

ORDINANCE 2023 -016

AN ORDINANCE OF THE CARENCRO CITY COUNCIL

AMENDING THE CARENCRO CODE OF ORDINANCES CHAPTER 54-1 REVIEW FEES

WITH REGARD TO PERFORMANCE LAND USE REGULATIONS

AND OVERLAY DISTRICT REGULATIONS

BE IT ORDAINED by the City Council of the City of Carencro, that:

SECTION 1:

The Carencro City Council now finds it necessary to amend the City of Carencro Code of Ordinances by amending and reintroducing CHAPTER 54-1 PLANNING (REVIEW FEES) to comply with Louisiana TITLE 33 — MUNICIPALITIES AND PARISHES, CHAPTER 14. EXERCISE OF POLICE POWER, PART I. BUILDING REGULATIONS, SUBPART A. MUNICIPAL ZONING REGULATIONS

SECTION 2:

In consideration of Section 1 above, the Council hereby amends CHAPTER 54-1 – PLANNING, (Review Fees) such that said shall hereafter read as follows:

Chapter 54 - PLANNING

ARTICLE I. - IN GENERAL

Sec. 54-1. – Review Fees.

The city hereby establishes a policy whereby the Developer shall pay its engineering and consultant fees for all reviews of residential and commercial developments.

All engineering or consulting fees shall be in accordance with the ordinary and customary charges by the city's engineer or consultant for similar service in the city. Plans will not be approved or recorded until all fees are paid in full.

Secs. 54-2—54-30. - Reserved.

ARTICLE II. - LANDSCAPE CODE

DIVISION 1. - GENERALLY

Sec. 54-31. - Definitions.

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

Accessway means a paved area intended to provide ingress and egress of vehicular traffic from a public or private right-of-way to an off-street parking or loading area. Parking lot aisles are not considered accessways.

Agricultural land means land designated by the parish tax assessor as agricultural in use.

Arboricultural specifications mean those standards and specifications which govern the planting, trimming, bracing, pruning, spraying, fertilizing, removing, maintaining, and preservation of trees and shrubs in accordance with accepted practices of the state department of agriculture and forestry and the International Society of Arborists (ISA).

Caliper means a trunk diameter measurement of nursery stock. For diameters of four inches or less, measurement is taken six inches above ground level. For diameters larger than four inches, measurement is taken 12 inches above the ground.

Canopy/dripline area means the main mass of branches of a tree, determined from the outer perimeter of the branches of a tree as projected vertically to the ground.

Critical root zone means a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. The critical root zone is one foot of radial distance for every inch DBH, or for live oaks 1.5 feet for every inch DBH, with a minimum of eight feet.

DBH (diameter at breast height) means the diameter of a tree's trunk measured at a height of 4.5 feet from the base of the tree. For trees having multiple trunks, separating below 4.5 feet from the base of the tree, the DBH shall be the sum of the trunks' DBH. The diameter shall be determined by dividing the circumference by 3.14 (pi).

Destroy means an intentional or negligent act which will cause a tree to decline and die, including, but not limited to, excessive cutting or pruning, the damage inflicted upon the root system of a tree, the application of toxic substances, the operation of heavy machinery, including trenching devices, the change of natural grade within the critical root zone, and damages from injury or fire which result in or permit pest infestation.

Forest cover means a biological community dominated by trees and other woody plants, excluding orchards or nursery stock, covering a land area of 10,000 square feet or greater. Forest includes:

- (1) Areas that have at least 100 live trees per acre with at least 50 percent of those trees having a two-inch or greater DBH.
- (2) Forest areas that have been thinned but not cleared.

Forest stand means a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a distinguishable, homogeneous unit.

Forestation means the establishment of forest or tree cover on an area from which it is presently absent or the planting of open areas that are not presently in forest cover.

Ground cover means low-growing plants planted in such a manner as to form a continuous cover over the ground, such as turf, liriopé, ground cover jasmine, or like plants that can be maintained at or below two feet in height. Plant materials used as ground cover may consist of grasses, ornamental grasses, vines, and other herbaceous material.

Heritage tree means a live oak with a minimum DBH of 18 inches.

Landscape area means an unenclosed area of land in which landscape materials are placed, planted, and maintained. Landscape areas shall include the following:

- (1) Island: Completely surrounded by pavement.
- (2) Peninsula: Partially surrounded by pavement and attached to a landscape strip.
- (3) Strip: Provided around the perimeter of a property.

Landscape coordinator means the person designated by the city as responsible for coordination and review of plans and actions affecting landscaping on public and private property.

Landscape design means the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks, and other features to comply with the provisions of this article.

Landscape materials mean living trees, shrubs, vines, grasses, ground covers, and other plants. Rocks, pebbles, sand, wood mulch, and other nonliving durable materials commonly used in landscaping, landscape water features, and artificial plants shall not be considered in determining compliance with minimum landscape requirements unless they are part of a landscape environment that includes living plants.

Landscape plan means a scaled plan that clearly delineates vehicular use areas and displays and describes all landscaping, including methods of irrigation and maintenance of landscaped areas.

Loading area means an area used for trash collection, refuse containers, outdoor freight loading, and unloading, docks, or outdoor shipping and receiving.

Maintenance, in reference to the maintenance of trees and shrubs, means an activity, including trimming, bracing, pruning, watering, or fertilizing of trees or shrubs, for the purpose of stabilizing, enhancing, protecting, or controlling their growth.

Mitigation means the mandatory replacement of trees, as required by this article.

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

Preservation, in reference to the preservation of trees and shrubs, means an activity, including trimming, bracing, pruning, fertilizing, protecting or controlling of trees or shrubs, for the purpose of retaining such tree or shrub in its existing location.

Private right-of-way means a parcel or strip of land dedicated to vehicular use as a private thoroughfare and maintained by the private entity to which it is dedicated.

Public land means real property owned and/or maintained by the city or other public bodies.

Public right-of-way means a parcel or strip of land dedicated to public use and maintained by the city or other public bodies.

Public tree means a tree located on property owned and/or maintained by the city.

Removal means an intentional or negligent act which will cause a tree or shrub to decline and die, including, but not limited to, excessive cutting, pruning, operation of machinery, application of toxic substances, girdling, damage to the root system, or change of natural grade above the root system.

Shrub means a low, usually multi-stemmed, self-supporting woody plant species.

Tree means an evergreen or deciduous upright perennial, planted in the earth, having a single main stem, or several main stems with few or no branches on its lowest part, generally attaining a height greater than 16 feet at maturity.

(1) Class A means normally growing to an overall height of approximately 50 feet.

(2) Class B means normally growing to an overall height of approximately 25 feet.

Tree protection devices, permanent, means measures, such as retaining walls or aeration devices, that are designed to protect the tree and its root system throughout its lifetime.

Tree protection devices, temporary, means structural measures, such as fencing, barricades, or berms, installed prior to construction for the purpose of preventing damage to trees during construction.

Utility means a publicly, privately, or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, sewage, stormwater drainage or other similar services or commodities.

Vehicular use area means that area of development subject to vehicular traffic, including accessways, parking lot aisles, loading and service areas, areas used for the parking and storage of vehicles, boats, or portable equipment, and the land intended for vehicular use.

Sec. 54-32. - Purpose; intent.

The intent and purpose of this article are to promote the health, safety, and welfare of the residents of the city; to facilitate the creation of an attractive and harmonious community; to conserve properties, their values, and their character by preventing the harmful effects of unregulated development; to conserve natural resources; and to encourage the appropriate use of the land. These landscape requirements establish standards, generally in compliance with state horticulture law rules and regulations, for the protection of natural plant communities and certain heritage trees, the mitigation of unavoidable natural landscape destruction, the provision of post-construction landscaping within the city, and the education of the public as to the merits of preservation and conservation of natural vegetative habitat for the following nonexclusive purposes:

- (1) *Preservation of existing vegetation*. To preserve, conserve, and protect, insofar as possible, healthy existing natural vegetation and encourage the incorporation of plant materials, especially native plants, plant communities, and ecosystems, into landscape design, where possible.
- (2) *Human values*. To provide important benefits to human beings through the use of landscaping to reduce noise and glare, break up the monotony, and soften the harsher aspects of urban development, and to educate citizens as to the advantages of preservation of trees and existing natural landscaping, with the view toward the promotion of voluntary preservation of such features and reversal of the development trend whereby property is clear cut and thereafter landscaped with nonnative plant materials in artificial settings.
- (3) *Community design*. To promote the improvement of the aesthetic appearance of commercial, industrial, and residential areas through landscape design, allowing flexibility in order to promote innovative, diverse, and cost-conscious approaches to the design, installation, and maintenance of landscaping.
- (4) *Environmental quality*. To improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment; encouraging and promoting through forestation the replenishment of the local stock of plant material suitable for growing in the city; encouraging and promoting the preservation of existing trees and, in particular, live oak trees (heritage trees); protecting, replacing, and increasing the number of trees in the community; providing for mitigation both on-site and off-site where destruction of heritage trees occurs; and facilitating compliance with state and federal legislation relative to the environment, including in particular the Clean Air Act.
- (5) *Air and water quality management*. To promote the conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of site-specific plant materials, providing for natural water recharge, preventing excess runoff, and facilitating compliance with state and federal legislation relative to water and air quality, including in particular the Clean Air Act and the Clean Water Act.

Sec. 54-33. - Applicability; appeals; exemptions.

(a) *Applicability; appeals*. This article shall apply to land located within the corporate limits of the city as follows:

- (1) *New construction*. The landscape requirements shall apply to new construction on land located within the city, and shall become applicable at the time of application for a building permit or certificate of occupancy, whichever is appropriate. The requirements shall remain applicable at all times once land has become subject to these provisions.
- (2) *Existing construction*. A lot that did not meet the landscape requirements at the time of the adoption of the ordinance from which this article is derived shall not be required to comply unless and until there is a cumulative building expansion of 20 percent.
- (3) *Appeals*. An appeal of the requirements of this article shall be made to the city council.

(b) *Exemptions.* The requirements of this article shall not apply to the following:

- (1) Single-family detached residences where only one residential structure is constructed per lot.
- (2) Developments without a vehicular use area.

Secs. 54-34—54-70. - Reserved.

DIVISION 2. - LANDSCAPE STANDARDS

Sec. 54-71. - General requirements for landscape areas.

- (a) *Form of landscape areas.* Landscape areas may be provided in the form of islands within the interior parking area, landscape strips, peninsulas of landscape strips, or a combination thereof.
- (b) *Curbing.* Required landscape areas shall be protected by properly anchored curbing at least six inches high, using materials such as concrete, natural stone, railroad ties, or landscape timbers. Perimeter strip and landscape island measurements shall not include curbing.
- (c) *Tree spacing in vehicular use areas.* Every part of a vehicular use area, with the exception of loading areas, shall be within 75 feet of the trunk of a tree, with no intervening structures, except as otherwise provided in this article.
- (d) *Removal of trees or installation of impermeable surface.* The removal of a required tree or installation of an impermeable surface within a required landscape area shall constitute an alteration to the site and shall require the approval of the city.

Sec. 54-72. - Perimeter landscape strips.

Requirements for perimeter landscape strips are as follows:

- (1) *Street frontages.* A minimum ten-foot landscape strip is required along each property line abutting a public or private street right-of-way.
- (2) *Lots with multiple street frontages.* On lots with multiple frontages, the landscape strip shall be provided on all street frontages; however, landscaping within the sight triangle shall be in accordance with the sight triangle regulations.
- (3) *Interior property lines.*
 - a. *Requirement.* A minimum five-foot landscape strip is required along property lines without street frontage.
 - b. *Exceptions.*
 - 1. Where the adjoining property is used commercially, and existing parking facilities and/or vehicular use areas are used jointly and no landscape strip exists on either property, no landscape strip is required.
 - 2. Where setback regulations permit, a building may be located within the interior landscape strip.
- (4) *Accessways and parking spaces.* Accessways are allowed within landscape strips. Parking spaces are not allowed within landscape strips.

Sec. 54-73. - Interior landscape islands.

Where interior landscape islands are provided, the following minimum standards shall apply:

- (1) Every part of a vehicular use area shall be within 75 feet of the trunk of a tree, with no intervening structures, where islands are a minimum of 162 square feet with a minimum width of nine feet;
- (2) Every part of a vehicular use area shall be within 100 feet of the trunk of a tree, with no intervening structures, where islands are a minimum of 324 square feet with a minimum width of nine feet; or
- (3) For trees of a minimum 18 inches, DBH, or clusters of trees with a combined minimum DBH of 24 inches, every part of a vehicular use area shall be within 150 feet of the trunk of a tree, with no intervening structures. These islands shall be a minimum of 972 square feet with a minimum width of 27 feet.

A combination of these standards may be used to provide minimum requirements.

Sec. 54-74. - Tree planting and maintenance.

- (a) *Minimum planting requirements.* Trees meeting the minimum tree standards shall be included and/or replaced at a ratio of one tree per 5,000 square feet (or fraction thereof) of vehicular use area. Additional trees may be necessary to meet spacing requirements.
- (b) *Spacing and clearance.*
 - (1) A minimum of one class A or two class B trees shall be provided per 50 linear feet of landscape strip unless proximity to existing utility lines prohibits such placement.
 - (2) Where street frontage strips are wider than 15 feet and/or interior strips are wider than ten feet, the distances from trees to vehicular use areas may be a maximum of 100 feet.
 - (3) A minimum of 100 square feet for each class A tree or 50 square feet for each class B tree of the non-paved area is required for each tree at the planting location.
 - (4) Trees need not be planted in straight lines, and class B trees may be clustered to enhance visual effects. Minimum and maximum spacing of trees shall be:
 - a. Class A trees:
 - 1. Minimum 30 feet (live oaks 45 feet).
 - 2. Maximum 50 feet.
 - b. Class B trees:
 - 1. Minimum: Appropriate to species.
 - 2. Maximum: 50 feet for single trees, 75 feet for clusters of three or more trees.
 - (5) Minimum distances measured horizontally from trees to overhead utility lines shall be:
 - a. Class A trees: 30 feet.
 - b. Class B trees: Five feet.
 - (6) The location and species of trees proposed for location in utility easements shall be approved before installation.
- (c) *Tree specifications.*
 - (1) All trees shall be of good quality and free of girdling roots, disease, and insects.
 - (2) Class A trees shall be a minimum two-inch caliper with a minimum height of ten feet.
 - (3) Class B trees shall be a minimum 1½-inch caliper with a minimum height of eight feet. For multi-trunk species, each trunk shall have a minimum caliper of 1½ inches.
 - (4) In landscape islands, only class A trees shall be credited.
 - (5) Lists of recommended tree and shrub species may be found in section 54-231. Species may be added to or deleted from the list at the discretion of the city.
 - (6) Landscape materials shall be installed in accordance with landscape and arboricultural specifications as defined in this article.
 - (7) Plant material shall be true to name, variety and size, and shall conform to all applicable provisions of the American Standards for Nursery Stock, the latest edition.

Sec. 54-75. - Maintenance of landscape material.

Landscape material that is preserved or installed as part of the minimum landscape requirements of this article shall be maintained in perpetuity, or until such time as a new landscape plan is approved and implemented. In the event of the removal of any such landscape material, the landowner shall replace it

with the material necessary to return the site to compliance. Where a preserved tree is removed, new trees equaling the number of trees for which credit was given shall be installed.

Sec. 54-76. - Turfgrass.

Unpaved areas not covered with mulch or planted with trees, shrubs, or ground cover shall be planted with turf grass to prevent soil erosion.

Sec. 54-77. - Encroachment barriers.

Encroachment barriers shall be provided wherever a vehicle is likely to protrude onto a landscape area, such as in front of a parking space.

Sec. 54-78. - Standards for planting.

Plant materials shall be placed in such a manner that the top of the root ball shall be even with the finished grade level of the soil, safety staked, and girdle protected, with adequate mulching of the planting bed.

Sec. 54-79. - Preparation of planting areas.

Planting areas shall be worked to break the hardpan formed during construction until the natural soil level is reached and/or amended to ensure proper growth.

Sec. 54-80. - Prohibited uses in landscape areas.

Required landscape areas shall not be encroached upon by:

- (1) Accessory buildings.
- (2) Storage of equipment or goods.
- (3) Garbage or trash collection.
- (4) Vehicular use areas.

Secs. 54-81—54-100. - Reserved.

DIVISION 3. - TREE PRESERVATION, TREE CREDITS, AND HERITAGE TREES

Sec. 54-101. - Credit for preserved trees.

- (a) Existing healthy trees may be included in the minimum planting requirements and credited per the following schedule:

DBH* of Preserved Tree (inches)	Number of Trees Credited
9—19	5
20—25	6
26—29	7
30—35	8
36 or greater	9

*The DBH of a preserved tree shall be rounded to the nearest inch.

- (b) Existing trees included on the recommended tree lists may provide up to 50 percent of the minimum tree requirement. On a lot of one acre or less, live oaks and southern magnolias with DBHs of 18 inches or greater may provide 100 percent of the tree requirement. Existing trees shall only be used as credit where adequate green area, as required in this article, is provided to maintain the tree in a healthy condition.
- (c) A tree proposed for use as a credit to satisfy minimum planting requirements must be approved as part of the site plan review process. Trees with life spans of 30 years or less shall not be considered for credit.
- (d) The landscape area surrounding a preserved tree shall be located so that the trunk of the tree is as close to the center of the landscape area as possible, and specific preservation practices shall be followed to ensure the exchange of water and oxygen to the root system.

Sec. 54-102. - Protection of preserved trees during construction.

Existing trees shall only be credited where the following management standards are met:

- (1) During construction, the critical root zone of trees to be preserved shall be fenced and protected from compaction, trenching harmful grade changes, or other injuries.
- (2) Pavement or building foundations shall not encroach into the critical root zone unless specific preservation practices are followed to ensure the exchange of oxygen and water to the root system.
- (3) Sidewalks or other forms of hard surfaces that do not require soil compaction and are not intended for vehicular use may be located within the critical root zone only if specific preservation practices are followed to ensure the exchange of oxygen and water to the root system.

Sec. 54-103. - Heritage trees.

(a) *Protection requirements.*

- (1) *Generally.* A heritage tree is a live oak with a minimum DBH of 18 inches. It is policy to encourage and promote the protection of heritage trees on public and private property throughout the city. Heritage trees shall be saved or the impact of removal mitigated over and above minimum landscape requirements. Heritage trees shall be credited toward minimum landscape requirements.
 - (2) *Applicability.*
 - a. Heritage tree protection requirements shall apply to all land, public and private, subject to the jurisdiction of the city unless exempted in this section.
 - b. No building or vehicular use area may encroach into the critical root zone of a heritage tree unless specific preservation practices are followed to ensure the exchange of oxygen and water to the root system.
 - (3) *Exemptions.* Requirements regarding heritage trees shall not apply to the following:
 - a. Land assessed as agricultural. Where this exemption serves as the basis for removal of heritage trees, no application for a permit to construct commercial, industrial, or multifamily improvements on such property shall be granted for a period of two years from the time of removal, unless the applicant provides the mitigation which would have been required without this exemption.
 1. A lot occupied by a detached single-family residence.
 2. A lot no larger than one acre occupied or intended to be occupied by one detached dwelling, constructed for the purpose of housing not more than four individual housing units.
 3. During a period of emergency, such as a tornado, storm, flood, hurricane, or other natural disasters, the requirements of this article may be waived as deemed necessary by the city.
 - b. During a period of emergency, such as a tornado, storm, flood, hurricane, or natural disaster, utility companies franchised by the city, or otherwise lawfully operating in the jurisdiction of the city, may remove trees which are determined to be a danger to public safety and welfare by interference with utility service.
 - c. Nurseries shall be exempt from the terms and provisions of this article, but only in relation to those trees planted and growing on the premises for sale or intended for sale to the public.
- (b) *Mitigation of heritage tree removal; permit for removal.* The effects of the removal of a heritage tree shall be mitigated as set forth in this subsection. Mitigation shall be required unless the heritage tree removed is diseased, injured, or insect-infested, or in the opinion of qualified city staff has a future life expectancy of fewer than five years, or, as a result of prior improper pruning, limb loss, or other damage, is not suitable for preservation.
- (1) *On-site mitigation.* On-site mitigation shall be provided to the maximum extent possible, taking into consideration the improvements proposed for the property.
 - a. Class A trees shall be provided for all on-site mitigation. At least one live oak shall be provided per heritage tree removed.
 - b. Mitigation of one-half inch caliper per each inch DBH removed shall be provided when the proposed development requires removal.

- c. Mitigation of one-inch caliper per each inch DBH removed shall be provided when the proposed development does not require removal but the developer chooses removal.
- d. The determination of the necessity for the removal of a heritage tree shall be made by the staff of the city.

(2) *Off-site mitigation and forestation.*

- a. An off-site heritage tree mitigation program shall be developed for instances where on-site mitigation is not feasible. Such mitigation shall be accomplished by payment to the program of \$200.00 per caliper inch required, to cover:
 - 1. The cost of replacement trees equaling the required total DBH mitigation;
 - 2. The cost of planting; and
 - 3. The cost of maintenance for the first year of growth.
- b. The city shall develop a program for community forestation.
 - 1. Sites shall include, but not be limited to, areas such as public boulevards, medians and rights-of-way, parks, schools, golf courses, and public building grounds.
 - 2. Trees may be provided on private sites subject to the landscape requirements of this article, particularly those which are not currently in compliance, which meet the following conditions:
 - i. The property owner consents to the location of the trees and agrees to provide maintenance; and
 - ii. The location of the planting is such that it will benefit the community.
- c. The city shall develop programs to encourage the planting and maintenance of trees on private property.

(3) *Public works mitigation.* The city shall provide heritage tree mitigation for heritage trees removed in connection with or during the course of public improvement projects, whether the work is performed directly by the city or by private contractors.

- a. Trees removed shall be mitigated on a scale of one inch per each inch DBH removed.
- b. Mitigation shall be conducted on-site, whether public or private property, to the extent possible. The consent of a private property owner shall be necessary for on-site mitigation on private property.
- c. Where on-site mitigation is not possible, mitigation shall be accomplished through the off-site heritage tree mitigation program.

(4) *Exemptions.*

- a. Mitigation shall not be required for the removal of a heritage tree on a parcel of land where two or more heritage trees per acre are preserved. Where a tract of land is being subdivided, credits for heritage trees saved in excess of two per acre may be applied to achieve a ratio of two per acre on other parcels within the property being subdivided.
- b. Mitigation shall not be required for the removal of a heritage tree which is causing structural damage to the foundation of a building lawfully on the lot, as confirmed by the building official of the city.

(5) *Permit.*

- a. No heritage tree shall be removed until a permit has been approved by the city landscape coordinator.
- b. Permit application may be made at the time of or prior to the building permit application, and shall include:

1. A permit fee of \$100.00;
2. A site plan, drawn to an appropriate scale, indicating the location and size of each heritage tree on the property;
3. A site plan, drawn to an appropriate scale, detailing proposed improvements and indicating heritage trees to be removed; and
4. A written proposal to mitigate the impact of heritage tree removal in accordance with the mitigation provisions of this article.

(c) *Penalties.* Any person who removes or destroys a heritage tree without compliance with the permitting and mitigation provisions of the heritage tree protection requirements shall be subject to the following penalties: guilty of a misdemeanor punishable either by a fine not to exceed \$100.00 or not more than 30 days' jail sentence, or both, for each and every day that such violation continues, or as otherwise provided by law. As an additional penalty for failure to comply, the city shall have the right to:

- (1) Withhold permits;
- (2) Withhold certificates of occupancy; and/or
- (3) File an action for recovery of double the mitigation costs payable to the off-site heritage tree mitigation program.

Secs. 54-104—54-130. - Reserved.

DIVISION 4. - ALTERNATIVE COMPLIANCE

Sec. 54-131. - Intent.

The landscape requirements are intended to encourage development that is economically viable and environmentally sensitive. The standards are not intended to be so specific as to inhibit creative development. Project conditions associated with individual sites may justify the approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the purpose and intent of this article can only be obtained through alternative compliance.

Sec. 54-132. - Request for alternative compliance review.

Requests for alternative compliance may be granted for any permit application to which the landscape requirements apply when one or more of the following conditions are met:

- (1) A heritage tree on the site could be saved through alternative compliance.
- (2) A high density of heritage trees may make alternative compliance appropriate.
- (3) Improved environmental quality would result from alternative compliance.
- (4) Topography, soil, vegetation, drainage, or other site conditions are such that full compliance is impractical.
- (5) Spatial limitations, unusually shaped pieces of land, unusual servitude requirements, or prevailing practices in the surrounding neighborhood may justify alternative compliance.
- (6) Public safety considerations make alternative compliance appropriate.
- (7) Public improvement projects make alternative compliance appropriate.
- (8) The site is part of a development for which a master plan has been submitted which makes adequate provision for landscaping.

Sec. 54-133. - Written and graphic documentation.

Requests for alternative compliance shall be accompanied by a written explanation and landscape plan drawings, prepared and stamped by a state-registered landscape architect, to allow staff evaluation and decision.

Sec. 54-134. - Criteria for approval.

- (a) Preservation of a healthy, well-shaped heritage tree, in a location where its continued existence and future growth shall not interfere with public rights-of-way or other facilities, shall be encouraged and may justify alternative compliance.
- (b) The use of existing trees, which as a result of prior growing conditions have reached mature heights with little canopy, in lieu of planting new trees, shall be discouraged unless such trees are grouped in a setting which to some degree replicates a natural forest setting.
- (c) Aesthetics, innovation, and creativity shall be encouraged.
- (d) A significant anticipated mature canopy coverage of the vehicular use area of the site shall be encouraged.
- (e) Landscape design which makes use of existing vegetation and topographical conditions shall be encouraged.
- (f) Landscape design which provides a buffer between different uses of adjacent properties shall be encouraged.
- (g) The use of various complementary species of trees and shrubbery shall be encouraged.
- (h) Alternative compliance shall not be utilized as a means of providing less landscape material than would be otherwise required.

Secs. 54-135—54-150. - Reserved.

DIVISION 5. - RECOMMENDED TREE AND SHRUB SPECIES

Sec. 54-151. - List of recommended species.

The following tables show the tree and shrub species recommended by the city:

CLASS A TREES:	
Acer rubrum "Drummondii"	Swamp Red Maple
Fraxinus pennsylvanica	Green Ash
Ginkgo Biloba	Maidenhair Tree
Ilex opaca	American Holly
Juniperus virginiana "Canaertii"	Eastern Red Cedar
Liquidambar styraciflua	American Sweet Gum
Liriodendron tulipifera	Tuliptree
Magnolia grandiflora	Southern Magnolia

Nyssa aquatica	Tupelo Gum
Nyssa sylvatica	Black Gum
Pinus elliottii (clustered 3 to 5 specimens)	Slash Pine
Pinus glabra	Spruce Pine
Quercus acustissima	Sawtooth Oak
Quercus falcate var. pagodifolia	Cherrybark Oak
Quercus glauca	Blue Japanese Oak
Quercus lyrata	Overcup Oak
Quercus michauxii	Cow Oak
Quercus nuttallii	Nuttall Oak
Quercus phellos	Willow Oak
Quercus shumardii	Shumard Oak
Quercus virginiana	Live Oak
Taxodium distichum	Bald Cypress
Tilia americana	American Linden
Ulmus alata	Winged Elm
Ulmus americana	American Elm****
Ulmus crassifolia	Cedar Elm
Ulmus parvifolia "Drake"	Chinese Elm
CLASS B TREES:	
Betula nigra	River Birch
Cedrus deodara	Deodar Cedar

Cercis canadensis	Eastern Redbud
Chionanthus virginicus	Grancy Graybeard
Cornus florida	Dogwood
Crataegus opaca	Mayhaw
Cyrilla racemiflora	Titi
Halesia diptera	Silver-Bell
Ilex x attenuata "Fosteri"	Foster's Holly
Ilex "Nellie R. Stevens"	Nellie Stevens Holly
Ilex decidua	Deciduous Holly
Ilex vomitoria	Yaupon
Lagerstroemia indica (varieties maturing at a minimum height of 15 feet)	Crape Myrtle
Ligustrum lucidum	Tree Ligustrum
Magnolia x soulangiana	Oriental Magnolia
Magnolia virginiana	Sweetbay Magnolia
Myrica cerifera	Wax Myrtle
Osmanthus fragrans	Sweet Olive
Persea borbonia	Red Bay
Phoenix canariensis	Canary Island Date Palm
Pinus thunbergiana	Japanese Black Pine
Pistacia chinensis	Pistachio
Prunus campanulata	Flowering Cherry
Prunus caroliniana	Cherry Laurel
Prunus mexicana	Mexican Plum

Pyrus calleryana "Bradford"	Bradford Flowering Pear
Robinia pseudoacacia	Black Locust
Trachycarpus fortunei (clustered 3 to 5 specimens)	Windmill Palm
Ulmus parvifolia	Chinese Elm
SHRUBS:	
<i>Ground cover shrubs (3-foot height)**:</i>	
Buxus microphylla	Littleleaf Boxwood
Fatsia japonica	Fatsia
Hibiscus rosa-sinensis	Chinese Hibiscus
Ilex cornuta "Burfordi"	Burford Holly
Ilex crenata "Compacta"	Dwarf Japanese Holly
Ilex vomitoria "Nana"	Dwarf Yaupon
Juniperus species	Juniper
Pittosporum tobira "Wheeler's Dwarf"	Dwarf Pittosporum
Sabal louisiana	Louisiana Palmetto
Sabal minor	Dwarf Palmetto
Sabal palmetto	Sabal Palm*
<i>Screening shrubs (4-foot height)**:</i>	
Abelia grandiflora	Glossy Abelia
Butia capitata	Cocos Palm*
Chamaerops humilis	European Fan Palm
Cycus circinalis	Queen Sago Palm

Cycus revoluta	King Sago Palm
Gardenia jasminoides	Cape Jasmine
Gardenia jasminoides "Prostrata"	Dwarf Gardenia
Ilex cornuta	Chinese Holly
Ligustrum japonicum	Wax Leaf Ligustrum
Livistonia chinensis	Chinese Fan Palm
Michelia figo	Banana Shrub
Nandina domestica	Heavenly Bamboo
Rhododendron indica	Indian Azalea
Ternstroemia gymnanthera	Cleyera
Trachycarpus fortunei	Windmill Palm*
Viburnum suspensum	Viburnum
<i>Buffer shrubs (12-foot height)**:</i>	
Callistemon rigidis	Bottlebrush
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua Camellia
Feijoa sellowiana	Pineapple Guava
Ilex attenuata "Fosteri"	Foster's Holly
Myrica cerifera	Wax Myrtle
Nerium oleander	Oleander
Phoenix canariensis	Canary Island Date Palm*
Photinia fraseri	Fraser's Photinia
Photinia glabra	Redtip Photinia

Pittosporum tobira	Pittosporum
Raphiolepis indica	Indian Hawthorn
Viburnum odoratissimum	Sweet Viburnum
Washingtonia robusta	Mexican Fan Palm*
<i>Herbaceous shrubs***:</i>	
Alpinia zerumbet	Shell Ginger
Alpinia zerumbet "Variegata"	Variegated Shell Ginger
Ensete maurelii	Red Abyssinian Banana
Ensete ventricosum "Red Stripe"	Abyssinian Banana
Hedychium coronarium	White Butterfly Ginger
Musa acuminata "Sumatrana"	Bloodleaf Banana
Musa acuminata "Dwarf Cavendish"	Dwarf Cavendish Banana
Musa acuminata "Cavendish"	Cavendish Banana
Musa "Grand Nain"	Banana
Musa ornata "Lavender"	Dwarf Lavender Banana
Musa ornata "Milkyway"	Dwarf White Banana
Musa velutina	Dwarf Banana
Philodendron selloum	Split Leaf Philodendron
<i>Shrub-like grasses and irises***:</i>	
Arundo donax	Giant Reed Grass
Cymbopogon citratus	Lemon Grass
Deschampsia caespitosa	Tufted Hair Grass
Eragrostis spectabilis	Purple Love Grass

Iris fulva	Copper Louisiana Iris
Iris giganticaerulea	Big Blue Louisiana Iris
Iris "Louisiana"	Hybrid Louisiana Iris
Iris nelsonii	Abbeville Iris
Iris pseudacorus	Yellow Flag or Evergreen Iris
Iris virginica	Blue Flag Iris
Miscanthus sinensis "Gracillimus"	Maiden Grass
Miscanthus sinensis "Variegatus"	Variegated Maiden Grass
Miscanthus sinensis "Zebrinus"	Zebra Grass
Pennisetum alopecuroides	Fountain Grass
Pennisetum villosum	Feathertop Grass
Vetiveria zizanioides	Vetiver Grass

*Used as a shrub in a subtropical climate.

**Or maybe kept at this height by effective pruning.

***Certain plants subject to winter die-back.

****Dutch elm disease-resistant variety. Other species may be considered when presented as part of a landscape plan prepared by a registered landscape architect licensed in the state.

Secs. 54-152—54-180. - Reserved.

ARTICLE III. - RESERVED

Secs. 54-181—54-186. - Reserved.

Secs. 54-187—54-210. - Reserved.

ARTICLE IV. - PERFORMANCE LAND USE REGULATIONS

Sec. 54-211. - Statement of need and purpose.

The purpose of this article is to facilitate and manage the development and growth of Carencro, Louisiana, in a manner that provides for compatibility, minimizes land-use conflicts, sustains property values, promotes economic development, and enhances community appearance. With these goals in mind, it is the intent of the ordinance from which this article derives, to govern the use of land according to regulations based on performance, as further described within this article.

Sec. 54-212. - Definitions.

Agricultural. Land devoted to the production for sale, in reasonable quantities, of plants and animals, or their products, useful to man, and agricultural land under a contract with a state or federal agency restricting its use for agricultural production.

Buffer. A buffer is adjacent land and is in addition to a greenbelt. Buffers provide distance between the development and another land use and can be developed (with another land use), be vacant, be barren, be treed, or be agricultural, etc.

Fence. For the purpose of this article, a fence shall be constructed of a solid rigid material, and be completely nontransparent, and all portions of uniform color, including posts (the use of metal mesh, chain link with metal slats, or any other metal fencing materials, other than metal support posts, are prohibited). The uniform color shall be white or black, or any shade of beige, brown or gray, or dark green; the color shall be approved by the planning administrator or his designee, prior to installation of the enclosure. All portions of the fence shall be of uniform color, including posts. The fence shall be of uniform height, and a minimum of six feet tall, and shall be of uniform construction. It shall be able to withstand wind loads and other requirements established by the current International Building Code. The fence shall not contain any poster, graphics, or advertising of any kind, except for one sign of the owner, lessee, operator or licensee of said premises, on each street frontage; sign shall not exceed 100 square feet in size.

Greenbelt. A belt of property that encircles the development. The greenbelt will be provided as part of the development tract and shall completely surround the area used for the land use, and shall have a minimum of eight trees per acre and maintained on a regular basis in accordance with the requirements of the City Code of Ordinances, chapter 22, article II, entitled "Weeds and Wild Growth".

Metal building. As used in this article, a metal building refers to a premanufactured, componentized steel building, with steel roof panels and/or steel wall panels.

Planning administrator. The planning administrator shall be an individual appointed by the mayor and shall be the administrator of the ordinance from which this article derives. The administrator has no authority to waive any portion of this article. Final authority on all matters rests with the mayor and the city council.

Sec. 54-213. - Land governed.

- (a) All land within the city limits of Carencro, Louisiana, is governed by this article.
- (b) The following districts are hereby established:
 - (1) *Interstate highway district.* The "interstate highway district" is defined as any land within 400 feet of an interstate highway right-of-way.
 - (2) *Major thoroughfare district.*
 - a. The "major thoroughfare district" is defined as any land within 200 feet of any major thoroughfare right-of-way.
 - b. Major thoroughfares are determined on the major thoroughfare plan as prepared by the Lafayette Consolidated Government's Department of Planning, or as determined by the City of Carencro.
 - (3) *Major collector district.*
 - a. The "major collector district" is defined as any land within 100 feet of any major collector right-of-way.
 - b. Major collectors are determined on the major thoroughfare plan as prepared by the Lafayette Consolidated Government's Department of Planning, or as determined by the City of Carencro.
 - (4) *Nodal district.*
 - a. A "nodal district" is defined as the intersection of the "interstate highway district", a "major thoroughfare district", and/or a "major collector district", as defined in this article.
 - b. At the intersection of an "interstate highway district" and a "major thoroughfare district", the nodal district is the area within 600 feet of the interstate highway right-of-way, and within 400 feet of the major thoroughfare right-of-way.
 - c. At the intersection of two "major thoroughfare districts", the nodal district is the area within 400 feet of the two major thoroughfare rights-of-way.

- d. At the intersection of a "major thoroughfare district", and a "major collector district", the nodal district is the area within 400 feet of the major thoroughfare right-of-way, and within 200 feet of the major collector right-of-way.
- e. At the intersection of two "major collector districts", the nodal district is the area within 200 feet of the two major collector rights-of-way.

(5) *Urban district.*

- a. The "urban district" is defined as any land inside of and within 100 feet of the area surrounded by North University Avenue, St. Anne Street, South and North Church Streets, and Jack Street.
- b. The "urban district" may be expanded by ordinance, by the City of Carencro.
- c. Where the urban district overlaps with a major thoroughfare district, a major collector district, or a nodal district, the land will be governed by the urban district standards.

(6) *Suburban district.* The "suburban district" is any land that does not fall in one of the other districts and is not primarily agricultural in use.

Sec. 54-214. - Land use types.

(a) All land within the city limits of Carencro has an existing land use type, as defined in this article.

(b) For the purpose of this article, the following land use types are established:

- (1) *Single-family residential land use (R-1).* The primary intended land use is single-family residential units. Also permitted are one accessory apartment, accessory use buildings (e.g., detached garage), and bed and breakfast (as long as the facility has no more than two guest rooms).
- (2) *Multifamily residential land use (R-2).* The primary intended land use is multifamily residential units including apartments, dwellings intended for two or more families, boarding house, college or university dormitory, fraternity or sorority house, mobile home park, townhouses, bed and breakfast (with three or more guest rooms), and zero lot line homes.
- (3) *Neighborhood business land use (NB).*
 - a. The primary intended land use is light commercial businesses, including art gallery, barbershop, beauty shop, bookstore, business or professional office, camera, and photographic supply store, candy store, coffee and/or pastry shop, commercial child care facility, convenience store (excluding gasoline and diesel sales), cosmetic store, drug store (with a drive-thru for pharmaceutical products only), floral shop, gift shop, hamburger and/or sandwich shop, hobby supply store, ice cream parlor, laundry (self-service), music store, newsstand, picture framing store, pick-up station (laundry and/or dry cleaning), lodge (private) and shoe repair.
 - b. Open outside storage of goods and/or supplies is prohibited in this district.
 - c. Drive-in and drive-through establishments are prohibited, except as noted above.
- (4) *General business land use (GB).* The primary intended land use is business, including air conditioning sales and service, amusements (commercial), animal hospital, auditorium, automotive parts sales, automotive sales, automotive rentals, automotive repairs, automotive service station, car wash, drive-in establishment, electric contractor and wholesaler, electric repair, exterminator, glass store, hotel and motel, laundry, lounge or barroom, marine store, motorcycle sales and service, off-site signs, pawn shop, pet store, plumbing shop, printing and publishing, radio and television broadcasting studio and transmitter, radio and television repair, restaurant supply sales, retail manufacturing, seafood market, sign shop, storage units, taxidermist, trailer sales, travel trailer park, antique shop, apparel and accessory shop, dance studio, interior decorator, jewelry manufacturing, jewelry store, personal service shop, seamstress or dressmaker or tailor, and stationery store, bakery, bank, business and/or professional college, catering shop, clinic, dairy product sales, delicatessen, diaper service, drive-thru establishment, dry goods store, tobacco store, woodworking shop, window and door sales, sheet metal shop, recreational artistic painting, fix-it shop, fruit and/or vegetable stand, funeral home, furniture repair, gasoline or diesel fuel sales (retail), grocery store, gymnasium, haberdashery, hardware store (retail), hospital and/or sanitarium, leather store, liquor sales (package), loan office, nursing or convalescent home, office supply, optical and/or surgical supply store, parking garage or lot, printing and graphics, reducing salon and/or health club, restaurant, self-service storage facility (individual scale, not warehouse scale), shoe store, sporting goods store, studio for professional work or teaching, tailor shop, theater, toy store, uniform sales, variety sales, YMCA/YWCA, appliance store, automobile dealership (franchised, with related services) department store, dry cleaners, garden supply store, paint store, post office, distribution centers, fulfillment centers and public office (state, local and federal).
- (5) *Parks and recreational land use (PR).* The primary intended land use is recreational. Also permitted are a library or reading rooms, parks, and playgrounds and recreational facilities (privately owned and operated, including individual and community swimming pools, tennis clubs, noncommercial community centers, and similar uses).
- (6) *Institutional land use (IT).* The primary intended land use is civic, religious, cultural and educational, including art galleries or museums, public buildings (city, parish, state and federal),

church and associated uses, cemetery/mausoleum, kindergarten, library or reading room, schools (elementary, secondary, public and private, including associated uses and structures), and water storage facilities.

- (7) *Industrial land use (ID)*. The primary intended land use is industrial in nature, including electric substation, pipeline or electric transmission line, railroad right-of way, railroad facilities, telephone exchange, warehousing, water pumping station, and water storage facilities, wastewater facility/treatment plant, electronic manufacturing, airport and/or dusting service, archery range, armory, bakery (wholesale), battery manufacturing, beverage manufacturing, gasoline or diesel bulk plant (petroleum), canvas products manufacturing, carting (including express, crating, hauling and storage), clothing manufacturing, bulk coffee roasting, cold storage plant, contractor (including storage yard for equipment, materials, supplies and/or vehicles), cosmetic manufacturing, creamery, dairy equipment sales, dog pound, drug manufacturing, dry goods (wholesale and manufacturing), electric power generating station, electroplating, elevator maintenance and service, farm equipment supplies and sales, feed store, feed locker plant, food manufacturing, food wholesale and storage, freight depot (railway and truck), frozen food plant, fruit and produce (wholesale), fur dyeing (including finishing and storage), glass manufacturing, hardware (manufacturing, storage and wholesale), hatchery, hosiery mill, ice cream manufacturing, lumber yard and building materials, machine shop, machinery tools (construction equipment sales and service), mattress factory, metal sharpening, millinery manufacturing, mill work and woodwork manufacturing, novelty manufacturing, oil company (drilling and exploration), oil field service company, oil field supplies and machinery, packing, painting and decorating contractor, paper product manufacturing, paper supplies (wholesale) passenger depot, pipe storage, plastics fabrication, poultry storage and dressing, printing supplies manufacturing, riding academy, roofing and sheet metal shop, rug cleaning, sand and gravel storage yard, seed and feed store, sewer pumping station, shoe wholesale and manufacturing, sporting goods (wholesale), stone cutting, toy manufacturing, trade school, transit vehicle storage and servicing, truck stop, venetian blind and metal awning (fabrication and cleaning), water distillation, welding shop and well drilling company (water).
- (8) *Obnoxious land use (OB)*. The primary intended land use is obnoxious to adjacent land uses, including asphalt and concrete batching plants, any type of borrow pit (sand, gravel, clay, dirt), disposal facilities, dumping pits, incinerators, landfills, logging, pipe yards, prisons, recycling facilities, scrap and salvage yards, sewer treatment plants, waste transfer stations, waste pick-up stations, wrecker yards, any equipment and/or vehicle auction sites, storage of recreational vehicles/mobile homes/manufactured homes and storage of any motor vehicles and/or storage containers.
- (9) *Agricultural land use (AG)*. The primary intended land use is designated by the Lafayette Parish Tax Assessor as agricultural in use.

Sec. 54-215. - Requirements, restrictions, and responses.

- (a) All buildings and developments shall comply with all of the requirements of this article.
- (b) It is the responsibility of the new building or development to minimize the conflict with adjacent property by providing greenbelts, buffers, or other amenities as part of its development.
- (c) For the purpose of this article, the following responses to the conflict level types are established:

		Greenbelt (Feet)	Buffer (Feet)	Fence Required
a.	Conflict Level 1:	10	0	No
b.	Conflict Level 2:	15	0	Yes
c.	Conflict Level 3:	20	0	Yes
d.	Conflict Level 4:	25	0	Yes
e.	Conflict Level 5:	50	0	Yes
f.	Conflict Level 6:	100	0	Yes
g.	Conflict Level 7:	150	600	Yes
h.	Conflict Level 8:	200	1,320	Yes

PR Parks and Recreation IT Institutional ID Industrial OB Obnoxious AG Agricultural N.C. No Conflict #S Conflict Level	
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MAJOR THOROUGHFARE DISTRICT										
		EXISTING								
		R-1	R-2	NB	GB	PR	IT	ID	OB	AG
NEW	R-1	N.C.	0	1	1	1	1	5	6	1
	R-2	0	N.C.	0	1	2	2	4	5	1
	NB	2	2	N.C.	0	1	2	3	4	1
	GB	3	2	1	N.C.	1	1	2	4	2
	PR	2	2	2	2	N.C.	2	1	4	0
	IT	5	4	3	2	1	N.C.	0	4	2
	ID	6	5	4	3	3	4	N.C.	3	1
	OB	10	10	10	10	10	10	10	N.C.	10
	AG	4	4	3	3	2	2	2	1	N.C.
LEGEND R-1 Single-Family R-2 Multi-Family NB Neighborhood Business GB General Business PR Parks and Recreation IT Institutional ID Industrial OB Obnoxious AG Agricultural N.C. No Conflict #S Conflict Level				ARCHITECTURAL CODE 1. R-1 Single-Family and R-2 Multi-Family shall have no exposed concrete block or metal wall panels on the exterior wall.						

INTERSTATE HIGHWAY DISTRICT	
	EXISTING

		R-1	R-2	NB	GB	PR	IT	ID	OB	AG
N E W	R-1	N.C.	0	1	1	1	1	5	6	1
	R-2	0	N.C.	0	1	2	2	4	5	1
	NB	2	2	N.C.	0	1	2	3	4	1
	GB	3	2	1	N.C.	1	1	2	4	2
	PR	2	2	2	2	N.C.	2	1	4	0
	IT	2	1	1	1	0	N.C.	2	4	2
	ID	6	5	4	3	3	4	N.C.	3	1
	OB	10	10	10	10	10	10	10	N.C.	10
	AG	4	4	3	3	2	2	2	1	N.C.
LEGEND R-1 Single-Family R-2 Multi-Family NB Neighborhood Business GB General Business PR Parks and Recreation IT Institutional ID Industrial OB Obnoxious AG Agricultural N.C. No Conflict #'S Conflict Level				ARCHITECTURAL CODE 1. R-1 Single-Family and R-2 Multi-Family shall have no exposed concrete block or metal wall panels on the exterior wall.						

NODAL DISTRICT										
		EXISTING								
		R-1	R-2	NB	GB	PR	IT	ID	OB	AG
N E W	R-1	N.C.	0	1	1	1	1	5	6	2
	R-2	0	N.C.	0	1	2	2	4	5	1
	NB	2	1	N.C.	0	1	2	3	4	5
	GB	3	2	1	N.C.	1	1	2	4	2
	PR	2	2	2	2	N.C.	2	1	4	0
	IT	5	4	3	2	1	N.C.	0	4	2

OB Obnoxious AG Agricultural N.C. No Conflict #S Conflict Level	
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URBAN DISTRICT										
		EXISTING								
		R-1	R-2	NB	GB	PR	IT	ID	OB	AG
N E W	R-1	N.C.	0	1	1	1	1	6	7	2
	R-2	0	N.C.	0	1	2	2	4	6	1
	NB	1	1	N.C.	0	1	1	3	5	1
	GB	2	1	0	N.C.	0	1	2	5	1
	PR	2	2	2	2	N.C.	2	1	5	0
	IT	5	4	3	2	1	N.C.	0	5	2
	ID	8	8	6	6	8	6	N.C.	3	4
	OB	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.C.	N.A.
	AG	4	4	3	3	2	2	2	1	N.C.
LEGEND R-1 Single-Family R-2 Multi-Family NB Neighborhood Business GB General Business PR Parks and Recreation IT Institutional ID Industrial OB Obnoxious AG Agricultural N.C. No Conflict #S Conflict Level N.A. Not Allowed				ARCHITECTURAL CODE 1. No metal buildings (with the exception of areas in the Carencro Overlay District), movable buildings, or mobile homes allowed. 2. Commercial Buildings to be located as close to the street as possible. 3. Corner lots located within the Carencro Overlay District, sides that are facing streets, no metal showing. 4. R-1 Single-Family and R-2 Multi-Family shall have no exposed concrete block or metal wall panels on the exterior wall.						

Sec. 54-216. - Administration by the planning administrator.

- (a) Before development can begin construction or operation, the developer must furnish documentation to the planning administrator that is reasonably necessary to evaluate the development.
- (b) Based on the information submitted, the planning administrator will prepare a letter documenting the conflict level(s) to the developer.

- (c) If the developer wishes to appeal the decision of the planning administrator or request a waiver of any provision of this article, the developer shall document the appeal or waiver request and submit the appeal or waiver request to the city clerk a minimum of 15 days before the regular council meeting. The city clerk shall enter the appeal or waiver request on the next city council meeting agenda. The decision of the council shall be final.
- (d) No building permit will be issued until the development is in compliance.
- (e) The planning administrator shall notify all owners of property located adjacent to and within 300 feet of the proposed project. Such notice shall be provided by first-class mail to the address of said owners as they appear on the parish assessment rolls, not less than ten days before the date fixed for the hearing in the event a waiver/variance has been requested by the developer.
- (f) Whenever a request for a variance regarding use of the property is submitted to the council, which said request petitions the council to grant an exception to some specific requirement of the Code, and a final determination has been made by the council with regard to said petition, either through some affirmative action or through inaction by the council, then the council shall not thereafter consider any further landowner's request for a variance of the same or less restrictive nature for the same property within a period of one calendar year. This one-year period shall begin on the date on which the council's final determination is made regarding said variance request.

Sec. 54-217. - Existing developments and temporary exemption.

- (a) All existing nonconforming developments in operation as of the effective date of the ordinance from which this article derives are exempt from this article, provided that:
 - (1) The development is currently operating with an occupational license, certificate of occupancy, and clear indicia of ongoing operations.
 - (2) The burden of proof that the development was pre-existing shall be on the developer.
 - (3) However, in the event that any existing development is physically enlarged or expanded beyond the limits of its property lines as they existed as of the date of the adoption of the ordinance from which this article derives, then and in that event, the new development must comply with all of the provisions of this article.
 - (4) In the event that an existing business which enjoys grandfather status ceases to operate (is closed and/or vacant) continuously for a period of up to one year, the business at issue shall thereafter lose its grandfather status, such that said business shall thereafter be subject to compliance with those provisions of the code to which it has previously been exempt under its formerly held grandfather status.
 - (5) The current owner of a commercial entity in compliance with paragraph (a) (1) of this section sells or otherwise transfers ownership of his business, and the commercial entity so transferred (the successor commercial entity) continues to operate within the same physical footprint, with regard to both property/land and structures located thereon, notwithstanding the provisions of any lease or other contract/agreement applicable to said commercial entity.
 - (6) A commercial entity ceases doing business, and the successor commercial entity commences operations within one year of the date of cessation of operations of the original business type, within the same physical footprint as that of the original business, with regard to both property/land and structures located thereon, notwithstanding the provisions of any lease or other contract/agreement applicable to said commercial entity.
- (b) Any asphalt and/or concrete batching plant which has a temporary location to service the construction of a road or highway project will be exempted from the provisions of this article at its temporary location but only for the duration of the construction project which it is servicing. After the completion of the construction project, should the asphalt and/or concrete batching plant remain at said location, it must then comply with all of the applicable terms and provisions of this article. Furthermore, this exemption shall apply only to the temporary location of the batching plant which is servicing the highway and/or road construction project and any other location owned or operated by the same owner or operator of the temporary asphalt and/or concrete batching plant will be subject to all applicable terms and conditions of this article.

Sec. 54-218. - Violation of ordinance.

- (a) *Fine.* Any persons, firm or corporation violating any provision of the ordinance from which this article derives, shall be subject to a fine of not more than \$500.00, or imprisonment for not more than 60 days or both, for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (b) *Notice to abate.* When a violation of this article is found to exist, the city shall order the owner of the property where such violation exists to abate the same. This order shall:
 - (1) Be in writing;
 - (2) Be sent by certified mail and regular mail;
 - (3) Specify the public nuisance and its location; and
 - (4) Specify the corrective measures required to gain compliance. The notice to abate will contain a specific description of the finding of the inspector.

- (c) *Responsibility for violations by firms.* Each of the owners or partners of a partnership, joint venture, or association shall be held individually responsible and punishable for any violation by the entity of the provisions of this article.
- (d) *Responsibility for violations by corporations.* For the purpose of enforcing the provisions of this article, a corporation shall be deemed to be represented by its president, or in his absence by its vice president, or in the absence of both, by the officer or individual in charge of the affairs of the corporation. Any such representative shall be held responsible and punished for any violation by the corporation of the provisions of this article.
- (e) The City of Carencro may also pursue legal action in order to enjoin or restrain the construction and/or operation of any development which is in violation of any provision of this article.

Section 54-219 - Adopt, amend, or repeal of performance land use and overlay district regulations.

- (a) Adoption of new regulations, amendments to, or repeal of performance land use and overlay district regulations otherwise known as zoning regulations must be in accordance with Louisiana Revised Statutes RS 33:4721 - 33:4730.
- (b) Accordingly, no regulations or restrictions shall become effective until after a public hearing at which parties in interest have an opportunity to be heard. A public hearing in relation to the regulations may be held by the legislative body of a municipality which has provided for a comprehensive zoning plan. In such a case, a notice of the subject matter of the regulations and restrictions, time, and place of the hearing shall be published at least three times in the official journal of the municipality or, if there be none, in a paper of general circulation therein. At least ten days shall elapse between the first publication and the date of the hearing.
- (c) In municipalities with a population of less than four hundred seventy-five thousand, in addition, to notice by publication as provided in Subsection B of this Section, and at least ten days prior to the hearing, a good faith attempt to notify the owner or owners of record of the properties to be zoned or rezoned in municipal zoning shall be made by the sending of official notice by regular mail of the time and place of the hearing and subject matter of the regulations and restrictions.
- (d) When more than ten parcels are to be zoned or rezoned by the enactment of a zoning ordinance, the advertisement in the official journal or a paper of general circulation as required by Subsection B of this Section shall be considered adequate notice to the property owners.

ARTICLE V. - OVERLAY DISTRICT REGULATIONS

Sec. 54-239. - General.

Where the City of Carencro Overlay District, hereinafter referred to as the overlay district, and the underlying Performance Land Use Ordinance have different standards or regulations, the more restrictive standards or regulations pertaining to that land shall apply.

Sec. 54-240. - Purpose and intent.

The overlay district is intended to promote innovative, attractive, and efficient use of land; to encourage planned development; and to permit flexibility and creativity in the design of such planned development. The purpose of this ordinance shall include but not be limited to the following:

- (1) To encourage and promote the public health, safety, and general welfare of the citizens of the City of Carencro, through the development and coordination of growth and services.
- (2) To encourage originality, flexibility, and innovation in site planning and development.
- (3) To discourage monotonous, unsightly, and inharmonious development.
- (4) To preserve, protect, and enhance areas of high visibility.
- (5) To enhance the appearance and economic viability of the City of Carencro, especially as it relates to adjacent established neighborhoods.

Sec. 54-241. - Description of the area.

City of Carencro Overlay District Legal Description—Required Roadways Within District:

Interstate 49 Corridor (Includes NW and NE Evangeline Thruway And Adjacent Service Roads).
Commencing at the intersection of Interstate 49 (Evangeline Thruway) and East Gloria Switch Road, point lying approximately 350 feet more or less southeast of the corporate limits of the City of Carencro as it exists on the date of November 12, 2013;

Thence in the northwestern direction along said interstate an approximate distance of 10,115 feet more or less to the crossing of Veterans Drive (La Hwy 726), continuing along said interstate in the said direction an approximate distance of 5,350 feet more or less to a point, being the intersection of Interstate 49 and Michaud Street, also being approximately 980 feet more or less northwest of the corporate limits of the City of Carencro where it crosses the paved roadway section of Interstate 49 (Evangeline Thruway) and as it exists on the date of November 12, 2013.

West Gloria Switch Road (La Hwy 98)/East Gloria Switch Road (La Hwy 98). Commencing at the intersection of West Gloria Switch Road (La Hwy 98) and Desoto Road, point being on the southwestern side of the corporate limits of the City of Carencro as it exists on the date of November 12, 2013;

Thence in an easterly direction along West Gloria Switch Road (La Hwy 98) an approximate distance of 6,580 feet more or less to the crossing of North University Avenue (La Hwy 182), thence continuing along said roadway in said direction an approximate distance of 5,640 feet more or less to a point being the intersection of Smalley Road and West Gloria Switch Road (La Hwy 98);

Thence continuing along West Gloria Switch Road (La Hwy 98) in the south southwesterly direction approximately 650 feet more or less to the intersection of West Gloria Switch Road (La Hwy 98) and Louis Arceneaux Road;

Thence continuing along West Gloria Switch Road (La Hwy 98) in the easterly direction an approximate distance of 2,150 feet more or less to the crossing of Interstate 49 (Evangeline Thruway), thence continuing along said roadway in said direction under the road name of East Gloria Switch Road (La Hwy 98) an approximate distance of 5,630 feet more or less to the crossing of Moss Street, continuing along said road-way in the said direction an approximate distance of 270 feet more or less to a point being on the southeastern side of corporate limits of the City of Carencro as it exists on the date of November 12, 2013;

North University Avenue (La Hwy 182). Commencing at the intersection of North University Avenue (La Hwy 182) and Malapart Road, point being on the southern side of the corporate limits of the City of Carencro as it exists on the date of November 12, 2013;

Thence in a northerly direction along North University Avenue (La Hwy 182) an approximate distance of 2,650 feet more or less to the crossing of West Gloria Switch Road (La Hwy 98), continuing along said roadway in said direction an approximate distance of 4,200 feet more or less to the crossing of Prejean Road (west side)/Arceneaux Road (east side), thence continuing along said roadway in said direction an approximate distance of 4,690 feet more or less to the crossing of Post Road (west side)/Armand Street (east side), continuing along said roadway in said direction for a distance of approximately 6,730 feet more or less to a point being the intersection of North University Avenue (La Hwy 182) and Post Road, also being on the northern side of the corporate limits of the City of Carencro as it exists on the date of November 12, 2013;

Veterans Drive (La Hwy 726)/Hector Connolly Road. Commencing at the intersection of North University Avenue (La Hwy 182) and Veterans Drive (La Hwy 726);

Thence in an easterly direction along Veterans Drive (La Hwy 726) an approximate distance of 4,970 feet more or less to the crossing of Interstate 49 (Evangeline Thruway), continuing in said direction under the road name of Hector Connolly Road for an approximate distance of 5,450 feet more or less to a point being the intersection of Hector Connolly Road and Eloise Road, also being on the eastern side of the corporate limits of the City of Carencro as it exists on the date of November 12, 2013;

The full area is shown on a map prepared by the City of Carencro Planning Department and C. H. Fenstermaker & Associates titled "City of Carencro Overlay District" and dated November 12, 2013, a copy of which is attached hereto as Exhibit A and made a part hereof.

Sec. 54-242. - Applicability.

The overlay district regulations shall apply to all buildings or structures that enter as well as fronts the streets located within the district, except for individual single-family detached dwellings.

An overlay district is comprised of both performance land use and development considerations which cannot be separated, and, consequently, the Carencro City Council will address performance land use matters within the overlay district, as well as development matters within the overlay district.

Sec. 54-243. - Definitions.

Overlay district: A set of regulations incorporated in the performance land use ordinance and the City of Carencro Subdivision Regulations that apply to a specific geographic area in addition to the underlying zoning and development regulations.

Buffer: A landscaped area intended to separate and partially screen the view of two adjacent land uses or properties from one another.

Cross access, cross access easement: A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Monument sign: An independent sign affixed to the ground and supported from grade to the bottom of the sign with the appearance of having a solid base. A monument sign is not a pole sign.

Out parcel: A parcel of land abutting and external to the larger, main parcel, which is under separate ownership and has roadway frontage.

Pole sign: A pole sign is one that is attached to a pole or poles erected directly into the ground.

Storage bay: An area of an auxiliary lane required to store vehicles likely to accumulate in the lane during a peak period.

Sec. 54-244. - Prohibited uses.

The following uses are expressly prohibited in the overlay district:

- (1) Nightclub, bars, and lounges (excludes sports bar that 51 percent of the business is food sales until closing time);
- (2) Vehicle repair or vehicle service uses (exempted if all vehicles for service or repair are stored overnight behind a minimum six-foot site proof fence at all times);
- (3) Display or sale lots for the sale of manufactured homes and/or moveable homes and RVs;
- (4) Mobile home parks;
- (5) Travel Trailer / RV parks;
- (6) Self-storage or warehousing units;
- (7) All obnoxious land uses as per the city's performance land use ordinance;
- (8) Used tire sales, used tire repairs, and used tire storage.

Sec. 54-245. - Sewer requirements.

- (a) Every development shall be serviced by the City of Carencro's wastewater system if available within 300 feet of the development or a community type sewerage disposal system at the expense of the owner/developer and approved by DHH.
- (b) In those situations where an individual treatment system is permitted, it shall have an effluent reduction system constructed in accordance with the minimum standards imposed by Louisiana State Law. If in the future, the City of Carencro wastewater collection system is extended and can provide service to those sites with individual treatment systems, the owner shall be required to abandon the individual treatment system and connect to the City of Carencro wastewater collection system at his cost within six months of the extended service completion.
- (c) An individual treatment system shall be located no closer than 50 feet from any well, spring, or other water supply source if the system is at a lower ground elevation than the water supply and no closer than 100 feet if the system is on ground having a higher elevation.

Sec. 54-246. - Access management.

- (a) A system of joint use driveways and cross access easements shall be established wherever feasible within the overlay district, and building sites shall incorporate the following:
 - (1) An access and circulation system plan that includes coordinated or shared parking areas wherever feasible.
 - (2) Stub-outs and other design features to make it visually obvious that the abutting properties must be tied in to provide cross access via a service drive.
- (b) Adjacent commercial or office properties and compatible major traffic generators (i.e. shopping plazas, office parks, apartments, etc.) shall provide a cross access drive to allow circulation between sites. This requirement shall also apply to a new building site that abuts an existing developed property unless it is shown to be clearly impractical. Property owners shall record a cross access easement through a note on the plat or by recordation of a separate document in the records of the Lafayette Parish Clerk of Court.
- (c) Property owners who provide for joint and cross access may be granted a temporary driveway permit, when necessary, to provide reasonable access until such time as the joint use driveway and cross access drives are provided with adjacent properties. This is conditioned upon the owner signing an agreement to close and eliminate any pre-existing driveways that were provided for access in the interim after the construction of the joint use driveway.

When a residential subdivision is proposed, it shall be designed to provide access to individual lots that abut I-49 only from a frontage road or interior local road.

- (d) In the interest of promoting joint access and cross access plans, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be considered unified parcels for the purposes of compliance with the access management requirements. This shall also apply to phased development plans. The following requirements shall apply:
 - (1) The number of connections permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for that frontage.
 - (2) Access to out parcels shall be internalized using a shared circulation system and designed to avoid excessive movement across parking aisles or queuing across surrounding parking and driving aisles.
- (e) Where abutting properties are in different ownership and not part of an overall development plan, only the building site under consideration for development approval shall be subject to the requirements of this section. Abutting properties shall be required to provide for cross access at the time these properties are proposed for development.
- (f) Construction of driveways along turn lanes and tapers is prohibited unless no other access to the property is available. In this instance, the driveway may be restricted to certain turning movements. In addition, the lane shall be extended a minimum of 50 feet in advance of the driveway.

- (g) Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
- (h) Driveways shall be designed with adequate on-site storage for entering and exiting vehicles to reduce unsafe conflicts.
- (i) Special driveway designs. The Carencro City Council and or Carencro City Engineer may require internal driveway improvements, turning movement prohibitions, auxiliary lanes, and traffic control devices to address safety and/or capacity problems within the property that may have a detrimental effect on the adjacent public street system.

Driveways that have a projected design volume of 1,000 or more vehicles (one-way volume) per day shall have a minimum of a 100-foot continuous throat without adjacent parking stalls or vehicular crossflow.

Sec. 54-247. - Accessory storage areas including trash holding receptacles.

- (a) Storage and accessory facilities must be attached to the primary building and constructed of the same materials as the building. No freestanding structures will be permitted.
- (b) Refuse must be kept in a dumpster. An enclosure around the dumpster/s shall be constructed of a six-foot wooden fence. (Fence must be repaired immediately if broken/damaged or a fine of \$100.00 will be assessed on the tenth day of the first notification, an additional \$200.00 will be assessed on the tenth day of the second notification, and an additional \$300.00 will be assessed on the tenth day of the third notification and a lien will be placed on the property until the repair is corrected) In addition, it must be surrounded on three sides by an evergreen hedge that will mature at a height of at least eight feet. If the dumpster is located adjacent to the building, it shall be surrounded on two sides by an evergreen hedge. Dumpsters may not be located in building setback areas, landscape strips, or buffer areas.

Sec. 54-248. - Architecture.

In order to ensure compliance with the following section, applicants are required to submit color renderings, color elevation drawings, and/or color photographs of any proposed building with the site plan at the time of application for commercial plan review.

All buildings on the same site shall be architecturally unified, meaning that each building on the site shall relate in architectural style, color scheme, and building materials.

The loss of grandfather status shall become effective upon the cumulative 50 percent renovation and/or remodel to the existing business square footage and/or a change of ownership of the buildings and/or property upon which same are situated, with the exception that grandfather status shall not be lost in the event the owner of said buildings and/or property transfers ownership of same to a member of the immediate family of said owner, where the term "immediate family" herein refers to the children or grandchildren of the owner, or to the owner's spouse and that spouse's children or grandchildren or the parents or siblings of the owner or the owner's spouse. Provided a commercial entity ceases doing business, and the successor commercial entity commences operations within one year of the date of cessation of operations of the original business, within the same physical footprint as that of the original business, with regard to both property/land and structures located thereon, notwithstanding the provisions of any lease or other contract/agreement applicable to said commercial entity.

(a) *Building materials.*

- (1) Corrugated metal siding, aluminum siding or vinyl siding is prohibited on front only.
- (2) No exposed concrete block or metal wall panels are allowed on the exterior wall.
- (3) Building and roof colors shall consist of natural earth tones, white or shades of gray. Primary colors shall be limited to trim and signage.
- (4) In the case where a canopy is constructed, its columns shall be finished with either brick or masonry that is consistent with the principal building material.

(b) *Entrances and windows.*

- (1) The first-floor facade of non-residential buildings that front overlay district shall include a minimum of 40 percent in windows or doors of a clear or lightly tinted glass that allows views into and out of the building. The minimum window area shall be measured between the height of two feet and ten feet above the finished level of the first floor.
- (2) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.
- (3) At least one main entrance of any building shall face I-49 North, I-49 South, NE Evangeline Thruway, NW Evangeline Thruway, Frontage Road, Veterans Drive, North University Avenue (Hwy 182), West Gloria Switch Rd, East Gloria Switch Rd, and Hector Connolly Road. This main entrance shall be clearly defined and recessed or framed by a sheltering element such as an awning, or portico.

- (c) *Height.* In addition to a required buffer, any portion of a non-residential structure that exceeds 28 feet in height above the grade of an adjacent residentially zoned property shall be setback from the abutting property line or lines at least one additional foot for every one foot of height above 28 feet.

- (d) *Driveways.* Decorative devices shall be used near driveway entrances in lieu of steel bollards. Bollards may be used to protect fuel pump islands.

Sec. 54-249. - Mechanical equipment.

For buildings, 8,000 square feet or larger, all mechanical equipment must be placed on the roof and visually screened on all sides.

Sec. 54-250. - Parking.

- (a) The parking area in front of the building shall not exceed 30 percent of the required parking. The remaining required off-street parking must be placed to the rear or side of the building. All parking areas must be constructed of asphalt or concrete materials.
- (b) Shared parking areas are encouraged. Joint use of up to 35 percent of required parking spaces may be permitted for two or more uses provided that the applicant for the development can demonstrate that the uses will not substantially overlap in hours of operation.
- (c) If it is not practical to place parking in the rear or side of the building, one or a combination of the following shall be provided:
 - (1) A 3.5-foot berm along the frontage of the parking area planted in turfgrass or low growing ground cover.
 - (2) Continuous evergreen shrubs planted to form a hedge, minimum 18 inches height at the time of planting, spaced no more than three feet on center.

Sec. 54-251. - Drainage.

- (a) All developments must comply with the most recent City of Carencro Flood Protection Ordinance.
- (b) All development must comply with regulations established by the Federal Emergency Management Agency (FEMA) and the United States Army Corps of Engineers for development within a flood plain.
- (c) Post-development run-off may not exceed pre-development run-off.
- (d) Drainage impact analyses and construction plans must be submitted to and approved by the city engineer prior to the issuance of any building permits.

Sec. 54-252. - Communication towers and antenna standards.

- (a) All communication towers shall be camouflaged or disguised to look like natural trees, clock towers, bell steeples, light poles, flagpoles, or other similar alternative designs to conceal the presence of antennas or towers.
- (b) All antennas that are located on rooftops or atop other structures must adhere to the following aesthetic criteria:
 - (1) No rooftop dish antenna may exceed four feet in diameter.
 - (2) Antennas placed on rooftops shall be setback from the roof edge a minimum of one foot per foot of antenna height.
- (c) Setbacks from residential areas—Towers shall be setback from residential developments a minimum of one foot per foot of tower height. Communication tower setback shall be measured from the base of the tower.
- (d) Landscaping—Tower facilities shall be landscaped with a buffer that effectively screens the view of the tower compound. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement toward, meeting landscaping requirements. Landscape buffers shall be a minimum of ten feet in width and located outside the fenced perimeter of the tower compound.
 - (1) A row of Class B evergreen trees a minimum of eight feet tall (planted height) and a maximum of ten feet apart shall be planted around the perimeter of the fence; and
 - (2) A continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced above.

Sec. 54-253. - Landscaping standards.

- (a) *Landscape strips and islands.*
 - (1) Where interior landscape islands are provided, the minimum area of the island shall be 324 square feet with a minimum interior width of 18 feet.
 - (2) Planting standards:
 - a. A minimum of one Class A tree with upright growth habits or three Class B trees shall be provided per 50 linear feet of landscape strip, or fraction thereof, measured at the property line. Class A trees shall not be planted in utility easements.
 - b. 50 percent of required trees must be evergreen and may be located anywhere within their respective landscape strip provided that the minimum spacing for Class A trees is 30 feet.

- c. 50 percent of the required trees must be Class A trees with upright growth habits.
 - d. In addition to required trees, the street planting area shall be planted with shrubs and ground cover plantings to the extent that 20 percent of the area is planted with vegetation other than turfgrass.
 - e. Every part of a vehicular use area shall be within 100 feet of the trunk of a tree, with no intervening structures.
- (b) *Buffers.* Where a sight proof fence is required, a 20-foot planted buffer must also be provided as follows:
- (1) A minimum of 15 feet of this strip may not be located in an easement.
 - (2) Three Class B trees shall be provided per 50 linear feet of landscape strip, or fraction thereof, measured at the property line. All trees must be evergreen Class B trees.
 - (3) Natural vegetative features and existing trees shall be incorporated into the site design if practical.

Sec. 54-254. - Lighting standards

- (a) *General.*
- (1) All lighting shall be directed downward and shielded so that the light source is not visible from off-site.
 - (2) The operation of searchlights for advertising purposes is prohibited.
 - (3) Should a light pole be damaged or any reason, it must be repaired and brought back into service within 60 days of when the damages occurred. (Poles must be repaired immediately if broken/damaged or a fine of \$100.00 will be assessed on the tenth day of the first notification, an additional \$200.00 will be assessed on the tenth day of the second notification, and an additional \$300.00 will be assessed on the tenth day of the third notification and a lien will be placed on the property until the repair is corrected)
- (b) *Parking lot lighting.*
- (1) Parking lot lighting poles shall not exceed 35 feet in height.
 - (2) Pole lighting shall be located no closer than 15 feet to a property line.

Sec. 54-255. - Sign standards.

- (a) *Freestanding signs.*
- (1) Signs shall be limited to monument type signs with a maximum height of 12 feet.
 - (2) Signs must be architecturally related to the buildings they serve.
 - (3) Each lot shall have a maximum of one sign per street frontage.
 - (4) Signs shall display only the name, address, and trademark or registered logo. Fuel pricing signs may display only the price and name, trademark, or registered logo of the product.
 - (5) Pylon type signs will have a maximum height of 35 feet. (Only for businesses fronting the interstate system)
 - (6) Church identification signs shall display only the church name, service hours, and church-related events.
 - (7) Temporary signs, including product advertising, are expressly prohibited.
 - (8) *Windblown devices.* Use of windblown or inflatable devices of any type is prohibited, including the production of smoke, bubbles, sound, or other substances.
- (b) *Building signs.*
- (1) Signs shall not project higher than the top of the building or wall on which it is located.

Sec. 54-256. - Penalty provisions.

- (a) The first violation of any provision of Article V of the Code (hereinafter sometimes referred to as "article") shall be punishable by a fine not to exceed \$300.00 per offense. The second violation of any provision of this article shall be punishable by a fine not to exceed \$400.00 and the third and any subsequent violation of any provision of this article shall be punishable by a fine not to exceed \$500.00. Each day any violation of this article shall continue shall constitute a separate offense.
- (b) Upon receipt of notice of the violation of any provision of this article, the mayor shall cause an inspection of the business entity in question and the issuance of a written report, to be prepared by the individual directed by the mayor to inspect the business at issue, which said written report shall identify any and all violations of this article and shall note the corrective action necessary to achieve compliance with same. Where such report details violations of this article and provides recommendations to secure compliance with same, the mayor shall cause to be delivered to the business owner or his representative, by hand delivery or certified mail, return receipt requested, written notice of all noted violations and of the corrective action necessary to bring said business into

compliance with this article (said notice to be accompanied by a copy of the report detailing the violation at issue and corrective action necessary to secure compliance).

If the violation is not corrected and the business brought into compliance with the provisions of this article within ten days following delivery of the notice of violation to the business owner or his representative, the applicable per day fine will be compounded and assessed against the person or entity responsible for the violation at issue, retroactive to the date of the delivery of the notice of violation to the business owner or his representative.

- (c) In addition to the fine assessed for the violation at issue, failure to correct the violation and to secure compliance with this article within ten days from the date of delivery of the notice of violation will result in the termination and/or disconnection and/or discontinuance of any and all city services to the property and/or business at issue. If the violation is corrected and the business brought into compliance with the provisions of the article within ten days following delivery of the notice of violation, a one-day penalty only will be assessed against the person or entity responsible for the violation, in addition to the applicable administrative fee.
- (d) For purposes of enforcing the provisions of this article, where the business in violation is owned or controlled by a corporation, the corporation shall be deemed to be represented by its president, or in his absence, by its vice-president, or in the absence of both by the officer or individual in charge of the affairs of the corporation. The representative shall be responsible and punishable for any violation by the corporation of the provisions of this article. Each of the members of a firm shall be held responsible and punishable for any violation by the firm of the provisions of this article.
- (e) In addition to the fines assessed hereinabove for violation of the provisions of this article, an additional, one-time administrative fee of \$100.00 will be assessed for each violation of this article in order to cover costs to the city in administering enforcement of the provisions of this article. In the event, the city must resort to legal action in order to collect any fines, penalties or costs to the city associated with enforcement of any provision of this article, all legal fees, expenses, and court or other actual costs incurred by the city shall be added to the fines assessed against the business entity found in violation of the provisions of this article.

SECTION 3:

This ordinance shall become effective immediately upon return of the ordinance to the City Clerk (after execution by the Mayor), on the tenth (10th) day after receipt of the ordinance by the Mayor without signature or veto, or upon an override of a veto, whichever occurs first.

SECTION 4:

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated, unless said provisions cannot be interpreted to substantially fulfill the policy and purposes set forth herein, or should any interpretation thereafter of all or a portion of the remaining provisions of this Ordinance lead to a ludicrous result, in which event that portion or all of the remaining portions of this Ordinance shall be construed to be null and void.

SECTION 5: Any City of Carencro ordinance or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.

THUS ADOPTED in the City of Carencro, this the _____ day of _____, 2024.

CHARLOTTE CLAVIER, MAYOR
