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# West Feliciana Parish

## Land Development Code (LDC)

February 3, 2023

Prepared by:



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## Part II. Land Development Code

### Chapter 100. General and Administrative Provisions

#### Article I. Introduction

##### Sec. 100-1. – Title

The title of this part shall be known as the "Land Development Code of West Feliciana Parish, Louisiana." This part shall also be cited as the "Land Development Code" or the "LDC."

##### Sec. 100-2. – Applicability of Part I, Chapter 1.

Unless otherwise stated or where the context of the provision clearly shows a different intent, the provisions of chapter 1 under part I, Code of General Ordinances, shall apply to the chapters contained in this part.

##### Sec. 100-3. – Fee requirements.

This LDC shall set forth fee calculation methods as reasonably practicable. Where not indicated in this LDC, reasonable fees to offset the costs of administration of this part shall be set by resolution of the parish council, from time to time, unless state law requires them to be established by ordinance.

Item	Fee	Notes
Zoning Verification	\$10.00	Sect 120-2
Minor Adjustment	\$70.00	Sect 120-3
Variance	\$140.00	Sect 120-4
Appeal Administrative Decision	\$100.00	Sect 120-5
Site Plan Review (minor)	\$92.50	Sect 120-6
Site Plan Review (major)	\$370.00	Sect 120-6
Conditional use permit	\$150.00	Sect 120-7
Zoning Map Amendment	\$150.00	Sect 120-8
Planned Unit Development (PUD)	\$1200.00	Sect 120-9
Zoning Text Amendment	\$150.00	Sect 120-10
Development Agreement	\$1200.00	Sect 120-11
Minor Subdivision	\$282.50	Sect 129-9
Major Subdivision (preliminary plat)	\$825.00	Sect. 136-4
Major Subdivision (construction plan)	\$725.00	
Major Subdivision (final plat)	\$925.00	

##### Sec. 100-4. – Conflicts.

In the event that a provision or requirement under the Code of General Ordinances or the Land Development Code in any way conflicts with another provision or requirement under the Land Development Code, then the more stringent provision or requirement shall prevail.

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## Article 2. Boards, Committees, and Decision-Making Entities

### Sec. 100-5. – Parish Council powers and duties for land development.

The parish council is responsible for final action regarding:

- a) Major subdivision preliminary plat;
- b) Major subdivision final plat;
- c) Major subdivision waivers;
- d) Conditional use permits;
- e) Zoning map amendments;
- f) Planned unit development (PUD), both the concept plan, subdivision plats, and the development plan;
- g) Text amendments; and
- h) Development agreements.

### Sec. 100-6. – Powers and duties of the Planning and Zoning Commission.

- a) *Establishment.* A planning and zoning commission is established. The planning and zoning commission shall consist of seven (7) members to be appointed by the parish council. Members must be qualified voters of the parish but cannot be employees or elected officials of the parish. All members serve without compensation.
- b) *Terms.* The members of the planning and zoning commission shall be appointed for terms in accordance with the Charter. The terms of members shall be staggered.
- c) *Removal and vacancy.* In accordance with the Charter.
- d) *Chairperson and Vice-chairperson.* The planning and zoning commission shall elect its own chairperson and vice-chairperson who shall serve for one (1) year. The chairperson shall approve the agenda and facilitate the planning and zoning commission meetings. The vice-chairperson shall assume the duties of the chairperson in the chairperson's absence.
- e) *Secretary.* The parish shall provide a secretary for the planning and zoning commission. The secretary shall not be considered a voting member of the planning and zoning commission. It shall be the duty of the secretary to:
  - 1) Ensure all required public notices are advertised in the Parish's Official Journal of Record and are posted on the parish's office notice board.
  - 2) Ensure the required public notices are posted in the correct locations at the properties appearing before the commission.
  - 3) Draft an agenda for the commission and provide it to the Chairperson for their approval in time for posting per Louisiana public meeting requirements.
  - 4) Ensure a room suitable for holding the commission meeting is scheduled and set up for the public meeting.

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- 5) Ensure complete packages are provided to the commissioners in sufficient time for their review and preparation before the meeting.
  - 6) Keep a true and correct record of all proceedings, resolutions, transactions, findings, and determinations of the planning and zoning commission, which shall be a public record.
  - 7) Provide the commission with draft minutes of the meeting for their approval at the next scheduled meeting and ensure the approved minutes are properly filed and posted.
  - 8) Coordinate commissioner training and maintain a record of the training completed by each commissioner.
  - 9) Provide or coordinate the provision of any other administrative requirements of the commission.
- f) *Rules.* The planning and zoning commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. In lieu thereof, the commission shall operate under the rules adopted by the council, as appropriate.
- g) *Staff and finances.*
- 1) At the request of the planning and zoning commission, the parish council may appoint employees necessary for the planning and zoning commission's work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other employees of the parish.
  - 2) At the request of the planning and zoning commission, the parish council may contract with planning experts, engineers, architects and other consultants for such services as it shall require.
  - 3) Members of the planning and zoning commission, when duly authorized by the commission, may attend planning conferences or meetings of planning institutes or hearings on pending planning legislation.
  - 4) The expenditures of a commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for the purpose by the parish council.
- h) *Meetings.* The planning and zoning commission shall hold at least one (1) regular meeting each quarter. Meetings shall be held at the call of the chairperson at a regularly scheduled day, time and place. The chairperson can also call for special meetings at such other times places necessary as long as the required public notices and other legal requirements are satisfied. All meetings shall be open to the public. If there are no items on the agenda requiring review or decision because either no applications were received or the applicant(s) have notified the chairperson they want to withdraw or postpone applications, the chairperson can cancel a scheduled meeting. If the meeting was properly scheduled and noticed but canceled due to lack of agenda items, the cancelled meeting still meets the requirement to hold a regular quarterly meeting. Before deciding to cancel the meeting for lack of applications, the chairperson shall consider whether to still hold the scheduled meeting and utilize the time to conduct training, accomplish other administrative tasks, or hear from the public on items of concern.
- i) *Quorum.* A quorum consisting of a majority of the members of the planning and zoning commission must be present to conduct any business of the planning and zoning commission.
- j) *Voting.* The concurring vote of a majority of the planning and zoning commission members present, and voting shall be required for any decision.

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- k) *Conflict of interest.* In the event that a planning and zoning commission member has any financial, ownership or employment interest in the subject of a vote by the commission, such member shall disclose such interest and recuse themselves from the vote before the vote so that it appears in the official record.
  - l) *Training.* Newly appointed members of the planning and zoning commission shall receive at least four (4) hours of initial training on their duties, responsibilities, ethics and the substance of their position. This initial training can take place before they assume their office and must be complete within one (1) year of taking their oath of office. The secretary to the planning and zoning commission shall maintain a record of each commissioner's training.
  - m) *Duties.* It shall be the duty of the planning and zoning commission to:
    - 1) Develop and adopt a comprehensive plan for the physical development of the unincorporated portion of the parish, which shall serve as the master plan per state law.
    - 2) Conduct such other business and affairs as shall be from time to time granted by the parish council.
  - n) *Review authority.* The planning and zoning commission is responsible for review and recommendations regarding:
    - 1) Major subdivision waivers;
    - 2) Major subdivision preliminary plat;
    - 3) Major subdivision final plat;
    - 4) Conditional use permits;
    - 5) Zoning map amendments;
    - 6) Planned Unit Developments (PUD);
    - 7) Text amendments; and
    - 8) Development agreements.
  - o) *Authority for final action.* The planning and zoning commission is responsible for final action regarding:
    - 1) Preparation and adoption of a comprehensive plan; and
    - 2) Minor adjustments; and
    - 3) Major site plans.

**Sec. 100-7. – Powers and duties of the Board of Adjustments.**

- a) *Establishment.* A board of adjustment is established, which shall consist of five (5) members to be appointed by the parish council. Members must be qualified voters of the parish but cannot be employees of the parish. All members serve without compensation.
- b) *Terms.* The members of the board of adjustment shall be appointed for terms in accordance with the Charter. The terms of members shall be staggered and in accordance with the Charter.
- c) *Removal and vacancy.* In accordance with the Charter.



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- d) *Chairperson and Vice-chairperson.* The board shall elect its own chairperson and vice-chairperson, who shall serve for one (1) year. The chairperson shall approve the agenda and run the board of adjustment meetings. The vice-chairperson shall assume the duties of the chairperson in the chairperson's absence.
- e) *Secretary.* The parish shall provide a secretary for the board. The secretary shall not be considered a voting member of the board. It shall be the duty of the secretary to:
- 1) Ensure all required public notices are advertised in the parish's Official Journal of Record and are posted on the parish's office notice board.
  - 2) Ensure the required public notices are posted in the correct locations at the properties appearing before the board.
  - 3) Draft an agenda for the board and provide it to the chairperson for their approval in time for posting per Louisiana public meeting requirements.
  - 4) Ensure a room suitable for holding the board meeting is scheduled and set up for the public meeting.
  - 5) Ensure complete packages are provided to the board members in sufficient time for their review and preparation before the meeting.
  - 6) Keep a true and correct record of all proceedings, resolutions, transactions, findings, and determinations of the board, which shall be a public record.
  - 7) Provide the board with draft minutes of the meeting for their approval at the next scheduled meeting and ensure the approved minutes are properly filed and posted.
  - 8) Coordinate board member training and maintain a record of the training completed by each commissioner.
  - 9) Provide or coordinate the provision of any other administrative requirements of the board.
- f) *Rules.* The board of adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Any rules adopted by the board of adjustment are not effective until approved in writing by the parish council. In lieu thereof, the commission shall operate under the rules adopted by the council, as appropriate.
- g) *Meetings.* Meetings shall be held at the call of the chair and at such other times the board shall determine. The chair, or in the chair's absence, the acting chair, shall administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- h) *Voting.* The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision, or determination of the administrator; or to decide in favor of the applicant on any matter upon which it is required to pass under this article; or to affect any variance in the application of this chapter.
- i) *Minutes.* The board of adjustment shall keep minutes of its meetings showing the vote of each member upon each question, or, if the member is absent or fails to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the parish council and shall be public records. All testimony, objections thereto, and rulings thereon shall be taken down by the secretary.
- j) *Training.* Newly appointed members of the board of adjustments shall receive at least four (4) hours of initial training on their duties, responsibilities, ethics and the substance of their position.

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This initial training can take place before they assume their office and must be complete within one (1) year of taking their oath of office. The secretary to the board of adjustment shall maintain a record of each member's training.

- k) *Authority for final action.* The board of adjustment is responsible for final action regarding:
  - 1) Variances; and
  - 2) Appeals of administrative decisions.
- l) *Findings of fact.* Every decision of the board of adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings.
- m) *Presumption.* Any determination or finding of the administrator shall be presumed to be correct until evidence is introduced which would support a contrary determination or finding.
- n) *Powers strictly construed.* This section shall not be construed to empower the board to change the terms of this chapter, to change the zoning map or to add to the specific uses permitted in any district. The powers of the board shall be so construed that this chapter and the zoning map are strictly enforced.
- o) *Appeal from board decision.* Recourse from the decisions of the board of adjustment shall be to the district court of the parish, as provided by law.

#### **Sec. 100-8. – Powers and duties of the Administrator.**

- a) *General authority.* The administrator is responsible for:
  - 1) Maintaining a map showing the current zoning classification of all land in the parish;
  - 2) Maintaining written records of all actions taken under this chapter; and
  - 3) Making interpretations of this chapter.
  - 4) Receive, review and process applications for planning, zoning, and board of adjustments.
- b) *Authority for final action.* The administrator is responsible for final action regarding:
  - 1) Zoning verification;
  - 2) Minor subdivisions;
  - 3) Construction plans;
  - 4) Minor site plans; and
  - 5) PS or permitted uses having performance standards.
- c) *Review authority.* The administrator is responsible for review and recommendations regarding:
  - 1) Minor adjustments;
  - 2) Variances;
  - 3) Preliminary plat;
  - 4) Major subdivision preliminary plats;
  - 5) Final plats;

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- 6) Major site plans;
  - 7) Major subdivision waiver;
  - 8) Conditional use permits;
  - 9) Zoning map amendments;
  - 10) Planned Unit developments (PUD);
  - 11) Text amendments; and
  - 12) Development agreements.
- d) *Delegation of authority.* The administrator may designate a staff member, approved by the parish president, to represent the administrator in any function assigned by this chapter. The administrator remains responsible for any final action.
- e) *Summary of authority.* The following table summarizes the review and approval authority of the various review bodies with regard to this chapter:

	<b>Administrator</b>	<b>Planning and Zoning</b>	<b>Council</b>	<b>Board of Adjustment</b>
<b>Zoning verification</b>	Decision			
<b>Variance</b>	Recommend			Decision*
<b>Appeal of administrative decision</b>				Decision*
<b>Minor adjustments</b>	Recommend	Decision		
<b>Subdivision:</b>				
1) Minor subdivision	Decision			
2) Preliminary Plat	Recommend	Recommend	Decision*	
3) Major subdivision preliminary plat	Recommend	Recommend*	Decision*	
4) Major subdivision waiver	Recommend	Recommend	Decision	
5) Construction Plans	Decision			
6) Final plat	Recommend	Recommend*	Decision*	
<b>Site plan review:</b>				
1) Minor	Decision			
2) Major	Recommend	Decision		
<b>Conditional use permit</b>	Recommend	Recommend*	Decision*	
<b>Zoning map amendment</b>	Recommend	Recommend*	Decision*	
<b>Permitted use with performance standards</b>	Decision			
<b>Planned Unit Development (PUD) + Concept Plan</b>	Recommend	Recommend*	Decision*	
<b>Text amendment</b>	Recommend	Recommend*	Decision*	
<b>Development agreement</b>	Recommend	Recommend	Decision*	

\* Public hearing required

## Chapter 120. Procedures

### Article 1. Common Procedures

**Sec. 120-1. – Common review procedures.**

- (a) *Generally.* The following requirements are common to many of the following procedures and apply to applications submitted under this chapter. Additional details may be included in the specific procedure.
- (b) *Pre-application conference.* Before submitting an application for the following types of review, an applicant must schedule a pre-application conference with the administrator and staff to discuss the procedures, standards, and regulations required for approval in accordance with this chapter.
- (c) *Application Initiation.* Parties permitted to file an application are summarized in the following table. More detailed information may be included with each specific procedure.

Application Authority	Owner or Agent	Planning and Zoning Commission	Parish Council
Zoning verification	•		
Minor adjustment	•		
Variance	•		
Appeal of administrative decision	•		
<b>Subdivision:</b>			
1) Minor subdivision	•		
2) Preliminary subdivision plat	•		
3) Major subdivision preliminary plat	•		
4) Construction plans	•		
4) Final plat	•		
<b>Site plan review:</b>			
1) Minor	•		

Application Authority	Owner or Agent	Planning and Zoning Commission	Parish Council
2) Major	•		
Conditional use permit	•		
Zoning map amendment	•	•	•
Planned Unit Development (PUD) + Concept Plan	•		
Text amendment	•	•	•

(d) *Application forms.* Applications must be submitted on forms containing all requested information identified on the application and in such numbers as required by the administrator. The administrator shall produce and make the required forms available to the public.

(e) *Fees.* The parish council shall establish a schedule of fees, charges and expenses and a collection procedure for all applications related to this chapter. Prior to review of an application, all associated fees must be paid in full. Where the parish council or planning and zoning commission initiates an application, no fees shall be required.

(f) *Complete applications.*

- 1) All applications shall be complete and sufficient for processing prior to administrative review.
- 2) An application is complete when it contains all of the information necessary to decide whether or not the development, as proposed, will comply with all of the requirements of this chapter.
- 3) The administrator shall determine when an application is sufficiently complete for processing. Such determination shall be communicated in writing to the applicant.
- 4) It is presumed that the information required in the application form satisfies the requirements of this chapter. However, more or less information may be required based on the needs of the particular case. The applicant shall rely on the determination of the administrator as to whether more or less information must be submitted.

(g) *Concurrent applications.*

- 1) To the extent practicable, applications shall be filed and reviewed concurrently.
- 2) Any application reliant on approval of a variance is not subject to administrative review and cannot proceed beyond the intake process while the outcome of the associated variance request remains pending.
- 3) Applications submitted concurrently are subject to approval of all other related applications. Denial or rejection of any concurrently submitted application shall stop consideration of any related applications until the denied or rejected application is resolved.

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- (h) *Modification of application.* An application can be modified at the applicant's request. However, the administrator can determine if and what corrective action may be necessary to review the modification dependent upon on both the application stage and the degree of modification.
- 1) *Modification after review and recommendation by the administrator.* A modification that occurs after both administrator review is complete and a recommendation has been forwarded to the board or commission, shall require the administrator to determine if a full re-review by the staff is necessary.
    - a. If a full re-review by staff is required, then the administrator shall determine if the review can be completed by the published date of the public meeting.
    - b. If the re-review cannot be completed before the public meeting, then the administrator shall recommend to the chairperson of the board or commission that the item must be postponed until the next public meeting.
    - c. The chairperson shall decide whether to postpone the application based on the determination that a complete application was not available in time for the publicly noticed meeting.
  - 2) *After public notice of a public hearing on an application.* A modification that occurs after the application has been publicly noticed, but prior to the public hearing, shall require the administrator to determine if the posted notice continues to accurately describes the applicant's modified request.
    - a. If the notice no longer accurately describes the applicant's request, the public notice must be reposted, and a determination made as to whether administrator's review and recommendation must be reassessed.
    - b. If the public notice must be reissued, and there is not sufficient time to meet the legal requirements for a public notice, then the application shall be postponed to the next scheduled meeting of the board or commission.
    - c. If the parish administration's staff does not have sufficient time to complete a new review and issue an updated recommendation, then the administrator shall recommend to the chairperson of the board or commission that the application be postponed to the next scheduled public meeting.
    - d. The chairperson shall decide whether to postpone the application based on the determination that a complete application was not available in time to meet public notice requirements.
  - 3) *After the conclusion of the public hearing, but prior to the board or commission vote on a motion.* If the applicant requests to modify their application after the conclusion of the public hearing, but before the board or commission has voted on a motion, then the chairperson can postpone the application to the next scheduled public meeting to allow time for proper public notice and for the administrator to complete a new review of the modified application. The chairperson decision shall be based on the determination that a complete application was not available at the time of the public hearing.

### **Sec. 120-2. – Public notice and hearings.**

- (a) *Public notice required.* Required public notices are summarized below. More detailed information can be included with each specific procedure.

Public Notice Requirements	No Notice Required	Written Notice	Posted Notice of Public Comment to Planning and Zoning Department	Posted Notice of Public Hearing	Published Notice of Public Hearing
Zoning verification	•				
Variance		•		•	•
Comprehensive Plan					•
Appeal of administrative decision		•			
Minor Adjustment				•	•
<b>Subdivision:</b>					
1) Minor subdivision			•		
2) Preliminary Plat		•		•	•
3) Major subdivision preliminary plat		•		•	•
4) Major subdivision waiver		•		•	•
5) Construction Plans	•				



Public Notice Requirements	No Notice Required	Written Notice	Posted Notice of Public Comment to Planning and Zoning Department	Posted Notice of Public Hearing	Published Notice of Public Hearing
6) Final plat		•		•	•
<b>Site plan review:</b>					
1) Minor	•				
2) Major		•		•	•
Conditional use permit		•		•	•
Zoning map amendment		•		•	•
Permitted uses with performance standards	•				
Planned Unit Development (PUD) + Concept Plan		•		•	•
Text amendment					•
Development Agreement		•		•	•

(b) *Written notice of public hearing.* At least 21 calendar days prior to the hearing, a good faith attempt to notify the owner of record of all property within 200 feet of the boundaries of the subject property shall be made by sending an official notice by regular U.S. mail of the purpose, time, and place of the hearing. Where more than 10 parcels are to be initially zoned or rezoned, no written notice is

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required. The applicant must provide the names and addresses of all required owners of record for the subject property.

- (c) *Posted notice of public comment to planning and zoning department.* To provide interested parties the opportunity to comment on the proposed application, the administrator shall post a notice at least 10 calendar days prior to the Planning and Zoning Meeting on the property subject to the request, viewable by the public. The notice shall inform the public of what action is being proposed, how to submit comments to the parish department of planning and zoning, and the date by which comments must be received.
- (d) *Posted notice of public hearing.* Notice shall be posted for at least 21 calendar days prior to the hearing. A posted notice shall be in number, size, location and content as prescribed by the administrator and shall indicate the time and place of the public hearing and any other information prescribed by the administrator. Posted notices shall be removed by the parish.
- (e) *Published notice of public hearing.* Notice of the purpose, time, and place of a public hearing shall be published once a week in three (3) different weeks in the official journal. The first notice shall be published at least 21 calendar days prior to the hearing.

**Sec. 120-3. - Zoning verification.**

- (a) *When required.* A zoning verification is required prior to the issuance of an occupational license, including but not limited to the following circumstances:
  - 1) Change in use;
  - 2) Building permits; and
  - 3) Temporary uses.
- (b) The parish shall also provide verification of zoning upon request from the property owner or other entity with an interest in the property.
- (c) It shall be unlawful to begin moving, constructing, altering or repairing (except ordinary repairs) any building or other structure on a site, including an accessory structure, until a zoning verification has been issued.
- (d) It shall be unlawful to change the use of land or the occupancy of any building until a zoning verification has been issued for the intended use.
- (e) No certificate of occupancy shall be issued without a properly issued zoning verification.
- (f) *Application and fees.*
  - 1) A pre-application conference is optional.
  - 2) All applications for administrative review shall be filed in writing with the administrator.
  - 3) Application shall be made prior to or concurrent with the application for a building permit.
- (g) *Decision by administrator.*
  - 1) *Review criteria.* The administrator shall refer to the official zoning map of the parish, section 135-2, and the zoning district land use table, section 135-4 to facilitate decision-making regarding both the current zoning of the property and associated permitted uses.

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- (h) *Appeal.* A final decision by the administrator on a zoning verification can be appealed to the board of adjustment.
  - (i) *Expiration.* A zoning verification expires after six (6) months if a construction or building permit application has not been applied for.

**Sec. 120-4. - Minor adjustment.**

- (a) *Applicability.* The minor adjustment procedure allows the planning and zoning commission to approve modest adjustments from the standards of this chapter. A minor adjustment is allowed for the following:
  - 1) An increase in lot coverage by no more than five (5) percent;
  - 2) Reduction of any required setback or yard by up to 15 percent;
  - 3) Increase or reduce any build-to area by up to 10 percent;
  - 4) Reduce the percent of lot width or depth that the building facade must occupy by up to five (5) percent;
  - 5) Increase in the maximum height of any building by no more than five (5) feet; and
  - 6) Any other minor adjustment authorized by a specific section of this chapter.
- (b) *Application and fees.*
  - 1) A pre-application conference is optional.
  - 2) All applications for a minor adjustment shall be filed in writing with the administrator.
  - 3) Fees. See Section 100-3, Fee requirements of this LDC.
- (c) *Review by administrator.*
  - 1) The administrator shall refer the application to other affected or interested agencies for review and comment.
  - 2) The administrator shall make a recommendation to the planning and zoning commission on whether to approve, approve with modifications or deny a minor adjustment.
- (d) *Review criteria.* The administrator shall consider the following criteria in approving or disapproving a minor adjustment:
  - 1) The proposed adjustment is consistent with the pertinent elements of the parish comprehensive plan;
  - 2) The proposed adjustment otherwise meets the requirements of this chapter.
- (e) The property affected by the application shall have a public notice placed in a location visible from the public right-of-way identifying the action proposed and the date, time, and location of the public hearing in accordance with Sec.120-2 of this LDC.
- (f) *Decision by planning and zoning commission.* After a public hearing the planning and zoning commission shall decide whether to approve, approve with modifications, or deny a minor adjustment.

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- (g) *Appeal.* A final decision by the planning and zoning commission on a minor adjustment can be appealed to the board of adjustment as an appeal of administrative decision in accordance with Sec. 120-6. – Appeal of an administrative decision, of this chapter.
- (h) *Expiration.* A minor adjustment expires after six (6) months if a construction or building permit application has not been applied for and after one (1) year if the permit is issued, but construction has not begun. If the minor adjustment expires, the owner or their designated representative must reapply to pursue the project.

### **Sec. 120-5. - Variance.**

(a) *Applicability.*

- 1) The board of adjustment shall have the authority to authorize variances from the terms of this chapter, subject to terms and conditions fixed by the board of adjustment, and as long as the variance is not contrary to the public interest. A variance may only be issued when it is necessary owing to exceptional and extraordinary circumstances where literal enforcement of the provisions of this chapter would result in practical difficulties or unnecessary hardship.
- 2) Variances may be approved for height, area, and size requirements of a structure or the size of yards and open spaces.
- 3) Variances shall not be considered to reduce the minimum lot area requirements of the LDC.
- 4) Establishment or expansion of a use that is otherwise prohibited is not allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.
- 5) Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or implicitly prohibited by the terms of this chapter.

(b) *Application and fees.*

- 1) A pre-application conference is required.
- 2) All applications for a variance shall be filed in writing with the administrator. See subsection (a) of this section.

(c) *Review by administrator.*

- 1) The administrator shall refer the application to other affected or interested agencies for review and comment.
- 2) The administrator shall recommend approval, approval with conditions, or denial of a variance request.

(d) *Public hearing and decision by the board of adjustment.*

- 1) Following notice and a public hearing as required in Sec. 120-2. – Public notice and hearings, in this chapter, the board of adjustment shall approve, approve with conditions, or deny the variance request based on the review criteria listed in paragraph (e) below.
- 2) The board of adjustment can attach any condition to the permit necessary as long as the condition:

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- i. Directly relates to the application;
  - ii. Protects the health, safety and welfare of the community; and
  - iii. Minimizes adverse impacts on adjacent properties.
- (e) *Review criteria.* No variance shall be authorized unless the board of adjustment finds that all of the following conditions exist:
- 1) That the variance will not authorize a use other than those uses allowed in the district;
  - 2) That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this chapter will result in practical difficulties or unnecessary hardship;
  - 3) That the practical difficulties or unnecessary hardship were not created by the owner of the property or the applicant and are not due to or the result of general conditions in the district in which the property is located;
  - 4) That the practical difficulties or unnecessary hardship are not solely financial;
  - 5) That the variance will not, substantially or permanently, injure the allowed uses of adjacent conforming property;
  - 6) That the variance will not adversely affect the public health, safety or welfare; and
  - 7) That the applicant has adequately addressed any concerns raised by the administrator.
- (f) *Appeal.* Appeals of a decision by the board of adjustment are to the judicial district court within which the parish is located.
- (g) *Expiration.* A variance runs with the land and does not expire unless an expiration date is assigned as a condition by the board of adjustment.

#### **Sec. 120-6. – Appeal of an administrative decision.**

- (a) *Applicability.* Appeals to the board of adjustment can be made by any person aggrieved or by any officer, department, or bureau of the parish affected by any decision of the administrator. Appeals must be submitted within 30 days of the decision.
- (b) *Application and fees.*
- 1) A pre-application conference is optional.
  - 2) All applications and notice of appeal for administrative review shall be filed in writing with the administrator and with the board of adjustment in accordance with section 120-1 of this chapter.
  - 3) The appellant shall provide a written statement citing the decision that is being appealed, and any reasons why the appeal should be granted.
- (c) *Action by administrator.* The administrator shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken, after all transcript costs and all other costs of appeal are paid by the person or entity taking the appeal.
- (d) *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the administrator certifies to the board of adjustment after the notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would, in the administrator's opinion, cause imminent

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peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the board of adjustment or by the district court of the parish.

(e) *Public hearing and decision by the board of adjustment.*

- 1) Following notice and a public hearing, as required in Section 120-2 of this chapter, the board of adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrator.
- 2) The board of adjustment can reverse or affirm, wholly or partly, or can modify the order, requirement, decision, or determination appealed from and can make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrator.
- 3) Any party can appear at the hearing in person, or by agent, or by attorney.
- 4) *Testimony and evidence.* The board of adjustment shall limit testimony and other evidence to that contained in the record at the time the administrator took final action. In the event that new evidence is presented to the board of adjustment, the board can remand the decision back to the administrator for further consideration.

(f) *Review criteria.* The board of adjustment shall consider the following criteria in deciding an appeal:

- 1) Whether the decision by the administrator was in accordance with the intent and requirements of this Land Development Code;
- 2) Whether the administrator made erroneous findings based on the evidence and testimony on the record, or failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- 3) Whether the administrator acted arbitrarily or capriciously.

(g) *Appeal.* A final decision by the board of adjustment on an administrative appeal may be appealed to the district court of the parish.

**Sec. 120-7. – Site plan review.**

(a) *Applicability.*

- 1) *Major site plan required.* Major site plan review and approval by the planning and zoning commission is required for:
  - i. Construction of five (5) or more residential units on a platted lot of record.
  - ii. Construction or expansion of 5,000 or more square feet of any townhouse, apartment, commercial or mixed-use building type.
- 2) *Minor site plan required.* Minor site plan review and approval by the administrator is required for:
  - i. Construction or expansion of up to 5,000 square feet of any townhouse, apartment, commercial or mixed-use building type.
  - ii. Construction of more than two (2), but fewer than five (5) residential dwelling units or other units on a platted lot of record.
  - iii. Creation of more than 5,000 square feet of additional impervious surface.

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iv. Construction of accessory structures in non-residential districts.

3) *No site plan required.* A site plan review is not required for the following:

- i. Construction or expansion of one or two units in a single structure on a platted lot of record.
- ii. Creation of less than 5,000 square feet of additional impervious surface (paving).
- iii. Construction of accessory structures in residential districts that otherwise meet the requirements of this chapter.

(b) *Application and fees.*

- 1) A pre-application conference is optional for a minor site plan and mandatory for a major site plan.
- 2) All applications for site plan review shall be filed in writing with the administrator. See Section 120-2, subsection (a).

(c) *Review of major site plan by administrator.*

- 1) The administrator shall refer the application to other affected or interested agencies for review.
- 2) The administrator shall recommend approval, approval with conditions, or denial of the application.
- 3) The administrator shall provide notice as set out in Section 120-2, of this chapter.

(d) *Major site plan decision by planning and zoning commission.*

- 1) Following notice and a public hearing, as required in Section 120-2, subsection (a), the planning and zoning commission shall approve, approve with conditions, or deny the major site plan.
- 2) In deciding, the planning and zoning commission shall consider the recommendation of the administrator, relevant comments of all interested parties and the review criteria in subsection (f) of this section.
- 3) The planning and zoning commission can attach conditions to the site plan necessary to ensure the site plan meets the requirements of this Land Development Code and is consistent with the comprehensive plan.

(e) *Minor site plan decision by administrator.*

- 1) In deciding to approve, approve with conditions, or deny the proposed site plan, the administrator shall consider relevant comments of all interested parties and the review criteria in subsection (f) of this section.
- 2) The administrator can attach conditions to the site plan necessary to ensure the site plan meets the requirements of this Land Development Code and is consistent with the comprehensive plan.

(f) *Review criteria.* The following review criteria shall be considered in reviewing, approving, or denying a site plan:

- 1) The proposed development is consistent with the pertinent elements of the parish comprehensive plan;
- 2) The proposed development meets the requirements of this Land Development Code; and
- 3) The site plan demonstrates compliance with any prior approvals.

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- (g) *Building permit.* No development of land or construction of improvements can commence until a building permit is issued. No building permit shall be issued until the site plan has been approved.
- (h) *Modification of approved site plan.* The administrator is authorized to approve minor modifications to an approved site plan. Any modifications not listed below shall be considered by the body that approved original site plan. The following modifications are minor:
- 1) Up to a 10 percent increase or any decrease in gross floor area of a single building.
  - 2) Up to a 10 percent reduction or any increase in the approved setbacks from exterior property lines.
  - 3) Relocation of parking areas, internal streets, or structures where such relocation occurs more than 100 feet from exterior property lines.
- (i) *Appeal.*
- 1) A decision by the administrator on a minor site plan can be appealed to planning and zoning commission.
  - 2) A decision by the planning and zoning commission on a major site plan can be appealed to the parish council.
- (j) *Expiration.*
- 1) If construction has not begun or a building permit applied for, an approved site plan will expire after 12 months of approval.
  - 2) Two, six (6)-month extensions may be approved, if both the administrator and chief building official agree in writing. If either does not agree to the request for an extension, then the extension is denied.
  - 3) To pursue a project after a site plan has expired or an extension request is denied, the applicant must reapply and pay all associated fees and costs.

**Sec. 120-8. – Conditional use permit.**

- (a) *When required.* Conditional uses are established in accordance with Sec. 135. – 4 and 135-6 of this Land Development Code.
- (b) *Application and fees.*
- 1) A pre-application conference with the administrator is required.
  - 2) All applications for a conditional use permit shall be filed in writing with the administrator. See subsection (a) of this section.
- (c) *Review by administrator.*
- 1) The administrator shall refer the application to other affected or interested agencies for review and comment.
  - 2) The administrator shall recommend approval, approval with conditions, or denial of the application to the planning and zoning commission.
  - 3) The administrator shall provide notice as set out in Section 120-2, subsection (a).
- (d) *Review by planning and zoning commission.*



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- 1) Following notice and a public hearing as required in Section 120-2, subsection (a), the planning and zoning commission shall recommend approval, approval with conditions, or denial of the conditional use permit to the parish council.
  - 2) In making its recommendation, the planning and zoning commission shall consider the recommendation of the administrator, relevant comments of all interested parties and the review criteria in subsection (f) below.
- (e) *Public hearing and decision by the parish council.*
- 1) Following notice and a public hearing as required in Section 120-2, subsection (a), the parish council shall approve, approve with conditions, or deny the conditional use permit.
  - 2) In making its decision the parish council shall consider the recommendations of the administrator and planning and zoning commission, relevant comments of all interested parties, and the review criteria in subsection (f) below.
  - 3) The parish council can attach conditions to the conditional use permit necessary to protect the health, safety and welfare of the people of the parish, minimize adverse impacts on adjacent properties and ensure consistency with the parish comprehensive plan. Such conditions can include, but are not limited to, additional screening or buffering, or limitations on scale, intensity, or hours of operation.
- (f) *Review criteria.* The following review criteria shall be considered in reviewing, approving, approving with conditions, or denying a conditional use permit:
- 1) The proposed conditional use permit is consistent with the pertinent elements of the comprehensive plan;
  - 2) The proposed special use meets the requirements of this Land Development Code;
  - 3) The proposed conditional use permit will reinforce the existing or planned character of the neighborhood;
  - 4) The conditional use permit complies with any specific use standards or limitations in this Land Development Code; and
  - 5) The conditional use permit will not substantially or permanently injure the appropriate use of adjacent, conforming properties.
- (g) *Effect of denial.* The denial of a conditional use permit application shall ban the subsequent application for the same or similar use for a period of 12 months.
- (h) *Expiration.* If construction has not begun or a building permit applied for, a conditional use permit will expire after one (1) year of approval. Once the use is constructed, the conditional use permit shall run with the land and does not expire, except if expiration is a condition of parish council approval.
- (i) *Revocation of conditional use permit.* If any conditions of a conditional use permit or other requirements of this Land Development Code are violated, the parish council may revoke a conditional use permit.
- (j) *Appeal.* Applicants may appeal a decision by the parish council on a conditional use permit to the district court of the parish. Appeals are only valid within 30 days of the parish council decision.

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**Sec. 120-9. – Zoning map amendment.**

- (a) *Applicability.* The boundaries of zoning districts, as shown on the official zoning map, can be amended or modified only by the parish council, upon initiation of an owner or agent, the planning and zoning commission, or the parish council in accordance with the procedures set forth in this section.
- (b) *Application and fees.* A pre-application conference with the administrator is required.
- (c) *Review by administrator.*
- 1) The administrator shall refer the application to other affected or interested agencies for review and comment.
  - 2) The administrator shall recommend approval, approval with modifications, or denial of the application.
  - 3) The administrator shall provide notice as set out in Section 120-2, subsection (a).
- (d) *Review by planning and zoning commission.*
- 1) Following notice and a public hearing, as required in Section 120-2, subsection (a), the planning and zoning commission shall recommend approval, approval with modifications, or denial of the zoning map amendment.
  - 2) In recommending, the planning and zoning commission shall consider the recommendation of the administrator, relevant comments of all interested parties, and the review criteria in subsection (f) of this section.
- (e) *Public hearing and decision by the parish council.*
- 1) Following notice and a public hearing, as required in Section 120-2, subsection (a) of this section, the parish council shall approve, approve with modifications, or deny the zoning map amendment.
  - 2) In deciding, the parish council shall consider the recommendations of the administrator and planning and zoning commission, relevant comments of all interested parties, and the review criteria in subsection (f) of this section.
  - 3) In case of a protest duly signed and acknowledged by the owners of 20 percent or more of either the areas of land, exclusive of streets and alleys, included in a proposed change or within an area determined by lines drawn parallel to and 200 feet distant from the boundaries of the district proposed to be changed, the amendment shall not become effective except by the favorable vote of a majority of the members of the entire parish council.
- (f) *Review criteria.* The following review criteria shall be considered in reviewing, approving or denying a zoning map amendment:
- 1) The proposed zoning map amendment is consistent the parish comprehensive plan;
  - 2) The proposed zoning map amendment will support the existing or planned character of the neighborhood;
  - 3) The site is appropriate for all development permitted in the proposed district;
  - 4) There are substantial reasons why the property cannot be used in accordance with existing zoning;

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- 5) The capacity of public facilities and services, including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire, and emergency medical services are adequate for all development permitted in the proposed district; and
  - 6) The zoning map amendment will not substantially or permanently injure the appropriate use of adjacent, conforming properties.
- (g) *Effect of denial.* The denial of a zoning map amendment application shall limit the subsequent application for the same or similar zoning change for a period of 12 months.
- (h) *Expiration.* A zoning map amendment does not expire.
- (i) *Appeal.* Applicants may appeal a decision by the parish council on a zoning map amendment to the district court of the parish. Appeals are only valid within 30 days of the parish council decision.

### **Sec. 120-10. – Planned Unit Development (PUD).**

- (a) *Purpose and applicability.* A planned unit development or PUD describes both a zoning district and a process whereby limited deviation from the standards of this Land Development Code is permitted to provide flexibility to accommodate innovative, high-quality site and building design that is otherwise not possible through the application of existing standards prescribed in this Land Development Code, as well as innovative land development approaches that aim to preserve rural viewsheds through strategic land development, title restriction, or conservation easement in favor of West Feliciana Parish. Proposed developments must include at least one (1) of the following approaches in innovative land use planning in order to request a PUD zoning district map amendment:
- (1) Traditional neighborhood development, as defined in Chapter 130- Definitions, including a mix of housing types/densities including townhomes and multi-unit residential.
  - (2) Stormwater management or low-impact development.
  - (3) Green infrastructure principles and practices, such as clustering or the preservation of clear lines of sight to natural features or rural viewsheds.
- Additionally, proposed developments shall include at least 50% open space area that meets the standards of this ordinance.
- (b) *Context.* A PUD map amendment can be utilized to comprehensively rezone an area with a series of zoning districts, including specific deviations from this Land Development Code, provided deviations and zoning district standards align with applicable approaches in innovative land use planning and the parish comprehensive plan.
- (c) *Components of a PUD approval.* A PUD review and approval process consists of two (2) stages:
- 1) Application for a PUD map amendment and associated concept plan; and
  - 2) Application for associated subdivision plats and site plans.
- (d) *Application and fees.*
- 1) A pre-application conference with the administrator is required.
  - 2) The application shall include the following materials:
    - i. A narrative explaining the innovative land use planning approach applied;

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- ii. A narrative explaining how existing standards in the LDC would not otherwise permit the PUD's proposed innovative approach; and
  - iii. A narrative and table documenting the land uses by net acre, number of dwelling units by housing type, residential density, square footage of non-residential uses per net acre, open space acreage, the relationship of the proposed development to existing development in the area, and any other related development features.
  - iv. A concept plan establishing the following aspects of the proposed PUD:
    - 1. The location of all street and alley types, major utilities, access to existing streets, and conceptual drainage plan;
    - 2. The perimeter and block face length of all blocks;
    - 3. The layout and size of all lots with anticipated land use and building types;
    - 4. The location and type of any open space; and
    - 5. Other features identified by the administrator during the pre-application conference.
  - v. A specific list of all requested deviations from the provisions of this LDC.
- 3) If and when the proposed PUD map amendment and concept plan are approved, the applicant may proceed with providing concurrent applications for site plan and subdivision review.
- (e) *PUD map amendment and concept plan review by administrator.*
- 1) The administrator shall refer the application and concept plan to other affected or interested agencies for review and comment.
  - 2) The administrator shall provide notice as set out in Section 120-2, subsection (a).
  - 3) The administrator shall recommend either approval, approval with conditions, or denial of the PUD map amendment and concept plan.
- (f) *PUD map amendment and concept plan review by planning and zoning commission.*
- 1) Following notice and a public hearing, as required in Section 120-2, subsection (a), the planning and zoning commission shall recommend approval, approval with conditions, or denial of the PUD map amendment and concept plan.
  - 2) In recommending, the planning and zoning commission shall consider the recommendation of the administrator, relevant comments of all interested parties, and the review criteria in subsection (h) of this section.
- (g) *Public hearing and decision by the parish council.*
- 1) Following notice and a public hearing, as required in Section 120-2, subsection (a), the parish council shall approve, approve with conditions, or deny the PUD map amendment and concept plan.
  - 2) In deciding, the parish council shall consider the recommendations of the administrator and planning commission, relevant comments of all interested parties, and the review criteria in subsection (h) of this section.
- (h) *Review criteria.* The following review criteria shall be considered in reviewing, approving, approving with conditions or denying a PUD map amendment and concept plan:

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- 1) The proposed PUD is consistent with the pertinent elements of the comprehensive plan;
  - 2) The proposed PUD is consistent with the standards and uses of the area within which it is located;
  - 3) The proposed PUD is in alignment with the intent of the Land Development Code and the PUD purpose and applicability requirements stipulated as per Sec. 120-10 (a) of this chapter;
  - 4) The proposed PUD will reinforce the existing or planned character of the neighborhood;
  - 5) The site is appropriate for all proposed development permitted in the PUD;
  - 6) The PUD demonstrates a higher quality of site design that is more sensitive to the existing context, both built and natural, than is possible through the application of existing zoning districts standards;
  - 7) Public facilities and services, including but not limited to, schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities are adequate for the development permitted in the proposed PUD; and
  - 8) The PUD will not substantially or permanently injure the appropriate use of adjacent conforming properties.
- (i) *Allowed deviations.* Unless otherwise expressly approved by the parish council as part of the PUD map amendment and concept plan, all planned developments shall be subject to all applicable standards of this zoning code. In order to approve modifications of otherwise applicable standards, the parish council must find that:
- 1) Requested deviations from applicable building type standards, permitted uses, or other development standards that otherwise would apply are justified by the compensating benefits of the planned development; and
  - 2) The requested deviations do not detract from the established character or form of any surrounding conforming properties.
- (j) *Action following approval.* Approval of a PUD rezoning and concept plan authorizes the submission of applications for subdivision plats and site plans consistent with the PUD approval.
- (k) *Modification of adopted concept plan.* The administrator is authorized to approve minor modifications to an approved concept plan. All modifications not listed below shall be considered by the parish council. The following modifications are minor:
- 1) Up to a 10 percent increase or any decrease in gross floor area of a single building.
  - 2) Up to a 10 percent reduction or any increase in the approved setbacks from exterior property lines.
  - 3) Relocation of parking areas, internal streets or structures where such relocation occurs more than 100 feet from exterior property lines.
- (l) *Effect of denial.* The denial of a PUD application shall limit the subsequent application for the same or similar use for a period of 12 months from the date of denial.
- (m) *PUD approval process, generally.* The PUD approval process generally consists of the following steps, including approval authorities and timeframes within which the various steps remain valid:

<b>PUD Approval Process</b>
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	<u>Concept Plan</u>	<u>Development Plan</u>
<b>Initial Period</b>	1 Year	24 Months
<b>Approval Authority</b>	Parish Council	Parish Council
<b>Extension Period</b>	1 Year	1 Year
<b>Approval Authority</b>	Parish Council	Parish Council

(n) *Expiration.*

- 1) A PUD map amendment does not expire.
- 2) If no construction or building permit has been filed, a PUD concept plan approval expires after one (1) year from the date of approval.
- 3) *Extension.*
  - i. The administrator shall facilitate requests for a PUD concept and/or development plan extension, provided the extension request is in writing and describes the extenuating circumstances that necessitate granting an extension.
  - ii. The administrator shall forward the application to the parish council, who may reinstate the period of validity for a single, one (1) year extension.

(o) *PUD pre-application conference.*

- 1) A request for a pre-application conference shall be made to and held with the administrator to exchange information, provide guidance to the applicant, and discuss the proposed PUD's general eligibility.
- 2) At least 10 days before the pre-application conference, the applicant shall submit three (3) hard copies and at least one (1) digital copy of the conceptual plan, detailing the location of the property, boundaries, significant natural features, vehicular and pedestrian circulation, and land use(s) for the entire site.
- 3) The administrator shall advise the applicant on the eligibility of the conceptual plan and explain the process and requirements associated with a PUD.
- 4) A preapplication conference shall not include formal action on a pending request. Actions of the administrator shall be advisory in nature only. No statements made at the pre-application conference shall be considered legally binding commitments.

(p) *Concept Plan.*

- 1) Following the pre-application conference, an applicant may submit a concept plan for review by the administrator. The concept plan shall be a required element of the PUD rezoning application, decision-making, review, and notice procedures set forth in Sec. 100-8, 120-1, and 120-2 of this LDC. Where the planned unit development is to be developed in phases, the concept plan that is presented for review and approval shall be the concept plan for the entire development and shall identify the proposed phasing.

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- 2) A concept plan shall be valid for one (1) year from the date of the parish council approval, unless, during that year period, a final development plan for all or a portion of the property is submitted and approved by the parish council.
  - 3) The period of validity of an approved concept plan can be extended for a single, one (1) year extension as described in subsection (n) above. If the developer has not submitted a development plan by the end of the year or by the end date of an extension, the concept plan shall expire. To recommence the PUD process after the concept plan has expired, the applicant must submit a new application and pay all attendant fees.
  - 4) If the applicant fails to timely submit a final development plan for all or a portion of the property, or obtain an extension, the previously approved concept plan shall be determined to be invalid, and the PUD zoning district shall revert to the previous zoning district. The parish administration shall include language to this effect in the PUD map amendment to ensure zoning actions are legally addressed without further parish council action required.

(q) *Development Plan.*

- 1) Before a development plan is approved and during the period of validity for a concept plan:
  - i. Building permits shall not be issued;
  - ii. Subdivision of property shall require parish council approval; and
  - iii. Land uses shall conform to requirements of the most restrictive zoning district included in the approved concept plan.
- 2) Construction shall take place within a planned development only following parish council approval of a final PUD development plan.
- 3) The development plan must demonstrate compliance with the approved concept plan and follow procedures for items reviewed by the administrator, planning and zoning commission, and parish council, including requirements for public notice and public hearing.
- 4) If the PUD includes the division of property into lots, the development plan shall be approved concurrently with a preliminary plat. The applicant shall submit all required land division documents in accordance with the requirements of Chapter 136. Subdivision Regulations and Article 2. Subdivision Procedures, of this chapter.
- 5) Upon approval of the development plan, construction may proceed for required public infrastructure and approved private roads, utility installations, common open space, recreational facilities, governmental structures, and similar uses provided that a preliminary subdivision plat and construction plans have also been approved.
- 6) Development plans shall expire 24 months from the date of parish council approval. The period of validity of an approved development plan can be extended for a single, one (1) year extension as described in subsection (n) above.

(r) *Changes to an approved Planned Unit Development.*

- 1) *Types of changes.* There are three types of changes:
  - i. *Major change:* A change or series of changes that will have significant impacts on the approved uses within the development, on the site surrounding the development, or greater than 10 percent density change.

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- ii. *Minor change*: A change or series of changes that will have significant impact on the layout of the development.
  - iii. *Administrative change*: A change or series of changes that will not alter the basic design and character of the development, nor any specified conditions imposed as part of the original approval.
- 2) *Applications for changes*.
- i. The owner(s) of record of the property affected by the proposed change shall file an application for an administrative or minor change with the administrator. The application must contain the reason for the change and the anticipated impacts on the development. The administrator, after consulting with other affected departments and agencies, shall decide whether to approve, approve with modifications, or deny the change.
  - ii. Applications for major changes shall be submitted to the administrator, who shall then submit the application along with their recommendation to the planning commission for their consideration. After a public hearing, the planning and zoning commission shall forward the application with their recommendation to the parish council. After holding a public hearing, the parish council shall decide whether to approve, approve with modifications, or deny the major change request.
- 3) *Appeal of classification*. The applicant may appeal the decision by the administrator to the parish council. Appeals of a parish council decision shall be to the district court with jurisdiction over West Feliciana Parish.
- 4) *Major changes*. Major changes include, but are not limited to:
- i. An increase in density or intensity of any permitted land use, including the number of housing units, by more than 10 percent from what was originally approved in the concept plan.
  - ii. In residential areas, a change in the mix of single-family and multi-family structures by more than 10 percent from what was originally approved in the concept plan.
  - iii. An increase in the amount of land in planned for nonresidential use by more than 10 percent from what was originally approved in the concept plan.
  - iv. Incorporation of a new land use not specified in the approved concept plan.
  - v. Substantial and material reduction in the amenities proffered by the applicant.
- 5) *Administrative changes*. Administrative changes include, but are not limited to:
- i. Changes in the location or size of open space, provided the overall amount of common open space acreage does not decrease by more than 10 percent and the administrator determines that the quality and functionality of the amended common open space is the same or improved. The administrator shall not approve a revision that includes the deletion of an open space within 500 feet of an area that is part of a final plat in a residential area.
  - ii. Change in the location or type of drainage or water quality control structures, if the administrator determines that:
    - a. The basic layout of the PUD remains the same.
    - b. There are no objections from parish departments having authority associated with the location of drainage and water control structures.



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- c. Other parish departments and utility providers have no objection and determine that proposed new location for utility facilities and easements are more appropriate and functional.
  - d. Any change in an architectural standard, determined by the administrator to be consistent with the intended architectural character of the PUD.
  - e. A reduction of the size of any building.
  - f. The movement of buildings and/or signs is by no more than 25 feet, provided required buffer and/or setbacks are not impacted.
  - g. Landscaping elements replaced by similar landscaping to an equal or greater extent.
  - h. Any internal rearrangement of a parking lot does not affect the total number of parking spaces or alter access locations.
  - i. Any changes to the internal road network that does not create any new access driveway to parish or state roads, provided that—for state roads—there is no objection from the Louisiana Department of Transportation and Development.
  - j. The proposed change does not add an additional phase to a concept plan.
- 6) *Minor Changes.* Minor changes are any change not determined to be a major or administrative change.
- (s) *Permits.* No building permit for a structure, other than a temporary contractor’s office or temporary storage building, shall be issued for a lot or parcel until the State Fire Marshal or their designee determines that adequate fire protection and fire service access to the construction site exists. No occupancy permit for a structure, other than a temporary contractor’s office or other approved temporary building, may be issued until the structure on a lot or parcel passes its final inspection by the administrator and the Chief Building Official.
- (t) *Recording of approved development plan.* Any restrictions and/or conditions, required by the parish council in their approval of the development plan shall be recorded by the Parish Administration with the Clerk of Court of West Feliciana Parish within 15 days of the date of the parish council’s approval. Certified copies of these documents shall be provided to the applicant.
- (u) *Recording of the subdivision final plat.* The Parish Administration shall record any restrictions and other required documents that pertain to a subdivision with the Clerk of Court of West Feliciana Parish.
- (v) *Maintaining the development plan.*
- 1) *Ownership and maintenance of public spaces.* Provision shall be made for the ownership and maintenance of public thoroughfares, squares, parks, open spaces, and other public spaces in a PUD by dedication to the parish and/or association(s).
  - 2) *Construction.* Construction shall take place only within such portion(s) of a PUD for which a development plan has been approved.
- (w) *Development schedule.* Along with the building permit application, the developer shall provide a development schedule. The development schedule shall contain the following information:
- 1) The order of construction of the proposed stages delineated in the development plan.
  - 2) The proposed date for the beginning of construction of each stage.

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- 3) The proposed date for the completion of construction of each stage.
  - 4) The proposed schedule for the construction and improvement of common areas within each stage including any accessory buildings.

(x) *Enforcement of the development schedule.*

- 1) The construction and provision of all common open spaces, public facilities, and infrastructure, which are shown on the development plan, shall proceed at no slower a rate than the construction of dwelling units or nonresidential structures.
- 2) The planning and zoning commission can, at any time, compare the actual development accomplished with the approved development schedule. If the planning and zoning commission finds that the rate of construction of dwelling units or commercial structures is substantially greater than the rate at which common open spaces, public facilities, and infrastructure have been constructed and provided, then either or both of the following actions may be taken:
  - i. The planning and zoning commission can cease to approve any additional final development plans for subsequent phases.
  - ii. The chief building official can discontinue issuance of building permits.
- 3) Before releasing a hold on approving new phase final plans or building permits, the planning and zoning commission shall ensure the developer has corrected the discrepancy that existed in the balance between the construction of dwellings and nonresidential structures of a commercial nature and the construction of common open spaces, public facilities, and infrastructure.

(y) *Relation to zoning districts.* An approved PUD shall be considered a separate and distinct zoning district. Where rules and regulations contained in an approved concept plan and final plan differ from those in the established zoning district, the rules and regulations in the approved concept plan and final plan shall apply.

**Sec. 120-11. – Text amendment.**

- (a) *When allowed.* The regulations of this Land Development Code can, from time to time, be amended, supplemented, changed, modified or repealed, as determined by the parish council.
- (b) *Application and fees.* A pre-application conference is optional.
- (c) *Review by administrator.*
  - 1) To better grasp the implications of a proposed text amendment, the administrator shall endeavor to research and analyze comparable community codes and best practices applicable to conditions or circumstances that prompted the request for a text amendment.
  - 2) The administrator shall brief affected or interested agencies on the proposed text amendment and provide and implement a process for their review and comment.
  - 3) The administrator shall recommend approval, approval with modifications, or denial of the proposed text amendment.
  - 4) The administrator shall provide notice in accordance with Section 120-2 subsection (a).
- (d) *Review by planning and zoning commission.*

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- 1) Following notice and a public hearing as required in Section 120-2, subsection (a), the planning and zoning commission shall recommend approval, approval with modifications, or denial of the text amendment.
  - 2) In making its recommendation, the planning and zoning commission shall consider the research, analysis, and recommendation of the administrator, relevant comments of all interested parties, and the review criteria in subsection (f) of this section.

(e) *Public hearing and decision by the parish council.*

- 1) Following notice and a public hearing as required in Section 120-2, subsection (a), the parish council shall approve, approve with modifications, or deny the text amendment.
- 2) In deciding, the parish council shall consider the research, analysis, and recommendations of the administrator, relevant comments of all interested parties and the review criteria in subsection (f) of this section.

(f) *Review criteria.* The following review criteria shall be considered in reviewing, approving, approving with modifications, or denying a text amendment:

- 1) The proposed text amendment is consistent with the pertinent elements of the comprehensive plan and best practices in planning and community development;
- 2) The extent to which the text amendment is consistent with the relevant sections of this Land Development Code;
- 3) The extent to which the text amendment represents a new idea not considered in the existing ordinance, or represents revisions necessitated by changing conditions over time;
- 4) Whether or not the text amendment corrects an error in this Land Development Code; and
- 5) Whether or not the text amendment revises the Land Development Code to comply with state or federal statutes or case law.

(g) *Expiration.* A text amendment does not expire.

**Sec. 120 - 12. – Development agreements.**

(a) *When allowed.* The parish can enter into a development agreement in accordance with both this section and with LRS 33:4780.22.

(b) *Contents.* A development agreement must include or address all of the following:

- 1) Specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.
- 2) Include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.
- 3) Provide that construction commence within a specified time and that the project or any phase thereof be completed within a specified time.

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- 4) Include terms and conditions relating to financing of necessary public facilities by the applicant and subsequent reimbursement of the applicant over time.
- (c) *Rules, regulations and official policies.*
- 1) Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing permitted uses of the land, density, and design, improvement, and construction standards and specifications applicable to development of the property subject to a development agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement.
- 2) A development agreement shall not prevent the parish, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth in this section, nor shall a development agreement prevent the parish from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.
- (d) *Public hearing; notice of intention.* A public hearing on an application for a development agreement shall be held by the planning and zoning commission and by the parish council. Notice of intention to consider adoption of a development agreement shall be published at least three (3) times in a newspaper of general circulation and at least 21 days shall elapse between the first publication and the date of the hearing.
- (e) *Approval by ordinance.* A development agreement shall be approved by ordinance of the parish council.
- (f) *Amendment or cancellation; notice of intent.* A development agreement can be amended or cancelled in whole or in part by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner in accordance with subsection (d) above.
- (g) *Recording copy of agreement; effect.* No later than 10 days after the parish enters into a development agreement, the parish administrator shall be responsible for recording the an official copy of the agreement with the clerk of court and providing a copy of the recorded agreement to the applicant. From and after the time of such recordation, the agreement shall impart such notice to all persons as is afforded by the recording laws of the state. The burdens of the agreement shall be binding upon and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.
- (h) *Modification or suspension.* In the event that state or federal laws or regulations enacted after a development agreement has been entered into prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended so as to comply with such state or federal laws or regulations.
- (i) *Periodic review; termination or modification.* Any development agreement shall provide for periodic review at least every 12 months, at which time the applicant or his successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the parish council determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the parish council may terminate or modify the agreement.

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- (j) *Enforcement.* Unless amended, cancelled, modified or suspended, a development agreement shall be enforceable by any party to the agreement notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the parish entering the agreement which alters or amends the rules, regulations, or policies specified in this Land Development Code.
  - (k) *Restrictions on authority.* Nothing in this procedure shall be construed to authorize property use contrary to existing zoning classifications or to authorize the reclassification of such zones.

**Sec. 120-13. – Nonconforming uses, sites, or structures.**

- (a) *Purpose.* The purpose of this section is to provide for the regulation of nonconforming uses, sites, or structures and to specify those circumstances and conditions under which they will be regulated in accordance with the Land Development Code.
- (b) *Burden of proof.* In all cases, it is the burden of the property owner, through the provision of clear and convincing evidence, to establish the legality of a nonconforming uses, sites, or structures.
- (c) *Expansion.* It is further the intent of these provisions that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district except as provided for herein.
- (d) *Conformance in the wake of disaster.* It is not the intent of these provisions to exact compliance with the regulations of a specific zoning district in the wake of a natural disaster. Further, the provisions herein provide specific periods of time and procedures for reconstruction following such disasters.
- (e) *Determination of a legally nonconforming use.*
  - 1) The administrator or his/her designee shall make a determination as to the existence of legally nonconforming use status at the request of a property owner or his/her agent.
  - 2) Any interested party may also request a zoning verification letter to verify existence of a legal non-conforming use, which shall be provided in writing by the administrator or their designee.
  - 3) The requestor or property owner is obligated to supply any materials or documentation in support of such a determination.
  - 4) Rationale for the administrator's decision shall be stated in writing.
  - 5) The existence of a legal nonconforming use on part of a lot, tract of land, or structure does not establish a legally nonconforming use on the entire lot, tract of land or structure.
  - 6) The causal, intermittent, temporary, or illegal use of land or structures does not establish and maintain the existence of any legal nonconforming use, whether the use is a main or accessory use.
- (f) *Right to continue.* Except as otherwise provided for in this section, a use determined to be legally nonconforming may be continued.
- (g) *Maintenance.* Nothing in this section shall inhibit the routine maintenance and ordinary repair of a structure containing a legal nonconforming use.
- (h) *Discontinuation or abandonment of a legal nonconforming use.*

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- 1) Any particular use that is established as a legal nonconforming use is deemed abandoned when that particular nonconforming use is discontinued or becomes vacant or unoccupied for a continuous period of 182 days. The calculation of the period of discontinuance does not include any period of discontinuance by state of emergency, force majeure, or acts of public enemy.
  - 2) Seasonal uses are deemed abandoned when that use is discontinued for one calendar year.
- (i) *Destruction of structures containing a legal nonconforming use.* Structures containing a legal nonconforming use that are in whole or in part destroyed by force majeure or acts of public enemy may be restored and the use continued, provided that the restoration is accomplished with no increase in cubical content, no increase in floor area, no increase in the number of units, and no intensification of the nonconforming use to an extent greater than is permitted by this Land Development Code.
- 1) Such restoration of a legal nonconforming use must be commenced within six (6) months after the nonconforming use was damaged or destroyed. Said six (6) month period shall begin on the date that a state of emergency is lifted from the property in question or from the earliest date that the property can reasonably be accessed by the property owner following a disaster that prevents access.
  - 2) Commencement of restoration shall be evidenced by submittal of a complete application for a building permit with the department of planning and zoning.
  - 3) Restoration of legal nonconforming uses must be completed within the time frame prescribed by the building permit. Any extension to the requirements of this section must be approved by the building official and evidenced by an extended building permit.
- (j) *Enlargement or alteration of a nonconforming use.*
- 1) No legal nonconforming use shall be enlarged, expanded, extended, or altered in any way, except as provided for in this section.
  - 2) Extension, enlargement, expansion, and alteration of a nonconforming use is defined as an addition to a structure containing a nonconforming use. Any additional permitted use or construction of a structure accessory to the nonconforming use will not be considered an enlargement or intensification when the use or accessory structure is permitted in the current zoning district.
- (k) Legal nonconforming uses may not be extended, enlarged, intensified, expanded, or altered without approval by the parish council.
- 1) Property owners requesting a one-time expansion of a legally non-conforming use must submit an application to the department of planning and zoning following the procedure for expansion of a legal nonconforming use.
  - 2) The total expansion, whether by addition to the principal structure or by construction of an accessory structure that is not permitted in the current zoning district, cannot exceed 25 percent of the total area of the original structure.
  - 3) Any proposed expansion must meet all site development standards including, setback, parking, landscaping, and buffering requirements set forth in the zoning district within which it is located.
- (l) *Changes to a legally nonconforming use.*
- 1) A nonconforming use shall be changed only to a permitted use in accordance with the zoning and overlay district within which it is located.

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- 2) Any change of a legal nonconforming use to any other use shall terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of its zoning district.

**Sec. 120-14. – Enforcement.**

- (a) *Violations.* In case any building or structure is erected, structurally altered, or maintained; or any building, structure, or land is used in violation of this Land Development Code; the administrator shall institute appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.
- (b) *Enforcement powers.* This section shall be enforced by the administrator, who is empowered to:
  - 1) Cause any building, structure, place, or premises to be inspected and examined; and
  - 2) Order in writing the remedying of any condition found to exist in violation of any provision of this Land Development Code.
- (c) *Notice of violation.* If the administrator finds that any of the provisions of this Land Development Code are being violated, the administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- (d) *Enforcement actions.* The administrator shall order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by state law to ensure compliance with or to prevent violation of this Land Development Code.
- (e) *Penalties.* The owner or general agent of a building or premises where a violation of any regulation has been committed or exists; the lessee or tenant of an entire building or entire premises where the violation has been committed or exists; the owner, general agent, lessee, or tenant of any part of the building or premises in which the violation has been committed or exists; and the general agent, architect, builder, contractor, or any other person who commits, takes part in, or who assists in any violation or who maintains any building or premises in which any violation exists shall be fined in accordance with this code, specifically section 1-14.

**Sec. 120–15 to 120-29. – Reserved.**

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## Article 2. Subdivision Procedures

### Sec. 120-30. – Subdivision process generally.

- (a) *Overview.* No person shall subdivide land except in accordance with the procedures and standards of this article and with section 136-3: Subdivision Regulations – Procedures. Subdivision refers to the process of dividing or combing land into lots of record. The purpose of subdivision procedures is to ensure the lots created are supported by public infrastructure and do not create an adverse impact on the human or natural environment. The subdivision process is divided into either major or minor subdivisions based on either the amount of land involved, the number of lots involved, or a combination of both. The review and approval process for major subdivisions is more detailed and requires additional levels of scrutiny because there is increased potential for harm to the human or natural environment if not completed in alignment with parish vision and goals.
- (b) *Major subdivision required.* Major subdivision approval is required when:
- 1) A subdivision request does not qualify as ‘minor’ in accordance with subsection (c) below.
  - 2) A request involves the creation of more than four (4) lots of record.
  - 3) A request involves the creation of any number of lots where:
    - i. New public or private streets are proposed;
    - ii. A private drive (servitude of passage) is proposed and serves five (5) or more lots;
    - iii. Land area exceeds seven (7) acres;
    - iv. Public water or wastewater lines are extended;
    - v. Public drainage improvements through one or more lots must be installed; or
    - vi. A waiver of any subdivision standard is desired.
- (c) *Minor subdivision required.*
- 1) A subdivision request involves only the realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided the application meets the following requirements:
    - i. Does not involve the creation of any new public street or other public improvement except as otherwise provided in this article;
    - ii. Land being subdivided does not involve more than seven (7) acres of land or five (5) or more lots of record;
    - iii. Does not reduce a lot size below the minimum area or frontage requirements established by this Land Development Code; and
    - iv. Otherwise meets all the requirements of this Land Development Code.
    - v. Two minor subdivisions may not be requested for the same subject property within a single calendar year.
  - 2) If the administrator determines that the proposed subdivision creates the need for off-site public infrastructure improvements the subdivision must be a major subdivision.



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- 3) Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the parish, thereby leaving a severed portion of the original property that requires a redesignation of lot number and establishment of new lot boundary lines.

(d) *No subdivision review required.* No subdivision review is required for the following:

- 1) The public acquisition of land for roads, sewer, or water infrastructure.
- 2) Any parcel of land that meets all of the following conditions:
  - i. Is a servitude of passage created for ingress or egress; and
  - ii. Does not create a through passage; and
  - iii. Is used exclusively as a driveway; and
  - iv. Is adequate in dimensions and load bearing ability to provide for ingress and egress by service and emergency vehicles.

**Sec. 120-31. – Major subdivisions.**

(a) *Major subdivision, generally.* No lots shall be sold or building permits issued until the process for a major subdivision is complete, which is indicated by the parish council's approval of a final plat. A major subdivision requires three (3) steps:

- 1) Review and approval of a preliminary plat; then
- 2) Review and approval of a construction plan, and the construction of required public infrastructure improvements; then
- 3) Review and approval of the final plat.

(b) *Preliminary plat.*

- 1) *Purpose.* The purpose of the preliminary plat is both to approve the general layout of the subdivision and to approve the plan for the required public infrastructure.
- 2) *Decision-making process.* The preliminary plat must be approved by the parish council. Prior to being sent to the council, the plat shall be reviewed by both the administration, and planning and zoning commission.

(c) *Preliminary plat review by administrator.*

- 1) The administrator shall accept applications for preliminary plats and ensure each application is complete.
- 2) The administrator shall refer the preliminary plat and application to other affected or interested agencies for review and comment.
- 3) The administrator shall recommend approval, approval with conditions, or denial of the preliminary plat and application.
- 4) The administrator may recommend conditions be attached to the approval of the preliminary plat to ensure the preliminary plat complies with this Land Development Code.
- 5) The administrator shall make recommendations on whether to approve and deny any waivers requested by the applicant.

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- 6) The administrator shall provide for required public notice in accordance with section 120-2 of this Land Development Code.

(d) *Preliminary plat review by planning and zoning commission.*

- 1) At a public hearing, the planning and zoning commission shall review the preliminary plat and forward a recommendation to the parish council on whether to approve, approve with conditions, or deny the preliminary plat and application for a major subdivision.
- 2) The planning and zoning commission may recommend conditions be attached to the approval of the preliminary plat to ensure the proposed development complies with this Land Development Code.
- 3) The planning and zoning commission shall make recommendations on whether to approve or deny any waivers requested by the applicant.

(e) *Preliminary plat decision by parish council.*

- 1) Following notice and a public hearing as required in section 12-2 of this Land Development Code, the parish council shall approve, approve with conditions, or deny the preliminary plat and application for a major subdivision.
- 2) The preliminary plat and application shall be approved or denied within 60 days of filing of a complete application, except where such time period is extended by the applicant.
- 3) The act of approving or disapproving a preliminary plat and application is a legislative function involving the exercise of legislative discretion by the parish council.
- 4) In deciding, the parish council shall consider the recommendation of the administrator and the planning and zoning commission, relevant comments of all interested parties, and the review criteria in subsection (h) below.
- 5) The parish council may attach conditions required to better ensure the subdivision comply with the intent of the Land Development Code.
- 6) *Waiver.* Where the parish council finds that unnecessary hardship results from strict compliance with this chapter, a waiver may be granted by the parish council. To be eligible for a waiver, the parish council must find that, due to the particular physical surroundings, shape or topographical conditions of the property, a particular hardship would result, as distinguished from a mere inconvenience. The granting of the waiver must not be detrimental to the public safety, health or welfare or injurious to other property or improvements. No waiver shall be granted based strictly upon financial considerations.
- 7) In the event that the parish council disapproves any preliminary plat, the grounds for such disapproval shall be stated in the records of the parish council.

(f) *Review criteria.* The following review criteria shall be considered in reviewing, approving, approving with conditions, or denying the preliminary plat and application for a major subdivision:

- 1) The proposed subdivision is consistent with the pertinent elements of the parish comprehensive plan.
- 2) The proposed subdivision will reinforce the existing or planned character of the neighborhood or area.

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- 3) The capacity of public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire, and emergency medical services.
  - 4) The proposed subdivision demonstrates:
    - i. Compliance with any prior approvals;
    - ii. Design appropriate for and tailored to the unique natural characteristics of the site;
    - iii. Adequate, safe and convenient arrangement of access, pedestrian circulation facilities, bicycle facilities, roadways, driveways, and off-street parking, stacking and loading spaces;
    - iv. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater;
    - v. Adequate access for disabled or handicapped residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones, and access to other facilities; and
    - vi. Any adverse impacts to adjacent properties have been minimized or mitigated.
  - 6) *Expiration.* A preliminary plat expires after one (1) year unless the construction plan has been approved and construction of the required public infrastructure has begun. The parish council can approve a single, one (1) year extension of the preliminary plat.

(g) *Construction plan and construction of required public infrastructure improvements.*

- 1) *Generally.*
  - i. The purpose of the construction plan is to ensure required public infrastructure improvements are built to parish standards.
  - ii. The review process begins with submittal of a set of detailed construction plans for the required public infrastructure improvements to parish administration for review and approval.
  - iii. Upon parish administration approval, a work order that permits the developer to begin construction of the required public infrastructure improvements may be issued.
  - iv. The construction plan phase ends when parish administration has completed its inspections and certified the required public infrastructure improvements are built to parish standards.
- 2) The construction plan shall be approved or denied within 60 days of filing a complete application, except where such time period is extended by the applicant.
- 3) If the construction plan is denied, the parish administration shall specify in writing the provisions with which the construction plan does not comply.
- 4) The construction plan shall be approved when it:
  - i. Is consistent with the pertinent elements of the approved preliminary plat;
  - ii. Meets the requirements of this chapter and chapter 136 - Subdivision Regulations.
  - iii. Complies with any prior approvals, including specifically the preliminary plat and any conditions.
- 5) *Construction.*

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- i. The developer shall not commence any construction on the required public infrastructure improvements until after construction plans have been approved by the parish. Construction includes land clearing; site preparation such as dredging, filling, cutting, or other actions to shape the lot; and placement of temporary structures such as a construction office and construction entrance. The developer can selectively remove vegetation to conduct surveying, soil sampling, and other investigations necessary to develop accurate plats and plans.
  - ii. *Right to inspect.* The applicant shall grant the parish the authority to inspect all construction of required improvements. Such right of inspection shall not constitute a duty to inspect, nor shall it guarantee final acceptance of the required improvements.
  - iii. *Noted Deficiencies and Reinspection.* The parish administration shall notify the developer or their designated representative in writing if they determine that ongoing work does not meet the parish or industry standards, so that the deficiencies can be corrected. The notice shall identify what needs to be corrected, whether work on the specific area of deficiency must cease until the deficiency is corrected, and whether a reinspection is required. It is the developer's responsibility to make the required corrections and request a reinspection if one is required. Upon receipt of a request for reinspection the parish will notify the developer or their designated representative of the time and date of the reinspection. Only once the deficiency has been corrected and passed re-inspection, if required, can the developer resume work on the area noted as deficient.
  - iv. *Stop work.* If noted deficiencies are not corrected, or the parish determines there is an immediate threat to life and safety, or the natural environment, the parish administration can issue a stop work order for the entire subdivision. The stop work order shall be in effect until the noted deficiency is corrected, or the threat to life and safety or the natural environment has been removed. The parish shall notify the developer in writing when the stop work order has been rescinded.
  - v. In developing property requiring subdivision approval under this chapter, the applicant must dedicate sufficient rights-of-way to provide for the streets, curbs and gutters, sidewalks, and street trees necessary to meet subdivision requirements.
  - vi. The applicant shall bear the costs of installation for any on-site or off-site improvements required by these subdivision regulations, including provisions for stormwater management, paving and utilities.
  - vii. The parish is not required to accept improvements, whether public or private, when such improvements do not meet parish standards.
  - viii. *Preparation of an improvement guarantee.*
    - a. Prior to the approval of the final plat, the applicant shall submit a cost estimate and time schedule by phase for installation of required subdivision improvements.
    - b. A bond shall be required guaranteeing all on-site and off-site improvements. The bond shall be in an amount equal to 110 percent of the improvement cost estimate as prepared by the parish engineer, and in a form approved by the parish attorney.
    - c. As each phase of improvements is installed and inspected by the parish, the bond shall be reduced by the cost of the installed improvements.

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d. Failure to perform the work to parish standards shall free the parish to liquidate the improvement guarantee in order to finance necessary repairs or to return the site to its predevelopment state.

ix. *Maintenance bond.* The parish shall require a two (2)-year maintenance bond on any improvement constructed by a developer and dedicated to the parish. The two (2)-year period commences when the improvement is placed into public service, such as when streets are open to public traffic, water lines are pressurized and water is provided throughout the entire system, wastewater is flowing through sanitary sewer, and stormwater is flowing through stormwater sewer and drainage canals.

5) *Expiration.* The construction plan shall expire 18 months after approval, unless the final plat has been approved by the parish council or the parish council grants its single, one (1)-year extension.

(h) *Final plat.*

1) *Generally.*

i. The purpose of the final plat is to approve the subdivision layout, authorize the recording of the plat with the clerk of court, allow the sale of lots, and allow the issuance of building permits for the construction of improvements on individual lots.

ii. The review process begins upon submittal of a final plat to the parish administration for review. The parish administration reviews the final plat for compliance with the parish's subdivision regulations, then forwards the proposed final plat to the planning commission for their review.

iii. At a public hearing, the planning commission reviews the final plat for compliance with the parish's subdivision regulations and the parish's comprehensive plan and forwards proposed final plat to the parish council recommending either approval, approval with conditions, or denial. The planning commission also recommends either approval, approval with modification, or denial of any waivers applied for by the applicant.

iv. At a public hearing, the parish council reviews the final plat and decides to either approve, approve with conditions, or deny. The council also decides on whether to approve, approve with modifications, or deny any waivers requested by the applicant.

2) Prior to final plat approval, any major subdivision constructed as a private residential subdivision shall require the owner's design engineer to certify that all infrastructure has been constructed in accordance with the approved construction plans and to parish standards. The owner shall also be required to provide a recorded copy of the deed restrictions and maintenance covenants to ensure upkeep and maintenance of any private infrastructure.

3) The approval of a final plat shall not be deemed to constitute the acceptance of the dedication of any street or other land, public utility or facility shown on the face of the plat. However, the parish council can, by resolution, accept any dedication for streets, parks, public utility lines or facilities, or other public improvement or purposes.

4) *Dedication and improvements.*

i. In developing property that requires subdivision approval under this chapter, the applicant must dedicate any additional rights-of-way necessary to the width required by the parish for streets adjoining the property, install curbs and gutters and pave all streets adjoining the

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property, and install sidewalks and street trees, all in accordance with chapter 136 Subdivision Regulations.

- ii. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this Land Development Code, including provisions for stormwater management, paving, and utilities.
  - iii. The parish is not required to accept any dedication or improvements when such improvements do not meet parish standards.
- 4) *Recording the subdivision.* The parish administration shall record the approved subdivision with the clerk of court. No lots can be sold or building permits issued until the subdivision has been recorded.
- 5) *Appeal of the council decision.* Appeals of the parish council decision are heard by the district court with jurisdiction over West Feliciana Parish. Appeals shall be valid when made within 30 days of council decision-making.

**Sec. 120-32. – Minor subdivisions.**

(a) *Generally.* Minor subdivision requires two steps:

- 1) Review of the subdivision application by the parish administration; and
- 2) Decision on the application by the parish administrator.

(b) *Application and fees.*

- 1) A pre-application conference is required.
- 2) All applications for subdivision review shall be filed in writing with the administrator. All subdivision applications shall be prepared by the landowner or agent.
- 3) All plats shall be prepared and sealed by a land surveyor licensed in the state of Louisiana.

(c) *Review and decision by administrator.*

- 1) *Review by administrator.* Once the administrator has a complete application, he or she shall coordinate with the parish engineer and the public works director to review the application for compliance with parish subdivisions regulations and standards. The administrator will compile department comments and any comments received from the public.
- 2) *Administrator decision.* The administrator shall review the minor subdivision application for compliance with the parish subdivision regulations and standards and conformance with the parish comprehensive plan. In the review the administrator shall consider all relevant comments from all interested parties. The administrator shall approve, approve with conditions, or deny the minor subdivision application.
- 3) *Appeal of administrator decision.* The applicant can appeal the administrator's decision to the planning and zoning commission. The appeal must be submitted to the administrator no later than 10 calendar days from the date of the decision.
- 4) *Recording of subdivision.* The parish administration shall record the approved subdivision with the clerk of court. No lots can be sold or building permits issued until the subdivision has been recorded.

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(d) *Construction.* The developer or owner of lots shall not commence any construction until after the subdivision has been approved by the planning and zoning commission. Construction includes land clearing; site preparation such as dredging, filling, cutting, or other actions to shape the lot; and placement of temporary structures such as a construction office and construction entrance. The developer can selectively remove vegetation to conduct surveying, soil sampling, and other investigations necessary to develop accurate plats and plans.

**Sec. 120-33. - Dormant or partially constructed subdivision.**

(a) *Definition.* A dormant or partially constructed subdivision means a subdivision that has an approved preliminary plat, wherein the construction of required improvements ensues, but is not completed, inspection and certifications are not completed, and a final plat approval not attained.

(b) Threat to natural and human environment. A dormant or partially constructed subdivision poses a threat to the natural and human environment, wherein exposed and incomplete construction activities pose a threat of injury to humans who enter the site, and partially constructed and poorly maintained infrastructure can cause:

- 1) Flooding by altering the flow of water across the land;
- 2) Excess runoff of silt and debris into surface water;
- 3) Impoundment and stagnation of water in low lying areas;
- 4) Blockage of drainage canals;
- 5) Contamination of surface drinking water; and
- 6) Impediment to the natural percolation of groundwater and the recharging of the Southern Hills aquifer.

(c) *Corrective action.* The appropriate corrective action shall be dependent on the stage of construction (before or after) as described below:

- 1) *Before construction begins.* If the subdivision improvements are abandoned after the preliminary plat is approved, but before commencement of construction, then approval of the preliminary plat and construction plan, if approved, shall be cancelled. Cancellation shall be automatic if the developer does not have an approved construction plan or has not begun construction within one (1) year from the date of approval of the preliminary plat or within one (1) year of the date the parish council approves its single, a one (1)-year extension, if applicable.
- 2) *After construction begins.* If the subdivision improvements are abandoned after construction of required improvements has begun, but before approval of the final plat, then the preliminary plat and construction plan approvals shall be cancelled. Cancellation is automatic if the developer does not obtain final plat approval within 18 months of the date of receiving approval of the construction plan or within one (1) year of the date of receiving a single, one (1)-year extension from the parish council, if applicable. If approval of the preliminary plat and construction plan area cancelled, the developer must remove all construction improvements and return the land to its natural pre-construction state.

(d) *Resumption of subdivision development.* If the developer subsequently decides to resume construction of the subdivision, the developer must submit a new application for preliminary plat approval from the parish council and follow the process as set forth in section 120-31. – Major Subdivisions of this article. In no case shall the developer begin construction based on a cancelled preliminary plat. In considering whether to approve a new preliminary plat, the parish council shall take into

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consideration the cancellation of the prior preliminary plat approval. If the parish council approves the new preliminary plat, then the developer must then submit a new construction plan for approval by the parish administration.

**Sec. 120-34. – Waiver.**

(a) *Relief from strict compliance.*

- 1) Upon application by the subdivider and where it can be shown in the case of a particular proposed subdivision, that strict compliance with the requirements would result in extraordinary hardship to the subdivider because of unusual topography, or other such conditions, thus retarding the achievement of the objectives of these regulations, the subdivider can be granted a waiver from an identified provision of this Land Development Code.
- 2) A waiver can vary or modify requirements so that substantial justice can be done, and the public interest secured; provided that such waiver will not have the effect of nullifying the intent and purpose of these regulations.
- 3) In no case shall any waiver be more than a minimum easing of the requirements. The waiver shall not have the effect of reducing the traffic capacity of any arterial collector or minor streets, or worsen drainage conditions upstream or downstream of the development.

(b) *Waivers shall be considered as part of the following procedure:*

- 1) The administrator shall identify a subdivision application that requires a waiver.
- 2) The administrator shall identify the specific provision or requirement of this Land Development Code for which a waiver may be appropriate.
- 3) An action requiring a waiver shall not proceed unless and until the waiver is granted.
- 4) For a minor subdivision, the administrator shall have the authority to grant a waiver, in accordance with this article.
- 5) For a major subdivision, both the administrator and the planning and zoning commission shall make a recommendation to the parish council. The parish council shall have the authority to grant a waiver in accordance with this section.

(c) *Waiver review criteria.*

- 1) To grant a waiver, the application must be determined to meet all the following criteria:
  - i. The applicant will suffer undue burden without the grant of the requested waiver, which is not only financial.
  - ii. The need for a waiver cannot have resulted from an action of the applicant.
  - iii. There is no reasonable alternative which the same or similar waiver would not be required.
  - iv. The grant of the waiver will not impose a significant negative impact on adjacent property owners or the community.
  - v. The waiver is the least accommodation available to facilitate the approval of the subdivision.The applicant or an adjacent property owner can appeal the grant or denial of a waiver using the appeal process for the type of subdivision to which the waiver would be applicable.



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**Sec. 120-35. – Enforcement.**

- (a) Enforcement of this chapter shall be the responsibility of the West Feliciana parish president or their designee(s), unless otherwise more specifically prescribed.
- (b) Any person who violates any provision of the subdivision procedures shall, upon conviction by a court of competent jurisdiction, be penalized by a fine of \$500.00 per incident. Each sale, residential lease, exchange, or other disposition of any lot shall constitute a separate violation.
- (c) All fines and penalties shall be paid to West Feliciana parish government.
- (d) In addition to the fines and penalties herein above provided, the West Feliciana parish government shall have the power and authority to seek injunctive relief in any court of competent jurisdiction, enjoining any person who is in violation of the present subdivision regulations, to:
  - 1) Prevent the sale, residential lease, exchange, or other disposition of any new lot in any subdivision not approved in accordance with these subdivision regulations.
  - 2) Prevent the installation of utility systems within any subdivision or prevent utility service to any lot in any subdivision in violation of these subdivision regulations.
  - 3) Prevent issuance of building and development permits to any lot in any subdivision in violation of these subdivision regulations.
  - 4) Prevent approval of any water/sewage improvements to lots or parcels of land in any subdivision in violation of state health regulations and these subdivision regulations.
- (e) Utilities and Permits.
  - 1) *Utilities* . No utilities shall be provided including, electric, gas, sewer, communications, or other utility services to any lot that has not been created or approved by the parish.
  - 2) *Building permits*. No building permit agency shall issue any building permits for the construction of any improvements on any lot, tract, or parcel of land, that has not been created or approved by the parish.
  - 3) Any person who violates any provision of these subdivision regulations shall, upon conviction by a court of competent jurisdiction, be penalized by a fine of not less than \$100.00 nor more than \$500.00. All fines and penalties shall be paid to the West Feliciana parish government.

**Sec. 120 – 35 to 120-49. – Reserved.**

## **Chapter 130. Definitions**

**Sec. 130-1. – Definitions used throughout the LDC.**

The following includes definitions that are used throughout the LDC. The definitions in this chapter shall apply in all instances except where a section or chapter is more specific than what is listed herein. The following words, terms, and phrases, when used in this LDC, shall have the meanings ascribed to them in this chapter, except where the context of their use clearly indicates a different meaning.

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**Accessory Dwelling Unit (ADU)** means a dwelling unit located on the same lot as a detached single-family residence and located either within the same building as the single-family residence, as an attached addition to the single-family residence, or in a detached accessory building.

**Accessory use** means a use incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. In buildings restricted to residential use, the customary family activities conducted on the property shall be deemed accessory uses.

**Adult use** is a collective term that means any place, establishment, or business which offers, advertises, or is engaged in any activity, service, sale, or display of any commodity that is distinguished or characterized by an emphasis on the obscene, the sexually oriented, or the sexually explicit. Adult use refers to the characteristics of a use and can be applied to a range of uses. For example: retail bookstore versus adult retail bookstore or theater versus adult theater.

**Agricultural structure** means a structure that is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock; and excludes any structure used for human habitation (*Reference: FEMA Policy #104-008-03 FEMA Policy: Floodplain Management Requirements for Agricultural Structures and Accessory Structures*).

**Alter or alteration** means any change or modification in construction or occupancy.

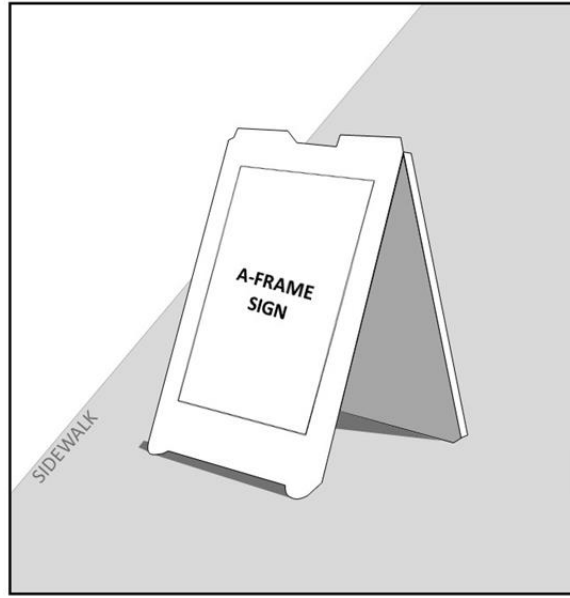
**Annual** refers to the period between January 1 and December 31 of each year. In all cases, annual requirements per this chapter must be satisfied before the issuance or renewal of any annual occupation license.

**Apartment** means any building or portion thereof used as a multifamily dwelling for the purpose of providing two or more separate dwelling units, which can share means of egress and other essential facilities, in which occupancy is maintained for a period of over 90 days for each dwelling unit.

**Apartment, transient**, means the rental, or sale of interval ownership, including time shares, of a dwelling unit for any period less than 90 consecutive days. Transient apartments, including time shares, are not permitted uses in any residential districts of the parish.

**Appeal** means a request for a review of the planning commission's interpretation, or the planning commission's interpretation or the subdivision committee's interpretation of any provision of this chapter, or request for a variance.

**A-frame sign** means a sign, ordinarily in the shape of an "A" or some variation such as a "T" shape, made of metal, wood, chalkboard, or white board, located on the ground and generally oriented to pedestrians, not permanently attached, and easily movable.



**Animated sign** means a sign that contains visible moving parts, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash oscillate or visibly alters in appearance in a manner that is not permitted by these regulations.

**Area, building**, means the total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

**Area of special flood hazard** means the land within the community subject to a 1 percent or greater chance of flooding in any given year

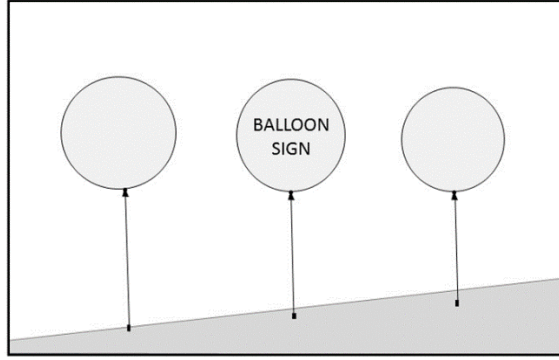
**Attached sign** means a sign painted on, attached, or affixed to a building including, but not limited to a wall, awning, canopy, blade, marquee, or projecting sign.

**Automobile storage yard** means a place where recovered vehicles are stored temporarily.

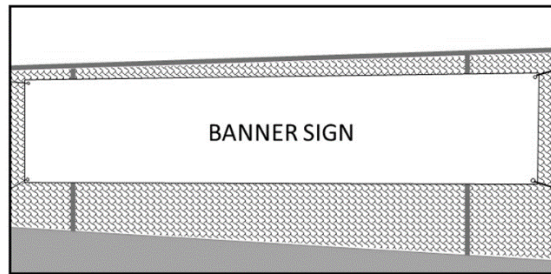
**Awning** means a shelter supported entirely from the exterior wall of a building.

**Awning sign** means a sign that is attached to or painted onto an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

**Balloon sign** means an inflatable circular or round object tethered in a fixed location that displays signage either on its surface or as an attachment.



**Banner sign** means a sign located on flexible substrate or lightweight fabric or similar material attached at one or more edges to a pole, building, or structure. A flag is not considered a banner.



**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Beacon** means a strong or bright light focused in one or more directions.

**Bench sign** means a sign applied or affixed to the seat or back of a bench.

**Brew Pub means** a commercial establishment which conducts the retail sale of beer (malt beverages with alcohol content as defined by federal law) which is brewed on the premises in compliance with applicable state and federal laws. Such establishments can also include restaurant as an accessory use. Live entertainment is subject to the use requirements of district in which the establishment is located (see also microbrewery).

**Buffer** means landscaping, open space, fences or walls located parallel to and within the outer perimeter of a lot and extending to the lot line. A buffer is used to physically separate or screen, one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**Building** means any structure built for support, shelter or enclosure of persons, animals, chattels or property of any kind, which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this chapter, each portion of a building separated from other portions by a fire wall shall be considered as a separate building. For area and height limitations, the following definitions shall be applicable to sheds and open sheds:

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- (1) **Shed** means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for less than 50 percent of its perimeter.
  - (2) **Open shed** means any structure that has no enclosing walls.

**Building Official** means the officer or other person charged with the administration and enforcement of the building code included within this chapter, or identified as in chapter 105, or his duly authorized representative.

**Building height** means the vertical distance measured from the established average sidewalk grade, street grade or finished grade at the building lines of the front of the building, whichever is the highest, to the highest point of the building.

**Building line, front**, means the line of that face of the building nearest to the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

**Building setback line** means a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

**Building setback, front**, means the minimum allowable distance between the front property line on an abutting street or road, or an official future street, and the front of a building or structure on a lot. The front setback distance is measured and applied to the full width of the lot and is parallel to or concentric with the street centerline.

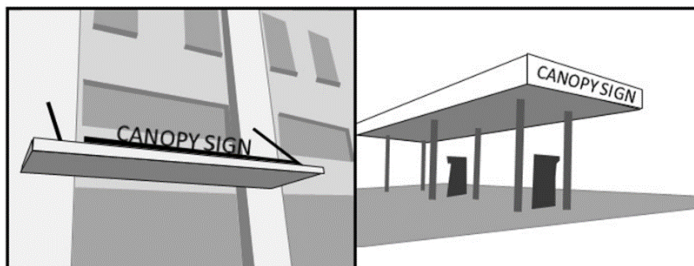
**Building setback, rear**, means the minimum allowable distance between the rear property line and a building or structure on a lot. The rear setback applies to and extends the full width of the lot.

**Building setback, side**, means the minimum allowable distance between the side property line and a building or structure on a lot. The side setback applies to the full depth of a lot.  
**Corner lot** means any lot bounding the intersection of two streets, or upon the inside of a curve of a street where the corner interior angle is less than 135 degrees.

**Billboard** means a detached pole sign specifically oriented toward vehicular traffic on expressways, highways, and arterial streets with a total area in excess of 450 square feet.

**Canopy** means an overhead structure that provides weather protection for pedestrians. Awnings and marquees (defined herein) are different types of canopies.

**Canopy sign** means a sign that is part of, or attached to, a canopy cover or canopy structure.



**Changeable copy or message sign** means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign.

**Compound or “family” development**, means a lot/tract/parcel at least five (5) acres in area developed with up to five (5) single-family detached residences consistent with land use regulations in Section 135-20.

**Conforming sign** means a sign that is legally installed in conformance to all prevailing jurisdictional laws and ordinances.

**Coverage** means that percentage of the plot or lot area covered by building area, including pools, accessory buildings, patios and screened areas, but excluding walks and driveways.

**Detached sign** means a sign that is not affixed or attached to a building. Detached sign can describe a pole, pylon, billboard, or monument sign.

**Developer** means a person, or his agent, who undertakes the development activities covered by these regulations.

**Development** means any manmade change to improve or un-improve any real estate, including, but not limited to, buildings or other structures, land clearing, mining, dredging, filling, grading, paving, excavation, drilling or seismic operations.

**District** means any section of the parish for which the regulations governing the use of buildings or premises are uniform.

**District, historic**, means any section of the parish in which the building, monument, structure, site or land use has been officially recognized as historic by the state, United States Federal Government or registered on the National Historic Register. See chapter 120.

**Dormant Subdivision** means a subdivision that is not built on and is unlikely to be built for an indefinite time. A dormant subdivision is one that should never have been subdivided because it is unlikely to be built on in the foreseeable future.

**Double-faced sign** means a sign with two faces that are oriented back-to-back.

**Drive-through sign** means a sign that is specifically oriented toward vehicles within a drive-through queue and is not oriented toward traffic on a public right-of-way, regardless of sign content.

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**Dwelling** means any building, vehicle, or portion thereof, designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" does not include hotel, motel, rooming house, tourist house, hospital, nursing home, dormitory, fraternity, or sorority house. The term "dwelling" includes only structures occupied on a seasonal (at least 90 continuous days) or yearly basis.

**Dwelling unit** means one or more rooms, including kitchen or kitchenette, and sanitary facilities in a dwelling structure, designed as a unit for living and sleeping purposes.

**Dwelling, multiple-family**, means a building or portion thereof designed for, or occupied by, three or more families.

**Dwelling, single-family**, means a detached building designed for, or occupied exclusively by, one family.

**Easement** means a right-of-way granted for limited use of private property for a public or quasi-public purpose.

**Electric sign** means a sign activated or illuminated by means of electrical energy.

**Electronic variable message [EVM] sign** means an electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EVMs typically use light emitting diodes (LEDs) as a lighting source.

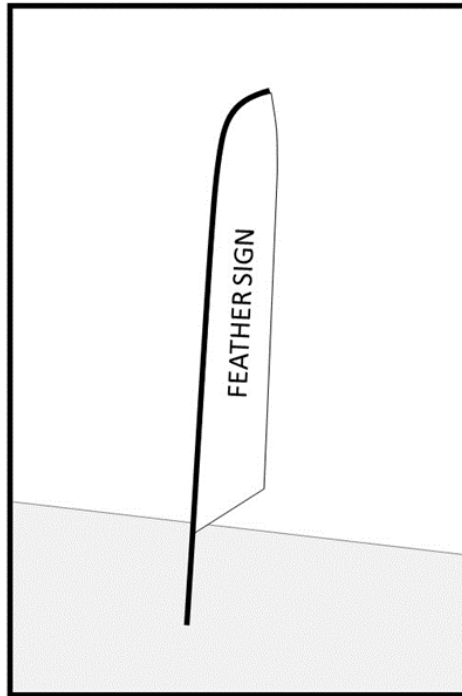
**Employee** means a person paid or unpaid in the service of the employer at his place of business.

**Family** includes one or more related or unrelated persons living together in one dwelling unit and maintaining a common household. Nothing contained in this definition shall expand the provision of the Louisiana Civil Code articles pertaining to persons.

**Family cemetery** means a cemetery in which no lots can be sold to the public and in which interments are restricted to a group of persons related to each other by blood or marriage on a lot not less than five acres.

**Flag** means fabric or bunting containing colors, patterns, symbols, or copy that can be raised and lowered on a flagpole. A photo, drawing or similar depiction of a flag on non-fabric material is not included in this definition. A feather sign is also not included in this definition.

**Feather sign** means a vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.



**Fence and wall** means a manmade barrier erected for the purposes, including, but not limited to, enclosure, exclusion, protection, privacy, security, retainment and aesthetics, located at the perimeter of, or within, the required yards, side and rear, of private property.

**Fence, visually open**, means a fence constructed of metal galvanized wire such as chain link, and securely attached to posts and railings of galvanized metal, which posts are encased below ground level in concrete or cement, or net wire fences of galvanized material securely attached to wood or metal post, or barb wire securely attached to wood or metal post which are encased below ground level in concrete or cement or hard packed soil

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of surface waters other than for irrigation purposes.

**Flood insurance rate map (FIRM)** means an official map of the parish on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to this parish.

**Flood insurance study** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood related erosion hazard.

**Flood zone.** See Area of special flood hazard.

**Floor area, gross**, means the area within the inside perimeter of the exterior walls of a building by floor, with no deduction for corridors, stairs, closets, thickness of walls, columns, or other features, exclusive of areas open and unobstructed to the sky.



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**Floor area, net**, means the area actually occupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features.

**Floor area, net habitable**, means the net floor area in a structure used for living, sleeping, eating or cooking. A storage garage and utility space and similar areas are not considered habitable space.

**Gaming devices** means any structure, device, unit or mechanism, including, but not limited to video poker devices, slot machines, roulette wheels, card games or dice games, or any games of chance or any form of legalized gambling, other than scratch or rip-off cards or lottery tickets, that provide a payment of money, merchandise or credit to the winner.

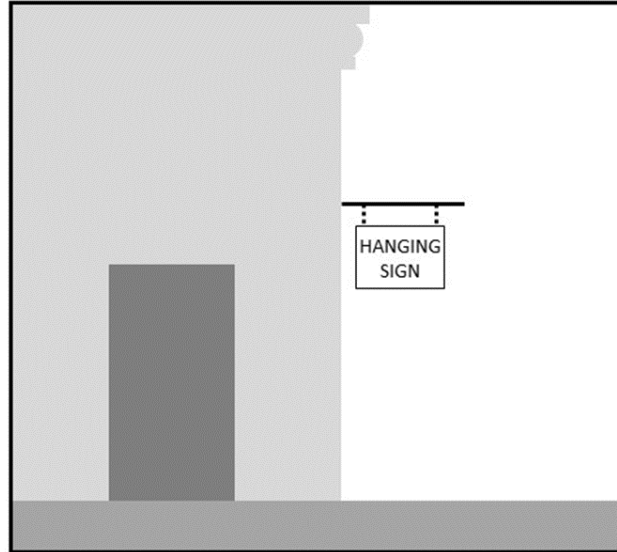
**Garage, private**, means an enclosed space for the storage of up to three motor vehicles, provided no business, occupation or service is conducted therein, nor space therein for more than one car leased to a nonresident of the premises for garage; as used herein, shall also include carport when it is attached to the main dwelling.

**Garage, public**, means any garage other than a private garage, operated for gain, and used for the storage and/or rental of more than three automobiles or other motor vehicles.

**Grade** means the average level of the finished surface of the ground for building from a street or road right-of-way line.

**Community or group home, generally.** Any institution, place, building, or agency providing for a period exceeding 24 consecutive hours: accommodation, board, personal assistance, and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis. More specific criteria and definitions are provided for in State Law RS 28:477, re: definition of community home and RS 28:451.2, re: definition of group home.

**Hanging sign** means a sign that is hung perpendicular to a building façade beneath the underside of an awning, canopy, or other structural protective cover over a door, entrance, window, or outdoor service area.



**Health officer** means the director or supervisor of the parish health unit.

**Hedge** means a planting of shrubs, planted to form a continuous unbroken solid visual screen within three years after planting. See chapter 115.

**Improvements, public,** means any of the following:

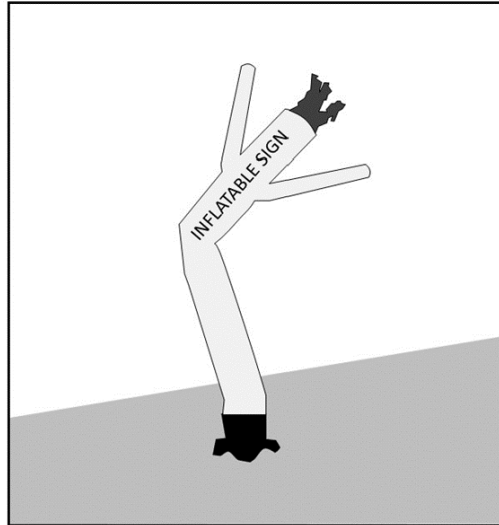
- (1) Street pavement with curbs and gutters;
- (2) Sidewalks;
- (3) Water mains;
- (4) Sanitary sewers;
- (5) Storm drainage and storm retention;
- (6) Street signs;
- (7) Street trees; and
- (8) Other permanent fixtures and improvements.

**Junkyard** means buildings, structures, or premises where junk, waste, or discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment. The presence of more than one disassembled or unlicensed vehicle, trailer, mobile home, or boat, or licensed and not moved within six months, not in operating conditions, on a lot constitutes a junkyard.

**Home business or home occupation sign** means a sign located in a residential district in conjunction with a home business or home occupation.

**Illuminated sign** means a sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

**Inflatable sign** means a sign that is not a round/circular shape (i.e., balloon sign) but is displayed via air inflation.



**Kenel** means any zoning lot on which five or more dogs six months old or older are kept.

**Landscaping** means trees, shrubs, flowers, plants, or any grass normally used in state climate, obtained either by seeding or sodding. The term "landscaping" also includes stone gardens or other areas presenting permeable surface for water or rain.

**Loading space** means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, buses or other vehicles.

**Lot** means a portion of a tract or parcel of land, intended as a single building or unit for lease or transfer of ownership for development, including the development of one ownership with two or more buildings for separate occupancy.

**Lot area** means the total horizontal area included within lot lines.

**Lot depth** means the mean horizontal distance between the front and rear property lines.

**Lot frontage** means the projection or extension of a straight line drawn between the two points where the abutting property lines or other adjacent lot lines intersect a given street line of a public or private street or road. A lot can have more than one frontage.

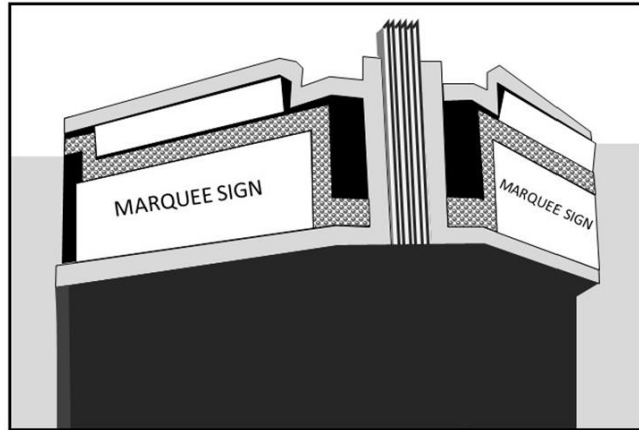
**Lot lines** means the boundary dividing a given lot from a street, an alley or adjacent lots.

**Lot of record** means a lot which is part of a plan of subdivision recorded in the office of the clerk of court for the parish, or a lot described by metes and bounds, the description of which has been recorded in the office of the clerk of court for the parish.

**Legal nonconforming sign** means a sign that was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior sign ordinance or code before the effective date of this chapter, but does not conform to the applicable limitations established by this chapter to-date.

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**Marquee sign** means a permanent roofed structure attached to and projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

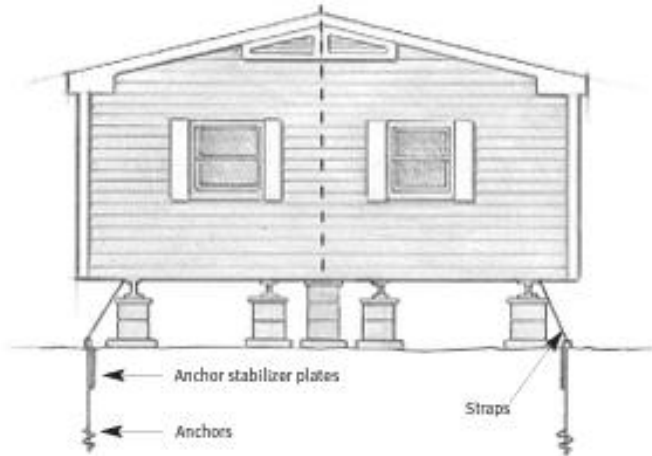


**Maintain** includes general servicing and upkeep in a safe workmanlike and attractive manner.

**Manufactured home and manufactured housing** means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended. Further, the terms "manufactured home" and "manufactured housing" can be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development or to factory-built, residential dwellings that are mounted on a chassis. Manufactured homes can be characterized by being affixed to a permanent foundation (fill, piers, pilings, or a slab) and once placed on a site are no longer "road-ready," meaning that all wheels are removed and the structure does not contain any portion of a self-propelled vehicle.

Images: Manufactured home per HUD:





Source: [https://www.huduser.gov/publications/pdf/foundations\\_guide.pdf](https://www.huduser.gov/publications/pdf/foundations_guide.pdf)

Manufactured homes are also characterized by a red “HUD tag” and a “data plate” showing the wind zone for the structure and manufacturing information.



Image: HUD Tag

Source: <https://www.claytonhomes.com/studio/hud-certification-for-manufactured-home/>  
[https://www.hud.gov/program\\_offices/housing/rmra/mhs/mhslabels](https://www.hud.gov/program_offices/housing/rmra/mhs/mhslabels)

Manufacturer: \_\_\_\_\_

Serial Number: \_\_\_\_\_

Model: \_\_\_\_\_

Certification Label: \_\_\_\_\_

Date of Manufacture: \_\_\_\_\_

Direct Approval By: \_\_\_\_\_

The manufacturer has been inspected and approved by the state health department and the Department of Health and Senior Services to manufacture and sell mobile homes in the state of Florida. The manufacturer has been inspected and approved by the state health department and the Department of Health and Senior Services to manufacture and sell mobile homes in the state of Florida. The manufacturer has been inspected and approved by the state health department and the Department of Health and Senior Services to manufacture and sell mobile homes in the state of Florida.

**COMFORT HEATING**

This manufactured home has been thoroughly reviewed to conform with the requirements of the federal manufactured home construction and safety standards for all locations within FL, unless otherwise noted. (For most of following heating equipment manufacture and model (See list at end).)

The listed heating equipment has the capacity to maintain an average 70° F temperature in this home at outdoor temperatures of \_\_\_\_\_ ° F. To maximize furnace operating economy, and to conserve energy, it is recommended that this home be installed where the outdoor winter design temperature (37° FN) is not higher than \_\_\_\_\_ ° F.

The above information has been calculated assuming a maximum wind velocity of \_\_\_\_\_ MPH at standard atmospheric pressure.

**CONDYTIONING**

**ALL CONDITIONING PROVIDED BY FACTORY (Include 1)**

1. All conditioners manufactured and installed at the factory.

Certified capacity \_\_\_\_\_ Btu/h in accordance with the appropriate Air Conditioning and Refrigeration Institute.

The central air conditioning system provided in this home has been used during a simulated 100% block load of 1 hour during \_\_\_\_\_ for the basis the system is designed to maintain an indoor temperature of 75° F dry bulb and \_\_\_\_\_ ° F wet bulb.

The temperature in which this home can be cooled will change depending upon the amount of culture of the condition of this home in the unit's load heat (heat gain) in the home's heat gain, just very dependent upon its orientation to the sun and its environment shading provided. Information concerning the calculation of cooling load at various locations, window exposures and changes are provided in Chapter 22 of the 1999 edition of the ASHRAE Handbook of Fundamentals. Information necessary to calculate cooling loads at various locations and conditions is provided in the special condition cooling information provided with this home.

**THIS SYSTEM IS NOT PROVIDED BY FACTORY (otherwise 1)**

1. An air conditioning system of this home is suitable for the installation of central air conditioning. The supply air distribution system installed in this home is used for \_\_\_\_\_ manufactured home central air conditioning system of up to \_\_\_\_\_ Btu/h rated capacity which are certified in accordance with the appropriate air conditioning and refrigeration Institute standards, when the air circulation of such air conditions are rated at 1 inch water column static pressure or greater for the cooling air delivered to the manufacturer home supply air duct system.

To determine the required capacity of the equipment to cool a home efficiently and economically, cooling load heat gain calculations is required. The cooling load is dependent on the orientation location and the structure of the home. Central air conditioner operates most efficiently and provide the greatest comfort when their capacity closely approximates the calculated cooling load. Each home's condition should be used in accordance with Chapter 22 of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Handbook of Fundamentals upon the location and orientation are known.

**INFORMATION PROVIDED BY THE MANUFACTURER NECESSARY TO CALCULATE SENSIBLE HEAT GAIN**

Main (external) window in direct \_\_\_\_\_ sq. ft.  
 Ceiling and roof of light color \_\_\_\_\_ sq. ft.  
 Ceiling and roof of dark color \_\_\_\_\_ sq. ft.  
 Floors \_\_\_\_\_ sq. ft.  
 Air ducts in ceiling \_\_\_\_\_ sq. ft.  
 Air ducts in wall \_\_\_\_\_ sq. ft.  
 Air ducts in floor \_\_\_\_\_ sq. ft.  
 Air ducts outside the home \_\_\_\_\_ sq. ft.  
 Duct area in this house as follows:  
 Air ducts in the ceiling \_\_\_\_\_ sq. ft.  
 Air ducts in the wall \_\_\_\_\_ sq. ft.  
 Air ducts outside the home \_\_\_\_\_ sq. ft.

**HOME CONSTRUCTED FOR:**  North  Middle  South  Other  PSF

## Image: Manufactured Home Data Plate

Source: <https://www.hud.gov/sites/dfiles/Housing/documents/DataPlateExample.pdf>

**Microbrewery** means an establishment engaged in the brewing of beer, ale, malt liquors and nonalcoholic beer. The establishment can also include a bar or restaurant as the principal or secondary use. Microbreweries are limited to producing no more than 200 gallons a day.

**Mobile home** See “Manufactured Home”. The term "mobile home" does not include recreational vehicles or travel trailers.

**Manufactured home parks** means an area of land where two or more manufactured home sites are rented, or held out for rent, to accommodate manufactured homes used for human habitation on a permanent bases. Developments classified as “compounds” or “family developments within this code are not considered manufactured home parks even if such developments include more than two manufactured homes on a single lot of record.

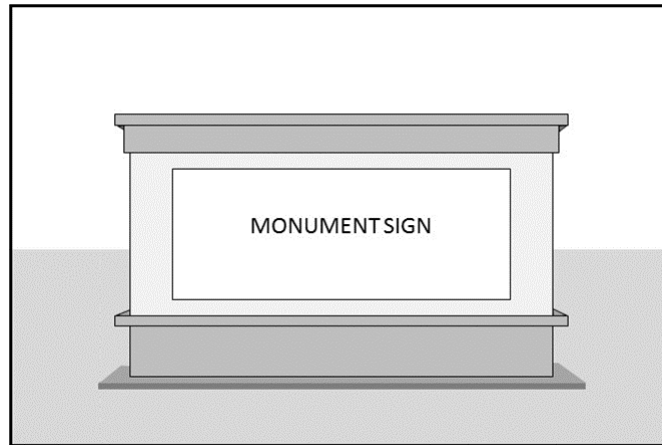
**Modular home** means a factory-built home, other than manufacture home, which meets all of the following:

- Is designed only for erection or installation on a site-built permanent foundation;
- Is not designed to be moved once erected or installed;
- Is designed or manufactured to comply with a nationally recognized model building code or equivalent local code, or with a state or local modular building code recognized as generally equivalent to building codes for site-built housing; or
- To the manufacturer’s knowledge, is not intended to be used other than on a site-built permanent foundation.

**Monument sign** means a detached, low, freestanding sign with the entire length of the sign in contact with the ground or a pedestal that rests upon the ground. A monument sign must not exceed a maximum

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height of eight feet, except as provided for in Section 135-18 of this Code, as measured from grade. See pole sign or pylon sign for other types of detached signage.



**New construction** means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

**Noncommercial** means any activity conducted on one's own property by the owner, or their successors, assigns or lessees for the purpose of harvesting or mining of natural resources or any agricultural pursuit. The selling of one's own livestock or domesticated pets or wildlife, as permitted by state law, is a noncommercial activity which is allowed in a residential zone.

**Nonconforming lot** means any lot which does not conform with the minimum depth, width and area dimensions specified for the district where such lot is located.

**Nonconforming (or pre-existing) sign** means a sign that does not comply with the requirements of this Code and is legally permitted to remain because the sign was in existence on or before the effective date of this Code.

**Nonconforming use** means any building or land use lawfully occupied and used at the time of passing of the land use ordinance which does not conform with the regulations contained herein.

**Occupancy** means the purpose for which a building, or part thereof, is used or intended to be used.

**Open space** means any portion of a lot unencumbered by either a principal or accessory building or a hard surface, consisting of landscaping and open to the sky.

**Owner** means the holder of the land in full ownership and any person, partnership, group of persons, company, association or corporation in whose name the property tax bills are assessed on the property. It shall also mean any person who, alone or jointly with several others:

- (1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying possession thereof; or
- (2) Shall have charge, care, or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm, or corporation in control of a building, or their duly

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authorized agents. Any such person thus representing the actual owners shall be bound to comply with the provisions of this land use ordinance to the same extent as if he were the owner and it is his responsibility to notify the actual owner of the reported infractions pertaining to the property which apply to the owner.

**Parish council** means the Parish Council of the Parish of West Feliciana, Louisiana.

**Planning commission** means the parish land use planning commission, as established by this chapter.

**Plat, final**, means a complete and exact subdivision plan or other plat or survey prepared for official recording, as required by statute and ordinance, to identify and define property rights, dedications, and public improvements. All permits and new constructions after date of passage of the ordinance from which this chapter is derived are required to furnish plats in conjunction with same.

**Plat, preliminary**, means a tentative plan of subdivision plan, or other plat or survey, in lesser detail than a final plat, showing approximate proposed street and layout as a basis for consideration prior to preparation of a final plat.

**Plat, sketch**, means an informal, not necessarily to scale, plat indicating salient existing features of a tract and its surroundings, and a general layout of a proposed subdivision or other development.

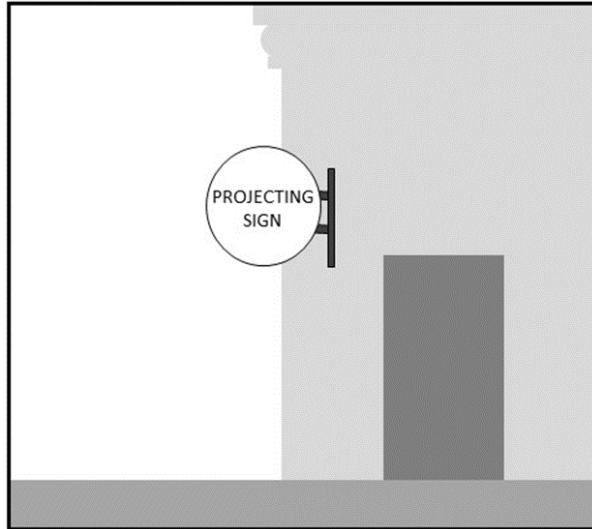
**Pole sign or pylon sign** means a sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports and not attached to or dependent for support from any building.

**Portable sign** means a sign, display or advertising device designed for movement or transportation; which is not attached permanently to a foundation or a permanent location on site. Portable signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed.

**Premises** means a tract of land with the buildings, structures or appurtenances located thereon.

**Projecting sign** means a sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.





**Principal use** means the specific, primary purpose for which land or a building is used.

**Public sewerage** means a sanitary sewerage system for the collection of waterborne wastes complete with a sewerage treatment plant or stabilization pond. The entire system must be either operated by the parish or have been approved by the parish or state in the case of a privately owned system.

**Public space** means all town, city, parish, state and federal streets, roads and alley right-of-way lines.

**Recreational activities** means any outdoor activities for the enjoyment, relaxation, exercise or use of the property by its owner, lessee or invitees thereon, including, but not limited to hunting, fishing, swimming, hiking, camping and other activities typically identified for outdoor recreational use, with or without a fee.

**Recreational vehicle** includes any motorized camper, motor home, converted bus, non-motorized trailer, tent trailer or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on a recreational excursion, with sleeping accommodations. A recreational vehicle is not a mobile home and is not a manufactured home. A recreational vehicle is differentiated from a manufactured home by the following characteristics:

1. A recreational vehicle is not certified as a manufactured home by HUD<sup>1</sup>
2. A recreational vehicle is designed only for recreational use and is not designed as a primary residence for permanent occupancy and either is:
  - a. Built and certified in accordance with NFPA 1192-15 or ANSI A119.5 – 15; or
  - b. Is a self-propelled vehicle

Example images of recreational vehicles:

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<sup>1</sup> <https://www.rvia.org/news-insights/three-things-you-need-know-about-new-hud-rule#:~:text=%E2%80%9CRecreational%20vehicles%E2%80%9D%20are%20defined%20as,1192%2D15%20or%20ANSI%20A119.>



Source: <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/US-Fire-Problem/RFDamageAndLossRVs.pdf>

**Recreational vehicle park** means a facility intended and used for the use of recreational vehicles for portable temporary housing.

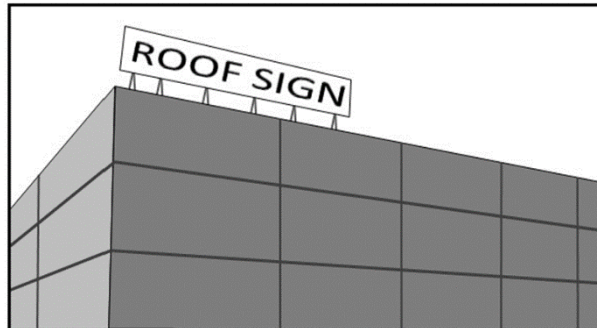
**Reverse frontage lot** means a lot extending between and having frontage on a major traffic street and a minor street which can have no vehicular access from or to a major traffic street.

**Revolving or rotating sign** means a sign whose sign face is designed to move or turn on any axis.

**Right-of-way** means a legal public or private servitude consisting of lands conveyed or dedicated to the public or private use to be used for a street, walkway, drainage facility or other public utility or purpose.

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**Roof sign** means a sign constructed on the roof of a building and supported by the roof structure or that is attached to the roof of a building that projects above the parapet wall or apex of the roof to which it is attached.



**Searchlight** means a strong or bright light with a reflector in a swivel capable of directing a beam of light in various directions.

**Servitude** shall have the meaning ascribed by C.C. art. 646. Not inconsistent therewith, a servitude shall include a strip or parcel of land, existing or to be reserved by the subdivider for public utilities, drainage, or other public purposes, subject to the right of use designated in the reservation of the servitude; or a strip or parcel of ground designated or intended to be used for access.

**Setback.** The minimum distance by which any building or structure must be separated from a street right-of-way or lot line

**Sign** means any structure, display, device, or inscription bearing graphics, symbols or written copy, which is located upon, attached to, or painted or represented on any land, building or structure, or on an awning, canopy, marquee, or similar appendage, and which displays or includes any numeral, letter work, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation.

**Sign alteration** means a change in a sign's size, shape, electrical display, position, location, construction or supporting structure.

**Sign area** means the entire area of a sign on which copy is to be placed calculated in accordance with this article.

**Sign copy** means the graphic content or message of a sign.

**Sign face** means the part of the sign that bears graphics, symbols, or written copy. "Sign face" also includes any background material, panel, trim, frame, color and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure is not included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, unless it is outlined in neon or other lighting.

**Sign height** means the vertical distance as measured from the finished grade to the highest point of either the sign or sign structure, whichever is greater.

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**Snipe sign** means a temporary sign which is tacked, nailed, posted, pasted, glued or otherwise attached to poles, stakes, fences, or to other like objects.

**Street banner sign** means a banner sign that is stretched across or hung over a public right-of-way.

**Temporary sign** means a nonpermanent sign including, but not limited to, balloon signs, banners, feather signs, snipe signs, and portable signs. Attributes of a temporary sign include, but are not limited to, wooden stakes as a support structure, cloth, fabric, plastic wallboard or other like materials intended to be displayed for a limited period.

**Vehicle sign** means a sign displayed on or from any mode of transportation, including but not limited to cars, buses, trucks/trailers, trains, boats, or airplanes.

**Wall** means any member or group of members which defines the exterior boundaries of a building. The height of a wall is measured from the average finish grade of the particular architectural building elevation adjacent to the wall to the finish roof plane.

**Wall sign** means a sign attached to or painted directly on a wall; a sign constructed against the wall of a building being parallel or approximately parallel to said wall; a sign located no more than six inches from a wall or building, and a sign erected and confined within the limits of the outside wall of any building or structure, which is supported by such wall or building and displays only one sign surface.

**Window sign** means a sign placed inside a window or door, upon the panes of glass of a window or door, and visible from the exterior of the window or door.

**Solar electric power generation** means establishments primarily engaged in operating solar electric power generation facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

**Start of construction** means the initial digging, trenching, or land clearing to install infrastructure or the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation.

**Story** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**Street** includes avenue, boulevard, parkway, court, highway, drive, lane, road, terrace, causeway, expressway, way, circle and place.

**Street, arterial** means a street or highway used primarily for fast and heavy traffic traveling considerable distances.

**Street, collector** means a street which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets.

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**Street, major.** See Street, arterial.

**Street, minor** means a street used primarily for access to abutting properties and not for through traffic.

**Structural alteration** means any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

**Structure** means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, billboards, and poster panels. Excluded are fences less than eight feet in height and structures less than 30 inches in height.

**Structure, farm,** means barns, sheds, pens, chutes, and other structures compatible with the normal farming and agricultural uses of the parish.

**Subdivision** means:

- (1) The division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites for the purpose, whether immediate or future, of residential, commercial, or industrial development.
- (2) The development of a tract or site of one (1) or more acres on which two (2) or more single or multifamily dwellings, office buildings, shop or store buildings, warehouses or other commercial or industrial buildings are to be developed.
- (3) The resubdivision of land heretofore subdivided as set forth in subsections (1) and (2) of this definition.

**Surface danger zone (SDZ)** means the ground and airspace designated within the shooting range (to include associated safety areas) for vertical and lateral containment of projectiles, fragmentation, debris, and components resulting from the firing, launching, and/or detonation of weapon systems to include explosives and demolitions.

**Traditional Neighborhood Development (TDN)** means a compact, mixed-use neighborhood where residential, commercial, and civic buildings are within close proximity to each other.

**Use** means the purpose for which land or a building or other structure is designed, arranged or intended for.

**Variance** means a departure from the height, area, or size requirements of a structure or the size of yards and open spaces.

**Waste sites** means any premise, excavation, lands, subsurface, streams, lakes, ponds, airspace, or wells used for dumping, storage, burying, disposal or diversion of chemical, medical, nuclear effluent, hazardous, toxic, garbage, trash, rubbish or waste of residences industry or of any type.

**Watercourse** includes channel, bayou, coulee, creek, ditch, drain, dry run spring, stream, and canal; and does not include lake, pond, or pool with outlet.

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**Yard** means an unoccupied space open to the sky on the same lot with a building, buildings, structure, or structures.

**Yard, front** means an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

**Yard, rear** means an open unoccupied space on the same lot with the building, between the rear line of the building and the rear line of the lot, and extending the full width of the lot. The same provisions relating to covered porches for front yard shall apply to rear yards.

**Yard, side** means an open unoccupied space on the same lot with the building, situated between the building and the side lot line, and extending from the front yard to the rear yard. Any lot line not a rear lot line or a front lot line shall be deemed a side lot line.

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## Chapter 135. Zoning

### Article I. In General

**Sec. 135-1. - Purpose.**

- (a) In order to regulate, classify, and provide a framework for the location and use of land, buildings, and structures; the height and size of buildings; the area of yards and other open spaces; and the density and intensity of land development, this chapter establishes base zoning districts and overlay zoning districts.

**Sec. 135-2. - Zoning districts established.**

- (a) The following districts are hereby established to maintain the rural character of the parish and the suitability of uses in a manner that protects the health, safety, and welfare of West Feliciana Parish residents and businesses.

<b>Residential Districts</b>	Open Space Residential (OPR)
	Rural Agricultural Residential (RA)
	Large Lot Rural (R1)
	Flex Rural (FR)
<b>Commercial Districts</b>	Small Scale Commercial (SC)
	Commercial Corridor (CC)
<b>Warehouse/Industrial</b>	Warehouse and Light Industrial (W)

<b>Special Purpose</b>	10 Acre + Natural Estate (10NE)
	20 Acre + Natural Estate (20NE)
<b>Overlays</b>	Historic Preservation District (H)
<b>Planned Unit Development</b>	Planned Unit Development (PUD)

**Sec. 135-3. - Official zoning map.**

- (a) The administrator shall determine the current land use status of land, buildings, and other structures in the parish based on the zoning map, the North American Industry Classification System (NAICS), the latest edition of the International Building Code adopted by the State of Louisiana, the occupancy listed on the owner’s occupation license application submitted to the Sheriff, and the administrator’s professional judgment.
- (b) When uncertainty exists as to the boundaries shown on the official zoning map, the following rules shall apply:
  - 1) "Approximately following the centerlines of streets, highways, or alleys," shall be construed to follow such centerlines.
  - 2) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
  - 3) Boundaries indicated as approximately following town limits shall be construed as following town limits.
  - 4) Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
  - 5) Boundaries indicated as following shorelines shall be construed to follow such shorelines along the mean low water mark and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
  - 6) Boundaries indicated as parallel to, or extensions of features indicated in the above-listed subsections shall be so construed. Distances not specifically indicated on the land use map shall be determined by the scale of the map.
  - 7) Boundaries indicated following other boundary lines, watercourses, and other natural topography features shall be construed to be such commonly recognized features.
- (c) Where street or property layout existing on the ground is inconsistent with that shown on the official zoning or land use map, or in other circumstances not covered by the above-listed subsections, the board of adjustment (section 100-7) shall interpret the district boundaries, provided such adjustment does not exceed one (1) acre in area. If the area in question is greater than one (1) acre then the process for a zoning map amendment shall be followed (section 120-9). Land underwater is not permitted to be developed with any structures or buildings and shall be subject to all the regulations of the district adjacent to the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be extended into the water area in a straight line.
- (d) If and when any street, alley, or public way is vacated by an official action of the parish council—thereby leaving an undesignated area of land within the Official Zoning Map—the land use district

adjoining each side of such street or way shall extend to the center of same, and all area included therein shall then become subject to all appropriate regulations of the extended districts.

**Sec. 135–4. - Zoning district use established.**

- (a) The following table indicates where uses are permitted in the zoning districts within this code.
- (b) Uses not specifically enumerated in the list of permitted uses in each district shall be classified by the administrator. Where the administrator determines the proposed use is similar to one of the listed uses, the use shall be permitted.
- (c) In determining if a use is similar to a listed permitted use, the administrator shall refer to the latest edition of the North American Industry Classification System, which can be accessed at <https://www.census.gov/naics/>.
- (d) If there is not a functionally similar use in the table below and review of the NAIC system does not yield a definitive or comparable use, the administrator may require an applicant submit an application for a conditional use permit.
- (e) The following acronyms shall have the meaning ascribed below within the following table.
  - 1) **“P”** indicates uses permitted in the subject district.
  - 2) **“PS”** indicates uses permitted, but where additional performance standards apply.
  - 3) **“C”** indicates uses permitted subject to specific conditions of the subject district.

<b>P = Permitted</b> <b>PS = Permitted, but performance standards apply</b> <b>C = Conditional</b> <b>Blank = Not permitted</b>										
Use	Districts									
	OPR	RA	R1	FR	SC	CC	W	10NE	20NE	PUD
Single family detached residential unit, site constructed	P	P	P	P	P			P	P	P
Single family and two-family site constructed		P	P	P	P					P
Multi-family Residential, 3+ unit				C	P	P				P
Compound or		PS	PS	PS						



"family" development										
Manufactured homes (only one allowed per lot of record)	P			P				P	P	P
Accessory buildings	P	P	P	P	P	P	P	P	P	P
Accessory dwelling units	PS	P	P	P	P			P	P	P
Manufactured home parks				C						P
Recreational vehicle (RV) parks										P
<b>P = Permitted</b> <b>PS = Permitted, but performance standards apply</b> <b>C = Conditional</b> <b>Blank = Not permitted</b>										
Use	Districts									
	OPR	RA	R1	FR	SC	CC	W	10NE	20NE	PUD
Boarding, lodging, bed and breakfast	P			C	P	P				P
Community home, group home, assisted living, or congregate care facility	P			P	P	P				P
Cemetery/mausoleum					P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P	P	P

Institutional uses such as public parks, community centers, fire stations, and government buildings	P	P	P	P	P	P	P	P	P	P
Home occupations	P	P	P	P	P			P	P	P
Daycare or schools	P	P	P	P	P	P		P	P	P
Gardens	P	P	P	P	P	P	P	P	P	P
Livestock and Horses	C	P	P	P	P	P	P	P	P	P
Retail, service, and banking uses				C	P	P	P			P

**P = Permitted**  
**PS = Permitted, but performance standards apply**  
**C = Conditional**  
**Blank = Not permitted**

Use	Districts									
	OPR	RA	R1	FR	SC	CC	W	10NE	20NE	PUD
Shooting ranges						PS	PS			
Gas stations						P	P			P
Office buildings, including uses such as medical offices, or veterinary offices.				C	P	P	P			P
Restaurants				P	P	P	P			P

without alcohol services										
Restaurants or reception halls with alcohol services, bars, and entertainment uses						P	P			P
Car washes						P	P			P
Heavy equipment sales, storage, Auto Storage Yard, and car dealerships						P	P			P
<b>P = Permitted</b> <b>PS = Permitted, but performance standards apply</b> <b>C = Conditional</b> <b>Blank = Not permitted</b>										
Use	Districts									
	OPR	RA	R1	FR	SC	CC	W	10NE	20NE	PUD
Fabrication, mechanics, auto repair, and similar uses						P	P			P
Chemical manufacturing, refining, storage, or heavy industrial uses							C			C
Solar Electric							C		C	

Power Generation										
Adult Uses							C			C

\*This definition specifically does not include compounds, or multiple separate dwelling structures on a single lot of record.

**Sec. 135-5. - Interpretation of district boundaries.**

- (a) Unless otherwise shown on the official zoning map of the parish, the boundary lines of zoning districts are lot lines, property lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, the centerlines of creeks and streams or corporate limit lines as they existed at the time of the enactment of the ordinance from which this chapter is derived, or otherwise section lines as they exist within the various townships and ranges.
- (b) Planning district boundary lines not coinciding with lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, the centerlines of creeks or streams or the corporate lines of any incorporated places in the parish, as it existed at the time of the enactment of the ordinance from which this chapter is derived, property lines or section lines within the various townships and ranges, shall be determined by use of the scale of the official zoning map of the parish, unless actual dimensions are noted.

**Sec. 135-6. –“C” Conditional uses.**

- (a) Conditional uses are those uses which are generally compatible with the uses permitted in a zoning district, but require individual review of their location, design, and intensity to ensure their appropriateness on any parcel of land and the compatibility of the use with adjacent uses. Conditions can be attached to those uses identified in each of the zoning districts as conditional. This chapter identifies the standards and protections to be considered for each identified conditional use. The parish council can attach additional conditions and standards they deem necessary and proper based on the unique circumstances affecting a particular use due to location, surrounding uses, and potential to adversely impact the natural or human environment.
- (b) *Standards applicable to all conditional uses.* A conditional use permit shall be granted only if the planning and zoning commission deems the requested use to be in the public interest, if the applicant demonstrates that all specific conditions for each use are met, and:
  - 1) The design of the proposed development minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties.
  - 2) The proposed use will not unduly burden essential public infrastructure and services including roadways, existing parking spaces, police and fire protection facilities, drainage systems, refuse disposal, water and sewers, and schools.
  - 3) The proposed use will not allow land or building usage that is incompatible with the existing character or usage of the neighborhood.
- (c) Issuance of a conditional use permit shall be in accordance with the following:
  - 1) Conditional uses shall be reviewed and approved or denied by the parish council in accordance with the provisions of this subsection.

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- 2) A written application for a conditional use permit shall include a detailed site plan including all items indicated on the site plan checklist and shall follow the public notification procedures for a rezoning application.
  - 3) The administration shall review conditional use applications and forward to the planning and zoning commission with a recommendation on what conditions and standards should be attached and whether to approve or deny the application.
  - 4) After holding a public hearing, the planning and zoning commission shall forward to the parish council a recommendation of what conditions and standards should be attached and whether to approve or deny the application.
  - 5) After holding a public hearing, the parish council shall decide on whether to approve or deny the application and if they choose to approve any additional conditions or standards.
- (d) Appeals of the parish council's decision decision-making shall be submitted to the district court with jurisdiction in West Feliciana Parish. Appeals shall only be valid when made within 30 days of the parish council decision. In addition to any other penalties and remedies for violation of this ordinance, officials responsible for the enforcement of this Land Development Code may also revoke a conditional use approval for violation of this Code or of any violation relating to a condition imposed upon such approval. Upon receipt of a report of a violation of a conditional use, the administrator shall revoke the conditional use permit. The owner of a subject site in violation of the conditional use permit shall be given a reasonable time limit to eliminate non-emergency violations, at the discretion of the administrator. The determination to revoke a conditional use permit by the administrator shall be final; however, a property owner can re-apply for a new conditional use permit upon revocation.
- (e) Construction of improvements subject to a conditional use permit must commence within one (1) year of conditional use approval. The site owner or applicant must obtain a certificate of occupancy within 18 months of conditional use approval. An applicant or owner can request an extension of each of these timelines up to three (3) years total, after which time the conditional use permit will automatically expire, requiring a new application and approval for further development of the site.
- (f) Following denial of a conditional use permit request, an owner or applicant shall not reapply for the same request within one (1) year of the date of denial.

**Sec. 135-7. – “PS” Permitted uses, performance standards apply.**

- (a) Permitted uses, where performance standards also apply or “PS” are generally permitted uses that require an additional level of scrutiny to ensure they do not have an adverse impact on the environment or neighboring property. To forestall possible adverse impacts performance standards can be applied based on the specific location and environment of the proposed use. The administrator shall be the approval authority for PS applications.
- (b) *PS review and approval process.*
- 1) *Application.* Applicant must submit an occupancy application to department of planning and zoning including supporting plans, studies, and analysis to demonstrate compliance with the required performance standards.
  - 2) *Decision-making.* The administrator shall review the applications and either:
    - i. Approve the PS application.

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- ii. Deny the application, including a written explanation as to the reason(s) for the denial.
  - iii. Notify the applicant that additional information is required to determine if the required performance standards have been met.
- 3) *Appeal PS application denial.* Appeals of the administrator's denial of a PS application shall be sent to board of adjustment for review and decision per section 100-7. Appeals shall be valid only within 30 days of notice of the administrator's decision-making.
- 4) PS uses and zoning districts in which they apply include the following:
- i. Compound or family development: RA, R1, and FR districts. Refer to section 135-20 of this LDC for applicable standards for this use.
  - ii. Shooting Ranges: CC and W districts. Refer to section 135-21 of this LDC for applicable standards for this use.
  - iii. Accessory Dwelling Units (ADU): OPR district. Refer to section 135-22 of this LDC for applicable standards for this use.

## Article II. Special Purpose Districts

**Sec. 135–8. - Dimensional standards.**

Standard	Special Purpose District	
	10 Acre + Natural Estate (10NE)	20 Acre + Natural Estate (20NE)
<b>Minimum permeable area per lot</b>	95% of lot	95% of lot
<b>Density Limit</b>	Maximum of one structure per ten acres	Maximum of one structure per twenty acres
<b>Maximum building square footage</b>	5,000 square feet	
<b>Minimum lot size</b>	Ten acres	Twenty acres
<b>Foundation requirements for any structures</b>	All structures must be on piers or pilings with minimally invasive construction methods.	Any structures that are not agricultural structures must be on piers or pilings with minimally invasive construction methods.
<b>Surface requirements</b>	No impermeable pavement allowed, all surfaced areas must be gravel or permeable pavement.	
<b>Minimum lot frontage</b>	500 feet	1,000 feet
<b>Minimum front yard setback</b>	200 feet	400 feet
<b>Minimum rear setback</b>	200 feet	400 feet
<b>Minimum side setback</b>	100 feet	100 feet
<b>Maximum building height</b>	35 feet	

**Sec. 135-8.1. – “10NE” 10 Acre + Natural Estate District.**

- (a) The 10NE district is established to enable land banks to support environmentally sensitive or functional land, such as areas used for the protection of aquifers or groundwater, geologically sensitive areas, high quality wetlands or habitats, rural viewsheds, or natural floodplain functions.

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Development in this district should be incidental to the preservation of land, should not support dense residential development, and should be minimally invasive to habitat. Clarification: The 10NE district can be applied to lots smaller than the required minimum lot size and such lots can be used in conformance with the zoning requirements of this district, however any subdivision of these lots into smaller lots of record after the 10NE zoning is applied to the site will be considered a major subdivision request with substandard lot size.

- (b) Development in the 10NE district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-8.
- (c) PS uses are not permitted in the 10NE district.

**Sec. 135-8.2. – “20NE” 20 Acre + Natural Estate District.**

- (a) The 20NE district is established to enable the recreational and agricultural use of land and land banks for their future use in these activities. This land is intended to be used for hunting and fishing activities, wildlife preservation, the preservation of natural habitats, rural viewsheds livestock grazing and rearing, stables and horses, or crop harvesting. Development in the 20NE district must ensure separation of these uses from adjacent residential areas and must maintain a low-density, rural character. Clarification: The 20NE district can be applied to lots smaller than the required minimum lot size and such lots can be used in conformance with the zoning requirements of this district, however any subdivision of these lots into smaller lots of record after the 20NE zoning is applied to the site will be considered a major subdivision request with substandard lot size.
- (b) Development in the 20NE district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-8.
- (c) PS uses are not permitted in the 20NE district.



## Article III. Residential Districts

### Sect. 135–9. - Dimensional Standards.

Standard	District			
	Open Space Residential (OPR)	Rural Agricultural Residential (RA)	Large Lot Rural (R1)	Flex Rural (FR)
Maximum density	1 unit per two acres	1 unit per three acres	1 unit per five acres	1 unit per two acres
Minimum lot size	Two acres (87,120 square feet)	Three acres (130,680 square feet)	Five acres (217,800 square feet)	Two acres (87,120 square feet)
Minimum lot frontage	150 feet	200 feet	300 feet	150 feet
Minimum front yard setback	75 feet	100 feet	100 feet	75 feet
Minimum rear setback	30 feet	100 feet	100 feet	30 feet
Minimum side setback	25 feet	50 feet	50 feet	25 feet
Maximum building height	35 feet			

#### Sec. 135–9.1. – “OPR” Open Space Residential District.

- (a) The OPR district is a residential district intended to maintain the configuration of existing, suburban neighborhoods, and to encourage more spacious lot configurations in those areas over time.
- (b) The OPR district is established to provide for development of low-density residential uses developed in a manner that uses cluster development patterns to preserve natural areas or areas subject to flooding. This manner of development enables efficient provision of public water, sewer, road, and drainage services and supports residents’ and community members’ access to recreational uses and natural resources such as streams, wetlands, and forested areas.
- (c) Development in the OPR district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-9.

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(d) The following PS uses are permitted in the OPR district and must be approved in accordance with section 135-7 of this LDC:

- 1) Accessory Dwelling Units (ADU).

**Sec. 135- 9.2. – “RA” Rural Agricultural Residential District.**

- (a) The RA district is a residential zoning district intended to maintain existing home sites with accessory uses such as barns, gardens, or other rural and agricultural uses.
- (b) The RA district aims to provide for development of low-density residential uses developed in a manner consistent with farm or agricultural activities and a rural development pattern.
- (c) Development in the RA district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-9.
- (d) The following PS uses are permitted in the RA district and must be approved in accordance with section 135-7 of this LDC:

- 1) Compound or Family Development.

**Sec. 135-9.3. – “R1” Large Lot Rural.**

- (a) The R1 district is established to provide for development of very low-density residential uses and agricultural uses.
- (b) Development in the R1 district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-9.
- (c) The R1 district is intended to be the primary zoning district used in areas anticipating future new development, in order to maintain rural development patterns characteristic of West Feliciana parish.
- (d) The following PS uses are permitted in the R1 district and must be approved in accordance with section 135-7 of this LDC:

- 1) Compound or Family Development.

**Sec. 135-9.4 – “FR” Flex Rural District.**

- (a) The FR district is established to provide a variety of housing types and a flexible use structure to enable traditional rural development, including mixed-uses, while offering amenities and a mix of low-intensity uses.
- (b) The FR district aims to accommodate existing rural development patterns, such as large lots in individual ownership with manufactured homes, while encouraging future redevelopment in a low-density pattern.
- (c) Development in the FR district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-9.

(d) The following PS uses are permitted in the FR district and must be approved in accordance with section 135-7 of this LDC:

- 1) Compound or Family Development.

## Article IV. Commercial, Warehouse & Light Industrial Districts

### Sec. 135–10. - Commercial Districts dimensional standards.

Standard	District	
	Small Scale Commercial (SC)	Commercial Corridor (CC)
Minimum permeable area per lot	20% of lot	30% of lot
Maximum building square footage	5,000 square feet	20,000 square feet
Minimum lot size	5,000 square feet	10,000 square feet
Minimum lot frontage	50 feet	75 feet
Minimum front yard setback	30 feet	30 feet
Minimum rear setback	20 feet	30 feet
Minimum side setback	10 feet	20 feet
Maximum building height	35 feet	

#### Sec. 135-10.1. – “SC” Small Scale Commercial District.

- (a) The SC district is established to provide amenities and small-scale, rural, commercial development opportunities that are compatible with residential land uses within close proximity.
- (b) Development in the SC district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-10.
- (c) PS uses are not permitted in the SC district.

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**Sec. 135-10.2. – “CC” Commercial Corridor District.**

- (a) The CC district is established to provide amenities and standard rural commercial development opportunities that are compatible with commercial and highway corridors.
- (b) Development in the CC district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-10.
- (c) The following PS uses are permitted in the CC district and must be approved in accordance with section 135-7 of this LDC:
  - 1) Shooting Ranges.

**Sec. 135-11. – “W” Warehouse & Light Industrial District dimensional standards.**

<b>Standard</b>	<b>Warehouse and Light Industrial District (W) Requirement</b>
<b>Minimum permeable area per lot</b>	30% of lot
<b>Minimum lot size</b>	20,000 square feet
<b>Minimum lot frontage</b>	100 feet
<b>Minimum front yard setback</b>	50 feet
<b>Minimum rear setback</b>	30 feet
<b>Minimum side setback</b>	30 feet
<b>Maximum building height</b>	60 feet

- (a) The W district is established to provide sufficient land for warehouse and light industrial development while mitigating the potential impacts associated with such development on the rural landscape and residential uses in the vicinity.
- (b) Development in the W district must conform with the zoning district use table in section 135-4 and the dimensional standards applicable to this district in section 135-11.
- (c) The following PS uses are permitted in the W district and must be approved in accordance with section 135-7 of this LDC:
  - 1) Shooting Ranges.

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## **Article V. Historic Preservation Overlay and Planned Urban Development (PUD) Districts.**

### **Sec. 135–12. – “H” Historic Preservation District.**

- (a) The H district overlay is established with the intent to recognize and preserve historic resources including buildings, structures, archaeological sites, areas of cultural importance either individually or as neighborhoods in West Feliciana Parish. The H overlay shall be applied in addition to any base district listed in section 135-2, wherein the uses permitted and dimensional standards required for the base district to which the overlay district is applied shall remain in effect.
- (b) *Historic preservation designation.* The parish planning and zoning commission shall have authority to designate a resource as historic.
- (c) *Criteria for historic designation, generally.* To be considered historic a structure, site, or neighborhood a resource must be listed on the National Register of Historic Places or be eligible for listing on the National Register. As per 36 CFR Part 60.4, the five (5) criteria considered for listing on the National Register are integrity of location, design, setting, materials, workmanship, feeling, and association; as well as the following considerations:
  - 1) Is the resource associated with events that have made a significant contribution to the broad patterns of history; or
  - 2) Is the resource associated with the lives of persons significant in the past; or
  - 3) Does the resource embody the distinctive characteristics of a type, period, or method of construction; or
  - 4) Does the resource represent the work of a master, or possess high artistic values, or
  - 5) Does the resource represent a significant and distinguishable entity whose components may lack individual distinction; or
  - 6) Does the resource yield, or may be likely to yield, information important to prehistory or history.
- (d) *Application.* Any property owner may apply to the parish for designation of a historic resource. An area or neighborhood application can be made by any property owner whose property is located within the area or neighborhood.
- (e) *Procedure, generally.*
  - 1) Applicants shall submit a requests to designate a historic resource to the department of planning and zoning on a form provided by the department.
  - 2) The administrator shall coordinate a review of the application by other departments and agencies interested or affected by the application, as well as any historical associations with knowledge of the resource.
  - 3) The administrator shall contact the State Historic Preservation Officer (SHPO) to receive an opinion on the historic significance of the resource.

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- 4) The administrator shall forward the application, including local research and the SHPO's opinion, to the planning and zoning commission for consideration.
  - 5) After a public hearing, the planning and zoning commission shall determine whether to designate the building, structure, site, or neighborhood as historic. A majority vote of members present is required to designate a resource as historic.
- (f) *Increased Level of Review.* Structures and sites individually designated as historic or located in an area or neighborhood that is designated as historic shall have an additional review conducted by the administrator prior to the approval of building permit.
- 1) The administrator shall review proposed work to determine if it could adversely impact the resource's historic significance.
  - 2) If the administrator determines the proposed work could adversely impact the historic significance, the administrator shall advise the property owner of methods to eliminate or mitigate the impact.
  - 3) In making their recommendation, the administrator shall use the U.S. Secretary of Interiors "Standards for the Rehabilitation: Guidelines for Rehabilitating Historic Buildings".
  - 4) The administrator's actions and recommendation are advisory and do not constitute an obligation on the part of the property owner to comply in order to be issued a building permit.
- (g) *Section 106 Review.* Section 106 of the National Historic Preservation Act requires federal agencies consult with local governments before taking an action that could have an adverse effect on historic properties.
- 1) *Planning and zoning commission role.* The West Feliciana Parish planning and zoning commission is designated as the parish body tasked with filling the role as the consulting body for Section 106 reviews. The administrator is tasked with supporting the planning and zoning commission review.
  - 2) *Process.*
    - i. When the parish receives a request for a Section 106 review, the administrator shall process the request, conduct research, and coordinate with property owners and other relevant departments and organization to evaluate whether the proposed action could adversely affect a historic property and develop recommendations to mitigate any potential adverse effects.
    - ii. The administrator shall prepare a package and ensure the Section 106 review is placed on the agenda of the planning and zoning commission.
    - iii. After a public hearing, the planning and zoning commission shall decide whether the proposed action could have an adverse effect on historic property and—If they determine an adverse effect is possible—make recommendations to mitigate potential adverse effects.
    - iv. The administrator shall communicate the planning and zonings commission's determination to the requesting body.
- (h) *Endorsement of applications for inclusion on the National Register of Historic Places.*

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1) *Planning and Zoning Commission Responsibility.* The planning and zoning commission is tasked with providing the parish's endorsement to a property owner's application for inclusion of their property on the National Register of Historic Places.

2) *Process.*

- i. *Parish receives request for endorsement.* When the parish receives a request for endorsement from either the property owner or the SHPO, the administrator shall process the request, conduct the research, consult with the property owner, SHPO, and other interested parties and prepare an endorsement for consideration by the planning and zoning commission.
- ii. After a public hearing, the planning and zoning commission shall decide whether to endorse the application. A majority vote of commissioners present at the meeting is required to approve an endorsement.
- iii. The administrator shall communicate the planning and zoning commission's decision to the property owner and the SHPO.

**Sec. 135-13. - "PUD" Planned Unit Development District.**

- (a) The PUD district is established for the purpose of enabling the development of sites with unique or unusual characteristics or with a unified development plan that involves multiple uses or structures within an area under consolidated ownership or management.
- (b) The PUD district does not have dimensional or use standards, but all development requesting approval within this district must follow the procedures and eligibility requirements described in sec. 120-10 of this Land Development Code.

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## Article VI. General Development Standards for All Zoning Districts

### Sec. 135–14. - Bulk and height considerations.

Any variances granted to the building height or required setbacks within residential or commercial zoning districts must maintain a ratio of at least one (1) foot of building setback for each foot of building height along each property line abutting residentially zoned land.

### Sec. 135–15. - Neighborhood norm considerations.

When considering setback and height variances, the administrator shall consider the average setback, height, and lot dimensions of lots located within the same block, as well as lots on opposite sides of the street.

### Sec. 135–16. - Landscape standards.

#### Sec. 135-16.1. - Purpose.

- (a) The purpose of this section is to promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the rural and pastoral character of the Parish and to encourage the appropriate use of the land.
- (b) More specifically, this section aims to ensure that commercial and industrial development is appropriately buffered from residential and low-intensity uses by requiring a screen or a buffer between uses and that all sites are developed in a way that is visually pleasing and environmentally beneficial.
- (c) Additionally, this section is intended to require the landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent storm and run-off erosion, particularly along embankments on water ways and road ways; to provide shade and to enhance the appearance of parking lots and roadways.

#### Sec. 135-16.2. - Applicability.

- (a) The provisions of this article shall be applicable to all developments, including PUDs, that meet any of the following categories:
  - 1) Residential, including:
    - a. Structures that contain five (5) or more dwelling units.
    - b. New parking lots that contain ten (10) or more spaces.
  - 2) Non-residential, including:
    - a. Structures greater than 5,000 gross square feet.
    - b. Structures converted from a residential to a non-residential use.
    - c. New parking lots that contain ten (10) or more spaces.
  - 3) Expansions/renovations, including:
    - a. Multi-family expansions of ten (10) percent of the number of units or ten (10) units, whichever is less.



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- b. Cumulative non-residential expansions of a building by more than 2,500 square feet or 40 percent of the original building's square footage, whichever is less.
  - c. Reconstruction of a new building after demolition.
  - d. Parking lot expansion (excluding re-striping and re-surfacing) of six (6) spaces or more.
- 4) Regardless of zoning district or classification, any new development property fronting on U. S. Highway 61.

**Sec. 135-16.3. - Site area and coverage.**

At least ten (10) percent of the developed site area, which is inclusive of the building footprint, parking areas, driveways, and sidewalks, shall be landscaped area. For purposes of this article, landscaped area shall include required and optional plant materials, as well as open areas covered with grass and/or ground cover.

**Sec. 135-16.4. - Buffer strips and fences required.**

- (a) *Abutting residential uses.* The owner of a property used for any purpose other than a one (1) to four (4) unit residential structure shall maintain the following along the side and rear yards of the subject property abutting any residential use:
- 1) A side and rear buffer strip with a minimum width of 10 feet between the two (2) properties. The buffer shall contain either:
    - i. A solid brick or stone wall or a uniformly painted board fence of not less than six feet in height. Such wall shall include vegetative plantings or vines; or
    - ii. A landscaped area consisting of a minimum of one (1) Class A or B tree per each 50 linear feet of property line or portion thereof and one (1), three (3) -foot tall or higher shrub per each 10 feet of property line or portion thereof.
  - 2) In order to meet this standard, property owners can use any of the following measures:
    - i. Trees of different classes combined to meet the standard.
    - ii. Trees and shrubs grouped or spaced at irregular intervals.
    - iii. When trees are placed in tree wells, tree wells for Class A trees shall be a minimum of 36 square feet and for Class B and C trees a minimum of 25 square feet.
- (b) Special standards for uses permitted only in the following districts abutting residential uses:
- 1) *Commercial (CC) or Warehouse Districts.* A side and rear buffer strip with a minimum width of 30 feet between the two (2) properties, including either:
    - i. A solid brick or stone wall or a uniformly painted board fence of not less than six (6) feet in height.
    - ii. A landscaped area consisting of a minimum of one (1) class A or B tree per each 30 linear feet of property line or portion thereof and one (1) three(3)-foot tall or higher shrub per each 10 feet of property line or portion thereof.
    - iii. In order to meet this standard, property owners shall use the following measures:

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- a. Trees of classes A or B may be combined to meet the standard.
  - b. Trees and shrubs be grouped or spaced at irregular intervals.
  - c. When trees are placed in tree wells, tree wells for Class A trees shall be a minimum of 36 square feet and for Class B and C trees a minimum of 25 square feet.

(b) *Parking lot landscaping.*

- 1) *Applicability.* All parking lots with 10 or more parking spaces shall comply with the requirements of this section. Parking spaces included in this calculation shall not include areas used exclusively for the display of motor vehicles as part of an automobile or vehicle dealership.
- 2) *Parking lot perimeter requirements.* The perimeters of all parking lots must follow the requirements below in subsection (d) "Along Streets and Rights-of-Way" even if the parking lot abuts private property.
- 3) *Parking lot interior requirements.* A minimum of 15 percent of the square footage of all parking lots must be preserved as landscaped islands or other landscaped planted areas. Within such areas, a minimum of one (1) tree per each 10 spaces must be planted. Trees can be either class A, B, or C within parking areas.
- 4) *Parking lot buffer requirements.* Parking lots as defined in this section must comply with the buffer requirements set forth in section 135-16.4 Buffer strips and fences required subsection (a) above.

(c) *Utilities and dumpster areas.* Above-ground utilities and appurtenances to underground utilities that require above-ground installation, apart from those located in the right-of-way, and all dumpsters shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility or dumpster structure and shall contain a break only for required access. Trees or shrubs shall not be planted within 10 feet of fire hydrants, public utilities such as traffic meter boxes, directional traffic signs and other similar public structures.

(d) *Along streets and rights-of-way.*

- 1) The owner of a property used for any purpose other than a one (1) to four (4) unit residential structure shall maintain the following along all sides of the subject property abutting a street or public right-of-way, including drainage rights-of-way:
  - i. A side and rear buffer strip with a minimum width of 10 feet between the subject property and the right-of-way, planted with both (a) and (b) below:
    - a. A minimum of one Class A or B tree per each 40 linear feet of property line or portion thereof. The property owner may substitute two (2) Class C trees for a class A or B tree.
    - b. One (1), three (3)-foot tall or higher shrub per each 30 feet of property line or portion thereof.
  - ii. In order to meet this standard, property owners shall use the following measures:
    - a. Trees and shrubs may be grouped or spaced at irregular intervals.
    - b. When trees are placed in tree wells, tree wells for Class A trees shall be a minimum of 36 square feet and for Class B and C trees a minimum of 25 square feet.
- 2) Special standards for those uses permitted only in the Warehouse and Light Industrial (W) district abutting public rights-of-way:

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- a. A minimum of one class A or B tree per each thirty (30) linear feet of property line or portion thereof. The property owner can substitute two class C trees for a class A or B tree.
  - b. One three-foot tall or higher shrub per each ten (10) feet of property line or portion thereof.
- (e) *Abutting non-residential uses.* The owner of a property used for any purpose other than a one (1) to four (4) unit residential structure shall maintain the following along the side and rear yards of the subject property abutting any use other than a one- to four-unit residential use:
- 1) A side and rear buffer strip with a minimum width of ten (10) feet between the two properties, planted with a minimum of one class A or B tree per each sixty (60) linear feet of property line or portion thereof.
  - 2) In order to meet this standard, property owners shall use the following measures:
    - a. Trees of different classes combined to meet the standard.
    - b. Trees and shrubs grouped or spaced at irregular intervals.
    - c. When trees are placed in tree wells, tree wells for Class A trees shall be a minimum of thirty-six (36) square feet and for Class B and C trees a minimum of twenty-five (25) square feet.
  - 3) This buffer strip requirement shall be waived for any commercial use that employs a shared parking lot or internal circulation to connect a site's parking lot with an adjacent use.

**Sec. 135-17. - Off-street parking requirements.**

- (a) In all districts, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats and/or floor area, or before conversion from one (1) type of use of occupancy to another, there shall be provided permanent off-street parking space in accordance with the following requirements:
  - 1) *Combination of required parking space.* The required space for any number of separate uses can be combined in one (1) lot. However, the required space assigned to each use cannot be assigned to another use, except where the parking space required for churches or other assembly halls whose peak attendance will be at night, on Sunday, or otherwise does not coincide with an adjacent use.
  - 2) *Excess parking spaces.* Commercial developments exceeding the minimum required amount of parking spaces by 15 percent or more must ensure that a minimum of 50 percent of all parking spaces are surfaced with permeable pavement or a permanent grid or pavers system providing infiltration of rainwater into soils below. Such systems must be inspected by the parish and maintained permanently by the property owner.
  - 3) *Proximity of off-street parking spaces to use.* All required parking for all uses shall be either on the same lot or within 300 feet of the building (or open use area) it is to serve, provided, however, that no required parking spaces shall be located across any major street from the use it is intended to serve. Major streets include US Hwy 61, Hwy 10, Hwy 421, and Hwy 66.
  - 4) *Requirements for design of parking lots.*
    - i. Except for parcels of land devoted to one (1) and two (2) family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to enter or exit a site.

- ii. A standard parking space is an area sufficient in size to store one (1) automobile (not less than nine (9) feet wide and 20 feet long) which is connected to a public street by an aisle and/or driveway.
- iii. Parking driveway and lanes between rows of parking shall be a minimum of 10 feet wide for one(1)-way traffic and 20 feet wide for two(2)-way traffic.
- iv. Dead end aisles shall have a 10-foot by 20-foot wide area free of parking or other obstructions at the end of the aisle to allow vehicles to turn around.
- v. Alternate parking standards may be submitted for consideration to the director of public works by a professionally licensed engineer representing the applicant.
- vi. All signs for parking must comply with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- vii. Accessible parking regulations and dimensions shall be required for all public accommodation and commercial facilities and shall be taken from the ADA - American with Disabilities Act (Public Law 101-136).
- viii. Permeable Parking Space Requirements. See section 135-16.3 b) for permeable parking space requirement.
- ix. Lots for nonresidential uses on major arterials or state highways shall be designed to permit shared driveways and parking as permitted by the state.

(b) *Off-street parking requirements by use.* The minimum number of off-street parking spaces required for each type of use shall be determined by the following Table:

1) Table: Off-Street Parking Requirements:

Use	Parking Requirement
<b>Residential uses</b>	
<b>Single-family</b>	2 spaces per dwelling unit
<b>Two-family</b>	2 spaces per dwelling unit
<b>Multifamily (1 bedroom)</b>	1 space per dwelling unit
<b>Multifamily (2-4 bedrooms per unit)</b>	2 spaces per unit
<b>Dormitories and lodging houses (which includes rooming/boarder houses)</b>	1 space per sleeping Unit
<b>Fraternity and sorority houses</b>	1 space per 5 active members

<b>Use</b>	<b>Parking Requirement</b>
<b>Group homes, halfway homes, and special homes</b>	1 space for each 3 beds
<b>Townhouses</b>	2 spaces per dwelling unit
<b>Government Uses</b>	
<b>Hospitals</b>	2 spaces per bed + 1 space for every 300 sq. ft. of office/administrative space
<b>Elementary school</b>	1.5 spaces per classroom + 10 visitor spaces and 1 space per 2,000 sq. ft. of total building area
<b>Middle school</b>	1.5 spaces per classroom + 20 visitor spaces and 1 per 10% of bleacher capacity or seating capacity of auditorium
<b>High school</b>	1.5 spaces per classroom + 20 visitor spaces and 1 per 20% of student capacity or 20% of event parking, whichever is greater
<b>Trade schools, colleges, and universities</b>	10 spaces per classroom + 1 space per every 300 sq. ft. of office/administrative space
<b>Community Services Uses</b>	
<b>Churches</b>	1 space for every 4 fixed seats and/or 1 space for every 32 sq. ft. of assembly floor area without fixed seats
<b>Art galleries and museums</b>	1 space per every 300 sq. ft. floor area
<b>Bus/transportation depots</b>	1 space per every 100 sq. ft. of assembly area + 1 space for every 300 sq. ft. of office/administrative space
<b>Community centers</b>	1 space per every 32 sq. ft. of assembly floor area + 1 space per every 300 sq. ft. of office/administrative space
<b>Libraries</b>	1 space per every 200 sq. ft. floor area
<b>Nursing homes</b>	1 space per every 3 beds + 1 space per every 300 sq. ft. of office/administrative space

<b>Use</b>	<b>Parking Requirement</b>
<b>Private institutions, clubs, lodges, and union halls</b>	1 space per every 32 sq. ft. of assembly area + 1 space per every 300 sq. ft. of office/administrative space
<b>Retirement homes, assistant living, and congregate care</b>	1 space per every 5 units + 1 space per every 300 sq. ft. of office/administrative space
<b>Places of Assembly</b>	
<b>Bowling alleys</b>	4 spaces per every lane
<b>Health clubs and spas</b>	1 space per every 300 sq. ft. of floor area
<b>Miniature golf courses</b>	2 spaces per every hole
<b>Movie theaters</b>	1 space per every 4 seats + 1 space per every 250 sq. ft. of employee work area
<b>Recreation facilities</b>	1 space per every 350 sq. ft. of floor area
<b>Skating rinks</b>	1 space per every 300 sq. ft. floor area
<b>Stadiums, arenas, auditoriums, theaters, and exhibitions</b>	1 space per every 4 fixed seats and/or 1 space per every 32 sq. ft. of assembly floor area without fixed seats
<b>Tennis courts</b>	3 spaces per court
<b>Retail and Service Uses</b>	
<b>Auto maintenance facilities - fast service</b>	1 space per every 300 sq. ft. of floor area
<b>Banks (full service)</b>	1 space per every 400 sq. ft. floor area
<b>Barber/beauty shops</b>	1 space per every 300 sq. ft. floor area
<b>Bar, lounges, and nightclubs</b>	1 space per every 300 sq. ft. floor area
<b>Car repair garages</b>	3 spaces per every repair bay + 1 space per every 350 sq. ft. of office/administrative space

<b>Use</b>	<b>Parking Requirement</b>
<b>Car sales</b>	1 space per every 350 sq. ft. floor area. Spaces used to display cars for sale do not count towards required parking spaces.
<b>Car washes</b>	1 space per every 100 sq. ft. of office/administrative space
<b>Day care centers (children and adult)</b>	1 space per every 5 children or adults enrolled + 1 space per every 300 sq. ft. of office/administrative space
<b>Drive-in restaurant and drink dispensaries</b>	1 space per every 200 sq. ft. floor area
<b>Furniture, appliances, and carpet sales</b>	1.2 spaces for each 1,000 sq. ft. floor area
<b>Lumber and heavy equipment sales</b>	1 space for each 1,500 sq. ft. of floor area
<b>Hotels and motels</b>	1 space for each guest unit + 1 space per every 32 sq. ft. assembly area/meeting rooms + 1 space for every 250 sq. ft. of office area
<b>Mini-warehouse storage, self-service storage facility</b>	1 space per every 3 storage units, + 1 space per every 300 sq. ft. of office area with minimum of 5 spaces
<b>Mortuaries/funeral homes</b>	1 space for every 50 sq. Ft. of floor area
<b>Outdoor market</b>	1 space per every 300 sq. ft. floor area
<b>Restaurants</b>	1 space per every 300 sq. ft. of floor area
<b>Riverboat gaming</b>	1 space for every 50 sq. ft. floor area + 1 space per every 100 sq. ft. of employee floor area
<b>Service stations, full</b>	4 spaces + 1 space per lubrication rack
<b>Service stations, self-serve</b>	1 space per gas pump, and 1 space per every 200 sq. ft. sales area. Parking area used for access to gas pump does not count as on the required parking spaces
<b>Shopping centers, other retail, and service uses</b>	1 space per every 400 sq. ft. floor area

Use	Parking Requirement
<b>Offices and Clinics</b>	
<b>Medical clinic</b>	1 space per examining room + 1 space per every 400 sq. ft. of office/administrative space
<b>Other professional and business offices</b>	1 space for every 400 sq. ft. of floor area
<b>Veterinary services</b>	1 space for every 400 sq. ft. of floor area
<b>Industrial Uses</b>	
<b>Furniture repair, upholstery shops</b>	1 space for every 200 sq. ft. of sales/office area
<b>Manufacturing</b>	2 spaces per for every 400 sq. ft. for establishments containing up to 10,000 sq. ft. of floor area and 25 spaces for every 400 sq. Ft for establishments over 10,000 sq. Ft. of floor area.
<b>Storage and distribution centers</b>	1 space for every 800 sq. ft. of sales/office area
<b>Warehouse and wholesale establishments</b>	1 space for every 800 sq. ft. of sales/office area

**Sec. 135-18. - Signs.**

- (a) *Purpose and intent.* The purpose of this section is to establish a comprehensive system of sign controls that govern the display, design, construction, location, installation, and maintenance of signs, in order to:
- 1) Comply with and implement the goals and objectives of the comprehensive plan and the Rural Development Plan.
  - 2) To promote and protect the health, safety, and welfare of residents of the parish by ensuring the compatibility of signs with surrounding architecture and land uses.
  - 3) To create a more attractive business and economic climate by enhancing and protecting the orderly and effective display of signs.
  - 4) To discourage excessive signage.
  - 5) To protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, signs that obscure pedestrians' or motorists' visibility, and signs that compete or conflict with traffic signals and warning signs.
  - 6) To avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.



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(b) *Interpretation.*

- 1) *Conflicts.* Where there is a conflict between a land use regulation and a structural regulation, or other conflict not otherwise addressed by this section, the more restrictive will apply.
- 2) *No standard.* Where the LDC is silent or where the rules of this LDC do not provide a basis for concluding that a sign is allowed, the sign in question will be prohibited.
- 3) *Building code.* Unless otherwise provided, all signs must be constructed and erected in accordance with the building codes for the parish.
- 4) *Message.* This section is not intended to and does not restrict speech on the basis of its content, viewpoint, speaker, or message. Any classification of signs in this section that permits speech by reason of the type of sign, identity of the sign user, or otherwise, will also be interpreted to allow noncommercial speech on the sign. To the extent that any provision of this section is ambiguous, the term will be interpreted not to regulate on the basis of the content or speaker of the message.

(c) *Applicability.*

- 1) *In general.* Except as provided in this section, the requirements of this section apply to all signs, sign structures, awnings, and other types of sign devices located in the parish.
- 2) *Permit required.* Except as provided for in this section, it is unlawful for any person to erect, relocate, or structurally alter any sign without first obtaining a sign permit in accordance with this section.
- 3) *Exempt activities.* The following sign activities do not require a permit:
  - i. Normal maintenance including, but is not limited to, painting, repainting, cleaning, or changing sign face.
  - ii. Repair of an existing conforming or legally nonconforming sign.

Clarification: Activities that involve structural changes to the existing size, height, area, location, or electronic message portion of a sign are not considered normal maintenance or repair and area therefore not exempt from the sign permit requirement.

- 4) *Exempt signs.* The following signs do not require a permit:
  - i. Temporary signs, in all zoning districts, provided they comply with all of the following criteria:
    - a. No illumination;
    - b. The sign can be located on a development site for a one-time period (per sign) of no more than 30 days;
    - c. Limited to one (1) temporary sign per development site, with the exception of development sites with multiple street frontages, which can have one (1) temporary sign for each street frontage; and
    - d. Does not exceed a maximum sign face of 32 square feet per sign.

Clarification: Any temporary sign proposed to be placed or constructed which exceeds any of the criteria listed above must be proposed as a permanent sign.

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- ii. Flags, pennants, or other similar signage.
  - iii. Small, detached signs, provided they comply with all of the following criteria:
    - i. Located within 50 feet of an access way that connects private property to a public street or a driveway providing internal circulation within a development site;
    - ii. Does not exceed four (4) square feet in sign face area;
    - iii. Does not exceed six (6) feet in height above the ground;
    - iv. Can be illuminated, but not animated; and
    - v. Does not flash, blink, or fluctuate.
  - iv. A-frame signs, provided each sign is all of the following:
    - i. No more than six (6) square feet in area per sign face;
    - ii. No more than four (4) feet in height;
    - iii. Displayed outdoors only during the hours of 7:00 a.m. to 10:00 p.m. and stored indoors at all other times;
    - iv. Limited to one (1) sign per use;
    - v. Separated by a minimum distance of 20 linear feet from the nearest A-frame sign;
    - vi. Located within 20 feet of a building entrance;
    - vii. Located so as to not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
  - v. Window signs, door signs, and signage located within a building.
- (d) *Severability.* If any article, section, subsection, sentence, clause or phrase of these regulations is, for any reason, held unconstitutional or invalid, such decision or holding will not affect the validity of the remaining portions hereof. It being the intent of the parish council to enact each section and portion thereof, individually and each such section will stand alone, if necessary, and be in force not with the validity of any other article, section, subsection, sentence, clause, or phrase of these regulations.
- (e) *Sign location restrictions.* Except where specifically authorized by this section, the following signs are prohibited in the locations set forth below.
- 1) Any sign that prevents free ingress or egress from any door, window, or fire escape;
  - 2) Any sign attached to a stand-pipe or fire escape;
  - 3) Any sign that obstructs free and clear vision at any location where, by reason of position, it interferes with or obstructs the view of traffic sight lines or traffic control devices; and
  - 4) Any sign attached to any public utility pole, structure or streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs constructed, approved, or permitted by the parish. Nothing in this section will be construed to prohibit a person from holding a sign while located on public property, provided the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.

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(f) *Prohibited signs.* Prohibited signs are subject to removal (except legal nonconforming signs as defined within this section) by the parish at the owner's or user's expense. The following sign types are prohibited:

- 1) Abandoned signs;
- 2) Permanent beacons, search lights, or other lights visible from a significant distance;
- 3) Billboards, except when provided in accordance with this section;
- 4) Flashing signs;
- 5) Inflatable signs; however, these signs shall not be issued a permit more than two (2) times per year for a period not to exceed two (2) days;
- 6) Lasers;
- 7) Portable or trailer signs;
- 8) Revolving or rotating signs;
- 9) Roof signs;
- 10) Signs that resemble traffic control devices or emergency devices;
- 11) Signs that encroach into a public right-of-way; and
- 12) All signs not expressly permitted in this section.

(g) *Sign permit application.*

- 1) *Permit agency.* The parish administrator will provide and review applications for compliance with this section, and determine whether proposed signs meet the requirements of this LDC.
- 2) Applications must include:
  - i. Detailed information for the proposed sign, as applicable, including, but not limited to elevation drawings that detail dimensions, location, construction, materials, and manner of illumination, securing or fastening.
  - ii. Site information, as applicable, including, but not limited to a site plan that details the total number and location of all proposed and existing signs, total square footage of proposed and existing signage on site, dimensions of existing buildings, and the length of lot lines that abut a public street or right-of-way.
  - iii. *Engineered plans.* The building official shall establish when engineered plans are required to ensure signs are constructed in accordance with the building and electrical codes of the parish. When required, plans must be signed and sealed by a state-licensed engineer and be submitted as part of the sign permit application.

(h) *Sign permit review.*

- 1) *Sign area.*
  - i. *Signs on a background.* Measurement shall include the entire area of the background, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted.

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- ii. *Freestanding letters or logos.* For signs consisting of freestanding letters or logos, sign area shall be calculated as the sum of the area of the squares or rectangles that encompass the text and/or logo(s) or, if available, the calculated total sum of the area of each freestanding letter or logo component.
  - iii. *Sculptural signs.* The sign area of a three-dimensional, free-form, or sculptural (non-planar) sign is calculated as 50 percent of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign.
  - iv. *Monument signs.* The base is not included in the total area of a monument sign.  
Clarification: The base is; however, included in the measurement of sign height.
  - v. *Double faced signs.* Measurement is limited to a single sign face.
  - vi. Sign area does not include any supports or bracing.

2) *Sign height.*

- i. *Generally.* Sign height includes the entire structure, including decorative elements and base. For detached signs, height is calculated as the total vertical distance measured from grade to the highest point of the sign.
- ii. *Monument signs.* Measurement of the height of a monument sign shall be limited to the sign structure, shall not include the sign base, and shall not include the height of an earthen berm underneath the sign. Any sign exceeding 12 feet in height will not be considered a monument sign and must be considered either a pole or pylon sign for regulatory purposes.
- iii. *Sign clearance.* Sign clearance is calculated as the vertical distance measured from grade, or the base of the building, to the lowest point of the sign face.

(i) *Sign permit issuance and on-site requirements.*

- 1) Prior to permit issuance, any sign constructed, erected, modified, or altered must comply with the provisions of this section and all requirements of the LDC.
- 2) Upon permit issuance, a permit placard must be obtained from the parish administrator and be posted on site in a prominent and visible location at all times during the course of construction.
- 3) Applicants are responsible for requesting inspections, including a preliminary planning and zoning inspection, wherein a parish inspector will verify that sign location and area meet the requirements of the LDC, as approved, before the start of construction.

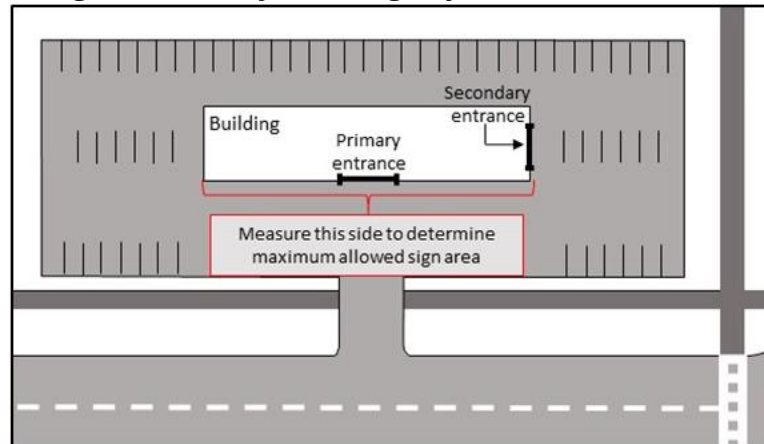
(j) *Permit expiration.*

- 1) Applicants are granted six (6) months from the day a sign permit is issued to construct proposed sign(s).
- 2) After this timeframe, the permit will become null and void and a new permit will be required; however, the parish administrator can grant in writing one (1) extension for a period not to exceed six (6) months. The extension must be requested in writing and justifiable cause demonstrated.

(k) *Enforcement and sign removal.*

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- 1) *Authority.* The parish administrator is authorized to enforce this section. The administration of any violation or nuisance shall be in accordance with procedures outlined in this Code.
  - 2) *Misrepresentation.* The administrator shall revoke any sign permit where there has been a violation of the provisions of this section or misrepresentation of fact on the sign permit application.
  - 3) *Authority to remove signs.* The administrator is authorized to remove prohibited signs, unsafe signs, abandoned signs, signs constructed without a permit, and signs that have lost their legal nonconforming status.
  - 4) *Removal of unlawful signs.*
    - i. Any unlawful, permanent sign that has not been removed within one (1) month after notification of violation or imposition of penalty, shall be removed by the parish and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within one (1) month of its removal by the parish, the parish shall sell or otherwise dispose of the sign and apply the proceeds toward costs of removal.
    - ii. Signs upon public streets, sidewalks, rights-of-way, or other public property shall be immediately removed without prior notice.
    - iii. Any unlawful temporary or portable type sign located on private property that has not been removed after 24 hours from notification shall be removed by the parish. The sign can be reclaimed by the owner after a penalty fee of \$100.00 has been paid. If the sign has not been reclaimed within one (1) month of its removal, the parish shall sell or otherwise dispose of the sign and apply the proceeds toward costs of the removal.
  - 5) Neither the parish, nor any of its agents are liable for any damage to the sign when removed in accordance with this section.
- (l) Attached signs and canopy signs standards in all non-residential districts.
- 1) *General regulations.*
    - i. All signs must be safely and securely attached in accordance with this Code and the current edition of the International Building Code adopted by the State of Louisiana.
    - ii. Signs must not cover windows, doors or other architectural features in a manner that impedes their proper functioning.
  - 2) *Number.* Attached signs and canopy signs are not limited in number but are limited in the amount of total sign area.
  - 3) *Sign area.*
    - i. *Buildings with a single street-facing facade.* The total cumulative area of all attached and canopy signage must not exceed 1.5 square feet per linear foot of building or tenant space width, as measured along the side of the building featuring the primary entrance, or 300 square feet, whichever is less.

ii. **Figure: Primary building façade measurement.**



- iii. *Buildings with multiple facades facing a public street or route of internal circulation.* The total cumulative area of all attached and canopy signage must not exceed 1.5 square feet per linear foot of building or tenant space width, as measured along the side of the building featuring the primary entrance, or 450 square feet, whichever is less.
- iv. No individual attached or canopy sign face can be larger than 12 square feet.

4) *Height.*

- i. No attached or canopy sign, including its support structure, is permitted to project beyond the ends of the wall or beyond the top of the roof line of the building or canopy to which it is attached.
- ii. When a proposed attached or canopy sign is located on a parapet wall as part of proposed new construction, the parapet must be consistent with the architectural design of the building.
- iii. No attached or canopy sign can be attached to an un-reinforced masonry parapet.

5) *Illumination.* Attached and canopy signs can be illuminated, but cannot flash, blink or fluctuate.

6) *Animation.* No attached or canopy sign can be animated or change physical position by any movement or rotation.

(m) Attached signs and canopy signs standards in all residential districts.

1) *General regulations.*

- i. All signs must be safely and securely attached in accordance with this Code.
- ii. Signs must not cover windows, doors, or other architectural features.

2) *Number.* Only one (1) attached or canopy sign shall be permitted per development site.

3) *Area.* Any permitted attached or canopy sign must be no larger than 12 square feet.

4) *Illumination.* Attached or canopy signs shall not be illuminated, flash, blink or fluctuate.

5) *Animation.* No sign can be animated or change physical position by any movement or rotation.

6) *Height.*

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- i. No attached or canopy sign, including its support structure, can project beyond the ends of the wall or beyond the top of the roof line of the building or canopy to which it is attached.
  - ii. When a proposed attached or canopy sign is located on a parapet wall as part of proposed new construction, the parapet must be consistent with the architectural design of the building.
  - iii. No attached or canopy sign can be attached to an un-reinforced masonry parapet.

(n) *Hanging signs.*

- 1) The permitted number and area of hanging signs is calculated separately from that of total attached signage. Along a multitenant building or a pedestrian oriented commercial corridor one (1) hanging sign can be permitted per individual tenant space provided:
  - i. The sign is located below a canopy, awning, or breezeway;
  - ii. The sign is mounted perpendicular to the building façade and extends over a pedestrian walkway;
  - iii. The sign does not exceed 18 inches in height;
  - iv. The sign does not exceed six (6) square feet in sign face area; and
  - v. The sign maintains a clearance height of eight (8) feet above the ground.
- 2) *Location.* Hanging signs are only permitted in non-residential districts.

(o) *Detached signs.*

- 1) *Applicability.* The detached sign requirements are applicable to all pole, pylon, or other detached signs, excluding billboards, monument signs, and applicable exempt signs. Any detached sign exceeding 12 feet in height, as measured from grade, must comply with this section, except those classified as billboards.
- 2) *Number.* Only one (1) detached sign is permitted per development site. If a monument sign is existing or proposed on site, an additional detached sign shall not be permitted.
- 3) *Area.* Total sign area cannot exceed one (1) square foot per linear foot of lot frontage along the adjacent public right-of-way, or 300 square feet, whichever is less.
- 4) *Setback.* The sign must be setback from any adjacent property line or edge of the public right-of-way (whichever is closer to the sign structure) a minimum distance equal to the height of the sign. The setback will be measured at the shortest distance between any part of the sign to the closest adjacent property line or edge of public right-of-way (whichever is closer).
- 5) *Height.* The sign must not exceed 25 feet in height, as measured from the adjacent grade to the highest point of the sign structure.
- 6) *Illumination.* Signs can be internally or externally illuminated, but cannot flash, blink, or fluctuate.
- 7) *Animation.* No detached sign can be animated or change physical position by any movement or rotation.
- 8) *Electronic display.* If proposed, electronic display must be provided in accordance with this section.

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9) *Location.* Detached signs are only permitted in non-residential districts.

(p) *Monument signs.*

1) *Applicability.* This subsection is only applicable to those signs classified as monument signs. Any monument signs exceeding 12 feet in height, as measured from grade, must comply with the detached sign or billboard requirements, as applicable.

2) *Number.*

- i. Only one (1) monument sign shall be permitted per site, except as allowed below. If a detached sign, including a pole or pylon sign, is existing or proposed on site, a monument sign shall not be permitted as an additional sign.
- ii. A second monument sign can be permitted for lots with more than 500 feet of contiguous frontage along a property line or on corner lots, with one (1) sign facing each of the adjacent public rights-of-way.

3) *Area.* To reduce sign clutter and avoid conflict with required trees, total cumulative monument sign area cannot exceed 1.2 square feet per linear foot of lot frontage along the adjacent public right-of-way or 360 square feet, whichever is less.

4) *Height.*

- i. Monument signs not located in a landscaped bed cannot exceed a height of eight (8) feet. Mounds or earthen berms on which a monument sign is located can be no more than two (2) feet in height measured from grade.
- ii. Monument signs located within a landscaped bed with a minimum size of 100 square feet can have a height up to 12 feet, provided they comply with the following:
  - a. The mound or earthen berm on which the monument sign is located can be no more than two (2) feet in height measured from grade.
  - b. The landscaped bed shall consist of shrubs, ground cover (excluding grass) and/or other suitable plant materials, and exclude any impervious surface.

5) *Illumination.* Monument signs can be internally or externally illuminated.

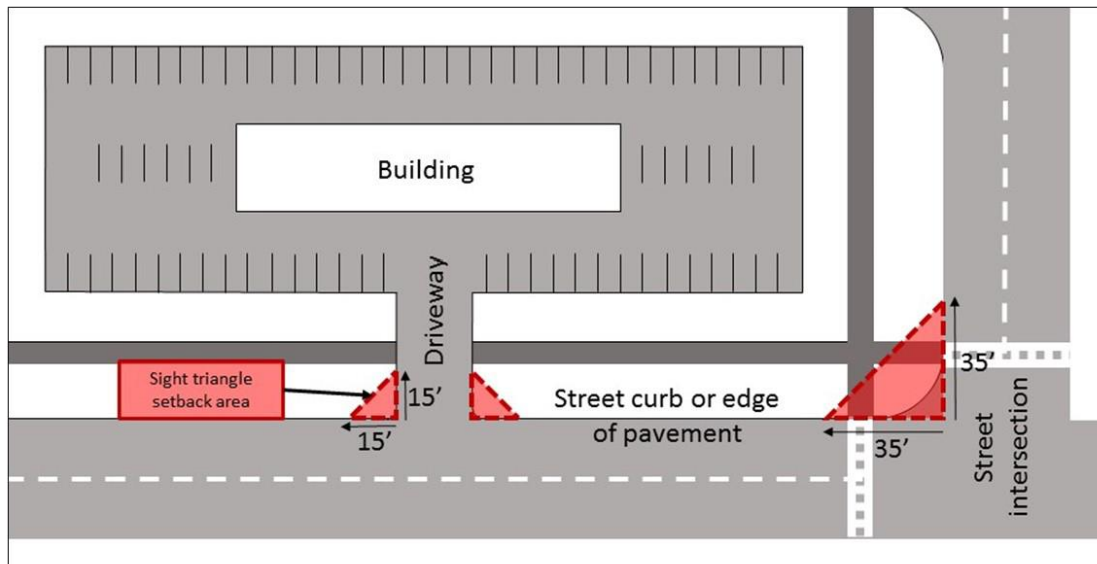
6) *Electronic display.* If proposed, electronic variable message boards and display must be provided in accordance with this Code.

7) *Setbacks.* A monument sign must be setback a minimum five (5) feet from any adjacent property line or edge of public right-of-way or adjacent property line (whichever is closer to the sign structure).

8) *Clear vision.* Monument signs must observe a 15-foot sight triangle setback along the intersection of any public or private streets with an access way and a 35-foot sight triangle setback along the intersection of any public or private street with another public or private street. Such sight triangles must be measured from the street back of curb or the edge of pavement. See figure below:



Figure: Clear vision areas.



(q) *Drive-through signs.*

- 1) There is no limit on the number of drive-through signs. However, drive-through signs must comply with all of the following standards:
  - i. The construction of such signs requires a sign permit, and such signs must conform to applicable building code requirements.
  - ii. Sign area can be no greater than 48 square feet per sign.

(r) *Billboards.*

- 1) Billboards must comply with all of the following standards:
  - i. *Number of display faces.* Billboards must display no more than two (2) sign faces per structure.
  - ii. *Area.* Total sign area cannot exceed 672 square feet.
  - iii. *Width.* Sign width cannot exceed 48 feet.
  - iv. *Height.* Sign height cannot exceed 60 feet above the adjacent grade.
  - v. *Location.* Billboards shall only be permitted in the "W" Warehouse and Light Industrial zoning district.
  - vi. *Spacing.* Billboards must be located at least 500 feet apart, measured radially and including both sides of the street.
  - vii. *Setbacks.*
    - a. *From the public right-of-way.* Billboards must be set back from all adjacent public street rights-of-way a distance at least equal to the height of the billboard. The setback must be measured from the nearest part of the billboard to the public street right-of-way.

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- b. *From public and residential uses.* Billboards must be setback a minimum of 250 feet from any existing parks, playgrounds, residential districts, or residential uses.
- viii. *Electronic display.* If proposed, electronic variable message boards and display must be provided in accordance with subsection (v) of this section of this article. Electronic billboards must be located at least 1,000 feet apart from each other, measured radially and including both sides of the street.
- (s) *Nonconforming Signs.*
- 1) All signs that existed legally before the adoption of this article and do not conform to its provisions will be permitted to remain in accordance with section 120-13 of the Land Development Code and be termed a legally nonconforming sign.
  - 2) The burden of establishing a sign is legally nonconforming under this code rests upon the person or persons, firm or corporation claiming legal status for a sign.
- (t) *Applicability.*
- 1) *Alterations prohibited.* A legal nonconforming sign shall not be enlarged or altered in any way that would increase its nonconformity with the provisions of this section. This condition does not prohibit regular maintenance, painting, or repairs including the replacement of an existing sign face, or a change in a sign face when these changes do not require the temporary removal of a sign structure, nor affect the location, size, height, electronic message portion, or area of a sign.
  - 2) *Violations.* Any violation of this section will immediately terminate the right to maintain a nonconforming sign.
- (u) *Loss of legal nonconforming status.*
- 1) A nonconforming sign will lose its legal nonconforming status and be required to be removed if any of the following events occur:
    - i. *Relocation.* The sign is relocated on the same premises or moved to a different premises.
    - ii. *Alteration.* The supporting structure, height, electronic message portion, or size of the sign is altered in any way that increases its height or size, including an increase to the size of the electronic message portion. Nothing in this section shall inhibit the routine maintenance and/or routine repair of a structure containing a legally nonconforming sign.
    - iii. *Damage or destruction.* Legally nonconforming signs that are in whole or in part destroyed by force majeure or acts of public enemy can be restored, provided that the restoration is accomplished with no increase in height or area, including any increase to the size of the electronic message portion of the sign, provided that such restoration complies with the current provisions of building regulations, the applicable regulations of the Code of Federal Regulations, the National Flood Insurance Program, and any other relevant regulations.
  - 2) Such restoration of a legally nonconforming sign must be commenced within six (6) months after the nonconforming sign was damaged or destroyed. Said six (6) month period shall begin on the date that a state of emergency is lifted from the property in question or from the earliest date that the property can reasonably be accessed by the property owner following a disaster that prevents access.

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- 3) Commencement of restoration shall be evidenced by submittal of a complete application for a sign permit with the administrator.
  - 4) Restoration of a legally nonconforming sign must be completed within the time frame prescribed by the building permit. Any extension to the requirements of this section must be approved by the building official and evidenced by an extended building permit.
- (v) *Removal.* When the parish administrator determines that a sign remains nonconforming after termination of the time periods provided for above, procedures for sign removal are in accordance with this Code.
- (w) Electronic variable message signs and general display standards.
- 1) *Prohibition.* No electronic variable message or “EVM” sign can be permitted within an area zoned for residential development.
  - 2) *Location requirements.* Electronic variable message signs shall only be permitted when located along a street frontage as part of a pole or monument sign or as an electronic billboard spaced in accordance with below. Electronic variable message signs are not permitted as attached or hanging signs.
  - 3) *Number.* Only one (1) electronic variable message sign shall be permitted per development site.
  - 4) *Nuisance and traffic safety.* Illumination cannot cause glare into any residential premises or interfere with the safe movement of motor vehicles on public thoroughfares.
  - 5) *Nonconforming conversion.* An existing legal nonconforming sign will not be permitted to convert, in whole to in part, to an electronic variable message board sign.
  - 6) *Audio.* Electronic displays cannot contain or utilize audio speakers or audio components.
  - 7) *Spacing.*
    - i. *Pole, pylon, and monument signs.* Pole, pylon, and monument signs that utilize electronic variable message boards must be located at least 100 feet from any existing electronic billboard, measured radially and including both sides of the street.
    - ii. *Measurement.* For the purpose of this section, all spacing requirements are measured radially and include both sides of a street.
  - 8) *Setbacks.* Electric variable message signs shall be setback at least 300 feet from buildings that contain residential dwelling units and from residential zoning districts, measured in a straight line from the nearest point of the sign to the nearest point of the property line of the residential dwelling unit or district.

**Sec. 135-19. - Adult uses.**

(a) *Location.*

- 1) *Prohibition.* Adult uses, as primary or accessory use, are prohibited within the following zoning districts:
  - i. OPR district
  - ii. RA district
  - iii. R1 district

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- iv. FR district
  - v. SC district
  - vi. CC district
  - vii. 10NE
  - viii. 20NE

2) *Distance criteria for adult uses.* Adult uses are prohibited within 1,000 feet of any residential or commercial district as listed below:

- i. *OPR district*
- ii. *RA district*
- iii. *R1 district*
- iv. *FR district*
- v. *SC district*
- vi. *CC district*

3) *Distance criteria for land uses.* Adult land uses are prohibited within 1,000 feet of the following land uses or uses similar to those listed:

- i. Existing residential uses or dwellings (including manufactured homes, fixed/immovable homes, and multi-unit residential buildings);
- ii. Houses of worship or religious institutions;
- iii. Public or licensed educational institutions that serve persons younger than 18;
- iv. Day care centers;
- v. Public parks, recreation areas, or playgrounds;
- vi. Libraries, museums, or other public buildings;
- vii. Community centers;
- viii. Historic districts; and
- ix. Any other existing adult use.

4) *Measurement.* Measurement of the distance criteria shall be taken radially from the closest point between the lot proposed to be developed as an adult use and the lot zoned within one of the above listed districts, the boundary of such zoning district, or the lot developed with the use, whichever is closer.

(b) *Conditional use permit required.* The establishment of any adult use requires a conditional use permit.

(c) *Criteria.*

1) *Obscene uses/activities prohibited.* Unlicensed massage studios, contact/touching/encounter-oriented adult uses, and those adult uses containing or associated with video-viewing booth or arcade booths are prohibited. All adult use establishments must operate in compliance with all applicable obscenity regulations, including those in R.S. 14:106 et seq.

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2) *Public display.* Any displays of wares visible to the general public (such as in windows) must not include the following:

- i. Adult media;
- ii. Lingerie, or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or
- iii. Sexually oriented toys or novelties or obscene devices.

(d) *Hours of operation.* No adult use establishment shall operate or be occupied by anyone except employees between 2:00 a.m. and 6:00 a.m.

(e) *Age restriction clearly posted.* All adult use establishments must post notice of any applicable age-specific restrictions (as determined by federal, state, or local law) in a location clearly visible to all patrons prior to their entry into such establishment.

(f) *No loitering.* All persons are prohibited from congregating in groups of five (5) or more in front of or within 300 feet (measured radially from the building/area housing the adult use) of any adult use establishment.

**Sec. 135-20. - Compound or “family” development.**

(a) In accordance with the use table in Sec. 135. – 4, a compound or “family” development can be located in the RA Residential Agricultural, R1 Large Lot Rural, and FR Flex Rural zoning districts.

(b) A compound or “family” development consists of a lot/tract/parcel at least five (5) acres in area that can be developed with up to five (5) single-family detached residences, with the following stipulations:

- 1) Sub-areas within the subject lot/tract/parcel cannot be sold, conveyed, or in any other way transferred to another owner unless such areas are subdivided into legal lots of record lot by the West Feliciana Parish Government.
- 2) One of the single-family detached residences on the subject lot/tract/parcel must be occupied by the owner of the lot/tract/parcel; and
- 3) The remaining four (4) residences must have a minimum one (1) acre in land area.
- 4) All residences and structures on the site must adhere to the following:
  - i. The location of dwelling units and accessory structures must conform to the front, side, and rear setback from the property line as set forth in the dimensional requirements of zoning district in which the lot/tract/parcel is located.
  - ii. All permits for buildings and utility connections must be applied for by the owner of the lot/tract/parcel on behalf of the occupants.
  - iii. A plot/site plan is submitted to the Parish Zoning Administrator for approval and retention and said plot/site plan shall be revised to reflect any proposed land development changes. The plot/site plans shall at a minimum include:
    - a. Existing lot/tract/parcel boundaries.
    - b. Existing and proposed location of dwelling units and accessory structures.

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- c. Location and alignment of any interior roads, driveways, and access driveways relative to parish roads and state highways.
  - d. Location of connections and alignment of utility lines to include sewer, water, electricity, and gas.
  - e. Existing and proposed drainage areas
- 5) *Utilities.* Utility connections on a compound or family development shall be designed so that service to a single residence or structure can be shut off and removed without affecting service to the lot/tract/parcel or to any other structure on the site. The lot/tract/parcel shall be allowed one (1) connection to public utilities, including sewer, water, electricity, and gas. Utility service within the compound or family development shall be provided by the extension of service lines interior to the lot/tract/parcel to each building. The owner of the lot/tract/parcel shall be responsible for the payment of bills and the maintenance of the service lines.
- 6) *Access.*
- i. Each building on the site is authorized to have a driveway or vehicular access connection to the parish road or state highway. The lot/tract/parcel owner shall be required to make application for said access connection to the parish or state road.
  - ii. The lot/tract/parcel owner shall be responsible for maintenance of interior roads and driveways between structures and also facilitating access connections to parish roads and state highways.
- (c) *Transition of a compound or "family" development into a subdivision or legal lots of record.*
- 1) Portions of land within the lot/tract/parcel used as the Compound or Family Development may not be transferred to another owner unless such areas are subdivided into legal lots of record by the West Feliciana Parish Government.
  - 2) Upon discontinuance, building permits shall not be issued unless and until the site is brought into conformance with the LDC.

**Sec. 135-21. - Shooting ranges.**

- (a) In accordance with the use table in Sec. 135. – 4, shooting ranges can be located in the CC Commercial Corridor and W Warehouse and Light Industrial zoning districts.
- (b) This section is established to address the unique challenges, potential adverse impacts on surrounding environments; and potential safety hazard to neighboring properties and airspace if shooting ranges are not properly designed, located, and constructed, including noise, projectiles, contamination of surface and ground water, and the storage of explosive materials.
- (c) Due to the unique impacts associated with shooting ranges and the effect of the site's location, surrounding area, and types of weapons allowed; the applicant shall submit the following information to the parish administrator as part of a conditional use permit request.
  - 1) Location of the range and the boundaries of the property.
  - 2) The proposed type of weapons to be used on the range.

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- 3) A range diagram indicating the direction or directions of fire and the associated surface danger zones or SDZs. The diagram must be prepared by a certified professional with experience in range design. The diagram must include all of the following:
- i. Gun to target line for all firing points and lines.
  - ii. The lateral limits for all firing points and lines.
  - iii. The SDZ.
  - iv. Location of all structures within the maximum distance of a projectile fired from the longest-range weapon proposed to be used at the range.
  - v. Location of all surface water bodies within the SDZ.
  - vi. Location and details on the natural and manmade features intended to contain projectiles and noise.
  - vii. Altitude above range needed for safe firing or weapons.
  - viii. Analysis showing noise level will not exceed 90 dBA at the property line.
  - ix. Proposed location and design for any structure intended for the storage of ammunition or explosives. The storage structure should comply with the relevant International Building Code and industry standards for storage of ammunition and explosives.

**Sec. 135-22. - Accessory uses.**

- (a) Accessory uses shall comply with all pollution performance standards of this Code.
- (b) Accessory uses shall not be located closer than five (5) feet from any property line.

**Sec. 135-22.1. Accessory Dwelling Units (ADU).**

- (a) In accordance with the use table in Sec. 135. – 4, ADUs use is Permitted, but Performance Standards Apply in the OPR Open Space Residential district.
- (b) ADUs can be located within the primary dwelling unit, as an addition to the primary dwelling unit, as a detached structure exclusively used as a dwelling unit, or as a space within an accessory structure used for another purpose such as a garage or barn. In these circumstances, the accessory structure shall not exceed the height or area of the primary structure.
- (c) All of the following standards apply to ADUs
  - 1) The property owner must occupy as their residence either the primary or accessory dwelling unit.
  - 2) No more than one (1) ADU per lot.
  - 3) The ADU must have a minimum of two (2) dedicated parking spaces.
  - 4) When the ADU is space within the primary dwelling unit, the ADU can take up no more than 25 percent of the primary dwelling unit.

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**Sec. 135-23. - Automobile storage yards.**

- (a) Automobile storage yards are for the temporary storage of automobiles awaiting repair or being temporarily stored. Automobile storage yards are not intended to be used as junk yards, and the storage of inoperable, junked, or abandoned vehicle is not authorized.
- (b) All vehicles stored on site must be registered and have a properly affixed, current, safety inspection and license plate.
- (c) Such locations must be gated, locked, and must maintain a 10-foot-high non-transparent fence enclosing the storage yard area.
- (d) Site owner must take steps to mitigate any hazardous liquids or materials from the temporarily stored vehicles from leaving the site or seeping into the ground.

**Sec. 135-24. - Recreational vehicle (RV) parks.**

- (a) At least 80 percent of the lots in an approved travel trailer park will be designated to restrict occupancy by an RV to no more than 14 consecutive days or no more than 28 days in any 45-day period;
- (b) One (1) recreational vehicle can remain for more than 90 consecutive days, provided it is designated and used as an operation and maintenance office for the facility.
- (c) The facility shall provide for the following utilities:
  - 1) At least a 30-amp electrical service and water hookup per lot;
  - 2) A sewerage dump station for the travel trailer park, approved by the appropriate parish and state authority;
  - 3) If other facilities/amenities, such as toilets, showers, lavatory and laundry facilities, are provided they must be approved by the appropriate parish and state authorities.
- (d) Each lot shall have the minimum dimension of 24 feet by 50 feet and have a hardened surface of stone, rock, asphalt or concrete.
- (e) The interior streets shall be private in nature, shall not be less than 18 feet in width and shall be a hardened surface of stone, rock, asphalt or concrete.
- (f) Any street that terminates at a dead-end or cul-de-sac shall not exceed 1,000 feet in length and must have a designated turnaround area with a radius of not less than 55 feet.

**Sec. 135-25. – Manufactured home parks.**

- (a) All manufactured home parks must receive State Fire Marshal approval as per the NFPA Life Safety Code prior to leasing sites or building permit issuance.
- (b) Design requirements for manufactured home parks:
  - 1) A minimum of 10 acres is required for a manufactured home park;
  - 2) Manufactured home parks have a maximum permitted density of eight units per acre;
  - 3) All manufactured homes must be located at least 25 feet from any roadway;
  - 4) No manufactured home may be situated in a manner so that it obstructs a roadway or walkway;



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5) *Roadway design.*

- i. Safe and convenient access shall be provided for vehicular traffic and emergency vehicles at all times.
- ii. Each manufactured home area within a manufactured home park shall have direct access to a park street or public street. The access shall be an unobstructed area not less than 10 feet in width which may be pedestrian in character.
- iii. All roadways shall be hard surfaced in accordance with subdivision regulations with the exception that one-way streets shall have a 40-foot minimum right-of-way width a 16-foot compacted sub-base, with four-foot shoulders and a 12-foot hard-surfaced road. Composition of base material shall be according to subdivision regulations. Said roadways are acceptable in manufactured home parks solely for the purpose of this section. When so installed, they shall not be eligible for nor accepted into the parish road maintenance system.
- iv. Streets and walkways designed for the general use of manufactured home park residents shall be lighted during the hours of darkness. Such lighting shall not be under the control of the manufactured home occupant. Poles shall not exceed 35 feet in height, and longitudinal spacing shall not exceed 200 feet.

6) *Sidewalks.* If sidewalks are provided, they shall be located not less than one foot from the property line. Sidewalks shall connect individual homes with parking areas. In no case shall sidewalks be less than five feet wide. Sidewalks can be reduced to four feet wide provided that at least every 200 linear feet there is a five-foot by five-foot turning pad for wheelchairs.

7) *Vehicle parking.*

- i. Two off-street automobile parking spaces shall be required for each manufactured home. The minimum dimension of these spaces shall be nine feet wide by 20 feet deep. In no event shall parking be located over 100 feet from the corresponding manufactured home.

8) *Recreation and open space.* Twenty-five percent of the total land area shall be open space reserved for the exclusive use of the residents of the park.

9) *Floodplain provision.* Any manufactured home park or portion thereof that is located within the special floodplain hazard area must:

- i. Be constructed with electrical, heating, ventilation, plumbing , and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- ii. Use paints, membranes or mortar to reduce seepage of water through walls; and
- iii. Provide anchorage for each structure to resist flotation and lateral movement.

10) *Electrical systems.*

- i. Underground utilities shall be provided.
- ii. Electric hookups shall be provided to all manufactured homes and there shall be at least one electrical single-phase outlet supplying a minimum of 115/230 volts.

11) *Water system:*

- i. Pure potable water shall be supplied to each and every manufactured home occupied in manufactured home parks.

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- ii. This system shall be designed, constructed, and protected in accordance with current health, plumbing, electrical, and fire protection standards, codes, and ordinances adopted and administered by the state and/or the parish.

12) *Sewage disposal system.* Central sewerage systems are required for all manufactured home parks under inspection of appropriate state agencies.

13) *Fences.* If fences are provided, fences for privacy purposes shall be connected to the manufactured home and shall not exceed six (6) feet in height and shall not be placed closer than five (5) feet to any other manufactured home.

14) *Fire protection.* Access to a manufactured home for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each manufactured home.

(c) *Maintenance requirements.*

1) The manufactured home park shall be maintained in a clean sanitary condition at all times.

2) The storage of automobiles is prohibited.

3) No pets shall be allowed to roam the manufactured home park; if pets are allowed, they shall be confined in a fenced yard or on a leash.

4) Trash receptacles shall be screened by a six-foot sight-obscuring fence.

5) Grass, weeds, and other vegetation not considered as part of the ornamental landscape shall not exceed 12 inches in height.

(d) *Responsibilities of owner.* The owner of the manufactured home park shall be responsible for the supervision, operation, and maintenance of the park. The owner or his designer shall be available or on call at all times in the event of an emergency.

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## Chapter 136. Subdivision Regulations

### Sec. 136-1. – Authority and purpose.

In accordance with the provisions of R.S. 33:101 et seq., and particularly R.S. 33:112 thereof, and in order to promote the health, safety, convenience, morals, and general welfare of the community the following ordinance is adopted by the parish council and the parish of West Feliciana. Furthermore, this ordinance is adopted with the intent to:

- (a) Maintain the rural character of West Feliciana Parish;
- (b) Ensure a high quality of life and a resilient, livable, prosperous, and healthy environment for West Feliciana residents; and
- (c) Require responsible development patterns that support efficient provision of public utilities and services.

### Sec. 136-2. – Jurisdiction, minimum requirements, and policy.

- (a) Every subdivision of land within the unincorporated area of the parish shall be subject to approval by the parish council or administratively approved as hereafter provided.
- (b) No sale, agreement to sell or lease, agreement to lease, any transfer or conveyance, or agreement to transfer or convey all or any portion of said subdivision shall be made, unless and until said subdivision and the final plat thereof are approved as required by these regulations.
- (c) No building permit shall be issued for the erection of any building on any property and no land shall be developed unless and until said subdivision and the final plat thereof have been approved as required by this chapter.
- (d) Public money shall not be expended for the maintenance of streets or any other improvements until required improvements have been accepted as provided in this chapter and the plan of such land has been approved as provided in this chapter and recorded in the official conveyance records of the office of the clerk of court for the parish.
- (e) No new subdivision plat shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such new subdivision plat, until the plat has been approved as provided for in this chapter.
- (f) The burden of proof will be with the applicant for a new subdivision to demonstrate full compliance with the intent and purpose of this chapter and other chapters in this LDC.
- (g) All development must comply with applicable federal and state regulations. Where a provision of this chapter imposes a greater requirement or higher standard than is required in federal or state statute or regulation, the provisions of this chapter shall govern unless preempted by federal or state law.
- (h) Where this chapter imposes a greater requirement than is imposed by other ordinances, regulations, or permits, or by easements, covenants, or agreements, the provisions of this chapter shall govern, except where expressly qualified in this chapter.
- (i) This chapter shall not apply to:

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- 1) Land in a subdivision, the plat of which is filed for record in the conveyance records of the parish, prior to the initial effective date of the ordinance in 1977, from which this chapter is derived, except in the case of re-subdivision of such subdivision.
  - 2) Subdivisions in which a building exists on each proposed lot, provided that the owner certifies on the plat that all such existing buildings were constructed prior to the effective date of the ordinance from which this chapter is derived, and provided that such plat is submitted to the administrator for filing with the clerk of court for the parish.
  - 3) The subdivision of land to be used for orchards, forestry, the raising of crops, recreation, hunting, fishing, or mineral production activities, provided that the owner certifies upon the plat that such land is to be used only for these purposes; and, further, provided that a plat be submitted to the planning and zoning commission and administrator for approval and signature prior to filing with the clerk of court for the parish, and provided that such plat include a servitude grant for utilities, a building set back line, and a right-of-way for road construction in compliance with the provisions of this chapter.
  - 4) No map or survey reflecting a subdivision of land within the meaning of this chapter, or representing an exemption thereto, shall be recorded by the clerk of court for the parish absent a certification represented on the face of said map or survey that the proposed creation of the subdivision or new lots have been approved by the parish council or otherwise certified as being exempt from the provisions of this chapter, as provided herein.
  - 5) Any maps submitted for certification as an exemption under the provisions of this section must be approved by signature of the chairman of the planning and zoning commission, or their authorized designee, and also approved by the administrator or their authorized designee.
  - 6) All maps submitted for approval as exempt under this chapter shall set forth all necessary signature lines ordinarily required for subdivision approval, although only the signatures required, as stated above, shall be necessary for approval as an exempt transaction.
  - 7) All transactions approved as exemptions shall be presented for review and information purposes at the next regular quarterly or special meeting of the planning and zoning commission.
  - 8) Notwithstanding the classification of any transaction as exempt hereunder, it is provided that the plat submitted to the parish council to certify exemption shall include a certification by the director of public works or their designee that the method of sewerage disposal or sanitary treatment facility is in compliance with all applicable codes and regulations of the state.

**Sec. 136–3. – Procedures.**

(a) *Major Subdivisions.* See section 120-31.

(b) *Minor Subdivisions.* See section 120-32.

(c) *Subdivision Plat Requirements.*

1) *Application.*

- i. The West Feliciana Parish subdivision process is initiated with an application to the administrator. Once the administrator determines that the application is complete, it will be processed as a minor or major subdivision plat as described in this section.

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- ii. In order to be deemed complete, all owner(s) of record of all land involved in a subdivision must request a subdivision request in writing.
  - iii. The administrator shall supply applications for subdivisions and will collect payment for such requests in accordance with section 100-3 of this LDC.
  - iv. The administrator shall not review an application until it is determined to be complete and sufficient for processing. An application is complete when it contains all the information necessary to determine whether the proposed development will comply with all the requirements of the LDC applicable to the subdivision request.
  - v. The planning and zoning office shall provide a schedule of planning and zoning commission meetings and deadlines for application submittal to align with each meeting date. Fees for subdivision applications shall be submitted with the plat.

2) *Requirements for all plats.* All plats must contain the following information:

- i. Location of the subdivision and, where appropriate, reference to permanent survey monuments and indication of adjacent tracts of land.
- ii. Location of all national and state registered trees.
- iii. Any proposed servitudes or easements showing location, size, and use.
  - i. Existing and proposed servitudes and rights-of-way.
  - ii. Pre- and post-division drainage features must be depicted on a separate plan sheet signed and sealed by a professional engineer registered in the State of Louisiana for all subdivisions involving land area of more than seven (7) or more acres or five (5) or more lots. Any additional information required by the administrator.
- iv. Electronic shapefiles (containing .shp, .shx, .dbf, and .prj files) shall be delivered to the administrator in conjunction with three (3) hard copies of the paper plat.

3) *Requirements for major subdivision preliminary plats.* In addition to the submittal requirements for all plats, a major subdivision preliminary plat submittal must also include:

- i. A composite road plan with graphic alignment, dimensions of right-of-way widths, and type of surface material.
- ii. Traffic study completed by a professional engineer, if requested by the administrator or parish engineer, for developments having anticipated traffic impacts.
- iii. Location of open space, indicating whether common, for public use, reserved, dedicated, or proposed as a servitude to the parish.
- iv. Proposed sites for future construction, including uses.
- v. Existing buildings, roads, easements, telephone lines, gas lines, power lines, and features located on the subdivision and abutting its boundaries.
- vi. Location, identification, and principal dimensions for all proposed public and private easements, including roads, bikeways, pedestrian ways, railroads, and utility rights-of-way.
- vii. Evidence that correspondence has been mailed by USPS certified mail to each adjacent property owner within 500 feet of the subject property at the address provided in the records of the West Feliciana Parish Assessor, providing notice of the date, time, and place of the

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scheduled meeting of the planning and zoning commission, not less than 14 days prior to such meeting.

- viii. Soil survey, if requested by the parish engineer.
- ix. Plans prepared by the developer for erosion control, sediment control, and re-vegetation of disturbed soil areas.
- x. In the case of subdivision requests that include property located in the special flood hazard area (SFHA) or known to flood, the plat must indicate the base flood elevation (BFE) pre- and post-development for a 100-year flood event. Contours must be indicated on the preliminary plat indicating BFE at a minimum of one(1)-foot intervals, unless otherwise specified by the administrator.
- xi. A hydrologic and hydraulic (H&H) analysis signed and sealed by a professional engineer must be submitted and will be reviewed by the chief building official, floodplain manager, director of department of public works, and parish engineer. The plat must indicate the location and size of all culverts to be provided, bridges and drainage ditches, channels, and easements. If a subdivision will be developed in phases the infrastructure must be installed for the entire site (including all phases) in the first phase.
- xii. A generalized grading plan identifying areas of cuts, fills, and street gradients shall be required prior to preliminary plat approval. Intended contours shall be shown as solid lines at the same interval as required for existing contours, which shall be shown as dashed lines.
- xiii. The department of public works and/or parish engineer shall require the typical centerline profile of streets, road, storm drainage, and underground utilities plotted with sufficient accuracy to ensure that designs will conform to the prescribed standards approved by the department of public works and parish engineer.
- xiv. The department of public works, parish engineer or administrator shall require the following:
  - a. Estimated total number of gallons per day of water system requirements and proposed method of supply.
  - b. Estimated total number of gallons per day of sewage to be treated and proposed method of treatment.
  - c. Any additional information needed to evaluate the proposed subdivision and ensure that it complies with the requirement of this Code.
- xv. *Title.* The title under which the proposed subdivision is to be recorded; the location of the property to be subdivided; the name of the owner or owners and/or the applicant; and the name of the appropriate licensed design professional of record, if any, who is platting the tract. The title should read: "Preliminary Plat of...", "Subdivision Name", "the legal description and township and range".
- xvi. *Boundary lines and existing improvements.* Boundaries of the subdivision location; width and names of streets adjoining the subdivision; section and township lines; indication of incorporated areas, sewer districts, zoning district classification and boundaries, school districts and other legally established districts; all water courses, drainage ditches, wooded areas; and other features within the area to be subdivided as well as the same facts regarding adjacent property.
- xvii. *Adjoining property.* The names of all adjoining subdivisions, and the names of adjoining tracts.

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- xviii. *Features of proposed subdivision.* The proposed location, names, and width of streets; layout, and approximate dimensions of lots; any other necessary descriptions of lots, servitudes, and easements; and location and dimensions of existing buildings, if any; and subdivider's front building lines with setbacks. The lots shall not encroach on rights-of-way and all such rights-of-way shall be excluded from lot area.
  - xix. *Sewers, water lines and drainage ditches.* Existing drainage ditches, sanitary and storm sewers, water mains, fire hydrants, fire protection draft sites, culverts, and other underground structures within the tract or immediately adjacent.
  - xx. Statement of proposed plans for drainage and sewage disposal, including location of proposed culverts and bridges and contours from USGS Quadrangle Maps or better.
  - xxi. *Public utilities.* The location of all existing and proposed public utilities including storm and sanitary sewers, water, gas, and power lines, if applicable.
  - xxii. *Method of sewer disposal.* Preliminary plat must indicate the method of sewer disposal proposed. All methods of sewer disposal shall comply with the LAC Title 51, Part XIII.
  - xxiii. *Special use areas.* Location and size of proposed parks, playgrounds, or other special uses of land.
  - xxiv. *Keys.* North arrow, scale, and date.
  - xxv. *Vicinity map.* A key or vicinity map with a north arrow and showing existing roads and drainage channels.
  - xxvi. *Public or private servitudes.* All public or private servitudes must be indicated as such with the intended use specified listed and a proper dedication note displayed on the preliminary plat.
  - xxvii. *Contours.* Approximate pre-development contours must be shown on the preliminary plat.
- 4) *Requirements for construction plans.* All construction plan documents must be prepared and stamped by a Louisiana Licensed Design Professional . The requirements for development plans include, but are not limited to:
- i. Title sheet with general notes, sheet index with list of standard details to be used, engineer's certification, vicinity map.
  - ii. Typical section showing the street section proposed with proper utility allocations. If various sections are utilized, multiple sections can be included.
  - iii. *Drainage map.* Contour map of the area comprising the subdivision and sufficient additional area to include all watersheds that might be a factor in the design of the storm sewer system.
  - iv. Layout plans shall be included, when applicable, for storm sewer system and/or ditch drainage system including culvert locations, utility allocations (showing water, fire service water, fire protection draft sites, and sewer), street geometry and signage, stormwater pollution prevention, and joint layout (for concrete streets).
  - v. Layout plan of sanitary sewer system treatment site and lift station, if applicable.
  - vi. Plan and profile of all streets, including the following:
    - a. Profile along the center line and each property line.
    - b. Proposed curb grade if curb and gutter.

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- A. Grade of storm sewers and/or ditch drainage system. Hydraulic grade line required if curb and gutter streets proposed. Drainage calculations shall be turned in with the construction plans.
  - B. Grade of sanitary sewers.
  - C. Design details of street and sewerage improvements.
  - D. Street names and details of adjoining streets with radius callouts and graphical grades where required.
  - E. Standard details (with final set submitted for construction permit approval).
  - F. Special details if anything is required outside of the standard plans.
- 5) *Requirements for final plats.* The final plat shall be submitted on a reasonable size paper commiserate to the size of the development and shall be to scale. The following information is required on the final plat:
- i. Name of subdivision.
  - ii. Name, address, and signature of the subdivider.
  - iii. North arrow, scale, and date.
  - iv. The outer boundary lines with accurate distances, angles, or true bearings if available, the exact location and width of all recorded streets and ways intersecting the boundaries of the tract being divided.
  - v. Distances and angles, or true bearings if available, to the established street lines or official monuments, which shall be accurately described on the plat;
  - vi. Municipal, range, township, parish, and section lines accurately tied to the lines of the subdivision by distances and angles, or true bearings, if available.
  - vii. Streets (public and private), alleys, and ways, together with their names and widths.
  - viii. All curve data, the lengths of all arcs, radii, internal angles, points of curvature, lengths, and bearings of tangents.
  - ix. All dimensions, both linear and angular, necessary for determining the exact boundary of all lots in the subdivision; all angles must either be given directly or indicated by the bearings shown.
  - x. Where any lot line is curved, the significant elements of the curve, such as the arc length and the subtending central angle, bearing and dimensions of side lot lines and where a curve is involved an indication if it is a radial line and any and all mathematical information and data necessary to locate all interior and exterior boundary lines of any lot.
  - xi. Every plat shall show a note giving reference to the basis of the bearing. The bearings used shall be referenced to some well-established line.
  - xii. All block indications, if any;
  - xiii. Lot numbers; all individual areas shall be designated by number or letter, and lots in new subdivisions shall be numbered consecutively. No tract or portion of land shall be indicated as "Reserved".



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- xiv. Control monuments, benchmarks, and vertical control: The plat must indicate the accurate location, material, type and description of all permanent control monuments and benchmarks. All monuments, benchmarks, and vertical control are to meet the specification and standard set forth by the United State Geological Survey (USGS) and the Louisiana Professional Engineering and Land Surveying Board (LAPELS).
  - xv. *Special use areas.* Location and size of proposed parks, playgrounds, or school sites or other special uses of land to be considered for dedication or sale for public use, and of all property that could be designated by deed and covenants for the common use of the property owners in the subdivision, along with a statement for responsibility for maintenance.
  - xvi. Description of the tract being subdivided.
  - xvii. *Statement of (public or private) dedication.* Statement signed by the owner to the effect that the streets and rights-of-way are dedicated to the perpetual use of the public or homeowners' Association (HOA), if private, for proper purposes, and that all areas shown as servitudes are granted to the public or HOA, where applicable, for the use of utilities, drainage, sewage disposal, or other proper purpose in the general interest of the public.
  - xviii. Said statement shall further provide that no trees, shrubs, or other plants shall be planted, nor shall any building, fence, structure, or improvements be constructed or installed within or over any servitude or right-of-way that would prevent or interfere with the purpose for which the servitude or right-of-way is dedicated.
  - xix. Where a sewage treatment plant or oxidation pond is proposed, it shall be dedicated on a separate tract or lot by the owner for that purpose only.
  - xx. Where a fire protection draft site is required, it shall be certified that any source credited for fire protection shall be maintained indefinitely unless replaced by a more appropriate source in both capacity and location.
  - xxi. *Statement regarding sewage disposal.* Statement signed by the owner and/or subdivider to the effect that, outside of a public wastewater suburban transportation network, no person shall provide or install a method of sewage disposal until the method of sewage treatment and disposal has been approved by the Health Unit of West Feliciana Parish.
  - xxii. *Restrictions and maintenance.* Private restrictions or restrictive covenants and their periods of existence to apply to lots in the subdivision, as applicable, shall be signed by the owner or his agent and recorded in the office of the Clerk of Courts for West Feliciana Parish, and references to such instrument shall be made on the plat and a copy shall be furnished to the administrator prior to acceptance of the final plat application.
  - xxiii. *Flood elevation data.* The final plat showing the subdivision of property shall include record inundation, the FEMA flood zone(s) and the base flood elevation(s), all of which shall be reviewed and confirmed by the administrator.
  - xxiv. *Professional land surveyor's certification and seal.* The engineer's or land surveyor's seal shall be shown and the certification shall be a statement by a registered professional land surveyor licensed to practice in the State of Louisiana to the effect that:
    - a. The plan is based upon an actual survey made by him or her;
    - b. The final plat is in accordance with the West Feliciana standard;

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- c. Distances, courses, and angles and all other required survey information, are shown correctly;
  - d. The monuments have been set and the lot and block corners staked correctly on the ground; and
  - e. He or she has fully complied with the provision of the R.S. 33:5051, et seq., and regulations governing platting.
- xxv. Recommendation for approval and signature blocks for the chairperson of the planning and zoning commission, director of public works, and parish sanitarian shall be shown on the final plat.
- xxvi. All surveying for perimeter, street centerline, property line and control documentation of a subdivision shall be performed with the precision as specified for that class of survey in accordance with the minimum standards for the practice of land surveying as promulgated by the Louisiana Professional Engineering and Land Surveying Board.

6) *Filing Fees.*

- i. No preliminary or final subdivision plat shall be considered until filing fees are paid as required in Section 100-3 of this Code and application fees must be paid at the time of submittal of the application.
- ii. Fees are not refundable upon any processing, partial or complete, of a subdivision plat.

(d) *Subdivision review criteria.*

1) General subdivision review criteria shall include:

- i. Consistency with the parish comprehensive plan and any other relevant adopted plans.
- ii. Consideration of the extent to which the proposed development will support the existing or planned character of the neighborhood.
- iii. Compliance with all applicable subdivision and zoning regulations and the requirements of this Code.
- iv. Sufficient dedication of rights of way and easements to provide for public improvements required for the subdivision.
- v. Public improvements and facilities for the subdivision are adequate.
- vi. Subdivision design is appropriate for and tailored to the natural characteristics of the site and reduce residents' exposure to flood risk as much as practicable.
- vii. Development includes adequate, safe, and convenient arrangement of access, such as pedestrian circulation facilities, bicycle facilities, roadways, driveways, and off-street parking.
- viii. Development includes adequate design of grades, paving, gutters, drainage, and treatment of turf to handle stormwater.
- ix. Development includes adequate access for disabled residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.
- x. Any adverse impacts on adjacent properties have been minimized or mitigated.

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- 2) Major subdivision review criteria shall include:
    - i. Consideration of the requirements of this article and section 120-32 of this LDC for a major subdivision.
    - ii. For a plat not meeting the requirements, determination as to whether a waiver has been approved or consideration of the waiver request that is part of the subdivision application, in accordance with section 120-34. - Waiver, of this LDC.
    - iii. Whether there are any additional conditions that are appropriate and should be met before approval, including but not limited to whether to accept the dedication of any street or other land, public utility or facility shown on the face of the plat.
    - iv. Consideration of concerns raised by other interested parties or agencies;  
  
Clarification: Nothing herein enables the withholding of administrative approval based solely on objections raised by interested parties.
    - v. Consideration of the denial of any other mandatory agencies, offices, or departments.

**Sec. 136-4. – Development standards and criteria.**

- (a) The subdivision standards contained within this chapter are designated for the establishment of minimum requirements for property located within the Parish of West Feliciana and to provide the necessary facilities and services demanded by new development. The subdivider shall prepare the proposed subdivision plat in conformance with the development standards and criteria described in this section.
- (b) *Planning.*
  - 1) It shall be the duty of the planning and zoning commission to study each proposed subdivision plat in connection with elements of the parish comprehensive plan, the general character of the area, and to take into consideration the general requirements of the Parish in relation to the subdivision request. Particular attention will be given to the specific requirements for public utilities, roads, private utilities, pedestrian and other easements, the adequacy of street connections and the suitability of the proposed land development.
  - 2) It shall be the duty of the planning and zoning commission to discourage the subdivision of land that:
    - i. Exceeds the capacity of parish infrastructure; or
    - ii. By the subdivision's location, cannot be served by public utilities, fire protection, police protection or other public service; or
    - iii. By the subdivision's location or design, is subject to flooding, or
    - iv. By the subdivision's location or design is topographically unsuitable for development; or
    - v. For any other reason associated with a standard of this Code, the subdivision is being unwisely or prematurely subdivided.
  - 3) It shall be the duty of the planning and zoning commission to encourage the re-platting (or correction) of undeveloped lands deemed to be unsatisfactorily subdivided or represent an obstacle to the orderly and efficient growth of the Parish.

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- 4) If a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and logical future subdivision.

(c) *Planning principles.*

- 1) The subdivision layout shall result in the creation of lots that are developable and capable of being built upon.
- 2) Consideration of land use, density, and the design of a subdivision shall follow from the consideration of guidelines and policies as set forth in the parish comprehensive plan.
- 3) Areas that cannot be feasibly serviced by necessary public services, including roads, police, fire, and utilities, shall not be subdivided.
- 4) The proposed design within the subdivision shall not result in an over-intensive use of the land.
- 5) The administrator or parish engineer shall have the authority to require a pre- and post-design traffic study signed and sealed by a professional engineer licensed in the State of Louisiana.
- 6) The design and development of a subdivision shall preserve, insofar as it is practical, the natural terrain and natural drainage to enhance the subdivision, including all plans for open space or other such land use planning elements as set forth in the parish comprehensive plan.
- 7) Public or private street layout shall provide access to all lots, or dwelling units, within the subdivision.
- 8) Reserve strips controlling access to streets shall not be permitted, except where their control is placed with the parish, as approved by the planning and zoning commission.
- 9) Land subject to flooding or to inadequate drainage, located in a natural drainage channel, or otherwise substandard land shall not be platted for any use that might endanger health, life, property or that could aggravate flood or erosion hazards. Such land shall be set aside for other uses that will not present these hazards. However, such land can be used for development, provided the developer presents and constructs a suitable safeguard to overcome the above listed hazards and ensures that their actions do not shift flood hazards onto neighboring properties or increase the flood risks on upstream or downstream communities. An independent professional engineer shall be required, at the expense of the subdivider, to verify technical requirements.
- 10) Reasonable fire protection and fire service should not be significantly impaired.
- 11) Development of the subdivision should not adversely affect any historical, recreational, or aesthetic value attached to the land proposed for subdivision or of adjacent land. The planning and zoning commission shall support the efforts of the parish government to preserve and promote the heritage of West Feliciana Parish.
- 12) No subdivision or street shall bear the same name as another subdivision or street in the parish unless it aligns with and continues an existing street from an adjoining subdivision.
- 13) *Blocks.*
  - i. *Length, shape and width of blocks.* The length, width, and shape of a block shall be determined with regard to:
    - a. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
    - b. Requirements as to lot size and dimensions.

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- c. Need for convenient access, circulation, control, and safety of vehicular and pedestrian traffic.
  - d. Limitations and opportunities of topography.
  - ii. *Maximum and minimum block lengths.*
    - a. The maximum and minimum distance in feet between intersecting streets for a block intended for commercial or industrial use is 1,500 feet and 500 feet, respectively.
    - b. The maximum distance between existing street is 1,500 feet.
    - c. The minimum distance between intersecting streets for all residential uses is 500 feet.
    - d. In blocks over 700 feet in length, a pedestrian crosswalk not less than 10 feet wide is required within the block to provide circulation or access to schools, playgrounds, shopping areas, transportation, or other community facilities.

14) *Lots.*

- i. *Lot size and shape.*
  - a. The lot size, width, depth, shape, orientation, and the minimum building setback lines must meet the requirements of the applicable zoning district and shall be appropriate for the location of the subdivision and for the type of development and uses contemplated.
  - b. To the extent possible, single family residential lots should not front on major arterials or state roadways. If single family lots are platted fronting on a major arterial or state highway the minimum lot width shall be no less than one hundred (100) feet to minimize access points that could interfere with proper functioning of the roadway.
  - c. No detached single-family lot shall be less than two (2) acres.
  - d. Residential lots served by a new individual sanitary sewer system shall have a minimum area as determined by Section 511B of Title 51, Public Health Sanitary Code of the State of Louisiana.
  - e. Corner lots shall have the necessary width to permit appropriate building setback for orientation to both streets and to ensure the building is outside the sight triangle.
  - f. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- ii. *Lot orientation.*
  - a. Each lot shall have a direct frontage on a public or private street.
  - b. Where a townhouse, condominium, apartment complex or manufactured home subdivision is planned, a certified copy of restrictions, agreements, or contracts providing adequate public access and safety to each unit must be submitted to the planning and zoning commission.
  - c. Double frontage lots shall be prohibited except when alleys are approved or when reverse frontage is used to provide separation and control of traffic or to overcome specific disadvantages of topography and orientation. A planting screen of at least 10 feet in width, and across which there shall be no right of access, shall be provided along the line of lots abutting such streets. A statement dissolving the right of access of

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individual lots to the arterial or collector street shall be placed on the final plat and recorded.

- d. Where lots that are created front on a public right-of-way that is inadequate to accommodate planned or potential for future growth, the subdivision shall:
    - A. Dedicate sufficient right-of-way to build out the street to the standard for the planned of future projected growth; or
    - B. Dedicate an easement for future street expansion to accommodate planned or projected future growth, or
    - C. Establish a building setback line at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the setback that would have been otherwise required to meet planned or projected future growth.
  - e. The planning and zoning commission shall determine which alternative is appropriate based on the status of the planning for future street expansion and the timing of future street expansion.
- iii. *Lot identification and addresses.*
- a. All lots in the subdivision shall be numbered such that each lot created shall have a unique lot number.
  - b. Municipal address numbers shall be assigned to all lots by the parish, in accordance with the 911 numbering system established by communications district. The communications district is the coordinating agency for the issuance of property addresses on all public and private streets and thoroughfares within West Feliciana Parish.
  - c. Property number addresses shall be issued in conformance with the street/road numbering system established for all minor and major thoroughfares in West Feliciana Parish.
  - d. Property number addresses shall be issued only for building and/or property referenced as lots of record or property divisions recognized and/or approved in accordance with this chapter, or previously approved by the parish.
  - e. In those instances where plats are required to be approved, the property number addresses on private streets shall be issued in the same manner as property number addresses on public streets.

(d) *Streets.*

- 1) The developer, where practical, shall provide for the continuation or projection of existing streets in surrounding areas, and also accommodate improvement of existing substandard streets where proposed development exceeds existing road capacity or design.
- 2) All new streets shall be constructed in accordance with the LDC.
- 3) The developer that constructs a private road shall be required to obtain a signed affidavit from all buyers located on the private road acknowledging it is a private road and not maintained by the parish. A copy of each signed affidavit must be submitted to the parish in conjunction with the application of any building permit. A large note shall be placed on the final plat stating the following: BUYER BEWARE—THE STREETS, ROADS, SERVITUDES AND RIGHTS OF WAY IN THIS

SUBDIVISION WILL NOT BE MAINTAINED BY WEST FELICIANA PARISH OR ANY OTHER PUBLIC BODY.

- 4) Wherever possible the centerline of intersecting streets on opposite sides of a local, collector, arterial, or highway will align. Where there must be an offset, the centerline offset shall not be less than 125 feet.
- 5) A tangent of at least 100 feet shall be introduced between reverse curves on streets.
- 6) Streets shall be laid out to intersect as as possible at right angles, and no street shall intersect any other street at less than 75 degrees.
- 7) Dead-end streets, designed as such permanently, shall forever remain dead-ended and have an all-paved cul-de-sac or "T" design. The "T" design shall have a minimum of 35 feet deep and minimum length on each arm of 50 feet.
- 8) *Street right-of-way widths.*
  - i. *Right-of-way width determining factors.* The width of streets and road rights-of-way can vary based on Average Daily Travel (ADT); number of travel lanes; whether there will be a median, parking lanes, and sidewalks; whether drainage will be open ditch or subsurface; and whether sidewalks and other above ground improvements can be built on top of subsurface utilities and drainage, among other things.
  - ii. *Determining street or road classification.* The parish engineer shall recommend the classification for all streets or rural roads located in a proposed subdivision. The parish engineer recommendation shall be based on the results of a traffic study prepared by a licensed engineer, which will be paid for by the subdivider/developer. The street classification will in turn determine the required width of the right-of-way elements. The source for the street/road classification is the most current edition of the American Association of State Highway Officials (AASHTO) Policy on Geometric Design of Highways and Streets. Streets and roads will be classified as either rural road, local street, minor collector, major collector, minor arterial, or principal arterial.
  - iii. The below table provides guidance on street width and road elements that when combined determine the right-of-way width requirement.

<b>Table: Guidance on width of Street and Road Elements</b>							
<b>Classification</b>	<b>Travel Lane</b>	<b>Shoulder</b>	<b>Median</b>	<b>Parking Lane</b>	<b>Border Area</b>	<b>Row</b>	<b>Sidewalk Area Width</b>
<b>Rural Road</b>	10' <sup>1</sup>	6' <sup>2</sup>	N/A	10' <sup>4</sup>	20' <sup>5</sup>	50'-70' <sup>6</sup>	7' <sup>7</sup>
<b>Local Street</b>	10'	6'	N/A	10'	20'	50'-70'	7'
<b>Minor Collector</b>	11'	8'	11' <sup>3</sup>	10'	20'	50'-80'	7'
<b>Major Collector</b>	11'	8'	11'	10'	20'	50'-80'	7'
<b>Minor Arterial</b>	12'	12'	12'	10'	20'	90'-120'	10'
<b>Principal Arterial</b>	12'	16'	12'	10'	20'	90'-120'	10'
Notes							

1	Width is for 1 travel lane. Multiply lane width times number of lanes to get total width of travel lanes
2	Area is for both shoulders. Divide by 2 to determine width of shoulder on each side for roadway.
3	Only include median in ROW width if median is required/planned for.
4	If parking lanes are required or planned on both sides of roadway, then multiply by two for total parking lane width requirement.
5	Area is for border on both sides for roadway. Divide by two to determine width on each side of roadway
6	ROW range based on number of travel lanes, parking, lanes, and whether there is a median.
7	Sidewalk area width includes at least 5' wide sidewalk surface area plus a required buffer area between edge of sidewalk surface area and either back of curb or edge of pavement

9) *Conformity with existing street patterns and plans.*

- i. The arrangement character, extent, width, grade, and location of all streets shall conform to existing and planned streets, and shall consider topographical conditions, public convenience and safety, and the relation of the proposed uses of the land to be served by such streets.
- ii. Where streets are not shown on an approved parish comprehensive plan, the arrangement of streets in a subdivision shall:
  - a. Provide for the continuation or appropriate projection of existing or proposed arterial or collector streets into surrounding areas.
  - b. Discourage commercial or industrial traffic from residential areas;
  - c. Conform to a plan for the neighborhood approved or adopted by the planning and zoning commission;
  - d. Be designed to accommodate unique situations where topographical or other conditions make continuance or conformance to existing streets impracticable.
- iii. Local streets shall be so laid out that their use by through traffic is discouraged but does not inhibit necessary access and connectivity.
- iv. Where a proposed subdivision abuts or contains a railroad right-of-way or an existing or proposed arterial thoroughfare, as designated in the comprehensive plan or other highway or street plan as adopted by the West Feliciana parish council, the planning and zoning commission may require one (1) or more of the following:
  - a. Reverse frontage lots with required screen planting within the non-access frontage.
  - b. Deep lots with service alleys.
  - c. Adequate right-of-way that is appropriate for future traffic demands.
  - d. Other such treatment as are necessary for adequate protection and the separation of local and through traffic.
- v. Proper road signage is required for public and private streets, alleys, etc. in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD).
- vi. All public roads shall be designed with sufficient drainage as set forth by the parish engineer.

10) *Street configuration.*



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- i. The center line grade of all streets shall be subject to approval by the parish engineer. The gutter grade for streets with subsurface drainage shall not be less than 0.20 percent. The ditch grade for streets with open ditches shall not be less than 0.10 percent. Maximum grades for street ditches shall be limited to that which will not cause erosion of ditches or other property.
  - ii. Cross sections for streets, roadways, and shoulders are required as determined by the department of public works and parish engineer.
  - iii. All curbs, sidewalks, crosswalks, and pedestrian ways, intended for public dedication, shall be designed, and constructed in accordance with ICC A117.1 Accessible and Usable Buildings and Facilities.

11) *Alleys.*

- i. Alleys shall have a minimum improved width of 20 feet and can be required in commercial and industrial subdivisions or townhouse developments, but shall not be encouraged or required for other residential development except under unusual conditions. If alleys are proposed, they are required to remain public.
- ii. Dead-end alleys, alley intersections, and changes in alley directions are prohibited.
- iii. Alleys must have a minimum width of 20 feet for two (2) lanes or 12 feet for a one(1)-way alley.
- iv. No parallel parking will be allowed along an alley and signs prohibiting parking will be prominently displayed.
- v. Intersections with streets should be at right angles with variations not to exceed 10 degrees and have 25 feet radii at all corners.

12) *Street names.*

- i. Major collectors, arterials, highways, local streets and roads shall, whenever possible, have the same name throughout the entire length of the roadway.
- ii. An applicant for a subdivision shall recommend street names for any new street created through the subdivision process. No street names shall be used that will duplicate or be confused with the names of existing streets located within the parish of West Feliciana or any incorporated municipality.
- iii. Suffixes such as drive, road, street, parkway, avenue, court, loop, circle, etc. do not remedy duplication. Prefixes such as saint, rue, chemin, avenue, etc. do not remedy duplication.
- iv. Directional prefixes and suffixes in French or English are allowed and will remedy duplication, however, such streets must be continuous.
- v. The creation of new alphabetical and numerical street names is not permitted.
- vi. The parish council shall have the final approval for all street names within the parish. If any existing street name is changed the parish council will notify owners of property fronting on any street, road, or thoroughfare of the proposed or requested name change.
- vii. Street names shall be reviewed by the planning and zoning commission during the subdivision review process.
- viii. Street names shall only be changed by the parish council.

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13) Street lighting shall be required in accordance with all applicable parish utility department lighting standards.

14) Frontage and servitudes for utilities and access.

- i. All lots created under these standards following [ADOPTION DATE] are required to have frontage on a public street. Under no circumstances shall the parish council grant approval of any lot that does not have frontage on a public street. This requirement cannot be waived or modified for a specific development or subdivision request.
- ii. Any lots existing as of [ADOPTION DATE] undergoing resubdivision must include the dedication of an access and utility servitude of a minimum of 12 feet in width for public use to enable future purchasers to access and provide utilities to their property.

(e) *Access standards.*

1) *General requirements.*

- i. In the review and approval of all subdivision plats, the planning and zoning commission and/or administrator shall ensure that these access standards are met when site plans are submitted. To the extent possible, the plats shall note where access standards are waived.
- ii. These standards apply to access to parish owned and maintained arterial, collectors, and highways.
- iii. Where the Louisiana Department of Transportation and Development (LA DOTD) has jurisdiction over all or portion of a road, LA DOTD standards and rules shall apply.

2) *Access management classification system.* The following access classifications shall be used to guide application of these standards:

- i. *Access Class 1* refers to *Limited Access Freeways* designed for high-speed, high volume traffic movements. Access is permitted via interchanges.
- ii. *Access Class 2* refers to *Highly Controlled* access facilities distinguished by their ability to carry high-speed, high-volume traffic over long distances in a safe and efficient manner. These highways are distinguished by a system of existing or planned service roads, a highly controlled limited number of connections, medians openings and infrequent traffic signals.
- iii. *Access Class 3* refers to *Principal Arterials*, which are controlled access facilities where direct access to abutting land will be controlled to maximize the through movement of traffic. This class will be used where existing land use and roadway sections have not been built out to the maximum land use or roadway capacity, or where the probability of significant land use change in the near future is expected and likely. This type of roadway is distinguished by existing or planned restrictive medians and maximum distance between signals and driveway connections. Local land use planning, zoning and subdivision regulations should support the restrictive spacing of this designation.
- iv. *Access Class 4* refers to facilities are controlled access highways where direct access to abutting land will be controlled to maximize the through movement of traffic. This class will be used where existing land use and roadway sections have not been built out to the maximum land use or roadway capacity or where the probability of significant land use change soon is high. These highways are distinguished by existing or planned non-restrictive median treatments.

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- v. *Access Class 5* refers to where existing land use and roadway sections have been built out to a greater extent than those roadway segments classified as Access Classes 3 and 4 and where the probability of a major land use change is not as high as those roadway segments classified Access Classes 3 and 4. These highways will be distinguished by existing or planned restrictive medians.
  - vi. *Access Class 6* refers to where existing land use and roadway sections have been built out to a greater extent than those roadway segments classified as Access Classes 3 and 4, and where the probability of a major land use change is not as high as those roadway segments classified Access Classes 3 and 4. These highways will be distinguished by existing or planned non-restrictive medians or centers.
  - vii. *Access Class 7* is limited to urbanized areas where existing land use and roadway sections are built out and where significant land use changes or roadway widening will be limited. This class shall be assigned only to roadway segments where there is little intended purpose to provide high speed travel. Access needs, though generally high along these roadway segments, will not compromise the public's health, safety or welfare. Exceptions to standards in this class will be considered if the applicant's design substantially reduces the number of connections compared to existing conditions. These highways can have either restrictive or non-restrictive medians.
  - viii. All connections or facility segments that have been assigned an access classification shall meet or exceed the minimum connection spacing requirements specified in the Table located in subsection "xiv" below, titled "Access Classification and Standards."
  - ix. Separation between access connections on all collectors and arterials under local jurisdiction that have not been assigned an access classification shall be based upon the posted speed limit in accordance with the Table in subsection "xv" below, titled "Driveway Spacing for Non-classified Roadways."
  - x. Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement. The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated in an adopted local thoroughfare plan.
  - xi. The parish council, in approving a plat, may reduce the connection spacing requirements in situations where they prove impractical. In no case shall the permitted spacing be less than 80 percent of the applicable standard.
  - xii. If the connection spacing identified in these standards cannot be achieved, a system of joint use driveways and cross access easements shall be required.
  - xiii. Variation from these standards shall be permitted at the discretion of the planning and zoning commission, when the effect would enhance the safety or operation of the roadway. Examples include a pair of one(1)-way driveways in lieu of one (1), two(2)-way driveway or alignment of median openings with existing access connections. Applicants shall submit a study, prepared by a registered engineer, to assist the parish in determining whether the proposed change would meet the roadway safety or operational benefits of the prescribed standard.
  - xiv. *Table: Access Classification and Standards.*

Functional Class	Access Class	Medians	Median Opening Spacing (feet)		Connection Spacing (feet)		Signal Spacing
			Directional	Full	>45 mph	<45 mph	
Principal and Minor Arterials	2	Restrictive w/ Service Roads	1,320	2,640	1,320	660	2,640
	3	Restrictive	1,320	2,640	660	440	2,640
	4	Nonrestrictive					2,640
Major Collectors	5	Restrictive	660	2,640/1,320	440	245	2,640/1,320
	6	Nonrestrictive			440	245	1,320
Minor Collectors Local Streets	7	Both Median Types	330	660	125		1,320

xv. *Table: Driveway spacing for non-classified roadways.*

Posted speed limit (MPH)	Driveway spacing (feet)
35 or <	125
36 – 45	245
> 45	440*

\*Ideally any road having a speed limit over 45 MPH should be given access management classification.

xvi. *Corner clearance.*

- a. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway as shown in the Table in subsection “xv” above, titled “*Driveway spacing for non-classified roadways.*”
- b. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this chapter, unless:
  - A. No other reasonable access to the property is available, and
  - B. The planning and zoning commission shall determine whether a connection does or does not create a safety or operational problem upon review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.
  - C. Where no other alternatives exist, the planning and zoning commission can allow construction of an access connection along the property line farthest from the intersection. In such cases, the parish can require other improvements such as directional connections (i.e., right in/out, right in only, or right out only) to provide for a safer exit and entry of vehicles from the site onto the public roadway.

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- D. In addition to the required minimum lot size, all corner lots shall be of adequate size to provide for required front yard setbacks and corner clearance on street frontage.
- xvii. *Joint and cross access and shared parking.* In order to reduce the volume of traffic on public streets and roads; unify vehicle and pedestrian access; and integrate vehicular and pedestrian circulation systems; shared parking between adjacent developments is encouraged.
- a. Where commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks) and are adjacent to each other, the planning and zoning commission may require joint or cross vehicular access for major commercial developments.
  - b. When a plat reserves an easement to accommodate joint and cross access, the easement shall be recorded with the deed.
  - c. The planning and zoning commission can modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a joint or cross access and circulation system impractical.
- xviii. *Interchange areas.* To protect the safety and operational efficiency of any limited access facility (see subsection (e)(2) above - Access management classification system), subdivisions that affect freeways or are adjacent to interchange areas will be designed to minimize impacts on the interchange.
- a. The plat shall address current and future connections and median openings within one quarter ( $\frac{1}{4}$ ) mile of an interchange area—measured from the end of the taper of the ramp furthest from the interchange—or up to the first intersection with an arterial road, whichever is less.
  - b. The distance to the first connection shall be at least 660 feet from where the posted speed limit is greater than 45 mph or 440 feet from where the posted speed limit is 45 mph or less. This distance shall be measured from the end of the taper for that quadrant of the interchange.
  - c. The minimum distance to the first median opening shall be at least 1,320 feet as measured from the end of the taper of the egress ramp.
- xix. *Access connection and driveway design.*
- a. Driveway grades shall conform to the requirements of LA DOTD Roadway Design Procedures and Details or Road Design Manual.
  - b. Driveway approaches must be designed and located to provide an existing vehicle with an unobstructed view.
  - c. Construction of driveways along acceleration or deceleration lanes and tapers is prohibited due to the potential for vehicular weaving conflicts.
  - d. Driveways with more than one (1) entry and one (1) exit lane shall incorporate channelization features to separate the entry and exit sides of the driveway. Double yellow lines can be considered instead of medians where truck off-tracking is a problem.
  - e. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.

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- f. Driveway width and flair shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.
  - g. The length of driveways or "throat length" for major developments shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.
- xx. *Reverse frontage lots.*
- a. Access to double frontage lots shall be required to be located on the street with the lower functional classification.
  - b. When a residential subdivision is proposed that would abut a public arterial roadway, whenever possible, the subdivision shall be designed to limit access from lots to the arterial. Subdivision layout shall create such lots with frontage on either a public collector, local street, or a private drive that would then connect with the public arterial roadway.
  - c. In order to ensure there is no direct access to the public arterial roadway, the planning and zoning commission can require a berm or buffer area separating the subdivision from the arterial roadway. The berm or buffer yard shall not be located within the public right-of-way.
- (f) *Drainage requirements.* The requirements for drainage control, whether surface or subsurface, shall be in accordance with the flood and drainage protection standards of this Code.
- 1) *Easements.*
- i. *General requirements.*
    - a. All existing easements that traverse or border any property planned for development under these regulations must be indicated on the construction plans submitted to the parish administration for approval.
    - b. The parish shall control the space allocation in street right-of-way and in public easements.
  - ii. *Utility easements.*
    - a. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary.
    - b. Utility easements shall be at least 10 feet wide and are subject to directors of the public works department approval.
  - iii. *Drainage easements.*
    - a. Where a subdivision is traversed by a water course, drainage way, channel, or stream, the developer/landowner shall provide a storm water easement or drainage easement in favor of the West Feliciana Parish in order to provide for the space and authority necessary to maintain and repair the waterway.
    - b. The drainage easement will be at least 30 feet in width and shall have at least (15 feet on each side of the top of bank of the water course, drainage way, channel, or stream and conform substantially to the lines of such water courses.

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- c. Additional width of a drainage easement can be required to adequately address drainage in a safe and effective manner.
  - d. The drainage easement shall meet the requirements of the parish engineer who shall be responsible for supporting the management of drainage service.
  - e. A drainage easement can be less than 30 feet if recommended by the director of the department of public works and approved by the planning and zoning commission.
  - f. Parallel streets or parkways can be required in connection with drainage easements for major waterways.

(g) *Sidewalks.*

1) *General.*

- i. All subdivisions can, but are not required, to provide for the construction of sidewalks.
- ii. If sidewalks are provided, they will not be located within the area proposed for dedication to the parish.
- iii. If, due to space limitations, the parish approves a sidewalk being constructed within the area to be dedicated to the parish for roads, drainage, or any other use, the sidewalk will not be the responsibility of the adjacent property owner and not the parish. The entity responsible for maintenance of the sidewalk within the parish right-of-way will be identified on the subdivision plat.

2) *Sidewalks for development fronting on state highways.* If a developer proposes to construct a sidewalk in a state a right-of-way, the developer must request permission from LA DOTD and must submit it to the parish along with the preliminary plat for approval.

- i. If the LA DOTD approves the application, the sidewalks will be shown on the preliminary plat with a statement identifying who is responsible for maintenance of the sidewalk.
- ii. In no case will the parish assume responsibility for the maintenance of sidewalks constructed in the state right-of-way.

3) Sidewalks constructed on a private street shall be the sole responsibility of the adjacent property owner.

(h) *Bikeways and trails.*

- 1) Bikeways or trails can be required by the parish in accordance with the parish comprehensive plan, or comparable community or transportation plans. When bikeways or trails are required, they will be identified on the subdivision plat.
- 2) When a bikeway or trail is required, the applicant will only be required to provide an easement for the future construction of the bikeway or trail.
- 3) In addition to any required bikeways and trails, the developer can choose to construct additional private bikeways or trails as an amenity to the subdivision. Construction and maintenance of private bikeways and trails are the responsibility of the property owner. Location of any private bikeways and trails will be identified on the subdivision plat. Connections between public and private bikeways and trails are encouraged. The parish will inspect and approve any connection between private and public bikeways and trails.

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- 4) Bikeways and trails shall have an easement or right-of-way width of at least 14 feet from edge to edge. Within the easement or right-of-way there shall be at least a 10-foot wide travel way with the appropriate surface for bicycle travel and a two (2)-foot-wide clearance zone on either side of the travel way. The clearance zone will be free of any vertical obstruction such as trees, shrubs, or signage. The purpose of the clearance zone is to keep bicycle handlebars or parts of the rider's body from striking above ground vertical obstructions. In exceptional circumstances the width can be decreased to 12 feet with an eight-foot (8') travel way and the two-foot (2') wide clearance zone on either side of the travel way. (Refer to Guide for the Development of Bicycle Facilities, AASHTO, 2012 Ed. For additional considerations).

(i) *Utilities.*

1) *Water.*

- i. For all proposed subdivisions within the parish, the subdivider shall enter into an agreement with the appropriate utility provider for the extension of the public water system, including the installation of standard valves, fire hydrants, etc., so that public water service shall be available for each lot within the subdivision. The developer will bear any cost associated with upgrades necessary to serve their development.
- ii. All new water lines shall be a minimum eight inches (8") in diameter.
- iii. Fire hydrants shall be designed to meet the specifications and located in accordance with the standards promulgated by the appropriate fire district.

2) *Sanitary sewer.*

- i. If a subdivision is so located that it can be served by the extension of an existing public sanitary sewer within a reasonable time, the subdivider shall enter into an agreement with the appropriate sewer district for the extension of the said sewer so that sanitary sewer service shall be available for each lot within the subdivided area. The developer will bear any cost associated with upgrades necessary to serve their development.
- ii. If the subdivision is located where a public sanitary sewer system is accessible and able to support additional users, the subdivider shall connect with such sanitary sewer system and provide adequate sewer lines to each lot.
- iii. A sewer connection fee of \$100.00 per lot is required, which shall be collected when final acceptance is made by the parish council.
- iv. Sewer connections and subdivision sewage collection and disposal systems shall comply with the regulations of the L.D.H.H.R. O.H.S.E.Q.
- v. The parish engineer and administration shall review and approve the engineering calculations for these systems prior to any construction.
- vi. Sewage collection lines and treatment plants shall be inspected by the parish and written approval of these improvements shall be obtained from the parish before the final plat can be submitted for review and approval.
- vii. If public sanitary sewers are not available, the subdivision may be approved with a community collection system and treatment plant approved by the parish engineer and state health department.
- viii. All effluent discharged must meet state health regulations.



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- ix. Developments of greater than nine (9) homes or units are required to provide a public sanitary sewer collection system.
  - x. No plat will be approved for an individual sewer system unless the applicant has first obtained a permit from the state health officer and the minimum lot size is in accord with state regulations.
  - xi. Design specifications for sewage treatment plants will be issued by the parish engineer and maintained by the parish administration.

3) *Electricity.*

- i. An underground electrical distribution system shall be provided in all major residential and commercial subdivisions.
- ii. In industrial subdivisions, the electrical distribution system can be placed above or below ground as determined by the needs and proposed uses of the subdivision.

4) *Other utilities.*

- i. The subdivision shall make provisions for other utilities, including but not limited to telecommunications, cable, and gas services.
- ii. Easements for all utilities must be shown on the plat.
- iii. Co-location of utilities is allowed if it meets all requirements of the respective utilities and is approved by the parish council on the preliminary plat.

(j) *Common sites and open space.*

1) *General requirements.*

- i. The location of all lands within the subdivision intended to be conveyed or reserved in the deed for use of all property owners shall be shown on the preliminary and final plats.
- ii. The applicant shall identify the proposed method of ownership, management, and maintenance of common spaces created by the plat.
- iii. The administrator shall request any additional information it deems necessary to evaluate the proposal and make a recommendation to the planning and zoning commission and the parish council.

2) *Conformance with adopted plans.*

- i. When the comprehensive plan or other adopted plan for West Feliciana Parish shows a proposed park, playground, or other site for public use that is located in whole or in part in a proposed subdivision, or where open space dedication is indicated in the comprehensive plan design criteria for the area within which the subdivision is located; the parish council can:
  - a. Require dedication of the property for the public use when the primary beneficiaries of the public facility will be residents of the subdivision.
  - b. Require the applicant provide the facilities as common site or open space within the subdivision that will be owned and maintained privately by the owner.

**Sec. 136-5. - Impact fees.**

[RESERVED FOR FUTURE USE].

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**Sec. 136-6. - Development within the 100-year Flood Hazard Area.**

(a) Drainage plans required for major subdivisions and developments.

1) *General requirements.*

- i. A drainage impact analysis shall be required for all proposed major subdivisions or developments. Drainage impact analysis can be required for minor subdivisions at the discretion of the director of the department of public works.
- ii. All proposed major subdivisions and other development that results in an increased risk of flooding to surrounding properties as determined by the drainage impact analysis shall be required to mitigate the increase through drainage improvements specified in drainage plans.
- iii. The drainage impact analysis of any proposed development and surrounding affected areas shall be submitted to the department of public works after preliminary plat approvals.
- iv. The construction plan and final plat shall not be approved until a favorable written certification of the drainage impact analysis has been made by the director of the department of public works or their designee.
- v. Should the drainage impact analysis determine the development will increase the risk of flooding to surrounding properties:
  - a. The plat shall be revised by the applicant to address the identified drainage impacts.
  - b. The plat shall be returned to the parish administration with revisions for review by the parish administration and the planning and zoning commission.
  - c. At a public hearing, the planning and zoning commission shall facilitate review of the revised plat and recommendation to the parish council for approval. No construction of any development components shall take place until parish councils re-approves the revised preliminary plat, and the administration has approved the revised construction plan.
  - d. The final plat shall not be approved until the improvements required by drainage impact analysis are completed and certified by the parish engineer.
- vi. The developer's design engineer shall make provisions in the drainage plan for each subdivision or development to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the development.
- vii. The design engineer shall study the effect of each subdivision or development on existing downstream drainage facilities or roadside ditches outside the area of the development. Streets and lots of a proposed development shall be arranged so as to minimize artificial drainage channel relocation.
- viii. Storm sewers shall be constructed in accordance with public works design standards and with approved materials.
- ix. All roadway cross drains shall be reinforced concrete. No other material (i.e., plastic, metal, etc.) will be accepted unless otherwise approved by the public works department.

(b) *Exceptions.*

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- 1) In areas where existing conditions will not accommodate equivalent discharge rates, as determined solely by the director of the department of public works, a maximum increase of the pre-developments discharge rate of five (5) percent of said rate, not to exceed five (5) cubic feet per second, shall be allowed.
  - 2) Other methods of detention/retention can be utilized with prior approval of the director of the department of public works or their designee.
- (c) *Maintenance of storm water management facilities.*
- 1) *Maintenance required by property owner.*
    - i. The owner of the proposed development or any successor who acquires title to the storm water management facility created as part of an approved plat or development plan shall always maintain the design section of the storm water management facility as indicated on the approved drainage plan(s).
    - ii. Maintenance (such as mowing, bank or bulkhead repairs, and removing debris and trash that occurs on a regular basis, etc.) of all other public or private areas, access areas, or privately owned lots, which are a part of or adjacent to the facility shall be the responsibility of the owner of the storm water management facility.
    - iii. In the event the director of the department of public works determines that the storm water management facilities have not been maintained, the owner shall make the necessary modifications to conform to the original approved drainage plan within a 30-day period from written notification from the director of the department of public works.
    - iv. Compliance with this section shall be mandatory and the requirements of this section shall be included on the site drainage plan, as well as within the drainage impact analysis Report and shall be acknowledged in writing by the owner and/or developer, if different from owner.
    - v. The developer shall provide the director of the department of public works with an agreement or other contractual arrangement evidencing that adequate provision has been made for future maintenance of the facility in those instances where the facility is to be transferred by the developer or is to be acquired by an owners' association or other similar entity.
  - 2) *Maintenance by the parish.*
    - i. If the owner does not act within the required time frame to remedy situations of overdue on-site maintenance or installation of necessary improvements to maintain performance standards, the director of the department of public work shall perform the necessary modification, improvements, or maintenance and bill the owner for the work at its operating cost, at such rates as have been set by the parish wage rates or Federal Highway Works Administration (FHWA) equipment rates.
    - ii. Access in favor of West Feliciana Parish shall be provided from a public dedicated road to the storm water management facility. The access shall be no less than a clear 20-foot wide travel way (graded to accommodate use by equipment) and sufficient area proximate to such travel ways to allow de-siltation activities. A note shall be placed on the final plat indicating that this access shall be provided to West Feliciana Parish.
    - iii. In the event West Feliciana Parish determines that any storm water detention facility requires desilting, or other required remedial measures, to ensure proper performance of such facility, then West Feliciana Parish can perform the work on their behalf and at the expense of the

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owner of such facility. However, in no event shall West Feliciana Parish be obligated to perform such de-siltation or remedial measures if West Feliciana Parish determines that the owner of the facility has not properly maintained such facility.

- iv. *Certifications.* The developer's engineer of record responsible for design of the site plan, drainage plan, or detention facility for any development shall provide a letter of certification to the director of the department of public works prior to submitting an application for final plat approval. The letter shall certify that the improvements were constructed in accordance with the approved construction plans and specifications.

### **Sec. 136-7. – Public improvements.**

(a) *General requirements.* In each new subdivision, the subdivider and the parish council (or administrator on a minor subdivision) shall agree on the type, location, and extent of necessary public improvements depending on the characteristics of the proposed developments and its relationships to surrounding areas. Any improvements required by a subdivision plat shall be constructed at the expense of the subdivider in a manner approved by the parish that is consistent with sound construction and local practice. Type of improvements include:

- 1) Roads, grading, base, and surfacing.
- 2) Curbs and gutters.
- 3) Sidewalks.
- 4) Sanitary sewer, laterals, and mains.
- 5) Storm sewers or storm drainage system.
- 6) Water distribution system.
- 7) Fire hydrants.
- 8) Street lighting.
- 9) Natural gas utility system.
- 10) Permanent reference monuments and monument boxes.
- 11) Other facilities as can be specified or required in these regulations by the planning and zoning commission if non-typical conditions apply.

(b) *Completion of improvements.*

- 1) Before the final plat is signed by the chairperson of the planning and zoning commission, applicants shall be required to complete, in accordance with the parish council's decision and to the satisfaction of the parish administration, construction of all streets, utilities and other improvements, including improvements on individual lots, specified in the final subdivision plat.
- 2) To dedicate same to West Feliciana Parish, free and clear of all liens and encumbrances on the property (except existing easements) and public improvements thus dedicated.
- 3) *Exception.* The parish council may waive the requirement that the applicant complete and offer for dedication all public improvements prior to approval of the final subdivision plat if all other requirements are met.

(c) *Improvements agreement and guarantee of improvements.*

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- 1) *Requirements for final plat approval prior to completion of improvements.* A final plat can be approved or recorded after the subdivider has submitted and the parish council has approved both of the following:
    - i. A subdivision improvements agreement or other agreements, contracts, or bids, setting forth the cost, plan, method, parties involved, guaranteeing to construct any remaining required public improvements shown in the final plat documents.
    - ii. A surety bond that is sufficient in the judgment of the parish council to make reasonable provision for the completion of the improvements in accordance with design and time specifications.
  - 2) A surety bond in amount stipulated in the subdivision improvements agreement shall accompany the final plat submission to ensure completion of the improvements according to design and time specifications.
  - 3) If the improvements are not constructed in accordance with all the required specifications, the parish shall notify the subdividers of noncompliance and discuss with them the reasons for noncompliance. Proposed schedules for correction of noncompliance shall be established.
  - 4) If the parish determines that the subdividers will not construct any or all of the improvements in accordance with the specifications, the parish shall have the power to execute against the surety bonds. It could be necessary for the parish to construct the improvements in accordance with the specifications set forth in the final plat, or determine the subdivision to be dormant or partially complete and apply procedures in accordance with section 120-33 of this LDC.
  - 5) No final plat shall be accepted by the parish council for recording until said improvements are constructed and approved by the parish council.

(d) *Time schedule and release of guarantee of improvements.*

- 1) The period within which required improvements must be completed shall be one (1) year from the date of receiving approval of the construction plan or within one (1) year of the date of receiving a single, one (1)-year extension from the parish council, if applicable.
- 2) The parish council can, upon proof of difficulty, recommend an extension of the completion date set forth in such bond for a maximum period of a single, one (1) year extension, contingent upon the term of the surety bond being so extended.
- 3) Except for streets and roads, as the required improvements in a subdivision are completed the subdivider shall apply in writing to the respective department a request for a partial or full release of the collateral. Upon receipt of such written request, the parish, or its agents, shall inspect the improvements that have been completed.
- 4) The parish has the authority to monitor and inspect progress toward the completion of improvements at any time during the construction period. If the parish deems that satisfactory progress has not been made, it can execute against the surety bond, but only after written notification to the subdivider, not less than seven (7) days before execution.

(e) *Dedications.*

- 1) *Establishment.*
  - i. A public and/or private street, utility or other easement, right-of-way or other right granted to the public, shall be established through the provisions of this section.

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- ii. A public and/or private street, utility or other easement, right-of-way or other right granted to the public, is established when designated on a final plat and includes submissions required by this section and such dedication is accepted by action of the parish council.

2) *Submission contents.*

- i. When property is to be dedicated at the time of plat approval, the dedicated property shall be shown on the plat submitted for recordation. The plat shall contain the information required for final plat, and information about the areas dedicated, including:
  - a. The names, locations, dimensions, boundaries, courses and other geographic data for each street, alley, easement, right-of-way, square, park or other right or property granted or dedicated to the public.
  - b. The name and number of each lot, square, park, or other parcel dedicated to public use.
  - c. The purpose or use for which the dedication is made (e.g., drainage servitude).
  - d. A certificate of a licensed surveyor or civil engineer of the State of Louisiana stating that the same is in accordance with the provisions of LSA R.S. 33:5051 and with the laws and ordinances of West Feliciana Parish.
  - e. A formal Act of Dedication executed by the owner or owners of the property or their duly authorized agent of the streets, alleys, easements, servitudes, parks, squares or other items or areas to be dedicated to public use.

3) *Procedure for dedication.*

- i. A proposal for dedication shall be submitted to the administrator in compliance with appropriate application requirements.
- ii. The administrator will forward the proposal to the parish council, which shall either accept or reject the offer of dedication. The taking of no action by the parish council within 60 days of submission shall be deemed a rejection.

4) *Effect of dedication.*

- i. A dedication shall irrevocably vest the public with title to the items so dedicated, subject to the right of the parish to abandon, revoke or dispose of any public property or dedication.
- ii. When a private street is established in a subdivision, the designated right-of-passage shall be owned by the developer or another private entity or entities.
- iii. Nothing contained herein shall operate to negate or alter the provisions of LSA R.S. 33:5051 or any other statutory provisions relative to dedication or the jurisprudence interpreting same.
- iv. At least annually, the public works director shall submit to the parish council a proposed ordinance to amend the official parish map to reflect the newly accepted streets.

(f) *Acceptance of improvements for perpetual maintenance.*

- 1) Approval by the parish council of the final plat shall not constitute an acceptance by the parish council for perpetual maintenance of the roads, streets, other public lands, or improvements dedicated for public use.

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- 2) Until such time as the developer has obtained written acceptance for perpetual maintenance of the improvements, the developer shall be responsible for all maintenance and repair to the improvements.
  - 3) Perpetual maintenance by the parish shall not be assumed until three (3) years has elapsed (the warranty period) since all inspections were passed of completed improvements.
  - 4) *Procedures for establishing perpetual maintenance.*
    - i. Upon completion of the required improvements, the developer shall notify the parish administration in writing and request an inspection.
    - ii. The parish administration shall inspect the improvements and shall notify the developer in writing of the findings of the inspection.
    - iii. If the improvements are deficient, the reasons for the deficiency shall be stated and corrective measures shall be outlined in a letter of notification.
    - iv. If the improvements pass inspection by the parish administration, the administrator will issue a written notice to the parish council requesting perpetual maintenance at the end of the warranty period and the warranty period shall run from the date of the final inspection.
    - v. If adopted by the parish council, the resolution accepting the public street(s) or other improvement(s) for perpetual maintenance shall be recorded with the clerk of court of West Feliciana Parish.
  - 5) *Warranty period.*
    - i. The developer shall furnish the West Feliciana parish council a surety bond in the amount of 10 percent of the total cost of the improvements as a warranty for the maintenance of improvement accepted for perpetual maintenance by the parish.
    - ii. In the event a failure due to faulty construction occurs within three (3) years of the date of the final inspection (the warranty period), the developer shall perform satisfactory repairs, or the surety bond can be called upon, and repairs made and paid for with the proceeds of the surety bond by the parish.
    - iii. At the end of the warranty period, an inspection shall be made by the parish, and if no failure or problem exists due to faulty construction, the developer will be released from responsibility for maintenance and the parish will take no action on the surety bond.

(g) *Construction quality control.*

- 1) *Certification required.*
  - i. Following completion of improvements, the design engineer for the subdivision:
    - a. Must certify that all improvements were constructed according to approved engineering plans before the director of the department of public works and the parish engineer; and
    - b. Will recommend acceptance of the improvements.
  - ii. The latest edition of the LA DOTD "Standard Specifications for Roads and Bridges" shall be used as a guide for construction quality and is hereby incorporated in the development regulations by reference.
- 2) *Inspections.*

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- i. The cost all of inspection services by the parish engineer shall be borne by the developer.
  - ii. The developer shall retain the inspection service of a design engineering firm or independent testing laboratory to assure compliance with construction plans and specifications and standard construction practices for the following non-exclusive particulars:
    - a. Back-fill of culverts or utility lines crossing roadway.
    - b. Compaction of roadway sub-grade.
    - c. Processing of road base, including application of lime, if deemed necessary.
    - d. Installation of storm sewers, especially line and grade.
    - e. Roadway surface construction.
    - f. Post-construction testing of water and sewerage collection system.
    - g. Resident inspection of water, wastewater, and electrical systems for the acceptance of West Feliciana Parish of public works.
  - iii. The cost of inspection services shall be borne by the developer. All test results shall be reported to the public works director and the parish engineer with copies to the developer and/or his representative.
  - iv. A certified inspector shall be present at the asphalt or concrete batch plants whenever material is prepared for use in construction of the development infrastructure and shall certify that the material used was of approved quality and in conformity with the specifications.
  - v. The public works director and the parish engineer shall be notified when construction of a subdivision commences and when base course (if asphaltic concrete is used) construction is to be done.
  - vi. The developer's design engineer shall submit the soil test reports and recommendations to the public works director and the parish engineer before construction of the soil cement base course.
  - vii. Laboratory testing reports shall be approved by the developer's design engineer and provided to the public works director and the parish engineer. Required reports are as follows:
    - i. Atterberg limits of soil at the base course grade.
    - ii. Lime and/or cement determination for base course.
    - iii. Compaction tests of road sub-grade and base course.
    - iv. Design mix for asphaltic concrete.
    - v. Design mix for Portland cement concrete.
    - vi. Compressive strength testing for structural concrete and concrete pavement.
    - vii. Coring of roadways.
  - viii. The design engineer shall certify as acceptable and submit to the public works director and the parish engineer for approval of materials to be used for storm sewers.
  - ix. The director of the department of public works is the approval authority for utilities under its jurisdiction. All required test results for improvements under their jurisdiction shall be reported to the director of the department of public works.



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- x. The parish engineer shall inspect all infrastructure as deemed necessary to ensure proper construction methods are applied.

## **Chapter 137. Stormwater Management User Fee and Improvement Program**

[PLACEHOLDER FOR FUTURE CONTENT FOLLOWING DISCUSSION WITH THE PARISH]