~~ARTICLE 20. USE STANDARDS~~

~~20.1 PURPOSE~~
~~20.2 USE OF LAND AND STRUCTURES~~
~~20.3 USE STANDARDS~~

~~20.1 PURPOSE~~

~~The purpose of this Article is to set forth additional requirements for certain uses of land. These standards are intended to ensure that the use is compatible with the surrounding area.~~

~~20.2 USE OF LAND AND STRUCTURES~~

~~A.~~ ~~A structure or land shall be used and/or occupied in conformity with the regulations for the zoning district in which it is located.~~

~~B.~~ ~~The use standards of this section apply to uses allowed in the zoning districts, whether permitted or conditional. Uses shall comply with all other standards of this Ordinance, including any design standards of the zoning district.~~

~~C.~~ ~~Noncompliance with any of these use standards, including any required security and operation plan, is considered a violation of this Ordinance and subject to enforcement provisions.~~

~~20.3 USE STANDARDS~~

~~A. Abuse Addiction Treatment Facility~~

~~Abuse Addiction Treatment Facilities shall conform to the regulations of the Louisiana Administrative Code.~~

~~B. Adult Use~~

~~Adult uses are prohibited within a thousand (1,000) feet of any residential district, place of worship, educational facility, and park or playground. This regulation does not apply to adult uses in the Vieux Carré Service and Entertainment Districts where adult uses are allowed by this Ordinance. Adult uses are also regulated by the City Code.~~

~~C. Agriculture~~

~~1. Additional Bulk and Yard Regulations~~

~~All structures and other improvements are subject to the bulk and yard regulations of the district, except as provided below:~~

~~a.~~ ~~There are no yard requirements for the planting of crops.~~

~~b.~~ ~~All structures used for the keeping of livestock shall be located a minimum of twenty-five (25) feet from any lot line. This does not apply to apiaries, chicken coops, pigeon coops, and aquaponic structures, which shall meet the accessory structure requirements of Section 21.6.~~

~~2. Soil Testing~~

~~a.~~ ~~Prior to the establishment of an agricultural use, soil testing from an accredited analytical laboratory is required to measure nutrients, heavy metals and any other harmful contaminants that may be present. The applicant shall provide a written report by a licensed Louisiana environmental contractor. The report shall show all analytical results, as measured against the most current EPA threshold concentrations for soil. The executive summary of this report shall state if any media exceeds these thresholds and recommended remedial actions, if any. The report shall also include a soil sample plan that indicates representative samplings from the site. At a minimum, the report shall include an evaluation of the Polycyclic Aromatic Hydrocarbons (PAHs) and Priority Pollutant Metals Grouping present in the soil, including the following Priority Pollutant Metals Grouping: Antimony (Sb), Arsenic (As), Beryllium (Be), Cadmium (Cd), Chromium (Cr), Copper (Cu), Lead (Pb), Mercury (Hg) by Cold Vapor, Nickel (Ni), Selenium (Se), Silver (Ag), Thallium (Ti), and Zinc (Zn).~~

~~b.~~ ~~Soil testing in not required for sites already in agricultural use, as of the effective date of this Ordinance.~~

~~c.~~ ~~Alternatively, the operator may use raised planter boxes for all plants, in which case soil testing is not required. Raised planters shall have a minimum height of one (1) foot, constructed of materials that will not contaminate the crops or soil, and have an impermeable barrier between on-site and imported soil.~~

~~3. Food Preparation, Processing, and Packaging~~

~~a.~~ ~~No food or other products of any plants or livestock may be prepared, processed, or packaged in any residential district, except in the R-RE District. However, the canning of plants or plant products is permitted as part of any agricultural use.~~

~~b.~~ ~~Food may be prepared, processed, or packaged at an agricultural use located in any non-residential district in which food processing is a permitted use.~~

~~c.~~ ~~In any non-residential district in which food processing is classified as a conditional use, a property owner may apply for a conditional use to permit the preparation, processing, or packaging of food or other products of any plants or livestock raised on the agricultural use.~~

~~4. Operational Standards~~

~~a.~~ ~~Dead plants, produce, and trash not used for composting or other gardening functions shall be removed from the site within forty-eight (48) hours.~~

~~b.~~ ~~Except in the R-RE District and any Center of Industry District, mechanical equipment may only be used during daylight hours.~~

~~c.~~ ~~Regulated materials, such as chemicals, fertilizers, and toxins, shall not drain onto adjacent properties, into waterways, or onto public rights-of-way. Chemicals and other flammable materials shall be disposed of in accordance with federal and state requirements. If stored on-site, such chemicals or flammable materials shall be kept in waterproof containers in a locked structure when unattended.~~

d. A sign containing the contact information for the agricultural use operator shall be posted at or within five (5) feet of the front lot line consistent with required setbacks. For any lots that constitute a portion of an agricultural use as a whole, but are not contiguous with the lot on which on which the owner or licensed operator of the farm resides, or where any lot in agricultural use does not include a resident or licensed operator of the farm present daily, an additional sign is required. Such signs shall be located within a height of seven (7) feet and shall not exceed one (1) square foot in area.

5. Presence of On-Site Licensed Operator

An agricultural use shall be located on a single lot of record where a resident or licensed operator of the agricultural use is present daily, with the following exception. In the Historic Urban Neighborhood Districts and MU-1 and MU-2 Districts, an agricultural use, operated as a whole, may be multiple non-contiguous lots, provided that all lots are located within three-hundred (300) feet of the nearest point of the lot where the resident resides or licensed operator of the agricultural use is present daily. All lots constituting the agricultural use shall be indicated on any permit or license for the agricultural use.

6. Retail Sales

Retail sales for an agricultural use are permitted at farmstands within the Open Space Districts, Rural Development Districts, and any non-residential district, subject to the following standards:

a. Farmstands shall conform to the provisions of Section 21.6.

b. Retail sales are limited to crops grown and/or livestock raised on the farm where the farmstand is located.

7. Standards for Livestock

a. General Requirements

i. A minimum site size of one (1) acre is required to keep livestock.

ii. The maximum number of the following types of livestock animals that may be permitted on an agricultural use shall be in accordance with the standards provided below in Table 20-1: Minimum Lot Area for Livestock. As part of the conditional use approval, these standards will be used as the basis for establishing a standard for any animal not included in the table.

TABLE 20-1: MINIMUM LOT AREA FOR LIVESTOCK

TYPE OF LIVESTOCK	MINIMUM LOT AREA PER ANIMAL
Horse, mule, cow, or llama	43,560 square feet (1 acre)
Goat or sheep	14,520 square feet (1/3 acre)
Swine	4,356 square feet (1/10 acre)
Rabbit	50 square feet
Duck or other fowl (excluding chickens)	50 square feet
More than 6 chickens	50 square feet per chicken after first 6

iii. All livestock shall be kept so as not to cause any adverse impact, including but not limited to odor, noise, drainage, or pest infestation, on any other property. The presence of any such impact constitutes a violation of this Ordinance and a public nuisance that the Director of the Department of Safety and Permits and/or the Director of the Department of Health may require to be abated at the expense of the owner of the livestock and/or the owner of the property on which the livestock is kept.

iv. All livestock shall be kept in accordance with the provisions of Chapter 18 of the City Code.

b. Additional Information for Conditional Use Applications

Any application for a conditional use to permit livestock shall indicate the following information, in addition to all other information required as part of the conditional use application:

i. The location, size, height, and materials of all structures, shelters, enclosures, and any other improvements proposed to be provided for the keeping, raising, care, maintenance, and/or other activities associated with the livestock.

ii. The maximum number of each type of animal proposed to be kept at the farm for any period of time.

iii. The storage and disposal of animal waste.

c. Enclosure and Shelter

i. All livestock shall be kept within fences, corrals, barns, enclosures, or pens.

ii. All livestock shall be provided sanitary and sound shelter, in accordance with Chapter 18 of the City Code.

iii. All agricultural uses with livestock shall provide an appropriate method of protecting livestock in the event of flooding.

D. Airport, Heliport, Helistop, and Seaplane Base

1. All facilities shall comply with all Federal Aviation Administration requirements. All documentation shall be submitted as part of a zoning application and prior to issuance of a building permit.

2. Any structures for such facilities shall be set back a minimum of fifty (50) feet from all residential property lines.

E. Amusement Facility, Indoor or Outdoor

1. An indoor or outdoor amusement facility shall submit a noise abatement plan.

2. An indoor or outdoor amusement facility shall submit a security and operation plan, which includes the following:

a. Days and hours of operation.

b. The size of the establishment. For outdoor amusement facilities, a development plan is required showing all areas of outdoor activity.

c. Exterior lighting design.

e. Maximum occupancy loads.

3. If a standard restaurant or bar is allowed within the zoning district, such uses may be included as part of the indoor amusement facility so long as separate approval is obtained for the standard restaurant or bar. If alcoholic beverages are served, the applicant shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three hundred (300) feet of the proposed location, which may trigger a prohibition as part of Section 10-110 of the City Code.

4. Retail sales of alcoholic beverages for consumption off-premises are prohibited.

5. If the use plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the security and operation plan shall be updated and resubmitted for approval. A revised security and operation plan shall be approved prior to the issuance of any permits.

6. The security and operation plan may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.

F. Artist Community

1. The minimum yard regulations for the underlying zoning district apply.

2. Public gathering spaces shall be setback at least ten (10) feet from the public rights-of-way and one hundred (100) feet from any residentially used property.

3. The total floor area of public gathering spaces is limited to a maximum of fifteen thousand (15,000) square feet.

4. The minimum stay for a visiting artist participating in the artist community's program is thirty (30) days

5. The retail sale of works of art is prohibited at the site.

6. Tandem parking shall be permitted for required parking spaces.

7. In any single-family residential district of the Suburban Neighborhood Districts, the following additional standards apply:

a. The use shall be located on a site of at least five (5) acres.

b. Guest artist quarters are limited to one (1) per acre of site area.

8. In any residential district of the Historic Urban Neighborhood Districts, the following additional standards apply:

   a. The use shall be located on a site of at least one (1) acre and may be comprised of multiple lots on a contiguous site.

   b. Guest artist quarters are limited to one (1) per five thousand (5,000) square feet of lot area and may be located in more than one building.

   c. The use shall be screened by a seven (7) foot solid fence along lot lines shared with adjacent uses. Any solid fence constructed of wood shall be installed in combination with a hedge, which can attain a height of six (6) feet within three (3) years.

   d. Industrial artisan activities including, but not limited to, smelting, glassblowing, or other use of molten materials, wood, or metalworking involving power driven machines, and pottery, ceramics, or other activities involving the use of a kiln, shall be located a minimum of one hundred (100) feet from any residentially used property or right of way.

   e. Public exhibitions require a special event permit.

   f. Accessory structures containing studio space on the site are limited to one thousand (1,000) square feet per guest artist quarters and shall be setback twenty (20) feet from any lot line. This standard cannot be waived.

G. Bar

1. A bar shall submit the following impact management plans:

   a. A security and operation plan, which includes the following:

      i. Days and hours of operation.

      ii. The size of the establishment.

      iii. If outdoor seating is part of the establishment, the number and location of seats, tables, and other furniture proposed for outdoor seating.

      iv. Exterior lighting design.

      v. Maximum occupancy loads.

      vi. If the bar contains a brewing facility on site, a floor plan indicating the area reserved for brewing, and a description of the facility and capacity.

   b. A noise abatement plan.

2. Bars shall submit a summary of the number and location of place of worship, educational facilities, and parks and playgrounds within three hundred (300) feet of the proposed location.

3. Retail sales of alcoholic beverages for consumption off premises are prohibited.

4. Bars with live entertainment are also subject to the standards of this Article for "live entertainment – secondary use." Live entertainment is a separate principal use and subject to separate approval.

5. If the bar use plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the security and operation plan shall be updated and resubmitted for approval. A revised security and operation plan shall be approved prior to the issuance of any permits.

7. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.

H. Bed and Breakfast

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

1. Bed and Breakfast General Standards (Accessory or Principal)

a. In any residential district, only one (1) bed and breakfast, whether accessory or principal, is permitted per blockface.

b. Bed and breakfasts are prohibited within the following areas:

i. The area bounded by Prytania Street, Pontchartrain Expressway, Magazine Street, and the downside street of Felicity Street from Coliseum Street to Magazine Street.

ii. The area referred to as the Garden District, bounded by St. Charles Avenue, the downtown side of Jackson Avenue, Magazine Street, and the downtown side of Louisiana Avenue, with the exception of those bed and breakfasts grandfathered pursuant to Ordinance No. 14,168 M.C.S., November 12, 1990.

2. Bed and Breakfast Accessory Standards

a. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits.

b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.

c. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no appearance of a business use other a permitted sign.

d. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square feet in area. The sign shall complement the architecture of the structure.

e. The bed and breakfast is limited to a maximum of four (4) units for overnight accommodation.

f. Bedroom rental units are limited to no more than twenty-five percent (25%) of the total habitable space of the gross floor area of the structure.

g. Cooking facilities are prohibited in individual guest rooms.

i. If meals are provided, only registered guests may be served.

j. Leasing of a common dining area for social events is prohibited.

k. Guest stays are limited to a maximum of fourteen (14) consecutive days.

3. **Bed and Breakfast Principal Standards**

a. Proof of owner or occupier occupancy shall be established by submission of proof of a homestead exemption (owner) or legal leasing agreement (occupier) submitted to the Department of Safety and Permits.

b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically used together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, for at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.

c. All signs shall comply with applicable sign regulations for the zoning district.

d. The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.

f. Bedroom rental units are limited to no more than fifty percent (50%) of the total habitable space of the gross floor area of the structure.

g. Cooking facilities are prohibited in individual guest rooms.

h. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.

i. Leasing of common areas for social events is allowed, provided the facility meets all applicable off street parking requirements and complies with the noise ordinance and all other provisions of the City Code.

j. Guest stays are limited to a maximum of fourteen (14) consecutive days.

I. **Borrow Pits**

1. A design and operations plan shall be submitted specifying the development to be served, anticipated volume of fill material needed, and circumstance, slope and depth of the pit.

2. An end-use plan shall be submitted. The final use of the borrow pit shall be used for stormwater management. The final use shall meet with the stormwater management requirements of Article 23.

3. The following criteria will be used in the evaluation of the end-use plan:

a. Fencing designed to deter unauthorized access prior to final use conversion.

b. Landscape design of the perimeter of the pit site.

~~c. Specified time period for conversion to final use.~~

~~d. Compatibility of final (end) use stormwater management practice with adjacent development.~~

~~J. Campground~~

~~1. The minimum area for a campground is three (3) contiguous acres.~~

~~2. Campgrounds shall comply with all applicable state and city regulations, including those governing the installation, construction, and/or operation of swimming pools, water supply, sewage disposal, food storage and services, plumbing, structures, electrical wiring, and fire prevention.~~

~~3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for counselors, overnight accommodations, living space, and other uses and structures customarily associated with the operation of a campground are permitted.~~

~~4. Storage of all campground materials and/or equipment shall be within enclosed structures.~~

~~5. Year-round residency is prohibited at any campground. Camping units are prohibited from use as a principal residence.~~

~~6. The perimeter setback shall be landscaped to screen the campground. Preservation of existing vegetation is encouraged.~~

~~7. Each campsite shall be setback a minimum distance of one hundred (100) feet from the perimeter property line of the campground. Any permanent or semi-permanent structures, such as platforms, ramps, lean-to's, garages, and sheds, are prohibited within this setback.~~

~~K. Car Wash~~

~~1. All wash-water generated from the car wash shall either:~~

~~a. Secure a LDEQ Discharge Permit if discharging into the Municipal Separate Sewer System (MS4); or~~

~~b. Meet the requirements of Section 16 of the Sewerage and Water Board Plumbing Code if discharging into the sanitary sewer system.~~

~~2. The hours of operation are limited from 7:00 a.m. to 8:00 p.m.~~

~~3. The site shall be fenced with an open fence along any lot line that abuts the right-of-way, and a solid fence a minimum of seven (7) feet in height along all other lot lines. A continuous thirty (30) inch high evergreen hedge shall be installed along the fence located along the right-of-way.~~

~~4. The fence shall be locked between the hours of 8:00 p.m. and 7:00 a.m. to prevent access to the site.~~

~~5. For car washes staffed with an attendant, an attendant shall be on duty during hours of operation. A structure for the attendant on duty shall be provided. The structure and all car wash facilities and bays shall be securely locked when the operation is closed.~~

6. For unattended car washes, a security system shall be installed including a closed circuit security camera (CCTV). Such camera shall monitor all areas of the car wash. The CCTV shall have a minimum recording capacity of twenty four (24) hours and shall archive footage for a minimum of thirty (30) days.

7. A noise abatement plan is required for the facility with a contact person designated to notify for violations.

8. All car wash structures shall comply with the building design standards for the zoning district, including permitted building materials. All structures shall be designed with windows that allow for visibility to all parts of the site.

L. Casino/Gaming Establishment

All casinos and gaming establishments shall meet all federal, state and local requirements including, but not limited to, licensing, security, safety and building code requirements. All casinos and gaming establishments are regulated by the Louisiana Gaming Control Board and are subject to the Louisiana Administrative Code regulations. In addition, they shall comply with the following conditions:

1. Evidence that the casino's security system, management, and gaming regulations have been approved by the Louisiana Gaming Control Board (or its successor) and/or the Louisiana State Police shall be submitted.

2. Written proof of application for all required permits from state and federal authorities, including, but not limited to, the U.S. Army Corps of Engineers, U.S. Coast Guard, Louisiana Department of Natural Resources, and Louisiana Department of Environmental Quality shall be submitted.

3. In addition to the requirements for a conditional use, all new casinos and gaming establishments shall submit the following:

   a. An economic and fiscal impact assessment, as well as a market study.

   b. Public facilities and service impact analysis, including sewer, water, drainage, transit, sanitation, garbage, and utilities.

   c. A traffic and transportation impact analysis. Impacts that deteriorate the level of service on the surrounding street system shall be mitigated to a level of service approved by the Department of Public Works. Plans shall be submitted, subject to the approval by the Department of Public Works, to indicate transit-related facilities, pedestrian circulation patterns, loading areas for tour buses, taxis, etc., and any necessary off-site parking and queuing of these vehicles to meet the projection of the traffic impact analysis.

   d. Any other information the City Planning Commission may require to evaluate the economic, social, demographic, environmental, or physical impacts of the proposal.

M. Cemetery

1. A cemetery and/or mausoleum shall be located on a site a minimum of five (5) acres, and enclosed by a masonry or iron fence, or a combination of masonry and iron fence, or a wall not less than four (4) feet in height along all property lines.

~~**2.** Cemeteries and mausoleums are permitted the following accessory uses: a storage building for the storage of maintenance equipment used in maintaining cemeteries, a caretaker's house, an administrative office, a crematorium, and a chapel.~~

~~**3.** The yard requirements of the zoning district are applicable to cemeteries. However, any yard abutting a residential district shall be a minimum of ten (10) feet.~~

~~**4.** The height regulations of the zoning district are applicable to cemeteries. However additional height is permitted up to fifty (50) feet when one (1) foot of additional setback is provided on all sides of a structure for each additional one (1) foot of height in excess of the district height limitations.~~

~~**5.** Crematoriums shall be located at least one-hundred (100) feet from any public right-of-way, two-hundred (200) feet from any residential district, one-hundred (100) feet from any Commercial Center and Institutional Campus District, and twenty (20) feet from any other lot line.~~

~~**6.** A storage building or storage area for maintenance equipment may not exceed thirty-five (35) feet in height unless it is part of a structure of greater permitted height. Such structure shall be located at least one-hundred (150) feet from any residential district. The structure is limited to five-thousand (5,000) square feet in gross floor area.~~

~~**7.** A caretaker's dwelling shall not exceed the height limitation of the district within which it is located, unless it is part of a structure of greater permitted height.~~

~~**8**. Structures and areas for cutting, engraving, and marking of headstones and grave markers, and all materials used in conjunction therewith, shall be located at least two-hundred (200) feet from any residential district.~~

~~**9.** Administrative offices or chapels shall be at least ten (10) feet from the right-of-way, one-hundred (100) feet from any residential district, and twenty (20) feet from any other lot line. The aggregate gross floor area of all such structures shall not exceed fifteen-thousand (15,000) square feet and shall not have direct access to or from a public right-of-way.~~

~~**10.** Only one (1) sign, a maximum of twenty-five (25) square feet in area, is permitted at each entrance of the cemetery or mausoleum site. One (1) additional sign, a maximum of ten (10) square feet in area, is permitted for each mausoleum not located within a cemetery, but located as a separate entity and having direct access to a public right-of-way from the mausoleum site.~~

~~**11.** All vehicular entrances and exits to the cemetery or mausoleum site from a public street shall be approved by the Department of Public Works.~~

~~**12.** All cemetery property, including all structures, shall be landscaped and properly maintained.~~

~~**13.** Existing cemeteries and mausoleums, their structures and accessory appurtenances, as well as their use, may be maintained, structurally altered, or enlarged within the existing boundaries of such cemeteries and/or mausoleums. Within the boundaries of the cemetery or mausoleum property, further development and use may be made for cemetery purposes of existing cemetery and/or mausoleum property, including the building, maintenance, alteration, extension, enlargement, operation, and use of burial plots, tombs, vaults, mausoleums, columbariums, administrative offices, flower shops, mortuaries, crematoriums, signs, chapels, maintenance facilities, greenhouses,~~

warehouses, and living quarters for sextons and caretakers. Such alterations shall meet the following standards.

a. Structures fourteen (14) feet or less in height shall meet the following setback requirements:

i. Located at least five (5) feet from any lot line that abuts the side yard of a residential district.

ii. Located at least five (5) feet from any lot line that abuts the rear yard of a residential district unless the structure is constructed on the common lot line.

iii. Located at least ten (10) feet from any lot line that abuts a public right-of-way except as provided in Paragraph 13.e below.

b. A structure in excess of fourteen (14) feet, but not more than thirty (30) feet in height, shall be fifteen (15) feet from any public right-of-way or ten (10) feet from any residential district.

c. A structure in excess of thirty (30) feet in height shall be at least twenty (20) feet plus one (1) foot for each additional foot in height in excess of thirty (30) feet from any public right-of-way and residential district.

d. Where the boundaries of an existing cemetery and/or mausoleum comprise an entire square and there exists at the time of the effective date of this Ordinance one (1) or more structures located on the lot line abutting a public right-of-way, future buildings or structures may be constructed on the lot line to a height not to exceed fourteen (14) feet.

e. No new construction may reduce the number of existing off-street parking spaces, if any. This provision does not require more than the maximum off-street parking required by this Ordinance.

f. Any new construction of any burial plots, tombs, vaults, mausoleums, or columbariums may require the establishment of a perpetual care fund or provision for the maintenance of such facilities under an existing perpetual care fund, as regulated by the applicable laws of the State of Louisiana.

N. Check Cashing Establishment, Pay Day or Title Loan Establishment, or Pawn Shop

1. A check cashing establishment, pay day or title loan establishment, or pawn shop is not permitted within one thousand (1,000) feet of any other check cashing establishment, pay day or title loan establishment, and/or pawn shop.

2. Drive-through facilities are prohibited.

O. Construction or Demolition Debris Recycling Facility

1. The minimum area requirement for construction or demolition debris recycling facilities is five (5) acres.

2. A construction or demolition debris recycling facility is subject to all federal, state, and local stormwater regulations.

3. Construction or demolition debris recycling facilities shall be located a minimum of five-hundred (500) feet from any residential district.

4. ~~Construction or demolition debris receiving/tipping areas shall be constructed of a low permeability material to prevent infiltration and is able to withstand anticipated loads.~~

5. ~~The facility shall be screened with a solid fence eight (8) feet in height.~~

6. ~~All loads containing putrescible materials shall be tipped, processed, and stored indoors or under cover until sent off-site for reuse, recycling, or disposal. Wood may be stored outside if sorted within seventy-two (72) hours of receipt and immediately processed.~~

7. ~~Any leachate or runoff from waste and/or recyclable material shall be contained on-site.~~

8. ~~The following shall be submitted as part of the conditional use application:~~

   a. ~~Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the facility.~~

   b. ~~The types of material tracking methods and recordkeeping to be employed to demonstrate compliance with any applicable recycling thresholds. Records shall be kept in accordance with regulatory standards.~~

   c. ~~The procedures by which all non-recyclable general construction or demolition debris will be removed and disposed. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition material prior to shipment from the facility.~~

   d. ~~A closure plan for the facility.~~

   e. ~~All processing equipment proposed to be utilized to prepare the recyclable general construction or demolition debris for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering, and operating controls to minimize noise impacts.~~

   f. ~~Operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter.~~

   g. ~~Any and all air permits from the USEPA or other applicable regulatory authorities shall be obtained as necessary.~~

   h. ~~The method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the facility.~~

~~P. Contractor Storage Yard and Outdoor Storage Yard~~

1. ~~Contractor storage yards and outdoor storage yards shall have a minimum ten-thousand (10,000) square feet of lot area.~~

2. ~~All outdoor storage shall comply with the screening and buffering requirements of this Ordinance, including a seven (7) foot solid fence surrounding all outdoor storage areas.~~

3. ~~The outdoor storage area should be located to the rear of the lot where possible. All structures shall be located towards the front of the lot, but must comply with the front yard requirements of the underlying zoning district.~~

4. Outdoor storage areas shall be surfaced and graded to drain all surface water and meet the stormwater management requirements of Article 23. Outdoor storage areas may be surfaced with partially permeable materials, if adequate drainage, erosion, and dust control are provided.

Q. Day Care Center, Adult or Child

1. General Requirements

a. Each day care center shall comply with all applicable state and federal regulations, including regulations within the Louisiana Administrative Code.

b. The operator of any day care center shall be licensed by the State of Louisiana.

c. The number of children or adults permitted in a day care center is as follows:

i. Day Care Center - Small: Up to twelve (12) children or adults

ii. Day Care Center - Large: Thirteen (13) to thirty (30) children or adults

iii. Day Care Center - Commercial: Thirty one (31) or more children or adults

2. Child Day Care Center

a. No child may remain on the premises of a child day care center for more than twenty-four (24) consecutive hours in one (1) stay.

b. The following square footage of available indoor and outdoor play/instruction area is required for each child day care center:

i. A minimum of thirty-five (35) square feet per child of available indoor play/instruction area, which includes all indoor classrooms and play areas available for use by the children, but does not include hallways, office space, restrooms, storage, or food preparation areas. If rooms are used exclusively for dining or sleeping, they are not included in the play/instruction area.

ii. A minimum of thirty-seven and one-half (37.5) square feet per child of available outdoor play area. The outdoor play area includes all outdoor play areas on the site available for use by the children, but does not include any area within the required front yard. This requirement cannot be waived. All Central Business District Districts are exempt from this requirement.

c. An on-site drop-off and/or residential passenger zone is required. Stacked parking is permitted. The use of van or bus service is encouraged.

d. A child day care center may not be located within three hundred (300) feet of another child day care center, excluding any child day care center that is accessory to another principal use, such as an educational facility or place of worship. The Historic Core and Central Business District Districts are exempt from this requirement.

e. The outdoor play area shall meet the following regulations:

i. The outdoor play area shall be enclosed to protect children from traffic hazards and prevent the children from leaving the premises without proper supervision.

ii. If the child day care center is located adjacent to a residential district there shall be a six (6) foot solid fence around the play area adjacent to any abutting property line. Security fences are required where there are open cisterns, wells, ditches, fish ponds, and swimming pools, and to separate parking from any play area.

iii. A shade device (shade trees, overhangs, etc.) shall be provided within the outdoor play area. Twenty-five percent (25%) of the outdoor area shall be shaded.

iv. Play equipment appropriate to the needs of the children shall be supplied in sufficient quantity to allow access by each of the children at the child care facility. The equipment shall be maintained in good repair, and shall encourage active physical play (for example, swings, climbing apparatuses, and wheel-toys). There shall be a soft surface (sand, mulch, grass, mats, etc.) under all climbing equipment.

3. Adult Day Care Center

a. An adult day care center shall not allow any adult to remain on the premises for more than twenty-four (24) consecutive hours in one (1) stay.

b. A minimum of twenty-five (25) square feet of indoor space shall be provided for each adult at the center, exclusive of kitchens, bathrooms, offices, halls, stairways, and storage areas.

c. If no elevator is available, all programs and activities shall be located on the ground floor.

d. An on-site drop-off and/or residential passenger zone is required. Tandem parking is permitted. The use of van or bus service is encouraged.

R. Day Care Home, Adult or Child

1. General Requirements

a. Each day care home shall comply with all applicable state and federal regulations, including the Louisiana Administrative Code.

b. The amount of traffic or noise to be generated shall not be excessive.

c. The day care home shall retain a residential character and shall not alter the residential character of the neighborhood.

d. The operation of the day care home shall not adversely impact surrounding properties.

e. An on-site drop-off and/or residential passenger zone shall be provided. A residential driveway may be acceptable for this purpose, but may not be shared with any required parking area. The drop-off area shall be located so that clients of the facility are dropped off in front of the facility. Drop-off areas located across the street from the facility do not meet this requirement.

f. The number of children or adults permitted in a day care home is as follows:

i. Day Care Home - Small: Up to five (5) children or adults

ii. Day Care Center - Large: Six (6) or more children or adults

2. Child Day Care Home

a. No child may remain on the premises of a child day care home for more than twenty-four (24) consecutive hours in one (1) stay.

b. The following square footage of available indoor and outdoor play/instruction area is required for each child day care home:

i. A minimum of thirty-five (35) square feet per child of available indoor play/instruction area, which includes all indoor classrooms and play areas available for use by the children, but does not include hallways, office space, restrooms, storage or food preparation areas. If rooms are used exclusively for dining or sleeping, they are not included in the play/instruction area.

ii. A minimum of thirty-seven and one-half (37.5) square feet per child of available outdoor play area. The outdoor play area includes all outdoor play areas on the site which are available for use by the children, but does not include any area within the required front yard. This requirement may not be waived.

c. The outdoor play area shall meet the following regulations:

i. The outdoor play area shall be enclosed to protect the children from traffic hazards and prevent the children from leaving the premises without proper supervision.

ii. If the child day care center is located adjacent to a residential district there shall be a six (6) foot solid fence around the play area adjacent to any abutting property line. Security fences are required where there are open cisterns, wells, ditches, fish ponds, and swimming pools, and to separate the parking from any play area.

iii. A shade device (shade trees, overhangs, etc.) shall be provided within the outdoor play area. Twenty-five percent (25%) of the outdoor area shall be shaded.

iv. Play equipment appropriate to the needs of the children shall be supplied in sufficient quantity to allow access by each of the children at the child care facility. The equipment shall be maintained in good repair, and shall encourage active physical play. There shall be a soft surface (sand, mulch, grass, mats, etc.) under all climbing equipment.

3. Adult Day Care Home

a. No adult may remain on the premises of an adult day care home for more than twenty-four (24) consecutive hours in one (1) stay.

b. A minimum of twenty-five (25) square feet of indoor space shall be provided for each adult at the day care home, exclusive of kitchens, bathrooms, offices, halls, stairways, and storage areas.

S. Domestic Protection Shelter

Domestic protection shelters are subject to the regulations of the Louisiana Administrative Code.

T. Drive-Through Facility

A drive-through facility is considered a separate principal use, rather than accessory to the principal use, and is subject to the following standards:

1. In the Historic Core and Historic Urban Neighborhoods, a drive-through use shall have a minimum of ten thousand (10,000) square feet of lot area in order to have a drive-through facility. In all other districts, where drive-through facilities are allowed, the use shall have a minimum of twenty thousand (20,000) square feet.

2. All drive-through lanes shall be located and designed to ensure that they do not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Drive-through lanes on corner lots shall not route exiting traffic into adjacent residential neighborhoods.

3. All stacking spaces for drive-through lanes shall be designed in accordance with Section 22.10.

4. All drive-through facilities shall be properly screened. Drive aisles of drive-through facilities shall be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall consist of a masonry wall, solid fence, or dense evergreen hedge at least six (6) feet in height. Plant materials shall be installed along the fence or wall to provide a softening effect.

5. The volume on all intercom menu displays shall be maintained at a level so as not to be audible in adjoining residential districts. The volume on all intercom menu displays shall comply with all local noise regulations.

6. The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and provide daily litter clean-up of the facility and along the rights-of-way abutting the property.

7. A traffic impact management plan is required.

U. Dwelling, Established Multi-Family and Dwelling, Established Two-Family

1. For an established multi-family dwelling, the existing structure is a multi-family dwelling in its original construction. For an established two-family dwelling, the existing structure is a two-family dwelling in its original construction.

2. The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.

3. One (1) parking space shall be provided for each dwelling unit.

4. No additional conversions are permitted to the structure that would increase in the number of dwelling units from that originally constructed.

5. ~~For established two-family dwellings in the Lake Area Districts, such two-family dwellings are subject to the nonconformity requirements of Section 25.3.G.9 for existing two-family dwellings in the Lake Area Districts.~~

~~V. Educational Facility (Primary, Secondary, and Vocational)~~

~~An Institutional Master Plan shall be submitted and approved before a building permit, design review, or conditional use application may be processed. The general development plan shall address the general layout of the entire area, which includes the following:~~

1. ~~A development plan for the entire campus, including the location, square footage, and building heights of all existing and proposed structures and uses intended.~~

2. ~~A perimeter landscape plan for the area within the first twenty-five (25) feet of the lot boundaries. Landscape shall be in accordance with Article 23.~~

3. ~~Stormwater management plan, including all on-site filtration and detention facilities, in accordance with Article 23.~~

4. ~~A perimeter sign plan for the area within the first twenty-five (25) feet of the lot boundaries. Signs shall be in accordance with Article 24.~~

5. ~~Internal traffic circulation plans, including vehicular ingress and egress locations, pedestrian circulation, and bicycle circulation. For primary and secondary educational facilities, student pick-up locations shall also be shown.~~

6. ~~A traffic impact analysis, including the location and capacity of all off-street parking and loading spaces, and estimates of traffic load impact on the surrounding public street system.~~

~~W. Emergency Shelter~~

1. ~~Each facility shall provide common kitchen and dining room area adequate for the number of residents serviced.~~

2. ~~Each facility shall provide bathroom with lavatory, toilet, and showers adequate for the number of residents serviced.~~

3. ~~Emergency shelters shall conform to all regulations of the Louisiana Administrative Code.~~

~~X. Employment Services~~

1. ~~A minimum of six-hundred (600) square feet of client waiting area within the building, including seating, shall be provided.~~

2. ~~Supervised on-site, enclosed outdoor space shall be provided to accommodate the anticipated number of laborers. Indoor and outdoor accommodations shall be open a minimum of two (2) hours before assembly.~~

3. ~~Adequate restroom facilities shall be provided for clients within the building in accordance with City Code. The use of temporary or portable restrooms is prohibited.~~

4. ~~Call-times shall be posted outside of premises no less than two (2) hours prior to opening.~~

5. Sleeping accommodations are prohibited on premises.

6. A minimum distance of one-thousand (1,000) feet is required between employment service establishments.

Y. Fairgrounds

1. Fairgrounds shall be located on a site a minimum of ten (10) acres in size.

2. All structures shall be set back twenty (20) feet from the public right-of-way and fifty (50) feet from a residential district property line.

3. All parking areas shall be set back twenty (20) feet from a residential district property line.

4. Fairgrounds shall comply with the following fence requirements:

   a. Where a structure or parking area abuts a public right-of-way or residential district, a masonry fence or a solid fence constructed of redwood, cedar, or cypress boards placed vertically, edge to edge, shall be provided.

   b. When the fence is located along the residential district property line, the fence shall be located on the property line and a minimum of seven (7) feet in height.

   c. When the fence is located along the public right-of-way, the fence shall be located ten (10) feet from the abutting public right-of-way and a minimum of ten (10) feet in height. The ten (10) foot area between a public right-of-way and the fence shall be maintained as open space and landscaped.

   d. A chain wall that extends at least twelve (12) inches below grade and at least six (6) inches above grade shall be constructed and maintained as part of the fence to assure that the drainage does not run onto adjacent properties.

Z. Flea Market

1. Hours of operation are limited to 8:00 a.m. to 6:30 p.m.

2. The sale of food for consumption on or off the premises requires licensing by the City and approval by the Department of Health.

3. The sale of firearms and/or alcoholic beverages is prohibited.

4. In all districts except the Historic Core Districts, permanent open-air flea markets are required to install and maintain fencing or landscape along three (3) sides of the open market. A landscape plan describing both fencing and landscaping shall be reviewed and approved by the Executive Director of the City Planning Commission.

AA. Fraternity/Sorority

1. Fraternities/sororities shall be used and operated by a fraternal or sororal membership organization or association. Organizations or associations for which the chief activity is a service customarily carried on as a business are prohibited. The organization or association shall be incorporated under the laws of Louisiana.

2. The number of persons residing in fraternities/sororities shall be in accordance with all life safety codes of the City.

~~BB. Gas Station~~

1. ~~Gas station canopies shall be designed with lighting recessed under the canopy to minimize light pollution.~~

2. ~~All gas station driveways shall be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Gas stations are limited to two (2) curb cuts. For a corner lot, curb cuts are restricted to one (1) curb cut on each street.~~

3. ~~Gas stations may offer convenience items for sale. Retail sales of alcoholic beverages is a separate principal use and is only permitted when allowed in the zoning district.~~

4. ~~All structures shall comply with the building design standards of the zoning district. Public entrances shall face the street. Attendant structures shall include windows to allow visibility to all parts of the site.~~

5. ~~Gas stations shall be effectively screened from view at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting and headlight glare. Such screening shall consist of an masonry wall, a solid fence, or dense evergreen hedge at least six (6) feet in height. Plant materials shall be installed along the fence or wall to provide a softening effect.~~

6. ~~Gas stations may also include an automatic car wash with one (1) bay.~~

7. ~~In addition, gas stations may be included accessory to a "Minor Motor Vehicle Repair and Service" establishment. However, "Minor Motor Vehicle Repair and Service" areas are subject to the provisions of this Article.~~

8. ~~A minimum five (5) foot front landscape yard shall be provided along a public right-of-way. The site shall meet all applicable requirements of Article 23.~~

9. ~~The volume on any audio component shall be maintained at a level so as not to be audible in adjoining residential districts. The volume on any audio component shall comply with all local noise regulations.~~

10. ~~Gas stations are comprised of three (3) main areas: the main structure including parking area, the fuel pump island(s), and the fuel tank "tank farm" area. All development plans for gas stations shall indicate each of these three (3) Areas. The fuel tank "tank farm" area shall include the following information: the number, size, and configuration of all underground storage tanks.~~

11. ~~All underground storage tanks and fuel delivery systems shall meet or exceed minimum requirements, as regulated by EPA and DOT, for leak detection and preventative measures.~~

12. ~~All stormwater runoff from site operations shall be discharged into the Municipal Separate Storm Sewer System (MS4), subject to the following:~~

    a. ~~Stormwater from the main structure area is not permitted to run-off into the fuel pump island(s) and the fuel tank "tank farm" areas.~~

    b. ~~The fuel pump island(s) and the fuel tank "tank farm" areas shall be sloped in such a way as to funnel stormwater into grass or vegetative strips contained within the site.~~

c. The fuel pump island(s) and the fuel tank "tank farm" areas shall be constructed as a spill containment pad to prevent stormwater run-off onto the adjacent main structure areas and all other areas not protected by a grass of vegetative strip.

CC. Green Market

1. Hours of operation are limited to 7:00 a.m. to 7:30 p.m.

2. All size restrictions shall be consistent with the retail sales size restrictions in the zoning district, if applicable.

3. Green market facilities cannot protrude onto the public right-of-way or be placed in such a way that customers occupy the sidewalk or the public right-of-way.

4. In all districts except the Historic Core Districts, permanent open air green markets are required to install and maintain fencing or landscape. The plan shall include a perimeter landscape yard as required for perimeter parking lot landscape.

5. The sale of food for consumption on or off the premises requires approval of the Orleans Parish Sanitary and Service Department.

DD. Group Home

1. Group homes shall be licensed by the State of Louisiana.

2. Group homes are subject to all local and federal regulations and the regulations of the Louisiana Administrative Code.

3. Group homes shall be located no closer than one-thousand (1,000) feet from any other existing group home, as measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.

4. A group home shall encompass the entire structure.

5. The location, design, and operation of the group home shall not alter the residential character of the neighborhood. The facility shall retain a residential character, which shall be compatible with the surrounding neighborhood. New buildings shall be non-institutional in design and appearance and physically harmonious with the neighborhood in which they are located considering such issues as scale, appearance, density, and population.

6. Group homes are divided into the following sizes:

   a. Group home - small: Up to six (6) residents

   b. Group home - large: Seven (7) to fifteen (15) residents

   c. Group home - congregate: Sixteen (16) or more residents

~~EE. Horse Stables (Commercial)~~

1. ~~In all districts except the OS-R, Rural Development, and Historic Core Districts, horse stables shall be located no closer than three-hundred (300) feet from any residential district and one-hundred (100) feet from any public right-of-way. In the OS-R, Rural Development and Historic Core Districts, horse stables shall be located no closer than fifty (50) feet from any residential district and twenty-five (25) feet from any public right-of-way.~~

2. ~~Horse stables shall be constructed to prevent clean water from being contaminated by manure. Roof gutters, downspouts, and drains shall be installed to prevent "clean" roof water from being contaminated by mixing with manure. Clean water shall be diverted around barns, manure storage areas, and paddocks. Areas of high manure concentrations shall be roofed or covered.~~

3. ~~Prevention measures are required to protect any riparian corridors or waterways on the site. Horses shall be kept out of riparian corridors or waterways to prevent erosion and direct deposit of manure.~~

4. ~~Horse stables shall comply with all applicable health regulations.~~

~~FF. Kennel~~

1. ~~Any exterior exercise areas shall provide covered areas over a minimum of fifty percent (50%) of the exterior area to provide shelter against weather.~~

2. ~~All animals quarters located outside shall be designed to provide shelter against weather.~~

3. ~~All animal quarters and runs shall be kept in a clean, dry, and sanitary condition. The surface of exterior runs shall be made of impervious material to permit proper cleaning and disinfecting.~~

4. ~~Fencing of exterior exercise areas and any animals boarding quarters is required. A seven (7) foot solid fence is required around all exterior exercise areas.~~

~~GG. Live Entertainment – Secondary Use and Live Performance Venue~~

1. ~~Live entertainment - secondary use is considered a separate principal use. Live entertainment – secondary use may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, or indoor amusement facility.~~

2. ~~Live entertainment – secondary use and live performance venues shall submit a noise abatement plan, which shall address the intended use of amplification, noise levels, and need for soundproofing.~~

3. ~~Live entertainment - secondary use and live performance venues shall submit a security and operation plan, which shall include the following:~~

   a. ~~For live entertainment – secondary use, the days and hours of operation for the establishment's general operations as a standard restaurant or bar, and the days and hours of operation for the live entertainment component. For live performance venues, the days and hours of operation.~~

b. The size of the establishment and the size, location and configuration of the live entertainment area within the establishment.

c. Exterior lighting design.

d. Maximum occupancy loads.

e. Loading areas.

4. Live entertainment – secondary use and live performance venues shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three hundred (300) feet of the proposed location.

5. Live entertainment is subject to a closed doors and windows policy and compliance with the City of New Orleans Noise Ordinance. In the Vieux Carré Districts, music of any kind is prohibited outside the building.

6. Retail sales of alcoholic beverages for consumption off-premises are prohibited.

7. If the live entertainment - secondary use and live performance venues use plans an increase in intensity, such as an expansion of floor area, increase in live performance area or increase in permitted occupancy, a security and operation plan shall be updated and resubmitted for approval. Revised security and operation plans shall be approved prior to the issuance of any permits.

8. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.

9. Because live entertainment – secondary use is only allowed with a bar, standard restaurant, or indoor amusement facility, when the submittal requirements of live entertainment – secondary use and standard restaurant or bar are duplicated, only one (1) set of submittal requirements is required to be submitted and updated.

HH. Mining and Drilling Activities

1. Mining and drilling activities shall offer reasonable protection to surrounding properties and the neighborhood, particularly in regard to the use of any residential streets for access to the site.

2. The location of such operations with respect to property lines, depth, and relation to the water table or floor criteria and the slope of the sides of any excavation shall be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.

3. Petroleum, water, or mineral extraction operations, site requirements as to size, and setback requirements from the nearest existing development may be imposed as necessary to avoid any adverse effects on such adjacent development.

4. An open pit or shaft shall be at least two hundred (200) feet from any right-of-way and fifty (50) feet from any interior side and rear lot line.

5. All structures shall meet the minimum yard requirements of the district.

6. The borders of the open pit or shaft shall be screened with a solid fence or masonry wall at least ten (10) feet in height.

7. A plan of development of the reclamation of the land shall be provided as part of the conditional use application.

8. No blasting or other use of explosives is permitted unless specifically requested and authorized within the conditional use permit. Blasting shall conform to the following standards:

   a. The use, handling, and detonation of explosives shall be under the direct supervision of persons having the requisite licensing, experience, and knowledge to safely conduct such operations.

   b. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations, and shall be stored to meet the safety requirements of such laws and regulations.

   c. Blasting procedures shall be in accordance with modern techniques generally accepted in the mining and excavating industry so as to counteract and reduce the ground motion or earthborn vibration from successive detonations.

   d. Blasting procedures are subject to and shall comply with the applicable lawful requirements of the Louisiana Department of Environmental Quality, Mine Enforcement and Safety Administration (MESA) of the United States Department of the Interior, the New Orleans Police Department, and any other governmental agency having jurisdiction thereof.

   e. Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.

   f. The actual detonation of any blast is restricted to the local time period between 1:00 p.m. and 4:30 p.m., Monday through Saturday of each week. No blasting is permitted on Sunday or on the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Martin Luther King Day, Thanksgiving Day, and Christmas Day.

II. Motor Vehicle Dealership or Motor Vehicle Rental Establishment

Motor vehicle dealerships and motor vehicle rental establishments shall have a minimum lot size of twenty thousand (20,000) square feet. Any motor vehicle service and repair facilities shall also comply with the standards of this Article.

JJ. Motor Vehicle Service and Repair, Minor or Major (Includes Tire Retail Shops)

1. Minor motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than fifteen (15) days. Major motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than thirty (30) days.

2. All driveways shall be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

3. All repair operations and tire retail shops shall be fully enclosed. Wrecked or junked vehicles may not be stored on-site. Where the property abuts a residential use, the facility shall install an opaque fence at least six (6) feet high on the property line to buffer the residential use.

4. Minor motor vehicle service and repair may also include gas stations as an accessory use. All gas stations that are part of such an establishment shall comply with the regulations of this Article.

5. The sale of used or new automobiles is not permitted.

6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

7. Minor motor vehicle service and repair and tire retail shops shall have a minimum lot size of five thousand (5,000) square feet. Major motor vehicle service and repair shops shall have a minimum lot size of nine thousand (9,000) square feet.

8. All tire retail shops, whether new or used tires, must be registered with an LDEQ Agency Interest number (AI#). Operators shall submit proof of compliance with all local, state and federal laws prior to the issuance of a certificate of occupancy for the site, and proof of compliance with LDEQ standards prior to the issuance of an occupational license for the site.

9. The open storage of tires is prohibited. Covers shall be adequate to exclude water from the waste tires. All facilities shall have the means to control standing or pooling water in the containment areas.

KK. Neighborhood Commercial Establishment

1. The existing structure is non-residential in its construction and original use.

2. The existing structure and the proposed use shall be pedestrian-oriented in design, including public entrances oriented to the street and storefront windows along the first floor.

3. Neighborhood commercial establishments are limited to the first floor of the structure and three thousand (3,000) square feet in gross floor area.

4. The following uses are permitted within a neighborhood commercial establishment:

   i. Art Gallery

   ii. Arts Studio

   iii. Day Care Center, Adult or Child

   iv. Office

   v. Personal Services Establishment

   vi. Restaurant, Specialty

   vii. Retail Goods Establishment

5. The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.

6. The principal entrance shall be a direct entry from the street the property abuts.

7. No off-street parking is required.

8. Drive-through facilities are prohibited.

9. Outside storage or display is prohibited. All business, servicing, processing, and storage operations shall be located within the structure.

10. Any signs are subject to the requirements of the HU-B1A District.

LL. Parking Structure or Parking Lot (Principal Use)

All parking structures and parking lots are subject to the parking design standards of Article 22. In addition, parking structures and parking lots are subject to the following standards.

1. Parking Structure

Parking structures located in the Historic Core and Central Business District Districts shall meet the following requirements:

a. Parking structures shall include commercial uses along sixty percent (60%) of the ground floor, excluding required access areas from the calculation, when adjacent to a public right-of-way.

b. A traffic impact analysis is required.

c. In VCC-2 District, parking structures are limited to those properties fronting on North Rampart Street and Iberville Street.

2. Parking Lot

All parking lots shall meet the following requirements:

a. The parking lot shall be used solely for the parking of passenger vehicles for periods of less than one (1) day and cannot be used as an off-street loading area.

b. No sale, display, repair, or service of any kind is permitted in any parking lot.

c. No signs of any kind, other than signs designating entrances, exits and conditions of use, are permitted in any off-street parking lot.

d. No buildings other than those for shelter of attendants or payment kiosks are permitted in a parking lot. The allowable shelters shall not exceed ten (10) feet in height and fifty (50) square feet in area.

e. The parking lots shall be screened and landscaped in accordance with the requirements of Article 23.

f. The parking lot shall be kept free from refuse and debris. All landscape shall be maintained in a healthy growing condition.

~~MM. Permanent Supportive Housing~~

~~Permanent supportive housing is subject to the regulations of the Louisiana Administrative Code.~~

~~NN. Pet Day Care Service~~

1. ~~Any exterior exercise areas shall provide covered areas over a minimum of fifty percent (50%) of the total area to provide shelter against weather.~~

2. ~~All animal overnight boarding facilities shall be located indoors.~~

3. ~~All animal boarding quarters and exterior exercise areas shall be kept in a clean, dry, and sanitary condition. The surface of exterior runs shall be made of impervious material to permit proper cleaning and disinfecting.~~

4. ~~Fencing of exterior exercise areas and any animals boarding quarters is required. A seven (7) foot solid fence is required around all exterior exercise areas.~~

5. ~~Noise shall be mitigated so as not to create a public nuisance for adjoining properties and shall comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors.~~

6. ~~Exercise or training outdoors shall be conducted between the hours of 9 a.m. and 5 p.m.~~

7. ~~Retail sales of pet supplies, grooming services, and dog walking services are permitted as accessory to a pet day care service use.~~

~~OO. Pier (Private)~~

~~Private piers are limited to six (6) feet in width. Private piers serving existing fishing camps may be extended one (1) time from the original construction a distance of thirty (30) linear feet by building permit. Any further extensions require a conditional use permit.~~

~~PP. Private Residential Recreation Facilities (Indoor or Outdoor)~~

~~Private residential recreation facilities developed as common open space for a residential subdivision are subject to the following standards. Private residential recreation facilities within a multi-family dwelling that are developed as part of the structure and not open to the public, such as indoor gym facilities, private balconies, or rooftop terraces, are not subject to the requirements of this section.~~

1. ~~Private recreation facilities are permitted only for residential developments that are a minimum of three (3) acres in size.~~

2. ~~Private recreation facilities shall be limited to the exclusive use of residents of a residential development and their guests.~~

3. ~~Private recreation facilities shall be located fifty (50) feet from any adjoining property line. If that property line fronts a public right-of-way or drainage canal, with rights-of-way not less than twenty-five (25) feet in width, the required setback may be reduced to twenty-five (25) feet.~~

~~QQ. Pumping Station~~

~~1. Aboveground Sewerage Lift or Pumping Stations~~

~~a.~~ ~~In all residential districts, the following standards apply:~~

~~i.~~ ~~Aboveground structures shall be set back a minimum of twenty (20) feet from front and rear lot lines and a minimum of twelve (12) feet from side lot lines.~~

~~ii.~~ ~~Facilities shall be adequately screened along all lot lines by a solid fence or hedge a minimum of seven (7) feet in height.~~

~~b.~~ ~~In the OS-N, OS-G, OS-R, NA, and ESD Districts, the following standards apply:~~

~~i.~~ ~~Aboveground structures shall be set back a minimum of twenty (20) feet from front and rear lot lines and a minimum of twelve (12) feet from side lot lines, and sited to minimize impacts to sensitive environmental habitat.~~

~~ii.~~ ~~Facilities shall be adequately screened along all interior lot lines by a solid fence or hedge a minimum of seven (7) feet in height. Facilities shall be sited to minimize impacts to sensitive environmental habitat.~~

~~c.~~ ~~In all other districts, aboveground structures shall be set back in accord with applicable regulations for such district.~~

~~2. Underground Sewerage Lift or Pumping Stations~~

~~a.~~ ~~In all residential districts and in the VCE, VCE-1, VCS, VCP, OS-N, OS-G, OS-R, NA, and ESD Districts, aboveground entrance hatches shall be set back a minimum of twenty (20) feet from front and rear lot lines and a minimum of six (6) feet from side lot lines.~~

~~b.~~ ~~In all other districts, aboveground entrance hatches shall be set back a minimum of twenty (20) feet from front and rear lot lines and comply with all other applicable setback regulations for such districts.~~

~~3. Stormwater Pumping Stations~~

~~a.~~ ~~In all residential districts, the following standards apply:~~

~~i.~~ ~~Aboveground structures shall be set back a minimum of twenty (20) feet from all lot lines.~~

~~ii.~~ ~~At least two (2) off-street parking spaces shall be provided at locations on the site. Off-street parking spaces are prohibited in the twenty (20) foot minimum setback.~~

~~iii.~~ ~~Facilities shall be screened by a solid fence or hedge a minimum of seven (7) feet in height.~~

b. In the OS-N, OS-G, OS-R, NA, and ESD Districts, the following standards apply:

i. The standards in Paragraph a above apply, with the exception of item iii.

ii. Facilities shall be screened along all interior lot lines by a solid fence or hedge a minimum of seven (7) feet in height.

c. In all other districts, the following standards apply:

i. Aboveground structures shall be set back according to district regulations.

ii. At least two (2) off-street parking spaces shall be provided at locations on the site. Off-street parking spaces are prohibited in the required yards.

4. Water Pumping Stations

a. In all residential districts and in the OS-N, OS-G, OS-R, NA, and ESD Districts, the following standards apply:

i. Facilities shall be set back a minimum of twenty (20) feet from front, corner side and rear lot lines and a minimum of twelve (12) feet from interior side lot lines.

ii. Such facilities shall be adequately screened along all interior lot lines by a solid fence or hedge a minimum of seven (7) feet in height.

b. In all other districts, the following standards apply:

i. Facilities shall be set back in accord with applicable regulations for such district.

ii. Such facilities shall be adequately screened along all interior lot lines by a solid fence or hedge a minimum of seven (7) feet in height.

RR. Racetrack

1. As part of the conditional use approval for a dog or horse racetrack, hours or permissions for the following shall be established:

a. Pari-mutuel wagering

b. The duration of illumination for field lights and racecourse illumination systems, including standard hours of illumination and hours for night or twilight racing. In case of emergency, such as a horse or jockey injury, there is an automatic exception to the set hours of illumination. The inability of track patrons to exit the parking lot by the set time because of excessive traffic does not constitute an emergency.

2. Night or twilight racing for a horse or dog racetrack is limited to two (2) nights per week.

3. All field lights and racecourse illumination systems shall be directed and placed to minimize the effects on neighboring properties. The systems shall not employ candlepower in excess of the minimum actually required for racing events. As part of the conditional use approval, the City Council will select an illumination expert to examine and inspect lighting systems to insure compliance with this provision, to be paid for by the applicant. A plan for all lighting systems shall be approved with the application for the conditional use permit.

4. The racetrack shall implement a plan for ingress to and egress from its facilities. The plan shall minimize the impact of vehicular and pedestrian traffic in surrounding neighborhoods. Except for existing racetracks, all vehicular and pedestrian gates, driveways, and/or walkways shall be closed to the general public during the hours of operation on any day in which race events will be held after 6:30 p.m. except for gates located on a major street. The horse or dog racetrack shall provide, at its expense, for personnel to control traffic entering and existing gates on a major street.

5. Evidence that all applicable State laws will be complied with, including approval by the Louisiana State Racing Commission, shall be provided to the City Council.

SS. Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.

2. All events shall be held within a completely enclosed building. Live entertainment, if permitted as part of scheduled events, is subject to a closed doors and windows policy and compliance with the City of New Orleans Noise Ordinance. Music of any kind is prohibited outside the building.

3. Principal entrances and outdoor lighting shall be directed away from adjacent residentially zoned property.

4. Hours of operation are restricted to 10:00 a.m. and 12:00 midnight Sunday through Thursday. Hours of operation are restricted to 10:00 a.m. and 4:00 a.m Friday through Saturday.

5. A minimum distance of two-hundred (200) feet is required between any new reception facility and the nearest residential district.

TT. Recreational Vehicle (RV) Park

1. An RV park shall be located on a site a minimum of one (1) city square in all districts except the Rural Residential Districts. In the Rural Residential Districts, an RV park shall be located on a site of a minimum of two and one-half (2.5) acres.

2. Minimum rental space size for spaces having utility connections shall be fifteen hundred (1,500) square feet. Minimum rental space size for those spaces not having utility connections shall be nine hundred (900) square feet. Minimum rental space size does not include any area required for access roads, off-street parking, service buildings, recreation areas, office, and similar RV park needs.

3. All spaces shall be equipped with a surfaced pad of asphalt or concrete, or an approved permeable paving surface, of not less than ten (10) feet by forty (40) feet, containing connections for water, sewer, and electricity. Each RV unit shall be parked entirely on the surfaced area so that no part of the vehicle obstructs any roadway or walkway within the RV park.

4. An RV park shall meet the following yard and distancing requirements:

   a. An RV park shall maintain a perimeter yard of twenty (20) feet.

~~**b.** A minimum of ten (10) feet is required between RV units parked side by side or end to end.~~

~~**c.** A minimum of twenty (20) feet is required between any RV space and any structure.~~

~~**d.** Each vehicle space shall be a minimum width of twenty (20) feet.~~

~~**5.** Every RV park shall provide one (1) or more service buildings equipped with flush toilets, lavatories, showers, and laundry facilities meeting minimum state health department standards. These facilities shall be located no more than three hundred (300) feet from each vehicle space.~~

~~**6.** Every RV park shall provide a minimum of one (1) sanitary disposal station for the purpose of removing and disposing of wastes from holding tanks in a clean, efficient, and convenient manner.~~

~~**a.** Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.~~

~~**b.** The disposal hatch of sanitary station units shall be connected to the sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV park water supply system.~~

~~**c.** Each sanitary station shall have a sign posted stating "Danger - Not to be used for drinking or domestic purposes."~~

~~**7.** An RV park shall meet the following utility requirements:~~

~~**a.** All utilities shall be placed underground.~~

~~**b.** An accessible, adequate, safe, and potable supply of water under pressure shall be provided in every RV park. Each vehicle space equipped with sewer and electrical connections shall be equipped with two (2) water outlets to provide connection for the RV and a garden hose. All other spaces shall be equipped with one (1) water outlet.~~

~~**c.** All refuse shall be stored in durable, washable, and nonabsorbent metal or plastic containers with tight fitting lids. Such containers are required at a rate of one (1) thirty (30) gallon container for each rental space or an equivalent storage capacity in centralized storage facilities. All refuse storage areas must be screened in accordance with Section 23.13.A. Adequate refuse collection and removal is the responsibility of the park owner.~~

~~**8.** Ten percent (10%) of the gross area of the RV park shall be maintained as common open space for playgrounds, picnic areas, and other recreational uses. Open space does not include any area designated as a roadway, RV rental space, storage area, yard area surrounding a caretakers residence, or any area required for setbacks.~~

~~**9.** Temporary structures, such as canvas awnings, screened enclosures or platforms, which are normal camping equipment, may be erected but shall be removed when the rental space is vacated. No other structural additions shall be built onto or become a part of any RV. Storage sheds and other accessory structures are prohibited.~~

~~**10.** No open fires are allowed.~~

UU. Residential Care Facility

Residential care facilities are subject to the regulations of the Louisiana Administrative Code.

VV. Restaurant (All Types)

1. A restaurant shall submit a security and operation plan, which includes the following:

    a. A security plan. For restaurants with an outdoor component, the required security plan shall include provisions regarding how the facility will control the sales of alcoholic beverages to ensure consumption on premises.

    b. Days and hours of operation.

    c. The size of the establishment.

    d. The number and location of seats, tables and other furniture proposed for outdoor seating.

    e. Exterior lighting design.

    f. Maximum occupancy loads.

2. A restaurant shall submit a noise abatement plan.

3. If a restaurant contains a brewing facility on-site, a floor plan indicating the area reserved for brewing and a description of the facility and capacity. Only standard restaurants are permitted on a brewing facility on-site.

4. Standard restaurants shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location.

5. Retail sales of alcoholic beverages for consumption off-premises are prohibited.

6. All restaurants that serve alcoholic beverages are limited to the following hours of operation. No new customers are permitted after the closing hour, and the restaurant shall be completely shut down, including no staff present on the premises, with two (2) hours of the closing time. These limitations do not apply to restaurants that serve alcoholic beverages in the Vieux Carré Districts, the CBD Districts, and in the C-1, C-2, and C-3 Districts.

    a. Sunday thru Wednesday: Restaurants shall close by 12:00 am (midnight)

    b. Thursday thru Saturday: Restaurants shall close by 2:00 am

7. Standard restaurants with live entertainment are also subject to the standards of this Article. Live entertainment is a separate principal use and subject to separate approval.

8. If the restaurant use plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the security and operation plans shall be updated and resubmitted for approval. The revised security and operation plan shall be approved prior to the issuance of any permits.

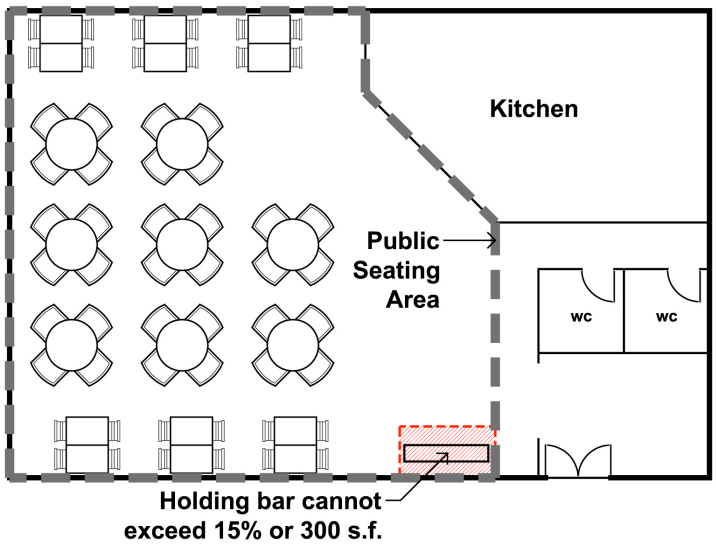
9. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.

10. Restaurants with drive-through facilities are subject to the standards of this Article. Standard restaurants with live entertainment – secondary uses are also subject to the standards of this Article. Drive-through facilities and live entertainment – secondary uses are considered separate principal uses and subject to separate approval.

11. A holding bar is permitted only for a standard restaurant. The holding bar is an accessory use to the principal use of a standard restaurant. The holding bar is an area of a restaurant where alcoholic beverages are prepared and served at the bar. Holding bars are subject to the following:

    a. A holding bar cannot exceed fifteen percent (15%) of the floor area of the public seating area of the restaurant, up to a maximum area of three-hundred (300) square feet, including the service area behind the bar. The calculation of the total public seating area shall include the holding bar area in the calculation. If a portion of the holding bar is used to serve non-alcoholic beverages, such as coffee, that area is included as part of the holding bar area. (See Figure 20-1: Restaurant Holding Bar)

FIGURE 20-1: RESTAURANT HOLDING BAR



    b. The holding bar shall only be open to the public while food is being served in the restaurant's dining room.

    c. The Board of Zoning Adjustments may grant a variance to increase in the square footage of the holding bar area. Such variance cannot exceed twenty-five percent (25%) of the public seating area of the restaurant.

WW. Salvage Yard

1. The minimum lot area for a salvage yard is two (2) acres.

2. A salvage yard is subject to all federal, state, and local stormwater regulations.

3. All areas serving as material storage areas require paving that is one-hundred percent (100%) impervious.

2. A salvage yard shall be completely enclosed along all lot lines by a solid fence, a minimum of eight (8) feet in height, with openings only for ingress and egress.

3. Storage of any kind is prohibited outside the fenced area.

4. Storage of materials that exceed the height of required screening is permitted. However, any materials stored that exceed the height of required screening shall be located a minimum of one-hundred (100) feet from any lot line.

5. All fluids shall be drained from junked and salvaged motor vehicles or motor vehicle parts within seven (7) days after those vehicles or parts are brought onto the site, and those fluids shall be disposed of in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

6. Open burning is prohibited.

XX. Separation/Recovery Facility, Industrial Composting Facilities, and Waste Transfer Station

1. All location characteristics of the Louisiana Administrative Code and City Codes shall be met, including the requirement that municipal water accessibility shall be provided and connections approved by the Fire Department and Sewerage and Water Board.

2. Buffering requirements shall be met, pursuant to the Louisiana Administrative Code and City Code, including:

   a. Adequate spacing, as defined by local and State law, between the property line and any aspect of the specific facility's operation and any residence or place of business that is served by a public water source and/or individual water supply well located on the premises.

   b. Adequate spacing between the property line and any aspect of the solid waste disposal operation and any habitation or place of business that is served by a public water source and/or individual water supply well located on the premises.

   c. Additional buffering requirements, such as vegetative barriers or fencing, which are determined to be adequate to protect adjacent landowners from odors, noise, visual impacts, vectors, and water quality problems.

3. No structures or internal roadways are permitted within the buffer zone.

4. All facility operators or property owners shall provide for litter abatement outside the facility to a distance set by the City Planning Commission and City Council.

5. A permit holder shall provide the City with evidence that copies of the permit have been forwarded to the appropriate agencies to show compliance with other applicable state and federal legal requirements.

6. Water discharges from operating units of all facilities shall follow all Louisiana Department of Environmental Quality regulations pursuant to the Louisiana Administrative Code and all applicable local requirements. Copies of these applications shall be provided to the City Planning Commission, Department of Safety and Permits and Sewerage and Water Board at the time of application.

7. Environmental concerns raised by the Louisiana Department of Environmental Quality and other federal, state and local agencies shall be addressed in the conditional use process.

8. All appropriate state, local, and federal permits as required by applicable law shall be obtained prior to the specific facility's operation and copies provided to the appropriate local agency.

9. If other stipulations such as performance bonds and peripheral cleanup are required, the specific facility shall comply with those requirements.

10. If participation in recycling programs in a manner consistent with the City's solid waste management objectives is found to be necessary, the operators of sanitary landfills and incinerators are required to participate.

11. Hurricane and flood protection shall be provided and incorporated into the facility's design and operation.

12. Fire protection and medical care, as approved by the City's Fire and Health Department and pursuant to the Louisiana Administrative Code, shall be available.

13. Security shall be provided and incorporated into the facility's design and operation.

14. Restrictions and limitations may be placed on the disposal if such restrictions are found to be in the public welfare. Such restrictions include, but are not limited to, locations, source of origin, volume of wastes entering the facilities, and type of wastes.

15. If deemed in the public welfare, materials not classified as regulated materials, as defined by the current Louisiana Hazardous Waste Regulations and subsequent Louisiana Department of Environmental Quality guidelines, may be prohibited by the Department of Sanitation and Health from the facility.

16. A detailed fire and emergency action plan shall be submitted to the New Orleans Fire Department for approval. These plans shall include, but are not limited to:

    a. Location of fire hydrants and size of water lines.

    b. Communications equipment, size and type.

17. A copy of any state preliminary report concerning the individual property shall be provided to the City Planning Commission and Department of Safety and Permits as part of the conditional use process.

18. The landfill operator is required to comply with a future reuse (end use plan) schedule approved by the state and City Planning Commission.

19. If the application is for expansion of a facility or construction of a replacement new facility, a plan for closing and upgrading existing operating areas is required.

20. Facilities shall comply with the conditions and specifications contained in the definition of sanitary landfills in the Louisiana Administrative Code.

21. For composting facilities, the following additional standards apply:

a. Facilities shall comply with the conditions and specifications for composting facilities in the Louisiana Administrative Code.

b. Prior to commencement of operation, facilities shall provide written notice to the local and state authority, stating the location of the composting facility, nature, origin, and quantity of the material to be composted, description of the operation, and the intended use for the compost.

c. Facilities shall follow methods of composting approved by the Louisiana Department of Environmental Quality that minimize odors and vectors, and produce a useful and stable product.

d. Local authorities may ban specific material not deemed in the best interest or not acceptable to the public welfare.

22. For separation/recovery facilities, the following additional standards apply:

a. Facilities shall comply with the conditions and specifications of the Louisiana Administrative Code.

b. All source separation/recovery activity shall be performed within an enclosed structure.

23. Where incinerators, non-industrial (Type II-A) are included, the following additional standards apply:

a. The inclusion of incinerators, non-industrial (Type II-A) is a conditional use.

b. Incinerators shall comply with the conditions and specifications of the Louisiana Administrative Code.

c. Only noninfectious waste from hospitals or clinics which has been properly packaged and identified and is certified as nonhazardous by the Department of Health and Hospitals may be deposited.

d. Incinerators shall be developed as a subordinate use, which is incidental to and customary or necessary in connection with a main building or use located on the same lot.

e. Incinerators shall comply with buffer zones pursuant to the Louisiana Administrative Code and this Ordinance.

YY. Social Club or Lodge

1. Social clubs or lodges shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

2. No more than fifty percent (50%) of the gross floor area may be used as office space for the social club or lodge.

3. Social clubs and lodges are permitted to serve meals and alcoholic beverages on the premises for members only.

~~4. Sleeping facilities are prohibited.~~

~~5. Social clubs and lodges leased or used as reception halls shall comply with the requirements for reception halls of this Article.~~

~~ZZ. Solar Energy System~~

~~1. Solar farms are subject to the following standards:~~

~~a. The property shall be screened with a masonry wall or solid fence a minimum of six (6) feet in height.~~

~~b. On-site power lines shall be placed underground to the maximum extent possible.~~

~~2. Solar gardens are subject to the following standards:~~

~~a. The property shall be screened with a masonry wall or solid fence a minimum of (7) feet in height.~~

~~b. Manufacturers' or installers' identification and appropriate warning signs shall be posted at the site in a clearly visible manner.~~

~~c. Solar gardens shall adhere to all setback, height, and lot coverage requirements of the zoning district in which they are located.~~

~~d. On-site and collective power lines shall be placed underground to the maximum extent possible.~~

~~AAA. T-Shirt Shop~~

~~1. T-shirt shops, novelty shops, gift shops and souvenir shops, which specialize in T-shirts, novelties, gifts, and souvenirs, are limited to one (1) establishment within six-hundred (600) feet from another such establishment in the Central Business District Districts.~~

~~2. T-shirts, souvenirs, novelties, or gifts, or a combination thereof, are limited to a maximum display area or visible floor area of thirty-five percent (35%). This display area includes any wall display, such as shelves, hangers, etc., and any floor space, such as shelves, tables, etc. T-shirts, souvenirs, novelties, or gifts, or a combination thereof, are limited to thirty-five percent (35%) of any display visible from the street from any windows or doors.~~

~~BBB. Truck Stops and Truck Terminals~~

~~1. All truck stops and truck terminals shall submit a general development plan for review and approval by the Executive Director of the City Planning Commission. If these facilities are located in the New Orleans Regional Business Park, bounded by the Mississippi River Gulf Outlet/Intracoastal Waterway, the CSX railroad tracks, the Industrial Canal, and the Maxant Lagoon, the site shall be reviewed and approved by the Executive Director of the City Planning Commission in consultation with the New Orleans Regional Business Park.~~

~~2. A minimum front yard of twenty (20) feet shall be provided. If the site is within three-hundred (300) feet of a residential district, a fifty (50) foot front yard shall be provided. Parking is prohibited in the setback. The setback shall be landscaped with evergreen trees at a rate of one (1) for every twenty-five (25) feet of linear frontage, supplemented with shrubs and groundcover.~~

3. A solid fence a minimum height of seven (7) feet in height is required for any outside storage areas adjacent to a public right-of-way, residential, or commercial district.

4. All vehicular use areas adjacent to public right-of-ways shall be screened by a berm, masonry wall, hedge, or a combination thereof a minimum of thirty (30) inches in height and within a perimeter yard a minimum of four (4) feet in width.

5. Parking lots of one-hundred (100) or more parking spaces shall provide landscaped interior parking islands at a rate of one (1) for every twenty (20) parking spaces. The parking islands shall be at least five (5) feet in width.

6. Loading operations shall be screened and designed so that no vehicle blocks the passage of other vehicles on any public right-of-way.

7. No truck idling is permitted when a truck stop or truck terminal is located adjacent to a residential district

8. A truck stop is permitted video draw poker devices only in accordance with the following:

   a. A licensed establishment that is a truck stop shall be located adjacent to a major state or interstate highway, defined as a through highway and designated as a state highway by the Louisiana Department of Transportation and Development. For purposes of this section, "adjacent" means that the property line of the premises upon which a truck stop is located within a distance of two-thousand (2,000) feet to the nearest edge of the traveled portion of the roadway which is a major state highway or interstate highway.

   b. Notwithstanding any provision of law to the contrary, no license will be granted to any truck stop located at the time application is made for a license to operate video draw poker devices within five hundred (500) feet of any property that is on the National Register of Historic Places, park or playground, place of worship, cultural facility, or educational facility. For the purposes of this section, this distance is measured as a person walks using the sidewalk from the nearest point of a property line of the property on the National Register of Historic Places, park or playground, place of worship, cultural facility, or educational facility to the nearest point of the premises for the truck stop.

   c. All truck stops with video draw poker facilities are regulated by the Louisiana Gaming Control Board and are subject to the Louisiana Administrative Code regulations.

CCC. Utilities

1. **Electric Substations and Transmission Facilities**

   a. All facilities shall be approved by the Department of Public Works.

   b. Substation facilities shall be a minimum area of one (1) acre.

   c. Substation facilities shall be located within and completely surrounded by a masonry wall or solid fence a minimum of six (6) feet in height and set back a minimum of twenty (20) feet from all property lines in residential districts and in accord with applicable district regulations for all other districts.

~~**d.** All structures for substations, other than poles, shall be set back in accord with applicable district regulations. Self-supporting radio towers shall be set back a minimum of fifty (50) feet in all residential districts and in accord with district regulations in all other districts.~~

~~**e.** All structures other than poles or self-supporting radio towers are limited to the height requirements of the zoning district.~~

~~**f.** Existing electric substations may continue to be operated, maintained, structurally altered or expanded provided that such expansion or alteration does not further encroach on the required twenty (20) foot setback from all property lines or the applicable height regulations for such district and provided further that such expansion is allowed only if such use is adequately screened from any abutting residential property by a solid fence or hedge at least six (6) feet in height. Existing electric transmission facilities may continue to be operated, maintained or structurally altered without any change in route.~~

~~**2. Telephone Exchanges**~~

~~**a.** Telephone exchanges shall be approved by the Department of Public Works.~~

~~**b.** Telephone exchanges shall be on a site of at least twenty thousand (20,000) square feet. Telephone exchanges shall be set back a minimum of twenty (20) feet from all property lines from all residential districts and in accord with applicable district regulations in all other districts.~~

~~**c.** All structures, other than poles or self-supporting radio towers, are limited to the height requirements of the zoning district.~~

~~**d.** The location, character, and extent of proposed telephone exchanges shall be reviewed and approved by the Executive Director of the City Planning Commission prior to the issuance of required permits. Such review of said facilities shall ensure that the facility will be in keeping with the existing neighborhood and adjoining property's architectural and aesthetic characteristics so that the facility will not adversely affect the existing environment of the area and will be consistent with the intent and purposes of this Ordinance to promote public health, safety, and welfare.~~

~~**e.** All structures and parking areas shall be adequately screened from any abutting residential district by a solid fence or hedge a minimum of six (6) feet in height.~~

~~**f.** In all districts, existing telephone exchanges may continue to be operated, maintained, structurally altered, or expanded provided that such expansion or alteration does not further encroach on the required yards, off-street parking requirements, or floor area ratio requirements of the applicable district regulations and provided further that such expansion is permitted only if such use is adequately screened from any abutting residential property by a solid fence or hedge at least six (6) feet in height.~~

3. Aboveground Utility Structures

a. Aboveground Utility Structures Size Categories

Aboveground utility structures are regulated according to size, as defined below:

i. Small aboveground utility structures do not exceed one (1) foot in height and two (2) feet in either width or depth.

ii. Medium aboveground utility structures do not exceed three (3) feet in height and four (4) feet in either width or depth.

iii. Large aboveground utility structures do not exceed five (5) feet in height and five (5) feet in either width or depth.

iv. Extra large aboveground utility structures exceed the dimension restrictions of a large aboveground utility structure.

b. Location

In new developments, all structures servicing a building shall be placed on the same side of a building.

c. Screening and Maintenance

i. As indicated in Paragraph d below, two levels of screening are specified. These are defined as follows:

(A) Level 1 Screening: Screening on all sides of the structure except for those containing access openings to the structure. Screening materials may be a masonry wall, solid fence, or hedge and shall be the height of the structure.

(B) Level 2 Screening: Screening on all sides of the structure except for those containing access openings to the structure. Screening shall be a solid fence the height of the structure.

ii. Existing fences, walls, and landscape may be used to meet screening requirements.

iii. The utility shall maintain the screening, unless the property owner has agreed to maintain the screening.

iv. The utility shall maintain the structure free of graffiti. The exterior shall be maintained to prevent visible deterioration.

d. Permitted Locations

The permitted locations for aboveground utility structures for residential and non-residential districts are indicated in Table 20-2: Permitted Location for Aboveground Utility Structures in Residential Districts and Table 20-3: Permitted Location for Aboveground Utility Structures in Non-Residential Districts.

TABLE 20-2: PERMITTED LOCATION FOR ABOVEGROUND UTILITY STRUCTURES IN RESIDENTIAL DISTRICTS				
LOCATION	SIZE			
	SMALL	MEDIUM	LARGE	EXTRA LARGE
In right-of-way[1] adjacent to front yard with or without screening				
In right-of-way[1] adjacent to corner side or rear yard with level 1 screening	X	X		
In right-of-way[1] adjacent to corner side or rear yard with level 2 screening	X	X	X	
In alley right-of-way with or without screening	X	X	X	
Front, corner side or rear yard in utility servitude without screening	X			
Front, corner side or rear yard in utility servitude with level 1 screening	X	X		
Corner side or rear yard in utility servitude with level 2 screening	X	X	X	
Rear yard in utility servitude with level 2 screening	X	X	X	X
In transmission servitude with level 1 screening	X	X	X	X

TABLE 20-2 FOOTNOTES

[1] Exclude alleys

TABLE 20-3: PERMITTED LOCATION FOR ABOVEGROUND UTILITY STRUCTURES IN NON-RESIDENTIAL DISTRICTS				
LOCATION	SIZE			
	SMALL	MEDIUM	LARGE	EXTRA LARGE
In right-of-way[1] without screening	X			
In utility servitude without screening	X			
In right-of-way[1] with level 1 screening	X	X	X	
In utility servitude with level 1 screening	X	X	X	
In alley right-of-way with or without screening	X	X	X	

TABLE 20-3 FOOTNOTES

[1] Exclude alleys

DDD. Wind Farm

1. The design of the wind farm shall conform to applicable industry standards, including those of the American National Standards Institute, as such standards exist as of the date construction is commenced. The facility owner or operator shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.

2. The wind farm shall comply with all applicable building and construction codes.

3. All wind turbines shall comply with the following:

   a. All wind turbines shall be newly manufactured as of the date of installation.

   b. Experimental/prototype wind turbines may only be approved with a conditional use.

4. All wind farms shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.

~~**5.** All electrical components of the wind farm shall conform to applicable local, state, and national codes, and applicable international standards.~~

~~**6.** An engineer's certificate shall be completed by a structural engineer, licensed in the State of Louisiana, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.~~

~~**7.** Wind turbines shall comply with the following design standards:~~

~~**a.** Wind turbines shall be a non-obtrusive and non-reflective color such as white, off-white, gray, or black. The facility owner or operator shall maintain the paint on wind turbines at all times in good repair.~~

~~**b.** Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.~~

~~**c.** Within the wind farm, wind turbines shall be of a generally consistent size, design, and color, of similar height and rotor diameter, and shall rotate in the same direction.~~

~~**d.** Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.~~

~~**e.** On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.~~

~~**f.** Non-essential appurtenances shall not be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.~~

~~**g.** A clearly visible warning sign advising persons of the presence of high voltage levels shall be placed at the base of all pad-mounted transformers and substations.~~

~~**8.** The applicant shall commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert having no less than ten (10) years of experience conducting wildlife assessments, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert shall also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds and affiliated habitat. All wind turbines at time of application shall be located out of bird and bat migration pathways/corridors to which wind turbine construction would pose a substantial risk.~~

~~**9.** Wind turbines shall not be climbable up to a height of at least fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.~~

~~**10.** Wind farms shall meet the following setback regulations:~~

~~**a.** Wind turbines shall be set back from all occupied buildings and barns, garages, machine sheds, and livestock buildings located on a participating property owner's property a distance of no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the occupied building.~~

b. All wind turbines shall be set back from the nearest property line a distance of not less than the normal yard requirements for that zoning district or one-hundred and ten percent (110%) of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations shall be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, shall comply with the regulations of the zoning district.

c. All wind turbines shall be set back from the nearest public right-of-way a distance of one-hundred and ten percent (110%) of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.

11. The facility owner or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any disruption or degradation of signals caused by the wind farm in a manner reasonably calculated to remedy such signal degradation, including, but not limited to, providing alternative methods of delivery of signals to affected households at facility owner or operator's expense. The foregoing provision shall not in any way be interpreted to excuse compliance with any regulations, codes, or laws specifically governing electronic transmissions.

12. The facility owner or operator shall comply with all applicable codes and ordinances regulating sound generation. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels, the facility owner or operator shall take necessary measures to bring sound levels down to a level acceptable.

13. A wind turbine's shadow flicker shall not fall on any window of an existing structure or within the buildable area of an adjacent lot, as defined by current yard requirements.

14. The facility owner and operator shall, at their sole expense, complete decommissioning of the wind farm, or individual wind turbines, within one (1) year after the end of the useful life of the wind farm or individual wind turbines. The wind farm or turbine will be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of one-hundred eighty (180) days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of forty-eight (48) inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind farm.

EEE. Wireless Telecommunications Antenna, Facility, and Tower

1. Purpose

The following standards for wireless telecommunications antennas, facilities and towers are intended to:

a. Ensure public health, safety, and welfare.

b. Ensure access to reliable wireless telecommunications services throughout the City.

c. Encourage the use of existing towers and other structures for the co-location of wireless telecommunications antenna.

d. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the City will be minimal and preferably in non-residential, as opposed to residential, districts.

e. Minimize the potential adverse effects associated with the construction of wireless telecommunications towers through the implementation of reasonable design, landscape, and construction practices.

2. Application Requirements

In addition to the requirements for a conditional use, all applications to erect, construct, or modify any part of a wireless telecommunications antenna, facility, or tower shall include the following items, unless waived by the Executive Director of the City Planning Commission:

a. A development plan showing:

i. The location, size, screening, and design of all structures, including fences.

ii. The location and size of all outdoor equipment.

iii. A landscape plan showing all screening.

iv. For a new wireless telecommunications tower, indication of the fall zone by a shaded circle.

b. A maintenance plan, and any applicable maintenance agreement, designed to ensure long-term, continuous maintenance to a reasonably prudent standard, including maintenance of landscaping, keeping the area free from debris and litter, and immediate removal of any graffiti.

c. A full disclosure of what is proposed, demonstrating the need for the wireless telecommunications antenna, facility, or tower to be located where proposed.

d. The reason or purpose for the placement, construction, or modification, with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives.

e. The service area of the proposed wireless telecommunications antenna, facility, or tower.

f. An EME/RF Study which documents both the individual carrier's contribution of radiofrequencies (RF) to the environment, and the cumulative effects of all RF sources at the site. The study shall document where the "maximum permissible exposure" (MPE) is exceeded.

g. The nature and extent of the provider/applicant's ownership, servitude, or lease interest in the property, building or structure upon which the antenna, facility or tower is proposed for placement, construction or modification.

h. The identity and address of all owners and other persons with a real property recorded interests in the property or structure upon which the antenna, facility, or tower is proposed for placement, construction, or modification.

i. If the proposal is for a new telecommunications tower, then a map showing co-location opportunities within the City and within areas surrounding the borders of the City shall be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.

j. Certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

k. A visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. The Executive Director of the City Planning Commission may require the visual simulation be provided from two (2) different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.

3. Fall Zone Setback

a. A fall zone shall be constructed around any wireless telecommunications tower equal to the height of the tower. The fall zone does not include public right-of-way, and shall be located on property either owned or leased by the applicant, or for which the applicant has obtained an servitude, and may not contain any structure other than an associated wireless telecommunications facility. In all cases, the wireless telecommunications tower shall meet the underlying setback requirements of the zoning district in which it is located.

b. The City may reduce the required fall zone as part of the conditional use approval if the City shall find that the tower is less visible as a result and that safety is not compromised. Such reduction in the fall zone setback requires submission of a written instrument signed by all adjoining property owners, and duly notarized, agreeing to such modification. In all cases, the wireless telecommunications tower shall meet the underlying setback requirements of the zoning district in which it is located.

c. Any associated wireless telecommunications facilities shall be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

4. Height

The maximum height of a wireless telecommunications tower is sixty-five (65) feet, including all attachments (antennas, lightening rods, arrays, etc.). The height is measured from grade to the highest point of the tower. A conditional use application for approval of a wireless telecommunications tower shall demonstrate that the tower does not exceed the minimum height requirement necessary to function satisfactorily, which may be less than the sixty-five (65) foot maximum permitted here. As part of the conditional use approval, a tower may exceed the maximum height if the City finds that the exception is necessary for functionality or co-location purposes. In any case, the tower shall not exceed the height necessary to function satisfactorily.

5. Lighting and Marking

a. Wireless telecommunications antennas and towers shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If lighting is required, strobe lighting is prohibited unless no alternative is available.

b. Wireless telecommunications facilities are permitted to install security lighting, which shall be down-shielded and contained within the boundaries of the site.

~~6. Landscape and Security~~

~~a. Fencing~~

~~i. Wireless telecommunication towers shall be enclosed by a solid fence a minimum of six (6) feet in height, and constructed to prevent unauthorized personnel from climbing the tower.~~

~~ii. Chain link fencing may be placed behind the solid fence so long as the chain link fencing cannot be seen from the public right-of-way.~~

~~iii. All gates and access points shall be locked.~~

~~b. Landscape~~

~~Landscape shall be installed outside the fencing in accordance with the following:~~

~~i. One (1) shade tree for every twenty (20) feet of fence length, not including gates or other fence openings.~~

~~ii. One (1) shrub for every three (3) feet of fence length, not including gates or other fence openings.~~

~~iii. The landscape requirements may be grouped to maintain openings around gates or other access points.~~

~~c. Security~~

~~i. All wireless telecommunication towers, facilities, and antennas shall be designed with sufficient security measures to prevent unauthorized entry.~~

~~ii. All wireless telecommunication towers shall be designed to preclude unauthorized climbing. Anti-climbing measures shall address the area from the base of the tower to twelve (12) feet above the base.~~

~~iii. Any private access roads to a wireless telecommunication tower or facility shall be gated for security purposes.~~

~~iv. Signs shall be mounted on the fenced enclosure and adjacent to any access points prohibiting entry without authorization, warning of danger from electrical equipment and unauthorized climbing of the tower. Signs shall also include the owner of the tower and a contact number in case of emergency. Such signs are limited to six (6) square feet in area. No other information may be part of such signs.~~

~~d. Alternate Designs for Base Flood Elevation Considerations~~

~~Where a wireless telecommunications tower base and/or facility shall be elevated above four (4) feet because of base flood elevation (BFE), an alternate fencing and landscape design shall be proposed to take into account the additional height from the BFE. This alternate design shall be approved by the Executive Director of the City Planning Commission.~~

7. Additional Standards for Wireless Telecommunications Antennas

a. Wireless telecommunications antennas are a conditional use in all districts, except where they are considered a permitted use in accordance with Paragraph 10 below and subject to site plan and design review approval by the Executive Director of the City Planning Commission in accordance with Section 4.5.

b. Wireless telecommunications antennas do not include satellite dish antennas, which are regulated separately by this Ordinance.

c. Antennas shall be of a color that is identical or similar to the color of the supporting structure to make the antenna visually unobtrusive.

d. No antenna may increase the overall height of any building or structure on which it is mounted by more than ten percent (10%) or ten (10) feet, whichever is less. However, antennas attached to existing communication towers may not increase the height of tower above the maximum allowed.

e. The City may require, at its discretion, additional EME/RF Studies once antennas have been mounted and are in use in order to verify that the MPE has not been exceeded.

8. Additional Standards for Wireless Telecommunications Facilities

a. Wireless telecommunications facilities are a conditional use in all districts.

b. Wireless telecommunications facilities do not include aboveground utility structures and temporary telecommunications carrier on wheels (COW), which are regulated separately by this Ordinance.

c. All wireless telecommunications facilities shall be completely enclosed in an equipment shelter. This shelter shall meet the building design standards of the zoning district. Communication equipment shelters shall meet the setback requirements of the underlying zoning district.

d. Any cabinets or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation shall not be stored on the site. The facility shall be un-staffed.

9. Additional Standards for Wireless Telecommunications Towers

a. Wireless telecommunications towers are a conditional use in all districts.

b. Wireless telecommunications towers shall be designed to accommodate at least three (3) telecommunications providers. The area surrounding a tower shall be of a sufficient size to accommodate accompanying wireless telecommunications facilities for at least three (3) telecommunications providers.

c. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers shall have a galvanized silver or gray finish.

d. As part of the conditional use approval, the City may require the applicant to reserve a portion of the tower for use by the local, state, or federal government.

e. All telecommunication towers shall have back-up power systems with sufficient power to operate for at least seven (7) days following a massive power outage. Towers shall be equipped with systems that automatically engage during such power failures. Back-up generators and any necessary fuel supplies shall be stored in a secure structure to prevent unauthorized access, damage and theft and to protect from weather damage.

f. To minimize the adverse visual impact of wireless telecommunications towers, such towers will be permitted as conditional uses in the following order of preference for locating new facilities. If lower priority locations are requested, the applicant may be required to provide engineering data certified by the appropriate Louisiana licensed professional, or other information the City deems necessary, that the use of a higher priority location is not technically, or otherwise feasible, and that the requested location is a matter of engineering necessity.

i. **First Priority**

First priority sites are the C-3, EC, MC, MS, LI, HI, MI, and BIP Districts. In addition, co-location of antennas in any district where there is an existing wireless telecommunications tower is considered a first priority site.

ii. **Second Priority**

Second priority sites are the OS-R, NA, ESD, MU-1, MU-2, LS, and C-2 Districts.

iii. **Third Priority**

Third priority sites are any districts not cited as a first or second priority.

10. Stealth Design for Wireless Telecommunications Antennas

Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan and design review approval by the Executive Director of the City Planning Commission in accordance with Section 4.5. All development plans shall include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design shall comply with the following regulations:

a. To qualify as a stealth design, wireless telecommunications antennas shall be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a causal observer.

b. Antennas shall be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls, and steeples, and shall be designed to blend in to the structure. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, antennas attached to existing communication towers shall not increase the height of the tower above the maximum allowed.

c. No antenna may increase the overall height of any structure on which it is mounted by no more than one (1) foot.

d. All stealth designs shall include a plan for maintenance for the proper operation and appearance of the antenna.

11. Abandonment

Any wireless telecommunications tower or facility that is not operated for a period of one-hundred eighty (180) consecutive days is considered abandoned. The owner shall remove the tower or facility, and all aboveground equipment and related debris, within one-hundred eighty (180) days of its abandonment. The City may ensure and enforce removal by means of its existing regulatory authority.

12. Nonconformities

a. Nonconforming Wireless Telecommunications Antenna or Facilities

Ordinary maintenance may be performed on nonconforming antenna or facilities. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or facility, a variance is required.

b. Nonconforming Wireless Telecommunications Towers

i. Ordinary maintenance may be performed on nonconforming towers.

ii. Co-location of an antenna on an existing nonconforming tower is permitted as a conditional use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not intensify the nonconformity.