

Chapter 26 - ZONING AND DEVELOPMENT

FOOTNOTE(S):

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Editor's note— Ord. No. 6143, § II, adopted Dec. 6, 2012, amended Ch. 26 in its entirety to read as set out herein. Former Ch. 26, Arts. I—VIII, pertained to zoning. See the Code Comparative Table for a complete derivation.

ARTICLE I. - GENERAL

DIVISION 1. - PURPOSE, APPLICABILITY, VESTING

Sec. 26-1. - Purpose.

The purpose of this chapter is to serve as a complete guide for development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-2. - Applicability.

The regulations contained in this chapter apply to all developments within the unincorporated areas of Calcasieu Parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-3. - Vested development.

~~Subdivision development having submitted a complete preliminary plat application prior to October 1, 2014, may proceed under the standards in effect at the time of submittal provided that:~~

- ~~(1) All approved preliminary plats will remain valid as long as the applicant receives final plat approval within four (4) years of October 1, 2014.~~
- ~~(2) All approved engineering plans shall remain valid if applicant receives final plat approval within two (2) years of October 1, 2014.~~
- ~~(3) The director of planning and development is authorized to grant a one (1) year extension based upon a review of the written request outlining the need for an extension.~~

(a) Subdivision development having submitted a complete preliminary plat application prior to October 1, 2014, may proceed under the standards in effect at the time of submittal provided that:

- (1) All approved preliminary plats will remain valid as long as the applicant receives final plat approval within four (4) years of October 1, 2014.
- (2) All approved engineering plans shall remain valid if applicant receives final plat approval within two (2) years of October 1, 2014.
- (3) The director of planning and development is authorized to grant a one (1) year extension based upon a review of the written request outlining the need for an extension.

(b) Subdivision development having submitted a complete preliminary plat application between October 1, 2014 and prior to **INSERT DATE**, may proceed under the standards in effect at the time of submittal provided that:

- (1) All approved preliminary plats under this time frame will remain valid as long as the applicant receives final plat approval within two (2) years of October 1, 2017.
 - (2) All approved engineering plans during this time frame shall remain valid if applicant receives final plat approval within one (1) years of October 1, 2017.
 - (3) The director of planning and development is authorized to grant a one (1) year extension based upon a review of the written request outlining the need for an extension.
- (c) All development with a valid development permit as of <insert date of adoption> may proceed under the standards in effect at the time of permitting.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6423, § 1, 9-4-14)

DIVISION 2. - DEFINITIONS

Sec. 26-4. - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Absorption trench: a gravel or approved material filled trench that accepts treated wastewater from an individual sewerage treatment system by gravity for underground disposal.

Accessory building: a subordinated building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Accessory use: a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Administrator, coastal zone: the administrator of the coastal management section within the state department of natural resources.

Adopted level of service: the level of service for a public facility prescribed in the Minimum Level of Service Standards and the Typical Sections (see Appendix) or LaDOTD Current Transportation Design Specifications, as may be amended from time to time.

Agricultural stormwater runoff: any stormwater runoff from cultivated crops, pastures, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in LAC 33:IX.2315 or discharges from concentrated aquatic animal production facilities as defined in LAC 33:IX.2507.

Agriculture: the science of cultivating soil, producing crops, raising livestock, or growing timber.

Airport: any area of land or water which is used or intended for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces, including, but not limited to, the Lake Charles Regional Airport, the Chennault International Airport, and the West Calcasieu Airport.

Airport elevation: the highest point of an airport's usable landing area measured in feet from mean sea level. For Chennault International Airport, the established airport elevation is seventeen (17) feet (MSL). For the West Calcasieu Airport, the established airport elevation is ten and five-tenths (10.5) feet (mean sea level).

Airport hazard: any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near the airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft because of its proximity to the airport.

Airspace: conical space as depicted by the flight hazard survey.

Alley: a dedicated public right-of-way having a required minimum width of twenty (20) feet and used to provide access to the rear or side of properties otherwise abutting a street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration (structural): any change other than incidental repairs which would prolong the life of the supporting members of the building such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

Animal hospital: any building or portion thereof designed or used for the care, boarding, grooming, observation, or treatment of animals, supervised by a licensed veterinarian.

Antenna: any structure or device for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment: a room or suite of rooms with culinary facilities designed for or used as living quarters for a single family.

Appeal: a request for review of an interpretation or decision made by the director of planning and development in carrying out the provisions of this chapter.

Applicant: the owner of land, or the owner of a leasehold interest therein, or the owner's authorized representative, or a governmental entity proposing an action or development requiring police jury development review and approval or the issuance of a permit for the development of land.

Application: any application for a development permit and/or development approval pursuant to the zoning ordinance and/or subdivision ordinance.

Approach surface: a surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in subsection 26-163(c) and subsection 26-164(c). In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones: these zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77 and set forth in subsection 26-163(b) and subsection 26-164(b).

Aquaculture: the science of raising and harvesting aquatic life (i.e., fish, crawfish, alligators).

Area of special flood hazard: the area which is subject to inundation by the base flood, that is, the area which is subject to a one-percent or greater chance of flooding in any given year. The area of special flood hazard is designated on the flood insurance rate map as zones A, AE, and VE, and is divided for the purposes of this chapter into floodplain fringe areas, coastal high hazard areas, and regulatory floodways.

Automobile service station: a building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and/or supplies, including installation and minor services customarily incidental thereto. Facilities for washing and for chassis and gear lubrication are permitted if enclosed in a building.

Automobile wrecker yard: an area outside of a building where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition, or used parts of motor vehicles, are stored.

Awning: a roof-like cover which projects from the wall of a building or roof overhang and is supported by poles, cantilevering, or bracketing from the face of the building.

Bakery: a place where products such as bread, cake, and pastries are baked or sold.

Balcony: a railing-enclosed platform projecting from and supported by an outer wall of a building.

Bar: see "lounge".

Base flood: the flood having a one-percent chance of being equaled or exceeded in any given year; also referred to as a "100-year flood."

Base flood elevation: the elevation above mean sea level of the water surface of the base flood, that is, the flood level which has a one-percent or greater chance of occurrence in any given year. The base flood elevation at any given location shall be determined from the data provided in the flood insurance study, as modified by subsequent determination of the Federal Emergency Management Agency (FEMA)- or by recorded flood data; or by modeled flood data that has been adopted as the revised base flood elevations by the Police Jury.

Bay window: a window forming a bay in a room which projects outward from the wall and is supported by its own foundation, in contrast to an oriel window which is similar but lacks foundation support. Synonym: Bow window.

Bed and breakfast home: a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Best management practices (BMP): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Billboard: see "sign, off premises".

Board: the Calcasieu Parish Planning and Zoning Board as appointed by the Calcasieu Parish Police Jury in accordance with Act 1274 of the 1997 Louisiana Legislative Session (R.S. 33:120.5 et seq.).

Borrow-pits: the removal of gravel, shells, sand, and topsoil materials from a lot or a part thereof to an off-site location.

Breakaway wall: a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Buffer strip (greenbelt): a parcel of land which separates land of differing uses. It is frequently unimproved except for landscaping and screening. Its purpose is to prohibit immediate adjacency of incompatible uses, such as commercially or industrially zoned land which is adjacent to residentially zoned land.

Building: any structure having a roof supported by columns or by walls and intended for shelter of animals or chattel, excluding manufactured homes.

Building area: the total of areas taken on a horizontal plane at the mean grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building site: that portion of a lot which is occupied or intended to be occupied by a structure or property where the sewerage originates.

Cafeteria: a restaurant at which patrons serve themselves at a counter and take the food to the tables to eat.

Car wash: a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.

Carport: a canopy or shed open on three (3) sides and attached to the main building for the purpose of providing shelter for one (1) or more vehicles.

Catering and delicatessen services: to provide food service or a business that caters banquets and weddings.

Church: a building wherein persons regularly assemble for religious worship, which is used for such purpose, and those accessory activities as are customarily associated therewith.

Clearing: any activity that removes the vegetative surface cover.

Clinic: a building or portion thereof designed for, constructed or under construction or alteration for, or use by two (2) or more physicians, surgeons, dentists, psychiatrists, physiotherapists or practitioners in related specialties, or a combination of persons in these professions.

Clubs: private recreational buildings and areas operated by membership organizations for the benefit of their membership and not for gain. The term shall include country clubs and lodges. In conjunction with such a club, a dining room may be operated provided it is incidental to the activities of said club and is conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.

Clustered housing: a development of single family dwellings situated so as to utilize the land as efficiently as possible to reduce the cost of utilities, services and amenities and to eliminate the waste of standard yard requirements. It is intended that a developer locate dwellings, parking spaces, driveways, streets, easements, accessory buildings, etc., so as to utilize as much of the land as possible as common open recreational space.

Coastal high hazard area: an area of special flood hazard which is subject to high velocity wave action from storms, seismic sources, tidal surge, or hurricane wave wash. It consists of areas designated as zone VE on the flood insurance rate map.

Coastal use permit: the permits required by Louisiana Revised Statutes, Title 49, section 213.11, and shall not mean or refer to, and shall be in addition to, any other permit or approval required or established pursuant to any other constitutional provisions or statute.

Coastal waters: bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years).

Coastal zone: the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in Louisiana Revised Statutes, Title 49, section 213.4 or Act 588 of 2012, which are strongly influenced by each other, and in proximity of the shorelines and uses of which have a direct and significant impact on coastal waters.

Coastal zone site: an area designated in accordance with State and Local Coastal Resources Management Act of 2012 for Coastal Zone Management.

Co-location: locating wireless communications equipment from more than one (1) provider on one (1) site.

Commencement of construction: the disturbance of soils associated with clearing, grading, excavating activities or other construction activities.

Commercial: pertaining to any business, trade, industry, or other activity engaged in for profit.

Commercial area: a district composed of certain lands and structures used primarily to provide for the retailing of goods and the furnishing of selected services.

Commercial subdivision: a subdivision created primarily for retail trade and/or service businesses.

Communication tower: a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

Community growth area: the area intended for urban or suburban growth as shown on the service area map in the appendix.

Community home: a facility certified, licensed, or monitored by the Louisiana Department of Health and Human Resources to provide resident services and supervision to six (6) or fewer handicapped persons. Such facility shall provide supervisory personnel in order to function as a single family unit but not to exceed two (2) live-in persons. This definition shall include all amendments enacted by the State of Louisiana.

Community shopping center: a tract of land improved with a coordinated group of retail buildings having a variety of types of stores and free parking, under single management or control, and catering to an entire community.

Community-based recycling facility: a type of facility for the recycling, recovering, compacting, shredding, and/or otherwise converting of non-putrescible solid waste to a useful form that is more convenient to handle for reshipment or for resale, subject to, but not limited to, glass, paper and aluminum.

Community-type sewerage system: any system (excluding building plumbing), either publicly or privately owned, consisting of one (1) or more of the following: a) a collection system; b) pumping facility; and c) a means of final treatment and disposal; designed for more than one (1) residential home and which utilizes technology approved by the Louisiana Department of Health and Hospitals, Office of Public Health (LA DHH/OPH) and which conforms with the latest adopted edition of "Standard Specifications and Details" and all Louisiana Department of Environmental Quality (LDEQ) permit requirements.

Compatible use: a use which is capable of existing in harmony with other uses situated in its immediate vicinity.

Compensatory mitigation: the replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses of ecological values caused by permitted activity.

Compliance officer, stormwater: the person authorized by the police jury to enforce the provisions of the article. The compliance officer's duly authorized representative shall serve as the compliance officer.

Comprehensive plan: the reports, maps, charts, and descriptive matter which set forth the comprehensive plan for the planning area, made and adopted pursuant to R.S. 33:101-119.

Condominium: any land or building and parts of a building thereon which would normally be used by all the occupants such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements together with individual ownership of a particular unit or apartment in such building.

Conforming building, structure, or use: any building or structure or use which complies with all the regulations of this chapter or any amendment hereto for the zoning district in which such building or structure is located.

Conical surface: a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Construction: any alteration of land for the purpose of achieving its development or changed use, including preparation, building, or erection of a structure, grading, filling, excavating, clearing, or other alteration that physically changes the existing contour or vegetative cover of the site.

Contaminated: pertaining to containing a harmful quantity of any substance.

Contamination: pertaining to the presence of or entry into a public water supply system, the municipal separate stormwater system (MS4), waters of the state, or waters of the United States, of any substance, which may be deleterious to the public health and/or quality of the water.

Contractor: any person or firm performing or managing construction work at a construction site including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors, and material suppliers delivering materials to the site.

Convenience store: a store that is open long hours and that typically sells staple groceries, snacks, and sometimes gasoline.

Cosmetic cleaning: pertaining to cleaning done for cosmetic purposes. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Court: an open space from the ground upward, which may or may not direct street access and around which is arranged a single building or a group of related buildings.

Critical feature: an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Crosswalk: a right-of-way through or across any portion of a block used primarily by pedestrian traffic.

Cul-de-sac: a short, minor street, open on one (1) end with a vehicular turnaround on the other.

Culinary or cooking facilities: a space in a dwelling arranged, intended, designed, or used for the preparation of food for a family. Facilities may include a sink, stove, cabinets and a refrigerator, or any combination of these arranged in such space. A refrigerator alone shall not constitute culinary or cooking facilities under this definition.

Cumulative impact: the incremental impact of projects cumulatively considered including built projects, pipeline projects that are approved but not built out, the effects of other current pending projects, and the effects of probable future projects.

Day care: any establishment providing care of four (4) or more children not members of the resident family during the day, but not to exceed twenty-four-hour periods, including day care for children and pre-school for children under the minimum age for admission to public or non-public schools, or for after-school care of school children, and other establishments of similar nature.

Developer: one who subdivides or proposes to subdivide land for sale of lots or other purposes, or any person who has submitted an application required by these regulations (same as agent, applicant, developer, and subdivider).

Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. Development shall also include the recording of any subdivision for the purpose of creating additional lots or building sites.

Development agreement: any agreement between the police jury and applicant approved by the police jury, identifying conditions of development, including, but not limited to, density, timing, financial responsibility for the provision of facilities, services and infrastructure, and/or vesting of development rights.

Development permit: a permit issued for any development in the unincorporated area of Calcasieu Parish by the division of planning and development.

Development standards: rules and regulations that relate to the health, welfare, and safety of the general public.

Diameter at breast height, DBH: the caliper measurement taken approximately four and one-half (4½) feet high on the trunk of a tree.

Direct and significant impact: a direct and significant modification or alteration in the physical or biological characteristics of coastal waters, which results from an action or series of actions caused by man.

Direct discharge: any discharge of effluent from the building site where it originated other than into an approved collection system.

Director of planning and development: the chief administrative officer of the division of planning and development, or designee. Also known as "director".

Discharge: any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Discharger: any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Distance between structures, signs, off premises: the measurement in feet along the nearest edge of the pavement or surface between points directly opposite the signs and shall apply only to structures located along the same side of the highway. Spacing restrictions shall apply to property facing the nearest edge of the right-of-way of a highway or interstate, excluding intersections, which is zoned or used so as to permit outdoor advertising signs. For the purposes hereof, each side of the parish, state and federal highway or interstate system shall be considered separately, excluding intersections.

District: any section of the total zoned area in which the zoning regulations are uniform.

Division: the division of planning and development as the official agency designated by the police jury to administer these regulations.

Division staff: the director of the division of planning and development and designees.

Domestic sewage: human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

Dormitory: a building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions and hospitals.

~~*Drainage impact assessment:* a study of the stormwater management needs pursuant to section 26-215 of this Code.~~

Drainage outfall: any drainage facility within any right-of-way or easement including, but not limited to, curbs, gutters, swales, ditches, culverts, and pipes.

Drainage way: any channel that conveys surface runoff throughout the site.

Drive thru establishment: an establishment of the "drive-thru" type is one which accommodates patrons in automobiles from which the occupants may watch, purchase, eat, bank or conduct business of convenience. Such an establishment may also serve customers inside the building.

Drug store: a store where prescriptions are filled and drugs and other articles are sold; a pharmacy.

Duplex: see "Dwelling, two-family".

Dwelling: any building which is designed for or used exclusively for residential purposes.

Dwelling unit: a room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Dwelling, multiple-family: a building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartments, condominiums, townhomes, triplexes and fourplexes.

Dwelling, single-family: a detached building designed for or occupied exclusively by one (1) family.

Dwelling, two-family: a dwelling designed for or occupied by two (2) families. This dwelling is commonly referred to as a duplex.

Earthwork: the disturbance of soils on a site associated with clearing, grading, grubbing, or excavation activities.

Easement: a right imposed by operation of law, or by the conventional grant or dedication by the owner of land, for the use of land by the public, another tract of land, or another person, corporation, or other legal entity; and the term "easement" shall be synonymous with the term "servitude."

Easement, drainage: a dedicated and accepted drainage right-of-way within which a public entity can construct or maintain a drainage ditch or watercourse.

Easement, maintenance: a width of ground in addition to the dedicated and accepted drainage easement or water improvement easement within which parish equipment can be utilized in order to provide

for maintenance of ditches or watercourses. Typically maintenance easements are established parallel to and adjoining drainage easements.

Easement, water improvement: a dedicated and accepted water improvement right-of-way within which water improvements can be installed by the parish.

Ecological value: the ability of an area to support vegetation and fish and wildlife populations.

Effective date, floodplain management regulations: as applied to any particular use, structure, or area, the effective date on which the elevation requirement of this chapter became applicable to such use, structure, or area as a result of adoption or amendment of the floodplain management regulations or of any maps related thereto.

Effluent: treated or untreated wastewater.

Effluent reduction: a system that significantly reduces the amount of off-site effluent discharge and is constructed as described in the Louisiana Sanitary Code.

Elevated building as applied to zones A, AE, VE, X and XS: a nonbasement building built to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and adequately anchored so as not to impair the structural integrity of the building during the discharge of the base flood. Also, a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. As applied to zones VE, elevated building shall mean a nonbasement building built to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and adequately anchored so as not to impair the structural integrity of the building during the discharge of the base flood. Also, a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of these regulations.

Enclosure: that portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls.

Engineer: (1) One who is licensed by the state as a civil engineer; or (2) One who is a registered land surveyor in the state.

Environmental Protection Agency (EPA): the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

Equipment shelter: a constructed or prefabricated building or other structure located on a telecommunications site designed principally to enclose equipment, switches, communications lines, and other related facilities in conjunction with telecommunications transmissions.

Erosion: the carrying away or displacement of solids (sediment, soil, rock and other particles) usually by the agents of currents such as, wind, water, or ice by downward or down-slope movement in response to gravity or by living organisms (in the case of bioerosion).

Erosion and sediment control permit: permit to commence grading or other land disturbance activity prior to obtaining a building/development permit.

Erosion and sediment control plan: a set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site, both before, during and after construction.

Erosion control: the practice of preventing or controlling wind or water erosion in agriculture, land development and construction. This usually involves the creation of some sort of physical barrier, such as vegetation or rock, to absorb some of the energy of the wind or water that is causing the erosion.

Exempted use: any use specifically listed in coastal zone management regulations as a use not requiring a coastal use permit.

Existing: as applied to any use, structure, or development, includes the words "existing on the effective date of the coastal zone management regulations.

Existing construction: for the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing drainage: a drainage feature that is natural or manmade, and has a drainage pattern that has been established prior to any site improvements.

Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extraction: the removal of natural resources except gravel, shells, sand, and topsoil materials from a lot or part thereof.

Extremely hazardous substance: any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

Facility: any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Family: one (1) or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities; or a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis, excluding community homes in accordance with R.S. 28:477. The usual domestic servants residing on the premises shall be considered as part of the family.

Farm: any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used for related purposes.

Fastlands: lands surrounded by publicly-owned, maintained, or otherwise valid existing levees, or natural formations, as of the effective date of Act 588 of 2012 or as may be lawfully constructed in the future; which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounding area from having direct and significant impacts on coastal waters.

FEMA: the Federal Emergency Management Agency.

Final stabilization: stabilization of at least seventy (70) percent of the site as defined in part IX of the construction general permit.

Fire protection water: any water, and any substance or materials contained herein, used by any person other than the area fire department to control or extinguish a fire.

Fix-it shop: a mercantile establishment for the retail sale of service repair excluding automobile repair shop.

Flood or flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM): an official map issued by FEMA delineating both the areas of special flood hazard and the applicable flood insurance risk premium zones.

Flood insurance study: an official report issued by FEMA and containing flood information developed on the basis of scientific and engineering studies. The flood insurance study includes accompanying flood profiles, flood insurance rate maps, and floodway maps for areas and watercourses within or adjacent to the unincorporated area of the parish.

Flood protection system: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard", and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain: the area which is subject to inundation by the base flood; also referred to as the area of special flood hazard.

Floodplain management: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures and their contents.

Floodway (regulatory floodway): the channel of a river or other watercourse and the adjacent land which is reserved primarily for flood discharge by prohibiting development which would increase the height or obstruct the flow of the base flood. The regulatory floodway is designated on the basis of floodway data contained in the flood insurance study.

Floodway boundary map: an official map adopted by the police jury to delineate the boundaries of a designated regulatory floodway.

Floor area: the sum of the gross horizontal area of the floor of the main building, but not including the area of roofed porches, terraces, or breezeways. All dimensions shall be measured between exterior faces of the walls.

Food service shop: a cafe, deli, coffee shop, sandwich shop, parlor or luncheonette which offers food or beverages for purchase and consumption on the premises (no alcoholic beverages consumed on premises).

Freeboard: an additional amount of height above the base flood elevation used as a factor of safety (e.g., two (2) feet above the base flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

Frontage: the distance for which the front property line of the lot and the street or right-of-way line are coincidental.

Functionally dependent use: a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral home: an establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

Garage, parking: a building, land or portion thereof designed or used for the temporary storage of motor-driven vehicles, with or without the retail dispensing, sale or offering for sale of motor fuels, lubricants,

and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

Garbage: putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Gas station: any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair may be performed when incidental to the conduct of a filling station. The use may include retail offering of food or beverages including, but not limited to, other convenience goods.

Grade, finished: the completed surfaces of lawns, walks, and road brought to grades as shown on official plans or designs relating thereto.

Grading: using engineering techniques or vegetative practices, or a combination of both, to provide surface drainage and control erosion and sedimentation while reshaping and stabilizing the ground surface.

Groundwater: any water residing below the surface of the ground or percolating into or out of the ground.

Guidelines, coastal: those rules and regulations adopted pursuant to Louisiana Revised Statutes, Title 49, section 213.8, known as "Rules and procedures for the development, approval, modification, and periodic review of local coastal management programs."

Harmful quantity: the amount of any substance that the compliance officer determines will cause an adverse impact to the storm drainage system or will contribute to the failure of the parish to meet the water quality based requirements of the LPDES permit for discharges from the MS4.

Hazard to air navigation: an obstruction or activity determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous household waste: any material generated in a household by a consumer which, except for the exclusion provided in 40 CFR Part 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 302.

Hazardous substance (or material): any substance listed in table 302.4 of 40 CFR.

Hazardous waste: a solid waste or combination of solid wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or, pose a substantial present or potential hazard to human health, or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, as defined by the Louisiana Hazardous Waste Management Plan or by the EPA pursuant to 40 CFR Part 261.

Hazardous waste facility: a facility which collects, separates, stores, disposes, treats, or recovers hazardous waste which is not produced or manufactured on the site.

Height, airport zone: for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Height, building: the vertical distance of a building measured from the average elevation of the proposed finished grade of the highest point of the roof for flat roofs, to the deck line of a mansard roof, and the mean height between eaves and ridges for gable, hip, and gambrel roofs. For structures, the vertical distance measured from average finished grade to its highest point; provided, however, that no height limitation in this chapter shall apply to silos, barns, and other agricultural structures, church spires, cupolas, domes, monuments, water towers, smoke stacks, derricks, flag poles, masts, solar energy facilities, and similar structures required to be placed above the roof level and not intended for human occupancy.

Height, sign: the elevation measured in feet from either the ground level of the sign at its supports or the nearest edge of the main traveled way, whichever is higher.

Heliport: an area of land, water, or structure, or portion thereof used or intended to be used for the landing and take-off of helicopters and having service facilities for such aircraft.

Helistop: an area of land, water, or structure, or portion thereof used or intended to be used for the landing and take off of helicopters, provided no facilities for service basing of such aircraft are permitted.

Highest adjacent grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Historical ancient or unique tree: a particular tree or group of trees which has historical or horticultural value because of its unique relationship to the history of the region, state, nation, or world.

Home occupation: an accessory use of a service character customarily conducted within a dwelling by the residents thereof which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate and in connection therewith is not involved in the keeping of stock in trade. This is subject to article III, division 8.

Homeowners association: a nonprofit corporation, unincorporated association, or other legal entity which is created pursuant to a declaration, whose membership consists primarily of lot owners, and which is created to manage or regulate, or both, the residential planned community.

Horizontal surface: a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Horticulture law: Title 3, Louisiana Horticulture Commission Horticulture Law, Sections 3801 through 3816; Title 7, Agriculture and Animals Part XXIX. Horticulture Commission, Chapter 1, Horticulture.

Hotel/motel: a building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes by guests and transients and where only a kitchen and dining room are provided within the building or in an accessory building.

Illegal discharge: see illicit discharge.

Illicit connection: any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system.

Illicit discharge: any discharge to the storm drainage system that is prohibited under this chapter.

Impervious surface area: shall include, but not be limited to, asphalt, concrete, roofs, structures, parking areas and appurtenances.

Individual sewerage system: any system of piping (excluding building plumbing), treatment device or other facility that conveys, stores, treats or disposes of sewer on the property where it originates and which utilizes the individual sewer technologies as approved by the LA DHH/OPH.

Industrial subdivision: a subdivision created to serve industrial or wholesale needs.

Industrial waste: any waterborne liquid or solid substance that results from any process of industry, manufacturing, production, trade or business.

Institution: a land use for hospitals, including such educational, clinical, research, and convalescent facilities as are integral to the operation of the hospital, medical and health service facilities and clinics, including nursing homes, supervised residential institutions, rehabilitation therapy centers, and public health facilities, cultural, educational, eleemosynary facilities, and other similar uses.

Intermediate watercourse: a drainage way, channel, coulee, or stream that has a watershed greater than ten (10) acres, but less than three hundred (300) acres, at the discharge point or point of exit from proposed development.

Junk yard: the use of any lot, whether inside or outside a building, for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel: a facility for the care or boarding of animals which is operated for economic gain or the keeping of more than six (6) dogs/cats over six (6) months of age outside the principal building.

Large developments: any commercial, industrial, or noncommercial developments which include more than forty thousand (40,000) square feet of impervious surface area.

Larger than utility runway: a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

Laundromat: business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment.

Levee: a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system: a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Level of service: describes the quality of services provided by public facilities which is measured by availability and some comparison of capacity and demand.

Light manufacturing: the manufacturing or processing of materials employing electricity or other objectionable motor power, utilizing hand labor or unobjectionable machinery or processes, and free from any objectionable odors, fumes, dirt, vibration, or noise.

Lighting, sign, off premises: the illumination of whatsoever nature or kind which is attached to, connected with or designed on or off the structure to provide or enhance visibility for any off-premises outdoor advertising; same includes floodlights, thin line or gooseneck reflectors.

Line, right-of-way: a line that is the boundary or dedication line of a street.

Line, street: the dividing line between the street and the lot.

Local government: the Calcasieu Parish Police Jury.

Lot, corner: a lot abutting upon two (2) or more streets at their intersection.

Lot, tract or plot: a parcel of land lawfully subdivided and occupied or capable of being occupied by one (1) building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter, and which has been recorded in the office of the parish clerk of court.

Louisiana sanitary code: those regulations contained in Title 51 of the Louisiana Administrative Code, as codified effective June 20, 2002.

Lounge: a lawfully licensed establishment wherein the main source of revenue excluding vending machines is the sale of alcoholic beverages which are customarily consumed on the premises.

Lowest adjacent grade: the lowest point of the ground level next to the building.

Lowest floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program Regulations.

LPDES: Louisiana Pollutant Discharge Elimination System.

LPDES permit: a permit issued by the Louisiana Department of Environmental Quality, under authority delegated pursuant to 33 USC 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Major thoroughfare plan: the plan delineating a system of streets duly adopted by the board.

Major watercourse: a drainage way, channel, coulee, or stream that has a watershed of three hundred (300) acres or greater at the discharge point or point of exit from proposed development.

Manufactured home: a structure transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width and forty (40) feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and air-conditioning, and electrical systems contained therein. The construction complies with HUD Code under the Federal Manufactured Housing Construction and Safety Standards.

Manufactured home park: land used or intended to be used by three (3) or more manufactured homes for ground rent or lease of land.

Manufactured home subdivision: a subdivision of land recorded in its entirety with the Calcasieu Parish Clerk of Court as a subdivision plat for the purpose of selling lots as manufactured home sites with the appropriate rights-of-way for streets and easements.

Mean sea level: for purposes of the National Flood Insurance Program, shall mean the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mechanical fluid: any fluid used in the operation and maintenance of machinery, vehicles and any other equipment, including lubricants, antifreeze, petroleum products, oil and fuel.

Mechanical system: an individual sewerage treatment system that employs aerobic bacterial action and is sustained by mechanical aeration.

Median: a landscaped strip of land dividing a thoroughfare, boulevard or street into lanes according to direction of travel; or neutral ground within a circle drive of a cul-de-sac, or neutral ground separating a turn-out lane from the main street.

Minor watercourse: a swale ditch, drainage way, channel, coulee, or stream that has a watershed of ten (10) acres or less at the discharge point or point of exit from proposed development.

Mitigation or mitigate: an action taken by the applicant to comply with the additional standards and criteria prescribed by this chapter including, but not limited to, the provision or advancement by the applicant of the public facilities (land, funds or improvements) necessary to accommodate the proposed development at the adopted level of service at the time the impact of the development will occur.

Mitigation, coastal: all actions taken by a permittee to avoid, minimize, restore, and compensate for ecological values lost due to a permitted activity.

Mobile commercial cosmetic cleaning: any power washing, steam cleaning, and other mobile cosmetic cleaning operation, of vehicles and/or exterior surfaces, engaged in for commercial purposes.

Modular home: a factory fabricated transportable building unit designed for residential purposes to be placed on a foundation.

Modular unit: a factory transportable building unit designed for commercial, educational, or industrial purposes to be placed on a foundation.

Municipal landfill (or landfill): an area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile.

Municipal separate storm sewer system (MS4): the system of conveyances gutters, ditches, manmade channels or storm drains owned and operated by the parish and designated or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Municipal solid waste: solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

Nameplate: a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

Native trees: certain species naturally occurring in South Louisiana and along the Gulf Coast.

Natural grade: the grade unaffected by construction techniques such as fill, landscaping, or berming.

Neighborhood: an urban or suburban residential or commercial area exhibiting a fairly high degree of homogeneity as to housing, tenancy, income, and population characteristics. Neighborhoods are often outlined by physical barriers, such as railroad tracks, streams, commercial or industrial development, hills, ravines and by-lines created by subdivision restrictions, or type or age of building development.

Neighborhood shopping center: a tract of land improved with a coordinated group of retail buildings with a limited variety of convenience goods and service facilities, free parking, under single ownership or control, and catering to a limited trade area (neighborhood).

New construction: structures for which a development permit issued or the "start of construction" is commenced on or after the effective date of the floodplain management regulations. However, new construction does not include structures for which a building permit is issued prior to the effective date of this chapter, provided that the start of construction is commenced within ninety (90) days of the permit issue date, and such permit remains continuously in force until the structure is completed.

New development: any improvements moved, placed or constructed on property conveyed after the adoption of the sewerage disposal regulations.

New manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming use, airport zone: any pre-existing structure, object of natural growth, or use of land or airspace which is inconsistent with the provisions of the airport zoning or an amendment thereto.

Nonconforming use, zoning: a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Non-point source: any source of any discharge of a pollutant that is not a "point source".

Nonprecision instrument runway: a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no

precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Notice of intent (NOI): the notice of intent that is required by either the industrial general permit or the construction general permit.

Notice of termination (NOT): the notice of termination that is required by either the industrial general permit or the construction general permit.

NPDES: the National Pollutant Discharge Elimination System.

Nursery: a place for the propagation of small trees, shrubs and plants, including retail sales.

Obstruction: any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in subsection 26-163(b) and subsection 26-164(b).

Office, business: the office of agents or consultants who offer business services of a competitive nature including, but not limited to, insurance, real estate, savings and loan associations, banks, mortgage companies, and similar businesses who advertise their services through various media such as newspaper, radio, television, magazines, and outdoor advertising.

Office, professional: the office of a physician, accountant, surgeon, dentist, attorney, architect, animal hospital, engineer, tax consultant, or other professional person who offers skilled services to his clients and who is not professionally engaged in the purchase or sale of economic goods.

Official map, street: a map duly prepared and maintained by the board showing the streets or additions resulting from approval of subdivision plats and the subsequent recording of such approved plats.

Oil: any kind of oil in any form including but not limited to petroleum, fuel oil, pressure oil, sludge, oil refuse, and any oils mixed with waste.

Open space: any area of a lot, site, tract, or plat exclusive of structures, driveways, parking, or open storage areas, which is open to the sky.

Operator, stormwater: the person or persons who, either individually or taken together, meet the following two (2) criteria:

- (1) they have operational control over the facility specifications (including the ability to make modifications in specifications), and
- (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Overlay district: a special zone that is drawn on a map outlining a significant resource. The resource could be an aquifer, a watershed, a shoreline, an historic area or a developing length of road, which may consist of neighborhoods or business potentials commonly called in planning a "road corridor".

Owner: the person who owns a facility or part of a facility, or land.

Parish Code: the Calcasieu Parish Code of Ordinances.

Parish engineer: the parish engineer or designee.

Parish: Calcasieu Parish, State of Louisiana.

Park: a facility which provides recreational opportunities which has minimal impacts on the surrounding area and has ten (10) percent or less coverage of the parcel by impervious surfaces, such as parks or playgrounds.

Person: any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local entities.

Personal service shops: business establishments such as barbershops, beauty shops, chiropody, massage, or similar personal service shops.

Pesticide: a substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest.

Petroleum product: a petroleum product that is obtained from distilling and processing crude oil, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Petroleum storage tank: any one (1), or combination of, above ground or underground storage tanks that contain petroleum products and any connecting underground pipes.

Planning area: the geographical area in Calcasieu Parish under the jurisdiction of the board.

Plat: a print of survey of land prepared and certified by an engineer reflecting the legal description and perimeter boundaries and dimensions of the subdivision, the location and dimensions of all lots, streets, parks, alleys and servitudes situated therein.

Point source: any discernible, confined, and discrete conveyances including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Police jury: the Calcasieu Parish Police Jury which is the governing authority of Calcasieu Parish having general jurisdiction and operations at the parish level.

Pollutant: any substance attributable to water pollution including, but not limited to, rubbish, garbage, solid waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, pet waste, animal waste, domestic sewage, industrial waste, sanitary sewage, wastewater, septic tank waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances, hazardous waste, soil and sediment.

Pollution: the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness of public enjoyment of the water for any lawful or reasonable purpose.

Pond: the removal of gravel, shells, sand, and topsoil materials from a lot or part thereof with the excavated materials remaining on site.

Precision instrument runway: a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.

Primary surface: surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway or as set forth in this Code. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

Private drainage system: all privately or publicly owned ground, surfaces, structures or systems, excluding the MS4, that contribute to or convey stormwater including, but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface.

Proposed drainage: a new drainage feature that is to be created for routing stormwater runoff and is manmade and not a natural feature. Proposed drainage shall include any existing drainage features that are to be improved as part of the drainage plan for the new development.

Public amenity: something that contributes to physical or material enhancement of the property and increases attractiveness or value, especially of a piece of real estate or a geographic location for the community or the people as a whole such as a fountain, courtyard, outdoor patio, open air eating, public art, or park.

Public facilities: includes transportation, drainage, water, wastewater, parks, telecommunications, electric power, natural gas, education, public safety, library, public administration and other services that are provided to developments by public or private entities.

Public hearing: wherever required in this chapter, a hearing announced to the public at least thirty (30) days in advance, and at which all interested persons shall be afforded a reasonable opportunity to submit data, views, or arguments orally or in writing. At the time of the announcement of the public hearing all materials pertinent to the hearing, including documents, studies, and other data in the possession of the applicant must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the office of planning and development.

Public use: any use operated by an agency of government or private entity which provides a direct service to the public including police, fire, library, recreational services, and public transportation facilities (excluding public and private schools).

Recreational facilities, intensive: a facility which provides recreational opportunities which may impact the surrounding area in terms of traffic and noise, such as tennis, swimming, and health clubs, or go-cart tracks.

Recreational facilities, low-intensive: a facility which provides recreational opportunities which has minimal impacts on the surrounding area and has ten (10) percent or less coverage of the parcel by impervious surfaces, such as golf courses, parks, and campgrounds.

Recreational vehicle: a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use, and can be on site for no longer than one hundred eighty (180) consecutive days.

Recreational vehicle park: an area providing spaces where three (3) or more recreational vehicles can be parked with flush toilets and bathing facilities provided on the site.

Regulatory floodway: the channel of a watercourse and adjacent land which is reserved primarily for flood discharge by prohibiting development which would increase the height or obstruct the flow of the base flood. The regulatory floodway is designated on the basis of floodway data contained in the flood insurance study, as modified by subsequent determination of the Federal Emergency Management Agency (FEMA) or by recorded flood data; or by modeled flood data that has been adopted as the revised by the Police Jury.

Release: any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

Repetitive loss: flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

Residential structure: any structure or portion thereof which is used or occupied as a dwelling or other living accommodations, including hotels and other lodging facilities.

Residential subdivision: a subdivision designed for single-family and/or multifamily dwellings other than manufactured homes.

Restaurant: an establishment which is devoted to the selling and serving of food for consumption by patrons on the premises and shall include alcoholic beverages sold as an accompaniment to meals only. Restaurants do not include lounges.

Retail manufacturing: baking, confectionery, dressmaking, dying, laundry, dry cleaning, printing, tailoring, upholstering, and similar establishments, and businesses of a similar and more objectionable character.

Right-of-way: the area of land designated by grant, contract, deed or dedication from the owner, or acquired by use, maintenance or acquisitive prescription, for use as a street, alley or utilities, whether such area is owned by the public or other user in fee or as servitude.

Road corridor: a developing length of road which may consist of neighborhoods or business potentials commonly called in planning a "road corridor".

Rooming house: a residential building, or portion thereof, containing sleeping rooms which will accommodate persons who are not members of the keeper's family.

Rubbish: non-putrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Runway: a defined area on an airport prepared for landing and take off of aircraft along its length. The runway includes any proposed new runway or runway extension shown on an airport layout plan or other planning document.

[Runoff Management Plan: a study of the stormwater runoff management and floodplain preservation needs pursuant to section 26-215 of this Code.](#)

Same ownership: adjacent or contiguous lands touching along a line or point which are owned by the same person, corporation, partnership, association or trust, or in which five (5) percent or more of each ownership interest is held by the same person, corporation, partnership, association or trust.

Sanitary sewer (or sewer): the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the sewage treatment plants within the parish (and to which stormwater, surface water, and groundwater are not intentionally admitted).

School, business: privately owned schools offering instruction in accounting, secretarial work, business administration, the fine or illustrative arts, trades, dancing, music and similar subjects.

School, private: privately owned schools having curriculum essentially the same as ordinarily given in a public elementary or high school.

Secretary, coastal zone: the secretary of the state department of natural resources.

Section: those areas between road intersections designated for a separation within a road corridor.

Sediment: soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

Sediment control: measures that prevent eroded sediment from leaving the site.

Septage: any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service provider: a company licensed by the federal government to furnish communication technology for commercial purposes.

Servitude: a right imposed by operation of law, or by the conventional grant or dedication by the owner of land, for the use of land by the public, another tract of land, or another person, corporation or other legal entity.

Servitude, water improvement: a right imposed by operation of law, or by the conventional grant or dedication from the owner, or acquired by use, maintenance, or which services the area. Upon acceptance for maintenance and prior to final approval by the police jury, the appropriate waterworks district shall send a resolution to the police jury that the water improvements have been reviewed, approved and accepted for maintenance by the respective district.

Setback, sign, off premises: the minimum distance measured in feet as to the location of an off-premises sign from the highway right-of-way or the setback of an existing building.

Sewage (or sanitary sewage): the domestic sewage and/or industrial waste that are discharged into the sanitary sewer systems within the parish and passes through the sanitary sewer system to the sewage treatment plants within the parish for treatment.

Shall: one is required to comply.

Shooting range: a facility that provides recreational shooting of firearms.

Shopping center: a group of three (3) or more retail stores, planned and designed as a single unit of construction.

Shopping mall: a shopping center in which all business establishments are oriented onto a common pedestrian passageway(s), whether covered or open.

Should: one is encouraged to comply.

Sight line: is the triangular area formed by the right-of-way line and a line connecting them at points specified herein.

Sign: any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, insignia, or bulletin board of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

Sign, monument, Nelson Road District and Lake Street District: a freestanding structure erected for a site that is marked and preserved as a business and used for advertising, building identification, street address and/or operating information. Sign shall be made of similar exterior materials of the building advertised and be no more than eight (8) feet in height, eight (8) feet in length and two (2) feet in width.

Sign, off-premises: any outdoor structure, display, figure, painting, drawing, message, plaque, poster, billboard or any other thing which is designed, intended or used to advertise or inform, any part of which is visible from any place on the main traveled way of any public highway system; provided that such signs advertise or identify, in whole or in part, any off-premises products, service or activities.

Sign, on-premises: a sign which directs attention to a business or profession conducted on the premises. Temporary "For Sale", For Rent", or political signs shall not be deemed on-premises signs.

Sign, wall or facade: a sign painted on, attached to, or erected parallel to the face of a building, structure or accessory structure and supported throughout its length by such building, structure or accessory structure. For the purpose of this chapter, a sign attached to the side of a parapet or attached to the side of a truck trailer used solely for the storage of inventory, supplies and/or other essentials to the operation of the business will be considered a wall or facade sign.

Site: the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Site-specific plant material: the use of the best adapted plant species to minimize supplemental irrigation, fertilization and necessary pest control.

Size, sign, off premises: the maximum area as measured in square feet, exclusive of any border or trim but excluding the base or apron, supports and other structural members; the area shall be measured by the smallest square, rectangle, circle or combination thereof which shall encompass the entire sign; the maximum size limitations shall apply to each side of a sign structure.

Soil absorption system: a system of absorption trenches or a dosing-field that will accept treated wastewater for final disposal.

Solid waste: any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under Section 402 of the Federal Water Pollution Control Act, as amended (86 State. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 State. 923).

Solid waste site: a site for the disposal of solid waste excluding hazardous waste.

Space, manufactured home or recreational vehicle: the plot of ground within a recreational vehicle park or manufactured home park intended for the placement of one (1) recreational vehicle or manufactured home.

Stabilization: providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

Stable, public: any stable for the housing of livestock, operated for economic gain, hire, sale, or stabling.

Standard parish construction regulations: the street and road construction regulations published by the State Department of Transportation and Development or the typical sections contained in the appendix, whichever is more restrictive.

Start of construction: the date the development permit was issued provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or sidewalks; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State: State of Louisiana.

Stormwater: stormwater runoff, snow-melt runoff, surface runoff and drainage.

Stormwater pollution prevention plan (SWPPP): a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. Also, stormwater management plan.

Street: a public or private thoroughfare used for vehicular and pedestrian travel. Streets are further classified by the functions they perform. (1) Local: A street which is primarily intended to provide access to residential lots. These streets carry only traffic having either destination or origin on the street itself. (2) Collector: A thoroughfare, whether within a residential, commercial, and/or industrial area, which primarily carries traffic from local streets to arterial streets. (3) Arterial: Streets and highways which are interregional roads conveying traffic between cities and other suburban areas. Designed for through traffic carrying heavy loads and high volume of traffic.

Street yard planting area: the unpaved area of land located between the property line and any building designated for the preservation and placement of plant materials along all property lines that border a public street (i.e., the fifteen-foot front yard landscape buffer).

Structure: a walled and roofed building including, but not limited to, a gas or liquid storage tank that is principally above ground, as well as a manufactured home, building, tower, smokestack, earth formation, overhead transmission lines, stadium, platform, shed, storage bin, fence, and display sign.

Studio: an office of an artist, musician, photographer, craftsman, writer, tailor, seamstress, accountants, architects, hairstylists, brokers, doctors, lawyers, engineers, insurance agents, or similar person.

Subdivider: one who subdivides or proposes to subdivide land for sale of lots or other purposes; and, the term subdivider shall be synonymous with the term "developer."

Subdivision: the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions for the purpose, whether immediate or future, of sale or building development other than agricultural or aquacultural. Subdivision shall include resubdivision and, when appropriate to the context, replats to the process of subdividing or to the land or territory subdivided. The sale or contract to sell a lot or division of land by lot description, or by metes and bounds description, shall also constitute a subdivision, subject to the regulations of this ordinance, if such land is located on a street or road not accepted for maintenance by the police jury.

Subdivision development: activities associated with the platting of any parcel of land into two (2) or more lots and including all construction activity taking place thereon.

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. "Substantial damage" also means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

Substantial improvements: the repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Surface water: water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

Telecommunications: the transmission between or among points specified by the user's choosing, without change in the form or content of the information as sent and received, as defined in the Federal Telecommunications Act of 1996.

Ten-year flood elevation: the elevation above mean sea level of the water surface of the flood having an expected recurrence interval of ten (10) years. The ten-year flood elevation shall be determined from the data contained in the flood insurance study and any revisions thereto issued by FEMA.

Tower company: an entity which constructs towers for leasing purposes.

Townhouse: a single-family dwelling forming one of a group of series of three (3) or more attached single-family dwellings separated from one another by common walls without doors, windows, or other provisions for human passage or visibility through such wall from basement or cellar to roof; and having roofs which may extend from one (1) of the dwelling units to another.

Trade school: a school offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar commercial establishments operated by a nongovernmental organization.

Transitional surfaces: these surfaces extend outward and upward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot

vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway centerline.

Tree: a woody perennial plant having a single, usually elongated main stem, generally with few or no branches on its lower part.

Uncontaminated: not containing a harmful quantity of any substance.

Urban service area: the area intended for future urban growth as shown on the service area map in the appendix.

Use, coastal: any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

Use, principal: the main use of land or buildings as distinguished from a subordinate or accessory use.

Used oil (or used motor oil): any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

Utility runway: a runway that is constructed for and intended to be used by aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Variance, flood: a grant of relief to a person from certain requirements of the floodplain management regulations when specific enforcement would result in unnecessary hardship. A flood variance, therefore, permits construction or development in a manner otherwise prohibited.

Violation, floodplain: the failure of a structure or other development to be fully compliant with these floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

Visual runway: a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Wastewater: any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water improvements: pipe lines or water mains, including to dig and excavate roads, streets, sidewalks, and alleys, excluding taps and meters, and all other improvements for the purpose of supplying water to a site or to a tract of land.

Water quality standard: the designation of a body or segment of surface water in the state for desirable uses, and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

Water surface elevation: the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains, or coastal or riverine areas.

Water surfaces: the same meaning as land for the establishment of protected zones as related to airports.

Waters of the state (or water): any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water

courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Waters of the United States: all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at LAC 33:IX.2313; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirement of the Federal Clean Water Act.

Waterworks district: a legally formed district, in which a tax has been levied, and which provides public water to residents within the district, with specific boundaries and authorities, as established by R.S. 33:3815, as it may be amended from time to time.

Wetland: an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Formally designated by the U.S. Army Corps of Engineers, wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale establishment: a business establishment engaged in selling to retailers or jobbers rather than customers.

Yard, front: a yard extending across the front of a lot between the side lot lines. On corner lots, the front yard shall be provided facing the street upon which the lot has its lesser dimension.

Yard, rear: a yard extending across the rear of a lot between the side lot lines. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side: A yard between the main building and the side lot lines.

Yard waste: leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6311, § 1, 1-23-14)

DIVISION 3. - ABBREVIATIONS

Sec. 26-5. - Abbreviations.

BMP	Best Management Practices
EPA	U.S. Environmental Protection Agency
LPDES	Louisiana Pollutant Discharge Elimination System
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System

SWPPP	Stormwater Pollution Prevention Plan
USC	United States Code

(Ord. No. 6143, § II, 12-6-12)

Secs. 26-6—26-9. - Reserved.

ARTICLE II. - SUBDIVISIONS

Sec. 26-10. - Short title.

This article shall be known and cited as the "Subdivision Regulations of Calcasieu Parish."

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-11. - Review and approval of plans.

The board, as authorized by this Code and Revised Statutes, sections 33:101 through 33:119, shall be responsible for review and approval of all real estate subdivision plans. The enforcement of the subdivision regulations remains with the police jury or such agency as it may designate.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-12. - Jurisdiction and expenditure of public funds.

(a) *Plat recordings and exceptions.*

(1) All subdivisions created within the parish, outside the corporate limits of any city or town, after August 7, 1974, shall be shown on a plat certified by a registered Louisiana land surveyor approved by the board and thereafter filed in the records of the clerk of court prior to the sale of any portions, tracts or lots of the subdivision except:

- a. Subdivisions created by judicial partition;
- b. Subdivisions with two (2) lots or less, where no revision of filed plat is required, and which do not require street, drainage or public utilities right-of-way dedication. (All subdivisions must be reviewed and approved by the division staff before the subdivision may be filed or any lot in the subdivision is sold); and
- c. Small parcels of land sold to or exchanged between adjoining property owners, where such sale or exchange does not create additional lots provided that the division staff certifies upon the plat that such sale or exchange does not create additional lots.

(2) Subdivisions for which plats are filed prior to August 7, 1974, shall not require approval by the board, but this exclusion shall not be deemed to imply or grant acceptance for maintenance by the police jury of any streets, roads, or servitudes dedicated thereby.

(3) The division of one (1) tract or lot into three (3) or more lots located on an existing street or road shall require platting as provided in subsection (a)(1) above.

(b) *Streets and roads.*

- (1) *Dedication limitations.* No street or road rights-of-way may be dedicated to the public without prior approval of the board.
 - (2) *Prior dedications.* Plans for construction of streets or roads on rights-of-ways dedicated prior to August 7, 1974, shall conform to this chapter and are subject to review and approval of the board.
- (c) *Public funds.*
- (1) Public funds shall not be expended:
 - a. For construction or maintenance of streets or roads on rights-of-way dedicated prior to August 7, 1974, but not accepted by the police jury, unless approved in accordance with paragraph (b) of this section;
 - b. For construction or maintenance of streets, roads, or utilities within subdivisions other than those subdivisions accepted by the police jury and for which assessments to abutting properties shall be made by the police jury;
 - c. Solely to provide street or roads access to, or utility service for, individual tracts of land which, on August 7, 1974, had no such access or service, or which are exempt from compliance with these regulations.
 - (2) Nothing in this chapter shall be construed as authorizing the expenditure of public funds for subdivision development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-13. - Procedure.

- (a) *Applications.*
- (1) Applications for review and approval of proposed subdivision plans shall be made to the board in accord with the procedure prescribed in this article. They shall be in writing on such forms as may be prescribed by the board, and signed by the land owner or his authorized agent.
 - (2) Applications and supporting documents shall be submitted in the number of copies reasonably required by the board for its own use and the use of the parish engineer.
 - (3) All materials submitted to the board become the property of the board and are not subject to return. Tracings and original drawings are not required.
- (b) *Basis of approval or disapproval.* Approval or disapproval of any plan or application may be based only upon the provisions of this Code and comprehensive plans duly adopted by the police jury, and the laws of the state. Any plans published by the board but not adopted by the police jury may be used for guidance and coordination between the board and the developer, but they shall not have the effect of law and may not be the sole cause for disapproval of proposed subdivisions.
- (c) *Phase development.* Notwithstanding any provisions to the contrary, any developer applying for approval of a proposed subdivision may, initially or at any stage during the processing of the application, elect to:
- (1) Develop the subdivision in phases, by dividing it into two (2) or more distinct parts, and when such election has been made, subdivision approval shall be granted for such part for which the requirements have been met, without regard to the status of any remaining parts of the entire proposed subdivision; and/or
 - (2) Sell, transfer, alienate or encumber the entirety of all or any of such parts of the subdivision.
- (d) *Review process for subdivisions.*
- (1) *Conceptual plan.*
 - a. The initial step in the application for subdivision approval shall be the submission of a conceptual plan to the director for consideration, on an informal basis, of the proposed land

use, street layout and utility services. Conceptual plan review should be coordinated with permit submittals for U.S. Army Corps of Engineers' approval. ~~Submission of a conceptual plan to the director is highly encouraged for phased projects, new developers, or those unfamiliar with the ordinances of the parish.~~ A conceptual plan shall also be required in conjunction with any application for a zoning map amendment. The conceptual plan shall include:

1. The proposed subdivision name which may not duplicate, or be deceptively similar to, any existing subdivision in the parish, as determined by the director;
 2. The legal description of the property to be subdivided;
 3. A sketch of the entire tract to be subdivided showing boundaries at an appropriate scale, a vicinity map at a scale of one (1) inch equals two thousand (2,000) feet, approximate location of the public streets and roads adjoining or crossing the property, or in the absence thereof, the public street or road nearest the proposed subdivision property, and the location of proposed streets and roads, the approximate location of active or uncapped oil wells, gas wells, and water wells, servitudes for pipelines, utilities, drainage or other purposes, and other existing features affecting the proposed subdivision property;
 4. The proposed intensity and use or uses for each area; and
 5. The phasing schedule for development of subareas, if applicable.
- b. The director shall render its letter of approval or denial within ten (10) working days, excluding legal holidays, after receipt of the conceptual plan;
 - c. A letter of denial of a conceptual plan shall state in detail the reasons for such denial. Reasons for denial may include inconsistency with the standards established in the Parish Code or failure to comply with other adopted development regulations;
 - d. If the conceptual plan is denied by the director, or if a letter of approval or denial has not been timely rendered, the applicant may present the conceptual plan to the next regularly-scheduled meeting of the planning and zoning board for its review and decision. Appeals from a denial by the board shall be handled in accordance with subsection 26-16(a).
 - e. Conceptual plan approval shall expire twenty-four (24) months after approval unless development is consistent with an approved phasing schedule.

(2) *Preliminary plat.*

- a. After approval of the conceptual plan, the applicant ~~may~~ shall submit a preliminary plat to the director, who will consider layouts and configuration of lots, streets, **proposed drainage** and easements, and their relationships with existing streets and easements which may join or cross the proposed subdivision. The preliminary plat shall also include:
 1. The name of the proposed subdivision owner, applicant and developer;
 2. The name of the planner or planning firm, if any;
 3. The location of the property by reference to governmental section, township and range;
 4. The legal description of the property;
 5. The scale used for the map, at one (1) inch equals one hundred (100) feet or larger scale approved by the director of planning and development;
 6. A north arrow;
 7. Proposed street names, which may not duplicate or be substantially similar to any existing streets in the parish as determined by the director;
 8. Lots and block numbers;

9. Alignment and dimensions of proposed lots, blocks, existing and proposed streets, and servitudes that adjoin, traverse, or are included in the proposed subdivision;
 10. A vicinity map showing the property at a scale of one (1) inch equals two thousand (2,000) feet;
 11. A drainage ~~impact analysis~~ if Runoff Management Plan (RMP) as required by the drainage regulations of this Code; and
 12. Other information that the applicant wishes to submit to demonstrate compliance with the Parish Code.
- b. Attached to the application shall be a letter from a public and/or private electric utility company verifying its capacity and intention to provide utility service to the subdivision.
 - c. Attached to the application shall be a letter from the applicable water and sewer service provider verifying its capacity and intention to provide service to the subdivision.
 - d. Minor variations in lot arrangements or sizes resulting from final field survey shall not constitute an addendum, for filing fee purposes, and no charge shall be made therefor.
 - e. Areas shown on the preliminary plat that do not meet the standards listed above in (a.) shall be deemed as future development, labeled as such, and subject to a separate preliminary plat approval.
 - f. The director shall recommend approval, approval subject to conditions, or denial of the plat within twenty (20) working days, of each complete submittal excluding legal holidays, after receipt of the preliminary plat.
 - g. After reviewing the director's recommendations and input from the public hearing, the planning and zoning board may approve, approve subject to conditions, or deny the preliminary plat.
 - h. Appeals to the decision of the planning and zoning board ~~may be submitted to the police jury within thirty (30) days of the board's action.~~ shall be in accordance with procedures previously adopted for due process through the Fourteenth Judicial Court System.
 - i. Unless superseded by section 26-3 vested development, the preliminary plat approval shall remain valid as long as the applicant receives final plat approval within four (4) years from the date of action by the planning and zoning board. This may be extended for one (1) year by decision of the director after receipt of a written request and valid reason from the applicant. Any further extensions thereafter may be granted by action of the planning and zoning board, or included in a valid development agreement as defined in subsection 26-13(e)(1).
 - j. For phased development, preliminary plat approval shall expire within eight (8) years from the date of action by the planning and zoning board. Failure to submit the final plat for the final phase within this timeframe shall make the approval of the preliminary plat null and void. This may be extended for two (2) years by decision of the director after receipt of a written request and valid reason from the applicant. Any further extensions thereafter may be granted by action of the planning and zoning board, or included in a valid development agreement as defined in subsection 26-13(e)(1).

(3) *Engineering plans.*

- a. After approval of the preliminary plat, the applicant shall submit engineering plans to the director and secure approval of those plans prior to submitting an application for final plat approval.
- b. The engineering plan shall include:
 1. Copies of the detailed layout and construction plans and specifications for the proposed subdivision;

2. The name of the proposed subdivision and the name of the owner, developer and applicant;
 3. The name of the individuals who surveyed the property and prepared, stamped, signed and sealed the plans and specifications;
 4. A copy of the approved preliminary plat, reflecting required amendments;
 5. The location and description of existing and proposed sewerage facilities, if any central sewerage collection, treatment and disposal system is planned;
 6. Plans showing the proposed vertical and horizontal alignments of water, sewer, gas, electrical and telecommunications, and the proposed locations of light standards and fire hydrants, in accordance with the "Space Allocations for Utilities in New Construction" in the Appendix:
 - i. Waivers from the adopted space allocations for utilities may be granted by the parish engineer based upon unforeseen circumstances;
 - ii. Requests for waiver must be submitted in writing by the developer's engineer and be accompanied by a revised space allocation plan for review and approval;

The space allocation plan does not relieve utility companies or individuals from complying with any applicable utility codes.
 7. Specifications of the proposed improvements, including typical street cross-sections, utilities, and the materials to be used in such improvements;
 8. Details of plans for sewerage disposal, tie-in to existing collection systems, construction of a new collection and disposal system, use of lagoons, lift stations, force mains, etc.;
 9. Information required to demonstrate compliance with the drainage regulations of this Code; and
 10. Copies of the proposed covenants or restrictions governing the use of the property and the construction of improvements in the subdivisions.
- c. The director shall render a letter of approval or denial within twenty (20) working days of each complete submittal, excluding legal holidays, after receipt of the engineering plans. Denial of engineering plans shall relate in detail the reasons for the denial.
- d. Resubmittals of plans with modification or corrections shall be clearly labeled revised and shall clearly illustrated the required changes from the previous submittal.

(4) *Final plat.*

- a. After approval of engineering plans, the applicant shall submit a final plat and as-built drainage layout plan to the director. The director shall review and make recommendations to the police jury, which will consider the director's recommendations, public testimony, and staff reports on the status improvements or assurances of the completion of the subdivision in accordance with the approved engineering plans before deciding to approve, approve with conditions or deny the final plat and as-built drainage layout plan. Following adoption of the resolution adopting the final plat and as-built drainage layout plan, the director of planning and development or designee shall file the final plat and as-built drainage layout plan with the clerk of court who shall record the final plat.
- b. Except as provided in paragraph (d) of this section, no lot or other parcel of land in the proposed subdivision may be sold until the final plat is filed in records of the clerk of court by the director of planning and development or designee.
- c. No subdivision plat may be filed in the records of the clerk of court until approved by the police jury.

- d. Review criteria. No final plat will be approved by the police jury until the following requirements have been met:
1. The applicant has submitted to the board a subdivision plat, including a complete legal description of the subdivision property, including, without limitation, the designation of the government section, township and range, and complying with all laws of Louisiana for the preparation and filing of subdivision plats, particularly R.S. 33:5051 et seq., and reflecting the location of servitudes as required to serve all lots in the subdivision.
 2. The applicant's engineer shall provide a signed and sealed letter certifying ~~certifies that~~ all construction has been completed in accordance with the plans and specifications outlined in the engineering plan or has proffered a development agreement that is acceptable by the police jury in accordance with subsection 26-13(e)(1)(development agreements) of this Code.
 3. The division of engineering and public works has certified to its inspection and the completion of all construction in accordance with the plans and specifications contained in the engineering plans. The division of engineering and public works shall complete the inspection and report to the division of planning and development within ten (10) working days of each request, excluding legal holidays, after receipt of written request therefor from the applicant.
 4. In lieu of meeting the requirements of subparagraphs a. and b. above, the applicant may elect to seek approval of the subdivision plat by furnishing a performance bond with adequate surety in accordance with subsection 26-13(e)(1)(development agreements) of this Code.
 5. The following statements concerning dedication of rights-of-way and methods of sewage disposal shall be affixed to the plat with appropriate signatures:
 - i. Dedication. The right-of-way of streets shown hereon, if not previously dedicated, is hereby dedicated to the perpetual use of the public. All areas shown as servitudes are granted to the public for use of utilities, drainage, sewage removal or other proper purpose for the general use of the public. No building, structure, or fence shall be constructed, nor shrubbery planted within the limits of any servitude, so as to prevent or unreasonably interfere with any purpose for which the servitude is granted.
 - ii. Sewerage disposal. No person shall provide a method of sewage disposal, except connection to an approved sanitary sewer system, until the method of sewage treatment and disposal has been approved by the health unit of Calcasieu Parish.

Signature

Printed Name

Title

Company

This is to certify that this plat is made in accordance with R.S. 33:5051 et seq., and conforms to all parish ordinances governing the subdivision of land.

Signature

Printed Name

Title

Company

Professional Certification or License

6. In addition to other statutorily required information, the final plat shall include the following:

- i. The 'as-built' lowest elevation of each lot;
- ii. The base flood elevations and required freeboard elevation for each lot;
- iii. The applicable flood zones; and
- iv. A statement that development of individual lots shall remain consistent with the approved engineering plans and "as-built" drainage layout plan.

(5) Final acceptance of improvements

Copies of the subdivision plat, the division of engineering and public works' certification of completion, and the approval and recommendations of the board, shall be submitted by the director of planning and development, or designee, to the police jury through the public works committee. Upon finding satisfactory compliance with all requirements of these subdivision regulations, the police jury shall accept for perpetual maintenance the subdivision and the infrastructure constructed therein.

~~(5)~~(6) — *Plat corrections.*

- a. *Purpose and applicability.* The following short form approval process may be used to correct a plat error, including the correction of any other type of formal, nonsubstantive, clerical error or omission by the police jury; such errors and omissions may include, but are not limited to: lot numbers, acreage, street names and identification of adjacent recorded plats.
- b. *Application and procedure.* This application shall be submitted to the division of planning and development. The staff will make its recommendations and forward these to the director of planning and development for consideration. The application shall include the corrected plat with a cover letter explaining any corrections or deviations from the originally submitted plat.
- c. *Review criteria.* Each of the following criteria shall be satisfied prior to approval of the plat correction:
 1. All resultant parcels shall comply with the minimum standards required by the Parish Code;
 2. No reduction in street right-of-way width or reduction of servitude width shall occur; and
 3. The action shall not adversely affect the character of the previously recorded plat or the character of the area.
- d. *Decision maker.* The director of planning and development or designee shall approve, conditionally approve, or deny all applications for plat corrections. The director of planning and development or designee shall be the final decision maker except that the applicant may appeal the decision to the planning and zoning board through the major subdivision process.

~~(6)~~(7) *Minor subdivision.*

- a. *Purpose.* The provision of adequate data concerning land use, utility requirements, traffic impact, drainage, streets, servitudes and dedications is vital to ensure the continued health, safety and welfare of the parish's residents. Recognizing that the significance of this data is reduced for small-scale projects that are most heavily impacted by cost of producing this

data, that the need for a public hearing is reduced for most small projects, and in accordance with law, the police jury herein establishes a simplified procedure for minor subdivisions.

b. *Applicability.* Any subdivision meeting the criteria established in this section may be submitted to the director. The director will make an administrative review subject to the requirements of this section.

1. If all of the following conditions are met, the platting of new lots, the realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the designation or re-designation of lot numbers, may be considered a minor subdivision:

- (i) Does not require the creation of any ~~new street~~ public infrastructure to be publicly maintained, right-of-way in full ownership that is consistent with the thoroughfare plan or other public improvement but may provide for the dedication, acceptance, relocation, or deletion of public utility servitudes granted to Calcasieu Parish, other than streets.
- (ii) Does not involve more than two (2) acres of land or ten (10) lots of record.
- (iii) Does not reduce a lot size below the minimum area, depth or frontage requirement established by ordinance.
- (iv) The application is not a private road subdivision.
- (v) Does not result in the creation of one (1) or more lots that are incompatible with existing lot patterns in a residential district.
- (vi) Does not have any outstanding code enforcement violations.
- (vii) Otherwise meets all the requirements of the Parish Code.
- (viii) Parcels of land where a portion has been expropriated or has been dedicated, sold or otherwise transferred to the police jury, thereby leaving a severed portion of the original property which requires a redesignation of lot numbers and establishment of new lot boundary lines.

2. If any of the following conditions are met, then the application shall not be reviewed as a minor subdivision:

- (i) The director determines that the proposed subdivision creates the need for off-site public infrastructure improvements that have not been funded by the police jury or on the police jury's capital improvements program; and
- (ii) The director determines that the proposed subdivision is incompatible with existing development patterns.

c. *Application.* The application shall include:

- 1. Ownership certificate prepared by a registered abstractor or attorney showing current ownership of the subject property, prepared within thirty (30) days of the date the application is submitted;
- 2. Project description briefly but completely explaining all aspects of the proposed project;
- 3. Protective covenants proposed to be used, if any;
- 4. Supplemental information, as requested by the director; and
- 5. One (1) reproducible set, one (1) electronic copy in a format accepted by the director of planning and development, plus four (4) copies of the final plat, properly signed and

executed, prepared to a size suitable for recording with the Calcasieu Parish Clerk of Court, containing the following information:

- (i) Title block, date, name and location of the subdivision, graphic scale (shall be legible), and north arrow;
 - (ii) Stamp and signature of the individual who prepared the drawing set;
 - (iii) Name and signature of owner and applicant;
 - (iv) Right-of-way widths for all public and private streets, along with centerlines and names;
 - (v) Reservations, easements, alleys, and any areas dedicated to public uses or sites for other than residential use with notes stating their purpose and any limitations;
 - (vi) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, boundary line with error of closure, block line and building line, whether curved or straight, and including true north point. This shall include the radius, central angle, point of tangent, tangent distance and arcs and chords of all curved streets and curved property lines, point of curvature and length of curve;
 - (vii) Accurate location and description of all property corners, monuments and markers, as well as the location of utility lines;
 - (viii) All dimensions shall be to the nearest one-hundredth of a foot and angles to the nearest minute;
 - (ix) Lot lines, and lot and block numbers;
 - (x) Minimum building setback lines; and
 - (xi) Pipe sizing for roadside culverts of each lot;
 - (xii) The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided property.
- d. *Review criteria.* The minor subdivision shall comply with the criteria set forth for final plats.
- e. *Decision maker.* The director of planning and development shall approve or send the application to the planning and zoning board and police jury in conformance with the requirements for subdivision applications not eligible for minor subdivision review. All subdivision plats approved by this administrative procedure shall designate such fact on the plats, and the plats shall be recorded by the director of planning and development or designee in the records of the clerk of court. Any plat so approved shall have the same force and effect and legal status of a subdivision application approved by police jury ordinance.
- ~~(7)~~(8) *Subdivision variances.*
- a. *Purpose.* Subdivision variances provide a mechanism for relief for property owners when strict application would result in practical difficulties or a particular hardship to a property owner due to unique conditions of a property proposed to be subdivided. Variances may be granted at the time of preliminary plat approval.
 - b. *Applicability.* Subdivision variances may be requested when an applicant can demonstrate that the unique parcel shape, size, configuration or other conditions preclude compliance with the Parish Code.
 - c. *Application and procedure.* The application shall be filed with the division of planning and development. Subdivision variance requests shall be requested in writing along with a plat application, and processed concurrently with a preliminary plat application.
 - d. *Required findings.* A variance is not a right. In conformance with state law, a variance may be granted only upon finding that:

1. The property cannot be developed reasonably under the provisions of the Parish Code;
 2. The requested variance will not conflict with the purposes of the Parish Code or the comprehensive plan;
 3. The hardship does not generally apply to other properties in the parish. Reasons for hardship may relate to the particular property, because of size, shape, topography or other physical conditions, rather than personal circumstances;
 4. If the applicant complies strictly with the provisions of the Parish Code, then the applicant will be unable to make reasonable use of the affected property;
 5. The hardship does not exist because of conditions created by the owner or previous owners of the property;
 6. Granting the requested variance will not confer on the applicant any special privilege that is denied by the Parish Code to other lands that are similarly situated and configured;
 7. The granting of the variance will not be contrary to the public interest, will not adversely affect property values, will not adversely affect other property in the vicinity, and will be in harmony with the intent and purpose of the Parish Code; and
 8. The variance requested is the minimum modification to the Parish Code necessary to alleviate the hardship.
- e. *Decision maker.* Decisions on subdivision variances to the Parish Code shall be made by the planning and zoning board. When a variance to the Parish Code constitutes a variance to multiple sections, separate actions shall not be required to modify the provisions of each section. However, each variance shall be cited in the action approving the preliminary plat and shall be noted on the final plat.
- (e) *Review for general development.*
- (1) *Development agreements.*
- a. *Purpose.* The purpose of a development agreement is to ensure completion of public improvements and facilities, to assign responsibility for construction and funding of on- and off-site improvements, to provide assurances to the applicant that the development may proceed under the terms of the development agreement, and to document all agreements between the police jury and the applicant relating to a development.
 - b. *Applicability.* Except as provided below, before the plat is recorded, all applicants shall be required to complete, to the satisfaction of the parish engineer, all street, drainage, sanitary, and other public improvements required by the Parish Code. The required improvements shall be those specified in the approved engineering plans.
 - c. *Conditions.* If the applicant chooses not to complete all required on- and off-site public improvements prior to final plat approval, the applicant may provide financial guarantees in favor of the police jury to assure the construction of on- and off-site public improvements identified in the final plat approval and documented in the development agreement. This surety shall remain in effect for the duration of the agreement or until the police jury has accepted all improvements. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the police jury may use the guarantee to complete the improvements as required or pursue other remedies authorized by state law. This condition shall not apply to Runoff Management Plan requirements to maintain the site in a neutral condition in terms of pre and post development runoff and floodplain preservation.
 - d. *Guarantee of completion of public improvements.* The police jury may defer the requirement for the completion of required improvements if the applicant enters into a development

agreement by which the applicant guarantees completion of all required public improvements no later than two (2) years following the date upon which the final plat is approved. The police jury may authorize an agreement providing for multi-phase development over a longer period of time, provided that the agreement includes a phasing schedule and that provisions are made for guaranteeing completion of improvements required to serve each phase as it is subdivided. The police jury may require the applicant to complete and/or dedicate some required public improvements, rights-of-way or servitudes for subsequent development phases prior to approval of the final plat for any phase of a multi-phase development. Approval of the form and legality of any development agreement by the police jury's legal counsel is required prior to its execution. The parish engineer or designee shall verify that improvement costs provided by the applicant reasonably reflect the costs of required improvements prior to execution of the development agreement.

- e. *Covenants to run with the land.* The development agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The development agreement shall be recorded with the Calcasieu Parish Clerk of Court in conjunction with the applicable final plat. Applicant shall be required to have all existing lien holders subordinate their liens to the covenants contained in the development agreement.
- f. *Performance security.*
 - 1. Security required. Whenever the police jury permits an applicant to enter into a development agreement under this section, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of cash escrow or a surety bond acceptable to the police jury and naming the police jury as the beneficiary and guaranteeing construction of subject improvements.
 - 2. Amount of security. The cash escrow or surety bond shall be in an amount approved by the parish engineer, or designee, as reflecting one hundred ten (110) percent of the cost of the improvements in the approved construction plan as calculated using prevailing wage rates, and shall be sufficient to cover all promises and conditions contained in the development agreement.
 - 3. Performance bond. In addition to all other security, when the police jury participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor with the police jury as a co-obligee.
 - 4. Any surety bond written for a project under this section shall be written by a surety or insurance company currently on the U.S. Department of Treasury Financial Management Service List of Approved Bonding Companies, which is published annually in the Federal Register, or by a Louisiana domiciled insurance company with at least an A rating in the latest printing of the A.M. Best's Key Rating Guide to write individual bonds up to ten (10) percent of policyholder's surplus as shown in the A.M. Best's Key Rating Guide.
 - 5. No surety company will be accepted as bondsman that does not have a permanent agent or representative in the State of Louisiana upon whom notices may be served. Service of notice on said agent or representative in the State of Louisiana shall be equal to service of notice on the president of the surety company or such other officer as may be concerned.
 - 6. Should the applicant's surety, even though approved and accepted by the police jury, subsequently remove its agency or representative from the State of Louisiana or terminate its residency or license in this state or become insolvent, bankrupt, or otherwise fail, the applicant shall furnish a new bond by another company approved by the police jury at no cost to the police jury. The new bond shall be executed under the same terms and conditions as the original bond.

- g. *Escrow agent.* If security is provided in the form of a cash escrow, the applicant shall deposit with the division of engineering and public works a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the parish engineer.
- h. *Accrual.* The surety bond or cash escrow account shall accrue to the police jury administering the construction, operation and maintenance of the improvements.
- i. *Reimbursement.* Where oversized facilities are required, the development agreement shall establish the amounts and terms of any reimbursements to be granted to the applicant.
- j. *Temporary improvements.* The applicant shall construct and pay for all costs of temporary improvements required by the police jury and shall maintain said temporary improvements for the period specified.
- k. *Governmental units.* Governmental units to which these improvement and security provisions apply may file, in lieu of the development agreement and security, a contract by the officers or officials authorized to act on their behalf, agreeing to comply fully with all applicable provisions of these regulations.
- l. *Decision maker.* The police jury shall approve, approve with conditions or deny the development agreement after review by the police jury's legal counsel.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6214, § 1, 6-6-13; Ord. No. 6423, §§ 2—4, 9-4-14)

Sec. 26-14. - Standards for development; all subdivisions.

- (a) *Lots.* The minimum size of lots shall be the same as for the appropriate zoning district.
- (b) *Layout.*
 - (1) *Block length.* No block in a subdivision may be longer than two thousand two hundred (2,200) linear feet between cross streets unless the board determines that, in view of adjacent development or terrain, blocks in excess of two thousand two hundred (2,200) feet would not endanger the public safety.
 - (2) *Access limitations.* Vehicular driveway access from residential lots shall be prohibited when such lots abut streets designed as major thoroughfares, freeways, or any other public street which carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic. In the event that access is prohibited by these regulations or by action of the board, such access restriction shall be noted directly upon the as-built plat, adjacent to the lots in question.
- (c) *Streets.*
 - (1) The minimum width of a street or road right-of-way in any subdivision shall be the respective width shown in the "typical sections," dated October 11, 2005, or latest revisions, a copy of which is included in the appendix of this chapter. The board may require an increase in the minimum right-of-way width to conform the same to any existing streets within or adjoining the subdivision.
 - (2) If the transportation plan adopted by the police jury reflects that the traffic density within or through a proposed subdivision will create a hazard to traffic safety, the board may require reasonable variations in the proposed street plan and/or increases in the minimum street or road right-of-way.
 - (3) If proposed streets and roads delineated ~~on a major thoroughfare~~ on the Right-of-Way Preservation Map Thoroughfare Plan, approved by the police jury traverse or adjoin a proposed subdivision, the board may require that sufficient rights-of-way be dedicated to conform with such plans.
 - (4) When an existing or proposed major street is located in or adjacent to the proposed subdivision, the board may require higher street standards and specifications to enable the street to meet the

traffic demands reasonably to be anticipated, but only if the police jury agrees to bear the additional cost of such constructing according to such higher standards and specifications.

- (5) All streets and roads, whether asphalt, concrete or other surfacing, shall be constructed in accordance with the respective standards and specifications for such streets and roads as provided in the "typical sections," unless the division of engineering and public works authorizes a variance therefrom based upon soil conditions or other pertinent construction factors.
- (6) Street jogs with center line off-sets of less than one hundred twenty-five (125) feet shall not be permitted, except when the board determines that an off-set of less than one hundred twenty-five (125) feet would not endanger public safety.
- (7) Cul-de-sacs shall provide a minimum turning radius of fifty (50) feet.
- (8) The names of proposed streets shall not duplicate or be deceptively similar to the names of existing streets.
- (9) Storm drainage pipe may be located within the street right-of-way, and servitudes may be required for interconnections or outfall purposes within the subdivision. Watershed and floodplain preservation measures other than storm drain pipe, such as detention ponds, green space or preserved wetlands shall not be located within the road right of way unless specifically approved by the Division of Engineering and Public Works and addressed in a development agreement as per subsection 26-13 (e).
- (10) Sanitary sewer lines may be located in the streets and in rear or side lot servitudes.
- (11) The board may direct that any street or road connecting two (2) existing hard-surfaced streets or roads be hard-surfaced to conform to such existing streets or roads.
- (12) Private alleys may be provided within any subdivision plat to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent public street. Private alleys may not be used or designed to provide the principal access to any tract of land and may not provide any access to property outside the subdivision plat boundaries in which the alleys are located. The use of private alleys must be accompanied by enclosed ditch drainage.
 - a. *Rights-of-way, intersections, curves.* Private alleys shall conform to the following requirements:
 1. For two-way alleys, the right-of-way width shall be not less than twenty (20) feet with a minimum paving width of eighteen (18) feet.
 2. For one-way alleys, the right-of-way width shall be not less than fourteen (14) feet with a minimum paving width of twelve (12) feet.
 3. Intersections with private alleys or public streets shall be at right angles except in those instances where the applicant requests and receives a variance.
 4. All corners at the intersection of alley rights-of-way with streets or alleys shall have at least thirty (30) feet of angular cutbacks provided.
 - b. *Dead-end alleys.* Dead-end private alleys shall not extend further than one thousand (1,000) feet from the nearest right-of-way line of the intersecting public street measured along the centerline of said private alley to the center of the circular cul-de-sac turnaround. Dead-end private alleys with a length of over one hundred fifty (150) feet shall be terminated by a circular cul-de-sac having a right-of-way radius of not less than fifty (50) feet and a minimum pavement radius of thirty-five (35) feet.
 - c. *Maintenance.* Where private alleys are proposed to be used, applicants shall be required to submit to the division of planning and development satisfactory evidence of the existence of a legal entity that will guarantee and assure the perpetual maintenance of all private alleys. Evidence of the existence of the required maintenance entity shall be prepared by an

attorney licensed to practice in the State of Louisiana and submitted to and approved by the division of planning and development prior to the approval of the final plat for the subject subdivision. Said document shall be filed simultaneously with final plat by the division of planning and development.

(d) *Drainage.*

- (1) Wherever drainage channels exist within a proposed subdivision, drainage servitudes shall be dedicated to the parish as prescribed by subsection 26-216(c) of this Code.
- (2) When subsurface drainage is planned by the developer, the drainage facilities and construction plans shall conform to the requirements of the parish drainage plans as prescribed by the division of engineering and public works. established in Article VII.
- (3) All drainage plans must undergo review and receive approval of the respective drainage board.
- (4) ~~Drainage design criteria must be approved by the division of engineering and public works.~~ All new subdivisions shall be designed in accordance criteria establish in Article VII of this code and shall meet the following watershed performance standards:
 - a) New subdivisions shall be designed to result in zero increase in peak runoff for each outfall draining the proposed subdivision. Peak runoff design shall be based on each of the following design storms (2 year, 5 year, 10 year, and the 25 year design storm events).
 - b) New subdivisions shall be designed in manner to provide for no net loss of floodplain storage capacity. Pre and post development stage-storage curves for the new subdivision site shall be compared for conformance.
 - c) New subdivisions shall be designed to avoid impacting any existing floodways. Development in a floodway will require a no-rise certification in accordance with FEMA guidelines to be completed.
 - a)d) All new subdivisions shall be required to comply with the Police Jury's freeboard requirements.

(e) *Other improvements.*

- (1) *Fire hydrants.* Fire hydrants will be installed in the subdivision if there exists a six-inch water main in the proposed subdivision. Any fire hydrants installed shall have a maximum spacing of one thousand (1,000) feet, with no area in the subdivision exceeding five hundred (500) feet from any hydrant. With approval of the board, spacing may be altered slightly to conform to location lot lines.
- (2) *Street signs.* Developers of proposed subdivisions are required to purchase the appropriate street name and traffic regulatory signs at a cost of fifty dollars (\$50.00) each from the parish, with the signs to be installed by the parish throughout the new subdivisions at the required locations, as deemed necessary by the division of engineering and public works.
- (3) *Corner markers.* Corner markers of five-eighths-inch steel rod shall be used to mark the corners of all blocks within the subdivision.
- (4) *Servitudes.* Servitudes shall be dedicated at locations and of dimensions required for installation and maintenance of the utilities proposed for the subdivision.

(f) *Development improvements; commercial and/or light industry subdivision.* All streets shall be provided with adequate drainage.

(g) *Development improvements; industrial subdivisions.*

- (1) Waste disposal shall be as required by the state board of health or applicable federal agencies.
- (2) Construction of an eight-inch water line will be included unless it is certified in writing by the appropriate utility district that a suitable arrangement has been made to cover the subdivision. This certificate shall be submitted with the engineering plan.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-15. - Public sites and open spaces.

Whenever the proposed site of a park, playground, school, or other public use shown in the comprehensive plan is located in whole or in part of a subdivision, the board may require the reservation of such area within the subdivision for that purpose, if adequate provision is made within a reasonable time for payment by the police jury of just and adequate compensation to the developer as may be required by law.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-16. - Administration and violation.

(a) *Administration.*

- (1) These regulations shall be administered by the board whose decisions in all matters arising under this article shall be made by majority vote. Appeals from any board decision may be made to the police jury within thirty (30) days after the developer receives notice of the decision by the board. Such appeals shall be decided by majority vote of the police jury.
- (2) The board shall prepare instructions and a brief summary of this article for dissemination to those members of the public expressing an interest in the development of subdivisions.
- (3) The clerk of court shall not accept for filing any plat of a subdivision, or dedication of a street or road which has not been approved in writing by the board.
- (4) Exemptions to the easement requirements of the ordinance shall be provided for subdivisions that received preliminary approval by the board after January 1, 1995 and prior to October 11, 2005.

(b) *Variance.* When the board finds that hardships may result from the strict compliance of these regulations, with the exception of the hard surfacing requirement, it may recommend to the police jury the variance of the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of these regulations. The division staff shall promptly notify the police jury for action thereon whenever a variance is recommended by the board.

(c) *Exceptions from hard surfacing requirement.* The following criteria shall be met for an exception to the hard surfacing requirement of this article:

- (1) Only proposed roads extending off of parish-owned aggregate roads which are not included on the primary road list of the 1992 sales tax proposal, or extending off of a state or municipal road, shall be eligible to be considered for an exception;
- (2) No single request shall exceed two hundred (200) feet, with a maximum of four hundred (400) feet extending off of an eligible road;
- (3) Cul-de-sacs will be required;
- (4) Prior to consideration by the public works committee, an applicant shall obtain the following certificates of compliance:
 - a. From the parish engineer certifying that (1) the proposed road will have no adverse impact on drainage conditions; (2) parish and state road construction standards are to be met; and (3) necessary right-of-way width is being provided; and
 - b. From the director of planning and development certifying that (1) donor has title to proposed right-of-way; and (2) proposed road is not subject to riverine flooding.
- (5) All applications or requests for exceptions under the above criteria shall be addressed to the director of planning and development, and will require a two-thirds (2/3) majority vote of the police

jury, after favorable recommendation by the public works committee, for an exception to be granted.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-17. - Violations.

Any person/developer who fails or refuses to comply with this article within fifteen (15) days after receipt of written notice by certified mail and/or personal service from the police jury, or its designee, specifying the alleged violation and demanding compliance with this article, shall be subject to punishment as provided for in section 1-9 of this Code. Each day following said fifteen (15) days shall be considered a separate violation.

The police jury is authorized to file a rule to show cause and/or injunctive relief, as provided by the laws of the state. The party in violation shall be subject to all costs of these proceedings including, but not limited to, reasonable attorney's fees.

(Ord. No. 6143, § II, 12-6-12)

Secs. 26-18—26-24. - Reserved.

ARTICLE III. - ZONING

DIVISION 1. - ZONING DISTRICTS

Sec. 26-25. - Title.

This article shall be known as, and be cited and referred to as, the "Calcasieu Parish Zoning Ordinance."

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-26. - Interpretation of minimum requirements.

In interpreting and applying these provisions, these shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of these provisions, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this article imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this article shall control.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-27. - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of these provisions shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions which shall continue in full force and effect.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-28. - Repeal.

All zoning regulations or parts of zoning regulations in conflict herewith are hereby repealed, provided, however, that all suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this article, but shall be prosecuted to their finality, the same as if this article had not been adopted; and any and all violations of existing zoning regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this article shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-29. - General rules of interpretation.

Except where specifically defined herein, all words used shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot", the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; and "used" or "occupied" shall be considered as though followed by the words, "or intended, arranged, or designed to be used or occupied".

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-30. - Establishment of zoning districts.

For the purpose of promoting the public health, safety, morals, and general welfare of the communities, the unincorporated area of Calcasieu Parish is hereby divided into the following types of zoning districts:

A-1	Agricultural District
R-1	Single Family Residential District
R-2	Mixed Residential District
R-M	Multi-Family Residential District
R-MHP	Manufactured Home Park District
R-RVP	Recreational Vehicle Park
C-1	Light Commercial District
C-2	General Commercial District
C-3	Central Business Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District

I-2R	Heavy Industrial Restricted District
I-3	Hazardous Industrial District

For regulations specific to the Nelson Road Overlay District, Lake Street Overlay District, planned unit development, and airports, see article VI. special districts.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6311, § 2, 1-23-14)

Sec. 26-31. - Zoning district map.

The boundaries of said districts are shown on a map, which has been properly attested and placed on file with the Calcasieu Parish Clerk of Court. This zoning district map, together with all notations, references, and other information thereon, is made a part of this chapter and has the same force and effect as if fully set forth or described herein.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-32. - Interpretation of district boundaries.

- (a) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning district map, the following rules shall apply:
- (1) Where district boundaries are indicated as following streets, highways, or alleys, the centerlines of such streets, highways, or alleys shall be construed to be such boundaries.
 - (2) Where the land has been or may hereafter be divided into blocks and lots and where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - (3) In unsubdivided property, the district boundary lines on the zoning district map shall be determined by use of the scale appearing on the map.
 - (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-33. - Regulation of areas under water.

All areas which are under water and not shown as included within any district, shall be subject to all of the regulations of the district adjacent to the water area.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-34. - Permitted uses.

Except as hereinafter provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-35. - Minimum requirements.

The schedule of regulations and the notes appended thereto, included herewith as chart A, applying to the uses of land and building, the height of buildings, the coverage of lots, the yards and other open spaces to be provided, contiguous to or in connection with buildings, the area of lots and all other matter contained therein, as indicated for the various districts, are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter. The regulations listed for each district as designated, reading from left to right across the schedule, and in all notes appended thereto, are hereby adopted and prescribed for such district, subject to the provisions of article III, unless otherwise indicated, and shall be deemed to be the minimum requirements in every instance of their application. See appendix for minimum level of service standards and service area map. Chart A is as follows:

CHART A SCHEDULE OF ZONING DISTRICT REGULATIONS

ZONING DISTRICT: A-1 (AGRICULTURAL)

Permitted uses—Animal hospitals; boat houses and docks; cemeteries; churches; clubs; coastal zone sites; community homes; duplexes; farms and farm-related buildings; gardens; helistops; home occupations; kennels; low-intensive recreational facilities; modular homes; nurseries (horticultural); oil and gas exploration; oil and gas pump transfer stations; ponds; private airstrips; private schools (excluding trade and business); public uses; the sale of products grown on premises; single-family detached dwellings; single-unit manufactured homes; stables; temporary building used in connection with construction for a period of six (6) months; and wildlife reservations.

Permitted as exceptions by planning and zoning board—Airports; bed and breakfast establishments; borrow-pits; communication towers; fourplexes; institutions; off-premises signs; outdoor shooting ranges; public and private schools; railroads; solid waste sites, excluding sanitary landfills; tri-plexes; and uses permitted in a C-1 (light commercial) zoning district.

Permitted signs—On-premises signs shall conform to Article III, division 10.

Maximum floor area—None

Maximum height of main building—35 feet

Minimum lot area—

Within the urban service area:

- (1) Developments with a private community sewer system or public sewer system and with public water or community water, the minimum size of lots shall be one-half (½) acre with a minimum of one hundred (100) feet of frontage.
- (2) Developments of ten (10) lots or less, with individual sewerage disposal systems, the minimum size of lots shall be:
 - a. One-half (½) acre with minimum of one hundred (100) feet of frontage with public or community water.
 - b. One-half (½) acre with minimum of one hundred twenty-five (125) feet of frontage without public or community water.
- (3) Developments of more than ten (10) lots, with individual sewerage disposal systems, the minimum size of lots shall be:
 - a. One (1) acre with minimum of one hundred (100) feet of frontage with public or community water.
 - b. One (1) acre with minimum of one hundred twenty-five (125) feet of frontage without public or community water.

Outside the urban service area:

- (1) Developments with a private community sewer system or public sewer system and with public water or community water, the minimum size of lots shall be one hundred (100) feet wide and one-half (½) acre.
- (2) Developments with individual sewerage disposal systems, the minimum size of lots shall be:
 - a. One (1) acre with minimum of one hundred (100) feet of frontage with public or community water.
 - b. One (1) acre with minimum of one hundred twenty-five (125) feet of frontage without public or community water.

Yard requirements—

Front Yard—30 feet.

Side Yard—10 feet on each side.

Rear Yard—15 feet.

**ZONING DISTRICT: R-1
(SINGLE-FAMILY RESIDENTIAL)**

*Permitted uses—*Accessory uses; churches; community homes; home occupations; low-intensive recreational facilities; museums; ponds; private schools (except business and trade); public uses; single family detached dwellings (one (1) per lot excluding manufactured homes); and temporary building used in connection with construction for a period of six (6) months.

*Permitted as exceptions by planning and zoning board—*Bed and breakfast homes; borrow-pits; communication towers, day cares; detached barber/beauty shops; institutions; public and private schools; railroads; single unit manufactured homes; single unit modular homes; and temporary commercial amusements.

*Permitted signs—*On-premises signs shall conform to article III, division 10.

*Maximum floor area—*None.

*Maximum height of main building—*Thirty-five (35) feet.

Minimum lot area for development—

Within the urban service area:

- (1) Developments with a private community sewer system or public sewer system and with public water or community water, the minimum size of lots shall be sixty (60) feet wide and seven thousand five hundred (7,500) square feet.
- (2) Developments of ten (10) lots or less, with individual sewerage disposal systems, the minimum size of lots shall be:
 - a. One hundred (100) feet wide and sixteen thousand (16,000) square feet (mechanical plant with public or community water).
 - b. One hundred (100) feet wide and twenty-two thousand five hundred (22,500) square feet (septic tank with public or community water).
 - c. One hundred twenty-five (125) feet wide and sixteen thousand (16,000) square feet (mechanical plant with private water well).
 - d. One hundred twenty-five (125) feet wide and twenty-two thousand five hundred (22,500) square feet (septic tank with private water well).

- (3) Developments of more than ten (10) lots, with individual sewerage disposal systems, the minimum size of lots shall be:
 - a. One (1) acre with minimum of one hundred (100) feet of frontage with public or community water.
 - b. One (1) acre with minimum of one hundred twenty-five (125) feet of frontage without public or community water.

Outside the urban service area:

- (1) Developments with a private community sewer system or public sewer system and with public water or community water, the minimum size of lots shall be sixty (60) feet wide and seven thousand five hundred (7,500) square feet.
- (2) Developments with individual sewerage disposal systems, the minimum size of lots shall be:
 - a. One (1) acre with minimum of one hundred (100) feet of frontage with public or community water.
 - b. One (1) acre with minimum of one hundred twenty-five (125) feet of frontage without public or community water.

Yard requirements—

Front yard—Thirty (30) feet.

Side yard—Five (5) feet on each side.

Rear yard—Fifteen (15) feet.

*Note—*All accessory buildings are subject to article III, division 7.

**ZONING DISTRICT: R-2
(MIXED RESIDENTIAL)**

*Permitted uses—*Accessory uses; churches; community homes; duplexes (one (1) per lot); home occupations; low-intensive recreational facilities; manufactured home (one (1) per lot); manufactured home subdivisions (lots for sale); modular home (one (1) per lot); museums; ponds; private schools (except business and trade); public uses; single family detached dwellings (one (1) per lot); and temporary building used in connection with construction for a period of six (6) months.

*Permitted as exceptions by planning and zoning board—*Bed and breakfast homes; borrow-pits; communication towers; day cares; detached barber/beauty shops; fourplexes (one (1) per lot); institutions; public and private schools; railroads; temporary commercial amusements; and triplexes (one (1) per lot).

*Permitted signs—*On-premises signs shall conform to article III, division 10.

*Maximum floor area—*None.

*Maximum height of main building—*Thirty-five (35) feet.

Minimum lot area for development—

Within the urban service area:

- (1) Developments with a private community sewer system or public sewer system and with public water or community water, the minimum size of lots shall be sixty (60) feet wide and seven thousand five hundred (7,500) square feet.
- (2) Developments of ten (10) lots or less, with individual sewerage disposal systems, the minimum size of lots shall be:

- a. One hundred (100) feet wide and sixteen thousand (16,000) square feet (mechanical plant with public or community water).
 - b. One hundred (100) feet wide and twenty-two thousand five hundred (22,500) square feet (septic tank with public or community water).
 - c. One hundred twenty-five (125) feet wide and sixteen thousand (16,000) square feet (mechanical plant with private water well).
 - d. One hundred twenty-five (125) feet wide and twenty-two thousand five hundred (22,500) square feet (septic tank with private water well).
- (3) Developments of more than ten (10) lots, with individual sewerage disposal systems, the minimum size of lots shall be:
- a. One (1) acre with minimum of one hundred (100) feet of frontage with public or community water.
 - b. One (1) acre with minimum of one hundred twenty-five (125) feet of frontage without public or community water.

Outside the urban service area:

- (1) Developments with a private community sewer system or public sewer system and with public water or community water, the minimum size of lots shall be sixty (60) feet wide and seven thousand five hundred (7,500) square feet.
- (2) Developments with individual sewerage disposal systems, the minimum size of lots shall be:
 - a. One (1) acre with minimum of one hundred (100) feet of frontage with public or community water.
 - b. One (1) acre with minimum of one hundred twenty-five (125) feet of frontage without public or community water.

Yard requirements—

Front yard—Twenty-five (25) feet.

Side yard—three and one-half (3½) feet on each side.

Rear yard—Fifteen (15) feet.

*Note—*All accessory buildings are subject to article III, division 7.

ZONING DISTRICT: R-M
(MULTI-FAMILY RESIDENTIAL)

*Permitted uses—*Apartments; bed and breakfast homes; boardinghouses; churches; cemeteries; clubs; cluster housing; college or university dormitories; community homes; condominiums; duplexes; fourplexes; fraternity or sorority houses; home occupations; institutions; low-intensive recreational facilities; mausoleums; museums; ponds; private schools (except business and trade); public uses; single-family detached dwellings (excluding manufactured homes); temporary building used in connection with construction for a period of six (6) months; townhouses; and triplexes.

*Permitted as exceptions by planning and zoning board—*Borrow-pits; communication towers; day cares; detached barber/beauty shops; institutions; professional offices; railroads; and temporary commercial amusements.

*Permitted signs—*On-premises signs shall conform to article III, division 10.

*Maximum floor area—*None

*Maximum height of main building—*Fifty (50) feet.

Minimum lot area—Seven (7) units per acre.

Yard requirements—

Front yard—Twenty (20) feet.

Side yard—Two and one-half (2½) feet on each side.

Rear yard—Fifteen (15) feet.

Note—All accessory buildings are subject to article III, division 7.

ZONING DISTRICT: R-MHP
(MANUFACTURED HOME PARK)

Permitted uses—Same as R-M; plus accessory uses; cemeteries; churches; duplexes (one (1) per lot); home occupations; institutions; low-intensive recreational facilities; manufactured home parks (rental spaces); manufactured home subdivision (lots for sale); mausoleums; museums; private schools (except business or trade); public uses; single family detached dwellings; single unit manufactured homes (one (1) per lot); and single unit modular homes (one (1) per lot).

Permitted as exceptions by planning and zoning board—Airports; borrow-pits; business and professional offices; communication towers; convenience stores; day cares; detached barber/beauty shops; drug stores; institutions; personal service shops; public and private utilities; railroads; and temporary commercial amusements.

Permitted signs—On-premises signs shall conform to article III, division 10.

Maximum floor area—None

Minimum lot area—Five thousand (5,000) square feet and fifty (50) feet in width per unit for manufactured home park.

For manufactured home subdivisions, the minimum lot size shall be the same as residential lots for single-family dwellings. See A-1 (agricultural) or R-2 (mixed residential).

Maximum height of main building—50 feet.

Yard requirements—

Front yard—Fifteen (15) feet.

Side yard—Three and one-half (3½) feet on each side.

Rear yard—Five (5) feet.

Screening/fences—May be required subject to article III, division 6.

Note—All accessory buildings are subject to article III, division 7.

ZONING DISTRICT: R-RVP
(RECREATIONAL VEHICLE PARK)

Permitted uses—Accessory uses; churches; low-intensive recreational facilities; manufactured home parks (rental spaces); manufactured home subdivision (lots for sale); museums; ponds; recreational vehicle parks (rental spaces); single-family detached dwellings; single-unit manufactured homes (one (1) per lot); and single-unit modular homes (one (1) per lot).

Permitted as exceptions by planning and zoning board—Bed and breakfast homes; borrow-pits; business and professional offices; communication towers; convenience stores; day cares; detached barber/beauty shops; drug stores; duplexes (one (1) per lot); personal service shops; public and private utilities; railroads; and temporary commercial amusements.

Permitted signs—On-premises signs shall conform to article III, division 10.

Maximum floor area—None.

Minimum lot area—Two thousand (2,000) square feet and twenty-five (25) feet in width per unit for recreational vehicle park; five thousand (5,000) square feet and fifty (50) feet in width per unit for manufactured home park.

For subdivisions, the minimum lot size shall be the same as residential lots for single-family dwellings. See A-1 (agricultural) or R-2 (mixed residential).

Maximum height of main building—Fifty (50) feet.

Yard requirements—

Front yard—Fifteen (15) feet.

Side yard—Three and one-half (3½) feet.

Rear yard—Five (5) feet.

Screening/fences—May be required subject to article III, division 6.

Note—All accessory buildings are subject to article III, division 7.

ZONING DISTRICT: C-1
(LIGHT COMMERCIAL)

Permitted uses—Animal hospitals; bakeries; business and professional offices; catering and delicatessen services; churches; cleaning and dyeing of garments; convenience stores; day cares; drug stores; fix-it shops; funeral homes; kennels; laundromats; nurseries (horticultural); personal service shops; ponds; public uses; restaurants (no alcoholic beverages consumed on premises); seasonal fireworks stand; similar retail stores for convenience of neighboring residents; and studios.

Permitted as exceptions by planning and zoning board—All residential uses; billboards; borrow-pits; communication towers; dwelling for resident watchman or caretaker employed on premises; institutions; intensive recreational facilities; mini-warehouses; parking lots for business uses within three hundred (300) feet of district boundary; and railroads.

Permitted signs—On premises signs shall conform to article III, division 10.

Maximum floor area—Six thousand five hundred (6,500) square feet where more than one (1) use is located in one (1) district; eight thousand (8,000) square feet is maximum combined total floor area.

Minimum lot area—Five thousand (5,000) square feet.

Maximum height of main building—Fifty (50) feet.

Yard requirements—

Front yard—Twenty (20) feet.

Side yard—None.

Rear yard—None.

ZONING DISTRICT: C-2
(GENERAL COMMERCIAL)

Permitted uses—Same as C-1, plus auditoriums and convention centers; auto/truck sales, service, and rental; boat sales and service (wholesale and retail); business schools; car washes; community-based recycling facilities; farm equipment sales, service and rental; farmer's market; gasoline stations; hotels and motels; institutions; intensive recreational facilities; janitorial service; (wholesale and retail); laundries and

linen services; light manufacturing; lounges, mini-warehouses; neighborhood shopping; offices; retail and wholesale uses; off-premises signs; parking garages and lots; passenger terminals; ponds; printing and engraving; radio and television studios; recreational vehicle and/or manufactured home sale, service, and rental; residential appliance sales and service; retail manufacturing; restaurants (alcoholic beverages consumed on premises); theaters; and truck stops.

Permitted as exceptions by planning and zoning board—All residential uses; communication towers; dwelling for resident watchman or caretaker employed on premises; parking lots for business uses within three hundred (300) feet of district boundary; and railroads.

Permitted signs—On-premises shall conform to article III, division 10.

Maximum floor area—Fifteen thousand (15,000) square feet where more than one (1) use located in one (1) district; twenty-five thousand (25,000) square feet is maximum combined total floor area

Minimum lot area—Ten thousand (10,000) square feet.

Maximum height of main building—One hundred (100) feet.

Yard requirements—

Front yard—Twenty (20) feet.

Side yard—None.

Rear yard—None.

ZONING DISTRICT: C-3 (CENTRAL BUSINESS COMMERCIAL)

Permitted uses—Same as C-2; plus large business parks; large food stores; large department stores; ponds; and shopping centers and shopping malls.

Permitted as exceptions by planning and zoning board—All residential uses; communication towers; dwelling for resident watchman or caretaker employed on premises; parking lots for business uses within three hundred (300) feet of district boundary; and railroads.

Permitted signs—On-premises signs shall conform to article III, division 10.

Maximum floor area—None.

Minimum lot area—Ten thousand (10,000) square feet.

Maximum height of main building—One hundred (100) feet.

Yard requirements—

Front yard—Twenty (20) feet.

Side yard—None.

Rear yard—None.

ZONING DISTRICT: I-1 (LIGHT INDUSTRIAL)

Permitted uses—Same as C-3; plus airports and airstrips; automobile, truck, trailer, motorcycle, bicycle repair and assembly; bakery factories; wholesale manufacturing; basket and hamper construction (wood, reed, rattan, etc.); bedding manufacture (mattress, pillow, and quilt); blending processes; candy wholesale (manufacturing permitted); carbon paper and inked ribbon manufacture; carpet, rug, and mat manufacture and cleaning; cemetery (mausoleum); cigar and cigarette manufacture; coffee roasting and blending; cold

storage; contractor shop and storage yard; dairy product processing and packaging; dwelling for resident watchman or caretaker employed on premises; exterminating establishments; fruit and vegetable processing and packaging; garment factory; heliport and helistop; ice manufacture, including dry ice (no gases to be manufactured on premises); industrial vocational training school (including internal combustion engines); iron (ornamental) fabrication or storage; knitting, weaving, printing, and finishing of textiles and fibers into fabric goods; laboratories (research or experimental); leather goods manufacture (excluding tanning); meat products, processing and packaging, (except slaughtering); monument processing and shaping, including sales; pipe fabrication; plating, communication tower; shipping container manufacture (including corrugated board, fiber, steel, or wood); transit vehicle storage and servicing; warehouses; oil well drilling and service company; water well service and drilling company; welding and machine shops; sandblasting shops; wholesale distributors; truck terminals; railroads; ponds; and public uses; tire recycling and storage/processing facilities.

Permitted as exceptions by planning and zoning board—All residential uses; borrow pits; and parking lots for business uses within three hundred (300) feet of district boundary.

Permitted signs—On-premises signs shall conform to article III, division 10.

Maximum floor area—None.

Minimum lot area—Ten thousand (10,000) square feet.

Maximum height of main building—One hundred (100) feet.

Yard requirements—

Front yard—Thirty (30) feet.

Side yard—None.

Rear yard—None.

ZONING DISTRICT: I-2 (HEAVY INDUSTRIAL)

Permitted uses—Same as I-1; plus, beverage blending and bottling (including distilling); bulk materials storage, sales, and manufacture (cement lime in bags or containers, sand, gravel, shell, lumber, and the like); chemical processing and storage; coal and coke storage, sales and manufacture; commercial and industrial machinery sales and service; electric utility generating (excluding nuclear power plant); fish, shrimp; oysters, and other seafood processing, packaging, and storing; fur finishing (including tanning); grain and rice blending, milling, packaging; insecticides, fungicides, disinfectants and related industrial and household chemical compounds (manufacturing); junk and scrap storage and sales; manufacture of gases; meat products packaging and processing (including slaughtering); paper products manufacture; petroleum and petrochemical production, refining and storage; tire retreading, recapping, and vulcanizing; transportation terminal; borrow-pits; and on-site generated naturally occurring radioactive materials (NORM) storage facilities.

Permitted as exceptions by planning and zoning board—All residential uses; institutions; and parking lots for business uses within three hundred (300) feet of district boundary.

Permitted signs—On-premises signs shall conform to article III, division 10.

Maximum floor area—None.

Minimum lot area—Ten thousand (10,000) square feet.

Maximum height of main building—One hundred (100) feet.

Yard requirements—

Front yard—Thirty (30) feet.

Side yard—None.

Rear yard—None.

**ZONING DISTRICT: I-2R
(HEAVY INDUSTRIAL RESTRICTED)**

Permitted uses—Same as I-2; plus, solid waste sanitary landfill sites; industrial solid waste facility sites; solid waste recovery or recycling sites; refuse derived energy sites; solid and industrial waste incinerator sites; infectious waste sites; commercial salt water injection well sites; commercial facility sites for offsite storage, treatment, and/or disposal of non hazardous oil field waste. These additional uses shall be in accordance with definitions of "Louisiana Solid Waste Rules and Regulations" and "Statewide Order 29-B" as they may be amended from time to time.

Permitted as exceptions by planning and zoning board—All residential uses; institutions; and parking lots for business uses within three hundred (300) feet of district boundary.

Permitted signs—On-premises signs shall conform to article III, division 10.

Floor area, lot area, building height and yard or buffer requirements—Permissible floor areas, lot areas, height of main buildings, and yard or buffer requirements shall be established by the division of planning and development and implemented through the development permit process.

**ZONING DISTRICT: I-3
(HAZARDOUS INDUSTRIAL)**

Permitted uses—Same as I-2R; plus hazardous waste facility; nuclear power plant; nuclear disposal sites. These additional uses shall be defined in accordance with the "Hazardous Waste Management Plan" of the State of Louisiana as it may be amended from time to time.

Permitted as exceptions by planning and zoning board—Parking lots for business uses within three hundred (300) feet of district boundary and institutions.

Permitted signs—On-premises signs shall conform to article III, division 10.

Floor area, lot area, building height and yard or buffer requirements—Permissible floor areas, lot areas, height of main buildings, and yard or buffer requirements shall be established by the division of planning and development and implemented through the development permit process.

Buffer strip—One-third (1/3) of the total acreage must be utilized as a buffer strip.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6311, §§ 3, 4, 1-23-14)

Secs. 26-36—26-44. - Reserved.

DIVISION 2. - GENERAL DEVELOPMENT STANDARDS

Sec. 26-45. - Development standards.

- (a) *Size and location of buildings.* Except as hereinafter provided, no building shall hereafter be erected or altered to:
- (1) Exceed the height (2) Accommodate or house a greater number of families;
 - (3) Occupy a greater percentage of lot area; or
 - (4) Have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- (b) *Yards.*
- (1) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.
 - (2) No single-family dwelling or building appurtenant thereto may be constructed nearer than fifteen (15) feet from a front or side street, or nearer than five (5) feet from the rear lot line and any interior lot lines, provided that any zoning ordinances or regulations fixing greater minimum setback distances than fixed in this article shall prevail over all requirements in this paragraph.
 - (3) Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
 - (4) Where the frontage on one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in the business or industrial district shall be equal to the required front depth of the residential district.
 - (5) On every corner lot there shall be provided on the side street a side yard equal in depth to one-half (½) the required front yard depth on the said side street; the front yard requirement of a residential district shall prevail over that of a commercial or industrial use.
 - (6) On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines point of intersection, measured along said street lines at points which are thirty (30) feet from the point of intersection, measured along said street lines.
 - (7) Covered but unenclosed areas may project into required yards not more than ten (10) feet and shall not be considered in determining yard sizes; provided, however, that such area shall not be closer than four (4) feet to any lot line.
 - (8) Every part of a required yard shall be open to the sky except ordinary projections not over eighteen (18) inches except that a roof, gutter, or eaves may project to the extent of four (4) feet providing at least three (3) feet remain open to the sky.
 - (9) If forty (40) percent or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have observed front yards less than that required, no building need be set back from the street more than the average front yard depth of such buildings.
 - (10) Open fire escapes may extend into any required yard not more than five (5) feet.
 - (11) Bay windows may project into any required yard not more than two (2) feet.
- (c) *Height.* Public, semi-public, or public service buildings, schools, or institutions when permitted in any district may be built to a height not exceeding sixty (60) feet when the required front, side, and rear yards are each increased by one (1) foot of additional height above the height limit of the district.

- (d) *Area.* More than one (1) main institutional, public, semi-public, commercial, or industrial building may be built on a lot provided such building is located within the buildable area of the lot.
- (e) *One building to a lot.* Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record, and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided for in this chapter.
- (f) *Temporary buildings.* Temporary buildings used in connection with construction that remain on the property in excess of six (6) months in A-1 (agricultural) and all residential zoning districts must be approved by the director of planning and development.
- (g) *Solid waste/hazardous waste.*
 - (1) All land use sites which collect, separate, store, dispose, treat, recycle, or recover solid waste, which is not produced or manufactured on site and regulated by the State of Louisiana, shall be considered permitted uses within the I-2R (heavy industrial) district and the I-3 (hazardous industrial) district.
 - (2) All land use sites which collect, separate, store, dispose, treat, recycle, or recover solid waste shall be defined in accordance with definitions of "Louisiana Solid Waste Rules and Regulations" and "Statewide Order 29-B", as well as any applicable hazardous waste management regulations, as may be amended from time to time.
 - (3) All uses within industrial zoning classifications having to acquire regulatory permits from the Louisiana Department of Environmental Quality, and which produce a hazardous waste stream, shall be required to disclose to the division all information concerning hazardous materials to be generated, stored, or disposed of by the business, industry, or person.
- (h) *Alcoholic beverage businesses.*
 - (1) Certain alcoholic beverage businesses are permitted within certain commercial and industrial zoning districts as provided for by chart A of the zoning district regulations. Notwithstanding any other provisions of this section to the contrary, no commercial or industrial zoning district shall permit an alcoholic beverage business in which alcoholic beverages constitute over fifty (50) percent of the total gross sales to locate within three hundred (300) feet of a dwelling under a class A parish permit, excluding civic clubs, unless approved by the board.
 - (2) The business of selling, offering for sale, keeping for sale, storing, giving away, or otherwise handling as a business any alcoholic beverages, whether at retail, wholesale, or otherwise at any place whereby alcoholic beverages constitute over fifty (50) percent of the total gross sales is hereby prohibited within three hundred (300) feet of a dwelling under a class A parish permit in all commercial and industrial zoning districts, excluding civic clubs, unless approved by the board.
 - (3) The distance provided in subsection (2) shall be measured in a straight line from the nearest point of the property line of such dwelling to the nearest point of the premises wherein such business is conducted or proposed to be conducted; however, if there are sidewalks, the measurement of this distance shall be made as a person walks using the middle of the sidewalk from the nearest point of the property line of the dwelling to the nearest point of premises to be permitted.
 - (4) The above prohibitions shall not apply to any place of business mentioned in subsection (2) which was being conducted on and prior to the effective date of this chapter, and said prohibitions shall not apply to any such business not or hereafter being conducted under permits validly issued in the event a dwelling is built or established within three hundred (300) feet of said business at any time after such business has commenced, or the permit therefore has been issued.

(i) *Drainage.*

All new development shall be designed in accordance criteria establish in Article VII of this code and shall meet the following watershed performance standards:

- a) New developments shall be designed to result in zero increase in peak runoff for each outfall draining the proposed development. Peak runoff design shall be based on each

of the following design storms (2 year, 5 year, 10 year, and the 25 year design storm events).

- b) New developments shall be designed in manner to provide for no net loss of floodplain storage capacity. Pre and post development stage-storage curves for the new development site shall be compared for conformance.
- c) New developments shall be designed to avoid impacting any existing floodways. Development in a floodway will require a no-rise certification to be completed.
- d) All new developments shall be required to comply with the Police Jury's freeboard requirements.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 3. - ROAD FRONTAGE

Sec. 26-46. - General.

All residential uses (single-family dwellings or duplexes) shall adjoin a parish maintained public right-of-way, excluding:

- (1) Where the police jury has authorized a plat to be recorded authorizing a private road.
- (2) Where the police jury has authorized a plat to be recorded authorizing a road that meets or exceeds subdivision standards and is privately maintained through a homeowner's association or other means.
- (3) Where a subdivision plat has been recorded as dedicated, but not accepted or maintained by the parish prior to the adoption of the subdivision regulations of the police jury.
- (4) Where a right-of-way has been dedicated and accepted by the police jury, but has not been constructed.
- (5) Where a right-of-way has been dedicated to the police jury through the filing with the Calcasieu Parish Clerk of the Court, but is not accepted.
- (6) Where a right-of-way has been dedicated and accepted by the police jury, but is not constructed and is being utilized for the sole purpose of providing drainage.
- (7) Where a private road is needed to provide access when family subdivides property for immediate family members. Immediate family is defined as spouse; children or stepchildren; mother, mother-in-law, or stepmother; father, father-in-law, or stepfather; sister, half-sister, or sister-in-law; brother, half-brother, brother-in-law; son-in-law or daughter-in-law; grandparents or stepgrandparents; or grandchildren. At the discretion of the division of planning and development, proof of relationship may be required.
- (8) Where a development permit is needed to replace a lawfully established residential dwelling including manufactured homes and/or where a lawfully established dwelling or manufactured home has been damaged or destroyed by wind, fire, or other natural causes.
- (9) Where access is needed to obtain one (1) development permit for a single dwelling and where a predial servitude has been granted to provide ingress and egress to the public road, the division of planning and development may authorize issuance of a development permit for the dwelling. This will allow private ingress and egress for only one (1) dwelling.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-47. - Dead-end road, cul-de-sac, or corner lot.

When developing a lot adjoining a dead-end road, or cul-de-sac, or a corner lot, the director of planning and development may reduce the public road frontage requirement to a minimum of twenty (20) feet provided that the lot meets the minimum square footage requirement, and approval is obtained from the Calcasieu Parish Health Unit.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 4. - DRIVEWAYS

Sec. 26-48. - Driveway access regulations.

In order to control ingress and egress of vehicular traffic accessing public streets for the health, safety and welfare of the general public, excluding development for single family dwellings, the following regulations shall apply:

- (1) No driveway access shall exceed forty (40) feet in width.
- (2) All driveways shall have a minimum of five (5) feet radius with a maximum of fifteen (15) feet at the connection of the street or driveway. The "point of beginning" of the radius may begin at the common property line, where, if the property line was extended, it would meet the street edge. The radius is exclusive of the driveway width.
- (3) All driveways serving a single parcel of land which generates in excess of ten (10) average daily trips per day shall be spaced according to the following minimum distances:
 - a. Local street—Twenty-five (25) feet.
 - b. Collector street—Fifty (50) feet.
 - c. Arterial street—Seventy-five (75) feet.
- (4) All vehicular traffic shall enter and exit property in a forward manner.
- (5) All driveways fronting on a street or highway that is controlled by the Louisiana Department of Transportation and Development must also adhere to those state regulations.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 5. - PARKING AND LOADING

Sec. 26-49. - Minimum parking and loading requirements.

- (a) *General.* Off-street parking and loading requirements and supplementary regulations included within this section are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter.
- (b) *Number of parking spaces required.*
 - (1) Off-street parking spaces shall be provided for each use in accordance with the following requirements:

Single- and two-family dwellings—Two (2) per dwelling unit.

Roominghouses, fraternities, sororities, dormitories, convalescent homes—Four (4) times maximum lawful number of occupants.

Hotels—One and two-tenths (1.2) per room in addition to spaces required for restaurant facilities.

Apartments—Two (2) per dwelling unit.

Manufactured home subdivisions and parks—Two (2) per manufactured home.

Churches, theaters, facilities for spectator sports, auditoriums, concert halls—Thirty-five one-hundredths (0.35) times the seating capacity.

Golf courses—Seven (7) per hole.

Barber and beauty shops—Two (2) plus one and one-half (1.5) per chair.

Bowling alleys—Five (5) per lane in addition to spaces required for restaurant facilities.

Fast food take-out establishment and drive-in restaurants—One one-hundredth (0.01) times the floor area in square feet.

Schools—Elementary: one and one-half (1.5) per classroom; secondary: seven (7) per classroom; university and college: One (1) per ten (10) classroom seats.

Restaurants (except drive-ins)—One and two-tenths (1.2) per one hundred (100) square feet of floor area.

Furniture, appliance, household hardware stores, repair shops, including shoe repair, contractors' showrooms, museums and galleries—One (1) per eight hundred (800) feet for equipment, carpet and floor area.

Funeral homes—One (1) per fifty (50) square feet of floor area.

Gas stations—One (1) per pump plus two (2) per lift (in addition to stopping places adjacent to pumps).

Laundromats—Five (5) per machine.

Lounge—One (1) space per two hundred (200) square feet of gross floor area. Minimum number of parking spaces is three (3), excluding handicap spaces.

Doctor and dentist offices—One (1) per one hundred (100) square feet of waiting room area and two (2) per doctor or dentist, and seventy-five one-hundredths (0.75) times the maximum number of employees on the premises at any one (1) time.

Banks—One (1) per One hundred fifty (150) square feet of floor area.

Warehouses—One (1) per five hundred (500) square feet of floor area.

Mini-warehouses—One (1) space for every ten (10) individual storage units, plus one (1) space per three hundred (300) square feet of gross floor area for offices. Minimum number of parking spaces is three (3), excluding handicap spaces.

Retail stores and service establishments—1 per 300 square feet of floor space and outdoor sales space

Offices—One (1) per three hundred (300) square feet of floor space.

Light industrial/manufacturing—One (1) space per five hundred (500) square feet of gross floor area.

Heavy industrial—Seventy-five one-hundredths (0.75) times the maximum number of employees on the premises at any one (1) time.

Day cares—Two (2) spaces plus one (1) space per staff worker.

Recreational vehicle parks—Two (2) per recreational vehicle.

- (2) In multi-family developments, there shall be off-street parking spaces equal to one and one-half (1½) parking spaces per dwelling unit for the first one hundred (100) dwelling units and one (1) parking space per dwelling unit in excess of one hundred (100).
 - (3) Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half (½) shall be disregarded and any fraction of one-half (½) or more shall require one (1) space.
- (c) *Number of loading spaces required.* Loading space with adequate access shall be shown on the site plan for commercial and industrial usage to provide a minimum of one (1) loading space for every eight hundred (800) square feet of lot area and twenty (20) percent of the gross area for off-street parking.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6311, § 5, 1-23-14)

DIVISION 6. - SCREENING/FENCES

Sec. 26-50. - Screening.

There shall be provided along such abutting lines of differing uses a screen of not less than six (6) feet in height. The screen may be constructed of either wooden slats, metal hurricane-type with slats, plant material, earthen berms, walls, a combination thereof or other methods approved by the director of planning and development or designee. If plant material is used, the plants must be no less than four (4) feet in height at the time of planting and capable of reaching the required screening height within three (3) years of planting. The plant material must be planted continuously along the lot-line at no less than three (3) feet on center. Plant material types must be chosen from the list of trees and shrubs shown in the appendix or approved by the director of planning and development or designee. All screening material must be well constructed and properly maintained. Any portion of the screening that has fallen into disrepair or has perished shall be repaired or replaced immediately. Screening must be installed in the following:

- (1) Where a lot for new business or industrial use abuts a lot(s) used for residential.
- (2) Where a lot for a new recreational vehicle park or manufactured home park abuts a lot(s) used for residential.
- (3) Where nonconforming business or industrial uses are expanded or damaged by more than fifty (50) percent of the on-site building square footage or fair market value.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6311, § 6, 1-23-14)

Sec. 26-51. - Fences.

- (a) Fences may be erected along the property boundaries of a lot, subject to the thirty-foot sight triangle. See (b) below.
- (b) No fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be placed or permitted on any corner lot within the triangular areas formed by the intersecting street lines and a straight line joining said street lines' point of intersection, measured along said street lines at points which are thirty (30) feet from the point of intersection, measured along said street lines.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 7. - ACCESSORY USES/BUILDINGS

Sec. 26-52. - Accessory uses.

Power, heating, or refrigerating plants, apparatus, or machinery which are accessory to permitted uses shall be permitted only if placed and operated so as to comply with existing ordinances and not cause serious annoyance or injury to occupants of adjoining premises.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-53. - Accessory buildings.

- (a) The building area of accessory buildings shall be the following:
 - (1) Zero (0) to one and ninety-nine one-hundredths (1.99) acres: Two thousand (2,000) square feet maximum.
 - (2) Two (2) to three and ninety-nine one-hundredths (3.99) acres: Three thousand five hundred (3,500) square feet maximum.
 - (3) Four (4) acres and up: No square feet maximum requirement.
- (b) Accessory buildings shall not be built less than three (3) feet from a lot line.
- (c) Accessory buildings may be built in required side yards, provided that such building is not less than sixty (60) feet from the front lot line.
- (d) Accessory buildings shall not be built more than seventeen (17) feet in height.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 8. - HOME OCCUPATIONS

Sec. 26-54. - Home occupations.

- (a) *Intent.* It is the intent of this article to permit flexibility in the use of certain occupations within the confines of the dwelling, which is clearly secondary to use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use.
- (b) *Districts.* Home occupations are allowed in A-1 (agricultural) and all residential zoning districts.
- (c) *Criteria.* Home occupations shall meet the following criteria:
 - (1) Said use shall be conducted solely within the confines of the main dwelling and shall not exceed ten (10) percent of the floor area;
 - (2) No home occupation nor any storage of goods, equipment, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached;
 - (3) No mechanical, electrical, or other equipment which produces noise, electrical, or magnetic interference, vibration, heat, glare, or other nuisances outside the residential or accessory structure shall be used;
 - (4) No more than one (1) employee, other than the residents of the dwelling, shall be employed in the conduct of a home occupation;
 - (5) No more than one (1) home occupation shall be permitted within any single dwelling unit;
 - (6) On-premises retail sales are prohibited;

- (7) No more than one (1) vehicle shall be used in the conduct of the home occupation and any such vehicle, which is of commercial type with advertising or other such characteristics which distinguish it from a private automobile, shall be stored in an enclosed garage when not in use; and
 - (8) A small, unilluminated nameplate identifying the business cannot exceed two (2) square feet.
- (d) *Examples.* The following are examples of permitted home occupations:
- (1) Homebound employment of a physically, mentally or emotionally handicapped person who is unable to work away from home by reason of his disability;
 - (2) Office facilities for salesmen, sales representatives, and manufacturers' representatives when no retail or wholesale sales are made or transacted on the premises;
 - (3) Studio or office of an artist, musician, photographer, craftsman, writer, tailor, seamstress, accountants, architects, hairstylists, brokers, doctors, lawyers, engineers, insurance agents, or similar person provided that the existence of the home occupation will not increase the number of average daily automobile trips generated by the residence in which the home occupation is located.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 9. - SIGNS, OFF PREMISES

Sec. 26-55. - Regulation of off-premises advertising signs.

Effective immediately upon adoption of this article, any off-premises outdoor advertising sign situated within the unincorporated areas of Calcasieu Parish, erected along any parish right-of-way, or portion of any state, United States or interstate highway system located in this parish shall be subject to the regulations and standards set out in this article.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-56. - Location of off-premises signs.

- (a) Off-premises outdoor advertising signs shall be permitted within C-2 (general commercial), C-3 (central business commercial), I-1 (light industrial), I-2 (heavy industrial), I-2R (heavy industrial restricted), and I-3 (hazardous industrial) zoning districts, except as provided for in section 26-57
- (b) The planning and zoning board may permit zoning exceptions for off-premises outdoor advertising signs in A-1 (agricultural) and C-1 (light commercial) zoning districts.
- (c) The planning and zoning board may permit zoning exceptions for off-premises outdoor advertising signs in R-1 (single-family residential), R-2 (mixed residential), R-M (multi-family residential) and R-MHP (manufactured home park) for churches, schools, low intensive recreational uses, museums and other similar-type uses permitted in the aforementioned zones. Off-premises signs for these type uses shall not exceed thirty-two (32) square feet in size.
- (d) Applications to petition for rezonings or exceptions for properties parallel to Interstate 10 shall only be taken in cases where an owner/lessee is reconstructing an existing billboard parallel to Interstate 10 or where an owner/lessee has removed an existing billboard parallel to Interstate 10 and would like to construct a new billboard in another location parallel to Interstate 10.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-57. - Prohibited signs and locations.

- (a) Roof, "piggy back," i.e., stack signs, side-by-side, multiple-panel signs, and back-to-back signs are hereby prohibited.
- (b) No off-premises advertising structure shall be located or situated in such a manner as to obscure or otherwise physically interfere with the effectiveness of any official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or interstate traffic.
- (c) No off-premises signs shall be located parallel to Interstate 10 in Sections 3 and 4, Township 11 South, Range 13 West, and Sections 34, 35 and 36, Township 10 South, Range 13 West, and parallel to Interstate 210 in Sections 9, 10, 15 and 16, Township 10 South, Range 9 West, Calcasieu Parish, Louisiana, other than those currently permitted by the state and parish, which may not be replaced.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-58. - Location standards of off-premises signs along state and U.S. highways other than interstate.

- (a) An off-premises sign must be located within one hundred fifty (150) feet of the highway right-of-way. An off-premises sign must be set back at least five (5) feet from the highway right-of-way. An off-premises sign including the face shall be set back a minimum of ten (10) feet from any structure or building.
- (b) An off-premises sign is not allowed within or nearer than one hundred (100) feet of a residential zoned district abutting the same highway to which the sign is oriented.
- (c) In adjoining or intersecting roadways, the minimum distance between any off-premises sign shall be no less than three hundred (300) feet in any direction from any other off-premises sign.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-59. - Size of off-premises signs along state and U.S. highways.

- (a) The maximum area of any off-premises sign face shall be eight hundred (800) square feet, with a maximum height of the face of twenty (20) feet and a maximum length of forty-eight (48) feet, including temporary embellishments in size, height and length, inclusive of any border and trim and excluding the base supports or other members, but not to exceed one (1) display panel per sign face.
- (b) The lowest point of any off-premises sign shall extend not less than five (5) feet and the highest point shall extend not more than sixty (60) feet measured from either the ground level at its support or the nearest edge of the main traveled way, whichever is higher in elevation.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-60. - Spacing of off-premises signs along state and U.S. highways.

No two (2) off-premises outdoor advertising structures shall be spaced less than seven hundred fifty (750) feet apart where the sign face exceeds two hundred fifty (250) square feet. When the sign face is two hundred fifty (250) square feet or less, the structures shall be spaced no less than five hundred (500) feet apart.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-61. - Location standards of off-premises signs along interstate highways.

- (a) An off-premises sign must be located within six hundred sixty (660) feet of the highway right-of-way. An off-premises sign must be set back at least five (5) feet from the highway right-of-way. An off-premises sign, including the face, shall be set back a minimum of ten (10) feet from any structure or building. An off-premises sign, including the face, shall be set back a minimum of ten (10) feet from any structure or building.

- (b) An off-premises sign is not allowed within or nearer than one hundred (100) feet of a residentially-zoned district abutting the same side of the highway to which the sign is oriented.
- (c) An off-premises sign is not allowed within five hundred (500) feet of exit or entrance ramps for interchanges or rest areas.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-62. - Size of off-premises signs along interstate highways.

- (a) The maximum area of any off-premises sign shall be eight hundred (800) square feet, with a maximum height of the face of twenty (20) feet and maximum face length of forty-eight (48) feet including temporary embellishments in size, height and length, inclusive of any border and trim and excluding the base or supports and other structural members, but not to exceed one (1) display panel per sign face.
- (b) The lowest point of any off-premises sign shall extend not less than ten (10) feet and the highest point of any off-premises sign shall extend not more than sixty (60) feet measured from either the ground level at its supports or the nearest edge of main traveled way of the highway, whichever is higher in elevation.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-63. - Spacing of off-premises signs along interstate highways.

No two (2) off-premises outdoor advertising structures shall be placed less than one thousand (1,000) feet apart.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-64. - Location standards of off-premises signs along parish highways other than interstate, U.S. highways.

- (a) An off-premises sign must be located within one hundred (100) feet of the highway right-of-way. An off-premises sign must be back at least five (5) feet from the highway right-of-way. An off-premises sign including the face shall be set back a minimum of ten (10) feet from any structure or building.
- (b) An off-premises sign is not allowed within or nearer than one hundred (100) feet of a residentially zoned district abutting the same highway to which the sign is oriented.
- (c) In adjoining or intersecting roadways, the minimum distance between any off-premises sign shall be no less than three hundred (300) feet in any direction from any other off-premises sign.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-65. - Size of off-premises signs along parish highways.

- (a) The maximum area of any off-premises sign shall be three hundred (300) square feet, with a maximum height of the face of twelve (12) feet and a maximum face length of twenty-five (25) feet.
- (b) The lowest point of any off-premises sign shall extend not less than five (5) feet and the highest point of any off-premises sign shall extend not more than forty-five (45) feet measured from either the ground level at its support or the nearest edge of main traveled way of the highway, whichever is higher in elevation.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-66. - Spacing of off-premises signs along parish highways.

No two (2) off-premises outdoor advertising structures shall be placed less than five hundred (500) feet apart.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-67. - Lighting.

Off-premises signs may be illuminated, subject to the following restrictions:

- (1) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign.
- (2) External lighting, such as flood lights, thin line and goose neck reflectors are permitted provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main travel way of the highway system.
- (3) The illumination of any off-premises sign within one hundred (100) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-68. - Standards.

- (a) No off-premises sign shall contain more than two (2) faces per structure.
- (b) V-type off-premises signs shall be permitted provided said sign is located on one (1) structure with no more than two (2) supports at an angle which shall not exceed forty-five (45) degrees, and each sign face shall conform to the maximum size limitations as per the roadway classification.
- (c) No off-premises sign shall be erected, placed, or maintained within the triangular area formed by the intersecting roadway pavement lines and a straight line joining said roadway and pavement lines at points which are forty (40) feet from the point of intersection, measured along said roadway/pavement lines.
- (d) Off-premise signs located parallel to Interstate 10 shall be constructed with metal supports only.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-69. - Erection and maintenance of signs.

The following signs shall not be allowed to remain or to be erected:

- (1) Signs which are obsolete, including outdoor advertising that has been blank for twelve (12) months, out-of-date political advertising and advertising of defunct businesses, and signs or structures which have been erected without a development permit having been issued.
- (2) Signs which are illegal under state laws or regulations.
- (3) Signs which are not clean and in good repair.
- (4) Signs which are not securely fixed on a substantial structure.
- (5) Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.
- (6) Signs which are not consistent with the standards in this section.
- (7) Signs located on public property, unless placed thereon under lease arrangements or otherwise permitted by legal authority.
- (8) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- (9) Signs which are nonconforming and damaged or destroyed to an extent of more than sixty (60) percent of fair market value.

- (10) Signs which prevent free ingress or egress from any door, window, or fire escape; or which are attached to a standpipe, fire escape.
- (11) Signs which are erected or maintained upon self-propelled vehicles or trailers designed to be attached to self-propelled vehicles.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-70. - Permits and inspections.

- (a) No off-premises outdoor advertising structure shall be erected, nor shall construction commence thereon, without first obtaining a development permit from the parish office of planning and development.
- (b) The application therefor shall be on a form prepared by said office which shall be uniform and consistent with the provision hereof.
- (c) An inspection fee for an off-premises outdoor advertising sign required hereunder shall be ten dollars (\$10.00), which amount must be attached to the application for development permit, in addition to development permit fees. An inspection shall be completed within twenty-four (24) working hours based on a completed application.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-71. - Enforcement.

- (a) The director of planning and development, or his designee, is hereby authorized, empowered and directed to enforce all provisions.
- (b) Any sign in violation shall be removed within five (5) calendar days of receipt of a written notification by certified mail, return receipt requested, to be sent by the division of planning and development. If the person owning or responsible for the placement of the sign fails to remove such sign within five (5) calendar days, the director of planning and development may remove the sign at the expense of the owner or responsible party. Any person feeling aggrieved by the receipt of said notice to remove may, within ten (10) calendar days of the receipt of the notice, file an application for appeal directly to the planning and zoning board through the division of planning and development.
- (c) Any person violating any of these provisions shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in section 1-9 of this Code.
- (d) In the absence of just compensation, all legal existing nonconforming signs shall remain subject to the provisions of sections 26-69 and 26-71 hereof. In performing any maintenance or repair required hereunder, the owner/lessee shall not do anything to increase the degree of nonconformity.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-72. - Registration.

- (a) All off-premises outdoor advertising structures located within the unincorporated areas of Calcasieu Parish shall be registered with the parish office of planning and development within ninety (90) days of the adoption of these provisions.
- (b) The purpose of this registration is to identify those structures which do not conform to these provisions. The registration application shall be on a form prepared by the office of planning and development.
- (c) If the owner fails to register the structure, the director of planning and development may recommend removal of the structure in accordance with section 26-71 above.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 10. - SIGNS, ON-PREMISES

Sec. 26-73. - On-premises signs.

- (a) *Purpose.* To ensure that signage in Calcasieu Parish does not constitute a visual blight on the landscape and character of the parish and poses no hazard to vehicular or pedestrian traffic.
- (b) *General prohibition.* No person shall develop, install, locate, or construct any sign in Calcasieu Parish except as expressly authorized in this section and in conformance with all other ordinances of the parish. The requirements of this section shall not be varied or modified by a development approval granted under these provisions.
- (c) *[Permit.]* Any owner, authorized agent, or contractor who desires to construct, install, enlarge, or erect an on-premises sign structure must first make application with the division and obtain the required permit(s) for the work. Site drawing shall be submitted with the application for permit and shall show the location of all buildings, existing signs, and boundary lines. Measurements shall be included along with the distance from property lines from improved streets. The site plan shall also include the proposed location of the new structure.
- (d) *Regulations of general applicability.*
 - (1) *Location of signs.*
 - a. No portion of any sign shall be located within any sight triangle required in, of this chapter, nor shall any sign otherwise be located or installed in such manner as to create a traffic hazard.
 - b. No portion of any sign or sign structure shall be located within a distance of five (5) feet from the right-of-way line or within twenty (20) feet of the edge of pavement or roadway surface of any public street or highway and provided further that no portion of any sign shall project or extend into or over any public right-of-way.
 - (2) *Maximum height.* No portion of any sign or structure shall exceed the following maximum heights:
 - a. Freestanding signs or sign structures shall not exceed a height of forty (40) feet, except within interstate highway corridors where the height limit for all signs shall be sixty (60) feet above grade elevation or thirty-five (35) feet above the height of an elevated roadway.
 - b. Signs mounted on or integrated into the facade of a building shall not extend above the top of such facade, nor shall above-the-roof or on-the-roof signs be permitted.
 - (3) *Permitted on-premises signs.*
 - a. Not more than one (1) freestanding sign structure shall be located on any parcel of land, except that parcels having more than one (1) frontage on streets shall be permitted one freestanding sign structure for each frontage. Additionally, high-rise signs otherwise allowable shall be allowed within interstate corridors as a secondary sign, when the total allowable signage would not otherwise be exceeded. An interstate corridor is defined as the area lying three hundred (300) feet on either side of the interstate right-of-way and running parallel to the interstate.
 - (4) *Amount of signage face.*
 - a. Subject to the provisions of paragraphs b. and c. below, the total amount of signage face area visible from any single point of view shall not exceed the average of the following with a minimum of fifty (50) square feet of signage, whichever is greater.
 1. One (1) square foot per two hundred (200) square feet of land area;
 2. One (1) square foot per fifty (50) square feet of gross floor area;
 3. One (1) square foot per two (2) linear feet of street frontage.

- b. Where any portion of a sign is located within a required front yard or any other required yard adjoining a public street, the maximum area permitted for that sign shall be decreased by five (5) percent for each foot of required yard into which the sign extends.
- c. Subdivision sign structures shall be allowed one (1) freestanding sign not to exceed ten (10) feet in height and thirty-two (32) square feet.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 11. - SIGNS, IN RIGHT-OF-WAY

Sec. 26-74. - General prohibition.

The erection, installation, maintaining, or otherwise placing or permitting to remain within the right-of-way, including the ditches and the banks thereof on the outer or far side thereof, of any advertising sign, poster or other object which has instructions or directions, or the attracting of attention, is prohibited, except insofar as specifically excepted according to the provisions made in this article.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-75. - Exemptions from section 26-74.

The prohibition of section 26-74 shall not apply to the following:

- (1) Signs placed by the parish department of public works or by order of the police jury to direct, warn, caution or inform the traveling public for the convenience and safety thereof;
- (2) Signs placed by the state department of transportation and development or other state agency for the purpose of informing or warning the public of a regulation made pursuant to law by such agency in keeping with its purposes, the safety, convenience or welfare of the public;
- (3) Signs placed by authorities of incorporated municipalities within their corporate limits, in those instances where a parish road crosses or enters a municipal corporation;
- (4) Signs placed by railroad companies at or near railroad crossings, where required or permitted by law.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-76. - Permits—Temporary; required.

The parish director of planning and development, or his designee, may issue temporary permits, or certificates of authority, permitting the erection at the outer or far side of a road right-of-way, temporary signs with the purpose of directing guests, members of organizations or other persons to a spot or location where some outing or public gathering will be held.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-77. - Same—Issuance; removal of signs.

Any such temporary permit shall be in writing and signed by the issuing officer, and it shall provide that after the outing or other gathering is held, all such signs shall be removed by the person to whom the temporary permit is issued; a sum estimated as sufficient to defray the expense of removing the signs if such permittee fails to do so, the security to be returned when satisfactory evidence of the removal of such signs by permittee has been presented to the issuing official.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-78. - Same—Issuance under other ordinance or resolution.

If the police jury, by resolution or ordinance, grants a special permit, either temporary or permanent, for the placement of any sign in the right-of-way of any road, such resolution or ordinance shall not be deemed a repeal of this article, but shall be deemed an exception to its provisions, in addition to those exceptions listed in section 26-75.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-79. - Procedures for the removal of structures, signs, obstacles, objects, deposits or things within the right-of-way.

- (a) *Apparent value.* When structures, signs, obstacles, etc., are of a permanent nature with significant value, the owner will be notified by certified mail to remove it within five (5) days or such other period as may be agreed upon. When items do not have significant value but do retain some apparent value, the owner shall be notified orally or in writing to remove it within five (5) days or such other period as may be agreed upon. All signs of significant or apparent value will be marked with an approved sticker as "ILLEGAL" at the time of owner notification. If the owner is unknown or cannot be found, a written notice "OBJECT ENCROACHMENT" sticker shall be affixed to the object setting forth that it must be removed within five (5) days from the date specified. Failure to remove within the specified period of time serves as forfeiture of all rights thereto, and the police jury may remove the object for its own use, dispose of it at a private or public sale, destroy it, or dispose of it in any way deemed necessary. The owner and any other person responsible therefor remains liable for any damages to the public property or expenditure of public funds resulting from the installation or removal of such items.
- (b) *No apparent value.* Structures, signs, obstacles, etc., that have no apparent value will be summarily removed and destroyed or disposed of in the most cost effective manner available. Items in this category are wooden stake signs, small cardboard signs, light paper signs, and signs nailed to utility poles, trees, etc.
- (c) *Political, real estate, or similar type signs.* Political, real estate, or similar type signs shall not be located within the public right-of-way. Large signs (e.g. plywood with 2 by 4 supports, or signs that exceed four (4) square feet in surface area) will be tagged "ILLEGAL" and removed after five (5) days. The ultimate disposition of political, real estate, or similar type signs will be as provided for in paragraph (b) above.
- (d) *Potential traffic hazard of obstacle to maintenance.* Any structure, sign, headwall, obstacle, object, deposit, or thing which is potentially hazardous or interferes with road or structure maintenance because of its location or type of construction will be removed as provided for in either paragraph (a) or (b) above.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-80. - Penalties for violation.

For each violation of this article, the offender shall, on conviction, be punished as provided in section 1-9 of this Code.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 12. - COMMUNICATION TOWERS

Sec. 26-81. - Title.

This division shall be known as, and may be cited and referred to as, the "Calcasieu Parish Tower Ordinance."

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-82. - Scope.

This division applies to all towers located within the unincorporated areas of Calcasieu Parish with the following exemptions: operators of amateur radios, antennas for individual home usage, on-site commercial two-way radio towers, towers constructed for farm use, and industrial towers for facility use only. Owners of towers falling within the exemption category must complete a form certifying the reason for exemption.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-83. - Purpose.

The expansion of communication technology requires the construction of a network of servicing communication facilities and related equipment; therefore, this article was written to minimize any potential incompatibility problems for existing and future residents, businesses and industries of Calcasieu Parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-84. - Powers and duties.

- (a) The director of planning and development, or designee, is hereby authorized, empowered, and directed to enforce all provisions of this division.
- (b) Any tower owner in violation of this article shall correct said violation within thirty (30) days of receipt of written notice via certified mail. If violation is not corrected by said deadline, the tower may be removed from the property. Notice to remove shall be sent by the division of planning and development.
- (c) Any person feeling aggrieved by the receipt of said notice to correct may, within ten (10) days of receipt of this notice, file for application to appeal directly to the planning and zoning board through the division of planning and development. In such event, the matter will be stayed pending the disposition of the appeal.
- (d) Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine not to exceed five hundred dollars (\$500.00), or imprisonment, not to exceed thirty (30) days, or both, at the discretion of the court. Each act in violation of any of the provisions hereof shall be deemed a separate offense.
- (e) If the tower owner fails to remove such tower following written notice, the director may have the tower removed at the expense of the tower owner.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-85. - Obsolete/unused installations.

All obsolete or unused facilities or structures must be removed within six (6) months of cessation of operation at the site. Written notification of the cessation of operation at the site shall be provided to the division of planning and development by the operator of the site within thirty (30) days of the termination of operations. For clarification purposes, the six (6) months shall begin from the date on which the electrical meter was removed from the site.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-86. - Lighting.

- (a) When tower lighting is not required by the Federal Aviation Administration or other federal or state authority for a particular tower and when lighting is not in violation of any federal standards, continuously illuminated red obstruction lights shall be installed on towers greater than or equal to one hundred (100) feet in height.
- (b) For all towers two hundred (200) feet or greater in height, federal restrictions shall apply.
- (c) When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, dual lighting shall be employed. For the purposes of this article, and to minimize

intrusion into other areas, dual lighting shall be considered as strobe lighting during the daylight hours (if necessary) and red lighting at night. In no case shall lighting shine downward during nighttime hours; such lights shall be focused upward if necessary.

- (d) On existing structures with no lighting system, owners, developers, contractors, and/or businesses must comply with said lighting requirements within a period not to exceed six (6) months from the effective date of this article.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-87. - Landscaping/fencing.

Walls or fences constructed of wood, brick, masonry, or chain link shall be used to secure the site and provide a barrier. All walls and fencing shall be used in conjunction with landscaping where required. Existing mature tree growth on affected sites shall be preserved to the maximum extent possible. At the discretion of the director of planning and development, additional landscaping may be required as needed.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-88. - Structural integrity/wind loads.

All tower installations shall be certified by an engineer, registered in the State of Louisiana, to withstand a minimum wind load of ninety-five (95) miles per hour. The tower and any other transmission equipment must be certified to meet any structural standards for steel antenna towers and support structures set in the Electronic Industries Association/Telecommunications Association Standards referenced as TIA/EIA-222-F and as amended hereafter.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-89. - Setbacks.

- (a) The minimum lot size on which a communications installation is to be located shall be the minimum lot size for the zoning district, and shall be of sufficient size to contain, on-site, any structural debris from tower or antennae failure.
- (b) The installations and equipment shelters which service the installation shall adhere to standard setback requirements for the affected zoning districts.
- (c) In cases where the tower site abuts a residential zoning district or use, the setback from the affected property line(s) on abutting sides shall be greater than or equal to one-half (½) of the height of the tower including all antennas and attachments. This requirement shall not apply in cases where the abutting residential use or property is owned by the service provider or lessor.
- (d) The residential setback requirement may be waived following the execution of a waiver by all adjacent property owners. This waiver must be submitted to the director of planning and development by the communications company.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-90. - Co-location.

- (a) No new tower installation shall be allowed within a two thousand six hundred forty (2,640) foot radius (measured from center of the tower) of an existing communications tower. No new site may be established if there is a technically suitable place available on an existing communications tower within the search area that the new tower site is to serve. For the purposes of this article, the search area is defined as the grid for the placement of the telecommunications structure.
- (b) The applicant's proposal for a new communications tower shall not be approved until documentation is provided by the applicant or service provider that the proposed facility cannot be accommodated on an existing or approved tower located within the search area due to one (1) or more of the following reasons:

- (1) The planned equipment would exceed the structural capacity of the existing or approved towers which cannot be reinforced to accommodate the service provider's proposed facility at a reasonable cost;
- (2) The planned equipment would cause radio frequency interference with other existing or planned equipment for those towers, and the interference cannot be prevented at a reasonable cost;
- (3) Existing or approved towers do not have space on which the service provider's equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved;
- (4) The existing or approved tower does not meet geographic service requirements of the applicant; or
- (5) The service provider is able to show sufficient proof that co-location agreement could not be obtained.

Acceptable documentation for subsections (b)(1) through (4) above, shall be considered to be a stamped statement from a Louisiana licensed engineer stating the design restrictions which disallow co-location. In order to substantiate subsection (b)(5), proof such as certified mail receipts to tower owners may be submitted.

- (c) All new or upgraded communications towers shall have the capacity to permit multiple service providers. At a minimum, monopoles shall be able to accommodate two (2) service providers, and at a minimum, transmission towers shall be able to accommodate three (3) service providers.
- (d) Tower owners shall not prohibit any other service provider from co-locating on an existing tower so long as the service provider pays the tower owner reasonable compensation according to industry standards for space on the tower and pays for any and all costs. If the tower owner fails to allow co-location in this situation, the director of planning and development may prohibit that owner from submitting any applications requiring approval by the parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-91. - Equipment shelters.

- (a) Repair or maintenance equipment shall not be stored outside of enclosed structures on the tower site. Outdoor areas shall be kept free of debris, supplies, and/or related equipment.
- (b) When located within one hundred fifty (150) feet (measured from the center of the tower) of a residential zoning district or use, the facade of the equipment shelter must be constructed with brick or wood in order to blend with surrounding environment. This requirement shall not apply in cases where the residential use or property is owned by the service provider or lessor.
- (c) The residential facade requirement may be waived following the execution of a waiver by all property owners within the one hundred fifty (150) feet. This waiver must be submitted to the director of planning and development by the communications company.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-92. - Permitted uses.

Communication transmission towers, masts, aerials, antennas, and related communications equipment shelters are permitted in the following zoning districts: I-1 (light industrial), I-2 (heavy industrial), I-2R (heavy industrial—restricted), I-3 (hazardous industrial).

In all other zoning districts, communications towers may be permitted as an exception by the planning and zoning board.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-93. - Permitting requirements.

- (a) An applicant for a permit for a tower installation shall pay a permit fee of one dollar (\$1.00) per linear foot of tower height in addition to the established permit fee schedule, as adopted by the Calcasieu Parish Police Jury.
- (b) A co-location on an existing structure is specifically excluded from the requirements of this section, unless a new equipment shelter is planned.
- (c) In addition to submittal requirements elsewhere in this division, development applications for towers shall include the following supplemental documentation:
 - (1) Identification of owners of all antennae and equipment to be located on the site;
 - (2) Written authorization from site owner for application;
 - (3) Copies of easements, if applicable;
 - (4) Evidence that a valid Federal Communications Commission license for the proposed activity has been issued (for towers constructed by service providers);
 - (5) Documentation that the proposed tower complies with regulations administered by the FAA;
 - (6) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, fences, and existing land uses on adjacent property; a copy of typical specifications for proposed structures and antennas, including description of design characteristics and material, stamped by a Louisiana licensed professional engineer;
 - (7) A tower application form to be provided by the division of planning and development; and
 - (8) Any additional information required by the director of planning and development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-94. - Time limit on construction.

Once a tower installation is permitted for construction, the completion of the permitted project must occur within one (1) year of permit issuance. Extensions may be granted at the discretion of the director of planning and development, following request by the applicant. Upon completion of tower, a letter stating that tower is operational must be sent to the director of planning and development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-95. - Existing nonconforming uses.

The lawful use of any communications tower, existing at the time of enactment of this article, may be continued, although such use does not conform with the provisions of this article, excluding the lighting provisions for towers which do not have existing lighting systems.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-96. - Registration of existing sites.

- (a) Within ninety (90) days of adoption of this article, a current map, drawn to scale, showing locations of existing towers and a tower registration form shall be submitted by all service providers to the division of planning and development. The registration application shall be on a form provided by the division of planning and development.
- (b) The purpose of this registration is to identify those structures which do not conform to the provisions of this article.
- (c) If the tower owner fails to register the structure, the director of planning and development may prohibit that tower owner from submitting any applications requiring approval by the parish.

- (d) For registration purposes, an official tower map will be kept on file by the police jury in the division of planning and development.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 13. - RECREATIONAL VEHICLE PARKS

Sec. 26-97. - Recreational vehicle parks.

- (a) *Purpose.* To achieve orderly development of recreational vehicle parks (RV parks) to promote and develop the use of land to minimize possible impacts, and to promote the health, safety and general welfare of the public. In addition to the requirements contained in this division, all RV parks must follow the minimum standards outlined in section 26-35. Minimum requirements, schedule of zoning district regulations, R-RVP (recreational vehicle park).
- (b) *Requirements for all recreational vehicle parks.*
 - (1) *Required plans.* Each application shall be accompanied by a site plan illustrating the property boundaries, layout and dimensions of spaces, interior roadways, bathing/laundry facilities, service buildings, solid waste disposal location(s), wastewater treatment, and any other information that would assist in reviewing the plan.
 - (2) *Solid waste disposal.* A central collection point or disposal system shall be maintained. Where dumpsters are to be used, each collection point within the park boundaries must be enclosed on all sides with an eight (8) foot fence constructed of vinyl, wooden slats, brick, or a combination of wood and brick.
 - (3) *Limitations per space.* Not more than one (1) recreational vehicle/manufactured home shall be placed in each space.
 - (4) *Parking.* Parking for each structure and space shall be provided in accordance with the minimum requirements contained in section 26-49
 - (5) *Space requirements.* There shall be a minimum of ten (10) feet between recreational vehicles/manufactured homes with each unit at least three (3) feet from the boundary of the rental space.
 - (6) *Special stipulations.* Recreational vehicle park development is subject to any other conditions established by the police jury pursuant to approval of the rezoning. Furthermore, the recreational vehicle park development must also comply with all applicable state and local codes.
- (c) *Additional requirements for recreational vehicle parks within the urban service area.*
 - (1) *Minimum lot size.* Recreational vehicle parks must be developed on lots no smaller than one (1) acre in size.
 - (2) *Buffer yard.* No structure or recreational vehicle/manufactured home shall be placed closer than ten (10) feet from any property line.
- (d) *Additional requirements for recreational vehicle parks outside the urban service area.*
 - (1) *Minimum lot size.* Recreational vehicle parks must be developed on lots no smaller than two (2) acres in size.
 - (2) *Buffer yard.* No structure or recreational vehicle/manufactured home shall be placed closer than twenty (20) feet from any property line.

(Ord. No. 6311, § 7, 1-23-14)

Secs. 26-98—26-119. - Reserved.

ARTICLE IV. - ZONING PROCESSES AND APPLICATIONS

DIVISION 1. - GENERAL APPLICATION

Sec. 26-120. - Initiation of an application to petition.

Application to petition shall be filed with the division. In filing such petitions, the following rules shall apply:

- (1) No application to petition shall be filed unless such a petition is duly signed and acknowledged by the owners or authorized agents of not less than fifty (50) percent of the area of land for which the application to petition is requested, provided, however, that where any lot located in the aforesaid area is owned in indivision, all co-owners must sign the application to petition for that lot to be included in the fifty (50) percent area provision.
- (2) Each application to petition shall conform to such standards and requirements as the board shall adopt.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-121. - Fees.

- (a) Each application to petition for zoning amendments, rezoning, zoning exception, variance, frontage road variance with director's approval, or Nelson District Overlay alternative design variance for ten (10) acres or less shall be accompanied by a fee of two hundred dollars (\$200.00). For applications to petition involving more than ten (10) acres a fee of twenty dollars (\$20.00) per acre shall be charged up to one thousand dollars (\$1,000.00). Therefore, the minimum fee will be two hundred dollars (\$200.00) regardless of acreage. The maximum fee for any petition shall not exceed one thousand dollars (\$1,000.00), which shall apply for all areas of fifty (50) acres or more.
- (b) Each application to petition for zoning amendments, rezoning, or zoning exceptions where the property is currently within a commercial and/or industrial district and the request is to allow a single family residential dwelling within that district shall be accompanied by a fee of twenty-five dollars (\$25.00).
- (c) Each application to petition for zoning exception or rezoning for off-premises signs that are thirty-two (32) square feet or less shall be accompanied by a fee of twenty-five dollars (\$25.00).
- (d) All checks submitted with applications to petition for zoning amendments, rezoning, zoning exceptions, and variances shall be made payable to the police jury.
- (e) Under no conditions shall fees, either in whole or in part, be refunded for denial by the police jury or the board.
- (f) There will be an additional fifty dollar (\$50.00) fee if the applicant begins the project prior to filing a petition.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 2. - PROCESS FOR ADMINISTRATIVE REVIEW

Sec. 26-122. - Procedures for applying for an application to petition for administrative review.

Director's approval is an administrative process to produce a decision as it pertains to an "administrative review" request found in parish zoning districts. The administrative review process does not involve a public hearing unless requested by the representative police juror or a decision is appealed by

the applicant to the parish planning and zoning board in accordance with section 26-350 and is not intended to apply to subdivision development.

- (1) No application to petition for a director's approval for an administrative review shall be considered unless:
 - a. Road frontage:
 1. The lot square footage is equal to or exceeds the requirement per dwelling.
 2. The public road frontage is equal to at least forty (40) percent of the required footage.
 - b. Minimum lot area:
 1. The public road frontage is equal to or exceeds the requirement per dwelling.
 2. The minimum lot area is equal to at least seventy (70) percent of the required lot area.
 - c. Residential development:
 1. Residential development shall not exceed two (2) dwellings per lot for commercial and industrial zoned property. The minimum lot square footage and road frontage shall be determined based upon standards in R-2 (mixed residential) zoning.
 2. Temporary housing used as a second dwelling shall not exceed one (1) year while constructing a new dwelling, excluding R-1 (single-family residential) zoning.
 - d. Building setbacks:
 1. The building setbacks shall not be less than fifty (50) percent of the setback requirement.
 - e. Accessory building:
 1. Accessory building is allowed prior to the main dwelling provided the main dwelling must be constructed within a time period not to exceed two (2) years.
 2. Building height shall not exceed an additional twenty-five (25) percent of the maximum limit.
 3. Square footage shall not exceed the maximum square footage allowed by more than fifty (50) percent.
 - f. Borrow-pit:
 1. Borrow-pits shall not exceed five (5) acres.
 2. Borrow-pits shall have a setback minimum of fifty (50) feet from property lines (where applicable a fifty (50) foot front yard setback will be measured from the required right-of-way line as per the major thoroughfare plan). A public hearing is required if the minimum setbacks are not met.
 3. Administrative review of borrow-pits in R-1 (single-family residential) or R-2 (mixed residential) zoning districts is prohibited.
 4. The applicant shall meet the following requirements:
 - i. That the extraction and hauling be performed from daylight to dusk only;
 - ii. That the extraction is performed in accordance with the borrow-pit application and the site plan on file with the division of planning and development;
 - iii. That necessary steps must be taken to maintain dust control and to prevent spillage and tracking from occurring on any public road;
 - iv. That no hauling will take place during inclement weather;
 - v. That a local development permit must be obtained prior to hauling;

- vi. That hauling will be subject to any weight limits on any affected parish road or bridge;
- vii. That backfilling is prohibited without proper permitting;
- viii. That the development adheres to stormwater best management practices;
- ix. That an application for and/or compliance with an LPDES stormwater, sand and gravel pit, or discharge permit through the department of environmental quality may be required;
- x. That a road damage bond may be required as per the recommendation of the parish engineer;
- xi. That obstructing the flow of surface water is prohibited; and
- xii. Borrow-pits shall be developed in accordance with watershed performance standards established herein with additional design criteria established in Article VII of this code.
- xiii. That hauling must be completed within three (3) years. This may be extended for one (1) year by decision of the director after receipt of a written request and valid reason from the applicant. Any further extensions thereafter may be granted by action of the planning and zoning board.

(2) Director's approval procedures:

- a. The applicant executes and files an application to petition with the division. The division may require supplementary data, including, but not limited to, a site plan, building plans, and/or approval from department of health and hospitals.
- b. After the director of the division of planning and development has determined the application to be complete, a copy of the application shall be forwarded to the representing police juror for review, notice of the request shall be published at least two (2) times in the official journal of the parish, and fifteen (15) days shall elapse between the first publication and the date of the notice of director's decision.
- c. The director of the division of planning and development may approve, approve with stipulations, or deny the application. Unless appealed by the applicant, all decisions shall be final.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6423, § 5, 9-4-14)

DIVISION 3. - PROCESS FOR EXCEPTIONS, VARIANCES, AND ADMINISTRATIVE APPEALS

Sec. 26-123. - Procedure for applying for an application to petition for zoning exceptions and variances and administrative appeals.

No application to petition for zoning exceptions and variances shall become effective unless and until:

- (1) The applicant executes and files an application to petition with the division. The division may require supplementary data including, but not limited to, a plat plan, site plan, building plans or studies including, but not limited to, traffic impact analysis, drainage impact analysis, and economic impact analysis.
- (2) After the director of planning and development has determined the application to be complete, a date for a public hearing is set. Notice of the time and place of the hearing shall be published at

least three (3) times in the official journal of the parish, and at least ten (10) days shall elapse between the first publication and the date of the hearing.

- (3) The director of planning and development then forwards the application to petition and supporting documents to the board.
- (4) The board, after reviewing the application to petition and hearing comments at the public hearing, will make a final decision known at the public hearing for the approval, conditional approval, or disapproval of the application to petition for all zoning exceptions and variances and appeals. Furthermore, the board may prescribe any performance standards including, but not limited to, landscaping, greenbelts, buffering, fencing, and all other applicable standards it deems to be necessary, desirable, and reasonable.
- (5) An applicant who files an application to petition for a zoning variance or exception may withdraw the application one (1) time within one (1) year from the date of the submission of the application. However, if a zoning petition is withdrawn by the applicant after the public hearing has been held, or if the board disapproves of the request contained in the petition, then no further petition for the same property will be considered by the board for a period of one (1) year from the date of the public hearing.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 4. - PROCESS FOR REZONING

Sec. 26-124. - Initiation of zoning amendments.

The police jury may, from time to time, amend the zoning text and rezone properties. The amendment or rezoning may be initiated by the police jury, by the board, and/or by application to petition by property owner(s) or authorized agent(s) thereof.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-125. - Procedure for applying for an application to petition for zoning amendments and rezonings.

- (a) No zoning amendment or rezoning shall become effective unless and until:
 - (1) The applicant executes and files an application to petition with the division. The division may require supplementary data including, but not limited to, a plat plan, site plan, building plans, traffic impact analysis, drainage impact analysis, and economic impact analysis.
 - (2) After the director of planning and development has determined that the application to petition is complete, a date for a public hearing is set. Notice of the time and place of the hearing shall be published at least three (3) times in the official journal of the parish, and at least ten (10) days shall elapse between the first publication and the date of the hearing.
 - (3) The director of planning and development shall then forward the application to petition and supporting documents to the board.
 - (4) The board, after reviewing the petition and hearing comments at the public hearing, will make its recommendation to the police jury known at the public hearing for the approval, conditional approval, or disapproval of applications to petition for zoning amendments or rezoning. The board may limit the permitted uses in any zoning district as a condition of approving any application to petition for zoning amendments or rezoning. Furthermore, in the granting of any application to petition for zoning amendments or rezoning, the board shall prescribe any performance standards including, but not limited to, landscaping, greenbelts, buffering, fencing and all other applicable

standards deemed to be necessary, desirable, and reasonable. These recommendations will then be forwarded to the police jury by the division.

- (5) The police jury receives the recommendation of the board and approves, conditionally approves, or disapproves the application to petition for zoning amendments or rezoning. The police jury may limit the permitted uses in any zoning district as a condition of approving any application to petition for zoning amendments or rezoning. Furthermore, in the granting of any application to petition for zoning amendments or rezoning, the police jury shall prescribe any performance standards including, but not limited to, landscaping, greenbelts, buffering, fencing, and all other applicable standards deemed to be necessary, desirable, and reasonable.
- (6) An applicant who files an application to petition for a zoning amendment or rezoning may withdraw the application one (1) time within one (1) year from the date of the submission of the application. However, if the application to petition is withdrawn after the public hearing has been held by the board, or if the police jury disapproves of the request contained in the petition, then no further petition for the same property will be considered by the police jury or the board for a period of one (1) year from the date of the public hearing.
- (7) The provisions of this section do not apply in cases where there is a proposal to enact an entirely new ordinance to amend the text as a whole, or to change all of the zoning district map, or both, in which the procedures set out in Act 1274 of 1997 of the Louisiana Legislature shall be followed.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-126. - Encroachment.

To prevent the sporadic proliferation of commercial uses into surrounding R-1 (single-family residential) and R-2 (mixed residential) uses, no application to petition for rezoning shall provide for a commercial district located other than adjacent to an existing commercial district with the following exceptions:

- (1) Application to petition to request change to C-1 (light commercial) district and subject to property fronting on a parish collector road, as referred to by the official "collector road map" dated September, 1997;
- (2) Application to petition is included as part of a request for approval of planned unit development (PUD);
- (3) Application to petition is initiated by the board or the police jury;
- (4) Application to petition for nonconforming uses.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-127. - Rezoning to industrial classification.

- (a) Each application to petition for a rezoning to an industrial classification whereby the proposed land use produces hazardous waste stream, shall have indicated on said application to petition all hazardous materials, including all hazardous materials intended to be generated, stored, or disposed of, on the property during the course and scope of the business, industry, or person of the day-to-day activities before being brought before the police jury for final approval.
 - (1) By signing the application to petition for rezoning, the business, industry, or person shall have, in effect, signed an affidavit relative to the disclosure of all hazardous materials to be generated, stored, or disposed of on the premises in question.
 - (2) Each applicant who files an application to petition will be required to sign a developer's agreement which will be filed and recorded with the Calcasieu Parish Clerk of Court.
- (b) Following police jury approval of a rezoning to an industrial zoning classification, should a development permit not be obtained for the land use, as applied for on the application to petition to rezone, within

one (1) year of the enactment of said rezoning, the property shall automatically revert to its original zoning classification prior to application to petition for rezoning.

In cases where the applicant who files an application to petition must obtain federal and/or state regulatory permits, a one (1) year time limit may be extended or waived by the director of planning and development.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 5. - PROCESS FOR PERMIT WITHOUT PUBLIC ROAD FRONTAGE

Sec. 26-128. - Procedures for applying for development permits without public road frontage requirements.

- (a) No residential development permit without public road frontage shall become effective unless and until:
- (1) The applicant executes and files an application with the division for a development permit to waive parish-maintained public road frontage requirements. The division shall require the submittal of a plat depicting the road location and lots in accordance with R.S. 33:5051. The division may require supplementary data including, but not limited to, affidavit of private road maintenance plan, legal description of property, fire protection documentation, mail service documentation, school bus documentation, utility documentation (water, sewer, electricity, and gas), and road name.
 - (2) After the division has determined the application to be complete, a date for the public hearing is set.
 - (3) The division then forwards the application and supporting documentation to the police jury's public works committee.
 - (4) The public works committee, after reviewing the petition and hearing comments at the committee hearing, will make its recommendation to the police jury.
 - (5) The police jury will take action on the recommendation of the public works committee to approve, conditionally approve, or disapprove the application. Furthermore, in the granting of any development permit, the police jury shall prescribe any performance standards including, but not limited to, a private road maintenance plan, certain road standards, and all other applicable standards deemed to be necessary, desirable, and reasonable.
- (b) No application for variance request shall be processed by the division of planning and development for authorization of a development permit on a private road other than those shown on Calcasieu Parish's Master Private Road List officially adopted by the police jury on June 20, 2002, with revisions adopted on May 1, 2003, June 5, 2003, November 6, 2003, April 1, 2004, May 6, 2004, July 22, 2004, April 7, 2005, July 7, 2005, August 4, 2005, October 11, 2005, December 1, 2005, January 19, 2006, December 7, 2006, March 6, 2008, April 2, 2009, October 1, 2009, April 7, 2011, October 6, 2011, March 1, 2012, and May 23, 2013, a copy of which is attached hereto and made a part hereof, and is also incorporated in the appendix.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6212, § 1, 5-23-13)

Secs. 26-129—26-139. - Reserved.

ARTICLE V. - NONCONFORMING USES

Sec. 26-140. - Nonconforming uses.

- (a) *Existing nonconforming uses.* The lawful use of any building or land, existing at the time of the enactment of this chapter, may be continued, although such use does not conform with the provisions of this chapter.
- (b) *Construction approved prior to effective date of this chapter.* Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a development permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit and the ground-story framework of which, including the second tier of beams, shall have been complete within six (6) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from the effective date of this chapter.
- (c) *Extension.* A nonconforming use shall not be extended or enlarged except when required to do so by law or by ordinance. The attachment of signs to the building, the placement of signs or display materials on land outside of the building, or the attachment of racks, balconies, or other projections from the building shall be considered as an extension of the use of the building.
- (d) *Displacement.* No nonconforming use shall be extended to displace a conforming use.
- (e) *Alterations.* No nonconforming building may be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of fifty (50) percent of the assessed value of the building unless said building is changed to a conforming use or approved by the board.
- (f) *Restoration.* No building damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this chapter or approved by the board.
- (g) *Unsafe structures.* Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- (h) *Changes.* Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
- (i) *Discontinuance.* Whenever a building or land used in whole or in part for nonconforming purposes becomes and remains vacant for a continuous period of six (6) months, or when the operations normally carried on in such building or on such land have been discontinued for a period of six (6) months, such nonconforming use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.
- (j) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.
- (k) *Lots of record.* Where a lot has less area than the minimum requirements for the district within which the lot is located and was a lot of record in separate ownership from adjacent property at the time of the passage of this chapter, that lot may be used for a single-family dwelling or other nondwelling use permitted in the district.

(Ord. No. 6143, § II, 12-6-12)

Secs. 26-141—26-144. - Reserved.

ARTICLE VI. - SPECIAL DISTRICTS

DIVISION 1. - NELSON ROAD OVERLAY DISTRICT

Sec. 26-145. - Purpose and intent.

Zoning district C-1 ND (light commercial—Nelson district) is hereby created for the purpose of providing incentives to encourage infill development and redevelopment along Nelson Road, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The intent of this overlay district is to implement the community's vision for the area and to address the unique land development constraints along Nelson Road. The standards contained herein will ensure that new development is compatible and enhances the appearance of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-146. - Boundaries.

The Nelson District consists of those lands along Nelson Road within the unincorporated area south of the City of Lake Charles which is south of Country Club Road and north of Tank Farm Road in Calcasieu Parish. The boundary is approximately two (2) miles in length, up to four hundred (400) feet in depth and separated into two (2) sections:

- (1) Section I: (Incorporated limits south to Ham Reid Road).
- (2) Section II: (Ham Reid Road south to approximately nine hundred (900) feet south of Gauthier Road).

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-147. - Permitted uses by section.

- (a) *Section I*: Business and professional offices; institutions; churches; and parks.
- (b) *Section II*: Same as section I, including bakeries; catering and delicatessen services; clinics; convenience stores; day cares; drug stores; fix-it shops; food service shops (no alcoholic beverages consumed on premises); funeral homes; gas stations; kennels; nurseries (horticultural); personal service shops; ponds; public uses; restaurants (alcoholic beverages consumed on premises); stables; and studios.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-148. - Nonconforming uses—Structures.

All current residences and businesses located within the boundary of the Nelson district are exempt from complying with the overlay district regulations, with the following exceptions:

- (1) When a residential use converts or is replaced with a business type use or;
- (2) when an existing business is damaged, destroyed, repaired or renovated to fifty (50) percent or more of the market value of the structure.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-149. - Zoning.

All parcels subdivided or unsubdivided within the boundary of the Nelson district shall be zoned C-1 (light commercial), but regulated pursuant to permitted uses set forth in these regulations and further herein described as C-1 ND (light commercial Nelson district). There shall be no adjustments within the Nelson district except when approved as an alternative design.

- (1) *Alternative design*. Alternative design solutions may be submitted to the division of planning and development when it is found that the literal interpretation of this chapter causes an undue hardship or may impede the objectives of the proposed development. Alternative designs may apply only to site planning difficulties (i.e., setbacks, landscaping, architectural design guidelines, parking, etc.)

- (2) *Alternative request.* There will be two (2) types of requests for alternative designs to the Nelson district overlay considered. Type one will consist of a minor and type two a major.
- a. *Minor.* A request made for changes in development standards such as building setbacks, parking, landscaping, etc. that do not vary more than twenty (20) percent of the required development standards.
 - b. *Major.* A request made to enlarge the boundary of the district, a request to establish a specific use that is not allowed within the particular section of the district, a request to modify the architectural theme or when any variance request for development standards exceeds twenty (20) percent of the required development standards.
 - c. *Alternative design review process.* The review of minor or major request will be as follows:
 1. Application must be made with the division of planning and development. The director of planning and development will determine when an application is complete.
 2. In the case of a minor request, upon the determination of a complete application, a seven-day review period will ensue. At the end of the seven-day review period the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 3. In the case of a major request, upon the determination of a complete application, a fourteen-day review period will ensue. Once determined complete, the application will be forwarded to the Nelson district overlay review team and within fourteen (14) days or less, the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 4. In the case of a minor request, the director of planning and development will make the final decision.
 5. In the case of a major request, the Nelson district overlay review team will make the final decision.
 6. The Fourteenth Judicial District Court is the proper forum for any aggrieved party of any decision made by the director of planning and development or the Nelson district overlay review team.
 - d. *Nelson district overlay review team.* The Nelson district overlay review team shall consist of the following members: Director of planning and development; police jury member, district six; police jury member, district eight; and two (2) planning and zoning board members, ward three.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-150. - Conflict.

Where the provisions of the Nelson district conflict with other applicable restrictions of the Calcasieu Parish Code of Ordinances, the provisions of this section shall prevail.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-151. - Property development regulations.

Property development regulations shall apply to any proposed development located within the boundary limits of the district and all development shall comply with the regulations of the underlying zoning districts, except where modified as follows for the Nelson district:

- (1) *Setbacks, maximum heights, and access.*
 - a. All buildings included in the overlay district along Nelson Road must be set back a minimum distance of thirty (30) feet from the right-of-way line of Nelson Road.

- b. Maximum height on all buildings thirty-five (35) feet.
- c. No building or parking is allowed within the thirty-foot building setback except for public amenities.

(2) *Building/landscape.*

- a. Front yard setback—Thirty (30) feet.
- b. Side yard landscaped buffer—Ten (10) feet.
- c. Corner lot front yard setback—Thirty (30) feet for both streets.
- d. Front yard and rear yard landscaped buffer—Fifteen (15) feet.
- e. Corner lots front yard landscaped buffer—Fifteen (15) feet for both streets.

(3) *Floor area.*

- a. None.
- b. *Outdoor seating areas.* Only fifteen (15) percent of the outdoor seating area of the buildings gross floor area.

(4) *Parking.*

- a. *Location.* All required parking spaces for the principal use shall be located on the rear or side of the principal structure. No parking spaces shall be located within the front yard setback. All developments located on corner lots shall comply with the thirty-foot setback on both streets.

All parking lots must have a concrete curb configuration. All parking areas must contain a minimum of one (1) class "A" or three (3) class "B" trees within a nine-by-20 square foot landscaped island for separation (See subsection 26-152(c)(2)b.). No parking places are allowed to be further than fifty (50) feet from a tree. Shared parking areas and driveways are encouraged.

Parking lot improvements.

Reduce environmental effects of run-off.

Reduce heat generated from pavement.

Enhance aesthetic appeal of area.

- b. *Rear service road.* Parcels providing access through a rear service road shall be a minimum of twenty (20) feet wide, subject to utility easement(s) to be approved by the parish engineer. The road must be unencumbered, built to parish standards, and not used for any other purposes.

(5) *Street and buffer trees.* Detailed information on landscaping is found in section 26-152

- a. *Planting requirements.* Landscaping and buffers. When a business is constructed within the boundary of the Nelson district, a solid six-foot wood or masonry fence must be installed on the designated lot line where contiguous to R-1 (single-family residential) or R-2 (mixed residential) lots with a minimum fifteen-foot setback for the rear yard buffer, ten-foot setback for the side yard buffer, and fifteen-foot setback for the front yard buffer, landscape included.
- b. *Location.* A planting area is required within the fifteen-foot front yard and rear yard setback and the ten-foot side yard setback. The minimum requirements for these planting areas include: (1) class "A" tree or three (3) class "B" trees for every fifty (50) linear feet within the buffer zone, or fraction thereof, measured at the property line. Seventy-five (75) percent of the required trees must be indigenous and may be located anywhere within the planting area. All planting areas will also be planted with shrubs and ground cover plantings to the

extent that forty (40) percent of the planting area is planted with vegetation other than turf grass. Corner lots with frontage on more than one (1) street must provide planting along both streets.

- c. *Alternative landscape plan.* Alternative landscaping and/or spacing may be provided, subject to approval of an alternative landscape plan.

(6) *Signage.*

- a. Article III, division 10, on-premises signs, shall govern the maximum number, height, area, and the location of freestanding signs.
- b. Notwithstanding any other provision to the contrary, only monument signs or wall signs are allowed in the Nelson district. Only one (1) monument sign is allowed per entrance or driveway. Only one (1) wall sign is permitted for each building.
- c. A monument sign or wall sign may not illuminate, flash, blink or fluctuate and may not be animated. No internal illumination is allowed.

(7) *Pedestrian circulation.*

- a. A paved, ADA (American Disabilities Act) compliant walkway shall be provided from all adjacent public sidewalks to all entrances used by the general public.
- b. Benches and trash receptacles shall be provided as follows: One (1) bench and one (1) trash receptacle per building.
- c. Walkways traversing vehicular use areas shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment (other than paint or striping) to indicate the pathway is intended for pedestrians.

(8) *Quality development standards.*

- a. *Public amenities.* Businesses locating within the Nelson district shall provide a minimum of one (1) of the following public amenities, which shall have a French Country theme and be incorporated within the thirty-foot front yard setback and the Nelson Road right-of-way.
 - 1. Public art;
 - 2. Outdoor seating or outdoor furniture with umbrellas for open-air eating;
 - 3. Outdoor patio, courtyard or plaza;
 - 4. Water feature, fountain, use of retention area as a focal point; or
 - 5. Parks, squares or other public open spaces; public open spaces shall be at least one hundred (100) feet by fifty (50) feet and are encouraged at intersections.
- b. *Architectural design guidelines.* The following general architectural design guidelines shall apply to a French Country-styled building:
 - 1. All roofing materials are limited to architectural asphalt shingles, standard seam copper, slate (or imitation slate) or clay tile.
 - 2. Roofs will have a minimum six-foot on twelve-foot pitch.
 - 3. All exterior wall materials are limited to brick or stucco. No vinyl or aluminum siding except where brick is not applicable (i.e., soffit, gable end, fascia board).
 - 4. Skylights will not be located on front elevations of the office. Bubble skylights and solar collectors are not allowed.
 - 5. All exposed portions of chimneys must be brick or stucco. Chimney caps are required with no exposed spark arrestors. Chimney materials will be brick, copper, bronze color, slate, or flagstone.

6. Storage sheds must be attached to the building and will be constructed of the same materials as the building. No prefab, freestanding structures will be permitted.
 7. All air-conditioning compressors will be screened and located in the rear.
 8. Refuse collection must be kept in a dumpster enclosed by a six-foot wood, or masonry fence. Dumpsters may not be located in building setback areas or landscape buffer areas.
- c. *Exterior of buildings.*
1. *Color.* Earth-tone colors shall be encouraged for the base building color. The same base building color may be used for the entire structure. Exterior siding shall be brick or stucco. Vinyl shall be used only where brick is not applicable (i.e., soffit, gable end, fascia board).
 2. *Entries.* All entries used by the general public shall be easily identifiable and integrated into the building architecture.
 3. *Awnings/canopies.* Weather protection, such as awnings or canopies, shall be provided over the pedestrian walkway within thirty (30) feet of all primary general public entrances. Awnings/canopies shall be provided over all entrances. The following types shall be prohibited: high-gloss vinyl; plastic; horizontal ribbing; flowered and multi-color (four (4) or more) designs.
 4. *Windows.* Clear or low-reflective glass shall be used for display windows and doors. Windows shall be defined with elements such as frames, sills, and headers.
 5. *Roofs.* All roof materials and colors shall complement the base building materials and color. Roof design shall include a minimum of one (1) distinctive architectural focal point or feature (e.g., cupola, dormer, widow's walk, weather vane, clock tower). Roofs will have a minimum six-on-twelve pitch.
 6. *Loading and service areas screening.* Loading docks, dumpsters, outdoor storage areas, compactors, and similar areas shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building and/or equivalent landscaping.
- d. *Lighting.*
1. All freestanding poles and wall-mounted exterior light fixtures shall be decorative and limited to a maximum height of eighteen (18) feet. Pole lighting is prohibited within fifteen (15) feet of a residential property line.
 2. Lighting mounted on buildings or fences shall be no more than seven (7) feet above the ground.
 3. Pole lighting is allowed in parking areas. Pole lighting is limited to eighteen (18) feet in height and must be located no closer than fifteen (15) feet from the property line.
 4. Any external lighting must be oriented inward toward the development or structures to minimize intrusion into surrounding property.
- e. *Prohibitions.* The following elements shall be prohibited: neon lights and colors, high intensity, metallic or fluorescent colors, mirror or solar glass with a reflectivity or opacity greater than sixty (60) percent.
- f. *Crime prevention through environmental design (CPTED).* A minimum of one (1) CPTED principle from each category below shall be incorporated into site design for all development.
1. *Reduce opportunities.* Creating an atmosphere that does not encourage or invite unlawful activity can reduce criminal opportunities.

Strategies include:

- (i) Well-lighted public outdoor areas and pedestrian walkways;
 - (ii) Well-lighted parking areas;
 - (iii) Direct general public access from all parking areas;
 - (iv) Signs directing general public to entrances for general public;
 - (v) Easily identifiable store entrances;
 - (vi) Difficult roof accessibility; and
 - (vii) "Call-out" pay phones only under surveillance.
2. *Increase visibility.* Visibility in and around the business area will help to reduce crime. Methods include:
- (i) Store windows facing all parking areas;
 - (ii) Interior shelves and displays not exceeding five (5) feet in height;
 - (iii) Well-lighted interior/exterior spaces;
 - (iv) Building-mounted lighting installed on all exterior walls, especially at delivery/service and entrances for general public;
 - (v) Clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles;
 - (vi) All entrances and exits under visual or electronic surveillance; and
 - (vii) Landscaping, buildings, walls and fences which do not create hiding places or hinder visibility.
3. *Territorial reinforcement.* Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:
- (i) Landscaping, special pavement, and low fences;
 - (ii) Public spaces identified by welcome, directional, marquee, or similar signs; and
 - (iii) Wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residence.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-152. - Landscape and tree plan.

- (a) *Purpose.* The purpose of this plan is to protect and enhance the Nelson district's environment, economic and aesthetic resources consistent with the goals of the Nelson district regulations, thereby promoting public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design in development. Further, the standards and requirements of this plan seek to promote the preservation, protection and enhancement of nature in the parish, and nature's unique features with particular emphasis on the urban forest canopy and vegetative cover of the land.
- (b) *Applicability of landscape requirements.* The provisions of this plan shall apply to:
 - (1) All new development within the Nelson Road overlay district.
 - (2) When an existing use converts or is replaced with a new type of use or when the existing use is damaged, destroyed, repaired or renovated to fifty (50) percent or more of the assessed market value of the structure.
 - (3) Development of vehicular use areas (parking lots) or vehicular use area additions of five (5) parking spaces or more.

(c) *Landscape standards.*

- (1) The following standards shall be included as the landscape plan prepared pursuant to Nelson district regulations.
 - a. All landscaping shall be installed in a sound manner and in accordance with accepted standards of the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by the Louisiana Nursery and Landscape Association.
 - b. Plant material shall be true to name, variety and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
 - c. All single-trunk trees shall have a minimum two-inch caliper measured at breast height immediately after planting. Single-trunk trees must measure a minimum of eight (8) feet tall immediately after planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
 - d. Multi-trunk trees shall have main stems with a minimum one-inch caliper measured at breast height per trunk immediately after planting. All multi-trunk trees shall have a minimum of three (3) main stems. The multi-trunk tree must measure a minimum of eight (8) feet tall immediately after planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
 - e. Tree standards. Trees selected for planting shall meet the minimum requirements provided in the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by the Louisiana Nursery and Landscape Association.
 - f. Shrub quality standards. Shrubs selected for planting shall meet the minimum requirements provided in the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by the Louisiana Nursery and Landscape Association. Shrub size shall be a minimum three-gallon, well-rooted container stock.
 - g. Groundcover and vines quality standards. Groundcover (other than turf grass) shall be minimum of four-inch, well-rooted container stock spaced no more than eight (8) inches on center. Well-rooted, two-and-one-half-inch container stock may be substituted and spaced six (6) inches on center. Vines and ground cover plants should show a number of vigorous woody runners or a well-developed crown.
 - h. A minimum of one hundred (100) square feet for each class "A" tree or fifty (50) square feet for each class "B" tree of non-paved area is required for each tree where it is planted. Non-paved area refers to an area of ground used for planting, and which is not covered with paving materials that are impervious or which inhibit the free movement of moisture and air into and out of the soil. Such areas may be partially covered with acceptable porous paving materials if prior approval has been obtained from the director of planning and development.
- (2) Technical requirements for the design, installation and maintenance of plant material and landscape area site development shall be as follows:
 - a. *Developed site area.* There shall be one (1) class "A" tree or three (3) class "B" trees for each five thousand (5,000) square feet, or fraction thereof, of developed site area. On sites where buildings exceed fifty thousand (50,000) square feet, fifty (50) percent of required trees shall be class "A".
 - b. *Street yard planting area.* Street yard planting area is the unpaved area of land located between the property line/right-of-way and any building, (i.e. within the fifteen-foot front landscape buffer area) designated for the preservation and placement of plant materials along all property lines that border Nelson Road.
 1. The street yard planting area shall contain a minimum of one (1) class "A" tree or three (3) class "B" trees for every fifty (50) linear feet of street yard, or fraction thereof. The street yard planting area must be a minimum of fifteen (15) feet in width from the front property line. Trees need not be planted in straight lines, and class B trees may be

clustered to enhance visual affects. All class A trees shall be spaced a minimum of thirty (30) feet (Live oaks forty-five (45) feet) and a maximum of fifty (50) feet. Class B trees shall be spaced at a minimum appropriate to species and a maximum of fifty (50) feet for singles and seventy-five (75) feet for clusters of three (3) or more.

2. The street yard planting area shall contain shrubs and non-turf groundcover plantings. Shrub and ground cover plantings must cover forty (40) percent of the street yard planting area. Generally, shrubs and groundcovers should be planted in masses of one (1) type per mass and in sufficient numbers to create beds or "drifts" of plants.
 3. The street yard planting area may contain pedestrian walkways, site furniture, signage, site lighting, fountains and any other appropriate landscape features as approved by the director of planning and development. Landscape fixtures should reflect the architectural character of the building.
 4. Retaining existing vegetation, either as lone growing specimens or groves of trees, within the street yard planting area is highly encouraged. Underbrush and non-native weeds may be removed, by hand methods only, to allow views to buildings and interior vehicular use areas.
 5. No parking lot will be allowed within the street yard planting area except for driveways entering and exiting the site.
 6. Lots with frontage on more than one (1) street shall calculate the street planting requirements along the entire street frontage of both streets.
- c. *Buffer yard screening.*
1. *Plant material.* May be used for screening purposes within the buffer yard area. Plant material screening may be located anywhere within the required fifteen-foot rear and ten-foot side buffer yard areas. There shall be a prescribed number of plants per every fifty (50) linear feet. The plant material shall provide the required screening within three (3) years from the time installed.
 2. *Buffer walls.* Any wall shall be constructed in a durable fashion with a finished surface of brick, stone or other decorative masonry material approved by the director of planning and development.
 3. *Fences.* Shall be constructed in a durable fashion with weather-resistant wood and be of a consistent pattern. All material used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the director of planning and development may approve a buffer fence/wall constructed of other materials provided the materials will provide generally the same degree of opacity, durability as weather-resistant wood, and aesthetic compatibility with adjoining residential areas. A finished side of all wall or fences shall face the common property line boundary. No wall or fence used for screening purposes shall be more or less than six (6) feet in height above grade.
 4. Prescribed fences or walls may be waived if a building, fence or wall of at least equivalent height, opacity and maintenance exists immediately abutting and on the opposite side of said property line.
- d. *Sight triangle area.* No planting or ground cover in sight triangle areas shall exceed twenty-four (24) inches in height at maturity.
- e. *Vehicular use area.* Vehicular use areas shall be required to be landscaped with trees, shrubs and ground cover other than turf grass in the parking island, peninsula, or planting space. Such landscaping shall be distributed within the vehicular use area in such a manner that no parking space is further than fifty (50) feet from a class "A" tree.
1. For vehicular use areas of one (1) to twenty five (25) parking spaces, one (1) class "A" tree or three (3) class "B" trees for every five (5) parking spaces, or fraction thereof.

2. For vehicular use areas of twenty five (25) to one hundred (100) parking spaces, one (1) class "A" tree or three (3) class "B" trees for every ten (10) parking spaces, or fraction thereof.
 3. For vehicular use areas of over one hundred (100) parking spaces, one (1) class "A" tree or three (3) class "B" trees for every fifteen (15) parking spaces, or fraction thereof.
 4. Any parking island, peninsula, or planting space internal to a vehicular use area must have a minimum width of nine (9) feet by twenty (20) feet of non-paved area if it is to contain a tree or trees.
 5. Interior islands, peninsulas, or green space provided around a tree (or trees) for preservation shall provide a non-paved area no nearer than three (3) feet from the tree(s) drip line or a distance of twelve (12) times the diameter of the trunk (DBH) in feet, whichever is lesser, or as may be required to insure the survival of the preserved tree(s), subject to the approval of the director of planning and development.
 6. Underground utilities, drain lines, and the like which are placed beneath vehicular use area planting spaces shall be installed as near to the edge of the planting space as possible, within the outer one-third (1/3) of the available width of the planter, so as not to interfere with tree installation.
 7. All vehicular use area planter spaces shall be protected from vehicular access by continuous concrete barrier or vertical face curbing of a minimum six-inch height.
- f. *[Maintenance.]* Technical requirements for the maintenance of plant materials and landscape areas shall be as follows:
1. The owner or his agent shall be responsible for the maintenance, repair and replacement of all landscape materials as may be required by these plans.
 2. Landscape maintenance specifications require that all landscaping shall be maintained in a sound manner and in accordance with accepted maintenance procedures as established by the Louisiana Nursery and Landscape Association.
 3. All plant materials and planted areas shall be tended and maintained in a healthy growing condition; replaced when necessary and kept free of refuse and debris.
- (d) *Tree and urban forest preservation standards.*
- (1) Existing trees shall be encouraged towards the landscape materials required by these plans.
 - a. In the Nelson district, as it relates to tree-planting requirements, the preservation of existing trees within street yard planting areas, buffer areas and other areas of the site, which are left undisturbed by construction are encouraged.
 - b. The owner is encouraged to preserve as many existing mature trees and shrubs as possible in the design and implementation of the landscape plan.
 - c. Trees preserved in the street planting area shall be credited towards street planting requirements, trees preserved in vehicular use areas shall be credited toward vehicular use area requirements, and trees preserved in a buffer planting area shall be credited toward buffer area planting requirements.
 - (2) It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. If a preserved tree dies within five (5) years, it is the responsibility of the owner to replace that tree with the number of trees of the required class on a matching basis within six (6) months.
 - (3) Duties relating to trees, and the placing of materials; indemnity bond. In the erection of any building or structure, the builder, contractor or owner thereof shall use best management practices (BMPs) (e.g., tree guards or barriers) around all existing credited trees on the development site to prevent injury to them, and shall not place building materials or trash upon neutral grounds without the permission of the director of planning and development. Contractors and others doing

work on neutral grounds, either for excavation or other projects for which permission has been granted by the director of planning and development, shall give bond to the parish to guarantee the payment of all costs for repairing any settlement or other damage or deterioration that shall take place in the neutral grounds as a result of the project undertaken by them.

(e) *Landscape plan requirements.*

- (1) All development permit applications covered by this shall be accompanied by a landscape plan. A qualified professional shall draw landscape plans. The landscape plan shall include such criteria that are required by the director of planning and development to determine compliance with this code. These criteria shall include, but are not limited to:
 - a. The planting plans shall be drawn to a universal scale (i.e., 1" = 10', 1/4"p = 1', etc.).
 - b. All plants drawn on the planting plan shall be shown at the average mature size.
 - c. Show all buildings, walkways, vehicular use areas, utility areas, sight triangles, and miscellaneous site structures.
 - d. Show all on and off site utilities, servitudes, rights-of-way, or easements.
 - e. Show proposed routing of utility service to proposed buildings.
 - f. Show all current land use of all adjacent property.
 - g. Show all protected trees and their trunk sizes using DBH (diameter measured at breast height—Four and one-half (4½) feet). Show actual canopy spread of all protected trees or groupings of trees.
 - h. Show layout of all plant materials, sizes, and specifications.
 - i. Show all other proposed site development amenities.
 - j. Show all existing and proposed paved surfaces, curbs, steps and grade changes.
 - k. Show topography, existing natural features, and drainage information.
 - l. Provide complete plant schedule of materials to be planted on the site.
 - m. Provide irrigation or watering system plans if applicable.
- (2) *Tree removal, tree relocation or tree pruning.* The director of planning and development shall have the authority to require that property owners treat, or allow the parish at the property owners' expense to treat, trees or shrubs suffering from transmittable diseases or infestation pests. If the disease or pests warrant(s) drastic action to curb the spread to healthy trees or shrubs, on the advice of the director of planning and development, the property owner shall cut and destroy the trees or shrubs or else allow the parish to do so, charging the actual cost to the property owner.

Documentation with permit application: A landscape plan shall be submitted along with the building plans when applying for a development permit. The director of planning and development shall approve the landscape plan prior to issuance of the development permit.
- (3) *Alternative design solutions.* The director of planning and development shall have the authority to approve alternative design solutions where it is found that the requirements of this section may impede the objectives of the proposed development. The alternative design solution shall be equal or exceed the requirements of this section. In no way shall the alternative design solution circumvent the intent of this section.

(f) *Enforcement and appeals.*

- (1) The director of planning and development shall enforce the requirements set forth and also shall be responsible for performing necessary inspections to determine if the required landscaping has been installed according to the approved landscape plan.

- (2) The director of planning and development shall review each landscape plan and within ten (10) working days from receipt of such plan, either approve it or issue to the applicant a written denial.
 - (3) Any applicant whose landscape plan is rejected in whole or in part by the director of planning and development may appeal to the planning and zoning board within thirty (30) days of written notice of rejection. The appeal must be in writing and fully state the reason or reasons for appeal. A copy of the landscape plan, as submitted to the director of planning and development, must also accompany the written appeal.
- (g) *Part supplementary to other ordinances.*
- (1) These requirements shall be supplemental and in addition to the Nelson district regulations and to any other ordinances or regulations designed to protect the public property and rights-of-way or designed to protect, improve or beautify the Nelson district.
 - (2) Nothing contained herein shall be construed to impede or interfere with a public utility's right and obligation to provide timely service to the public.
- (h) *List of trees/shrubs.* A list of trees/shrubs to satisfy these requirements is contained in the appendix.
(Ord. No. 6143, § II, 12-6-12)

DIVISION 2. - LAKE STREET OVERLAY DISTRICT

Sec. 26-153. - Purpose and intent.

Zoning district C-1 LD (light commercial—Lake Street) is hereby created for the purpose of providing incentives to encourage infill development and redevelopment along Lake Street, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The intent of this overlay district is to implement the community's vision for the area and to address the unique land development constraints along Lake Street. The standards contained herein will ensure that new development is compatible and enhances the appearance of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-154. - Boundaries.

The Lake Street district consists of those lands within boundary commencing approximately four hundred eighty (480) feet north of the intersection of Lake Street and Ham Reid Road extending south to Gauthier Road in Calcasieu Parish. The boundary is five thousand eight hundred (5,800) feet in length and four hundred (400) feet in depth from the right-of-way on both sides of Lake Street including the ninety-foot right-of-way for Lake Street.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-155. - Permitted uses.

Permitted uses include: Business and professional offices; institutions; churches; parks, bakeries; catering and delicatessen services; clinics; convenience stores; day cares; drug stores; fix-it shops; food service shops; funeral homes; gas stations; nurseries (horticultural); personal service shops; ponds; public uses; restaurants (alcoholic beverages consumed on premises); and studios.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-156. - Nonconforming uses—Structures.

All current residences and businesses located within the boundary of the Lake Street district are exempt from complying with the overlay district regulations, except: a) when a residential use converts or is replaced with a business-type use or; b) when an existing business is damaged, destroyed, repaired or renovated to fifty (50) percent or more of the market value of the structure.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-157. - Zoning.

All parcels subdivided or unsubdivided within the boundary of the Lake Street district shall be zoned C-1 (light commercial), but regulated pursuant to permitted uses set forth in these regulations and further herein described as C-1 LD (light commercial Lake Street district). There shall be no adjustments within the Lake Street district except when approved as an alternative design.

- (1) *Alternative design.* Alternative design solutions may be submitted to the division of planning and development when it is found that the literal interpretation of this article causes an undue hardship or may impede the objectives of the proposed development. Alternative designs may apply only to site planning difficulties (i.e., setbacks, landscaping, architectural design guidelines, parking, etc.)
- (2) *Alternative request.* There will be two (2) types of request for alternative designs to the Lake Street District overlay considered. Type one will consist of a minor and type two a major.
 - a. *Minor:* A request made for changes in development standards such as building setbacks, parking, landscaping, etc. that do not vary more than twenty (20) percent of the required development standards.
 - b. *Major:* A request made to enlarge the boundary of the district, a request to establish a specific use that is not allowed within the particular section of the district, modifications to the architectural theme or when any variance request for development standards exceed twenty (20) percent of the required development standards.
- (3) *Alternative design review process.* The review of minor or major request will be as follows:
 - a. Application must be made with the division of planning and development. The director of planning and development will determine when an application is complete.
 - b. In the case of a minor request, upon the determination of a complete application, a seven-day review period will ensue. At the end of the seven-day review period the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 - c. In the case of a major request, upon the determination of a complete application, a fourteen-day review period will ensue. Once determined complete, the application will be forwarded to the Lake Street district overlay review team and within fourteen (14) days or less, the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 - d. In the case of a minor request, the director of planning and development will make the final decision.
 - e. In the case of a major request, the Lake Street district overlay review team will make the final decision.
 - f. The Fourteenth Judicial District Court is the proper forum for any aggrieved party of any decision made by the director of planning and development or the Lake Street district overlay review team.
- (4) *Lake Street overlay review team.* The Lake Street district overlay review team shall consist of the following members: director of planning and development; police jury member, district six; police jury member, district seven; and two (2) planning and zoning board members, ward three.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-158. - Conflict.

Where the provisions of the Lake Street district conflict with other applicable restrictions of the Calcasieu Parish Code of Ordinances, the provisions of this section shall prevail.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-159. - Property development regulations.

Property development regulations shall apply to any proposed development located within the boundary limits of the district, and all development shall comply with the regulations of the underlying zoning districts, except where modified as follows for the Lake Street district:

- (1) *Setbacks, maximum heights, and access.*
 - a. All buildings included in the overlay district along the Lake Street district must be set back a minimum distance of thirty (30) feet from the right-of-way line of Lake Street.
 - b. Maximum height on all buildings thirty-five (35) feet.
 - c. No building or parking is allowed within the thirty-foot building setback except for public amenities.
- (2) *Building/landscape.*
 - a. Front yard setback—Thirty (30) feet.
 - b. Corner lot front yard setback—Thirty (30) feet for both streets.
 - c. Side yard landscaped buffer—Ten (10) feet.
 - d. Front yard and rear yard landscaped buffer—Fifteen (15) feet.
 - e. Corner lot front yard landscaped buffer—Fifteen (15) feet for both streets.
- (3) *Floor area.*
 - a. None.
 - b. Outdoor seating areas: Only fifteen (15) percent of the outdoor seating area of the buildings' gross floor area.
- (4) *Parking.*
 - a. All required parking spaces for the principal use must be located on the rear or side of the principal structure. No parking spaces shall be located within the front yard setback. All developments located on corner lots shall comply with the thirty-foot setback on both streets.
 - b. All parking lots must have a concrete curb configuration. Shared parking areas and driveways are encouraged. Parking lot improvements are to:
 1. Reduce environmental effects of run-off;
 2. Reduce heat generated from pavement; and
 3. Enhance aesthetic appeal of area.
 - c. Rear service road (alleys). Parcels providing access through a rear service road shall be a minimum of twenty (20) feet wide, subject to utility easements to be approved by the parish engineer. The road must be unencumbered, built to parish standards, and not used for any other purposes.
- (5) *Buffer requirements.* When a business is constructed within the boundary of the Lake Street district, a solid six-foot wood or masonry fence must be installed on the designated lot line where

contiguous to R-1 (single-family residential) or R-2 (mixed residential) lots with a minimum fifteen-foot setback for the rear yard buffer, ten-foot for the side yard buffer, and fifteen-foot setback for the front yard buffer, landscape included.

(6) *Signage.*

- a. The Parish Code shall govern the maximum number, height, and area, and the location of freestanding signs.
- b. Notwithstanding any other provision to the contrary, only monument signs or wall signs are allowed in the Lake Street district. Only one (1) monument sign is allowed per entrance or driveway. One (1) wall sign is permitted for each building.
- c. A monument sign or wall sign may not flash, blink or fluctuate and may not be animated. No internal illumination is allowed.

(7) *Pedestrian circulation.*

- a. A paved, ADA (American Disabilities Act) compliant walkway shall be provided from all adjacent public sidewalks to all entrances used by the general public.
- b. Benches and trash receptacles shall be provided as follows: One (1) bench and trash receptacle per building.
- c. Walkways traversing vehicular use areas shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment (other than paint or striping) to indicate the pathway is intended for pedestrians.

(8) *Quality development standards.*

- a. *Public amenities.* Businesses locating within the Lake Street district shall provide a minimum of one (1) of the following five (5) public amenities, which shall have a French Country, contemporary, or traditional theme and be incorporated within the thirty-foot front yard setback and the Lake Street road right-of-way.
 1. Public art;
 2. Outdoor seating or outdoor furniture with umbrellas for open-air eating;
 3. Outdoor patio, courtyard or plaza;
 4. Water feature/fountain/use of retention area as a focal point;
 5. Parks, squares or other public open spaces. Public open spaces shall be at least one hundred (100) feet by fifty (50) feet and are encouraged at intersections.
- b. *Architectural design guidelines: (French Country, contemporary, and traditional).* The following general architectural design guidelines shall apply to a French Country, traditional or contemporary-styled building:
 1. All roofing materials are limited to architectural asphalt shingles, standard seam copper, slate (or imitation slate) or clay tile.
 2. Roofs will have a minimum six-foot on twelve-foot pitch.
 3. All exterior wall materials are limited to brick, vinyl, hardy plank or stucco. No aluminum or metal siding except where applicable (i.e., soffit, gable end, facial board).
 4. All exposed portions of chimneys must be brick or stucco. Chimney caps are required with no exposed spark arrestors. Chimney materials will be brick, copper, bronze color, slate, or flagstone.
 5. Storage sheds must be attached to the building and will be constructed of the same materials as the building. No prefab, freestanding structures will be permitted.
 6. All air-conditioning compressors will be screened and located in the rear; and

7. Refuse collection must be kept in a dumpster enclosed by a six-foot wood or masonry fence. Dumpsters may not be located in building setback areas or landscape buffer areas.
- c. *Exterior of buildings.*
1. Earth-tone colors shall be encouraged for the base building color. The same base building color may be used for the entire structure.
 2. All entries used by the general public shall be easily identifiable and integrated into the building architecture.
 3. All roofing materials and colors shall compliment the base building materials and color.
 4. Loading docks, dumpsters, outdoor storage areas, compactors, and similar areas shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building and/or equivalent landscaping.
- d. *Lighting.*
1. All freestanding poles and wall mounted exterior light fixtures shall be decorative and limited to a maximum height of eighteen (18) feet. Pole lighting is prohibited within fifteen (15) feet of a residential property line.
 2. Lighting mounted on buildings or fences shall be no more than seven (7) feet above the ground.
 3. Pole lighting is allowed in parking areas. Pole lighting is limited to eighteen (18) feet in height and must be located no closer than fifteen (15) feet from the property line.
 4. Any external lighting must be oriented inward toward the development or structures to minimize intrusion into surrounding property.
- (9) *Prohibitions.* The following elements shall be prohibited: neon lights and colors, high intensity, metallic or fluorescent colors, mirror or solar glass with a reflectivity or opacity greater than sixty (60) percent.
- (10) *Crime prevention through environmental design (CPTED).* A minimum of one (1) CPTED principle from each category below shall be incorporated into site design for all development.
- a. Reduce opportunities.
 - b. Creating an atmosphere that does not encourage or invite unlawful activity can reduce criminal opportunities.
Strategies would include:
 1. Well-lighted public outdoor areas and pedestrian walkways.
 2. Well-lighted parking areas.
 3. Direct general public access from all parking areas.
 4. Signs directing general public to entrances for general public.
 5. Easily identifiable store entrances.
 6. Difficult roof accessibility.
 7. "Call-out" pay phones only under surveillance.
 - c. Visibility in and around the business area will help to reduce crime.
Methods would include:
 1. Store windows facing all parking areas.

2. Interior shelves and displays not exceeding five (5) feet in height.
 3. Well-lighted interior/exterior spaces.
 4. Building-mounted lighting installed on all exterior walls, especially at delivery/ service and entrances for general public.
 5. Clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles.
 6. All entrances and exits under visual or electronic surveillance.
 7. Landscaping, buildings, walls and fences, which do not create hiding places or hinder visibility.
- d. *Territorial reinforcement.* Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:
1. Landscaping, special pavement, and low fences.
 2. Public spaces identified by welcome, directional, marquee, or similar signs.
 3. Wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residence.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-160. - Landscaping.

- (a) *Purpose.* The purpose of this plan is to protect and enhance the Lake Street district's environment, economic and aesthetic resources consistent with the goals of the Lake Street district regulations, thereby promoting public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design in development. Further, the standards and requirements of this plan seek to promote the preservation, protection and enhancement of nature in the parish, and nature's unique features with particular emphasis on the urban forest canopy and vegetative cover of the land.
- (b) *Applicability of landscape requirement.* The provisions of this plan shall apply to:
- (1) All new development within the Lake Street overlay district.
 - (2) When an existing use converts or is replaced with a new type of use or when the existing use is damaged, destroyed, repaired or renovated to fifty (50) percent or more of the assessed market value of the structure.
 - (3) The street yard planting area shall contain shrubs and non-turf groundcover planting. Shrub and groundcover planting must cover forty (40) percent of the street yard planting area. Generally, shrubs and groundcovers should be planted in masses of one (1) type per mass and in sufficient numbers to create beds or "drifts" of plants.
 - (4) *Sight triangle area.* No planting or ground cover in sight triangle areas shall exceed twenty-four (24) inches in height at maturity.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 3. - PLANNED UNIT DEVELOPMENT

Sec. 26-161. - Planned unit development.

- (a) *Intent.* It is the intent of this division to permit flexibility in the use and design of structures and land in situations where modification of specific provisions of this chapter will not be contrary to its intent and purpose, or significantly inconsistent with the planning on which it is based, and will not be harmful to the neighborhood in which they occur.
- (b) *Application and modification powers.* The provisions of this division may be applied upon application to petition by the owner, to any lot exceeding ten (10) acres in size. The owner shall file with the police jury a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, the application to petition shall furnish such other information as the police jury may reasonably require. Acting upon the application to petition, the police jury may alter setback requirements, height limits, building size limits, and off-street parking regulations. It may also authorize uses not permitted in the district where the lot is located, provided such uses are desirable or convenient for the uses of the lot as developed to the immediate neighborhood, and provided that such uses are planned so as to assure that such will not materially alter the existing character of the neighborhood. However, uses not permitted in the district where the lot is located shall not be permitted to occupy more than twenty (20) percent of the building floor area. Where the police jury determines that the application is consistent with intent and with other requirements thereof, it shall enter an order recommending development and use in accordance with the site plan and description contained in the application, modified as the police jury may require to carry out the intent and purpose of this section, and containing any conditions or restrictions which the police jury may consider necessary to carry out the purpose of this chapter and to protect the public health, safety, and welfare. The order shall recite the reasons and findings of fact upon which it is based.
- (c) *Procedural requirements.* Prior to taking final action on a planned unit development application, the police jury shall refer the application to petition to the board for a recommendation, and the board shall hold a public hearing.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 4. - AIRPORTS

Sec. 26-162. - Lake Charles Regional Airport.

- (a) *Short title.* This section shall be known and may be cited as "Lake Charles Regional Municipal Airport Hazard Zoning Ordinance."
- (b) *Airport zones.* In order to carry out these provisions, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on Lake Charles Regional Airport zoning map which is on file in the office of the police jury. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
 - (1) *Runway larger than utility visual approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its center line being the continuation of the center line of the runway. This zone applies to future runway 15L and 33R and existing runway 23 with future extension.
 - (2) *Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its center line being the continuation of the

center line of the runway. This zone applies to existing runway 5 with future extension and runway 33 with future extension.

- (3) *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its center line being the continuation of the center line of the runway. This zone applies to existing runway 15.
 - (4) *Transitional zones.* These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety (90) degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach zones and at ninety-degree angles to the extended runway center line.
 - (5) *Horizontal zone.* The horizontal zone is hereby established by swinging arcs of ten thousand (10,000) feet radii from the center of the end of the primary surface of the appropriate runway ends, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zones do not include the approach and transitional zones.
 - (6) *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The conical zones do not include the precision instrument approach zones and the transitional zones.
- (c) *Height limitations.*
- (1) *Enumerated.* Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this article to a height in excess of the applicable height limit established in this section for such zone. The applicable height limitations are hereby established for each of the zones in question as follows:
 - a. *Runway larger than utility visual approach zone.* Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
 - b. *Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.* Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line.
 - c. *Precision instrument runway approach zone.* Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway center line.
 - d. *Transitional zones.* Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty (150) feet above the airport elevation which is one hundred fifty-five (155) feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the

precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway center line.

- e. *Horizontal zone.* One hundred fifty (150) feet above the airport elevation or a height of one hundred sixty-six (166) feet above mean sea level.
 - f. *Conical zone.* Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- (2) *Construction.* Nothing in this section shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to forty-five (45) feet above the surface of the land.
- (3) *Conflicting limitations.* Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.
- (d) *Use restrictions.* Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise in any way create a hazard or endanger the landing takeoff, or maneuvering of the aircraft intending to use the airport.
- (e) *Nonconforming uses.*
- (1) *Regulations not retroactive.* These regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations of Ordinance No. 1674, adopted by the police jury on November 2, 1977, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to Ordinance No. 1674, adopted by the police jury on November 2, 1977, and is diligently prosecuted.
 - (2) *Marking and lighting.* Notwithstanding the preceding provision of this subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the zoning director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. The markers and lights shall be installed, operated, and maintained at the expense of the airport.
- (f) *Permits.*
- (1) *Future uses.* No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted:
 - a. However, a permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred (4,200) feet from each end of the runway except when the tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone;
 - b. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform

to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- (2) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of Ordinance No. 1674, adopted by the police jury on November 2, 1977, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
 - (3) *Nonconforming uses abandoned or destroyed.* Whenever the zoning director determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
 - (4) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this article, may apply to the board for a variance from such regulations. The variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this section.
 - (5) *Hazard marking and lighting.* Any permit or variance granted may, if the action is deemed advisable to effectuate the purpose of this section and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the pilots the presence of an airport hazard.
- (g) *Enforcement by zoning director.* It shall be the duty of the zoning director to administer and enforce the regulations prescribed in this section. Applications for permits and variances shall be made to the zoning director upon a form furnished by him. Applications required by this article to be submitted to the zoning director shall be promptly considered and granted or denied by him. Application for action by the board shall be forthwith transmitted by the zoning director.
- (h) *Planning and zoning board.*
- (1) The board shall have and exercise the following powers:
 - a. To hear and decide appeals from any order, requirement, decision, or determination made by the zoning director in the enforcement of this section;
 - b. To hear and decide special exceptions to the terms of this article upon which the board under such regulations may be required to pass; and
 - c. To hear and decide specific variances.
 - (2) The board shall be the Calcasieu Parish Planning and Zoning Board.
 - (3) The board shall adopt rules for its governance and in harmony with these provisions. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of zoning director and on due cause shown.
 - (4) The board shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under these provisions.
 - (5) The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision, or determination of the zoning director or to decide in favor of the

applicant on any matter upon which it is required to pass under this section, or to effect variation in this section.

(i) *Appeals.*

- (1) Any person aggrieved, or any taxpayer affected by any decision of the zoning director made in his administration of this section, may appeal to the board.
- (2) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board, by filing with the zoning director a notice of appeal specifying the grounds thereof. The zoning director shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning director certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board on notice to the zoning director and on due cause shown.
- (4) The board shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (5) The board may, in conformity with these provisions, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

(j) *Judicial review.* Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the zoned area jointly or severally aggrieved by any decision of the board, may present to the civil district court of the parish, within thirty (30) days after filing of the decision in the office of the board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the state.

(k) *Penalties.* Anyone violating any provision of this article shall, upon conviction, be subject to punishment as provided in section 1-9 of this Code.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-163. - Chennault International Airport.

(a) *Short title.* This section shall be known and may be cited as the Chennault International Airport Flight Hazard Zoning Ordinance.

(b) *Airspace obstruction zones.*

(1) *Airspace zones [established].* In order to carry out these provisions, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Chennault International Airport. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- a. *Utility runway visual approach zone.* No secondary approach will be provided for a utility runway except by permission of Chennault Tower.
- b. *Utility runway nonprecision instrument approach zone.* No secondary approach will be provided for a utility runway except by permission of Chennault Tower.
- c. *Transitional zones.* The transitional zones are the areas beneath the transitional surfaces.
- d. *Horizontal zone.* The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting

the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

- e. *Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.

All zones defined in this section shall be governed by all applicable federal aviation regulations.

(2) *Airspace zone height limitations.* Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- a. *Utility runway approach zone.* No secondary approach will be provided for a utility runway except by permission of Chennault Tower.
- b. *Transitional zones.* Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- c. *Horizontal zone.* Established at one hundred fifty (150) feet above the airport elevation.
- d. *Conical zone.* Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending horizontally four thousand (4,000) feet to a height of three hundred fifty (350) feet above the airport elevation.
- e. *Excepted height limitations.* Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

(c) *Land use safety zones.* Zones established. In order to carry out the purpose of this section, as set forth above, and also in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Chennault International Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, all of the land within fifty thousand (50,000) feet of the established airfield reference point is divided into height limiting zones, the boundaries of which and the height applicable thereto are shown on the Chennault Air Force Base zoning map, which is on file with the police jury, attached and made a part of Ordinance No. 3029, adopted by the police jury on December 15, 1988, and hereby created and established are the following land use safety zones:

- (1) *Height limits.* Except as otherwise provided in this section, no structure or natural growth shall be erected, altered, allowed to grow, or maintained in the height limiting zones described below to a height in excess of the height specified therefor or established for the zone.

For the purpose of this section, the following height limits are established for each of the height limiting zones in question:

Radial Circle Zone (Identify From Plan)	Maximum Permissible Height (Feet)
10,000 ft.	150

11,000 ft.	200
12,000 ft.	250
13,000 ft.	300
14,000 ft.	350
15,000 ft.	400
16,000 ft.	450
17,000—50,000 ft.	500

(2) *Safety zones.* At each end of the runway there will be a safety zone of one thousand (1,000) feet along extended centerline of the runway. From the end of the safety zone and along the extension of the runway centerline, the glide angle extends a distance of ten thousand (10,000) feet until it reaches an elevation of two hundred (200) feet. The glide angle is based on a rise of one (1) foot vertically for every fifty (50) feet horizontally. From the end of the glide angle a flat plane zone of two hundred (200) feet elevation and five thousand (5,000) feet in width, two thousand five hundred (2,500) feet in each direction perpendicular to runway centerline extension, extends a distance of forty thousand (40,000) feet. From this point a plane of one (1) to seven (7) ratio extends two thousand one hundred (2,100) feet horizontally and three hundred (300) feet vertically along runway centerline extension.

The total distance of thirty-two thousand one hundred (32,100) feet at each end of the runway comprises the approach and take-off distance required for aircraft.

- (d) *Airport zoning map.* The several zones herein established for the unincorporated areas of Calcasieu Parish, Louisiana, are shown on the Chennault Air Force Base zoning map, which is on file with the police jury, attached and made a part of Ordinance No. 3029, adopted by the police jury on December 15, 1988, which together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this section.
- (e) *Use restrictions.* Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (f) *Nonconforming uses.*
- (1) *Regulations not retroactive.* The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the

construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted.

- (2) *Marking and lighting.* Notwithstanding the preceding provision of this subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. The airport owner shall also have the right to install at its cost such markers and lights as shall be deemed necessary by the airport owner, on structure or trees which may not penetrate the horizontal or conical surfaces but which are considered by the airport owner to be potential hazards to air navigation.

(g) *Development permits.*

- (1) *Future uses.* Except as specifically provided in paragraphs (1) and (2) hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a development permit therefor shall have been applied for and granted by the Calcasieu Parish Police Jury through the office of planning and development, as hereinafter provided for. Each application for a development permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the development permit shall be granted. A copy of each development permit application when filed shall also be sent by the applicant by certified mail to the Assistant Secretary, Office of Aviation and Public Transportation, State Department of Transportation and Development.
- (2) *Existing uses.* No development permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the section or any amendments thereto or than it is when the application for a development permit is made. Except as indicated, all applications for such a development permit shall be granted.
- (3) *Nonconforming uses abandoned or destroyed.* When the office of planning and development of the Calcasieu Parish Police Jury determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (4) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section, may apply to the board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the board of appeal unless a copy of the application has been furnished to the Assistant Secretary, Office of Aviation and Public Transportation, State Department of Transportation and Development and to the Chennault International Airport Authority for advice as to the aeronautical effects of the variance. If the Chennault International Airport Authority does not respond to the application within fifteen (15) days after receipt, the board may act on its own to grant or deny said application.
- (5) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board, this condition may be modified to require the owner to permit the Chennault

International Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

- (h) *Enforcement.* It shall be the duty of the office of planning and development of the police jury to administer and enforce the regulations prescribed herein for the unincorporated areas of Calcasieu Parish, Louisiana. Applications for permits and variances shall be made to the office of planning and development. Applications required are to be submitted to the office of planning and development shall be promptly considered and granted or denied. Application for action by the board shall be forthwith transmitted by the office of planning and development.
- (i) *Planning and zoning board; appeal procedures.*
- (1) The board shall have and exercise the following powers:
 - a. To hear and decide appeals from any order, requirement, decision, or determination made by the office of planning and development in the enforcement of any ordinance adopted pursuant thereto;
 - b. To hear and decide special exceptions to the terms of the ordinance upon which such board may be required to pass under such ordinance;
 - c. To hear and decide specific variances under R.S. 2:385B and Act 1274 of 1997 (R.S. 33:120.5 et seq.), as amended.
 - (2) The board shall adopt rules in accordance with the provisions of any ordinance adopted hereunder. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.
 - (3) Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, or bureau of the political subdivision affected by any decision of the office of planning and development. An appeal must be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
 - (4) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the agency from which the appeal is taken and on due cause shown.
 - (5) The board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
 - (6) The board may reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the office of planning and development from which the appeal is taken.
 - (7) The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision, or determination of the office of planning and development, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(j) *Judicial review.*

- (1) *Petition.* Any person aggrieved by any decision of the board, or any taxpayer, or any officer, department, board or bureau of the political subdivision, may present to the district court of Calcasieu Parish a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the decision is filed in the office of the board .
- (2) *Certiorari.* Upon presentation of such petition the court may allow a writ of certiorari directed to the board to review such decision of the board. The allowance of the writ shall not stay proceeding upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- (3) *Stay of proceedings.* The board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (4) *Jurisdiction of the court.* The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the board. The findings of fact by the board, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.
- (5) *Costs.* Costs shall not be allowed against the board unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

- (k) *Penalties.* Whoever violates this section or any regulation, order, or ruling promulgated pursuant to this section shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than ninety (90) days, or both. Each day a violation continues to exist shall constitute a separate offense.

In addition, the police jury may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of the section or of airport zoning regulations adopted under this section, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of this section and of the regulations adopted and orders and rulings made pursuant thereto.

- (l) *Acquisition of air rights, servitudes, or other interests.* In any case in which: (1) it is desired to remove, lower, or otherwise terminate a nonconforming use; or (2) the necessary approach protection cannot, because of constitutional limitations, be provided by airport zoning regulations under this section; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located, or the political subdivision owning the airport or served by it, may acquire by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, such an air right, servitude, or other estate or interest in the property or nonconforming use in question as may be necessary to effectuate the purposes of this section.
- (m) *Conflicting regulations.* Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.
- (n) *Severability.* If any of the provisions of this section or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end, the provisions of the section are declared to be severable.

- (o) *Effective date.* Whereas, the immediate operation of these provisions is necessary for the preservation of the public health, public safety and general welfare, an emergency is hereby declared to exist, and this section shall be in full force and effect from and after its passage by the Calcasieu Parish Police Jury and publication and posting as required by law.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-164. - West Calcasieu Airport.

- (a) *Short title.* This section shall be known and may be cited as the West Calcasieu Airport Hazard Zoning Ordinance.

- (b) *Airspace obstruction zones.*

- (1) *Airspace zones.* In order to carry out these provisions, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the West Calcasieu Airport. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- a. *Utility runway visual approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- b. *Utility runway nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- c. *Visual runway larger than utility approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- d. *Runway larger than utility with a visibility minimum greater than three-quarter mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expanded outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- e. *Runway larger than utility with a visibility minimum as low as three-quarter mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- f. *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the runway.
- g. *Transitional zones.* The transitional zones are the areas beneath the transitional surfaces.

- h. *Horizontal zone.* The horizontal zone is establishment by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - i. *Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.
- (2) *Airspace zone height limitations.* Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
- a. *Utility runway visual or nonprecision instrument approach zone.* Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
 - b. *Visual runway larger than utility approach zone.* Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
 - c. *Runway larger than utility with a visibility minimum greater than three-quarter mile nonprecision instrument approach zone.* Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
 - d. *Runway larger than utility with a visibility minimum as low as three-quarter mile nonprecision instrument approach zone.* Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
 - e. *Precision instrument runway approach zone.* Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
 - f. *Transitional zones.* Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway centerline.
 - g. *Horizontal zone.* Established at one hundred fifty (150) feet above the airport elevation.
 - h. *Conical zone.* Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending horizontally four thousand (4,000) feet to a height of three hundred fifty (350) feet above the airport elevation.

- i. *Excepted height limitations.* Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height up to fifty (50) feet above the surface of the land.

(c) *Land use safety zones.*

(1) *Established.* In order to carry out the purpose of this section, as set forth above, and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the West Calcasieu Airport, and furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

- a. *Safety zone A.* All land in that portion of the approach zones of a runway, as defined in subsection (b)(1) above, which extends outward from the end of primary surface a distance equal to two-thirds (2/3) of the planned length of the runway, which distance shall be:
 1. Three thousand three hundred thirty-three (3,333) feet for Runway 15;
 2. Three thousand three hundred thirty-three (3,333) feet for Runway 33.
- b. *Safety zone B.* All land in that portion of the approach zones of a runway, as defined in subsection (b)(1) above, which extends outward from Safety zone A, a distance equal to one-third (1/3) of the planned length of the runway, which distance shall be:
 1. One thousand six hundred sixty-seven (1,667) feet for Runway 15;
 2. One thousand six hundred sixty-seven (1,667) feet for Runway 33.
- c. *Safety zone C.* All that land which is enclosed within the perimeter of the horizontal zone, as defined in subsection (b)(1) above, and which is not included in zone A or zone B.

(2) *Use restrictions.*

- a. *Zone A.* Subject at all times to the height restrictions set forth in subsection (b)(2) above and to the general restrictions contained in subsection (e) below, areas designated as zone A shall contain no buildings, temporary structures, aerial transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (nonspectator), cemeteries, and auto parking.
- b. *Zone B.* Subject at all times to the height restrictions set forth in subsection (b)(2) above and to the general restrictions contained in subsection (e) below, areas designated as zone B shall be restricted in use as follows:
 1. Each use shall be on a site whose area shall not be less than one (1) acre.
 2. Each use shall not create, attract, or bring together a site population that would exceed fifteen (15) times that of the site acreage.
 3. Each site shall have no more than one (1) building plot upon which any number of structures may be erected.
 4. A building plot shall be a single, uniform and noncontrived area, whose shape in uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Area At Site Least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (Sq. Ft.)	Max. Site Population (15 persons/A)
1	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,700	90
10	20	6:1	72,600	150
20	and up	4:1	218,000	300

5. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of frequent public or semi-public assembly.
- c. *Zone C.* Zone C is subject only to height restrictions set forth in subsection (b)(2) above and to the general restrictions contained in subsection (e) below.
- (d) *Airport zoning map.* The several zones herein established are shown on the West Calcasieu Airport zoning map which is on file with the police jury, attached and made a part of Ordinance No. 2788, adopted by the police jury on January 23, 1986, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this section.
- (e) *Use restrictions.* Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (f) *Nonconforming uses.*
- (1) *Regulations not retroactive.* The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted.
 - (2) *Marking and lighting.* Notwithstanding the preceding provision of this subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. The airport owner shall also have the right to install at its cost

such markers and lights, as shall be deemed necessary by the airport owner, on structures or trees which may not penetrate the horizontal or conical surfaces, but which are considered by the airport owner to be potential hazards to air navigation.

(g) *Permits.*

- (1) *Future uses.* Except as specifically provided in paragraphs a. and b. hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a development permit therefor shall have been applied for and granted by the Calcasieu Parish police jury through the office of planning and development as hereinafter provided. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. A copy of each permit application, when filed, shall also be sent by the applicant by certified mail to the assistant secretary, office of aviation and public transportation, state department of transportation and development.
 - a. However, a permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred (4,200) feet from each end of the runway, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit or not be of a land use prescribed for the respective zone.
 - b. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limitations established by this article as set forth in subsection (c) above, or violate any land use limitation set forth in subsection (d) above.
- (2) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this article, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (3) *Nonconforming uses abandoned or destroyed.* Whenever the parish police jury determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (4) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted; will not be contrary to the public interest; will not create a hazard to air navigation; will do substantial justice; and will be in accordance with the spirit of this article. Additionally, no application for variance to the requirements of this article may be considered by the board unless a copy of the application has been furnished to the assistant secretary, office of aviation and public transportation, state department of transportation and development, and to the West Calcasieu Airport Board, for advice as to the aeronautical effects of the variance. If the West Calcasieu Airport Board does not respond to the application within fifteen (15) days after receipt, the board may act on its own to grant or deny said application.
- (5) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so

conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board, this condition may be modified to require the owner to permit the West Calcasieu Airport, at its own expense, to install, operate, and maintain the necessary markings and lights.

- (h) *Applications; enforcement.* It shall be the duty of the office of planning and development of the Calcasieu Parish Police Jury to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the office of planning and development. Applications required by this section to be submitted to the Calcasieu Parish Office of Planning and Development shall be promptly considered and granted or denied. Application for action by the board shall be forthwith transmitted by the office of planning and development.
- (i) *Planning and zoning board.*
- (1) The board shall have and exercise the following powers:
 - a. To hear and decide appeals from any order, requirement, decision, or determination made by the office of planning and development in the enforcement of any ordinance adopted pursuant thereto;
 - b. To hear and decide special exceptions to the terms of the ordinance upon which such board may be required to pass under such ordinance;
 - c. To hear and decide specific variances under R.S. 2:385B.
 - (2) The board shall adopt rules in accordance with the provisions of any ordinance adopted hereunder. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.
 - (3) Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, or bureau of the political subdivision affected, by any decision of the office of planning and development. An appeal must be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
 - (4) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in its opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the agency from which the appeal is taken and on due cause shown.
 - (5) The board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
 - (6) The board may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the office of planning and development from which the appeal is taken.
 - (7) The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision, or determination of the office of planning and development, or to

decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

- (j) *Judicial review.* Any person aggrieved, or any taxpayer affected, by any decision of the board, may appeal to the district court as provided in Louisiana Revised Statute 2:387.
- (k) *Penalties.* Each violation of this regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punished as provided in section 1-9 of this Code.

(Ord. No. 6143, § II, 12-6-12)

Secs. 26-165—26-174. - Reserved.

ARTICLE VII. - TECHNICAL DESIGN STANDARDS

DIVISION 1. - MINIMUM LEVEL OF SERVICE STANDARDS

Sec. 26-175. - Minimum level of service standards for public improvements and services.

The table "Minimum Level of Service (LOS) Standards" contained in the appendix establishes minimum level of services for potable water, wastewater, transportation, and fire protection for any development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-176. - Adequate public facilities.

- (a) *Purpose.* The purpose of these adequate public facilities regulations is to ensure that all utilities and other facilities and services needed to support development are available concurrently with the impacts of such development.
- (b) *Applicability.* Adequate public facilities requirements apply to all new development and subdivisions subject to the parish code, except developments on a legal lot of record prior to the effective date of this section that do not require a traffic impact assessment (TIA). Such exempt developments shall be exempt from the water and sewer extension provisions and fire protection and transportation adequate facilities requirements of this section, but must have an approved water supply and an approved wastewater treatment system.
- (c) *General provisions.* Development permits shall not be provided unless the applicant provides documented, verifiable evidence that the subject property can be served by adequate public facilities and services prior to occupancy and use of the proposed development or that the relevant service provider has, or will have, the financial capacity to ensure the provision of adequate facilities and services, meeting adopted level of service standards or which may be adopted subsequently by the police jury during the provisional period. Such assurances from service providers may take the form of a "service availability" letter applicable to the subject property. These public facilities and services shall include, but shall not necessarily be limited to:
 - (1) Potable water and wastewater service complying with minimum level of service standards established in the parish code;
 - (2) Access to water supplies to provide adequate fire protection consistent with the minimum levels of service established in the parish code;
 - (3) Adequate drainage to prevent undue and unsafe impacts on upstream and downstream developments as well as on the subject property;

- (4) Adequate roads with sufficient capacity to accommodate traffic anticipated to be generated by the proposed developments that are consistent with minimum level of service standards established in the Parish Code.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 2. - SEWERAGE DISPOSAL STANDARDS

Sec. 26-177. - Purpose.

To minimize the amount of effluent discharge into the parish roadside ditches to ensure that disposal systems are maintained to operate properly.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-178. - Areas of applicability.

The provisions of this chapter are applicable within Calcasieu Parish, Louisiana, outside of the legally incorporated municipalities.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-179. - Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the Calcasieu Parish Police Jury.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-180. - Fees.

The police jury shall establish a schedule of fees and charges for applications, permits, inspections and other matters relating to the administration and enforcement of this chapter.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-181. - Authority to prescribe standards.

The police jury is hereby authorized to adopt and prescribe additional procedures, rules, regulations and standards to carry out the intent of this chapter.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-182. - General.

- (a) It shall be unlawful to allow any individual sewerage system to discharge untreated effluent into any drainage outfall, roadside ditch, pipe or within the road right-of-way located within the unincorporated areas of Calcasieu Parish, unless otherwise permitted by the Louisiana Department of Health and Hospitals' Office of Public Health (LA DHH/OPH) as per the Louisiana Sanitary Code.
- (b) Effluent from all individual sewerage systems must be disposed of within the boundaries of the building site upon which the sewerage originated. Under no circumstance shall untreated effluent be allowed to run off said building site.
- (c) Sewer effluent discharge shall not be allowed be discharged directly or indirectly through RMP runoff mitigation measures. Disposal shall be provided in a manner that effluent is introduced into the drainage system downstream of any measures so that it does not conflict, increase or impeded the operations and maintenance of said measures.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-183. - Permits and approvals required.

- (a) A parish sewerage disposal permit must be obtained prior to the installation of any sewerage disposal system within the unincorporated limits of Calcasieu Parish. No parish permit shall be issued unless the applicant has first obtained written authorization for installation from the LA DHH/OPH.
- (b) Prior to the issuance of a parish sewerage disposal permit, any new sewerage disposal system, alteration of an existing system or connection of the sewerage from any building to an existing system, must be approved by the LA DHH/OPH to assure compliance with the provisions in Part 13 of the Louisiana Sanitary Code.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-184. - Inspections.

- (a) The Calcasieu Parish Division of Planning and Development, hereinafter referred to as the division, shall inspect individual sewerage systems to ensure their proper installation, functioning and performance in accordance with all laws, rules, and regulations of Part 13 of the Louisiana Sanitary Code and of this chapter. The division's inspector is authorized to enter upon any private premises at reasonable times and in a reasonable manner to inspect said system.
- (b) The division shall use the procedures set forth in sections 26-198 through 26-201 when an individual sewerage system fails to meet the established regulations of this chapter.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-185. - Sewer plant inspection tags.

- (a) Beginning January 1, 2005, all existing sewerage disposal systems, two (2) years and older, must be inspected and issued an inspection tag within three (3) years of said date. Inspection tags shall be issued for a period of three (3) years.
- (b) Prior to the issuance of an inspection tag by the parish, an inspection by the parish inspector must be conducted and the system approved, or evidence must be submitted to the division by a certified, Louisiana licensed, sewer plant installer certifying that the system is in compliance with all laws, rules and regulations of Part 13 of the Louisiana Sanitary Code.
- (c) The inspection tag must be renewed every three (3) years. Prior to the issuance of a renewed inspection tag, a "request for inspection" must be scheduled and fee paid with the division. The parish inspector will inspect the system within seven (7) days of the "request for inspection". Should an inspection not be performed by the parish, evidence must be submitted to the division by a certified, Louisiana licensed, sewer plant installer certifying that the system is in compliance with all laws, rules and regulations of Part 13 of the Louisiana Sanitary Code.
- (d) All new or renewed inspection tags must be affixed to the system in a conspicuous location and readily accessible to the parish inspector.
- (e) Failure of an individual to submit a "request for inspection" and pay the established fee for a sewer plant inspection tag, within sixty (60) days of the expiration of the tag, will be deemed delinquent. At this time, the fee for a sewer plant inspection tag will be doubled, as a penalty.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-186. - Existing systems.

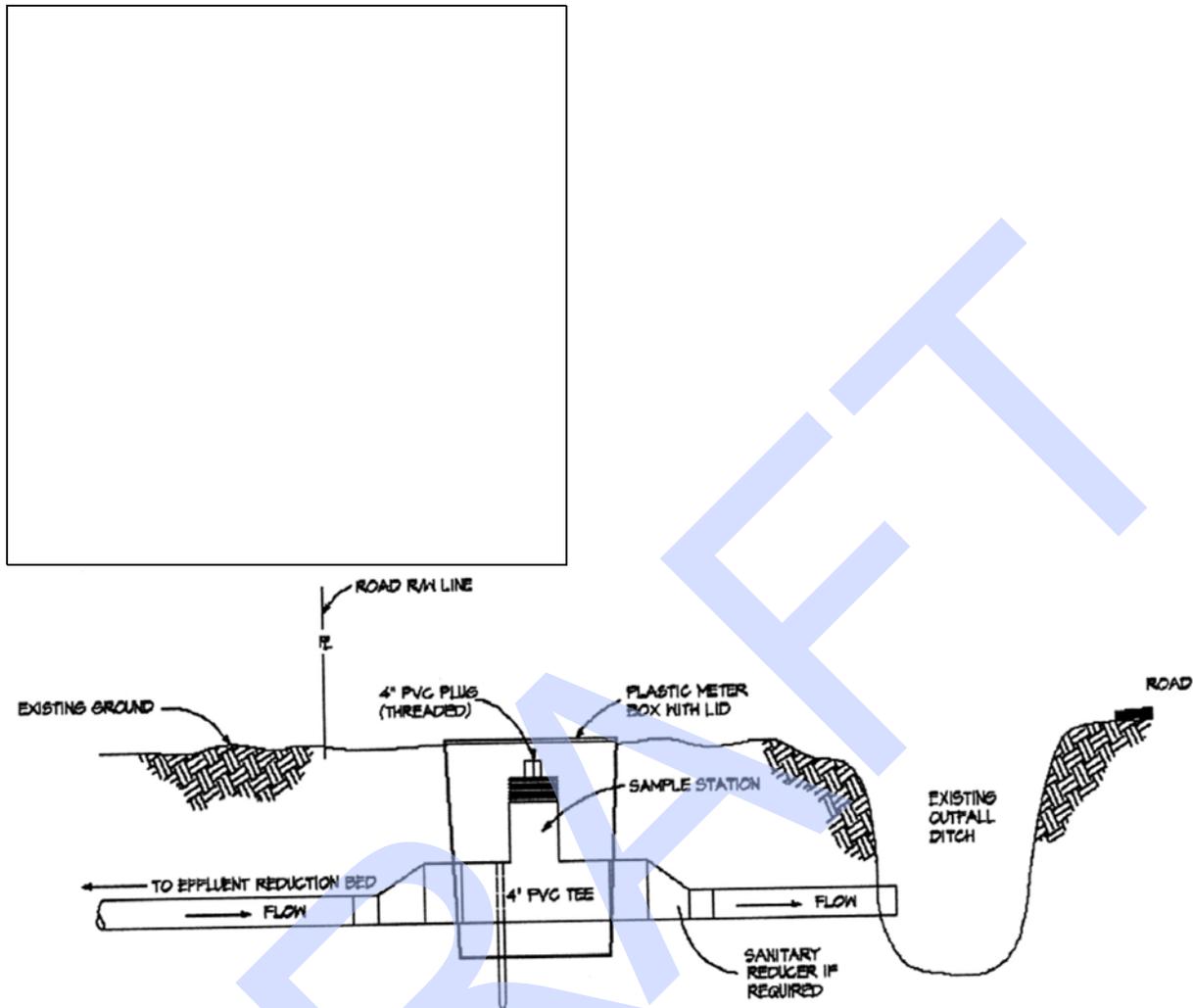
All existing individual systems, which do not meet the criteria of this chapter, shall be brought into compliance according to the following requirements:

- (1) All untreated direct discharges shall be eliminated within sixty (60) days of the effective date of this chapter.
- (2) All failed or malfunctioning systems shall be corrected within sixty (60) days of the effective date of this chapter.
- (3) Existing systems, which meet or can be modified to meet the requirements of this article, shall be exempt from the building site area requirements of subsections 26-189(a)(1) and (2).
- (4) No existing system with surface discharge shall be exempt from the requirements of section 26-188
- (5) Where a community-type sewerage system is available and where it has been determined that a system can sufficiently handle the additional wastewater, property owners shall have one (1) year from the effective date of this article to connect to such a community-type system.
- (6) Existing systems without surface discharge shall be exempt from the requirements of section 26-188, until such time as ownership of the building site is transferred.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-187. - Mechanical systems.

- (a) Mechanical systems may be used only when approved by the LA DHH/OPH.
- (b) It shall be unlawful for the owner of a mechanical system to disconnect any part of the system except for the purpose of maintenance or repairs.
- (c) The design and installation of mechanical systems shall comply with all the requirements established by the provisions of Part 13 of the Louisiana Sanitary Code and this article.
- (d) Beginning January 1, 2005, for existing systems that do not have a state required sampling station, a parish approved sampling station shall be installed downstream of absorption bed(s), between the public road right-of-way line and the discharge location. Refer to the following diagram for additional information and minimum requirements:



(Ord. No. 6143, § II, 12-6-12)

Sec. 26-188. - Mandatory connections to community-type systems.

- (a) Where a community-type system is located within three hundred (300) feet of a building site, the plumbing fixtures within any structure on said building site shall be connected to the community-type system if the owner is legally entitled to do so, taking into consideration governmental, geographic or other legally created boundaries.
- (b) The three-hundred-foot distance specified in paragraph (a) is to be determined by measuring the shortest available route from the structure to the community-type system main or lateral.
- (c) The connection requirements in paragraph (a) may be waived or deferred for a specified time period if the LA DHH/OPH determines that the community-type system has an inadequate capacity or that the required connection would result in an unreasonable hardship or practical difficulty due to site conditions, restrictions, and limitations.
- (d) The basis for approving a waiver or deferral, as well as the terms and conditions of such approval, shall be specified in writing and attached to any permit issued for installation of the individual sewerage treatment system. In addition, the waiver shall be duly recorded with the clerk of court.
- (e) Owners connecting to a community-type system that is owned and operated by the Calcasieu Parish Police Jury, shall further be required to enter into the parish's standard user agreement for wastewater

collection and treatment services. Said agreement shall be established in accordance with the parish's latest edition of the "Operations Policy Manual for Community-Type Wastewater Collection and Treatment Systems", a copy of which is on file with the parish's division of engineering and public works.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-189. - Where community-type system not available.

Where community-type systems are not available, an individual system may be used subject to the following requirements:

- (1) The building site area shall be in accordance with the Calcasieu Parish Zoning Ordinance.
 - a. Lots served by a public water system must have a minimum one hundred (100) feet of road frontage. Exceptions to said requirement may occur when developing a lot adjoining a dead-end road, or cul-de-sac, or corner lot whereby the director of planning and development may reduce the public road frontage requirement to twenty (20) feet provided that the lot meets the minimum square footage requirement, and that approval is obtained from LA DHH/OPH.
 - b. Lots served by a private water well must have a minimum one hundred twenty-five (125) feet of road frontage. Exceptions to said requirement may occur when developing a lot adjoining a dead-end road, or cul-de-sac, or corner lot whereby the director of planning and development may reduce the public road frontage requirement to twenty (20) feet provided that the lot meets the minimum square footage requirement, and that approval is obtained from LA DHH/OPH.
- (2) The LA DHH/OPH and the parish must approve a soil absorption system for treated effluent.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-190. - Approvals and permits required.

No person shall install a community-type system, alter or modify an existing system, or connect the sewerage from any building to an existing system until the plans and specifications for the system, modifications or connections have been submitted to the division, the LA DHH/OPH and the Louisiana Department of Environmental Quality where required by law, and written approval of the plans has been secured and a written permit issued by the LA DHH/OPH and the division has been obtained.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-191. - Plans and specifications.

- (a) A professional engineer, registered in the State of Louisiana, shall prepare the plans and specifications for the installation of a community-type system and for any alterations, modifications or expansion of an existing system. Plans and specifications shall be in conformance with the latest edition of the parish's "standard specifications and details for community-type systems". Plans and specifications must be submitted for review and approval prior to initiating construction in accordance with established subdivision design and development requirements. An approved LA DHH/OPH Design Summary package along with LDEQ approval to discharge sanitary sewer must also be submitted with the plans and specifications.
- (b) The owner/developer shall provide adequate right-of-way in accordance with standard plans and specifications adopted by the parish to allow for the future connection of the community-type wastewater collection and treatment system to a future municipal transport main. Right-of-way shall be established in accordance with the latest edition of the parish wastewater system master plan unless otherwise approved by the parish engineer.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-192. - Inspections and certifications by the professional engineer.

A professional engineer, registered in the State of Louisiana, shall make inspections at the appropriate intervals during the installation, alteration, modification or expansion of a community-type system and shall provide written certification to the LA DHH/OPH, the division and the Louisiana Department of Environmental Quality, where required by law, that the installation, alteration, modification or expansion was constructed in accordance with the approved plans and specifications.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-193. - Additional loading of existing system.

Any owner of any community-type system requesting approval for additional wastewater loading of that system shall submit to the LA DHH/OPH and the division, written certification by a professional engineer, registered in the State of Louisiana, that the existing system will meet all requirements of the appropriate regulatory agencies.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-194. - Inspections of community-type systems by the division.

The division or authorized representative, will inspect community-type systems to ensure their proper functioning and performance in accordance with all applicable laws and regulations and is authorized to enter upon private premises at reasonable times and in a reasonable manner to inspect said system.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-195. - Community-type systems required in new subdivisions.

- (a) Any new subdivision that has one hundred twenty-five (125) or more lots shall have a community-type sewerage system.
- (b) Minimum level of service standards for public improvements and services are contained in division 1 of this article.
- (c) Phased development of community sewer system trunk lines will be allowed.
- (d) All new community-type sewerage systems shall be constructed in compliance with LA DHH/OPH standards. The system should be constructed prior to approval of the final subdivision plat or if not then, the developer should post a performance bond in favor of the appropriate governing body or sewerage district so that the appropriate local governing authority or sewer district would have the funds to construct the system.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-196. - Operations and maintenance.

- (a) The owner/developer shall be responsible for the full operations and maintenance (at his, her or their expense) of the sewage collection and treatment facilities in full compliance with all parish, state and federal laws and regulations until such time as the system is accepted, through donation by the owner, for operations and maintenance by the parish.
- (b) Any penalties assessed by state, local or federal regulatory agencies resulting from the owners' operations due to lack of compliance with state, local or federal sewer treatment requirements, will be the responsibility of the owner/developer of the community-type sewer treatment plant.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-197. - Management of facilities and transfer of ownership to the parish.

- (a) Calcasieu Parish intends to assume ownership and accept responsibility for the perpetual maintenance and operations of newly-installed, community-type wastewater treatment systems, provided that the system is installed in accordance with all applicable guidelines established herein,

and after a favorable final inspection is completed. Calcasieu Parish will assume ownership, operation and maintenance at no direct cost to the parish for transfer. Said system will be transferred to the parish at the same time as the acceptance of the subdivision and other public infrastructure improvements. Said community system shall be subject to construction inspections by the parish, both during and after installation to the degree necessary to assure proper operations before acceptance. Liens and debt owed on the collection and treatment systems shall be paid off in full before transfer of ownership takes place.

- (b) Posting of bonds. Once the community-type sewer collection and treatment system has been properly installed, the developer and/or owner shall contact the parish. An on-site final inspection shall be completed to insure that the system(s) has been installed and is operable. Final inspection shall include a written certification from the developer's engineer that the system has been constructed and installed in accordance with the approved plans and specifications. If upon inspection, the parish determines that such system(s) is not found to be built according to specifications, the owner/developer shall be required to make the appropriate corrections at his or her expense before final acceptance can be made. After completion of all items required in the plans and specifications, the developer's contractor shall submit to the parish a maintenance bond in the amount of fifty (50) percent of the community system contract amount, guaranteeing workmanship and materials of all public improvements for a minimum period of one (1) year or until the entire system is functioning at a normal load adequate to test the performance of the system. All warranty/maintenance bonds shall be obtained from an accredited financial institution recognized to be in good standing by the Parish of Calcasieu. The release of warranty/maintenance bonds shall follow established parish procedures.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-198. - Enforcement.

- (a) Whenever the division finds a community-type sewerage system or individual sewerage system to have a deficiency or to be in non-compliance with the requirements of this chapter, or state law, it shall give the property owner written notice to correct the deficiency or non-compliance within a specified period of time.
- (b) The notice to the property owner shall be by registered or certified letter, return receipt requested, sent to the owner at his actual address or last known address listed in the records of the assessor of the parish at the time that the violation of this article was established. In the event that the parish is unable to serve the owner in this manner, notice shall be by publication once a week for two (2) consecutive weeks in the official journal of the parish.
- (c) If the property owner fails to remedy the deficiencies or correct the non-compliance of the system outlined in the notice, within fifteen (15) days after receipt of the notice or after the second publication of the notice, as set forth in subsection (b), the parish may have such deficiencies or non-compliance corrected and shall charge such property owner only the actual amount charged by and paid to the party remedying the deficiency or correcting the non-compliance, plus a fifteen (15) percent service charge thereon, such service charge not exceeding twenty-five dollars (\$25.00) .
- (d) Upon failure of any such property owner to pay such charges, the parish shall file a certified copy of such charges plus the costs charged by the recorder of mortgages for filing and recordation, with the recorder of mortgages, and the same, when so filed and recorded, shall operate as a lien and privilege in favor of the parish against the property on which said deficiency was remedied or non-compliance was corrected.
- (e) The parish shall add all unpaid direct charges and related charges to the annual ad valorem tax bill of the property involved, and the sheriff effecting collection shall be reimbursed by the parish for an amount equal to fifteen (15) percent of the amount of such charges actually collected from the property owner. This collection charge shall be in addition to such charges and shall also be added to the ad valorem tax bill of the property involved.
- (f) The division of planning and development is hereby authorized to withhold the issuance of permits due to violations of said ordinance after written notice thereof to the owners.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-199. - Property owned in indivision.

- (a) If property, which may be subject to a lien or privilege granted in favor of the parish, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the parish, then the notice to remedy the deficiency or correct the non-compliance shall be sent to each owner in indivision and shall list the proportionate share of such charges due by that owner.
- (b) Upon failure of each owner in indivision to pay his proportionate share of the charges incurred by the parish in remedying the deficiency or correcting the non-compliance, that part of the property for which the charges are not paid shall be subject to lien and privilege in favor of the parish.
- (c) Upon payment by an owner in indivision of his proportionate share listed on the ad valorem tax roll for the parish of the total charges incurred, and after certification of such proportionate interest by the assessor, the lien and privilege granted herein shall be removed from the proportionate interest of the paying owner in indivision. If outstanding charges are added to the annual ad valorem tax bill, the proportionate payment by the paying owner in indivision shall be reflected on the bill, and his interest in the property free of such charge shall be distinguished on the tax bill.
- (d) Notice of the lien and privilege shall be made upon the owners in indivision at their actual address or the last known address listed on the tax rolls of the parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-200. - Violation.

Failure to operate any sewerage disposal system in compliance with this chapter, state law, or the requirements of the Louisiana Department of Environmental Quality or the LA DHH/OPH shall constitute a violation of this chapter and shall authorize the local governing authority to declare the structures involved a nuisance or public health hazard. The attorney for the police jury is hereby authorized to undertake any appropriate legal action to enforce said order.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-201. - Penalty.

Any person, firm or corporation who shall fail to comply with the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-9 of this Code.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-202. - Prohibition against tampering with, removing and/or possessing sewer manhole covers belonging to the parish which are placed on parish roads or rights-of-way; violations.

- (a) No one shall in any way tamper with, move, damage, or destroy a sewer manhole cover placed upon any parish road or right-of-way by the parish, or by any contractor or agency for the parish, unless authorized by the parish or an appropriate agency for the parish.
- (b) No individual shall without proper authority:
 - (1) Sell or purchase a sewer manhole cover of the parish; or
 - (2) Remove or possess a parish sewer manhole cover without the intention of returning same to its original location.
- (c) Any individual who removes the sewer manhole cover, with or without proper authority, is responsible for taking necessary action to prevent any injury or damage, i.e., barricades, signage.

- (d) Persons violating this section shall be prima facie at fault and responsible for any damage to persons or property resulting from the said violation.
- (e) Every person convicted of a violation of this section shall be punished as provided in section 1-9 of this Code.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 3. - WATER IMPROVEMENT STANDARDS

Sec. 26-203. - Water improvements required.

- (a) Any person, company, or corporation seeking to develop a subdivision or manufactured home park requiring the review and approval of the board and police jury, which is located within the boundaries of a parish waterworks district, shall be required to install water improvements, in accordance with the respective district's criteria, prior to the issuance of a permit and/or submission to the police jury for final approval.
- (b) A developer may choose to develop a subdivision or manufactured home park in phases and shall construct water improvements for each phase of development coinciding with the plans submitted to the board or office of planning and development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-204. - Granting rights-of-way and maintenance easements.

Any person company, or corporation proposing to develop a subdivision or manufactured home park to be located within the boundaries of a parish waterworks district shall grant rights-of-way and maintenance easements to the police jury, utility companies, and the respective waterworks district.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-205. - Water improvement plan.

All subdivision or manufactured home parks that are proposed for development within a parish waterworks district where water service is currently provided shall submit a water improvement plan to be reviewed by the district. Upon approval of the plan, the developer shall construct water improvements in accordance with the approved plan. Prior to final approval by the police jury, the district shall send a resolution to the police jury that the water improvements have been reviewed, approved, and accepted for maintenance by the respective district.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-206. - Water service to proposed subdivision; letter of intent.

- (a) When a plan for a proposed subdivision is submitted to the board for preliminary approval, or when a site plan for a manufactured home park is submitted to the office of planning and development for a development permit, where water has not been extended to the proposed development by a parish waterworks district, the developer shall obtain from the waterworks district a letter of intent stating when water service will be provided to the proposed development.
- (b) The letter of intent shall be provided to the developer within thirty (30) days of the date of the developer's submission of the water improvement plan to the district.
- (c) Based on the letter of intent, should the waterworks district determine that it is capable of providing and extending adequate water service to the proposed development within eight (8) months from the date of the letter of intent, the developer shall construct water improvements in accordance with the water improvement plan and the respective district's criteria as well as the sanitary code of the state.

- (d) If the district decides for any reason that it will be unable to extend water service to the proposed development within the eight-month period, it should promptly notify, in writing, the developer.
- (1) If the developer has not made any water improvements in the proposed development, paragraph (e) in this section is applicable.
 - (2) If the developer has expended funds on the water improvements, the district should reimburse the developer on a quantum merit basis. However, the reimbursement does not apply if the delay was due to an act of God.
- (e) Upon the expiration of thirty (30) days, as provided in subsection (b) herein, should the waterworks district determine that water service cannot be extended to the proposed development within the eight-month time period, the developer shall provide the necessary easements for water service, but shall not be required to install water improvements.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-207. - Cost sharing.

At the sole discretion of each waterworks district, a waterworks district may elect to share costs for the installation of water improvements to a proposed development. At the request of the developer, should a district elect to participate in cost sharing, the district shall provide a cost-sharing agreement to the developer.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-208. - Applicability of division.

Any parish waterworks district which is legally formed and in which a tax has been levied after the enactment of this division shall be included under the opuses of this division. All water improvements shall be installed in compliance with the respective district's criteria and the state sanitary code.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-209. - Violations.

Any person found in violation of these provisions shall be subject to an injunction and/or, upon conviction, be fined up to five hundred dollars (\$500.00) or imprisoned for up to thirty (30) days, or both, at the discretion of the court, or such additional punishment as may be authorized by law.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-210. - Required.

No proposed subdivision or manufactured home park within a parish waterworks district shall be accepted by the police jury for final approval prior to the granting of water improvement and utility rights-of-way and maintenance easements by the developer.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-211. - Purpose of easements; maximum width.

It is to be understood that the right-of-way or maintenance easement granted by the developer shall be solely for the installation and/or maintenance of water improvements and utilities. The easement and/or right-of-way shall have a maximum width of fifteen (15) feet.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-212. - Permanent structure prohibited.

No permanent structures shall be built upon the right-of-way or maintenance easement, and, in the case of nonpermanent structures being built on same, all responsibility for removal of the nonpermanent structures shall lie with the property owner or owners who have placed same upon the maintenance easement or right-of-way, in the manner as described in section 26-213.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-213. - Obstruction prohibited.

The owner or owners obstructing any right-of-way or maintenance easement shall be notified by registered letter from the parish that the obstruction or obstructions shall be removed within fifteen (15) days from receipt of the letter.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-214. - Violations.

Any person found in violation of these provisions shall be subject to an injunction and/or, upon conviction, be fined up to five hundred dollars (\$500.00) or imprisoned for up to thirty (30) days, or both, at the discretion of the court, or such additional punishment as may be authorized by law.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 4. - DRAINAGE STANDARDS

Sec. 26-215. - ~~Drainage impact analysis.~~ Runoff Management Plan (RMP).

- (a) *Scope.* This article applies to all new developments within the unincorporated area of Calcasieu Parish, however, the study limits may extend into incorporated areas. Requirements of this article shall apply in addition to any state and federal provisions.
- (b) *Purpose.* This article will establish the requirements for a ~~drainage impact analysis (DIA)~~ Runoff Management Plan (RMP) and the guidelines for preparation and submittal of said ~~analysis plan.~~ The standards of this article shall constitute the basic DIA standards and are intended to minimize the risk of flooding due to an increase in surface water runoff and water surface elevations resulting from development. The standards of this article shall constitute the basic RMP standards and are intended to minimize the risk of flooding and watershed impacts resulting from development and to preserve the floodplain storage capacity. RMPs should provide a detailed design and explanation of mitigation measures required to meet the watershed performance standards established in this code.
- (c) *When required.* A ~~comprehensive drainage impact analysis (DIA)~~ RMP is required for all new subdivision developments, and all new site developments requiring a building or grading permit. Waivers for ~~DIA~~ RMP submittals shall be approved in accordance with subsection (d).

Said ~~DIA~~ RMP shall be submitted to the parish engineer for review and approval. Cover page of said ~~DIA~~ RMP shall be stamped and signed by a licensed Louisiana civil engineer. No development shall be approved for construction without an ~~prior to parish engineer or designee providing a favorable recommendation~~ approved of the DIA RMP or obtaining a waiver. However, the planning and zoning board may grant preliminary approval to a proposed subdivision or development contingent on later submission of the ~~DIA~~ RMP, or in accordance with the latest subdivision regulations. ~~The preliminary plan must include the proposed drainage plan at time of preliminary approval.~~ In any case, the ~~DIA~~ RMP must receive the parish engineer or designee's review and approval before any development improvements begin.

(d) ~~Waivers. Developers may request that the parish engineer or designee approve a waiver of the DIA RMP. Waivers will be considered on a case-by-case basis if the development~~ meets one of the requirements established herein. The intent of the RMP waiver is to grant minor developments (in terms of overall potential for watershed impact) an expedite process to a final build permit approval. However, the waiver of the RMP does not constitute an exemption from the requirements of Section 26-216 Drainage Design Standards. The following waiver requirements shall be used to access potential watershed impact and to grant an RMP Waiver:

- (1) Proposed development will ~~Will~~ not alter the existing natural characteristics of the site;
- (2) ~~Will not result in more than a thirty (30) percent increase in impervious area that results in direct drainage runoff;~~ Proposed development is on an existing lot, approved for residential use only and does not require any type of new subdivision or re-subdivision of the lot or parcel;
- (3) ~~Will not result in more than forty thousand (40,000) square feet of total impervious area~~ Proposed development is on any existing lot less than two (2) acres and does not require any new subdivision or re-subdivision of the existing lot;

(For purposes of items 2 & 3 above, for waivers only, existing lots shall mean any lot or parcel recorded with the Calcasieu Parish Clerk of Court prior to the adoption of these RMP submittal requirements.)

- (4) ~~Is located within a minor subdivision~~ Proposed development was previously mitigated under an approved plan;
- (5) ~~Is a commercial/industrial site of five (5) acres or less; or~~ Proposed development will result in less than 20% impervious for the total lot size and will not require the placement of fill within any designated flood zone;
- (6) ~~Comprises less than ten (10) percent of the total upstream drainage watershed at the outfall discharge point.~~

Additional requests for waivers will be considered where supporting data is submitted indicating no adverse impact on surrounding properties. Proposed developments within or partially within any exist regulatory floodway shall not be considered for an RMP waiver.

In any case, the developer must submit the request for waiver in writing, along with supporting watershed and hydraulic data for consideration.

All new developments receiving an RMP Waiver and thus not required to complete onsite runoff and fill mitigation shall be required to pay a "one-time" drainage impact fee based on impervious area created and required runoff storage capacity. Drainage Impact Fee shall be in accordance with the latest revised fee schedule adopted by the Police Jury and shall be added to existing development permit fees schedule.

(e) *General considerations.* The developer shall prepare the proposed development layout in conformance with the following general provisions.

- (1) The design and construction of the development shall preserve, insofar as it is practical, the natural terrain and natural drainage. The development shall be designed and construction to meet the watershed and floodplain performance standards established herein and shall have no adverse impact to the watershed, the existing drainage system and/or the delineated floodplain.
- (2) Any land subject to inundation or located along a natural drainage channel or in a FEMA designated 100-year floodplain shall not be developed until provisions, as determined by the ~~DIA RMP~~, are made to adequately protect the development and surrounding properties. An independent engineer shall be required, at the expense of the developer, for the purpose of verifying the technical requirements. These provisions shall be made to protect the health, safety, and welfare of the public as well as to minimize any flood hazard resulting from development of the area. Areas subject to flooding shall remain undeveloped.

(3) Provisions should be made to preserve any natural hydraulic watershed features of the site which would enhance the development and limit off site impacts.

(4) Methods and schedule of construction shall be developed in a manner to protect the watershed from interim impacts during the construction phases of the project. RMP mitigation measures designed to protect the watershed and preserve the floodplain should be constructed at the start of construction in a manner that will prevent impact to watershed or floodplain during the construction process.

~~(4)~~(5) No development, fill, or obstruction of any type on or over any portion of a regulatory floodway, coastal high hazard area or any areas of special flood hazard or known delineated floodplain, as determined by the DIA, RMP, shall be permitted which, alone or cumulatively with other such activities, would cause or result in a barrier that will adversely affect the efficiency of or restrict the flow or capacity of a designated floodway or watercourse so as to cause foreseeable damage to others, wherever located. Any such development application must include a drainage impact analysis (DIA) RMP including hydrologic and hydraulic data, confirming that no adverse floodwater effects will result from a proposed development. The DIA RMP must be stamped and certified by a Licensed Louisiana Engineer and is subject to review and approval or denial by the floodplain administrator, the parish engineer or designee. In addition, FEMA certification shall be required noting that proposed floodway encroachment does not impact existing water surface profile analyses.

(f) *Submission contents.* A required drainage impact analysis (DIA) RMP shall include:

~~(1) A watershed map reflecting:~~

(1) An overall watershed map reflecting:

- a. Overall watershed boundaries delineated using the latest LIDAR two-foot interval contours data available.
- b. Two-foot topographic site contours within the boundary of the development delineated using actual topographic surveys, as required by the parish engineer.
- c. Delineated drainage areas involved including offsite watershed areas with acreage shown;
- d. Slope and travel length of each drainage area to the entry point and/or exit point of the development;
- e. Existing land use and vegetative cover for all drainage areas (pre-development construction); Pre-development construction conditions shall be established based on parish aerial photography dated no less than 5 years prior to submittal of the RMP.
- f. All major, intermediate, and minor watercourses, utilizing the labeling program adopted by the parish stormwater master plan upon implementation;
- g. Overall view of drainage and ultimate drainage disposal map including the limits of the watershed downstream of development to the point where said development is less than ten (10) percent of the entire watershed; and
- h. One-hundred-year flood zones, if applicable, including all regulatory floodways and coastal high hazard areas.

(2) *Survey data reflecting:*

- a. Existing watercourses and downstream drainage structures within the study limits including cross sections of the downstream watercourse where hydraulic grade line analysis is required. Watercourse cross-sections shall be at intervals adequate to define the hydraulic characteristics of the channel. Drainage structure cross-sections shall be taken at the upstream and downstream ends of the structure and at the structure in accordance with

~~HEC-RAS~~ applicable standards for modeling impacts. Stream cross-sections may be tied to LIDAR to produce full cross-sections of the drainways.

b. The RMP shall give the location, description, and elevation of all permanent and temporary benchmarks used for the analysis and to be used for the development construction.

(3) A development drainage layout map reflecting:

- a. Proposed layout of development;
- b. Various drainage areas based on conceptual design and proposed layout of development;
- c. Offsite drainage areas shown at entry points to the development with calculated ~~ten-year peak~~ pre and post development discharge rates;
- d. Existing and proposed development contours at two-foot intervals with existing and proposed stage-storage curves for the site, ~~as required by the parish engineer~~. One-foot contours may be required by the parish engineer where additional information is needed to define topographic features of a site or the stage-storage curves accurately;
- e. Existing and proposed drainage and maintenance easements;
- f. Delineated flood zones, regulatory floodways, coastal high hazard areas, and the highest recorded inundation, where applicable;
- g. Existing and proposed drainage patterns, slope, and travel length with estimated ~~ten-year~~ peak discharge rates based upon existing and future land use and zoning of the offsite drainage areas. Future conditions will be based on the current land use and zoning maps; and
- h. Existing and proposed ditches, culverts, or other hydraulic features or structures that will be utilized to mitigate impact.

(4) Detailed findings.

- a. *Conclusions*. The ~~DIA-RMP~~ should contain an executive summary and should clearly identify the results and conclusions of the analysis and recommend provisions for any required action(s) so that surrounding properties experience no adverse impact. Recommendations should ensure that existing watersheds, floodplain storage and existing water surface profiles would not be negatively altered as a result of the development.
- b. *Design criteria*. ~~The DIA should clearly describe the methodology, data and assumptions used. The design criteria must support section 26-216~~ Design criteria. The RMP should clearly describe the methodology, data and assumptions used. The design criteria must support the latest approved and published drainage design standards accepted by the Parish.
- c. *Calculations*. The ~~DIA-RMP~~ should include clear, concise, step-by-step calculations. The calculations section should contain all necessary topographic data, such as existing ground elevations, cross sections of drainage laterals, and size, type, and invert elevations of all downstream drainage facilities included in the ~~DIA-RMP~~.

(5) Additional information.

- a. ~~The DIA shall describe the proposed development.~~ RMP shall include all pre and post inflow and outflow hydrographs for designs that consider retention, detention, or watercourse routing. Rating curves for outlet structures, as well as details of any proposed outlet structures, should be included. As part of the RMP, peak discharges and inflow hydrographs shall be developed in accordance with guidelines established herein.

b. The ~~RMP~~ DIA shall describe existing land use in the project watershed. Said description will include soil types, vegetative cover, watershed slopes, and an estimate of the percent of impervious area under fully developed conditions. shall indicate the capacity of all existing and proposed drainage features to convey the pre- and post- development discharges. . Boundary conditions for hydraulic grade line analysis shall be defined at the upstream or downstream limits of the study area depending upon the flow type (i.e., supercritical or subcritical flow). Boundary conditions shall be based on the ten-year design water surface elevation. The ten-year water surface shall be provided by the parish upon request.

c. The ~~RMP~~ DIA shall describe analyses methods used to determine drainage impacts and summarize all conclusions at the end of the report.

The RMP shall study the effects and indicate the capacity of all ditches, culverts, sub-surface, and surface drainage structures that will be utilized downstream of the development in allowing passage of stormwater to the first recorded public watercourse, or as specified by the parish engineer. Where no immediate downstream facility is available, analysis shall be carried downstream to the point where the development is less than ten (10) percent of the overall watershed.

d. The DIA shall include all pre and post inflow and outflow hydrographs for designs that consider retention, detention, or watercourse routing. Rating curves for outlet structures, as well as details of any proposed outlet structures, should be included. As part of the DIA, peak discharges shall be developed in accordance with guidelines established in the Louisiana Department of Transportation and Development Hydraulics Manual, based on total acreage of each watershed and rainfall data. Hydrographs shall be developed using the SCS Method Unit Hydrograph or an approved curvilinear synthetic hydrograph. Triangular hydrographs shall not be used as part of the DIA. ~~Unless otherwise noted, the DIA shall be based on a 10- and 100-year storm frequency for a twenty-four-hour storm duration. See section 26-216 for additional design requirements.~~

d. The RMP's hydraulic water surface calculations shall indicate any areas where the ten-year elevation is above the existing top of bank under either the pre- or post-development conditions. In such cases where the hydraulic water surface is expected to overtop the existing banks, the engineer shall recommend provisions to reduce flooding or mitigate foreseeable impacts of the proposed development. Fill mitigation below the ten year water surface elevation shall be balanced in the stage-storage relationships curves for the site such that pre-development storage conditions are not reduced.

~~e. The DIA shall indicate the capacity of all existing and proposed drainage features to convey the pre- and post- development discharges by hydraulic grade line analysis. Boundary conditions for hydraulic grade line analysis shall be defined at the upstream or downstream limits of the study area depending upon the flow type (i.e., supercritical or subcritical flow). Boundary conditions shall be based on the ten-year design water surface elevation. The ten-year water surface shall be calculated in accordance with acceptable engineering practices until such time that stormwater master plan models are available. Once said models are available, the parish shall provide the starting water surface elevation at the nearest location to the proposed development. Where the parish stormwater models do not extend to the boundaries of the proposed development, it shall be required, as part of DIA that the developer's engineer will extend the models to include the new development. The parish will include the extended model into its system.~~

~~f. The DIA shall study the effects and indicate the capacity of all ditches, culverts, sub-surface, and surface drainage structures that will be utilized downstream of the development in allowing passage of stormwater to the first recorded public watercourse, or as specified by the parish engineer. Where no immediate downstream facility is available, analysis shall be~~

carried downstream to the point where the development is less than ten (10) percent of the overall watershed. The starting water surface profile elevation at a given location shall be the highest elevation indicated by the FEMA flood profile, the parish stormwater model, or normal depth analysis at said location.

~~g. The DIA's hydraulic water surface calculations shall indicate any areas where the ten-year elevation is above the existing top of bank under either the pre- or post-development conditions. In such cases where the hydraulic water surface is expected to overtop the existing banks, the engineer shall recommend provisions to reduce flooding or mitigate foreseeable impacts of the proposed development.~~

~~h. The DIA shall give the location, description, and elevation of all permanent and temporary benchmarks used for the analysis and to be used for the development construction.~~

~~i. The DIA shall establish natural ridgelines and drainage boundaries and the developed condition shall maintain these areas, draining to each natural outfall as closely as possible.~~

~~j. The DIA for developments within the 100-year floodplain, a regulatory floodway, a coastal high hazard area, or where the DIA indicates the need for fill restriction to maintain the natural flow capacity of the overall drainage system, shall include a fill mitigation and grading plan for any volume of fill to be placed below the base flood elevation or within the natural storage areas as determined by actual site contours, irregardless of whether the development is depicted in a recognized flood zone. Said fill mitigation plan shall mitigate or compensate and balance hydraulically for fill in restricted areas within the same watersheds. Approval of fill mitigation plans in no way supersedes the requirement to obtain FEMA certification noting that fill in floodways does not have an impact on existing water surface profile analyses.~~

(6) *Water surface profiles.*

a. Existing condition water surface profiles shall be computed based on the natural channel, culverts, bridges, and other natural features through the property to be developed.

b. Developed condition water surface profiles shall be computed based on the proposed conditions and shall account for all existing features to be removed, any new channel geometry, proposed culverts or storm drain systems, and any fill placed within the over-bank flow in the existing channel sections.

c. The water surface profile elevations at the upstream and downstream property lines of the development shall not negatively impact the existing condition water surface elevation at that point.

~~(g)7~~ *Specific considerations.* In developing the drainage impact analysis (DIA), RMP the independent engineer must give certain items specific consideration such as:

~~(1)~~a Natural ponding, retention, or detention of stormwater shall not be used in the DIA RMP unless authorized in writing by the parish engineer or designee, or unless specifically incorporated into the permanent design of the development with appropriate easements and designations so that such features can remain in place and functioning as designed.

~~(2)~~b The DIA shall study the effects of the proposed development on existing downstream facilities outside the limits of the proposed development to the nearest publicly maintained, indexed lateral or until the area of the proposed development represents less than ten (10) percent of the total watershed.

c. ~~(3)~~ No portion of a watershed shall be diverted to an adjacent watershed unless approved by the parish engineer.

d. ~~(4)~~ Where an existing stormwater conveyance system, either man-made or natural channel, traverses through the development and accommodates off-site drainage areas, any alterations to the existing system shall not negatively impact the existing condition water surface elevation at the entrance and exit points.

Sec. 26-216. - Drainage ~~design~~ Design standards Standards.

- (a) *Scope.* This article applies to new developments within the unincorporated area of Calcasieu Parish and within its extra-territorial jurisdiction. Requirements of this article shall apply in addition to any state and federal provisions. Requirements of this article are intended to support and supplement the requirements of the previous Section 26-215 for RMPs, when required, and to provide design standards for public infrastructure to be constructed or to be modified as part of a development project.

When a RMP waiver is obtained under the previous Section 26-215 the following limited drainage submittals may be required to be incorporated into the proposed development site plan for purposes of assuring that any proposed drainage additions or connections to the existing drainage system are adequately designed and will not have a negative impact on the existing system capacity. Generally, these submittal requires will be limited to site plan data and engineering calculations required to properly design proposed drainage that will result in the addition or modification of an existing major, intermediate, or minor watercourse. Developments only requiring new culverts in the roadside ditch that can be processed through the Parish's existing Culvert Permit Process may be exempted from these requirements except for cases where any fill will be place in an existing regulatory floodway.

Site Plan Requirements (for drainage review) for developments receiving a RMP waiver established in Section 26-215:

- 1) Entry and exit points of any natural or manmade drainage that provides drainage conveyance for any offsite areas through or adjacent to the proposed development;
 - 2) Any existing or required drainage or maintenance easements; Developments receiving a waiver for RMP in Section 26-15 must still dedicated the appropriated drainage easements established in the Section 26-216 for major, intermediate and minor watercourses that traverse any portion of the development site.
 - 3) Any required fill to be placed in a delineated any flood zone or a regulatory floodway; Developments receiving a waiver for RMP in Section 26-15 must still meet the requirements any fill to be placed in an existing regulatory floodway.
 - 4) The slopes, elevations, sizes and types of any proposed drainage addition or connections to the existing publicly drainage system. Appropriate engineering calculations shall be submitted for all proposed drainage improvements. Said calculations shall be in accordance with the design standards established herein. New driveways or culvert extensions that can be permitted through the Parish Culvert Permit Procedures can be exempted for this item 26 - 216 (a) 4.
- (b) *Purpose.* This article will establish the requirements for drainage design standards for new developments and will establish the guidelines for preparation and submittal of said design. The standards of this article shall constitute the minimum drainage design standards and are intended to provide protection from flooding for developed properties.
- (c) *Easements.*
- (1) Drainage easement standards. Where a watercourse traverses a development, a drainage easement shall be provided. The boundaries of said easement shall be in substantial conformance with the lines of the watercourse. Drainage easements shall be accompanied by a maintenance easement as outlined in paragraph (2) below. Drainage easements are not subject to the RMP waivers and shall be dedicated as described herein for all new developments. The total width of the drainage easement shall include the width of the drainage feature from top of

bank to top of bank in addition to the requirements below. Existing top of bank will be determined by projecting a ~~3:4~~ 4:1 slope from the design toe of the existing bank to the existing natural ground level. Drainage easements must be in accordance with subsection (i) below and with the following widths:

- a. *Major watercourse.* A minimum width of ~~thirty (30) feet~~ twenty (20) feet, measured from the top of the bank, shall be provided on each side for all existing or proposed "major" or indexed watercourses.
- b. *Intermediate watercourse.* A minimum width of ~~twenty (20) feet~~ ten (10) feet, measured from the top of the bank, shall be provided on each side for all existing and proposed "intermediate" watercourses.
- c. *Minor watercourse.* A minimum width of ~~five (5) feet~~ ten (10) feet, measured from the top of the bank, shall be provided on each side for all existing and proposed "minor" watercourses. ~~The total right-of-way required for "minor" watercourses shall not be less than twenty (20) feet.~~
- d. *Enclosed watercourse.* A minimum width of twenty (20) feet, centered along the centerline of all existing or proposed enclosed watercourses, should be provided. Enclosed watercourse easements should be dedicated so as not to be centered on lot lines. An additional easement is required for culvert sizes larger or wider than thirty-six (36) inches according to the following:
 1. 36"—54": Minimum twenty-foot additional easement.
 2. 60"—120": Minimum twenty-five-foot additional easement.
 3. Above 120": As specified by the parish engineer.

In all cases, the easement widths referenced above shall be minimum guidelines and subject to be changed by either the jurisdictional gravity drainage board or the parish engineer, if circumstances dictate such changes.

All drainage easements shall also be subject to conformance with the latest revisions of the parish's stormwater master plan, when applicable.

- (2) *Maintenance easement standards.* All major watercourse drainage easements shall be accompanied by a minimum ~~fifty-foot~~ thirty-foot maintenance easement on one (1) side of the lateral for maintenance access. Drainage easements for intermediate and minor watercourses shall be accompanied by a minimum ~~twenty-foot~~ thirty foot maintenance easement on one (1) side of the lateral for maintenance access. Drainage easements for minor watercourses shall be accompanied by a minimum ten-foot maintenance easement on one (1) side of the lateral for maintenance access. Maintenance easements are not subject to RMP waivers and shall be dedicated as prescribed herein for all new developments.

Maintenance easements may be used as an individual access easement from a public right-of-way or servitude to gain access to drainage easements. The individual access will allow the parish to travel to and from drainage easements and street rights-of-way. Maintenance easements shall remain on the same side of the lateral for the entire length, where possible, to provide access continuity. A minimum of 20 feet of useable area is required. Where the maintenance easement is transitioned from one side to the other an approved lateral crossing shall be provided by the developer.

No permanent structures shall be built upon such maintenance or drainage easements. In the case of nonpermanent structures being built on the same, all responsibility for damage and/or

removal of such nonpermanent structures shall lie with the property owner in the manner as described in paragraph (3) below.

The owner obstructing any maintenance easement shall be notified by registered letter from the parish that the obstruction shall be removed within fifteen (15) calendar days from receipt of such letter.

Any person or persons found in violation of maintenance or drainage easement standards shall, upon conviction, be subject to punishment as provided in section 1-9 of this Code, or such additional punishment as may be authorized by law.

(3) *Additional requirements.* When a proposed drainage system will carry water across private land outside of the boundaries of the proposed development, the developer must obtain the appropriate drainage and maintenance easements across said abutting properties from the boundary of the development to the nearest public maintained outfall prior to final approval of construction plans and issuance of permission to construct the development, as determined by the parish engineer.

(4) *Dedication of drainage and maintenance easements.* The act of dedication of the easement required herein shall provide for the following:

a. *Permanent obstructions.* No permanent building or obstructions shall be placed within the easement without the approval of the parish engineer or designee.

b. *Non-permanent obstructions.* The property owner shall not be permitted to place non-permanent obstructions in the easement that obstruct the flow or interfere with the ability to maintain said easement. All subdivision plats shall include a note stating:

Fences, plantings, or temporary obstructions that obstruct the flow of water in a watercourse or interfere with the ability to maintain an easement shall not be placed within said easement. Any public entity accessing said easement is not responsible for damages to fences, plantings, or temporary obstructions within the easement.

Upon written request, said obstructions shall be removed by the property owner or, in default of said movement within a fifteen-day notification period, said obstructions shall be removed by the appropriate authority using said easement. Upon such removal, said property owner shall not be entitled to recover any costs of replacing the objects removed from said easement and may be penalized in accordance with section 1-9 of this Code.

c. *Drainage across easements.* Drainage across easements shall not be permitted for more than one lot or multiple parcel unless enclosed with a drop pipe or other proper erosion protection is provided. The property owner shall not permit drainage across an easement into the watercourse except by natural means. Should drainage across an easement be requested, access continuity should not be obstructed. The parish engineer and the respective gravity drainage district board or designee must approve any drainage structure crossing gravity drainage easements.

d. *Rationale for creating easements.* All drainage easements created are to ensure and allow proper drainage. The waterway included and served by the drainage easement will be maintained by either a private or governmental entity, as is appropriate.

e. *No overlap of utility and drainage easements.* Utility easements and drainage easements for major, intermediate, and minor drainage laterals or watercourses may cross but shall not overlap, unless approved by the parish engineer and the utility company. This restriction shall not apply to roadside ditches.

(d) *Required improvements.* The design engineer shall make design improvements in accordance the following:

~~(1) The design engineer shall make design improvements in accordance with the following:~~

1. ~~2)~~ The developer has the duty to the downstream property owner(s) to not divert surface waters, change the velocity of flow, add to pollution, or increase the amount of waters from other directions to the extent that material damage occurs on the lower lying property of the other land owner. Ideally, the surface water flow should imitate the conditions in existence when the lands were in a natural state. Where a RMP waiver is granted no additional runoff mitigation or reduction requirements shall be required for purposes of protecting downstream property owners so long as a Drainage Impact Fee is paid.
 2. ~~(3)~~ The developer has the duty to the upstream property owner(s) not to prevent or obstruct the flow of surface waters onto his land from that of the upland owner. The developer cannot exclude these surface waters, nor can he cause the water to flow back to his upstream property owner.
 3. ~~(4)~~ Drainage improvement provisions shall be made to accommodate sheet flow of stormwater crossing development lot lines. Additionally, provisions shall be made to allow no sheet flow of stormwater from the proposed development to flow onto adjacent properties, unless otherwise approved by the parish engineer.
 4. ~~(5)~~ Streets and lots of a proposed development shall be arranged so as to keep relocated drainage channels at a minimum. Where relocations are necessary, the developer shall analyze the upstream and downstream impacts through prescribed routing methods and hydraulic grade line analysis for pre- and post-development conditions. The developer of the proposed site shall dedicate all necessary drainage and maintenance easements of adequate width as approved by the parish engineer or designee for existing and proposed drainage laterals, ditches or watercourses collecting and conveying stormwater runoff through the proposed development.
 5. ~~(6)~~ Any additional drainage and maintenance easements shall be obtained as needed to improve existing downstream drainage facilities to offset any foreseeable impact that may be caused by the proposed development.
 6. ~~(7)~~ The parish shall not be obligated to provide any infrastructure or drainage improvements pursuant to this ordinance to accommodate any new development.
 7. All drainage improvements except those allowed within the public right of way, shall be privately maintained in perpetuity. The developer shall provide as part of the engineering plan submittals a perpetual operations and maintenance plan (O&M Plan) for the proposed improvements. O&M Plan for said improvements shall be legalized through a development agreement and shall remain the responsibility of the developer in perpetuity. The development agreement may provide for the transfer of the O&M Plan responsibilities but shall require a formal revision to the original agreement and shall be approved by the Police Jury. Development Agreements shall be in accordance with the guidelines established herein. The police jury will hold on file all development agreements and may inspect drainage improvements for proper O&M as needed.
- (e) *Submittal requirements.* Drainage plans requirements. The design engineer shall submit a stamped and signed set of detailed drainage calculations and plans for all proposed developments subject to these requirements. The drainage plans ~~shall~~ will typically contain a Watershed Map, a Drainage Layout Map, a Grading Plan, Plan-Profile sheets, Typical Cross sections, and Special Details sheets where the following minimum information and data should be provided for review:
- (1) The drainage plans shall detail the runoff flowing into, ~~through~~ across, and exiting the development.
 - (2) The location, description, and elevation of permanent or temporary benchmarks to be used in the construction of all improvements. Vertical control for proposed developments shall be established by a GPS occupation with OPUS derived solutions, done during the time of the survey or by N.G.V.D., measured to at least second order accuracy or better and shall be run from a U.S. Geological Survey (U.S.G.S.), Louisiana Geological Survey (L.G.S.), or Calcasieu Parish GPS

monument. A note shall be placed on the drainage plan sheet indicating the U.S.G.S. or L.G.S. monument and elevation used in determining the benchmark used for the development.

- (3) The delineated floodplain based on flood-actual site elevations, if applicable, and the area(s) located within the delineated 100-year floodplain based on onsite two-foot contour intervals, which will be ~~shall be~~ shaded for clarity.
- (4) Cross-drain and side drain sizes for all road crossings and driveways with a notation of the flow rate and drainage area for each section of pipe or driveway shown in table format.
- (5) Calculated discharge rates for both onsite and offsite drainage areas shall be in accordance with subsection (f) below.
- (6) All proposed and existing drainage and maintenance easements within the boundaries of the proposed development. Include cross sections of each easement on drainage plan.
- (7) Layout, location, slopes, inverts, type and sizes of all storm sewer structures.
- (8) Slopes of all major, intermediate, and minor watercourses.
- (9) A note on the plan requiring the lot owner to provide the proper grading of lots to match drainage design including lot flow arrows identifying grading requirements to satisfy drainage design.
- (10) Typical pond sections (if applicable) noting normal pool elevations and peak ~~ten (10) year event~~ water surface elevations from routing calculations.

11) _____ Hydraulic and hydrologic calculations, plan-profile sheets, and drainage area maps shall also be submitted with the drainage plan to provide for detailed review. All submittals shall be stamped and signed by the certifying engineer.

12) _____ Grading plan shall provide the following:

- a. All proposed final grades and lines within the boundaries of the new development required for the new construction;
- b. Final grades and lines of the development shall be completed during construction and inspected as part of the final approval and acceptance process. Final grades for all buildable spaces shall be constructed to within six (6) inches of the required freeboard elevation for new structures;
- c. Delineation of all fill to be placed within any delineated base flood elevation;
- d. Delineation of all flood storage volume set asides or protected areas required for fill low the delineated floodplain for mitigation purposes;

(f) *Peak runoff determination methods.*

- (1) For drainage areas less than two hundred (200) acres, ~~the design engineer shall use the rational method (Q = CIA) for determining runoff rates. Rainfall intensities and runoff coefficients utilized with the rational method shall be consistent with the Louisiana Department of Transportation and Development (LaDOTD) Hydraulics Manual.~~ six hundred (600) acres the traditional Rational or SCS based calculation may be used to develop peak discharge for design storms. However, to expedite review and provide consistent application of the methods, all calculation for peak discharge runoff shall follow the Parish approved design process and variable sheet protocols.
- (2) For drainage areas from two hundred (200) acres to two thousand (2,000) acres, ~~the peak stormwater runoff shall be determined utilizing the procedures established by the United States Soil Conservation Service Technical Release No. 55 (TR-55) "Urban Hydrology for Small Watersheds."~~ over six hundred (600) acres the Parish will provide modeled flows for predevelopment conditions and will provide the developers engineers with working models to utilize for estimating post development conditions.

- (3) ~~Runoff calculations for areas draining more than two thousand (2,000) acres shall be estimated by HEC-HMS analysis or regression equation guidelines established in the LaDOTD Hydraulics Manual.~~
- (g) *Hydrograph determination methods.* For cases where the flow rate is required over time, curvilinear hydrographs shall be generated utilizing SCS method or approved equal. Shape factors required to generate the hydrograph shall be consistent with development's topography. ~~in accordance with the Small Watershed Hydrograph Method which will be provided by the parish.~~
- (h) *Watercourse routing methods.* For cases where watercourse routing is required ~~HEC-HMS, HEC-RAS, or an approved equal hydrologic modeling program shall be used.~~ is required the Parish Engineer shall approve the methodology and modeling program that shall be used. Unless approved otherwise the required methodology and modeling program will be the same as the current practices and versions utilized by the parish drainage department responsible for the review of the proposed improvements.
- (i) *Hydraulic design criteria.*
- (1) All drainage facilities shall be designed in accordance with the latest edition of the LaDOTD Hydraulics Manual Louisiana Standard Specifications for Roads and Bridges unless otherwise stated herein.
 - (2) Developments shall be designed in a manner to accommodate completely enclosed storm sewers. ~~unless permanently designated as an open ditch.~~ The hydraulic grade line analysis for a closed conduit system shall include all junction/manhole and friction losses and should assume, at a minimum, junctions and catch basin spacing as described in this section. ~~However, streets may be permanently designated as open ditch. Where designated as permanently open, the ditches will not be allowed to be enclosed at any time. A statement of such shall be noted on the final plat and as-built drainage layout plan.~~ Sewer effluent from individual or community sewer systems shall not be discharge directly into open ditch systems in the roadside ditches.
 - (3) ~~Streets permanently designated as open ditch will not be allowed to be enclosed at any time and shall be noted on the survey plat.~~ Public infrastructure constructed or modified as part of a new development shall be designed as follows:
 - a. *Storm sewer design.*
 1. The design storm frequency to be utilized for drainage design shall be as follows:
 - Local street5-year
 - Collector street10-year
 - ~~Major~~ Minor watercourse~~50~~ 5-year
 - ~~Intermediate~~ watercourse~~25~~ 10-year
 - ~~Minor~~ Major watercourse~~40~~ 25-year
 2. The minimum size of pipe, or round equivalent, to be used in a storm sewer system shall be fifteen (~~15~~) inches (18) inches. The Parish Engineer may grant a minimum size reduction where dictated by site conditions.
 3. The storm sewer shall be designed and constructed to operate full with a minimum self-cleansing velocity of three (3) feet per second, where possible. No storm sewer system should be designed to produce velocities in excess of ten (10) feet per second.

4. Storm sewers shall be designed with catch basins located at lot lines with a maximum spacing of three hundred (300) feet. Catch basins shall have a minimum twenty-four-inch diameter opening and meet AASHTO-HS-20 loading.
5. Storm sewer alignment between manholes or structures shall be straight, unless otherwise approved by the parish engineer or designee. All changes in alignment or pipe size shall require the use of a structure, such as a catch basin, junction box, or manhole. Catch basins located at intersections shall be pre-cast or cast in place, constructed with reinforced concrete, and shall meet LaDOTD standards. All other catch basins located within the parish right-of-way shall meet AASHTO-HS-20 loading.
6. Yard drains are supplemental small drain basins that may be used to connect to the roadside subsurface drain systems and serve as local lot drainage inlets.

Pipe Size	Yard Drain Diameter
15 inches <u>Less than 18 inches</u>	12-inch
18 inches and above	15-inch

7. Catch basin and yard drain inlets shall be at least six (6) inches below the edge of pavement.
8. The storm sewer grade should be such that a minimum cover to withstand AASHTO-HS-20 loading on the pipe is maintained. The minimum cover requirements will depend on the size and type of pipe and the bedding conditions, but should not be less than twelve (12) inches for all sizes and types.
9. A minimum clearance of twelve (12) inches either above or below shall be maintained between the storm sewer and underground utilities unless otherwise required by a utility permit. For conflicts where minimum clearances cannot be maintained, a conflict box may be constructed if applicable to the utility in conflict.
10. Manning's roughness coefficients utilized for the design of storm sewers and culverts shall be in accordance with the latest edition of the LaDOTD Hydraulics Manual.
11. All storm sewer facilities must be designed taking into consideration the water surface elevation of the receiving conveyance system, pond or lake. The design tail water condition shall be based on a ten-year stage in the receiving system.
12. The storm sewer system shall be designed to convey the peak design flow based on full-flow conditions. The storm sewer capacity and velocity shall be based on Manning's formula. The storm sewer system shall be designed so that the hydraulic grade line does not exceed the edge of pavement of the proposed road.
13. The hydraulic grade line shall be computed beginning at the outlet end of the system and systematically working upstream, accounting for all friction losses in each storm sewer segment and minor losses at each junction. The computed hydraulic grade line shall be plotted on the development plan-profile sheets for review and approval.
14. For streets with curb and/or grate inlets, a detailed inlet spacing and capacity analysis shall be completed in accordance with the LaDOTD Hydraulics Manual. An exception

allowing a maximum width of lane flooding of eleven (11) feet for local streets shall be granted.

b. *Open channel design.*

1. Hydraulic analysis shall be required to identify the adequacy of natural channels and to define the water surface profile for both natural and constructed drainage channels. The hydraulic analysis must include friction losses and effects of bridges, culverts, transitions, ineffective flow areas, etc. Sufficient cross sections of a natural channel must be taken to define its physical characteristics and the limits of the natural floodplain. The hydraulic analysis of open channels shall be based on either uniform or gradually varied flow. For the design of a proposed channel with a uniform cross section, uniform flow is normally assumed. For the evaluation of natural non-uniform channels, channels with over-bank flow, and channels subject to backwater, a standard step backwater analysis for gradually varied flow must be utilized.
2. Open channels shall be designed based on the following frequencies:
 - Local street5-year
 - Collector street10-year
 - ~~Major~~ Minor watercourse~~50~~ 5-year
 - Intermediate watercourse~~25~~ 10-year
 - ~~Minor~~ Major watercourse~~10~~ 25-year
3. Hydraulic analysis of major watercourses shall be completed in accordance with the parish HEC-RAS modeling standards utilized in the stormwater planning models.
4. Alignment of proposed open channel outfalls shall follow existing ditches and low areas to minimize cut, reduce conflicts and maintain natural drainage patterns. Side slopes shall be a ~~maximum~~ minimum of ~~3~~ 4:1.
5. Where ~~average calculated~~ channel velocities are expected to be greater than five (5) feet per second, adequate erosion protection shall be required at all bends, confluences and outfalls of laterals.
6. Starting water surface elevation for water surface profiles of tributary streams should begin at normal depth, unless coincident design floods on the tributary and mainstream are likely. For this condition, the tributary water surface profile shall be plotted to reflect the results of the normal depth analysis or the level of backwater from the mainstream, whichever is greater. For conditions where coincident design floods can be expected, a backwater profile shall be calculated for the tributary stream starting at the coincident flood elevation of the main stream.
7. Miscellaneous design criteria for open channels which may not have been specifically addressed in the preceding sections are summarized below:
 - (i) A minimum freeboard below top of bank to the design water surface of one (1) foot for channel depths of eight (8) feet or less, and two (2) feet for depths greater than eight (8) feet shall be required.
 - (ii) A minimum radius of curvature of three (3) times the top width is recommended for earthen channels. This minimum may be reduced to 1.2 times the top width for erosion-protected channels. For earthen channels not meeting the recommended radius of curvature, erosion protection shall be required along the outer channel bank, extending a minimum of one hundred (100) feet upstream and downstream of the bend.

- (iii) The maximum intersection angle at confluence shall be ninety (90) degrees. Erosion protection shall be required at all intersections, which are not required to be enclosed.
- (iv) The utility line crossings of channels must be designed to minimize channel obstructions. For lines that pass under a channel, the top of the utility line shall be a minimum of ten (10) feet below the ultimate channel flow line and twenty (20) feet measured horizontally from the side slope, unless otherwise approved by the Gravity Drainage District.
- (v) The parish engineer or designee shall approve, in advance, design standards for concrete lined channels or permanent cross section channels.
- (vi) Channel blocks shall be installed at the confluence of all existing and proposed open channels regardless of the elevation difference in accordance with the LaDOTD Hydraulics Manual. Outfall pipe shall be properly protected against scour and erosion at both ends of the pipe.
- (vii) Lateral ditches from the street to an outfall channel that traverse lots shall be enclosed with storm drainpipe. Lateral ditches shall be protected from scour or erosion at both ends.
- (viii) Open ditches for roadside drainage shall be designed in accordance with LaDOTD Hydraulics Manual.

c. *Culvert design.*

1. The design storm frequency for cross drains shall be designed based on the following frequencies:
 - Local street5-year
 - Collector street10-year
 - ~~Major~~ Minor watercourse~~50~~ 5-year
 - ~~Intermediate~~ watercourse~~25~~ 10-year
 - ~~Minor~~ Major watercourse ~~40~~ 25-year
2. Side drains shall be designed based on a five-year design storm frequency.
3. The minimum size culvert for a side drain shall be fifteen (~~15~~ 18) inches in diameter and eighteen (18) inches in diameter for a cross-drain unless approved by the parish engineer or designee.
4. The allowable headwater or differential head across the structure, at the design frequency, shall be one-half foot. ~~follow guidelines specified in the LaDOTD Hydraulics Manual.~~

d. *Bridge design.* The design and placement of bridges shall be coordinated with the parish engineer or designee. To be accepted by the parish, bridges must be constructed to LaDOTD standards. It is recommended that a pre-design conference be held before proceeding with any bridge design.

e. *Detention pond design.*

1. All detention ponds shall be designed for a ~~ten-year design~~ full spectrum of frequency frequencies as established in the watershed performance standards. All facilities must also be checked for the 100-year frequency to assure adequate performance during major rain events. All facilities shall be designed with a 100-year frequency emergency spillway to control the location of overtopping of the facility.

2. ~~All detention facilities associated with residential developments shall be offline unless designed to accommodate full upstream development.~~
 - (i) ~~Wet basin ponds. Only the outlet structure shall be dedicated for public maintenance, and a minimum thirty-foot maintenance easement shall be provided for access. Both the construction plans and final plat for developments with wet ponds shall clearly indicate the above requirements and shall include a note that states that the proposed basin and shoreline will be privately owned and maintained.~~
 - (ii) ~~Dry basin ponds. Only the outlet structure shall be dedicated for public maintenance, and a minimum thirty-foot maintenance easement shall be provided for access. An adequate concrete-lined or enclosed low-flow drainage channel should be incorporated into the design to avoid unnecessary maintenance or hazard. Additionally, an adequate drainage easement and maintenance easement should be provided. Both the construction plans and the final plat for the developments shall clearly indicate the above requirements and shall include a note which states that the proposed dry basin, less drainage and maintenance easements, shall be privately owned and maintained. As a part of the construction of dry basins, the developer shall mark the limits of all drainage and maintenance easements for public maintenance.~~

All detention facilities shall be established offline and shall not be incorporated into an existing watercourse.

3. Basins shall be designed with a minimum side slope slopes of 5:1 to approximately two (2) feet below the normal water surface and a slope of 3:1 beyond. Embankment slopes shall be stabilized to prevent erosion. The minimum embankment top width of six (6) feet shall be provided on all basins. All detention basins shall be located such that there is a minimum twenty five (25) foot buffer between the edge of water at normal pool elevation and any other property lines.
4. For wet detention basins, a minimum permanent pool depth of five (5) feet ~~should be provided.~~ is recommended. Sewer effluent discharge shall not be routed through any detention basin.
5. For dry basins, a low-flow drainage channel to control flow and direct it to the outlet structure shall be provided. Said low-flow channel shall have a minimum capacity of 0.15 cubic feet per second per acre drained and a minimum design slope of 0.1 percent graded towards the outlet structure. Sewer effluent discharge ~~shall~~ should not be routed through any detention dry basins unless concrete lined or enclosed low flow channels are provided.
6. Pond outlet structures shall be designed to be as maintenance free as possible and protected from clogging. Sloped trash racks shall be provided for all orifices and small bleed-down pipes. The area of the trash rack shall be a minimum of ten (10) times the area of the orifice and should extend away from the outlet to reduce any interference with the outlet operation. For this purpose, only open top weir outlets shall be approval. Weir outlet structures shall be designed and constructed with reinforced concrete. Shop drawings, cross sections and plan details shall be required for approval. Weir outlets shall be designed to resist overturning, settlement or failure.
7. A minimum pipe size of eighteen (18) inches shall be required for any outlet pipe. To further restrict the design outflow from the basin, a weir at the entrance of the pipe may be required.

8. For all basins, the time to drain the facility and to re-establish full storage capacity from the peak of the storm event shall not be longer than thirty (30) hours.
9. For approval, the developer's engineer shall submit design calculations, which include, but are not limited to the following:
 - i. A stage-storage and stage-discharge relationship for the basin.
 - ii. The development inflow hydrographs for the ~~ten- and 100-year~~ full spectrum of design frequencies, and all parameters and assumptions utilized to develop the hydrographs. ~~Synthetic hydrographs similar to the unit hydrograph shall be used in lieu of triangular hydrographs to more accurately account for the total volume of runoff from the storm event.~~ In flow hydrographs shall be developed using the methods specified herein.
 - iii. The routing calculations and outflow hydrographs for the ~~ten- and 100-year~~ full spectrum of design frequencies.
 - iv. All necessary outlet structure details, including ~~a sketch or drawing~~ detailed engineering construction drawings and specifications with reference to mean sea level elevations at invert and overtopping locations, for the structure. Weir coefficients and/or friction coefficients shall be provided if applicable.
- f. *Fill mitigation requirements.*
 1. No fill of any type shall be placed on or over any portion of a regulatory floodway, coastal high hazard area or any areas of special flood hazard or any designated floodplain, existing watercourse which, alone or cumulatively with other such activities, would cause or result in a barrier that will adversely affect the efficiency of, or restrict the flow or capacity of, a designated floodway or watercourse so as to cause foreseeable damage to others, wherever located. For the purpose of fill mitigation requirements, site specific stage-storage curves for the pre and post development conditions shall be prepared and compared for consistency, conformance and balance.
 2. A fill mitigation plan shall be submitted by a certified licensed Louisiana engineer and is subject to review and approval or denial by the floodplain administrator, the parish engineer or designee.
 3. Submittal requirements. (Information for fill mitigation shall be incorporated into the required site grading plan for review and approval.)
 - i. Delineated 100-year floodplain elevation on predevelopment construction two-foot contour intervals.
 - ii. Post development two-foot contours.
 - iii. Post development fill volume to be deposited below the delineated 100-year flood elevation.
 - iv. Location of proposed fill credits to mitigate the fill volume below the delineated 100-year flood elevation with cross-sections.
 - v. Watershed boundaries are to be included.
 4. Additional requirements.
 - i. Where detention ponds are to be excavated, the volume of dirt removed below the normal water surface of the required minimum pond size cannot be credited as compensating fill mitigation volume.
 - ii. If the compensating storage for fill mitigation is derived from an off-site source that is not part of the development, the storage must be located in the same watershed

as the development. Additionally, the base flood elevation at the off-site source shall not be greater than one (1) foot above or below the base flood elevation of the development site.

- iii. ~~Fill required for building pads and development roads shall be exempt from the above requirements where transition back to natural grade is made at slopes no flatter than 6:1, unless located in designated floodway.~~

- 5. The parish engineer or designee may, on a case-by-case basis, issue a waiver for fill mitigation requirements due to a developer's inability to generate fill credits.

(j) *Construction standards.*

- (1) All areas disturbed as part of drainage construction shall be maintained for erosion and sediment control in accordance with the parish stormwater ordinance.
- (2) All construction shall be in accordance with the latest edition of the Louisiana Standard Specifications for Roads and Bridges except those superseded by parish standards and specifications.
- (3) The minimum design service life for drainage structures shall be as follows:
 - a. Thirty (30) years for all side drains.
 - b. Seventy (70) years for all cross drains.
 - c. Seventy (70) years for subsurface storm drains.
 - d. Fifty (50) years for outfall structures.
- (4) Metal culverts may be used for termini at channels and as otherwise approved by the parish engineer or designee after determination of the net effect of corrosion from both interior and exterior conditions concurrently. The developer's engineer shall submit the necessary calculations and data as per LaDOTD EDSM No: II.2.1.6 as part of the review package.
- (5) All roadway cross drains shall be reinforced concrete pipe. No other material (i.e. plastic, metal, etc.) will be accepted unless otherwise approved by the parish engineer or designee.

- (k) *Certifications.* The engineer of record responsible for each phase of the drainage design, site plan, drainage layout plan, grading plan and infrastructure improvements or detention facility, or any drainage improvements for any development shall provide a letter of certification to the parish engineer or designee prior to final plat approval. The letter shall certify that all the drainage improvements required and approve herein have been fully ~~were~~ constructed in accordance with the approved plans and specifications.

- l) *Inspections.* The parish will inspect all new development with drainage additions and connections to the publicly maintained drainage system at critical milestones in the construction process. The developer shall submit prior to construction a schedule for drainage additions and/or connections construction, and shall contact the parish inspection office no less than five (5) calendar days in advance of inspection checkpoints so that and inspector can be scheduled to be on site. Inspections shall be completed during normal working hours for the Parish.

- m) *Final Approval and Final Plat Acceptance.* For new subdivisions and new developments the final plat or final acceptance shall not be recommended or granted prior to or until the Certifications and Inspections reference above have been satisfactorily completed. For new developments other than subdivisions not requiring a final plat approval, said developments shall not be issued final acceptance prior to the Certifications and Inspections of all proposed drainage additions or connections to major, intermediate and minor watercourse that will become part of the public drainage system. Also, where fill mitigation is required final approval shall not be issued until as-built final grading plans have been review and field verified.

(4)n) *Disclaimer of liabilities.* This article does not imply that land inside or outside the jurisdictional area of the parish and/or any district will be free from flooding or flood damage. This article shall not create liability on the part of this community, the board members of any districts, the Calcasieu Parish Police Jury or its members, or any other official or respective employee, for flood damages that result from reliance on this article or any other administrative decision lawfully made.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 5. - CULVERT INSTALLATION STANDARDS

Sec. 26-217. - Culvert permit applications; fee.

- (a) A culvert installation permit shall be required for all new culvert installations in the parish road right-of-way in the unincorporated areas of Calcasieu Parish.
- (b) Culvert permits by the parish shall be limited to parish maintained roads. Culverts installed during the development of both residential and commercial subdivisions shall be permitted through existing parish development ordinances and established procedures.
- (c) As part of this permit agreement, the applicant is required to pay a one hundred dollar (\$100.00) inspection fee. The inspection of culverts shall be made before the backfill operations begin, and it shall be the applicant's responsibility to call for the inspection a minimum of three (3) days in advance. Constructed catch basins will require separate inspections for the bottom, walls, and the top prior to concrete pour. Failure to obtain a favorable inspection will result in the removal of unapproved structures by the parish at the owner's expense.
- (d) Applications not paid in full within one hundred eighty (180) days of said request shall be void, and the applicant's retainer fee shall be forfeited. New applications shall be subject to any new policy changes or cost changes made by the parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-218. - Requirements.

- (a) Driveways, approaches or other improvements in the road right-of-way shall at all times be subject to changes, additions, repairs or relocation when necessary to maintain the roadway or roadway drainage.
- (b) Culverts installed as an exercise of this permit shall not be relocated or its dimensions altered without the written permission of the permit agent.
- (c) Applicants are required to install the permitted culverts themselves or by private contractor in accordance with the specifications, standards and guidelines established by the parish.
- (d) The applicant shall be responsible for the final dressing of the limits of construction, including topsoil, seeding, fertilizing, watering, erosion protection and final grading as required or desired. Applicant shall also be responsible for grading property to insure proper drainage toward drain inlets. Often this may require the applicant to raise the elevation of his/her property.
- (e) In some cases the applicants may be required as part of their permit to reset, replace, or repair existing culverts or side drains connecting to or adjacent to the proposed new installation due to grade adjustments or pipe size changes and/or substandard or deteriorated existing materials to insure

proper drainage. The required repair and/or replacement of driveways or other property improvements within the parish right-of-way resulting from said improvements are the responsibility of the applicant.

(f) Unless approved otherwise by the permit agent, culverts and storm drains shall be constructed in accordance with the latest edition of the Louisiana Standard Specifications for Roads and Bridges, under appropriate section for culverts and storm drains and in accordance with the following minimum special provisions:

(1) Driveway culverts shall be a minimum of twenty-four (24) feet of reinforced concrete pipe. Applicants may extend existing driveways with like materials if the existing pipe is in good condition and is extendable. When hard-surfacing a driveway over a culvert installation with concrete pavement, a construction joint shall be constructed at the right-of-way line.

Plastic pipe culverts for driveways may be used in lieu of concrete pipe. Plastic pipe must meet all minimum specifications as established and required by the division of planning and development and the division of engineering and public works and is subject to proper installation in accordance with parish standards. Current minimum specifications for plastic pipe are available and on file with both parish divisions. Plastic pipe failures shall be replaced immediately by, and at the expense of, the property owner. Failure to comply will be a violation.

(2) Minimum size culverts shall be fifteen-inch diameter.

(3) No "used" or substandard pipe shall be installed within the parish road right-of-way.

(4) Plastic or floatable pipe shall not be installed where the manufacturer's recommended installation guidelines cannot be met. Typically, plastic pipe shall not be installed unless a minimum of twelve (12) inches of backfill material can be placed and compacted on top of the pipe without impacting the roadway and shoulder drainage characteristics.

(5) Drainage of the roadway and the roadside ditches shall not be altered or impeded. Where the proper size culverts cannot be installed on grade and without impeding or altering said drainage, the application shall be denied. To facilitate proper roadway drainage, inlets shall be placed a minimum of three (3) inches below the edge of pavement nearest to the culvert installation.

(6) The permit agent may deny applicant's request to install culverts where an unreasonable hardship such as property flooding can be expected to occur as a result of the installation. To improve the installation circumstances, the applicant may be allowed to place additional backfill on his/her property or make other site-specific modifications designed to minimize potential damages. For all installations, it shall be the responsibility of the applicant to properly grade his/her property to drain toward the drainage inlets. Cost of materials, labor, and equipment for this purpose shall be the responsibility of the applicant.

(7) Minimum fifteen-inch yard drains with approved grate covers shall be installed at a maximum distance of seventy-five (75) feet apart along frontage of property.

(8) Minimum 24" x 24" catch basins (LADOTD CB-01) shall be provided at the junction of cross-drain structures at roadway intersections and at property lines. The permit agent shall lay out the location of the required catch basins at the time of the application. Applicants shall complete construction of said catch basin(s) within sixty (60) days of the pipe installation. Where applicable and available, pre-made catch basins shall be installed at the same time as the culverts. Applicants shall request inspection of the catch basins at each construction phase before the concrete is placed to allow inspection of reinforcing material and form work. Catch basins shall be constructed in accordance with (LADOTD CB-01) standard plans on file at the permit office.

(9) All non-uniform junctions of pipe where a catch basin is not required shall be made with an approved adapter. Butting-up of non-uniform pipes shall not be permitted. All pipe joints and connections shall be wrapped with approved filter fabric and sealed with an approved gasket or gasket material.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-219. - Pipe specifications.

This section pertains to pipe extending beyond the required concrete (or plastic) culvert under the driveway. The parish reserves the right to reject any material (pipe, backfill, etc.) it deems unsuitable for the proposed intent. Pipe and/or pipe fittings shall meet the following specifications:

- (1) Concrete pipe and accessories shall be new and meet or exceed all requirements for side drain pipe of the latest edition of the Louisiana Standard Specifications for Road and Bridges, under appropriate section for concrete and plastic pipe.
- (2) Plastic pipe and accessories shall be new corrugated polyethylene double-walled culvert pipe or polyvinyl chloride smooth-walled culvert pipe and shall meet or exceed all the requirements for side drain pipe of the latest edition of the Louisiana Standard Specification for Roads and Bridges, under appropriate section for concrete and plastic pipe.
- (3) Metal and aluminum pipe and accessories shall be new and shall meet or exceed all requirements for side drain pipe of the latest edition of the Louisiana Standard Specifications for Roads and Bridges, under appropriate section for metal pipe. Minimum gauge thickness for metal pipe shall be 16-gauge.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-220. - Special waiver.

Requests for a special waiver to the general provisions and conditions must be received in writing by the culvert permit agent prior to issuance of the final permit.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-221. - Hold harmless.

- (a) The applicant agrees to hold harmless the parish and its duly-appointed agents and employees against any action for personal injury or property damage sustained by reason for the permit. The parish, as part of this permit application, has made no attempt to locate or identify any utilities that may be located within the parish right-of-way within the boundaries of this permit application. It is the applicant's responsibility to take the necessary safety precautions to avoid disrupting utilities and to prevent accident or injury when working within the parish right-of-way. Applicants are also required to maintain a safe work zone within the parish right-of-way during construction in accordance with the latest edition of the Manual of Uniform Traffic Control Devices published by the United States Department of Transportation Federal Highway Administration.
- (b) Prior to the installation of culverts, it is the responsibility of the contractor and/or owner to formulate the scope of work for the installation of culverts. All scope of work must be agreed upon by the contractor and/or owner prior to the start of work. The police jury will not be responsible for deviations from the scope of work agreed upon between the contractor and/or owner and from the provided parish sketch, unless the deviation does not meet the police jury culvert installation general provisions and conditions.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-222. - Temporary culvert permits.

- (a) *Applicability.* Temporary culverts may be allowed for new construction, farming, logging, land clearing and other similar-type activities.
- (b) *Permits and fees.* Prior to the installation of a temporary culvert, application must be made, fees paid and approval received by the division of planning and development. The fee for temporary culvert permits shall be fifty dollars (\$50.00) for each culvert.

- (c) *Standards.* Temporary culverts must be constructed of a minimum 16-gauge metal pipe. The size of the pipe must be equal to or greater than the size required for permanent culverts.
- (d) *Timeframe/removal.*
 - (1) *Farming, logging, land-clearing and other similar-type activities.* Temporary culverts may be allowed up to one hundred twenty (120) days for farming, logging, land clearing and/or other similar-type activities. The director of planning and development or designee may grant a one-time extension not to exceed one hundred twenty (120) days. Any extension given beyond the mentioned timeframe must be approved by the police jury. Upon completion of the activity, the temporary culvert must be removed and replaced by a parish approved and permitted permanent culvert or, if not needed, the ditch must be replaced back to the original condition.
 - (2) *New construction.* Temporary culverts may be allowed through the completion of the new construction. Once the construction is completed, the temporary culvert must be removed and replaced with a parish approved and permitted permanent culvert prior to the issuance of a certificate of occupancy.
- (e) *Violations/penalties.* Failure to comply with this section will be considered a violation and may result in the issuance of civil penalties up to five hundred dollars (\$500.00) per occurrence.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 6. - STORMWATER STANDARDS

Sec. 26-223. - Title.

This division shall be known as the "Stormwater Code of Calcasieu Parish, Louisiana" and may be cited and referred to herein as "this division."

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-224. - Purpose.

The purpose and objectives of this article is as follows:

- (a) To maintain and improve the quality of surface water and groundwater within the parish;
- (b) To prevent the discharge of contaminated stormwater runoff and illicit discharges from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters affected by the parish;
- (c) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers, roadside ditches and natural waters of the parish;
- (d) To encourage the recycling of used motor oil and safe disposal of other hazardous consumer products;
- (e) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the parish; and
- (f) To enable the parish to comply with all federal and state laws and regulations applicable to stormwater discharges.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-225. - Administration.

Except as otherwise provided herein, the compliance officer shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the compliance officer shall be carried out by that person and may be delegated by the compliance officer to other parish personnel.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-226. - General provisions.

- (a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) that the discharge was composed entirely of one (1) or more of the following categories of discharges:
 - (1) A discharge authorized by, and in full compliance with, an LPDES permit (other than the LPDES permit for discharges from the MS4);
 - (2) A discharge or flow resulting from the fire fighting by the area firefighting department;
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
 - (4) Agricultural water runoff;
 - (5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by super-chlorination or other means unless it contains no harmful quantities of chlorine or any other chemical used in the line disinfection;
 - (6) A discharge from swimming pool filter backwashing or pool or spa draining, provided that such water is discharged at a rate or volume that allows for percolation into the soil and does not negatively impact neighboring property or the parish drainage ways;
 - (7) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
 - (8) A discharge or flow from a diverted stream flow or natural spring;
 - (9) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (10) Uncontaminated groundwater infiltration (as defined as in 40 CFR 35.2005(2) to the MS4);
 - (11) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
 - (12) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
 - (13) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
 - (14) A discharge or flow from individual residential car washing;
 - (15) A discharge or flow from a riparian habitat or wetland;
 - (16) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance; and
 - (17) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant.
- (c) No affirmative defense shall be available under subsection (b) if the discharge or flow in question has been determined by the compliance officer or their agent to be a source of a pollutant or pollutants to the waters of the United States or to the MS4.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-227. - Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in division 2.
- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the parish to violate a water quality standard, the parish's LPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
- (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including hazardous household waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste. Disposal of domestic sewage or septic tank waste must be in conformance with division 2;
 - (5) Any garbage, rubbish, food, or yard waste;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity. (Discharge must meet state-issued permit requirements);
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any wastewater from commercial floor, rug, or carpet cleaning;
 - (9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blow-down from a boiler;
 - (10) Any discharge from water line disinfection by super-chlorination or other means if it contains any harmful quantity (refer to MSDS) of chlorine or any other chemical used in line disinfection;
 - (11) Any fire protection water containing oil or hazardous substances or materials;
 - (12) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (13) Any contaminated runoff from a vehicle wrecking;
 - (14) Any substance or material that will damage, block, or clog the MS4; and
 - (15) Any release from a petroleum storage tank, or any leachate or runoff from soil contamination by a leaking petroleum storage tank, or any discharge of pumped, confined, or treated wastewater from the remediation of such petroleum storage tank release, unless the discharge satisfies all of the following criteria:
 - a. Compliance with all state and federal standards and requirements, and
 - b. No discharge containing harmful quantity of any pollutant.
 - (16) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (17) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance;
 - (18) Any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred;

- (19) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material; and
- (20) Liquid waste generated by cleaning operation cannot be discharged into the MS4 without a valid LPDES permit from the department of environmental quality.
- (d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities. Such materials shall be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (e) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue, unless said connection is in conformance with division 2.
- (f) No person shall cause or allow any pavement wash water from a commercial facility to be discharged into a MS4 unless such wastewater has passed through a properly functioning and maintained, grease, oil and sand interceptor before discharging into the MS4.
- (g) No person shall discharge water from their property in such a manner that permits such discharge to negatively impact neighboring property;
- (h) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this article.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-228. - General requirements.

The operator shall certify all state requirements shall be met by signing a certification statement as part of the erosion and sediment control permit application and/or building/development permit application. Refer to current specific LPDES permit for site applicability, notice of intent (NOI), and notice of termination (NOT) requirements.

- (1) All operators of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:
 - a. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
 - b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
 - c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
 - d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;
 - e. Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleaning and disposal of any such spills, in compliance with state, federal, and local requirements;

- f. Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;
 - g. Timely maintenance of vegetation, erosion and sediment control measures and other best management practices in good and effective operating condition; and
 - h. Installation of permanent structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed (post-construction). These structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to, the following: stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices, infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of permanent stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.
- (2) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site (meeting criteria of current LPDES permit) that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the current LPDES permit. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.
 - (3) The parish may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (a) that will be implemented at the construction site. The parish may deny approval of any building permit, site development plan, or any other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon the site inspection by the parish are determined not to adequately control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.
 - (4) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this section.
 - (5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the parish to violate a water quality standard, the parish's LPDES permit, or any other state-issued discharge permit for discharges from its MS4.
 - (6) Based on the results of the inspections required by subsection (b), the site description and/or the pollution prevention measures shall be revised as appropriate, but in no case later than one (1) calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven (7) calendar days (per the state stormwater general permit for small construction activities) following the inspection.
 - (7) The parish may withhold an occupancy or use permit for any premises until final stabilization has occurred, as determined by an appropriate inspection, and all required permanent structural controls have been completed.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-229. - Requirements applicable to certain dischargers.

- (a) *Private drainage system maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
- (b) *Minimization of irrigation runoff.* Irrigation systems shall be managed to reduce and/or minimize the discharge of water from a site that may have the potential to contain fertilizers, nutrients, loose sediment, and organic materials.
- (c) *Cleaning of paved surfaces.* The visible buildup of mechanical fluid, waste materials, sediment or debris on paved parking lots, streets, or drives shall be managed to reduce the potential for such pollutants to enter the MS4. Paved surfaces may be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods consistent with techniques that minimize the discharge of pollutants into the MS4. This section does not apply to pollutants discharged from construction activities, which are regulated by section 26-228
- (d) *Mobile cleaning operations.* Mobile commercial cosmetic cleaning operations shall not discharge to the storm drainage system in violation of this article.
- (e) *Maintenance of equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
- (f) *Materials storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
- (g) *Pesticides, herbicides and fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
- (h) *Prohibition on use of pesticides and fungicides banned from manufacture.* Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, or any federal, state or parish regulation is prohibited.
- (i) *Open drainage channel maintenance.* Persons owning or occupying property through which an open drainage channel passes shall not obstruct the drainage channel by disposal of trash, debris, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-230. - Release reporting and cleanup.

Any person responsible for a known or suspected release of materials which results in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release. In the event of such a release of non-hazardous materials, said person shall notify the compliance officer no later than 5:00 p.m. on the next business day.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-231. - Authorization to adopt and impose best management practices.

The parish may adopt and impose requirements identifying best management practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where

specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility, shall implement and maintain these BMPs at their own expense.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-232. - Site applicability.

Construction activity, including clearing, grading, and excavation activities that result in the disturbance of one (1) or more acres of the total land area shall comply with the requirements of this article. This also applies to building construction (including residential) on lots less than one (1) acre. Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of section 26-230, in the course of maintenance, reconstruction or any other construction activity on the site.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-233. - Erosion and sediment control permit.

- (a) *Purpose.* The purpose of this section is to regulate soil erosion and sediment control within the urbanized area of the parish to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended user of a graded site is consistent with applicable parish ordinances.
- (b) *Exemptions.* The following described activities shall not require an erosion and sediment control permit in order to perform clearing, excavation, or related earth work:
- (1) Utility or public works improvements;
 - (2) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
 - (3) Septic repair and/or alteration;
 - (4) Cemetery graves;
 - (5) Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties and all drainage and erosion control requirements;
 - (6) Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operation; and
 - (7) Minor landscaping and sprinkler installation.
- (c) *Permitting procedures.* Unless otherwise stated, no person(s) shall perform any clearing, excavation, or earthwork within the parish without first having obtained an erosion and sediment control permit or building/development permit from the planning department.

The erosion and sediment control permit is applicable but is not limited to the following activities:

- (1) Excavating, cutting, filling, grading, draining, or paving of lots, parcels, or other areas;
- (2) Altering, rerouting, deepening, widening, obstructing, or changing in any way an existing drainage system or feature;
- (3) Development for: residential, commercial, institutional, industrial, utility or other activities; and
- (4) Commencing any other development or excavation which may: significantly increase or decrease the rate and/or quantity of surface water runoff, degrade the quality of water; adversely affect any sinkhole, water course, or water body.

The erosion and sediment control permit is valid for a period of six (6) months or one hundred eighty (180) days from the date of issue. Extensions will be considered based on circumstances.

- (d) *Responsibility not waived.* The erosion and sediment control permit exemptions listed in subsection (b) above do not relieve the owner, developer, contractor, or other legal representative of the responsibility of installing and properly maintaining the proper erosion/sedimentation control measures or other liability resulting from such activities.
- (e) *Site plan and/or conceptual erosion and sediment control plan requirements.* An approved site plan is required to obtain an erosion and sediment control permit. The site plan shall contain, as a minimum, the following items or information, as applicable:
- (1) Total land area;
 - (2) Existing and proposed topography of land and impervious areas shown;
 - (3) Elevations of all existing and proposed streets, alleys, utilities, sanitary and stormwater sewers, and existing buildings and structures;
 - (4) All existing and proposed impervious area;
 - (5) Natural or artificial watercourses;
 - (6) Limits of flood plains, if applicable;
 - (7) All existing and proposed slopes, terraces, or retaining walls;
 - (8) All existing and proposed stormwater drainage structures or features;
 - (9) All stormwater structures/features immediately upstream and downstream of the site;
 - (10) Erosion and siltation control plans;
 - (11) Drainage calculations when required;
 - (12) Drainage easement when required; and
 - (13) An approved site sketch. The site sketch shall contain, in addition to such basic information as owner name and address, date, tax map and parcel number, the following:
 - a. The actual shape, location, and dimension of the lot to be built upon;
 - b. The shape, size, and location of all existing and proposed buildings or other structures;
 - c. The location and approximate dimension of all points of access to a public street or road;
 - d. The location of all driveways and entrances; and
 - e. Locations of areas subject to flooding, if applicable.

The development shall be in compliance with the drainage design standards as established in section 26-215.

- (f) *Erosion and sediment control permit fees.* The fee for the erosion and sediment control permit is intended to assist the parish in recovering some of the expenses associated with the permitting process. These costs consist primarily of administration, inspection, and enforcement activities and shall be approved, set by the police jury, and on file in the division of planning and development.
- (g) *Erosion and sedimentation control.* Developers and/or property owners shall use appropriate erosion and sedimentation control measures as noted in section 26-228 to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum and does not cross to an adjoining property, right-of-way, or stream.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-234. - Right of entry: inspection and sampling.

Calcasieu Parish shall have the right to enter the premises of any person discharging stormwater to the municipal separate storm sewer system (MS4) or to waters of the United States to determine if the

discharger is complying with all requirements of this article and with state or federal discharge permit, limitation, or requirements. Dischargers shall allow the parish ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the parish, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit.

- (1) Where a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, parish personnel will be permitted to enter without delay for the purpose of performing his/her responsibilities.
- (2) Calcasieu Parish shall have the right to set up on the discharger's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the discharger's operation.
- (3) Calcasieu Parish may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.
- (4) Calcasieu Parish may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the parish and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the parish access to the discharger's premises shall be a violation of this article.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-235. - Notice of non-compliance.

The compliance officer or his designee shall deliver to the owner, contractor, and/or representative of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this article, or any other violation of this article a notice of non-compliance. The notice of non-compliance shall be delivered in accordance with section 26-237.

Notice of non-compliance shall include:

- (1) Name of responsible person;
- (2) Date and location of violation;
- (3) Provision that has been violated;
- (4) Actions that must be taken by the responsible person to remedy the violation;
- (5) Deadline within which required actions must be completed; and
- (6) Enforcement actions that may be taken by the parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-236. - Stop work orders.

The compliance officer may issue a stop work order. A stop work order shall be delivered in accordance with section 26-237. A stop work order may direct the owner, contractor, and/or representative responsible for any violation of this article to take any of the following action:

- (1) Immediately discontinue any prohibited discharge to the parish's stormwater conveyance system;
- (2) Immediately discontinue any other violation of this article;
- (3) Clean up the area affected by the violation;
- (4) The compliance officer may direct by a stop work order that any person immediately cease any activity which may lead to a violation of receiving water limitations (TMDLs); and
- (5) The compliance officer may terminate the building/development permit for the site and withhold future inspections until compliance with the stated article requirements is met.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-237. - Delivery of notice.

(a) Notice shall be served by one (1) of the following methods:

- (1) Notice is served upon the owner in the same manner as a service of citation or other process, whether made by the sheriff, deputy sheriff or constable, or duly authorized site inspector of the parish;
- (2) Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the parish;
- (3) Notice is served in the same manner as service of citation or other process upon any mortgagee or any other person who may have a vested or contingent interest in the premises as indicated in the mortgage or other public records of the parish, if the owner is absent or is unable to be served in accordance with the first two (2) paragraphs of this subsection;
- (4) Notice is made by publication once a week for two (2) consecutive weeks in the official parish journal if the owner is absent or is unable to be served in accordance with the first three (3) paragraphs of this subsection;
- (5) The notice shall state that the recipient has a right to appeal the matter as set forth in section 26-239
- (6) Any person who violates a prohibition or fails to meet a requirement of this article will be subject, without prior notice, to one (1) or more of the enforcement actions identified in section 26-240, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge which presents or may present imminent danger to the environment, or to the health or welfare of persons, or to the storm drainage system; or
- (7) In the event the discharge is not abated in compliance with the order of the division of planning and development within fifteen (15) days from the date of such order, and no timely hearing is requested, the parish is authorized to enter the premises in question, to remove or abate the cause of the discharge violation.

(b) Notice shall be served to one (1) of the following recipients:

- (1) The owner of the premises. Owner shall mean the person listed as owner of the premises in question on the current parish property tax rolls, and the address shall be the last address shown on said rolls;
- (2) The occupant of the premises. Occupant shall mean anyone residing on the premises in question;
- (3) The owner's representative. Owner's representative shall mean the general agent, architect, contractor, or any other person who commits the violation. Owner's representative may be served orders or notices in lieu of serving the owner or occupant; or

(4) The operator as defined in article I.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-238. - Abatement procedure.

- (a) *Procedure for abatement.* Notice from the director of planning and development shall outline the conditions of abatement which shall include, but not be limited to, the violation, the action needed to remedy violation and penalty assessment. Penalties assessed shall be in accordance with the penalty schedule for code violations as cited in chapter 1
- (b) *Failure to abate.* The responsible party shall be personally liable for all penalties which shall be recovered by the parish. In the event the penalty is not paid within the time specified by the director of planning and development and the responsible party has not requested an appeal hearing, the director may order an administrative judgment against the responsible party. Should the responsible party request an appeal hearing and the director's determination is upheld, the penalty must be paid within the time specified by the hearing panel. In the event the penalty is not paid within the time specified by the hearing panel, the hearing panel may order a hearing panel judgment against the responsible party. Said judgments shall be filed with the clerk of court of the parish to establish by the parish a privilege securing payment of the penalty through seizure and sale or garnishment of other movable or immovable property of the responsible party pursuant to the Code of Civil Procedure.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-239. - Administrative appeals.

- (a) *Order to abate hearing.*
- (1) The owner, occupant, operator, or owner's representative shall be given fifteen (15) days from the date of the mailing of the notice to request in writing a hearing to contest the determination made by the director of planning and development. In cases where the notice is not mailed, the request may be made within fifteen (15) days from the date on which it is reasonably calculated that the owner, occupant, operator, or owner's representative received notice, but not more than thirty (30) days from the date of posting or delivery of said notice. The request for a hearing must be received within the fifteen (15) days and must be made at the place designated in the notice to the owner, occupant, operator or owner's representative.
 - (2) The hearing provided herein shall be conducted before and according to procedures adopted by a hearing panel of three (3) members from the following: one (1) member of the parish administrative staff of the police jury, one (1) member of the Southwest Louisiana Law Center, Inc., and one (1) member of the civil division of the parish district attorney's office. All members must be present to comprise a quorum.
 - (3) The hearing shall be held within a reasonable amount of time after the filing of the request, and the person requesting the hearing shall be notified in writing of the time and place of the hearing at least ten (10) days in advance thereof. At the hearing the parish or the person requesting the hearing may introduce such testimony or other evidence as is deemed necessary. Any party to the hearing may arrange for and pay a court reporter to make a record of the proceedings.
 - (4) Determinations made by the director of planning and development shall be upheld or overturned by a majority vote by the hearing panel.
- (b) *Appeal from order to abate decision.* The owner, occupant, operator, agent or other representative of the owner may appeal a decision of the hearing panel regarding the order to abate by filing, within ten (10) business days of the decision or order, a suit in the 14th Judicial District Court against the police jury, setting forth the reasons why the decision or order is illegal or improper, or should be altered or overturned, and such issues shall be tried de novo and by preference in the 14th Judicial District Court.

Either party may appeal from the judgment of the district court in accordance with Louisiana law.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-240. - Penalties.

Any person violating any provision of this article shall be punished by a fine imposed by the director of planning and development according to the penalty schedule for code violations as cited in chapter 1.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-241. - Citizen reports of violations.

- (a) All citizens are encouraged to report to the parish any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this article of which they become aware.
- (b) All calls related to violations will be referred to the compliance officer. All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three (3) years. When necessary, complaints will be referred to the Louisiana Department of Environmental Quality, Louisiana Department of Health and Hospitals, or other appropriate local, state, or federal agency.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-242. - Charges and fees.

Calcasieu Parish may adopt reasonable fees for reimbursement of regulatory costs of constructing, operating, and maintaining the parish's MS4, and for reimbursement of costs of implementing its stormwater management program as required by EPA or the state, and the cost of implementing this article, which costs may include, but are not limited to, the following:

- (1) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
- (2) Fees for spills and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants;
- (3) Fees for the discharges of stormwater into the parish's separate storm sewer system; and
- (4) Other fees as the parish may deem necessary to carry out the requirements contained in this article. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-243. - Severability.

If any provision of this article conflicts with federal and/or state laws or regulations, or is deemed invalidated by a court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 7. - UTILITY LINE TRAVERSES

Sec. 26-244. - Permit—Required.

Before any person shall be allowed to use the parish public highways, roads or rights-of-way for the purpose of traversing or crossing any such road, highway or right-of-way with any oil, gas, or any other pipeline, communication line, rice flume or other similar line, or for the purpose of installing any supply or communication lines and pipelines or any other similar line on any parish right-of-way, highway or public road within the parish, such applicant shall secure a permit from the police jury through the parish license

officer to traverse or use such highway, road or right-of-way and such use shall be had subject to the rules and regulations imposed in this article.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-245. - Same—Form.

The form of the permit required by section 26-244 shall be substantially in the language specified by the parish license officer.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-246. - Same—Penalties for failure to obtain.

Any person who uses any parish highway, public road or right-of-way for the purposes specified in this article, without first securing a permit as set out in this article, shall upon conviction by a court of competent jurisdiction be subject to punishment as provided in section 1-9 of this Code, and each violation shall be considered a separate offense.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-247. - Pipeline installation standards.

The standards for the installation of pipelines on parish roads and parish rights-of-way shall be as follows:

(1) *General.*

- a. All materials and workmanship shall conform to the requirements of the applicable industry code and to department specifications.
- b. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.
- c. All excavations within the limits of the right-of-way shall be backfilled and tamped in six-inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced. Where it is necessary to make excavations in the shoulder, the top six (6) inches of backfill shall be limestone or equivalent. Where existing spoil material is, at the discretion of the department, unsuitable for backfill, select material shall be furnished in lieu thereof and the existing material disposed of by approved methods.
- d. Protruding valves and other above-ground appurtenances shall not be installed at any point within the right-of-way of the highway except for vents, markers, etc., which may be installed at the right-of-way line, unless specifically approved herein.
- e. Repairs beneath the roadway shall not be allowed if such repairs necessitate open cutting (open trenches) the highway. If a problem occurs with a line crossing, the utility company must install a new crossing. The utility company must bear the total cost.
- f. Parallel installations shall be located on a uniform alignment to the right-of-way line and within six (6) inches of the approved alignment.
- g. Any clearing and grubbing which may be required by the applicant shall be represented by a plan covering any such actions. Such plans shall also be submitted for erosion control measures which may be required to vegetate the area under such clearing and grubbing. The applicant is authorized to retain all cleared timber. The applicant shall follow up with an erosion control seeding plan approved by department.
- h. Crossings shall have a minimum five (5) feet of cover below the roadway or drainage lateral and thirty-six (36) inches of cover below ditches or drainage structures.

- i. Crossings shall be made at as nearly right angles to the highway as possible. No existing drainage structure under the highway may be used for this purpose.
- (2) *Specific standards for installation of transmission fiber-optic cable (in addition to the general standards).*
- a. *Definition.* A transmission fiber optic cable is defined as a fiber optic cable that crosses Calcasieu Parish without a point of termination.
 - b. *Cables parallel to the public road.*
 - 1. Cables installed.
 - (i) Shall occupy the last few feet of the right-of-way back of the ditch except where, upon showing of actual necessity, a permit is issued for another location;
 - (ii) Shall have a minimum earth cover of thirty-six (36) inches.
 - 2. Installation of cable shall be as close to the right-of-way line as possible.
 - c. *Cables crossing the public road.*
 - 1. Construction methods used shall be in accordance with the following requirements:
 - (i) Cutting the surface or tunneling under it is specifically prohibited;
 - (ii) Installation shall be made either by boring or jacking under the highway from ditch bottom to ditch bottom. In the absence of ditches, or along sections of highway with curb or gutter, boring or jacking shall extend beyond the outside edge of the traveled way to a point at least equal to three (3) times the vertical difference between the elevation of the roadway surfacing and the elevation of the top of the cable. Where width of right-of-way is insufficient to enable compliance with this requirement or where it is necessary to make a connection to an existing parallel facility which precludes compliance, the distance shall be computed to the right-of-way line or to the parallel facility. Any voids or over-breaks resulting from this task shall be backfilled with grout consisting of a cement mortar or a slurry of fine sand or clay, as conditions require. Excavating an open ditch to the edge of the pavement and boring and jacking the remainder of the distance is prohibited. Jacking and boring shall be done in accordance with Section 728 of the Louisiana Standard Specifications for Roads and Bridges, latest edition.
 - d. *Fees.* A fee shall accompany the application for permit. This fee shall be in the form of a certified check made payable to the treasurer of Calcasieu Parish, Louisiana. A fee of five thousand dollars (\$5,000.00) per mile shall apply to transmission fiber optic telecommunications installations placed within parish controlled access road rights-of-way or three thousand dollars (\$3,000.00) per crossing.
 - e. *Deposit.* A guarantee deposit of one thousand dollars (\$1,000.00) per mile or crossing to insure the satisfactory completion of all work shall accompany the permit.
- (3) *Specific standards for the installation of transmission pipelines (in addition to the general standards).*
- a. *Definition.* A transmission pipeline is defined as a pipeline installed for the purpose of transmitting from a source to a distribution center(s) or large volume customer(s) or to interconnect sources of supply. In general, pipelines that operate at higher pressures, are longer, and have greater distances between connections.
 - b. *Pipelines parallel to the road.*
 - 1. New pipelines will not be permitted to be installed longitudinally within the right-of-way of a public road.
 - 2. Pipelines paralleling the highway or public road are limited to distribution facilities.

- c. *Pipelines crossing public road.*
 - 1. Uncased pipelines may be permitted, provided the conditions outlined in E.D.S.M. IV.2.1.9 are met. Pipeline must be properly marked at or beyond the right-of-way. Cover must be maintained at least five (5) feet below the roadway and three (3) feet below the ditches or drainage structures for a minimum distance of fifty (50) feet each side of the road centerline or to the right-of-way line, whichever is greater, as deemed necessary by the parish engineer.
 - 2. Cased pipelines must extend from right-of-way to right-of-way and be properly vented and marked at or beyond the right-of-way line. Cover must be maintained at least five (5) feet below the roadway and three (3) feet below the ditches or drainage structures for a minimum distance of fifty (50) feet each side of the road centerline or to the right-of-way line, whichever is greater, as deemed necessary by the parish engineer.
- d. *Under hard surfaced roads.*
 - 1. Cutting the surface or tunneling it is specifically prohibited.
 - 2. Casing shall be installed either by boring or jacking. Diameter of the bored hole shall be just large enough to receive the pipe. Any boring methods that give satisfactory results may be used. In jacking large casings under the highway or public road, the excavation ahead of the pipe shall be just large enough to receive the pipe.
- e. *Under graveled or shell roads.*
 - 1. Casing or pipelines may be laid by open cut method with approval of the parish engineer.
 - 2. In cases where the highway or public road is cut, the surfacing which shall be protected from mixture with other material, shall be replaced in as good condition as previous, after trench has been backfilled and tamped in six (6) inch layers. If additional surfacing material is necessary to restore road to its original condition, it shall be furnished and placed by permittee.
 - 3. During this construction, only one-half (½) of the road shall be closed and the other half open to traffic. Permittee shall make provision for flagmen to direct traffic and to supply warning signs, barricades and lights as required by the MUTCD.
- f. *Fees.* Fee shall accompany the application for permit. This fee shall be in the form of a certified check made payable to the treasurer of Calcasieu Parish, Louisiana. The amount of the fee shall be three thousand dollars (\$3,000.00) per crossing.
- g. *Deposit.* A guarantee deposit of five thousand dollars (\$5,000.00) per crossing to insure the satisfactory completion of the work shall accompany the permit fee for pipelines installed either by boring or jacking. A guarantee deposit of fifty thousand dollars (\$50,000.00) per crossing to insure the satisfactory completion of the work shall accompany the permit fee for pipelines installed by the open cut method where approved by the parish engineer.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-248. - Inverted siphons (rice flumes) installation standards.

The standards for the installation of inverted siphons (rice flumes) under parish highways and public roads are as follows:

- (a) *General.*
 - (1) Siphons or flumes shall extend the full width of the right-of-way.
 - (2) All headwalls or levees shall be constructed on private property off the highway right-of-way.
 - (3) If pipe is used, all joints shall be watertight.

- (4) A minimum clearance of eighteen (18) inches is required between the flow line of side ditches and the top of the siphon.
 - (5) All safety precautions for the protection of the traveling public must be observed.
 - (6) A guarantee deposit to insure the satisfactory completion of the work shall accompany the application for permit. This deposit is calculated at the rate of twenty dollars (\$20.00) per inch diameter for hard-surfaced roads and four dollars (\$4.00) per inch diameter for gravel roads. For example, to install an eighteen (18) inch pipe under a gravel road would required a deposit of eighteen (18) times four dollars (\$4.00) or seventy-two dollars (\$72.00).
 - (7) No inspection fee is charged, and guarantee deposit will be returned promptly upon receipt of notice from the parish license officer that the work has been satisfactorily completed.
 - (8) All materials and workmanship shall conform to department of highways of the state standards and specifications.
- (b) *Construction methods.* Construction methods used shall be in accordance with the following requirements:
- (1) *Under hard-surfaced roads.*
 - a. Cutting the surfacing, or tunneling under it, is specifically prohibited.
 - b. That portion of the flume that is under the surfacing shall be installed either by boring or jacking and in the case of concrete roads cast-iron pipe shall be used. Corrugated galvanized metal pipe may be used under the surfacing in the case of surface treated roads.
 - c. When the boring method is used, boring shall extend the full width of the surfacing and one (1) foot on each side. The diameter of the bored hole shall be just large enough to receive the pipe. If necessary, boring shall be begun through a shield to prevent cavitation.
 - d. During this construction suitable barriers shall be erected on the shoulders and proper precautions taken to prevent accidents.
 - e. Any excavation made in shoulders shall be backfilled and tamped in six-inch layers and the top six (6) inches shall consist of sand-clay gravel or equivalent.
 - (2) *Under gravel or shell roads.*
 - a. The siphon or flume may be laid by the open-cut method.
 - b. In cases where a highway or public road is cut, the surfacing, which shall be protected from mixture with other material, shall be replaced in as good condition as previously after the trench has been backfilled and tamped in six-inch layers. If additional surfacing material is necessary to restore the road to its original condition, the same shall be furnished and placed by the permittee.
 - c. During this construction one-half (½) of the road shall be cut and bridged, then the other half cut and bridged. Provision shall be made for watchmen to direct traffic and to supply warning signs, flags and lights.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-249. - Supply and communication line installation standards.

The standards for the installation of supply and communication lines on parish public roads and rights-of-way in the parish shall be as follows:

- (1) All pole lines shall occupy the last few feet of the right-of-way behind the ditch but shall be no further from the right-of-way line than one-half ½) the width of the cross arms plus one (1) foot.
- (2) Line crossing the highway or public road shall have a minimum vertical clearance of twenty (20) feet.

- (3) Where supply or communication lines are placed underground in a casing or conduit the standards for pipelines shall also govern.
- (4) A guarantee deposit in the form of a certified check in an amount required by the following schedule shall accompany the application for permit:

Description	Amount of deposit
(1) Crossing the highway or public road	
a. Where poles are not located on right-of-way	\$20.00
b. Where poles are located on right-of-way	20.00
(2) Parallel to highway or public road	
a. One mile or less	200.00
b. Each additional mile or fraction thereof	50.00

Upon notice from the parish license officer that the work authorized has been satisfactorily completed, the guarantee deposit will be refunded.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-250. - Minimum and permanent deposit.

- (a) Any pipeline company or entity traversing the parish shall deposit a certified check in an amount according to the schedules in section 26-249, but in no event shall deposit be less than one thousand dollars (\$1,000.00).
- (b) A public utility may, in lieu of the deposits set out in this section, make a permanent deposit of one thousand dollars (\$1,000.00) which shall remain with the police jury.

Secs. 26-251—26-269. - Reserved.

ARTICLE VIII. - COASTAL ZONE MANAGEMENT

Sec. 26-270. - Title.

This article shall hereinafter be known, referred to, and cited as "the Coastal Zone Management Regulations of Calcasieu Parish".

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-271. - Purposes.

This article is hereby enacted for the purpose of:

- (1) Ensuring ecologically sound development in order to:
 - a. Preserve and enhance the resources of the coastal zone for the enjoyment of present and future generations;
 - b. Promote public safety, health, and welfare;
 - c. Protect wildlife, fisheries, aquatic life, estuarine, and other water resources;
 - d. Preserve and protect the remaining scenic and historic resources of the coastal zone;
 - e. Enhance opportunities for the use and enjoyment of the recreational values of the coastal zone; and
 - f. Develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the state, the nation, and of state and local government.
- (2) Promoting a balanced approach to development and conservation within the fragile ecosystem of the coastal zone, and supporting and encouraging multiple uses of coastal resources consistent with the maintenance and enhancement of renewable resource management.
- (3) Employing procedures and practices that resolve conflicts among competing uses within the coastal zone in accordance with Louisiana Legislative Act 361 of 1978, and simplifying administrative procedures.
- (4) Expressing certain regulatory and nonregulatory policies for the coastal zone management program. Regulatory policies are to form a basis for administrative decisions to approve or disapprove activities only to the extent that such policies are contained in the statutes of this state or regulations duly adopted and promulgated by the police jury. Other policies are nonregulatory. They are included in the coastal zone management plan to help set out priorities in administrative decisions and to inform the public and decision makers of a coherent state framework, but such policies are not binding on private parties.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-272. - Scope of coverage.

All provisions of this article apply only to uses of local concern as prescribed by Louisiana Revised Statutes, Title 49, section 213.1. All issues of state concern as prescribed by said Act will be directed to the appropriate state agency by the permit agent as authorized by the police jury and as stated herein.

Furthermore, this chapter has been prepared to provide the legal means of enforcing the local coastal management plan. The policies in this plan will be used to regulate uses of local concern and to make recommendations on uses of state concern. However, the scope of both the plan and the article are limited as follows as to their affect on uses of state concern.

- (1) The objectives, policies and guidelines outlined in the Calcasieu Parish local program which may directly or indirectly affect uses of state concern shall not be construed as being regulatory or binding on either the permit applicant or the coastal management division of the department of natural resources, but are for the purpose of submitting the parish's environmental review comments to the state on applications for uses of state concern.
- (2) Any local policies which contain prohibitions, restrictions or performance standards beyond the scope of the coastal use guidelines shall be considered as advisory by this parish, the coastal management division, and the permit applicants.
- (3) Parish comments to the coastal management division concerning proposed uses of state concern shall be based on the policies of the parish's coastal management program and may be inclusive

of recommended project alternatives and conditions. Consideration of these recommendations will be given by the coastal management division based on the recommendations' conformance with the coastal use guidelines.

- (4) Recommendations from the parish concerning uses of state concern which reflect further detailing of the coastal use guidelines as they apply to the parish shall be given substantial consideration by the coastal management division with the objective of maximizing conformance with this program.
- (5) Recommendations concerning uses of state concern which are not in conformance with the coastal use guidelines shall not be considered by the coastal management division.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-273. - Usage.

- (a) For the purpose of this article, certain words, terms, numbers, and abbreviations used herein shall be used, interpreted and defined as set forth.
- (b) Unless specifically defined, words or phrases used in this article shall be interpreted to give this article its most reasonable application.
- (c) Words used in the present tense include the future tense; words used in the singular number include the plural, and the plural number includes the singular; the word "shall" is always mandatory; and the word "herein" means "in this article."

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-274. - Coastal zone boundary.

The Calcasieu Parish Coastal Zone Boundary begins one thousand (1,000) feet south of I-10 at Louisiana/Texas Border following the Northern boundary of Sections 9-12 T-11S-R13W, Sections 7-12, T11S-R12W, Sections 7-12, T11S-R11W, and Section 7, T11S-R10W; then easterly to Bayou Choupique following the left descending bank of Bayou Choupique to the north shore of Gulf - Intracoastal Waterway; following easterly to the right descending bank of Black Bayou; then easterly to the right descending bank of Coulee Hippolyte; then northerly on the eastern right-of-way of Nelson Road; then to the southern right-of-way of W. Lincoln Road; then easterly on the southern right-of-way of W. Lincoln Road to Gulf Highway; then southerly to the Calcasieu-Cameron parish line.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-275. - Types of uses.

Uses in the coastal zone subject to the coastal use permitting program shall be of two (2) types:

- (1) *Uses of state concern.* Those uses which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts or greater than local significance or which significantly affect interests or regional, state, or national concern. Uses of state concern shall include, but not be limited to:
 - a. Any dredge or fill activity which intersects with more than one (1) water body.
 - b. Projects involving use of state-owned lands or water bottoms.
 - c. State publicly-funded projects.
 - d. National interest projects.
 - e. Projects occurring in more than one (1) parish.
 - f. All mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses.

- g. All pipelines for the gathering, transportation, or transmission of oil, gas, and other minerals.
 - h. Energy facility siting and development.
 - i. Uses of local concern which may significantly affect interests of regional, state, or national concern.
- (2) *Uses of local concern.* Those uses which directly and significantly affect coastal waters and are in need of coastal management, but are not uses of state concern, and which should be regulated by the police jury. Uses of local concern shall include, but not be limited to:
- a. Privately-funded projects which are not uses of state concern.
 - b. Publicly-funded projects which are not uses of state concern.
 - c. Maintenance of uses of local concern.
 - d. Jetties or breakwaters.
 - e. Dredge or fill projects not intersecting more than one (1) water body.
 - f. Bulkheads.
 - g. Piers.
 - h. Camps and cattlewalks.
 - i. Maintenance dredging.
 - j. Private water control structures of less than fifteen thousand dollars (\$15,000.00) in cost.
 - k. Uses of cheniers, salt domes, or similar land forms.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-276. - Uses of greater than local benefit.

- (a) No management policy of the parish coastal resources program shall be so restrictive as to exclude uses of greater than local benefit.
- (b) Uses of state interest are found in subsection 26-275(a).
- (c) Uses of regional benefit include:
 - (1) Interstate natural gas transmission pipelines;
 - (2) Major state or federal transportation facilities such as highways and expressways;
 - (3) Major state or federal transportation facilities such as deep-water ports and navigation projects;
 - (4) Public wildlife and fisheries management projects;
 - (5) Public utility or cooperative energy generating plants; and
 - (6) State parks and beaches and other state-owned recreational facilities.

Each permit application will be reviewed to determine whether it is local, regional, state or regional interest.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-277. - Exempted uses.

- (a) The following activities normally do not have direct and significant impacts on coastal waters; hence, a local coastal use permit is not required, as set forth in the following section:
 - (1) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities;

- (2) Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves;
 - (3) Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, by fire, or the elements;
 - (4) Construction of single-family residences or camps used for noncommercial, nonprofit purposes;
 - (5) Construction and modification of navigational aids such as channel markers and anchor buoys;
 - (6) Activities which do not have a direct and significant impact on coastal waters.
- (b) Activities occurring wholly on lands five (5) feet or more above sea level or within fastlands do not normally have a direct and significant impact on coastal waters; therefore, coastal use permits for such uses generally need not be applied for.
- (c) However, if a proposed activity exempted from permitting in subsection (b), above, will result in discharges into coastal water, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the secretary and provide such information regarding the proposed activity as may be required by the secretary in deciding whether the activity is a use subject to a coastal permit.
- (d) The exception described in subsection (b) hereof shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches, and similar isolated, raised land forms in the coastal zone. It does refer to natural ridges and levees.
- (e) The construction of a residence or a camp shall not require a coastal use permit provided that:
- (1) The terms shall refer solely to structures used for noncommercial and nonprofit purposes, and which are commonly referred to as single-family and not multiple-family dwelling, and
 - (2) The terms shall refer solely to the construction of one (1) such structure by or for the owner of the land for the owner's use and not allow the building, of more than one (1) such structure as in subdividing, tracting development, speculative building, or recreational community development.
- (f) The exemption shall apply only to the construction of the structure and appurtenances such as septic fields, out-buildings, walkways, gazebos, small wharves, landings, boathouses, private driveways, and similar works, but not to any bulkheading or any dredging or filling activity except for small amount of fill necessary for the structure itself, and for the installation and maintenance of septic or sewerage facilities.
- (g) The construction and modification of navigational aids shall not require a coastal use permit.
- (h) The term shall include channel markers, buoys, marker piles, dolphins, piling, pile cluster, etc; provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United State Coast Guard Standards and requirements.
- (i) Agricultural, forestry, and aquacultural activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that:
- (1) The activity is located on lands or in waters which have been used on an ongoing basis for such purposes, consistent with normal practices, prior to the effective date of the Act;
 - (2) The activity is consistent with good management practices for the particular agricultural, forestry, or aquacultural use to which the land has been put;
 - (3) The activity is conducted or carried out in such a manner as to minimize adverse impacts on the coastal water environment; and
 - (4) The activity is not intended to, or will it result in, changing the type of agricultural, forestry, or aquacultural use for which the land has been consistently used in the past.

- (j) Included in the exception are normal agricultural, forestry, and aquacultural activities such as plowing; seeding; grazing; cultivating; insect control; fence building and repair; thinning; harvesting for the production of food, fiber, and forest products; maintenance and drainage of existing farm, stock, or fish ponds; digging of small drainage ditches; or maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.
 - (k) No use or activity shall require a coastal use permit if:
 - (1) The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process; or
 - (2) The administrator determines that it does not have a direct or significant impact.
- (Ord. No. 6143, § II, 12-6-12)

Sec. 26-278. - Variance.

When the permit agent finds that hardships may result from the strict compliance of these regulations, he/she may recommend to the police jury that a variance of the regulations be granted so that substantial justice may be done, and so that public interest is secured. However, such variation will not have the effect of nullifying the intent and purposes of these regulations. Applications for such a variance shall proceed through the same notification and public hearing process as all other applications of local concern, with notification to be given to the secretary of any variance granted. This variance procedure shall only exist for coastal uses of local concern over which the police jury has jurisdiction.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-279. - Designation and powers of the police jury.

The police jury, in conjunction with the office of parish planning and development (permit agent), shall exercise jurisdiction within the coastal zone consistent with the terms of this chapter. The powers and responsibilities of the police jury shall include but not be limited to the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
- (2) To issue, deny, or modify permits;
- (3) To adopt any rules and regulations, subject to secretary approval, which are consistent with the general law, and which it finds reasonable and necessary to carry out the purposes of this chapter;
- (4) To conduct any investigation it deems necessary to comply with the purposes of this chapter;
- (5) To submit to the secretary an annual report on the activities of the Calcasieu Parish local coastal management program which shall include:
 - a. The number, type, and characteristics of the applications for coastal use and other permits;
 - b. The number, type, and characteristics of coastal use and other permits granted, conditioned, denied and withdrawn;
 - c. The number, type, and characteristics of permits appealed to the coastal commission or the courts;
 - d. Results of any appeals;
 - e. A record of any enforcement actions taken;
 - f. A record of all variances granted;
 - g. A description of any problem areas within the state or local program and proposed solutions to any such problems;
 - h. Proposed changes in the state or local program.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-280. - Multi-parish considerations.

- (a) All plans concerning Calcasieu Parish, whether regional, state, or federal, shall be reviewed by the permitting agent's office.
- (b) Should it become necessary, the permitting agent and the parish police jury shall coordinate meetings with other parishes which are involved in multi-parish plans along with Calcasieu Parish. The parish will also coordinate meetings with appropriate state and federal agencies as needed.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-281. - Coastal use permit—Requirements.

Any person seeking to commence any use not specifically exempted by section 26-277, within the Calcasieu Parish coastal zone must first obtain a coastal use permit from either the police jury or from the state department of natural resources.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-282. - Same—Procedure—Formal requirements.

- (a) All applications shall be made on the form(s) prescribed by the secretary.
- (b) Applications shall be submitted either to the permit agent in the parish office of planning and development, or to the administrator.
- (c) All applications shall be accompanied by all of the information currently required by the coastal management section of the department of natural resources, which includes:
 - (1) Maps showing the actual location, size and dimensions of the real property to be used;
 - (2) Plans showing the exact location, size, and height of the buildings or structures to be developed;
 - (3) A list of all applications, approvals, and/or denials already made concerning the development to/by federal, state, or local agencies; and
 - (4) If the development involves dredging, a description of:
 - a. The type, composition, and quantity of the material to be dredged;
 - b. The method of dredging; and
 - c. The site of the plans for the disposal of the dredged material.
- (d) Applications of local concern shall also be accompanied by an application fee. This fee shall be applied as follows:

Estimated Cost of Development	Permit Fee
\$0.00 to \$5,000.00	\$ 50.00
5,000.00 to 50,000.00	100.00
over 50,000.00	100.00 plus .1 percent of development cost

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-283. - Same—Administrative action.

- (a) When an application for a permit is received, the permit agent shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it.
- (b) Application processing will begin when an application that is apparently complete is accepted by the agent.
- (c) Within two (2) working days of receipt of a complete application, a copy of the application and all attachments, and the decision as to whether the use is one of state or local concern, shall be sent to the state administrator or parish permit agent, depending upon the location of submittal.
- (d) If the proposed activity is of local concern, the parish permit agent shall arrange for the parish police jury to discuss the application at its next regularly scheduled meeting following the end of the twenty-five-day review period.
- (e) Public notice of all applications for coastal use permits, which must be issued within ten (10) days of the filing of the application, shall be given by:
 - (1) Mailing a brief description of the application, along with a statement indicating where a copy of the application may be inspected, to any person who has filed a request to be notified of such permit applications and to all affected governmental bodies;
 - (2) By posting a copy of the application at the location of the proposed site;
 - (3) By sending notice of the application to the news media in Calcasieu Parish; and
 - (4) By causing publication of notice of the application in the official journal of the parish.
- (f) The notice shall set forth that any comments on the application shall be submitted to the office of parish planning and development within twenty-five (25) days from the date of official journal publication of the notice.
- (g) Comments received will be made a part of the official file on the application. If comments received relate to matters within the special expertise of another government body, the permit agent may seek the advice of the agency.
- (h) The parish permit agent shall present the application and all comments received in response to the public notice concerning the application to the police jury. The police jury shall consider all of the comments received; and will give the applicant the opportunity to explain the proposed coastal use, and rebut any objections or adverse comments during the public meeting.
- (i) After reviewing the application and hearing all comments at the public meeting, the police jury will make a decision to either grant, deny, grant with modification, or hold an official public hearing on the application. This decision will be announced at the meeting.
- (j) If the police jury decides that an official public hearing needs to be held, public notice will be given at least thirty (30) days in advance of the public hearing. The notice shall contain the time, place, and nature of the hearing, and the location of materials available for public inspection.
- (k) The official public hearing shall be held by the parish planning and zoning board. During the public hearing they shall hear and review all comments and evidence presented to them. The meeting shall be conducted in an orderly but expeditious manner with any person being allowed to submit either an oral or written statement. Cross-examination shall not be allowed. All comments and evidence presented shall be made part of the hearing file. After considering all information presented concerning the application in question, the planning and zoning board shall make a recommendation to either approve, approve with modification, or deny the application.
- (l) Following the public hearing held by the planning and zoning board, the hearing file shall remain open for a period of at least ten (10) days.
- (m) The police jury, at its regularly scheduled meeting following the close of the ten (10) day comment period, shall take final action on the permit application. The decision of approval or denial shall be

based on the recommendation of the planning and zoning board and on all comments received during the ten-day comment period.

- (n) Written notification of the final decision made by the police jury will be sent to the applicant within thirty (30) days of the giving of public notice or within fifteen (15) days after the closing of the record of the public hearing, if held, whichever is later.
- (o) If the final decision is to issue a permit, the parish permit agent shall have the applicant sign two (2) copies of the draft permit, thereby accepting the conditions of the permit, along with the finding on the application. The permit agent will then sign and date both copies of the permit.
- (p) The permit agent will issue a monthly list of permits issued or denied during the previous month. This list will be distributed to all persons who received the public notices.
- (q) Withdrawal procedures.
 - (1) An applicant who files an application to petition for a coastal use permit may withdraw the application one (1) time within one (1) year from the date of the submission of the application. However, if the application to petition is withdrawn after the official public hearing has been held by the planning and zoning board, or if the planning and zoning board disapproves of the request contained in the petition, then no further petition for the same property will be considered by the police jury or the planning and zoning board for a period of one (1) year from the date of the official public hearing.
 - (2) An applicant may withdraw his request by submitting a written request, signed by the original applicant, to the local coastal zone administrator. The local coastal zone administrator shall provide public notice of the applicant's withdrawal request and parish's action on the request for withdrawal.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-284. - Same—Criteria for approval.

Coastal use permits of local concern will be approved by the police jury only after:

- (1) It is determined that the probable impact of any phase of the project will not be detrimental to the coastal zone and the people of the parish;
- (2) It is determined that the permit's use conforms to the guidelines and regulations as outlined in the coastal zone management plan for Calcasieu Parish; and
- (3) Full and fair consideration is given of all information.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-285. - Same—Term.

- (a) Permits issued under this section shall remain in effect for a period of a year from the date of issuance.
- (b) A coastal use permit may be renewed if the police jury is satisfied that substantial progress has been made on said project or that the permittee has been precluded from acting by non-self-induced litigation, material shortages, labor problems, or other events beyond the permittee's control.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-286. - Same—Conditions.

- (a) By accepting the permit the applicant agrees to:
 - (1) Carry out or perform the use in accordance with plans and specifications approved by the police jury;
 - (2) Comply with any permit conditions imposed by the police jury;

- (3) Adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the police jury, it proves to be beyond the scope of the use as approved or is abandoned;
 - (4) Provide, if required by the police jury, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the permitting body determine it necessary;
 - (5) Hold and save the State of Louisiana, the local government, the department, and their officers and employees, harmless from any damage to persons or property which might result from work, activity or structure permitted; and
 - (6) Certify that any permitted construction has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the permitting body. The police jury may, when appropriate, require such certification be given by a registered professional engineer.
- (b) The police jury shall place such other conditions on the permit as are appropriate to ensure compliance with the coastal management program.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-287. - Same—Appeals.

Any interested person may appeal the decision of the parish police jury to issue a permit or not to issue a permit to the administrator and/or district court. Said appeal must be filed in writing within thirty (30) days of public notice of the police jury's final decision on the permit application.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-288. - Same—Modification.

- (a) The terms and conditions of a permit may be modified to allow changes in the permitted use, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the permitted use will be in conformity with the coastal management program. Changes which would significantly increase the scope of a permitted activity shall be processed as a new application for permits, not as modifications.
- (b) A permit may be modified upon request of the permittee:
 - (1) If mutual agreement between the permittee and police jury can be reached on a modification; or
 - (2) If mutual agreement between the permittee and the police jury cannot be reached, a permittee's request for a modification shall be considered denied.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-289. - Monitoring.

The office of planning and development will be responsible for monitoring progress of all permitted uses and compliance with regulations accompanying permit approval. This will include onsite inspections to verify compliance, and follow-up reports for each permitted project.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-290. - Emergency permits.

- (a) Emergency permits will be issued by the permitting agent when actions are immediately required for the protection of lives, property or the environment. Emergency situations are those brought about by natural or manmade causes, such as storms, floods, fires, wrecks, explosions, or spills, which would result in hazard to life, property, or the environment if not immediately corrected.

- (b) The department of natural resources will be notified of such emergency as soon as possible, and be given a brief description of the situation and the necessity for carrying out the emergency action.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-291. - Suspensions of permit.

- (a) The police jury may suspend a permit upon a finding that the permittee has:
 - (1) Failed or refused to comply with the terms and conditions of the permit or any modifications thereof;
 - (2) Submitted false or incomplete information in his application or otherwise; or
 - (3) Refused to comply with any lawful order or request of the police jury or the permit agent.
- (b) The police jury shall notify the permittee in writing that the permit has been suspended and the reasons therefor and order the permittee to cease immediately all previously authorized activities. The notice shall also advise the permittee that he will be given, upon request made within ten (10) days of receipt of the notice, an opportunity to respond to the reasons given for the suspension.
- (c) After consideration of the permittee's response, or if none is received within a thirty-day period after issuance of the notice, the police jury shall take action to reinstate, modify, or revoke the permit and shall notify the permittee of the action taken.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-292. - Revocation of permit.

If, after compliance with the suspension procedures in section 26-291, above, the police jury determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-293. - Enforcement.

If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the police jury shall seek appropriate civil and criminal relief as provided by Louisiana Revised Statutes, Title 49, section 213.17.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-294. - Penalty.

Violation or failure to comply with these provisions or the terms of conditions of any coastal use permit shall be punishable by a fine of not less than one hundred dollars (\$100.00) not more than five hundred dollars (\$500.00) or ninety (90) days imprisonment, or both.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-295. - Definition and classification.

- (a) Individual specific uses legally commenced or established prior to the effective date of the coastal use permit program shall not require a coastal use permit.
- (b) Normal repairs and the rehabilitation, replacement or maintenance of existing structures shall not require a coastal use permit, provided that:
 - (1) The structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement, or maintenance;

- (2) The repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work;
- (3) The repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
- (c) This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program.
- (d) Coastal use permits will normally authorize periodic maintenance, including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in an applicable coastal permit, it shall conform to this section.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-296. - General coastal use permits.

General coastal use permits may be issued by the police jury, subject to approval by the secretary. Such a permit is an authorization to prospective users to perform specific uses within a prescribed area without the necessity for a complete independent review of each proposed use. The applicant shall go through the same procedure as if applying for a regular coastal use permit, however, the several proposed uses within a specific area will be considered together instead of individually.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-297. - Mitigation.

The Calcasieu Parish Coastal Zone Management Program will require mitigation for coastal wetland losses, caused by permitted activities, consistent with the requirement of the Louisiana Coastal Resources Program (LCRP) and attendant regulations and guidelines.

The Calcasieu Parish Coastal Zone Management Program will require that the determination of mitigation requirements for permitted activities, as well as the appropriateness of mitigation proposals to offset losses, be based on losses/gains of wetland habitat values, measured by the same method utilized by the department of natural resources.

(Ord. No. 6143, § II, 12-6-12)

Secs. 26-298—26-309. - Reserved.

ARTICLE IX. - FLOODPLAIN MANAGEMENT

Sec. 26-310. - Title.

This article shall hereinafter be known, cited, and referred to as the "Floodplain Management Regulations" of the parish, excluding all incorporated municipalities.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-311. - Usage of words, terms and phrases.

- (a) For the purpose of this article, certain words, terms, numbers, and abbreviations used in this chapter shall be used, interpreted, and defined as set forth herein.
- (b) Unless specifically defined, words or phrases used shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

- (c) Words used in the present tense include the future tense; words used in the singular number include the plural, and the plural number includes the singular; the word "shall" is always mandatory; the word "herein" means "in this article."
- (d) The terms "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the term "existing" as applied to any use, structure, or development includes the words "existing on the effective date of this article"; the word "lot" includes the words "plot or parcel."

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-312. - Findings of fact.

The police jury of the Parish of Calcasieu, Louisiana, hereby finds and declares that:

- (1) The legislature of the State of Louisiana has, in R.S. 33:1236(38), delegated the responsibility to the Calcasieu Parish Police Jury to adopt and enforce regulations designed to minimize flood loss.
- (2) There exist within the unincorporated area of the parish areas of special flood hazard subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (3) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are not adequately elevated or otherwise protected from flood damage.
- (4) Adoption of floodplain management regulations applicable to areas of special flood hazard is required by the Flood Disaster Protection Act of 1973 and implementing regulations thereto (24 FCR 1910-11) to maintain the eligibility of the parish for participation in the national flood insurance program and for the issuance of flood insurance for all properties within the unincorporated areas.
- (5) The regulations set forth for the prevention of flood damage are therefore reasonable and necessary to protect the public health, safety, and general welfare.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-313. - Policy.

In order to minimize public harm and private losses in special flood hazard areas, it is hereby declared to be the policy of the parish to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood, or which cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Regulate and control alteration of natural floodplains, their protective barriers and stream channels;
- (4) Prevent the construction of barriers which will divert floodwaters and subject other lands to greater flood hazards;
- (5) Regulate and control development which would cause greater erosion or potential flood damage as a result of grading, dredging or excavation.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-314. - Purposes.

The regulations set out in this article are adopted for the following purposes:

- (1) To protect human life and property exposed to the hazards of flooding;
- (2) To ensure that potential property owners are notified if property is located in a special flood hazard area;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in special flood hazard areas;
- (6) To minimize future expenditures of public funds for costly flood control projects;
- (7) To meet the minimum requirements for local floodplain management regulations as established by the Federal Emergency Management Agency (FEMA) for participation in the national flood insurance program.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-315. - Applicability.

These provisions shall apply to all areas of special flood hazard, as delineated on the most recent flood insurance rate maps or revisions thereto, issued by FEMA, within the unincorporated area of the parish.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-316. - Determination of flood hazards.

The latest adopted version of the flood insurance study prepared for Calcasieu Parish by FEMA, including accompanying flood profiles and flood insurance rate maps, is hereby adopted by reference and declared to be a part of this Code, together with any revisions or supplements thereto issued by FEMA, a copy of which is on file in the archives of the police jury and the division of planning and development.

Applicability. This section shall affect all new or substantial improvements to residential, nonresidential and manufactured home structures located in Federal Emergency Management Agency (FEMA) designated A, AE, AO, VE, and X (shaded) areas.

All new residential, nonresidential and manufactured home structures, and any substantial improvements related to the same shall have the minimum lowest floor elevation be one (1) foot above the highest of the following four (4) measurements:

1. Base flood elevation as determined by the latest flood insurance rate map (FIRM) as issued by the FEMA;
2. Center line of the nearest street across from or adjacent to the structure;
3. Top of the nearest upstream or downstream sanitary sewer manhole where a community or municipal system is provided; or
4. Highest recorded historical or modeled (100-year) inundation levels.

All mechanical equipment must also comply with the above minimum lowest floor elevation requirements.

Should the above freeboard calculation requirement result in an unreasonable elevation, a waiver may be requested. The waiver will be reviewed by the director of planning and development, who will approve, approve with conditions, or deny the request.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6309, § 1, 12-19-13; Ord. No. 6314, § 1, 2-20-14)

Sec. 26-317. - Interpretation.

In their interpretation and application, these provisions shall be held to be the minimum requirements for the protection of the public health, safety, and general welfare.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-318. - Conflict with public and private provisions.

- (a) This article is not intended to interfere with, abrogate, or annul any other ordinance, statute, rule or regulation, or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other provision of this chapter or by any other ordinance, rule or regulation, or provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- (b) This article is not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that where these provisions are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, these requirements shall govern. Where the provisions of an easement, covenant, or other private agreement or restriction impose higher standards, or duties and obligations more restrictive than these requirements or the determinations of the parish in the enforcement of these regulations, and such private provisions are not inconsistent with this article or determinations thereunder, then such private provisions shall be operative and supplemental to these provisions and determinations made thereunder.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-319. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. This does not imply that land outside the areas of special flood hazard, uses permitted within such areas, or buildings or portions thereof constructed above the identified base flood elevations, will be free from flooding or flood damages. This shall not create liability on the part of the parish or any officer or employee thereof for any flood damages that may result from reliance on these provisions or any administrative decision lawfully made thereunder.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-320. - Designation and duties of the division of planning and development.

The division of planning and development is hereby designated to administer and implement these provisions. The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to these provisions;
- (2) Review and approve or deny all applications for development permits required by this article;
- (3) For the purpose of the determination of applicable flood insurance risk premium rates within areas of special flood hazard (zones A, AE, VE on the flood insurance rate map), the director of planning and development shall obtain and maintain a record of the elevation of the lowest floor (including basement) of all new or substantially improved structures within such areas, and of the elevation to which any such structure is floodproofed;
- (4) Review applications and permits for proposed development in areas to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- (5) Where interpretation is needed as to the exact location of the boundaries of areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the director of planning and development shall make the necessary interpretation on the basis of available topographic information and the base flood elevation data provided by

the flood insurance study. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 26-325

- (6) Notify the appropriate state agency and other affected governmental agencies prior to any alterations or relocation of a watercourse, and submit evidence of such notification to FEMA;
- (7) Require that maintenance is provided within altered or relocated portions of watercourses so that flood carrying capacity is not diminished;
- (8) When base flood data is not available from FEMA, the director of planning and development shall obtain, review and reasonably utilize any base flood elevation data available from a federal or state agency or other source, in order to administer these provisions.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-321. - Compliance.

- (a) A development permit shall be required for all development in the unincorporated areas of the parish to ensure conformity of such development with the requirements of this chapter. The review of proposed developments for compliance with this chapter shall be conducted in conjunction with any reviews required by any ordinance of the parish; and a single development permit may be issued to indicate compliance with other ordinances, as well as with this article.
- (b) No building or land shall be hereafter used or altered, and no structure or improvement shall be erected or located except in full conformity with the provisions of the chapter. No license or final subdivision plat or site plan approval shall be issued by the parish for any proposed development or use which is not in compliance with these requirements.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-322. - Application requirements.

- (a) Prior to commencement of any construction, site improvements, or landscape alterations for any development, an application for a development permit shall be made to the division of planning and development. All applications within areas of special flood hazard shall provide the following:
 - (1) Plans drawn to scale showing the location and dimensions of property boundaries, existing and proposed structures, and proposed landscape alterations in relation to the areas of special flood hazard and regulatory floodways established by this Code;
 - (2) The elevation in relation to mean sea level of the lowest floor (including basements) of all new and substantially improved structures;
 - (3) The elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (4) A certificate from a registered professional engineer or architect that each nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 26-330(c);
 - (5) Such information as is necessary to determine the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development;
 - (6) Any additional certifications and information required by this article (for example, where proposed structures are located within a regulatory floodway or coastal high hazard area);
 - (7) A report of the status of other governmental permits and approvals required for the proposed development (other than parish permits or licenses issued subsequent to the approval of a development permit).
- (b) Applications for development permits shall be coordinated with applications for any zoning, subdivision, or applicable approvals required for the proposed development. When a proposed development requires subdivision approval, the final approval by the director of planning and development shall constitute the approval and issuance of a development permit.

- (c) The filing fee for an application for a development permit shall be based on a fee schedule approved by the police jury.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-323. - Review and approval procedures.

- (a) Approval or denial of development permits by the director of planning and development shall be based on all of these provisions together with the following factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets, bridges, and public utilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action if applicable;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations or designs which would reduce the degree of flood hazard to the proposed development or surrounding properties;
 - (10) Conformance of the proposed use or development with the provisions of the zoning regulations, subdivision regulations, official land use plans and policies, and other applicable local regulations;
 - (11) Compliance with any federal and state permit or approval requirements applicable to the development.
- (b) The director of planning and development shall act upon an application for development permit as filed, or as amended, without unreasonable or unnecessary delay. However, such permit shall not be issued until all required approvals have been granted for the particular development work to be covered by the permit.
- (c) When the director of planning and development determines that an application for a development permit does not meet these requirements, or that such application proposes development which is inconsistent with the purpose of this article, not in conformance with the provisions herein, or inappropriate on the basis of one (1) or more of the factors set forth in paragraph (a) of this section, the application shall be denied. Upon request, the director of planning and development shall provide the applicant with a written notice stating the reasons for denial.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-324. - Conditions of approval.

- (a) Issuance of a development permit shall be construed as a license to proceed with the work specifically authorized by such permit, subject to the provisions of these and other applicable regulations and to approval of any other permits required for the development. A development permit shall not be construed to provide any authority to violate, cancel, alter, or set aside any of these provisions or of other applicable laws, ordinances and regulations, nor shall issuance of such permit prevent the director of planning and development from thereafter requiring a correction of errors in plans or in construction, or of violations.

- (b) Development permits shall become invalid if the work authorized thereby is not commenced within six (6) months or one hundred eighty (180) days of the date of issuance.
- (c) Development permits are conditioned upon the development being carried out in accordance with the application information and plans on which the approval of the permit is based. Prior approval must be obtained from the director of planning and development for any changes in the approved plans which may affect the extent or degree of flood hazard or of compliance with this article. When such changes will result in significant variation from the previously approved application or plans, a new or amended development permit application shall be submitted.
- (d) The director of planning and development may attach such conditions to the approval of a development permit as is deemed necessary to further the purposes or to ensure conformance with these provisions including, but not limited to, transportation and drainage impact analyses and improvements. Such conditions shall be set forth in writing as a part of or attachment to the permit, and shall have the same force and effect as these provisions. The applicant shall be given a reasonable opportunity to appeal the attachment of such conditions as provided in section 26-325

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-325. - Appeals.

- (a) The planning and zoning board shall hear and render judgment on appeals when it is alleged that there is an error in any order, decision, or determination made by the director of planning and development in interpreting, applying, or carrying out these provisions.
- (b) In acting upon appeals, the board shall have all powers conferred upon the director of planning and development with respect to interpretation of this article and approval or denial of development permits. The board may reverse, affirm, or modify, wholly or partly, the order, decision, or determination appealed from, subject to the following limitations:
 - (1) The concurring vote of the majority of the board members present shall be necessary to reverse or modify any order, decision, or determination made by the director of planning and development.
 - (2) No decision or action on an appeal shall have the effect of altering or varying the literal provisions or requirements of this article, or of changing any base flood elevation or diminishing any floodway established by FEMA, or of otherwise exercising powers not conferred upon the director of planning and development by this Code;
 - (3) Determinations concerning flood boundaries shall be supported by adequate technical data, including the data provided by the flood insurance study and the information required for an application.
- (c) Requests for appeal must be submitted in writing to the office of planning and development not less than fifteen (15) days before the meeting of the board at which the appeal is taken. The filing fee will be based on a fee schedule approved by the police jury and shall accompany each request for appeal.
- (d) Where interpretation is required as to whether an application constitutes an appeal as authorized by this subsection or a request for a flood variance as authorized by section 26-326, the director of planning and development shall make the necessary determination, and such determination shall be final unless reversed by the board pursuant to paragraph (b) of this section.
- (e) Any person or persons jointly or severally aggrieved by any decision made by the board, may present to the civil district court of the parish, within thirty (30) days after filing of the decision of the office of the board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters.
- (f) The director of planning and development shall maintain a record of all actions involving an appeal and shall report such actions to FEMA upon request.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-326. - Flood variances.

- (a) The planning and zoning board shall hear and render judgment on all requests for flood variances from these requirements.
- (b) Flood variances may be issued generally for the following purposes, subject to all of the requirements and limitations of this section:
 - (1) New construction and substantial improvements to be erected below the base flood elevation in areas which are contiguous to and generally surrounded by other lots with existing structures constructed below the base flood level. As the lot size increases, the technical justification for the variance likewise increases.
 - (2) Substantial improvements to portions of existing structures within regulatory floodways; provided, that it would not result in any increase in flood levels during the base flood discharge.
 - (3) New construction, substantial improvements, and for other development necessary for the conduct of a functionally dependent use, provided that the other variance criteria are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and creates no additional threats to public safety.
 - (4) Road construction which cannot adhere to subsection 26-333(c)(3) due to engineering design constraints and which are certified by a civil engineer that the road cannot otherwise be designed or constructed to the standards as outlined in this article.
 - (5) Reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or state inventory of historic places without regard to the requirements and limitations of this article.
- (c) The concurring vote of the majority of the board members present shall be necessary to grant any flood variance. Flood variances shall only be issued after consideration of all factors set forth in this section and upon the board's determinations that:
 - (1) Good and sufficient cause has been shown for granting a variance;
 - (2) Failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) The granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, and will not create a nuisance, contribute to fraud or victimization of the public, or conflict with local laws and ordinances;
 - (4) The variance to be granted is the minimum necessary, considering the flood hazard, to afford relief.
- (d) The authorization for granting of flood variances is intended to be used primarily for the purpose set forth in paragraph (b) of this subsection, and shall be further limited as follows:
 - (1) Variances may provide relief only from the elevation requirements of this article; no variance shall waive, alter, or reduce any requirements or provisions of this article other than those pertaining to structural elevation.
 - (2) No variance shall be issued within a regulatory floodway for any structures, fill, or other development which would result in any increase in flood levels during discharge of the base flood.
- (e) Applications for variances must be submitted to the office of planning and development not less than fifteen (15) days before the meeting of the board at which the application is to be considered. An application for a variance shall include all information required for a development permit application by section 26-322 and be accompanied by a filing fee approved by the police jury. The board shall hold a public hearing on each request for a variance and give public notice thereof in the official journal of the parish at least five (5) days before the date of the hearing.
- (f) After a variance has been granted, a development permit may be issued when the director of planning and development has determined that the proposed development complies with the terms and conditions of the variance and all other applicable provisions. Such permit shall include a notation that the issuance thereof is based on a variance from the elevation requirements of this article.

- (g) To compensate for this increased flood hazard which might otherwise result from the granting of a variance, the board may attach such conditions to a variance as it deems necessary to further the purposes of this article.
- (h) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance for the structure subject to such variance will be commensurate with the increased risk resulting from construction of the lowest floor below the base flood elevation.
- (i) Any person or persons jointly or severally aggrieved by any decision of the board, may present to the civil district court of the parish within thirty (30) days after filing of the decision of the office of the board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters.
- (j) The director of planning and development shall maintain a record of all actions involving a variance and shall report such actions to FEMA upon request.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-327. - Proceedings of the Calcasieu Parish Planning and Zoning Board.

- (a) All proceedings of the board under this Code shall be taken in public meetings, and a written record thereof showing the vote of each member upon every decision rendered under these provisions shall be maintained by the division of planning and development.
- (b) The board shall issue all of its decisions in writing, stating the reasons for the decision or justification thereof.
- (c) In every case, the board shall reach a decision without unreasonable or unnecessary delay.
- (d) Every decision rendered by the board under these provisions shall be final, subject to such remedy as any aggrieved party may have at law or in equity.
- (e) The board may adopt rules of procedure to further govern the conduct of its proceedings. A copy of such rules shall be filed in the division of planning and development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-328. - Enforcement.

- (a) The director of planning and development may inspect any development or construction work and is empowered to enter any building, structure, or premises to enforce these provisions.
- (b) Upon notice from the director of planning and development, any development, occupancy, or use conducted or established contrary to these provisions shall be immediately stopped or discontinued. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person conducting the development, occupancy, or use, and shall state the conditions, if any, under which such development, occupancy, or use may be resumed.
- (c) The director of planning and development may revoke a development permit or other approval issued under these provisions in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the approval was based. When approval for a development is revoked under these provisions, any permits issued by the parish for such development may also be revoked.
- (d) Appropriate actions or proceedings may be taken by law or in equity to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, and these remedies shall be in addition to the measures described above and any penalties provided by law.
- (e) Any person, firm, or corporation who shall fail to comply with any of the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), together with the cost of prosecution;

and in default of payment thereof by imprisonment for not less than ten (10) days, nor more than thirty (30) days.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-329. - Administrative standards.

Whenever an administrative decision is necessary or desirable in the course of administration and enforcement of this article, and standards for the making of such decision are not otherwise specified therein, then the decision shall be made so that the result will not be contrary to the policy and purposes set forth in sections 26-313 and 26-314.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-330. - Areas of special flood hazard.

(a) *General requirements.* The provisions of this article shall apply to all development within all areas of special flood hazard. The areas subject to these provisions are those identified on the flood insurance rate map as zone A, AE or VE, as well as areas falling within a regulatory floodway. Specific requirements for coastal high hazard areas, regulatory floodways, and subdivisions can be found in sections 26-331, 26-332, and 26-333, respectively.

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction and substantial improvements shall be constructed by methods and practices which minimize flood damage;
- (3) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall 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;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters;
- (7) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding;
- (8) Any fill placed below the base flood level or used for structural support shall be compacted and sloped in such a manner as to prevent settling or shifting, and shall be protected from erosion as required by the director of planning and development; and
- (9) New construction and substantial improvements, with fully enclosed areas below the lowest flood that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) *Residential structures.*

- (1) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot above the elevation measure as defined by section 26-316. The elevation of the lowest floor shall be certified by a registered professional engineer, architect, or land surveyor.
- (2) Structures may be constructed on compacted fill in order to comply with the requirement of paragraph (1) of this subsection when not otherwise prohibited. Where the use of fill is impractical due to lot size, elevation or similar factors, the director of planning and development may approve other methods for elevation of residences.
- (3) Accessory structures not used or designed for human habitation may be constructed below the base flood elevation, if not attached to a residential structure. Such structures shall comply with the requirements of this section, and shall be limited to accessory uses permitted in conjunction with residences by the zoning regulations.

(c) *Nonresidential structures.*

- (1) New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one (1) foot above the elevation measure as defined by section 26-316, or shall be floodproofed in accordance with paragraph (2) of this subsection.
- (2) When the lowest floor is constructed below the base flood elevation, that portion of the structure, and any attendant utility and sanitary facilities located below the base flood elevation, shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Examples of floodproofing measures which may be necessary to meet the requirements of this paragraph include the following:
 - a. Installation of watertight doors, bulkheads, and shutters;
 - b. Reinforcement of walls to resist water pressure;
 - c. Use of paints, membranes, or mortars to reduce seepage of water through walls;
 - d. Construction to resist rupture or collapse caused by water pressure or floating debris;
 - e. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to inundation by the base flood.
- (3) The elevation of the lowest floor of each new or substantially improved structure shall be certified by a registered professional engineer, architect, or land surveyor. If the lowest floor is below the base flood level, a registered professional engineer or architect shall certify that the structure will meet the floodproofing standards of paragraph (2) of this subsection, and shall indicate the elevation to which the structure will be floodproofed.

(d) *Manufactured homes.*

- (1) It is hereby required that all manufactured homes be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state requirements for resisting wind forces.
- (2) All manufactured homes shall be in compliance with subsection (c) above.
- (3) It is hereby required that all manufactured homes situated in or with substantial improvements within zones A, AE, AO, VE, and X (shaded) on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the elevation measure as defined by section 26-316; and be secured to an adequately anchored

foundation system in accordance with these provisions. The lowest floor measurement for manufactured homes shall be the bottom of the principal structural I-beam.

(e) *Manufactured home park.*

(1) The following requirements shall apply to:

- a. New manufactured home parks;
- b. Expansions to existing manufactured home parks;
- c. Substantial improvement of existing manufactured home parks where the cost of repair, reconstruction or improvement of streets, pads and utilities is fifty (50) percent or more of the value of such facilities prior to the commencement of the improvements; and
- d. Manufactured homes placed outside a manufactured home park.

(2) Development requirements.

- a. Each manufactured home stand or lot shall be elevated on compacted fill or pilings so that the lowest floor of the manufactured home will be one (1) foot above the elevation measure as defined by section 26-316. The elevation of each finished manufactured home stand shall be certified by a registered professional engineer, architect, or land surveyor.
- b. Every manufactured home lot or site shall have adequate surface drainage and access for a hauler.
- c. For manufactured home stands elevated on pilings, or piling foundations shall be placed in stable soil not more than ten (10) feet apart.
- d. Every manufactured home lot or site shall have a minimum average width of fifty (50) feet and minimum average length of one hundred (100) feet. Each side of the manufactured home having an outside entrance shall be placed at least five (5) feet from the side line of the manufactured home lot or site.
- e. Elevation data shall be generated for all new manufactured home parks which are to be located in flood hazard areas or areas of undetermined flood hazard.

(f) *Recreational vehicles.*

(1) Recreational vehicles placed on sites within Zones A1—30, AH, and AE on the community's FIRM must:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use; and
- c. Meet the permit requirements of section 26-322, and the elevation and anchoring requirements for "manufactured homes" in subsection d(1) above.

(2) A recreational vehicle is ready for highway use if it is:

- a. On its wheels or jacking system;
- b. Attached to the site only by quick-disconnect-type utilities and security devices; and
- c. It has no permanently attached additions.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6309, §§ 2—5, 12-19-13; Ord. No. 6314, §§ 2—5, 2-20-14)

Sec. 26-331. - Coastal high hazard areas.

- (a) *Effect of regulations.* The provisions of this section shall apply to development within coastal high hazard areas identified on the flood insurance rate map as zone VE.
- (b) *General requirements.* The requirements enumerated in section 26-330 shall apply to all development in coastal high hazard areas.

(c) *Use regulations.*

(1) The following uses and developments are specifically prohibited:

- a. Outdoor sales or storage lots for boats, trailers, manufactured homes, building materials, and any other materials or equipment susceptible to being swept from the site by high velocity floodwaters;
- b. Enclosed buildings or structures located within the reach of mean high tide.

(2) Uses not permitted by paragraph (1) of this subsection or by other applicable ordinances or regulations may be permitted, subject to compliance with the requirements contained herein.

(d) *Development standards.*

(1) All buildings or structures for which the start of construction is after the effective date of these regulations shall be located on the landward side of the reach of mean high tide.

(2) New construction or substantial improvement of any structure shall have the bottom lowest structural member of the lowest (excluding pilings and columns) floor located one (1) foot above the elevation measure as defined by section 26-316 and shall either:

- a. Leave open all space below the lowest supporting member so as not to impede the flow of water, or
- b. Be enclosed below the base flood elevation only by breakaway walls, open wood lattice work or insect screening which are not part of the structural support of the building and are designed to break away under abnormally high tides or wave action without damage to the structural integrity of the building.

(3) All new or substantially improved structures shall be securely anchored on pilings or columns which are designed to withstand all applied loads of the base flood flow.

(4) Compliance with the provisions of paragraphs (1) through (3) of this subsection shall be certified by a registered professional engineer or architect. Plans for breakaway walls are subject to the approval of the director of planning and development prior to issuance of a development permit.

(5) The space below the lowest floor of any existing structure shall not be enclosed by any alteration, repair, or improvements commenced after the effective date of these regulations except authorized under the provisions of this section; and, shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(6) No fill shall be used as structural support for any new or substantially improved building or structures.

(7) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.

(8) No construction of piers, docks, or other improvements located within the reach of mean high tide shall be commenced until a development permit has been issued and all other necessary governmental permits and approvals have been obtained as required by subsection 26-320(d).

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6309, § 6, 12-19-13; Ord. No. 6314, § 6, 2-20-14)

Sec. 26-332. - Regulatory floodways.

(a) *Effect of regulations.* The provisions of this section shall apply to all development within regulatory floodways designated as provided herein.

(b) *Designation of floodways.* Regulatory floodways are hereby established along these watercourses where floodways are identified by the flood insurance studies adopted by section 26-316

(c) *General requirements.* The requirements enumerated in section 26-330 shall apply to all development in regulatory floodways.

(d) *Use regulations.*

(1) The following uses and developments are specifically prohibited:

- a. Outdoor sales or storage lots for boats, trailers, manufactured homes, building materials, and any other materials or equipment susceptible to being swept from the site by high velocity flood waters;
- b. Enclosed buildings or structures having any floor or other enclosed area located below the base flood elevation.

(2) Uses not prohibited by paragraph (1) of this subsection or by other applicable ordinances or regulations may be permitted, subject to compliance with the requirements contained herein.

(e) *Development standards.*

(1) New construction or substantial improvement of any structure shall have the lowest floor located one (1) foot above the elevation measure as defined by section 26-316, and shall leave open all space below this minimum elevation measure so as not to impede the flow of water.

(2) All new or substantially improved structures shall be securely anchored on pilings or columns which are designed to withstand all applied loads of the base flood flow and to offer the minimum obstruction to the flow of flood waters and debris.

(3) No fill, structure, enclosure, or barrier of any type shall be placed below the base flood elevation where it would obstruct flood flows, displace flood waters, or otherwise result in any increase in flood levels during discharge of the base flood.

(4) Compliance with the provisions of paragraphs (1) through (3) of this subsection shall be certified by a registered professional engineer or architect.

(5) Piers, docks and similar unenclosed improvements may be constructed below the base flood level, provided that such improvements are designed to offer the minimum obstruction to the flow of flood waters and debris. No such construction shall be commenced until a development permit has been issued and any other necessary governmental permits and approvals have been obtained as required by this Code.

(6) Installation of sewage disposal facilities requiring soil absorption fields is prohibited.

(Ord. No. 6143, § II, 12-6-12; Ord. No. 6309, § 7, 12-19-13; Ord. No. 6314, § 7, 2-20-14)

Sec. 26-333. - Subdivisions.

(a) *Effect of regulations.* The provisions of this section shall apply to all subdivisions or portions thereof located within any area of special flood hazard, and shall be supplementary to all other applicable provisions of the subdivision regulations of the parish.

(b) *Approval requirements and conditions.*

(1) No proposed subdivision plat shall be authorized to be recorded until approved by the director of planning and development for compliance with these regulations.

(2) The final recorded plat of each subdivision shall show the base flood elevation and ground elevation for every building site.

(3) Subdivision approvals shall authorize the recording of the subdivision plat and the development of site improvements as shown in the approved plans, but shall not constitute approval of any proposed structure unless such structure is specifically identified and authorized in the development permit for the site improvements.

(4) Subdivision improvements required by this article or by determinations made thereunder shall be subject to all provisions of the subdivision regulations pertaining to required subdivision improvements. Such provisions include, but are not limited to, standards for design and construction and requirements of performance and surety for completion of improvements.

- (5) The planning and zoning board or the director of planning and development may attach such conditions to subdivision approval as deemed necessary to further the purposes or to ensure conformance with these provisions. Where deed restrictions are required as a condition of approval or of compliance, such deed restrictions shall be inserted in every deed and noted on the face of the final plat.

(c) *Development standards.*

- (1) Subdivisions shall be located, designed and developed so as to be reasonably free from flooding and shall provide adequate storm drainage facilities to prevent any increase in the elevation of the base flood.
- (2) Sewage disposal for lots located within areas of special flood hazard must be in compliance with appropriate regulations of the parish health unit.
- (3) Proposed streets shall be located and designed so that the finished elevation of the roadway center line is not more than two (2) feet below the base flood elevation.
- (4) All subdivision lots intended for residential use shall either:
 - a. Provide a building site with an average elevation at or above the base flood level, or
 - b. Be subject to deed restrictions requiring elevation of residential structures to or above the base flood elevation.
- (5) All subdivision lots intended for nonresidential use shall either:
 - a. Provide a building site with an average elevation at or above the base flood level, or
 - b. Be subject to deed restrictions requiring elevation or floodproofing of nonresidential structures to or above the base flood elevation.
- (6) Subdivisions shall be designed so that land within the floodway is either:
 - a. Dedicated as public open space or subject to easements to ensure its retention as open space under private ownership, or
 - b. Included in lots which provide building sites outside the floodway boundary and are subject to deed restrictions prohibiting building development within the floodway.
- (7) No land shall be subdivided within a coastal high hazard area unless each lot with water frontage is subject to deed restrictions prohibiting building development within the reach of mean high tide.
- (8) Elevation data shall be generated for all subdivision proposals requiring approval under the parish subdivision regulations.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-334. - Nonconforming uses and structures.

- (a) *Definition and classification.* Nonconforming uses and structures are those which were lawfully established in an area of special flood hazard prior to the time this article became applicable thereto, but which do not conform to provisions or requirements of this article. Nonconforming uses and structures are hereby further classified as either (1) nonconforming uses or (2) nonconforming structures, as follows:
 - (1) Nonconforming uses are those located in regulatory floodways, coastal high hazard areas, or portions thereof where such uses are prohibited by this article. Nonconforming uses include:
 - a. Existing lawful structures located in any portion of a regulatory floodway and having any floor level lower than the base flood elevation.
 - b. Existing lawful structures located within the reach of mean high tide in a coastal high hazard area, without regard to the elevation of such structures.

- c. Any other kind or class of use or structure lawfully existing in a regulatory floodway or coastal high hazard area where such kind or class of use or structure is prohibited by this article without regard to elevation.
 - (2) All other existing lawful structures which do not conform to provisions or requirements of this article are classified as nonconforming structures. These structures are nonconforming with respect to elevation, method or type of construction, or other requirements concerning the structure, but are not otherwise prohibited by this article and do not constitute nonconforming uses as defined above. Most such structures are located in flood hazard areas as defined and regulated by section 26-330, and are generally nonconforming with respect to floor elevation or floodproofing levels.
- (b) *Regulations pertaining to nonconforming uses.* A nonconforming use may be continued so long as it remains otherwise lawful, provided that:
- (1) No nonconforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the time this article became applicable thereto, and no additional structure shall be erected or put in place in connection with such nonconforming use.
 - (2) No structure which constitutes a nonconforming use or is devoted to such use shall be enlarged, extended, reconstructed, moved or structurally altered except to:
 - a. Make the structure or use conform to these requirements, or
 - b. Reduce potential flood damage in a manner consistent with the purposes of this article and subject to appropriate conditions and safeguards required by the director of planning and development for the board.
 - (3) No structure which constitutes a nonconforming use shall be substantially improved, except as may be authorized by a variance for such improvements within a regulatory floodway under the provisions of section 26-326
 - (4) No nonconforming use of land conducted outside a structure shall be moved in whole or part to any portion of a lot or parcel other than that occupied at the time this article become applicable thereto, except to make such use conform to these requirements.
 - (5) When a structure which constitutes or is devoted to a nonconforming use is removed, destroyed, or damaged by any means to the extent of fifty (50) percent or more of the market value of the structure before the damage occurred, such structure shall not thereafter be restored, rebuilt, replaced, or occupied except in conformity with these provisions applicable to new or substantially improved structures.
 - (6) If a structure which constitutes or is devoted to a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure shall not thereafter be restored, rebuilt, or occupied except in conformity with these provisions applicable to new or substantially improved structures and uses.
- (c) *Regulations pertaining to nonconforming structures.* A nonconforming structure may be continued so long as it remains otherwise lawful, provided that:
- (1) If substantial improvements are made to a nonconforming structure, the entire structure shall be made to conform to these provisions applicable to new or substantially improved structures.
 - (2) When a nonconforming structure is moved for any reason for any distance, it shall thereafter conform to the requirements of this article applicable to new structures in the location to which it is moved.
 - (3) A nonconforming structure may be enlarged, repaired, structurally altered, or otherwise improved without being made to conform to all requirements of this article, subject to the following provisions:

- a. The extent of all such improvements undertaken during any two-year period shall not constitute "substantial improvements" as herein defined;
- b. All enlargements made after the structure becomes nonconforming shall not increase the amount of its nonconforming floor area by more than thirty (30) percent or one thousand two hundred (1,200) square feet, whichever is lesser; for the purpose of this provision, nonconforming floor area means lowest floor area located below the base flood elevation in a structure which is not floodproofed;
- c. No addition shall be made to any existing manufactured home unless the entire manufactured home is made to conform to the anchoring requirements of section 26-330

(Ord. No. 6143, § II, 12-6-12)

Secs. 26-335—26-344. - Reserved.

ARTICLE X. - ADMINISTRATION

DIVISION 1. - DIVISION OF PLANNING AND DEVELOPMENT

Sec. 26-345. - Function and duties.

- (a) *Function.* The Division shall perform all administrative functions of this chapter, receive all applications to petition the board, issue development permits, conduct plan reviews for construction, issue certificates of zoning compliance, be responsible for the enforcement of the chapter, conduct inspections of construction to ensure that such complies with the provisions of the chapter, and maintain a set of up-to-date zoning maps and zoning texts.
- (b) *Development permits.* The director of planning and development shall issue development permits. No building or structure shall be erected, altered, repaired, or relocated until a development permit has been issued. The application for and issuance of such permits shall be in accordance with the requirements of the Code of Ordinances, except that no permit shall be issued until application for a certificate of zoning compliance has been made and approved. A site plan will be required as determined by the division.

The director of planning and development or designee may authorize technical adjustments to site plans approved by the police jury or board in light of technical or engineering considerations first discovered during actual development. Such adjustments shall be consistent with the intent of the zoning regulations and the approved site plan. The adjustments shall be the minimum necessary to overcome the particular difficulty.

The director of planning and development may attach such conditions to the approval of a development permit as is deemed necessary to further the purposes or to ensure conformance with the provisions of this chapter including, but not limited to, traffic impact analysis (TIA) and drainage impact analysis (DIA) and improvements. Such conditions shall be set forth in writing as a part of or attachment to the permit, and shall have the same force and effect as the provisions of this chapter. The applicant shall be given a reasonable opportunity to appeal the attachment of such conditions as provided in section 26-350.

- (1) In advance of submitting any application for development, the applicant shall complete and submit a TIA worksheet, as specified by the parish, which shall be used to determine if a TIA is required. The threshold requirements for a TIA shall be a development or combination of developments that would result in trip generation of more than an average of one thousand (1,000) trips per day based upon the latest edition of the Institute of Transportation Engineers Trip Generation Manual.
- (2) With the exception of single lot residential development, in advance of submitting any application for development, the applicant shall complete and submit a DIA unless a waiver is granted in accordance with drainage regulations contained in article VII.

- (c) *Certificates of zoning compliance.* The director of planning and development shall issue certificates of zoning compliance. There shall be no change in the use of occupancy of land or of an existing building, or any new building until a certificate of zoning compliance has been issued stating that the proposed use of the building or land complies with the provisions of this chapter. Applications for a certificate of zoning compliance shall be made in conjunction with the application for a development permit. After determining that the proposed erection, alteration, repair, relocation, or change in use is in compliance with the provisions of this chapter, each such application shall be approved by the director of planning and development.
- (d) *Enforcement.* The regulations shall be enforced by the director of planning and development who may issue permits and cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedy of any condition found to exist therein in violation of any provisions of this chapter. Appeal of the decision of the director of planning and development may be made to the board as provided in this article.
- (1) *Violation.* In case any building or structure is erected, structurally altered or maintained, or any building, structure, or land is used in violation of these provisions, the proper authorities of the parish, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, or use, or other violations to restrain, correct, or abate such violations, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- (2) *Penalty.* The owner or general agent of a building or premises where a violation of any provision has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, assists in any such violation, or maintains any building or premises in which any such violation exists shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or be imprisoned for not more than thirty (30) days for each day the violation continues.
- (3) *Notification of violation.* When a violation is found to exist, the director of planning and development will notify the owner(s) of the subject property that a zoning violation exists. The owner(s) shall mean the person(s) according to the current parish property tax rolls and his address shall be the last address shown on such rolls. Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the parish. If the building is under construction, a stop work order will be posted on the premises.
- (4) *Deadline date.* Failure of the property owner to respond to these official notifications within the deadline date will be cause for the director of planning and development to notify the Calcasieu Parish District Attorney's Office to request that the owner be arrested and charged.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 2. - PLANNING AND ZONING BOARD

Sec. 26-346. - Created.

There is hereby created the Calcasieu Parish Planning and Zoning Board (the "planning and zoning board") under the authority of Act 1274 of 1997 of the Louisiana Legislature (R.S. 33:120.5, et seq.).

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-347. - Membership; term of office.

The planning and zoning board shall consist of eleven (11) members, all of whom shall be residents and electors of the parish. Members serving on the former Calcasieu Parish Planning Commission, at the

effective date of this chapter, shall serve as members of the planning and zoning board and shall serve until expiration of the terms they are currently serving. The two (2) additional members shall be appointed from among members serving on the former Calcasieu Parish Board of Adjustment, at the effective date of this chapter, and shall serve until expiration of the terms they are currently serving. Thereafter, members shall be appointed by the police jury for terms of four (4) years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. All members shall be removable for cause by the police jury, upon written charges and after public hearing.

Membership on the planning and zoning board shall be apportioned as follows:

One (1) member from Ward 1;

One (1) member from Wards 2, 8, and Precincts 360, 361, and portion of 313E;

Three (3) members from Ward 3, less Precincts 360, 361, and portion of 313E;

Three (3) members from Ward 4;

One (1) member from Wards 5, 6, and 7;

One (1) member serving at-large from the east side of the Calcasieu River; and

One (1) member serving at-large from the west side of the Calcasieu River.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-348. - Meetings.

Meetings of the planning and zoning board shall be held on the Tuesday immediately preceding the third Thursday of each month, and at such other times as the planning and zoning board shall determine. A majority of the members shall constitute a quorum.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-349. - Compensation.

The police jury may pay members of the planning and zoning board a per diem not to exceed eighty dollars (\$80.00) for attending meetings of said board for a maximum of twenty-four (24) meetings per year. Such expenses shall be paid from funds of the Calcasieu Parish Division of Planning and Development.

(Ord. No. 6143, § II, 12-6-12)

Sec. 26-350. - Powers; duties; functions.

The planning and zoning board shall have all powers, duties, and functions authorized by Act 1274 of 1997 of the Louisiana Legislature (R.S. 33:120.5 et seq.).

(1) *Powers and duties.*

- a. The board shall make recommendations to the police jury for final action on the following:
 1. To hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
 2. To recommend zoning amendments to the text, rezoning, and zoning studies to the police jury.
- b. The board shall take final action on the following:
 1. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinances adopted pursuant thereto.

2. Appeals to the board may be taken by any party aggrieved, or by any officer, department, board, or bureau of the parish affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the board, by filing with the officer from whom the appeal is taken, and with the board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall immediately transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order, which may be granted by the board or by court of record on application or notice to the officers from whom the appeal is taken and on due cause shown. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
3. Appeals from the administrative review process may be taken by the applicant to the parish planning and zoning board within seven (7) days of the date of the mailing of the notice of director's denial.
4. To hear and decide applications to petition for zoning exceptions.
 - (i) No exception shall be granted by the board unless it finds the use for which such exception is sought will not, in the circumstances of the particular case and under any conditions that the board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. To hear and decide applications to petition for zoning variances.
 - (i) No variance shall be granted by the board unless it finds:
 - (A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of these provisions would deprive the applicant of the reasonable use of such land or buildings;
 - (B) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose; and
 - (C) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (2) *Function.* The Calcasieu Parish Planning and Zoning Board shall conduct public hearings on all applications to petition. The board will act on all applications to petition and forward the recommendations to the police jury when required to do so by ordinance.
- (3) *Organization.* The board shall elect its own chairman who shall serve for one (1) year. The director of planning and development shall serve as the secretary for the board but shall not be considered as a voting member of the board. It shall be the duty of the secretary to keep a true and correct record of all proceedings of the board.
- (4) *Records.* The board shall keep minutes of the proceedings and records of its examinations and other official actions. The minutes of the board shall show the vote of each member upon each question or, if failing to vote, indicating that fact. All minutes and records shall be filed with the division and shall be public record.

- (5) *General procedures.* The board shall adopt rules of procedure not in conflict with any state law or parish ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. A majority of the members shall constitute a quorum. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. All testimony, objections thereto, and rulings thereon shall be taken down by a recorder employed by the police jury for that purpose. In exercising its powers and duties, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a simple majority of a quorum shall be necessary to reverse any order, requirement, decision, or determination of any administration official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in the ordinance.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 3. - POLICE JURY

The Calcasieu Parish Police Jury shall approve, conditionally approve, or disapprove applications to petition for rezoning, revisions to the zoning text, and zoning studies after receiving recommendations from the board. Also, the police jury shall approve, conditionally approve, or disapprove requirements for residential development permits off of a public road frontage.

(Ord. No. 6143, § II, 12-6-12)

DIVISION 4. - CIVIL DISTRICT COURT

The 14th Judicial District Court is the proper forum for any aggrieved party. Within thirty (30) days of a final decision by the police jury or board the aggrieved party must file a petition with the district court, specifying the illegality. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board to review the decision of the board and shall prescribe therein the time within which a return may be made and served upon the relater's attorney which shall not be less than ten (10) days, but which may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. The board shall not be required to return the original papers acted upon by it, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds in the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civic actions and proceedings.

(Ord. No. 6143, § II, 12-6-12)