

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3790 As Amended ORDINANCE COUNCIL SERIES NO. 08-

COUNCIL SPONSOR: MR. BILLIOT PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. GOULD SECONDED BY: MR. BURKHALTER

ON THE 3<sup>RD</sup> DAY OF APRIL, 2008

ORDINANCE AMENDING AND REENACTING ST. TAMMANY PARISH LAND USE REGULATION ZONING ORDINANCE 523, SECTION 2.10 LC LIGHT COMMERCIAL DISTRICT, TO PROVIDE FOR AN ADJUSTMENT IN SQUARE FEET OF FLOOR SPACE FOR OFFICE AND PROFESSIONAL BUILDINGS, TO PROVIDE FOR ASSISTED LIVING CENTERS, ADJUSTMENT IN MINIMUM LOT AREA AND MINIMUM AREA REGULATIONS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO .

WHEREAS, after considering the recommendations of the St. Tammany Parish Zoning Commission, the Parish Council has determined that it is necessary and appropriate to amend the provisions of St. Tammany Parish Land Use Regulation Zoning Ordinance 523, particularly Section 2.10 LC Light Commercial District, to provide for additional square feet of floor space in buildings used for office and professional uses, to provide for assisted living centers as a miscellaneous use, to adjust the minimum lot area and minimum area regulations and to provide for storage areas.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 2.0902 A of St. Tammany Parish Land Use Regulation Zoning Ordinance 523 is hereby amended and reenacted to provide as follows:

**SECTION 2.10 LC LIGHT COMMERCIAL DISTRICT**

**2.1001 Purpose**

The LC District is intended primarily for professional and business offices, medical and public institutional uses as well as limited retail and specialty commercial uses with activities conducted during normal daytime working hours.

**2.1002 Permitted Uses**

Only the following permitted uses shall be allowed in the LC Light Commercial District and no structure or land shall be erected, structurally altered, or enlarged for any other than a use permitted hereunder with the exception of (a) uses lawfully established prior to the effective date of this ordinance; (b) conditional uses in compliance with the provisions of Section 2.1003; or (c) accessory uses in compliance with the provisions of Section 5. See Section 3.03 - Minimum Standards for minimum standards that apply to certain uses.

**A. Office and Professional Uses**

The following office and professional uses shall be located in buildings of ~~3,000~~ **5,000** square feet of floor space or less. However, if more than one use occupies a building, the entire building can have no more than 9,000 square feet of floor space.

1. Law Offices
2. Architecture or Engineering Offices
3. Accountant Offices
4. Real Estate Offices
5. Insurance Offices
6. Business Offices
7. Daytime Doctor, Dentist and Chiropractor Offices
8. Other Professional Offices

B. Specialty Retail and Service Uses

The following retail and service uses shall be located in buildings of 3,000 square feet of floor space or less.

1. Specialty Retail Shops for the sale of books, educational and/or arts and crafts supplies, florists, gifts, antiques and clothing.
2. Photographic Studios
3. Dance Studios
4. Music Studios

C. Miscellaneous Uses

1. Rest, Nursing and Convalescent Homes, **and Assisted Living Centers, Memory Care Center and other related senior living facility**
2. Day Care Centers
3. Nursery Schools
4. Mobile Homes or modular buildings designed for business purposes

D. Residential Uses

1. Single Family Detached Residences with a maximum of two (2) dwelling units per 45,000 square feet or a two-family attached dwelling units (Duplex) per 45,000 square feet.
2. Dwelling units located above the first floor designed for business uses. Dwelling units shall not exceed one story.

E. Similar and Compatible Uses

Other uses which are similar and compatible with the Permitted Uses of the LC Light Commercial District as determined by the Director of Development acting in the capacity of Zoning Administrator.

**2.1003 Conditional Uses**

Conditional Uses are prohibited unless application for the use has been processed by the Department of Development and such use has been favorably approved by the Zoning Commission. See Section 3.02 - Conditional Uses for the procedures and requirements that apply to Conditional Uses and Section 3.03 - Minimum Standards for minimum standards that apply to certain uses.

A. Medical Uses

1. Drug Stores
2. Medical laboratories related to an adjacent medical facility, not greater than 3,000 square feet.
3. Hospices

B. Public Uses

1. Community Centers
2. Recreational Facilities
3. Fire stations
4. Police Stations
5. Public Utility Facilities

C. Residential Uses

1. Single Family Residences with densities greater than two dwelling units per 45,000 square feet.

2. Units that exceed one story in height located above any first floor designed for business uses.

3. Mobile Home used for residential purposes.

D. Miscellaneous Uses

1. Mobile Homes designed for residential use but utilized for purposes other than residential.

2. Churches, Temples and Synagogues

3. Internally illuminated signs which blink, flash or change intensity of color

E. Accessory Uses

1. Parking Lots associated with an adjacent business. (Amended 10/17/02 ZC02-10-071 OCS#02-0558)

F. Similar and Compatible Uses

Other uses which are similar and compatible with the Conditional Uses of the Light Commercial District as determined by the Director of Development acting in the capacity of Zoning Administrator.

**G. Maximum Storage Areas**

**For the purpose of determining the minimum off-street parking requirements for those uses that are set forth in Section 4.03 and identified with the uses set forth under Section 2.10 hereof, the provisions of Section 4.03 shall continue to apply, which excludes storage areas that shall not exceed 15% of the gross square footage. Otherwise, Notwithstanding the provisions of Section 4.03, such the uses governed by the provisions for this district may have storage areas that do not exceed 40% of the gross square footage, provided that the materials being stored are directly associated with the specific use.**

**2.1004 Administrative Permits**

A. Fairs, festivals and assemblies associated with churches, schools, public lands or non-profit organizations.

1. Fairs, festivals, and assemblies are limited to a maximum three day period annually.

2. Total building area is limited to 5,000 square feet.

3. No more than 200 vehicle trips per day are permitted.

B. Snowball stands between April 1 and September 30.

C. Off premise directional signs (Minimum Standards Apply)

D. Similar and Compatible Uses

Other administrative uses which are similar and compatible with the LC Light Commercial District as determined by the Director of Development acting in the capacity of Zoning Administrator.

Fees are as set forth in 9.01.

**2.1005 Site and Structures Regulations**

A. Minimum Lot Area

1. Non-Residential - The lot area for each zoning lot shall be ~~twelve thousand five hundred~~ **(12,500) nine thousand eight hundred (9,800)** square feet.

B. Minimum Area Regulations

1. Minimum Lot Width - ~~The minimum width~~ for each zoning lot ~~provided with central water and sewerage facilities, the minimum lots width~~ shall not be less than ~~sixty (60)~~ **seventy (70)** feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be ~~eighty (80)~~ feet.

2. Front Yard - Front building lines shall conform to the average building lines in a developed block, but in no case shall it be less than fifteen (15) feet from the property line and to the rear of the street planting area, plus one (1) additional foot for each foot in building height over twenty-five (25) feet above Base Flood Elevation. On corner or through lots, the required front yard will be provided on both streets. Where off-street parking facilities are provided in the front yard, the minimum building setback shall be determined in accordance with the following table. All setbacks shall be measured from the right-of-way line of the street or road.

MINIMUM SETBACK IN ADDITION TO LANDSCAPE REQUIREMENTS FOR COMMERCIAL BUILDINGS WITH OFF-STREET PARKING BETWEEN THE FRONT FACADE AND THE STREET RIGHT-OF-WAY LINE.

	<u>Type of Parking</u>				
	Parallel	30o	45o	60o	90o
Sidewalk plus one row of parking and one driving lane	28'	32'	37'	44'	48'
Sidewalk plus two rows of parking and one driving lane	40'	45'	50'	59'	79'
Sidewalk plus two rows of parking and two driving lanes	50'	55'	60'	69'	89'

3. Side Yard - No side yard shall be required, except as outlined under Section 2.1005, when common or party walls adjoin buildings on two zoning lots. However, when a side yard is provided, it must be a minimum of three (3) feet.

4. Rear Yard - No rear yard is required for non-residential uses except as outlined under Section 2.1005. However, when a rear yard is provided, it must be a minimum of three (3) feet. A rear yard shall be provided for residential uses located above the first floor, such yard to be not less than thirty (30) feet in depth.

C. Maximum Lot Coverage

The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed fifty (50) percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

D. Height Regulations

No building or structure shall exceed thirty-five (35) feet in height above Base Flood Elevation as set forth in Flood Hazard Ordinance 791.

E. Off-Street Parking & Loading Zone Requirements

Off-street parking & loading zones will be provided as put forth in Section 4.

## 2.1006 Transitional Yards

Where a LC District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

A. Where lots in a LC District front on a street and at least eighty (80) percent of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

B. In a LC District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.

C. In a LC District, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.

D. In a LC District, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

## 2.1007 District Standards

All uses of land structures in the LC Light Commercial District are subject to the general standards and regulations of this ordinance. In addition, all uses located in this District shall be subject to the following standards.

### A. Environmental Quality

1. Flood Zones - Construction of any structures of alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the Parish Engineer prior to issuance of a building permit.

2. Tree Preservation, Landscaping and Screening - All uses shall apply to requirements as set forth in Section 5.16.

### B. Signs, Lighting and Landscaping (Amended 2/13/03 ZC02-06-040 OCS#03-0607)

1. Signs shall be subject to the provisions of Section 5.03.
2. Lighting shall be subject to the provisions of Section 5.05.
3. Landscaping shall be subject to the provisions of Section 5.16.

### C. Utilities

1. Sewer - If an available public central system adjoins the property and is within 300 feet of the proposed use, the system must be utilized **whenever there is adequate capacity available to accommodate the proposed use**. All private systems must be approved by the State Health Department before issuance of a building permit.

2. Water - Any private water well must be located a minimum of fifty(50) feet from any sewer disposal unit.

3. Street Improvements - Any road or street constructed to serve any zoning lot for any use must meet standards set forth in the Subdivision Regulations.

D. Fire Marshall Approval

A certificate attesting to the State Fire Marshall's approval of plans for all construction and improvements as per the State Fire Code must be provided to the Department of Permits and Inspections prior to issuance of a building permit.

E. Impact on Natural and Scenic Rivers (Amended 4/16/04 ZC03-0-062 OCS#04-0848)

Whenever application is made for rezoning of property, to be granted a conditional use of property, or for a building permit for property that is situated along a waterway included in the Natural and Scenic Rivers System, or for the rezoning of property, conditional use of property or for a building permit application for property which has been determined to have the potential for an adverse impact on such waterways, or on any property situated thereon, in addition to complying with all other applicable provisions of the St. Tammany Parish Land Use Ordinance, the following provisions and requirements shall apply:

- 1) The applicant for rezoning shall comply with all rules and regulations governing the applicable zoning district.
- 2) The applicant for a conditional use permit shall comply with the minimum standards for conditional uses in Section 3.02.
- 3) The applicant for a building permit shall comply with all rules and regulations governing the permitted use.
- 4) All applicants shall file a copy of all permits required by the state, a state agency and the federal government for development of properties affecting natural and scenic rivers.
- 5) Prior to any final decision on any application for a rezoning or for a permit for those activities that may have the potential for significant impact on such waterways or property, an evaluation shall be made of the impact that the activities may have on the unique character and value of such waterways and properties.
- 6) The evaluation and final determination on any such application by the reviewing authority should insure compatible uses and development of such property, so as to maintain the natural and physical features of the waterways that are included in the Natural and Scenic Rivers system and the aesthetic values of the property situated along and accessible to the natural and scenic rivers in St. Tammany Parish.

REPEAL: The amendment, which is limited in its scope and application to the particular subparagraphs and sections amended, shall not be held to repeal any previously existing ordinance or parts of ordinances.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_