

FACT SHEET

<u>TITLE</u>	<u>DATE</u>	<u>ORIGINATING DEPARTMENT</u>
AN ORDINANCE TO AMEND SECTION 106-1 OF CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.	AUGUST 20, 2013	METROPOLITAN PLANNING COMMISSION
		<u>SPONSOR</u>
		SAME

PURPOSE

The primary purpose of this amendment is to help individuals understand the meaning of the term “accessory use” in the context of the zoning ordinance through the use of additional language and examples. It makes no substantive changes to the ordinance.

BACKGROUND INFORMATION

In recent months, this topic has been discussed at length with a variety of individuals. It was clear that this language within the ordinance was either being ignored or led to diverse understandings.

TIMETABLE

Introduction: August xx, 2013
Final Passage: September xx, 2013

PROCEDURAL REQUIREMENTS

None

ALTERNATIVES

1. Adopt the ordinance as submitted.
 2. Amend the ordinance.
 1. Deny the ordinance.
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CONCLUSION

Alternative number 1 is recommended.

FACT SHEET PREPARED BY: Roy Jambor
Senior Planner

ORDINANCE NO. __ OF 2013

AN ORDINANCE TO AMEND SECTION 106-1 OF CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that Section 106-1 of Chapter 106 of the Code of Ordinances is hereby repealed and re-enacted as follows:

Sec. 106-1. - Definitions.

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

Accessory kitchen means a second kitchen or kitchenette in a dwelling unit which allows incidental use, but does not allow an additional independent housekeeping unit. Upon presentation of a detailed floor plan showing the location of the accessory kitchen and that such accessory kitchen does not constitute a separate independent housekeeping unit, the zoning administrator shall be permitted to consider such accessory kitchen as an accessory use.

Accessory structure means a detached subordinate building or structure on the same building site with the main building, the use of which is incidental to that of the main building. An accessory structure shall be considered detached despite an intervening attached structure or shelter that is not enclosed. No living or sleeping quarters shall be permitted in accessory structures.

Accessory use means a use customarily incidental, related and subordinate to the lawful principal use of a building site or to a building and located upon the same building site with the principal use. The accessory use must be indispensable, beneficial or commonly expected with the primary use. Common control or ownership of both the primary use and accessory uses is customary. For example, a university, college, school or church may use any lawfully approved component of their campus for the benefit of the institution or the community. Such components might include libraries, cafeterias, auditoriums, theaters and athletic facilities.

Agriculture means the science or art of cultivating the soil, producing crops, raising livestock, and in varying degrees, the preparation of these products and their disposal (as by marketing).

Alley means any public space or thoroughfare 20 feet or less in width which has been dedicated or deeded for public use.

Apartment-hotel means a building containing a combination of guestrooms and apartments, where the number of apartments exceeds 25 percent of the total guest units, to provide lodging, with or without meals, for compensation, and which is open to transient or permanent guests, or both.

Automotive vehicle wrecking, dismantling or salvage yard means any building site or tract of land or contiguous tracts of land in the same ownership, where two or more wrecked, junked, burned, salvaged, disassembled or inoperative motor vehicles, not stored within a completely enclosed structure, are collected, accumulated or stored.

Bed and breakfast lodging means overnight sleeping and breakfast accommodations subject to the following limitations:

- (1) Business is to be conducted as a family business conducted in a dwelling by a resident-owner family;
- (2) No more than eight registered overnight guests;
- (3) Serving of one meal limited to breakfast for registered guests only;
- (4) No sale of other goods and/or services;

- (5) Shall not be advertised as a hotel, motel, inn, boardinghouse, roominghouse, or the like;
- (6) No on-premises business conducted by persons other than the resident-owner family;
- (7) No business sign shall be permitted;
- (8) One off-street parking space shall be provided per guestroom in addition to the two required parking spaces for the resident-owner family;
- (9) With respect to such establishments, all persons shall be entitled to the full and equal enjoyment of the goods and services, facilities, advantages and accommodations in such establishments, without discrimination or segregation on the grounds of race, color, sex, religion or national origin.

Boardinghouse means a building where, for compensation and by prearrangement, five or more persons, other than occasional or transient customers, are provided with meals.

Borrow pit means a place or premises where dirt, soil, sand, gravel or other natural material is removed by excavation or other means of extraction for use at another location. It includes any property used for the storage or stockpiling of such material for use at any other location. It does not include the removal of hazardous material or waste required for construction of improvements on the same piece of property.

Building means any structure intended for the shelter, housing, or enclosure of persons, animals, or chattels. The term "building" shall be construed to include the term "structure."

Building height means the vertical distance from grade to the highest finished roof surface of a flat or pitched roof.

Building site means the land area occupied, or to be occupied, by a building and its accessory buildings and including such open spaces, yards, minimum area, offstreet parking facilities and offstreet truck loading facilities as are required by this chapter; every building site shall abut upon a street.

Building site boundary means any line separating a building site from a street, an alley, another building site, or any land not part of the building site.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic, dental or medical means a building in which one or more physicians, dentists, and allied professional assistants are engaged in carrying on their profession. The clinic may include a dental or medical laboratory but it shall not include inpatient care or operating rooms for major surgery.

Completely enclosed structure means a building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Dwelling, multiple-family means a detached building containing three or more dwelling units and used by three or more families living independently of each other. The term includes apartment house.

Dwelling, one-family means a detached building containing one dwelling unit and used exclusively by one family.

Dwelling, one-family townhouse means a building containing two or more attached one-family dwelling units, each located on a lot of record, in separate, private ownership, and often separated by party walls.

Dwelling, two-family means a detached building containing two dwelling units and used by two families living independently of each other.

Dwelling unit means one room or a group of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Embosser means printing from metal engravings to produce high quality business and social stationery, invitations and announcements, etc., print from die stamp presses, which are small in comparison to those used by periodical and form printers, and have a very limited production capability.

Family means one or more persons, including not more than four lodgers or boarders, living together as a single housekeeping unit; except as required to afford accommodations to persons protected by the Federal Fair Housing Act.

Farming means the practice of agriculture; to engage in raising crops or livestock.

Gambling or gaming establishment means a building or location in which one or more gaming tables, wagering devices or machines, or other games of chance are present and available for persons to wager money or something of value on an uncertain outcome, with a prospect of winning money or other stakes, prizes or items or services of value, including by way of illustration, but not limitation: bingo, keno, raffles, video poker, roulette, parimutuels, blackjack and other card games. No part of this ordinance shall be construed to preempt or conflict with state regulations concerning locations and/or rights to operate such establishments.

Garage sale means the exchange, for money or other consideration, of household goods, clothing, merchandise or other tangible personal property belonging to the owner or lessee of a dwelling, from the dwelling building site on an infrequent and temporary basis; includes estate sales, carport sales, yard sales and similar occasional sales at a dwelling. Sale items may not be transported to the site from other locations using a vehicle nor include merchandise acquired for the express purpose of resale.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site, measured the same way.

Heliport means a landing and takeoff facility for rotary wing aircraft subject to use at a frequency of once a week or more, but not including fueling or servicing facilities for such aircraft and subject to FAA safety and airspace utilization requirements.

Home-based business means any business, profession, occupation or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use that is incidental and secondary to the use of the property. It includes home offices as well as specially regulated and limited business uses of the home such as barber or beauty shops; but does not include garage sales or the provision of child care services in residential districts. When exercised or asserted as a use by right, full compliance with section 106-1124 criteria is required.

Hospital means an institution providing health services, primarily for inpatient and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel or motel means a building containing guestrooms in which lodging is provided with or without meals for compensation, and which is open to transient or permanent guests, or both, and where provision is made for cooking in no more than 25 percent of the guestrooms.

Inoperative motor vehicles means a motor vehicle which is unable to travel under its own power and/or one which does not have a current, valid state inspection sticker.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of court and recorder of Caddo Parish, or a lot described by metes and bounds, the description of which has been recorded in the office of the clerk of court and recorder of Caddo Parish.

Manufactured Housing Construction and Safety Standards Code means title VI of the 1974 Housing and Community Development Act (42 USC 5401 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), all of which became effective for mobile/manufactured home construction on June 15, 1976.

Mobile home means a dwelling unit fabricated in an offsite manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. For the purpose of these regulations, mobile homes shall include all factory built housing, manufactured homes, or

modular homes; but shall not include travel trailers or recreational vehicles.

Mobile home park means a unified development of two or more mobile home pads, plots, or stands arranged on a large tract usually under single ownership, meeting the area and yard requirements of Division 3 of Chapter 54 and designed to accommodate mobile homes for more or less permanent duration. Mobile home parks may include travel trailer accommodations provided that no more than 25 percent of the development is used for this purpose.

Mobile recycling unit/collection center means a manned facility, usually a trailer/truck body used for the collection and temporary storage of empty aluminum cans and other discarded recyclable products. No flattening or flattening equipment is allowed on site. The use is subject to the following limitations:

- (1) Units shall be attended during all hours of operation;
- (2) Exterior of units shall not be used for advertising purposes. The name of the business, a logo, hours of operation, etc., is permitted on the side of the unit. No other signage shall be allowed;
- (3) Units shall not be located on required parking spaces for the principal use of the building site and shall not impair traffic flow;
- (4) The unit shall not be placed within 100 feet of residentially zoned property;
- (5) Only one mobile collection center or reverse vending machine is permitted on a building site; and
- (6) A certificate of occupancy is required.

Nonconforming building site means a building site lawfully existing on the effective date of this chapter or any amendment thereof, and which does not conform to all of the regulations for open space, lot width, site coverage, minimum area, off-street parking and loading facilities, lighting, fencing, lot access and other building site regulations of this chapter for the use and district in which it is located.

Nonconforming structure means a building or part thereof lawfully existing on the effective date of this chapter or any amendment thereof, and which does not conform to all of the regulations of the district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land on the effective date of this chapter and which does not conform to the use regulations of the district in which it is located.

Official map means the map established by the city council pursuant to the provisions of Act 34 of the 1954 Legislature, showing the streets existing and established as public streets and the lines of planned new streets or street extensions, a right-of-way width increase, decrease, closure or abandonment.

Open for business means that patrons and proprietors or other representatives of an establishment are simultaneously present on the property to enjoy a use in accordance with the rights and requirements of this chapter, except as specifically noted otherwise herein. It does not include any automated or unattended activity, for which the public does not require the assistance or presence of the proprietor or other representative, so long as the activity is clearly limited and incidental to the operation that occurs during normal business hours. For the purposes of this requirement, each enterprise shall be considered separately even when contained on a lot with another enterprise. Except as follows, all uses desiring to be open for business outside of the hours of operation for a given district shall obtain a variance in accordance with the prescribed procedures:

- (1) Federally owned or operated post office lobbies and drive-thru facilities;
- (2) Hospital, nursing home or healthcare patient and emergency services; and
- (3) Hotel or motel guest room service activities.

Permitted structure means a structure meeting all the requirements established by this chapter for the district in which the structure is located.

Processing facility means a business which stores, keeps, dismantles or salvages scrap or discarded material or equipment wholly inside a building. Scrap or discarded material includes, but is not limited to metal, paper, cloth, plastic or glass. A minimum distance of 500 feet is required between a processing facility and a residential district, unless this requirement is specifically waived by the planning commission in its approval.

Recyclable materials means clean, source-separated, recyclable materials including aluminum, steel cans, copper, plastics, glass, paper, cloth and/or similar materials.

Recycling collection center means a manned facility used for the collection and temporary storage of empty aluminum cans and other discarded recyclable products, wholly inside a building. No flattening equipment or trailer/truck bodies are allowed on site.

Recycling service center means a facility used for the flattening and storage of empty aluminum cans and other discarded recyclable materials wholly inside a building. No trailers/truck bodies shall be used as accessory structures.

Recycling service center with trailer/truck body means a facility used for the flattening and storage of empty aluminum cans and other discarded recyclable materials wholly inside a building. One trailer/truck body permitted as an accessory structure.

Reverse vending machine means a wholly, self-contained mechanical process machine for the collection of recyclable materials which will dispense U.S. currency to the depositor according to the number or weight of collected recyclable materials. This use is considered as an accessory use to retail stores, churches, parks, playgrounds and recycling centers. The use is subject to the following limitations:

- (1) Machines shall be enclosed in a structure; and
- (2) A certificate of occupancy with special permit is required.

Roominghouse means a building, other than a hotel, where for compensation and by prearrangement, five or more persons, other than occasional or transient customers, are provided with lodging.

Street means a public right-of-way which provides pedestrian and/or vehicular access to adjacent properties.

Street line means the line or boundary separating the public right-of-way from the land or property adjoining.

Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground; provided however that utility poles, fences and walls (other than building walls) shall not be considered to be structures.

Subdivision design standards review committee means a committee made up of the planning director, the city engineer, the director of the operational services department and the chair of the planning commission, or their respective designees, for the purpose of reviewing and making recommendations with respect to design and improvement standards.

Temporary medical care means medical care which is typically provided in the home by one family member for another. It does not include skilled nursing, convalescent or acute medical care.

Trailer court means any premises used or set apart for the purpose of supplying to the public parking space for one or more trailer coaches or recreational vehicles for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosure used, or intended for use, as a part of the provisions of such trailer camp or court.

Travel trailer or recreational vehicle means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling so that it may be hauled along a public right-of-way.

Travel trailer park means any premises designed primarily for transient occupancy on which one or more pickup coaches, recreational vehicles or travel trailers are parked or situated and used for the purpose of supplying to the public a parking space for one or more such coaches, vehicles or trailers.

Truck farm means a farm devoted to the production of vegetables for the market.

Truck stop means a building site and structures where a business involving the maintenance, servicing, storage or repair of trucks, tractor-trailer rigs, busses and similar commercial or freight vehicles is conducted, including the sale or dispensing of motor fuels or other petroleum products and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight sleeping accommodations and restaurant facilities.

Variance means a modification from the strict application of this chapter or any amendment thereto which does not qualify for an administrative variance in accordance with the requirements contained herein.

Yard, front means an open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the street line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the street line.

Yard, rear means an open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the rear line of the building site and the rear line of the building projected to the side lines of the building site. The depth of the rear yard shall be measured between the rear line of the building site and the rear line of the building.

Yard, side means an open, unoccupied space on the same building site with a main building, situated between the side line of the building and the adjacent side line of the building site and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is provided, the front boundary of the side yard shall be the front line of the building site, and if no rear yard is provided, the rear boundary of the side yard shall be the rear line of the building site.

Zoning administrator means the official primarily responsible for the enforcement of this chapter, zoning and site plan determinations, and interpretation of this chapter.

BE IT FUTHER ORDAINED if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

APPROVED AS TO LEGAL FORM:

CITY ATTORNEY'S OFFICE