

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7237

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

COUNCIL SPONSOR: DEAN/COOPER

PROVIDED BY: PLANNING & DEVELOPMENT

INTRODUCED BY: MR. DEAN

SECONDED BY: MR. FITZGERALD

ON THE 6<sup>TH</sup> DAY OF APRIL, 2023

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART II – LAND DEVELOPMENT CODE, CHAPTER 130 – UNIFIED DEVELOPMENT CODE, ARTICLE IV – ZONING DISTRICTS, DIVISION 24 – HC-1 HIGHWAY COMMERCIAL DISTRICT, SECTION 130-898 – ADMINISTRATIVE PERMITS AND ARTICLE VII – MINIMUM STANDARDS FOR SPECIFIC USES, DIVISION 1 – GENERALLY, SECTION 130-2213 – MINIMUM STANDARDS, TO ADD CERTAIN USES RELATIVE TO DRIVE-IN RESTAURANTS. (2023-3231-ZC)

WHEREAS, St. Tammany Parish has seen an increased interest in the development of drive-in restaurant uses proposed in the HC-1 Highway Commercial District; and,

WHEREAS, the HC-1 Highway Commercial District does not allow for drive-in restaurant uses although the purpose of the HC-1 Highway Commercial District is to provide for the location of limited-scale highway commercial uses, generally located along arterials designed to provide services to a portion of the Parish; and

WHEREAS, in an effort to decrease requests for rezoning property along arterials to HC-2 Highway Commercial District for the specific implementation of drive-in restaurant uses, the amendment of the HC-1 Highway Commercial District Administrative Permits and the associated Minimum Standards will allow the desire to place drive-in restaurants within the HC-1 Highway Commercial District with the site specific protections necessary to safeguard traffic and pedestrian concerns.

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 IV – Zoning Districts, Division 24 – HC-1 Highway Commercial District, Section 130-898 – Administrative Permits and Article VII – Minimum Standards for Specific Uses, Division 1 – Generally, Section 130-2213 – Minimum Standards, be amended as follows:

**Sec. 130-898 – Administrative Permits**

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and are in conformance with the minimum standards for that use as outlined in [section 130-2213](#):

(1) Snowball stands between April 1 and September 30.

(2) Christmas tree sales between November 1 and January 1.

(3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.

(4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.

(5) Fireworks sales (where allowed).

(6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit, specifically structures must be of a

temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or assigns.

(7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or assigns are permitted when the set/structure meets all applicable codes of the relevant zoning district.

(8) Mobile food trucks when meeting the minimum standards for specific uses outlined in [section 130-2213](#).

(9) Short term rentals.

(10) Drive-in Restaurant

### **Sec. 130-2213 – Minimum Standards**

(60) Drive-In Restaurants in HC-1 zoning classification:

a. Site must have direct access to a highway functional classification system of minor arterial or greater.

b. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:

1. Location of all structures on site including proposed structures.
2. Proposed traffic movements and points of ingress and egress, including parking and sight triangles.
3. Approved landscape plan.
4. Approved lighting plan.
5. Approved Traffic Impact Study

c. Where drive-through windows are used, automobile stacking areas shall be set back a minimum of ten feet from the property line and five feet from on-site automobile parking areas. The stacking area shall be so located as not to cause patrons parking on site to move through the area to get from their cars to the restaurant entrance unless an accessway is designed in conformance with FHWA MUTCD, ITE Transportation Planning Handbook, LADOTD EDSM, or other reputable publication standards.

d. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.

e. Additional information shall be submitted as determined by the department of planning and development.

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 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 4<sup>TH</sup> DAY OF MAY, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-\_\_\_\_\_.

\_\_\_\_\_  
JACOB "JAKE" AIREY, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
KATRINA L. BUCKLEY, COUNCIL CLERK

\_\_\_\_\_  
MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: MARCH 29, 2023

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

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

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

**Administrative Comment**  
**April 6, 2023**  
**Department of Planning & Development**

An Ordinance to amend St. Tammany Parish Code of Ordinances, Part II – Land Development Code, Chapter 130 – Unified Development Code, Article IV – Zoning Districts, Division 24 – HC-1 Highway Commercial District, Section 130-898 – Administrative Permits and Article VII – Minimum Standards for Specific Uses, Division 1 – Generally, Section 130-2213 – Minimum Standards, to add certain uses relative to Drive-In Restaurants.