



**DESOTO PARISH POLICE JURY**  
**May 06, 2024 at 5:06 PM**  
**Zoning and Economic Development Committee**

**Police Jury Meeting Room, 101 Franklin Street, Mansfield, LA 71052**

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## **AGENDA**

Ernel Jones, Chairman, Greg Baker, Richard Fuller, Jimmy Holmes and Trina Boyd-Simpson

- A. CALL TO ORDER**
- B. CALL FOR ADDITIONS AND DELETIONS**
- C. GUEST AND PUBLIC COMMENTS**
- D. ZONING COMMITTEE ITEMS**
  - 1. Discuss and take action regarding zoning
- E. ADJOURN**

DESOTO PARISH POLICE JURY ZONING DISTRICT PERMITTED AND CONDITIONAL USES												
USE DISTRICTS	RESIDENTIAL & AGRICULTURE				COMMERCIAL			INDUSTRIAL & PUBLIC/SEMI-PUBLIC DISTRICTS				USE STANDARDS
	A-1	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	OS	CIV	
<b>RESIDENTIAL</b>												
DORMITORY												P
DWELLING, SINGLE-FAMILY DETACHED	P	P	P	P	P	P	P					P
DWELLING TWO-FAMILY	P		P	P	P	P	P					
DWELLING, TOWNHOUSE	C		P	P	P	P	P					
DWELLING THREE FAMILY	C		P	P		P	P					
DWELLING FOUR-FAMILY	C		P	P		P	P					
DWELLING MULTI-FAMILY	C			P		P	P					P
GROUP/COMMUNITY HOME, SMALL		P	P	P								Section 72.37
GROUP/COMMUNITY HOME, LARGE				P								Section 72.37
MODULAR HOUSING	P	P	P	P	P							Section 72.38
MANUFACTURED HOUSING	P	C	C	P		P	P					Section 72.38
MANUFACTURED HOME PARK				P								Section 72.38
<b>COMMERCIAL</b>												
ADULT DAY CARE, HOME	P	P	P	P	P							Section 72.40
ADULT DAY CARE, SMALL	C		C	P	P	P	P				P	Section 72.40
ADULT DAY CARE, LARGE	C		C	P		P	P				P	Section 72.40
ADULT USES								P	P			Section 72.34
ART GALLERY					P	P	P				P	
ARTS STUDIO	C				P	P	P	P	P			
AUTOMOBILE/VEHICLE DEALERSHIP	C					P	P	P				
AUTOMOBILE RENTAL						P	P	P	P			
AUTOMOTIVE REPAIR, MAJOR						P	P	P	P			
AUTOMOTIVE REPAIR, MINOR	C					P	P	P	P			
BAR												
BED AND BREAKFAST	C	C	C	C	P	P	P					
CAR WASH						P	P	P	P			
CHILD DAY CARE, HOME	P	P	P	P	P							Section 72.40
CHILD DAY CARE, SMALL	C		C	P	P							Section 72.40
CHILD DAY CARE, LARGE	C		C	P	P							Section 72.40
CONSTRUCTION SERVICES	C				C	P	P	P				
ELDERLY HOUSING, RETIREMENT HOUSING	C					P	P				P	

ELDERLY HOUSING, NURSING HOME	C			P		P	P				P	
ELDERLY HOUSING, ASSISTED LIVING	C			P		P	P				P	
USE DISTRICTS	RESIDENTIAL & AGRICULTURE				COMMERCIAL			INDUSTRIAL & PUBLIC/SEMI-PUBLIC DISTRICTS				USE STANDARDS
	A-1	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	OS	CIV	
FARM EQUIPMENT/SUPPLIES/SALES/SERVICE	C											
FINANCIAL INSTITUTION					P	P	P					
GAS STATION							P					
FUNERAL HOME/MORTUARY	C					P	P					
HALFWAY HOUSE							C					P
HEAVY SALES, RENTAL AND STORAGE	C							P	P			
HOSPITAL	C					P	P					P
HOTEL/MOTEL	C					P	P					
LABORATORY					P	P	P	P	P			P
LUMBERYARD	C						P	P	P			
MAINTENANCE/REPAIR SERVICES						P	P	P	P			
MEDICAL/DENTAL CLINIC	C				P	P	P					P
MICROBREWERY/ MICRODISTILLERY							P	P	P			
MINI-WAREHOUSE							P	P	P			
OFFICE	C				P	P	P	P	P			
OFF-PREMISE ADVERTISING SIGN								P	P			
PARKING LOT, COMMERCIAL							P	P	P			
PERSONAL SERVICES ESTABLISHMENT	C				P	P	P					
PET DAY CARE	C				P	P	P					
PET GROOMING	C				P	P	P					
RECREATIONAL FACILITIES	C				P	P	P					
RECREATIONAL VEHICLE PARK	C					C						
REHABILITATIVE CARE CENTER	C					C	C					P
RESIDENTIAL CARE CENTER	C						P					P
RESTAURANT, FAST FOOD						P	P					
RESTAURANT, FULL-SERVICE						P	P					
RESTAURANT, LIMITED SERVICE					P	P	P					
RETAIL GOODS ESTABLISHMENT	C				P	P	P	P				
SOCIAL CLUB/LODGE					P	P	P	P				
TATTOO PARLOR							C	P				
TAXIDERMY						P	P	P	P			

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VETERINARY HOSPITAL	C				P	P	P					
WAREHOUSE, WHOLESALE/STORAGE								P	P			

USE DISTRICTS	RESIDENTIAL & AGRICULTURE				COMMERCIAL			INDUSTRIAL & PUBLIC/SEMI-PUBLIC				USE STANDARDS
	A-1	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	OS	CIV	
<b>AGRICULTURE</b>												
ANIMAL RAISING FOR COMMERCIAL SALES	P											
FARMING AND RANCHING	P	P										
FISHERIES	P											
FORESTRY SERVICES	P											
HOBBY FARMS	P	P										
NURSERY (AGRICULTURE)	P					P	P					
PRIVATE STABLES AND PRIVATE KENNELS	P											
<b>CIVIC</b>												
CEMETERY	C	C	C	C	C	C	C			C	C	Section 72.41
CEMETERY, FAMILY	C	C	C	C	C	C	C					Section 72.41
COMMUNITY CENTER	C		P	P		P	P			P	P	
COMMUNITY GARDEN	P	P	P	P	P	P	P					
CORRECTIONAL FACILITY									C			
COUNTRY CLUB	C	C								P		
EDUCATIONAL FACILITY	P	C	C	P	P	P	P				P	
EDUCATIONAL FACILITY, VOCATIONAL	C							P	P			
EMERGENCY SERVICES	P	C	C	P	P	P	P	P	P			
FAIRGROUND	C									P	P	
FARMERS MARKET	C				P	P	P			C	C	
FOREST/NATURE PRESERVE	P									P		
GOLF COURSE	P	P	P	P	P					P		
GOVERNMENT FACILITY	C				P	P	P	P	P		P	
GOVERNMENT OFFICES	C									P	P	
HORSE STABLES	P									P	P	
HOUSE OF WORSHIP, SMALL	P	P	P	P	P	P	P	P	P	P	P	Sections 72.46 & 72.44
HOUSE OF WORSHIP, LARGE	P	P	P	P	P	P	P	P	P	P	P	Sections 72.46 & 72.44
LIBRARY	C					P	P					
MUSEUM	C					P	P					
PARK or PLAYGROUND	P	P	P	P	P	P	P			P	P	
PARKING LOT (PRINCIPAL)							P			P	P	

RECREATIONAL FACILITY, INDOOR	C				C	P	P			P	P	
RECREATIONAL FACILITY, OUTDOOR	C				C	P	P			P	P	
SEWAGE TREATMENT FACILITY								P	P			
STADIUM										C	C	
UTILITIES	C						P	P	P	P	P	Section 72.43
USE DISTRICTS	RESIDENTIAL & AGRICULTURE				COMMERCIAL			INDUSTRIAL & PUBLIC/SEMI-PUBLIC DISTRICTS				USE STANDARDS
	A-1	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	OS	CIV	
<b>INDUSTRIAL</b>												
AIRPORT	C							P	P			
CARGO TERMINAL								P	P			
CONTRACTOR STORAGE YARD								P	P			
HAZARDOUS WASTE DISPOSAL FACILITY									C			
HAZARDOUS WASTE INCINERATOR									C			
HAZARDOUS WASTE PROCESSING FACILITY									C			
HAZARDOUS WASTE STORAGE									C			
HAZARDOUS WASTE TREATMENT									C			
JUNKYARD									C			
MANUFACTURING, HEAVY									P			
MANUFACTURING, LIGHT								P	P			
MINERAL EXTRACTION	P							C	P			
SAW MILL	P							C	P			
SOLAR ENERGY SYSTEM, MEDIUM-LARGE SCALE	C	C						P	P			Section 72.45
SOLID WASTE COLLECTION FACILITY									C			
SOLID WASTE COMPOST FACILITY									C			
SOLID WASTE TRANSFER STATION									C			
STORAGE YARD, OUTDOOR	C							P	P			
WIND FARM	C	C						P	P			Sec 72,???
<b>ACCESSORY USES</b>												
ACCESSORY DWELLING UNIT	P	C	C	C					C			Section 72.46
ALCOHOL BEVERAGE SALES, OFF-PREMISE*	C					C	C					
ALCOHOL BEVERAGE SALES, ON-PREMISE*	C					C	C					
CARETAKER DWELLING									C			P
CLUBHOUSE	P	P	P	P								
COLUMBARIUM	C				C	C	C					C
CREMATORIUM	C				C	C	C					

DRIVE-THROUGH						P	P					
HOME OCCUPATION	P	P	P	P								
LIVE ENTERTAINMENT						P	P					
PARKING GARAGE							P					
SMALL WIRELESS TOWER	C	C	C	C	C	C	C	C	C	C	C	Sections 72.36
SOLAR ENERGY SYSTEM, SMALL SCALE	P	P	P	P	P	P	P	P	P	P	P	Section 72.45
TELECOMMUNICATION ANTENNAE/TOWERS	C					C	C	C	C	C	C	Sections 72.35 & 72.36
TRASH RECEPTACLES (COMMERCIAL)					P	P	P	P	P	P	P	Section 72.70
<b>TEMPORARY</b>												
CONSTRUCTION BUILDINGS										P	P	Section 72.33
*To be discussed P= Permitted Use   C= Conditional Use   Blank = Not Permitted												

# DeSoto Parish

## Comprehensive Zoning Ordinance

**9/28/2021**

**FINAL DRAFT**



• Environmental Consulting  
• Zoning/Planning  
• Land Use Law



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**ARTICLE 1. DESOTO PARISH ZONING REGULATIONS AND PROCEDURES****SECTION 72.1. ZONING REGULATIONS, SHORT TITLE**

These regulations shall be known and may be cited as the “Comprehensive Zoning Ordinance” of DeSoto Parish in the State of Louisiana.

**SECTION 72.2. PURPOSE AND AUTHORITY**

- A. *Purpose.* These zoning regulations as herein set forth have been prepared for DeSoto Parish, Louisiana to safeguard the health, property, and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.
- B. *Authority.* DeSoto Parish’s Zoning Ordinance is adopted pursuant to the Constitution and laws of the State of Louisiana, the provisions of the Charter and Ordinances of DeSoto Parish, and the Louisiana Revised Statute Section LA Rev Stat § 33:4780.40, Zoning Regulations for Parishes, as amended; LA Rev Stat § 33:140.207, Municipalities and Parishes Zoning-exceptions, variances, appeals; LA Rev Stat § 33:101 et seq, Municipalities and Parishes: Planning Commissions-Definitions; and LA Rev Stat § 25:731 et seq, Historic Preservation Districts.
- C. *Commission Provisions.*
1. Under the authority of the Louisiana (LA) R.S. 33:101 et seq., DeSoto Parish maintains a parish planning commission, known as the “DeSoto Parish Planning Commission”, whose administrative provisions are found in DeSoto Parish Code of Ordinances. The administrative provisions for the Planning Commission are found in DeSoto Parish Code of Ordinances, Sections 70-19 to 70-23.
  2. As per L.A.R.S. 33:4721 et seq., the Parish Planning Commission shall also serve as the Parish Zoning Commission, shall have all of the powers conferred upon zoning commissions by law, and shall be known as the “DeSoto Parish Planning and Zoning Commission” or “Planning Commission” herein.
    - a. The Planning Commission provides citizen review and recommendations on planning-related matters to the Police Jury.
    - b. The Planning Commission also serves as a review body to recommend changes in development codes and the zoning ordinance to the Police Jury.
- D. Any reference or citation made in this ordinance to any duly enacted statute of the United States of America or of the State of Louisiana; or any duly enacted ordinance of the Parish of DeSoto; or any regulation enacted or promulgated by any department, agency, bureau or other institution or subdivision of the United States of America, the State of Louisiana, the Parish of DeSoto shall refer to the provisions of the cited or referenced statute, ordinance, or regulation as of the date of the enactment of this ordinance or as cited or referenced statute, ordinance or regulation may thereafter from time to time be amended, reenacted or re-designated.

- E. All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.

**SECTION 72.3. JURISDICTION**

- A. The zoning regulations shall be effective throughout all unincorporated portions of DeSoto Parish except for lands under the authority and jurisdiction of agencies of the State and Federal Government.
- B. All developments shall meet minimum standards and requirements of these regulations, as amended. This ordinance, or any amendment thereto, shall not affect the validity of any building permit lawfully issued prior to the effective date of the ordinance, or any amendment thereto, provided that the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto, that construction authorized by such permit has commenced prior to the effective date of the ordinance, or any amendment thereto, and provided that construction has and does continue without interruption until development is completed.
- C. Any use established on the effective date of this ordinance, and which conforms with the conditional use requirements applicable in the zoning district, in which the use is located, shall be considered a lawful conditional use, provided that the use continues to conform with the provisions of this ordinance.
- D. This ordinance, or amendment thereto, shall not affect the validity of variances granted prior to the effective date of this ordinance, or amendment thereto. Said variances shall remain in effect after the effective date of this ordinance and shall constitute variances to the applicable provisions of this ordinance.

**SECTION 72.4. SCOPE**

- A. The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land or sign within the Parish, except work located primarily in a public way and public utilities unless specifically mentioned in this code.
- B. Where, in any case, different sections of this code specify different requirement, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- C. In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such as merely a byproduct of the overall benefit to the whole community. Therefore, DeSoto Parish, its officers, agents, and employees shall have qualified immunity against unintentional breaches of the obligation of administration and enforcement imposed on the jurisdiction hereby.
- D. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

**SECTION 72.5. FEES**

The DeSoto Parish Police Jury shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals and other matter pertaining to this ordinance. This schedule of fees is located in Chapter 58. Parish Fees, Rates and Charges of the DeSoto Parish Code of Ordinance, shall be available from the Parish Administrator’s Office in DeSoto Parish and may be altered or amended only by the Police Jury. No permit, certificate, special exemption, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full.

**SECTION 72.6. EXISTING BUILDINGS AND USES**

- A. Lawfully established buildings and uses, lighting, landscaping, parking, building setbacks, and other site features in existence at the time of the adoption of this ordinance shall be permitted to lawfully continue subject to the provisions of Section 72.32, Non-Conforming Uses, and other provisions of this ordinance applicable to non-conformity with the provisions of this ordinance, provided that such continued use is not in violation of or contrary to Chapter 50. Nuisances of the DeSoto Parish Code of Ordinance.
- B. All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this Section, the Parish Administrator shall be permitted to order any structure or use to be inspected in accordance with Section 72.60 Violations and Enforcement.
- C. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures.
  - 1. Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies, or fences used for the protection of the public shall be permitted to be erected, provided a special approval is received from the Parish Administrator for a limited time period in accordance with Section 72.33 Temporary Uses of this ordinance and Section 18.6 of the DeSoto Parish Building Code.
  - 2. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the approval.
- D. *Illegal Uses.* Uses that are illegally established prior to the adoption of this code shall remain illegal and shall be subject to the provisions of Section 72.60 Violations and Enforcement.

**SECTION 72.7. SEVERABILITY**

If any section or provision of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, the remaining herein shall not be affected.

**SECTION 72.8. AMENDMENTS**

- A. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed; provided, however, that the Police Jury shall not hold any public hearings or take any action until it has first referred the request to the Planning Commission with Zoning Administrator review. It shall be the duty

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of Planning Commission to recommend approval or rejection of any request for zoning amendments, modifications, supplements, or changes thereto.

- B. When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more, either of the area of the lots included in such proposed changes, or of those immediately adjacent in the rear thereof, or of those directly opposite thereto from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of two-thirds (2/3) of the Police Jury.

**SECTION 72.9.       RESERVED**

**SECTION 72.10.     RESERVED**

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**ARTICLE 2. RULES OF INTERPRETATION AND DEFINITIONS****SECTION 72.11. RULES OF INTERPRETATION**

The following rules of interpretation shall apply to the text of this Zoning Ordinance:

- A. The particular controls the general.
- B. In the case of any difference in the meaning or implication between the text of this Zoning Ordinance and any caption or illustration, the text controls.
- C. "Shall" is always mandatory and not discriminatory.
- D. Words used in the present tense include the future, words used in the singular include the plural, the plural the singular, unless the context clearly states the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. "Person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the following shall apply:
  1. "And" indicates the connected items, conditions, provisions, or events shall apply.
  2. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
- H. Terms not defined in this Chapter have the meaning customarily assigned to them, or a meaning to be assigned by a duly authorized representative of DeSoto Parish.

**SECTION 72.12. DEFINITIONS**

For the purpose of these regulations, these terms and words are hereby defined.

*Abandonment* (Also see discontinuance). The cessation of the use of a property or of a particular use for at least six (6) months.

*Accessory Dwelling Unit*. A self-contained residential unit considered subordinate to the principal use and built on the same lot as an existing single-family home.

*Accessory Structure*. A building or structure detached from, but located on the same lot as, the principal structure and the use of which is clearly incidental and subordinate to the principal structure.

*Accessory Use*. A use that is customarily incidental and subordinate to the principal use, and which is located on the same lot as the principal use.

*Addition or Enlargement*. Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or floor area.



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*Administrative Official.* Any official who has responsibility for issuing permits or certificates under this ordinance, or for enforcing the ordinance, and may include a building official, zoning administrator or other official with such responsibility.

*Adult Uses/Materials.* Any business as defined by Louisiana Revised Statute (LA R.S.) 14:106A, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses, adult nightclubs, or adult massage (non-therapeutic) businesses. These uses are further defined in (LA R.S.) 14:106 and Section 72.34 of this Ordinance. However, those massage businesses where all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards, are exempt from this definition.

*Agriculture.* The use of land for the production of crops and/or livestock, including but not limited to farming, horticulture, floriculture, viticulture, dairying, animal and poultry husbandry, and the necessary accessory uses for storing such products.

*Alcohol Beverage Sales.* The sale of beer, wine, or other alcoholic beverages for on- or off-premise consumption. Alcoholic beverages may be sold only if allowed in the zoning district and the Ward in which the facilities are located and in accordance with LA RS 26:1, the Alcoholic Beverage Control Law.

*Alcohol Beverage Sales, Off-Premise.* The retail sale of alcoholic beverages in the original manufacturer sealed and labeled container in a business such as a grocery store, convenience store or liquor store for consumption off-site.

*Alcohol Beverage Sales, On-Premise.* The sale of beer, wine, or other alcoholic beverages as the primary activity (e.g., bars, taverns, etc.) or as an incidental or secondary activity to another primary business activity (e.g., full-service restaurants, hotels, banquet halls) for consumption on-site.

*Alley.* A way that affords only a secondary means of access to property abutting thereon.

*Alteration.* Any change, addition, or modification in construction, use or occupancy.

*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.

*Amateur (HAM) Radio Equipment.* A radio station licensed as such by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or alternative tower structure supporting a radiating antenna platform and other equipment.

*Animal Hospital.* A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of domestic animal diseases.

*Apiary.* Any place where one or more colonies of bees are kept at a single location.

*Arrays.* A bundle of antennas arranged by a telecommunications service provider and placed on a tower, structure or building at a given height to provide the desired directional characteristics.

*Attic.* The unfinished space below the roof of a structure.

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*Automotive Repair.* General repair or maintenance of motor vehicles, trailers and similar large mechanical equipment including paint, body and fender, and engine and engine part overhaul, which are conducted.

*Automotive Service Station.* A building or structure designed or used for the retail sale of a supply of fuels (stored in underground tanks), lubricants, air, water, and other commodities for motor vehicles, and includes the customary space and facilities for storage, minor repair, or servicing, but does not include painting, refinishing, major repairs and overhauling of motor vehicles.

*Automobile Wash Establishment.* A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

*Bar.* An establishment serving alcoholic beverages in which the principal business is the sale of such beverages for consumption on the premises. Snack food or other prepared food may be available for consumption on the premises as an accessory use only. No sales of alcohol for off-premise consumption are permitted. A bar may include a microbrewery on-site as an accessory use only. Alcoholic beverages may be served only if allowed in the zoning district and the Ward in which the facilities are located and in accordance with LA RS 26:1, the Alcoholic Beverage Control Law.

*Base Flood Elevation.* The elevation shown on FEMA Flood Insurance Rate Maps (FIRMs) indicates the water-surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

*Bed and Breakfast.* A residential structure, which provides sleeping rooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private bathrooms for each room. No cooking facilities are permitted in individual rooms.

*Block.* A parcel of land within a subdivision or development, which is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street but part of the block.

*Block Face.* The front of a block along one side of the street.

*Board of Zoning Adjustments.* The term "Board of Zoning Adjustments" shall mean DeSoto Parish Board of Zoning Adjustments created under LA.R.S. 33:4727 et seq., and having the powers provided for by Louisiana law and Chapter 72, Comprehensive Zoning Ordinance of the DeSoto Parish Code of Ordinances.

*Brewery.* A facility listed as a "manufacturer or brewer" as defined in Title 26, Section 241 of the Louisiana Revised Statutes. The facilities may include on-site tasting facilities with retail sales of alcohol and alcoholic beverage sales of only those alcoholic beverages produced at that facility. On-site tasting facilities shall be subject to the use and parking standards of a bar and any limitations provided for in state and/or local law. Alcoholic beverages may be sold only if allowed in the zoning district and the Ward in which the facilities are located and in accordance with LA RS 26:1, the Alcoholic Beverage Control Law.

*Buffer.* An area established in order to protect and separate one land use from another.

*Buffer Planting Area.* Area of land, which is unpaved between the side or rear property lines and designated for the preservation and placement of plant materials.

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*Building.* Any structure, either temporary or permanent, having a roof and designed, intended, or used for the sheltering or protection of persons, animals, chattels, or property of any kind.

*Building Code.* The *International Building Code* promulgated by the International Code Council, as adopted by the State of Louisiana and DeSoto Parish.

*Building Line.* The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental features projecting from the walls of the building or structure.

*Building, Main or Principal.* A building in which is conducted the principal use of the lot on which it is situated. A dwelling shall be deemed to be the main building on the lot in all residential districts.

*Building Official.* The person(s) designated by the Parish as responsible for enforcement of the building code in accordance with Chapter 18 Building Codes and Regulations of the DeSoto Parish Police Jury Code of Ordinances and this Chapter.

*Building, Temporary.* A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

*Car Wash.* A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles, or other light dirty equipment, whether automatic in an enclosed structure or by hand.

*Carport.* A shelter for an automobile consisting of a roof extended from the side of a building, similar to a garage but that has a part of the wall area open to the outside.

*Cemetery.* Land used or dedicated for the burial of the dead, including crematoriums, mausoleums, access roads, walkways, grounds, and necessary sales and maintenance facilities. Mortuaries and chapels may be included when operated within the boundary of said cemetery.

*Cemetery, Family.* A family burying ground in which no lots are sold to the public and in which interments are restricted to a group of persons related to each other by blood or marriage or other familial bonds.

*Cemetery, Private* -A private cemetery is one used only by a small portion of the community with few lots available for sale to the general public. A cemetery, though privately owned or maintained, may be deemed a public cemetery if it is open, under reasonable regulations, to the use of the public for the burial of the dead. A cemetery, though privately owned, is properly classified as a "public cemetery" when it consists of a majority of burial plots or sites sold and/or offered for sale to the general public.

*Cemetery, Public* -A public cemetery is one used by the general community, a neighborhood, or a church.

*Church.* (Also see House of Worship) A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain religious expression, together with all accessory buildings and uses customarily associated with such primary purpose.

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*Clubhouse.* The principal building associated with a golf course, tennis club, or similar recreational facility that typically contains the pro shop, administrative offices, exercise facilities and locker rooms, and may also contain food and beverage services, including public meeting and banquet rooms and related facilities.

*Co-location.* Placement of telecommunications equipment from one or more service provider on a single tower or site.

*Common Structure.* A structure, such as a garage, tool shed, or recreational facility used by more than one resident in a planned development or manufactured housing development.

*Community Center.* A facility to be used as a place of meeting, recreation, or social activity, and not operated for profit, which is open to the community and designed to accommodate the surrounding neighborhood or the larger community.

*Community Garden.* Neighborhood-based developments that provide space for community members to grow plants for beautification, education, recreation, community distribution or person use. These sites shall be owned and managed by public or civic entities, non-profit organizations, or other community-based organizations that are responsible for maintenance and operations.

*Conditional Use.* A conditional use is a land use that, because of its unique characteristics or potential impact on the parish, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

*Construction.* Any act or process that requires a building permit whether an addition onto an existing building or a new principal or accessory structure which is subject to design standards for the district in which the property is located.

*Construction, Commencement.* The date the physical improvement of land begins in accordance with a permit issued by the Building Official of the DeSoto Parish, such as the pouring of slabs or footings or any work beyond the stage of excavation or the first permanent framing or assembly of the structure or any part thereof on its piling or foundation when a structure is without a basement or poured footings.

*Construction, Substantial Completion* –The date a structure is able to be used for its intended purpose.

*Construction Services.* The services provided in conjunction with the process of permitting, inspection, improving, repairing, constructing, and/or erecting a facility, residence or commercial areas onto a land or lot.

*Contractor Storage Yard.* Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or other building materials or construction contractor in the conduct of any building trade or craft.

*Condominium.* A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

*Correctional Facility.* A public- or privately-operated facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include adult detention centers, juvenile delinquency centers, jails, or prisons.

*Country Club.* A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures.

*Crematorium.* An accessory use within a cemetery or mortuary containing installed, certified apparatus intended for use in the act of cremation.

*Day.* When used in this Ordinance, day shall mean one (1) business day.

*Day Care Center, Adult (Small).* Any place owned or operated for profit or not for profit, by a person, society, agency, corporation, institution, or any other group wherein are received, for a portion of a 24-hour day, fewer than ten (10) functionally impaired adults are not related to the owner or operator of the facility for the purposes of supervision or participation in a training program. See rehabilitative care center. The day care services should take place on a regular basis for at least twelve and a half (12.5) hours in a continuous seven (7) day week and no overnight stays are permitted. Facilities caring for fewer than ten (10) adults are not required to be licensed by the State of Louisiana, however if the facility receives state or federal funding, directly or indirectly, it must be licensed regardless of the number of adults in its care.

*Day Care Center, Adult (Large)-* Any place owned or operated for profit or not for profit, by a person, society, agency, corporation, institution, or any other group wherein are received, for a portion of a 24-hour day, ten (10) or more functionally impaired adults are not related to the owner or operator of the facility for the purposes of supervision or participation in a training program.. The day care services should take place on a regular basis for at least twelve and a half (12.5) hours in a continuous seven (7) day week and no overnight stays are permitted. All facilities caring for more than ten (10) adults must be licensed by the State of Louisiana, and if the facility receives state or federal funding, directly or indirectly, it must be licensed regardless of the number of adults in its care.

*Day Care Center, Child (Small).* Any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance to a maximum of fifteen (15) children, who are not within the immediate family of the care giver and are unaccompanied by parent or guardian, on a regular basis for at least twelve and a half (12.5) hours in a continuous seven (7) day week.

*Day Care Center, Child (Large).* Any place or facility operated by an institution society, agency, corporation, person or persons, or any other group for the primary purpose of providing care supervision and guidance to a maximum of fifty (50) children who are not within the immediate family of the care giver and are unaccompanied by parent or guardian, on a regular basis for at least twelve and a half (12.5) hours in a continuous seven (7) day week.

*Diameter at Breast Height (DBH).* The diameter of a tree measured at breast height of an average man or woman in the United States.

*Density.* The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

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*Detention/Retention Pond.* (Also known as Bio-Retention Pond) A man-made basin designed to protect against flooding by storing stormwater for a limited period of time.

*Development.* The use of land including change or enlargement of any use or disturbance of any land and the performance of any building or mining operation.

*Discontinuance.* (Also see abandonment) The abandonment of a property or of a particular use for a period of at least six (6) months. The determination of discontinuance for non-conforming uses or structures shall be supported by evidence, satisfactory to the Building Official (e.g., the actual removal of equipment, furniture, machinery, structures, or other components of the non-conforming use and not replaced, the turning off of the previously connected utilities, or where there are no business receipts/records or any necessary licenses available to provide evidence that the use is in continual operation).

*Distillery.* A facility listed as a “manufacturer” as defined in Title 26, Section 2 of the Louisiana Revised Statutes. The facilities may include on-site tasting facilities with retail sales of alcohol and alcoholic beverage sales of only those alcoholic beverages produced at that facility. On-site tasting facilities shall be subject to the use and parking standards of a bar and any limitations provided for in state and/or local law. Alcoholic beverages may be sold only if allowed in the zoning district and the Ward in which the facilities are located and in accordance with LA RS 26:1, the Alcoholic Beverage Control Law.

*Drainage Plan.* A plan showing proposed site drainage features for controlling storm water runoff and conveying it to public outfalls. A drainage plan shall also include runoff calculations for engineering review, evidence that the drainage plan has been submitted to and reviewed by the storm water drainage authority with jurisdiction over the site, and that the drainage plan has been approved by said authority.

*Drive-Through Establishment.* Premises used to provide or dispense products or services through an attendant, window or automated machine to persons remaining in their vehicle. A drive-through facility may be in combination with other uses such as a “financial institution”, a “retail goods establishment” or “restaurant.” A “car wash,” “gas station” or “motor vehicle service and repair” shall not be considered a drive-through facility.

*Driveway.* A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

*Duly Authorized Representative.* Person or persons designated by the Parish Administrator and/or Police Jury to check, review and comment on all submissions regarding their nonconformance to these regulations. These bodies may designate the Parish Engineer or any other qualified persons or agency as the duly authorized representative.

*Dwelling.* Any structure or portion thereof, which is designed or used for residential purposes.

*Dwelling, Multi-family.* A building or portion thereof designed for occupancy by three (3) or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

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*Dwelling, Single-family.* An individual dwelling unit in a structure, which is not physically connected with any other dwelling unit.

*Dwelling, Townhouse.* A structure consisting of no less than three (3) dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate entrance and direct ground-level access to the outdoors. These units are connected to other dwelling units by a single wall with no opening. "Townhouse dwelling" shall not include "multi-family dwelling." Townhouse dwelling refers to the construction not the ownership pattern of the individual units.

*Dwelling, Two-Family.* A building designed or arranged to be occupied by two families living independently, with the structure having only two (2) dwelling units.

*Dwelling Unit.* Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

*Easement* (Also see Servitude). The right, granted by the property owner, to use a parcel of land for specified purposes, such as public utilities, drainage and other public purposes, the title of which shall remain with the property owner, subject to the right of use designated in the reservation of the easement.

*Eave.* The projecting sides of a roof overhanging the wall of a building.

*Educational Facilities* (Also see Schools). Any land used for educational facilities, including universities, colleges, elementary and secondary, and vocational schools.

*Educational Facility, College/University.* A post-secondary institution for higher learning that grants associate or bachelor's degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. This also includes post-secondary theological schools for training ministers, priests, or rabbis.

*Educational Facility, Elementary.* A public, private or parochial school offering instruction at the elementary, middle and/or junior high school level. Religious facilities with elementary educational facilities shall be considered educational facilities, elementary.

*Educational Facility, Secondary.* A public, private or parochial school offering instruction at the senior high school level. This also includes secondary schools for training ministers, priests, or rabbis. Religious facilities with secondary educational facilities shall be classified as educational facilities, secondary.

*Educational Facility, Vocational School.* A school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for-profit and that do not offer a complete educational curriculum.

*Electrical Sign.* Any sign containing electrical wiring, and which is attached to an electrical energy source.

*Encroachment.* The extension or placement of any structure or component of a structure into a required yard or setback as per table XXX this zoning ordinance.

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*Façade.* The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

*Family.* One or more persons related by blood, marriage, adoption or guardianship, the occupants of a community or group home for mentally or physically challenged individuals or not more than four (4) persons not so related occupying a dwelling unit and living as a single housekeeping unit shall be considered a family. Notwithstanding any other provisions of this Section, this definition does not include individuals required to be assembled under one living unit for the purpose of drug or substance abuse rehabilitation or persons assigned to same as the result of criminal activity.

*Fence.* An artificially constructed barrier of wood, masonry, stone, wire, metal, or other material erected to enclose, screen or separate uses.

*Filter Strip.* A type of buffer strip that is in area of vegetation, generally narrow and long, that slows down the rate of stormwater runoff, allowing sediments and other pollutants that are being conveyed by the water to be removed by settling out.

*Financial Institution.* A bank, savings and loan, credit union, mortgage office, interactive teller machine (ITM), or automated teller machine (ATM).

*Finished Grade.* The completed surfaces of lawns, walks and roads brought to grade as shown on development plans relating thereto.

*Fishery.* a fishing ground or area where fish are reared and caught for commercial purposes.

*Flood Insurance Rate Map (FIRM).* An official map of the community, on which the Administrator of the National Flood Insurance Program (NFIP) has delineated both the special hazard areas and the risk premium zones applicable to the community.

*Floodplain.* Floodplain or flood-prone area means any land area susceptible to being inundated by floodwater as determined by FEMA.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

*Floor Area.* The sum of the gross horizontal areas of the several floors 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.

*Forestry Services.* Establishments primarily engaged in performing, on a contract or fee basis, services related to timber production, timber management, timber harvesting, wood technology, forestry economics, and marketing.

*Frontage.* That edge of a lot abutting a street right-of-way measured along the property line common to the public right-of-way and the front property line.

*Funeral Home (Also see Mortuary).* An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.



*Government Facility.* A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public, and shall include public works and public safety facilities.

*Grade.* The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five (5) feet from the building.

*Group Home or Community Home.* A single-family residential structure, licensed by the State of Louisiana, designed or adapted for occupancy by unrelated developmentally disabled persons.

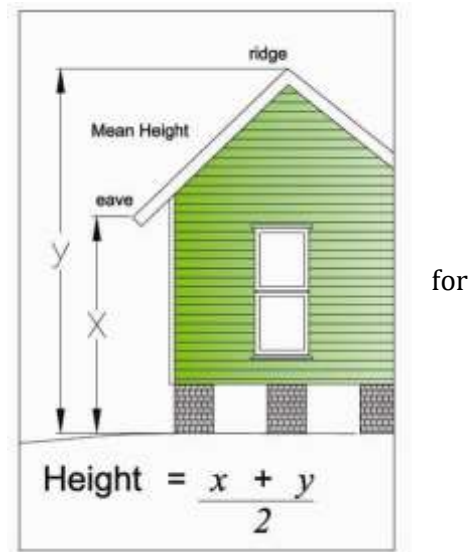
*Group or Community Home (Small)* . A small, residential facility located within a community, designed to serve children or adults with chronic disabilities. Small group homes may have six (6) or fewer occupants who are mentally, physically, or developmentally disabled, and one or more resident counselors/trained caregivers on staff twenty-four (24) hours a day. A small group home must be licensed by an agency of the State of Louisiana, the political subdivision, and/or a state-licensed child placement agency, as a group home, receiving home, or similar care facility. Alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions who have been found not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

*Group or Community Home (Large)* . A residential facility located within a community, designed to serve children or adults with chronic disabilities. Large group homes may have twelve (12) or fewer occupants who are mentally, physically, or developmentally disabled, and two or more resident counselors/trained caregivers on staff twenty-four (24) hours a day. A group home must be licensed by an agency of the State of Louisiana and/or a state-licensed child placement agency, as a group home, receiving home, or similar care facility. Alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions who have been found not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

*Heavy Sales, Rental and Service.* This use includes retail, rental and/or service establishments that have permanent outdoor service or storage yards, or partially enclosed structures including, but not limited to, large-scale home improvement centers with outdoor storage and rental components, lumberyards, playground equipment sales and rental, truck repair establishments, and uses with permanent outdoor service or storage areas for heavy equipment such as truck rental establishments, large-scale moving centers, and temporary storage container facilities.

*Height.* The vertical measurement of a structure from the average elevation of the proposed finished grade at the perimeter of the structure to the highest point of the roof flat roofs, to the deck line of the mansard roof, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

*Hospital.* An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient



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departments, training facilities and staff offices. A hospital may also include accessory uses such as “retail goods establishments” and “restaurants,” provided that such facilities are incidental and subordinate to the main use and part of the main structure.

*Hotel or Motel.* An establishment providing, for a fee, sleeping accommodations and temporary living accommodations to the general public. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, and recreational facilities.

*House of Worship.* A building where persons regularly assemble for religious worship and which building is maintained and controlled by a religious body organized to sustain religious expression.

*Impervious Coverage.* The square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s), such as surface areas, walkways, patios, and plazas. All parking spaces and lots, buildings, roads, driveways, walkways, tennis courts, patios, decks and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of impervious coverage.

*Impervious Materials.* Materials that prevent precipitation from contacting the existing soil and do not allow water to penetrate the soil.

*Incidental Home Occupation.* A business, profession, occupation, principle, or trade conducted within the principal structure of a residential use by a resident of the dwelling which is incidental and secondary to the residential use of the dwelling, does not change the essentially residential character of the use.

*Intensity.* Any factor such as square footage, number of dwelling units, or number of employees used as a basis for requiring parking or loading facilities.

*Junkyard.* A tract of land, including any accessory structure thereon, that is used for buying, selling, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition, and metals, glass, paper, plastics, rags, and rubber tires.

*Kennel, Commercial.* A facility for the keeping, training, grooming, or boarding of dogs, cats, and household pets.

*Kennel, Private.* Any premises, except where accessory to an agricultural use, where dogs, cats and household pets for the keeping, training, grooming, breeding, or boarding for the use of the residents of the premises.

*Landscape Area.* A non-built-upon area of land in which landscape materials are placed, planted, or maintained.

*Landscape Plan.* Shall mean the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as planting ground and water forms, circulation, walks and other features to comply with the provisions of this Ordinance.

*Landscaping.* The installation of plant material or seed as a part of development.

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*Letter of Understanding.* A letter from the Zoning Administrator, or his duly authorized representative, setting out the substance of a pre-application conference.

*Loading Space.* A space on the same lot as a main building, providing for the standing, loading, or unloading of trucks.

*Lot.* A parcel of land having specific boundaries and having its principal frontage upon an officially approved street.

*Lot Area.* The total horizontal areas within the lot lines of the lot.

*Lot, Corner.* A lot abutting two (2) or more streets at their intersection.

*Lot, Coverage.* The area of the lot covered by a structure.

*Lot, Depth.* The average horizontal distance between the front and rear lot lines.

*Lot, Through.* A lot having frontage on two (2) approximately parallel streets or places.

*Lot, Interior.* A lot other than a corner lot.

*Lot Lines.* The lines forming the outer boundary of a lot.

*Lot Width.* The average horizontal distance between the side lot lines measured at the required front yard line and parallel to the front street line or measured at the street line if no front yard is required.

*Lot of Record.* A recorded, platted lot or a parcel of land lot, the map of which has been recorded in the Office of the Clerk of Courts of DeSoto Parish, or a lot described by metes and bounds, the description of which has been recorded in the Office of the Clerk of Courts of DeSoto Parish.

*Lumberyard.* A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing millwork, planning, cutting, and other customized processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

*Maintenance/Repair Services.* An establishment providing appliance repair, office machine repair, or building maintenance services. This use does not include the maintenance and repair of vehicles.

*Manufacturing, Heavy.* The assembly or fabrication of goods and materials, which may include the storage of large volumes of highly flammable or toxic matter. Heavy manufacturing processes ordinarily have greater impacts than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards.

*Manufacturing, Light.* The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution such products, providing all industrial activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the industrial activity are confined within the building.

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*Medical/Dental Clinic.* A facility operated by one (1) or more physicians, dentists, chiropractors, psychiatrists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

*Microbrewery/Microdistillery.* A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels (brewery) or 25,000 gallons (distillery) annually. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district. Alcoholic beverages may be sold only if allowed in the zoning district and the Ward in which the facilities are located and in accordance with LA RS 26:1, the Alcoholic Beverage Control Law.

*Mini-Warehouse.* A structure that rents individual compartments for the purpose of storing personal property. Individual compartments shall not exceed one thousand (1,000) square feet.

*Mineral Extraction.* Any extraction from any area of stone, coal, lignite, salt, ore, talc, granite, natural gas and petroleum products, sand and gravel or other materials, including the construction, alteration, or maintenance of associated roads, infrastructure, tailings, and drainage with such extraction.

*Motor Vehicle Dealership.* An establishment that sells or leases new or used, functional automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles, or other motorized transportation vehicles. A motor vehicle dealership may contain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

*Mortuary.* (Also see Funeral Home) An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

*Nonconforming Lot.* A platted lot which does not comply with the lot size requirements of the zoning district in which it is located.

*Nonconforming Sign.* Any sign which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

*Nonconforming Structure.* Any structure, which was lawful on the effective date of this ordinance but does not comply with all the standards and regulations of this ordinance or any amendment thereto.

*Nonconforming Use.* Any use of any land, building, or structure, which was lawful on the effective date of this ordinance but does not comply with all the standards and regulations of this ordinance or any amendment thereto.

*Nursing Home.* A facility designed and intended to provide nursing service on a continuing basis to persons, the majority of whom require such service under trained professional nurses or physicians, and for whom medical records are maintained. The term "nursing home" shall include post-operative centers but shall not include any facility used for providing service to any inmate of any prison or other correctional institution.

*Office.* An establishment in which business, clerical, or professional activities are conducted.

*Open Space.* That part of a lot, including all yards, which is open and unobstructed from grade level upward and is not occupied by off-street parking, streets, drives, or other surfaces for vehicles.

*Outdoor Advertising Business.* Provision of outdoor displays or display space on a lease or rental basis only.

*Overlay.* A zoning district established by Ordinance and mapped on top of the base zoning district that modifies or supplements the regulations of the general district and where the requirements of the base district may or may not be altered.

*Parcel.* Any quantity of land capable of being described with such definitiveness that its location and boundaries may be established, and which is designed by its owner as land to be used as a unit.

*Parish.* DeSoto Parish, Louisiana.

*Parish Administrator.* The Parish Administrator is appointed by the Police Jury.

*Parish Engineer.* An engineer appointed by the DeSoto Parish Police Jury.

*Parking Lot.* An open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger motor vehicles for limited periods of time. Parking may be available for residents, visitors, employees, clients, customers, or similar users whether for compensation or at no charge.

*Parking Space.* A space within a building, private or public parking lot, exclusive of driveways, ramps, columns, office, and work areas, for the parking of an automobile.

*Parks.* A public facility designed to serve the recreational needs of the residents of the Parish.

*Penthouse, Mechanical.* An enclosed structure above the roof of a building, other than a roof structure or bulkhead, that shelters mechanical equipment or vertical shaft openings in a roof.

*Personal Services Establishment.* An establishment or place of business primarily engaged in providing services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage therapy studios, wellness spas, wellness center, animal grooming, shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal services establishments shall not include adult uses.

*Pet Care Facility.* A facility designed for the indoor temporary housing and non-veterinary care of domestic pets such as dogs and cats. The facility shall include individual rooming units, but not the breeding or raising of household pets or animals.

*Pet Day Care.* A facility designed for the temporary and non-veterinary care of domestic pets such as dogs and cats. The pets shall be kept for a limited time (no more than twelve (12) hours) and the facility may also provide on-site grooming and training. This shall not include the breeding or raising of household pets or animals.

*Pervious Materials.* Materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

*Planned Unit Development (PUD).* A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall

be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

*Planning Commission.* The term "Planning Commission" shall mean DeSoto Parish Planning and Zoning Commission created under LA.R.S. 33:101 et seq. and LA.R.S. 33:4721 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in this Chapter 72, Comprehensive Zoning Ordinance of the DeSoto Parish Code of Ordinances.

*Planting Area.* Any area designed for landscape material installation having a minimum area of twenty-five (25) square feet.

*Plat.* A map or plan of a parcel of land.

*Police Jury.* The chief legislative and executive body of DeSoto Parish, Louisiana.

*Prefabricated Housing.* Any housing with structural or mechanical components manufactured and assembled away from the construction site. For purposes of this definition, the following terms shall have the following meanings:

*Manufactured Housing.* Dwelling units constructed primarily at a plant or facility on a production line basis and delivered to the site as an assembled unit or in modular form. Manufactured housing specifically refers to housing built under the Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD).

*Mobile Home.* Prefabricated trailer-type housing units, built before June 15, 1976, that are semi-permanently attached to land, either the owner's fee land or leasehold, such as in a mobile-home park. A mobile home is a moveable or portable structure designed and constructed on its own chassis and intended for connection to utilities for year-round occupancy as a dwelling. Any dwelling unit that qualifies as a modular home according to the definition herein is not considered a mobile home. Furthermore, a travel trailer is not considered a mobile home.

*Manufactured Home Community.* A unified development of more than two (2) manufactured home sites, plots or stands, arranged on a large tract usually under single ownership, meeting the area and yard requirements of this article, and designed to accommodate manufactured homes for a more or less permanent duration. Such term may include travel trailer accommodations, provided that no more than twenty-five percent (25%) of the park is used for such purpose.

*Modular Home.* Modular homes are houses divided into multiple modules or sections, which are manufactured in a remote facility and delivered to their intended site of use. The modules are then assembled on a permanent foundation without a permanent chassis, into a single residential building. Unlike other prefabricated construction, modular homes conform to all state, local and regional codes (International Building Code standards) where the structure is to be located.

*Recreational Vehicle.* A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be driven or hauled along a highway.

*Principal building.* A structure in which the primary use of the lot on which the building is located is conducted.

*Principal Use.* The primary use and chief purpose of a lot or structure.

*Property Line.* The lines forming the boundary of a lot, whether those lines are determined by metes and bounds, single lot or combination of lots or portions of lots of record.

*Public Improvement.* Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

*Public Services.* Uses operated by a unit of government to serve public needs, such as police, fire service, ambulance, judicial court, or government offices, but not including public utility stations or maintenance facilities.

*Public Way.* Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

*Public Use.* Any use operated by an agency of government which provides a direct service to the public including police, fire, library, schools whether operated by a public body or not and recreational services.

*Public Utility Station.* A structure or facility used by a public or quasi-public agency to store, distribute, and/or generate electricity, gas telecommunications and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewerage, solid waste, or hazardous waste.

*Quasi-Public.* Essentially a public use, although under private ownership or control.

*Quorum.* A majority of the members of a police jury, board, or commission for the transaction of all business.

*Recreational Facilities.* Any facility that provides recreational opportunities such as tennis clubs, batting cages, indoor basketball courts, dance studios, gymnastic centers, yoga studios, fitness centers, gun clubs, health clubs, or golf clubs.

*Recreational Facilities, Indoor.* A commercial establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating, ice-skating, billiards, swimming pools, rifle ranges, motion picture theaters, and related amusements.

*Recreational Facilities, Outdoor.* An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for commercial recreational activities and sporting events.

*Rehabilitative Care Center.* A building other than an apartment hotel, hotel, small or large group home, rooming house, tourist home, motel, or motor lodge, providing temporary lodging and a special program of specialized care and counseling on a full-time basis. Such a center includes but is not limited to centers that provide for alcohol and drug abuse clientele, former inmates of prisons

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or correctional institutions, or former patients of mental illness institutions. A rehabilitative care center must be licensed by an agency of the State of Louisiana as a rehabilitative or similar care facility and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Residential Care Center.* A building, other than an apartment, hotel, small or large group home, or rooming house, providing temporary lodging and a special program of specialized care and counseling on a full-time basis for twelve (12) or more individuals who are displaced from their normal living environment. A residential care center must be licensed by an agency of the State of Louisiana as a residential or similar care facility and shall be operated by an entity that is similarly licensed by the State of Louisiana. Alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental institutions who have been found not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

*Restaurant.* Any establishment whose primary purpose is the service of food for consumption on or off the premises. Restaurants shall be classified as follows:

*Restaurant, Fast Food.* An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam, or similar materials, and may include drive-in, drive-thru, or drive-up facilities for ordering. Alcoholic beverage sales are not permitted.

*Restaurant, Full-service.* A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carryout service, if any, shall be a limited portion of the facility and activity. A full-service restaurant may have Alcoholic Beverage Sales if licensed by the Parish and State of Louisiana in accordance with LA RS 26:1, the Alcoholic Beverage Control Law, unless Alcoholic Beverage Sales are specifically prohibited in the Ward and the zoning district in which the restaurant is located.

*Restaurant, Limited-service.* A restaurant without table service provided to patrons; walk-up counter and carryout trade is a primary portion of the facility; includes coffee shops, food delivery, carryout, public snack bars and delicatessens, but not specialty food or fast-food stores. Alcoholic beverage sales are not permitted.

*Retail Goods Establishment.* A commercial enterprise that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishments shall not include alcohol, unless "retail sales of alcohol" is allowed within the Ward and zoning district. A separate approval is obtained for such use.

*Roof Line.* The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one (1) or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.

*Satellite Dish Antenna.* A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites, or services.

*Sawmill.* A non-portable manufacturing facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products.



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*Setback.* The required minimum horizontal distance between any structure or projection and the related front, side, and rear property line.

*Setback, Building.* The required minimum horizontal distance between the building and the related front, side, and rear property line. For the purpose of this Section, the setback will be measured to the nearest point of the foundation wall of the building. A roof overhang or projection not to exceed two (2) feet will be allowed to project past the foundation wall.

*Schools* (Also see Educational Facilities). Any land used for educational facilities, including universities, colleges, elementary and secondary, and vocational schools.

*Servitude.* A right, benefit, and/or beneficial use out of, in, or over the land of another.

*Sidewalk.* A paved pedestrian footpath between the curb lines or the lateral lines of a roadway and the adjacent property lines.

*Sight Triangle.* The triangle at either side of an accessway or public right-of-way at its junction with a public street with sides of not less than ten feet (10') in length each along the public right-of-way and/or accessway within which clear visibility of approaching vehicular or pedestrian traffic must be maintained in all directions.

*Sign.* A medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes, including paint on the surface of a building. Each distinctive message painted or placed on a building or other structure shall be considered an individual sign.

*Building Sign.* A sign that is attached to a building wall or structure.

*Changeable Sign.* A sign with the capability of content change by means of manual or remote input, including signs that are:

*Electrically activated.* Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external source designed to reflect off the changeable component display.

*Manually Activated.* Changeable sign whose message copy or content can be changed manually.

*Freestanding Sign.* A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign.

*Off-Premises Sign.* A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

*Outdoor Advertising Sign.* (hereinafter otherwise occasionally referred to as billboard)- Any type of sign that is freestanding and is either affixed to the ground or to another structure, or that is

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placed or painted on a vertical surface, and is used for the lease of commercial advertising display space which directs the attention of the general public to a commercial activity conducted, a service rendered, or a commodity or product sold or produced which is not the primary activity, service, commodity or product provided on the premises on which the sign is located.

*Temporary Sign.* A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than fourteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

*Site Plan (Also called Development Plan).* An accurate, scaled drawing showing the location of buildings, the landscaping, parking, circulation and such other features as floor plans and elevations to help describe the existing and proposed development of a specified area.

*Social Club or Lodge.* Buildings and facilities or premises used or operated by an organization or association for some common purpose, such as, but not limited to, a fraternal, social, educational, or recreational purpose, but not including clubs organized primarily for profit or to render a service that is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of the State of Louisiana as a non-profit corporation or registered with the Secretary of State of Louisiana. Food and alcoholic beverages may be served on the premises for members only if allowed in the zoning district and the Ward in which the facilities are located and in accordance with LA RS 26:1, the Alcoholic Beverage Control Law.

*Solar Energy Systems.* Any active Solar Energy System which uses mechanical, physical, or chemical means to convert energy collected from sunlight into an alternative form of energy. Solar Energy Systems include, but are not limited to photovoltaic cells, solar hot water heaters, etc.

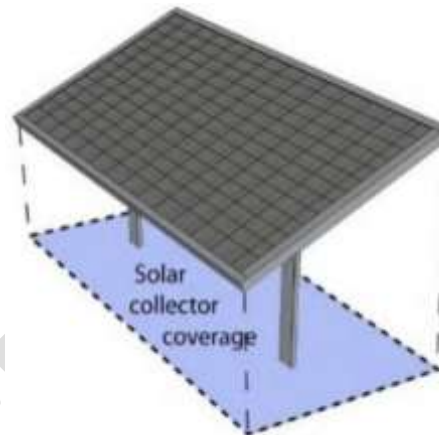
*Solar Energy System, Building-Integrated (BIPV).* Any Solar Energy System that consists of photovoltaic cells and/or panels which are fully integrated into the exterior structure of a building.

*Solar Energy System, Building Mounted Photovoltaic.* Any Solar Energy System that consists of photovoltaic cells and/or panels which are affixed to the exterior of a building such as the façade (see definition of *Solar Energy System, Roof-Mounted*).

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*Solar Energy System, Ground-Mounted.* Any Solar Energy System that is structurally mounted to the ground and is not attached to a building; may be of any size (small-, medium- or large-scale).

*Solar Energy System, Large-Scale.* A Solar Energy System which occupies more than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array.



*Solar Energy System, Medium Scale.* A Solar Energy System which occupies more than 1,750 square feet but less than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array.

*Solar Energy System, Photovoltaic (PV)* -A Solar Energy System that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.

*Solar Energy System, Roof Mounted.* Any Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).

*Solar Energy System, Small Scale.* A Solar Energy System which occupies no more than 1,750 square feet or less of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array.

*Solar Panel or Collector.* A group of photovoltaic cells or thermal collectors that collect and convert sunlight as a source of energy for purposes such as heating or cooling a structure, heating, or pumping water, or generating electricity.

*Solid Waste.* Any garbage, refuse, or 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. However, the term “solid waste” does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation-return flows or industrial discharges that are point sources subject to permits under LA R.S. 30:2074; source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended (42 U.S.C. Section 2011 et seq.); or hazardous waste subject to permits under LA R.S. 30:2171 et seq.

*Solid Waste Collection Facility.* A facility that is used to accumulate solid waste generated by and delivered by more than one household or commercial establishment for pickup by a transporter, including, but not limited to, facilities typically located in rural areas where

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garbage collection does not occur. This definition does not include containers that receive only solid waste generated on property that is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling or a commercial establishment or an industrial establishment).

*Solid Waste Compost Facility.* A facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter.

*Solid Waste Landfill.* An area of land or excavation that receives household waste. A landfill may also receive other types of nonhazardous wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial nonhazardous solid waste.

*Solid Waste Transfer Station.* A solid waste processing facility where solid waste is transferred from collection vehicles, processed, and placed in other vehicles for transportation (e.g., a facility that separates recyclables from industrial or putrescible waste streams).

*Stables, Commercial.* The stabling, training, feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

*Stables, Private.* The stabling, training, feeding of horses, or the provision of riding facilities and trails for the use of the resident(s) of the property and/or equestrian development.

*Storage Yard, Outdoor.* -The storage of any material, as a principal use of the lot, or for a period of more than forty-eight (48) hours, including items for sale, lease, processing, and repair not in an enclosed structure.

*Story.* That portion of a building included between the surface of any floor and the surface of the floor next to it; or, if there is no floor above it, then the space between the floor and the ceiling above it.

*Streets.* A public or private right-of-way which provides vehicular and pedestrian access to adjacent properties. The following shall be used to classify all streets:

*Major State or Federal Interstate Highway.* Those highways, which have an average daily total of at least twenty-five thousand (25,000) vehicles at the intersection or section nearest to the use in question.

*Arterial Streets.* A major street in the Parish's street system that serves as an avenue for the circulation of traffic into, out, or around the Parish and carries high volumes of traffic.

*Collector Streets.* A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.

*Sub-collector.* A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial

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streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (25) but no more than one hundred (100) dwelling units and is expected to or does handle between two hundred (200) and eight hundred (800) trips per day.

*Local Streets.* A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10), but no more than twenty-five (25), dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.

*Frontage Road or Marginal Access Street.* A street adjacent or parallel to a freeway, expressway or an arterial street that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

*Cul-de-Sac.* A street that terminates in a vehicular turn-around.

*Dead-End Street.* A street having an outlet at one end only and terminated at the other end by undeveloped property. It may or may not have facilities permitting vehicles to turn around.

*Public Streets.* A public street is a road, thoroughfare, alley, highway, or bridge under the jurisdiction of a public agency.

*Private Streets.* Private streets are owned by residents, and have a recognized indenture, or covenant, that outlines governance and acts as a deed restriction. In order to create a private street, property owners must pay the fees to support upgrades and maintenance of said street. DeSoto Parish shall provide police and fire protection. The residents shall pay for maintaining or paving sidewalks and street surfaces, maintaining or planting trees, and maintaining or installing streetlights and entry gates. Private streets must meet minimum standards for drainage and storm water regulations, pedestrian safety regulations, and fire/emergency vehicle requirements.

*Structure.* A combination of materials constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including, but not limited to, retaining walls in excess of four feet (4'), buildings, fences, walls, carports, et al.

*Substance Abuse Treatment Facility.* (See also Rehabilitative Care Center) A facility for the purposes of temporary or long-term treatment of victims of alcohol or drug use addiction.

*Substance Abuse Treatment Facility, Halfway House.* A facility used for the treatment of alcohol or other drug abuse, which provides training, care, supervision, treatment, or rehabilitation to mainstream residents back into society, enabling them to live independently. A halfway house must be licensed by an agency of the State of Louisiana as a substance abuse halfway house or similar facility and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Substance Abuse Treatment Facility, Inpatient.* A facility used for the treatment of alcohol or other drug abuse where one (1) or more patients are provided with care, meals, and lodging. An inpatient substance abuse treatment facility must be licensed by an agency of the State of

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Louisiana as an inpatient substance abuse treatment facility or similar facility and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Substance Abuse Treatment Facility, Outpatient.* A facility used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided. An outpatient substance abuse treatment facility must be licensed by an agency of the State of Louisiana as an outpatient substance abuse treatment facility or similar facility and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Subdivision.* The division of a parcel of land into more than two, tracts, or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

*Subdivision Regulations.* DeSoto Parish Subdivision Regulations, DeSoto Parish Code of Ordinances, Appendix A.

*Surveyor.* A qualified registered land surveyor in good standing with Louisiana Professional Engineering and Land Surveying Board.

*Tattoo Parlor.* Establishments where services offered are tattooing, body piercing and non-medical body modification.

*Taxidermy.* The business of preparing, stuffing, and mounting the skins of animals.

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

*Telecommunications Antenna.* A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.

*Telecommunications Facility.* An unstaffed structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators.

*Telecommunications Tower.* Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen feet (15'), including lines, cables, wires, braces, and masts, intended primarily for the purposes of mounting an antenna, meteorological device, or similar apparatus above grade. Notwithstanding any other provision of this code "Height" of a telecommunication tower is the distance from the base of the tower to the top of the structure.

*Temporary Use.* A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

*Tract.* A parcel of land identified by letter or number the boundaries of which are shown on the recorded subdivision or development plat. A tract need not be suitable for development.

*Traffic Impact Study/Transportation Management Plan.* A comprehensive, coordinated and continuously operated study that demonstrates the administrative activities, the physical facilities and the operational, financial, and other commitments which will be undertaken at or in conjunction with a proposed use in order to reduce the traffic and related impacts of the proposed use.

*Peak hour.* The period of a single hour in the morning and the period of a single hour in the afternoon or evening during which the road system servicing the proposed use is most heavily utilized by motor vehicles other than those traveling to or from the proposed use.

*Peak period.* The period from 6:00 a.m. to 9:00 p.m. in the morning and the period from 3:00 p.m. to 7:00 p.m. in the afternoon and evening during which the road system servicing the proposed use is most heavily utilized by motor vehicles other than those traveling to or from the proposed use.

*Projected trips, total number of.* The projected number of total person trips generated by the proposed use in a designated time period based upon the size, type, and intensity of the use.

*Proposed project.* A proposed use that consists of more than one building or structure and which may be constructed in phases over time.

*Proposed use.* A use that is described in an application for a special use permit filed under this Section 4.6.

*Public transit.* Publicly provided and regularly scheduled transportation, usually by bus or rail, or a combination of both.

*Ride sharing.* The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ride sharing arrangements known as carpools, vanpools, and bus pools.

*Traffic Generation Rates.* The average daily trips generated per unit of land, as set forth by the Institute of Traffic Engineering or authenticated local figures for approval by the Parish Engineer, or a duly authorized representative.

*Usable square feet.* Floor area of a proposed use, which shall be the sum of all gross horizontal areas under a roof or roofs of all buildings or structures comprising a proposed use, computed by measuring from the exterior faces of walls and from the eaves of all roofs where they extend party walls, and which shall include all space with a headroom of seven feet six inches or more, whether or not provided with a finished floor or ceiling. Excluded shall be elevator and stair bulkheads. No deduction shall be made for columns and projections necessary to the building structure.

*Variable work hours.* Work schedules within which employees choose their arrival and departure times within management-imposed limits (also known as flex time).

*Trash/Garbage Storage Area.* That area of a development used for the storage and containment of refuse and refuse containers (e.g., dumpsters).

*Use.* The activity occurring on a lot or parcel, for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

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*Use, Change of.* The change within the classified use of a structure or parcel.

*Variance.* Permission to depart from the terms of this Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship, other than economic, and deprive such property of privileges enjoyed by other property in the vicinity that is under identical zoning. A variance shall not be used to authorize uses which are not authorized in the zoning district regulations.

*Vehicle.* Any means of transport on land, especially on wheels (e.g., a car, bus, bicycle etc.)

*Vehicle, Commercial.* Those exceeding one (1) ton in size with advertising or special equipment, which distinguish it from private automobiles. Any vehicle used for commercial purposes, except passenger vehicles used for to and from work. All vehicles with more than two (2) axles, except motor homes used for recreation and not used in commerce. Note: A sign alone on a vehicle does not make the vehicle commercial.

*Vehicle, Recreational.* A vehicle designated for temporary living quarters for camping, traveling, or recreational use. It may have its own motive power or be mounted on or pulled by another vehicle.

*Veterinary Hospital.* An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short time boarding and shall be incidental to said hospital use.

*Warehouse, Wholesale or Storage.* A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

*Wind Farm.* An arrangement of windmills or wind turbines that generate electricity, or a collection of wind turbines, especially a large-scale array, used to generate electricity.

*Wireless Facility, Small.* Small wireless facility means a wireless facility that meets all the following qualifications:

1. Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet.
2. All other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.



*Yard.* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of structure upward except as otherwise provided. In measuring a yard to determine the width of a yard, the minimum horizontal distance between the lot line and the maximum permissible main building shall be yard dimension.

*Yard, Front.* A yard extending across the full width of a lot between the side lot lines and between the front property line and the front line of the building projected side lines of the building site. The depth of the front yard be measured between the front line of the building and street line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot least dimension. This space is considered open space.

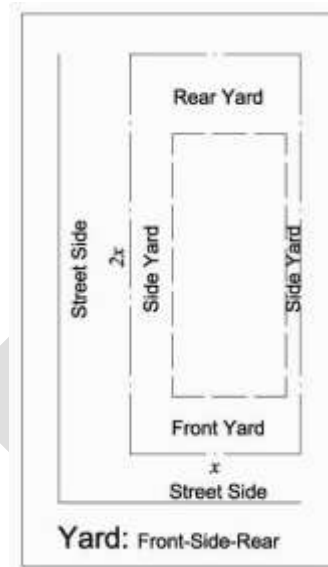
*Yard, Rear.* A yard extending across the rear of the lot between the side lot lines and being the minimum horizontal distance between a rear lot line and the rear of the maximum main building. The rear yard shall be at the opposite end of the lot from the front yard. However, on through lots fronting two (2) streets, two (2) front yards shall be provided.

*Yard, Side.* A yard between the main building and the side lot line and extending from the front lot line to the rear lot line.

*Yard, Through.* A through yard is any single zoning lot that is not a corner lot and that connects two generally parallel streets. On through yards fronting two (2) streets, two (2) front yards shall be provided.

*Zoning Administrator.* A person, appointed by the Parish Administrator, who is responsible for reviewing and providing recommendations on all zoning, rezoning, subdivision, re-subdivision, variance, and appeals requests to the DeSoto Parish Planning Commission, the DeSoto Parish Police Jury, and/or the Board of Zoning Adjustments.

*Zoning Commission.* The term "Zoning Commission" shall mean DeSoto Planning and Zoning Commission created under La. R.S. 33:4721 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in this Chapter 72 Comprehensive Zoning Ordinance of the DeSoto Parish Code of Ordinances.



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**SECTION 72.13. RESERVED**

**ARTICLE 3. USE DISTRICTS**

**SECTION 72.14. DISTRICT CLASSIFICATIONS**

In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas, and to regulate and determine the size of yards, courts, and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this Ordinance.

**SECTION 72.15. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

The district boundary lines of the zoning map enclose an area of a designated district and generally follow recorded lot lines, political boundaries, watercourses, and the centerlines of streets, railroad lines, and/or their extension, provided, however:

- A. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- B. Where uncertainties exist, such as approximately following the centerlines of streets, highways, or alleys, the boundaries shall be construed to follow such centerlines.
- C. Boundaries indicated as approximately following neighboring parish, city, and/or town limits, the limits shall be construed as following said parish, city, and/or town limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shoreline and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
  - 1. Lands within the Parish which are under water and not shown as included within any district, shall be subject to all the regulations of the district adjacent to the water area.
  - 2. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line.
- F. Boundaries indicated as parallel to or extensions of features indicated in Section 72.15 subsections A through E above, shall be so construed. The scale of the map shall determine distances not specifically indicated on the official zoning map.
- G. Boundaries indicated following other boundary lines; such lines shall be construed to be such boundaries.
- H. Where street or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered by Section 72.15 subsections A through H, the Parish Administrator or his/her duly authorized representative shall interpret the district boundaries, provided such adjustment does not exceed one (1) acre in area.

**SECTION 72.16. APPLICATION OF DISTRICT REGULATIONS**

- A. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of these regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
  - 1. To exceed the height.
  - 2. To accommodate or house a greater number of families.
  - 3. To occupy a greater percentage of lot area, or,
  - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.
- C. No part of a yard or other open space or off-street parking or loading/unloading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

**SECTION 72.17. ESTABLISHMENT OF DISTRICTS**

- A. All land within the unincorporated limits of DeSoto Parish is hereby divided into the following six (6) base zoning districts:
  - A-District. Agriculture
  - R-Districts. Residential
  - C-Districts. Commercial
  - CIV-Districts. Civic
  - I-Districts. Industrial
  - OS-Districts. Open Space/Recreation
- B. The six (6) types of districts are further divided into the following specific districts:
  - A-1. Agriculture District
  - R-1. Rural Residential District
  - R-2. Single-Family Residential District
  - R-3. Multi-Family Residential District
  - C-1 -Light Commercial District
  - C-2. Commercial Corridor District

- C-3. Regional Commercial District
- I-1. Light Industrial/Manufacturing District
- I-2. Industrial District
- CIV. Civic District
- OS. Open Space/Recreation District

**SECTION 72.18. ZONING MAP**

The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the DeSoto Parish Police Jury. Said map and subsequent amendments thereto shall be considered part of this code. **See Article 8 Zoning Map.**

- A. *Zoning Map.* If, in accordance with the provisions of this ordinance and statutes, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on this official zoning map quarterly after the Police Jury has approved the amendment and attached to this ordinance. Each such quarterly change of the map shall be dated and signed, by the Zoning Administrator and Parish Administrator. However, amendments shall become effective when adopted by the Police Jury.
- B. No change of any nature shall be made in this official zoning map shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized changes of whatever kind, by any person or persons, shall be considered a violation of the ordinance and punishable under Section 72.61 Violations of this Ordinance.
- C. The official zoning map, which shall be located in DeSoto Parish at a DeSoto Parish Police Jury building, shall be the final authority as to the current zoning status of land, buildings, and other structures in the Parish. The Zoning Administrator shall keep the map.

**SECTION 72.19. ZONING DISTRICT USE TABLES ESTABLISHED**

- A. *Specific Use.* The allowed use tables in Sections 72.21-72.24 establish the uses allowed within each district and any conditions or use standards associated with each use. The zone is located on the horizontal row and the specific use is located on the vertical column of these tables. The allowed use table key is set forth below.
  - 1. *Permitted Use (P).* Use is allowed by right in the respective district subject to any use standard. Such use is also subject to all other applicable requirements and applicable standards of this zoning code.
  - 2. *Conditional Use (C).* Indicates a use may be permitted in the respective district only where approved by the Parish Police Jury in accordance with Section 72.56 Conditional Use Permit. They may or may not be appropriate in a particular location depending upon the nature of the use itself, its relationship to vicinity land uses, its impact upon environmental, social, and economic matters and its effects upon the health, safety and welfare of the city and its citizens. Conditional uses must have a demonstrated direct need to be located at the location proposed and provide adequate mitigation measures

to lessen all identified impacts. Conditional use permits are subject to all other applicable requirements of this zoning code, including all applicable use standards.

3. Permitted with Standards (PS). Indicates a use permitted only if specific use standards are met as cross referenced in Use Tables 72.XX-XX and Chapter 4, Special Provisions and Performance Standards. A Permitted with Standards use must address all requirements and general standards as well as any supporting documentation prior to approval of a use identified as Permitted with Standards. Permitted with Standards are subject to all other applicable requirements of this zoning code, including all applicable use standards.
4. *Blank cell.* A blank cell indicates that a use is not allowed in the respective district unless otherwise determined by the Zoning Administrator pursuant to Section 72.51 Zoning Verification.
5. *Use standard.* A cross-reference to any associated use standard established in Article 4 Special Provisions and Performance Standards. Where no cross-reference is shown, no additional use standard applies.

**SECTION 72.20. UNCLASSIFIED USES.**

- A. *Unclassified Uses.* Upon inquiry by an applicant, an administrative interpretation shall be made by the Zoning Administrator or designee to determine if a proposed use not specifically listed is either allowed or prohibited, utilizing the criteria in Section 72.37 Use Table and Subsection B.
- B. *Generally.* If a proposed use is not listed in Section 72.37 Use Table, or if the definition of a use is not obvious as applied to a proposed use, then the Zoning Administrator or designee shall decide whether the proposed use is either a subcategory of a permitted or conditional use, or a use that is functionally comparable to a permitted or conditional use. In making this determination, the Zoning Administrator shall apply the following criteria:
  1. A proposed use is a subcategory of a permitted or conditional use if:
    - a. Its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted or conditional use.
    - b. With regard to each of the decision criteria enumerated in subsection 2., the proposed use’s impacts are not materially greater than the permitted, or conditional use with the more general NAICS code.
  2. In order to decide that an unclassified use is a permitted use, a conditional use, or an accessory use, the Zoning Administrator must find that:
    - a. The proposed use is in keeping with the purpose and intent of the zoning district and consistent with the DeSoto Parish Code of Ordinances; and
    - b. The proposed use is similar in nature to, and no more intense than, a specifically listed permitted or conditional use.

- C. *Interpretation.* Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zoning district, the Zoning Administrator shall indicate which zoning districts, if any, do permit the use. If the Zoning Administrator’s interpretation indicates that an unlisted use is not consistent with the permitted or conditional uses in any district, or if a party does not concur with the permit type applied to a use, appeal may be made pursuant to Section 72.53 Procedures of Appeal of Administrative Decisions.

**SECTION 72.21. AGRICULTURE AND RESIDENTIAL USE DISTRICTS**

**A. A-1 AGRICULTURE DISTRICT DEFINED.**

*Purpose and Intent.* The purpose and intent of the A-1 Rural Agriculture is to support agricultural, mineral extraction, and timber operations, as well as providing opportunities for rural residential development in DeSoto Parish. This zoning district is intended to implement the conservation and rural future land use, but it may be used as a transitional district for areas where development of planned future land uses is premature. This type of zoning district would maintain the rural development character in DeSoto Parish while providing a process for public comment and review uses that may possibly have quality of life impacts on adjacent and nearby property owners and residents.

**B. R-1 RURAL RESIDENTIAL DEFINED**

*Purpose and Intent.* The purpose and intent of the R-1 Rural Residential zone is to maintain DeSoto Parish’s rural character, conserve natural areas and environmental quality, and ensure efficient public services and facilities to those areas outside of town limits. These districts promote options for low-density rural development and agricultural/forestry activities while providing opportunities for a small-scale a rural economic base.

**C. R-2 SINGLE FAMILY RESIDENTIAL DEFINED**

*Purpose and Intent.* The purpose and intent of the R-2 single-family residential district is to provide for the location and grouping of low-density, single-family residences with accompanying accessory uses that are protected from the adverse impacts of incompatible non-residential land uses.

**D. R-3 MULTI-FAMILY RESIDENTIAL DEFINED**

*Purpose and Intent.* The purpose and intent of the R-3 multi-family residential district is to provide opportunities for grouping a variety of higher density residential uses in areas with access to existing or proposed amenities and services. This district allows for a mix of buildings on individual lots or for more than one (1) building on one (1) lot. The R-3 district shall accommodate single-family residences, (including manufactured housing), single family attached dwellings that have common walls (including townhouses), congregate, and other cluster developments, as well as multi-family structures ranging from duplexes to apartment buildings.

**SECTION 72.22. COMMERCIAL USE DISTRICTS**

**A. C-1 LIGHT COMMERCIAL DEFINED**

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*Purpose and Intent.* The purpose of the C-1 Light Commercial district is to provide for the location of small, low-impact retail, service and office uses within or next to primarily residential areas. This district is intended to provide for small-scale commercial uses that provide services to nearby neighborhoods, and for the adaptive re- use of residential buildings for commercial and office uses along specific corridors or at specific intersections where changes in traffic patterns have made the buildings less desirable for residential use.

**B. C-2 COMMERCIAL CORRIDOR DEFINED**

*Purpose and Intent.* The C-2 Commercial Corridor District is designed to accommodate commercial activities that draw from, provide services to, and would benefit from a location easily accessible to a State highway or arterial street. The zoning of commercial property in this district shall be for the purpose of encouraging and requiring appropriate development and redevelopment, the efficient use of small tracts, innovative and imaginative planning, conservation of natural resources and minimum waste of land. Commercial areas are to be developed so as to result in attractive, viable and safe center and clusters. Control of vehicular access, circulation, landscaping, and signs should soften the impact of development on any nearby residential neighborhoods and assure minimum adverse effects on the street system and other public services.

**C. C-3 COMMERCIAL REGIONAL DEFINED**

*Purpose and Intent.* The C-3 Commercial Regional District is intended to accommodate a wide variety of commercial and retail uses, as well as offices, businesses and personal services that serve the needs of the community and the region. The intent is to provide for a mix of large-scale commercial uses that are typically land sensitive and are not well suited to being located in neighborhoods or smaller commercial corridors. This district is best suited along major arterial streets and interstate highway intersections.

**SECTION 72.23. INDUSTRIAL USE DISTRICTS**

**A. I-1 LIGHT INDUSTRIAL/MANUFACTURING DEFINED**

*Purpose and Intent.* The purpose of the I-1 Light Industrial/Manufacturing zone shall be to accommodate a wide range of enterprises, including those engaging in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Other more intense industrial or manufacturing uses may also be permitted under specific conditions so as to limit the impact on adjacent areas especially in terms of lighting, signage, traffic, odor, noise, airborne particles, and hours of operation.

**B. I-2 INDUSTRIAL DEFINED**

*Purpose and Intent.* The purpose of the I-2 Industrial District is to provide for the location of industrial uses of moderate to heavy size and intensity along major collectors and arterials in such a fashion and location as to minimize the conflict with nearby residential uses. The I-2 district is intended for use by manufacturing operations, heavy equipment facilities, construction and maintenance yards, fuel businesses and other basic intensive industrial activities.

**SECTION 72.24. PUBLIC AND SEMI-PUBLIC DISTRICTS**

A. CIV CIVIC DEFINED

*Purpose and Intent.* The purpose of the CIV Civic District shall be to accommodate uses of a civic, religious, educational, or public nature in areas that provide maximum accessibility for the public to utilize the facilities, and to eliminate the ambiguity of maintaining public uses in unrelated districts.

B. OS OPEN SPACE/RECREATION DEFINED

*Purpose and Intent.* The OS Open Space/Recreation District is intended to preserve and enhance public and private open, natural, and improved park and recreational areas, as well as certain facilities generally associated with recreational uses. This includes providing opportunities for outdoor recreation protecting sensitive or fragile environmental areas while preserving the scenic qualities of DeSoto Parish.

**SECTION 72.25. SPECIAL USE DISTRICTS**

A. OVERLAY DISTRICTS

1. *Purpose and Intent.* It is the purpose and intent of this Ordinance to establish a uniform procedure for providing protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, neighborhoods, and landscape features in the community through the enabling of overlay districts that serve to enhance underlying zoning designations. In particular, it is the belief of DeSoto Parish that when appropriate, overlay districts may achieve the following:

- a. Promotion of the health, safety, order, prosperity, and general welfare of the citizens of DeSoto Parish through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.
- b. Reduction of congestion on the streets; safety from fire, flood, and other dangers; provision of adequate light and open space; protection of the natural environment and cultural resources in order to provide a sustainable community.
- c. Promotion of accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectations for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.

2. *Designation of Overlay Districts*

- a. *Relationship to Base Districts.* Overlay districts are intended to be special districts or zones, where certain additional land use requirements or environmental safeguards are superimposed upon the base zoning district or underlying district where the requirements of the base or underlying district may or may not be altered. Permitted uses in the underlying zoning district shall continue to be subject to compliance with the regulations of the overlay zone or district unless otherwise stated.
- b. *Development Standards.* The development standards, including but not limited to, the yard and setback requirements, height limitations, parking requirements, open space areas, signage and architectural styles shall be established as a function of the



process and application to establish an overlay district and subsequent approval of development applications.

- 3. *Location of Overlay Districts.* Subject to approval by the Police Jury, an overlay district may be established in any zoning district in DeSoto Parish.

**B. HISTORIC DISTRICT OVERLAY**

- 1. *Purpose and Intent.* A DeSoto Parish District Overlay is hereby established, pursuant to the authority granted under Section 72.2 of this Ordinance allowing overlay zoning districts to protect and enhance the visual character of DeSoto Parish’s Historic Structures and Areas. The purposes of this overlay district are as follows:
  - a. The protection and stewardship of all structures in the designated historic districts in DeSoto Parish.
  - b. The protection of those structures that have architectural and historical value and that should be preserved for the benefit of the people of the parish and the state.
  - c. Encouraging preservation, restoration and rehabilitation of structures, areas, and neighborhoods to prevent future blight.
  - d. Fostering civic pride in the beauty of, and accomplishments in, DeSoto Parish’s past.
- 2. *Historic District Boundaries*
  - a. The District Overlay shall be delineated as follows:
    - i. To be determined
    - b. Historic structures to be included are:
      - ii. To be determined
- 3. *Historic District regulations*
  - a. To be determined

**SECTION 72.26. AGRICULTURE & RESIDENTIAL USE TABLES**

**SECTION 72.27. COMMERCIAL USE TABLES**

**SECTION 72.28. INDUSTRIAL AND SPECIAL USE DISTRICTS**

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**SECTION 72.30. DISTRICT STANDARDS**

TABLE X.X: MINIMUM LOT AND YARD SIZE STANDARDS						
Zoning Districts	MINIMUM YARDS			MINIMUM LOT SIZE		MAX HGT
AGRICULTURE	Front Depth	Rear Depth	Side Depth Footage	Area Square Feet	Lot Width	MAX Bldg. Height
A-1	30 ft.	25 ft.	15 ft (30 ft from the side street)	n/a	n/a	35 ft.
RESIDENTIAL	Front Depth	Rear Depth	Side Depth Footage	Area Square Feet	Lot Width	MAX Bldg. Height
A-1	30 ft.	25 ft.	15 ft (30 ft from the side street)	n/a	n/a	35 ft.
R-1	30 ft.	25 ft.	10 ft (30 ft from the side street)	1 acre	125 ft.	35 ft.
R-2	30 ft.	25 ft.	10 ft (30 ft from the side street)	SF: 7,500 sq ft Other: 10,000 sq ft	60 ft.	35 ft.
R-3	30 ft.	25 ft.	SF and 2F: 10 ft (30 ft from the side street) 3F and greater: 10 ft (30 ft from the side street)	SF: 7,500 sq ft 2F: 10,000 sq ft Each additional MF unit: +4,000 sq ft Townhouse: 5,000 sq ft per unit Other: 10,000 sq ft	60 ft.	35 ft.
COMMERCIAL	Front Depth	Rear Depth	Side Depth Footage	Area Square Feet	Lot Width	MAX Bldg. Height
C-1	30 ft.	25 ft.	5 ft.	n/a	35 ft.	35 ft.
C-2	30 ft.	25 ft.	5 ft.	n/a	50 ft.	35 ft.
C-3	30 ft.	25 ft.	5 ft.	n/a	50 ft.	35 ft.
INDUSTRIAL	Front Depth	Rear Depth	Side Depth Footage	Area Square Feet	Lot Width	MAX Bldg. Height
I-1	30 ft.	10 ft. (50 ft adjacent to residential uses)	5 ft. (50 ft adjacent to residential uses)	10,000 sq ft lot minimum with 50% max lot coverage	n/a	85 ft.
I-2	30 ft.	10 ft. (50 ft adjacent to residential uses)	5 ft. (50 ft adjacent to residential uses)	10,000 sq ft lot minimum with 50% max lot coverage	n/a	85 ft.

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<b>PUBLIC and SEMI-PUBLIC USES</b>	<b>Front Depth</b>	<b>Rear Depth</b>	<b>Side Depth Footage</b>	<b>Area Square Feet</b>	<b>Lot Width</b>	<b>MAX Bldg. Height</b>
<b>CIV</b>	30 ft.	10 ft.	15 ft. (30 ft from the side street)	7,500 sq ft	50 ft.	85 ft.
<b>OS</b>	30 ft.	20 ft.	15 ft.	n/a	n/a	35 ft.
<i>SF= single family , 2F = two family, MF = multi-family.                      Pursuant to DeSoto Parish Code of Ordinances section et seq.</i>						

**SECTION 72.31. RESERVED**

**SECTION 72.32. RESERVED**

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**ARTICLE 4. SPECIAL PROVISIONS AND PERFORMANCE STANDARDS****SECTION 72.33. NONCONFORMING USES, LOTS AND STRUCTURES.**

- A. *Purpose and Intent.* The purpose of this Section is to regulate the continued existence of uses, lots, and structures lawfully established prior to the effective date of this ordinance or any amendment thereto which do not conform to the provisions of this ordinance, and which have not obtained a conditional use or variance. special exception status. Further, it is the intent of this Section to limit the continuation and expansion, and to encourage eventual replacement of nonconforming uses having potentially undesirable impacts on surrounding conforming uses. Nonconforming uses, structures and lots of record may continue in accordance with the provisions of this Section.
- B. *Nonconforming uses*
1. *Ordinary Repair and Maintenance.* Normal maintenance and repair of nonconforming uses may be performed.
  2. *Exceptions for Repairs by Public Order.* Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any Parish official charged with protecting the public safety, upon order of such official. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this ordinance in such a manner that does not extend or increase an existing nonconformity may be made with the same kind of materials as those of which the building is constructed.
  3. *Extensions and Additions.* Unless a variance is granted, nonconforming uses shall not be extended or enlarged. This prohibition is to prevent the enlargement of nonconforming uses by external additions to the structure in which nonconforming uses are located.
  4. *Relocation.* A structure housing a nonconforming use may not be moved unless the use shall thereafter conform to the limitations of the district into which it is moved.
  5. *Change in Use.* A nonconforming use shall not be changed to any other use unless such use conforms to the provisions of this ordinance. However, a nonconforming use may be changed to another nonconforming use provided:
    - a. The change of use is less intense in use with less impact on the surrounding area.
  6. *Termination.*
    - a. *Abandonment or Discontinuance.* Subject to subsection (b) below, where a nonconforming use is discontinued or abandoned for six (6) months or more, then such use may not be reestablished or resumed and any subsequent use must conform to the provisions of this ordinance, unless a variance is granted.
    - b. In construing whether a use has been discontinued or abandoned, the intention of the owner or anyone else to continue a nonconforming use shall not be considered; abandonment of a nonconforming use by a lessee shall not bind the owner provided that the owner obtains legal control of the use within a reasonable time after

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abandonment by the lessee; abandonment due to institution of foreclosure proceedings shall not constitute abandonment under the provisions of this Section until the mortgagee or purchaser at foreclosure sale takes possession or gains by a recorded legal transfer.

- c. When the Building Official has determined that the use has been discontinued, as per Section 72.12 (Definitions) of this ordinance, the burden of proof shall be in the property owner to prove that the use has not been discontinued or abandoned.
- d. *Damage or Destruction.* If a structure housing a non-conforming use is damaged or destroyed by fifty percent (50%) or more of the fair market value of the structure, then the structure may not be restored unless its use thereafter conforms to the provisions of this ordinance. When such damage is fifty percent (50%) or less of the fair market value of the structure as it existed immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes it was before the damage or destruction, provided that such repair or reconstruction is commenced and substantially completed within twelve (12) months of the date of such damage or destruction. For purposes of these regulations the Building Official will accept the assessed value of the improvements as the fair market value, or the value as determined by the Board of Adjustment on appeal of the Building Official's determination.

C. *Nonconforming Structures.*

1. *Ordinary Repair and Maintenance.* Normal maintenance and repair of nonconforming structures shall be performed.
2. *Relocation.* A nonconforming structure, which is moved, shall thereafter conform to the regulations of the district in which it is located after such move.
3. *Termination*
  - a. *Abandonment.* Where a nonconforming structure is abandoned for one (1) year, then such structure shall be removed or converted to a conforming structure, unless a variance is granted.
  - b. *Damage or Destruction.* A nonconforming structure, which is damaged or destroyed to the extent of fifty percent (50%) or more of the fair market value of said structure, shall not be restored unless it conforms to the provisions of this ordinance.
  - c. *Nonconforming Lots.* Notwithstanding any other provision of this ordinance, a nonconforming lot may be developed with a single-family dwelling.
  - d. *Nonconforming Accessory Uses and Structures.* No nonconforming accessory use or structure shall continue after the principal structure or use has ceased or terminated unless such structure or use shall thereafter conform to the provisions of the district in which it is located, unless a variance is granted.

**SECTION 72.34. TEMPORARY USES**

- A. *Authority.* Temporary uses are permitted in any zoning district, subject to the standards hereinafter established, provided that all temporary uses shall meet bulk regulations and

parking requirements for the zoning district in which the use is located and provided that no temporary use shall be permitted to continue for such a length of time that it constitutes in effect a permanent use.

B. Particular Temporary Uses Permitted. The following temporary uses are permitted:

1. Garage sales not to exceed four (4) weekend sales per calendar year.
2. Indoor and outdoor art and craft shows, exhibits and sales for a period of up to fourteen (14) days.
3. Contractor’s offices and equipment sheds, provided that such uses shall be limited to the period of actual construction and shall be terminated within one hundred twenty (120) days of the completion of construction.
4. Sales of Christmas trees or other seasonal goods, provided that such sales are located on property with direct access to collector or arterial for a period of up to sixty (60) days.
5. Religious revival tents for a period up to thirty (30) days.
6. Truck trailers used for the temporary storage of goods or equipment in connection with general retail sales and service establishments or industrial uses, provided that such use shall be limited to a nonrenewable period of sixty (60) days.
7. Portable storage units (PODS) which shall be removed within sixty (60) days of delivery and shall not be within fifteen feet (15’) of the public right-of-way.
8. Other temporary uses, which are, in the opinion of the Zoning Administrator, consistent with the provisions of this Section and Section 18.6 of the DeSoto Parish Building Code.

**SECTION 72.35. ADULT USES**

A. *General.* Adult-use businesses shall be permitted by-right in C-3 commercial regional districts only, granted they meet the following provisions.

B. *Provisions*

1. No adult-use business shall be located within one thousand feet (1,000’) of a residential zone, park, school, day care center, library or religious or cultural activity.
2. No adult-use business shall be located within two thousand feet (2,000’) of any other adult-use business.
3. Such distances shall be measured in a straight line without regard to intervening structures, topography, and zoning.
4. Said business shall be located in C-3 commercial regional zones and shall not be allowed as home occupations.

**SECTION 72.36. TELECOMMUNICATION SERVICE TOWERS**

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- A. *Purpose.* In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community.
- B. *General Prohibition.* No persons shall develop, install, locate, or construct any telecommunication service tower in any district in the Parish except as expressly authorized in this Section and in conformance with all other ordinances of DeSoto Parish.
- C. *Regulations of General Applicability*
1. *Co-location Requirements.* All wireless telecommunication towers erected, constructed, or located within the Parish shall comply with the following requirements:
    - a. Proposals for new wireless telecommunication service towers (exceeding 120 feet in height) shall not be approved unless the Zoning Administrator finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower/building within a one (1) mile radius.
    - b. Proposals for new wireless telecommunication service tower (less than 120 feet in height) shall not be approved unless the Zoning Administrator finds that the proposed tower cannot be accommodated on an existing or approved tower/building within one-half (1/2) mile radius.
    - c. Any wireless telecommunication service tower owner shall not prohibit any other wireless telecommunication service provider from co-locating on a tower owner's existing tower so long as the other wireless telecommunications 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 any are required, to ensure that the existing tower is structurally safe according to industry engineering parameters to place additional antennas on the tower.
    - d. All towers must be buffered for an intermediate difference in land use and meet the minimum landscaping requirements.
  2. *Tower Setbacks.* Towers shall be set back from all property lines by a minimum distance equal to one half of the height of the tower including all antennas and attachments.
  3. *Tower Lighting.* Towers shall be illuminated by artificial means and not display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting. When the FAA does not require tower lighting, red beacons shall be installed on towers greater than or equal to one hundred feet (100') in height.
  4. *Signs and Advertising.* The use of any portion of a tower for other than warning or equipment information signs is prohibited.
  5. *Utility Buildings.* All utility buildings and other structures located on the same lot as a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of underlying zoning district.
  6. *Abandoned Towers.* In the event the use of any communication tower has been discontinued for a period of six (6) months, the tower shall be deemed abandoned.

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Determination of the date of abandonment shall be made by the Zoning Administrator who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional six (6) months within which to any of the following:

- a. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower.
  - b. Dismantle and remove the tower.
  - c. Six (6) months plus from the date of abandonment without reactivation or upon the completion of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire.
7. *Antennas Mounted on Roofs, Walls, and Existing Towers.* The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the Zoning Administrator, provided the antennas meet the requirements of this Code, after submittal of a final site and building plan and a prepared report by a qualified and licensed professional engineer indicating the existing structure of tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure.
8. *Additional Submittal Requirements.* In addition to the information elsewhere in this Ordinance, development applications for towers shall include the following supplemental information:
- a. Applicant must submit plans and specifications certified by a professional engineer licensed in the State of Louisiana, that demonstrate compliance with the Building Code as adopted by DeSoto Parish.
  - b. Identification of the owners of all antennas and equipment to be located on the site.
  - c. Written authorization from the site owner for application.
  - d. Additional information as required to determine that all applicable zoning regulations are met.
  - e. Evidence that a valid FCC license for the proposed activity has been issued.
  - f. Documentation that the proposed tower complies with regulations administered by the Federal Aviation Administration.
  - g. Documentation that all reasonable options for joint use have been exhausted.
  - h. A current map, or update for an existing map on file, showing locations of applicant's antennas, facilities, existing towers, and proposed towers, which are reflected, in public records, serving any property within the Parish or Parish.
  - i. Documentation that all manufactured equipment to be installed on the structure meets or exceeds the FCC standards.
  - j. Applicant must file with the Zoning Administrator a written indemnification of the Parish and proof of liability insurance or financial ability to respond to claims up to one million dollars (\$1,000,000.00) in the aggregate which may arise from the operation of the facility during its life, at no cost to the Parish, in a form approved by



the Parish Attorney.

- k. Applicant must submit to the Zoning Administrator, structural integrity reports for the telecommunication tower on a biannual basis commencing two (2) years after completion of such tower.

**SECTION 72.37. SMALL WIRELESS FACILITIES**

- A. *Purpose.* The purpose of this chapter is to establish policies and procedures for the placement of small wireless facilities in rights-of-way within the Parish's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city-parish rights-of-way and the city-parish as a whole.
- B. *Intent.* In enacting this chapter, DeSoto Parish is establishing uniform standards to address issues presented by small wireless facilities, including without limitation, to:
  - 1. Prevent interference with the use of streets, sidewalks, alleys, parkways, drainageways and other public ways and places.
  - 2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic.
  - 3. Prevent interference with the facilities and operations of facilities lawfully located in rights-of-way or public property, as well as public safety vehicles;
  - 4. Protect against environmental damage, including damage to trees.
  - 5. Preserve the character of the neighborhoods in which facilities are installed.
  - 6. Facilitate rapid deployment of small cell facilities to provide the benefits of advanced wireless services.
  - 7. Conflicts with other chapters. This Section supersedes all section or parts of sections adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- C. *Regulations of General Applicability*
  - 1. *Maximum size of permitted use.* Small wireless facilities, and new or modified utility poles and wireless support structures for the collocation of small wireless facilities may be placed in the rights-of-way as a permitted use subject to the following requirements:
    - a. Each new or modified utility pole or wireless support structure installed in the rights-of-way shall not exceed the greater of:
      - i. Ten (10) feet above the tallest existing utility pole in the rights-of-way in place as of the effective date of this Ordinance located within five hundred (500) feet of the new pole; or
      - ii. Fifty (50) feet above ground level.
    - b. New small wireless facilities in the rights-of-way shall not exceed the greater of:

- i. More than ten (10) feet above an existing utility pole or wireless support structure in the rights-of-way in place as of the effective date of this Ordinance; or
  - ii. Above the height for a new utility pole or wireless support structure.
- D. *Zoning.* Any wireless provider that seeks to construct or modify a utility pole, wireless support structure or wireless facility that exceeds the height or size limits contained in this Section, shall be subject to applicable zoning requirements.
  - 1. *Undergrounding provisions.* Applicant shall comply with nondiscriminatory undergrounding requirements that prohibit electric utilities, telecommunications, or cable providers from installing structures in the rights-of-way without prior zoning approval in areas zoned for single family residential use, provided such requirements shall not prohibit the replacement of existing structures.
  - 2. *Location of small cell facilities.* Applicant shall provide the latitude and longitude coordinates of each small cell facility.
  - 3. *Fees.* To be determined

**SECTION 72.38. GROUP/COMMUNITY HOMES AND RESIDENTIAL CARE CENTERS**

- A. *Purpose and Intent.* It is the purpose and intent of this Section to regulate the operation of group homes and residential care centers within the Parish in order to ensure that such establishments are operated in a sanitary and orderly fashion, according to all federal, state, and local regulations, and do not become a threat to public health, safety, and general welfare.
- B. *License Required.* In addition to any zoning approvals, the State of Louisiana Department of Social Services must license establishments subject to these standards.
- C. *Group Home and Residential Care Center Development Requirements.* Group homes and residential care centers shall be subject to the following general requirements:
  - 1. A group home or residential care center shall only be permitted in a detached dwelling unit situated on a lot having a minimum area of fifteen thousand (15,000) square feet.
  - 2. A group home or residential care center shall have a minimum of three hundred fifty (350) square feet of habitable floor area for each resident.
  - 3. The maximum number of persons permitted to occupy a small group home is six (6) excluding staff and personnel. The maximum number of persons permitted to occupy a large group home is twelve (12) excluding staff and personnel.
  - 4. Common kitchen and dining facilities may be provided; however, no cooking or dining facilities shall be provided in individual resident’s rooms.
  - 5. A group home or residential care center shall be affiliated with a parent organization that provides for the administration of the group home through the direction of a professional staff.

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6. A group home or residential care center shall not be located within thirteen hundred twenty feet (1,320') of another group home.
7. A group home or residential care center shall comply with all applicable safety, fire and building codes as required by federal, state, and local governments.
8. In addition to the residential parking requirement, a minimum of one (1) additional off-street parking spaces shall be provided.

**SECTION 72.39. PREFABRICATED HOUSING**

- A. *Purpose and Intent.* It is the purpose and intent of this Section to regulate manufactured and modular housing within DeSoto Parish in order to ensure that such structures are installed and maintained in safe and quality condition.
- B. *Manufactured Housing Standards.* Manufactured housing, shall be allowed and sited on residential zoning districts where allowed subject to the following general requirements:
  1. Each lot shall meet the minimum requirements of the underlying zoning district to which a conventional single-family residential dwelling on the same lot would be subjected.
  2. No manufactured housing unit shall be occupied for dwelling purposes unless it is placed on a lot of record and connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to Building Official inspection and approval.
  3. A manufactured home shall be used only as a single-family dwelling.
  4. The manufactured home shall be multi-sectional and have a minimum of five hundred (500) square feet of enclosed and heated living space.
  5. The manufactured home shall be placed on an excavated and backfilled permanent masonry slab foundation that meets the requirements of the Louisiana Manufacturing Housing Commission and enclosed with skirting at the perimeter to meet the following requirements:
    - a. Individual manufactured housing units shall be skirted around the perimeter of the unit to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured housing unit.
- C. Skirting shall be vented and be manufactured of certified fire-resistant material.
- D. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.
- E. All skirtings shall be installed before the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days.
  1. The manufactured home shall have a pitched roof at least 3:12 and be finished with a type of shingle that is commonly used in standard residential construction. Such roof shall be installed by the manufacturer of the home at the time of construction. All roof

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structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.

2. The manufactured home shall have exterior siding and roofing which in color, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Zoning Administrator.
  3. Any manufactured housing placed upon a residential lot shall meet the National Manufactured Housing Construction and Safety Standards of 1974 [24 CFR '3280 et seq.] and LA RS 51:912.22 Installation Standards for Manufactured Homes.
- F. *Modular Housing Standards.* Modular housing shall be allowed and sited on all residentially zoned property subject to the following general requirements:
1. All modular homes shall be constructed in a minimum of two sections, each of which are transported to the building site separately, with installation of heating system and application of siding coming after the erection of the home.
  2. Modular homes shall have no permanent support frame (chassis) and shall be indistinguishable in appearance from conventional stick-built homes.
  3. The modular home shall have a minimum of one thousand (1,000) square feet of enclosed and heated living space for single-family residences, and two thousand (2,000) square feet for two-family residences.
  4. Installation of Modular housing shall be done in accordance with LA RS 40:1730.71. Installation of Modular Housing and pursuant to the Louisiana State Uniform Construction Code and the DeSoto Parish Building Code.

**SECTION 72.40. EXCEPTIONS TO HEIGHT REGULATIONS**

- A. *Purpose and Intent.* The regulations and requirements relating to the height of buildings and structures shall be subject to the following exceptions and additional regulations set forth in this Section.
- B. The height regulations and requirements as stated in this ordinance shall not apply to:
  1. Churches, schools, hospitals, sanitariums, public and semi-public service buildings, and institutions. There shall be no restrictions on the height of such buildings, provided the front, side, and rear yards required in the district in which such building is to be located shall be increased an additional one foot for each foot of height that the building exceeds the maximum height permitted in such districts.
  2. Barns, silos, and other farm structures when located on farms; belfries; cupolas; domes; flagpoles and monuments; water towers; transmission towers; windmills; chimneys; smokestacks; radio towers; waste and aerial conveyors; fire towers; and oil derricks.
  3. Bulkheads, elevator penthouses; water tanks; cooling towers; scenery lofts; and similar structures, provided that such structure shall cover not more than twenty-five percent (25%) of the total roof area of the building on which such structure is located.

**SECTION 72.41. DAY CARE CENTERS**

- A. *Purpose and Intent.* Recognizing the growing need for adult and child day care facilities, it is the intent of DeSoto Parish to encourage the establishment of such facilities in a manner that will preserve the character of residential neighborhoods while meeting the operational and physical standards of the State of Louisiana Department of Social Services (DSS).
- B. *License Required.* In addition to any zoning approvals, the State of Louisiana Department of Social Services must license establishments subject to these standards. In addition, all facilities must have an approved and currently valid license, which will be provided to the Parish every year.
- D. *General Day Care Center Development Requirements.* The following general provisions apply to all day care centers, as defined in Section 72.12 shall be subject to the following general requirements:
  - 1. Fencing shall be provided to restrict children from hazardous areas, such as drainage ditches, wells, holes, and major and minor roads. Further, fencing with a minimum height of four feet (4') shall physically contain children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from within these areas.
  - 2. Any outdoor play area, as required by DSS regulations, shall be provided for child day care centers, and shall not be located in the front yard.
  - 3. Play equipment shall be located at least ten feet (10') from an abutting property line.
  - 4. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.
  - 5. The operator of a day care center will allow appropriate representatives of DeSoto Parish to enter the property to inspect such use for compliance with the requirements of this ordinance.
- E. The center shall be used exclusively by the adults and/or children and center staff during operating hours. Areas licensed for use as a childcare center shall not be dually licensed. A childcare facility, except those located in a church or school, shall be physically separated from any other business or enterprise.

**SECTION 72.42. CEMETERIES**

- A. *Purpose and Intent.* It is the desire of DeSoto Parish to provide for the appropriate development, preservation, protection, and maintenance of family, private, and public cemeteries, graveyards, and burial grounds.
- B. No cemetery shall be allowed in the unincorporated area of DeSoto Parish without the owner, creator, trust, or other legal entity having first applied for and obtained from Desoto Parish, a conditional use permit approving the operation thereof. In addition to any other

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requirements set forth in this chapter, no permit will be granted without compliance with the following:

1. *Cemetery, Public and Private requirements.* In addition to any other requirements set forth in this chapter, no permit will be granted without compliance with the following:
  - a. *Site Plan Review.* A site plan of the proposed cemetery and a survey of the cemetery prepared by a Louisiana registered land surveyor shall be submitted to DeSoto Parish, along with the Site Plan and Conditional Use application.
  - b. *Minimum area.* No cemetery shall be approved unless the survey provided indicates that the cemetery contains not less than ten (10) acres, the entire area of which shall be dedicated to and used only for cemetery purposes.
  - c. *Land use compatibility.* The location of the proposed cemetery is to be compatible with adjacent land uses, existing or proposed highways and any other elements or factors deemed by the parish to affect the public health, safety, and welfare of the inhabitants of the area surrounding the proposed location, including but not limited to the effect on aquifers, wells and ground water, the potential for pollution of nearby streams, lakes and other waters and the suitability of the soil composition for such use.
  - d. *Buffer area.* The proposed location must contain a buffer area that is landscaped with trees and/or shrubbery on all sides of the site that is identified on the survey and is not less than twenty (20) feet in width.
  - e. *Setback.* Setbacks shall be:
    - i. Two hundred (200) feet from any property line.
    - ii. Two hundred (200) feet from any structure.
    - iii. Two hundred (200) feet from an existing well.
    - iv. Two hundred (200) feet from the high-water mark of any spring, stream, lake, reservoir or other know source of water.
  - f. Cemeteries shall not be located in a special flood hazard area.
  - g. Fencing shall be installed around the perimeter of at least five (5) feet in height constructed of metal, masonry, or stone.
  - h. Any land disturbances in the construction of a cemetery must be subject to all sediment erosion and ground water run-off requirements applicable to other development projects as set forth in the ordinances and regulations of DeSoto Parish.
  - i. All graves must be marked with an appropriate marker as specified herein that will allow law enforcement authorities to locate graves, if necessary, for any lawful purposes after interment.
  - j. *Certification, Licensure and Permitting.* All cemeteries shall be subject to the requirements of the Louisiana Cemetery Board and Louisiana State law and regulations in effect or as they may exist in the future with regard to permitting, perpetual care, re-interment of remains and any such other conditions as may require remediation.

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- k. All human remains shall be buried to state standards and in receptacles meeting state standards to protect against contamination of ground water, wells, and aquifers.
- l. All structures and buildings erected for incidental business uses of the cemetery shall comply with the DeSoto Parish Building Code and this Chapter.
- 2. *Cemetery, Family requirements.* No permit will be granted without compliance with the following:
  - a. *Site Plan.* A site plan of the proposed cemetery and a survey of the cemetery prepared by a Louisiana registered land surveyor shall be submitted to DeSoto Parish, along with the Site Plan and Conditional Use application.
  - b. *Setback.* Setbacks shall be:
    - i. One hundred (100) feet from any property line.
    - ii. One hundred (100) feet from any structure.
    - iii. One hundred (100) feet from an existing well.
    - iv. One hundred (100) feet from the high-water mark of any spring, stream, lake, reservoir or other know source of water.
  - c. Family cemeteries shall not be located in a special flood hazard area.
  - d. *Security.* The family cemetery shall be enclosed by a fence or wall at least four (4) feet in height constructed of metal, masonry, or stone.
  - e. *Private/Public Easement.* A minimum twenty-five (25) foot private or public easement shall be recorded to provide access to a family cemetery.
  - f. *Certification, Licensure and Permitting.* A family cemetery shall comply with all applicable local, state, and federal environmental and public health laws.
  - g. A family cemetery shall be recorded with the Louisiana Cemetery Board.
  - h. *Responsibility.* The owner of any property which contains all or part of a family cemetery is responsible for maintaining the family cemetery in compliance with local, state, and federal regulations.

**SECTION 72.43. PUBLIC UTILITY FACILITIES**

- A. *Purpose and Intent.* The purpose of this Section is to allow for the supply of gas, sewer water, electric, communication or governmental utility service with minimal impact to adjacent residential uses.
- B. *Wiring.* All wiring (including transmission, distribution, and service lines) for the supply of electric and communication services shall be placed underground except as hereinafter provided. Unless otherwise required by Parish Ordinance, the following wiring is exempt from the underground placement requirements:
  - 1. Wiring that carries 13,200 or more nominal volts phase-to-phase.
  - 2. Wiring that is for temporary service during the period of new construction.
  - 3. Wiring that is relocated at the request of the Parish.

- 4. Wiring that is for minor repair of existing facilities.
  - 5. Lead-in wiring or service from existing poles to single-family dwellings.
  - 6. Any additional circuits added to existing pole routes.
- C. *Screening.* Screening of all new utility substations is required and may be done in any manner that does not interfere with the operation of or cause equipment or devices to be inaccessible and shall be the responsibility of the substation owner.

**SECTION 72.44. SPECIAL EXCEPTIONS**

- A. *Places of Worship (Churches).* All churches and places of recognized religious worship may be located in any zoning district within the DeSoto Parish, Louisiana unincorporated limits. Also, those buildings, attachments, structures, and other facilities used for recognized religious purposes and land owned by recognized religious denominations are herewith exempt.
- 1. *Auxiliary Buildings.* Auxiliary buildings and ancillary structures used in connection with church activities, such as assembly halls, stadiums, camps, and recreation facilities are exempt from these regulations and may be located in any Zoning District within the unincorporated limits of DeSoto Parish, Louisiana.
  - 2. *Building Standards.* All the above facilities, buildings, structures, and other recognized religious church land uses are, however, required to meet building standards, building codes, health codes and any other regulations of the federal, state, or DeSoto Parish laws.

**SECTION 72.45. SOLAR ENERGY SYSTEMS**

- A. *Purpose and Intent.* Desoto Parish finds that it is in the public interest to encourage the development and use of Solar Energy Systems as a clean, renewable energy source and to help promote sustainable initiatives in the Parish. The purpose of this Section is to facilitate the effective and efficient use of Solar Energy Systems while protecting the public health, safety, and welfare of DeSoto Parish citizens.
- B. *Applicability*
- 1. The requirements of this Ordinance shall apply to all small, medium, and large-scale Solar Energy Systems modified or installed after the adoption of this Zoning Ordinance.
  - 2. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable local, state, and federal codes, regulations, and standards.
  - 3. Any modification, upgrade, or structural change that materially alters the size, placement or output of an existing Solar Energy System shall comply with this ordinance.
- C. *Permitting*



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1. Solar Energy Systems or devices shall be installed or operated in DeSoto in compliance with this ordinance and any other applicable local, state, and federal regulations or codes.
2. Solar thermal, building-integrated photovoltaic, building mounted photovoltaic, roof mounted, and small-scale ground mounted Solar Energy Systems shall obtain a building permit through the Building Department and are permitted uses or conditional uses in zoning districts referenced in the Section 72.XXX Accessory Use Table.
3. Medium and large-scale ground-mounted Solar Energy Systems are conditionally permitted per Table XX Industrial Use Districts, Section 72.55 Site Plan Review, and Section 72.56 Conditional Use Permit as well as other sections of this ordinance.

D. *Dimensional Requirements.*

1. *Height*

- a. Building-integrated photovoltaic systems and roof-mounted Solar Energy Systems shall not exceed the maximum allowed building height or peak of the roof, whichever is greater, in the district they are proposed to be located. Regarding non-residential uses, roof-mounted Solar Energy Systems shall be considered comparable to a building appurtenance and, for purposes of height measurement, shall be consistent with other building-mounted mechanical devices or similar building appurtenances as determined by the Zoning Administrator.
- b. Small-scale ground-mounted Solar Energy Systems in all residential districts specified in Table XX Residential Use Districts. Small-scale ground-mounted Solar Energy Systems shall not exceed twelve (12) feet in height when oriented at minimum tilt to the vertical.
- c. Ground-mounted Solar Energy Systems in all other zoning districts shall conform to the building/structure height requirements of the zoning district(s) in which they are permitted in.

2. *Setbacks*

- a. All ground-mounted Solar Energy Systems shall be regulated by the dimensional setback regulations stipulated in Section 72.30 District Standards or as prescribed in other sections of this ordinance.
- b. Ground-mounted Solar Energy Systems shall not be located in front yards in residential zoning districts specified in Table XXX Residential Use Districts unless they are sited at least one hundred twenty-five (125) feet from the front property line(s).
- c. Lot Coverage/Calculating Small, Medium, or Large Solar Energy Systems Surface Area. Regarding small, medium, or large-scale Solar Energy Systems, lot coverage and surface area square footage (or solar collector coverage/horizontal projected area) shall be calculated by measuring the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface.

D. Standards for building integrated, building-mounted photovoltaic, roof-mounted, and small-scale ground mounted Solar Energy Systems.

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1. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by DeSoto Parish.
  2. Prior to operation, electrical connections must be inspected by the Building Official or their designee.
  3. Any connection to the public utility grid must be inspected by the appropriate public utility unless waived by the public utility.
  4. Roof-mounted and building-mounted solar collectors shall meet all applicable fire safety and building code standards.
- E. *Standards for Medium and Large-Scale Ground-Mounted Solar Energy Systems.* In addition to the standards above, medium, and large-scale ground-mounted Solar Energy Systems shall comply with the following:
1. *Utility Connections.* Reasonable efforts, as determined by the Parish Engineer, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.
  2. *Safety.* The Solar Energy System owner shall provide a copy of the site plan review application to the District Fire Chief for their comment. All means of shutting down the Solar Energy System shall be clearly marked on the plan.
  3. *Visual Impact.* Reasonable efforts, as determined by the Zoning Administrator, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, and protecting scenic resources.
  4. *Glare.* Solar panel placement shall be prioritized to minimize or negate any solar glare onto nearby properties, public gathering places or roadways without unduly impacting the functionality or efficiency of the Solar Energy System.
  5. *Natural resources.* Reasonable efforts, as determined by the Police Jury, shall be made to protect wetlands, watersheds, working agricultural lands, surface waters, slopes greater than twenty percent (20%), and other environmentally sensitive areas.
  6. *Additional Standards for Large-Scale Solar Energy Systems*
    - a. *Operations & Maintenance Plan.* As part of a large-scale ground-mounted Solar Energy System site plan the project applicant shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.
    - b. *Emergency Services.* The owner or operator of a large-scale ground-mounted Solar Energy System shall provide a copy of the project summary, electrical schematic, and site plan to the District Fire Chief. Upon request the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the

life of the installation.

- c. *Installation Conditions.* The owner or operator of a large-scale ground-mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the District Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way.
- d. *Removal.* Any large-scale ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one year after the date of discontinued operations. The owner or operator shall notify the Parish Engineer by certified mail of the proposed date of discontinued operations and plans for removal.
- e. *Decommissioning.* Decommissioning shall consist of:
  - i. Physical removal of all Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site.
  - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Parish Engineer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- f. *Abandonment.*
  - i. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a large-scale ground-mounted Solar Energy System shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Parish Engineer. Determination of abandonment shall be made by the Parish Engineer or their designee.
  - ii. If the owner or operator of the large-scale ground mounted Solar Energy System fails to remove the installation in accordance with the requirements of this Section within one year of abandonment or the proposed date of decommissioning, the Parish retains the right to use any and all legal or available means necessary to cause an abandoned, hazardous, or decommissioned large-scale ground-mounted Solar Energy System to be removed.

**SECTION 72.46. RESERVED FOR WIND FARMS**

**SECTION 72.47. ACCESSORY USES**

- A. *Authorization.* Accessory uses and structures are permitted in any zoning district in connection with any principal use or structure lawfully existing within such district provided that all development standards and regulations comply.
- B. *Development Standards*

1. *Accessory Dwelling Unit (ADU) Standards.*

- a. In those residential zones where ADUs are permitted by right, one attached or detached accessory unit may be constructed. ADUs may be built within a primary residence (such as in an attic or basement), attached to the primary residence (such as a small unit with a separate entrance), or detached from the primary residence (such as conversion of a detached garage, a boathouse, pool house or guest house).
- b. Attached and detached ADUs must maintain the general character of a single-family residential neighborhood and maintain the character as a single-family dwelling as determined by the Zoning Administrator . Architectural design, building materials and exterior colors shall be compatible with the principal residence.
- c. Maximum living area of an ADU shall not exceed seven hundred fifty (750) square feet, or fifty percent (50%) of the square footage of the main use, whichever is less.
- d. No ADU shall exceed the height of the principal structure to which it is accessory.
- e. ADUs must meet the minimum setbacks of the principal structure to which it is an accessory.
- f. One (1) off-street parking space shall be provided for the second unit in addition to any off-street parking requirements for the principal unit.
- g. ADUs shall be used as dwelling units only, and no businesses other than home occupations shall be conducted from or in the second unit.
- h. ADUs shall be permitted on a lot or parcel having a guesthouse or other accessory structure, however only one detached structure for residential occupancy is permitted.

E. *Accessory Buildings Placement.*

- 1. Except on corner lots, any non-residential accessory building that is not part of the main building may be built in a required side yard, providing that such accessory building is not less than three feet (3') from the nearest interior side lot line, ten feet (10') from the rear lot line and provided not more than one (1) accessory building covers any part of the required side yard.
- 2. On corner lots, accessory buildings are not permitted in required side yards on the side street side or within any portion of the rear yard area which lies between the side yard and the prolongation of the required side yard line into the rear yard area.
- 3. A carport attached to or detached from the main building may be constructed in a required side yard and may be attached to an enclosed accessory building providing that no walls of such accessory building are less than sixty feet (60') from the front lot line nor less than three feet (3') from the side lot line. Every part of the projection of such carport shall be at least three feet (3') from the side lot line and ten feet (10') from the rear lot line.

**SECTION 72.48. APIARIES**

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- A. *Purpose and Intent.* Recognizing the growing need beekeeping facilities, it is the intent of DeSoto Parish to establish certain requirements intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- B. *Registration Required.* In addition to any zoning approvals, all bee colonies shall be registered annually with the Louisiana Department of Agriculture and Forestry (LDAF).
- C. *Apiary Development Requirements.* The following general provisions apply to all apiaries, as defined in Section 72.12 shall be subject to the following general requirements:
1. All colonies shall be maintained in Langstroth-type hives with removable frames, which shall be kept in a functioning condition.
  2. All colonies shall be cared for, and hives maintained in accordance with Chapter 14 – Animals and Fowl, Article III. – Beekeeping of the DeSoto Parish Code of Ordinances.
  3. All colonies shall be located at least twenty-five feet (25') from an abutting property line.
  4. It shall be unlawful to keep more than the following number of colonies on any tract within the parish, based upon the size or configuration of the tract on which the apiary is located:
    - a. One-quarter acre or less tract size—two colonies.
    - b. More than one-quarter acre but less than one-half acre tract size—four colonies.
    - c. More than one-half acre but less than one acre tract size—six colonies.
    - d. One acre or larger tract size—eight colonies.
    - e. Regardless of tract size, where all hives are located at least 200 feet in any direction from all property lines of the tract on which the apiary is stationed, there shall be no limit to the number of colonies.
    - f. Regardless of tract size, so long as all property other than the tract upon which the hives are located - within a radius of at least 200 feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

**SECTION 72.49. BED AND BREAKFAST ESTABLISHMENTS**

- A. *Purpose and Intent.* A bed and breakfast residence means a single-family, owner occupied dwelling unit that provides no more than six (6) rooms for rental to temporary guests. Bed and breakfast residence provide for paying guests on an overnight basis for periods not to exceed fourteen (14) days per guest with breakfast being provided by the owner/operator of the residence.
- B. *Bed and Breakfast Residence Development Requirements.* Bed and breakfast residences, as defined in Section 72.12 shall be subject to the following general requirements:

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- a. All of the required approvals shall be obtained prior to establishment of the use, including an occupational license, certificate of occupancy and health department approval.
- b. Proof of owner-occupancy shall be established by submission of proof of a homestead exemption for the premises or similar proof of owner-occupancy.
- c. Meals may be served to guests as part of the room fee, but in no case shall meals be served to persons not staying in a bed and breakfast room.
- d. No cooking facilities are permitted in the individual guest rooms.
- e. One off-street parking space shall be provided for each guest room required and a minimum of two off-street parking spaces shall be required for the resident family. The front yard shall not be used for off-street parking for temporary guests unless the parking area is screened and found compatible with the neighborhood.
- f. One non-illuminated on-premises sign constructed of native material including wood, stone, or clay, not to exceed four (4) square feet, may be erected in the front yard at least ten feet (10') from the street right-of-way and shall conform to the general character of the surrounding neighborhood.
- g. Not more than one (1) non-family member of the owner shall be employed within the establishment.

**SECTION 72.50. SOLID WASTE FACILITIES**

- A. *Purpose and Intent.* Desoto Parish finds that it is in the public interest to promote the public health, safety and welfare and to eliminate public health hazards, environmental pollution, and economic loss associated with solid waste accumulated or stored upon any property within the Parish.
- B. *Requirements.* Solid Waste Facilities shall be permitted only in A-1 Agriculture and I-1 and I-2 Industrial Zoning districts. Any permit pertaining to a Solid Waste Facility shall include the obligation to meet all design, construction, maintenance and licensing requirements set forth in these regulations as well as addition to any additional requirements required by the Louisiana Department of Environmental Quality (LADEQ).
- C. *Design and Construction Standards.* In addition to the specific requirements as hereinafter set forth, all solid waste facilities shall be designed and constructed in accordance with all applicable solid waste regulations currently in effect or as may hereafter be adopted by the LADEQ. Specific design and construction requirements are:
  1. Solid Waste Facilities shall be no less than 1000 feet from the nearest residential structure and no less than 300 feet from the property line of the nearest adjoining property.
  2. For the purposes of these regulations, all distances shall be determined by the plans for the facility submitted to DeSoto Parish in conjunction with the application for the Permit. Any facility which expands closer to the nearest residential structure or

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property line than the requirements hereof shall result in the owner/operator being subject to the daily penalty as hereinafter set forth and/or revocation of the conditional use permit. Within the three hundred (300) foot setback area there shall be a buffer of natural vegetation of no less than twenty-five (25) feet. The composition and location of the buffer shall be contained in the initial design plans.

3. All plans for Solid Waste Facilities shall be reviewed by an Independent Registered Professional Engineer selected by the Parish to review and approve plans and monitor operations of the facility. The owner/operator of the facility shall be responsible for all costs and fees associated with the Independent Registered Professional Engineer. The fees and expenses charged by the Independent Registered Professional Engineer must be in line with the industry standards for DeSoto Parish.
  4. No Permit shall be considered by DeSoto Parish unless the application is accompanied by an Environmental Impact Study prepared by a professional engineer with respect to the proposed site.
  5. A complete "closure" plan must also be submitted at the time the application is filed. All closure plans shall be prepared in accordance with all applicable regulations of the LADEQ and shall be reviewed and approved by the Independent Registered Professional Engineer prior to any application being set for a hearing.
  6. Prior to any Permit being considered at an administratively or at a public hearing the applicant shall pay for the completion of a traffic impact study. The study shall be performed by a Registered Professional Engineer selected by the Parish and shall be submitted as part of the application and a public record.
- D. *Maintenance and Operation.* All Solid Waste Facilities shall be maintained and operated in accordance with all applicable regulations as adopted by LADEQ and which are in effect as of the date the application is submitted.
- E. *Licensing.* After an application for a Permit for a Solid Waste Facility is approved but prior to any construction starting the owner/operator shall apply for a permit to operate the facility. In addition to the Permit Approval, the permit application shall be accompanied by a copy of the operating policy of the facility, a copy of all design and construction plans and a permit fee of \$25,000.00. The permit shall be subject to annual renewal. No permit shall be renewed if there is any existing violation and/or any unpaid penalty. The renewal application shall be accompanied by an annual renewal fee of \$10,000.00. No construction shall be commenced until the Independent Registered Professional Engineer has approved all design and construction plans.
- F. *Severability and Savings Clause.* Any action by a court of competent jurisdiction which results in a finding that a portion, paragraph or section of these regulations is invalid and/or unenforceable shall not operate to void the entirety of the regulations. In the event of such action, these regulations shall be construed as if the provision found to be invalid or unenforceable never existed as a part of these regulations.
- G. *Penalty.* The Parish Administrator shall have the authority to assess a daily penalty for the violation of these regulations. The Parish Administrator shall not assess any penalty without first notifying the owner/operator of the violation in writing and thereafter

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allowing suitable opportunity as determined by the Parish Administrator after consultation with representatives of the owner/operator and, if needed, the Independent Registered Professional Engineer retained for the project. If an agreement as to a reasonable "cure" period cannot be achieved, then in such event the Parish Administrator shall establish the "cure" period. There shall be a fine of \$1,000.00 per day for each and every day an identified violation is not rectified. All penalties shall be paid into the General Fund of the Parish and shall be credited to a dedicated fund to be known as the "Environmental Mitigation Fund". Any penalty not paid within ninety (90) days after it is assessed shall result in the operating license for the facility being revoked.

**SECTION 72.51. KENNELS**

A. *Standards.* A kennel shall comply with the following standards:

1. Those parts of structures in which animals are boarded shall be fully enclosed, roofed, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
2. Any open exercise runs or pens shall be located at least 100 feet from any lot line, and at least 150 feet from any residential use, with a landscaped buffer provided between the run or pen and the property line.
3. All areas where animals are housed indoors shall have ventilation.
4. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 7:00 a.m.
5. Accessory uses to a commercial kennel may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.
6. Kennels shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease, or offensive odor.
7. No crematory facilities are allowed.

**SECTION 72.52. STABLES**

A. *Standards.* Stables shall comply with the following standards.

1. Parcels containing stables or corrals shall have a minimum lot area of two acres.
2. Stables and corrals, where allowed by the zoning district regulations, shall comply with the minimum setbacks established for the zoning district.

B. *Subdivision Limitation on Use.* The stables are provided for the primary use by residents of an equestrian development in which:

1. Not all lots are large enough to accommodate horses; and
2. Riding trails through the development's open spaces are provided.



C. *Minimum Land Area.* The minimum land area is 2 acres per horse.

**SECTION 72.53. RESERVED-**

**SECTION 72.69. RESERVED**

**ARTICLE 5. ADMINISTRATION AND PROCEDURES**

**SECTION 72.70. PROCEDURES**

The purpose if this Article is to delineate the applicability, procedures and requirements, and approval standards applying to each zoning application and approval.

<b>Table XX: Decision-Making Authority</b>				
<b>Review And Decision Process</b>	<b>Zoning Administrator</b>	<b>Planning Commission</b>	<b>Police Jury</b>	<b>Board of Adjustment</b>
<b>Zoning Verification</b>	D	A		
<b>Site Plan</b>	R	[D]		
<b>Major Subdivision Preliminary Plat</b>	R	[D]	-	-
<b>Major Subdivision Final Plat</b>	D	-	-	-
<b>Minor Subdivision</b>	D	-	-	-
<b>Subdivision Waiver</b>	R	[R]	[D]	
<b>Zoning Text Amendment</b>	R	[R]	[D]	
<b>Zoning Map Change</b>	R	[R]	[D]	
<b>Development Agreement</b>	R	[R]	[D]	
<b>Variance</b>	R			[D]
<b>Appeal of Administrative Decision</b>				A
<b>Conditional Use Permit</b>	R	[R]	[D]	A
<b>Key</b>				
R = Review and Recommendation		[ ] = Public Hearing		
D = Decision or acceptance		A = Appeal		

**SECTION 72.71. APPLICATION**

A. *Application Forms.* Applications containing all requested information, and any additional information must be submitted on forms and in such numbers as required by this

Ordinance. All applications must be complete and sufficient for processing before they will be reviewed.

- B. *Fees.* As per Section 72.72 of this Ordinance, no applications shall be reviewed, and no permit, certificate, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full. When an application is submitted on behalf of DeSoto Parish, no fees shall be required.
- C. *Complete Applications.* An application is complete when it contains all the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Ordinance. Details for each application are included in the specific procedure Section of this Ordinance. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Ordinance. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the Zoning Administrator as to whether more or less information may be submitted.
- D. *Concurrent Applications.* Applications may be filed and reviewed concurrently, at the option of the applicant. However, any application that also requires a variance shall not be eligible for final approval until the variance has been granted. Further, applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.
- E. *Modification of Application.*
  - 1. Property owners may initiate a zoning application at any time by filing with the Zoning Administrator. Applications for zoning map and text amendments may also be filed by the DeSoto Parish Planning Commission, another agent of the DeSoto Parish, or any interested party.
  - 2. An application may be modified at the applicant’s request following the approval of the Zoning Administrator before the request is advertised. Any modification after the request has been advertised shall require a new notice and hearing.

**SECTION 72.72. COMMON REVIEW PROCEDURES**

- A. *General.* The following requirements are common to many of the following procedures and apply to applications submitted under this Ordinance. Additional details may be included in the specific procedure.
- B. *Pre-Application Conference*
  - 1. *Optional.* Before applying for development approval, an applicant may schedule a pre-application conference with the Zoning Administrator to discuss the procedures, standards and regulations required for approval. A pre-application conference is optional, except for the procedures listed below.
  - 2. *Mandatory.* Before applying for the following types of review, an applicant must schedule a pre-application conference with the Zoning Administrator to discuss the

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procedures, standards and regulations required for approval in accordance with this Ordinance and other applicable Parish codes.

- a. Major Subdivision
- b. Site Plan Review
- c. Conditional Use Permit
- d. Zoning Map Amendment
- e. Zoning Text Amendment

### 3. *Application*

- a. *Initiation.* Parties allowed to file an application are summarized below. More detailed information may be included with each specific procedure.
- b. *Application Forms.* Applications, containing all information requested on the application and any additional information required by a duly authorized representative of DeSoto Parish, must be submitted on forms and in such numbers as required by this Ordinance. All applications must be complete and sufficient for processing before they will be reviewed.
- c. *Fees.* As per Section 72.5 (Fees) of this ordinance, no applications shall be reviewed, and no permit, certificate, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full. When an application is submitted on behalf of DeSoto Parish, no fees shall be required.
- d. *Traffic Study.* The Parish Engineer shall make the determination for the whether a traffic impact study will be required for a project allowed as a permitted or conditional use by the regulations applicable in the zone in which located.

#### A. *Public Notice and Hearings*

- 1. *Public Notice Required.* Required public notices are summarized below. More detailed information may be included with each specific procedure.
- 2. *Notice of Public Hearing.* All notices for public hearing shall contain:
  - a. *Posted Notice of Public Hearing.* Posted notice in bold type shall be posted for at least ten (10) consecutive days prior to a public hearing on signs not less than 11"x17", prepared, furnished and placed by the Zoning Administrator on each street of the block adjoining the area proposed for a change in zoning classification. The applicant shall remove posted notices from the subject area no more than ten (10) days after the public hearing has been held.
  - b. *Published Notice of Public Hearing.* Notice of the time and place of a public hearing shall be published once a week in three (3) different times in the official journal, if designated, or a newspaper of general circulation in the area. The first notice shall be published at least ten (10) days prior to the hearing.

Table 1: Public Notice Requirements

TABLE X.X PUBLIC NOTICE REQUIREMENTS BY REQUEST		
PUBLIC NOTICE REQUIREMENTS	POSTED NOTICE OF PUBLIC HEARING	PUBLISHED NOTICE OF PUBLIC HEARING
Appeal of Administrative Decision		
Variance	■	
Subdivision:		
Minor Plat		■
Major Subdivision Preliminary Plat		■
Final Plat		■
Conditional Use Permit	■	■
Residential Subdivision Development	■	■
Zoning Map Amendment	■	■
Zoning Text Amendment		■
Development Agreement		■

**SECTION 72.73. ZONING VERIFICATION**

- A. *When Applicable.* When a use or standard is unclear or when written verification is required by an applicant to confirm zoning district uses or standards.
- B. *Application and Fees*
  - 1. A pre-application conference is optional.
  - 2. All applications for administrative review shall be filed in writing with the Zoning Administrator (See Section 72.72, Common Review Procedures).
  - 3. Application shall be made prior to, or concurrent with the application for a building permit.
- C. *Decision by Zoning Administrator*
  - 1. The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
  - 2. The Zoning Administrator shall consider relevant comments of all interested parties and the review criteria in Section 72.72.
- D. *Review Criteria.* The Zoning Administrator shall consider the following criteria in issuing a zoning verification:
  - 1. The proposed use is consistent with the pertinent elements of any adopted plans of DeSoto Parish.
  - 2. The proposed use meets the requirements of this development code.

- 3. The proposed use will reinforce the existing or planned character of the neighborhood and the Parish.
- E. *Appeal.* A final decision by the Zoning Administrator on a zoning verification may be appealed to the Board of Zoning Adjustment (See Section 72.53, Appeal of Administrative Decision).

**SECTION 72.74. VARIANCE**

- A. *When Allowed.* The Board of Zoning Adjustment shall have the authority to grant variances from the terms of this Ordinance, subject to terms and conditions fixed by the Police Jury, where literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship, if in granting such variance the general intent and purpose of this Zoning Ordinance will be preserved.
- B. *Application and Fees*
  - 1. No pre-application conference is necessary.
  - 2. All applications for variance shall be filed in writing with the Zoning Administrator (See Section 72.72, Common Review Procedures).
- C. *Review by Zoning Administrator.* The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
- D. *Public Hearing and Decision by Board of Zoning Adjustment.*
  - 1. Following notice and a public hearing as required by Section 72.72 of this Ordinance, the Board of Zoning Adjustment shall allow, allow with conditions, or deny the proposed variance request, the Zoning Administrator shall consider relevant comments of all interested parties and the review criteria in Section 72.72.
  - 2. The Board may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties.
- E. *Review Criteria.* No variance shall be authorized unless the Board of Zoning Adjustment finds that all of the following conditions exist:
  - 1. That the variance will not authorize a use other than those uses allowed in the district.
  - 2. That, due to exceptional and/or extraordinary circumstances, literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship.
  - 3. That the practical difficulties or unnecessary hardship were not created by the owner of the property or the applicant and are not due to or the result of general conditions in the district in which the property is located.
  - 4. That the practical difficulties or unnecessary hardship are not solely financial.
  - 5. That the variance will not substantially or permanently injure the allowed uses of adjacent conforming property.

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6. That the applicant has adequately addressed any concerns raised by the Zoning Administrator.
- F. *Appeal.* A final decision by the Board of Zoning Adjustment on a variance may be appealed to the 42nd Judicial District Court.
- G. *Expiration.* A variance runs with the land and does not expire unless the Board of Zoning Adjustment or the 42nd Judicial District Court assigns an expiration date as a condition.

**SECTION 72.75. APPEAL OF ADMINISTRATIVE DECISION**

- A. *When Allowed.* Appeals may be filed by any person aggrieved, or by any official or department of the DeSoto Parish affected by any decision of the Zoning Administrator. Appeals shall be made within thirty (30) days of the decision.
- B. *Application and Fees*
  1. No pre-application conference is necessary.
  2. All appeals of administrative decisions shall be filed in writing with the Parish Clerk (See Section 72.72, Common Review Procedures).
  3. The appellant shall provide a written statement citing the decision that is being appealed, and any reasons why the appeal should be granted.
- C. *Stay of Proceedings.* An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Police Jury after the notice of appeal has been filed, that a stay would cause imminent peril of life or property. In such case proceedings shall not be stayed except by restraining order that may be granted by the 42nd Judicial District Court.
- D. *Public Hearing and Decision by Police Jury*
  1. Following notice and a public hearing as required by Section 72.72 of this Ordinance, the Police Jury shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator.
  2. The Police Jury 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 the powers of the Zoning Administrator.
  3. Any party may appear at the proceedings in person, by agent or by attorney.
- E. *Testimony and Evidence.* The Police Jury shall limit testimony and other evidence to that contained in the record at the time that Zoning Administrator took final action on the administrative decision.
- F. *Review Criteria.* The Police Jury shall consider any of the following criteria in deciding an appeal:

1. Whether the decision by the Zoning Administrator was in accordance with the intent and requirements of this Ordinance.
  2. Whether the Zoning Administrator made erroneous findings based on the evidence and information presented in the original application or failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance.
  3. Whether the Zoning Administrator acted arbitrarily or capriciously.
- G. *Appeal.* A final decision by the Police Jury on an administrative appeal may be appealed to the 42nd Judicial District Court.

**SECTION 72.76. MAJOR AND MINOR SUBDIVISIONS**

A. *Components of Subdivision (Plat) Approval*

1. Major subdivisions are subject to a two-step approval process:
  - a. Approval of a preliminary plat by the Planning Commission.
  - b. Approval of a final plat by the Zoning Administrator.
2. Minor subdivisions only require a one-step approval process: Approval of a final plat by the Zoning Administrator.

B. *When Required*

1. *Major Subdivision*

- a. Any subdivision of land not considered a minor subdivision or exempted below.
- b. The creation of any number of lots where any of the following occurs:
  - i. New streets are created.
  - ii. Water or sewer lines are extended.
  - iii. Drainage improvements through one or more lots must be installed.
  - iv. Residential cluster options are exercised.
  - v. A waiver of any subdivision standard is desired.
- c. No person may subdivide land except in accordance with this procedure and the standards of this Ordinance.
- d. Major subdivisions require preliminary plat approval by the Planning Commission and final plat approval by the Zoning Administrator.

2. *Minor Subdivision*

- a. Minor subdivision review by the Zoning Administrator is required for the realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided the application meets all of the following requirements:
  - i. The action does not involve the creation of any new street, servitude, or other public improvement.

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- ii. The action does not involve more than two (2) acres of land or five (5) lots of record.
  - iii. The action does not reduce a lot size below the minimum area or frontage requirements established by this Ordinance.
  - iv. The action otherwise meets all of the requirements of this Ordinance.
- b. Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to DeSoto Parish, leaving a severed portion of the original property that requires a redesignation of lot number and establishment of new lot boundary lines, also requires minor subdivision review and approval by the Zoning Administrator.
  - c. Minor subdivisions require only final plat approval. Final plat approval may provide for the dedication, acceptance, relocation, or deletion of public utility servitudes, other than streets, or the deletion of gas, electric, cable or telephone utility servitudes on the property being re-subdivided.
  - d. All minor plats approved or certified by an administrative procedure shall designate such fact on the plat. Any plat so approved shall have the same force, effect and legal status of a subdivision application approved by the established legislative process.
3. *No Subdivision Review Required.* No subdivision review is required for the following:
- a. The public acquisition of land for roads, sewer, or water infrastructure.
  - b. Land in subdivisions previously legally recorded, except in the case of resubdivision.
  - c. Small parcels of land sold to or exchanged between adjoining property owners where such sale or exchange does not create additional lots.
  - d. Partition of land where all the resulting lots are one acre or larger in area, and no street or road construction or major street right-of-way is involved.

C. *Application and Fees*

- 1. A pre-application conference is optional for minor subdivisions and mandatory for major subdivision.
- 2. All applications for subdivision review shall be filed in writing with the Zoning Administrator (See Section 72.72, Common Review Procedures).

D. *Review by Zoning Administrator*

- 1. The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
- 2. The Zoning Administrator shall provide notice as outlined in Section 72.72, Common Review Procedures.

E. *Preliminary Plat Decision by Planning Commission*

- 1. Following notice and public hearing as required by Section 72.72, Common Review Procedures, the Planning Commission shall approve, approve with conditions, or deny



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the preliminary plat for a major subdivision within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.

2. In deciding, the Planning Commission shall consider the recommendation of the Zoning Administrator, relevant comments of all interested parties and the review criteria outlined in Section 72.72, Common Review Procedures
3. The Planning Commission may attach conditions required to make the subdivision comply with this and other Parish Ordinances, or as necessary to protect the health, safety, and welfare of the DeSoto Parish and to minimize adverse impacts to adjacent properties.
4. Where the Planning Commission finds that unnecessary hardship results from strict compliance with this Ordinance, a variance may be granted per Section 72.52. A particular hardship shall be related to the physical surroundings, shape, or topographical conditions of the property, as distinguished from a mere inconvenience. No variance shall be granted based strictly upon financial consideration. The granting of a variance must not be detrimental to the public health, safety, or welfare or injurious to other property or improvements.
5. The Planning Commission shall consider the following criteria in approving or denying a subdivision:
  - a. The proposed development is consistent with the pertinent elements of any adopted plans of DeSoto Parish.
  - b. The proposed development meets the requirements of this development code and the DeSoto Parish Police Jury Code of Ordinances Appendix A. Subdivision Regulations.
  - c. The proposed development will reinforce the existing or planned character of the neighborhood and the Parish.
  - d. The subdivision demonstrates:
    - i. Compliance with any prior approvals.
    - ii. Subdivision design appropriate for and tailored to the unique natural characteristics of the site.
    - iii. Adequate, safe, and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways and off-street parking, stacking, loading, and unloading spaces.
    - iv. Connectivity to surrounding neighborhoods and the Parish as a whole.
    - v. Adequate design of grades, paving, gutters, drainage, and treatment of turf to handle stormwater and
    - vi. Adequate access for disabled residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading and unloading zones, and access to other facilities.
  - e. Any adverse impacts on adjacent properties have been minimized or mitigated.

**F. *Minor Subdivision Decision by Zoning Administrator***

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1. In deciding to approve, approve with conditions, or deny the proposed minor subdivision, the Zoning Administrator shall consider relevant comments of all interested parties and the review criteria below.
2. The plat shall be approved or denied within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
3. The Zoning Administrator may attach conditions required to make the subdivision comply with this and other Parish Ordinances, or as necessary to protect the health, safety, and welfare of the DeSoto Parish and to minimize adverse impacts to adjacent properties.
4. A minor subdivision shall be approved in accordance with the requirements, including the review criteria, for the final plat as outlined in Section 72.72.

G. *Final Plat Decision by the Zoning Administrator*

1. The Zoning Administrator may approve, approve with conditions, or deny the final plat within sixty (60) days of filing a complete application, except where such time period is extended by the applicant.
2. If the final plat is denied, the Zoning Administrator shall specify in writing the provisions with which the plat does not comply.
3. The final plat shall be approved where it is:
  - a. Consistent with the pertinent elements of any adopted plans of DeSoto Parish.
  - b. Meets the requirements of this development code.
  - c. Compliant with any prior approvals, including specifically the preliminary plat and any conditions.
4. The approval of a final plat shall not be deemed to constitute the acceptance of the dedication of any street or other land, public utility or facility shown on the face of the plat. However, the Police Jury may, by resolution, accept any dedication for streets, parks, public utility lines or facilities, or other public purposes.

H. *Building Permit.* No building permit shall be issued for development requiring subdivision approval until the final plat has been approved.

I. *Dedication and Improvements*

1. For development of property requiring subdivision approval under this Ordinance, the applicant must dedicate any additional right-of-way necessary to the width required by the DeSoto Parish for streets adjoining the property, install all drainage infrastructure, pave all streets adjoining the property, and install sidewalks and street trees based on the standards of this Ordinance.
2. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this Ordinance, including provisions for stormwater management, paving and utilities.

- 3. The DeSoto Parish is not required to accept any dedication or improvements that do not meet local standards.
  
- J. *Construction Drawings.* Prior to construction of any improvement intended for public dedication, construction drawings that meet local standards for the specified improvement are required.
  
- K. *Improvement Guarantee*
  - 1. Prior to the approval of any final plat, the applicant shall submit a cost estimate and time schedule for installation of each phase of subdivision improvements.
  - 2. A bond shall be required guaranteeing all on-site and off-site improvements. The bond shall be in an amount equal to one hundred fifteen percent (115%) of the improvement cost estimate, and in a form approved by the DeSoto Parish Attorney.
  - 3. As each phase of improvements is installed and inspected by the Zoning Administrator or their duly authorized representative, the bond may be reduced by the cost of the installed improvements.
  
- L. *Inspection of Improvements*
  - 1. The applicant shall grant DeSoto Parish the authority to inspect all construction of required improvements. Such right of inspection shall not constitute a duty to inspect, nor shall it guarantee final acceptance of the required improvements.
  - 2. Failure to perform the work to DeSoto Parish’s standards shall free the Parish to liquidate the improvement guarantee in order to finance necessary repairs.
  
- M. *Maintenance Bond.* DeSoto Parish may require a two-year maintenance bond on any improvement constructed by a developer and dedicated to the DeSoto Parish.
  
- N. *Recording of Final Plat.* Any final plat shall be recorded with the DeSoto Parish Clerk of Court and copied into the conveyance records of DeSoto Parish. A duplicate shall also be filed with the DeSoto Parish Assessor and the Policy Jury office.
  
- O. *Modification of Approved Subdivision.* The Zoning Administrator or Parish Engineer is authorized to approve minor modifications to an approved subdivision. All modifications not listed as minor below shall be considered by the body that approved the original subdivision. Any of the following modifications shall be considered minor:
  - 1. Additional or wider easements that do not affect the general placement of buildings or general location of roadways.
  - 2. Reduction of the number of lots.
  - 3. Reduction of the length of streets.
  - 4. Modification of public utility service.
  
- P. *Appeal*

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1. A final decision by the Zoning Administrator on a minor subdivision may be appealed to the Planning Commission. The Planning Commission shall review the subdivision as a major subdivision.
2. A final decision by the Planning Commission on a major subdivision may be appealed to the 42nd Judicial District Court.

Q. *Expiration.* A preliminary plat expires after one (1) year where a final plat application has not been filed for all or part of said development. Each final plat for a phase of the preliminary plat extends the preliminary plat for an additional year. A final plat, once officially recorded, shall not expire.

**SECTION 72.77. SUBDIVISION WAIVERS**

- A. *Purpose/Criteria.* Whenever the parcel to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in real difficulties and substantial hardships or injustices, the Police Jury may vary or modify such requirements, so that the subdivider is allowed to develop his or her property in a reasonable manner, but so that, at the same time, the public welfare and interests of the Parish are protected and the general intent and spirit of these regulations are preserved. Petition for variance from these regulations shall be made by written request of the applicant, stating fully the grounds for the request and the facts relied upon by the applicant.
- B. *Subdivision Waiver Standards.* All waiver requests shall meet the following criteria:
1. A subdivision waiver may only be applied for as part of a subdivision application.
  2. The area of the proposed subdivision is located entirely within DeSoto Parish.
  3. The waiver complies with all federal, state and local regulations including standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.
  4. Granting of the waiver will not be detrimental to the public safety, health, or welfare.
  5. A particular hardship or unusual and practical difficulty, but specifically not to include financial hardship, may result from the strict application of these standards or regulations and the conditions upon which the request for waiver is based are unique to the property for which the waiver is sought because of the physical surroundings, existing surround development, or shape or topographical conditions of the specific property, and are not applicable generally to other properties.
  6. Purposes of these standards or regulations may be served to a greater extent by an alternative proposal, or when the waiver is of such an inconsequential nature that it will not have any substantial effect on the purpose and intent of these standards or regulations or the authority for which is specifically granted in these standards or regulations.
  7. Waivers only apply to this Ordinance in the creation of a specific subdivision plat. No waiver approved as part of a subdivision plat shall be considered as a waiver or variance for any other standard or regulation of this Ordinance. If a zoning variance is required, such a variance must be approved through the process delineated in this Ordinance.
  8. In reviewing and/or approving a waiver, the Zoning Administrator, Planning and Zoning Commission, and Police Jury may recommend and/or approve such alternative

- conditions as will serve substantially the same objective as the standards or regulations waived.
9. The Police Jury shall consider the recommendation of the Planning Commission, the recommendations and reports of Zoning Administrator, relevant comments of interested parties and shall approve, or deny with specific reason(s) for denial added to the record.
  10. All approved waivers must be recorded on the final plat and certified by DeSoto Parish. Any approved waiver that is not recorded on the final plat and certified by the DeSoto Parish shall be considered void.

**SECTION 72.78. SITE PLAN REVIEW**

*A. When Required*

1. *Major Site Plan.* Major site plan review by the Planning Commission is required for:
  - a. Construction of eight (8) or more residential units on a lot.
  - b. Construction or expansion of five thousand (5,000) or more square feet of multi-family or mixed-use building type.
  - c. Commercial or institutional over 25,000 square feet.
  - d. Cemeteries of any size.
2. *Minor Site Plan.* Minor site plan review by the Zoning Administrator is required for:
  - a. Construction or expansion of up to five thousand (5,000) square feet of multi-family or mixed-use residential building type.
  - b. Construction of more than two (2) but less than eight (8) residential units on a platted lot of record.
  - c. Creation of more than one thousand (1,000) square feet of impervious surface (paving).
  - d. Construction of accessory structures in non-residential districts.
3. *No Site Plan Review Required.* No site plan review is required for the following:
  - a. Construction or expansion of one (1) or two (2) units in a single structure on a platted lot of record.
  - b. Creation of less than one thousand (1,000) square feet of impervious surface (paving).
  - c. Construction of accessory structures in non-residential districts.

*B. Application and Fees*

1. A pre-application conference is optional for minor site plan review and mandatory for major site plan review.
2. All applications for subdivision review shall be filed in writing with the Zoning Administrator (See Section 72.72, Common Review Procedures).

**C. Review by Zoning Administrator**

1. The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
2. The Zoning Administrator shall provide notice as outlined in Section 72.72, Common Review Procedures.

**D. Minor Site Plan Decision by Zoning Administrator**

1. In deciding to approve, approve with conditions, or deny the proposed site plan, the Zoning Administrator shall consider relevant comments of all interested parties and the review criteria outlined in Section 72.72 and render a decision within 60 days.
2. The Zoning Administrator may attach conditions required to make the subdivision comply with this and other Parish Ordinances, or as necessary to protect the health, safety, and welfare of the DeSoto Parish and to minimize adverse impacts to adjacent properties.

**E. Major Site Plan Decision by Planning Commission**

1. Following notice and public hearing as required by Section 72.72, Common Review Procedures, the Planning Commission shall approve, approve with conditions, or deny the major site plan for a within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
2. In deciding to approve, approve with conditions, or deny the proposed minor subdivision, the Planning Commission shall consider the recommendation of the Zoning Administrator, relevant comments of all interested parties and the review criteria outlined in Section 72.72.
3. The Planning Commission may attach conditions required to the site plan to comply with this and/or other Parish Ordinances, or as necessary to protect the health, safety, and welfare of the DeSoto Parish and to minimize adverse impacts to adjacent properties.

**F. Review Criteria.** The Zoning Administrator and the Planning Commission shall consider the following criteria in approving or denying a site plan:

1. The proposed development is consistent with the pertinent elements of any adopted plans of DeSoto Parish.
2. The proposed development meets the requirements of this development code.
3. The proposed development will reinforce the existing or planned character of the neighborhood and the Parish.
4. The site plan demonstrates:
  - a. Compliance with any prior approvals.
  - b. Site design and development intensity appropriate for and tailored the unique

natural characteristics of the site.

- c. Adequate, safe, and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways and off-street parking, stacking, loading, and unloading spaces.
  - d. Connectivity to surrounding neighborhoods and the Parish as a whole.
  - e. Adequate design of grades, paving, gutters, drainage, and treatment of turf to handle stormwater.
  - f. Adequate access for disabled residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading and unloading zones, and access to other facilities.
5. Any adverse impacts on adjacent properties have been minimized or mitigated.
- G. *Building Permit.* No building permit shall be issued for development requiring site plan until the site plan has been approved.
- H. *Dedication and Improvements*
- 1. For development of property requiring a site plan under this Ordinance, the applicant must dedicate any additional right-of-way necessary to the width required by the DeSoto Parish for streets adjoining the property, install all drainage infrastructure, pave all streets adjoining the property, and install sidewalks and street trees, as necessary.
  - 2. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this Ordinance, including provisions for stormwater management, paving and utilities.
- I. *Improvement Guarantee*
- 1. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of subdivision improvements.
  - 2. A bond shall be required guaranteeing all on-site and off-site improvements. The bond shall be in an amount equal to one hundred fifteen percent (115%) of the improvement cost estimate, and in a form approved by the DeSoto Parish Attorney.
  - 3. As each phase of improvements is installed and inspected by the Zoning Administrator or Parish Engineer or his duly authorized representative, the bond may be reduced by the cost of the installed improvements.
- J. *Modification of Approved Site Plan.* The Zoning Administrator is authorized to approve minor modifications to an approved site plan. All modifications not listed as minor below shall be considered by the body that approved the original site plan. The following modifications shall be considered minor:
- 1. Up to ten percent (10%) increase or any decrease in gross floor area of a single building.

2. Up to a ten percent (10%) reduction or any increase in the approved setbacks from exterior property lines.
3. Relocation of parking areas, internal streets or structures where such relocation occurs more than one hundred feet (100') from exterior property lines.

**K. Appeal**

1. A final decision by the Zoning Administrator on a minor site plan may be appealed to the Planning Commission (see Section 72.53, Appeal of Administrative Decision).
2. A final decision by the Planning Commission on a major site plan may be appealed to the Police Jury (see Section 72.53, Appeal of Administrative Decision).

- L. Expiration.** A site plan expires after one (1) year where a final plat application has not been filed for all or part of said development.

**SECTION 72.79. CONDITIONAL USE PERMIT**

- A. When Required.** A conditional use permit is required for any use or building type that requires particular considerations as to its proper location to adjacent, established or intended uses in a district, or to the planned growth of the community. More detailed information may be included with each specific section of this Ordinance that establishes the uses requiring a conditional use permit and conditions controlling the location and operation of such conditional uses. Any change to a conditional use involving major structural alterations, enlargements, intensifications of use, or similar change must be approved in the same manner as the original conditional use.
- B. Standards.** The standards for conditional use permits are intended only as a minimum necessary for review. An application for a conditional use permit, even though meeting the minimal standards of this Section and Ordinance, may be denied, if it is determined that the development and use is not in the best interest of the Parish.
- C. Application and Fees**
1. A pre-application conference with the Zoning Administrator is necessary.
  2. All applications for a conditional use permit shall be filed in writing with the Zoning Administrator (See Section 72.72, Common Review Procedures). The application shall include material necessary to demonstrate that the grant of a conditional use will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material required may include but is not limited to the following, when applicable:
    - a. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking, off-street loading and unloading access, refuse and service areas, and required yards.
    - b. Plans showing proposed locations for utilities hook-ups.
    - c. Plans for screening, buffering, and landscaping.



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- d. Proposed signs and lighting, including type, dimensions, and character.
- D. *Review by Zoning Administrator.* The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
- E. *Public Hearing and Recommendation by Planning Commission*
1. Following notice and a public hearing as required by Section 72.72 of this Ordinance, the Planning Commission shall recommend to approve, approve with conditions, or deny the proposed conditional use permit within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
  2. In making this recommendation, the Planning Commission shall consider the recommendation of the Zoning Administrator, relevant comments of all interested parties and the review criteria in Section 72.72.
  3. The Commission may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. These conditions may include, but are not limited to any of the following:
    - a. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, or traffic.
    - b. Increase the required lot size or yard dimension.
    - c. Limit the height, size or location of buildings, structures, and facilities.
    - d. Control the location and number of vehicle access points.
    - e. Increase the street width.
    - f. Increase the number of required off-street parking spaces.
    - g. Limit the number, size, location, or lighting of signs.
    - h. Require fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
    - i. Designate sites for open space.
    - j. Provide ease of access to major roadways.
    - k. Assure that the degree of compatibility to the surrounding land use shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which the use is proposed to be located.
- F. *Public Hearing and Decision by the Police Jury*
1. Following notice and a public hearing as required by Section 72.72.A of this Ordinance, the Police Jury shall accept, accept with conditions, or deny the Planning Commission's recommendation on the conditional use permit within thirty (30) days of the Planning Commission's final action.

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2. In making this recommendation, the Police Jury shall consider the recommendations of the Zoning Administrator and the Planning Commission, relevant comments of all interested parties and the review criteria in Section 72.72 Common Review Procedures.
  3. The Police Jury may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. Such conditions may include, but are not limited to, additional screening or buffering, limitations in scale or limitations to hours of operation.
  4. If the Police Jury fails to act on the Planning Commission’s recommendation, the Commission’s recommendation shall stand as the final decision on the matter.
- G. *Review Criteria.* The Planning Commission and the Police Jury shall consider the following criteria in approving or denying a conditional use permit:
1. The proposed conditional use permit is consistent with the pertinent elements of any adopted plans or ordinances of DeSoto Parish.
  2. The proposed development meets the requirements of this development code.
  3. The proposed development will reinforce the existing or planned character of the neighborhood and the Parish.
  4. Any adverse impacts on adjacent properties attributable to the conditional use have been minimized or mitigated.
- H. *Effect of Denial.* The denial of a conditional use permit application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.
- I. *Appeal.* A final decision by the Police Jury on a conditional use permit may be appealed to the 42nd Judicial District Court.
- J. *Expiration*
1. A conditional use permit shall expire after twelve (12) months if a building permit application has not been filed.
  2. Where conditional use has been granted but no substantial construction other than clearing and grubbing has been executed within twelve (12) months from date of such conditional use permit, the property shall revert to its original state prior to such conditional use.
  3. Once the building is constructed and occupied, the conditional use permit shall expire after six (6) months if the use is abandoned or discontinued. The property owner and/or business must apply for a new conditional use, or upgrade to meet all requirements of this ordinance before occupancy.
  4. Buildings that are actively available for lease and occupancy or are being remodeled pursuant to permit are shall not have its use considered abandoned or discontinued for twelve (12) months.

- K. *Revocation of Conditional Use Permit.* if any conditions of a conditional use permit or other requirements of this Ordinance are violated, the DeSoto Parish may revoke the conditional use permit.

**SECTION 72.80. ZONING MAP AMENDMENT**

- A. *When Allowed.* The boundaries of zoning districts as shown on any zoning map may, from time to time, be amended or modified, as determined by the Police Jury.
- B. *Application and Fees*
  - 1. A pre-application conference with the Zoning Administrator is required.
  - 2. All applications for a zoning map amendment shall be filed in writing with the Zoning Administrator (See Section 72.72, Common Review Procedures).
- C. *Review by Zoning Administrator.* The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
- D. *Public Hearing and Decision by Planning Commission*
  - 1. Following notice and a public hearing as required by Section 72.72.A of this Ordinance, the Planning Commission shall recommend to approve, approve with conditions, or deny the proposed zoning map amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
  - 2. In making this recommendation, the Planning Commission shall consider the recommendations of the Zoning Administrator, relevant comments of all interested parties and the review criteria in Section 72.72, Common Review Procedures.
- E. *Public Hearing and Decision by the Police Jury*
  - 1. Following notice and a public hearing as required by Section 72.72.A of this Ordinance, the Police Jury shall accept, accept with conditions, or deny the Planning Commission’s recommendation on the zoning map amendment within thirty (30) days of the Planning Commission’s final action.
  - 2. In making this recommendation, the Police Jury shall consider the recommendations of the Zoning Administrator and the Planning Commission, relevant comments of all interested parties and the review criteria in Section 72.72 Common Review Procedures.
  - 3. If the Police Jury fails to act on the Planning Commission’s recommendation, the Commission’s recommendation shall stand as the final decision on the matter.
- F. *Review Criteria.* The Planning Commission and the Police Jury shall consider the following criteria in approving or denying a zoning map amendment:
  - 1. The proposed zoning map amendment is consistent with the pertinent elements of any adopted plans of DeSoto Parish.
  - 2. The proposed zoning map amendment is consistent with the adjacent zoning classifications and uses.

- 3. The proposed zoning map amendment will reinforce the existing or planned character of the neighborhood and the Parish.
  - 4. The site is appropriate for the development allowed in the proposed district.
  - 5. There are substantial reasons why the property cannot be used according to existing zoning.
  - 6. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, stormwater management, police and fire are adequate for the development allowed in the proposed district.
  - 7. The zoning map amendment will not substantially or permanently injure the appropriate use of adjacent conforming properties.
- G. *Effect of Denial.* The denial of a zoning map amendment application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.
- H. *Appeal.* A final decision by the Police Jury on a zoning map amendment may be appealed to the 42nd Judicial District Court.
- I. *Expiration.* A zoning map amendment shall not expire.

**SECTION 72.81. ZONING TEXT AMENDMENT**

- A. *When Allowed.* The regulations of this Ordinance may, from time to time, be amended supplemented, changed, modified, or repealed, as determined by the Police Jury.
- B. *Application and Fees*
- 1. A pre-application conference with the Zoning Administrator is optional.
  - 2. All applications for a zoning map amendment shall be filed in writing with the Zoning Administrator (See Section 72.72, Common Review Procedures).
- C. *Review by Zoning Administrator.* The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
- D. *Public Hearing and Decision by Planning Commission*
- 1. Following notice and a public hearing as required by Section 72.72.A Public Notices of this Ordinance, the Planning Commission shall recommend to approve or deny the proposed zoning text amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
  - 2. In making this recommendation, the Planning Commission shall consider the recommendations of the Zoning Administrator, relevant comments of all interested parties and the review criteria in Section 72.72 Common Review Procedures.
- E. *Public Hearing and Decision by the Police Jury*

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1. Following notice and a public hearing as required by Section 72.72.A of this Ordinance, the Police Jury shall accept or deny the Planning Commission’s recommendation on the zoning text amendment within thirty (30) days of the Planning Commission’s final action.
  2. In making this recommendation, the Police Jury shall consider the recommendations of the Zoning Administrator and the Planning Commission, relevant comments of all interested parties and the review criteria in Section 72.72 Common Review Procedures.
  3. If the Police Jury fails to act on the Planning Commission’s recommendation, the Commission’s recommendation shall stand as the final decision on the matter.
- F. *Review Criteria.* The Planning Commission and the Police Jury shall consider the following criteria in approving or denying a zoning text amendment:
1. The proposed zoning text amendment is consistent with the pertinent elements of any adopted plans of the DeSoto Parish Police Jury.
  2. The proposed zoning text amendment is consistent with the remainder of this Ordinance.
  3. The extent to which the zoning text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time, or whether or not the text amendment corrects an error in this Ordinance.
  4. Whether or not the text amendment revises this Ordinance to comply with State or Federal statutes or case law.
- G. *Appeal.* A final decision by the Police Jury on a zoning text amendment may be appealed to the 42nd Judicial District Court.
- H. *Expiration.* A zoning text amendment shall not expire.

**SECTION 72.82. DEVELOPMENT AGREEMENT**

- A. *When Allowed.* DeSoto Parish may enter into a development agreement with any public or private entity in accordance with this Section.
- B. *Contents*
1. A development agreement must specify the following:
    - a. Definition of the parties involved in the agreement.
    - b. A legal description of the piece of property scheduled for development.
    - c. The duration of the agreement.
    - d. The permitted uses of the property.
    - e. The density or intensity of use.
    - f. The maximum height and size of proposed buildings.

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- g. Provisions for reservation or dedication of land for public purposes.
- 2. The development agreement may also include the following:
  - a. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restriction and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.
  - b. Provisions for the commencement, phasing and completion of construction and other obligations such as landscaping, parking, and other site development regulations.
  - c. Terms and conditions relating to financing of necessary public facilities by the applicant and subsequent reimbursement of the applicant over time.
- C. *Rules, Regulations and Official Policies*
  - 1. Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing permitted uses of the land, density and design, improvement, and construction standards/specifications applicable to development of the property subject to the development agreement shall be those rules, regulations, and official policies in force at the time of the agreement.
  - 2. A development agreement shall not prevent DeSoto Parish, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property as set forth herein.
  - 3. A development agreement shall not prevent DeSoto Parish from approving or denying any subsequent development project application on the basis of such existing or new rules, regulations, and policies.
- D. *Public Hearing and Decision by Planning Commission.* Following notice and a public hearing as required by Section 72.72.A of this Ordinance, the Planning Commission shall recommend to approve, approve with conditions, or deny the proposed development agreement within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
- E. *Public Hearing and Decision by the Police Jury*
  - 1. Following notice and a public hearing as required by Section 72.72.A of this Ordinance, DeSoto Parish shall approve, approve with conditions, or deny the proposed development agreement the Planning Commission’s recommendation on the zoning text amendment within thirty (30) days of the Planning Commission’s final action.
  - 2. A development agreement shall be approved by ordinance by the Police Jury.
  - 3. If the Police Jury fails to act on the Planning Commission’s recommendation, the Commission’s recommendation shall stand as the final decision on the matter.
- F. *Amendment or Cancellation.* A development agreement may be amended or cancelled in whole or in part by mutual consent between the parties or their successors in interest. Notice

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of intention to amend or cancel any portion of the agreement shall be given in the manner provided in Section 72.72 , Common Review Procedures.

- G. *Recording Copy of Agreement; Effect.* No later than ten (10) days after DeSoto Parish enters into a development agreement, a copy of the agreement shall be filed with the DeSoto Parish Clerk of Courts, which shall describe the land subject to the agreement. From and after the time of such recordation, the agreement shall impart such notice to all persons as is afforded by the recording laws of the State. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties of the agreement.
1. *Modification or Suspension.* In the event that State or Federal laws or regulations, enacted after a development agreement has been entered into, prevent, or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations.
  2. *Periodic Review: Termination or Modification.* Any development agreement shall provide for periodic review at least every twelve (12) months, at which time the applicant or his successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the Police Jury finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the agreement, the Police Jury may terminate or modify the agreement.
  3. *Enforcement.* Unless amended, cancelled, modified, or suspended, a development agreement shall be enforceable by any party to the agreement notwithstanding and change in any applicable general or specific plan, zoning, subdivision or building regulation adopted by DeSoto Parish entering the agreement which alters or amends the rules, regulations or policies specified in this Ordinance.
  4. *Restrictions on Authority.* Nothing in the procedure shall be construed to authorize property use contrary to existing zoning classifications or to authorize the reclassification of such zones.

**SECTION 72.83. VIOLATIONS AND ENFORCEMENT**

- A. *Administration of Enforcement.* The provisions of these land use regulations shall be administered by the Parish Administrator, or their duly authorized representative, as designated herein, who shall have the power to make inspections of buildings or premises necessary to carry out their administrative duties in the enforcement of these regulations. DeSoto Parish Sheriff's Department shall enforce the provisions of these regulations. The Parish Administrator, or their duly authorized representative, may call upon the Sheriff's Department to furnish the necessary personnel to carry out enforcement.
- B. *Violations and Enforcement Proceedings.* In case any structure is erected or structurally altered or maintained, or any structure or land is used or altered or is not maintained, in violation of these regulations, the Parish Administrator, or his/her duly authorized representative, may institute any appropriate action or proceedings to prevent such unlawful construction or alteration or use or other violations, to restrain, to correct or to

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prevent any illegal act, conduct any business or maintain any use in or about such premises. Furthermore, any resident of the community who believes that a violation of any of the provisions of these regulations is occurring may file a written complaint with the Zoning Administrator. Such complaint shall fully set forth the acts or omissions constituting the alleged violation and the site or sites at which such violation or violations are alleged to be occurring. The Zoning Administrator shall record properly such complaint, promptly investigate the allegations underlying said complaint, and take action on such complaint, and take action on such complaints as provided by these regulations.

- C. *Responsibility for Violations.* Whenever the Parish Administrator, or his/her duly authorized representative, on the basis of a written complaint has reason to believe that a violation of these regulations may exist, may require any person owning the structure or land or operating a use thereon to provide, within thirty (30) days of notification or the next available DeSoto Parish Court date, information as may be necessary, in their judgment, to determine the existence or extent of any violation.
- D. *Penalty.* Any person violating any provision of these regulations shall be guilty of a misdemeanor and deemed a public nuisance and upon conviction shall be punished for each separate offense by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Each day any violation of any provision of these regulations shall continue shall constitute a separate offense.

**SECTION 72.84. RESERVED FOR SIGN PERMITS**

**SECTION 72.85. RESERVED**



**ARTICLE 6. RESERVED FOR BOARD OF ADJUSTMENT**

**SECTION 72.86. RESERVED**

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**ARTICLE 7. RESERVED FOR GENERAL PROVISIONS**

**SECTION 72.87. RESERVED FOR OPEN SPACE REGULATIONS**

**SECTION 72.88. RESERVED FOR OUTDOOR LIGHTING REGULATIONS**

**SECTION 72.89. RESERVED FOR LANDSCAPING AND SCREENING**

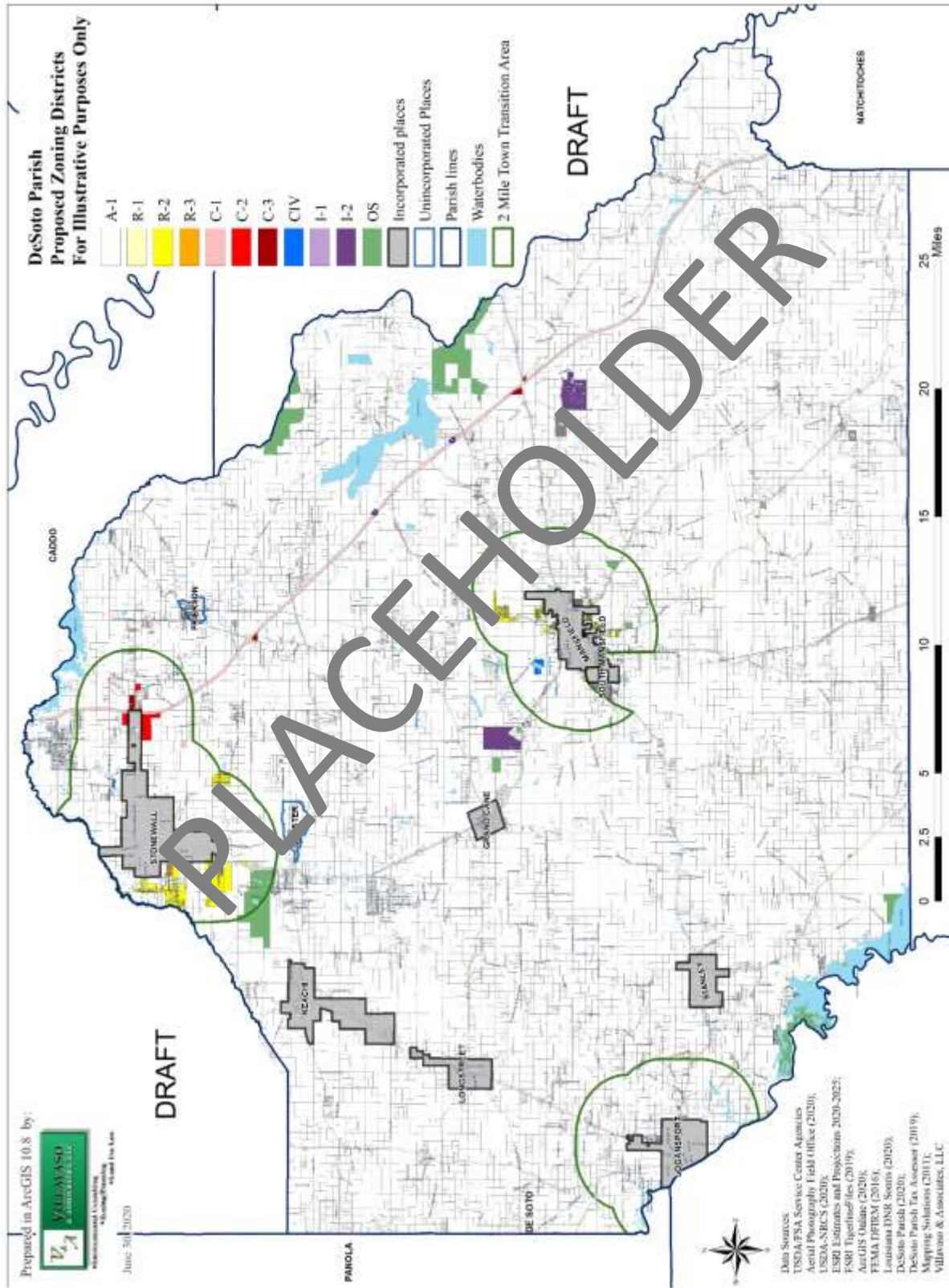
**SECTION 72.90. RESERVED FOR OFF-STREET PARKING**

**SECTION 72.91. RESERVED FOR SIGNAGE**

**SECTION 72.92. RESERVED**

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ARTICLE 8. ZONING MAP (PLACEHOLDER)





**Scope: DeSoto Parish Police Jury**

**Job Title: Director of Planning,  
Development, & Property Standards**

**Category: Administration**

The Director supports the Planning Commission, Board of Appeals, Police Jury, and Parish Engineer in planning and developing public and private properties and with maintaining and improving said properties by enforcing the ordinances and regulations adopted by said groups/individuals. The Director reports to the Parish Administrator/Engineer.

**Primary Duties and Responsibilities:**

- Zoning (property use) - ordinances, policies, procedures, and their enforcement.
- Jury - support Jury at and between meetings.
- Planning Commission - support commission at and between meetings.
- Board of Appeals - support board at and between meetings.
- Subdivision - ordinances, policies, procedures, and their enforcement.
- Permits - supervise issuance and enforcement.
- Buildings - residential, multi-family, and commercial plan review and construction inspection (Chief Building Official)
- Floodplains - administration and NFIP compliance (Administrator)
- Property Standards (nuisance, demolition, clearing, mowing, cleaning, etc.) - ordinances, policies, procedures, and their enforcement.
- Geographic Information Systems (GIS) - Arc GIS layers development and maintenance.
- Coordination of planning and development with federal, state, and local agencies and utilities.
- Land acquisition, disposal, and adjudication.

**Secondary Duties and Responsibilities:**

- Permits - issuance and enforcement
  - ◆ E911 addressing
  - ◆ Buildings and properties (use by public)
  - ◆ Burn
  - ◆ Special Events
  - ◆ Road Crossings
  - ◆ Road ROW Use
  - ◆ Driveways
- Office Management (planning, development, and properties).
- Construction Observation Engineering Support (inspector) - capital outlay projects (roads, utilities, and buildings).
- Construction Documents Engineering Support (contract documents) - capital outlay projects (roads, utilities, and building).
- Economic Development - property and asset database management.
- Emergency Management - assets management coordination.
- Additional duties as assigned.

**Qualifications:**

- Bachelor of Science degree (4 years) in one or more fields described herein, and
- Five (5) years minimum of progressively more responsible planning, development, and/or property standards enforcement subsequent to graduation, or
- Associates degree (2 years) in one or more fields described herein and ten (10) years minimum of progressively more responsible planning, development, and/or property standards enforcement, subsequent to graduation.
- High School/GED degree and twenty (20) years minimum of progressively more responsible planning, development, and/or property standards enforcement, subsequent to graduation.
- Knowledgeable of the organization, functions, and operations of local government in Louisiana.
- Knowledgeable of state and federal laws and regulations related to the job duties.
- Possess a valid driver's license
- Must be able to pass a pre-employment drug screening, physical, and background check.
- The ability to interpret policies then plan, initiate and execute procedures in compliance with said policies and to solve and properly explain said procedures both verbally and in writing to persons at all skill levels.
- Computer and computer software skills for business and technical use.
- Ability to harmoniously work with people of all skill levels and backgrounds.
- Strong written and verbal communications skills.

**Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee will work in inclement weather, be required to stand, reach, stoop and kneel; and to lift and/or move up to 50 pounds.