home occupations as an accessory use to a dwelling unit, whether owner or renter occupied in an R-1, R-2 or R-3 zoning district;

(2) To ensure that such home occupations are compatible with, and do not have a harmful effect on nearby residential properties and uses;

(3) To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;

(4) To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;

(5) To enable the fair and consistent enforcement of these home occupation regulations; and

(6) To promote and protect the public health, safety and general welfare.

(b) **Performance Standards**. Home occupations may be permitted in any residential zoning district subject to the following criteria.

(1) The operator shall apply for home occupation license prior to establishing the home occupation.

(2) Retail sales are prohibited and goods, stock in trade or other commodities shall not be displayed.

(3) There will be no associated outdoor activities or outdoor storage of materials or equipment related to the home occupation on the premises.

(4) The use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, or unhealthy or unsightly conditions. In addition, any equipment or process shall not create audible or visual interference in any radio or television receivers on any adjacent properties.

(5) Customer hours are limited to the hours between 7 a.m. and 9 p.m.

(6) The use shall not be visibly evident from outside the dwelling except for a sign, as provided by standards contained herein.

(7) Home occupations shall comply with applicable Fire and Building Code standards.

(8) The applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.

(9) Uses shall be conducted entirely within the principal dwelling and shall not be conducted in an accessory structure unless the Planning Director finds has a pre-existing structure that was legally established for a commercial use.

(10) The use shall not exceed the lesser of five hundred (500) square feet or twenty-five (25) percent of the living area.

(11) Not more than two (2) client vehicles may park on the site at one time.

(12) Up to one (1) non-resident on-site employee is allowed.

(13) Construction vehicles, heavy equipment or vehicles requiring a commercial driver's license to operate may not be stored on the site.

(14) Noise levels from the home occupation, shall not exceed a level generated in a typical single-family home.

(15) Off-street parking spaces shall be provided as required for the residential use.

(16) Storage or use of dangerous, combustible or volatile materials shall not be permitted.

(17) Home occupations shall not involve animal grooming, boarding, medical treatment, training or breeding.

(18) For ceramic article manufacture or similar arts and crafts production is allowed as an accessory use to the single-family dwelling and conditioned upon furnishing the Licensing Officer an affidavit, renewable each twelve (12) month period, stating that the person engaged in the manufacture of ceramic articles or similar arts and crafts is in compliance with the following criteria:

a. That no products and/or services of any kind are sold from the premises in an R-1, R-2, or R-3 district.

b. That all activities in connection with the manufacture of ceramic articles or similar arts and crafts are conducted only in an enclosed building.

c. That the maximum kiln size is eight cubic feet and maximum electric or gas consumption intake is 50,000 BTUs or British Thermal Units.

d. That no signs of any type are displayed from the premises.

(c) **Exempt Home Occupations**. The following home occupations, while subject to all applicable home occupation regulations and standards of this section do not require a home occupation permit or business license if all persons engaged in such activities live on the property:

(1) Artists, sculptors, composers not selling their artistic product to the public on the premises;

(2) Craft work, such as jewelry-making and pottery with no sales permitted on the premises;

(3) Home offices with no client visits to the home; and

(4) Telephone answering and message services without non-resident employees.

(d) **Unsafe Home Occupations**.

(1) If, in the opinion of the Planning Director, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Planning Director shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated.

(2) The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice fifteen (15) days, the Planning Director may take any action to make the home occupation and dwelling safe. Costs incurred by the Planning Director, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to this UDC.

(e) **Prohibited Home Occupations**. Except as specifically authorized above, the following home occupations are prohibited:

(1) Animal hospitals;

(2) Physicians, dentists and chiropractors;

(3) Dance studios;

(4) Exercise studios;

(5) Mortuaries;

(6) Nursery schools or day care other than a family day care home;

(7) Public or private clubs;

(8) Motorized equipment and appliance repair shops;

(9) Restaurants;

(10) Stables and kennels;

(11) Automobile repair and paint shops;

(12) Barber shops and beauty parlors, except as authorized in Sec. 58-315;

(13) Body piercing services;

(14) Hotels or motels;

(15) Massage services, except those provided by a Licensed Massage Therapist;

(16) Palm reading and fortune telling;

(17) Tattoo and body art studios; and

(18) Any use that would constitute a nuisance as defined by the City's code of ordinances.

Sec. 58-317 Institutional Care Facilities

(a) **Applicability**. Institutional care facilities include:

(1) Hospitals, clinics and other medical treatment facilities in excess of 10,000 square feet;

(2) Nursing care institutions, intermediate care institutions, handicapped, aged or infirm institutions and child care institutions;

(3) Continuing Care Retirement Communities that provide assisted or graduated care for seniors;

(4) Institutions for the confinement of the mentally ill; and

(5) Single-family and multi-family dwellings used for group homes caring for six (6) or more individuals, any home providing services drug or alcohol treatment or recovery, and halfway houses.

(b) **Generally**. The following standards apply to all institutional care facilities:

(1) Dwellings may be allowed in accordance with the minimum lot area standards of the R-3 zoning district.

(2) Residential building setbacks may be reduced between individual buildings on the interior portion of the facility subject to compliance with applicable Fire Code standards.

(3) Setbacks on the perimeter of the development shall be the same as that for the zoning district in which the facility is located or the abutting district, whichever is greater.

(4) The issuance of a conditional use permit for an institutional care facility shall be conditioned upon the applicant obtaining and maintaining all required state licenses prior to operating the facility.

(5) To prevent a concentration of institutional care facilities in residential neighborhoods, no such facility shall be located within one thousand (1,000) feet of another such facility, measured along a straight line from property line to property line.

(c) **Continuing Care Retirement Communities**. The following standards shall apply to continuing care retirement communities:

(1) Existing continuing care retirement communities that are not authorized by zoning classification shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section. All new or expanded structures for principal or accessory uses shall be located on the existing site. Any expansion to adjacent or contiguous sites outside of the existing

property boundaries will require approval through the Planned Development (PD) zoning process.

(2) PD zoning is required and all facilities shall be approved through the PD approval process.

(3) In addition to the PD approval criteria, the City Council shall find that the proposed development will:

a. Create a more desirable environment than would otherwise be possible under existing zoning and provide a compatible mix of housing types;

b. Enhance the appearance of neighborhood through the preservation of natural features, the provision of underground utilities and the retention of at least twenty (20) percent of the site for open-space/green areas.

c. Be compatible with and will contribute to the stability and vitality of surrounding residential areas and businesses.

d. Not create an undue fiscal burden on existing taxpayers for the provision and maintenance of public facilities and services.

(4) Conveniently located indoor common areas for recreation, social, and dining shall be provided for the residents.

Sec. 58-318 Large-Scale Retail Development

(a) **Purposes.**

(1) To ensure that large scale retail development is compatible with surrounding development;

(2) To ensure that buildings are design for sustainable economic uses; and

(3) To facilitate future redevelopment if such buildings are abandoned.

(b) **Applicability**. The standards of this section shall apply to:

(1) Any new building with a retail business occupying 25,000 square feet or more of floor area;

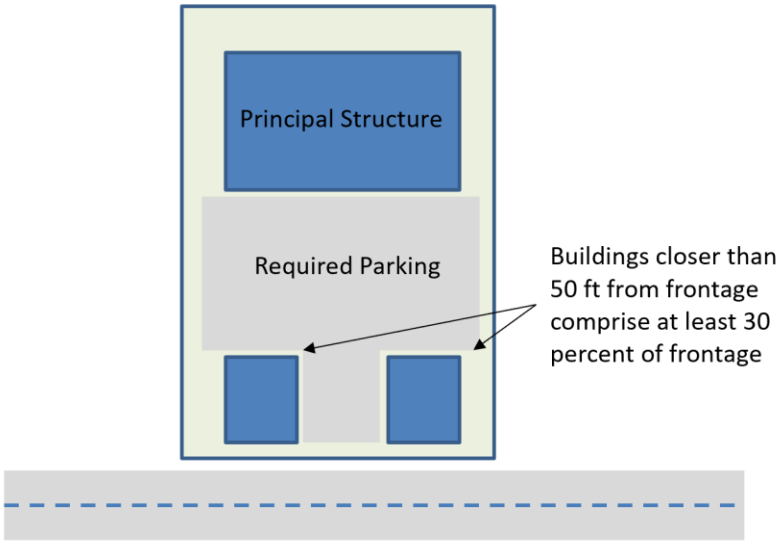
(2) Any new retail building serving 25,000 square feet or more of gross floor area to one or more businesses from a common entry or interior space; and

(3) Any pad site is within or adjoins one a development listed in paragraph (b)(1) or (b)(2) of this section on two or more sides of the parcel on which it is located.

(c) **Design Requirements**. In addition to complying with the use, site and building design standards of this UDC, the following provisions shall apply:

(1) **Building Orientation.** Buildings located along collector or higher order streets shall have primary customer entrances oriented towards those streets and shall not have more than one row of parking between the building and such streets. Where multiple structures existing on a site, buildings located not more than fifty (50) feet from the abutting collector or higher order street to the shall extend across least thirty (30) percent of the width of the lot along said streets (see graphic below).

Liner Buildings to Screen Parking Areas



(2) **Utility Design**. All on-site utilities shall be installed underground.

(3) **Entries**. Building façades shall be designed with entries that are no further than one hundred and fifty (150) feet apart. Building entries should be clearly defined, visible entrances, providing access from the front of the building to the pedestrian zone, and featuring no fewer than three of the following:

a. Canopies or porticos;

b. Awnings;

c. Overhangs

d. Recesses/projections;

e. Arcades;

f. Raised corniced parapets over the door;

g. Peaked roof forms or arches;

h. Outdoor patios; or

i. Display windows.

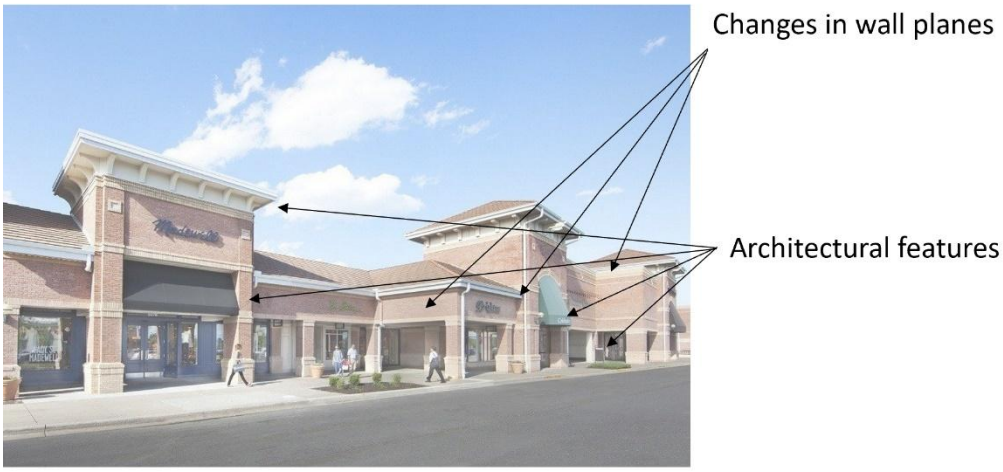
(4) **Building Materials**. Predominant wall materials shall have the appearance of brick, stone, rock, stucco, or materials with similar appearance and durability. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Stucco, stone and cementitious lap siding may be used as accent materials. Materials with the appearance of unfinished concrete block, smooth concrete, corrugated or standing seam metal are prohibited.

(5) **Building Articulation**. Front and street-facing side façades greater than one hundred (100) feet in length, measured horizontally, shall:

a. Incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.

b. Have a change in at least three of the following elements each one hundred (100) feet along all walls facing a public street or internal street: color change; texture change; material change; or architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth.

Examples of Building Articulation



(d) **Rooflines.**

(1) Rooflines shall be varied in height, or at least each one hundred (100) feet along any side of a building facing a street. Hips, gables or changes in parapet elevation shall be used to provide relief in height.

(2) Gable and hip roofs are allowed; parapets shall be used to conceal flat roofs and rooftop mechanical equipment from public view.

(3) The parapet design shall be a minimum of three (3) feet in height and shall incorporate a three-dimensional cornice treatment.

Define Rooflines with Gables and Changes in Parapet Walls

Sec. 58-319 Laundromats

(a) The hours of operation for coin-operated laundromat businesses that are not accessory to multi-family or mixed-use development are hereby established from 6:00 a.m. to 12:00 midnight, seven days per week.

(b) For the purposes of this section, the term "coin-operated laundromat businesses" means commercial businesses which are open to the general public and possess coin-operated clothes washing machines and clothes dryers available for use by the general public.

Sec. 58-320 Manufactured Homes

Manufactured homes and mobile homes shall be subject to the regulations of this section, unless elsewhere allowed as a permitted use in a zoning district.

(a) **Mobile Homes Prohibited**. Mobile homes are prohibited in the City of Gretna. Existing, legally established mobile homes shall be considered non-conforming structures that may only be replaced by a manufactured home, modular home, or other residence allowed in the applicable zoning district.

(b) **Manufactured Homes on Single-Family Residential Lots**. The Planning Director may grant authority for the permanent installation of a manufactured home for single-family residences in any zoning district in which such residences are permitted, provided that it complies with the residential design standards in Sec. 58-111(b).

Sec. 58-321 Medical Marijuana Dispensary

(a) Medical marijuana dispensing facilities shall comply with all State laws and rules for such facilities and shall provide documentation of applicable licenses and approval to the City prior to applying for a business license.

(b) Upon issuance of a business license, the Planning Director may issue a certificate of use for a medical marijuana dispensary subject to compliance with the requirements of this section. The certificate of use shall be valid for one (1) year and may be renewed each year subject to compliance with the requirements of this section.

(c) No medical marijuana dispensing facility shall be located within 1,000 feet of any child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, or religious facility.

(d) The distance from a child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, religious facility, or residential property shall be measured by following a straight line from the nearest point of the respective structure to the front door of the proposed dispensing facility.

(e) Dispensing of, payment for, and receipt of marijuana or marijuana products is prohibited anywhere outside of the dispensing facility, including, but not limited to, on sidewalks, in parking areas, or in the rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit delivery of marijuana or marijuana products to an eligible patient, as permitted by State law or rule.

(f) Consumption of marijuana or marijuana products is prohibited onsite at the dispensing facility, including, but not limited to, in the parking areas, sidewalks, or rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit consumption associated with a dispensing facility employee, trained by a medical professional such as a doctor, nurse, pharmacist, or medical or

physician's assistant, instructing an eligible patient on the mechanism of consumption of medical marijuana or related products, as permitted by state law or rule.

(g) Irrespective of any statutory amendment, facilities dispensing medical marijuana or medical marijuana products shall only be allowed to operate between the hours of 7:00 a.m. and 9:00 p.m. daily.

(h) The medical marijuana dispensary must be established on the premises by a state-approved dispensing organization within 180 days of the date the certificate of use is issued; after 180 days, unless the time period is extended by the Director for good cause shown, the certificate of use shall be null and void and the applicant must re-apply.

(i) Where, pursuant to State law or rule, a civil violation relating to the dispensing medical marijuana or marijuana products has been issued, or the City has determined that a nuisance exists at the dispensing facility, the certificate of use shall be revoked immediately, and a new application may not be made within a period of twelve (12) months.

(Ord. #5003, 4-11-2024)

Sec. 58-322 Mini-Warehouse

Where allowed, mini-warehouse or self-storage facilities are subject to the following criteria:

(a) On corner lots, the structure must be set back twenty (20) feet from front and side lot lines abutting the streets, and landscaping and/or approved architectural treatment is to be provided on the front property line of interior lots and on the side property line of corner lots.

(b) The facility shall be used for individual storage units and may include a caretaker residence and an administrative office for the facility.

(c) The administrative office shall occupy no more than five (5) percent of the ground floor area of the facility.

(d) A caretaker residence may be allowed only where the total floor area is 10,000 square feet or more for the facility.

(e) An allowable caretaker residence shall occupy no more than ten (10) percent of the total floor area and shall not exceed 1,000 square feet.

(f) The maximum height shall not exceed thirty-five (35) feet except within a C-2 or M district.

(g) The storage of hazardous, toxic or explosive materials is prohibited.

(h) Plumbing shall not be extended to individual storage units and plumbing fixtures shall not be installed.

(i) Where the facility is designed such that the openings or access to each individual storage unit faces outward, there shall be a minimum of ten (10) feet of landscaped buffer on the perimeter of the site. Any access road to the individual storage units shall not be included in the required buffer. One (1) tree shall be installed for each twenty (20) linear feet of property on the boundary separating the adjacent uses. A solid-faced masonry or, wooden wall or fence, six (6) feet in height, shall be required between the buffer and the storage units. The decorative side of the fence shall face outward.

(j) Where a facility is located adjacent to property zoned or used for residential purposes, the minimum buffer shall be twenty (20) feet on the perimeter adjacent to the residential use or district. One (1) tree shall be installed for each twenty (20) linear feet of property on the boundary separating the adjacent uses. A solid faced masonry or wooden wall or fence, six (6) feet in height, shall be required. The decorative side of the fence shall face outward.

(k) One (1) way travel aisles that serve individual storage spaces shall include one (1) lane, ten (10) feet wide, for parking and loading and one (1) travel lane that is twelve (12) feet wide.

(l) Two (2) way travel aisles that serve individual storage spaces shall include one (1) lane, ten (10) feet wide, for parking and loading and two (2) travel lanes that are ten (10) feet wide each.

(m) Travel aisles that do not serve individual storage spaces shall be twelve (12) feet wide and are not required to provide a parking and loading lane.

(n) Outside storage areas are prohibited except within an M zoning district.

(o) All electrical, air conditioning or other equipment shall be fully screened. Noise abatement shall be required.

(p) The exterior design of the facility shall be consistent with the building design of the surrounding area, with respect to color, materials and architectural features.

(q) Amplified sound shall not be allowed.

Sec. 58-323 Multi-Family Development Standards

(a) **Applicability.**

(1) The following development standards shall apply to all multi-family development in any zoning district in which such dwelling units are allowed. These standards do not apply to mixed-use structures, three and four-family dwellings in developments on individual lots, or townhome developments.

(2) Except as approved through the PD process, no more than six (6) dwelling units shall be included in a structure.

(3) The development standards in this section may be modified pursuant to PD approval.

(Ord. # 4938, 7-14-2021)

(b) **Building Setbacks, Orientation, Dwelling Unit Size, and Lot Standards.**

(1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.

(2) The minimum spacing between the sides of multi-family residential structures shall be twenty (20) feet.

(3) The minimum dwelling unit size for multi-family dwellings subject to this section is 800 square feet.

(4) Where practical, dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.

(Ord. # 4938, 7-14-2021)

(c) **Building Design.** Buildings in multi-family developments shall:

(1) Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures;

(2) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade;

Variations in color, trim and rooflines combined with building façade articulation.

(3) Locate windows to facilitate surveillance of open spaces and walkways;

(4) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet;

(5) Create areas for foundation planting by keeping hard surfaces away from front façades;

(6) Design entrances to.

a. Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the City Council at the time of planned development approval, no more than four (4) dwelling units shall share a common entrance.

b. Avoid aligning doors to separate dwelling units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other dwelling units, when practical.

c. Provide porches, covered courtyards or other overhangs at building entrances.

Porches and covered balcony provide private open spaces for residents

d. Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries.

e. Provide a private garden, yard, patio or balcony for every dwelling unit.

(d) **Pedestrian Improvements.**

(1) Provide continuous walkways through the project and connecting dwellings to and through common open space.

(2) Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.

(3) Provide storage space for strollers, bicycles, and so forth, close to the main entries of dwellings or groups of dwellings.

(e) **Parking.**

(1) Provide parking in small lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more dwellings.

(2) To the greatest extent practicable, parking shall not separate dwelling units from common open space.

(f) **Open Space**.

(1) Common usable open space shall comprise no less than ten (10) percent of the total project area.

(2) To the greatest extent practicable, dwelling units shall have access to common open space without having to cross a street.

(g) **Play Areas.**

(1) Play areas for young children should be physically separated from potential traffic hazards.

(2) Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.

(3) For developments with more than twenty (20) dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each dwelling unit.

Sec. 58-324 Outside Kennels

Outside kennels used for commercial purposes, where allowed, are subject to the following standards:

(a) No portion of an outside kennel shall be located within 1,200 feet of a residential zoning district.

(b) Outside kennel if located within 2,000 feet of a residential zoning district shall be constructed with sound-deflecting walls that separate the kennel from said district.

Sec. 58-325 Outside Operations

(a) **Outdoor Dining**. Outdoor dining is authorized in the BC and C districts subject to the provisions of Sec. 58-302(a).

(b) **In a BC or C-1 District**. The occupant of premises in a BC or C-1 district may display goods or merchandise outdoors if:

(1) The display or displays are within twelve (12) feet of the entrance to the premises and do not interfere with pedestrian or vehicular movement;

(2) The display or displays do not occupy more than twenty (20) square feet and are no greater than four (4) feet in height;

(3) The display or displays are removed when the premises are not open for business.

(c) **In the C-2 District**. Except as provided above, outdoor display of goods for sale shall be limited to the C-2 district and shall comply with the following standards:

(1) Outdoor display of automobiles and other large vehicles shall be allowed subject to compliance with the landscaping and screening standards for vehicle use areas in Sec. 58-272(f) and applicable stormwater management standards.

(2) All other outdoor displays shall be limited to the displays within areas that are enclosed by walls or fences and located behind the front building line.

(d) **In a M-1 or M-2 district**, outdoor operations areas shall be screened in accordance with Chapter 58.Article IDivision 8.

(Ord #4897, 12/11/19)

Outdoor Display Screened Behind Front Building Line

Sec. 58-326 Outside Storage

Outdoor storage, where allowed, is subject to the following standards:

(a) No articles, goods, materials fixed machinery or equipment, vehicles, trash, animals or similar items shall be stored, kept in the open or exposed view from adjacent sites, streets or sidewalks.

(b) In BC and C zoning districts, outdoor storage areas shall be fully enclosed by a brick, masonry, wooden or solid face fence or wall not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward. (see Chapter 58.Article IDivision 8 fencing and screening for additional requirements.)

(c) In M districts, outside storage and operations shall be screened by a combination of solid fences or walls made of wood, brick, or masonry, berms and plantings. The screen must be of such height that all outside storage is screened from public view. No sheet metal fence shall be allowed. (see Chapter 58.Article IDivision 8 fencing and screening for additional requirements.)

(d) Storage abutting properties zoned for residential use shall provide the required buffer between the fence and the property line.

(e) The buffer that is otherwise required shall be increased in width by twenty (20) percent between outside storage areas and the property line and comply with Sec. 58-262.

(f) Leasing of space for outside storage of recreational vehicles and boats shall be limited to the M districts.

(Ord #4955, 2-9-2022)

Sec. 58-327 Outdoor Vending Machines

(a) Vending machines shall comply with the provisions of Chapter 12, Section 12-4 of the City Code.

(b) No food or drink vending machines shall be permitted to be located on the exterior of the structure.

[Note: See section 10-10(c) of the City Code for rules related to use of a temporary portable storage units and containers.]

Sec. 58-328 Recreational Vehicle, Motor Home, Trailer and Boat Parking

Recreational vehicles, motor homes, travel trailers, and boats may be stored in an R-1 or R-2 district subject to the following conditions:

(a) The vehicle shall be stored behind the front building line; and

(b) No vehicle may be inhabited while parked in an R-1 or R-2 district.

(Ord. # 4912, 6-22-2020)

Sec. 58-329 Religious Institutions

(a) **In R-1 and R-2 Districts**. No new religious institution may be established in the R-1 or R-2 zoning districts. Existing institutions may continue to operate as non-conforming uses but may not expand beyond the lots owned or occupied by the institution at the time of adoption of this UDC. Accessory uses must be conducted within the boundaries of the current property. Parking needs exceeding the demands of parking available at the time of adoption of the UDC may be satisfied by leasing off-site parking spaces existing at the time of UDC adoption.

(b) **In R-3, BC-1, BC-2, C-1, and C-2 Districts**. For religious institutions and related uses in R-3, BC-1, BC-2, C-1 and C-2 districts, the building of a new facility, expansion of an existing facility or the establishment of the use within an existing structure shall trigger compliance with applicable parking requirements.

(Ord. # 4912, 6-22-2020)

Sec. 58-330 Sexually Oriented Businesses

Sexually-oriented businesses shall comply with the provisions of Chapter 12, Article III of the City Code.

(Ord. # 4912, 6-22-2020)

Sec. 58-331 Shopping Cart Management

(a) **Intent and Declaration of Nuisance**

(1) The City has determined that the unauthorized removal of shopping carts, or parts thereof, on public and private property from retail establishments constitutes a nuisance, creates potential hazards to the health and safety of the public, and interferes with pedestrian and vehicular traffic. The accumulation of wrecked, dismantled, and abandoned shopping carts on public and/or private property creates conditions that reduce property values and promote blight and neighborhood deterioration within the City.

(2) The intent of this Section is to ensure that shopping cart owners take measures to prevent the removal of shopping carts from business premises, to make the removal of shopping carts a violation of this code and to facilitate the retrieval and return of lost, stolen, or abandoned carts.

(b) **Applicability**. The provisions of this section shall apply to all new development, redevelopment, or newly established retail business that provides six (6) or more shopping carts for use by its customers. Existing businesses at the time of this ordinance adoption shall comply with this section within three (3) months.

(c) **Definitions**

(1) “Abandoned cart” shall mean any shopping cart that has been removed without written permission of the cart owner or on-duty manager from the premises of

the business establishment, regardless of whether it has been left on either private or public property.

(2) "Business premises" shall mean the entire area owned and used by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the cart owner for customer parking.

(3) "Cart owner" shall mean any person or entity, who, in connection with the conduct of a business, owns, leases, possesses, uses, or otherwise makes any cart available to customers or the public.

(4) "Qualified cart retrieval service" shall mean a City approved commercial service operated by a third party and paid by a cart owner to retrieve and return shopping carts.

(5) "Shopping cart" or "cart" shall mean a basket which is mounted on wheels or a similar device provided by a business establishment for use by a customer for the purpose of transporting goods of any kind, including, but not limited to, grocery store shopping carts. This definition shall exclude from enforcement under this chapter those devices which do not have a basket mounted on wheels in which goods can be placed for transport.

(d) **Shopping Cart Identification Signs**

(1) Each cart owner shall post and maintain a sign at each customer pedestrian exit at the owner's establishment which meet all of the following minimum specifications:

a. Meet or exceed eighteen inches in width and twenty-four inches in height.

b. Using block lettering not less than one-half inch in width and two inches in height, contain a statement to the effect that unauthorized removal of a shopping cart from the business premises, or possession of a shopping cart in a location other than on the business premises, is a violation of City Code.

c. List a local or toll-free telephone number for shopping cart retrieval.

d. Cart removal warning signs shall not constitute "signs" for the purpose of calculating maximum allowable signage under this UDC.

e. The signs shall be conspicuously and prominently displayed on the interior walls of the building within two feet of each customer pedestrian exit.

(2) Each cart owner shall include clearly legible information on each shopping cart readily identifying its owner.

(e) **Shopping Cart Containment Plan Required**

(1) An approved shopping cart containment plan is required prior to issuance of a certificate of occupancy or operation of an applicable business.

(2) Each cart owner must contain all shopping carts on the business premises at all times, subject to the exceptions set forth in paragraph (f) of this Section.

(3) Every cart owner shall operate and maintain a shopping cart containment program pursuant to a shopping cart containment plan that contains all of the following provisions:

a. Name of the Owner. The name of the business owner, the physical address of the owner's establishment, and the name, address and phone number(s) if different from the business owner.

b. Inventory of Carts. A complete inventory of carts maintained on or in the business premises.

c. Cart Identification. Shopping cart identification requirements pursuant to paragraph (d) of this Section.

d. Loss Prevention Measures. A description of the specific measures that the cart owner shall implement to prevent cart removal from the business premises. These measures may include, but are not limited to:

1. Placing signs directing customers not to remove the shopping carts from the business premises without express written consent of the cart owner;

2. Using courtesy clerks to accompany customers and return the carts to the owner's establishment;

3. Using security personnel to prevent shopping carts from being removed from the business premises or requiring a security deposit for use of a cart;

4. Providing small, two-wheeled shopping carts that a customer may rent or purchase for the customer's personal use;

5. Providing a neighborhood shuttle or other service to transport purchased goods for a customer;

6. Installing on shopping carts electronic disabling devices, such as wheel locks, which disable the cart upon crossing a barrier at the perimeter of the business premises;

7. Installing barriers on carts or at the doors, near the loading areas, or at other defined perimeters of the business premises to prevent the passage of a cart beyond such barrier; or

8. Other means of preventing shopping carts from removal from the business premises.

(f) **Permission for Cart Removal from Business Premises**. No person shall be deemed to be authorized to remove a shopping cart from the business premises unless such person possesses express written authorization from the cart owner. Written permission shall be valid for a period of time not to exceed forty-eight (48) hours. A contract between the cart owner and a person to provide repair or maintenance of the owner's carts constitutes express written authorization for such person to remove the owner's carts for the purpose of repair or maintenance, and such carts are not subject to off-site time limitations.

(g) **Cart Containment Plan Review Fees**. A cart owner must submit a shopping cart containment plan that complies with the requirements established in paragraph (f) of this Section, and any amendments to a shopping cart containment plan previously approved. The cart owner shall pay a fee upon submitting the plan or plan amendment

for review of the plan or plan amendment in an amount established by resolution of the City Council.

(h) **Shopping Cart Retrieval—Registration and Records Required.** Any person or business who engages in shopping cart retrieval must be registered with the City so as to provide contact names and phone numbers to city enforcement staff. Each shopping cart retrieval business shall retain records showing written authorization from the shopping cart owner, or any agent thereof, to retrieve the cart or carts and to be in possession of the cart or carts retrieved. A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart retrieval and presented to enforcement personnel upon request.

(i) **Cart Containment Plan Approval, Conditional Approval or Denial.**

(1) The Planning Director shall approve, conditionally approve, or deny a proposed shopping cart containment plan, and shall notify the cart owner of such decision within thirty (30) days of receipt of the plan and payment of required review fees. If approved, the cart containment plan shall be implemented by the cart owner prior to issuance of a certificate of occupancy.

(2) A shopping cart containment plan or an amendment to a plan may be approved subject to conditions, or denied based upon one or more of the following grounds:

a. Implementation of the plan violates any provision of the building, zoning, health, safety, fire, police, or other provision of this code or any county, state or federal law which substantially affects public health, welfare, or safety;

b. The plan fails to include all of the information required by this Section;

c. The plan is insufficient or inadequate to prevent removal of shopping carts from the business premises as evidenced by data regarding the cart owner's abandoned shopping carts;

d. The plan fails to address any special or unique conditions due to the geographical location of the business premises as they relate to cart retention and prevention efforts;

e. Implementation of the plan violates another provision of City Code; or

f. The cart owner knowingly makes a false statement of fact or omits a material fact required to be submitted for the plan, or for any amendment to the plan or in any other information required by the City.

(3) Within thirty (30) days of the written decision of the Planning Director that a plan or amendment is incomplete or denied, the cart owner shall submit a revised or complete plan, or the application is considered denied.

(4) The Planning Director may revoke any prior approval of a plan based on one or more of the grounds listed in paragraph (i)(2) of this Section.

(j) **Shopping Cart Retrieval**. The City may retrieve an abandoned cart from public property (or private property with the consent of the property owner) in the following circumstances:

(1) Where the location of the shopping cart will impede emergency services;

(2) When the abandoned shopping cart does not identify the owner of the cart, as required in paragraph (d) of this Section; or

(3) When the shopping cart is in a public right-of-way.

(k) **Impound, Retrieval, and Administrative Costs and Fines**

(1) In the event the City retrieves a shopping cart, the city shall notify the cart owner or the responsible party of the following:

a. The location of the shopping cart(s); and

b. How the shopping cart(s) may be retrieved.

(2) Failure to retrieve the shopping cart(s) may result in the sale or destruction of the impounded shopping cart(s), and that the cart owner will be responsible for the City's costs.

(3) In addition to an impound fee, the City may fine owners fifty (50) dollars per cart.

(4) If the shopping cart does not provide adequate identification or markings to determine its owner, the City shall only be required to notify the cart owner if the City obtains actual knowledge of the cart owner's identity.

(5) The City shall impose an impound fee on each cart owner seeking to retrieve an impounded shopping cart. The amount of the impound fee shall be set forth in a resolution adopted by the City Council. Notwithstanding the provisions of paragraph (l) of this Section, the City shall not release an impounded shopping cart to the cart owner unless the owner pays all applicable administrative citation and impound fees.

(l) **Exemptions**. No fee shall be levied against:

(1) A cart owner who installs and maintains a security system that causes a wheel of the shopping cart to lock when the conveyance is moved across an antenna located at the perimeter of the establishment's parking area.

(2) A business that owns or maintains five (5) or fewer shopping carts for use by customers.

(m) **Disposition of Carts After Thirty Days**. If a shopping cart is not retrieved by its owner within thirty (30) days after the cart owner has received notice of the cart being impounded, or if the cart's owner cannot be determined within thirty (30) days after the cart has been impounded, the cart may be sold or destroyed by the city, its agents, or contractors.

(Ord. # 4967, 8-10-2022) [Note: scrivener's error in Section 58-239(b) corrected 1/12/24]

Sec. 58-332 Short Term Loans, Check Cashing, Pawn Shops and Precious Metals Purchasing

Establishments that offer check-cashing, short-term loans, pawn shops or precious metals purchase, excluding FDIC insured banks or credit unions are limited to the C-2 district and shall meet the following criteria:

(a) The minimum distance between any two short-term loan stores or businesses that purchase precious metals shall be 2,500 feet, measured in a straight line between the nearest property lines.

(b) All state regulations, particularly with respect to pawn shops and money-lending standards, shall be met.

(c) Short-term loan and check cashing establishments shall post their interest rate and fees for loans clearly near the entrance of the facility.

(d) Pawn shops and purchasers of precious metals shall retain photographs of all purchased jewelry and copies of photo identification of sellers for not less than sixty (60) days. Said purchase documentation shall be available for inspection by the Gretna Police Department.

(Ord. # 4912, 6-22-2020)

Sec. 58-333 Special Events.

Special events and amusements shall comply with the provisions of Chapter 26 of the City Code.

(Ord. # 4912, 6-22-2020)

Sec. 58-334 Telecommunications, Towers, Antennas and Related Structures and Uses

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

(1) *Antenna* means a device, dish, or array used to transmit or receive telecommunications signals.

(2) *Communications tower* as used in this article shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

(3) *Height* of a communication tower is the distance from base of the tower to the top of the structure.

(4) Telecommunications as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(Code 1997, § 102-295; Ord. # 3147, § I, 4-14-1997)

(b) **Communications Tower and Antenna Permitted As Conditional Use**. A communications tower and/or antenna may be permitted upon determination that all the applicable conditions in this section are met.

(1) Districts in which conditional uses are permitted; height limitations.

a. **Business and commercial districts**. Freestanding or guyed tower with heights not exceeding 180 feet is permitted as a conditional use BC-1, BC-2, C-1, C-2 districts.

b. **Industrial districts.** Freestanding or guyed tower with is a conditional uses in a M-1 or M-2 district.)

c. **Residential Districts**. Commercial towers and antennas are prohibited in all residential districts. (Districts designated R-1, R-2, R-3)

(2) **Application requirements**. The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted must file an application accompanied by a fee of $200.00 and the following documents, if applicable:

a. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and materials.

b. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure.

c. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers, which are reflected in public records, serving any property within the city.

d. A report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222, latest revision, standards.

e. Identification of the owners of all antennae and equipment to be located on the site.

f. Written authorization from the site owner for the application.

g. Evidence that a valid FCC license for the proposed activity has been issued to the applicant.

h. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential district.

i. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

j. Evidence that applicable conditions in paragraph (c) of this section are met.

k. Additional information as required to determine that all applicable zoning regulations are met.

(Code 1997, § 102-296; Ord. # 3147, § II, 4-14-1997; Ord #4897, 12-11-19)

(c) **Conditions**. Applicant must show that all applicable conditions are met.

(1) The proposed communications tower, antenna, or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

(2) Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's

technical design requirement without unreasonable modifications on any existing structure or tower under the control of applicant.

(3) Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

(4) Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

(5) Applicant must show that all applicable health, nuisance, noise, fire, building, and safety code requirements are met.

(6) A non-self-supporting communications tower must not be painted or illuminated unless provided by state or federal regulations.

(7) A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

(8) Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the zoning official a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in a form approved by the City Attorney.

(9) Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

(10) A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25 percent of the tower height, whichever is greater.

(Code 1997, § 102-297; Ord. # 3147, § III, 4-14-1997)

(d) **Abandonment**. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the zoning official, who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to:

(1) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or

(2) Dismantle and remove the tower. At the earlier of 181 days from the date of abandonment without reactivation, or upon completion of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire.

(Code 1997, § 102-298; Ord. # 3147, § IV, 4-14-1997)

(e) **Exceptions.** If additional tower height is requested, total tower height will not exceed 150 percent of the maximum height permitted in the district as a conditional use. Applicant must demonstrate that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the City.

(Code 1997, § 102-299; Ord. # 3147, § V, 4-14-1997)

(f) **Additional Requirements.** Additional conditions may be established by the city zoning official as deemed necessary to remove danger to health and safety and to project adjacent property.

(Code 1997, § 102-300; Ord. # 3147, § VI, 4-14-1997)

(g) **Denial of permit**. The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.

(Code 1997, § 102-301; Ord. # 3147, § VII, 4-14-1997)

Sec. 58-335 Temporary Buildings and Temporary Construction Uses

(a) **Generally**. Temporary buildings and temporary construction uses shall meet the applicable standards of this section.

(b) **Location and Operations**. The location, hours of use, operational limitations, and durations of temporary buildings and temporary construction uses are set out in **Exhibit 58-331**.

(c) **Additional Standards Applicable to Concrete, Mortar, and Asphalt Batching Operations**. The City Engineer shall review all applications for concrete, mortar, and asphalt batching operations, as well as operations to prepare demolished concrete for recycling (breaking up and washing), for compliance with the following standards and shall make a recommendation to the Planning Director.

(1) The applicant shall provide a written agreement and advance surety in the amount of 125 percent of the estimated site restoration cost to ensure complete site restoration upon the facility's dismantling or revocation of the permit, plus the estimated road restoration / replacement costs along anticipated principal truck routes. This amount shall be approved by the City Engineer.

(2) If deemed necessary by the City Engineer, the property access shall be controlled by special traffic markings and / or signalization at the applicant's expense. Instances warranting such traffic improvements may include locations at busy intersections or other areas where interference with primary traffic from trucks would be extensive.

(3) A stormwater management permit and a site restoration plan may be required for sites where clearing grading is proposed.

(d) **Extension of Approvals**. Approvals pursuant to this section may be extended upon demonstration of good cause, appropriate maintenance, extension of any required surety, and diligent pursuit of the purposes for which the uses were established. All applications for renewal of a temporary use permit issued pursuant to this section shall be submitted to the Administrator at least ten (10) working days before the expiration of the permit.

Exhibit 58-331: Temporary Structures and Temporary Construction Uses

Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use
Temporary Structures / Construction Uses				
Concrete, mortar and asphalt batching or reclamation operations	Must be located at least 500 feet from residential zone boundaries or property lines of lots that are used for residential purposes (measured as the shortest linear distance from the edge of the operation and the boundary or property line). Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	8:00 AM to 8:00 PM if any residential district is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	The facility shall be used only for a project within the City of Gretna	Established by conditional use permit approval, but will coincide with the use of the facility for a specified construction project.
Temporary construction yard	Within 1/2 mile of the construction to which the construction yard relates. Must be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.	8:00 AM to 8:00 PM if any residential district is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations.	The facility shall be used only for a construction site in the City of Gretna	Established by conditional use permit approval, but will coincide with the use of the facility for a specified construction project.
Temporary Building / Construction Uses				
Temporary manufactured buildings	On a lot or parcel proposed for development, set back as required for principal buildings, if possible. Alternative locations may be approved as part of a construction staging plan if there is no reasonable alternative location that complies with the required setbacks.	Not limited. However, the temporary manufactured building may not be used as a residence.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team; a security office; or as temporary office or classroom space. Restroom facilities shall be provided on properties that use temporary buildings, unless they are only used for storage.	No limit for public schools; construction-related facilities shall be removed prior to certificate of occupancy for last building; other buildings shall be removed within two years from date of permit.
Model homes and on-site real estate offices	On lot or parcel proposed for development	NA	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria. Restroom facilities shall be provided in or within 100 feet of model homes or on-site real estate offices.	On-site real estate offices in temporary buildings shall be removed upon completion of the model home(s) or suitable permanent floor area on-site.

Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use
Temporary Storage Containers and Dumpsters				
Temporary storage containers	On a parcel or lot served by the temporary storage container. No encroachment onto lawn areas or sidewalks is permitted. No encroachment onto lawn areas or sidewalks is permitted.	NA	NA	Up to five (5) days if located in a residential driveway or concurrent with a valid building permit; temporary storage containers shall be located in side and rear yards whenever feasible..
Temporary dumpsters	On single-family detached, duplex, single-family attached, or multiplex residential property, must be located on the lot using the dumpster (or a comparable location approved by the property owners' association in the case of a condominium), set back at least one ft. from the property line on a hard surface. On nonresidential, multifamily, or mixed-use property, dumpsters shall be located behind buildings (where possible) and shall not obstruct required parking areas.	NA	All refuse shall be contained within the dumpster, and shall be secured if necessary to prevent it from being removed from the dumpster by wind or wildlife.	If used for construction or renovation, may remain in place for one (1) week after the permit is closed. If used for other purposes, up to 10 days.
TABLE NOTES: NA = Not Applicable				

(Ord. # 4912, 6-22-2020; Ord. # 4913, 8-12-2020)

Sec. 58-336 Three and Four-Family Dwellings

(a) **Description**. Three and four-family dwellings include a variety of products that include dwelling units that are arranged horizontally, vertically, or both horizontally and vertically. The units may be attached or clustered as cottages around a common courtyard.

(1) Triplex dwellings include three (3) dwelling units that are arranged with common walls between the units.

(2) Small multiplex dwellings include three (3) or four (4) dwelling units where one (1) or more dwelling unit is located on a second floor of the dwelling.

(3) Cottage courts include two (2) to six (6) detached single-family dwelling units on a single lot.

Sample Images of Three and Four Family Dwellings

Triplex

Small Multiplex

Cottage Court

(b) **Where Allowed**. Each of these dwelling types may be established in a R-3, BC-1 and C-1 zoning district subject to compliance with the standards in this section.

(c) **Development Standards**. Development standards shall comply with the provisions of Exhibit 58-332. Setbacks and buffers shall comply with applicable R-3 zoning district standards.

Development Standard	Dwelling Type		
	Triplex	Small Multiplex	Cottage Court
Minimum Lot Area	5,500 sq.ft.		
Maximum Height	2 stories	2 stories	1.5 stories
Minimum Unit Size	800 sq.ft.	800 sq.ft.	800 sq.ft.
Minimum Building Separation	Not applicable	Not applicable	10 feet.
Minimum Rear or Side Open Space/ Courtyard Depth & Width	300 sq.ft. per unit with minimum dimension of 15 feet	300 sq.ft. per unit with minimum dimension of 15 feet	300 sq.ft. per dwelling/ courtyard shall have minimum dimension of 20 feet
Entrance Orientation	Separate entrances for each unit facing a public street and common area	At least one entrance for the dwelling facing the public street and one entrance facing the common area.	Main entrance facing the common courtyard area.
Porches	Minimum 5 ft, by 5 ft. covered porch for street facing entrance	Minimum 6 ft. depth and 12 ft. width covered porch for street facing entrance	Minimum 5 ft, by 5 ft. covered porch for courtyard facing entrance

(Ord. # 4912, 6-22-2020)

Sec. 58-337 Townhouse and Rowhouse Dwellings

(a) **Description**. For the purposes of this section, townhouses and rowhouses are family dwellings constructed in a series of groups including two (2) to six (6) dwelling units with common walls. Dwelling units are typically on separate lots but may be located on a common lot for condominium developments.

(b) **Where Allowed**.

(1) Townhouse and rowhouse dwellings may be permitted in a R-2 two-family residential district, provided no more than two (2) townhouse units are grouped in one building,

(2) Townhouse and rowhouse dwellings may be permitted in a R-3 multiple-family residential district or BC-1 or C-1 neighborhood commercial district, subject to the provisions of this section.

(c) **Minimum Lot Area**.

(1) Lots occupied by townhouse dwellings in an R-2 district shall contain an area of not less than 1,750 square feet, a width of not less than eighteen (18) feet, and a depth of not less than ninety (90) feet per dwelling unit.

(2) Lots occupied by townhouse dwellings in a R-3 multiple-family residential district shall contain an area of not less than 1,350 square feet, a width of not less than 18 feet, and a depth of not less than 75 feet per dwelling unit.

(d) **Minimum Floor Area**. The minimum floor area of a townhouse dwelling unit shall be 1,000 square feet. These minimum floor areas exclude the area of accessory structures and attached garages.

(e) **Minimum Separation**. No portion of a townhouse dwelling or accessory structure in or related to one group of contiguous townhouses shall be closer than ten (10) feet to any portion of a townhouse or accessory structure related to another group, and each group of townhome dwellings shall be located on a separate lot of record.

(f) **Individual Townhouse Lots**. A townhouse dwelling and the individual lot it occupies may be sold separately if separate utilities systems are provided and if a separate lot of record is provided for each dwelling unit in a group.

(g) **Parking.** On-site parking shall be provided pursuant to Division 2 of Article IV of this UDC and the following provisions:

(1) Parking shall be provided from the rear of the units from an alley or private drive.

(2) Parking may be provided in a carport, attached garage, detached garage or hard surfaced parking pad.

(3) If provided in a carport, detached garage, or hard-surfaced parking pad, a green area a minimum of nine (9) feet in depth shall be provided between the off-street parking and the principal structure. The greenspace shall consist of grass, trees and shrubs and may contain a small walkway connecting the off-street parking to the residence. Other than the walkway, which may be covered, no impervious surfaces shall be permitted in the required green area.

(4) The off-street parking shall be located no less than twenty (20) feet from the rear property line.

(5) On through lots with double frontage on improved public rights-of-way, the off-street parking may be located no less than ten (10) feet from the rear property line.

(6) Off-street parking structures for townhouse development may share a common center wall.

(7) A servitude of passage shall be imposed on the private drive to ensure free access and unobstructed route for all of the property owners served by the private drive.

(8) Off-street parking area shall be strictly limited to the storage of vehicles and shall not at any time be converted to any other use or used for any other purpose.

(h) **Title restrictions**. Title restrictions shall be recorded in favor of the City with the clerk of court and included in all official City ordinances, permits and documents required to effectuate the development. A certified copy of said title restrictions shall provide to the City with the following provisions:

(1) A legal description and stamped survey of the petitioned property and the servitude of passage imposed on the private drive.

(2) A declaration attesting that no parking of any kind shall be permitted on the private drive.

(3) A declaration attesting that the required off-street parking area shall be strictly limited to the storage of vehicles and shall not at any time be converted to any other use or used for any other purpose.

(i) **Front Yards**. The front setback area shall consist of landscaping and may include walkways, steps and decorative fencing. The decorative fencing shall be constructed of wood, masonry or metal no greater than four (4) feet in height, including any chain wall. Welded wire and chain-link fencing shall not be considered decorative for the purposes of this article and shall not be permitted under this provision.

(j) **Townhouse Design**.

(1) Not more than eight (8) townhouse units shall be grouped in one building.

(2) The facades of dwelling units in townhouses shall be varied by building articulation or changes in front yard depths of not less than two (2) feet and variation in materials or design so that no more than two (2) abutting units will have the same front yard depth.

Building articulation creates visual interest

(3) On the street side of the corner lot, the side yard shall be no less than five (5) feet. However, a side yard of three (3) feet may be approved if the City Engineer certifies that sufficient public right-of-way exists to ensure proper visual clearance and public safety.

(4) All structures in the district shall employ architectural styles from historic periods in the development of southeast Louisiana, including, but not limited to, French Colonial, Greek Revival, Gothic Revival, Italianate, Georgian Colonial, Neoclassical Revival, Tudor and Spanish Colonial. The Planning & Zoning Commission or City Council may approve other architectural styles through the major site plan approval process.

(Code 1997, § 102-85; Ord. # 3555, § II, 12-12-2005; Ord. # 4912, 6-22-2020)

Sec. 58-338 Vehicle Sales Lots

Sales of automobiles, motorcycles, recreational vehicles and watercraft shall be subject to the following conditions:

(a) The minimum lot size shall be one hundred (100) feet in width on the front property line and fifteen thousand (15,000) square feet in area.

(b) There shall be a completely enclosed building on the lot, which is a minimum of one thousand two hundred (1,200) square feet in gross floor area.

(c) An automotive sales dealer may have automotive leasing as an accessory use.

(d) An automotive sales dealer or automotive rental agency may have repair services as an accessory use.

(e) Outdoor display areas of vehicles are not required to be screened as outside storage but shall be considered a vehicular use area for purposes of planting requirements in Sec. 58-272(f).

(f) No outdoor displays shall be permitted in required planting areas.

(Ord. # 4912, 6-22-2020)

Sec. 58-339 Veterinary Clinics

(a) Veterinary clinics shall be located a minimum of 100 feet from any residentially zoned lot as measured between the nearest property lines and shall not be allowed to board animals. All facilities and operations shall be located and conducted within an enclosed building.

(b) Veterinary clinics or that provide boarding of animals shall be:

(1) Located in an M-1 district and at least 1,000 feet from a residentially zoned lot as measured between the nearest property lines if outdoor kennels are provided.

(2) Located in a C-2 or M-1 district and at least 500 feet from a residential zoning district if no outdoor kennels are provided.

(Ord. # 4912, 6-22-2020)

Sec. 58-340 Warehousing

In any BC or C district, warehousing and storage may be approved as an accessory use to a commercial use under the following conditions:

(a) The use may only be conducted in an existing structure designed to accommodate warehousing;

(b) An accessory storage/warehousing use utilizes less than fifty (50) percent of the square footage of the structure.

(c) The site shall comply with the planting requirements of Sec. 58-272 to the greatest extent practicable as determined by the Planning Director;

(d) Entries shall be designed to comply with the requirements of the applicable zoning district;

(e) Storage of flammable or hazardous materials as defined in Chapter 24 of the City Code shall be prohibited;

(f) Parking shall be provided for the commercial use in accordance with the provisions of Article IV, Division 2, but is not required for the warehouse use; and

(g) Outdoor storage shall be prohibited.

(Ord #4955, 2-9-2022)

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ARTICLE VI: NON-CONFORMITIES

Division 1. General Provisions 381
Sec. 58-380 Purposes 381
Sec. 58-381 Applicability 382
Sec. 58-382 Continuation 382
Sec. 58-383 Repairs and Maintenance 382
Sec. 58-384 Costs and Values 382
Sec. 58-385 Tenancy and Ownership 383
Sec. 58-386 Expansion or Redevelopment of Non-Conformity 383
Sec. 58-387 Conditions Applicable. 384
Sec. 58-388 Determination of Non-conformity Status 384
Sec. 58-389 Termination of Non-conformities 384
Sec. 58-390 Accessory Uses. 384
Sec. 58-391 Abandonment. 385

Division 2. Non-Conforming Uses 385
Sec. 58-392 Applicability 385
Sec. 58-393 Continuance and Expansion 385
Sec. 58-394 Change of Use 385

Division 3. Non-conforming Lot or Site 386
Sec. 58-395 Applicability 386
Sec. 58-396 Generally 386
Sec. 58-397 Change in Use for a Non-Conforming Lot 386
Sec. 58-398 Uses for Non-conforming Lots 386

Division 4. Non-Conforming Structures 386
Sec. 58-399 Applicability 386
Sec. 58-400 Continuance and Expansion 387
Sec. 58-401 Termination of Non-Conforming Structures 387
Sec. 58-402 Exception for Repairs Pursuant to Public Order 387
Sec. 58-403 Incomplete Construction 388
Sec. 58-404 Proposed Construction 388
Sec. 58-405 Non-Conforming Signs 390

Division 1. General Provisions

Sec. 58-380 Purposes

(a) The purpose of this article is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use prior to the adoption of this article or prior to any amendment to this article that otherwise renders such use unlawful.

(b) A non-conforming use or structure that was legally established prior to the adoption of this article shall be allowed to continue to operate under the provision of law under which the non-conforming structure or use was established so long as the non-

conforming use or structure is not in violation of such provision of law, the adoption of this chapter notwithstanding.

(c) Nothing in this chapter prohibits the voluntary compliance with any future ordinance, regulation, or incentive.

(d) Modifications to non-conforming situations, shall be required to comply with standards of this UDC in effect at the time of the modification unless specifically exempted in this UDC or otherwise approved by the City.

Sec. 58-381 Applicability

This division applies to any non-conformity. There are three categories of non-conformities established within this chapter, defined as the following:

(a) Non-Conforming Use - A use that was lawfully established but no longer complies with the use regulations applicable to the use or the zoning district established in this UDC.

(b) Non-Conforming Lot or Site - A lot, parcel or development site that was lawfully created but no longer complies with the development standards established in this UDC.

(c) Non-Conforming Structure - A structure that was lawfully erected but no longer complies with the use or development standards established in this UDC.

Sec. 58-382 Continuation

On or after the effective date of this UDC, a non-conformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this UDC.

Sec. 58-383 Repairs and Maintenance

(a) Incidental repairs and normal maintenance of non-conforming structures or land shall be permitted unless such repairs increase the extent of non-conformity or are otherwise expressly prohibited by this UDC.

(b) Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

(c) Any repair that exceeds fifty (50) percent of the replacement value of the structure being repaired is deemed to be a major repair and shall require the property to be brought into conformity unless the City Council authorizes the expansion pursuant to a conditional use permit for the entire lot or parcel on which the structure is located prior to the repair. Public education and medical institutions are not subject to this limitation on major repairs.

Sec. 58-384 Costs and Values

(a) Costs in this chapter are the fair market value of the materials and services necessary to accomplish the work.

(b) Costs shall include the total cost of the work, including incremental work that is conducted under one or more permits or development approvals within any twenty-four (24) month period.

(c) Appraised value shall mean either the appraised value of the improvement for property tax purposes or the valuation determined by a professionally recognized appraiser.

Sec. 58-385 Tenancy and Ownership

The status of a non-conformity is not affected by changes of tenancy, ownership or management.

Sec. 58-386 Expansion or Redevelopment of Non-Conformity

(a) **Expansion Limited**. Except as otherwise provided herein, no non-conformity may be expanded or redeveloped unless a variance is granted to allow a non-conforming site or structure, the property is rezoned to a district that allows the non-conforming situation or a conditional use permit is granted to allow the non-conforming use on the site pursuant to Sec. 58-63.

(b) **Criteria for Conditional Use Permit, Generally**. In addition to the criteria required to be met for a conditional use permit, the following criteria shall apply to the issuance of a conditional use permit for the expansion of a non-conformity:

(1) The termination of such non-conformity will result in unnecessary hardship;

(2) The continuation of the non-conformity will not be contrary to the public interest;

(3) The continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

(4) Any redevelopment of a non-conforming structure or structures, whether supporting a conforming or non-conforming use results in a substantial betterment of existing conditions on the site.

(5) The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies;

(6) The plight of the applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district;

(7) The continuation of the non-conformity will not substantially weaken the general purposes of this UDC or the regulations established for the applicable zoning district;

(8) The continuation of the non-conformity will not adversely affect the public health, safety, and welfare; and

(9) Mere financial hardship caused by the cost of meeting the requirements of the UDC does not constitute grounds for finding that compliance is not reasonably possible.

(c) **Criteria for Conditional Use Permit for Non-Residential Use**. In addition to the criteria in paragraph (b), the following criteria shall apply to the issuance of a conditional use permit for the expansion of a non-residential non-conformity:

(1) The change or expansion is compatible with the surrounding uses of land and is beneficial to the health, welfare and safety of the community;

(2) All non-conforming signs shall be brought into compliance with the requirements of this UDC;

(3) Unsightly or unsafe conditions on the site have been or will be mitigated pursuant to the conditional use permit;

(4) Outdoor storage, displays, or operations shall comply with the terms of this UDC;

(5) The expansion does not increase the degree of non-conformity of the property due to the setback, height, parking or landscaping requirements of this UDC.

(d) **Conditions**. The right of non-conformities to expand is subject to regulations for stormwater management, the maintenance of the premises and lot or site, and conditions of operation as may, in the judgment of the City Council, be reasonably required for the protection of adjacent property.

Sec. 58-387 Conditions Applicable.

Any conditions attached to any rezoning, conditional use permit, variance, or zoning permit or any other or development approval issued under any previously enacted zoning regulations, subdivision, or any other provision of this UDC shall continue to apply to the proposed use and shall be enforceable. Such conditions may be waived if an application is approved pursuant to this chapter whereby the applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

Sec. 58-388 Determination of Non-conformity Status

The burden of establishing the non-conformity status of a use, structure or land shall be upon the owner of the claimed non-conformity and not upon the City.

Sec. 58-389 Termination of Non-conformities

(a) **Violation of Article**. The violation of this article shall immediately terminate a non-conformity.

(b) **Specific Acts of Termination**. Any of the following specific acts of termination shall immediately terminate any rights to continue a non-conformity without further action by the City:

(1) Changing a non-conformity to a conforming situation; or

(2) Abandonment of a non-conforming use for a period of one hundred eighty days (180) or more.

(c) **Partial Vacancy Excluded**. For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this Article, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building for one hundred and eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained.

(d) **Appeals.** A property owner who feels that a non-conforming use has been incorrectly terminated may appeal the determination through the process established in Sec. 58-66.

Sec. 58-390 Accessory Uses.

No use that is accessory to a principal non-conforming use shall continue after such principal use has ceased or terminated.

Sec. 58-391 Abandonment.

(a) If a non-conformity is abandoned for one hundred eighty (180) days, any future use of such premises shall be in conformity with the provisions of this UDC.

(b) Abandonment of a non-conformity shall terminate the right to continue the non-conformity.

(c) For purposes of this ordinance, rental payments or lease payments and taxes shall not be considered as a continued use, and the disconnection of utilities shall constitute a means of establishing the commencement of the abandonment of the use of the development site.

Division 2. Non-Conforming Uses

Sec. 58-392 Applicability

This section applies in addition to the provisions of Division 1 of this article to the continuation, enlargement, or expansion of a non-conforming use.

Sec. 58-393 Continuance and Expansion

(a) A use may be continued and extended throughout the structure, provided that no structural alterations or additions to the structure, except those made in conformance with law or ordinance.

(b) This section shall not be construed as prohibiting additions to or reconstruction of any single-family dwelling regardless of the zoning district in which such dwelling is located, nor shall any provision of this chapter be construed as prohibiting the construction of any use that is accessory to a dwelling unit regardless of the zoning district in which the dwelling is located.

(c) A non-conforming use may be continued or expanded if a property is rezoned to allow for the use or if the City grants a CUP pursuant to Sec. 58-386.

Sec. 58-394 Change of Use

The provisions of this section apply unless the City grants a CUP pursuant to Sec. 58-386.

(a) **Changes to Conforming Uses**. Any non-conforming use may be changed to a use conforming with these regulations established for the district in which the non-conforming use is located, provided, however, that a non-conforming use so changed shall not in the future be changed back to a non-conforming use.

(b) **Limitations on Changing Non-Conforming Uses**. All changes of non-conforming uses shall conform to all development standards established in this UDC.

(c) **Changes to Other Non-Conforming Uses**. A non-conforming use may be changed to another non-conforming use by order of the Planning Director, provided that the new use is determined to be more consistent with the spirit of the UDC, the neighborhood, and the Comprehensive Plan. A non-conforming use that is changed to another non-conforming use shall not be changed back to the former non-conforming use.

(d) **Re-establishment of a Non-Conforming Use**. If a non-conforming use has been terminated, the City may approve the reuse of a structure for a non-conforming use pursuant to Sec. 58-386 if, in addition to the other findings of that section, it determines

that the structure is not a nuisance, the structure cannot be reasonably be used for a conforming use, and the proposed adaptive reuse of the structure and associated site improvements are a betterment to the existing situation.

(Ord #4897, 12/11/19)

Division 3. Non-conforming Lot or Site

Sec. 58-395 Applicability

This section applies to the continuation, enlargement or expansion of a non-conforming lot or site.

Sec. 58-396 Generally

A substandard lot includes any lot that fails to comply with the buffer, setback, and bulk regulations of the zoning district. This section does not require the replatting or combination of platted lots under same ownership that is protected by state vested rights law.

Sec. 58-397 Change in Use for a Non-Conforming Lot

No existing structure located on a non-conforming lot or site shall be changed from one use classification to another use classification unless:

(a) The lot or site is brought into conformance with the provisions of this UDC;

(b) The Planning Director determines that the use is substantially similar or less intensive in its operational characteristics, including, but not limited to the intensity of activity, traffic generation or parking demand; or

(c) A variance has been approved by the Planning & Zoning Commission.

Sec. 58-398 Uses for Non-conforming Lots

(a) **Single-Family Dwellings**. Vacant non-conforming lots may be developed with one single-family dwelling and accessory structures, provided that such development complies with applicable use requirements of this UDC, the Planning Director grants administrative relief pursuant to Sec. 58-86, or a variance is obtained from the Planning & Zoning Commission.

(b) **Other Uses**. Vacant non-conforming lots may be developed with uses other than single-family dwellings as may be allowed in the underlying zoning district, provided that such development complies with all requirements of this UDC, the Planning Director grants administrative relief pursuant to Sec. 58-86, or the Planning & Zoning Commission approves any variances required for the development.

(c) **Prohibition on Reduction of Size**. A non-conforming lot may not be further reduced in size unless the Planning Director determines that a lot line adjustment or other minor subdivision will result in a net reduction in the level of non-conformity for the affected lots or the reduction improves the functionality of the affected properties.

Division 4. Non-Conforming Structures

Sec. 58-399 Applicability

This section applies in addition to the provisions of Division 1 of this article to the continuation, enlargement, or expansion of a non-conforming structure.

Sec. 58-400 Continuance and Expansion

(a) Subject to all limitations in this article, any non-conforming structure may be occupied, operated, and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended by more than five (5) percent of gross floor area except pursuant to Sec. 58-386. Any expansion comprising five (5) percent or less of the gross floor area or less shall comply with applicable setback and design standards.

(b) The City may approve the adaptive reuse of a non-conforming structure that cannot reasonably be used for a conforming subject to the provisions of Sec. 58-386 and the findings that the structure is not a nuisance, and the proposed adaptive reuse of the structure and associated site improvements are a betterment to the existing situation.

(c) A non-conforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the non-conforming structure is located. Such enlargement shall also be subject to all other applicable City ordinances and provisions of this UDC.

(d) A conforming structure in which a non-conforming use is operated shall not be enlarged or extended except pursuant to Sec. 58-386.

(Ord #4897, 12/11/19)

Sec. 58-401 Termination of Non-Conforming Structures

(a) **Damage to Structures**. Subject to the provisions of Sec. 58-386 the right to operate and maintain any non-conforming structure except a detached single-family structure shall terminate and shall cease to exist whenever the non-conforming structure is damaged in any manner and from any cause whatsoever, and the cost of repairing such damage exceeds fifty (50) percent of the replacement cost of such structure on the date of such damage.

(b) **Obsolescence of Structure**. The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure becomes obsolete or substandard under any applicable ordinance of the City, and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the replacement cost of such structure on the date that the proper official of the City determines that such structure is obsolete or substandard.

(c) **Determination of Replacement Cost**. In determining the replacement cost of any non-conforming structure, the cost of land or any factors other than the non-conforming structure itself shall not be included.

Sec. 58-402 Exception for Repairs Pursuant to Public Order

Nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

Sec. 58-403 Incomplete Construction

Construction may be completed on any structure legally under construction upon adoption of this UDC, provided that the construction is completed within two (2) years of the effective date of the event that lead to the non-conformity. Action on such Development approvals shall be taken by the Planning Director within thirty (30) days from the date of application. The Planning Director shall deny the development approval upon a finding that the construction will not meet the requirements of the building, fire protection or minimum housing codes of the City. If the development approval is refused, the construction work shall cease until necessary corrections are made.

Sec. 58-404 Proposed Construction

(a) Proposed construction may be completed upon a finding by the Planning Director that:

(1) Sufficient evidence exists that a valid development approval or permit was obtained from the City and was validly in place on the date of the event causing the non-conformity.

(2) Construction has begun at least one hundred eighty (180) days following the effective date of this chapter.

(3) The permits were validly issued and remain unrevoked and unexpired.

(b) If a development is designed to be completed in stages, this section shall apply only to the particular phase under construction.

(c) Neither this ordinance nor any amendment to it shall, without the consent of the property owner, affect any lot with respect to which a building permit has been issued pursuant to City Code prior to the enactment of the ordinance making the change so long as the building permit remains valid, unexpired and unrevoked.

(d) For any project that doesn't comply with paragraph (a) of this section, all work on any non-conforming project shall cease on the effective date of this Chapter and all permits previously issued for work on non-conforming projects may begin or may be continued only pursuant to a conditional use or sign permit issued in accordance with this section by the individual or entity authorized by this UDC to issue permits for the type of development proposed. The permit issuing authority shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this UDC and thereby would be unreasonably prejudiced if not allowed to complete the project as proposed. in considering whether these findings may be made, the permit issuing authority shall be guided by the following, as well as other relevant considerations:

(1) All expenditures made to obtain or pursuant to a validly issued and unrevoked building, zoning, sign or conditional use permit shall be considered as evidence of reasonable reliance on the land use law that existed before this chapter became effective.

(2) Except as otherwise provided, no expenditures made more than one hundred eighty (180) days before the effective date of this chapter may be considered as evidence of reasonable reliance on the land use law that existed before this UDC

became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.

(3) To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

(4) To the extent that a non-conforming project can be made conforming and that expenditures made or obligations incurred can be effectively used in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.

(5) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of the total estimated cost of the proposed project and the ordinary business practices of the developer.

(6) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.

(7) Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the permit issuing authority may still find that that the person acted in good faith if there is no evidence of a deliberate attempt to circumvent the effects of the proposed ordinance. The permit issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that:

a. At the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed or it was not clear that the proposed ordinance would prohibit the intended development and

b. The developer had legitimate business reasons for making expenditures.

(8) In deciding whether a permit should be issued under this section, the permit issuing authority shall not be limited to either denying a permit altogether or issuing a permit to complete the project (or phases, sections or stages thereof) as originally proposed or approved. Upon proper submission of plans by the applicant, the permit issuing authority may also issue a permit authorizing a development that is less non-conforming than the project as originally proposed or approved but that still does not comply with all the provisions of the ordinance making the project non-conforming.

(9) When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make show substantial compliance with the preceding requirements. In determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a non-conforming

project, the permit issuing authority shall consider the following in addition to other relevant factors:

a. Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural or engineering work.

b. Whether any improvements such as streets or utilities have been installed in phases not yet complete.

c. Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.

(e) The permit issuing authority shall not consider any application for the permit authorized by this paragraph (b) of this section that is submitted more than sixty (60) days after the effective date of this UDC. The permit issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.

(f) The Planning Director shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for non-conforming projects or in regard to which a non-conforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than fifteen (15) days before the effective date of this chapter.

(g) The permit issuing authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible before the effective date of this chapter so that construction work is not needlessly interrupted.

Sec. 58-405 Non-Conforming Signs

Regulations addressing non-conforming signs are located in Sec. 58-201 of this UDC.

ARTICLE VII DEFINITIONS

Sec. 58-420 Generally 391
Sec. 58-421 Rules of Construction 391
Sec. 58-422 Responsibility for Interpretations....391
Sec. 58-423 Abbreviations 392
Sec. 58-424 Definitions 392

Sec. 58-420 Generally

The text within the UDC shall control where there is any conflict between text within the UDC and any caption, illustration or graphic presentation. Unless prohibited by context, reference to any article, section or paragraph shall include all portions of that article, section or paragraph.

Sec. 58-421 Rules of Construction

(a) Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.

(b) In computing any period of time prescribed or allowed by the UDC, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than ten (10) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(c) A word importing the masculine gender only shall extend and be applied to female persons and to firms, partnerships and corporations, as well as to male persons.

(d) The words "may" and “should” are always permissive and never mandatory.

(e) The words "shall," “must,” and “will” are always mandatory and not merely permissive.

(f) The word "month" shall mean thirty (30) calendar days.

(g) The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

(h) Whenever the UDC refers to a specific portion of the Code of Ordinances or the UDC itself, that reference shall include any subsequent amendment to the referenced portion or any subsequent provision superseding the provision.

(i) The terms "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the term "existing" as applied to any use, structure, or development includes the words "existing on the effective date of this UDC."

Sec. 58-422 Responsibility for Interpretations

All interpretations shall be the responsibility of the Planning Director.

Sec. 58-423 Abbreviations

As used in this UDC, the following abbreviations shall have the meanings assigned to them in this section.

1. **CUP** – Conditional Use Permit
1. **DRC** – Development Review Committee
2. **GIS** – Geographic Information System.
3. **HDC** – Historic District Commission
4. **LaDOTD** – Louisian Department of Transportation and Development
5. **LBCS** – Land Based Classification Structure
6. **Sq.Ft. –** square feet
7. **TIA** – Traffic Impact Analysis
8. **UDC** – Unified Development Code

Sec. 58-424 Definitions

1. **Abutting –** adjoining and contiguous with a parcel as established herein.
2. **Accessory Building** - a structure having one or more walls and a roof that is detached from a principal building on the same lot which is incidental and subordinate to the principal building or use.
3. **Accessory Dwelling Unit** – a dwelling unit that is accessory to a single-family dwelling that may be attached or detached, and is offered for occupancy for rent, lease or other financial arrangement.
4. **Accessory Structure** - a subordinate structure on the same lot as the principal or main building or use, occupied or devoted to a use incidental to the principal use. Note that all accessory buildings are accessory structures, but an accessory structure such as a detached carport with no walls is not considered to be an accessory building.
5. **Accessory Use** - a use of land or of a building or any portion thereof which is incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
6. **Adjacent –** abutting or located within 100 feet of the property line of a parcel or structure as established herein.
7. **Adult Cabaret** - any place or establishment which features dancers, go-go dancers, exotic dancers, male or female impersonators or similar entertainers or any live entertainment and which excludes minors or from which minors are prohibited by statute or ordinance. Businesses licensed to sell alcoholic beverages and businesses without such license may be classified as an adult cabaret.

8. **Adult Day Care Facility** - any place owned or operated for profit or nonprofit by a person, society, agency, corporation, institution, or any group wherein two (2) or more functionally impaired adults who are not related to the owner or operator of such agency are provided with adult day health care services. This center type will be open and providing services at least five continuous hours in a 24-hour day.

9. **Adult Establishment** - any place, establishment or business which offers, advertises or sells explicit or sexually oriented material and must limit the public display of such material to restrict access by minors to such explicit material.

10. **Alley** - a service way providing secondary public access to abutting property, not intended for general traffic circulation.

11. **Alteration** - any change because of new construction, repair or maintenance, which changes the architectural integrity of an historic district, building or landmark.

12. **Amusement and Recreation Services** - establishments engaged in providing amusement or entertainment for a fee or admission charge including dance halls, studios, theaters, and musical establishments; bowling alleys, billiard and pool establishments; commercial sports arenas, rings, public golf courses and coin operated devices; amusement parks, membership sports and recreation clubs; amusement and bathing beaches and swimming pools; riding academies, horse show facilities and carnival operations.

13. **Apartment** - one or more rooms with private bath and kitchen facilities comprising an independent, self-contained unit in a building containing more than two dwelling units.

14. **Applicant** - the person authorized to submit an application pursuant to this UDC, includes the record owner of the site and/or buildings located thereon, the lessee thereof or a person holding a "bona fide" contract to purchase same, or agent authorized by the owner of the site subject to an application.

15. **Application** – the digital or hard copy form required by the City administration for consideration of a development approval pursuant to this UDC.

16. **Automobile Sales** - the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles, including any warranty repair work and other repair service which may be conducted as an accessory use.

17. **Bail Bond Establishment** - any business that offers security in exchange for the temporary release and due appearance in court of alleged criminals in five or more cases in one year.

18. **Bar** - premises used primarily for the sale or dispensing of alcoholic beverages or liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use. A bar may also be referred to as a lounge or nightclub.

19. **Bed and Breakfast** - an owner-occupied single-family residence in a historic district having public lodging rooms and facilities for pre-registered transient guests.

20. **Berm** - mounds or walls of earth molded into landforms within a landscaped area and covered with plant material or durable mulch so that bare soil is not visible. Earth berms are used for screening and buffering and should be constructed so as to prevent soil erosion.

21. **Betterment** - a change of use, rearrangement of property lines, change in site or building design, or other modification in the design or use of a site that results in an improvement to the public health, safety, or welfare, while also improving the site's compatibility with abutting properties. Betterments may include, but are not limited to enhanced landscaping, better building design, changes in location or conduct of uses, increased setbacks, improved buffering or screening of a use, or significant reduction in the overall non-conformity of a site.

22. **Billboard** - an outdoor advertising sign that is supported by uprights or braces and that is not an accessory sign relating to a business activity, use or service undertaken on the premises on which it is placed. A billboard advertisement does not necessarily relate to a product sold, handled or fabricated on the same premises upon which it is placed. The billboard's function is to produce revenue for its owner or lessee by advertising a product, service, business, profession, enterprise or industry which may be provided by someone other than such owner or lessee. A billboard is so designed that its advertisement can be changed with relatively minimal effort. A billboard may be illuminated or non-illuminated, and it may be computer operated. Billboards are also referred to as "off-premises signs."

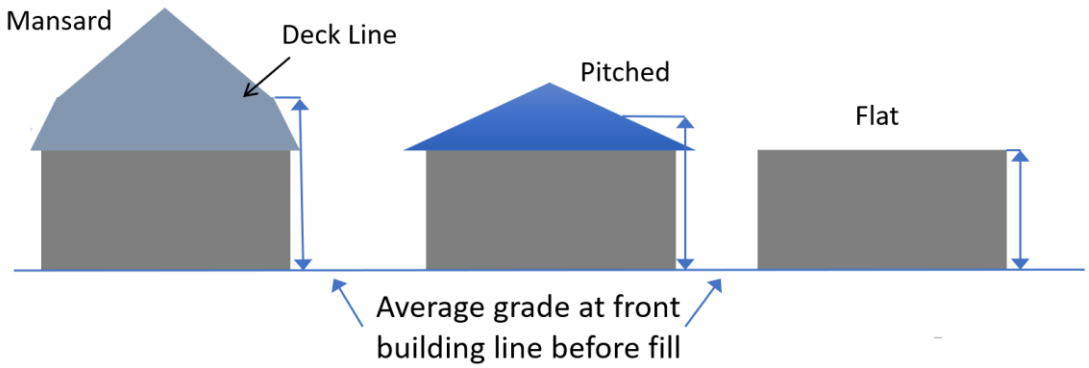
23. **Brewing Facility -** an establishment that brews beer and other malt beverages for the primary purpose of selling the brewed product for resale and that is authorized to sell or serve to the public beer or other malt beverages brewed at the facility for consumption on or off the licensed premises pursuant to State law.

24. **Brewpub -** A brewpub is primarily an eating and drinking establishment (restaurant) with a microbrewery on the premises that produces beer, ale, or other malt beverages, and where the majority of the beverage produced is consumed on the premises. This classification allows a brewpub to sell beer at retail and/or act as wholesaler for beer of its own production for off-site consumption, with applicable State licenses.

25. **Buildable Area** - the area of a lot remaining after the minimum yard and open space requirements have been met.

26. **Building** - any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind; it includes any structure or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof."

27. **Building Height** - The height of a building is the vertical distance measured from the average pre-construction grade at the front of the building or structure before any fill has been added to the site, to:
    a. **For Pitched Roofs**: The midpoint between the highest ridge and the lowest eave in the same roof plane as the highest ridge. For purposes of this provision, if one or more stories are located between the highest ridge and the lowest eave, height shall be measured at midpoint between the top plate of the highest finished floor, or ceiling if there is no top plate, and the highest ridge.
    b. **For Mansard Roofs**: The deck line, which is the line of the where the pitch changes above any windows or openings.
    c. **For Flat or Gambrel Roofs**: The highest point of the coping.
    d. **For Roofs with Parapets**: The highest point of the parapet.



(Ord #4897, 12/11/19)

28. **Building Official -** the person appointed by the Mayor to fulfill the responsibilities of the Building Official established in this UDC or the Official's designee.

29. **Building, Accessory** - a subordinate structure on the same lot as the principal or main building or use, occupied or devoted to a use incidental to the principal use.

30. **Business Core District –** includes the BC-1 and BC-2 zoning districts.

31. **Cafeteria** - a restaurant at which patrons serve themselves at a counter, taking the food to the tables to eat.

32. **Carport** - a canopy or shed, attached to the main building, open on two or more sides, for the purpose of providing shelter for one or more vehicles.

33. **Carport, free-standing** – a canopy or shed that is not attached to the main building, is open on two (2) or more sides, and is intended to provide shelter for one or more vehicles.

Illustrative Examples of a Carport and a Free-Standing CarportCarport

Free-Standing Carport

34. **Cemetery** - land used or intended to be used for the interment of human remains, including, but not limited to, a burial park, mausoleum, columbarium, chapel, administrative office and greenhouse when used in conjunction with, accessory to and within the boundaries of a cemetery. For purposes of this chapter, a tomb, vault, headstone, statuary, burial marker and similar items used to denote a burial site shall be considered a structure.

35. **Certificate of Appropriateness –** development approval required prior to doing major or minor work on an historic structure or site.

36. **Child Day Care Center** - Any place or center operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven (7) or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least 12 1/2 hours in a continuous seven (7) day week. For purposes of this UDC, an Early Learning Center as defined by the State shall be considered a Child Day Care Center.

37. **City** – the City of Gretna, Louisiana

38. **City Attorney - Planning Director or Director –** the person appointed by the Mayor to fulfill the responsibilities of the Planning Director established in this UDC or the Director's designee.

39. **City Code** – the code of ordinances adopted by the City of Gretna

40. **City Council** - an elected board of individuals residing in each of the districts defined for the City, including one at-large representative for the City as a whole, elected by the public to implement City policy.

41. **City Engineer –** the person appointed by the Mayor to fulfill the responsibilities of the City Engineer established in this UDC or the Engineer's designee.

42. **Clinic -** an establishment used by physicians, surgeons, dentists, physical therapists, psychiatrists, or practitioners in related specialties, where patients who are not lodged overnight are admitted for examination and treatment.

43. **Commercial District –** includes the C-1 and C-2 zoning districts.

44. **Comprehensive Plan** – the City of Gretna's adopted Comprehensive Plan, including maps, area plans and facility master plans that are adopted as part of the Comprehensive Plan.

45. **Concept Plan -** documents for initial development approval in the process of securing subdivision approval.

46. **Conceptual Development Plan –** documents for initial development approval in the process of securing planned development approval.

47. **Conditional Use** - a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the UDC and authorized by the City Council.

48. **Construction** - the erection of any on-site improvements on any parcel of ground.

49. **Construction Plans –** design documents describing infrastructure improvements that are a required pursuant to the subdivision or site development processes.

50. **Convenience Store** - any retail establishment selling prepackaged food products, household items, newspapers, magazines, sandwiches and other freshly prepared foods, such as salads, and which may include the sale of alcoholic beverages for off-site consumption.

51. **Demolition** - the complete, partial or constructive removal of a building from any site.

52. **Development -** process or result of construction, reconstruction, site improvement, installation of improvements, establishment of a temporary or accessory improvement or structure or other modification to land or a body of water. Development includes but is not limited to new development and redevelopment.

53. **Development Approval –** the granting of approval or conditional approval of a development application pursuant to this UDC.

54. **Development, New** – development of essentially vacant land, regardless of whether preexisting improvements have been removed from such land.

55. **Distill, distilling, and distilled -** the process of producing liquor by distillation through one or more stills located at a licensed premises as part of a distiller's process of engaging in the material and essential aspects of manufacturing the distilled spirits for human consumption.

56. **Distribution Station** - an establishment for the disbursement of motor and other fuels for wholesale trade.

57. **District or Zoning District** - a part, zone or geographic area within the City within which certain zoning or development regulations apply.

58. **Drive-in or Drive-Through Use** - an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

59. **Dwelling** - any building, which is designed and used exclusively for human habitation and other residential purposes. For the purpose of this chapter, such building shall have a minimum area of 800 square feet; is prohibited from having interior keyed access living space; and must be constructed according to adopted Building Codes of the City.

60. **Dwelling, Four-Family** - a building designed for or occupied exclusively by four families.

61. **Dwelling, Multiple-Family** - a building designed for or occupied exclusively by five or more families.

62. **Dwelling, Single-Family** - a building designed for or occupied exclusively by one family.

63. **Dwelling, Three-Family** - a building designed for or occupied exclusively by three families.

64. **Dwelling, Townhouse** - a single-family dwelling forming one of a group of two or more attached single-family dwellings separated from one another by party walls without doors, windows or other provisions for human passage or visibility through such walls from any point.

65. **Dwelling, Two-Family or Duplex** - a building designed for or occupied exclusively by two families.

66. **Dwelling Unit.** A structure or portion of a structure that includes a sleeping area, bathroom, and food preparation area including a stove, oven or range top.

67. **Economic Return** - the capacity of a building to generate revenue in the form of fair market rents. When the fair market rents less expenses for a building equal zero, the building shall be considered incapable of generating any net economic return on its value.

68. **Educational Institution** - a college or university authorized by the state to award degrees.

69. **Encroachment** - any protrusion of a vehicle outside of a parking space or accessway into a landscaped area.

70. **Erect** - to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

71. **Escort** - a person who, for compensation, agrees or offers to engage in any of the following acts: (1) Act as a social companion, guide, or date for another person. (2) Privately to model lingerie with the intention of and for the purpose of providing sexual stimulation or sexual gratification to the customer. (3) Privately to disrobe for another person with the intention of and for the purpose of providing sexual stimulation or sexual gratification to the customer. (4) Agrees to come to a specified location for the purpose of disrobing and for the purpose of providing sexual stimulation or sexual gratification to the customer. (5) To perform a massage where one or more of the persons is nude, seminude, or in a state of nudity, or for the purpose of providing sexual stimulation or sexual gratification to the customer.

72. **Escort Agency** - a person or business association who, whether on or off the licensed premises, furnishes, offers to furnish, or advertises to furnish escorts, as defined herein, for compensation.

73. **Exterior** - all outside surfaces of any building.

74. **Exterior Architectural Features** - exterior elements, including, but not limited to, the architectural style, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, and signs.

75. **Façade** - the exterior wall of a building exposed to public view or the wall viewed by persons not within the building.

76. **Face, Facing or Surface** - the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

77. **Family** - one or more person related by blood within two generations and one degree of marriage living together and occupying a single dwelling with single culinary facilities or a group of not more than four (4) persons living together by mutual agreement and occupying a single dwelling with single culinary facility on a nonprofit cost-sharing basis.

78. **Family Day Care Home** - a child care facility providing care for not more than six (6) children in a residence.

79. **Fence** - a structure constructed of wood, metal, masonry or other rigid manmade composite materials that imitates wood, metal or masonry which divides two contiguous properties, or is placed on the property to divide an area or portion of land from another.

80. **Final Development Plan** – documents for final development approval in the process of securing planned development approval.

81. **Final Plat** – documents for final development approval in the process of securing subdivision approval.

82. **Floodplain Manager -** the person appointed by the Mayor to fulfill the responsibilities of the Floodplain Manager established in this UDC or the Manager's designee.

83. **Floor Area** –
    a. **Commercial, business and industrial**. The sum of the gross horizontal areas of one or more floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including: a. Attic space providing less than seven feet of headroom. b. Cellar space not used for retailing. c. Outside stairs or fire escapes, roof overhangs and balconies. d. Accessory water towers or cooling towers. e. Accessory off-street parking spaces. f. Accessory off-street loading areas.
    b. **Residential**. The gross horizontal areas of one or more floors of the dwelling exclusive of garages, cellars and open porches measured from the exterior faces of the exterior walls of a dwelling.

84. **Garage, Private** - an accessory building not exceeding 800 square feet in area designed or used for the storage or of not more than four motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles stored shall be a commercial vehicle of more than two-ton capacity.

85. **Garage, Public** - a building and associated land area designed for the temporary storage of motor driven vehicles, with or without the retail dispensing or sale of motor fuels, lubricants and tires or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

86. **Garage, Service** - a building other than a private parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

87. **Gas or Filling Station** - any building, structure, or land used for the sale and dispensing of automobile fuels, lubricants, or accessories. Indoor car washing, motor adjustments, and flat tire repair may be performed when incidental to the primary use as a filling station.

88. **Green Space/Open Space** - land shown on a plat, development plan, master plan, or official map to be preserved for open space, recreation, landscaping, greenbelt or parkland.

89. **Gross Floor Area** – the total amount of floor area within structures on a site.

90. **Gross Leasable Floor Area** – the amount of floor space available to be rented in a commercial property. Specifically, gross leasable area is the total floor area designed for tenant occupancy and exclusive use, plus common areas, such as mezzanines, halls and restrooms, but not including parking areas within buildings.

91. **Group Development** - a form of development or a development option which includes one or more lots located within a single block, not separated by any public right-of-way, and designated by its owner or developer as a development site to be used, developed, or built upon.

92. **Guesthouse** - a dwelling unit that is accessory to a single-family dwelling that may be attached or detached, and is not available for occupancy for rent, lease or other financial arrangement.

93. **Handicapped Person** - any person who has a physical or mental impairment which substantially limits one or more of the following major life activities: (1) Self-care. (2) Receptive or expressive language. (3) Learning. (4) Mobility. (5) Self-direction. (6) Capacity for independent living. (7) Economic self-sufficiency. This definition shall not include persons handicapped by reason of current drug abuse or alcohol abuse, nor shall it apply to handicapped persons currently under sentence or on parole from any criminal violation or who have been found not guilty of a criminal charge by reason of insanity.

94. **Hard Surface** when used in reference to parking - an engineered hard or compacted surface that may be pervious or impervious to stormwater and prevents the tracking, spilling, washing or displacement of aggregate, dirt, sand, mud or debris of any kind onto City street or into the City stormwater drainage system.

95. **Health and Athletic Club** - a building or facility used primarily for active physical recreation, sport or exercise, offering such activities on a commercial membership or nonprofit basis, not open to the general public. A maximum of five percent of the building floor area may be used for therapeutic massage. The remainder of the facilities shall be used for active physical activities, including, but not limited to, aerobics, basketball, body building, calisthenics, handball, judo, karate, racquetball, swimming, scuba diving, tennis and other similar activities and accessory uses such as a health bar and/or restaurant, pro shop and offices.

96. **Hearing Body –** the board, commission or council assigned to conduct public hearings pursuant to the provisions of this UDC.

97. **Historic Building** - a building at least 50 years old with significant architectural value and integrity.

98. **Historic District** - an area designated by the City Council as a historic district and declared to be subject to jurisdiction of this chapter.

99. **Historic District Commission –** the City of Gretna's Historic District Commission

100. **Holiday Decorations** - any displays, including lighting, which are not permanently installed celebrating national, state and local holidays or holiday seasons, and not including commercial advertisement.

101. **Home Occupation** - an activity carried out for gain by a resident as an accessory use in the resident's dwelling. A home occupation includes, but is not limited to, the following: the secondary professional office of a lawyer, engineer, architect, journalist, accountant or other professional person, and salesman, real estate agent, insurance agent and mail order service, provided that the stock or commodities connected with the service are not delivered to or from the premises. Other home occupations include musical instruction of not more than one pupil at a time and the occupation of an artist, photographer, draftsman, tailor, milliner or seamstress. The following shall not be interpreted to be home occupations: dancing instructions, band instrument instruction groups, tearooms, tourist homes, real estate offices, convalescent homes, mortuary establishments, stores, trades, offices of a physician or a dentist where mechanical equipment is used, or business of any kind not herein excepted.

102. **Home Sharing -** A short-term rental of a Host's primary residence or part thereof for the purposes of providing temporary lodging, for compensation, for periods of thirty (30) consecutive days or fewer and no more than 156 days per year and to no more than double occupancy of each bedroom plus two individuals per booking.

103. **Home Sharing Hosting Platform.** An entity that facilitates home sharing through advertising, match-making or any other means and from which the Platform derives revenues, including, but not limited to, booking fees or advertising revenues, from providing or maintaining the marketplace.

104. **Host.** An individual who has the legal right to rent his/her Primary Residence for home sharing under this Article.

105. **Hospital** - an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

106. **Incombustible** - incapable of rapid oxidation and resulting fire when exposed to heat.

107. **Industrial District –** includes the M-1 and M-2 zoning districts.

108. **Institution** - a building or group of buildings designed or used for nonprofit, charitable, or public service purposes. Institutions may provide board, lodging or health care for aged, indigent, or infirm persons, or may provide educational or religious services to the general public.

109. **Landmark and Landmark Site** - an unimproved parcel of ground (landmark site) or parcel with improvements (landmark) of particular historic, architectural or cultural significance, which said parcel or parcels, plus improvements, if any:
    a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
    b. Identify with historic persons or with important events in national, state or local history;
    c. Embody distinguishing characteristics of an architectural type inherently valuable for a study of a period, style or method of construction; of indigenous materials or craftsmanship; or
    d. Represent notable work of a master builder, designer or architect whose individual ability has been recognized.

110. **Licensing Official -** the person appointed by the Mayor to fulfill the responsibilities of the Licensing Official established in this UDC or the Official's designee.

111. **Lighting Plan** - Plan for lighting a site that is a required portion of site plans.

112. **Liquor -** all distilled or rectified alcoholic spirits, brandy, whiskey, rum, gin, and all similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, such as liquors, cordials, and similar compounds**.**

113. **Logo** - any emblem, letter, character, pictograph, trademark or symbol used to represent any firm, organization, entity or product.

114. **Lot** - a designated parcel, tract or area of land established by plat, subdivision or ordinance that is occupied or intended for occupancy by a use permitted in this article, including permitted and accessory buildings, required yard, and parking areas and having frontage on a publicly owned street.

115. **Lot Lines** - the lines bounding a lot.

116. **Lot of Record** - a lot which exists as shown or described on a plat or deed or a parcel of land which became legally established by deed or act of sale as recorded in the office of the clerk of district court of the parish.

117. **Lot Width** - the average horizontal distance between side lot lines.

118. **Lot, Depth** - the average horizontal distance between the front and rear lot lines.

119. **Lot, Exterior or Corner** - a lot abutting upon two or more streets at their intersection.

120. **Lot, Interior** - a lot other than an exterior or corner lot.

121. **Lot, Through** - a lot having frontage upon two approximately parallel streets; also, a lot of double frontage.

122. **Major Site Plan –** documents for development approval required prior to securing a building permit for larger scale multi-family, mixed-use and non-residential developments.

123. **Major Street** – a major collector or higher order street as shown in the City's Comprehensive Plan.

124. **Manufactured Home** – a residential structure, transportable in one (1) or more sections, that was fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

125. **Massage Parlor** - any place, establishment, club or business which offers, advertises or is equipped or arranged to provide as its primary purpose any of the following: physical massage of the person, body rubs, alcohol rubs, baths, steam baths, hot box, magnetic baths, or any other similar services commonly rendered by such establishments; the following, however, shall not be included within this definition of massage parlor:
    a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed practical nurse or a registered professional nurse;
    b. Establishments or businesses which provide electrolysis treatment by a licensed operator of electrolysis equipment;
    c. Hospitals, nursing homes, medical clinics or medical offices;
    d. Barbershops or beauty parlors which offer massage to the scalp, face, neck or the shoulders only or which are operated by or employing licensed cosmetologists or licensed barbers performing functions authorized under the license held; and
    e. Any establishment or business operated by or employing licensed psychologists, licensed physical therapists or licensed athletic trainers performing functions authorized under the license held.

126. **Micro-Distillery -** primarily an eating and drinking establishment (restaurant with a small distillery for the distilling, making, blending, rectifying, or processing of any alcoholic beverage as defined by RS 26:2, where the majority of the liquor produced is consumed on the premises. This classification allows a micro-distillery to sell liquor of its own production at retail for off-site consumption with applicable State licenses.

127. **Microbrewery -** a retail establishment wherein beer and other malt beverages are brewed in small quantities, not to exceed twelve thousand five hundred barrels per year, and where such beverages are sold at retail for consumption on or off the licensed premises.

128. **Ministorage Structures** - any commercial structure offering storage space for household goods, furniture, appliances, automobiles, boats, recreational equipment and other similar nonflammable, noncombustible products.

129. **Minor Site Plan –** documents for development approval required prior to securing a building permit for developments other than a single-family residence, duplex or development requiring major site plan approval.

130. **Minor Street** - a street or highway not defined as a major street herein.

131. **Mobile Home –** a structure, transportable in one (1) or more sections, which is eight (8) feet or more in width, is built on an integral chassis, is designed to be used as a dwelling when connected to the required utilities and includes one or more of the following: plumbing, heating, air-conditioning or electrical systems. Mobile homes are not built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

132. **Mural** - a picture or an exterior surface of a structure. A mural is a sign only if it is related by language, logo or pictorial depiction to the advertisement of any product or service or the identification of any business.

133. **Neglect of Historic Building** - the maintenance of any building resulting in deterioration of a building to the extent that either creates or permits unsightly, hazardous or unsafe conditions and/or conditions that will lead to the permanent loss of the whole or any part of the structure.

134. **Nightclub** - an establishment, including discotheques, that may also provide live entertainment and/or areas for dancing and which may serve food and/or alcoholic beverages. The entertainment floor area shall be composed of the wet bar, dance floor and/or live entertainment stage area, and table area.

135. **Non-conforming Lot -** a lot which had lawful area, dimensions and location prior to the adoption of this chapter but which fails to conform to the requirements of the zoning district in which it is located after adoption or amendment of this chapter.

136. **Non-conforming Structure** - a structure or building which had a lawful size, dimension and location prior to the adoption of this chapter but which fails to conform to the requirements of the zoning district in which it is located after adoption or amendment of this chapter.

137. **Non-conforming Use** - any building or land lawfully used at the time of passage of this chapter but which does not conform to the use regulations of the district in which it is located after adoption or amendment of this chapter.

138. **Nude Model Studio** - any place, other than a school, college or university licensed by the state, where a person who appears in a state of nudity or displays human genitals in a state of sexual arousal, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration for this purpose, and with the intent to provide sexual stimulation or sexual gratification to the customer.

139. **Nursery** - land or structures used to raise flowers, shrubs and plants for sale to the general public.

140. **Nursery School** - a school designed to provide daytime care or instruction for two or more children from two to five years of age which is operated and licensed according to state standards, charging tuition or fees as compensation for services.

141. **Nursing or Convalescent Home** - an extended or intermediate care facility licensed or approved to provide fulltime convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

142. **Office** - a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

143. **Official Zoning Map –** the adopted map and associated records indicating the zoning district applicable to parcels in the City of Gretna and any related conditions.

144. **Ordinary Repairs and Standard Maintenance** - work done on a building to prevent deterioration, decay or damage of a building on any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

145. **Outparcel** - a lot that has been subdivided from a group development site and has a separate deed. It is located on the periphery of the group development site with its principal frontage facing and adjacent to a public right-of-way. An outparcel is adjacent to or partially surrounded by the group development site but functions independently of the group development site, with or without direct access to the group development site or the public right-of-way.

146. **Overlay District –** includes the City's historic districts, the neighborhood overlay districts and flood hazard overlay districts.

147. **Parking Area** - an area of a lot used as an off-street parking facility, enclosed or unenclosed, including parking spaces and access drives and legally designated areas of public streets.

148. **Parking Lot** - an open hard surfaced area used for temporary parking of motor vehicles.

149. **Parking Space** – an area, enclosed in a main building or in an accessory building, or unenclosed, exclusive of driveways for any use except single-family or two-family dwellings, that is sized and designed and constructed to support temporary storage of one automobile.

150. **Pawn Shop –** a business providing the services of a pawnbroker as regulated by the State of Louisiana in RS 37:1790 et seq.

151. **Permit Review Authority –** the person or department responsible for reviewing and approving a ministerial development application.

152. **Planning & Zoning Commission or Commission –** the City of Gretna's Planning & Zoning Commission as established in this UDC.

153. **Planning Director or Director –** the person appointed by the Mayor to fulfill the responsibilities of the Planning Director established in this UDC or the Director's designee.

154. **Planting** - any combination of grass, ground covers, shrubs, vines, hedges, and trees; and nonliving durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences but excluding paving.

155. **Planting Plan**. Plan for planting a site that is a required portion of site plans.

156. **Plot Plan –** documents for development approval required prior to securing a building permit for a single-family or duplex residence.

157. **Preliminary Development Plan –** documents for initial or intermediate development approval in the process of securing planned development approval**.**

158. **Preliminary Plat –** documents for initial or intermediate development approval in the process of securing subdivision approval**.**

159. **Professional Office** - the office of a member of a recognized profession maintained for the conduct of that profession.

160. **Primary Residence**. The sole property on which the Host conducts home sharing, the Host receives a homestead exemption, and in which the Host resides at least 6 months of the year.

161. **Recreational Vehicle** - a vehicular-type portable structure without permanent foundation which can be towed, hauled or driven. Recreational vehicles are primarily designed as temporary living accommodations for recreational, camping and travel use, including, but not limited to, the following types of vehicles: travel trailers, truck campers, camping trailers and self-propelled motor homes.

162. **Redevelopment** – development of pre-existing buildings or other improvements that in aggregate will equal or exceed the applicable threshold set forth below:
    a. For a parcel containing one or more pre-existing buildings consisting of less than a total of 2,000 square feet, aggregate expansion equal to or exceeding fifty-one percent (51%) of the total square footage of buildings or
    b. For a parcel containing one or more pre-existing buildings consisting of a total of 2,000 square feet or more, aggregate expansion equal to or exceeding thirty-five percent (35%) of the total square footage of the building.
    c. If there are multiple buildings on a site, the combined square footage of all buildings shall be used.

163. **Regional Commercial Center** - a group of commercial establishments planned, constructed or managed as a total entity with a minimum of 500 feet of frontage on a major commercial corridor that provides customer and employee parking on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with a plan.

164. **Religious Institution** - a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, which is maintained and controlled by a religious body as defined by the department of internal revenue and organized to sustain public worship.

165. **Repair, Major** - any alterations to the primary mechanical components of vehicles and equipment that are not considered minor repairs.

166. **Repair, Minor** - those activities necessary for the maintenance of vehicles and equipment, including oil changes, lubrication, inspection and replacement of fluids, filters, belts, hoses, brakes, and emissions equipment, tire rotation, tune-ups, tire repair, and battery replacement. Minor repairs do not include auto body work, painting, or mechanical work other than those items listed above.

167. **Residential District –** includes the R-1, R-2 and R-3 zoning districts.

168. **Restaurant -** a retail establishment offering food and beverages for consumption on the premises. A restaurant may contain a holding bar or a service bar. Restaurants include cafeterias.

169. **Retail Food Establishment** - any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with or without charge on or at the premises or elsewhere.

170. **Retail Services** - establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, banking, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

171. **Retail Trade** - establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

172. **Right-of-way** - an area of land acquired by an agency through reservation, dedication, forced dedication, proscription or condemnation and intended to be occupied by a road, walkway, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, drainageway or other similar use.

173. **Right-of-way Lines** - the lines that form the boundaries of a right-of-way.

174. **School** - any building or part thereof which is designed, constructed or used for educational purposes for instruction in any branch of knowledge.

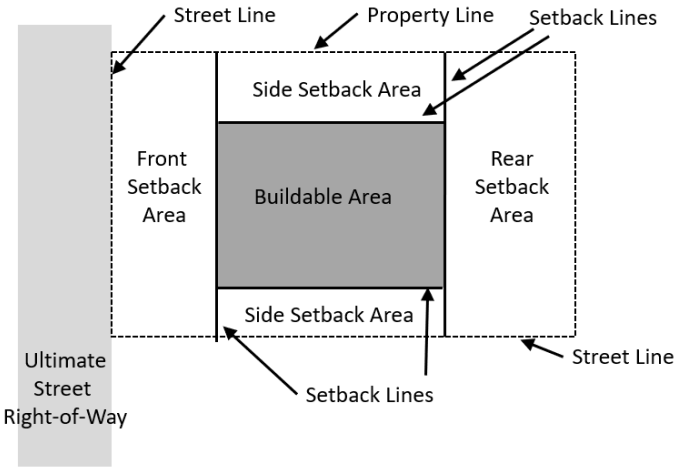
175. **School, Trade, Technical or Industrial**, - a public or private establishment offering training to students in the skills required or the practice of trades, technical enterprises and industrial occupations.

176. **Second Hand Shop** - any business engaged in the buying, selling, trading in, or otherwise acquiring or disposing of used or secondhand property such as jewelry, silverware, diamonds, pictures, objects of art, clothing, mechanic's tools, carpenter's tools, automobile accessories, and other such property. Second hand shops are also referred to as "thrift shops". This definition shall not include antique businesses, pawn shops automobile parts or sales, automobile salvage, building materials or parts, building salvage, furniture and retail jewelry.

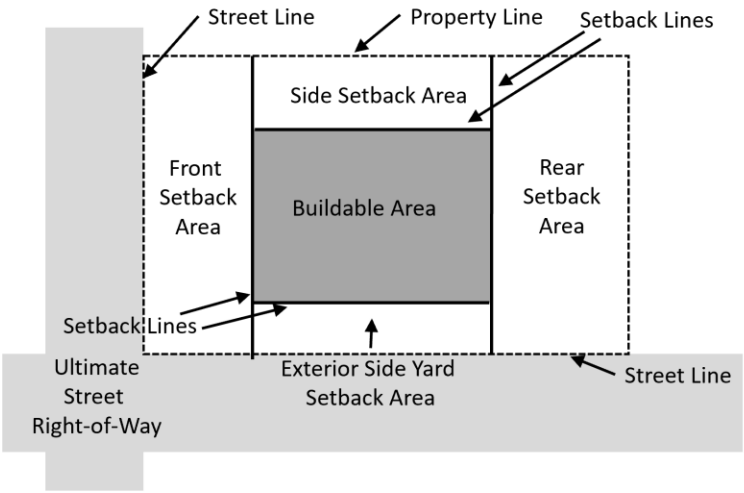
177. **Service Station** - a building, structure or land used for dispensing, sale or offering for sale at retail, any automobile fuels, lubricants or accessories where general automobile servicing is performed, as distinguished from minor automobile repairs. (See Repair, major and Repair, minor.)

178. **Setback Line**. The line or vertical plane representing the setback distance and yard depth, also described as the inner edge of any required yard. The setback line demarcates the vertical plane that separates a required yard from the "buildable area" of the lot, within which principal structures may be erected. Required setback lines establish the minimum or maximum required setback distance or yard depth.

Interior Lot Setback Areas and Lines



Corner or Exterior Lot Setback Areas and Lines



179. **Setback**. The shortest distance separation between the street line, front, side, or rear lot lines, and nearest point of any building or structure.

180. **Sexual Encounter Center** - a business or commercial enterprise that, as its principal business purposes, offers, for any form of consideration, physical contact between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude, and with the intent to provide sexual stimulation or sexual gratification to the customer.

181. **Sexually Oriented Business** - an escort agency, nude model studio or sexual encounter center.

182. **Shopping Center** - a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

183. **Short-Term Loan Store** - any business engaged in providing short-term loans to members of the general public as an element of its operation and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association or credit union. Short-term loan establishments may include businesses offering title loans, payday loans, signature loans, small loans, and other similar businesses.

184. **Short-Term Rental.** Any portion of any structure, used as a primary residence by a Host, and which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, for up to 30 days.

185. **Shrubs** - self-supporting, woody evergreen species normally grown in southeastern Louisiana.

186. **Sign**: Any letter, number, symbol, figure, character, mark, plane, point, design, stroke, strike, line, illuminated surface, light, string of lights, graphic, picture, mural, or any random or ordered variation of colors or dimensional textures, *which* is so constructed, placed, attached, painted, erected, or fastened in any manner to either convey information or attract the attention of the public to any place, item or idea, *and which* is visible by a pedestrian at ground level on any street, or any adjoining premises; *provided*, however, that this definition or the UDC does not make unlawful any of the following if they are not used or intended to convey any information of depict any item or idea: (i) one or more dimensional architectural components or dimensional architectural details constructed as an integral part of a building, or (ii) any dimensional architectural component or dimensional architectural detail being consistently colored a color that is different from the color of the building or the color of another such component or detail (for example: roof versus fascia, fascia versus soffit, soffit versus wall, wall versus trim, trim versus window, window versus door, et cetera). A sign includes any associated sign structure. Signs do not include holiday decorations as defined herein.

187. **Sign Area** - the entire face of a sign, including the advertising surface of any framing, trim, or molding, but not including the supporting structure.

188. **Sign Structure -** a structure or object used or intended to be used to support, in whole or in part, a sign face, but excluding a building, structure, fence, wall or earthen berm intended and used primarily for an independent purpose.

189. **Sign, Abandoned** - any sign which no longer advertises or identifies a legally operating business establishment, product or activity for a period of at least 30 days. Abandoned signs shall also include signs for which the owner cannot demonstrate a valid lease or rental agreement. Abandoned signs are also referred to as "discontinued" or "obsolete" signs. Such a sign shall not be considered abandoned, discontinued or obsolete for the purposes of this article if all of the following conditions are met:

    a. The sign is maintained in a state of good condition and repair; and

    b. The existing sign is used to actively market the business for sale, lease or rent, or a blank panel is installed within the physical confines of said sign.

190. **Sign, Accessory** – an incidental sign relating only to the main use of the premises on which the sign is located or indicating the name and address of a building on the premises where the sign is located.

191. **Sign, Animated** - a sign with any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any - that move, change, flash, oscillate or visibly alters in appearance in a manner that is not permitted by these regulations.

192. **Sign, Attached** - a sign that is fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign that does not project more than 18 inches from such building or structure.

193. **Sign, Awning** - any sign that is affixed to a roof-like cover designed for protection from the weather or as a decorative embellishment, and which protects from a wall or roof of a structure primarily over a window or walkway. Awning signs may also be referred to as canopy signs.

194. **Sign, Bench** - any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

195. **Sign, Canopy** - any sign affixed to, superimposed upon or painted, on a roof-like structure extended over a sidewalk or walkway or vehicle access area. A flush canopy sign is one that is mounted in such a manner that a continuous plane with the canopy is formed. Canopy signs may also be referred to as awning signs and are counted as attached signage in the computation of allowable signage on the building.

196. **Sign, Detached** - a sign not attached to or painted on a building but which is affixed to the ground by a support structure independent of a building located on the premises of the business served. A sign attached to a flat surface such as a fence or wall of an accessory building shall be considered a detached sign.

197. **Sign, Directional** - any on-premises sign providing non-commercial information exclusively to guide automotive, bicycle or pedestrian traffic onto, within or off a site, including the locations of entrances, exits, parking lots and other instances when signage is necessary for orderly traffic movement and which does not advertise a business, service or product.

198. **Sign, Directory** - any attached sign displaying the name and/or occupation of the occupants of a building for pedestrians typically found at the entrance to the building or inside the building and not legible from a public right-of-way.

199. **Sign, Double-faced** - a sign with two faces back to back, the angle between which is no greater than ninety (90) degrees.

200. **Sign, Electronic Message** - a sign that uses changing lights or other electronic media to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified electronically.

201. **Sign, Flashing** - an illuminated sign upon which artificial or reflected light is not maintained stationary or constant in intensity or color at all times when in use. Signs that actually generate flashing or blinking light or give the impression of flashing or blinking are included in this definition. Rotating signs are not interpreted as being flashing signs.

202. **Sign, Flat** - any sign attached to and erected parallel to the face of or painted on the outside wall of a building.

203. **Sign, Freestanding** - any sign not affixed to a building, also referred to as a detached sign.

204. **Sign, Historic** - any sign over 30 years in age that meets the historic landmark designation criteria listed in this article as determined by the HDC.

205. **Sign, Illegal** - any sign placed without proper approval or permits as required by this Code at the time of sign placement and any sign placed contrary to the terms or time limits of any permit.

206. **Sign, Illuminated** - any sign which has characters, letters, figures, designs or outlines illuminated by electric lights, luminous tubes or other light-producing media as part of the sign body; or illuminated by lights not a part of or attached to the sign itself.

207. **Sign, Incidental** – a sign that cannot be read from a public right-of-way that may be attached to a building or window or free-standing. For purposes of this definition, incidental signs include sign faces that cannot be seen from a public right-of-way or private street, and signs consisting solely of lettering less than two and one half (2 ½) inches in height. Incidental signs include, but are not limited to hours of operation, prices, signs on menu boards, directories for multi-tenant buildings and information provided for the benefit for customers on the premises.

208. **Sign, Indirectly Illuminated** - a sign which does not produce artificial light on the sign body but which is opaque and backlit or illuminated by spotlights or floodlights not a part of or attached to the sign itself.

209. **Sign, Institutional Use** - a sign for institutional uses allowed in residential districts which may include a portion of the sign with changeable copy.

210. **Sign, Marquee** - any that is designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, detached or attached, also known as a "reader board."

211. **Sign, Menu Board** - a structure that is typically used for posting information about products or services available at or near a drive-through window.

212. **Sign, Monument** - any permanent on-premises low-rise detached sign that is completely enclosed of materials of a similar or compatible character to the materials used in the facade of the principal use (brick, stone, stucco or wood), or any combination thereof, self-supporting and situated on the ground without the use of poles or pylons.

213. **Sign, Neon** - any sign internally illuminated with neon or other electrically charged gas which is bent to form letters, symbols or other shapes.

214. **Sign, Non-conforming** - any sign lawfully existing on the effective date of the ordinance from which this article is derived, or amendment thereto, that renders such sign non-conforming because it does not conform to all the standards and regulations of this article or amended ordinance.

215. **Sign, Off-premises** - any sign normally used for promoting an interest other than that of a business, individual, products or service available on the premises where the sign is located.

216. **Sign, On-premises** - any sign used for promoting a business, individual, product or service available on the premises upon which the sign is located.

217. **Sign, Pole/Pylon** - any detached sign which utilizes a pole or pylon for support and does not constitute a monument.

218. **Sign, Political** - any sign designed for the purpose of temporarily supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

219. **Sign, Portable** - any sign, display or advertising device initially designed for being moved or transported, which is not attached permanently to a foundation or footing, and for which a building permit has not been obtained.

220. **Sign, Portable Electric** - any sign, display or advertising device initially designed for being moved or transported and for being electrically illuminated, which is not attached permanently to a foundation or footing, and for which a building permit has not been obtained for both foundation and electrical hookup details.

221. **Sign, Projecting** - a sign which is attached to and projects more than eighteen (18) inches from the face of a wall or building, but not projecting above the parapet or eave line of the building. A projecting sign is a type of business sign or on-premises sign which is attached to a building or other structure, extending beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. Extension beyond the building line or surface differentiates projecting signs from attached or wall signs.

222. **Sign, Roof** - any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

223. **Sign, Rotating** - any illuminated or non-illuminated sign, supported from a pedestal, pylon or other vertical support and where the face or faces thereof slowly revolve (no more than 20 revolutions per minute) and where any associated light source shall remain constant.

224. **Sign, Sandwich Board** - any moveable sign not secured or attached to the ground or surface upon which it is located, typically "A" shaped or in some variation thereof, and which is usually double sided, including a sign displayed on an easel, located in close proximity to the entrance of a business and intended to serve pedestrians.

225. **Sign, Snipe** - a sign of any material that is attached or painted in any way to a utility pole, tree, shrub, fence post, or other similar object, located on public or private property. snipe signs do not include warning signs and directional signs permitted by this sign code without a permit.

226. **Sign, Temporary** - any sign or advertising display constructed of cloth, canvas, light fabric, plywood or other flexible material, designed or intended to be displayed for a short period of time.

227. **Sign, Under-Canopy Sign** - an incidental sign that is suspended from the underside of a canopy (including awnings), situated perpendicular to the wall surface of a building, and whose copy is not clearly visible from the public right-of-way. An under-canopy sign is typically smaller in size and intended for assisting and directing pedestrian traffic.

228. **Sign, Wall** - a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign that does not project more than 18 inches from such building or structure, also referred to as an attached sign.

229. **Sign, Window** - any sign affixed within the interior of a window that consists of glass, wood, metal or other permanent architectural material. Window signs shall not be composed of paper or other material temporary in nature. A window sign can be seen through the window from the exterior of the structure and may be illuminated.

230. **Site Plan** - the development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, - of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

231. **Stable** - a structure that is used for the shelter or care of livestock.

232. **Storage –** the keeping of vehicles, equipment, appliances or other materials for more than 48 hours for any purpose. This definition does not apply to the display of merchandise for sale or to the display of artistic works.

233. **Stormwater Management Plan –** documents demonstrating compliance with UDC requirements that are required to secure development approval for a stormwater management permit.

234. **Story** - that portion of a building, other than a cellar, included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling.

235. **Street** - any vehicular way which is:
    a. An existing state, parish or municipal roadway;
    b. Shown upon a plat approved pursuant to law;
    c. Approved by other official action; or
    d. Shown on a plat duly filed and recorded in the office of the clerk of district court of the parish prior to the appointment of the planning advisory board and the granting to such board the power to review plats, including the land between the street lines, whether improved or unimproved.

236. **Street Line** - the line dividing a lot, tract, or parcel of land and a contiguous street. (See Right-of-way lines .)

237. **Structural Alteration** - any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, and any substantial change in the roof or in the exterior walls.

238. **Structure** - a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water.

239. **Studio** - a building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

240. **Substantive Change** - changes which alter the historical or architectural character, such as windows, columns, porches, doors and exterior ornamental decorative.

241. **Tattoo Parlors** - any establishment which is operated for the primary purpose of marking the skin with indelible pigment or other such substance to produce a permanent design, mark or similar feature on the skin.

242. **Taxi and Public Transit Stands** - areas designated as primary transfer points in public transit routes or reserved for hired transportation.

243. **Trailer** - any vehicle, covered or uncovered, without motive power, designed for carrying property or passengers, or designed to be used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks or skirtings and which has been or reasonably may be equipped with wheels or other devices for transportation from place to place, whether drawn or towed by a motor vehicle or other motive power or other - , or is otherwise subject to the provisions of R.S. title 32, Motor Vehicles and Traffic Regulations.

244. **Variance** – permission to depart from the provisions of a UDC relating to setbacks, side yards, frontage requirements, and lot size, but not involving the actual use. Variances do not include departures from the provisions of the UDC that are specifically authorized through the UDC's administrative relief provisions.

245. **Vehicular Use Area** - land upon which vehicles traverse and all areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such boats or equipment are self-propelled or not, and land upon which vehicles traverse the property as a function of the primary use.

246. **Vending Machine** - any device which dispenses a product or service, either for sale or for free, and which is activated entirely by the receiver of the product or service, including machines dispensing food, drinks, cigarettes, digital video disks (DVDs), and the like. Vending machines do not include ice machines or storage, newspaper racks, motor fuel pumps and air compressors, or retail propane distribution.

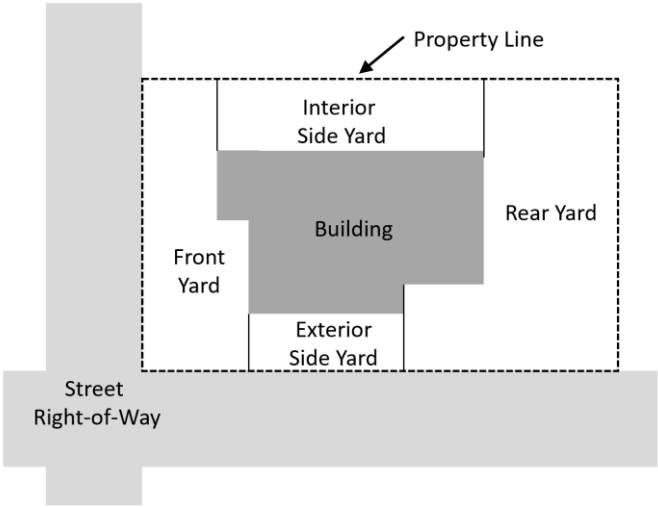
247. **Veterinary Clinic, Small Animal** - an establishment used by veterinarians or practitioners in related specialties for the practice of veterinary medicine where small animals are admitted for examination or treatment and are not lodged or kept overnight. Limited laboratory and other diagnostic services may be offered on an outpatient basis. For purpose of this section, small animals shall include the following domestic animals: dogs, cats, rabbits, hamsters and birds. Reptiles, lizards, hoofed animals, exotic birds or animals and wild animals shall not be considered as small animals.

248. **Warehouse** - a building used primarily for the storage of goods and materials.

249. **Whole Home Rental.** A home sharing when the residential host is absent from the premises during the sort term rental. When the residential host surrenders the home and/or accessory structure to guests and is not present to supervise, control, assist or oversee the use of the property by the guest.

250. **Yard** - the area between a building and the property line.

251. **Illustration of Yards**



252.

253. **Yard, Exterior Side** - the area the side of a building, the front yard, rear yard, and side street.

254. **Yard, Front** - the area extending from a building and lines projecting from outside corners of a building to the side property lines and the property line abutting the street right-of-way in front of the building. A courtyard is not considered part of the front yard if a wall or walls enclose the portion of the courtyard facing the street with the exception of an entryway that is no greater than one-third the width of the courtyard.

255. **Yard, Rear** - the area extending from a building and lines projecting from outside corners of a building to the side property lines and the property line to the rear of a building.

256. **Yard, Side** - the area between the side of a building, the front yard, rear yard, and the side property line.

(Code 1997, § 52-1; Ord. # 4653, 2-11-2015; Code 1997, §§ 102-3, 102-96.1; Ord. # 1945, § III, 6-12-1989; Ord. # 3136, § I, 1-13-1997; Ord. # 3370, § 1, 2-4-2002; Ord. # 3386, 5-13-2002; Ord. # 3537, § 1, 6-13-2005; Ord. # 3695, 11-5-2008; Ord. # 4010, 2-11-2009; Ord. # 4264, § I, 4-13-2011; Ord. # 4366, 2-8-2012; Ord. # 4721, 6-8-2016; Ord. # 4751, 11-9-2016; Ord. # 4913, 8-12-2020; Ord. #4923, 12-9-2020; Ord. #4930, 3-21-2021; Ord. #4955, 2-9-22; Ord. #5003, 4-11-2024)

APPENDICES

Appendix A Amendments to UDC

Ord #	Description	Date Adopted
4897	Amending Sections 58-46; 58-51; 58-69; 58-83; 58-84; 58-85; 58-109; 58-114; 58-123; 58-124; 58-125; 58-134; 58-135; 58-138; 58-149; 58-150; 58-170; 58-197; 58-198; 58-261; 58-301; 58-307; 58-328; 58-394; 58-400 and Section 58-424; and other non-substantive changes	12-11-19
4912	Amending Sections 58-4; 58-89; 58-109; 58-110;58-113; 58-114; 58-123; 58-124; 58-125; 58-133; 58-150; 58-171; 58-181; 58-185; 58-197; 58-198; 58-208; 58-261; 58-271; 58-272; 58-275; 58-300; 58-301; 58-307; 58-325; 58-326; 58-332; and 58-333	6-22-20
4913	Amending Sections 58-127; 58-128; 58-301; 58-331; and 58-424	8-12-20
4923	Amending Sections 58-64, 58-72; 58-149; 58-194; 58-197, 58-261; 58-271; Article IV, Division 11, Sections 58-279 - 58-288; 58-301; and 58-424	12-9-20
4930	Amending Sections 58-171(a); 580171(e); and 58-424	3-11-21
4934	Amending Section 58-151	5-14-21
4938	Amending sections 58-22; 58-41; 58-60; 58-61; 58-62; 58-63; 58-64; 58-65; 58-66; 58-70; 58-110; 58-111; 58-116; 58-127; 58-184; 58-197; and 58-320	7-14-21
4955	Amending sections 58-424; 58-323; 58-310 with associated Exhibits and Tables and Authorized Land Use Tables; and add new Section 58-189. -Parking for Electric Vehicles and New Supplemental Conditions; Section 58-336. -Warehousing.	2-9-22
4967	Amending sections 58-63; 58-64; 58-70; 58-114; 58-124; 58-181; 58-198; 58-272; and adding a new section 58-328 to address shopping cart management	8-10-22
4991	Amending section 58-228(b) Elevation Standards, to include Freeboard	9-13-23
5003	Amending sections 58-113 and 58-123; adding regulations for Brewpubs and Micro-distilleries to Section 58-309; amending section 58-301(a)(4) and (a)(6); amending section 58-181(a); adding regulations for Medical Marijuana Dispensaries to Section 58-321; amending sections 58-194 and 58-197 addressing political signs and billboards; and adding regulations for event halls to section 58-313 Event Halls..	4-11-24
5027	Amending provisions addressing pole signs along the West Bank Expressway.	10-8-25

Appendix B Amendments to Zoning Map

Ord #	Description	Date Adopted
4886	Rezoning 1/2 of Lot 10, Square 6, Mechanickham Subdivision, from Single-family Residential district (R-1) to Neighborhood	10-10-19

Ord #	Description	Date Adopted
	Commercial district (C-1)	
4899	Rezoning Lots 11 and 12 (Lot 12A) Square 6 Village of Mechanickham Subdivision from single-family residential district (R-1) to neighborhood commercial district (C-1)	3-22-20
4915	Rezoning Lots A, B, C, O and part of N, (proposed Lot A1), Square 23, Village of Gretna Subdivision, from (C-2) General Commercial district to (C-1) Neighborhood Commercial District	9-9-20
4921	Rezoning Lot 1-A (now Lots 1-B, 1-C and 1-D), Square 17, Village of Gretna Subdivision; from Neighborhood Commercial district; rezoning Lots 1-C and 1-D to Single-Family Residential District; and maintaining the Neighborhood Commercial District (C-1) for Lot 1-B (Vacant Lots (901 Lafayette Street) (Corner of 9th Street))	11-10-20

Appendix C Development Fees

Development Approval*/**	Fee
UDC Map Amendment (Rezoning)	$500.00
Planned Development - Final Development Plan	$500.00
Conditional Use Permit - Excluding single family residential use***	$500.00
Site Plan, Major	$1,000.00
Site Plan, Minor - Excluding single family residential use****	$500.00
Variance	$300.00
Subdivision, Major	$500.00
Subdivision, Minor	$300.00
Historic District Certificate of Appropriateness, Major	$50.00
Appeals to Staff Decisions and/or Commission(s)	$100.00

Notes:

*Development approvals / permits / certificates that are not explicitely listed here with a supporting fee either do not have an assessment governed by this UDC or have fee assessments established through other local or state codes.

** Planning Director has the ability to waive development approval fees in instances where sufficient review has already been provided for an approval under another development approval fee assessment.

*** Specific to CUPs required in the LBCS tables and ROW access; CUPs related to non-conformities and other instances do not have a fee assessed.

**** Does not apply to minor improvements or alterations; only those approvals requiring consultation with the Development Review Committee or City Engineer.

Appendix D Public Improvements Design Standards Manual