

**DEPARTMENT OF PLANNING
JEFFERSON PARISH, LOUISIANA**

ZONING AND COMPREHENSIVE PLAN TEXT AND MAP STUDY REPORT
Fat City

DOCKET NO.:	TXT-4-10	ADVERTISING DATES:	8/5/10 8/12/10 8/19/10
SUMMARY NO.:	22907	PAB PUBLIC HEARING:	8/26/10
COUNCIL DISTRICT:	Cynthia Lee-Sheng, District 5	LAST DAY TO SUBMIT ORDINANCE:	11/3/10
COUNCIL AT LARGE:	John Young, Div. A Tom Capella, Div.B	LAST DAY FOR COUNCIL ACTION:	12/8/10

PROPOSAL:

Resolution No. 110231, adopted May 7, 2008, as amended by Resolution No. 111797 on February 18, 2009 and Resolution No. 112172 on April 15, 2009, requesting and authorizing the Planning Department and the Planning Advisory Board to conduct area and text studies of Chapter 40 Zoning and Chapter 25, Article VI Comprehensive Plan of the Code of Ordinances of Jefferson Parish, with the intent of creating a traditional neighborhood development district or similar type of pedestrian friendly, mixed-use district, or overlay zoning for the Fat City area bounded by West Esplanade Avenue, Severn Avenue, Veterans Memorial Boulevard, and the rear lot lines of those lots fronting on the west side of Division Street, to promote a lively mix of uses, a human, walkable scale, integration of parks and public spaces, placing important civic buildings on key sites to create landmarks and a strong sense of place, improving the public realm, enhancing the aesthetics by creating architectural and design standards, reduction of signage, and other development tools that will enhance property values, promote economic development, and provide identity and a sense of community for Fat City.

FINDINGS:

1. The governmental interest in improving conditions in Fat City and promoting the health, safety, and general welfare has been evident for over 30 years.
2. Since the late 1970's, Fat City has been the subject of at least eight plans to address its problems with land use, transportation, and public infrastructure.
3. In 1985, one of the planning studies resulted in the establishment of the Business Core Districts, which the Parish Council mapped on properties in Fat City with a prohibition on adult uses and stand-alone bars, recognized then as detrimental to the health, safety and general welfare.
4. With the change in zoning regulations in 1985, the approximately 37 adult uses and stand-alone bars in Fat City became nonconforming uses.
5. Nonconforming uses are land uses that were allowed under local zoning regulations when established, but became prohibited uses under revised zoning regulations.
6. Based on one principle that underlies how to treat nonconforming uses, local governments like Jefferson Parish commonly "grandfather" nonconforming uses, allowing them to continue as long as they were legal at the time they commenced and do not terminate or remain vacant for a certain period—one year in Jefferson Parish.

7. Besides grandfathering, a second method of dealing with nonconforming uses is amortization: the termination of a nonconforming use after a fixed period of time.
8. Since 1985 when adult uses and stand-alone bars were grandfathered, Fat City has experienced about a 38 percent decrease in these uses.
9. The second principle that underlies how to treat nonconforming uses is based on this intended outcome: *all land uses ultimately will conform to revised zoning regulations that a local government enacts to realize a new set of planning goals and policies.*
10. Beginning in 2003, the Parish Council has established a new set of planning goals and policies for Fat City through these five planning documents that it has adopted by ordinance or resolution:
 - a. *Envision Jefferson 2020 Comprehensive Plan* (Ord. No. 21939, 2003) in which “Jefferson Parish commits to planning and developing as a diverse community with a rich quality-of-life by enhancing the integrity, value and character of its neighborhoods and businesses;” and which promotes the Metairie CBD as a safe, functional, and attractive mixed-use development
 - b. *Metairie CBD Land Use and Transportation Plan* (Ord. No. 21987, 2004), completed with the Regional Planning Commission and which called Fat City the number one area of concern and envisioned a new Fat City that is attractive, safe, mixed-use, and pedestrian-friendly, with an 18th street core area
 - c. *Jefferson EDGE 2010: Road to Recovery* (Res. No. 104400, 2005) that made implementation of the Metairie CBD plan an objective
 - d. *Jefferson EDGE 2020: Economic Development Strategy* (Res. No. 112894, 2009) that established Fat City as one of seven issues, the only geographically based one, critical to an improved quality of life in the parish
 - e. *Jefferson EDGE 2020 Strategic Implementation Plan: Fat City Redevelopment* (Ord. No. 23627, 2009) that confirmed the Fat City vision as safe, mixed-use, pedestrian-oriented, family-friendly, and attractive with 18th street as the core
11. Hundreds of residents, business persons, and property owners participated in the development of the goals, policies, and strategies that comprise these adopted plans.
12. They identified many challenges, well-documented in the Metairie CBD and Fat City plans.
13. Participants from the Fat City Task Force and from the Fat City area invited from a mailing list of over 600 names, created the following Fat City Vision in the strategic planning workshops, focus group discussions, and an open house:
 - a. A vibrant, mixed-use neighborhood with a stable residential base
 - b. A pedestrian-oriented core, centered on 18th Street
 - c. More family-friendly retail, restaurant, and service uses that both serve the neighborhood and attract visitors from throughout the region
 - d. Compatible transitions between the mixed-use core, residential areas, and heavy commercial areas at the periphery
14. In addition to a future Vision, the Fat City strategic plan contains 19 specific action items associated with the following tools for revitalization:
 - a. Mixed-use zoning regulations
 - b. Public infrastructure and services

- c. Parking strategies
 - d. Public safety initiatives
 - e. Funding initiatives
15. Of the 19 action items, the recommendations of this study address six:
- a. FC1: Adopt new zoning districts
 - b. FC2: Apply new zoning districts to specific properties
 - c. FC3: Develop a strategy to amortize adult uses
 - d. FC4: Develop a strategy to amortize signs that would become nonconforming
 - e. FC5: Establish parking mitigation requirements and a fund
 - f. FC9: Prepare streetscape schematics
16. Jefferson Parish Government already has demonstrated its support for the strategic plan with progress on five other action items, including the creation of a tax increment financing district, \$3.7 million in capital expenditures for street, sidewalk, and drainage improvements, and stepped-up code enforcement that resulted in 610 violations in the recent 2-year period.
17. In evaluating the need for new regulatory and parking strategies, the Planning Department has found that Fat City's existing 25-year-old zoning regulations are not in full accordance with the adopted plans for its future. The existing regulations represent older, conventional zoning approaches that are not consistent with the elements of Traditional Neighborhood Development and Smart Growth that the adopted Fat City plans espouse.
18. When compared to Fat City's adopted plans, its existing zoning includes the following deficiencies:
- a. Uses are too broadly permitted and constraining for mixed uses
 - i. Some BC-2 uses are too intense and auto-oriented for the pedestrian mixed-use core
 - ii. All districts lack flexibility for mixed use
 - iii. Nonconforming uses, especially bars and cabarets, are too intrusive for a pedestrian- and family-friendly, safe and secure neighborhood where commercial and residential uses are in close proximity
 - b. Parking standards lack flexibility and mitigation measures
 - i. They are based on conventional suburban development
 - ii. Shared parking provisions are too restrictive
 - iii. Public parking options are missing
 - c. Dimensional standards are too conventional for a mixed-use pedestrian orientation
 - i. Building setbacks are too large
 - ii. They encourage parking in front and head-in parking
 - iii. They allow too much height but no minimum in the 18th St. core
 - d. Signs are too broadly permitted for good aesthetics and pedestrian orientation

- i. They are based on auto-oriented standards for large, high signs
 - ii. Visual clutter has resulted
 - e. Design standards are lacking
 - i. Poor streetscape aesthetics have resulted
 - ii. A pedestrian-unfriendly environment characterizes Fat City
19. Currently, the 382 land uses in Fat City are divided among three zoning districts: 77% in Business Core-2, 15% in Business Core-1, and 8% in Core District Residential.
 20. The percentage of nonconforming uses currently is a low of nine percent, but the nonconforming uses are concentrated in BC-2 which contains 97% of all nonconforming uses.
 21. Two-thirds, 68%, of BC-2's nonconforming uses, and 66% of Fat City's nonconforming uses, are adult uses and stand-alone bars. By comparison, the next largest group of nonconforming uses—manufacturing, wholesale trade, warehousing, and transportation—comprises 18% of BC-2's nonconforming uses and 17% of Fat City's nonconforming uses.
 22. The 22 bars and adult cabarets in Fat City represent 43% of all state-issued alcoholic beverage licenses held by Fat City businesses. Retail outlets and restaurants comprise 20% and 37%, respectively.
 23. The core area along 18th Street contains 19% of all uses within Fat City but 49% of all alcoholic beverage permits. This area also contains 68% of Fat City's bars and adult cabarets, which account for 60% of the alcoholic beverage permits in the 18th St. core.
 24. In the Metairie CBD comprehensive and Fat City strategic planning processes, participants identified lounges and bars as a source of noise, trash and other waste, parking and security problems, and all-night nuisance activities. In their opinion, criminal activities in some areas were discouraging business and residential development.
 25. Planners explored the relative safety and security within Fat City by examining spatially uses associated with alcoholic beverage permits, and activities that caused persons to call the Jefferson Parish Sheriff's Office (JPSO) for assistance in Fat City between January 1, 2008 and July 30, 2010.
 26. The area of analysis extended 0.25 miles from the center area of Edenborn and 18th streets, as the 18th St. corridor is recognized as Fat City's central area and a 0.25-mile radius is a planning standard for a Mixed-Use Walkable Area.
 27. The analysis showed that a high concentration of service calls occurred in the 18th St. corridor: 401 to 661 service calls came from the intersections of 18th and Edenborn and 18th and Hessmer; 251 to 400 calls came from the intersection of 18th and N. Arnoult; and 151 to 250 calls came from the intersection of 18th and Division. One other area along Division south of 18th St. had 151 to 250 service calls, and all other areas had calls within the ranges of 51 to 150 calls or 1 to 50 calls for service to the JPSO.
 28. Of the 3,145 calls for service, excluding vehicle accidents and burglar alarms, 1,515 calls or 48% of the total calls came from the core area along 18th St., where almost half of Fat City's state-issued alcoholic beverage licenses and more than two-thirds of its bars and adult cabarets are located.
 29. Analysis of the times that persons made the calls for service to the JPSO in the core area indicated that 543 calls or 36% occurred between 6:00 a.m. and 6:00 p.m. and 972 calls or 64% occurred between 6:00 p.m. and 6:00 a.m., the period when

businesses with alcoholic beverage licenses are open. Further, over one quarter of the calls occurred between midnight and 6:00 a.m.

30. Concentrations of businesses with alcoholic beverage licenses and JPSO calls for service, particularly in the evening and early morning hours, suggest negative impacts that would be incompatible with the vision for a safe, mixed-use core area where business and residents are in close proximity, and establish the need for criteria added to the operation of these uses.
31. These criteria—hours of operation, graffiti removal, litter control, soundproofing, security cameras, maintenance of vegetation, and loitering control—are similar to the ones that the Parish Council attached in 1989 to the operation of nightclubs. In 1989 the Council also made a nightclub a special permitted use in the BC-2, in recognition of the potentially injurious impacts that such uses have.
32. The operational criteria would be added to nonconforming bars and adult cabarets (with the exception of soundproofing and security cameras for cabarets) as use standards, not in association with special permitted use designation. Nonconforming bars would be allowed to remain as nonconforming uses, but would be subject to revocation of nonconforming status for failure to comply with the criteria.
33. Other uses with alcoholic beverage licenses also would be subject to hours of operation, with restaurants closing when bars and adult cabarets close, at midnight on weekdays and 1:00 a.m. on Friday and Saturday, but able to open, with groceries and other retail outlets, at 7:00 a.m. for early morning patrons instead of 11:00 a.m. for bars and adult cabarets.
34. Communities such as Newport News, VA; El Paso, Houston, and Dallas, TX; Philadelphia, PA; and New York City, Islip, and Saratoga Springs, NY conducted studies of the impacts of adult uses and made several conclusions, including: higher crime rates; negative influence on children and on people's perception of the neighborhood; less investment by financial institutions; physical blight near adult uses; reduced values of nearby properties; short-term parking used long-term by patrons of adult uses; and negative impacts on pedestrians.
35. These conclusions suggest that the negative secondary impacts of adult uses are not consistent with the Fat City vision for a safe, mixed-use, pedestrian-oriented and family-friendly neighborhood. The Fat City strategic plan recognized this finding and made the amortization of adult uses an action item. Provisions for the amortization of adult uses within two years are included in the proposed Fat City regulations.
36. Besides adding criteria to the operation of uses with alcoholic beverage permits, and amortizing adult uses within a two-year period, the proposed Fat City regulations include many provisions to bring the development regulations into better conformance with the adopted plans.
37. The Fat City regulatory model is a basic town center framework consisting of three districts: FC-1 Pedestrian Core; FC-2 Residential Mixed Use; and FC-3 Commercial Mixed Use.
38. FC-1 would encompass the core area along 18th Street and emphasize pedestrian-supportive uses such as relatively small retail, restaurants, and mixed residential and commercial buildings. It would also cover both sides of 17th St. because 17th St. also is a gateway into Fat City. BC-2 currently covers this area, and the greater intensity of BC-2 uses compared to the FC-1, plus the stand-alone bars, would account for the 34% of uses that would be nonconforming in FC-1.
39. FC-2 would apply to the area north of the 18th St. corridor and allow uses that include and are compatible with the existing residential development. It coincides mostly with the existing CD-R area and would have only three percent nonconforming uses with the change. Besides multifamily residential, FC-2 allows mixed commercial and

residential but the commercial uses must be low intensity, located on the ground floor, and not exceed the residential floor area.

40. FC-3 would encompass the area south of 18th St. and along W. Esplanade and Severn avenues. It retains most of the land-use flexibility that is allowed by the existing BC-2 zoning, with the largest, most intense commercial uses allowed of the three districts; 10% of its uses would be nonconforming. In the FC-3, residential must be located on upper floors and not exceed the commercial floor area.
41. The Veterans Blvd. corridor would be excluded from the FC districts to maintain its consistency with the Veteran Commercial Parkway Overlay Zone.
42. The new Fat City zoning districts contain typical provisions: permitted, prohibited, and conditional uses and any standards associated with them; dimensional standards such as building setbacks and height; building design standards; and landscaping, parking, and signage requirements. The regulations also contain standards that apply to all of the mixed-use districts, as well as procedural requirements.
43. The Planning Department Recommendation below contains the detailed regulations; the following list contains noteworthy provisions that bring zoning into better conformance with the adopted plans:
 - a. Streetscape improvements, shown in the Street Improvements Plan that will be a reference to the regulations, incorporate dimensional, building design, landscaping and parking standards to create attractive, pedestrian-oriented streetscapes.
 - b. Setbacks are reduced throughout the districts, with FC-1 having a build-to-line that locates buildings close to the street for a more enclosed, pedestrian orientation.
 - c. Diagonal and parallel on-street parking spaces are encouraged along the streets to increase public parking, with some parking gained through servitudes on private property to accommodate constrained rights-of-way.
 - d. Height requirements generally stay the same as the BC-2, with a base height of 65 feet for all of the FC districts, and additional height up to 120 feet in the FC-2 and unlimited height in the FC-3 if the building is set back one foot for every additional foot in height, beginning 100 feet from the FC-1 or any residential zoning district. FC-1 has minimum height standards of two stories for buildings on interior lots and three stories for corner buildings, again to enhance the pedestrian orientation.
 - e. Building design standards emphasize form, not architectural style, by requiring certain percentages of openings in facades and entrances facing 18th St. to promote an attractive, pedestrian-oriented streetscape.
 - f. Materials like brick and masonry are required for the first 65 feet and balconies and awnings are encouraged for shade and weather protection.
 - g. All of the districts require street trees and sidewalks.
 - h. FC-2 and FC-3 allow screened dumpsters behind the front building line, but FC-1 prohibits them to enhance the pedestrian streetscape, with compliance when a new use is established, an existing contract expires, or 2014. In the FC-1, a restaurant with a high waste volume may have a dumpster in accordance with existing provisions in Chapter 16 for hardship.
 - i. The regulations address Fat City's parking challenges through these measures:
 - i. credit to adjoining uses for on-street public parking spaces
 - ii. payment to a parking mitigation fund for a public parking facility, in lieu of providing required parking on-site

- iii. reduced parking ratios for commercial uses, that are more in line with mixed-use, pedestrian-oriented standards
 - iv. flexible shared parking provisions that allow sharing over a greater distance and capture savings among uses with different peak hours of operation
 - j. Sign standards that prohibit pole signs in all of the districts, reduce the permitted area of wall, projecting, and awning signs, and allow monument signs in the FC-2 and FC-3 districts with larger signs and electronic message signs allowed along W. Esplanade and Severn, all to reduce visual clutter and enhance aesthetics
44. The Fat City strategic plan includes an action item for the amortization of nonconforming signs, important to the realization of improved aesthetics and for providing more uniform application of sign regulations.
 45. Provisions for the amortization, within five years, of signs that would become nonconforming are included in the proposed Fat City regulations. 41% of existing signs, primarily pole signs, would become nonconforming.
 46. The Fat City strategic plan notes that the Parish should revise the nonconforming provisions of the zoning ordinance so that they apply to structures in addition to uses, and the Planning Department concurs that such a study should be called in order to address the nonconforming structures that the new Fat City regulations would create.
 47. To ease and shorten development review, the new Fat City regulations provide administrative review and approval procedures similar to the CPZ and MUCD districts, but authorize the Board of Zoning Adjustments to grant variances to only relatively minor elements such as dimensions of building openings, entries, and garage doors; landscaping; location and screening of mechanical equipment; and one parking space to accommodate a monument sign on a constrained site.
 48. The Planning Department proposes that the new Fat City regulations be added to *Chapter 33 Unified Development Code*, which the Council created in 2008 when it adopted the new subdivision regulations. Once fully populated with the parish's development regulations, the UDC will be a more comprehensive and comprehensible document that presents the regulations in a more seamless and systematic manner.
 49. These proposed amendments include housekeeping provisions for site plan approval, text and map amendments, development agreements, vested rights, definitions, and miscellaneous formatting for comprehensibility and to maintain consistency between *Chapter 40 Zoning* and Chapter 33.
 50. A resolution establishing the Fat City site plan review fees and adding the Street Improvements Plan to the Appendix of Chapter 33 accompanies the Fat City ordinance.

**ENVISION JEFFERSON 2020 CITIZENS ADVISORY COMMITTEE (CAC)
RECOMMENDATION:**

The CAC recommended approval of the Fat City text and map amendments, concurring with the Planning Department's recommendation including changes to the map showing the boundaries of the FC-1, FC-2 and FC-3 zoning districts.

SUMMARY OF CAC MEETING:

The Planning Department and consultant Michael Lauer of Planning Works made a presentation that detailed the new Fat City zoning districts and summarized other amendments to *Chapter 33 Unified Development Code* and *Chapter 40 Zoning* of the Code of Ordinances needed to administer the Fat City zoning districts and to make the two chapters consistent. CAC members asked questions about several provisions, including amortization, and made some suggestions that included clarifying the size of fence posts and landscaping materials used for screening and confirming the parish's ownership of Fat City street rights-of-way.

PLANNING ADVISORY BOARD RECOMMENDATION: At its August 26, 2010 public hearing, the PAB concurred with the Planning Department’s recommendation and voted 7-0 to recommend approval, to the Parish Council, of the text and map changes for Fat City.

SUMMARY OF PLANNING ADVISORY PUBLIC HEARING: Consultant Michael Lauer and Planning Director Ed Durabb presented the Planning Department’s recommendation to the PAB. Mr. Lauer presented a series of slides that summarized the amendments to the Code of Ordinances needed to create the new zoning districts for Fat City. He reviewed the changes to the June 22, 2010 draft of the amendments, which was the draft that planners presented at the public meeting held on that date. Mr. Lauer also summarized the changes to the August 19, 2010 draft of the amendments, with the exact amendments provided in writing to the PAB members. Mr. Durabb presented a series of slides that addressed the location of Fat City uses with alcoholic beverage permits and the distribution of calls for service to the Jefferson Parish Sheriff’s Office. He also spoke of the distribution of service calls by the times that they were made. After Mr. Durabb concluded the presentation of the department’s recommendation, 12 proponents of the recommendation spoke, followed by six opponents. Ms. Lynne Parker then added letters of support into the record.

COUNCIL ACTION:

AMENDED ORDINANCE: Yes

SUMMARY OF PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends approval of the text and map amendments for Fat City and the related housekeeping amendments. The adopted plans for Fat City’s redevelopment require new development regulations to achieve Fat City’s vision as an attractive, mixed-use, pedestrian-oriented, family-friendly, and safe and secure neighborhood. Elements of Traditional Neighborhood Development and Smart Codes, such as mixed use, pedestrian-oriented streetscape, limited signage, and flexible parking can realize the vision better than Fat City’s existing conventional zoning that segregates uses, requires relatively large setbacks, and otherwise lacks the flexibility of the more innovative development standards that TXT-4-10 proposes.

PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends the following changes to Chapters 33 and 40 of the Code of Ordinances:

1. That Chapter 33, Unified Development Code, Article I Administration, Sec. 33-1.3 Title be amended by deleting “or Code” and that all subsequent sections of Chapter 33 be amended by changing all references to “Code” or “this Code” to “UDC” or “this UDC.”
2. That Chapter 33, Unified Development Code, Article I Administration, Section 33-1.3, effective date be amended to read as follows:

As provided by state and local laws and the parish charter, this UDC shall be in full force and effect pursuant to its adoption on February 13, 2008 by Ordinance No. 23243, which established the effective date as ninety (90) days after adoption.

3. That Chapter 33, Unified Development Code, Article 1 Administration, Section 33-1.10 Appendix be amended to read as follows:

The Appendix of this UDC shall include, but not be limited to: the application forms with submittal requirements; **the application fee schedules; the information required on the drawings—plans, elevations, details—for site plan review;** the subdivision public improvements standards manual; **and street improvements plans.** These documents are not set out herein, but are available for download from the parish’s website address or for inspection by hard copy in the following offices: the Planning Department for application forms, **fee schedules, site plan submittal requirements, and street improvements plans;** or the Department of Engineering for the Subdivision Public Improvements Standards Manual.

4. That Chapter 33, Unified Development Code, Article 1 Administration, Section 33-1.12 Responsibilities for Application of Code be amended to read as follows:

Sec. 33-1.12 - Responsibilities for application of **UDC**.

* * *

- (d) Planning director. In addition to the responsibilities established in the Jefferson Parish Code of Ordinances, the planning director shall have the responsibility and authority to administer and enforce certain provisions of this **UDC**, as stated herein, including, but not limited to the following powers and duties:
- (1) Provide written reports and recommendations to the parish council, PAB, **and Old Metairie Commission** stating whether the proposed **plan amendment or land use action requiring council approval** is consistent with the goals, objectives, and policies of the Comprehensive Plan **and conforms with this UDC**.
 - (2) Act as a liaison to other agencies and organizations in matters relating to this **UDC**.
 - (3) Review and render interpretations to all provisions of this **UDC** except those responsibilities assigned to the public works director or inspection and code enforcement director.
 - (4) Keep a record of all transactions, correspondence, and actions pertaining to the administration of this **UDC**.
 - (5) Waive information requirements of this UDC if the provisions can be accomplished without such information, **or require additional information if it is reasonable and necessary for a recommendation or decision**.
 - (6) Review concept or site plans, preliminary plats and final subdivision plats for conformance with this **UDC** and forward all LURTC recommendations to the **Old Metairie Commission**, PAB and parish council, **if council approval is required**.
 - (7) Review, approve **and record** minor subdivisions **and site, building, and planting plans or elevations required by zoning district standards that permit administrative discretion and approval**, for conformance with this **UDC** after considering LURTC recommendations.
 - (8) Review and approve conveyances and plat or plan adjustments or corrections for conformance with this **UDC** after considering LURTC recommendations.
 - (9) **Make such surveys, analyses, researches, inquiries special studies and reports as are authorized or requested by the parish council or administration**.
 - (10) Other responsibilities as may be assigned by the parish council **or administration**.

* * *

5. That Chapter 33, Unified Development Code, Article 2 Procedures, Section 33-2.5 Site Plan be amended to read as follows:

Sec. 33-2.5. Site plan.

- (a) **Purpose. Site plans are intended to provide detailed information about the location, design, and configuration of proposed buildings, parking, accessways, landscaping, yards, and other features of site development. This information is needed to demonstrate compliance with applicable**

requirements for the location and type of development and is vital to ensure the continued health, safety and welfare of the general public. Recognizing that administrative staff is capable of evaluating site plans as a matter of course in the review of development permits, that the land development regulations are specific in terms of their requirements, including which uses are subject to site plan review and in which zoning districts site plan review shall occur, that the need for a public hearing is reduced for most projects, and in accordance with law, the parish establishes an administrative procedure for site plan review and provides a procedure for site plans that require a public hearing and action by the parish council.

- (b) ***Applicability.*** Site plans shall be required for development as provided in the standards for each zoning district. In addition to establishing site plan applicability standards, zoning district standards may modify site plan review procedures and submittal requirements.
- (c) ***Application and procedure.*** Unless otherwise provided in the district standards, site plans shall be submitted to the planning department. If applicable, the planning director shall forward the site plan to the LURTC for review and comment prior to action. Lack of findings from LURTC within ten (10) days shall be construed as no objection to approval. After evaluating LURTC comments and the site plan's compliance with applicable development standards, the planning director shall approve the site plan, or as provided in the standards for each zoning district, make a recommendation regarding approval of the site plan and forward it to the Old Metairie Commission or the Planning Advisory Board and council for action. The planning director, if authorized, shall approve the site plan if it fully complies with the criteria and standards set forth in the applicable zoning district and other applicable chapters of this Code, or if provided in the district standards has been granted a variance or exception from the Board of Zoning Adjustments for criteria and standards as permitted in the applicable zoning district.
- (d) ***Submittal Requirements.*** The application for site plan review shall include the information listed in the Appendix of this UDC, unless additional information is required by the zoning district standards or the planning director finds, in writing, that specific information is not required or additional information is required to evaluate compliance with applicable development standards.
- (e) ***Effect of Approval.*** Final site plan approval, as indicated by the dated signature of the planning director, shall be valid for a period of one (1) year, except that a phasing plan approved by the planning director may provide for approval of discreet project phases over a period of up to three (3) years. Site plan approvals of longer than three (3) years may be authorized through parish council approval of a development agreement as provided in Section 33-2.27.
- (f) ***Recordation of Approved Site Plan.***
 - (1) For administrative approval of a site plan, the applicant shall submit one (1) original of the final site plan to the planning department for the planning director's dated signature, which shall indicate final approval. Within three (3) days of the submittal of the plan, the planning department shall notify the applicant that the director has signed the plan. The applicant shall return the original and five (5) copies of the signed site plan to the planning department. Within ten (10) days of receipt of the original and copies from the applicant, the planning director shall convey the approved site plan to the clerk of court for recordation and two (2) copies of the recorded plan to the department of inspection and code enforcement. Recordation of the approved site

plan shall be initiated by the planning department and not the applicant, and shall be withheld until the requested number of site plans has been received by the planning department. The department of inspection and code enforcement shall not issue a building permit until it receives the recorded site plan from the planning department. An original of the site plan indicating the recordation shall be retained by the planning department and by the department of inspection and code enforcement, which shall flag properties subject to site plans in its records. If approval of the site plan lapses because no building permit has been issued or the building permit lapses and has not been reactivated, then the recorded site plan shall be deemed null and void. All site plans approved by this administrative procedure shall make reference to such conveyance cancellation on the plans prior to recordation. Upon notification in writing from the director of inspection and code enforcement that site plan approval has lapsed for a property flagged for site plan approval, the planning director shall file an act of release, on a form approved by the parish attorney's office, with the clerk of court to provide inscription that releases the property from the recorded site plan, and thereafter shall provide a copy of the recorded release to the department of inspection and code enforcement. Unless the planning director files an act of release, the recorded site plan shall thereafter be binding upon the applicants, their heirs, successors, and assigns; shall limit and control the issuance and validity of permits and certificates; and shall restrict and limit the use and operation of all land and structures within the area designated in the site plan and approval thereof. The initial application for site plan review shall include filing fees for recordation and release.

- (2) When the council approves the site plan, the applicant shall submit to the planning department one (1) original and five (5) copies of the final site plan of the project as approved by the council. After certification by the planning director that the submitted plans conform to the approval of the council, as indicated by the dated signature of the planning director, the planning department shall submit the original and four (4) copies of the certified site plan to the clerk of council who shall submit the site plans to the clerk of court for recordation with the council ordinance that approved the project, within sixty (60) calendar days of the effective date of the ordinance or certification by the planning director that the site plan conforms to the approval of the council, whichever is later. After recordation, the clerk of council shall convey the original to the planning department and two (2) copies of the recorded site plan to the department of inspection and code enforcement, and shall file one (1) copy of the recorded site plan with the clerk of court and one (1) copy with the clerk of council. The department of inspection and code enforcement shall not issue a building permit until it receives the recorded site plan from the clerk of council. The site plan indicating the recordation shall be retained by the clerk of council, the planning department, and the department of inspection and code enforcement, which shall flag properties subject to site plans in its records. If approval of the site plan lapses because no building permit has been issued or the building permit lapses and has not been reactivated, then the recorded site plan shall be deemed null and void. All site plans approved by this legislative procedure shall make reference to such conveyance cancellation on the plans prior to recordation. Upon notification in writing from the director of inspection and code enforcement that site plan approval has lapsed for a property flagged for site plan approval, the planning director shall notify the council in writing that an act of release with the clerk of court is necessary to provide inscription that releases the property from the recorded site plan. The council shall authorize an act of release by resolution directing the clerk of council to file such act with the clerk of

court, and the clerk of council thereafter shall provide a copy of the recorded release to the planning department and the department of inspection and code enforcement. Unless the clerk of council files an act of release as authorized by the council, the recorded site plan shall thereafter be binding upon the applicants, their heirs, successors, and assigns; shall limit and control the issuance and validity of permits and certificates; and shall restrict and limit the use and operation of all land and structures within the area designated in the site plan and approval thereof. The initial application for site plan review shall include filing fees for recordation and release.

6. That Chapter 33, Unified Development Code, Article 2 Procedures, Section 33-2.23 UDC Text Amendments be amended to read as follows:

Sec. 33-2.23 UDC Text Amendments

(a). Purpose

The Jefferson Parish Council may amend the UDC from time to time to address changing conditions, implement the comprehensive plan and otherwise protect the public health, safety and welfare.

(b). Initiation and Procedure

(1). The amendment process may be initiated:

- a. Upon recommendation for amendment by the planning director or the Planning Advisory Board to the Council, after determination by the planning director or the Planning Advisory Board, that the amendment should be made. Prior to the recommendation, the Planning Advisory Board or planning director may call a study to prepare an amendment to the UDC;
- b. By request of a Jefferson Parish resident or property owner. Such requests shall be submitted to the planning director for evaluation by staff and the Planning Advisory Board prior to introduction of the requested amendment to the Council;
- c. By resolution of the Council directing the preparation of an ordinance or study, and invoking the pending ordinance doctrine pursuant to section 33-2.23.E; or
- d. By introduction of an ordinance by the Council.

(2). Notice:

- a. Notice of the purpose or subject of each case on the docket of the Planning Advisory Board, the time, date and place of the hearing shall be published once per week for three (3) consecutive weeks in the Official Journal of Jefferson Parish.
- b. Notice of application or area study by placement of a sign shall be provided in accordance with Chapter 40 of this Code.
- c. Notice of the original proposal on the docket of the Planning Advisory Board shall also constitute notice of any substitute, alternative or modified amendment that may be recommended by the planning director, Planning Advisory Board, or Council, if said amendment addresses substantially similar subject matter and purposes in accordance with chapter 40 of this Code.

3. Defective notice; validity:

No amendment shall be declared invalid by reason of any defect in the publication of the notice in respect to purpose, subject matter, or the

time and place of the hearing if the published notice gives reasonable notice of its purpose, subject matter, substance or intent.

4. Public hearing:

A public hearing for each proposed amendment shall be conducted by and before the Planning Advisory Board, at which time all interested parties and citizens shall have an opportunity to be heard. Each proposed amendment shall be allotted a case or docket number and scheduled for public hearing. During the public hearing the planning director shall be called upon for presentation of a technical recommendation and analysis for the proposed amendment. The Planning Advisory Board may, in their rules of procedure, include provisions for the order of presentation during public hearings.

(c). Decision Makers

(1). *Planning Director Action*

Prior to the public hearing, the planning director shall submit findings and recommendations related to the proposed amendment for consideration by the Planning Advisory Board.

(2). *Planning Advisory Board Action*

- a. After considering public testimony and the findings and recommendations of the planning director, the Planning Advisory Board may recommend adoption of the proposed amendment as presented, adoption of the amendment with modifications, or disapproval of the amendment.
- b. *Recommendations to Council.* Within forty-five (45) days of initiation of the public hearing, the planning director shall forward to the Parish Council, the Planning Advisory Board's recommendation, the Director's findings and recommendations and the minutes of public testimony.

(3). *Parish Council Action*

- a. Upon receipt of the above referenced findings, recommendations and testimony, the Council may take official action. The Council shall consider the findings, recommendations and testimony prior to making a decision. If no findings, testimony, and recommendations are received by the Council within forty-five (45) days after the initiation of the Planning Advisory Board public hearing, the Council may take official action upon the proposed amendment without this record.
- b. No amendment shall become effective unless and until:
 - i. There has been a public hearing, and
 - ii. The Council takes a final vote on the proposed amendment within one hundred twenty-six (126) calendar days from the initiation of the Planning Advisory Board public hearing. However, in the event that the deadline falls on a holiday or a meeting that has been cancelled by the Council, the deadline will be extended automatically to the next regular Council meeting.

(d). Approval Criteria

- (1). In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the Council shall consider the following matters:

- a. Whether the proposed change is consistent with the goals and objectives of the Comprehensive Plan, other adopted plans and policies, or other Parish regulations and guidelines.
- b. Whether the proposed change is consistent with the purpose and intent of the UDC.
- c. Whether the proposed change will benefit the public health, safety and welfare within the Parish.

(e). Approvals Pending Ordinance Amendments; Moratorium

- (1). Upon adoption of a resolution or introduction of an ordinance, the Council may call for moratorium on development approvals affected by the proposed amendment or adopt interim development standards. Such moratorium or interim development standards shall be in effect from the date that a resolution is adopted or an ordinance is placed in summary for up to one (1) year or until the effective date of the ordinance, whichever occurs first. The Council action shall not affect action on completed applications submitted prior to the resolution or ordinance, but may affect subsequent applications for the same project. When calling a study or invoking a moratorium, the Council may establish interim development standards providing for reasonable approval conditions or exemptions for certain types of development applications that would otherwise be affected by the study or moratorium. Introduction of an ordinance that conveys the substantial intent of the Planning Director's findings and recommendations for the final disposition of a study shall extend a moratorium or interim zoning regulations for an additional period not to exceed six (6) months or the effective date of final Council action, whichever comes first.
- (2). The expiration of a moratorium or interim development standards shall not result in the expiration of a study. The planning director shall notify the Council ninety (90) days prior to the expiration of a moratorium. At any time during the ninety (90) day period the Council may extend the moratorium or interim development regulations by resolution or ordinance for no more than one (1) additional period not to exceed six (6) months. Upon the expiration of the moratorium no identical moratorium shall be imposed for a two (2) year period from the final expiration date of the expired moratorium.

7. That Chapter 33, Unified Development Code, Article 2 Procedures, Section 33-2.27 Development Agreements be amended to read as follows:

Sec. 33-2.27. Development Agreements.

* * *

- (b) *Applicability.* Except as provided below, before a **subdivision** plat is recorded **or the department of inspection and code enforcement issues the final certificate of compliance or completion on the building permit for a site plan approved by the planning director or council**, all applicants shall be required to complete, to the satisfaction of the public works director, all street, sanitary, and other public improvements required by this **UDC**. The required improvements shall be those specified in the approved construction plans **or site plans**.
- (c) *Conditions.* If the applicant chooses not to complete all required on and off-site public improvements prior to final plat approval **or issuance of the final certificate of compliance or completion**, the applicant shall provide financial guarantees in favor of the parish to assure the construction of on and off-site public improvements identified in the final plat **or site plan approval** and documented in the development agreement. This surety shall remain in effect for

the duration of the agreement or until the parish has accepted all improvements. 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 parish may use the guarantee to complete the improvements as required or pursue other remedies authorized by state law.

- (d) *Guarantee of completion of public improvements.* The parish council may defer the requirement for the completion of required improvements if the applicant enters into a development agreement by which the applicant guarantees completion of all required public improvements no later than two (2) years following the date upon which **the council approves the final plat or the department of inspection and code enforcement issues the final certificate of compliance or completion on the building permit for a site plan approved by the planning director or council.** The parish council may authorize an agreement providing for multi-phase development over a longer period of time, provided that the agreement includes a phasing schedule and that provisions are made for guaranteeing completion of improvements required to serve each phase as it is subdivided, **or, in the case of a site plan, developed.** The council may require the applicant to complete and/or dedicate some required public improvements, rights-of-way or servitudes for subsequent development phases prior to approval of the final plat **or issuance of the final certificate of compliance or completion for a site plan for any phase of a multi-phase development. For public improvements serving multiple developments the council may accept a pro rata contribution towards the funding of required public improvements.** The parish attorney approval of the form and legality of any development agreement is required prior to its execution. The public works director shall verify that improvement costs provided by the applicant reasonably reflect the costs of required improvements prior to execution of the development agreement.
- (e) *Covenants to run with the land.* The development agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The development agreement shall be recorded with the Jefferson Parish Clerk of Court in conjunction with the applicable final plat **or site plan.** Applicants shall be required to have all existing lien holders subordinate their liens to the covenants contained in the development agreement.
- (f) *Performance security.*
 - (1) *Security required:* Whenever the parish council permits an applicant to enter into a development agreement under this section, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of cash escrow or a surety bond acceptable to the parish and naming the parish as the beneficiary and guaranteeing construction of subject improvements.
 - (2) *Amount of security:* The cash escrow or surety bond shall be in an amount estimated by the public works director as reflecting one hundred ten (110) percent of the cost of the improvements in the approved construction plan **or site plan** as calculated using prevailing wage rates, and shall be sufficient to cover all promises and conditions contained in the development agreement.

* * *

- (l) *Decision-maker.* The parish council shall approve, approve with conditions or deny the development agreement through the resolution approving a final plat or the ordinance approving a preliminary plat or granting a rezoning. **For a development agreement associated with a site plan approved by the planning director or council, the council shall approve, approve with conditions or deny the development agreement through an ordinance.**

8. That Chapter 33, Unified Development Code, Article 3 Zoning be amended to read as follows:

ARTICLE 3. ZONING

The intent of the Parish Council is to move all of its zoning regulations to Chapter 33. During the transition, the following text supplements the zoning provisions in Chapter 40 of this Code. To the extent that this chapter lacks provisions and standards common to all districts and procedures for applying, administering and enforcing its regulations, the provisions, standards, and procedures of Chapter 40 shall apply; to the extent that the provisions of this chapter conflict with the provisions of Chapter 40, the provisions of this chapter shall prevail. All references to the UDC refer to Chapter 33 of this Code.

Sec. 33-3.1. Overview (reserved).

Sec. 33-3.2. Establishment of zoning districts.

- (a) *Pedestrian-Core District (FC-1)*
- (b) *Residential Mixed Use District (FC-2)*
- (c) *Commercial Mixed Use District (FC-3)*

Sec. 33-3.3. Zoning map (reserved).

Sec. 33-3.4. Use matrix

(a) Interpretation

Table 33-3.4-1 Authorized Land Uses lists the principal uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a conditional use permit. Function codes of the Land Based Classification Standards (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 Code.

- (1) *LBCS Hierarchy.* The LBCS function codes establish a four digit hierarchy of uses with digits to the right expressing greater specificity. Where no entry appears in the zoning district columns of Table 33-3.4-1 (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 of Table 33-3.4-1 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.
- (2) *Permitted Uses.* A “P” indicates the listed use is allowed by-right within the respective zoning district. Note that some conditions may be established in the zoning district standards, in Article 5 of this UDC, or elsewhere in the Jefferson Parish Code of ordinances. An “S” indicates that the listed use is allowed subject to supplemental use regulations established in the zoning district regulations.
- (3) *Conditional Uses.* A “C” indicates the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit by the Planning Advisory Board and the Parish Council in accordance with Chapter 40, Article XL. Special Permitted Uses. For purposes of this UDC, a Special Permitted Use is the same as a Conditional Use. Note that conditions for some of these uses are established in Article 5 of this UDC.
- (4) *Prohibited Uses.* An “X” indicates the listed use is not allowed within the respective zoning district, unless otherwise expressly allowed within this UDC.

- (5) ***Uses Not Specifically Listed.*** In the case where a use is not listed in the use matrix (Table 33-3.4-1) either as a specific LBCS classification or as an example, and such use is not otherwise prohibited by law, the director of inspection and code enforcement shall request in writing that the planning director determine whether a substantially similar use exists in the use matrix. In making the determination, the planning director shall endeavor to maintain the national standardization of the LBCS while addressing the parish's particular needs for zoning and land use classification, and shall refer to the following documents and rules of construction:
- (a) ***LBCS Tables***, American Planning Association, LBCS Project, 07-Oct-09 or latest edition
 - (b) ***North American Industry Classification System (NAICS)***, United States, 2007 or latest edition.
 - (c) If the planning director determines that the ***LBCS Tables*** do not address the use at the appropriate level of specificity, then he shall refer to the NAICS for guidance. If a use is listed for a general classification while a more specific classification within the same industry classification is also listed, the specific classification shall govern.
 - (d) In referring to the NAICS, the planning director shall consider the industry description and illustrative examples of the most specific NAICS classification that may apply to the use, and shall compare uses across similar levels of specificity within the same NAICS classification and between NAICS and LBCS classifications.
 - (e) If all nine LBCS codes within a classification are populated with uses to the fourth or most specific digit, then the planning director shall determine the most appropriate location among existing codes for a use not specifically listed, based on the NAICS and LBCS descriptions and illustrative examples.
 - (f) If LBCS has unpopulated codes within a classification and none of the listed codes are appropriate for the unlisted use, then the planning director shall assign a new LBCS code based on the NAICS and LBCS descriptions and the parish's classification needs.
 - (g) 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. Within ten (10) days of receipt of the request of the director of inspection and code enforcement, the planning director shall notify the director of inspection and code enforcement in writing of the determination and shall record the decision in the LBCS documents, which are incorporated by reference and are maintained in the office of the planning department.
 - (h) If the planning director determines that a new LBCS code is needed in the use matrix (Table 33-3.4-1), then he shall call a text study of the use matrix in accordance with Section 33-2.23 to establish a specific listing for the use and the appropriate district or districts where such use shall be allowed. Within ten (10) days of receipt of the request of the director of inspection and code enforcement, the planning director shall notify the director of inspection and code enforcement in writing of the determination. Unless an appeal is timely filed pursuant to Section 40-794 Appeals to the Board in Chapter 40 Zoning of this Code, the planning director's

determination shall be valid.

- i) If, when seeking periodic ratification of interpretations through text amendment to this UDC, the planning director's interpretation is reversed by action of the council, then decisions regarding a development application made in reliance on the planning director's interpretation shall be valid, except that nonconforming use regulations of this Code shall apply.

(b) Use matrix

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels			
Private Dwelling	1100	Single-family homes, doubles, apartments, condominiums, mobile homes, townhouses; excludes households with special provisions			
Single family	1110				
single family detached	1111	Typical single-family dwelling	X	X	X
single family attached (townhouse)	1112	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	X	S	X
single family manufactured home	1113		X	X	X
Two family (double or duplex)	1120				
two family detached	1121		X	X	X
two family attached	1122		X	X	X
Three family (triplex)	1130				
three family detached	1131		X	X	X
three family attached	1132		X	X	X
Four family (quadruplex)	1140		X	P	X
Multi-family	1150	Five or more units	X	P	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Housing Services	1200	Housing and custodial services for those who cannot care for themselves			
Retirement housing services	1210	Housing with minimal convenience services	X	P	X
Congregate living services	1220	Housing with convenience services such as housekeeping, transportation, recreational programs	X	P	X
Assisted-living board and care and adult care group homes	1230	Adult care, group homes, board and care; services include daily activity assistance such as dressing, grooming, bathing, etc.	X	P	X
Continuing care retirement center	1240	Retirement centers run by church or social welfare organizations to which residents turn over some or all of their assets in exchange for housing, personal care, convenience care, and some health care. Also called endowment facilities, founders care facilities, continuing care retirement centers, etc.	X	P	X
Nursing or convalescent home	1250	Nursing homes and convalescent hospitals providing 24-hour skilled nursing care	X	X	X
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers			
Bed and breakfast inn	1310	Primarily in private homes and small buildings	X	X	X
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members, providing temporary accommodations and may offer housekeeping, meals, and laundry services	X	X	X
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services but may offer food services, recreational services, convention hosting services, laundry services, etc.; includes extended-stay hotels			
Hotel	1331	As defined in Chapter 40, Zoning	P	X	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Motel, tourist courts	1332	As defined in Chapter 40, Zoning	X	X	X
Casino hotel	1340	Functions like a resort or hotel in addition to the gambling operations in the casino portions of the premises providing services packaged to serve gambling, sports betting, slot machines, food services, conference or convention facilities, and recreational amenities like spas	X	X	X
Other traveler accommodations	1350	Guest houses, youth hostels and similar short-term lodging	X	X	X
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of non-residential uses associated with commercial land use			
Retail Sales or Service and Repair	2100	Non-residential uses with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair or installation			
Automobile sales or service	2110	Motor vehicle and parts and accessories dealers including repair and maintenance, may have showrooms or open lots for selling vehicles			
car dealer	2111	New or used automobiles and light trucks such as SUV's	X	X	X
bus, truck, mobile homes, or large vehicles	2112	New or used larger vehicles not included in car dealers category such as buses, RV's, and trucks;	X	X	X
motorcycle, atv	2113	New or used motorcycles, motorbikes, motor scooters, mopeds, and off-road all-terrain vehicles	X	X	X
boat or marine craft dealer	2114	New or used boats, personal watercraft, outboard motors, boat trailers, related marine equipment supplies	X	X	X
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores, tire and tube shops	X	X	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
gasoline service	2116	Gas stations with or without convenience stores or food marts and may provide automotive repair, automotive oils, and replacement parts and accessories	X	X	P
automotive repair and maintenance	2117	Automotive repair garages, maintenance and tune-up shops, body and paint shops, oil change and lubrication shops, detail shop, car wash	X	X	X
truck stop	2118	Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services	X	X	X
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services			
furniture or home furnishings	2121	Furniture (household, outdoor, office), flooring, bedding stores, window treatment; may be in combination with installation and repair	X	X	P
hardware, home center	2122	Home building and repair supplies, may sell other products, such as lumber, plumbing and electrical goods, tools, housewares, hardware, lawn and garden supplies, paint and wallpaper store	X	X	P
lawn and garden supplies	2123	Nursery and garden products predominantly grown elsewhere, outdoor power equipment sales or services, pool supply	X	X	P
department store, warehouse club, or superstore	2124	Large variety of goods, may include apparel, furniture, appliances and home furnishings, paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys, sporting goods, and groceries in combination with general merchandise	X	X	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
electronics and appliances	2125	Household-type appliances, tv's, stereos, cameras, including maintenance and repair, cell phone stores, may sell computer hardware and software along with other lines of merchandise, however, businesses primarily selling computer hardware, software and services or camera equipment and services are classified in separate categories	P	X	P
lumber yard and building materials	2126	Lumber yards and heavy building materials	X	X	X
heating and plumbing equipment	2127	Heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category	X	X	X
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances and home furnishings, paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys, sporting goods, automotive parts, and dry goods.			
computer and software	2131	Computers and prepackaged software without other electronic or office equipment, including repair, support, and training	P	P	P
camera and photographic supplies	2132	Primarily retail cameras and photographic supplies or retail with repair and film developing	P	P	P
clothing, footwear, jewelry, silverware, watches and clocks, luggage and leather goods, shoes	2133	Including retailing in combination with repair and lapidary work	P	P	P
sporting goods, toy and hobby, and musical instruments	2134	Bicycles and bicycle parts, camping equipment, exercise and fitness equipment, trophies, athletic uniforms, specialty sports footwear, toys, games, hobby, craft, and sewing supplies, musical instruments,	P	P	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
books, magazines, music, stationery	2135	books, newspapers, magazines, stationery, school and office supplies, gift and novelty merchandise, souvenirs, greeting cards and candles, seasonal and holiday decorations, curios, sheet music, prerecorded audio and video tapes, CDs, DVDs and similar products	P	P	P
Consumer goods, other	2140	Retail merchandise (except groceries or health items) not included in preceding codes			
florist	2141	Cut flowers, floral arrangements, and potted plants purchased from others	P	P	P
art dealer, supplies, sales and service	2142	Original and limited edition art works and may offer art supplies and services	P	P	P
tobacco sales or tobacconist	2143	Cigarettes, cigars, tobacco, pipes, and other tobacco supplies	P	P	P
mail order sales or direct selling	2144	Retailing other than in stores, offer services through sales staff that may go to the customer's location or may utilize mail or electronic media, includes businesses retailing from catalogue showrooms of mail-order houses	X	X	P
antique shop, flea market, thrift stores	2145	Primarily retail of a general line of used goods	P	X	P
Grocery, food, beverage, dairy	2150	Retail food and beverage merchandise from fixed point-of-sale locations			
grocery store, supermarket, or bakery	2151	Retail a general line of food, includes meat and seafood markets, delicatessens, and businesses retailing baked goods made off-premises and not for immediate consumption	P	X	P
convenience store	2152	Excludes those with fuel pumps; primarily retail of a limited line of goods	P	X	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
specialty food store	2153	Retail specialty food items such as packaged coffee, tea, confectionery products, nuts, spices, and gourmet foods	P	P	P
fruit and vegetable store	2154	Primarily retail fresh fruits and vegetables either as stand-alone business or larger collection of shops such as common with farmers' markets and roadside grocery stands	P	X	P
beer, wine, and liquor store	2155	Primarily retail packaged alcoholic beverages	P	X	P
Health and personal care	2160	Retail health and personal care merchandise from fixed point-of-sale locations; may have specialized staff trained in dealing with the products, such as pharmacists and opticians			
pharmacy or drug store	2161	Primarily retail prescription or nonprescription drugs	P	P	P
cosmetic and beauty supplies and personal grooming products	2162	Primarily retail cosmetics, perfumes, toiletries, and personal grooming products	P	P	P
optical and contact lenses	2163	Retail prescription or nonprescription eyeglasses and contact lenses	P	P	P
convalescent supply, prosthetic, hearing aid store	2164	Retail prescription or nonprescription health and convalescent aids	P	P	P
health food supplement store	2165	Primarily retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements	P	P	P
Finance and Insurance	2200	Businesses engaged in financial transactions that create, liquidate, or change ownership of financial assets; also pool financial risks by underwriting insurance and annuities or support employee benefits programs			

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Bank, credit union, or savings institution	2210	Perform central banking functions and accept deposits or lend funds from these deposits	P	X	P
Credit and finance businesses	2220	Extend credit or lend funds raised by credit market borrowing, such as issuing commercial paper or other debt instruments or by borrowing from other financial intermediaries; also include credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing, and secondary market financing	P	X	P
pawn shop and retail loan	2221	Consumer cash lending secured by personal property; retail unsecured loan operations	X	X	X
Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios, providing investment advice and trust, fiduciary, and custody services	P	X	P
Insurance-related businesses	2240	Insurance and annuity underwriting, selling insurance and employee-benefit related services	P	X	P
Fund, trust, or other financial businesses	2250	Pool assets, such as funds and trusts, on behalf of shareholders or beneficiaries; act as principals in buying or selling financial contracts, and provide related investment services	P	X	P
Real Estate, and Rental and Leasing	2300	Rent or lease assets, which can be tangible such as real estate or equipment or intangible such as patents and trademarks			
Real estate services	2310	Lease real estate (except buildings) such as manufactured home sites and vacant lots; includes real estate appraisers	P	X	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Property management services	2320	Manage real property for others; management includes services associated with overall operation of property such as collecting rents, overseeing maintenance, security and trash removal			
commercial property-related, mini- or self-storage	2321	Lease buildings not used as residences; includes mini-warehouses and self-storage units which provide space where clients store and retrieve goods	X	X	X
rental housing-related	2322	Lease buildings used as residences	P	P	P
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes businesses primarily renting equipment with operators			
Cars	2331	Lease passenger cars without drivers	X	X	X
leasing trucks, trailers, rv's, buses, aircraft, tugboats, etc.	2332	Drivers or operators_not provided	X	X	X
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	X	X	X
leasing commercial, industrial machinery and equipment	2334	Rent/lease office machinery and equipment, heavy equipment without operators for construction, well-drilling, telecommunications, manufacturing, institutional furniture, motion picture	X	X	X
consumer goods rental	2335	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers, often operate from a retail-like or store-front facility	X	X	P
intellectual property rental	2336	Businesses that assign patents, trademarks, brand names, and franchise agreements	P	P	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services that require a high degree of expertise and training			
Professional services	2410	Services provided depend on worker skills and knowledge rather than equipment, employees tend to be highly specialized			
legal services	2411	Title abstract, lawyers, notaries	P	P	P
accounting, tax, bookkeeping, payroll services	2412	Provide services such as auditing accounting records, designing accounting systems, preparing financial statements, developing budgets, preparing tax returns, processing payrolls, book keeping, billing	P	P	P
architectural, engineering, surveying and related services	2413	Architectural, landscape architectural, engineering, drafting, building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission) such as acoustics, calibration, electronic, mechanical	P	P	P
graphic, industrial, interior design services	2414	Interior, industrial, and graphic design	P	P	P
consulting services (management, environmental technical)	2415	Advise and assist businesses and other organizations on management, scientific, and technological issues	P	P	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences	P	X	P
advertising, media, and photography services	2417	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers, commercial and consumer photography and ideography studios	P	P	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
veterinary services	2418	Veterinary medicine, dentistry or surgery for animals, testing services for licensed veterinary practitioners, veterinary clinics, animal hospitals	X	X	S
Administrative services	2420	Typical office uses in any business area, provide a variety of standard administrative services			
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P	P	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P	X	P
employment agency	2423	Provide employee placement, temporary help, and employee leasing services	P	X	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, mailing (except direct mailing advertising), court reporting, steno typing, facsimiles, word processing, on-site PC rental, may operate copy centers which provide photocopying, duplicating, blueprinting	P	X	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	X	X	P
Travel arrangement and reservation services	2430	Promote or sell travel tour, or accommodation services, includes convention and visitors' bureaus and wholesale tour operators	P	X	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Investigation and security services	2440	Provide investigation, detective, guard and patrol services, picking up and delivery of money or valuable items with protection while in transit, selling of security systems along with installation, repair or monitoring, remote monitoring of security systems, locksmiths	X	X	P
Services to buildings and dwellings	2450	Provide pest control, janitorial services, landscaping, carpet and upholstery cleaning, and other services for buildings and dwellings			
extermination and pest control	2451	Exterminate and control birds, mosquitoes, rodents, termites and other insects and pests (except for crop and forestry production), includes businesses that provide fumigation services	X	X	P
janitorial	2452	Clean building interiors, interiors of transportation equipment, windows, swimming pools, drains or gutters	X	X	X
landscaping	2453	Provide landscape maintenance, and tree, shrub, plant, lawn, or garden installation, may design landscape plans or construct walkways, retaining walls, decks, fences, ponds, or similar structures	X	X	P
carpet and upholstery cleaning	2454	Clean and dye used rugs, carpets, and upholstery	X	X	P
packing, crating, and convention and trade show	2455	Package client owned materials, organize, promote, and manage events such as business and trade shows, conventions, conferences, with or without staff, float building and decorating	X	X	P
Food Services	2500	Prepare meals, snacks, and beverages for immediate consumption			

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Full-service restaurant	2510	Provide food services to patrons who order and are served while seated and pay after eating, or in combination with takeout	P	X	P
Cafeteria or limited service restaurant	2520	Provide food services to patrons who order or select items and pay before eating; may be consumed on premises, taken out, or delivered, includes deli, pizza delivery, cafeterias which use cafeteria-style serving equipment, a refrigerated area, and self-service beverage dispensing equipment, and which display food and drink items in a continuous cafeteria line	P	X	P
drive-through restaurants	2521	Provides drive-in, drive-through or drive-up food service to patrons; includes most fast-food restaurants	X	X	S
Snack or nonalcoholic bar	2530	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, nonalcoholic beverages such as coffee, juices or sodas for consumption on or near the premises, snowball stand	P	P	P
Bar or drinking place	2540	Bars, taverns, nightclubs primarily serving alcoholic beverages for immediate consumption; may provide limited food and entertainment	X	X	X
drive-through alcoholic beverage service	2541	Provides drive-in, drive-through or drive-up sale of alcoholic beverages to patrons; includes drive-thru daiquiri shops	X	X	X
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles, the use is the central location from which the caterer route is serviced, not each vehicle or cart, however, land used as the primary site for the business' sales may be classified here	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Caterer	2560	Provide single event-based food services via transport of food to events or preparation of food at an off-premise site for a restaurant, includes banquet halls with catering for wedding receptions, etc.	S	X	P
Food service contractor	2570	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts for a specified period of time	X	X	P
Vending machine operator	2580	Retail merchandise through vending machines that they service, not primarily engaged in warehousing or wholesale distribution of machines and equipment	X	X	P
Personal Services	2600	Offer a wide range of personal services			
Personal care	2610	Hair, nail, and skin care and related personal care			
hair, nail, and cosmetic skin care	2611	Barber or beauty shop, nail, facial, or cosmetology salon, hair stylist shop	P	P	P
dieting and weight reducing	2612	Provides nonmedical services to assist clients in attaining or maintaining a desired weight, services include individual and group counseling, menu and exercise planning, and weight and body measurement monitoring	P	X	P
tanning salon	2614		P	X	P
depilatory or electrolysis (i.e., hair removal), hair weaving or replacement (except by offices of physicians), ear piercing	2616		P	P	P
Dry cleaning and laundry	2620				

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
coin-operated laundromat	2621	Primarily engaged in operating facilities with coin-operated or similar self-service laundry equipment for customer use on the premises	X	X	P
dry cleaning and laundry	2622	Provide dry-cleaning and laundering services (except coin-operated), drop-off and pickup sites for laundries/drycleaners, specialty cleaning services for special types of garments	X	X	P
linen and uniform supply	2623	Primarily engaged in supplying, on a rental or contract basis, laundered items such as uniforms, gowns and coats, table linens, bed linens, clean room apparel, and treated mop or shop towels	X	X	X
Photofinishing	2630	Primarily engaged in developing film or making slides, prints and enlargements	P	X	P
Parking lot and parking garage	2640	Primarily engaged in providing parking for motor vehicles, usually on an hourly, daily, or monthly basis, may provide valet parking services			
parking lot	2641		S	S	S
parking garage	2642		S	S	S
Adult use	2650				
massage parlor	2651		X	X	X
tattoo parlor	2652		X	X	X
adult use	2653		X	X	X
adult cabaret	2654		X	X	X
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, provide animal services such as grooming, training, and care taking			

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	X	X	P
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary services and horse boarding)	X	X	S
MANUFACTURING AND WHOLESALE TRADE	3000	Located in plants, factories or mills and employ power-driven machines and materials-handling equipment but may employ workers who create new products by hand, process products of agriculture, forestry, fishing, mining as well as products of other manufacturing uses. When captive services such as accounting are provide by a separate business, they are classified in the appropriate function code and not in manufacturing			
Foods, Textiles, and Related Products	3100	Produce food, tobacco, textiles, and leather			
Food and beverages	3110	Transform livestock and produce into products for intermediate or final consumption typically sold to wholesalers or retailers, manufacture beverages as nonalcoholic and fermented and distilled alcoholic beverages, includes bakery and candy producers for later consumption and ice manufacturing	X	X	X
Tobacco manufacturing	3120	Redry and stem tobacco or manufacture cigarettes, cigars or other tobacco products	X	X	X
Textiles	3130	Textile mills, apparel manufacturers, includes uses that work with materials owned by others and those that manufacture custom garments for individual clients	X	X	X
Leather and leather substitute products	3140	Leather and leather substitutes such as rubber footwear, textile luggage, and plastic purses	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Wood, Paper, and Printing Products	3200	Manufacture wood and paper products, such as lumber, furniture, wood building products, mobile homes, and paper products, perform related services such a printing and bookbinding			
Wood products	3210	Manufacture wood products, except furniture, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, mobile homes, and prefabricated wood buildings, may include sawing, planning, shaping, laminating, or assembling wood products	X	X	X
Paper and printing materials	3220	Manufactures paper and offer printing-related products that include newspapers, books, periodicals, and greeting cards, may perform support activities such as bookbinding, plate-making and data imaging, does not include publishers of printed products or those that both print and publish	X	X	X
printing and related support activities	3221	Uses that do not manufacture the stock that they print; for publishers and publishers that also print, use publishing or information codes	X	X	P
Furniture and related products	3230	Manufactures furniture and related articles such as mattresses, window blinds, cabinets, fixtures	X	X	X
Chemicals, and Metals, Machinery, and Electronics Manufacturing	3300	Transform or refine chemicals or metals, and manufacture products from chemicals or metals	X	X	X
Petroleum products	3310	Transform crude petroleum into usable products	X	X	X
Chemicals, plastics, and rubber products	3320	Process and transform organic and inorganic raw materials, plastics and rubber, and form products by chemical processes	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Nonmetallic mineral products	3330	Transform, mine, and quarry nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials, into bricks, refractories, ceramics, glass, cement, concrete, lime, gypsum, abrasives, ceramic plumbing fixtures, statuary, cut stone products, and mineral wool	X	X	X
Primary metal manufacturing	3340	Smelt or refine metals and transform metal into basic metal products, such as bars, rods, wires, and castings or finished products other than machinery, electronics, computers or furniture	X	X	X
Machinery manufacturing	3350	Make machinery for particular applications, such as construction, ventilation, heating and cooling	X	X	X
Electrical equipment, appliance, and components manufacturing	3360	Manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances	X	X	X
Transportation equipment	3370		X	X	X
Miscellaneous Manufacturing	3400	Use for manufacturing uses not classified elsewhere			
Jewelry and silverware	3410		X	X	X
Dolls, toys, games, and musical instruments	3420		X	X	X
Office supplies, inks, etc.	3430	Manufacture pens, pencils, markers, crayons, chalk, staplers, inked ribbons and similar products, except paper	X	X	X
Signs	3440	Manufacture signs and related displays of all materials except printing paper or paperboard	X	X	X
Wholesale Trade	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses and having little or no display of merchandise	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Durable goods	3510	Sell or arrange the purchase or sale of capital or durable goods to other businesses, products include motor vehicles, furniture, construction materials, machinery and equipment, sporting goods, toys and hobby goods, recyclable materials	X	X	X
Nondurable goods	3520	Sell or arrange the purchase or sale of nondurable goods to other businesses, products include paper products, chemicals, drugs, textiles, apparel, footwear, groceries, farm products, petroleum products, alcoholic beverages, books, magazines, newspapers, flowers, and tobacco products	X	X	X
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods, and other warehouse products, provide the facilities to store goods but do not sell the goods they handle and may provide a range of services related to distribution, such as labeling, breaking bulk, inventory control, light assembly, packaging, and transportation arrangement			
Office and warehousing	3610		X	X	X
Warehousing	3620		X	X	X
Tankfarm	3630		X	X	X
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	Transportation, communication, and utilities for essential facilities; cannot be distinguished by a single physical location but in most cases the type of use is deduced from the type of structures and activities on the land			
Transportation Services	4100	Serve passengers and cargo movements, grouped by modes of transportation			

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Air transportation	4110	Provide air transportation for passengers or cargo using aircraft, such as airplanes and helicopters; includes scenic and sightseeing air transportation uses but excludes air courier (see 4160)			
air passenger transportation	4111	Provide scheduled and nonscheduled air transportation for passengers	X	X	X
air freight transportation	4112	Provide scheduled and nonscheduled air transportation of cargo without transporting passengers; uses primarily providing scheduled air transportation of mail on a contract basis are included in this class	X	X	X
airport and support uses	4113	Provide air traffic control, operate airports or public flying fields or support airport operations such as rental of hangar space and cargo handling services; uses that provide specialty air transportation or flying services	X	X	X
aircraft and accessories	4114	Aircraft maintenance, repair, and testing (except factory conversions)	X	X	X
other air transportation	4115	Operate for scenic or sightseeing purposes, hot air balloon rides, helicopter rides, aerial tram and cable cars	X	X	X
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support			
rail passenger transportation	4121	For passengers only; operate over long distances between metropolitan areas; for systems within local areas only, use the appropriate local transit system classification	X	X	X
rail freight transportation	4122	For freight systems only; may operate over long distances, or within local areas only	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
rail transportation support uses	4123	Provide specialized services such as repair, maintenance, loading and unloading rail cars; operate independent terminals	X	X	X
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis			
local transit systems--bus, special needs, and other motor vehicles	4133	Single-mode local transit systems other than rail, included are shuttle services and special needs transportation	X	X	X
non-local and charter bus	4134	Non-local passenger buses for charter or for special needs transportation for elderly, infirm, or handicapped	X	X	X
school and employee bus transportation	4135	Provide buses and other motor vehicles to transport pupils or employees	X	X	X
sightseeing	4136	Scenic or sightseeing land transportation	X	X	X
taxi and limousine service	4137	Provide passenger transportation by automobile or van, includes taxicab owners and operators, taxicab fleet operators, taxicab organizations, and limousine and luxury sedan businesses	X	X	X
towing and other road and ground services	4138	Tow light and heavy motor vehicles, both local and long distance; may provide incidental services, such as storage and emergency repair services	X	X	X
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles, such as trucks and tractor trailers	X	X	X
general freight trucking, local	4141	Provide local general freight trucking, usually within a metropolitan area which may cross state lines; most trips are same-day return	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
general freight trucking, long-distance	4142	Provide long-distance freight trucking, usually between metropolitan areas which may cross country borders	X	X	X
Marine and water transportation	4150	Provide transportation of passengers and cargo using watercraft, such as ships, barges, tankers, or refrigerated trailers			
marine and sightseeing transportation	4151	Provide water transportation, including scenic and sightseeing, for passengers	X	X	X
marine freight transportation	4152	Provide water transportation for cargo	X	X	X
marine port and harbor operations	4153	Operate ports, harbors, or canals	X	X	X
marine cargo handling and dry dock services	4154	Provide stevedoring and other marine cargo handling services except warehousing	X	X	X
marine navigational and other services	4155	Arrange for transportation of freight between shippers and carriers and provide navigational and other shipping services not included in other classes; include shipping agents, customs brokers, freight forwarders, and salvage uses	X	X	X
Courier and messenger services	4160	Provide air, surface, or combined courier delivery services of parcels and messages, may form a network including local and point-to-point pick up and delivery	P	P	P
Postal services	4170	Operate the national postal service, including businesses that sort, route, and deliver on a contract basis			
national post office	4171		X	X	P
Pipeline transportation	4180	Use transmission pipelines to transport products, such as crude oil, natural gas, or refined petroleum; transportation of natural gas includes the storage of natural gas	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Communications and Information	4200	Produce or distribute information			
Publishing	4210	Issue copies of works for which they usually possess copyright; may publish works originally created by others for which they have obtained the rights or works that they have created in-house			
newspapers, books, periodicals, etc.	4211	Publish newspapers, magazines, books, databases, greeting cards, calendars, maps, and similar works	X	X	P
software publisher	4212	Publish and reproduce computer software, including designing, providing documentation, assisting in installation, and providing support services to software purchasers	P	X	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings			
motion picture and video production, publishing, and distribution	4221	Produce or distribute motion pictures, videos, television programs, or commercials	X	X	X
motion picture viewing and exhibition services	4222	Operate movie theaters, drive-ins, film festival exhibitions	X	X	P
sound recording, production, publishing	4223	Produce, distribute, or publish music and musical recordings or provide sound recording	X	X	P
Telecommunications and broadcasting	4230	Provide point-to-point communications			
radio and television broadcasting	4231	Operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs	X	X	X
cable networks and distribution	4232	Operate studios and facilities or cable systems, direct-to-home satellite systems	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
wireless telecommunications	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or full motion picture video; cell towers	X	X	X
telephone and other wired telecommunications	4234	Operate telephone networks	X	X	X
Information services and data processing industries	4240	News syndicates and information data processing services			
online information services	4241	Internet access and service providers	X	X	P
library or archive	4242	Provide library or archive services	P	P	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	X	X	P
data processing, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	X	X	P
Utilities and Utility Services	4300	Provide utility services such as electric power, gas, water and sewage removal; not included are waste management services, which collect, treat, and dispose of waste materials			
Electric power	4310	Provide electric power generation, transmission, control, and distribution; include electric power transmission and control systems (including lines and transformer stations), and distribution systems (i.e., lines, poles, meters, and wiring)			
hydroelectric	4311	Operate hydroelectric power generation facilities by using water power to drive a turbine and produce electric power	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
fossil fuel electric power generation	4312	Operate fossil fuel electric power generation by using coal, oil, gas or other fossil fuels in internal combustion or combustion turbine conventional steam process to produce electric power	X	X	S
nuclear	4313	Operate nuclear electric power generation facilities	X	X	X
alternative energy sources	4314	Convert other forms of energy such as solar, wind, or tidal power into electric power	X	X	X
Natural gas, petroleum, fuels	4320	Operate gas distribution systems, gas marketers, gas brokers, transmit and distribute gas	X	X	X
Water, steam, air conditioning supply	4330	Public and private utility uses that offer drinking water, water treatment, water supply, irrigation, steam supply, or hot or cool air supply			
drinking water	4331	Operate water treatment plants, filtration plants, pumping stations for drinking water only	X	X	X
irrigation and industrial water supply	4332	Operate water treatment plants and water supply systems for irrigation and industrial supply only	X	X	X
air conditioning and steam supply	4333	Provide steam, heated air, or cooled air	X	X	X
Sewer, solid waste, and related services	4340	Collect, treat, and dispose of waste materials; haul waste materials; operate materials recovery facilities; provide remediation services; operate sewer systems or sewage treatment facilities; or provide septic pumping or other miscellaneous waste management services			

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
hazardous waste collection	4341	Operate treatment and disposal facilities for hazardous waste; combine, collect, or haul hazardous waste materials within a local area while operating treatment or disposal facilities	X	X	X
hazardous waste treatment and disposal	4342	Remediate and clean contaminated buildings, soil, or ground water; abate asbestos, lead paint and other toxic materials	X	X	X
solid waste collection	4343	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials within a local area; operate waste transfer stations	X	X	X
solid waste combustor or incinerator	4344	Operate combustors and incinerators for the disposal of non-hazardous solid waste, includes compost dumps; may produce byproducts such as electricity and may locally collect or haul nonhazardous waste materials along with the operation of facilities	X	X	X
solid waste landfill	4345	Operate landfills for the disposal of non-hazardous solid wastes; may locally collect or haul nonhazardous waste materials along with landfill operation; also manage recycling and resource recovery facilities that operate in conjunction with landfills	X	X	X
waste treatment and disposal	4346	Operate facilities for separating and sorting recyclable materials from non-hazardous waste streams	X	X	X
septic tank and related services	4347	Pump septic tanks and cesspools, rent or service portable toilets	X	X	X
ARTS, ENTERTAINMENT, AND RECREATION	5000	Operate facilities or provide services for a variety of cultural, entertainment, and recreational functions			

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Performing Arts or Supporting Uses	5100	Produce or organize and promote live presentations, excludes nightclubs			
Theater, dance or music use	5110	Companies, groups, or theaters that produce theatrical presentations and dance, dinner theaters, and live musical entertainment	X	X	X
Sports team or club	5120	Professional or semi-professional sports teams or clubs participating in live sporting events	X	X	X
Racetrack	5130	Operate racetracks for events	X	X	X
Promoter of sports, performing arts, similar events	5140	Organize, promote, and manage performances, events	P	X	P
Agent for management services	5150	Agents representing artists, athletes, entertainers, etc.	P	X	P
Independent artist, writer, or performer	5160	Independent individuals engaged in performing in artistic productions, in creating artistic and cultural works or productions, or in providing technical expertise necessary for these productions	P	P	P
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, zoos, and similar uses			
Museum	5210	Preserve and exhibit objects of historical, cultural, or educational value	P	X	P
Historical or archeological institution	5220	Archeological sites, battlefields, historical ships, and pioneer villages	P	P	P
Zoos, botanical gardens, arboreta	5230	Preserve and exhibit live plant and animal life displays, including those in natural areas or settings	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Amusement, Sports, or Recreation Uses	5300	Operate facilities offering activities such as sports, recreation, amusement, or gambling, and provide services such as facilitating amusement in places operated by others, operating recreational sports groups, and guiding tours			
Amusement or theme park	5310	Operate a variety of attractions such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds	X	X	X
Games arcade	5320	Operate arcades and parlors, except gambling, billiard, or pool	X	X	P
Casino or gambling	5330	Uses that operate gambling facilities (except casino hotels), includes riverboat casinos, bingo halls, and video gaming terminals, or provide services such as lotteries or off-track betting	X	X	X
Golf course and country club	5340	Operate golf courses (except miniature) or primarily operate golf courses along with dining facilities and other recreational facilities or country clubs that often provide food and beverage services, equipment rental services, and golf instruction services	X	X	X
Marina or yachting club facility operators	5360	Operate docking and storage facilities for pleasure craft owners, may retail fuel and marine supplies, and may repair, maintain, or rent pleasure boats	X	X	X
Fitness, recreational sports, gym, athletic club	5370	Operate fitness and recreational sports facilities or provide services for fitness or recreational sports teams, clubs, or individual activities	X	X	X
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	X	P	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Miniature golf courses, archery or shooting ranges, outdoor volleyball, tennis, or swimming facilities, recreational ball parks and courts	5372		X	X	X
Stable, horseback riding	5374		X	X	X
Recreational day camp (except instructional), recreational or youth sports teams and leagues not operating facilities, boating clubs (without marinas), dance halls	5373		X	X	P
Bowling, billiards	5380		X	X	P
Skating rink, roller skating	5390		X	X	P
Camps, Camping, and Related Uses such as trailer parks	5400	Operate sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles, provide overnight recreational camps, such as children’s camps, family vacation camps, hunting and fishing camps and outdoor adventure retreats, may provide cabins, food services, washrooms, recreational facilities; trailer parks	X	X	X
Natural and other Recreational Parks	5500	All parks without special economic functions	P	P	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000				
Educational Services	6100	Offer teaching and learning			
Nursery or preschool	6110		X	P	P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level			
Elementary	6121		X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Middle or junior	6122		X	X	X
Senior or high	6123		X	X	X
Continuance	6124		X	X	X
Special needs education services	6125	Offer specialized services such as for the physically or mentally disabled	X	X	P
Adult education services	6126		X	X	P
College or university	6130	Comprise junior colleges, universities, and professional schools furnishing academic or technical courses and granting degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels	X	X	P
Technical, trade, or other specialty school	6140	Offer vocational and technical training			
beauty schools	6141	Train in barbering, hair styling, or cosmetic arts	X	X	P
business management	6142	Offer courses in office procedures, secretarial skills, basic office skills, office machine operation, reception and communication	X	X	P
computer training	6143	Conduct computer training (except computer repair) in computer programming, software packages, computerized business systems, computer electronics technology, computer operations, local network management	X	X	P
driving education	6144		X	X	X
fine and performing arts education	6145	Offer instruction in dance, art, drama, and music	X	X	P
flight training	6146	Offer aviation and flight training	X	X	X
sports and recreation education	6147	Offer instruction in athletic activities, includes overnight and day sports camps that primarily instruct	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Public Administration	6200	All government functions, includes federal, state and local government agencies that administer, oversee, and manage programs and have executive, legislative, or judicial authority; however, use the appropriate category if the government agency is engaged in a function (selling maps or operating a convention center, e.g.) similar to private businesses			
Legislative and executive functions	6210	Government and public administrative offices	P	P	P
Judicial functions	6220	Civilian courts of law and correctional institutions			
court	6221	Civilian courts, courts of law, and sheriff's offices conducting court functions only	P	P	P
correctional institution or jail	6222	Facilities for the confinement, correction, and rehabilitation of offenders sentenced by a court	X	X	X
Other Government Functions	6300	Use this category for government owned uses not classified elsewhere such as defense and national guard facilities			
Military and national security	6310	Armed Forces, including Air Force, Army, Marine Corps, National Guard, Navy, and military police and courts facilities	X	X	P
Space research and technology	6320	Administer and operate space flights, space research, and space exploration	X	X	X
Public Safety	6400	Government-owned facilities providing fire and rescue, police, and emergency response services			
Fire and rescue	6410	Includes combined fire and ambulance or rescue services	X	X	P
Police	6420	Includes combined police and fire departments	P	P	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Emergency response	6430	Provide ground or air transportation for medical relief	X	X	P
Health and Human Services	6500	Provide health care, social assistance, and associated services			
Ambulatory or outpatient care services	6510	Offer health care services directly to patients without providing inpatient services			
Clinic	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, etc.	X	X	P
family planning or outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	X	X	P
medical or diagnostic laboratory	6513	Provide analytic or diagnostic services including medical imaging	X	X	P
blood or organ bank	6514		X	X	X
Nursing, supervision and other rehabilitative services	6520	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes or hospitals, nursing homes and rest homes with nursing care, inpatient care hospices	X	X	X
Hospital	6530		X	X	X
Health care facility	6540	Maximum of 25 beds for overnight care	X	X	X
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, do not offer residential or accommodation services			
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services, and life-skills training	X	X	P
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs	X	P	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens	X	X	X
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement and counseling to disaster victims	X	X	X
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.	X	X	P
services for elderly and disabled	6566	Provide group support, companionship, day care, homemaker services to the elderly and persons with disabilities; does not include housing for the elderly	X	X	P
veterans affairs	6567	Provide health and human services for veterans	X	X	P
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services	X	X	P
Religious Institution	6600	Churches, temples, synagogues, mosques, etc.	X	X	P
Death Care Services	6700	Funeral homes, crematories, cemeteries			
Funeral home and services	6710	Includes funeral homes combined with crematories	X	X	X
Cemetery or cremation services	6720	Operate sites or structures reserved for the internment of human or animal remains, or for cremating the dead	X	X	X
Associations, Non-Profit Organizations, Clubs	6800	Includes grant making, civic, professional, and similar organizations, promote the interests of their members or a particular cause, may publish newsletters, books and periodicals for distribution to their membership			
Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups	P	X	P

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Business association or professional membership	6820	Promote the business interests of their members organization or of their profession	P	X	P
Civic, social, or fraternal organization	6830	May provide grantmaking foundations or charitable trusts, raise funds for social welfare activities or solicit contributions and offer memberships	S	X	S
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish buildings and structures, or perform additions, alterations, reconstruction, installation, and repairs; test drilling, landfill, leveling, earthmoving, excavating, land drainage, and other land preparation; should reflect the location of the use and not where it is performing its services			
Building, Developing, and General Contracting	7100	Custom builders, engineer-constructors, general contractors, developers, land subdividers, and construction management firms; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Machinery Related	7200	Contractors that install or utilize specialized machinery not generally used by other contractors, building equipments and machinery installation, excavation, wrecking and demolition, structural steel erection contractors; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Special Trade Contractor	7300	Specialize in construction activities such as plumbing, painting and electrical work			

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Carpentry, floor, and tile contractor	7310	Provide framing, carpentry, finishing work, floor laying and miscellaneous floor installation and tiling services; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Concrete contractor	7320	Use concrete, asphalt and other materials to produce parking areas, building foundations, structures, retaining walls, patios, driveways and walks; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Electrical contractor	7330	Perform on-site electrical work, equipment service and installation and may sell electrical equipment along with installation; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Glass and glazing contractor	7340	Install and tint glass, excludes automotive glass businesses; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Masonry and drywall contractor	7350	Provide masonry, stone setting, drywall, plaster and other stone and building insulation work; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Painting and wall covering	7360	Provide exterior painting and interior wall covering; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Plumbing, heating, and air conditioning	7370	Install or service plumbing, heating, and air-conditioning equipment, may sell equipment along with installation; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Roofing, siding, or sheet metal contractor	7380	Provide installation and services for roofing, siding, sheet metal, and roof drainage equipment; if engaged primarily in administration and management without on-site heavy equipment and material storage, see LBCS code 2421 office administrative services	X	X	X
Heavy Construction	7400	Provide heavy nonbuilding construction			
Highway and street construction	7410	Highway, street, road, or airport runway construction	X	X	X
Bridge and tunnel construction	7420	Bridge, viaduct, elevated highway, or tunnel construction	X	X	X
Water, sewer, and pipeline construction	7430	Water main, sewer, drain, gas main, natural gas pumping station, oil and gas pipeline construction	X	X	X
Power lines, communication and transmission lines	7440	Electric power and communication transmission line and tower, radio and television tower, and cable television line construction, cable laying,	X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Industrial and other non-building construction	7450	Heavy industrial or or other nonbuilding construction such as chemical complexes, cement plants, industrial incinerators, docks, golf courses, canals, sewage or water treatment plants	X	X	X
MINING AND EXTRACTION	8000	Extract natural mineral solids, liquid minerals, and gases			
Oil and Natural Gas	8100	Operate and develop oil and gas field properties	X	X	X
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			
Crop Production	9100		X	X	X
Vegetable farming or growing	9120		X	X	X
Fruits and trees	9130		X	X	X
Greenhouse, nursery and floriculture	9140	Grow crops under cover, nursery stock, and flowers	X	X	X
All other crops	9150		X	X	X
Support Functions for Agriculture	9200	Perform activities associated with production and distribution of forest and agricultural products, includes dusting, spraying, fertilizing	X	X	X
Animal Production	9300	Keep, graze, breed or feed animals in farms or feedlots			
Cattle ranch	9310		X	X	X
Dairy cattle and milk production	9320		X	X	X
Hog farm	9330		X	X	X
Poultry and egg production	9340		X	X	X
Sheep and goat farm	9350		X	X	X

Table 33-3.4-1 Authorized Land Uses

LBCS Classification	LBCS Function Code	Examples	FC-1	FC-2	FC-3
Fish hatchery, fishery, aquaculture	9360	Farm raise finfish, shellfish, or any other kind of animal aquaculture	X	X	X
All other animal production	9370	Raises other animals and insects for sale or product production			
bees	9371		X	X	X
horse and equine	9372		X	X	X
fur-bearing	9373		X	X	X
Support function for animal production	9380	Provide services such as animal breeding, pedigree records, horse boarding, livestock spraying	X	X	X
Forestry and Logging	9400	Grow and harvest timber on long production cycles, or specialize in reforestation, seeding and similar activities	X	X	X
Fishing, Hunting and Trapping, Game Preserves	9500	Commercially harvest fish and other wild animals from their natural habitats			
Fishing	9510	Commercially catch or take finfish, shellfish, or marine products from a natural habitat	X	X	X
Hunting and trapping, game retreats, game and fishing preserves	9520	Commercially hunt and trap or operate commercial or recreational game or hunting preserves	X	X	X
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned	-	-	-

Sec. 33-3.5. Zoning district regulations.

(a) Pedestrian-Core District (FC-1).

- (1) Purpose.** This district is intended to create a walkable mixed-use neighborhood that attracts adults and families to shop and eat. Capitalizing on proximity to the Lakeside Shopping Center, this district, which is centered on the 18th Street Corridor, will be the heart of a vibrant lifestyle center. Upper floors of mixed use buildings will be attractive locations for a mix of offices, lodging and residences. Uses at street level will include restaurants, specialty retail and entertainment venues.
- (2) Authorized Uses.** Uses shall be authorized as provided in Section 33-3.4.
- (3) Supplemental Use Regulations.**
 - a.** No drive-in, drive-up, or drive-through facilities or outdoor speakers except as authorized by the council through a special event permit, shall be allowed.
 - b.** Except hotels, nonresidential uses shall not exceed twenty-five thousand (25,000) square feet of ground floor area. Buildings with more than 25,000 square feet of ground floor area that accommodate multiple nonresidential uses are allowed, provided that the following standards are met:
 - 1.** The building is divided into distinct modules that incorporate visible changes in the street-facing façade elevation through the use of wall plane projections, piers, columns, colonnades, or similar architectural features that create a distinctive façade elevation;
 - 2.** Each module shall have separate street entrances;
 - 4.** Each module for a single continuous façade shall not exceed fifty (50) feet in width; and
 - 5.** The applicant for approval of a building with more than forty thousand (40,000) square feet of ground floor area shall submit a traffic mitigation plan that provides a vehicular connection between two north-south streets unless LURTC determines that existing connections are adequate. The planning director may approve alternative traffic circulation enhancements that improve east-west movement of traffic after considering the recommendations of the LURTC, or may forward the mitigation plan to the council for approval if the enhancements comprise a major subdivision or involve traffic improvements that require a development agreement.
 - c.** No residential uses shall be allowed on ground floors.
 - d.** No outdoor storage, display or operations shall be allowed, except outdoor customer seating for restaurants and snack bars.
 - e.** Bars and holding bars shall be allowed as accessory uses to a hotel or restaurant, 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.
 - 3. Hours of operation.** Except as authorized by the council through a special event permit, the bar shall not be open between the hours of

midnight and 11:00 a.m., Sunday through Thursday; and between the hours of 1:00 a.m. and 11:00 a.m., Friday and Saturday. By special event permit issued by the Council, a bar may be allowed to operate for not more than one (1) additional hour each day. Such bars may not be open when the primary use is not in operation. The Sheriff's Office shall enforce hours of operation.

4. **Litter control.** Each day, the owner or operator of the bar shall collect all litter and trash originating from the bar and deposited on the site of the bar and public property within two hundred (200) feet of any boundary of the property upon which the bar is located.
 5. **Soundproofing.** The owner or operator of the bar shall install soundproofing so that sound from the bar does not exceed 60 dba measured at the property line after 10:00 p.m. Soundproofing methods shall be approved by the department of inspection and code enforcement. Outdoor speakers shall be prohibited. Readings shall be taken by sheriff's office. Three (3) readings at thirty second intervals will be taken and the mean of these readings will determine the actual decibel level. Readings will be taken using the A scale of the sound meter on slow response or other methods that the sheriff's office determines provide equal or greater sound protection for neighboring properties.
 6. **Security cameras.** The owner or operator of the bar shall install and properly maintain twenty-four hour time-lapse security cameras inside and outside the building to provide complete coverage of all patron, entry, and parking areas, or at other locations recommended by the sheriff's office in writing. All criminal and suspicious activities recorded on required surveillance equipment must be reported to local law enforcement, and to the extent allowed by law, the bar's owner or operator shall provide any tapes or other recording media from the security cameras to the sheriff's office.
 7. **Loitering.** The owner or operator of the bar shall discourage loiterers and ask persons loitering longer than fifteen (15) minutes to leave the area, and shall contact the sheriff's office for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to leave.
 8. **Compliance.** Such bars shall comply with above provisions by March 31, 2011. The director of inspection and code enforcement may approve up to an additional ninety (90) calendar days for installation of the soundproofing if a building permit has been issued, work has been commenced, and the owner or operator has a contract for completion of the work.
 9. **Non-Compliance.** Failure to comply with the conditions of paragraphs e.1. through e.7. within the time frames established in paragraph f.8. of this section, or the commission of acts listed in chapter 4 of this Code shall be grounds for revocation of an alcoholic beverage permit in accordance with Chapter 4 of this code.
- f. Stand-alone bars or drinking places and drive-through alcoholic beverage service are prohibited and existing stand-alone bars or nightclubs are considered nonconforming. Nonconforming bars shall comply with the following standards:
1. **Hours of operation.** Except as authorized by the council through a special event permit, the bar shall not be open between the hours of midnight and 11:00 a.m., Sunday through Thursday; and between the hours of 1:00 a.m. and 11:00 a.m., Friday and Saturday. By special event permit a bar may be allowed to operate for not more than one (1) additional hour each day. The Sheriff's Office shall enforce hours of operation.

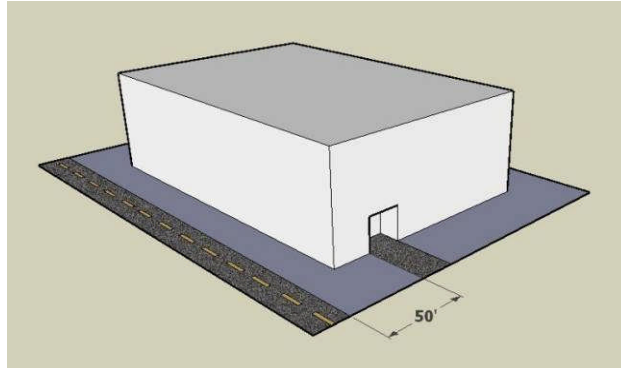
2. ***Graffiti removal.*** The owner or operator of the bar shall remove all graffiti from the walls, fences, pavement, buildings, or other structures associated with the bar within forty-eight (48) hours of discovery of its appearance on the property.
3. ***Litter control.*** Each day, the owner or operator of the bar shall collect all litter and trash originating from the bar and deposited on the site of the bar and public property within two hundred (200) feet of any boundary of the property upon which the bar is located. For failure to maintain a litter-free environment, the owner or operator may be required to locate permanent, non-flammable trash receptacles, sixty (60) gallons or less in size, at convenient locations, appropriately screened from view from the street, outside the use and in the use's parking area. The owner or operator of the bar 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 is located.
4. ***Soundproofing.*** The owner or operator of the bar shall install soundproofing so that sound from the bar does not exceed 60 dba measured at the property line after 10:00 p.m. Soundproofing methods shall be approved by the department of inspection and code enforcement. Outdoor speakers shall be prohibited. Readings shall be taken by sheriff's office. Three (3) readings at thirty second intervals will be taken and the mean of these readings will determine the actual decibel level. Readings will be taken using the A scale of the sound meter on slow response or other methods that the sheriff's office determines provide equal or greater sound protection for neighboring properties.
5. ***Security cameras.*** The owner or operator of the bar shall install and properly maintain twenty-four hour time-lapse security cameras inside and outside the building to provide complete coverage of all patron, entry, and parking areas, or at locations recommended by the sheriff's office in writing. All criminal and suspicious activities recorded on required surveillance equipment must be reported to local law enforcement, and to the extent allowed by law, the bar's owner or operator shall provide any tapes or other recording media from the security cameras to the sheriff's office.
6. ***Vegetation.*** No exterior vegetation shall be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation shall be planted and maintained in a manner that minimizes its use as a hiding place. No hedge on the premises of a stand-alone bar shall be taller than two and one-half (2.5) feet.
7. ***Loitering.*** The owner or operator of the bar shall discourage loiterers and ask persons loitering longer than fifteen (15) minutes to leave the area, and shall contact the sheriff's office for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to leave.
8. ***Compliance.*** Nonconforming bars shall comply with above provisions by March 31, 2011, provided that the director of inspection and code enforcement may approve up to an additional ninety (90) calendar days for installation of the soundproofing if a building permit has been issued, work has been commenced, and the owner or operator has a contract for completion of the work.
9. ***Revocation of Nonconforming Status.*** Failure to comply with the conditions of paragraphs f.1. through f.7. within the time frames established in paragraph f.8. of this section or the commission of acts listed in chapter 4, article II, section 4-32 of this code shall be grounds for revocation of nonconforming status. The director of inspection and code enforcement shall notify the property owner

and operator of the bar of the revocation of nonconforming status by certified mail. The notice shall cite the reasons for the revocation. Either the property owner or the operator of the bar may file an appeal to the revocation with the parish council within thirty (30) calendar days of the date that the notification is mailed in accordance with chapter 40 of this code. Before deciding on the validity of the action, the council shall conduct a public hearing and consider evidence of whether the bar has operated in compliance with all of the requirements of this section and with the conditions established in chapter 4, article II, section 4-32 of this code, as the effectiveness of efforts to remedy violations.

- g. Adult uses serving alcoholic beverages shall comply with the above provisions for graffiti removal (paragraph f.2.), litter control (paragraph f.3.), vegetation (paragraph f.6.) loitering (paragraph f.7.) and for hours of operation (paragraph f.1.) and these provisions shall be met by March 31, 2011. Failure to comply with the listed provisions by March 31, 2011 or the commission of acts listed in chapter 4, article II, section 4-32 of this code shall be grounds for revocation of nonconforming status. The director of inspection and code enforcement shall notify the property owner and operator of the revocation of nonconforming status by certified mail. The notice shall cite the reasons for the revocation. Either the property owner or the operator may file an appeal to the revocation with the parish council within thirty (30) calendar days of the date that the notification is mailed in accordance with chapter 40 of this code. Before deciding on the validity of the action, the council shall conduct a public hearing and consider evidence of whether the adult use has operated in compliance with all of the requirements of this section and with the conditions established in chapter 4, article II, section 4-32 of this code, as the effectiveness of efforts to remedy violations.
- h. Not more than two (2) service vehicles shall be parked in a required parking space at any time. All vehicles parked or stored on-site shall be operational and have current registration and licensing.
- i. Accessory or support buildings and structures customarily incidental to the primary use shall be allowed on the same lot as the primary use, provided that the support building or structure is used or operated by the owner or a tenant in the principle structure, and that the structure or building complies with the standards established in section 33-3.6 of this UDC and chapter 40 of this code.
- j. Parking, whether a primary use or accessory use, shall not access 18th Street. Access via any street intersecting 18th Street shall be located at least fifty (50) feet from the 18th Street right-of way (see Figure 33-3.5(a)-1). A single driveway shall be granted by the planning director for interior lots along 18th street if the LURTC finds that all of the following conditions have been met:
 - 1. The driveway is part of a development that requires site plan approval;
 - 2. Site constraints preclude access to the parking structure or rear parking area from side streets;
 - 3. The applicant provides rear access connections to abutting parking areas and shall grant common access through the driveway from 18th St. and across the parking areas of the site. The common access shall be secured by a common access servitude shown on the site plan or shared access agreement recorded with the site plan;
 - 4. No more than one other driveway has been approved along the same block face since adoption of these regulations; and
 - 5. The driveway:

- a. does not exceed twenty (20) feet in width;
- b. provides access to a parking structure or the rear of the site; and
- c. shall be located at least fifty (50) feet from the projected intersection of curb lines of any street intersection.

Figure 33-3.5(a)-1: Driveway or Garage Separation from 18th Street



- k. Mixed use buildings shall comply with the standards established in Section 33-3.6(a).
- l. No business conducting retail sales or service (see Table 33-3.4-1 LBCS function codes 2100 et.seq.) shall sell beer or other alcoholic beverages between the hours of midnight and 7:00 a.m., Sunday through Thursday; or between the hours of 1:00 a.m. and 7:00 a.m., Friday and Saturday. This provision shall be effective on April 1, 2011. The Sheriff's Office shall enforce hours of operation. Failure to comply with hours of operation or the commission of acts listed in chapter 4 of this Code shall be grounds for revocation of an alcoholic beverage permit in accordance with chapter 4 of this code.
- m. Except as authorized by the council through a special event permit, a business providing food services (see Table 33-3.4-1 LBCS function codes 2500 et.seq., excluding bar or drinking place and drive-through alcoholic beverage service which are subject to the provisions established in section 33-3.5(a) of this chapter) and having alcoholic beverage permits shall not be open between the hours of midnight and 7:00 a.m., Sunday through Thursday; and between the hours of 1:00 a.m. and 7:00 a.m., Friday and Saturday. By special event permit a business providing food services and having alcoholic beverage permits, except a bar or drinking place and drive-through alcoholic beverage service, may be allowed to operate for not more than one (1) additional hour each day. This provision shall be effective on April 1, 2011. The Sheriff's Office shall enforce hours of operation. Failure to comply with hours of operation or the commission of acts listed in chapter 4 of this Code shall be grounds for revocation of an alcoholic beverage permit in accordance with chapter 4 of this code.
- n. Club for the purposes of the FC-1 zoning district shall mean buildings and facilities owned and operated by a corporation, association, person or persons for social, educational or recreational purpose, but not for profit, or not to render a service that is normally carried on as a business or that excludes minors. Clubs shall not provide services that are the functional equivalent of adult uses or stand-alone bars. Clubs that provide food and alcoholic beverages to members may operate subject to the same FC-1 and FC-3 zoning district requirements as restaurants with accessory bars that are open to the public.

(4) Building Setbacks.

- a. **Front.** As shown on the Fat City Street Improvements Plan in the

appendix of this UDC, setbacks shall comply with the following table (Table 33-3.5(a)-1), subject to the provisions following the table. For purposes of this section and any other references to the Fat City Street Improvements Plan, 17th Street shall comply with the standards for 18th Street between Severn and North Arnoult. Minimum and maximum setbacks shall be the minimum and maximum distances between the property line and the nearest building line on the corresponding street, except as modified by the provisions following the table.

Table 33-3.5(a)-1: FC-1 Front Setbacks

Location	Minimum/Maximum Setback from ROW
18 th Street – Division to Edenborn – north side	20 ft./20 ft.
18 th Street – Division to Edenborn – south side	14 ft./20 ft.
18 th Street – Edenborn to North Arnoult – north side	2 ft./2 ft.
18 th Street – Edenborn to North Arnoult – south side	32 ft./32 ft.
17 th and 18 th Street – North Arnoult to Severn – north side	14 ft./14 ft.
17 th and 18 th Street – North Arnoult to Severn – south side	0 ft./0 ft.
Division Street	5 ft./5 ft.
Hessmer Avenue	5 ft./ 5 ft.
Edenborn Avenue	5 ft./ 5 ft.
North Arnoult Road	10 ft./ 10 ft.
Severn Avenue	10 ft./ 10 ft.

1. After reviewing a site plan application and considering the recommendation of LURTC, the planning director may approve the establishment of an outdoor seating area, plaza, or courtyard, between the building and the setback line provided that the area:
 - i. Shall adjoin the sidewalk and shall not be wider than the greater of fifty (50) feet or fifty (50) percent of the development site width and not deeper than two-hundred (200) feet.
 - ii. Shall have a minimum floor area of 200 sq. ft. and a maximum floor area of 1,000 sq. ft.
 - iii. Shall be paved in a type of paver compatible with parish-approved sidewalk material if at ground level.
 - iv. Shall be elevated not more than eighteen (18) inches above the

level of the abutting sidewalk.

- v. May be shaded or planted with trees along the edge of the courtyard space so that the pedestrian zone is shaded or the tree canopy overhangs the sidewalk.
 - vi. May incorporate a wall not more than twenty-four (24) inches in height or a decorative fence at the build-to-line that is not more than forty-two (42) inches in height.
 - vii. Shall not permit parking in an outdoor seating area, plaza, or courtyard
2. Where the setbacks or build-to lines are greater than zero (0) feet from the lot line, the parish will maintain street and on-street parking improvements that are constructed in accordance with the Fat City Street Improvements Plan, subject to provisions of adequate servitudes.
3. Awnings, canopies, balconies, or the upper floors of a building that create an arcade or gallery are encouraged. Said structures provide public benefits, including visual interest and shade and promote the vision of a traditional, pedestrian-friendly and vibrant main street. Awnings, canopies, balconies, or the upper floors of a building that create an arcade or gallery may be established subject to the following conditions:
- i. Balconies and awnings may project to the back of the curb line subject to parish attorney approval of an agreement allowing use of public right-of-way and indemnifying the parish for any balcony or awning that extends into a public right-of-way.
 - ii. Arcades formed by the projection of buildings to the back of the curb-line are permitted where on-street parking is provided and the building does not project into public right-of-way. To provide pleasant, usable space that connects with surrounding properties, an arcade shall be well-lit and shall not terminate at dead ends at the side of adjacent buildings.
 - iii. A minimum width of eight (8) feet of pedestrian and frontage zones, or sidewalk, complying with ADA standards shall be provided between the first floor façade and any posts or columns supporting the awning, canopy, balcony or building overhang. Such posts or columns may be located in the furniture zone but shall not be located within the pedestrian zone or within eighteen (18) inches of the face of the curb;
 - iv. At least fourteen (14) feet of clearance shall be provided between the sidewalk and the bottom of the balcony or arcade ceiling;
 - v. At least nine (9) feet of clearance shall be provided between the sidewalk and the bottom of the awning. The height of awnings measured vertically from the lowest to the highest point shall not exceed four (4) feet; and
 - vi. At least ten (10) feet of clearance shall be provided between the awning, canopy, balcony or building overhang and any potential hazards (e.g., power or telecommunications lines).
- b. **Side Setback.** No minimum or maximum, subject to building and fire code requirements.
- c. **Rear Setback.** No minimum or maximum, subject to building and fire code requirements.

- d. ***Exterior Side Setback for Corner Lots.*** Setbacks from each street shall comply with front setbacks for the applicable streetscape requirements established in Table 33-3.5(a)-1.
 - e. The planning director, after considering LURTC recommendations, may modify front or corner lot minimum or maximum setbacks by up to five (5) feet to facilitate transitions between buildings and establish a more functional pedestrian environment.
 - f. No variances or exceptions to building setbacks shall be permitted in the FC-1 district by the parish council, or any parish board, or commission.
- (5) ***Maximum Building Height.***
- a. No building or structure shall exceed sixty-five (65) feet in height. Chapter 40, section 40-737 of this code shall not apply to any building or structure in this district.
 - b. Buildings shall not be less than three (3) stories on corner lots or less than two (2) stories in other portions of the district.
 - c. First floor ceiling heights shall not be less than fourteen (14) feet or more than twenty (20) feet.
 - d. No variances or exceptions to maximum or minimum height or stories shall be permitted in the FC-1 district by the parish council, or any parish board or commission.
- (6) ***Openings.***
- a. On the ground floor a minimum of seventy (70) percent of the street-facing building façades between the elevations of two (2) and ten (10) feet above the sidewalk must be comprised of windows with at least eighty (80) percent transparency or doors.
 - b. On upper floors a minimum of thirty (30) percent of the street-facing walls of all structures, including parking garages, above the first floor shall be comprised of clear, windows with at least sixty (60) percent transparency or other openings for parking structures approved by the planning director. Openings shall be horizontally aligned with openings on adjacent buildings, vertically aligned, or proportionate with openings on the ground floor of the building.
- (7) ***Entries.*** Buildings must have a customer entrance door facing each abutting street. For corner buildings facing two (2) streets, a corner entrance door shall be allowed.
- (8) ***Garage Doors / Loading Docks.*** No garage door or loading dock shall face a public street except as authorized pursuant to section 33-3.6 of this UDC.
- (9) ***Building Materials.*** At least eighty (80) percent of building façades, excluding window and door area, shall be constructed of brick, stone, stucco or textured masonry. At the request of the applicant through the site plan review process, the planning director, upon consideration of LURTC comments, may approve the use of alternative building materials with a substantially similar appearance and durability.
- (10) ***Fences.*** Fences shall not be allowed within the FC-1 district except:
- a. A decorative fence not taller than forty-two (42) inches tall measured from sidewalk elevation may be used to enclose allowed customer areas along street frontages; and
 - b. Fences along rear property lines and side property lines behind the front building line between non-residential and residential uses shall comply with Chapters 8 and 40 of this code.

- (11) **Sidewalks.** In accordance with the Fat City Street Improvements Plan, thirteen (13) feet of streetscape zone shall be provided between the façade and the back-of-curb. For purposes of this section, sidewalk requirements along 17th Street shall be consistent with the sidewalk requirements for 18th Street between Severn and North Arnoult. As shown in the street improvements plan, this area shall contain the pedestrian and frontage zones with a sidewalk complying with ADA standards and parish specifications, and the furniture zone, with a width of five (5) feet. Street lights or other street furniture to parish specifications may be required in the furniture zone as determined during site plan review. Where at least three (3) feet of frontage zone is covered by a canopy, arcade, awning or gallery, a restaurant or snack bar may establish a customer dining area, provided that tables and chairs do not extend into the pedestrian zone and that the tables and chairs are moved indoors when the restaurant or snack bar is closed.
- (12) **Signs.** Wall, window, awning and projecting signs may be established in accordance with the following conditions. Directional signs, limited in area to six (6) square feet each, giving direction to motorist or pedestrians regarding the location of parking area, access and egress, shall be permitted as accessory signs and not included in any computation of sign areas. Instead of a projecting sign, a hanging sign, limited in area to six (6) square feet identifying, to pedestrians, a business within a building having a direct entry from a sidewalk abutting a street, shall be permitted hanging from the underside of a balcony or arcade as an accessory sign and not included in any computation of sign areas. Addresses shall comply with Chapter 8 of this code and shall not be considered wall signs unless the address is a portion of the business name. All other sign types, including animated, electronic message and projector signs, and all off-premise advertising signs are prohibited, except that a single portable menu sign measuring four (4) square feet or less may be placed in approved courtyards behind the front setback line or in the furniture or frontage zone for a restaurant, and that one (1) monument sign complying with the sign standards for the FC-3 district may be established on the east side of lots abutting Severn Avenue.
- a. No sign shall be placed upon a balcony, accessory building, roof, door or window or placed in any manner whatsoever so as to conceal any window, door, balcony, awning or cornice of any building.
 - b. Wall signs and projecting signs shall be attached to the building and no sign shall be larger than twenty (20) square feet. One of these types of signs may be established for each business within a building having a direct entry from a sidewalk abutting a street.
 - c. Projecting signs and awning signs shall be located at least eight (8) feet above ground level measured from the bottom of the sign to the sidewalk surface. Projecting signs shall not extend more than four (4) feet from the building façade, except that where lots do not abut 17th or 18th Street, each building may have up to one projecting sign- that may extend up to the (10) feet from a building but not beyond the pedestrian zone
 - d. For buildings with multiple businesses lacking direct entry from a sidewalk, a single building directory sign, not larger than six (6) square feet in area may be attached to a wall within eight (8) feet of the building entry used by such businesses.
 - e. Awning sign area shall not exceed twenty (20) square feet per awning sign.
 - f. Window signs may be etched in the glass or hung inside the building, provided that no window sign shall occupy more than twenty-five (25) percent of a window opening. Any sign etched into, applied to or hung within four feet of the inside pane of a window shall be considered a window sign.
 - g. A free-standing directional sign not exceeding six (6) square feet in area or six (6) feet in height may be placed on sites abutting streets other than

17th or 18th Street

- h. *Sign Illumination.* All signs, except neon window signs, may only be illuminated externally. Light sources shall be shielded so that they are not directly visible to motorists or pedestrians. Signs faces shall not be illuminated by more than 50 lumens per square foot.
 - i. No variances or exceptions to signs shall be permitted in the FC-1 district by the parish council, or any parish board or commission.
 - (13) *Outdoor Lighting.* Outdoor illumination of any building, seating area, plaza, courtyard, landscaping, or similar purpose shall be shielded. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited. If any luminaire is aimed, directed or reflected, focused, or mounted to cause direct light from the luminaire to be directed toward residential uses, or to create up light, spill light, or glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or relocated, its height remounted, or its light output and illumination levels controlled as necessary and determined by the department of inspection and code enforcement to eliminate such conditions.
 - (14) *Landscaping.* At least one (1) large or medium street tree as defined in the Fat City Street Improvements Plan shall be established for every thirty (30) feet of frontage, or fraction thereof. Street trees may be located within the right-of-way in accordance with the provisions of Chapter 37 of this Code. Tree selections shall be consistent with the planting list in the Fat City Street Improvements Plan and shall be approved by the planning director after considering LURTC recommendations. The planning director may approve the substitution of other permanent landscaping materials for the tree(s) when an awning, canopy, balcony, or the upper floors of a building are allowed to project into the landscaping area. All required landscaping shall be watered by an automatic irrigation system.
 - (15) *Parking.* Parking shall be provided in accordance with section 33-3.6 of this UDC and Chapter 40 of this code. No variances or exceptions to parking shall be permitted in the FC-1 district by the parish council, or any parish board, or commission.
 - (16) *Loading.* On-site loading zones shall be located behind the front building line and loading bays shall not face 18th Street. With the exception of postal services, deliveries shall be limited to 9:00 am to 11:30 am and 1:30 pm to 4:30 pm on weekdays and from 7:30 am to 11:30 am on weekend days and holidays.
 - (17) *Dumpsters.* The use of dumpsters shall be prohibited and shall be removed from the FC-1 district when the first of the following occurs: a site plan is required pursuant to section 33-3.6 of this UDC; a new business license is issued for a use in a single use building; an existing dumpster service contract expires; or January 1, 2014. Trash receptacles shall not be located between the front or side building line and the street between the hours of 6:00 AM and midnight. The provisions of this paragraph shall become effective on April 1, 2011. Restaurants may be authorized to use a dumpster if the bureau of administrative adjudication finds that there is a hardship in accordance with the provisions of section 2-5.4. If authorized, dumpsters shall be located behind the front building line and screened in accordance with chapter 16 of this code.
 - (18) *Mechanical equipment.* 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 side property line on the corner side if a corner lot. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.
- (b) Residential Mixed Use District (FC-2).**

- (1) **Purpose.** This residential district is intended to create a walkable residential neighborhood with live-work alternatives and neighborhood service uses. Capitalizing on proximity to the Fat City Pedestrian Core District and the Lakeside Shopping Center, this district will be an attractive residential area for young adults and empty nesters, with a mix of residential, office and neighborhood service uses at street level and residences on upper levels. For purposes of zoning compatibility standards, FC-2 shall be considered a residential zoning district.
- (2) **Authorized Uses.** Uses shall be authorized as provided in section 33-3.4 of this UDC.
- (3) **Supplemental Use Regulations.**
 - a. No drive-in, drive-up or drive-through facilities or outdoor speakers shall be allowed.
 - b. Non-residential uses shall be limited to the first floor and shall not exceed fifteen (15,000) square feet in floor area. Uses accessory to residential uses (e.g., recreational facilities) may be established on any floor.
 - c. No outdoor storage, display or operations shall be allowed, except outdoor customer seating for restaurants, snack bars or other uses where alcoholic beverages are not served.
 - d. Accessory or support buildings and structures customarily incidental to the primary use shall be allowed on the same lot as the primary use, provided that the support building or structure is used or operated by the owner or a tenant in the principle structure, and that the structure or building complies with the standards established in this UDC and chapter 40 of this code.
 - e. Townhome development shall comply with the following standards:
 1. **Building Design.** No fewer than five (5) and no more than ten (10) dwelling units shall be contiguous. No contiguous group of townhouse dwellings shall exceed 180 feet in length and each group shall incorporate wall plane projections, recesses, or articulated facades combined with window and door placements that create a multi-faceted exterior form and attractive architectural design. Front entryways shall face the street.
 2. **Building Setbacks.**
 - i. **Lot width.** Minimum of eighteen (18) feet for the lot on which each unit is located.
 - ii. **Front.** No minimum or maximum, subject to building code requirements. Any yard provided between the front lot line and building line, or on a corner lot between the side lot line and building line, shall form contiguous open area consisting of lawn, landscaped areas, or walkways and shall not include parking, driveways, or other impervious surfaces other than walkways.
 - iii. **Side.** Minimum of five (5) feet for corner dwelling units.
 - iv. **Rear.** No minimum or maximum, except that an alley or driveway having a minimum width of eighteen (18) feet of paved roadway that is used to provide rear ingress and egress to each lot shall be required. The alley shall be considered a private drive and may be subject to a parish-approved maintenance plan.
 3. **Off-street parking.** Parking shall be provided in accordance with

the requirements for residential units of this UDC. Parking may be grouped in bays, either adjacent to a street or in the interior of the development site but shall not be located in the front yard of a lot, or the side yard of a corner lot, on which a dwelling unit is located. Grouped parking adjacent to a street shall be landscaped in accordance with the requirements of this UDC.

4. **Maintenance of Common Areas.** Maintenance, repair and decisions affecting the required alley or driveway, grouped parking, and any other areas held in common ownership shall be the responsibility of an association of homeowners in accordance with Sec. 33-6.9 of this UDC.

h. **No business conducting retail sales or service** (see Table 33-3.4-1 LBCS function codes 2100 et.seq.) shall sell beer or other alcoholic beverages between the hours of midnight and 7:00 a.m., Sunday through Thursday; or between the hours of 1:00 a.m. and 7:00 a.m., Friday and Saturday. This provision shall be effective on April 1, 2011. The Sheriff's Office shall enforce hours of operation. Failure to comply with hours of operation or the commission of acts listed in chapter 4 of this Code shall be grounds for revocation of an alcoholic beverage permit in accordance with chapter 4 of this code.

(4) Building Setbacks.

a. **Front.** Setbacks shall comply with the minimum setbacks established in Table 33-3.5(b)-1

Table 33-3.5(b)-1: FC-2 Front Setbacks

Location	Minimum Setback from ROW
Division	5 ft.
Hessmer	5 ft.
Edenborn	5 ft.
North Arnoult	10 ft.
14th Street	5 ft.
15th Street	5 ft.

b. **Side.** Minimum of five (5) feet.

c. **Rear.** Subject to building and fire code requirements.

d. **Exterior Side Setbacks for Corner Lots.** Minimum of five (5) feet and a maximum of fifteen (15) feet on building sides along a street.

e. No variances or exceptions to building setbacks shall be permitted in the FC-2 by the parish council, or any parish board, or commission.

(5) Maximum Building Height. No building or structure shall exceed sixty-five (65) feet in height, except as provided in this paragraph. First floor ceiling heights for non-residential uses shall not be less than fourteen (14) feet nor more than twenty (20) feet. Maximum building height may be increased by one (1) foot over sixty-five (65) feet in height for every one (1) foot setback beyond a distance of one hundred (100) feet from the FC-1 or a residential zoning district, up to a maximum of one hundred twenty (120) feet, subject to

submittal of a site plan in compliance with this UDC and the following conditions:

- a. The footprint of the portion of the building exceeding sixty-five (65) feet in height shall not be greater than seventy-five (75) percent of the footprint of the portion of the building at ground level;
- b. The portion of the building exceeding sixty-five (65) feet in height shall be set back at least twenty (20) feet behind the front of the building at ground level (see Figure 33-3.5(b)-1);
- c. The portion of the building exceeding sixty-five (65) feet in height shall be located at least one hundred (100) feet from the boundaries of the FC-1 or a residential zoning district (see Figure 33-3.5(b)-2);
- d. Prior to establishing a building taller than sixty-five (65) feet in height, the applicant shall:
 1. Submit a traffic mitigation plan that provides a vehicular connection between two (2) north-south streets unless LURTC determines that existing connections are adequate. The planning director may approve alternative traffic circulation enhancements that improve east-west movement of traffic after considering the recommendations of the LURTC, or may forward the mitigation plan to the council for approval if the enhancements comprise a major subdivision or involve public improvements that require a development agreement; and
 2. Provide enhanced pedestrian improvements in the streetscape zone along the street, which may include expanded streetscape improvements, arcade or gallery measuring at least eight (8) feet in width across the front of the property.
- e. No exceptions to height shall be permitted in the FC-2 district by the parish council, or any parish board or commission. Section 40-737 shall not apply to any building or structure in this district.

Figure 33-3.5(b)-1: FC-2 Building Above Podium

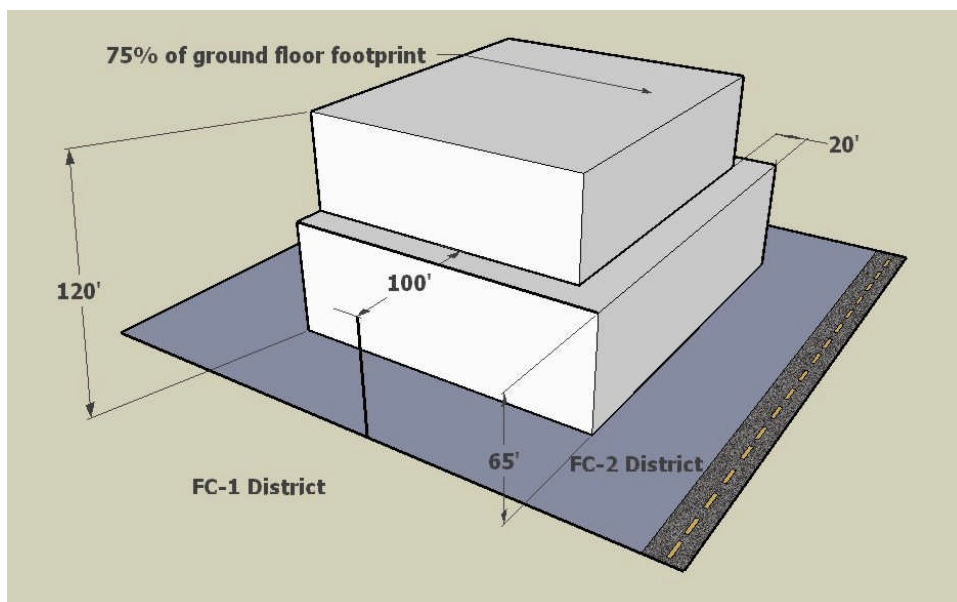
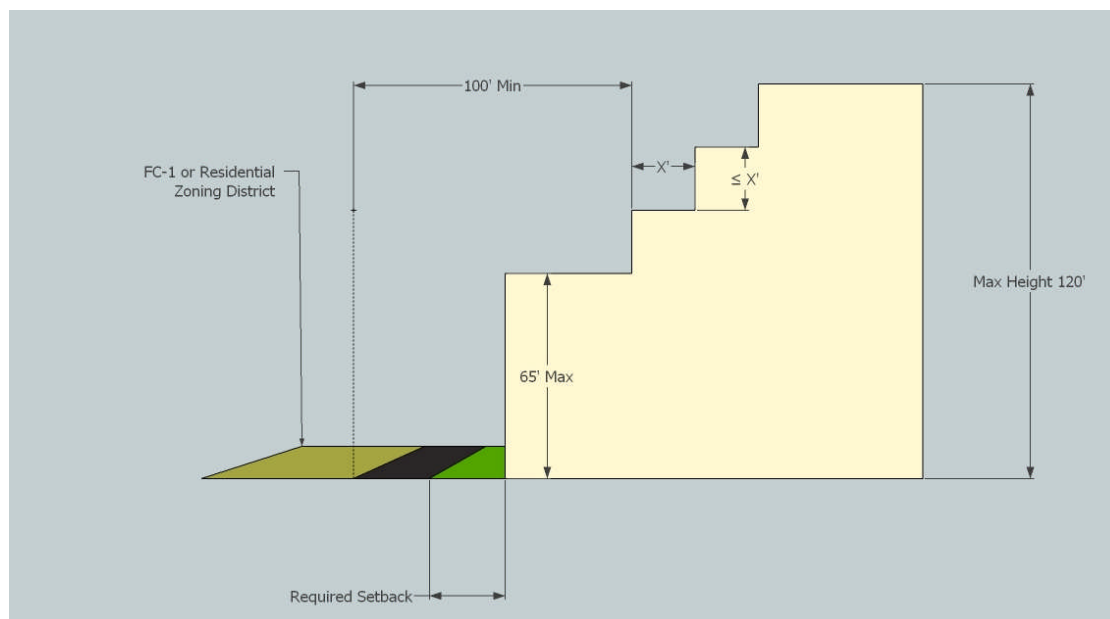


Figure 33-3.5(b)-2: FC-2 Maximum Building Height



(6) **Openings.**

- a. For non-residential uses, a minimum of sixty (60) percent of the street facing building façades between the heights of two (2) feet and eight (8) feet from sidewalk elevation must be comprised of windows with at least eighty (80) percent transparency or doors.
- b. On upper floors, a minimum of twenty (20) percent of the street facing walls of all structures, including parking garages, above the first floor shall be comprised of windows with at least sixty (60) percent transparency or other openings for parking garages approved by the planning director. Openings shall be horizontally aligned with openings on adjacent buildings, vertically aligned, or proportionate with openings on the first floor of the building.

- (7) **Entries.** Non-residential uses must have a primary entrance door facing each abutting street. For buildings facing two (2) streets, a corner entrance door shall be allowed.
- (8) **Garage Doors / Loading Docks.** No garage door or loading dock shall face a public street except as authorized pursuant to section 33-3.6 of this UDC.
- (9) **Building Materials.** At least eighty (80) percent of building façades, excluding window and door areas, shall be constructed of brick, stone, stucco or textured masonry for the first 65 feet. At the request of the applicant through the site plan review process, the planning director, upon consideration of LURTC comments, may approve the use of alternative building materials with a substantially similar appearance and durability.
- (10) **Fences.** Wood fences, ornamental fences, or fences of substantially similar appearance may be allowed along interior side and rear yards provided that the height does not exceed seven (7) feet. Fences facing streets shall be ornamental fences.
- (11) **Sidewalks.** In accordance with the Fat City Street Improvements Plan in the appendix of this UDC, a streetscape zone shall be provided that contains the pedestrian zone with a sidewalk complying with ADA standards and parish specifications, and the furniture zone with the required landscaping. Street lights or other street furniture to parish specifications may be required in the furniture zone as determined during site plan review. For purposes of this section and any other references to streets without specific cross sections in the Fat City Street Improvements Plan, those streets shall comply with the standards for Edenborn and Hessmer street sections. When all or a portion of the streetscape zone are located on private property, on-street parking provided shall be counted towards minimum parking requirements; each

space with at least fifty (50) percent of its length or width along the curb line being located between the side property lines shall be counted.

- (12) **Signs.** Wall, monument, window, awning and projecting signs may be established in accordance with the following conditions. Directional signs limited in area to six (6) square feet each, giving direction to motorist or pedestrians regarding the location of parking area, access and egress, shall be permitted as accessory signs and not included in any computation of sign areas. Instead of a projecting sign, a hanging sign, limited in area to six (6) square feet identifying, to pedestrians, a business within a building having a direct entry from a sidewalk abutting a street, shall be permitted hanging from the underside of a balcony or arcade as an accessory sign and not included in any computation of sign areas. Addresses shall comply with Chapter 8 of this code and shall not be considered wall signs unless the address is a portion of the business name. All other sign types, including animated, electronic message and projector signs and off-premise advertising are prohibited, except that a single portable menu sign measuring four (4) square feet or less may be placed in approved courtyards behind the front setback line or in the furniture or frontage zone for a snack bar.
- a. No sign shall be placed upon a balcony, roof, door window or placed in any manner whatsoever so as to conceal any window, door, balcony, awning or cornice of any building
 - b. Wall and projecting signs shall be attached to the building and no sign shall be larger than twenty (20) square feet. One of these types of signs may be established for each business within a building having a direct entry from a sidewalk abutting a street.
 - c. Projecting signs and hanging signs shall be located at least eight (8) feet above ground level measured from the bottom of the sign to the sidewalk surface. Projecting signs shall not extend more than four (4) feet from the building.
 - d. Awning sign area shall not exceed twenty (20) square feet per awning sign.
 - e. Monument signs shall not exceed twenty (20) square feet in area and shall not exceed eight (8) feet in height. One (1) monument sign is allowed for each lot. The pedestal of the sign shall not be counted as part of the sign area.
 - f. Window signs may be etched in the glass or hung inside the building, provided that no window sign shall occupy more than 25 percent of a window opening. Any sign etched into, applied to or hung within four (4) feet of the inside pane of a window shall be considered a window sign.
 - g. For buildings with multiple businesses lacking direct entry from a sidewalk, a single building directory sign, not larger than six (6) square feet in area may be attached to a wall within eight (8) feet of the building entry used by such businesses.
 - h. Free-standing directional signs shall not exceed six (6) feet in height measured from grade.
 - i. **Sign Illumination.** All signs shall be externally illuminated. Light sources shall be shielded so that they are not directly visible to motorists or pedestrians. Signs faces shall not be illuminated by more than 50 lumens per square foot.
 - j. No variances or exceptions to signs shall be permitted in the FC-2 district by the parish council, or any parish board, or commission.
- (13) **Outdoor Lighting.** Outdoor illumination of any building, seating area, plaza, courtyard, landscaping, or similar purpose shall be shielded. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.

If any luminaire is aimed, directed, reflected, focused, or mounted to cause direct light from the luminaire to be directed toward residential uses, or to create up light, spill light, or glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or relocated, its height remounted, or its light output and illumination levels controlled as necessary and determined by the department of inspection and code enforcement to eliminate such conditions.

- (14) **Landscaping.** At least one (1) large or medium street tree, as defined in the Fat City Street Improvements Plan, shall be established for every thirty (30) feet of frontage, or fraction thereof. Street trees may be located within the right-of-way in accordance with the provisions of chapter 37 of this code. Tree selections shall be consistent with the planting list in the Fat City Street Improvements Plan and shall be approved by the planning director after considering LURTC recommendations. The planning director may approve the substitution of other permanent landscaping materials for the tree(s) when an awning, canopy, balcony, or the upper floors of a building are allowed to project into the landscaping area. All required landscaping shall be watered by an automatic irrigation system.
- (15) **Parking.** Parking shall be provided in accordance with section 33-3.6 of this UDC and chapter 40 of this code. No variances or exceptions to parking shall be permitted in the FC-2 district by the parish council, or any parish board or commission, except that the Board of Zoning Adjustments may grant a variance for one (1) required parking space to accommodate a monument sign under the following conditions:
 - a. visibility of the monument sign from the roadway is more than fifty (50) percent obstructed by a vehicle parked in the required parking space, and
 - b. due to constraints of the site, no other reasonable location is available for the monument sign, as determined by the director of inspection and code enforcement or the planning director, as applicable.
- (16) **Loading.** On-site loading zones shall be located behind the front building line and loading bays shall not face 18th Street. With the exception of postal services, deliveries shall be limited to 9:00 am to 11:30 am and 1:30 pm to 4:30 pm on weekdays and from 7:30 am to 11:30 am on weekend days and holidays.
- (17) **Dumpsters.** Dumpsters shall be located behind the front building line, or side building line on a corner lot, and be in accordance with all other provisions of chapter 16 of this code.
- (18) **Mechanical equipment.** 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 side property line on the corner side if a corner lot. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

(c) **Commercial Mixed Use District (FC-3).**

- (1) **Purpose.** This district will allow a wider variety of non-residential uses, some of which will be more automobile-oriented than the uses allowed in the other Fat City districts. While providing pedestrian amenities and allowing residential uses on upper floors of buildings, this district will be primarily non-residential in character.
- (2) **Authorized Uses.** Uses shall be authorized as provided in section 33-3.4 of this UDC.
- (3) **Supplemental Use Regulations.**

- a. No outdoor storage, display or operations shall be allowed, except outdoor customer seating for restaurants or snack bars, and in enclosed and screened rear yard areas.
- b. Bars may be allowed as accessory uses to a hotel or restaurant, subject to the requirements for the FC-1 district established in section 33-3.5(a) of this UDC.
- c. Stand-alone bars or drinking places and drive-through alcoholic beverage service are prohibited and existing stand-alone bars or nightclubs are considered nonconforming. Nonconforming bars in the FC-3 district are subject to all of the provisions established for the FC-1 district in section 33-3.5(a) of this chapter.
- d. Adult uses serving alcoholic beverages shall comply with provisions established for the FC-1 district in section 33-3.5(a) of this chapter
- e. Accessory or support buildings and structures customarily incidental to the primary use shall be allowed on the same lot as the primary use, provided that the support building or structure is used or operated by the owner or a tenant in the principle structure, and that the structure or building complies with the standards established in section 33-3.6 of this UDC.
- f. Mixed-use buildings shall be allowed, provided that no residential units shall be located on the ground floor. Parking areas shall not be included in floor area calculations
- g. Any commercial structure in which animals are boarded overnight shall be located a minimum of one hundred (100) feet measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the structure to the closest property line of the residential zoning district and comply with the following standards:
 - 1. All areas where animals are housed shall be totally contained within an interior space of the hospital.
 - 2. There shall be no exercise runs, yards, pens or other facilities for the care or housing of animals in any exterior space.
 - 3. The structure where animals are kept or housed shall be insulated or soundproofed, including windows and doors, in order to minimize or reduce as much as practically possible sounds emanating from within the structure and shall comply with chapter 20, of this code.
 - 4. There shall be no openings facing adjacent residentially zoned property other than the main entrance to the hospital.
 - 5. There shall be an air ventilation system capable of filtering out objectionable odors associated with an animal hospital. Such filtered air shall be vented into the atmosphere above the roofline or parapet.
 - 6. Overnight boarding of animals is permitted for veterinary care and as an accessory use for non-veterinary purposes, provided that in no case shall the area used for boarding exceed twenty-five (25) percent of the floor area of the primary structure.
 - 7. The maximum area of the structure or structures in which the animal hospital or veterinary clinic is located shall be twenty-five thousand (25,000) square feet.
 - 8. For animal hospitals and veterinary clinics not meeting the criteria outlined above due to site related or other hardships, council

approval of a special permitted use pursuant to chapter 40 of this code, with the exception of section 40-764 of that chapter,

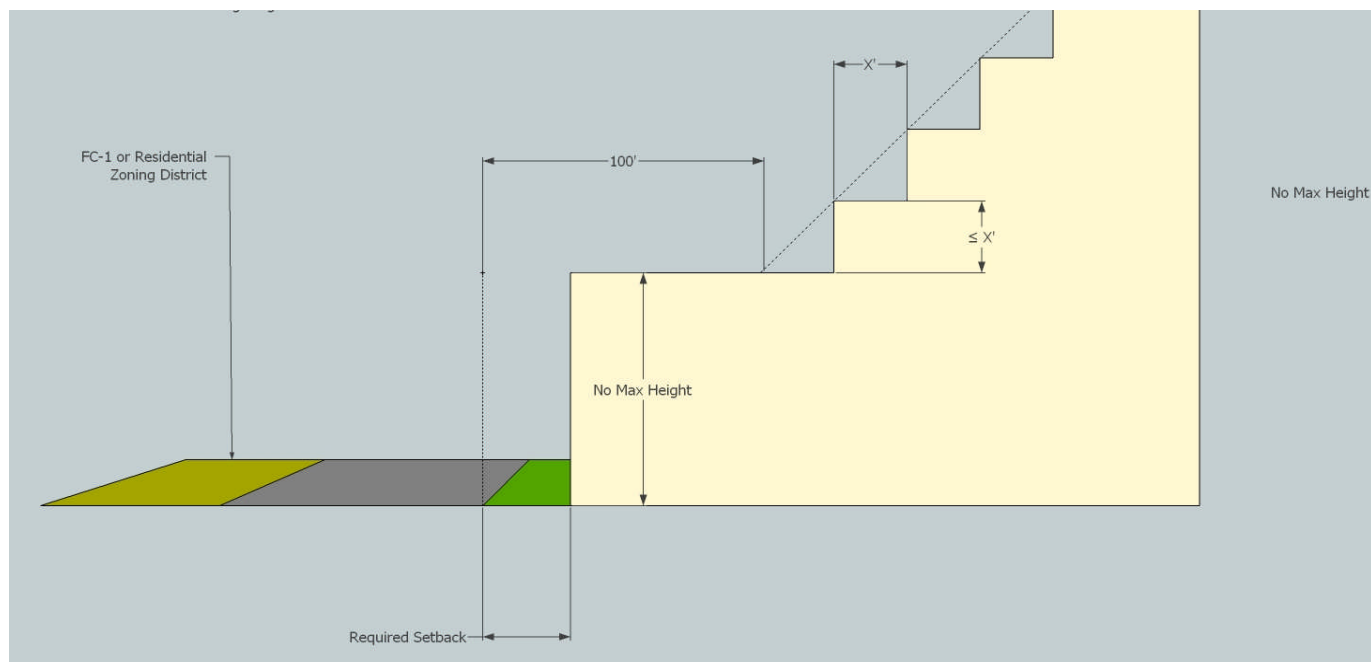
- h. Not more than two (2) service vehicles shall be parked in a required parking space at any time. All vehicles parked or stored on-site shall be operational and have current registration and licensing.
- i. No outdoor speaker shall be allowed within one hundred (100) feet measured in a straight line, without regard to intervening structures, from the speaker to the closest property line of the residential zoning district. All regulations of this code regarding noise shall be met. In addition, any public address system located on site shall be oriented to minimize sound intrusion onto abutting properties.
- j. Drive-through restaurants shall be limited to sites having direct access to West Esplanade Avenue or Severn Avenue.
- k. No business conducting retail sales or service (see Table 33-3.4-1 LBCS function codes 2100 et.seq.) shall sell beer or other alcoholic beverages between the hours of midnight and 7:00 a.m., Sunday through Thursday; or between the hours of 1:00 a.m. and 7:00 a.m., Friday and Saturday. This provision shall be effective on April 1, 2011. The Sheriff's Office shall enforce hours of operation. Failure to comply with hours of operation or the commission of acts listed in chapter 4 of this Code shall be grounds for revocation of an alcoholic beverage permit in accordance with chapter 4 of this code.
- l. Except as authorized by the council through a special event permit, a business providing food services (see Table 33-3.4-1 LBCS function codes 2500 et. seq., excluding bar or drinking place and drive-through alcoholic beverage service which are subject to the provisions established in section 33-3.5(a) of this chapter) and having alcoholic beverage permits shall not be open between the hours of midnight and 7:00 a.m., Sunday through Thursday; and between the hours of 1:00 a.m. and 7:00 a.m., Friday and Saturday. By special event permit a business providing food services and having alcoholic beverage permits, except a bar or drinking place and drive-through alcoholic beverage service, may be allowed to operate for not more than one (1) additional hour each day. This provision shall be effective on April 1, 2011. The Sheriff's Office shall enforce hours of operation. Failure to comply with hours of operation or the commission of acts listed in chapter 4 of this Code shall be grounds for revocation of an alcoholic beverage permit in accordance with chapter 4 of this code.
- m. Public utility structures shall comply with the provisions of Sec. 40-748. Regulations for public utility structures, and the provisions of this chapter. For the purpose of compliance, the FC-3 shall be considered more restrictive than the BC-2 Business Core District. When the provisions of Sec. 40-748 and the provisions of this chapter are in conflict, the more restrictive shall apply.
- n. Club for the purposes of the FC-3 zoning district shall mean buildings and facilities owned and operated by a corporation, association, person or persons for social, educational or recreational purpose, but not for profit, or not to render a service that is normally carried on as a business or that excludes minors. Clubs shall not provide services that are the functional equivalent of adult uses or stand-alone bars. Clubs that provide food and alcoholic beverages to members may operate subject to the same FC-1 and FC-3 zoning district requirements as restaurants with accessory bars that are open to the public.

(4) Building Setbacks.

- a. *Front.* The minimum setback shall be ten (10) feet except along West Esplanade where minimum setbacks shall be twenty (20) feet.

- b. *Side.* No minimum or maximum, subject to building and fire code requirements.
 - c. *Rear.* No minimum or maximum, subject to building and fire code requirements.
 - d. *Exterior Side Setbacks for Corner Lots.* A minimum of ten (10) feet and a maximum of (15) feet, except along West Esplanade where minimum setbacks shall be twenty (20) feet.
 - e. No variances or exceptions to building setbacks shall be permitted in the FC-3 district by the parish council, or any parish board, or commission.
- (5) *Maximum Building Height.* No building or structure shall exceed sixty-five (65) feet, except as provided in this paragraph. First floor ceiling heights for non-residential uses shall not be less than fourteen (14) feet nor more than twenty (20) feet. South of 18th Street, maximum building height may be increased by one (1) foot over sixty-five (65) feet in height for every one (foot) setback beyond a distance of one hundred (100) feet from the FC-1 or a residential zoning district, subject to compliance with the following conditions (see Figure 33-3.5(b)-1):
- a. The footprint of the portion of the building exceeding sixty-five (65) feet in height shall not be greater than seventy-five (75) percent of the footprint of the portion of the building at ground level;
 - b. The portion of the building exceeding sixty-five (65) feet in height shall be set back at least twenty (20) feet behind the front of the building at ground level;
 - c. The nearest portion of a building exceeding sixty-five (65) feet in height shall be located at least one hundred (100) feet from the boundaries of the FC-1 zoning district;
 - d. Prior to establishing a building taller than sixty-five (65) feet in height, the applicant shall:
 1. Submit a traffic mitigation plan that provides a vehicular connection between two (2) north-south streets unless LURTC determines that existing connections are adequate. The planning director may approve alternative traffic circulation enhancements that improve east-west movement of traffic after considering the recommendations of the LURTC, or may forward the mitigation plan to the council for approval if the enhancements comprise a major subdivision or involve public improvements that require a development agreement; and
 2. Provide enhanced pedestrian improvements in the streetscape zone along the street, which may include expanded streetscape improvements, arcade or gallery measuring at least eight (8) feet in width across the front of the property.

Figure 33-3.5(c)-1: FC-3 Building Height



- e. No variances or exceptions to height shall be permitted in the FC-3 district by the parish council, or any parish board or commission. Chapter 40, section 40-737 of this code shall not apply to any building or structure in this district.
- (6) **Building Design, Openings.**
- a. A minimum of thirty (30) percent of the street facing building façades between the heights of two (2) feet and eight (8) feet from sidewalk elevation must be comprised of windows with at least eighty (80) percent transparency.
 - b. On upper floors, a minimum of thirty (30) percent of the street facing walls of all structures, including parking garages, above the first floor shall be comprised of windows with at least sixty (60) percent transparency or other openings approved by the planning director for parking garages. Openings shall be horizontally aligned with openings, vertically aligned, or proportionate with openings on the same building.
- (7) **Building Design, Entries.** Buildings must have a customer entrance door facing each abutting street. For buildings facing two (2) streets, a corner entrance shall be allowed.
- (8) **Building Materials.** At least eighty (80) percent of building façades, excluding window and door areas, shall be constructed of brick, stone, stucco or textured masonry for the first sixty-five (65) feet. Metal, wood, hardy plank and vinyl siding are not permitted. At the request of the applicant through the site plan review process, the planning director, upon consideration of LURTC comments, may approve the use of alternative building materials with a substantially similar appearance and durability.
- (9) **Fences.** Wood, ornamental, or fences of substantially similar appearance may be allowed along interior side and rear yards provided that the height does not exceed seven (7) feet. Fences facing streets shall be decorative. Chain link security fencing may be established in side and rear yards that do not face a street if located behind the front building line and provided that barbed and razor wire shall not be permitted.
- (10) **Sidewalks.** In accordance with the Fat City Street Improvements Plan in the appendix of this UDC, a streetscape zone shall be provided that contains the pedestrian zone with a sidewalk complying with ADA standards and parish specifications, and the furniture zone with the required landscaping. Street

lights or other street furniture to parish specifications may be required in the furniture zone as determined during site plan review. For purposes of this section and any other references to streets without specific cross sections in the Fat City Street Improvements Plan, those streets shall comply with the standards for Edenborn and Hessmer street sections. When all or a portion of the streetscape zone are located on private property, on-street parking shall be counted towards minimum parking requirements. Each space with at least fifty (50) percent of its length or width along the curb line being located between the side property lines shall be counted.

- (11) Signs. Wall, monument, window, awning and projecting signs may be established in accordance with the following conditions. Directional signs limited in area to six (6) square feet each, giving direction to motorist or pedestrians regarding the location of parking area, access and egress, shall be permitted as accessory signs and not included in any computation of sign areas. Instead of a projecting sign, a hanging sign, limited in area to six (6) square feet identifying, to pedestrians, a business within a building having a direct entry from a sidewalk abutting a street, shall be permitted hanging from the underside of a balcony or arcade as an accessory sign and not included in any computation of sign areas. Addresses shall comply with Chapter 8 of this code and shall not be considered wall signs unless the address is a portion of the business name. All other sign types, including projector and animated signs and off-premise advertising signs are prohibited, except that a single portable menu sign measuring four (4) square feet or less may be placed in approved courtyards behind the front setback line or in the furniture or frontage zone for a restaurant or snack bar.
- a. No sign shall be placed upon a balcony, roof, door or window or placed in any manner whatsoever so as to conceal any window, door balcony, awning or cornice of a building.
 - b. Wall signs or projecting signs not exceeding a total of one and one-half (1.5) square feet per linear foot of building width along a street frontage per development site, but not exceeding one hundred (100) square feet of sign area for each business having a direct entry from a sidewalk abutting a street, except that for buildings that are ten (10) or more stories, additional wall signage of five hundred (500) square feet per street frontage may be allowed if placed at least one hundred (100) feet above grade.
 - c. Projecting signs and hanging signs shall be located at least eight (8) feet above ground level measured from the bottom of the sign to the sidewalk surface. Projecting signs shall not extend more than four (4) feet from the building.
 - d. One monument sign not exceeding twelve (12) feet in height and one and one-half (1.5) square feet per linear foot of street frontage up to a maximum of one hundred (100) square feet in area per development site may be established along West Esplanade. On other streets, monument signs shall be limited to one (1) sign not exceeding ten (10) feet in height and fifty (50) square feet in area per development site.
 - e. Window signs may be etched in the glass or hung inside the building, provided that no window sign shall occupy more than twenty-five (25) percent of a window opening. Any sign etched into, applied to or hung within four feet of the inside pane of a window shall be considered a window sign.
 - f. For buildings with multiple businesses lacking direct entry from a sidewalk, a single building directory sign, not larger than six (6) square feet in area may be attached to a wall within eight (8) feet of the building entry used by such businesses.
 - g. One (1) canopy sign not larger than twenty (20) square feet may be allowed on each side of a canopy facing a street.

- h. Awning sign area shall not exceed twenty (20) square feet per awning sign except that where an awning sign is used in place of a wall or projecting sign, the awning sign area shall not exceed the lesser of the allowable wall or projecting sign area, or forty (40) percent of the vertical area of the awning on which the sign is located.
 - i. Free-standing directional signs shall not exceed eight (8) feet in height.
 - j. *Sign Illumination.* All signs, except neon window signs, shall be externally illuminated. Light sources shall be shielded so that they are not directly visible to motorists or pedestrians. Signs faces shall not be illuminated by more than 50 lumens per square foot.
 - k. Electronic message signs are permitted as part of an allowed monument sign under the following conditions:
 1. The lot has frontage on Severn Avenue or West Esplanade Avenue;
 2. Illumination shall not exceed 3.23 lux over ambient light levels;
 3. Maximum size of the electronic message area shall not exceed twenty-five (25) square feet; and
 4. Each image on the electronic message signs shall remain unchanged for not less than sixty (60) seconds.
 - l. For buildings with multiple businesses without direct entry to the street, a single building directory sign, not larger than six (6) square feet in area may be attached to a wall within eight (8) feet of the building entry used by such businesses.
 - m. No variances or exceptions to signs shall be permitted in the FC-3 district by the parish council, or any parish board, or commission
- (12) *Outdoor Lighting.* Outdoor illumination of any building, seating area, plaza, courtyard, landscaping, or similar purpose shall be shielded. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited. If any luminaire is aimed, directed, reflected, focused, or mounted to cause direct light from the luminaire to be directed toward residential uses, or to create up light, spill light, or glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or relocated, its height remounted, or its light output and illumination levels controlled as necessary and determined by the department of inspection and code enforcement to eliminate such conditions.
- (13) *Landscaping.* At least one (1) large or medium tree, as defined in the Fat City Street Improvements Plan, shall be established for every thirty (30) feet of frontage, or fraction thereof. Street trees may be located within the right-of-way in accordance with the provisions of Chapter 37 of this Code. Tree selections shall be consistent with the planting list in the Fat City Street Improvements Plan and shall be approved by the planning director after considering LURTC recommendations. The planning director may approve the substitution of other permanent landscaping materials for the tree(s) when an awning, canopy, balcony, or the upper floors of a building are allowed to project into the landscaping area. All required landscaping shall be watered by an automatic irrigation system.
- (14) *Parking.* Parking shall be provided in accordance with section 33-3.6 of this UDC. No variances or exceptions to parking shall be permitted in the FC-3 district by the parish council, or any parish agency, board, or commission, except that the Board of Zoning Adjustments may grant a variance for one (1) required parking space to locate a monument sign under the following conditions:
- a. visibility of the monument sign from the roadway is more than fifty (50) percent obstructed by a vehicle parked in the required parking space, and

b. due to constraints of the site, no other reasonable location is available for the monument sign, as determined by the director of inspection and code enforcement or the planning director, as applicable.

- (15) **Loading.** On-site loading zones shall be located behind the front building line and loading bays shall not face 18th Street. With the exception of postal services, deliveries shall be limited to 9:00 am to 11:30 am and 1:30 pm to 4:30 pm on weekdays and from 7:30 am to 11:30 am on weekend days and holidays.
- (16) **Dumpsters.** Dumpsters shall be located behind the front building line, or the side building line on a corner lot, and be in accordance with all other provisions of chapter 16 of this code.

Sec. 33-3.6 Special Zoning District Standards

- (a) **Fat City Mixed Use Development Standards.** The following standards shall apply to mixed use buildings in the Fat City mixed use districts (FC-1, FC-2 and FC-3). Residential uses shall be prohibited on the first floor within the FC-1 and FC-3 districts. Non-residential uses in the FC-2 district shall be limited to the first floor in accordance with district standards. Mixed use buildings include any structure with a mix of at least two (2) of the following uses in addition to any other use of the building: office, retail, services, restaurant, lodging or residential units; and provided that not more than fifty (50) percent of the floor area is used for restaurants.
- (1) Separate ingress and egress shall be provided for the residential dwellings and the non-residential use. For buildings with a common lobby, elevators requiring an electronic or mechanical pass device shall be considered separate ingress and egress points.
- (2) The storage, use or sales of hazardous materials as classified in chapter 13 of this code is prohibited.
- (3) In the FC-2 district, non-residential floor space shall comprise at least eight hundred (800) square feet or twenty (20) percent of the ground floor area of mixed use structures, whichever is greater, but not more than fifteen (15,000) square feet.
- (4) Subject to zoning district regulations, mixed use buildings may be used for any use authorized in the applicable zoning district, including residential units in any FC district.
- (b) **Fat City Streets, Off-Street Parking and Loading, and Clear Vision Area Regulations.**
- (1) Unless otherwise established below, the requirements of chapter 40 of this code shall apply to each of the Fat City Mixed Use districts (FC-1, FC-2 and FC-3).
- (2) Street and streetscape design and construction shall comply with the dimensional standards established in the Fat City Street Improvements Plan. Roll-over curbs are prohibited except at intersection corners when approved by the LURTC to facilitate emergency and large vehicle turning movements. For purposes of this section and any other references to the Fat City Street Improvements Plan, 17th Street shall comply with the standards for 18th Street between Severn and North Arnoult; and all other streets not specifically shown in the Fat City Street Improvements Plan shall comply with the standards for Edenborn Avenue and Hessmer street sections. Along 17th and 18th Streets, on-street parking or additional right-of-way widths not shown in the Fat City Street Improvements Plan may be approved by the planning director if, after considering the LURTC recommendations, the planning director finds that adequate easements or rights-of-way are dedicated, that the modification covers not less than one half (0.5) the length of a block, that the modification will not create a discontinuous pedestrian zone, and that the on-street parking will not create excessive maintenance burdens for the parish.

- (3) **Residential Parking.** At least eighty (80) percent of required parking for residential units in a mixed use building shall be reserved by signage for residents and located on the same development site as the mixed use building or on an abutting lot in accordance with the shared parking provisions of this UDC.
- (4) **Number of Required Spaces.** Except as follows, parking spaces shall be provided in accordance with chapter 40 of this code.
 - a. **Residential units:**
 - 1. 1.5 spaces for efficiency and one (1) or two (2) bedroom units.
 - 2. 2 spaces for three (3) or more bedroom units
 - b. **Mixed use buildings.** One space per 400 square feet of non-residential floor area plus the required parking for residential units listed in paragraph “a” above.
- (5) **Shared Parking.**
 - a. **Generally.** Parking spaces required under this section may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to the requirements of this section. The department of inspection and code enforcement will maintain all records of cooperative parking agreements.
 - b. **Cooperative or Off-Site Parking.** Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use or on an off-site parking facility when and if all of the following conditions are met:
 - 1. The off-site, off-street parking facilities are within six hundred (600) feet of the property;
 - 2. The parking demands of the individual uses, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than or equal to the total parking spaces required;
 - 3. A written agreement between the owners and lessees is executed for a minimum of twenty (20) years, approved by the parish attorney as provided herein. The agreement shall be recorded and a copy maintained in the project file. Should the lease expire or otherwise terminate, any and all approvals shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this section;
 - 4. The owners of all parking areas subject to the cooperative parking agreement shall provide signed affidavits that the spaces are not encumbered by other uses or agreements and that the spaces will be retained pursuant to the agreement;
 - 5. Cross access agreements shall be provided between abutting parking lots. The off-site parking areas shall be connected to the use they serve by a continuous sidewalk or other pedestrian connection approved by the planning director after considering comments from LURTC;
 - 6. An application for approval of a cooperative parking plan involving site plan approval shall be filed with the planning director. An application not requiring site plan approval shall be filed with the director of inspection and code enforcement. Applications shall be signed by the owners of all parcels to be included within the cooperative parking plan, the owner or owners of all structures then

existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners of parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common;

7. Reference to the recorded agreement for off-site parking shall be documented on the site plan;
 8. Pursuant to the same procedure and subject to the same limitations and requirements by which the cooperative parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan, and all land and structures withdrawn from such plan comply with the regulations of this section; and
 9. The owner of the off-site parking area shall provide annual affidavits to the director of inspection and code enforcement stating that the off-site parking agreement is valid and no change in use of the affected properties has occurred.
- c. **Shared Parking Calculation.** A mix of uses may reduce the amount of required parking in accordance with the following methodology subject to parking location requirement:
1. Determine the minimum parking requirements in accordance with Table 33-3.6-1 for each land use as if it were a separate use;
 2. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 33-3.6-1;
 3. Calculate the total for each time period; and
 4. Select the total with the highest value as the required minimum number of parking spaces.

Table 33-3.6-1: Shared Parking Standards

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight–6 AM)
	(B) Daytime (9 AM–4 PM)	(C) Evening (6 PM–midnight)	(D) Daytime (9 AM–4 PM)	(E) Evenings (6 PM–midnight)	
Office/industrial	100%	10%	19%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/commercial	40%	100%	80%	100%	10%
Residential	70%	100%	80%	100%	100%

(6) Parking Location and Design. When provided on the development site, required parking shall be located behind the front building line except as allowed in paragraph (b)(9) of this section.

1. Parking lots shall be set back at least seven (7) feet from the public street right of way, build to line, or pedestrian zone. If wheel stops are used, this area may be reduced to five (5) feet. This setback area shall contain one of the following landscaping arrangements:
 - a. Continuous groundcover and a decorative fence located along the edge of the setback closest to the street at least thirty-six (36) inches tall and not taller than forty-two (42) inches tall measured from sidewalk elevation. A continuous row of shrubs that form a buffer of at least two (2) and not more than two and one-half (2.5) feet tall shall be planted along the parking lot side of the fence.
 - b. Continuous groundcover and an opaque masonry wall measuring between two (2) and two and one-half (2.5) feet tall and located along the edge of the setback closest to the street;
 - c. Continuous row of shrubs that form an opaque buffer between two (2) and two and one-half (2.5) feet tall.
2. Double-loaded multi-aisle parking lots shall contain planting strips that separate parking bays. Each planting strip shall be a minimum of seven (7) feet wide and shall include end cap islands a minimum of three and one-half (3.5) feet wide and two (2) parking spaces long. The planting strip shall contain continuous ground cover and one (1) tree every thirty (30) feet or fraction thereof. Trees planted in interior planting strips may be a species that are easily transplantable such as palm or other varieties adapted to zone 9 climate ranges as well as small to medium ornamental trees of this climate zone.
3. Large shade trees are encouraged on the perimeter buffer strips and interior parking islands when a surface parking lot is accessory to a building on the lot.
4. Irrigation of interior landscaping is not required.

(7) **Parking Abutting Residences.** Where a parking lot abuts a residential or mixed-use building with residences, one (1) large tree, as defined in the Fat City Street Improvements Plan, shall be planted every thirty-five (35) feet, or fraction thereof, or one (1) medium tree, as defined in the improvement plan, shall be planted every twenty (20) feet, or fraction thereof, along the common property line in a continuous planting strip that measures at least five (5) feet in width. Additionally, an opaque seven (7) feet high masonry, vinyl or wood fence shall be provided along the common property line. Tree selections shall be consistent with the planting list in the Fat City Street Improvements Plan and shall be approved by the planning director after considering LURTC recommendations.

(8) **Parking Structures.**

a. Parking within or under a structure shall be considered a parking structure and subject to the provisions of this section (8). Parking structures in the FC-1 and FC-3 districts shall have retail, service or restaurant uses with a minimum depth of thirty (30) feet along the ground floor of all buildings within fifty (50) feet of a street intersection. Along 17th and 18th Streets, parking may be located behind a ground floor building façade in segments of up to one hundred (100) linear feet and shall meet the FC-1 district standards for openings and building materials. When one or more segments of parking structures are established along a block face on 17th or 18th Street without a ground floor use other than the parking between the sidewalk and structured parking, the segments shall be separated by a building entrance foyer measuring at least twenty-five (25) feet wide and at least twenty (20) feet deep (including space for elevators and steps).

b. Garage entries shall not be more than twenty-four (24) feet in width and shall be located at least fifty (50) feet from the projected intersection of curb lines of any street intersection. Garage entries may be open or secured by decorative garage doors or security gates that complement the building's architecture.

c. **Building Design and Materials.** Parking structures shall comply with building material and other building design requirements for the applicable district.

d. **Design of upper floors.** No less than forty (40) percent of the upper floors of any parking garage wall facing a public right-of-way shall consist of exposed openings. All parking structures shall have a minimum forty-two (42) inch tall wall to screen headlights. The opening shall be designed with one or more of the following treatments, shown below:

1. **Landscaped Opening.** Planter boxes shall be installed into the openings (see Figure 33-3.6-1). Planter boxes shall be maintained with live plants and automatic irrigation systems. A lattice may be installed to cover the opening.

Figure 33-3.6-1: Landscaped Opening



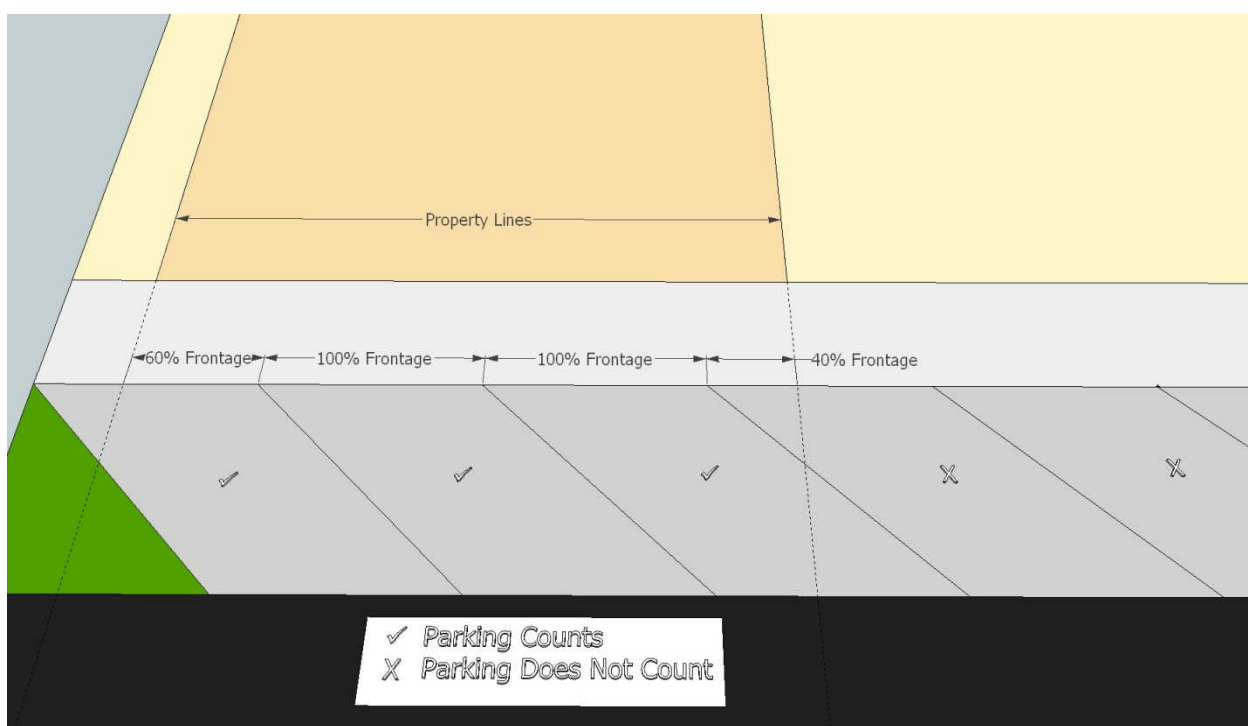
2. **Windowed Opening.** The openings shall be framed and mullions added to give the appearance of large windows (see Figure 33-3.6-2).

Figure 33-3.6-2: Windowed Opening



- (9) **Credit for On-Street Parking.** Along 17th and 18th Streets all head-in parking spaces may be counted toward required parking for the uses in the structure abutting said spaces, provided that the parking and sidewalks are designed and built in accordance with the Fat City Street Improvements Plan. A space may be counted if at least half of the width of the space at the curb falls between the side property lines of the abutting development site (see Figure 33-3.6-3). On-street parking shall not be reserved for any specific use.

Figure 33-3.6-3: Credit for On-Street Parking



- (10) **Parking Mitigation.**

- a. **Purpose.** The Parish finds that adequate parking is important for the economic success of Fat City. Many properties in Fat City will be unable to accommodate required parking due to their smaller lot size. Dispersing parking off-site in a way that serves multiple properties provides a more efficient, cost-effective, and sustainable way to serve Fat City's parking needs. The Parish finds that, at the time of new development, redevelopment or change of use requiring site plan approval, a proportionate capital contribution to construct additional public parking is a fair and equitable method of apportioning the cost of such additional parking among all property within the FC districts without unreasonably burdening vacant lands or existing development that is not undergoing new development, redevelopment or change of use. Accordingly, this sub-section allows property owners to substitute payments toward off-site parking for on-site parking.
- b. **Mitigation Authorized.** Required parking spaces for non-residential uses may be mitigated through pro-rata contributions to the Fat City Parking Mitigation Fund. The amount of parking mitigated through this section shall not exceed the amounts in Table 33-3.6-2. Mitigation is not allowed for residential uses.

Table 33-3.6-2: Maximum Percentage of Parking Subject to Mitigation

Uses	Maximum Percentage of Parking that May be Mitigated
Retail/Restaurant	70%
Office	70%
Lodging	10%
Other	50%

- c. **Amount.** Pro rata contributions shall be based on the capital costs of providing parking spaces in parking structures. The per-stall fee shall be \$18,400 in 2010 dollars and shall be adjusted annually in November of each year based on the “Engineering News Record” Construction Cost Index 20-City average ((ENR CCI) for November. The actual fee-in-lieu amount shall be established at the time of payment and approved by the parish attorney.
- d. **Payment.** No certificate of completion shall be issued until complete payment has been received by the parish or the parish council has:
 - 1. Approved an agreement providing for a phased payment plan. In no case shall payments be deferred for more than two (2) years;
 - 2. Approved an agreement providing for the deferred construction or occupancy of floor space for which parking has not been mitigated; or
 - 3. Approved other arrangements providing for required parking to serve the proposed use within twelve (12) months of the application. In no case shall arrangements include a parking variance.
- e. **Parking Fund Created.** The parish shall contribute the payments to a parking fund specifically set aside to provide public parking serving the FC Districts. All monies received as fees authorized by this section shall be deposited and held, together with interest thereon, in a public parking mitigation fund hereby created, and shall be expended from that fund only for the purpose of creating new public parking. The cost of creating public parking shall include all costs related to land acquisition, design, permitting, drainage, mitigation, and construction of lighted and paved public parking, including engineering, legal, consulting and internal overhead costs.
- f. **Credits.** The imposition or payment of any such payments does not bar the subsequent imposition of any special assessment upon the new development, redevelopment or change of use of any premises for which such fees have been previously imposed or paid. However, any special assessment for similar or like purposes takes into consideration such prior imposition and payment and provides the then current owner of the premises with an equitable credit for the fee actually paid for such similar or like purposes.
- g. All proposed parking mitigation contributions shall be approved by the Parish Attorney and shall be placed in the Parking Mitigation Fund which shall be used exclusively to establish parking to serve non-residential uses in the Fat City overlay zoning districts.
- h. The moneys in the parking fund may be allowed to accumulate from year to year until the parish council determines to expend the moneys in the fund for the purposes specified.

- I The payments shall be expended in all cases within five (5) years of collection. Any payment not expended shall be refunded to the property owner of record at the time of the refund.
- (11) **Nonconforming Parking.** Where a change in use of an existing structure to a non-residential use is being requested and that new use increases parking requirements, the applicant may request the director of inspection and code enforcement to authorize the reduction in the required number of on-site parking spaces subject to the applicant's voluntary mitigation of the parking deficiency in accordance with paragraph 10 of this section.
- (12) **Clear Vision Requirements.** The clear vision requirements of chapter 40 of this code shall not apply to intersections of 18th Street with other streets in the FC-1 District except Severn Avenue. In the remainder of the FC-1, FC-2 and FC-3 districts, the clear vision requirements are modified as follows:
- Required clear vision areas for each intersecting street or driveway that provides access to West Esplanade or Severn Avenue 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 Figure 33-3.6-4.
 - Required clear vision areas for streets and driveways that only provide access from West Esplanade or Severn Avenue shall consist of a single right triangle that has a leg of fifteen (15) feet extending from the projected intersection of the curb line along West Esplanade or Severn Avenue and twenty-five (25) feet along the curb line or edge of the street or driveway as illustrated in Figure 33-3.6-5
 - Required clear vision areas for the downward side of a one-way street or driveway intersection shall consist of a single right triangle with legs measuring fifteen (15) feet from the projected intersection of curb lines as illustrated in Figure 33-3.6-4.
 - 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.
 - Fence columns, posts and sign supports in the clear zone shall not be greater than eighteen (18) inches in width or diameter.

Figure 33-3.6-4: Clear Vision Area for Streets and Driveways on West Esplanade or Severn Avenues

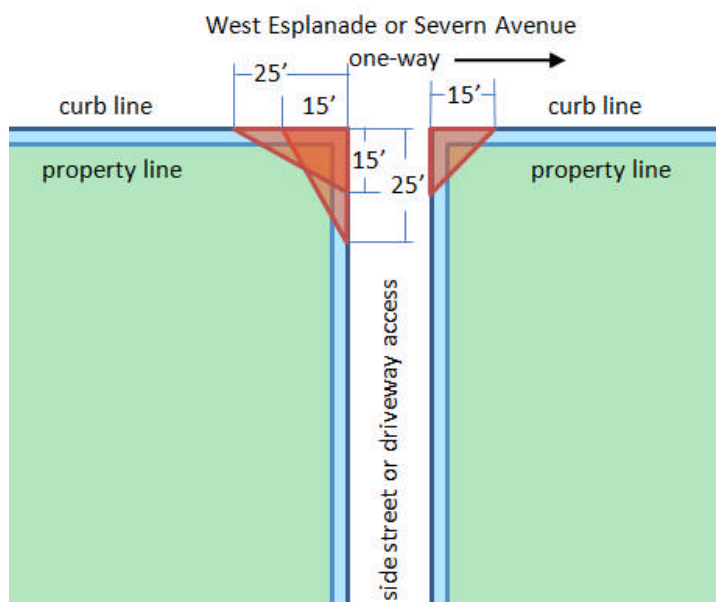
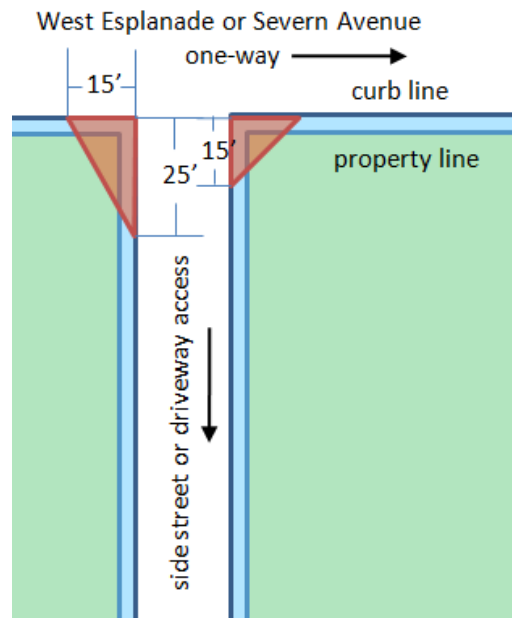


Figure 33-3.6-5: Clear Vision Area for Streets and Driveways Exiting West Esplanade or Severn Avenues



(c) Fat City Accessory or Support Structures and Buildings standards

The following standards shall apply to accessory or support structures and buildings in each of the Fat City mixed use districts (FC-1, FC-2 and FC-3).

- (1) No accessory or support building or structure shall be located any closer to the side street than the principal building.
- (2) Service bays and drives, trash receptacles and dumpster areas, and accessory or support buildings and structures shall not be located on the same side of the development site as residential development or structures unless a continuous fully landscaped buffer strip is located between the service area and the common lot line of the residential development or structures, and shall consist of a minimum width of five (5) feet. One (1) large tree, as defined in the Fat City Street Improvements Plan, shall be provided for every thirty-five (35) feet, or fraction thereof, or one (1) medium tree, as defined in the street improvement plan, shall be provided for every twenty (20) feet, or fraction thereof, of the buffer strip. Additionally, an opaque seven (7) feet high masonry, vinyl or wood fence shall be provided along the common property line. Tree selections shall be consistent with the planting list in the Fat City Street Improvements Plan and shall be approved by the planning director after considering LURTC comments. A larger buffer strip area planted with additional shrubs and groundcover may be required, depending on the size and intensity of the service area.
- (3) All dumpsters and dumpster areas shall comply with the requirements of chapter 16 of this code. In situations where the regulations of that chapter and the regulations of this article are in conflict, the more restrictive shall apply.
- (4) Any part of an accessory or support building visible from street right-of-way that is not screened by fencing or landscaping that meets the district requirements shall be constructed of the same materials and as the principal building.
- (5) Any part of an accessory or support structure that is not a building, other than playground equipment accessory to permitted uses in the FC districts, or those structures used for drive-up service (e.g. gas pumps, vacuum stations

and ATMs) visible from street right-of-way shall be screened by a fence with a minimum height of seven (7) feet and consisting of wood, brick or masonry.

(d) Fat City Mixed Use Development Approval Process.

- (1) *Site Plan Required.*** On any lot within the FC-1, FC-2 or FC-3 zoning district, a site plan demonstrating compliance with applicable zoning requirements is required. The application shall be reviewed and acted upon in accordance with section 33-2.5. Prior to acting on the site plan application, the planning director shall submit the site plan to the LURTC for review and recommendations. A complete site plan application shall be submitted to the planning director for action prior to the issuance of a building permit for the establishment of:
 - a. a new building;
 - b. an addition that increases an existing building's floor area by twenty-five (25) percent or more;
 - c. an exterior renovation of an existing building that costs fifty (50) percent or more of the fair market value of the existing building as shown by the most recent tax appraisal;
 - d. a change of use that would increase required parking by the lesser of ten (10) percent of ten (10) spaces;
 - e. an outdoor seating or customer service areas; or
 - f. a parking lot or structure that provides more than five (5) spaces.
- (2) *Site Plan Contents.*** In addition to the contents established in section 33-2.5 of this UDC, the site plan for any building taller than sixty-five (65) feet or larger than 40,000 sq. ft. shall include a traffic impact analysis and traffic mitigation plan in accordance with section 33-7.5(j) of this UDC. Signage plans must be submitted with all site plan applications.
- (3) *Additions and Renovations.***
 - a. Additions or renovations of existing buildings that are not subject to site plan approval shall result in greater compliance with the FC-1, FC-2 or FC-3 regulations to the maximum extent practical, given the type and extent of the addition or renovation and the constraints of the site as determined by the director of inspection and code enforcement.
 - b. For additions that require site plan approval, the application shall demonstrate compliance with the provisions of the applicable FC district requirements for the addition.
 - c. For renovations that require site plan approval, and changes of use that increase the parking requirement, the application shall demonstrate compliance with applicable FC district requirements to the greatest extent practical as determined by the planning director after considering LURTC comments.
 - d. Subject to LURTC comments, the planning director may approve the following deviations for additions and renovations:
 1. If existing signs are non-conforming because they exceed width, height or area dimensions by ten (10) percent or less, the sign may be reused;
 2. Dimensions for parking spaces and aisles may be reduced by five (5) percent to accommodate the use of constrained sites;
 3. Relocation of streetscape plantings and temporary realignment of sidewalks to accommodate existing structures. In cases where head-in parking is the only option for providing parking to enable the reuse

of a site, head-in parking may be approved if a sidewalk and appropriate easements are provided to establish a continuous walkway located between the building and the parking spaces; and

4. Minimum or maximum setbacks may be modified where any additions bring the project into greater conformity with the applicable district standards.

(4) *Variances.*

- a. All requests for variances from the standards of these regulations shall be submitted to the planning director, and after review by LURTC shall be heard by the board of zoning adjustments in accordance with the procedures set forth in chapter 40 of this code provided the following additional criteria are met:

1. The variance is consistent with the general provisions and intent of the zoning district.
2. The variance is harmonious and compatible with adjacent land uses.
3. Special conditions and circumstances exist that are peculiar to land, structures or buildings which are not applicable to other land, structures or buildings in the same district and which a site related hardship can be demonstrated.
4. The need for the variance was not created by the applicant;
5. The variance is the minimum amount needed to relieve a hardship that is unique to the property; and
6. The variance does not grant relief to height, building setbacks, parking requirements, or sign requirements in any of the FC zoning districts, except as provided for parking related to the location of monument signs in the FC-2 and FC-3 districts.

- b. Variances may be granted by the board of zoning adjustments for one (1) parking space in the FC-2 and FC-3 zoning districts in accordance with section 33-3.5 of this chapter, and for the following design factors in the FC-1, FC-2 and FC-3 zoning districts:

1. Dimensions of openings, entries, and garage doors;
2. The location and amount of landscaping;
3. Parking lot buffering; and
4. The location and screening of mechanical equipment.

- (5) *Development Agreements.* In the FC zoning districts, development agreements may be used to phase or mitigate parking, streetscape improvements, or other public improvements; to phase large-scale development projects; or to coordinate joint public/private development projects. However, development agreements in FC zoning districts shall not be used to provide relief from compliance with FC zoning district use or design standards.

(e) **Fat City Amortization of Signs**

The following regulations and amortization provisions shall apply to each of the Fat City Mixed Use Districts (FC-1, FC-2 and FC-3):

(1) **Findings and Purpose:**

- a. The parish council finds that nonconforming signs that do not conform with the provisions of the FC-1, FC-2 and FC-3 district, as applicable,

threaten the public health, safety and welfare because they:

1. Create traffic safety hazards;
2. Create pedestrian safety hazards;
3. Decrease property values;
4. Increase the potential for blight; and/or
5. Discourage reinvestment in residential and nonresidential property that is essential to for the implementation of the Strategic Implementation Plan.

b. The purposes of this chapter are to:

1. Recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this section is as important as is the prohibition of new signs that would violate these regulations.
2. Establish a fair and equitable process for the elimination of nonconforming signs that will facilitate implementation of the Strategic Implementation Plan

(2) Immediate Removal of Certain Signs. The following nonconforming signs shall be removed immediately:

- a. Any sign not established as a legal nonconforming sign prior to the adoption of these regulations;
- b. Any sign erected or maintained upon any parish highway, right-of-way, servitude, street, public building or parish property without a resolution from the Parish Council authorizing such sign or for which the resolution is not posted in a visible location on the premises;
- c. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, on the premises where such sign is located.

(3) Limits on Nonconforming Signs.

- a. Change of Business or Use. Any nonconforming 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.
- b. A nonconforming sign may not be:
 1. Changed to another nonconforming sign;
 2. Structurally altered to extend its useful life;
 3. Expanded in height, width, depth or weight;
 4. Reestablished after a business is discontinued for sixty (60) days;
 5. Reestablished after damage or destruction of more than fifty (50) percent of its value, as determined by the director of inspections and code enforcement.
- c. No new sign shall be approved for a site, structure, building or use that contains nonconforming signs unless such nonconforming signs are removed or modified to conform with the provisions of this title.
- d. Nothing in this section shall be interpreted to exclude routine maintenance, repair, or renovation which does not extend, increase, or

enlarge the nonconforming sign.

- e. No building permit shall be issued for any structures, building expansions or new building construction on a site which contains nonconforming signs, unless all signs on the site are brought into conformance with this title. This does not include interior alterations which do not substantially change the character or intensity of the site.

(4) Amortization. Legally nonconforming signs erected prior to the effective date of this ordinance may continue to be maintained until December 31, 2015. Thereafter, unless such signs conform to the provisions of this article, they shall be removed. Signs that are nonconforming due to exceeding the permitted height, width or area by ten percent (10%) or less shall not be subject to removal under this section.

(5) A determination of sign conformance shall be provided by the department of inspection and code enforcement.

(6) Removal. Nonconforming signs that require removal under the regulations in this section shall be taken down, or removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within sixty (60) days after written notification from the department of inspection and code enforcement and, upon failure to comply with such notice or file an appeal within the time specified in such order, the department of inspection and code enforcement is hereby authorized to cause removal of such sign and collect the cost, therefore, in accordance with article III, chapter 19 of this code.

(f) Fat City Amortization of Adult Uses

The following regulations and amortization provisions shall apply to each of the Fat City Mixed Use Districts (FC-1, FC-2 and FC-3):

(1) Findings and Purpose:

a. In addition to the findings made in conjunction with the ordinance adopting these provisions, the Parish Council finds that it has been demonstrated in well-documented studies by other communities, including communities in the area, have found that many of the potential secondary effects and community concerns about adult uses relate to the operation of those businesses, including, but not limited to:

1. an increase in the number of transients in the area;
2. an increase in crime rates;
3. disruptive conduct and other criminal activity that is currently not subject to effective regulation and which constitutes an immediate threat to the public peace, health and safety;
4. deleterious impacts on nearby neighborhoods and businesses;
5. increased potential for blight;
6. negative influences on children;
7. increased resistance of financial institutions to invest in redevelopment;
8. decreased stability and value of neighboring residential neighborhoods and businesses;
9. long-term use of short-term parking by customers of adult uses; and
10. increased likelihood that pedestrians will be sexually harassed or propositioned for sex acts.

b. The parish council also finds that these negative secondary effects of adult uses in Fat City will deter private reinvestment and redevelopment that is a goal of the Strategic Implementation Plan.

c. It is the purpose of this section to establish reasonable and uniform regulations to serve a substantial governmental interest by amortizing

nonconforming adult uses and thereby eliminating the associated adverse secondary effects, helping to achieve the goals of the Strategic Implementation Plan and protecting the public health, safety and general welfare while ensuring that alternative avenues of communication are not unreasonably limited for “speech” of this nature.

(2) Amortization of Nonconforming Adult Uses

- a. Existing adult uses in the FC-1, FC-2 and FC-3 districts as defined in chapter 40 of this code are nonconforming uses.
- b. All nonconforming adult uses operating prior to the effective date of this ordinance may continue to operate until the termination date. The termination date shall be December 31, 2012. Upon the termination date, all adult uses shall cease and terminate operations. This section is intended to provide an initial period for recoupment of investment, subject to a time extension provided herein.
- c. Adult uses authorized to operate until the termination date or past the termination date via a time extension must remain at the same location at which it was situated on the effective date of this ordinance.
- d. No extensions, additions, or enlargements shall be permitted to any adult use. Nothing in this section shall be interpreted to exclude routine maintenance, repair, or renovation which does not extend, increase, or enlarge the nonconforming use.

(3) Application Procedures for Time Extensions

- a. **Applicant.** The owner of a nonconforming adult use or the owner of the real property on which the adult use is situated may apply for a time extension by petitioning the parish council through the planning department and in accordance with provisions set in chapter 40 of this code (Changes and Amendments).
- b. **Deadline.** The owner must submit to the planning director a written request for a time extension on or before March 31, 2011. No application for time extension received by planning director after that date shall be considered.
- c. **Fee.** The owner shall deposit with the council, through the planning department, a nonrefundable fee in the sum of five hundred (\$500) dollars to be dedicated and deposited into a special fund for the purpose of offsetting the cost of the financial review by a certified public accountant.
- d. **Form.** The written request shall be on a form approved by the planning department. The application shall be supported by relevant documentary evidence such as financial statements and tax records that must be attached to the application. The application shall set forth, at a minimum, the following information:
 1. The amount of the adult use business owner's investment in the existing business through the effective date of this ordinance;
 2. The amount of such investment that has been or will be realized through the termination date;
 3. The life expectancy of the existing business;
 4. The existence or nonexistence of lease obligations, as well as any contingency clauses therein permitting termination of such lease.

(4) Financial review of application

In addition to the procedures under chapter 40 of this code (Changes and

Amendments), the planning director shall forward an application for an extension to the certified public accountant designated by the Parish Administration. The certified public accountant shall review the application and provide a recommendation to the planning advisory board and the parish council as to whether an extension is justified under the provisions of this section. If the certified public accountant determines that the adult use business owner has not recouped his investment, he shall recommend an extended termination date that shall not be longer than is required to recoup the investment.

(5) Public Hearing and Notice

- a. **Hearing.** A public hearing for each extension shall be conducted by and before the parish council at which time all parties in interest and citizens shall have an opportunity to be heard. Each proposed extension shall be allotted a case or docket number and scheduled for public hearing. During the public hearing, the certified public accountant and the director of the planning department or designated staff person shall be called upon for presentation of a technical recommendation and analysis of the proposed extension.
- b. **Notice.** Notice of the hearing for an extension of time to operate an adult nonconforming use shall be published once a week for three (3) weeks consecutively in the official journal of Jefferson Parish. A sign shall be placed and removed on the property pursuant to chapter 40, section 40-878 of this code and shall contain the following language:

EXTENSION FILED

For Information Phone

Planning Department

(504)736-6325

- (6) Those provisions contained in chapter 40, section 40-878 that are in not direct conflict with the requirements of this section shall be in effect and enforceable.**

(7) Parish Council Action.

- a. **The parish council shall grant an extension of time for the continued operation of the nonconforming adult use in the event that the applicant proves that:**
 1. **The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming adult use is conducted, such property or structure cannot be readily converted to another use, and such investment was made prior to the effective date of this ordinance.**
 2. **The applicant will be unable to recoup said investment as of the date established for the termination of the use.**
 3. **The applicant has made good faith efforts to recoup the investment and to relocate the use to a location where the use is allowed**
 4. **The applicant will be unable to recoup his investment in the business that was incurred prior to the effective date of this ordinance by December 31, 2012.**
- b. **No investment that was incurred after the effective date of this ordinance shall be considered.**

- c. If the parish council finds that the owner is eligible for an extension of time, the council shall grant an extended termination date to the adult use business owner that shall not be longer than is required to recoup the investment.

Sec. 33-3.7. Accessory uses (reserved).

9. That Chapter 33, Unified Development Code, Article 6 General Development Standards, be amended to add Section 33-6.9 Maintenance of Common Areas, to read as follows:

Sec. 33-6.9 Maintenance of Common Areas

The owner of parking lots, parking garages, landscape areas, frontage zones and other areas or improvements held in common ownership shall be responsible for raising all monies required for operations, maintenance or physical improvements through annual dues, special assessments or other arrangements approved by the parish attorney. A copy of binding covenants or other arrangement providing for ongoing maintenance shall be a condition of development approval and recorded and a copy shall be provided to the parish attorney. In the event that the association or any successor organization shall fail to maintain the area in reasonable order and condition in accordance with the approved plan or agreement, the parish attorney may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the area in reasonable condition. Failure to adequately maintain common areas or improvements in reasonable order and condition constitutes a violation of this section. The parish attorney is hereby authorized to give notice, by United States mail, to the owner or occupant, as the case may be, of any violation, and directing the owner to remedy the same within thirty (30) days. If a homeowner's or property owner's association assumes ownership, its by-laws shall provide as follows:

- (a) The association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.
- (b) Should any bill or bills for maintenance of common areas or improvements by the parish be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the property in the same manner as other parish claims.

10. That Chapter 33, Unified Development Code, Article 10 Definitions, Section 33-10.1 Definitions be amended to add the following definitions alphabetically, with existing definitions to be re-ordered appropriately:

Canopy shall mean an attached or detached structural protective cover open on two (2) or more sides and is intended for drive-in, drive-up or drive-through use.

Live-work unit shall mean an attached or detached single family residential unit in which a residential unit is connected to and accessible through non-residential floor area that is associated with the residential unit. For attached residential units each non-residential unit shall have access to only one residential unit. Residential space is generally located above and/or behind the non-residential space. For purposes of this ordinance, a live-work unit is not considered to be a mixed-use building.

Luminaire shall mean a light fixture or complete lighting unit consisting of a lamp or lamps and ballasting (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Mixed use building shall mean a building with a mix of a least two (2) of the following uses: office, retail, restaurant, residential, hotel, or other nonresidential uses, where each use comprises at least ten (10) percent of the floor area.

Monument Sign shall mean a freestanding sign with the entire length in contact with the ground or a pedestal that rests upon the ground. The pedestals of all monument signs shall extend from the monument sign to the ground and shall be at between one hundred (100) and one hundred-twenty (120) percent as wide and deep as the sign.

Non-residential Use or Business shall mean an independent business requiring an

occupational license that may be owned, operated and managed independently of other businesses within a building. Each business shall have separate access, though they may be connected by a common mall or hallway.

Ornamental Fence shall mean a decorative fence, not more than seven (7) feet tall with not more than thirty (30) percent opacity that includes wrought iron style fences and other fences that the director of inspections and code enforcement or planning director, as applicable, determines are substantially similar in appearance. Posts and supports shall not be greater than eighteen (18) inches in width. This definition excludes barbed wire and chain link fences.

Projector sign shall mean a sign using a projector to display content on a screen or façade of a building.

Service vehicle shall mean a car or truck that provides services for the business and shall not include vehicles used by employees to commute to and from work. Service vehicles shall exclude heavy equipment and any vehicle requiring a class A or class B driver's license to operate.

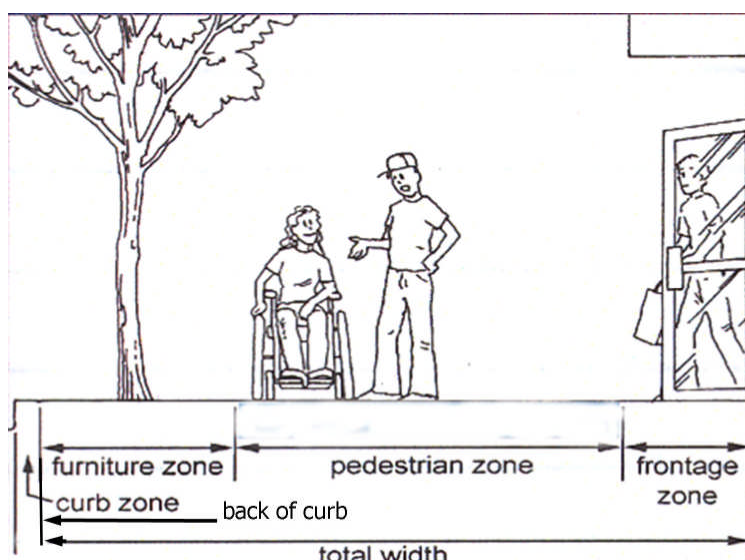
Streetscape or streetscape zone shall mean the area that extends between the back of curb or curb zone and the front, or side in the case of a corner lot, building façade or build to line, and is composed of the frontage zone, furniture zone, and pedestrian zone as defined below and illustrated in Figure 33-10.1-1:

Frontage zone shall mean an area located between the pedestrian zone and the front, or side in the case of a corner lot, building façade or build to line, designated for entering and exiting buildings without creating conflicts with other pedestrian traffic.

Furniture zone shall mean an area located between the pedestrian zone and the back of curb designated for street furniture; lighting; trees with grates; box planters; regulatory, warning, or guide signs; pedestal, controller box, or similar traffic control devices; and the columns or posts that support awnings, canopies, balconies, or building overhangs.

Pedestrian zone shall mean an area located between the furniture zone and the frontage zone designated for pedestrian circulation and able to accommodate a wheelchair and walking companion side by side.

Figure 33-10.1-1 Streetscape Zone



Wall Sign shall mean a sign painted upon or affixed to the wall of a building and not extending more than twelve (12) inches from the wall.

11. That Chapter 40, Zoning, Article II, District and Land Use Regulations, be amended to read as follows:

Sec. 40-30. Land use and zoning districts.

Land use districts for the Parish are established in Chapter 25, Planning and Development, Article VI, Comprehensive Plan, and are depicted on the future land use map as adopted by reference and described within Chapter 25 of this Code. Zoning districts for the parish are established in the official zoning map.

Sec. 40-31. Establishment of districts.

In order 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, the area of yards, courts and other open spaces and the density of population, all unincorporated areas of the Parish of Jefferson, Louisiana, are divided into **the zoning districts shown below.**

Sec. 40-32. Base zoning districts.

The unincorporated areas of Jefferson Parish are divided into the following base zoning districts:

(a) Districts that promote a single use or permit a limited variety of use types

- (1) B-1 Batture District.**
- (2) S-1 Suburban District.**
- (3) R-1D Rural Residential District.**
- (4) R-1C Rural Residential District.**
- (5) R-1B Suburban Residential District.**
- (6) R-1A Single-Family Residential District.**
- (7) R-1 MH Manufactured Home District.**
- (8) R-2 Two-Family Residential District.**
- (9) RR-3 Three- and Four-Family Residential District.**
- (10) R-1 TH Townhouse District.**
- (11) R-1 CO Condominium District.**
- (12) CD-R Core District-Residential.**
- (13) R-3 Multiple-Family Residential District.**
- (14) GO-2 General Office District.**
- (15) GO-1 General Office District.**
- (16) H-1 Medical Service District.**
- (17) H-2 Medical Service District.**
- (18) BC-1 Business Core District.**
- (19) C-1 Neighborhood Commercial District.**
- (20) BC-2 Business Core District.**
- (21) C-2 General Commercial District.**
- (22) OW-1 Office Warehouse District.**
- (23) M-1 Industrial District.**
- (24) M-2 Industrial District.**

- (25) M-3 Industrial District.
- (26) M-4 Industrial District
- (27) U-1 Unrestricted District.
- (28) MUCD Mixed-use Corridor District.

(b) Districts that promote a mix of uses

- (1) OBM-1 Old Bucktown Mixed-use Residential District
- (2) OBM-2 Old Bucktown Mixed-use Commercial District
- (3) FC-1 Fat City Pedestrian-Core District
- (4) FC-2 Fat City Residential Mixed Use District
- (5) FC-3 Fat City Commercial Mixed Use District

Sec. 40-33. Overlay zoning districts

The following overlay zoning districts are established for unincorporated Jefferson Parish. These districts impose additional requirements on certain properties within one or more underlying base zoning districts.

- (1) CPZ Commercial Parkway Overlay Zone is an overlay district which may be superimposed on any zoning district and may be approved as a modified proposal for any requested zoning map change in compliance with Article XLVIII, Changes and Amendments, section 40-878(d) of this chapter.
- (2) OMND Old Metairie Neighborhood Conservation District is an overlay district with boundaries defined within Article X. Old Metairie Neighborhood Conservation District of this chapter.
- (3) MRTPD Metairie Ridge Tree Preservation District is an overlay district with boundaries defined with Article X.5 Metairie Ridge Tree Preservation District of this chapter.

Sec. 40-34. Floating zones

The following floating zones are established for unincorporated Jefferson Parish in order to establish a process and standards for the siting of uses that have unique neighborhood, environmental, or design impacts, and have not been previously identified on the official zoning map, and that may require individual, legislative approval in order to establish appropriate standards.

- (1) GED Gaming and Entertainment District
- (2) P-1 Penal and Criminal Correctional Institution District

Sec. 40-35. Boundaries of districts

The official boundaries of the zoning districts are available from electronic records that are accessible only from the Planning Department of the Parish of Jefferson as the official zoning map. The official zoning map contained in said electronic records is hereby made a part of this chapter, and all of this map including legends, notations, references, and other information set forth thereon shall form a part of this chapter as if all the matter and information set forth thereon were fully described and copied herein. The official zoning map contained in said electronic records is based on the paper official zoning maps initially dated and adopted January 27, 1966, and as amended thereafter.

Sec. 40-36. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of any land use and zoning district shown on said maps the following rules shall apply:

- (a) Where boundaries are indicated as following street and alley lines, lot and other boundary lines, water courses and other natural topographic features such lines shall be construed to be such boundaries;
- (b) Where boundaries are so indicated that they are approximately parallel to the centerline or street lines of streets or to the centerline or alley lines of alleys or the centerline or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance there from as indicated by dimension or scale shown on said maps;
- (c) In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps;
- (d) In case any further uncertainty exists, the planning director shall determine the location of boundaries.

Sec. 40-37. Interpretation of district classification

For the purposes of this chapter, when a comparative analysis is required to determine if one (1) district is more restrictive or less restrictive than another district(s) the following rule shall apply: The numerical listing assigned to each zoning district in **Sec. 40-32 (a)** of this article shall be controlling; the district having the lower number shall be more restrictive. **This rule shall not apply to the mixed-use base zoning districts listed in Sec. 40-32 (b) above, the overlay zoning districts, or the floating zones.**

Secs. 40-38—40-45. Reserved.

12. That Chapter 40, Zoning, Article XLIII Changes and Amendments, Sec. 40-878(d) Substitute, alternative or modified proposal, be amended to read as follows:

- (d) *Substitute, alternative or modified proposal.* Notice of the original proposal on the docket of the Planning Advisory Board in accordance with this section shall also constitute notice of any substitute, alternative or modified amendment, supplement or change that may be recommended or adopted by the Planning Director, Planning Advisory Board or the Council following the public hearing, if the said substitute, alternative or modified proposal meets the following criteria:
 - (1) Zoning Reclassification and/or Future Land Use Map Amendment
 - a. If the original proposal is more restrictive than the present classification and the substitute, alternative or modified proposal is less restrictive than the original proposal but more restrictive than the present classification; or
 - b. If the original proposal is less restrictive than the present classification and the substitute, alternative or modified proposal is more restrictive than the original proposal but less restrictive than the present classification; or
 - c. If a zoning map change has been initiated and the change is to or from a base zoning district listed between and including (9) RR-3 through (22) OW-1 of Sec. 40-32 (a), then the MUCD may be approved as a substitute, alternative or modified proposal; or**
 - d. If a zoning map change has been initiated and the change is to a MUCD then any district listed between and including (9) RR-3 through (21) C-2 may be approved as a substitute, alternative or modified proposal.**
 - e. When a zoning map change has been initiated and the change is to or from a mixed-use base zoning district of Sec. 40-32(b), no substitute, alternative or modified proposal shall apply.**

(2) Text Change

If the substitute, alternative or modified proposal is within reasonable limits of the purpose or subject matter of the original proposal.

13. That Chapter 40, Zoning, Article XLIII Changes and Amendments, Sec. 40-880 Permits Pending Amendments; Moratorium, be amended to read as follows:

1. Upon filing with the planning director a petition or application for a change or amendment to the comprehensive zoning ordinance and/or future land use map, or after a proposed amendment, supplement, change, zoning or land use study has been initiated by resolution of the Jefferson Parish Council and pending final disposition of said amendment, supplement, change, zoning or land use study, whether by ordinance, hearing or otherwise, **the Council may call for moratorium on development approvals affected by the proposed amendment or adopt interim development standards. Such moratorium or interim development standards shall be in effect from the date that a resolution is adopted or an ordinance is placed in summary for up to one (1) year or until the effective date of the ordinance, whichever occurs first. The Council action shall not affect action on completed applications submitted prior to the resolution or ordinance, but may affect subsequent applications for the same project. When calling a study or invoking a moratorium, the Council may establish interim development standards providing for reasonable approval conditions or exemptions for certain types of development applications that would otherwise be affected by the study or moratorium. Introduction of an ordinance that conveys the substantial intent of the Planning Director's findings and recommendations for the final disposition of a study shall extend a moratorium or interim zoning regulations for an additional period not to exceed six (6) months or the effective date of final Council action, whichever comes first.**

2. The expiration of a moratorium or interim development standards shall not result in the expiration of a study. The planning director shall notify the Council ninety (90) days prior to the expiration of a moratorium. At any time during the ninety (90) day period the Council may extend the moratorium **or interim development regulations** by resolution **or ordinance** for no more than one (1) additional period not to exceed six (6) months. Upon the expiration of the moratorium no identical moratorium shall be imposed for a two (2) year period from the final expiration date of the expired moratorium.

14. That Chapter 40, Zoning, Article XLII, Board of Zoning Adjustments, Sec. 40-792 Powers of the Board be amended to read as follows:

The Board of Zoning Adjustments shall have all the powers and duties prescribed by this ordinance, which are more particularly specified as follows:

(1) *Decisions of Director of Inspection and Code Enforcement* **or the Planning Director**. Except as otherwise provided, to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Director of Inspection and Code Enforcement **or the Planning Director**.

* * *

(3) *Variances*. In accordance with standards, hereafter prescribed, to grant variances from the provisions of the Comprehensive Zoning Ordinance in the following instances:

* * *

g. Permit a variance to the Fat City zoning district regulations in accordance with Section 33-3.6 of Chapter 33 Unified Development Code.

* * *

15. That the zoning classifications of properties in the area bounded by Severn Ave., W. Esplanade Ave, Division St., and Veterans Blvd. excluding those properties fronting on Veterans Blvd. or overlaid with the Commercial Parkway Overlay Zone, all more clearly shown on the map entitled "Fat City Zoning" dated August 26, 2010, be amended and changed from Business Core District (BC-1), Business Core District (BC-2) and Core District Residential (CD-R) to Pedestrian-Core District (FC-1), Residential Mixed Use District (FC-2), or Commercial Mixed Use District (FC-3).

16. That the Fat City Street Improvements Plan and Site Plan Submittal Requirements be added to the appendix as referenced in Chapter 33, Unified Development Code, Article 1 Administration, Section 33-1.10 Appendix (as amended); the submittal requirements shall be as follows:

Site Plan Submittal Requirements:

1. The name of the developer, owner, north point, date and scale of the site plan.
2. A current certified survey showing existing lots and property boundaries, streets, rights-of-way, servitudes, buildings and building setbacks, structures, surrounding streets and important physical features on and adjoining the property and their dimensions, and total square footage of the site. If the proposal includes a resubdivision, a separate survey shall include proposed lots, servitudes, rights-of-way and property to be revoked and dedicated.
3. Location, common access structures, and dimensions of all existing and proposed streets, driveways, entrances and exits, parking spaces, service bays and loading areas, sidewalks, traffic circulation patterns, directional signs and traffic signals.
4. Location, height and if applicable, elevations of all existing and proposed structures including awnings, canopies, and balconies, showing setback dimensions, bulk plane, use and type of materials and colors, types and percentages of openings, and architectural modules.
5. Total number of residential units and floor area in square feet.
6. Total number of non-residential units and floor area in square feet.
7. Floor plans of all structures and their uses showing main floor, typical floors, layout of individual units including any accessory uses or support buildings and structures with floor area in square feet, and for mixed-use buildings, types of uses by floor.
8. A landscaping plan of the site showing the type, size and number of plants; location of existing trees to be preserved; the location and dimensions of proposed planting beds, barrier curbs, safety triangles or clear vision areas, fences, buffers and screening; elevations of all fences and type of materials used; and total square footage of landscaping.
9. A maintenance plan for landscaping to ensure a continuous healthy condition for plant material, and landscaped areas are kept free of debris.
10. The location, dimensions, area, type of materials, elevations, and illumination of all signs and support structures.
11. Parking layout showing the number of required and proposed parking spaces, as well as the dimensions and locations of all drives and parking spaces.
12. Parking or traffic mitigation plan or cooperative parking or shared access agreement, if applicable.
13. Location of the trash disposal system and details of screening, including type, height and elevation of dumpster and fence.
14. Lighting plan of the site showing the location, number, type, height, materials, and lumens of the fixtures.
15. Emergency services plan showing the location and dimensions of fire lanes, handicapped parking and the location of all fire hydrants within three hundred (300) feet of the site.
16. Total area of the site in square feet and the percentage of the site and total area in square feet to be used for open or green spaces, exclusive of parking area.
17. Zoning classification of the site, zoning classification and land use of surrounding property within a radius of three hundred (300) feet from the petitioned property.
18. Utilities inventory showing the location and size of existing water, sewerage, drainage and power lines, manholes, lift stations, ditches, canals and other watercourses within the vicinity and applicable to the Mixed Use Corridor

District development.

19. A phasing schedule, as appropriate, when phasing of the project is employed.
20. Additional information as required by the department of inspection and code enforcement, planning department, planning advisory board, Jefferson Parish Council or other parish agency, depending on the nature and extent of the proposed development.

17. That Chapter 16, Garbage and Other Solid Waste, Article I, In General, Sec. 16-4 Solid Waste storage be amended to delete Sec. 16-4 (d)(20) Fat City upon completion of the study.

ANALYSIS:

Governmental concern for the health, safety, and general welfare of Fat City that underlies this zoning text and area study spans more than 30 years. The planning background of this period is valuable because it shows the long-standing interest in improving conditions in Fat City and provides the planning framework for the proposed zoning provisions that are in accordance with plans adopted by the Jefferson Parish Council.

Governmental Concern Began 30 Years Ago

Fat City, centered on 18th Street and bounded by Veterans Blvd. on the south, Severn Ave. on the east, W. Esplanade Ave. on the north, and Division St. on the west, has been the subject of at least eight plans and studies since the late 1970's when the decline of the entertainment district began (Figure 1). These plans and studies are testament to the long-standing interest of Jefferson Parish Government to improve Fat City, an interest based in promoting the health, safety and general welfare of the area itself and the parish as a whole because of the Metairie CBD's geographic and economic prominence.

Over the past 30 years the plans and studies all have reached similar conclusions about problems and solutions. The problems have included: incompatible and intrusive land uses; inadequate drainage; insufficient streets, sidewalks, street lighting, off-street parking, and landscaping; unattractive signs, bulk waste containers, and overhead utility lines; and vandalism, break-ins, and other crimes. The plans and studies also have offered similar solutions, including: new zoning; public improvements to drainage, streets, street lighting, and sidewalks; relocation of utility lines; landscaping; a public parking garage or lot; restrictions on bulk waste containers; and even a monorail to facilitate pedestrian movement.

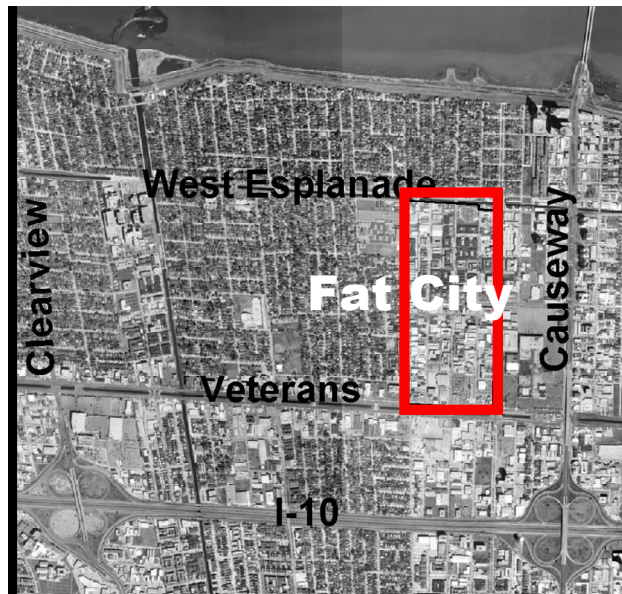


Figure 1. Fat City is located in the heart of Metairie

By 1979 the media was reporting that Fat City had peaked as a suburban substitute for Bourbon Street and was in serious decline. During Fat City's heyday, the 25 to 40 age group packed the nightclubs that lined 18th and other streets. The thousands of nearby new apartments and office buildings provided a steady clientele. According to a *New Orleans Magazine* story from this era, a younger, less affluent crowd began frequenting the bars and lounges as well as the streets and nearby convenience stores. "Teenie-bopper haven" kept sheriff's deputies busy checking ID's and making arrests and the parish council involved in restricting alcoholic beverage permits and go-cups while undertaking planning initiatives.

The first planning effort, the 1977 "Fat City Development Plan," cited "unplanned development and the lack of sufficient codes, ordinances, regulations and their enforcement." Later, in 1985, the parish's Planning Department responded to Council Resolution No. 50183 that requested "a view in mind to improve the quality of life" of the area, and in the "Metairie CBD Core Area Study" the department addressed some of the insufficient regulations.

Like other planning efforts, the 1985 study focused on the area bounded by Causeway Blvd., W. Esplanade Ave., Division St., and Veterans Blvd., which then comprised the newly designated Metairie CBD. This study also recognized the importance of the commercial center to the economic vitality of the parish, noting the location of Lakeside Shopping Center across Severn Ave. from Fat City. It addressed concerns about the area’s continued prosperity by proposing new regulations. These regulations included new zoning, landscaping requirements, and standards for bulk waste containers and sidewalks.

A main impetus in 1985 for the new zoning was “a residual pattern of land use” not in keeping with the area’s then growth in offices, retail, and condominiums. These “residual” uses included “approximately” 37 “lounges,” six massage parlors, and three cabarets, which according to the study featured “topless, go-go or exotic dancers, strippers or other exotic entertainment.” The numbers lead to a study conclusion that the “centralization of many lounges coupled with adult entertainment has adversely impacted the area.”

To remedy this adverse impact, the 1985 study recommended new Metairie CBD zoning with a key provision: adult uses and stand-alone bars would become prohibited uses. Called the “Business Core District” and entailing three levels of land use intensity, the proposed BC districts would eliminate uses inappropriate to a business core such as: adult establishments and cabarets; bars, except holding bars; bowling alleys, skating rinks, pool rooms, and drive-in theaters; automotive repair garages; mini-storage structures; tattoo parlors; and trade service and repair. To be added to the BC-2 were health and athletic clubs, small trade and repair establishments and bars as an accessory use to hotels and restaurants.

In 1985 the Parish Council adopted Ordinance No. 16500 that established three Business Core districts; in 1986, amendments added residential uses to the least intense district and renamed it Core District Residential. These districts prohibited adult uses and stand-alone bars, and thus made the existing ones nonconforming uses; however, in 1989 the Council added nightclubs to the BC-2 district as a special permitted use subject to criteria that included: regularly scheduled live entertainment but no “go-go” dancers, exotic dancers or similar entertainment; the serving of food prepared in an on-premise fully functioning kitchen; a 200-foot separation from residential districts; hours of operation limited to 11:00 a.m. to 2:00 a.m., Monday through Thursday and until 3:00 a.m., Friday, Saturday, Sunday, and holidays; site plan review with provisions for noise abatement and litter control; and approval of the Parish Council.

Twenty-five years ago, the Parish Council, through its legislation, exercised its police powers and thus recognized the negative impacts of adult uses and stand-alone bars on the health, safety, and general welfare of Fat City. By making these uses nonconforming, the Council signaled its interest in restricting their expansion and reducing their numbers over time. By subjecting new nightclubs to special permitted use procedures and criteria related to their operation, the Council further acknowledged their potential detrimental effects on the health, safety, and general welfare.

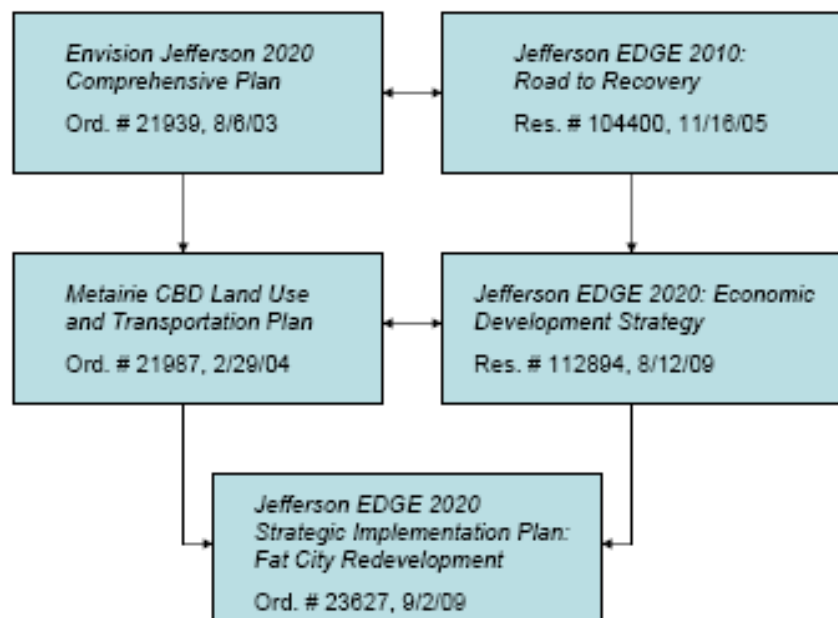


Figure 2. The Parish Council has adopted a planning framework for Fat City.

21st Century Efforts Create a Planning Framework

Despite the plans and regulatory changes of the late 20th century, some of the same problems have persisted in Fat City. Consequently, governmental concern for the area's health, safety and general welfare has continued. In the early 21st century, governmental and quasi-governmental entities that included the Regional Planning Commission (RPC), Jefferson Parish Government, and the Jefferson Parish Economic Development Commission (JEDCO), the economic development agency for the parish, undertook additional planning initiatives that addressed Fat City.

These recent endeavors have assumed added significance because they resulted in master or comprehensive plans in which goals, objectives, policies, and strategies for Fat City are embedded. In addition to this broader, more comprehensive view, greater authority characterizes these later plans because the Parish Council has adopted them by ordinance or resolution (Figure 2).

Land use change and improvements in traffic and transportation, including pedestrian movement, continued to be major subjects that each of the later plans addressed. *Envision Jefferson 2020*, the Parish's master planning process, and the *Jefferson EDGE*, which JEDCO undertook, each embodied broad public participation and considerable data collection, analysis, and policy development, culminating in widespread support from civic, business, and governmental entities.

Figure 2 shows the planning framework that the Jefferson Parish Council has adopted to deal with a myriad of issues facing the parish; and the redevelopment of the Metairie CBD, and Fat City in particular, receives special attention in the plans that comprise this framework. The visions, goals, objectives, policies, and implementation or action items of these plans reflect on the intentions of the parish's citizens and their elected and appointed leaders to revitalize Fat City.

With federal planning funds and the Regional Planning Commission involved in its development, the *Metairie CBD Land Use and Transportation Plan* (2001) addressed the entire CBD area from W. Napoleon Ave. to the lake and Tolmas Dr. to Division St. Future land use maps designated 18th St. and most of the Fat City area north and south of it as mixed-use, with 18th St. designated as the Mixed-Use Core Corridor. For the area from just north of Veterans to just south of W. Esplanade, projected land use envisioned change from existing commercial/industrial to future commercial and residential mixed use. The plan recommended zoning amendments for the development of special districts tailored to Fat City and also designated new local streets, bike routes, and streetscape improvements. A detailed Action Item Implementation Plan included these recommendations and addressed potential funding mechanisms.

Citizens, through a project steering committee and broader community involvement, set the plan's agenda for redevelopment of the Metairie CBD. They established the plan during four series of community meetings entailing ten sessions for brainstorming, focused discussion, and an open house. This planning process resulted in a key finding:

"It was no surprise to those who attended the initial community meetings that the number one area of concern was related to the development pattern and ongoing economic fortune of the 'Fat City' area...the focus of most comments and suggested as the number one priority area for the planning team to concentrate their efforts to effect positive change" (p. 5-1).

The persons who participated in the CBD planning process also established their vision for the area, a vision that included these statements:

- *An area which has a balance between business and residential where people live and work in the same area—walking environment*
- *An area which has a town center/pedestrian friendly development generated by lack of major transportation improvements—blend of home/office*
- *An area which requires adequate parking lots—regionally placed to reduce parking problems*

- *An area which has a pedestrian environment that encourages walking between business and residential (family) areas*
- *An area which has a better aesthetic feel—through linear parks, hiding overhead power lines, softened streetscape*

Likewise, in 44 community workshops, five sessions with civic and business groups, and numerous gatherings that included steering committee meetings, open houses, and public hearings, citizens crafted this vision statement for the parish's overall *Comprehensive Plan*:

Jefferson Parish commits to planning and developing as a diverse community with a rich quality-of-life by enhancing the integrity, value and character of its neighborhoods and businesses.

The vision statement further expands into a list of key initiatives and produces goals, objectives, and policies, some with both broad application to Fat City and the following policy statements with specific reference to the larger Metairie CBD area that includes Fat City:

Protect and enhance development and redevelopment of established areas on the East Bank, including Elmwood and the Metairie CBD

Promote safe, functional and attractive mixed-use developments in high volume transportation corridors, such as Airline Drive, and emerging mixed-use centers, such as Elmwood and Metairie CBD

While the parish's residents and businesspersons developed the Metairie CBD plan separately from the *Envision Jefferson 2020* planning process, they ensured coordination between the two efforts: The *Comprehensive Plan's* implementation table captured the Metairie CBD *Land Use and Transportation Plan* by listing the Metairie CBD as one of several sub-areas for which a citizen-based land use, design and facilities planning process should occur. Likewise, the civic and business leaders who created *The Jefferson EDGE*, which JEDCO adopted in 2001 to accelerate the implementation of its initiatives for sustainability of the parish's long-term prosperity, linked it to the parish's *Comprehensive and Metairie CBD plans* through these objectives:

Drive the implementation of high-priority projects identified in the Envision Jefferson 2020 Comprehensive Plan (Objective 1.4); and

Drive implementation of the Metairie Central Business District Plan (Objective 1.7).

Raising over \$500,000 a year from the private and public sectors during the first five years of the *EDGE* program, JEDCO has been able to realize some of the economic development projects of the *EDGE 2020* plan. According to JEDCO, this initial success is now tempered by a number of challenging trends: unsubstantial economic growth in the region; limited employment growth in Jefferson Parish; and a parish less attractive to middle and upper income households who are choosing to live in other communities where limited land, aging infrastructure, and an older housing stock are not as constraining.

The challenges convinced JEDCO to search for more forceful, innovative economic development strategies, which it has folded into *EDGE* updates. Underlying this search was the realization of the critical role that quality of life plays in economic development and in retaining and attracting a middle class population. Thus, business leaders pushed to complement traditional economic development efforts with strategies to improve the parish's quality of life.

JEDCO's quality-of-life initiative produced seven "Quality of Life Plans." They include flood protection, crime abatement, public education, beautification, hospitals, insurance, and Fat City redevelopment. JEDCO established a "strike force" of persons interested in each topic to lead the creation of every plan. Each plan outlines specific policies and actions needed to elevate quality of life in the parish.

An obvious observation from the quality of life topics is that Fat City is the only geographically oriented one, a fact that illustrates Fat City's importance to the parish's overall prosperity. The Fat City Task Force formally convened five times during the creation of this plan. In discussing a broad array of issues, including bars, adult uses, apartments, signs, parking, streets, sidewalks, aesthetics, and crime, the task force identified challenges and opportunities and then set broad policies to guide the plan. Planners created a database with over 600 names of property owners, businesses, and residents, and mailed notices inviting every person on the list to each of two series of workshops and meetings so that the general public could vet the challenges, opportunities, and policies. Public meetings were also held after the Council adopted the plan to get input on the new zoning regulations. Once a draft plan evolved, the Envision Jefferson 2020 Citizens' Advisory Committee, appointed by the Parish Council and Administration, considered and recommended approval of the Fat City plan. The Planning Advisory Board, appointed by the Council, held a public hearing on the plan and also recommended approval of it. Finally, the Parish Council concurred when it adopted the *Fat City Strategic Plan* as part of the Parish's *Comprehensive Plan* in September 2009, after adopting both *EDGE 2010* and *EDGE 2020* as the parish's *Comprehensive Economic Development Strategy* in November 2005 and August 2009, respectively.

Adopted Fat City Plan Establishes a New Vision

As its name implies, the *Strategic Implementation Plan: Fat City Redevelopment* takes the goals, objectives and policies of the Metairie CBD plan to a more strategic level. The strategy for redevelopment emanated from a public participation process that included workshops, focus group discussions, and an open house. While the details of the complete plan are available at www.jedco.org, the vision, challenges, and strategies comprise the following summary.

The *Vision* for Fat City's future includes these common elements:

- *A vibrant, mixed-use neighborhood with a stable residential base*
- *A pedestrian-oriented core, centered on 18th Street*
- *More family-friendly retail, restaurant, and service uses that both serve the neighborhood and attract visitors from throughout the region*
- *Compatible transitions between the mixed-use core, residential areas, and heavy commercial areas at the periphery*

This vision embodies concepts of "new urbanism" and traditional neighborhood development (TND), which have emerged as important planning movements in the past two decades. As an alternative to conventional development patterns characterized by auto-dependent design and segregated land uses, TND promotes mixed-use, pedestrian-friendly communities. It is an approach that several communities along the Interstate-10 and Interstate-12 corridors, including St. Tammany Parish, Baton Rouge, and Lafayette, are utilizing to provide high quality built environments.

The Fat City strategic plan noted that Jefferson Parish must become competitive on several fronts and establish and maintain an environment that attracts businesses and residents with sufficient incomes to support the businesses. The vision for Fat City is an attractive environment similar to the new developments of nearby communities competing with Jefferson for new residents and businesses, but existing challenges in Fat City must be overcome to realize the vision.

Like the *Metairie CBD Plan*, the strategic plan's *Summary of Challenges* captures the poor conditions and many issues that characterize Fat City:

- Inadequate *drainage* infrastructure
- Poor *streetscape* aesthetics and pedestrian orientation
- Insufficient off-street *parking*
- Uncomfortable *walkability*
- Insufficient *east/west access*
- Inadequate *zoning*
- Inconsistent *land uses*
- Weak *housing mix*

- *Fragmented property ownership*
- Lack of *security*
- Low quality of *aesthetics*
- Insufficient *funding*

To address the challenges and overcome the conditions, one of the plan’s major components is a *Matrix of Action Items* with the following tools for *Revitalization Improvements*:

- *Mixed Use Zoning Regulations*
- *Public Infrastructure and Services*
- *Parking Strategies*
- *Public Safety Initiatives*
- *Funding Initiatives*

Of the nineteen specific action items included in the Matrix, this land use and zoning area study addresses the six items listed in Table 1.

Table 1. Action Items Addressed in TXT-4-10 Fat City Text and Area Study	
Action ID #	Implementation Action
<i>Regulatory</i>	
FC1	Adopt new zoning districts
FC2	Apply new zoning districts to specific properties
FC3	Develop a strategy to amortize adult uses
FC4	Develop a strategy to amortize signs that are not in compliance with new regulations
<i>Parking</i>	
FC5	Establish parking mitigation requirements, including off-site and shared parking provisions, and establish a parking fund
<i>Infrastructure</i>	
FC9	Prepare streetscape schematics to outline desired cross-sections for each street segment

In addition to authorizing this study and considering these six items for action, Jefferson Parish Government already has demonstrated its support for the *Fat City Strategic Implementation Plan* through progress on five other action items listed in Table 2.

Table 2. Other Action Items With Progress on Implementation		
Action ID#	Implementation Action	Progress
<i>Infrastructure</i>		
FC8	Develop a capital plan for the expenditure of Tax Increment Financing revenues	Council adopted the ordinances establishing the TIF, which is accruing funds
FC10	Develop and implement capital plan for street, drainage, and streetscape improvements	Parish spent \$3.7 million on new drainage, water, and sewer lines, roadway, sidewalks, streetlights, and planters for 18 th St.; received \$180,000 in state capital outlay funds for Phase II of 18 th St. improvements; through the RPC will receive \$1.04 million in state transportation enhancement funds for streetscape improvements to segments of 17 th , 18 th , and 19 th streets; and

Action ID#	Implementation Action	Progress
		with the RPC has applied for \$6.7 million in federal TIGER II grant funds for N. Edenborn St. drainage and street improvements
FC11	Develop a strategy and funding mechanism to relocate utilities underground	Parish negotiated with Cox Communication, AT&T, and ATMOS to install new cable, telephone, and gas lines underground and with Entergy to install taller metal poles with lights 40-50 ft. above ground to reduce visibility along 18 th St.
<i>Public Services/Administration</i>		
FC12	Evaluate waste management alternatives to dumpsters along the street	In negotiating new waste management contract, Parish added option for tip cart
FC16	Continue to conduct code enforcement sweeps	Code Enforcement Dept. assigned an inspector to Fat City and issued 610 violations (Figures ___)

The most significant accomplishment toward realization of Action Item FC10 is completion of infrastructure improvements to 18th St. between N. Arnoult and Division streets (Figure 3). New concrete sidewalks incorporated the color and pattern that are details of the *Street Improvements Plan* associated with Fat City’s proposed new zoning.

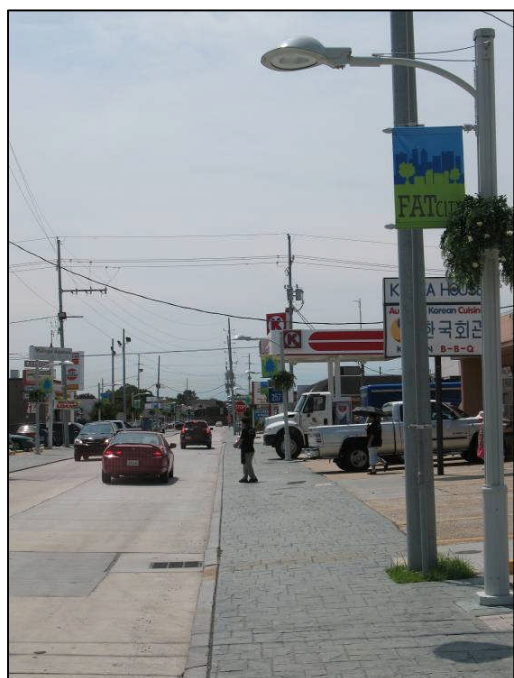


Figure 3. 18th St. improvements in 2010 included new drainage, streets and sidewalks

of uses along every major street in Fat City.

By type of violation, Code Enforcement issued the most violations for failure to comply with zoning requirements and for the parking or storage of junk cars. Zoning violations entail noncompliance with standards for features like signage or parking. Violations by use comprised all land use types, but retail, which accounts for

Action Item FC 16 also has received considerable attention from the Parish over the past two years. Parish government made Fat City a priority and assigned an inspector to the area to enforce requirements of the *Code of Ordinances* that deal generally with quality of life and health, welfare, and safety. Between May 2008 and July 2010, the Department of Inspection and Code Enforcement issued 610 violations, which can be compressed into 279 when controlling for violations issued on the same day to the same property owner under the same number (e.g., junk cars that are not promptly removed). As Figures 4 through 6 illustrate, Code issued violations for all types of requirements of the *Code* and to all major categories

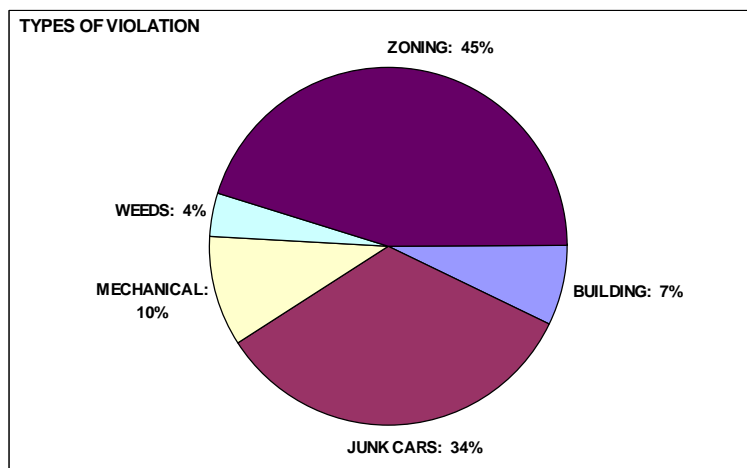


Figure 4. Code violations by type, 5/8/08-7/20/10

commercial uses like convenience stores, restaurants, and bars, involved nearly 60 percent of all violations.

Code Enforcement issued the most citations—40 percent—to properties along Hessmer Avenue. Edenborn and Division streets together comprised 27 percent of violations.

Zoning and land use problems are the basis of text and area studies, and when the Council calls studies it often attaches moratoria or interim development regulations to address problems. By 2008 when the Council called this Fat City study, the planning processes of the RPC, Parish, and JEDCO had already identified quality-of-life problems in the parish and the Metairie CBD. The Council’s Fat City study resolution imposed interim regulations that addressed a few of the obvious problems: pole signs, metal facades, dumpsters, and parking variances. The Fat City strategic plan, adopted in 2009, began to identify other shortcomings with existing zoning and land use.

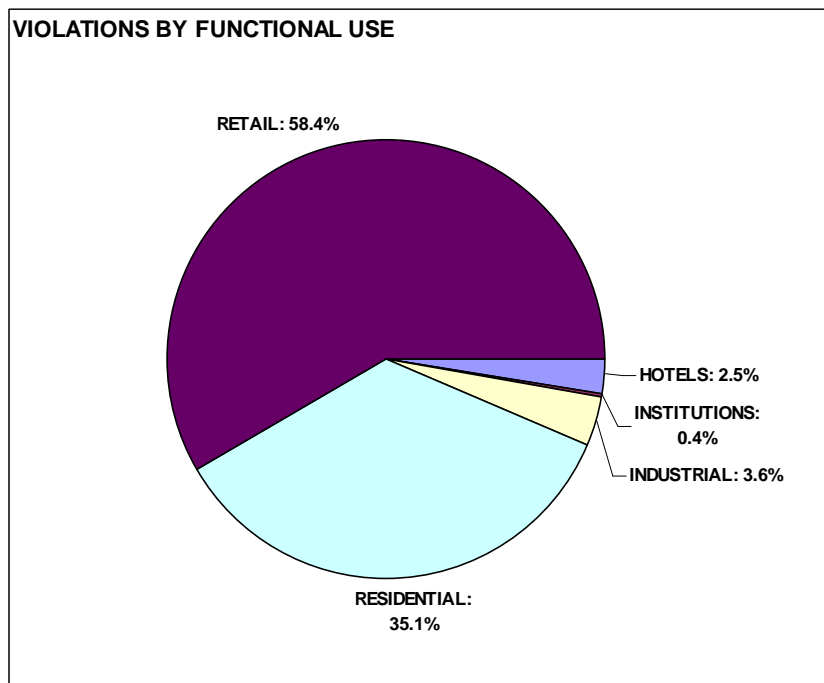


Figure 5. Code violations by use, 5/8/09-7/20/10

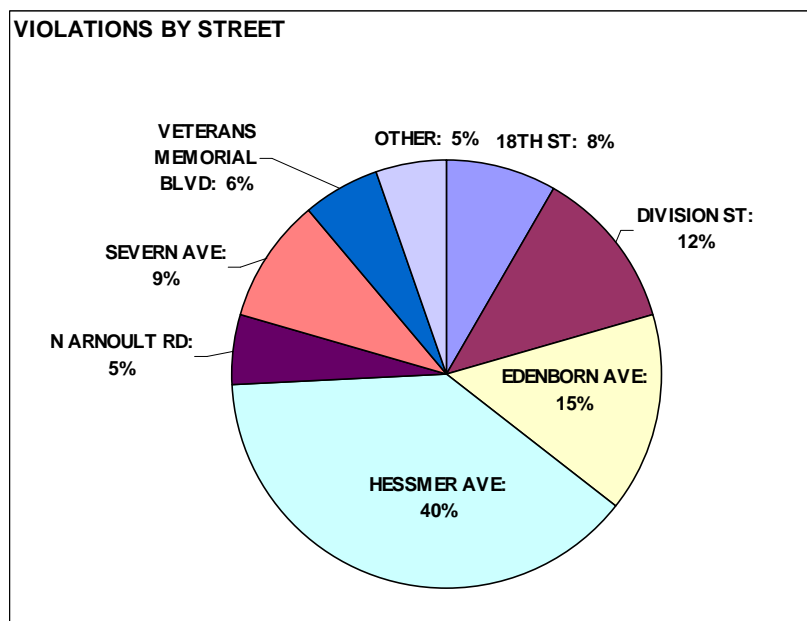


Figure 6. Code violations by street, 5/8/08-7/20/10

Existing Zoning Not in Accordance With Adopted Plans

Although Fat City now has an up-to-date plan in place to guide its redevelopment, it also has zoning regulations that are 25 years old and not in full accordance with the adopted plans.

Existing Zoning and Land Use

Fat City encompasses 122.4 acres. As Figure 7 indicates, the predominant zoning classification is Business Core (BC-2) District, reflecting Fat City's proximity to major retail, office, and institutional uses, including Lakeside Shopping Center, Lakeway Center, and the University of New Orleans' Jefferson campus. BC-2 covers the area from Veterans Blvd. to one block north of 18th Street. North of 18th St. is Core District Residential (CD-R), excluding the northwest corner that BC-2 also classifies; and the Business Core (BC-1) District that classifies the five blocks between Severn Ave. and N. Arnoult Rd. in the northeast corner of Fat City.

CD-R is the Fat City zoning district that is residentially oriented. Encompassing eight percent of Fat City, CD-R permits single-, two-, and multi-family residential, elderly housing, institutions for university or professional training, and nursery or pre-schools. By-right height is 60 feet, except that multi-family residential dwellings may exceed 60 feet up to 90 feet if the building is set back one foot for each foot over 60 feet on the front, side and rear facades; and certain requirements are met for traffic mitigation and other potential impacts. Landscaped front, side and rear yards at least 20 feet deep are also required for multi-family dwellings that exceed 60 feet, but only front yards of 20 feet are required for all buildings not exceeding 60 feet. Standard side yard, rear yard, and area requirements also exist, and the CD-R limits signs to 20 square feet.

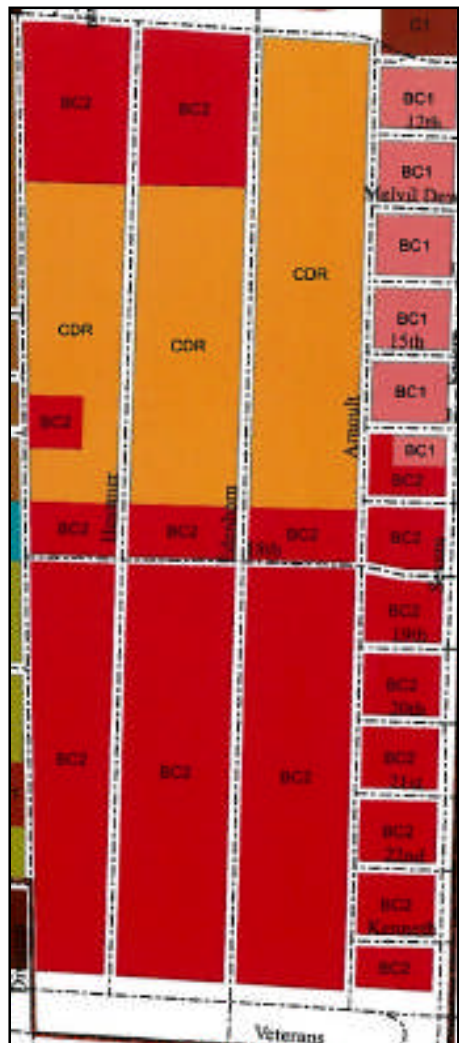


Figure 7. Fat City's existing zoning, 8/13/10

multi-family dwellings between 60 and 110 feet high. The BC-1 requires the standard front yard of 20 feet although no side yards are required except when a lot abuts a residential district.

Like BC-1, the only explicitly permitted mixed use in BC-2 is a residential dwelling in the main structure containing nonresidential uses. Permitted uses in BC-2, which covers 77 percent of Fat City, include retail sales and service, offices, restaurants, clinics and hospitals, educational institutions, hotels, parking garages, mini-storage, multi-family residential, radio and television studios, and wholesale display. By-right height in BC-2 is 65 feet, but a building may exceed this height subject to distancing from residential equal to the building height up to 200 ft., at which distance the building is allowed unlimited height in recognition of the area's designation as the parish's core business district. Other criteria apply to buildings exceeding 65 feet, including site plan review,

Figure 8 shows the amount of land classified by each of the three existing zoning districts in Fat City. The BC-1 district, which comprises 15 percent of Fat City, permits a residential dwelling in the main structure containing nonresidential uses, but multi-family is the only other residential use that BC-1 permits. Other permitted uses include retail sales and service, clinics, government structures, offices, parking garages and lots, restaurants, and multi-family dwellings comprised of 30 or more units. Like the CD-R, by-right height is 60 feet, and multi-family dwellings may exceed 60 feet up to 110 feet subject to a setback of one foot for every one foot of height over 60 feet on the front façade or any other façade that abuts or is across a right of way from a one- through four-family residential district. Requirements for site plan review, traffic mitigation, landscaping and other measures also apply to

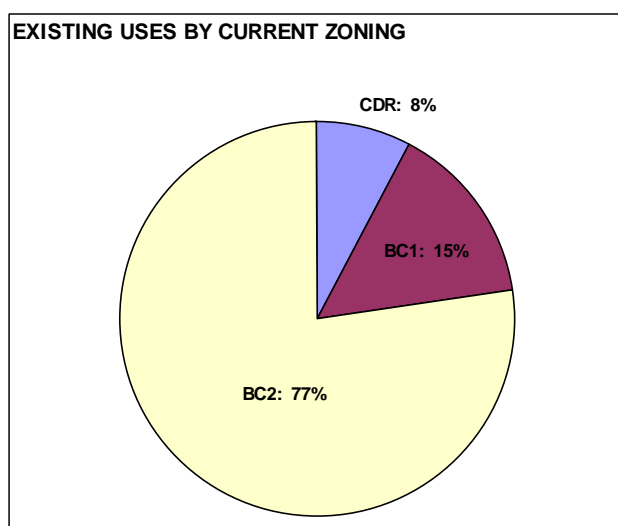
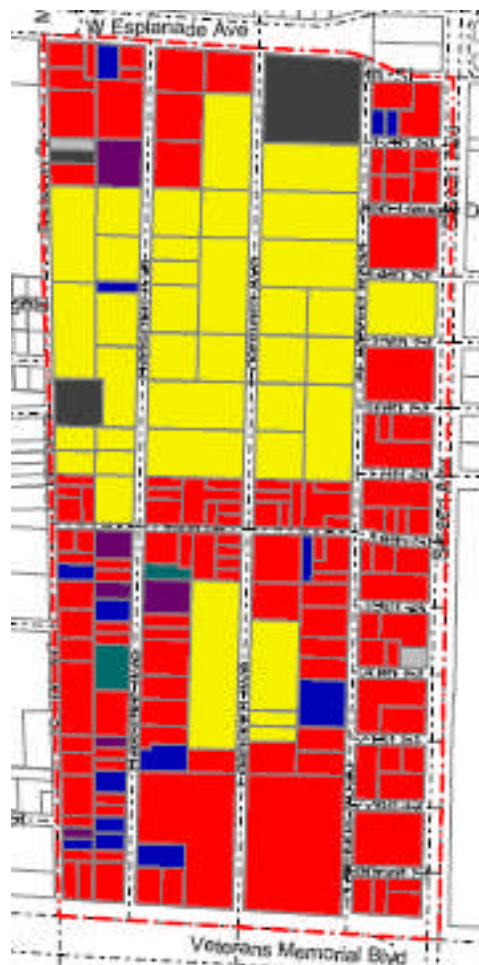


Figure 8. Fat City's distribution into 3 zoning districts, 8/13/10

landscaping, and traffic mitigation. For buildings not exceeding 65 feet, the BC-2 requires front, side, and rear yards of 20, 10, and 15 feet, respectively, with greater setbacks required when abutting a residential district for all buildings, no matter the height.

Besides height, major differences between BC-1 and BC-2 are intensity of permitted uses and amount of permitted sign area. BC-1 limits the size of retail stores to 25,000 square feet. Uses permitted in BC-2 that are not allowed in BC-1 include gas stations, garages, health care facilities including hospitals, hotels, educational institutions, mini-storage, printing, radio and television studios, and wholesale display. Bars as accessory uses with a size limitation of 25 percent of total floor area, and nightclubs subject to the special permitted use criteria noted previously are also permitted in the BC-2 but not in the BC-1.



The BC-1 limits the area of detached signs to 1.5 sq. ft. per linear foot of property frontage, not to exceed 300 sq. ft., while the BC-2 allows over twice as much per linear foot, 3.5 sq. ft., but not to exceed 450 sq. ft. BC-1 also allows “exterior” signs, interpreted as attached signs, totaling three sq. ft. per linear foot of building frontage or 15 percent of the building elevation area, whichever is less. Although the BC-2 regulations are silent on attached signs, Code Enforcement allows them in BC-2 consistent with BC-1 requirements.

Comparing land use (Figure 9) to zoning shows that the CD-R district encompasses residential uses, predominantly multi-family. The majority of uses in CD-R is multifamily residential; 28 complexes of apartments or condominiums comprise 93 percent of the uses in CD-R, and seven percent of all uses in Fat City. Also as expected, commercial uses, with the exception of the multi-family residential between 14th and 15th streets, comprise the BC-1 district. The BC-2 district also corresponds to a

Figure 9. Fat City's existing land use, 8/13/10

concentration of commercial uses—retail sales and service, offices, restaurants, and bars—with miscellaneous industrial, construction, and transportation or heavier commercial uses. For all of Fat City, commercial comprised the largest group of uses and residential the second largest, with 50 percent and 38 percent, respectively.

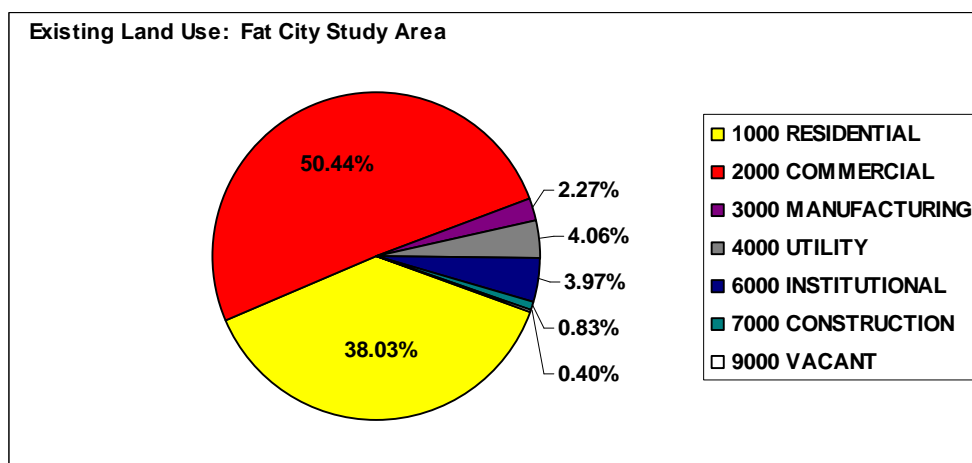


Figure 10. Commercial uses comprise the largest group, 8/13/10

Table 3 summarizes the degree of conformity between existing zoning and land use. At just over nine percent, the overall percentage of nonconforming uses is relatively low for Fat City (Figure 11). But they are concentrated in the BC-2 district, which contains 97 percent of all nonconforming uses. Two-thirds, 68 percent, of BC-2's nonconforming uses are adult uses and stand-alone bars. These two uses, while comprising six percent of Fat City's total uses, account for 66 percent of its total nonconforming uses. By comparison, the next largest group of nonconforming uses—manufacturing, wholesale trade, warehousing, and transportation—comprise 1.6 percent and 17 percent of Fat City's total and nonconforming uses, and two percent and 18 percent of BC-2's total uses and nonconforming uses, respectively (Table 4).

Zoning District	Uses	Nonconforming Uses	% Nonconforming Uses
CDR	30	0	0.00
BC-1	57	1	1.75
BC-2	295	34	11.53
Total	382	35	9.16

BC-1		BC-2	
#	Type	#	Type
1	Auto repair	1	4-plex housing
		20	bars
		1	adult establishment
		2	adult cabaret
		1	kennel
			food processing/manufacturing
		1	metal manufacturing
		2	wholesale trade establishment
		1	office and warehousing
		1	freight transportation services
		3	religious institutions
1		34	

Total Nonconforming Uses = 35

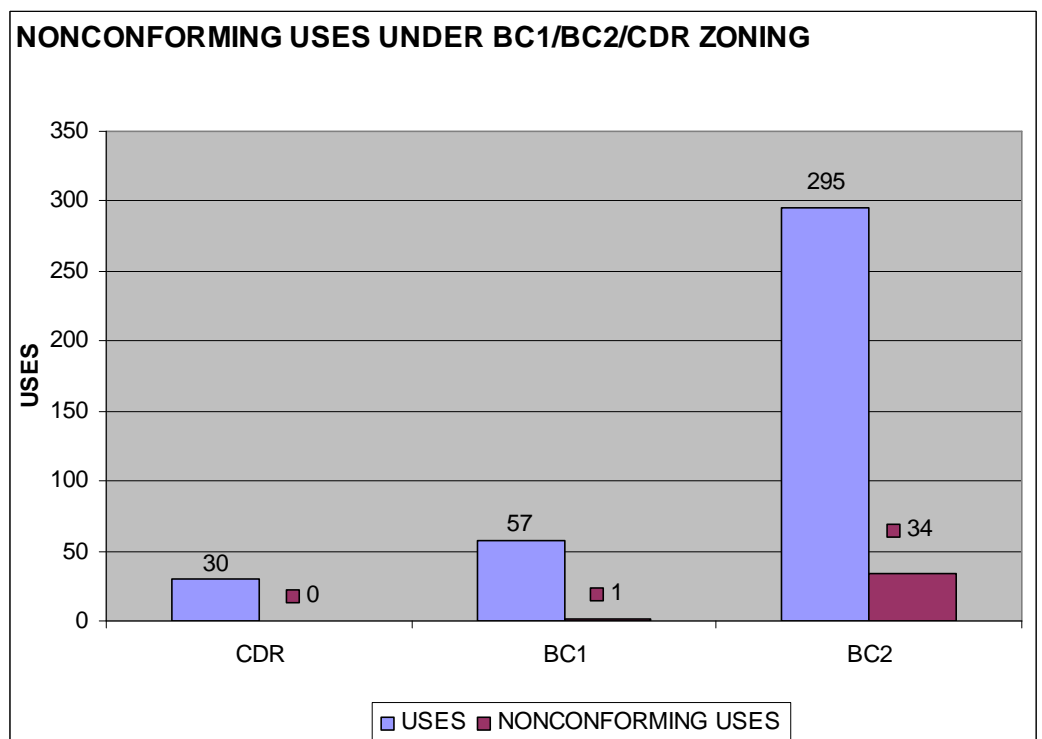


Figure 11. BC-2 has the highest percentage of nonconforming uses, 8/13/10

Existing Conditions vs. Adopted Plans

The parish’ adopted plans and strategies, culminating in the *Strategic Implementation Plan: Fat City Redevelopment*, establish a future vision, determine issues and challenges, and identify improvements needed to realize the vision. These plan documents include the following key terms and concepts that are the basis for a comparison of existing conditions with the adopted plans:

- Mixed use
- Pedestrian oriented
- Attractive aesthetics
- Family friendly
- Safe, secure environment
- Vibrant core area
- Adequate public facilities

Table 5 captures some of the comments that the public made in the six Metairie CBD brainstorming and focus group meetings, and these comments began to point to the shortcomings of Fat City’s existing zoning and land use.

Table 5. Metairie CBD Plan Comments on Zoning and Land Use Related Issues	
<i>Aesthetics, Image, Quality of Life</i>	<i>Blighted buildings in highly visible areas discourage some redevelopment efforts. Greenspace, sidewalks, landscaping required to help make area more walkable/desirable. Signage, on-site landscaping, lighting, etc. need to be uniformly addressed in area. Shadowing by high-rise development of residential areas a concern—lack of transition in some areas. Uniformity in streetscape needed to encourage walking and to improve visual environment. Some land use activities discourage/degrade our quality of life. No place for children to play. No recreation facilities in area (except linear park).</i>
<i>Crime and Safety</i>	<i>Where is the crime occurring in the area? Criminal activities in some areas discouraging business and residential development. Police presence welcomed in area.</i>
<i>Incompatible Activities</i>	<i>Lounges and bars in area source of noise, parking problems, all night activities and security problems. Residential/industrial activity mix (ex.: multifamily beside industrial) a problem in some areas. Single-family residential in areas need buffers adjacent commercial/office development.</i>
<i>Incompatible Land Uses</i>	<i>Mixture of residential/industrial land use in some areas a problem—need transitional areas to established neighborhoods outside project area. High density of area makes it attractive for certain types of mixed-use development. Definition for Metairie CBD needs to be established—will compete with similar cores in NO and the Parish (Elmwood, Bucktown, etc.)—what makes this area stand out?</i>
<i>Transportation and Parking</i>	<i>Congestion found in all major streets during peak and most off-peak periods. Pedestrians not welcome in area—no facilities available—</i>

Table 5. Metairie CBD Plan Comments on Zoning and Land Use Related Issues	
	<i>hard to cross major streets. Parking demand in some areas exceeds available supply—should central parking with shuttle be a consideration? Where and when is transit offered in the area? What is the timeline for completion of promised/programmed improvements in area?</i>
Table 8. Brainstorming and Focus Group Comment Summary, p. 4-2.	

Together the Metairie CBD and Fat City plans addressed incompatibilities between the future vision and the existing land use and zoning by providing the context, summaries, and strategies that captured or suggested the inconsistencies that are summarized in the following table:

Table 6. Inconsistencies of Existing Zoning and Land Use With Adopted Plans	
Provisions of Existing Zoning and Land Use	Resulting Inconsistencies With Adopted Plans
Uses That Are Too Broadly Permitted And Constraining in Allowing Mixes	<ul style="list-style-type: none"> • Permit auto-oriented or overly intense commercial, even industrial, uses not supportive of pedestrian and mixed use elements, especially in defining a core area • Lack flexibility in permitting elements such as mixed uses in same building • Maintain intrusive nonconforming uses, including adult uses and drinking establishments that create land use incompatibility and detract from a safe, secure environment
Deficiencies in Parking Standards	<ul style="list-style-type: none"> • Inhibit overall redevelopment, walkable streets, and the mix of business and residential uses that walkable streets support • Lack parking solutions through mitigation or off-site location
Large Building Setbacks, Especially in Front	<ul style="list-style-type: none"> • Preclude sense of enclosure that promotes pedestrian activity • Encourage parking in front and head-in parking that interferes with pedestrian use of sidewalks • Fail to promote safe sidewalks and aesthetically and environmentally enhancing landscaping
Excessive Allowances For Signage	<ul style="list-style-type: none"> • Result in sign clutter and permit pole and roof signs that detract from attractive aesthetics and are less oriented to a pedestrian-friendly environment
Lack of Design Standards	<ul style="list-style-type: none"> • Contribute to poor streetscape and building aesthetics and create an “industrial park” image inconsistent with a “vibrant mixed use district”

In summary, Fat City’s existing zoning districts entail intrusive nonconforming uses that are inconsistent with its future vision. The greatest concentration of nonconforming uses is in the BC-2 district that includes 18th Street, the area’s only complete east-west roadway. Although Fat City’s de facto main street, 18th St. lacks design guidelines to provide an attractive and well-

functioning streetscape. With the exception of height regulations (although lack of a minimum height requirement does not encourage more dense, pedestrian-oriented development in the core), which the Parish Council amended parishwide in 2006 including in Fat City, existing zoning prescribes dimensional standards that are inconsistent with the adopted Fat City plan. Sign standards allow pole, roof, and oversized wall signs that detract from aesthetics; pole and roof signs are also inconsistent with a more pedestrian-oriented environment (Figure 12). Current parking provisions lack the flexible measures needed to address parking problems. In short, existing zoning and land use are inconsistent with the adopted plans for Fat City.

Nonconforming Uses and the Vision for a Better Fat City

The Metairie CBD and Fat City plans recognize inadequacies with land uses, development standards, and the aesthetics of signs and other streetscape features.

The negative impacts from some of the businesses that sell alcoholic beverages—particularly the bars and adult cabarets—were a common theme in all planning processes and plan documents. In the 1980’s these impacts resulted in the Parish Council changing the zoning laws to prohibit bars and make new nightclubs a special permitted use subject to criteria and council review and approval. 21st century planning efforts resulted in the vision for a safe, attractive, mixed-use, pedestrian- and family-oriented Fat City environment.



Figure 12. Pole signs contribute to Fat City's poor aesthetics, 2008

As previously mentioned, adoption of the BC zoning districts in 1985 made stand-alone bars and adult uses prohibited uses, and therefore the stand-alone bars and adult uses existing then became nonconforming uses. Twenty-five years later, the 20 bars, two adult cabarets, and one adult establishment account for 68 percent and 66 percent of the nonconforming uses in BC-2 and Fat City, respectively, and warrant additional analysis that augments the findings of the plans.

A nonconforming use is a land use which was allowed under local land development regulations when established, but would not be permitted under revised development regulations. Any adult use or stand-alone bar currently operating in Fat City is a nonconforming use because the 1985 zoning amendments made them prohibited uses.

The Planning Department’s 1985 Metairie CBD study stated that there were “approximately 37 lounges and 6 massage parlors” as well as “three ‘cabaret’ type establishments.” The study provided a “listing of lounges and massage parlors” that included business names; it also noted a street address next to some, but not all, of the businesses. This listing, however, contains 40 names rather than the approximate 46 that the text suggests existed in the 1985 study area, which included the area from Severn to Causeway.

Comparing current data to the 1985 listed uses that are within the boundaries of the current study (which exclude the area from Severn to Causeway), suggests that there has been an overall reduction in bars and adult uses (The 1985 study did not sort the data by bar or adult use, nor do the business names always provide this distinction, so the combination of the two uses is the unit of analysis here). Of the 37 business names listed in 1985 that are within the current study boundaries, 14 businesses or 38 percent have either a bar or an adult use at the same address in 2010 (Figure 13). Forty percent have converted to other uses that are conforming under current zoning (of these 15 uses, two would become nonconforming uses under the proposed zoning). Of the remaining eight businesses in the 1985 list, four have defunct addresses; i.e., the addresses no longer exist, and four had no addresses associated with them in the 1985 list so could not be analyzed due to missing data.

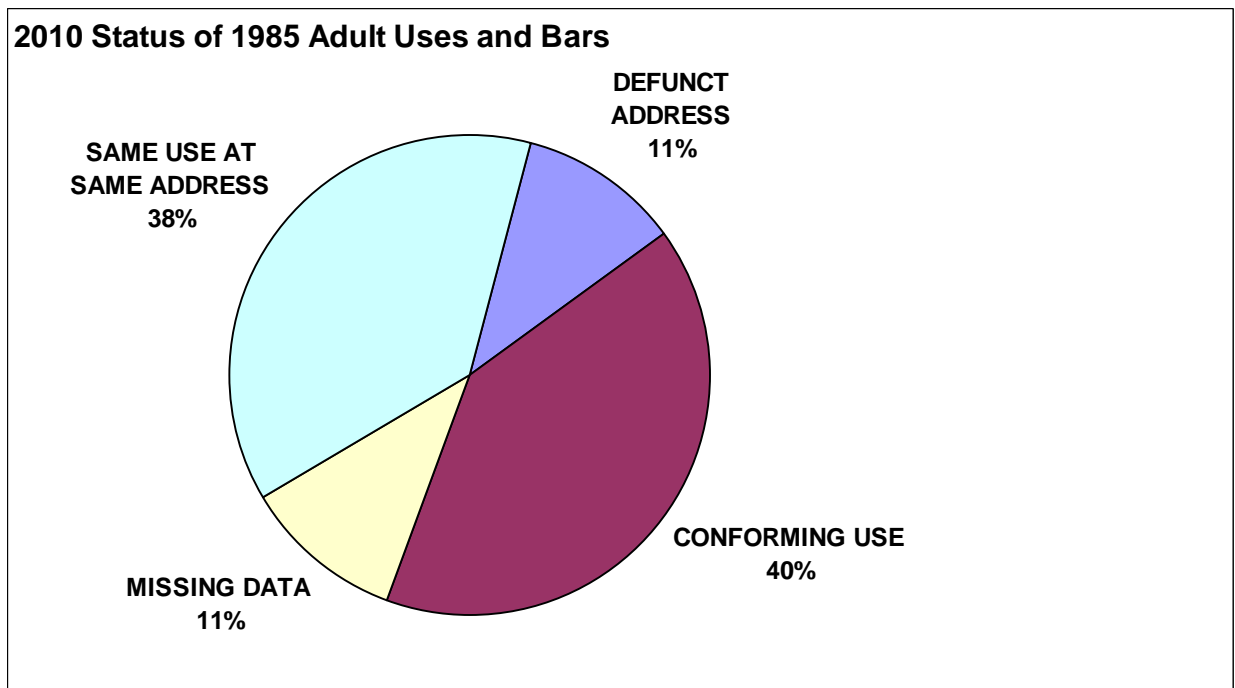


Figure 13. Fat City has experienced an approximate 38% decrease in adult uses and bars since 1985 (8/11/10)

With an admitted approximate 1985 list that includes then missing and now defunct addresses, it is impossible to get an accurate assessment. But current land use data includes 23 businesses listed as adult uses or bars: 20 bars, 2 adult cabarets, and one adult establishment. Based on the 37 business names listed in 1985 that are within the current study boundaries, a decrease of about 38 percent in adult uses and bars has occurred over the past 25 years in Fat City.

A review of data posted at www.atcpub.atc.rev.state.la.us on August 3, 2010 for state-issued alcoholic beverage licenses, showed that the state had issued or was considering licenses for 22 businesses: all of Fat City's 20 bars and two-thirds of the adult uses (the adult establishment is not a drinking establishment). Of this total, 17 addresses have current licenses, three addresses show as out of business (a fourth reopened as a new bar and grill), one business was denied an application, and one application is pending. The parish's Geographic Information System (GIS), however, classifies the ones marked as either closed, denied, or pending as bars or adult uses because if they have or retain their nonconforming status as bars or adult uses they could qualify for alcoholic beverage licenses under different applications.

The 23 bars and adult uses comprise six percent of the 382 total uses in the Fat City study area. The 20 bars and two adult cabarets also represent 43 percent of all state alcoholic beverage licenses held by Fat City businesses. Of the remaining alcoholic beverage licenses, retail outlets and restaurants comprise 20 percent and 37 percent, respectively, of permits in Fat City.

As Table 5 indicates, participants in the CBD planning processes expressed that lounges and bars are the source of noise, parking problems, all-night activities, and security problems. Throughout the Fat City planning workshops and meetings, some participants voiced similar sentiments, including concerns that criminal activities discourage business and residential development. The CBD process captured this question: *Where is the crime occurring in the area?*

Planners explored the relative safety and security within Fat City by examining spatially uses associated with alcoholic beverage permits, and activities that caused persons to call the Jefferson Parish Sheriff's Office (JPSO) for assistance in Fat City between January 1, 2008 and July 30, 2010. Figure 14 includes points representing the addresses that appear on the state's list of businesses associated with alcoholic beverage licenses, and also conveys data of calls for service from the website of the Sheriff's Office (www.crimestats.jpso.com/crimetracker).

The JPSO data classifies the calls for service into 20 types (Table 7). Figure 15 further sorts these types of calls into five categories: violent, property, drug, traffic, and a group for other types of calls. Louisiana Revised Statutes 14:2 and 14:56, which characterize violent offenses

and criminal damage, and the Uniform Crime Report, which compiles crime statistics from various levels of law enforcement agencies, provided guidance on establishing these categories.

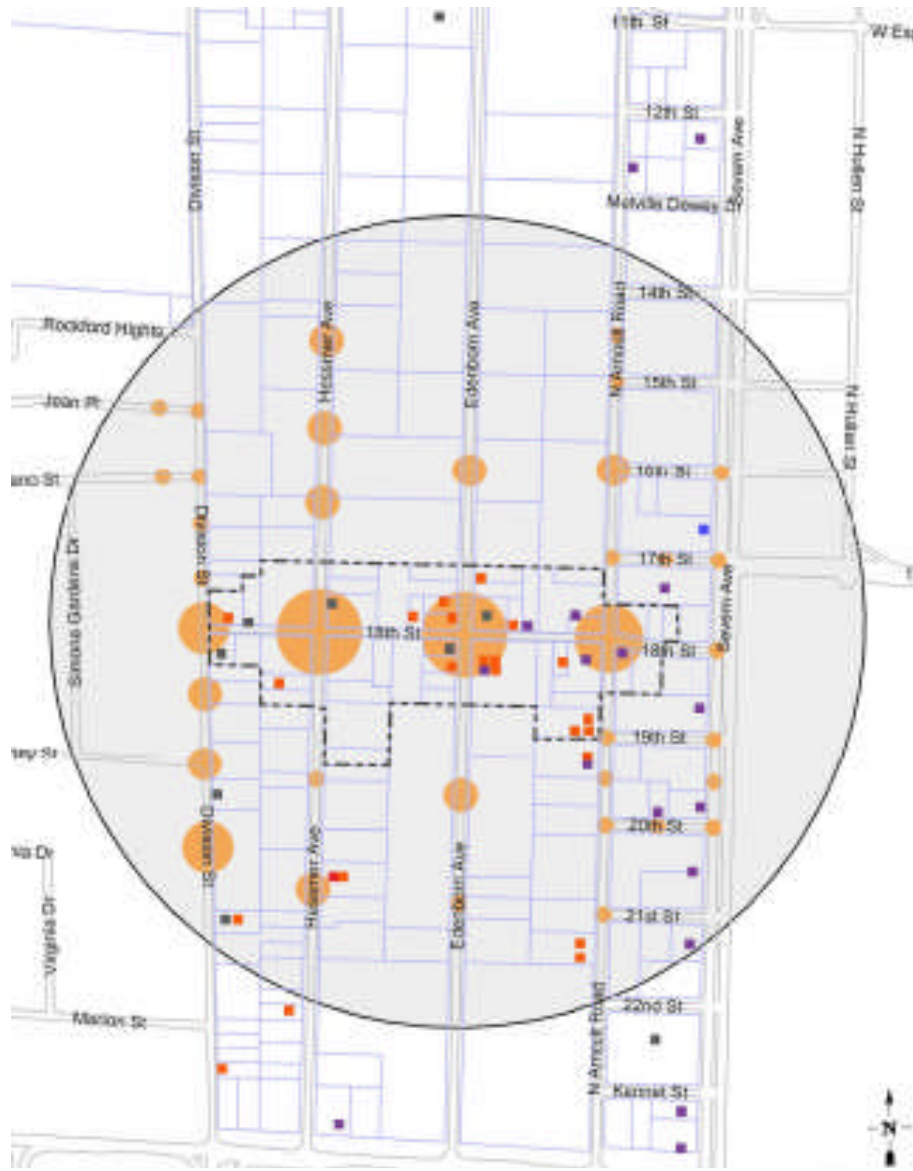


Figure 14. State alcoholic beverage licenses, 8/3/10, and JPSO calls for service, 1/1/08-7/30/10, within a 0.25-mile radius of 18th and Edenborn



8/26/2010-2

<u>Violent Offenses</u>	<u>Property Offenses</u>	<u>Drug Offenses</u>	<u>Traffic Offenses*</u>	<u>Other</u>
Battery	Theft	Drug Law Violations	Vehicle Accidents	Suspicious Persons
Robbery	Criminal Damage			Disturbing the Peace
Assault	Auto Theft			Trespassing
Illegal Discharge of a Weapon	Vehicle Burglary			Peeping Tom
Rape	Resident Burglary			Burglar Alarms*
Kidnapping	Business Burglary			
* Omitted from analysis	Burglary			

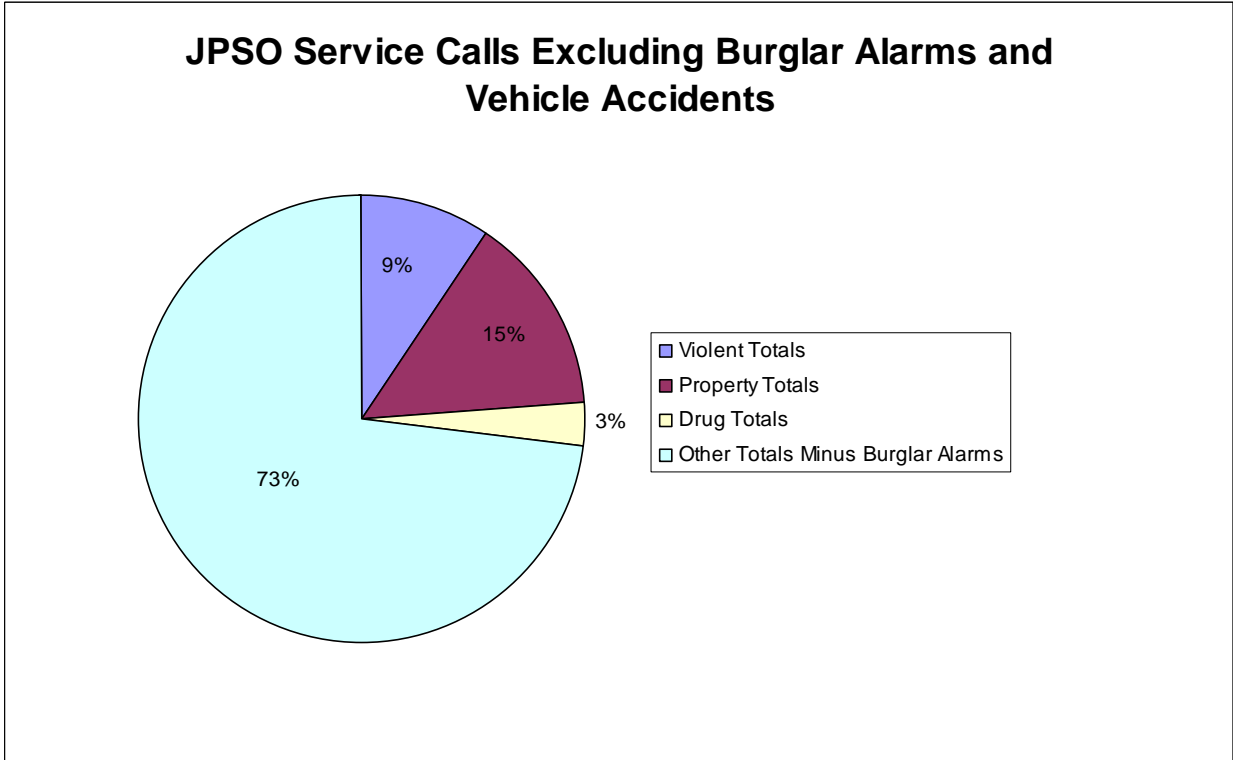


Figure 15. JPSO service calls between 1/1/08 and 7/30/10 by type (8/11/10)

Without Burglar Alarms and Vehicle Accidents*	#	% of Total
<i>Violent Totals</i>	293	9%
<i>Property Totals</i>	457	15%
<i>Drug Totals</i>	98	3%
<i>Other Totals Minus Burglar Alarms</i>	2297	73%
TOTAL	3145	100%

* Although omitted from the computations, traffic accidents comprised a separate category so are not shown.

The analysis that produced Figure 14 used 18 of the 20 categories; it does not include service calls for vehicle accidents, which are less fixed on persons or property in Fat City, or burglar alarms, which often are set off accidentally. With traffic accidents and burglar alarms omitted from the Other category, most service calls—73 percent—for the entire area fell into the Other category. Within the Other category, 80 percent of the calls reported suspicious persons (Table 9).

	#	%
Suspicious Persons	965	80.2
Disturbing the Peace	225	18.7
Trespassing	13	1.0
Peeping Tom	1	0.1
	1,204	100

JPSO website data has a geographic link that is the nearest intersection or street block from which the service call is made, rather than an exact location. Analyzing the data spatially first required finding a geographic point and extending a particular distance from this point. As the only east-west through street and the de facto main street, 18th St. is the logical center and designated in the adopted plans as the core area of Fat City. Along 18th Street, the intersection of 18th St. and Edenborn Ave. is the central area from which the data set was created.

A radius of 0.25 miles from the central area was used to capture as much as possible of Fat City without including too much of the surrounding areas. This 0.25 radius corresponds to the

standard for “Mixed-Use Walkable Areas” in which “developments combine both vertical and horizontal mix of uses in an area ideally within a 10-minute walking distance of a .25 mile radius of a core of activities” (American Planning Association, 2006, p.447). Planners sorted the data by intersection or block and combined some blocks to certain intersections (e.g., since the 3200 block of N. Arnould is on the north and south sides of 18th St., and the 3500 block of 18th St. is on the east and west sides of N. Arnould, the GIS combined all of these points into one service call dot that also included the calls reported at the intersection of 18th and N. Arnould streets).

Figure 14 shows that a concentration of service calls occurred in the 18th Street corridor: 401 to 661 service calls came from the intersections of 18th and Edenborn and 18th and Hessmer; 251 to 400 calls came from the intersection of 18th and N. Arnould; and 151 to 250 calls came from the intersection of 18th and Division. One other area along Division south of 18th St. had 151 to 250 service calls, and all other areas had calls within the ranges of 51 to 150 calls or 1 to 50 calls for service to the JPSO.

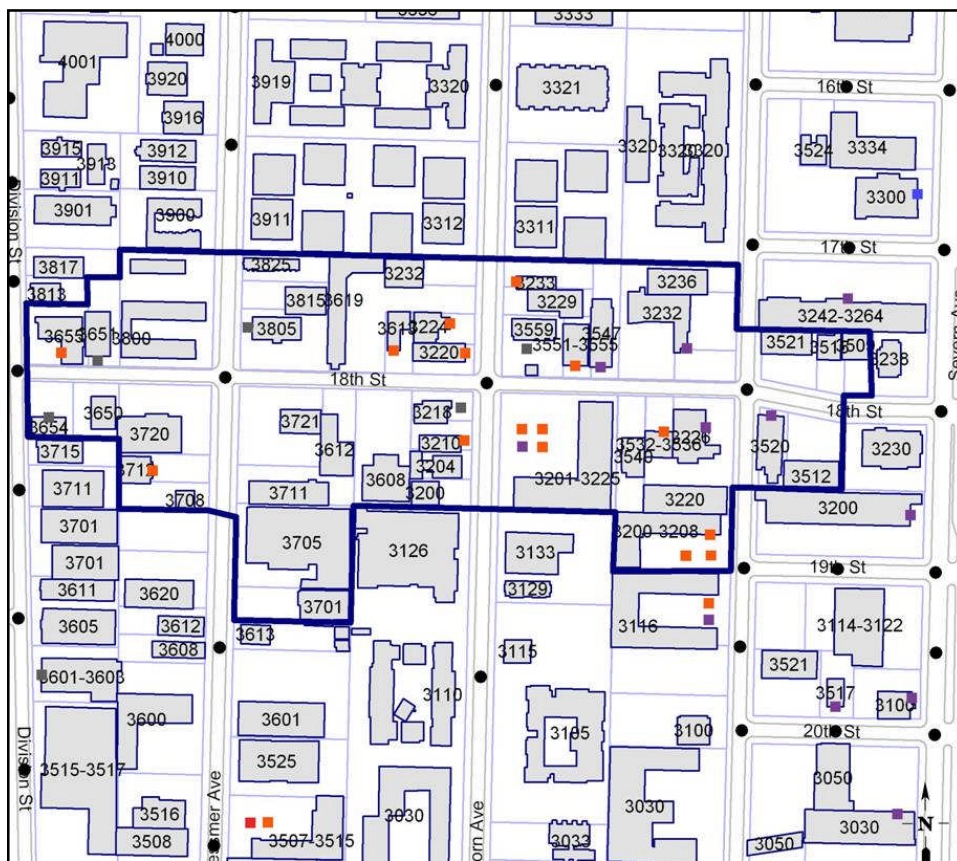


Figure 16. 48% of JPSO service calls between 1/1/08 and 7/30/10, compiled by block faces and intersections, occurred within the 18th St. core area



Of the 3,145 calls for service, excluding vehicle accidents and burglar alarms, to the JPSO within the quarter-mile radius, 1,515 calls or 48 percent of the total calls came from the core area along 18th St. Figure 16 shows the boundaries of the core area, which take in all of the intersections and complete block faces associated with the data points and their compilation into the larger dots. As in the entire area, the majority of calls for service in the core area fell into the Other category, which included suspicious persons, disturbing the peace, trespassing, and peeping Tom offenses (Figure 17 and Table 10).

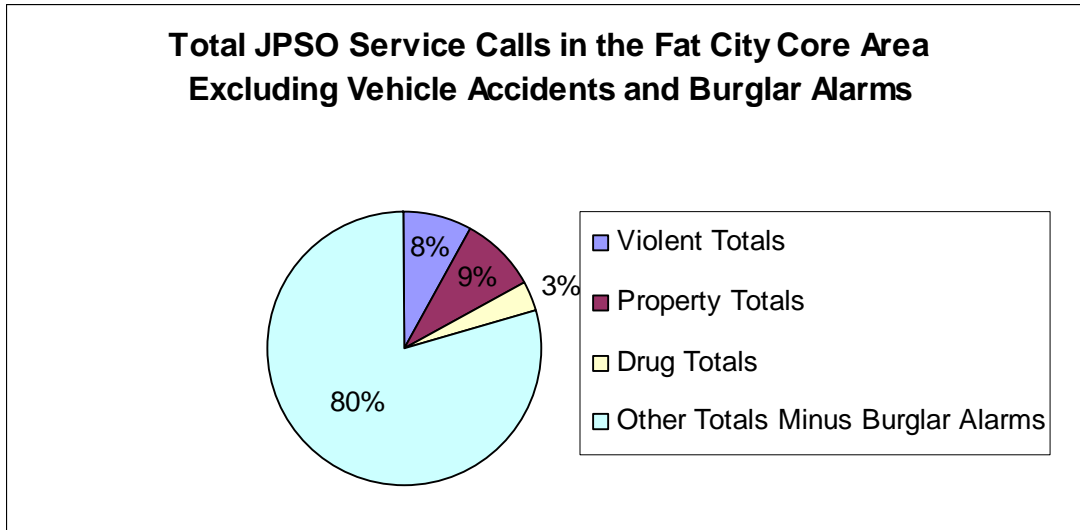


Figure 17. JPSO service calls between 1/1/08 and 7/30/10 in the 18th St. core area, analyzed by type (8/11/10)

Table 10. JPSO Calls in Fat City Core Area		
Without Burglar Alarms and Accidents*	#	% of Total
Violent Totals	121	8%
Property Totals	140	9%
Drug Totals	50	3%
Other Totals Minus Burglar Alarms	1,204	80%
TOTAL	1,515	100%

* Although omitted from the computations, traffic accidents comprised a separate category so are not shown.

As Table 11 indicates, while the core area accounts for 19 percent of the total uses within Fat City, it also comprises almost half—49 percent—of all state-issued alcoholic beverage licenses and more than two-thirds—68 percent—of all bars and adult cabarets in Fat City. Of the 25 total alcoholic beverage licenses in the 18th St. core, 15 licenses or 60 percent of them are General Beer and Liquor licenses associated with bars.

Table 11. Fat City Core Area Uses Serving Alcohol			
	Fat City	Core Area	% in Core Area
Uses	382	72	19
Alcoholic Beverage Licenses	51	25	49
Bars/Cabarets	22	15	68

In addition to providing data on types of calls for service, the JPSO website also gives the time when callers made the service calls to the Sheriff's Office. For calls made between January 1, 2008 and July 30, 2010, Figures 18 and 19 show two periods of time: 6:00 a.m. to 5:59 p.m., and 6:00 p.m. to 5:59 a.m.; both for the entire core along 18th Street and around the three intersections with the largest number of calls. Of the total 1,515 service calls, 543 or 36 percent occurred during the morning and afternoon, and 972 calls or 64 percent were made during the evening and early morning hours.

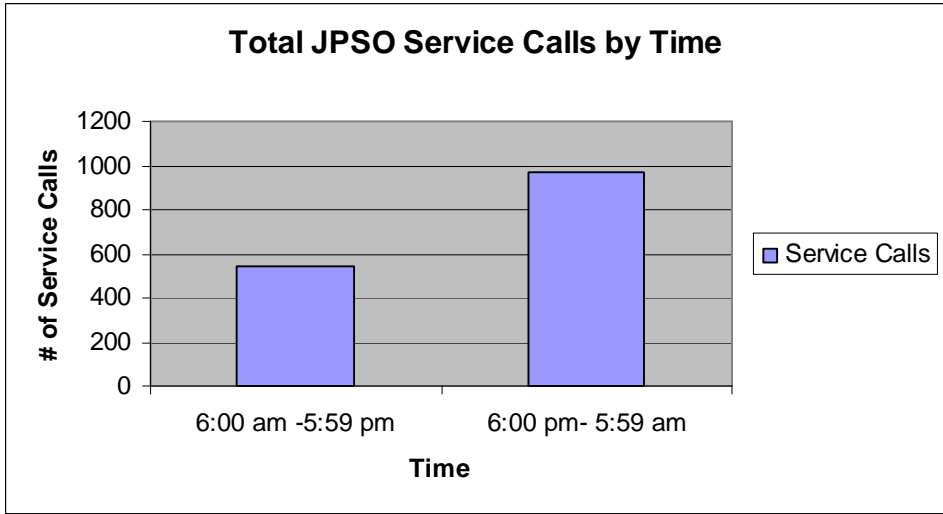


Figure 18. JPSO calls for service by time made in 18th core area between 1/1/08 and 7/30/10 (8/11/10)

The intersections of 18th Street with Edenborn and N. Arnoult streets had similar ratios of approximately one-third late morning and afternoon to two-thirds evening and early morning, while the ratio for the intersection of 18th and Hessmer streets was more evenly distributed.

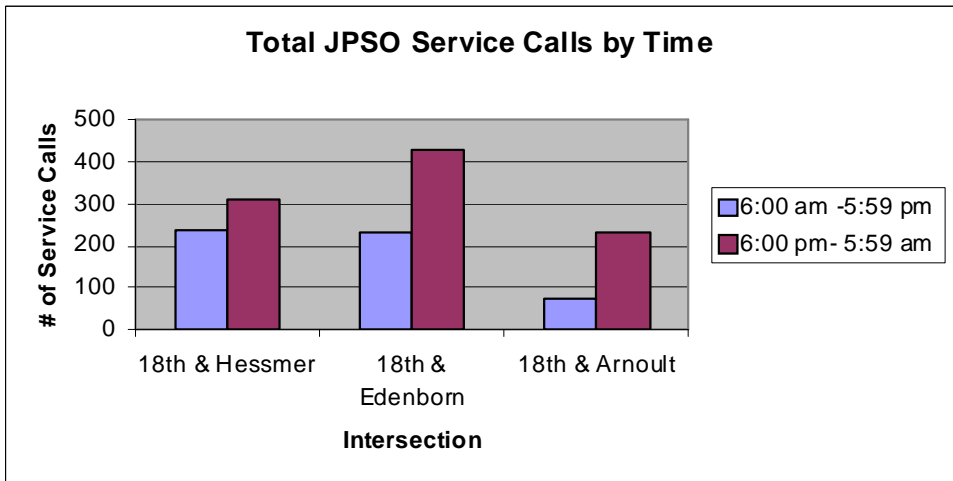


Figure 19. JPSO calls for service by time made between 1/1/08 and 7/30/10 near major intersections of 18th St. (8/11/10)

In the core area, over one quarter of the calls occurred between midnight and 6 a.m. Figure 20 and Table 12 show four periods of time: 6:00 a.m. to 11:59 a.m.; noon to 5:59 p.m.; 6:00 p.m. to 11:59 p.m.; and midnight to 5:59 a.m. For all of the area within the 0.25-mile radius, one-fifth of service calls occurred between midnight and 6:00 a.m.; in the core area during this late-night period, this amount increased to over one quarter of all calls.

Time	Fat City		Core Area	
	#	% of Fat City Total	#	% of Core Area Total
6:00 am - 11:59 am	474	15%	212	14%
Noon - 5:59 pm	829	26%	331	22%
6:00 pm - 11:59 pm	1180	38%	569	37%
Midnight - 5:59 am	662	21%	403	27%
Total	3,145	100%	1,515	100%

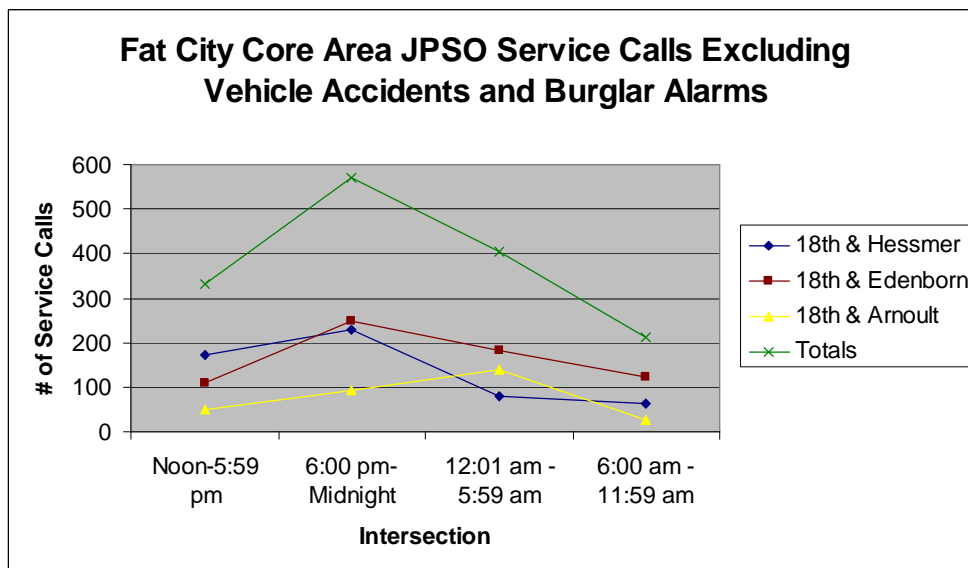


Figure 20. JPSO calls for service between 1/1/08 and 7/30/10 by 24-hour period (8/11/10)

In summary, the core area along 18th St., roughly between Division and Severn, accounted for 48 percent of all JPSO calls for service in the area within the 0.25-mile radius during the recent 18-month period, while containing almost half of all alcoholic beverage licenses and over two-thirds of the bars and adult cabarets. Concentrations of bars and adult cabarets and of JPSO calls for service exist in the 18th Street corridor. Analysis by time indicates that the evening and early morning hours account for the majority of the service calls, periods when businesses with alcoholic beverage licenses are open. While calls for service do not indicate whether arrests and convictions for crimes resulted, they do provide a measure of the activities or offenses that are related to safety and security in Fat City.

The calls for service shown spatially with the businesses with alcoholic beverage licenses suggest that these uses produce intrusive impacts, such as crime, noise, trash, waste, and other disturbances, some late into the night, impacts that planning participants noted as incompatible with other uses; and further suggest inconsistency with Fat City’s future vision: a safe, and family-friendly neighborhood where businesses and residents are in close proximity.

While two out of three of the existing adult uses in Fat City have alcoholic beverage permits, the broad class of adult uses appears to generate negative secondary impacts, including crime problems that impact nearby neighborhoods. The Jefferson Parish Attorney’s Office reviewed studies regarding the impacts of adult uses documented by the communities of Newport News, Virginia; El Paso, Houston, and Dallas, Texas; Philadelphia, Pennsylvania; and New York City (Times Square), Islip, and Saratoga Springs, New York, and found these conclusions within the studies:

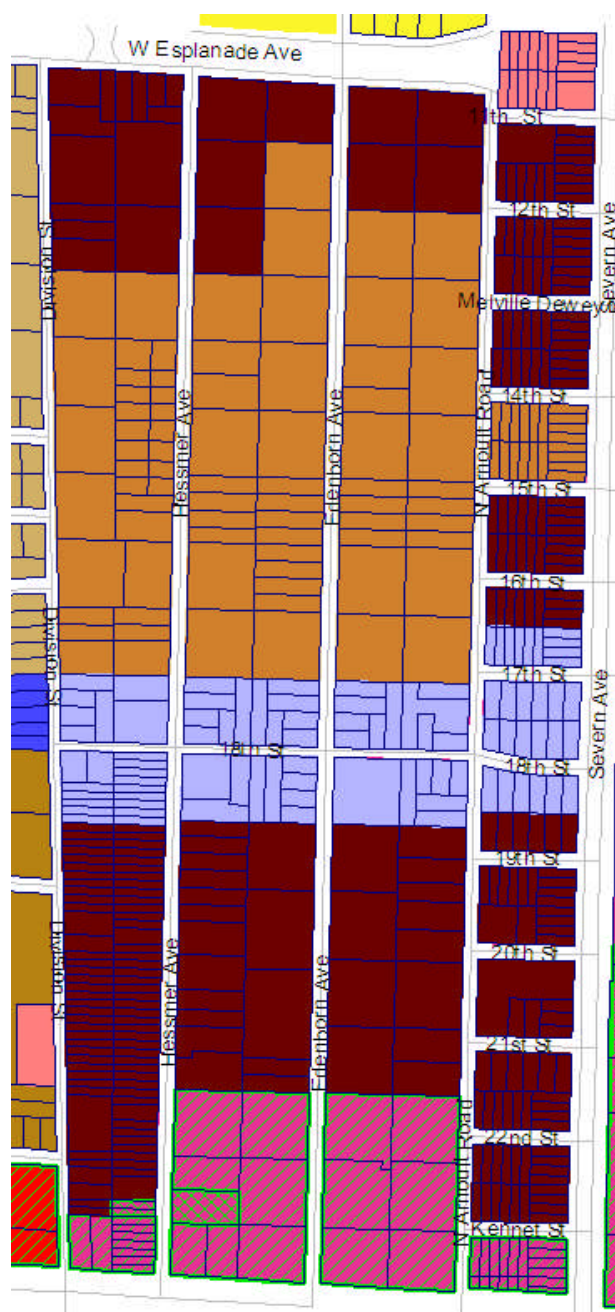
- *Crime rates are higher with adult uses*
- *Adult uses experience crime problems that impact nearby neighborhoods and businesses*
- *Nearby adult uses have significant negative influence on children*
- *Adult uses have a strong negative effect on people’s perception of the neighborhood*
- *Financial institutions are less likely to invest in areas with adult uses*
- *Physical blight frequently occurs near adult uses*
- *The value of both residential and commercial properties is reduced when in proximity to adult uses*
- *Heightened concentrations of adult uses correlate to heightened impact on neighborhoods*
- *Short term parking is used long-term by patrons of adult businesses*
- *Adult uses “set the tone” for pedestrian traffic in the area by increasing the likelihood that pedestrians will be sexually harassed or propositioned for sex acts*

The conclusions of these studies suggest that the negative secondary impacts of adult uses are not consistent with the Fat City vision for a safe, mixed-use, pedestrian-oriented, and family-oriented neighborhood. Together with the existing stand-alone bars, the adult uses are current nonconforming uses that still generate negative impacts 25 years after the Parish Council took the

first actions to curtail them in Fat City. While other of the nonconforming uses—principally the heavy commercial and light industrial uses—also are inconsistent with the vision for Fat City, the bars and adult uses by relative concentration are of greater concern to the successful realization of the Fat City vision.

Proposed Zoning in Accordance With Adopted Plans

The Fat City strategic plan describes public policies that Jefferson Parish Government intends to carry out. For its part, Parish government will implement the plan through its regulatory framework as well as administrative and other legislative decisions. The proposed Fat City zoning districts are the main component of the regulatory framework.



Proposed Zoning Provisions

The proposed Fat City zoning districts employ some of the physical conventions of Traditional Neighborhood Development (TND):

- Limited neighborhood area with clear edges and a defined core, which is 18th St.
- At least one mixed residential area, which is the FC-2 district
- Shops, workplaces, and residences in close proximity potentially throughout the districts
- Streets sized and detailed to equitably serve the needs of pedestrians and vehicles
- Building orientation and character regulated to spatially define the streets, particularly 17th St., a gateway into Fat City, and 18th St., also a gateway and the focal corridor

Legend

	Proposed Zoning
	BC-2/CPZ
	FC-1
	FC-2
	FC-3
	Existing Zoning
	BC-2
	CPZ

Figure 21. Proposed Fat City zoning districts

Elements of TND also characterize “smart growth,” and smart growth codes take a different approach from older, conventional zoning ordinances like Jefferson Parish’s

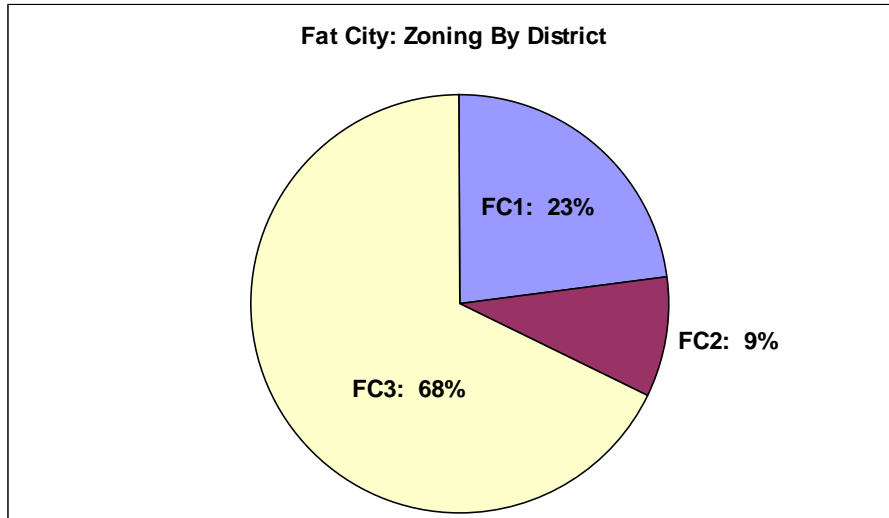
that focus on the separation of uses. Smart codes often permit combinations of residences and businesses in the same building and live-work arrangements for professionals and artists in some districts, and promote the proximity of shopping and employment centers to residential areas, preferably with easy access by pedestrians and mass transportation.

The Fat City model is a basic town center framework consisting of three districts: FC-1 Pedestrian Core; FC-2 Residential Mixed Use; and FC-3 Commercial Mixed Use (Figure 21), comprising 23 percent, nine percent, and 68 percent, respectively, of Fat City (Figure 22).

At 23 percent of Fat City, the FC-1 district would encompass the core area along 18th Street and emphasize a pedestrian orientation with pedestrian-supportive uses such as relatively small retail,

restaurants, and mixed residential and commercial buildings. FC-1 would also cover both sides

of 17th Street between Severn and N. Arnoult because, like 18th St. between Severn and N. Arnoult, 17th Street is a main gateway into Fat City from the major arterials of Causeway Blvd. and Severn Ave. BC-2 currently covers the 18th St. area.



The FC-2 district would comprise nine percent of Fat City and apply to the area north of the 18th Street corridor; it

Figure 22. Coverage of Fat City by proposed zoning districts

allows uses that include and are compatible with the existing residential development. It coincides mostly with the existing CD-R area, except for development sites that contain residential uses and a commercial use, which would become a nonconforming use with the new zoning. Besides multifamily residential, FC-2 allows mixed commercial and residential but the commercial must be low intensity, located on the ground floor only, and not exceed the residential floor area.

Finally, the FC-3 district proposed for south of the 18th Street corridor and along W. Esplanade and Severn avenues retains most of the land-use flexibility that is allowed by its existing BC-2 zoning. Comprising 68 percent of Fat City, it differs from the FC-1 and FC-2 districts by allowing larger, more intensive commercial uses and higher buildings. FC-3 also allows mixed residential and commercial but the reverse of FC-2 is the case: residential must be located on upper floors only and not exceed the commercial floor area.

The FC-3 district would not replace the BC-2 district that currently covers the portion of the study area that fronts on Veterans Blvd. and extends back from this major thoroughfare with the Commercial Parkway Overlay Zone (CPZ). The CPZ, which has its own set of site design standards, covers the entire Veterans corridor within unincorporated Jefferson Parish, and keeping the portion of Veterans within Fat City regulated consistently with the rest of Veterans is appropriate.

Together the three new districts reflect some of the uses and activities that already exist within Fat City, as well as the community’s agreed-upon vision for the area.

Anticipated Results Consistent With Vision

Table 13 summarizes the major features of the proposed zoning regulations and the anticipated results of making Fat City’s development regulations consistent with its adopted plans. Each of the new Fat City zoning districts contains typical provisions: permitted, prohibited, and conditional uses and any standards associated with them; dimensional standards such as building setbacks and height; building design standards; and landscaping, parking, and signage requirements. The proposed regulations also contain standards that apply to all of the mixed-use districts, as well as procedural requirements.

Table 13. Conformance Between Proposed Zoning and Adopted Plans	
Provisions of Proposed Zoning and Land Use	Resulting Consistencies With Adopted Plan
Uses That Are Specific, Accommodate Vertical Mixes, and Include Standards	<ul style="list-style-type: none"> • Provide basic services to nearby residents through mix of uses • Increase design options • Add use standards to nonconforming bars to reduce negative impacts and

Table 13. Conformance Between Proposed Zoning and Adopted Plans

Provisions of Proposed Zoning and Land Use	Resulting Consistencies With Adopted Plan
	<p>enhance health, safety and welfare</p> <ul style="list-style-type: none"> • Amortize nonconforming adult uses to reduce negative impacts and enhance health, safety and welfare <p>FC-1:</p> <ul style="list-style-type: none"> • Combines neighborhood-serving retail, services and other uses with residential uses allowed above • Includes floor area limits to ensure that commercial uses are geared toward a neighborhood market area <p>FC-2:</p> <ul style="list-style-type: none"> • Emphasizes multifamily residential but allows limited neighborhood-serving commercial on ground floor • Require 800-sq.ft. commercial minimum to ensure that ground-floor space meets the needs of retailers <p>FC-3:</p> <ul style="list-style-type: none"> • Emphasizes commercial but allows limited residential above
Enhanced Parking Strategies	<ul style="list-style-type: none"> • Reduce the amount of off-street parking for commercial uses to promote pedestrian-oriented character • Encourage shared and off-site parking and allow contributions to mitigation fund to create greater flexibility in meeting parking needs; minimize overall surface parking where amount of land is constrained; take advantage of close proximity of uses and different parking demand patterns; and provide public parking facility • Provide on-street parking to increase availability of conveniently located parking • Provide mid-block connections for tall buildings to create multiple, alternate routes for vehicles and pedestrians
Appropriate Building Setbacks	<ul style="list-style-type: none"> • Mandate a front build-to-line in FC-1 to encourage pedestrian-oriented storefront-style shopping streets but offer flexibility to accommodate outdoor seating • Minimize front setbacks in FC-2 and FC-3 to enhance pedestrian orientation • Do not require rear and side setbacks, except to meet fire codes, to accommodate lot and development patterns and encourage compact, pedestrian-oriented development
Reduced Signage	<ul style="list-style-type: none"> • Minimize size of signs to enhance aesthetics and support pedestrian-oriented development • Prohibit pole signs in all districts but allow monument signs in FC-2 and FC-3 to enhance aesthetics while providing information to motorists

Table 13. Conformance Between Proposed Zoning and Adopted Plans	
Provisions of Proposed Zoning and Land Use	Resulting Consistencies With Adopted Plan
	<ul style="list-style-type: none"> • Allow electronic messages in FC-3 along the major arterials of W. Esplanade and Severn • Amortize nonconforming signs in 5 years to improve aesthetics and achieve uniformity between uses
Design Standards	<ul style="list-style-type: none"> • Provide published guidelines of streetscape design information for dealing with constrained rights-of-way and enhancing design and aesthetics • Minimize blank building walls to create interest and require % of windows and sidewalk-facing entrances to create a more pleasing pedestrian environment • Require attractive building materials and screened dumpsters and equipment to enhance aesthetics • Provide trees for shade and aesthetics • Encourage awnings and canopies to provide shade and weather protection for pedestrians and contribute to a high-quality streetscape • Minimize driveways that cross sidewalks, disrupt pedestrian movements and pose safety threats • Establish max. building heights in FC-1 and FC-2, with min. # of stories required in FC-1 to encourage dense, mixed use; and step-backs required in FC-2 and FC-3 adjacent to FC-1 and residential zoning districts to soften the height transition between districts and protect neighborhoods on the periphery • Allow unlimited height in FC-3 south of 18th St. to provide a more intense, compact mix of uses from taller buildings and to support transit use along Veterans Blvd. • Promote narrower street travel lanes to create greater space for pedestrians and reduce vehicular speeds • Encourage TND features of mixed uses, increased density, walkability
Administrative Procedures	<ul style="list-style-type: none"> • Provide administrative rather than legislative approval procedures to ease and shorten development review • Give clear, objective approval standards to facilitate understanding of the types and characteristics of permitted development • Limit variances to achieve consistency of administration and maintain core elements • Require site plan review before issuance of building permit for new development or substantial redevelopment to check for compliance with the zoning regulations

Table 13. Conformance Between Proposed Zoning and Adopted Plans	
Provisions of Proposed Zoning and Land Use	Resulting Consistencies With Adopted Plan
	<ul style="list-style-type: none"> Supplemented by appendix of graphic design standards to assist plan reviewers and applicants in the preparation of proposals for development

Besides permitting a mix of uses in each district, the new Fat City zoning regulations have other noteworthy provisions, summarized below, that bring zoning into better conformance with the adopted plans.

Streetscape improvement standards accompany the district regulations. They incorporate dimensional, building design, landscaping, and parking standards to create attractive streetscapes like the one envisioned in Figure 23. To achieve this vision, setbacks are reduced throughout the three districts: FC-1 uses a build-to-line that varies from block to block depending on the right-of-way width and location of the large Entergy poles, and distributes diagonal on-street parking throughout 18th Street (Figure 24); FC-2 uses front setbacks of five to ten feet, depending again on the right-of-way width of the various streets; and FC-3 has a front setback of 10 feet to accommodate the larger commercial uses allowed in the district. To accommodate constraints with existing lot sizes and patterns, and to promote denser development that supports walkability, side and rear setbacks are eliminated or based on building or fire codes. Both FC-2 and FC-3 streetscape standards promote on-street parallel parking.

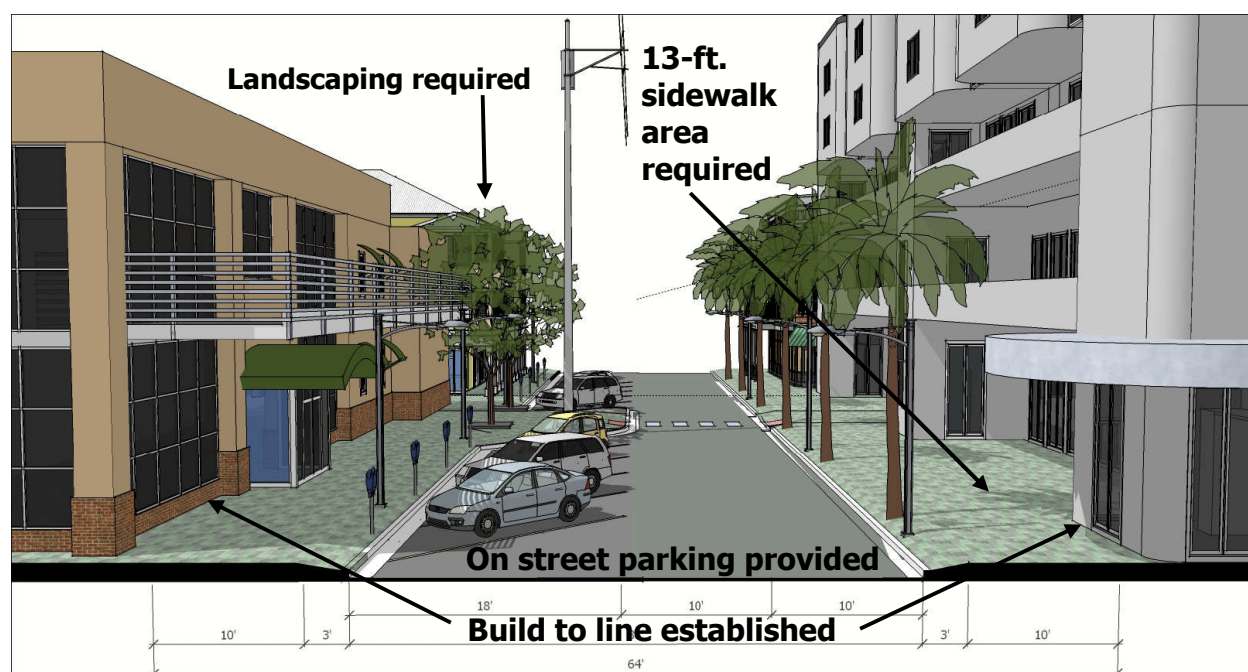


Figure 23. Conceptual 18th St. streetscape showing key elements

Of the dimensional standards, the proposed regulations generally reduce setback requirements and maintain current height regulations. Like the existing standards, height in the FC districts have a permitted base height—65 feet—and additional height in the FC-2 and FC-3 districts up to 120 feet in the FC-2 and unlimited in the FC-3. But extra height is subject to a step-back of one foot for every one foot above the base height when a site abuts the smaller-scale FC-1 district or another residential zoning district, beginning 100 feet from such districts, to promote transitions between the districts. In the FC-1 district, a minimum of two stories is prescribed on interior sites and three stories on corner sites to achieve definition and enclosure for the 18th Street corridor.



Figure 24. Plan view of Edenborn Ave. to N. Arnoult Rd, included in Fat City Street Improvements Plan

Building design standards focus on form, not architecture. They require certain percentages of openings in building facades and entrances facing 18th St. to promote an attractive, pedestrian-oriented streetscape. To further promote this type of environment, the design standards require building materials like brick and masonry on the first 65 feet of façades, and encourage balconies and awnings for shade and weather protection. Additional requirements include landscaping, sidewalks, and dumpsters screened behind front building lines in the FC-2 and FC-3 districts. The FC-1 district prohibits dumpsters when an existing dumpster contract expires, when a new use is established, or by 2014; however, a restaurant, which produces a high-volume of waste, may appeal under existing hardship provisions for a dumpster in the FC-1.

The adopted strategic plan documented a parking shortage in Fat City, although the shortage is based on existing parking standards that are geared toward a conventional suburban development type, not the TND-oriented one that the adopted plans and proposed regulations support. Regardless, the proposed Fat City development regulations address parking challenges by providing the opportunities listed in the following table. Proposed standards prohibit parking in front of buildings to improve streetscape aesthetics and create defined pedestrian zones that are safe and walkable. This goal is paramount on 18th St. where the regulations would limit driveways on the interior of blocks.

Challenges to Parking

- Small property sizes
- Existing parking deficiencies
- Parking ratios for conventional development
- Logistical redevelopment issues
- High cost of parking

Parking Solutions

- Public spaces on-street and in facility
- Credit for on-street parking
- Reduced parking ratios for mixed use
- Shared parking flexibility
- Parking mitigation fund

The proposed regulations create the parking mitigation fund dedicated solely to public parking improvements, with a development applicant or property owner making a payment to the fund for every required parking space that he will not provide on his site. The zoning provisions set the cost of a parking space in a structured parking facility and base it on the industry standard of the Construction Cost Index.

The final major component of the proposed zoning regulations is signage. To reduce the existing visual clutter from signs in Fat City, primarily pole signs, sign standards are more stringent in the FC districts. All of the proposed districts allow wall, projecting, and awning signs, as well as hanging and directional signs. FC-2 and FC-3 also allow monument signs, and the FC-3 district permits electronic message signs only along the major arterials of W. Esplanade and Severn subject to criteria for illumination and change of copy interval (Figure 25).

In short, the FC-1 district where an enclosed, pedestrian-oriented streetscape is the aim, and in the FC-2 district where residential uses are the focus, the sign standards set a relatively small maximum permitted attached sign area of 20 square feet per business with an exterior entrance (except hanging signs, limited to six sq. ft.). FC-2 also limits monument signs to 20 square feet and eight feet tall.

Because the FC-3 district permits a greater intensity of commercial uses, it allows more sign area than the other two districts but less than the existing regulations to promote better aesthetics and definition for Fat City. Like the existing regulations, FC-3 ties the amount of signage to building or property frontage, with a 100-square-foot maximum on attached signs and a maximum of 100 square feet and 12 feet high, and 50 sq. ft. and 10 feet high for monument signs along W. Esplanade and Severn, respectively, both major streets (Figure 26).



Figure 25. Walgreen's pharmacy at Elysian Fields Ave. and Gentilly Blvd. in New Orleans is built to the street and includes a monument sign with electronic messages

While the FC districts would not apply to Veterans Blvd. because this major thoroughfare has an identity with the Commercial Parkway Overlay Zone of the entire Veterans corridor, they have applicability to W. Esplanade and Severn. Although both of these streets are also major streets, they provide clear definition for Fat City on its eastern and northern sides. Flexibility in sign requirements and how they are applied; e.g., greater area and height, electronic message centers, and flexible clear vision area requirements, recognize the differences of W. Esplanade and Severn compared to the other, local streets of Fat City.

Nonconforming Uses and Structures Resulting From the Vision for Fat City

Two competing principles underlie decisions about how to treat nonconforming uses, those land uses like Fat City's adult uses and stand-alone bars that were allowed under local zoning regulations when established, but became prohibited uses under revised development regulations. One principle takes into account the legality of the land use when it commenced, presumably in compliance with the law at the time, and the fairness as the owner incurred expenses to commence or continue the use. Based on this principle, local governments, including Jefferson Parish, commonly choose to "grandfather" nonconforming uses—to state that the land use may continue as long as it was legal at the time it commenced and does not terminate or remain vacant for a certain period. If termination or vacancy occurs beyond the period—one year in Jefferson Parish—then the protection of grandfathering is lost. Resumption of the nonconforming use is not allowed.



Figure 26. McDonald's on Elysian Fields Ave. in New Orleans also complies with requirements allowing monuments signs instead of pole signs

The second principle that underlies decisions about how to treat nonconforming uses is based on this intended outcome: all land uses ultimately will conform to revised development regulations that a local government enacts to realize a new set of planning goals and policies. The *Strategic Implementation Plan: Fat City Redevelopment*, and all of the plans of which it is a part, provide the new set of planning goals and policies to which the existing nonconforming adult uses and bars, as well as the nonconforming warehousing, heavy commercial, and other uses, should conform.

As stated previously, the 1985 Metairie CBD zoning amendments made adult uses and stand-alone bars prohibited uses. Further, these uses continue to comprise the majority of nonconforming uses in Fat City. This current study recommends that these uses remain as prohibited uses in the new Fat City zoning districts, and finds that conditions attached to their

operation are necessary to promote compatibility with the vision for a mixed-use neighborhood in which commercial and residential uses are in close proximity.

Thus, the new zoning regulations continue the grandfathering of nonconforming bars but, in order to lessen their impacts, uniformly subject them to the following operational criteria that also intend to make them more compatible with adjacent and nearby land uses and more consistent with new planning goals and policies for a secure, safe, and family-friendly environment:

- *Hours of operation* limited to 11:00 a.m. until midnight, Sunday through Thursday; and 11:00 a.m. through 1:00 a.m., Friday and Saturday; with one additional hour permitted by Council by special event permit
- *Graffiti removal* within 48 hours of discovery
- *Litter control* daily
- *Soundproofing* to contain noise below 60 dba measured at property line after 10:00 p.m.
- *Security cameras* for 24-hour complete coverage
- *Vegetation* maintained to prevent hiding places
- *Loitering* reported to JPSO
- *Revocation of nonconforming status* for failure to comply

These criteria address impacts similar to the ones that the Parish Council attached to the operation of nightclubs in 1989. Like the existing nightclub criteria, they are intended to diminish the depreciation of surrounding property values, preserve and advance the prosperity and general welfare of the neighborhood and community, safeguard other property or improvements in the neighborhood, and protect public safety and occupants of adjoining premises from injurious land use impacts and other nuisances.

The concentration of establishments with alcoholic beverage licenses, and of calls for service to the JPSO particularly in the evening and early morning hours, in Fat City's 18th core area, establish the need for each of these criteria to achieve the vision for a mixed-use, pedestrian- and family-friendly, safe and secure, aesthetically attractive Fat City. In the core area nearly two-thirds of the calls occurred in the late hours and over one quarter of them occurred between midnight and 6:00 a.m. Closing at midnight on weekdays and 1:00 a.m. on Friday and Saturday nights will help to ensure compatibility between the mix of residential and commercial uses that the adopted plans envision, both before redevelopment occurs to provide a level of comfort to existing and potential property owners before they reinvest in the area, and after redevelopment occurs to advance the health, safety, and general welfare of residents and business persons who live and work in the neighborhood.

Graffiti and litter control promote better aesthetics as well as promote health and safety. Soundproofing diminishes impacts on adjacent properties from noise emanating from these establishments, especially ones with entertainment; and security cameras, vegetative maintenance, and loitering control aim to enhance safety and security in the neighborhood.

One intended outcome of nonconforming uses over the long-term is that they ultimately will conform to revised development regulations that a local government enacts to realize a new set of goals and policies. The proposed provisions for revocation of nonconforming status, which would result in elimination of the use similar to termination for lapse of the use for more than a year, establish a penalty for failure to conform to the new goals and policies for Fat City and failure to comply with the regulations. Twenty-five years have elapsed since the Parish Council prohibited a stand-alone bar as a by-right use in Fat City; given the negative impacts still associated with a few of them, the new regulations, applied uniformly to the entire class of use, provide another strategy to enhance the compatibility and diminish the negative impacts of their operation.

The planning process recognized that other uses that provide alcoholic beverages, namely, restaurants and retail outlets, contribute to a vibrant, pedestrian-oriented neighborhood, but should be subject to the hours of operation criterion in order to promote conformance with the vision for a mixed-use neighborhood in which commercial and residential uses are in close proximity and which is secure, safe, and family-friendly. Thus, the proposed Fat City zoning

regulations limit the hours of operation of restaurants to 7:00 a.m. through midnight, Sunday through Thursday; and 7:00 a.m. through 1:00 a.m., Friday and Saturday. Likewise, retail outlets such as grocery and convenience stores would not be able to sell alcoholic beverages between midnight and 7:00 a.m., Sunday through Thursday; and 1:00 a.m. through 7:00 a.m., Friday and Saturday. The closing hours correspond with the ones for bars, including accessory holding bars, while the opening hours are extended to 7:00 a.m. for restaurants and retail outlets to allow the early serving of breakfast and selling of groceries to early morning customers.

Adult uses serving alcoholic beverages also would be subject to the same hours of operation as bars, as well as the other criteria except for soundproofing and security cameras. These two criteria, which are more costly improvements to make, are omitted because adult uses would be subject to a two-year amortization period.

Besides grandfathering nonconforming uses, another method of dealing with them is amortization, which requires the termination of a nonconforming use after a fixed period of time. An amortization schedule for adult uses is a stated action item in the Fat City strategic plan, and the proposed ordinance includes adult use amortization provisions. The planning process concluded that, because of their negative secondary impacts, the continuation of Fat City’s nonconforming adult uses is incompatible with the vision for a family-friendly, pedestrian-oriented, safe and secure neighborhood with a mix of commercial and residential uses in close proximity.

The Jefferson Parish Attorney’s Office recommended that the parish’s Fat City ordinance track the City of Houston’s provisions for the amortization of adult uses, since the U.S. Fifth Circuit upheld Houston’s ordinance and it sets precedence for this jurisdiction. Houston’s ordinance required a six-month amortization period with extensions available if the owner had not yet recouped his investment. Courts in other jurisdictions have upheld adult use amortization periods ranging from 90 days to five years. The Fat City Task Force recommended a two-year amortization period with an extension of time from the Council for the owner to recoup a substantial investment.

In short, the proposed development regulations for Fat City allow the continued grandfathering of the nonconforming stand-alone bars but do not allow it for the remaining adult uses. Besides continuing the grandfathering of all existing nonconforming uses except adult uses, the proposed zoning regulations would create new nonconforming uses. As Table 14 indicates, 16.3 percent of Fat City’s existing uses would be nonconforming, up from the current rate of nine percent. The six percent increase is relatively small given the significant overall changes envisioned for Fat City.

FC-1 would account for the largest percentage, 34 percent, of nonconforming uses, which is expected given its purpose as a pedestrian-oriented main street with commercial uses that are of lower intensity than the uses permitted by the existing BC-2 zoning. In the FC-1, the 10 stand-alone bars and two adult cabarets would comprise 41 percent of the nonconforming uses (Table 15). FC-3 would contain 26 nonconforming uses, or 10 percent of its total uses, some of which, about 16 percent, result from the currently nonconforming manufacturing, wholesale trade, and warehousing. The stand-alone bars would account for one-third of the nonconforming uses in the FC-3. As Figures 26 and 27 show, the retail and service commercial uses, the 2000 class, account for the highest percentages of nonconforming uses in the FC-1 and FC-3 districts.

The FC-2 district corresponds closely with the existing CD-R district, which permits the multifamily residential currently concentrated there and also permitted in the FC-2. This correspondence explains the low, three percent of nonconforming uses that would occur in the FC-2.

Table 14. Nonconforming Uses Under Proposed Zoning			
Proposed Zoning	Uses	Nonconforming Uses	% Nonconforming
FC1	85	29	34.12%

Proposed Zoning	Uses	Nonconforming Uses	% Nonconforming
FC2	34	1	2.94%
FC3	251	26	10.36%
TOTAL USES	370*	56	15.13%

* Differs from existing nonconforming data because the Veterans corridor is excluded (8/13/10)

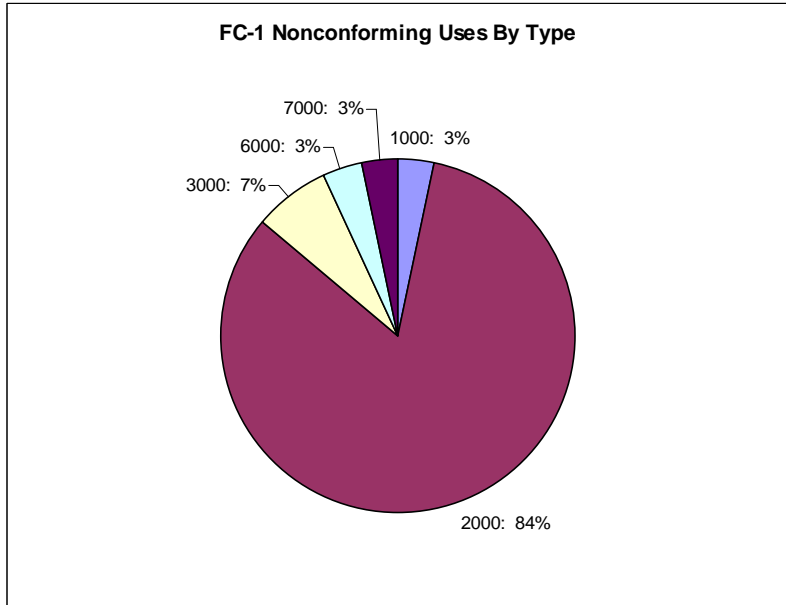


Figure 27. Commercial uses comprise the most nonconforming uses in FC-1 (8/13/10)

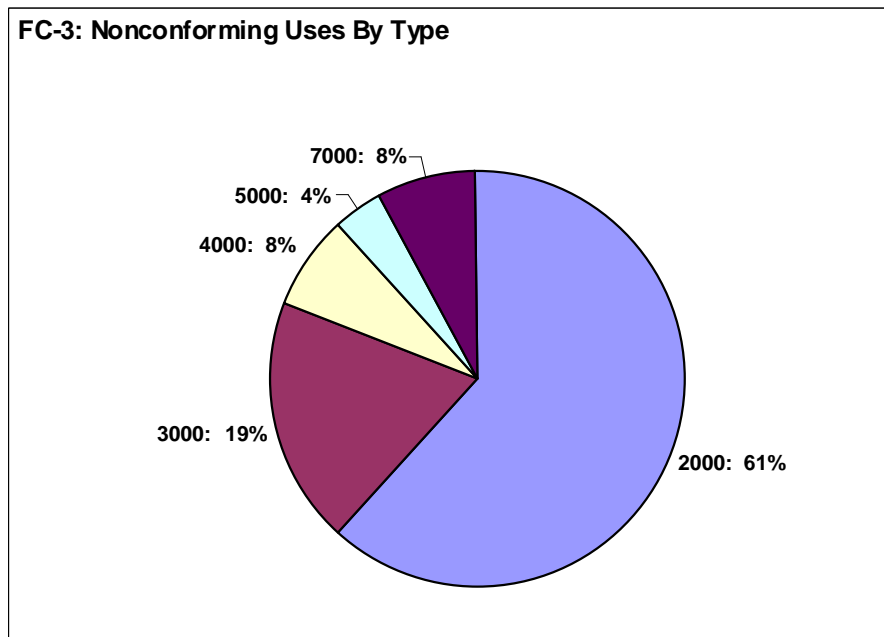


Figure 28. Commercial uses comprise the most nonconforming uses in FC-3 (8/26/10)

Table 15. Proposed Nonconforming Uses In Fat City

FC1 Nonconforming Uses

- # Type
- 1 4-plex housing
- 1 automobile parts, accessories, or tires
- 1 gasoline service
- 1 automotive repair & maintenance
- 1 furniture/home furnishings

Table 15. Proposed Nonconforming Uses In Fat City

2	credit & finance establishment
1	mini-storage
1	recreational goods rental
1	veterinary services
10	bars
1	coin-operated laundromat
1	dry cleaning and laundry
1	adult establishment
2	adult cabaret
1	food and beverage manufacturing
1	printing
1	fire and rescue
1	electrical contractor
29	

FC2 Nonconforming Uses

#	Type
1	motion picture/video production
1	

FC3 Nonconforming Uses

#	Type
2	automotive repair & maintenance
1	pawn shop
2	mini-storage
1	janitorial
10	bars
1	primary metal manufacturing
2	wholesale trade establishment
1	durable goods
1	office and warehousing
1	truck and freight transportation services
1	wireless telecommunications
1	theater, dance or music establishment
1	carpentry, floor, and tile contractor
1	electrical contractor
26	

Total Nonconforming Uses = 56

Structures Including Signs

The proposed zoning regulations also would create structures, namely signs and buildings, and other situations like existing residential parking that would not conform to the new provisions. Commonly, nonconforming provisions within a zoning ordinance or unified development code apply to structures and other situations in addition to use. As with uses, the *Strategic Implementation Plan: Fat City Redevelopment*, and all of the plans of which it is a part, provide the new set of planning goals and policies to which structures, buildings and other situations eventually should conform.

As the Fat City plan points out, however, the parish's Comprehensive Zoning Ordinance is vague in regard to nonconforming structures and explicit in not subjecting parking and loading situations and the height and setbacks of buildings to the nonconforming use provisions. Because the proposed Fat City zoning regulations would create nonconforming buildings, structures, and other situations in addition to new nonconforming uses, the plan's recommendation that the Parish evaluate and revise the nonconforming provisions of its development regulations is advisable.

The Fat City plan also made an amortization schedule for nonconforming signs an action item in accordance with the vision for improved aesthetics and pedestrian orientation, and the proposed ordinance includes sign amortization provisions. The Fat City planning process acknowledged the blight that sign clutter, and pole signs in particular, have brought to Fat City’s visual scene, and concluded that the continuation of pole and other signs that would become nonconforming with the new regulations is incompatible with the vision for an aesthetically attractive environment and one that is more pedestrian-oriented.

According to the Parish Attorney’s Office, local governments in Louisiana may require the removal of nonconforming signs, excluding billboards. For example, Mandeville’s regulations require full compliance seven years after the effective date of new regulations for signs that exceed sign limitations by 15 percent. While many jurisdictions have upheld sign amortization periods of two to three years, the Parish Attorney’s Office recommended a five-year amortization period for signs that would become nonconforming with the new Fat City zoning regulations, tracking Miami-Dade County’s five-year sign amortization period since the 5th Circuit upheld Miami-Dade County’s period.

Table 16 indicates the percentages of signs that would remain conforming and that would become nonconforming with Fat City’s new zoning regulations. Over half of the existing signs inventoried in September 2009, 59 percent, would maintain their conforming status, while 41 percent would become nonconforming (Figure 29). The table also provides information on the type of nonconformity that would be created, which is summarized in Figure 30. Sign area and sign type would be the greatest types of nonconformity, with pole signs accounting for the largest proportion, 84 percent, of nonconformity by type (Figure 31).

Table 16. Summary of Nonconforming Signs Created by Proposed Zoning		
Total of conforming signs	282	59%
Total of nonconforming signs	200	41%
for more than 1 reason	16	4%
percentage of total reasons		
by area	106	49%
by height	0	0%
by location	11	5%
by type	99	46%
percentage of total signs		
both area & location	5	3%
both area & type	7	4%
both location & type	4	2%
Nonconforming by type		
Pole	83	84%
Banner (not in can)	2	2%
Roof	3	3%
other (accessory, wall, etc.)	11	11%

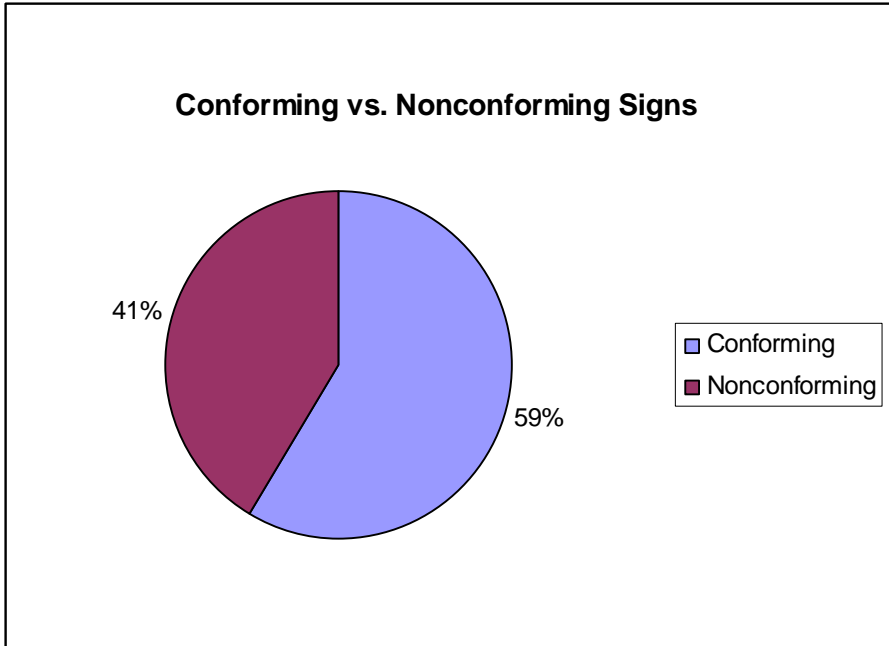


Figure 29. Percentage of signs inventoried in September 2009 that would become nonconforming

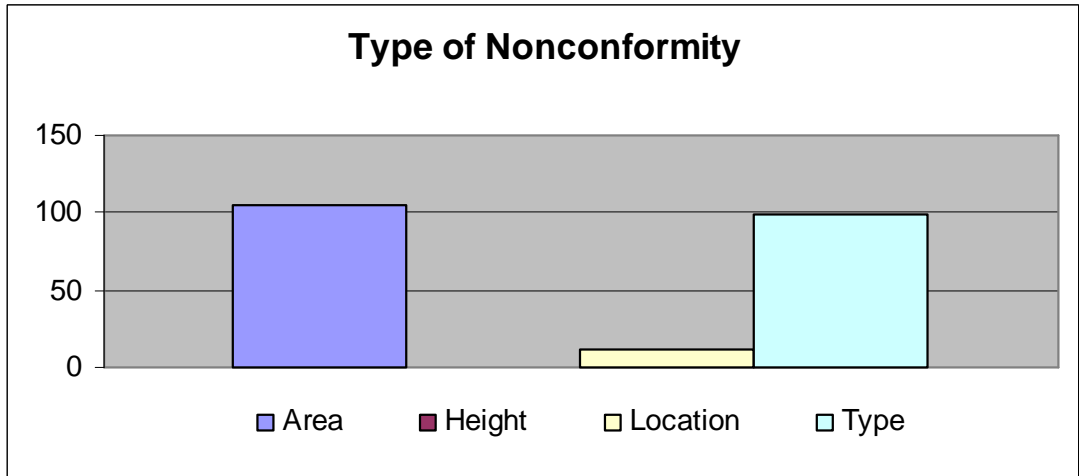


Figure 30. Types of nonconforming signs inventoried in September 2009

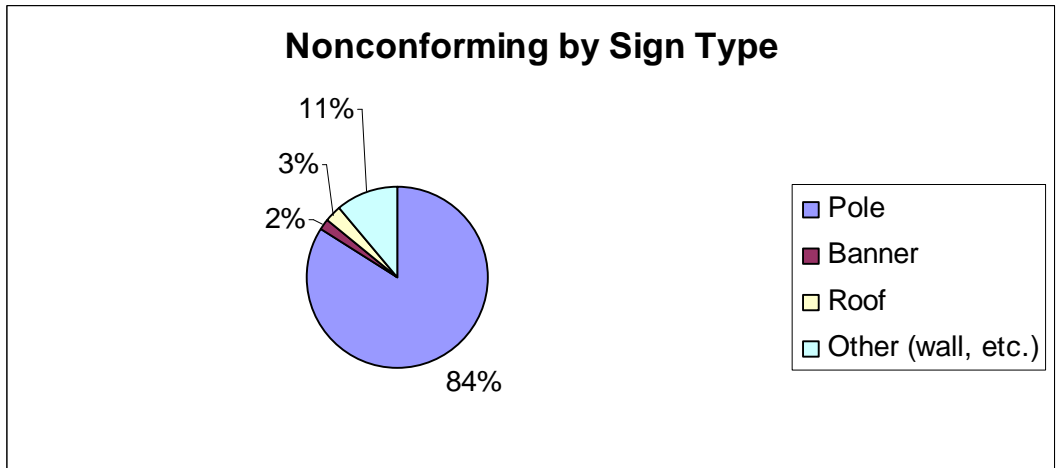


Figure 31. Types of signs inventoried in September 2009 that would become nonconforming

Regarding the termination of signs that do not conform with new development regulations because a community has adopted new plans and policies that dictate a different set of standards, the *Growing Smart Legislative Guidebook* (2002 Edition, pgs. 8-119) made this observation:

“Amortization may be essential in a local sign program when a local government adopts an improved sign ordinance because landowners who erect new signs will be reluctant to

comply with the new ordinance if more prominent nonconforming larger signs are allowed to remain.”

Some ordinances also authorize the removal of nonconforming signs when there is a change in the use of a lot on which a nonconforming sign is located, or require the elimination of a nonconforming sign when there is a change in the sign. Besides providing a termination deadline of December 31, 2015, the proposed sign amortization provisions for Fat City take this added approach by requiring the removal of nonconforming signs upon a change in the use advertised by the sign or any change in the business name.

To facilitate the amortization of nonconforming signs, the Jefferson Parish Code Enforcement and Planning departments have already inventoried signs in Fat City, and will establish a process for notification of property owners concerning their nonconforming signs and the date for compliance with termination. The inventory will provide a basis for determining what nonconformities exist in Fat City, and for applying the amortization provisions in accordance with the adopted plans for the neighborhood.

The vision for Fat City also relates to features of the streetscape and building orientation, and the proposed zoning regulations address these features. In providing standards for buildings, however, the new regulations would create other structural nonconformities; they make allowances in the approval procedures by subjecting only new development and substantial redevelopment to the new regulations, consistent with existing site plan review requirements of the Commercial Parkway Overlay Zone (CPZ), Mixed-use Corridor District (MUCD), and Old Metairie Conservation District (OMCD).

Typically, a site plan is required for issuance of building permits that involve new construction or expansion of existing uses in order to check for compliance with the zoning regulations. In many communities, site plan review is a function that is the responsibility of the local planning agency. As already demonstrated with administration of the CPZ, MUCD, and OMCD regulations, Planning Department staff is capable of checking site plans in the review of development applications. The proposed Fat City development regulations are specific in terms of their requirements, thereby allowing site plan review to occur as a matter of course.

Building height and setbacks, parking and signs are fundamental to realizing the vision for an attractive, mixed-use, pedestrian-oriented Fat City. Therefore, the proposed regulations prohibit variances to these standards. The Board of Zoning Adjustments may grant variances for relatively minor elements: dimensions of building openings, entries, and garage doors; landscaping; location and screening of mechanical equipment; and one parking space to accommodate a monument sign on a site.

Housekeeping Amendments

Jefferson Parish is one of an increasing number of communities that are consolidating land development regulations into unified development codes: more comprehensive and comprehensible documents that present controls in a more seamless and systematic manner. In 2008, the Parish Council adopted the framework for a unified development code when it also adopted new subdivision regulations, which were the first set of development regulations placed in *Chapter 33 Unified Development Code of the Code of Ordinances*. The new Fat City zoning regulations would be the second set of development regulations placed in Chapter 33.

The Parish anticipates that over time all of its development regulations, including *Chapter 40 Zoning*, will be moved to Chapter 33. In the interim, however, Chapter 40 needs amendments to maintain consistency with Chapter 33, and vice versa. Other sections of Chapter 33 also need amendments to expand their applicability to the new Fat City regulations. These housekeeping amendments include provisions for site plan approval, text and map amendments, development agreements, definitions, and miscellaneous formatting for comprehensibility.

The housekeeping amendments extend vested rights—the right to complete a development despite changes in land development regulations to the contrary—to site plan applications, which like subdivision applications will be reviewed under the laws and regulations in effect on the date of complete application. They also amend procedures for adoption and amendment of

development regulations to make explicit that the Council can enact interim regulations while planning or regulatory studies are conducted.

Finally, Council resolutions establishing the development review fee and adding the Fat City Street Improvements Plan to the appendix of Chapter 33 must accompany these regulatory amendments for completeness.

Conclusion

In conclusion, the adopted plans for Fat City's redevelopment require new development regulations to achieve Fat City's vision as an attractive, mixed-use, pedestrian- and family-friendly, and safe and secure neighborhood. Elements of Traditional Neighborhood Development and Smart Codes, such as mixed use, pedestrian-oriented streetscape, limited signage, and flexible parking can realize the vision better than Fat City's existing conventional zoning that segregates uses, requires relatively large setbacks, and otherwise lacks the flexibility of the more innovative development standards that this zoning text and map study proposes.

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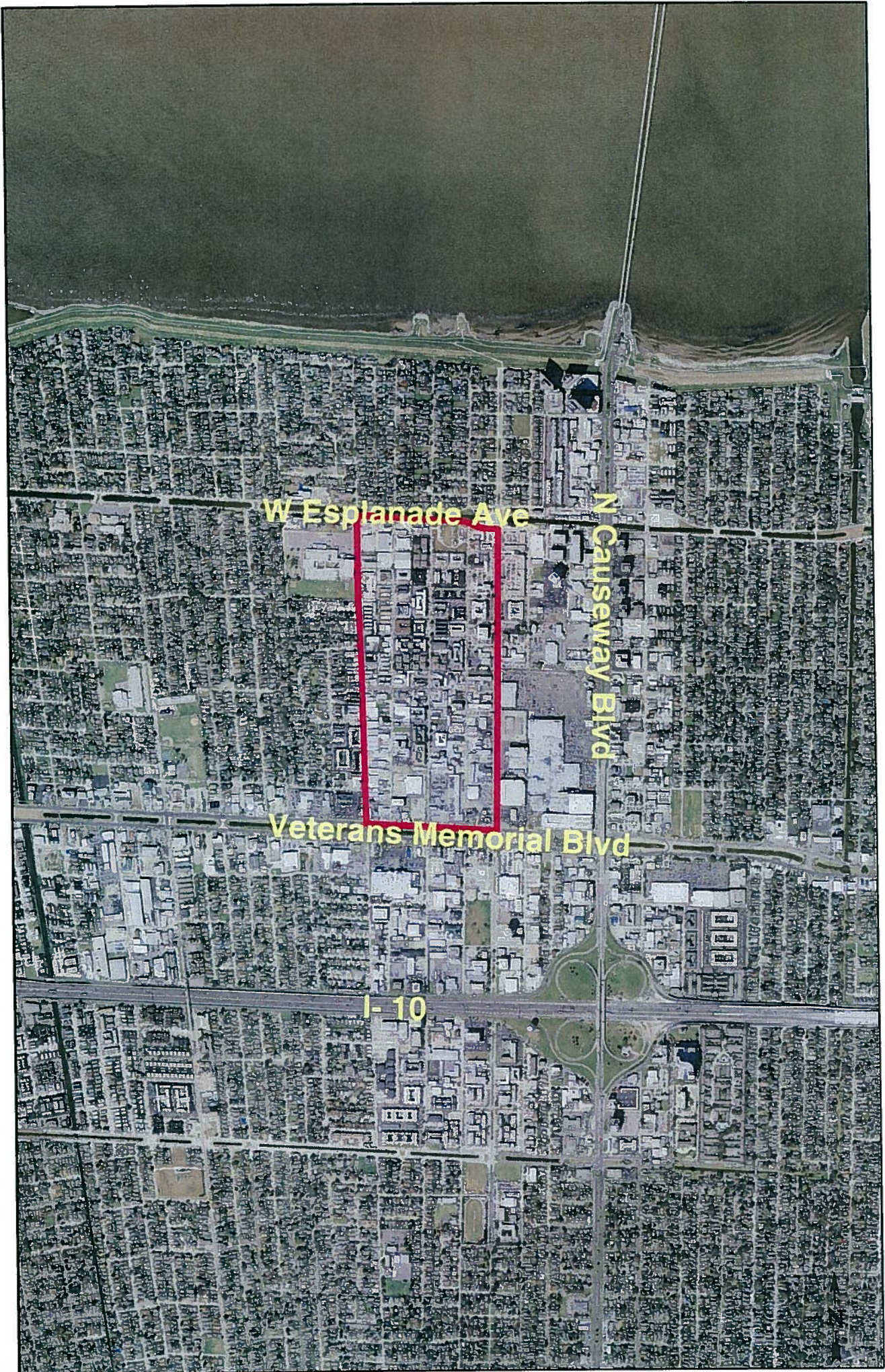
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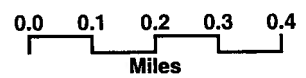
SDJ v. Houston, 636 F.Supp. 1359(5th Cir. 1986).

Fat City Vicinity Map

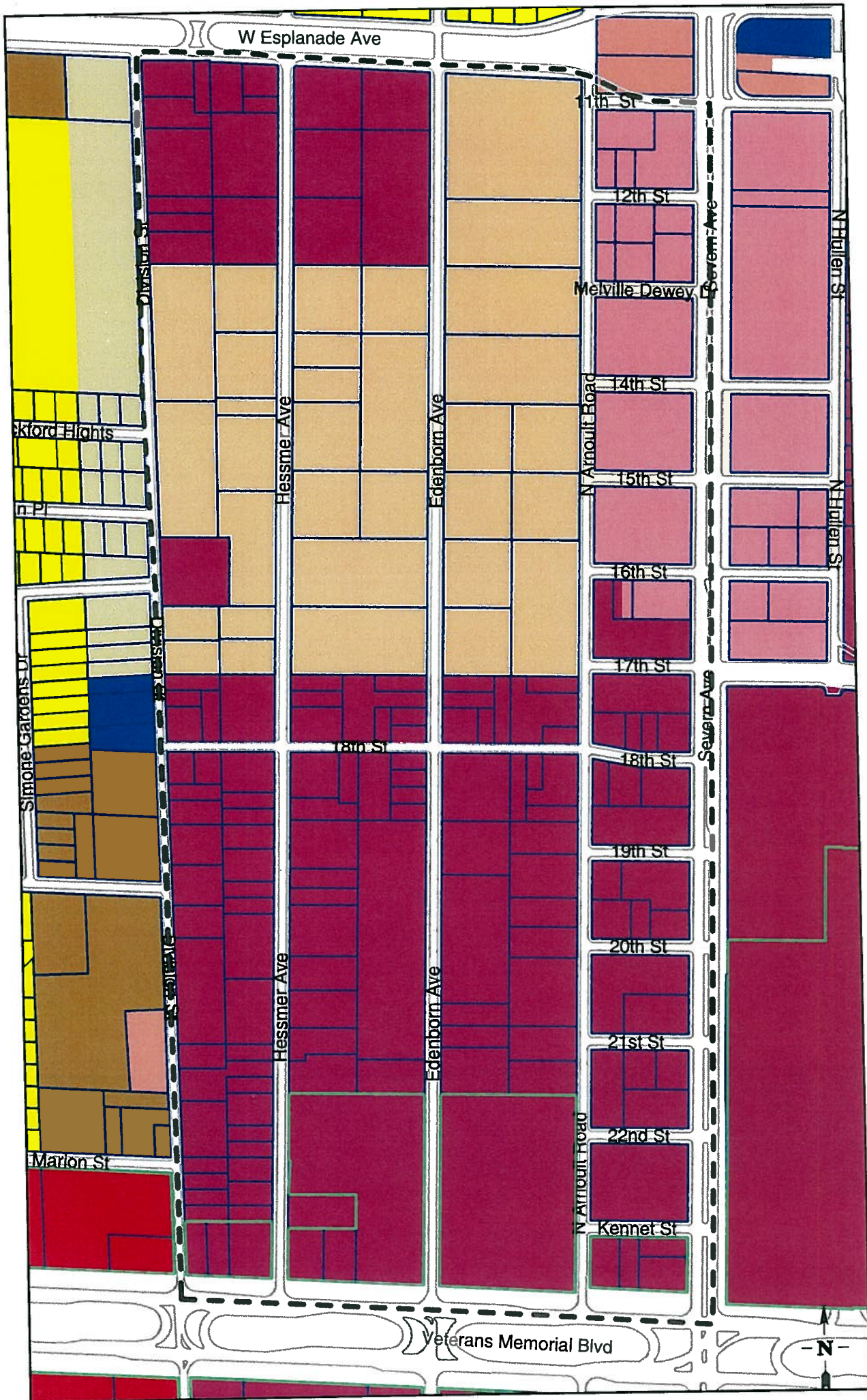


Legend















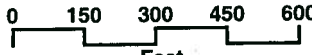
- A Street Names
- Fat City Study Area



Fat City Existing Zoning



Legend

Zoning Class			
	BC1		GO2
	BC2		CDR
	C1		R1A
	C2		RR3
			CPZ
			R2
			R3
			Study Area
			Street Curbs
			Development Sites
			0 150 300 450 600 Feet

Fat City Existing Land Use



Study Area



Street Centerline

LBCS Function



1000 Residential



2000 Commercial



3000 Industrial/Warehousing



4000 Communications/
Transportation/Utilities



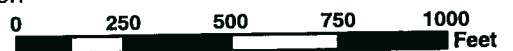
6000 Education/Healthcare



7000 Construction

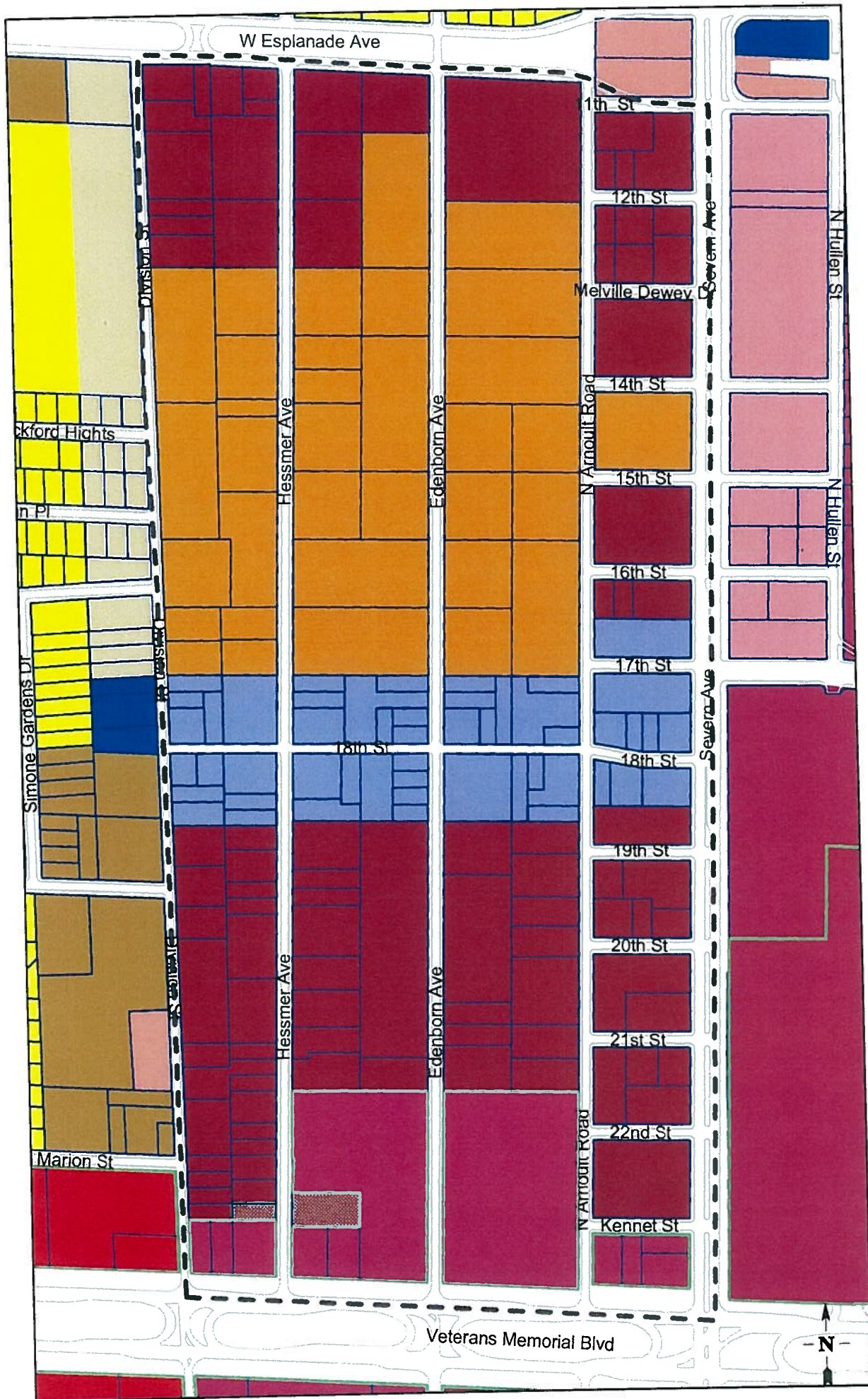


9000 Vacant

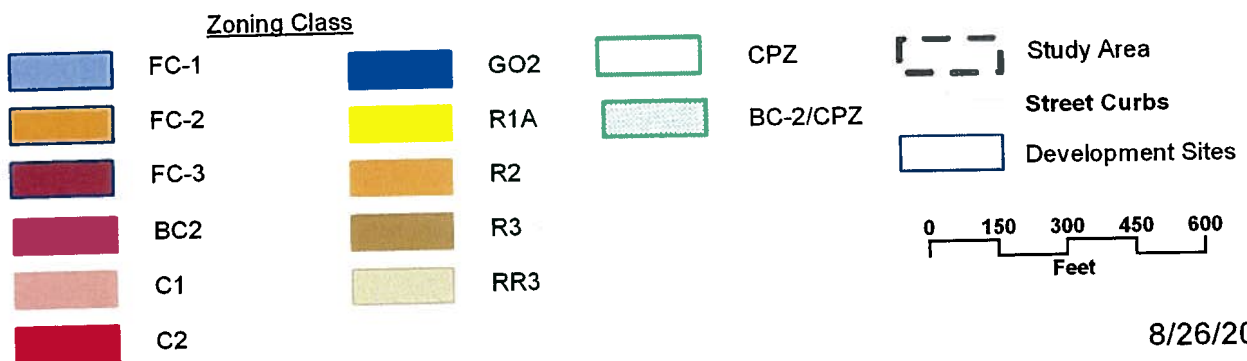


8/26/2010

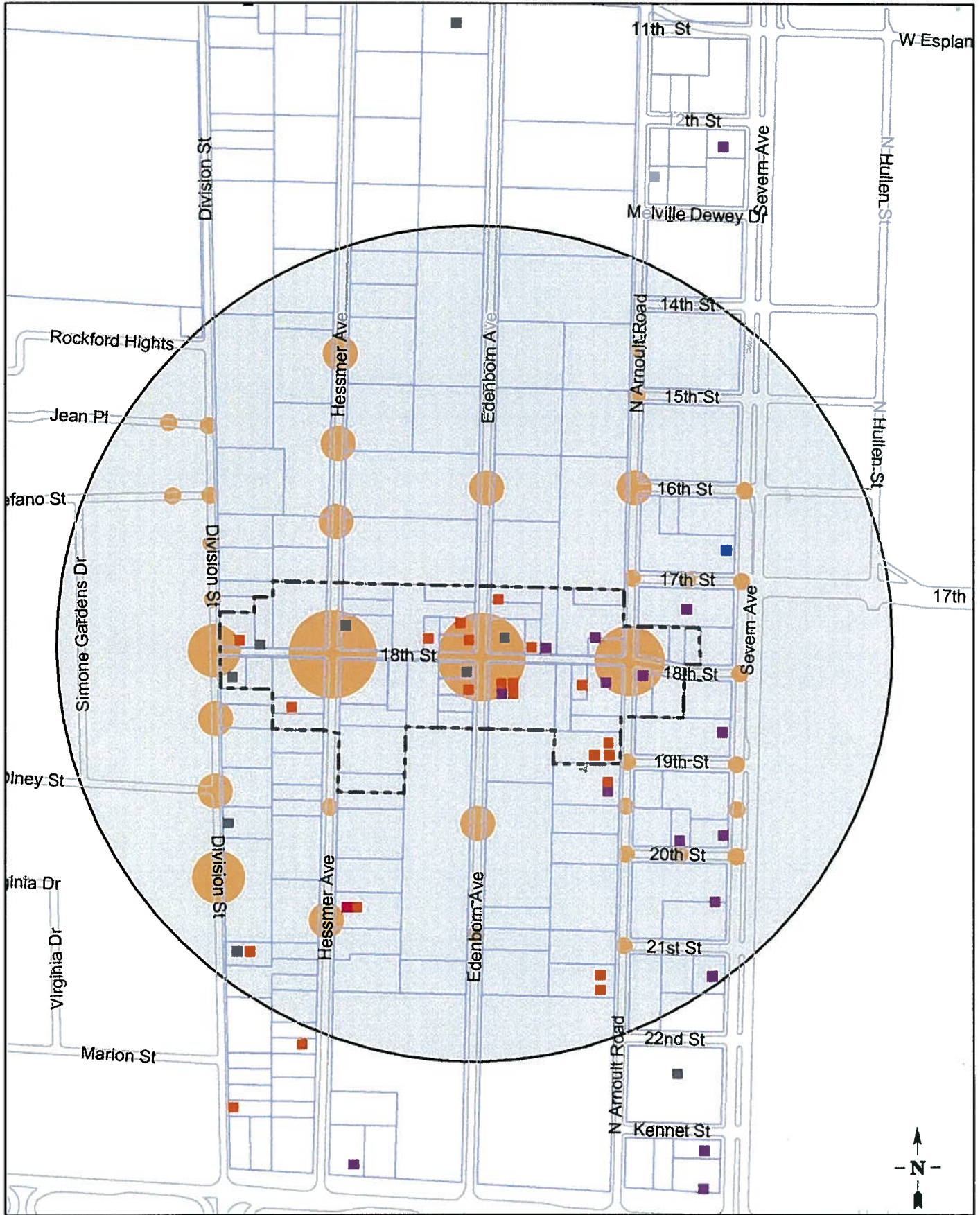
Fat City Proposed Zoning



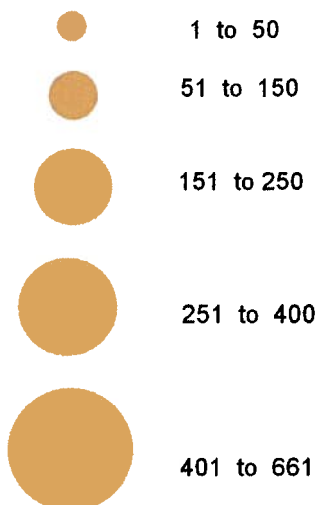
Legend



Fat City Total JPSO Service Calls Between 1/1/08 and 7/30/10 Excluding Vehicle Accidents and Burglar Alarms



Number of JPSO Service Calls



Legend

- Class A Restaurant Light Wine
- Class A Restaurant Beer
- Class A Restaurant Beer and Liquor
- Class A General Beer Liquor
- Class B Beer and Liquor

- Fat City Core Area
 - Street Curbs
 - Development Sites
- 0 150 300 450 600
Feet