

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7173

ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: MR. SMITH

PROVIDED BY: CIVIL DISTRICT ATTORNEY

INTRODUCED BY: MR. DAVIS

SECONDED BY: MR. TOLEDANO

ON THE 5TH DAY OF JANUARY, 2023

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART II-LAND DEVELOPMENT CODE, CHAPTER 130 – UNIFIED DEVELOPMENT CODE, ARTICLE V – OVERLAYS, DIVISION 6 – PLANNED CORRIDOR DISTRICT, SECTIONS 130-1809 THROUGH 130-1814, TO ADD MILITARY ROAD (HIGHWAY 190) IN SLIDELL AS A PLANNED CORRIDOR DISTRICT. WARD 8, DISTRICT 9.

WHEREAS, St. Tammany Parish Code of Ordinance Sec. 130-1809, et seq., establishes a planned corridor district overlay for certain areas in unincorporated St. Tammany Parish to provide for the preservation of the certain existing special standards for all commercial development in the district to ensure continuous conformance to all applicable standards and the integrity of the district; and

WHEREAS, the planned corridor district overlay incorporates special design standards for new commercial development to maintain enhanced aesthetics, natural environment, traffic flow, and sensitivity to long-established residential neighborhoods abutting the planned corridor district; and

WHEREAS, there has been increased in development along Military Road in Slidell between its intersection with Fremeaux Avenue (US Highway 190 E) and its intersection with Interstate 59; and

WHEREAS, adding this portion of Military Road in Slidell as a planned corridor district will protect the scenic benefits of the district and lessen the impact of development on existing adjacent land uses; and

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish Code of Ordinances, Part II – Land Development Code, Chapter 130 – Unified Development Code, Article V – Overlays, Division 6 – Planned Corridor District, Sections 130-1809 through 130-1814, be amended as follows:

*DIVISION 6. PLANNED CORRIDOR DISTRICT*

**Sec. 130-1809. Purpose.**

The purpose of the planned corridor district is to provide for the preservation of the certain existing special standards for all development, excepting single-family residential, along the Louisiana Highway 21 corridor, ~~and the Tammany Trace, and the Military Road corridor districts.~~ The permitted uses are determined by the underlying zoning classification upon which the overlay rests. Minimum standards such as signs and lighting, landscaping, parking, height and setbacks shall as set forth in the other provisions of this chapter, except that the special design standards set forth in this division shall be applicable if they are more restrictive than said minimum standards.

**Sec. 130-1810. History.**

The Highway 21 Planned Corridor (1989), ~~and the Tammany Trace,~~ and the Military Road Planned Corridor (2023) Overlay Districts were created for the protection of the scenic benefits of that corridor. With a revision to the general development regulations in 2002, a desire was expressed by the residents of these areas to maintain the high development standards in these corridors. A determination was made to consolidate these standards into the planned corridor district standards found in this division.

**Sec. 130-1811. Applicability.**

This division applies to all lots with frontage along Highway 21 between the Tchefuncte River and Highway 1077; and lots with frontage along the Tammany Trace; and, all lots with frontage along Military Road in Slidell between its intersection with Fremeaux Avenue (US Highway 190 E) and its intersection with Interstate 59.

**Sec. 130-1812. General standards.**

The zoning commission shall have the authority to grant the plan review permit with the recommendations of the department of planning and development. The plan review permit will be processed in accordance with section 130-1813.

- (1) The zoning commission may attach such conditions on the plan review permit as are necessary to ensure the continuous conformance to all applicable standards and the integrity of the district.
- (2) The zoning commission may approve additional standards as may be recommended by the department of planning and development imposed in the public interest for signage, landscaping, parking, setbacks and fascia appearance standards in the overlay district.
- (3) Failure to observe the conditions of the commission imposed pursuant to the issuance of the plan review permit shall be deemed to be grounds for violation and subject to the revocation of the plan review permit.

**Sec. 130-1813. Development review procedures.**

- (a) *General review procedures.* Requests for development or redevelopment in the designated planned corridors shall be submitted to the parish department of planning and development. The requirement of a plan review shall be determined by the department of planning and development in accordance with subsection (c) of this section. The applicant shall submit fully detailed plans in accordance with subsection (e) of this section. When the subject property is located in the Louisiana Highway 21 corridor, ~~or~~ along the Tammany Trace, or in the Military Road corridor, the site plan submittal shall be required to undergo plan review with a public hearing before the zoning commission site plan review in accordance with these procedures. The final disposition of which shall be determined by the parish zoning commission. Variations in the planned corridor regulations may be granted by the zoning commission through the plan review process provided the following criteria are met:
  - (1) The granting of the variation is not inconsistent with the general provisions and intent of the planned corridor.
  - (2) Harmony and compatibility with adjacent land uses are not adversely affected.
  - (3) Special conditions and circumstances exists 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.

- (b) *Determination.* After a decision is rendered by the zoning commission, the permit decision shall not become effective for ten days of the decision, during which time an appeal can be made in written form to the parish council through the department of planning and development. The procedure for appeals to the parish council is contained within this Code.
- (c) *Compliance with the established overlay district.*
- (1) *Existing development; conditions for compliance.* Development and structures existing prior to adoption of the planned corridor shall comply with the planned corridor district regulations and undergo plan review before the zoning commission in accordance with subsection (a) of this section when any of the following conditions are met:
- a. *Change of permitted use or occupancy.* Structures utilized by a single business which are not a part of a development with multiple land uses such as a shopping center, and which structures were in existence prior to the adoption of the planned corridor, shall comply with the planned corridor district regulations upon change of permitted use or a change of occupancy that would require an increase in the number of parking and loading spaces needed to service the structure.
  - b. *Vacancy.* Any single use development that is vacant for a six-month period, or a multi-use site where 51 percent or more of the development is vacant for the same six-month period, shall comply with the planned corridor district regulations.
  - c. *Additions.* Any additions to the development or structures, including construction of parking lots, that adds 50 percent or more to the size of the original development shall comply with the planned corridor district regulations.
  - d. *Signs.* Signs existing at the time of the planned corridor designation shall comply with the planned corridor district regulations when there is a change in sign structure, support, or area. The replacement of the face or panels of all nonconforming signs shall be approved by the director of planning and development or designee without need for a public hearing so long as the area of the sign face is not increased, illumination is not added and/or the degree of nonconformance (i.e., height, setbacks) is not increased.
- (2) *New development.* New development shall comply fully with the district regulations of the planned corridor. Plan review with public hearings is required before the zoning commission in accordance with subsection (a) of this section.
- (d) *Plan review procedures.*
- (1) *Pre-application conference.* Prior to the submission of an application for plan review in a planned corridor, a pre-application conference with a designated representative of the department of planning and development is required. The purpose of the pre-application conference is to thoroughly discuss the proposal and to bring the petition in conformity with the planned corridor district regulations.
  - (2) *Application.* An application for plan review in a planned corridor shall be filed with the department of planning and development and shall contain the following information:
    - a. *Interest and ownership.* The petitioner's and the property owner's name, address, phone number, and signatures.
    - b. *Zoning classification.*
    - c. *Legal description.*
    - d. *Fees.* Fees for site plan review shall be as required by chapter 2, article XVII.
    - e. *Site plan.* A site plan shall be submitted in accordance with subsection (e) of this section.

- f. Additional information. The zoning commission may require additional material such as plans, maps, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable parish standards and guidelines have been achieved.

(e) *Site plan submittal.*

- (1) *Procedure.* Prior to issuance of a building permit, a site plan for the proposal shall be submitted to the department of planning and development as specified in subsection (a) of this section for review and determination.
- (2) *Site plan requirements.* Drawing submissions shall be required to be 24 inches by 36 inches or smaller. If the applicant fails to submit such drawings, additional fees may be required. The following minimum information shall be submitted to the department of planning and development in the form of a site plan:
  - a. The title of the project and the names of the project planner and developer.
  - b. Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within 500 feet of all boundaries of the proposed development shall be included.
  - c. All existing physical features such as existing streets, buildings, watercourses, easements, parking spaces, service bays and loading areas, sidewalks, and signs.
  - d. Boundaries of the property involved.
  - e. Parking layout indicating the number of required and proposed parking spaces, the location of ingress, egress and access streets, and the location of pedestrian and vehicular ways; circulation element indicating the movement of pedestrians, goods and vehicles.
  - f. A landscape 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, sight triangles, fences, buffers and screening; elevations of all fences and type of materials to be used; and total square footage of landscaping.
  - g. Tabulation of the maximum square footage of each use.
  - h. The proposed height and setback of any building or structure.
  - i. Fascia treatment of the buildings or structures including elevations, and type of materials.
  - j. The location, dimensions, area, type of materials and elevations of all signs and support structures.
  - k. Location of trash disposal system and details of screening, including type, height and elevation of dumpster and fence.
  - l. Lighting plan of the site showing location, number, type, height and materials of fixtures.
  - m. Illustrative approved drainage plan by the department of engineering.
  - n. If the proposed development is to be constructed in phases, indicate proposed development scheduling in detail including:
    - 1. The approximate date when construction of each phase of the project can be expected to begin.
    - 2. The order in which the phases of the project will be built.
    - 3. The infrastructure and on-site improvements that will be included in each phase delineated for the development, including but not limited to service areas, access drives, parking, landscaping, buildings and other structures.

4. If no phasing schedule is provided at the time of application, the project shall be completed as a single unit, or has to go through another site plan review when any changes are proposed.

**Sec. 130-1814. Special design standards.**

The minimum standards for the Highway 21 and Military Road planned corridor overlays will be the same as the standards for all commercial development unless otherwise stated below:

(1) *Site and structure provisions.*

- a. Minimum lot area.
- b. Minimum area regulations.
- c. Height regulations.
- d. Off-street parking and loading requirements. The parking area shall be located no less than 50 feet from the property line nor shall it encroach on the required street planting area.
- e. Landscaping regulations. Landscape regulations shall be the same as for other commercial properties, except that the following additional standards shall apply:

1. *Planting requirements.*

(i) *Street planting area requirements.*

- A. The street planting area shall be a minimum of ~~25~~ 30 feet in depth. ~~For lots greater than 150 feet in depth, the street planting area shall include one additional foot for every ten feet in depth.~~
- B. The street planting area shall contain a minimum of one Class A tree per every ~~300~~ 600 square feet of the street planting area and one Class B tree per every ~~200~~ 400 square feet of the street planting area.
- C. Planting beds near signage and structures are ~~recommended~~ required.
- D. Grass or groundcover are recommended for areas without trees.

(ii) *Buffer planting area requirements.* A nonresidential property abutting a residential district shall have a minimum side yard and rear yard requirement of 30 feet.

(iii) *Parking area requirements.*

- A. The parking area shall be screened from view when the parking area is oriented to the side and/or the front of the structure to reduce visibility of the parking area from the highway using one of the following methods:
  - i. 70 percent sight obscuring screen of living material.
  - ii. 100 percent sight obscuring screen six feet in height of non-living material.
  - iii. Earth berm with a minimum height of three feet.
- B. Planting areas shall be a minimum of ten percent of the paved parking area.

2. *Protection of landscape areas.* The placement of barrier curbs or wheel stops to protect landscape areas from vehicular damage shall be required.

- f. Sign regulations. Sign regulations shall be the same as for other commercial properties, except that the following additional standards shall apply:
  - 1. Area and height provisions for ground signs.
    - (i) Single occupancy.
      - A. Area allowed: 25 square feet.
      - B. Height allowed: six feet.
    - (ii) Multiple occupancy.
      - A. Area allowed: 50 square feet.
      - B. Height allowed: eight feet.
  - 2. No internal illumination.
  - 3. White light only, no colored lighting.
  - 4. Spectrum colors only, no iridescent colors permitted.
  - 5. Personal identification signs with any dimensions exceeding 24 inches shall require an administrative permit. Such signs shall not exceed four square feet.
- g. Lighting requirements.
- h. Utility requirements.
- i. Setback requirements. For lots with frontage along Highway 21 or Military Road only, the following setback requirements shall be applied:
  - 1. Principal buildings: 100 feet from the property line.
  - 2. Accessory structures: 100 feet from the property line.

**Sec. 130-1815. Special design standards for the Tammany Trace Overlay.**

The minimum standards for the Tammany Trace Overlay will be the same as the standards for all commercial development unless otherwise stated below:

- (1) *Site and structure provisions.*
  - a. Minimum lot area.
  - b. Minimum area regulations.
  - c. Height regulations. No portion of a building for business purposes located 25 feet from the Tammany Trace shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher. Where a building is taller than 35 feet in height, one additional foot of setback shall be required for each one foot in building height over 35 feet.
  - d. Off-street parking and loading requirements.
  - e. Landscaping regulations. Landscape regulations shall be the same as for other commercial properties, except that the following additional standards shall apply:
    - 1. *Planting requirements.*
      - (i) *Planting area requirements along the Tammany Trace.*
        - A. The planting area abutting the Tammany Trace shall be a minimum of 25 feet in depth. If the site has not been previously cleared, all trees and underbrush shall be preserved wherever they may be located, within the 25-foot planting area.
        - B. Only trees that are unsound, hazardous, diseased or infested with insects as determined by a licensed arborist, located within the buffer planting area, can be removed.

- C. Trees and shrubs required. In the case where the site has previously been cleared or the trees that are unsound, hazardous, diseased or infested with insects have to be removed, the required minimum number of trees shall be provided in the planting area or areas as set under article VI, division 2, of this chapter.
  - D. As required under article VI, division 2, of this chapter, the location, dimensions, depth and description of any retention/detention ponds or retention/detention areas on, or to be placed on the site, shall be shown on the site plan. However, the required retention/detention pond shall be located outside the required 25-foot planting area.
  - E. A path or trail can be provided through the required planting area to access the Tammany Trace. The width of the cleared area for the construction of the path shall not exceed ten feet and the width of the pavement shall not exceed five feet.
- f. Façade. Façades of the buildings having frontage on the Tammany Trace shall maintain the same standard of design as the front façade. The finish of the façades shall be limited to cement plaster (stucco), brick or wood.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after final adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 5<sup>TH</sup> DAY OF OCTOBER, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-\_\_\_\_\_.

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JACOB "JAKE" AIREY, COUNCIL CHAIR

ATTEST:

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KATRINA L. BUCKLEY, COUNCIL CLERK

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MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JULY 26, 2023

Published Adoption: \_\_\_\_\_, 2023

Delivered to Parish President: \_\_\_\_\_, 2023 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2023 at \_\_\_\_\_