

VILLAGE OF FOLSOM, LOUISIANA

Comprehensive Zoning Ordinance

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CHAPTER 18. ARTICLE B

COMPREHENSIVE ZONING ORDINANCE

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SECTION I. FOLSOM ZONING REGULATIONS AND PROCEDURES

18.1. ZONING REGULATIONS, SHORT TITLE

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

18.2. PURPOSE AND AUTHORITY

- A. *Purpose* – These zoning regulations as herein set forth have been prepared for the Village of Folsom, Louisiana to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.
- B. *Authority* – This ordinance adopted pursuant to the Charter of the Village of Folsom, and the provisions of Section 33:4721 et seq., Section 33:101 et seq., and Section 25:731 et seq. of the Louisiana statutes and the Constitution of the State of Louisiana in order to protect the health, safety and welfare of the Village of Folsom, Louisiana.
- C. *Commission Provisions*
 - 1. Under the authority of the Louisiana (LA) R.S. 33:101 et seq. the Village of Folsom maintains a municipal planning commission, to be known as the “Folsom Planning Commission” or “Planning Commission” herein, whose administrative provisions are found in **Chapter xxx** of the Village of Folsom Code of Ordinances.
 - 2. As per LA.R.S. 33:4721 et seq. the municipal planning commission shall also serve as the municipal zoning commission, and shall have all of the powers conferred upon zoning commissions by law, and shall be known as the “Folsom Zoning Commission” or “Zoning Commission” herein. The administrative provisions for the Zoning Commission are found in **Chapter xxx** of the Village of Folsom Code of Ordinances.
 - 3. There may be a Board of Zoning Adjustment, the membership, terms of office, and rights and duties of which shall be provided in LA.R.S. 33:4727, as amended.
- D. Any reference or citation made in this ordinance to any duly enacted statute of the United States of America or of the State of Louisiana; or any duly enacted ordinance of the Parish of St. Tammany or of the Village of Folsom; or any regulation enacted or promulgated by any department, agency, bureau or other institution or subdivision of the United States of

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America, the State of Louisiana, the Parish of St. Tammany or of the Village of Folsom shall refer to the provisions of the cited or referenced statute, ordinance or regulation as of the date of the enactment of this ordinance or as cited or referenced statute, ordinance or regulation may thereafter from time to time be amended, reenacted or re-designated.

- E. All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.
- F. Upon the effective date of this Ordinance, the pre-existing Chapter 18 Article B Zoning Ordinance of the Folsom Code of Ordinances shall be repealed.

18.3. JURISDICTION

- A. These regulations shall apply to all the area located within the corporate limits of the Village of Folsom. All developments shall meet minimum standards and requirements of these regulations, as amended. This ordinance, or any amendment thereto, shall not affect the validity of any building permit lawfully issued prior to the effective date of the ordinance, or any amendment thereto, provided that the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto, that construction authorized by such permit has commenced prior to the effective date of the ordinance, or any amendment thereto, and provided that construction has and does continue without interruption until development is completed.
- B. Any use established on the effective date of this ordinance and which conforms with the conditional use provisions applicable in the zoning district in which the use is located shall be considered a lawful conditional use; provided that the use continues to conform with the provisions of this ordinance.
- C. This ordinance, or amendment thereto, shall not affect the validity of variances granted prior to the effective date of this ordinance, or amendment thereto. Said variances shall remain in effect after the effective date of this ordinance, and shall constitute variances to the applicable provisions of this ordinance.

18.4. SCOPE

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

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- D. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

18.5. FEES

The Village Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals and other matter pertaining to this ordinance. This schedule of fees shall be available from the Mayor’s Office in the Village of Folsom and may be altered or amended only by the Village Council. No permit, certificate, special exemption or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full.

18.6. EXISTING BUILDINGS AND USES

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

18.7. RULES OF CONSTRUCTION

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

- A. The particular controls the general
- B. In the case of any difference in the meaning or implication between the text of this Zoning Ordinance and any caption or illustration, the text controls.
- C. “Shall” is always mandatory and not discriminatory.
- D. Words used in the present tense include the future; and words used in the singular include the plural, and the plural the singular, unless the context clearly states the contrary.
- E. A “building” or “structure” includes any part thereof.

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- F. "Person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and" or "or", the following shall apply:
 - 1. "And" indicates the all the connected items, conditions, provisions or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
- H. Terms not defined in this Chapter have the meaning customarily assigned to them, or a meaning to be assigned by a duly authorized representative if the Village of Folsom.

18.8-18.10. RESERVED

SECTION 2. USE DISTRICTS

18.11. DISTRICT CLASSIFICATIONS

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

18.12. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Where the district boundary line is shown by dimension or relationship as being located a specific distance from and/or parallel to a street line, said distance shall control.
- B. Where a district boundary line divides a parcel of land, the location of such boundary, unless related to fixed points on the property boundary, shall be determined by scale, and each part of the parcel shall comply with the regulations of the district in which it is located.
- C. Whenever a street, alley or other public way is vacated by official action of the Council, the zoning district adjoining each side of the street, alley or public way shall be automatically extended to the center of such vacancy.
- D. Where a district boundary line does not coincide with any of the aforesaid lines, and where it is not located by dimensions or fixed points shown on the zoning map, it shall be determined by the scale appearing thereof, and in cases of other uncertainties the Mayor or his/her duly authorized representative shall determine the exact location.

18.13. APPLICATION OF DISTRICT REGULATIONS

- A. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered

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unless in conformity with all of these regulations herein specified for the district in which it is located.

- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area, or;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. *Regulations of land under water* - All lands within the Village, which are under water and are not shown as included within any district shall be subject to all the regulations of the district adjacent to the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line.
- E. *Location of streets and public ways* - Whenever any street, alley, or other public way is vacated by official action of the governing body of the Village, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of same and all area included therein shall then become subject to all appropriate regulations of the extended districts.

18.14. ESTABLISHMENT OF DISTRICTS

- A. All land within the corporate limits of the Village of Folsom is hereby divided into the following five (5) base zoning districts:
 - R Districts – Residential
 - C Districts – Commercial
 - I Districts – Institutional
 - O Districts – Open Space/Recreation
 - M Districts – Industrial/Manufacturing
- B. The five (5) types of districts are further divided into the following specific base districts:
 - R-1 – Rural Residential District
 - R-2 - Single-Family Residential District
 - R-3 – Single-Family Residential District
 - R-4 – Multi-Family Residential District
 - RX – Residential/Business Mixed-Use District
 - C-1 – Commercial Corridor District
 - C-2 – Commercial/Industrial District
 - ID – Institutional District
 - OS – Open Space/Recreation

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- C. If, in accordance with the provisions of this ordinance and statutes, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on this official zoning map quarterly after the Village Council has approved the amendment, and attached to this ordinance. Each such quarterly change of the map shall be dated, signed, and certified. However, amendments shall become effective when adopted by the Council.

No change of any nature shall be made in this official zoning map or matter shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized changes of whatever kind, by any person or persons, shall be considered a violation of the ordinance and punishable under Section 8 – 18.101 of this Ordinance.

The official zoning map, which shall be located in Folsom at the Village Hall shall be the final authority as to the current zoning status of land, buildings, and other structures in the Village. The Mayor shall keep the map.

- D. *Classification of Annexed Territory* - All areas taken into the corporate limits of the Village of Folsom shall be classified in the zoning district of the Village that most closely corresponds to the adjacent land uses as identified by the Village of Folsom Master Plan. The appropriate zoning shall be recommended by the Planning Commission of the Village of Folsom and verified in writing before adoption of an annexation ordinance by the Village Council of the Village of Folsom.

However, the said areas taken into the Village may be classified as any district set forth in Section 2 – 18.14.B provided that:

1. Application be made to the Planning Commission by an owner with the area to be annexed for whatever other classification or classifications that may be desired;
2. A public hearing shall have been held by the Planning Commission meeting the requirements of Section 8 – 18.101.3 hereof;
3. The Planning Commission approves a district classification or classifications requested, and;
4. The Village Council approves by majority vote the district classification approved by the Planning Commission.
5. If the Planning Commission and Village Council do not act upon the application within ninety (90) days from date of the application, it shall be deemed denied.

SECTION 18.15. MINIMUM AREA FOR BASE ZONING DISTRICTS

- A. The minimum areas that may constitute a separate or detached part of any of the following zoning districts on the zoning map or subsequent amendments to said zoning map shall be as shown on Table 1. When a nonresidential district is directly across the street from or abuts a district with the same or less restrictive classification, the area of the land directly across the street or abutting the property may be included in the calculations in meeting the minimum district size requirements.

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TABLE 1
MINIMUM AREAS FOR ZONING DISTRICTS

Table with 2 columns: Zoning District and Minimum Area of the District. Rows include R-1, R-2, R-3, R-4, RX, C-1, LM, ID, and OS districts with their respective area requirements.

18.16. ZONING MAP

The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the Village Council of the Village of Folsom. Said map and subsequent amendments thereto shall be considered part of this code.

18.17. R-1 RURAL RESIDENTIAL DEFINED

- A. Purpose and Intent - The purpose and intent of the R-1 Rural Residential zone is to maintain Folsom's rural character, conserve natural areas and environmental quality, and ensure efficient public services and facilities to those areas outside of the Village core.
B. Permitted Uses
1. Residential
a. Bed and Breakfast establishments of up to six (6) rooms (See Section xxx);
a. Manufactured housing (See Section xxx);
b. Single-family detached dwellings, including modular homes;
c. Large group or community home (see Sections x - xxx and Section 2 - 18.17.E for standards).
2. Non-residential

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- a. Agricultural, horticultural, forestry and equine activities, *including* related commercial activities conducted on site such as wholesale greenhouses and nurseries, but excluding aircraft landing strips;
 - b. Cemeteries;
 - c. House of worship, provided the building(s) for use does not exceed four thousand (4,000) square feet;
 - d. Parks and outdoor recreational uses including, but not limited to, playgrounds, horse riding and training stables, athletic fields, and nature preserves;
 - e. Public buildings;
 - f. Public utilities including, but not limited to, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses (see Section xxx for standards).
3. Accessory
 - a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses;
 - b. Accessory dwelling units (See Section xxx);
 - c. Incidental home occupations (See Section xxx);
 - d. Produce stands (See Section xxx).
- C. *Conditional Uses* - Conditional uses are prohibited unless an application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
- a. Kennels;
 - b. House of worship exceeding four thousand (4,000) square feet.
- D. *Property Development Standards*
1. Lot area:
 - a. Every residential and non-residential lot shall contain an area of not less than two and one half (2.5) acres.
 - b. Public utilities shall have no minimum lot requirements.
 2. Lot Width: Every lot shall have a minimum width of three hundred feet (300').
 3. Standard yard requirements and development standards:

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- a. Front yard setback: All uses shall have a front yard setback of fifty feet (50'); however there shall be no minimum yard setback for produce stands of no more than three hundred (300) square feet in area and no more than sixteen feet (16') in height.
 - b. Side yard: All uses shall have a combined total side yard of thirty feet (30'), but in no case shall any building be located closer than ten feet (15') from the side property line.
 - c. Rear yard: There shall be a rear yard having a depth of not less than twenty percent (20%) of the lot, and shall be no less than twenty-five feet (25') but need not exceed fifty feet (50') for all uses.
4. Maximum height limit: No building or structure shall exceed thirty-five feet (35') above the base flood elevation as established in the current FEMA maps and guidelines, unless outlined in Section xxx of this ordinance.
- E. *Site and structure regulations for group/residential care homes.*
1. To ensure safety and compatibility with surrounding use, site plan approval is required for any board, care and/or community home in this district.
 2. For these uses, no more than six (6) automobiles, vans, trucks, etc., shall be parked outside of home, and these must be parked in off-street parking spaces.
 3. All requirements for certification, licensing and monitoring established by the laws of the State of Louisiana, including but not limited to L.A.R.S. 40:2151 et seq., relative to board and care homes must be complied with and maintained pursuant to this section.
 4. All requirements for certification, licensing, and monitoring established by the laws of the State of Louisiana, including but not limited to L.A.R.S. 28:475 et seq. relative to group homes for handicapped persons must be complied with and maintained pursuant to this section.
- F. *Parking Requirements* – As provided for in Section xxx.
- G. *On-Site Water Supply/Sewage Disposal Systems* – As provided for in Section xxx

18.18. R-2 SINGLE-FAMILY RESIDENTIAL DEFINED

- A. *Purpose and Intent* – The purpose and intent of the R-2 single-family residential district is to provide for the location and grouping of low-density, single-family residences with accompanying accessory uses that are protected from the adverse impacts of incompatible non-residential land uses.
- B. *Permitted Uses*
1. Residential
 - a. Single-family detached dwellings, including modular homes;

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- b. Small group or community home (see Sections xxx and 18.18.E for standards);
- 2. Non-residential
 - a. Agricultural uses, horticultural and forestry activities, excluding aircraft landing strips;
 - b. House of worship, provided the building(s) for use does not exceed four thousand (4,000) square feet;
 - c. Parks and outdoor recreational uses, excluding golf courses;
 - d. Public buildings;
 - e. Public utilities including, but not limited to, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses (see Section xxx for standards).
- 3. Accessory
 - a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses;
 - b. Accessory dwelling units (See Section xxx);
 - c. Incidental home occupations (See Section xxx).
- C. *Conditional Uses* - Conditional uses are prohibited unless an application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
 - 1. House of worship exceeding four thousand (4,000) square feet;
 - 2. Kennels;
 - 3. Golf Courses.
- D. *Property Development Standards*
 - 1. Lot area:
 - a. All residential and non-residential lots shall contain an area of not less than forty thousand (40,000) square feet.
 - b. Public utilities shall have no minimum lot requirements.
 - 2. Lot Width: All lots shall have a minimum width of one hundred fifty feet (150').
 - 3. Standard yard requirements and development standards:

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- a. Front yard setback: All uses shall have a front yard setback of fifty feet (50’).
 - b. Side yard: All uses shall have a combined total side yard of eighteen feet (30’), but in no case shall any building be located closer than eight feet (15’) from the side property line.
 - d. Rear yard: There shall be a rear yard having a depth of not less than twenty percent (20%) of the lot, and shall be no less than twenty-five feet (25’) but need not exceed fifty feet (50’) for all uses.
4. Maximum height limit: No building or structure shall exceed thirty-five feet (35’) above the base flood elevation as established in the current FEMA maps and guidelines, unless outlined in Section xxx of this ordinance.
- E. *Site and structure regulations for group/residential care homes.*
- 1. To ensure safety and compatibility with surrounding use, site plan approval is required for any board, care and/or community home in this district.
 - 2. For these uses, no more than four (4) automobiles, vans, trucks, etc., shall be parked outside of a small group home. These must be parked in off-street parking spaces.
 - 3. All requirements for certification, licensing and monitoring established by the laws of the State of Louisiana, including but not limited to L.A.R.S. 40:2151 et seq., relative to board and care homes must be complied with and maintained pursuant to this section.
 - 4. All requirements for certification, licensing, and monitoring established by the laws of the State of Louisiana, including but not limited to L.A.R.S. 28:475 et seq. relative to group homes for handicapped persons must be complied with and maintained pursuant to this section.
- F. *Parking Requirements* – As provided for in Section xxx.
- G. *On-Site Water Supply/Sewage Disposal Systems* – As provided for in Section xxx

18.19. R-3 SINGLE FAMILY RESIDENTIAL DEFINED

- A. *Purpose and Intent* - The purpose and intent of the R-3 single-family residential district is to provide for the location and grouping of moderate density single-family residences with accompanying accessory uses in the historic core of the Village that are protected from the adverse impacts of incompatible non-residential land uses.
- B. *Permitted Uses*
- 1. Residential
 - a. Single-family detached dwellings, including modular homes;
 - b. Small group or community home (see Sections xxx and 18.18.E for standards).
 - 2. Non-residential

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- a. Agricultural uses, horticultural and forestry activities, excluding aircraft landing strips;
 - b. House of worship, provided the building(s) for use does not exceed four thousand (4,000) square feet;
 - c. Parks and outdoor recreational uses;
 - d. Public buildings;
 - f. Public utilities including, but not limited to, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses (see Section xxx for standards).
3. Accessory
- a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses;
 - b. Incidental home occupations (See Section xxx).
- C. *Conditional Uses* - Conditional uses are prohibited unless an application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
- D. *Property Development Standards*
1. Lot area:
 - a. Residential lots shall contain an area of not less than six thousand (8,400) square feet.
 - b. Non-residential lots shall contain an area not less than sixteen thousand eight hundred (16,800) square feet.
 - c. Public utilities shall have no minimum lot requirements.
 2. Lot Width:
 - a. All residential lots shall have a minimum width of sixty feet (60').
 - b. Non-residential lots shall have a minimum width of one hundred twenty feet (120').
 3. Standard yard requirements and development standards:
 - a. Front yard setback: All uses shall have a front yard setback of twenty-five feet (25').
 - b. Side yard: All uses shall have a combined total side yard of fifteen feet (15'), but in no case shall any building be located closer than seven and one half feet (7.5') from

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the side property line. In the case of the side yard abutting the street right-of-way the required side yard shall be a minimum of ten feet (10') for a combined total of seventeen and one half feet (17.5').

- e. Rear yard: There shall be a rear yard having a depth of not less than twenty percent (20%) of the lot, and shall be no less than twenty-five feet (25').
 4. Maximum height limit: No building or structure shall exceed thirty-five feet (35') above the base flood elevation as established in the current FEMA maps and guidelines, unless outlined in Section xxx of this ordinance.
- E. *Site and structure regulations for group/residential care homes.*
1. To ensure safety and compatibility with surrounding use, site plan approval is required for any board, care and/or community home in this district.
 2. For these uses, no more than four (4) automobiles, vans, trucks, etc., shall be parked outside of a small group home. These must be parked in off-street parking spaces.
 3. All requirements for certification, licensing and monitoring established by the laws of the State of Louisiana, including but not limited to LA.R.S. 40:2151 et seq., relative to board and care homes must be complied with and maintained pursuant to this section.
 4. All requirements for certification, licensing, and monitoring established by the laws of the State of Louisiana, including but not limited to LA.R.S. 28:475 et seq. relative to group homes for handicapped persons must be complied with and maintained pursuant to this section.
- F. *Parking Requirements* – As provided for in Section xxx.

18.20. RM MULTI-FAMILY RESIDENTIAL DEFINED

- A. *Purpose and Intent* – The purpose and intent of the R-4 multi-family residential district is to provide opportunities for grouping a variety of higher density residential uses in areas with access to existing or proposed amenities and services. This district allows for a mix of buildings on individual lots or for more than one (1) building on one (1) lot. The R-4 district shall accommodate single-family residences attached dwellings that have common walls, including townhouses, congregate and other cluster developments, as well as multi-family structures ranging from duplexes to apartment buildings.
- B. *Permitted Uses*
1. Residential
 - a. Multi-family dwellings;
 - b. Single-family detached dwellings, including modular homes;
 - c. Townhouse dwellings;
 - d. Two-family dwellings, including modular homes;

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- e. Small or Large group/community home (see Sections xxx and 18.20.E for standards).
- 2. Non-residential
 - a. Agricultural uses, horticultural and forestry activities, excluding aircraft landing strips;
 - b. House of worship, provided the building(s) for use does not exceed four thousand (4,000) square feet;
 - c. Parks and outdoor recreational uses;
 - d. Public buildings;
 - e. Public utilities including, but not limited to, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses (see Section xxx for standards).
- 3. Accessory
 - a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses;
 - b. Incidental home occupations (See Section xxx).
- C. *Conditional Uses* - Conditional uses are prohibited unless application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
 - 1. Small Day Care, Adult or Child (See Section xxx);
 - 2. Nursing home or congregate dwellings;
- D. *Property Development Standards*
 - 1. Lot area:
 - a. Single-family detached lots and group/community home shall contain an area of not less than six thousand (8,400) square feet.
 - b. Two-family and lot shall have a minimum lot area of ten thousand (10,000) square feet.
 - c. Townhouse lots shall contain a minimum lot area of eighteen hundred (1,800) square feet per unit, with a minimum of four (4) units per development.
 - d. Multi-family dwellings shall have a minimum lot area of twelve thousand (12,000) square feet, or four thousand (4,000) square feet per unit, which ever is greater.

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- e. Non-residential lots shall contain an area not less than sixteen thousand eight hundred (16,800) square feet.
 - f. Public utilities shall have no minimum lot requirements.
2. Lot Width:
- a. Single-family lots shall have a minimum width of sixty feet (60').
 - b. Two-family lots shall have a minimum width of seventy-five feet (75').
 - c. Interior townhouse lots shall measure no less than thirty feet (30') and corner townhouse lots shall measure no less than forty feet (40').
 - d. Minimum lot width for a multi-family development is one hundred feet (100').
 - e. Non-residential lots shall have a minimum width of one hundred feet (100').
3. Standard yard requirements and development standards:
- a. Front yard setback:
 - i. All uses other than townhouses shall have a front yard setback of twenty feet (20').
 - ii. Front building lines shall be no closer than fifteen feet (15') from the property line on lots that contain townhouses.
 - b. Side yard:
 - i. All uses other than townhouses and multi-family developments shall have a combined total side yard of fifteen feet (15'), but in no case shall any building be located closer than seven and one half feet (7.5') from the side property line. In the case of the side yard abutting the street right-of-way the required side yard shall be a minimum of ten feet (10') for a combined total of seventeen and one half feet (17.5').
 - ii. There shall be no minimum side yard requirement between lots that contain townhouses provided that in no case shall any townhouse be built located any closer than ten feet (10') from the street side property line, and a ten foot (10') setback shall be provided where a lot containing a townhouse abuts a lot containing a separate residential structure.
 - iii. Multi-family developments shall have a minimum side yard of twenty feet (20'), but in no case shall the building be any closer than ten feet (10') from the property line.
 - f. Rear yard: There shall be a rear yard having a depth of not less than twenty percent (20%) of the lot, and shall be no less than twenty-five feet (25').
5. Maximum height limit: No building or structure shall exceed thirty-five feet (35') above the base flood elevation as established in the current FEMA maps and guidelines, unless

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outlined in Section xxx of this ordinance.

- E. *Site and structure regulations for group/residential care homes.*
 - 1. To ensure safety and compatibility with surrounding use, site plan approval is required for any board, care and/or community home in this district.
 - 2. For these uses, no more than four (4) automobiles, vans, trucks, etc., shall be parked outside of a small group home, and no more than six (6) automobiles shall be parked outside of a large group home. . These must be parked in off-street parking spaces.
 - 3. All requirements for certification, licensing and monitoring established by the laws of the State of Louisiana, including but not limited to L.A.R.S. 40:2151 et seq., relative to board and care homes must be complied with and maintained pursuant to this section.
 - 4. All requirements for certification, licensing, and monitoring established by the laws of the State of Louisiana, including but not limited to L.A.R.S. 28:475 et seq. relative to group homes for handicapped persons must be complied with and maintained pursuant to this section.
- F. *Parking Requirements* – As provided for in Section xxx.
- G. *Landscaping Requirements* - As provided for in Section xxx.

18.21. RX RESIDENTIAL/BUSINESS MIXED USE DEFINED

- A. *Purpose and Intent.* The purpose of the RX Business/Residential Mixed-Use district is to provide for the location of small, low-impact retail, service and office uses within or next to primarily residential areas. The intent of the district is to protect established residential neighborhoods from the type of land uses associated with high levels of noise, illumination, traffic and visual blight that are more common in more intense commercial districts, while encouraging the convenient placement of such commercial uses for the benefits of residents in locations compatible with the type and impact of the use. Characteristics of this district generally include a mixture of land uses in close proximity to existing commercial/institutional development, where some existing homes or vacant land may be less suitable for residential purposes.
- B. *Permitted Uses*
 - 1. Residential
 - a. Bed and Breakfast establishments of up to four (4) rooms (See Section xxx);
 - b. Dwelling, Townhouse;
 - c. Multi-family dwellings, up to a maximum four (4) dwelling units per structure;
 - d. Single-family detached dwellings, including modular homes;
 - e. Two-family dwellings, including modular homes.
 - 1. Non-residential

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- a. Animal hospital;
- b. Art galleries, visual art and photographic studios;
- c. Small Day Care Center, Adult or Child (See Section xxx);
- d. House of worship, provided the building(s) for use does not exceed four thousand (4,000) square feet;
- e. Medical and dental clinics, up to three (3) practioners;
- f. Parks and outdoor recreational uses;
- g. Personal services establishment;
- h. Professional and business offices, provided the building for use does not exceed four thousand (4,000) square feet;
- i. Public buildings;
- j. Public utilities, including telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses (see Section xxx for standards);
- k. Restaurant, limited-service;
- l. Social club or lodge.

3. Accessory

- a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses;
- b. Incidental home occupations (See Section xxx).

C. *Conditional Uses* - Conditional uses are prohibited unless application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.

1. Large Day Care Center, Adult or Child (See Section xxx);
2. Medical and dental clinics with more than three (3) practioners;
3. Professional and business offices over four thousand (4,000) square feet.

D. *Property Development Standards*

1. Lot area:

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- a. The minimum lot area requirement in the RX zone for non-residential lots is eighty-four hundred (8,400) square feet.
 - b. Residential uses shall meet all minimum area requirements in the R-4, Multi-family residential district as per Section 8 -18.20 of this Ordinance.
 - c. Bed and breakfast establishments shall have a minimum lot area of sixteen thousand eight hundred (16,800) square feet.
2. Lot width:
- a. There shall be a minimum lot width of sixty feet (60') at the building line for non-residential lots.
 - b. Residential uses shall meet all minimum lot width requirements in the R-4, Multi-family residential district as per Section 8 -18.20 of this Ordinance.
 - c. Bed and breakfast establishments shall have a minimum lot width of one hundred twenty feet (120').
3. Standard yard requirements and development standards:
- a. Front yard setback:
 - i. All non-residential uses shall have a twenty-five foot (25') minimum front yard setback.
 - ii. Residential uses shall meet all minimum front yard requirements in the R-4, Multi-family residential district as per Section 8 -18.20 of this Ordinance.
 - iii. Bed and breakfast establishments shall have a twenty-five foot (25') minimum front yard setback.
 - b. Side yard:
 - i. All non-residential uses shall have a minimum side yard of fifteen feet (15'), but in no case shall the building be any closer than seven and one half feet (7.5') from the property line.
 - ii. All residential uses shall meet the side yard requirements outlined in Section 8 -18.20 of this Ordinance;
 - iii. Bed and breakfast establishments shall have a minimum side yard of fifteen feet (15'), but in no case shall the building be any closer than seven and one half feet (7.5') from the property line.
 - g. Rear yard: There shall be a rear yard having a depth of not less than twenty percent (20%) of the lot, and shall be no less than twenty-five feet (25').
4. Maximum height limit: No building or structure shall exceed thirty-five feet (35') above the base flood elevation as established in the current FEMA maps and guidelines, unless outlined in Section xxx of this ordinance.

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F. *Site Plan Submission.*

1. Site plan approval. To insure proper development and compatibility within the RX district, all uses shall be reviewed as follows:
 - a. Site plan review is not necessary for purely residential uses;
 - b. Site plan approval is required for all commercial uses that will be developed under the RX guidelines for the first time;
 - c. Site plan approval is required for any expansion or addition of five hundred (500) square feet or more onto a commercially used property;
 - d. Site plan approval is required for the conversion of all or part of a residential use into a commercial use.
 2. When site plan approval is required, the following plan approval process is required by the Zoning Commission:
 - a. When a person applies for the permit, the Zoning Commission shall hold a public hearing on the proposal.
 - b. The site of the proposal shall be posted at least ten (10) days prior to the public hearing.
 - c. The petitioner shall submit the following:
 - i. Site and development plans at an appropriate scale showing the proposed development scheme including location, proposed site layout, provisions of ingress and egress, off-street parking and off-street loading access, refuse and service areas, and required yards and open space.
 - ii. Plans showing proposed locations for utility hook ups.
 - iii. Plans for proposed screening, buffering, and landscaping.
 - iv. Proposed signs and lighting, including type, dimensions and character.
 - v. Architectural drawings depicting front and side elevations for proposed buildings and the exterior renovation of existing structures.
 - d. Submitted plans must bear the certification of a registered professional engineer, architect or land surveyor.
- H. *Parking Requirements* - Parking requirements for this district shall be in accordance with the provisions of Section xxx of this land use regulations ordinance.
- I. *Fire Marshal Approval* - As provided for in Chapter xxx in the Village of Folsom Code of Ordinances.

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- J. *Landscape Requirements* - Landscaping requirements for this district shall be in accordance with the provisions of Section xxx of this Ordinance.
- K. *Off-street Loading Requirements* - Off-street loading requirements for this district shall be in accordance with the provisions of Section xxx of this Ordinance.

18.22. C-1 COMMERCIAL CORRIDOR DEFINED

- A. *Purpose and Intent* – This commercial district is designed to accommodate commercial activities that draw from, provide services to, and would benefit from a location easily accessible to a State highway or arterial street. The zoning of commercial property in this district shall be for the purpose of encouraging and requiring appropriate development and redevelopment, the efficient use of small tracts, innovative and imaginative planning, conservation of natural resources and minimum waste of land. Commercial areas are to be developed so as to result in attractive, viable and safe center and clusters. Control of vehicular access, circulation, landscaping and signs should soften the impact of development on any nearby residential neighborhoods and assure minimum adverse effects on the street system and other public services.
- B. *Permitted Uses*
 - 1. Residential
 - a. Nursing home;
 - b. Residential Care Center.
 - 2. Non-Residential
 - a. Animal hospital;
 - b. Art galleries, visual art and photographic studios;
 - c. Automotive repair, minor;
 - d. Small or Large Day Care Center, Adult or Child (See Section xxx);
 - e. Farmers market;
 - f. Financial Institution with or without Drive-through facility;
 - g. Funeral home;
 - h. Garden supply sales;
 - i. Gas Station;
 - j. Government facilities;
 - k. House of worship;

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- l. Medical or dental clinic;
 - m. Mini-warehouse;
 - n. Personal services establishment;
 - o. Professional and business office;
 - p. Public buildings;
 - q. Public utilities, including telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses (see Section xxx for standards);
 - r. Recreation facility, indoor or outdoor;
 - s. Restaurant, all types;
 - t. Retail sales establishment;
 - u. Social Club or lodge.
3. Accessory
- a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses.
- C. *Conditional Uses* - Conditional uses are prohibited unless an application for the use has been processed by the Town of Livingston, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
- D. *Property Development Standards*
- 1. Lot Area: No minimum lot area is required for non-residential lots.
 - 2. Lot width: No minimum lot width shall be required for non-residential lots.
 - 3. Lot depth: No minimum lot depth shall be required for non-residential lots and bed and breakfasts.
 - 4. Front yard:
 - a. Front building lines shall be no closer than ten feet (10') from the street right-of-way line.
 - b. On corner or through lots, the required front yard will be provided on both streets.
 - 5. Side yard: No side yard is required for non-residential lots except on the side(s) of a lot abutting any adjacent existing dwelling or residential area or district in which case there shall be a side yard of not less than ten feet (10') in depth.

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6. Rear yard: No rear yard is required for non-residential lots except where a lot abuts an existing dwelling or residential area or district, in which case there shall be a rear yard of not less than ten feet (10') in depth.
 - E. *Parking Requirements* - Parking requirements for this district shall be in accordance with the provisions of Section xxx of this land use regulations ordinance.
 - F. *Height Requirements* - No building or structure shall exceed thirty-five feet (35') above the finished grade of the property or base flood elevation as established in the current FEMA FIRMs and guidelines, whichever is higher.
 - G. *Fire Marshal Approval* - As provided for in Chapter xxx of the Village of Folsom Code of Ordinances.
 - H. *Landscape Requirements* - Landscaping requirements for this district shall be in accordance with the provisions of Section 4.2 of this land use regulations ordinance.
 - I. *Screening* - Any use that requires the outside storage of materials (i.e., sand, pipe, gravel, concrete products, iron, steel, septic tanks, or fiberglass products) shall be screened with a six foot (6'), one hundred percent (100%) sight-obscuring fence. Not more than fifty percent (50%) of the total lot area shall be used for storage. The storage of material is not to exceed six feet (6') in height.
 - J. *Off-street Loading Requirements* - Off-street loading requirements for this district shall be in accordance with the provisions of Section xxx of this ordinance.

18.25. C-2 COMMERCIAL/INDUSTRIAL DEFINED

- A. *Purpose and Intent* - The purpose of the commercial/industrial zone shall be to accommodate a wide range of enterprises, including those engaging in the light manufacturing, processing, creating, repairing, renovating, painting, cleaning or assembling of goods, merchandise or equipment. Other more intense industrial or manufacturing uses may also be permitted under specific conditions so as to limit the impact on adjacent areas especially in terms of lighting, signage, traffic, odor, noise, airborne particles and hours of operation.
- B. *Permitted Uses*
 1. Non-residential:
 - b. Adult uses (See Section xxx);
 - c. Automotive repair, major or minor;
 - d. Business park;
 - e. Contractor companies or storage yard;
 - f. Garden supply sales including greenhouses;
 - g. Government facilities;

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- h. Heavy Sales, rental and service;
 - i. Manufacturing, light;
 - j. Mini-warehouse;
 - k. Motor Vehicle Dealership;
 - l. Outdoor storage yard;
 - v. Professional or business office;
 - w. Retail sales establishment;
 - m. Tattoo Parlor (See Section xxx);
 - n. Truck repair;
 - o. Major utility transmission, including but not limited to electrical distribution centers and transformer stations, radio and television broadcasting tower facilities, telecommunication facilities and the like;
 - p. Warehouse, wholesale or storage;
 - q. Wholesale or storage of petroleum products and gas, provided that all above ground storage tanks are located a minimum of one hundred fifty feet (150') from all property lines.
2. Accessory:
- a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses.
- C. *Conditional Uses* - Conditional uses are prohibited unless an application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
- 1. Manufacturing, Heavy
- D. *Property Development Standards*
- 1. Lot area: No minimum lot area is required for commercial/industrial lots.
 - 2. Lot width: No minimum lot width shall be required for nonresidential use.
 - 3. Lot depth: No minimum lot depth shall be required for nonresidential use.
 - 4. Front yard:
 - a. Front building lines shall be no closer than ten feet (10') from the street right-of-way line.

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- b. On corner or through lots, the required front yard will be provided on both streets.
- 5. Side yard: No side yard is required for industrial uses except on the side(s) of a lot abutting any adjacent existing dwelling or residential area or district, in which case side buffer zones shall be provided as in Section xxx.
- 6. Rear yard: No rear yard is required for industrial uses except on the side(s) of a lot abutting any adjacent existing dwelling or residential area or district, in which case rear buffer zones shall be provided as in Section xxx.
- E. *Parking Requirements* - Parking requirements for this district shall be in accordance with the provisions of Section xxx of this land use regulations ordinance.
- F. *Height Requirements* - No building or structure shall exceed sixty feet (60') above the finished grade of the property or base flood elevation as established in the current FEMA FIRMs and guidelines, whichever is higher, except when a building abuts a residential district, in which case it shall not exceed the maximum height permitted in the residential district unless it is set back from all yard lines (abutting residential areas) by one foot (1') for each foot of additional height in excess of the height so permitted.
- G. *Fire Marshal Approval* - As provided for in Chapter xxx of the Village of Folsom Code of Ordinances.
- H. *Landscape Requirements* - Where a C-2 district abuts any adjacent existing residential or commercial district, buffer zones shall be provided as per Section xxx. All other landscaping requirements for this district shall be in accordance with the provisions of Sections xxx of this land use regulations ordinance.
- I. *Off-street Loading Requirements* - Off-street loading zone requirements for this district shall be in accordance with the provisions of Section xxx of this ordinance.
- J. *Traffic Impact Study* - Those developments that meet or exceed the criteria outlined in Section xxx of this code shall be required to complete a Traffic Impact Study (TIS).
- K. *Additional C-2 commercial/industrial requirements.*
 - 1. Access: C-2 districts shall be located on lots with street frontage on major arterial or collector streets only and shall not require travel through existing or proposed residential districts to access the C-2 district. Given the potential for traffic congestion created by uses within C-2 districts, traffic impact analysis may be required by the Village of Folsom prior to the issuance of permits for major commercial/industrial developments.
 - 2. Special requirements adjacent to residential zones. When a non-residential use abuts a lot or parcel in an R-1, R-2, R-3, R-4, or RX district, hereafter referred to as a residentially zoned lot or parcel, the following provisions shall apply:
 - a. Outdoor speakers for drive-through goods or services shall not face a residentially zoned lot or parcel located within one hundred fifty feet (150') of the speaker unless the speaker is screened by a solid masonry wall measuring at least twelve feet (12') long by eight feet (8') tall and located within twelve feet (12') of the speaker;

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- b. Other outdoor speakers are prohibited within one hundred fifty feet (150') of a residentially zoned lot or parcel;
 - c. Dumpsters shall be screened on all sides facing residentially zoned property in accordance with Section xxx and shall not be located within thirty feet (30') of a residentially zoned lot or parcel;
 - d. All outdoor lighting must be in accordance with Section xxx supplemental regulations for outdoor lighting.
3. Outside storage or display: There shall be no display or storage of goods outside of the principal structure or any accessory structures on the site except as specifically provided by these regulations for such uses as garden, auto trailer, and boat sales or storage.
4. Storage of waste materials: No waste materials that are the product of any research, testing or manufacturing activity may be stored onsite.

18.24. ID INSTITUTIONAL DEFINED

- A. *Purpose and Intent* – The purpose of the institutional district shall be to accommodate uses of a civic, religious, educational or public nature in areas that provide maximum accessibility for the public to utilize the facilities, and to eliminate the ambiguity of maintaining public uses in unrelated districts.
- B. *Permitted Uses*
- 1. Residential
 - a. Caretaker dwellings, including houses for faculty, watchmen and dormitories.
 - 2. Non-Residential
 - a. Cultural facilities;
 - b. Large Day Care Centers, Adult or Child;
 - c. Government facilities;
 - d. Hospital;
 - e. House of worship;
 - f. Military reservation;
 - g. Public or private educational facilities;
 - h. Public utility services;
 - i. Recreational facilities;

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- j. Social club or lodge.
- 3. Accessory
 - a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses;
 - b. Parking garages.
- C. *Conditional Uses* - Conditional uses are prohibited unless application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
 - a. Alcohol and drug treatment centers (See section xxx);
 - b. Penal and correctional institutions provided the site is not less than five (5) acres in area and does not abut a residential district;
 - c. Psychiatric and rehabilitative care centers.
- D. *Property Development Standards*
 - 1. Lot area: Unless otherwise required in Table 24.1, the minimum lot area for each zoning lot shall be forty thousand (40,000) square feet.
 - 2. Lot width: Unless otherwise required in Table 24.1, there shall be a minimum lot width of one hundred feet (100') at the building line.
 - 3. Lot depth: Unless otherwise required in Table 24.1, a minimum lot depth of one hundred forty feet (140') is required.
 - 4. Front yard: Front building lines shall be no closer than ten feet (10') from the property line.
 - 5. Side yard:
 - a. A minimum of five feet (5') is required for side yards except on the side(s) of a lot abutting any adjacent existing dwelling or residential area or district in which case there shall be a side yard of not less than ten feet (10') in depth.
 - b. On corner or through lots the required side yard shall be at least fifteen feet (15').
 - 6. Rear yard: There shall be a rear yard having a depth of not less than ten feet (10').

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Table 24.1

ID Non-residential Performance Standards

ID Institutional District Dimension and Density Requirements									
Use	Max. Units	Min. Lot Dimensions			Min Yard Setbacks (ft) ¹			Max. Building Height (ft.)	Max. Building Coverage (%)
		Area	Width (ft.)	Depth (ft.)	Front	Rear	Side		
General	4.1/ac	40,000	100	140	10	10	5	35	60
Elementary and Secondary Schools	1/lot	78,000	280	280	10	10	5	35	60
Colleges, Universities and Vo-tech Schools	1/lot	78,000	280	280	10	10	5	35	60
Fire Stations	2.4/ac	20,000	75	140	10	10	5	35	60

E. Site Plan Submission.

1. Site plan approval. To insure safety and compatibility with surround uses, site plan approval is required for any new ID building or addition to an existing building (but not for renovations to existing buildings unless the renovation increases the intensity of use) containing twenty thousand (20,000), or more, gross square feet of floor area. If construction is to take place in phases, a general schematic plan shall be submitted.

2. When site plan approval is required, the following plan approval process is required by the Zoning Commission:
 - a. When a person applies for the permit, the Zoning Commission shall hold a public hearing on the proposal.

 - b. The site of the proposal shall be posted at least ten (10) days prior to the public hearing.

 - c. The petitioner shall submit the following:
 - i. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions of ingress and egress, off-street parking and off-street loading access, refuse and service areas, and required yards and open space.

 - ii. Plans showing proposed locations for utility hook ups.

 - iii. Plans for proposed screening, buffering, and landscaping.

 - iv. Proposed signs and lighting, including type, dimensions and character.

 - v. Architectural drawings depicting front and side elevations for proposed buildings and the exterior renovation of existing structures.

¹ See Section 4.5 of this ordinance for additional setback regulations.

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- F. *Height Requirements.* No building or structure shall exceed thirty-five feet (35') above the finished grade of the property or base flood elevation as established in the current FEMA FIRMs and guidelines, whichever is higher, subject to the provisions of Section xxx of this land use regulations ordinance.
- G. *Parking Requirements.* Parking requirements for this district shall be in accordance with the provisions of Section xxx of this land use regulations ordinance.
- H. *Fire Marshal Approval.* As provided for in Chapter xxx of the Village of Folsom Code of Ordinances.
- I. *Landscape Requirements.* Landscaping requirements for this district shall be in accordance with the provisions of Section xxx of this land use regulations ordinance.
- J. *Off-street Loading Requirements.* Off-street loading requirements for this district shall be in accordance with the provisions of Section xxx of this ordinance.
- K. *Traffic Impact Study.* Those developments that meet or exceed the criteria outlined in Section xxx of this code shall be required to complete a Traffic Impact Study (TIS).

18.25. OS RECREATION/OPEN SPACE DEFINED

- A. *Purpose and Intent* – The open space/recreation district is intended to preserve and enhance public and private open, natural and improved park and recreational areas, as well as certain facilities generally associated with recreational uses. This includes providing opportunities for outdoor recreation protecting sensitive or fragile environmental areas, preserving scenic qualities, and providing pedestrian and bicycle transportation connections.
- B. *Permitted Uses*
 - 1. Residential
 - a. Caretaker dwellings, including houses for staff and watchmen;
 - 2. Non-residential
 - a. Agricultural uses;
 - b. Conservation uses, including forestry, reforestation and other activities connected with the conservation of soil and nature;
 - c. Public parks/playgrounds;
 - d. Recreation facilities;
 - e. Public utility services;
 - f. Paved or unpaved trails or pathway systems for use by hikers, bicyclists, pedestrians; including trailheads for such use.

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3. Accessory
 - a. Accessory buildings or structures customarily incidental to the aforementioned permitted uses;
 - b. Accessory food service for uses permitted in OS open space/recreation district.
- C. *Conditional Uses* - Conditional uses are prohibited unless an application for the use has been processed by the Village of Folsom, and the Zoning Commission has favorably approved such use. For all conditional uses the plan approval process is that as set forth in Section xxx Conditional Uses, regardless of lot size or conditional uses.
- D. *Property Development Standards*
 2. Lot area:
 - a. Every open space lot shall contain an area of not less than two thousand (2,000) square feet.
 - b. Every buildable open space/recreation lot shall contain an area of not less than ten thousand (10,000) square feet.
 3. Lot width: There shall be a minimum lot width of one hundred feet (100') for buildable open space/recreation lots at the building line.
 4. Lot depth: A minimum lot depth of one hundred feet (100') is required for buildable open space/recreation lots.
 5. Building setbacks: All buildings must be set back from all property lines one foot (1') for each foot of building height.
 6. Facility setbacks: All outdoor activity facilities, such as playgrounds, swimming pools, basketball courts, tennis courts, or baseball fields must be set back fifty feet (50') from any residentially zoned property
- E. *Parking Requirements* - Parking requirements for this district shall be in accordance with the provisions of Section xxx of this land use regulations ordinance.
- F. *Height Requirements* - No building or structure shall exceed thirty-five feet (35') above the finished grade of the property or base flood elevation as established in the current FEMA FIRMs and guidelines, whichever is higher.
- G. *Fire Marshal Approval* - As provided for in Chapter xxx of the Village of Folsom Code of Ordinances.
- H. *Landscape Requirements* - Landscaping requirements for this district shall be in accordance with the provisions of Section xxx of this land use regulations ordinance.
- I. *Off-street Loading Requirements* - Off-street loading requirements for this district shall be in accordance with the provisions of Section xxx of this ordinance.

18.xx-18.30. RESERVED

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SECTION 7. DEFINITIONS AND RULES OF INTERPRETATION

18.91. RULES OF INTERPRETATION

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

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

18.92. DEFINITIONS

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

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

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

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

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

Addition or Enlargement - Any construction that increases the size of a building or structure in

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terms of site coverage, height, length, width or floor area.

Adult Uses/Materials - An establishment having a substantial or significant portion of its stock in trade in which, for any form of consideration, adult material is presented to or is available for exclusive viewing, rental or purchase by adults. As used in this ordinance, adult material shall consist of movies, films, motion pictures, video tapes, video discs, slides, photographs, or other media of visual representation; or live performances, exhibitions or presentations; or books, papers, pamphlets, magazines, periodicals or publications which are characterized by an emphasis upon the depiction or description of any of the conduct or activities set forth and described in the provisions of Louisiana Revised Statutes Title 14, Chapter 1, part VI, Sub-part C, and in that portion thereof designated as sub-paragraphs (2)(b) and (3) of paragraph A of Section 106 [R.S. 14:106A(2)(b), (3)], or as such provisions may hereafter be amended, re-enacted or re-designated from time to time, or shall consist of any instruments, devices or paraphernalia that are designed or marketed for use in connection with any such conduct or activities. As used in these regulations, the term "adult material" shall be applied to any material that meets the definition set forth in this section whether or not, as a matter of law such material is or could be classified as pornographic or obscene.

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

Alcohol Beverage Outlet - An establishment for the primary purpose of which is the service of and on-premises consumption of alcoholic beverages.

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

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

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

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

Appurtenance - An architectural feature of a structure that is higher than the adjacent portion of the structure, such as a chimney, cupola, spire or parapet wall.

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

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

Automotive Repair - General repair or maintenance of motor vehicles, trailers and similar large mechanical equipment including paint, body and fender, and engine and engine part overhaul, which are conducted within a completely enclosed building.

Automotive Service Station - A building or structure designed or used for the retail sale of a supply of fuels (stored in underground tanks), lubricants, air, water and other commodities for motor vehicles, and includes the customary space and facilities for storage, minor repair or

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servicing, but does not include painting, refinishing, major repairs and overhauling of motor vehicles.

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

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

Bed and Breakfast - An owner occupied residential structure, which provides sleeping rooms for overnight paid occupancy of up to seven (7) nights. Common bathroom facilities may be provided rather than private bathrooms for each room. No cooking facilities are permitted in individual rooms.

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

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

Board of Zoning Adjustments - The term "Board of Zoning Adjustments" shall mean the Folsom Board of Zoning Adjustments created under LA.R.S. 33:4727 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in this Appendix B, Zoning of the Village of Folsom Code of Ordinances.

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

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

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

Building Code - The *International Building Code* promulgated by the International Code Council, as adopted by the State of Louisiana and the Village of Folsom.

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

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

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

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

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

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

Commencement of Construction - The physical improvement of land in accordance with a permit issued by the Village of Folsom, provided that the improvements are of a form and character which are not reasonably useable for development other than that authorized by the issued permit.

Commercial Purposes - Those related solely to the economic interests of the person or persons on whose property or for whose benefit the sign is displayed, excluding signs which refer solely to the sale or lease of the premises upon which the signs are located.

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

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

Conditional Use - A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions, as outlined in Section xxx of this Ordinance.

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

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

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

Day Care Center - An establishment for the care and nurture of children or adults during the school or workday.

Day Care Center, Adult (Small) - Any place owned or operated for profit or not for profit, by a person, society, agency, corporation, institution, or any other group wherein are received, for a portion of a 24-hour day, fewer than ten (10) functionally-impaired adults are not related to the owner or operator of the facility for the purposes of supervision or participation in a training program. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity. The day care services should take place on a regular basis for at least twelve and a half (12.5) hours in a continuous seven (7) day week and no overnight stays are permitted. Facilities caring for fewer than ten (10) adults are not required to be licensed by the State of Louisiana, however if the facility receives state or federal funding, directly or indirectly, it must be licensed regardless of the number of adults

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in its care.

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

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

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

DBH - The diameter of a tree, stem or trunk measured at breast height.

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

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

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

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

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

Drainage Plan - A plan showing proposed site drainage features for controlling storm water

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Encroachment – The extension or placement of any structure or component of a structure into a required yard.

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

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

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

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

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

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

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

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

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

Frontage - That portion of a lot abutting a street right-of-way measured along the property line of the public right-of-way and the private property.

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

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

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

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

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

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

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

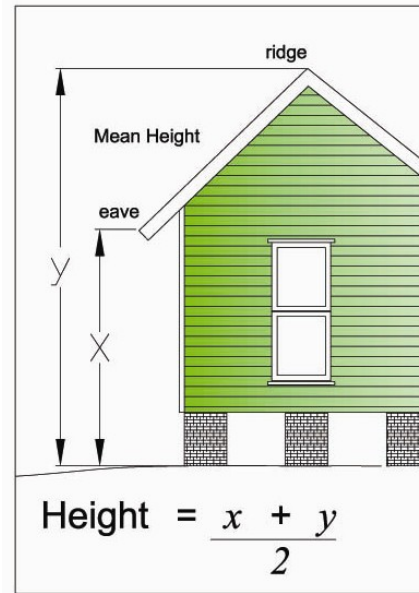
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rental establishments, large-scale moving centers, and temporary storage container facilities.

Height - The vertical distance of a structure measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck line of the mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs. No height limitation in this ordinance shall apply to any of the following structures: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; smoke stacks; derricks; flag poles; masts; solar energy facilities; air conditioning equipment; elevator penthouses and similar structures required to be placed above the roof level and not intended for human occupancy.



Hospital - An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. A hospital may also include accessory uses such as “retail goods establishments” and “restaurants,” provided that such facilities are incidental and subordinate to the main use and part of the main structure.

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

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

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

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

Incidental Home Occupation - A business, profession, occupation or trade conducted within the principle structure of a residential use by a resident of the dwelling which is incidental and secondary to the residential use of the dwelling, does not change the essentially residential character of the use, and which complies with the requirements of (Section xxx) Home Occupations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Medical/Dental Clinic - A facility operated by one (1) or more physicians, dentists, chiropractors,

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psychiatrists or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

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

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

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

Nonconforming Lot of Record - A platted lot which does not comply with the lot size requirements of the zoning district in which it is located, as outlined in Section xxx of this Ordinance.

Nonconforming Structure - Any structure, which was lawful on the effective date of this ordinance, but does not comply with all the standards and regulations of this ordinance or any amendment thereto, as outlined in Section xxx of this Ordinance.

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

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

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

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

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

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

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

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Parks/Playgrounds – An non-commercial facility designed to serve the recreational needs of the residents of the community, and shall include but not be limited to, ball fields, basketball courts, skateboard parks, playgrounds and filed house which may have indoor recreation facilities.

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

Personal Services Establishment – An establishment or place of business primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, animal grooming, shoe repair, personal item repair shops, Laundromats, dry cleaners, and tailors. Personal services establishments shall not include any adult uses.

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

Planned Unit Development (PUD) – A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Planning Commission - The term "Planning Commission" shall mean the Folsom Planning Commission created under LA.R.S. 33:101 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in this Appendix B, Zoning of the Village of Folsom Code of Ordinances.

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

Plat – A map or plan of a parcel of land that is to be, or that has been, subdivided.

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

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

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

Manufactured Home Community – A unified development of two (2) or more manufactured home sites, plots or stands, arranged on a large tract usually under single ownership, meeting the area and yard requirements of this article, and designed to accommodate

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manufactured homes for a more or less permanent duration. Such term may include travel trailer accommodations, provided that no more than twenty-five percent (25%) of the park is used for such purpose.

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

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be hauled along a highway.

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

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

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

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

Public Services - Uses operated by a unit of government to serve public needs, such as a police (with or without a jail), fire service ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

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

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

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

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

Quorum - A majority of authorized members of a board or commission.

Recreational Facilities - Any facility that provides recreational opportunities such as tennis clubs, health clubs or golf clubs.

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

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

Rehabilitative Care Center - A building other than an apartment hotel, hotel, small or large group home, rooming house, tourist home, motel or motor lodge, providing temporary lodging and board and a special program of specialized care and counseling on a full-time basis. Such a center includes but is not limited to centers that provide for alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions. A rehabilitative care center must be licensed by an agency of the State of Louisiana as a rehabilitative or similar care facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

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

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

Restaurant, Fast Food – An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, Full-service - A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carryout service, if any, shall be a limited portion of the facility and activity.

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

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

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

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flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.

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

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

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

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

Servitude - Same as easement.

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

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

Sign - A sign is defined as a medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes, including paint on the surface of a building. Each distinctive message painted or placed on a building or other structure shall be considered an individual sign. See Section 6.0.C “Definitions”, of Article 7 Sign Regulations, of this Chapter 5 for additional information.

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

Social Club or Lodge – Buildings and facilities or premises used or operated by an organization or association for some common purpose, such as, but not limited to, a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for profit or to render a service that is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of the State of Louisiana as a non-profit corporation or registered with the Secretary of State of Louisiana.

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

Streets - A public right-of-way or private thoroughfare, which provides vehicular and pedestrian access to adjacent properties. All streets will be within dedicated rights-of-way that have been properly processed, approved and recorded. The following shall be used to classify all streets:

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Freeways - A divided multi-lane highway for through traffic with all crossroads separated in grade and with full control access.

Expressways - A divided arterial highway for through traffic with full or partial control of access and generally with grade separation at major intersections.

Arterial Streets - Public thoroughfares that serve the major movements of traffic within and through the Village of Folsom and the Parish.

Collector Streets - Public thoroughfares that serve to collect and distribute traffic primarily from local residential streets to arterial streets.

Local Streets - Facilities that are used primarily for direct access to abutting properties and leading into the collector street system.

Frontage Road or Service Road - A street adjacent to a freeway, expressway or an arterial street separated there from by a dividing strip and providing ingress and egress from abutting property.

Cul-de-Sac - A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

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

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

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

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

Subdivision - The division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Subdivision Regulations - The Village of Folsom Subdivision Regulations

Surveyor - A qualified registered land surveyor in good standing with the Louisiana Board of Registration.

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

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

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

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

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

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

Village Planner – A person, appointed by the Mayor, who is responsible for reviewing and providing recommendations on all zoning, rezoning, subdivision, re-subdivision, variance, and appeals requests to the Village Planning Commission and/or the Board of Zoning Adjustments.

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

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

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

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

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

Variance – A deviation from the height, bulk, setback, parking or other dimensional requirements established by this Ordinance.

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

Vehicle, Commercial – Those exceeding one (1) ton in size with advertising or special equipment,

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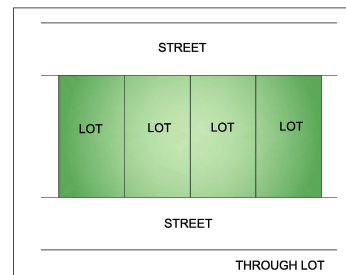
which distinguish it from private automobiles. Any vehicle used for commercial purposes, except passenger vehicles used for to and from work. All vehicles with more than two (2) axles, except motor homes used for recreation and not used in commerce. Note: A sign alone on a vehicle does not make the vehicle commercial.

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

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

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

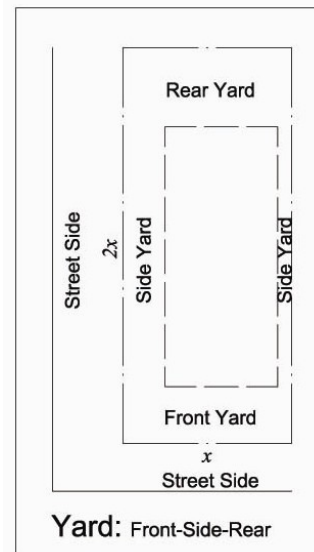
Yard, Front – A yard extending across the full width of a lot between the side lot lines and between the front property line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the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



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

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

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



Zoning Commission - The term "Zoning Commission" shall mean the Folsom Zoning Commission created under La. R.S. 33:4721 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in this Appendix B Zoning of the Village of Folsom, Code of Ordinances.

18.93-18.100. RESERVED

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SECTION 8. ADMINISTRATION AND PROCEDURES

18.101. PROCEDURES

F. *Common Review Procedures*

1. *General* – The following requirements are common to many of the following procedures, and apply to applications submitted under this Ordinance. Additional details may be included in the specific procedure.
2. *Pre-Application Conference*
 - a. *Optional* – Before submitting an application for development approval, an applicant may schedule a pre-application conference with the Building Official to discuss the procedures, standards and regulations required for approval. A pre-application conference is optional, except for the procedures listed below.
 - b. *Mandatory* – Before submitting an application for the following types of review, an applicant must schedule a pre-application conference with the Building Official to discuss the procedures, standards and regulations required for approval in accordance with this Ordinance and other applicable Village codes.
 - i. Major Subdivision
 - ii. Major Site Plan Review
 - iii. Special Use Permit
 - iv. Zoning Map Amendment
 - v. Residential Diversity Development
 - vi. Zoning Text Amendment
 - c. *Application*
 - i. *Initiation* – Parties allowed to file an application are summarized below. More detailed information may be included with each specific procedure

APPLICATION AUTHORITY	OWNER OR AGENT	PLANNING COMMISSION	VILLAGE OF FOLSOM
Zoning Permit	■		
Administrative Adjustment	■		
Variance	■		
Subdivision: Minor Plat	■		
Major Subdivision Prelim. Plat	■		
Final Plat	■		
Subdivision: Minor Plat	■		
Major Subdivision Prelim. Plat	■		
Special Use Permit	■		
Temporary Use Permit	■		
Zoning Map Amendment	■	■	■
Residential Diversity Development	■		■
Zoning Text Amendment	■	■	■

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- ii. *Application Forms* – Applications, containing all information requested on the application and any additional information required by a duly authorized representative of the Village of Folsom, must be submitted on forms in such numbers as required by this Ordinance. All applications must be complete and sufficient for processing before they will be reviewed.
- iii. *Fees* – As per Section 1 - 18.5 of this ordinance, no applications shall be reviewed, and no permit, certificate, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full. When an application is submitted on behalf of the Village of Folsom, no fees shall be required.
- iv. *Complete Applications* – An application is complete when it contains all the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code. Details for each application is included in the specific procedure Section of this Ordinance. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this development code. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the Building Official as to whether more or less information may be submitted.
- v. *Concurrent Applications* – Applications may be filed and reviewed concurrently, at the option of the applicant. However, any application that also requires a variance shall not be eligible for final approval until the variance has been granted. Further, applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.
- vi. *Modification of Application* – An application may be modified at the applicant’s request following the approval of the Building Official or his duly authorized representative. Any modification after a hearing but prior to a final decision shall require a new hearing.

PUBLIC NOTICE REQUIREMENTS	WRITTEN NOTICE	POSTED NOTICE OF PUBLIC HEARING	PUBLISHED NOTICE OF PUBLIC HEARING
Variance	■	■	
Appeal of Administrative Decision	■		
Subdivision:			
Minor Plat	■		■
Major Subdivision Preliminary Plat	■		■
Final Plat	■		■
Special Use Permit	■	■	■
Zoning Map Amendment	■	■	■
Residential Diversity Development	■	■	■
Zoning Text Amendment			■
Development Agreement			■

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3. *Public Notice and Hearings*

- a. *Public Notice Required* – Required public notices are summarized above. More detailed information may be included with each specific procedure.
- b. *Notice of Public Hearing* – All notices for public hearing shall contain:
 - i. The date, time and place of the hearing;
 - ii. The section of this Ordinance under which the subject matter of the hearing will be considered;
 - iii. The name of the applicant;
 - iv. A brief description of the location of any land proposed for development and the subject matter to be considered at the hearing;
 - v. A statement that the application and supporting materials are available for public inspection and copying at the office of the Village of Folsom Building Official;
 - vi. A brief description of the appeal process, which is available by right after public hearing before the Planning Commission or any further automatic review by the Village Council.
- c. *Written Notice of Public Hearing* – At least ten (10) days prior to a public hearing, a good faith attempt to notify the owner of record shall be made by sending an official notice by U.S. Mail of the time, place and subject matter of the hearing. Where more than ten (10) parcels are to be initially zoned or rezoned, no written notice is required.
- d. *Posted Notice of Public Hearing* – Posted notice in bold type shall be posted for at least ten (10) consecutive days prior to a public hearing on signs not less than 11"x17", prepared, furnished and placed by the Building Official on each block of each street adjoining the area proposed for a change in zoning classification. The applicant shall remove posted notices from the subject area no more than ten (10) days after the public hearing has been held.
- e. *Published Notice of Public Hearing* – Notice of the time and place of a public hearing shall be published once a week in three (3) different weeks in the official journal, if designated, or a newspaper of general circulation in the area. The first notice shall be published at least fifteen (15) days prior to the hearing.

G. *Zoning Permit*

1. *When Required*

- a. A zoning permit is required for the following:
 - i. Building permits that do not require site plan review.

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- ii. Temporary uses.
 - iii. Sign permits
 - b. It shall be unlawful to begin moving, constructing, altering or repairing (except ordinary maintenance or repairs) any building or other structure on a site, including an accessory structure, until a zoning permit has been issued.
 - c. No certificate of occupancy may be issued without a properly issued zoning permit, when applicable.
2. *Application and Fees*
- a. A pre-application conference is optional.
 - b. All applications for administrative review shall be filed in writing with the Building Official (See Section 8 - 18.101.A Common Review Procedures).
 - c. Application shall be made prior to, or concurrent with the application for a building permit.
3. *Decision by Building Official*
- a. The Building Official may refer the application to other affected or interested agencies for review and comment.
 - b. In deciding to approve, approve with conditions, or deny the proposed zoning request, the Building Official shall consider relevant comments of all interested parties and the review criteria in Section 8 - 18.101.B.4.
 - c. The Building Official may attach any condition to the permit necessary to protect the health, safety and welfare of the Village of Folsom and minimize adverse impacts on adjacent properties.
4. *Review Criteria* - The Building Official shall consider the following criteria in approving or denying a zoning permit:
- a. The proposed development is consistent with the pertinent elements of the Village of Folsom Master Plan and any other adopted plans.
 - b. The proposed development meets the requirements of this development code.
 - c. The proposed development will reinforce the existing or planned character of the neighborhood and the Village.
5. *Appeal* - A final decision by the Building Official on a zoning permit may be appealed to the Planning Commission (See Section 8 - 18.101.E, Appeal of Administrative Decision).
6. *Expiration* - A zoning permit expires after six (6) months if a building permit application has not been filed.

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H. Administrative Adjustment

1. *When Allowed* – The administrative adjustment procedure allows the Building Official or his duly authorized representative to approve modest variations from the standards of this development code. Administrative adjustment is allowed for the following:
 - a. A reduction of any required setback or yard by up to fifteen percent (15%).
 - b. An increase in the maximum building height of any building by five feet (5') or five percent (5%), whichever is less.
 - c. An increase in lot coverage by no more than five percent (5%).
 - d. Any other administrative adjustment authorized by a specific section of this development code.
2. *Application and Fees*
 - a. A pre-application conference is optional.
 - b. All applications for administrative review shall be filed in writing with the Building Official (See Section 8 – 18.101.A Common Review Procedures).
3. *Decision by Building Official*
 - a. The Building Official may refer the application to other affected or interested agencies for review and comment.
 - b. In deciding to approve, approve with conditions, or deny the proposed zoning request, the Building Official shall consider relevant comments of all interested parties and the review criteria in Section 8 - 18.101.C.4.
 - c. The Building Official may attach any condition to the permit necessary to protect the health, safety and welfare of the Village of Folsom and minimize adverse impacts on adjacent properties.
4. *Review Criteria*
 - a. The Building Official shall consider the following criteria in approving or denying a administrative adjustment:
 - i. The proposed development is consistent with the pertinent elements of the Village of Folsom Master Plan and any other adopted plans.
 - ii. The proposed development meets the requirements of this development code.
 - iii. The proposed development will reinforce the existing or planned character of the neighborhood and the Village.
5. *Appeal* – A final decision by the Building Official on an administrative adjustment may be

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appealed to the Planning Commission (See Section 8 – 18.101.E Appeal of Administrative Decision).

I. Variance

1. *When Allowed* – The Board of Zoning Adjustment shall have the authority to grant variances from the terms of this Ordinance, subject to terms and conditions fixed by the Board, where literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship, if in granting such variance the general intent and purpose of this Zoning Ordinance will be preserved.
2. *Application and Fees*
 - a. No pre-application conference is necessary.
 - b. All applications for variance shall be filed in writing with the Building Official (See Section 8 – 18.101.A Common Review Procedures).
3. *Review by Building Official* – The Building Official may refer the application to other affected or interested agencies for review and comment.
4. *Public Hearing and Decision by Board of Zoning Adjustment*
 - a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Board of Zoning Adjustment shall allow, allow with conditions, or deny the proposed variance request, the Building Official shall consider relevant comments of all interested parties and the review criteria in Section 8 – 18.101.D.4.
 - b. The Board may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties.
5. *Review Criteria* - No variance shall be authorized unless the Board of Zoning Adjustment finds that all of the following conditions exist:
 - a. That the variance will not authorize a use other than those uses allowed in the district.
 - b. That, due to exceptional and/or extraordinary circumstances, literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship.
 - c. That the practical difficulties or unnecessary hardship were not created by the owner of the property or the applicant and are not due to or the result of general conditions in the district in which the property is located.
 - d. That the practical difficulties or unnecessary hardship are not solely financial.
 - e. That the variance will not substantially or permanently injure the allowed uses of adjacent conforming property.
 - f. That the applicant has adequately addressed any concerns raised by the Building

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Official.

6. *Appeal* – A final decision by the Board of Zoning Adjustment on a variance may be appealed to the St. Tammany Parish Civil District Court.
7. *Expiration* – A variance runs with the land and does not expire unless the Board of Zoning Adjustment or the St. Tammany Parish Civil District Court assigns an expiration date as a condition.

J. *Appeal of Administrative Decision*

1. *When Allowed* – Appeals to the Village Council may be filed by any person aggrieved, or by any official or department of the Village of Folsom affected by any decision of the Building Official. Appeals shall be made within thirty (30) days of the decision.
2. *Application and Fees*
 - a. No pre-application conference is necessary.
 - b. All appeals of administrative decisions shall be filed in writing with the Village Clerk (See Section 8 - 18.101.A Common Review Procedures).
 - c. The appellant shall provide a written statement citing the decision that is being appealed, and any reasons why the appeal should be granted.
3. *Stay of Proceedings* – An appeal stays all proceedings in furtherance of the action appealed, unless the Building Official certifies to the Village Council after the notice of appeal has been filed, that a stay would cause imminent peril of life or property. In such case proceedings shall not be stayed except by restraining order that may be granted by the St. Tammany Parish Civil District Court.
4. *Public Hearing and Decision by Village Council*
 - a. Following notice and a public hearing as required by Section 8 - 18.101.A of this Ordinance, the Village Council shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official.
 - b. The Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Building Official.
 - c. Any party may appear at the proceedings in person, by agent or by attorney.
5. *Testimony and Evidence* – The Village Council shall limit testimony and other evidence to that contained in the record at the time that Building Official took final action on the administrative decision.
6. *Review Criteria* – The Village Council shall consider the following criteria in deciding an appeal:

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- a. Whether the decision by the Building Official was in accordance with the intent and requirements of this Ordinance.
 - b. Whether the Building Official made erroneous findings based on the evidence and information presented in the original application, or failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
 - c. Whether the Building Official acted arbitrarily or capriciously.
7. *Appeal* – A final decision by the Village Council on an administrative appeal may be appealed to the St. Tammany Parish Civil District Court.

K. *Major and Minor Subdivisions*

1. *Components of Subdivision (Plat) Approval*

- a. Major subdivisions are subject to a two-step approval process:
 - i. Approval of a preliminary plat by the Planning Commission; and
 - ii. Approval of a final plat by the Building Official.
- b. Minor subdivisions only require a one-step approval process: Approval of a final plat by the Building Official.

2. *When Required*

a. *Major Subdivision*

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

b. *Minor Subdivision*

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- i. Minor subdivision review by the Building Official is required for the realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided the application meets the following requirements:
 - a) The action does not involve the creation of any new street or other public improvement except as otherwise provided in this Section xxx;
 - b) The action does not involve more than two (2) acres of land or eight (8) lots of record;
 - c) The action does not reduce a lot size below the minimum area or frontage requirements established by this Ordinance; and
 - d) The action otherwise meets all of the requirements of this Ordinance.

Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the Village of Folsom, leaving a severed portion of the original property that requires a redesignation of lot number and establishment of new lot boundary lines, also requires minor subdivision review and approval by the Building Official.

- ii. Minor subdivisions require only final plat approval. Final plat approval may provide for the dedication, acceptance, relocation or deletion of public utility servitudes, other than streets, or the deletion of gas, electric, cable or telephone utility servitudes on the property being re-subdivided.
 - iii. All minor plats approved or certified by an administrative procedure shall designate such fact on the plat. Any plat so approved shall have the same force, effect and legal status of a subdivision application approved by the established legislative process.
- c. *No Subdivision Review Required* – No subdivision review is required for the following:
 - i. The public acquisition of land for roads, sewer or water infrastructure.
 - ii. Family subdivisions of no more than three (3) lots

3. *Application and Fees*

- a. A pre-application conference is optional for minor subdivisions and mandatory for major subdivision.
- b. All applications for subdivision review shall be filed in writing with the Building Official (See Section 8 - 18.101.A, Common Review Procedures).
- c. All major subdivision applications shall be prepared and sealed by a land surveyor licensed in the State of Louisiana.

4. *Review by Building Official*

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- a. The Building Official may refer the application to other affected or interested agencies for review and comment.
 - b. The Building Official shall provide notice as outlined in Section 8 - 18.101.A, Common Review Procedures.
5. *Preliminary Plat Decision by Planning Commission*
- a. Following notice and public hearing as required by Section 8 - 18.101.A, Common Review Procedures, the Planning Commission shall approve, approve with conditions, or deny the preliminary plat for a major subdivision within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 - b. In deciding, the Planning Commission shall consider the recommendation of the Building Official, relevant comments of all interested parties and the review criteria outlined in Section 8 - 18.101.F.5.e.
 - c. The Planning Commission may attach conditions required to make the subdivision comply with this and other Village Ordinances, or as necessary to protect the health, safety and welfare of the Village of Folsom and to minimize adverse impacts to adjacent properties.
 - d. Where the Planning Commission finds that unnecessary hardship results from strict compliance with this Ordinance, a variance may be granted. A particular hardship shall be related to the physical surroundings, shape, or topographical conditions of the property, as distinguished from a mere inconvenience. No variance shall be granted based strictly upon financial consideration. The granting of a variance must not be detrimental to the public health, safety or welfare or injurious to other property or improvements.
 - e. The Planning Commission shall consider the following criteria in approving or denying a subdivision:
 - i. The proposed development is consistent with the pertinent elements of the Village of Folsom Master Plan and any other adopted plans.
 - ii. The proposed development meets the requirements of this development code.
 - iii. The proposed development will reinforce the existing or planned character of the neighborhood and the Village.
 - iv. The subdivision demonstrates:
 - a) Compliance with any prior approvals;
 - b) Subdivision design appropriate for and tailored the unique natural characteristics of the site;
 - c) Adequate, safe and convenient arrangement of access, pedestrian

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circulation, bicycle facilities, roadways, driveways and off-street parking, stacking and loading spaces;

- d) Connectivity to surrounding neighborhoods and the Village as a whole;
 - e) Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater (Section xxx, Stormwater Management); and
 - f) Adequate access for disabled residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.
- v. Any adverse impacts on adjacent properties have been minimized or mitigated.

6. *Minor Subdivision Decision by Administrator*

- a. In deciding to approve, approve with conditions, or deny the proposed minor subdivision, the Building Official shall consider relevant comments of all interested parties and the review criteria below.
- b. The plat shall be approved or denied within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
- c. The Building Official may attach conditions required to make the subdivision comply with this and other Village Ordinances, or as necessary to protect the health, safety and welfare of the Village of Folsom and to minimize adverse impacts to adjacent properties.
- d. A minor subdivision shall be approved in accordance with the requirements, including the review criteria, for the final plat as outlined in Section 8 – 18.101.F.7.

7. *Final Plat Decision by the Building Official*

- a. The Building Official may approve, approve with conditions, or deny the final plat within sixty (60) days of filing a complete application, except where such time period is extended by the applicant.
- b. If the final plat is denied, the Building Official shall specify in writing the provisions with which the plat does not comply.
- c. The final plat shall be approved where it is:
 - i. Consistent with the pertinent elements of the Village of Folsom Master Plan and any other adopted plans;
 - ii. Meets the requirements of this development code;
 - iii. Compliant with any prior approvals, including specifically the preliminary plat and any conditions.
- d. The approval of a final plat shall not be deemed to constitute the acceptance of the

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dedication of any street or other land, public utility or facility shown on the face of the plat. However, the Village Council may, by resolution, accept any dedication for streets, parks, public utility lines or facilities, or other public purposes.

8. *Building Permit* – No building permit shall be issued for development requiring subdivision approval until the final plat has been approved.
9. *Dedication and Improvements*
 - a. For development of property requiring subdivision approval under this Ordinance, the applicant must dedicate any additional right-of-way necessary to the width required by the Village of Folsom for streets adjoining the property, install curbs and gutters and pave all streets adjoining the property, and install sidewalks and street trees based on the standards of this Ordinance.
 - b. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this Ordinance, including provisions for stormwater management, paving and utilities.
 - c. The Village of Folsom is not required to accept any dedication or improvements that do not meet local standards.
10. *Construction Drawings* – Prior to construction of any improvement intended for public dedication, construction drawings that meet local standards for the specified improvement are required.
11. *Improvement Guarantee*
 - a. Prior to the approval of any final plat, the applicant shall submit a cost estimate and time schedule for installation of each phase of subdivision improvements.
 - b. A bond shall be required guaranteeing all on-site and off-site improvements. The bond shall be in an amount equal to one hundred fifteen percent (115%) of the improvement cost estimate, and in a form approved by the Village of Folsom Attorney.
 - c. As each phase of improvements is installed and inspected by the Building Official or his duly authorized representative, the bond may be reduced by the cost of the installed improvements.
12. *Inspection of Improvements*
 - a. The applicant shall grant the Village of Folsom the authority to inspect all construction of required improvements. Such right of inspection shall not constitute a duty to inspect, nor shall it guaranteed final acceptance of the required improvements.
 - b. Failure to perform the work to the Village of Folsom's standards shall free the Village to liquidate the improvement guarantee in order to finance necessary repairs.
13. *Maintenance Bond* – The Village of Folsom may require a two-year maintenance bond on

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any improvement constructed by a developer and dedicated to the Village of Folsom.

14. *Recording of Final Plat* – Any final plat shall be recorded with the St. Tammany Parish Clerk of Courts and copied into the conveyance records of St. Tammany Parish, and a duplicate filed with the St. Tammany Parish Assessor.

15. *Modification of Approved Subdivision* – The Building Official is authorized to approve minor modifications to an approved subdivision. All modifications not listed as minor below shall be considered by the body that approved the original subdivision. The following modifications shall be considered minor:

- a. Additional or wider easements that do not affect the general placement of buildings or general location of roadways;
- b. Reduction of the number of lots;
- c. Reduction of the length of streets; or
- d. Modification of public utility service.

16. *Appeal*

- a. A final decision by the Building Official on a minor subdivision may be appealed to the Planning Commission. The Planning Commission shall review the subdivision as a major subdivision.
- b. A final decision by the Planning Commission on a major subdivision may be appealed to the St. Tammany Parish Civil District Court.

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

L. *Site Plan Review*

1. *When Required*

- a. *Major Site Plan* - Major site plan review by the Planning Commission is required for:
 - i. Construction of ten or more residential units on a platted lot of record.
 - ii. Construction or expansion of five thousand (5,000) or more square feet of multi-family or mixed-use building type.
 - iii. Commercial or institutional over xxx square feet.
- b. *Minor Site Plan* – Minor site plan review by the Building Official is required for:
 - i. Construction or expansion of up to five thousand (5,000) square feet of multi-family or mixed-use residential building type.

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- ii. Construction of more than two (2) but less than ten (10) residential units on a platted lot of record.
 - iii. Creation of more than one thousand (1,000) square feet of impervious surface (paving).
 - iv. Construction of accessory structures in non-residential districts.
- c. *No Site Plan Review Required* – No site plan review is required for the following:
- i. Construction or expansion of one (1) or two (2) units in a single structure on a platted lot of record.
 - ii. Creation of more than one thousand (1,000) square feet of impervious surface (paving).
 - iii. Construction of accessory structures in non-residential districts.
2. *Application and Fees*
- a. A pre-application conference is optional for minor site plan review and mandatory for major site plan review.
 - b. All applications for subdivision review shall be filed in writing with the Building Official (See Section 8 - 18.101.A, Common Review Procedures).
3. *Review by Building Official*
- a. The Building Official may refer the application to other affected or interested agencies for review and comment.
 - b. The Building Official shall provide notice as outlined in Section 8 - 18.101.A, Common Review Procedures.
4. *Minor Site Plan Decision by Building Official*
- a. In deciding to approve, approve with conditions, or deny the proposed site plan, the Building Official shall consider relevant comments of all interested parties and the review criteria outlined in Section 8 – 18.101.G.6. (60 days?)
 - b. The Building Official may attach conditions required to make the subdivision comply with this and other Village Ordinances, or as necessary to protect the health, safety and welfare of the Village of Folsom and to minimize adverse impacts to adjacent properties.
5. *Major Site Plan Decision by Planning Commission*
- a. Following notice and public hearing as required by Section 8 - 18.101.A, Common Review Procedures, the Planning Commission shall approve, approve with conditions, or deny the major site plan for a within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.

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- b. In deciding to approve, approve with conditions, or deny the proposed minor subdivision, the Planning Commission shall consider the recommendation of the Building Official, relevant comments of all interested parties and the review criteria outlined in Section 8 – 18.101.G.6.
 - c. The Planning Commission may attach conditions required to the site plan to comply with this and/or other Village Ordinances, or as necessary to protect the health, safety and welfare of the Village of Folsom and to minimize adverse impacts to adjacent properties.
6. *Review Criteria* – The Building Official and the Planning Commission shall consider the following criteria in approving or denying a site plan:
- a. The proposed development is consistent with the pertinent elements of the Village of Folsom Master Plan and any other adopted plans;
 - b. The proposed development meets the requirements of this development code;
 - c. The proposed development will reinforce the existing or planned character of the neighborhood and the Village.
 - d. The site plan demonstrates:
 - i. Compliance with any prior approvals;
 - ii. Site design and development intensity appropriate for and tailored the unique natural characteristics of the site;
 - iii. Adequate, safe and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways and off-street parking, stacking and loading spaces;
 - iv. Connectivity to surrounding neighborhoods and the Village as a whole;
 - v. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater (Section xxx, Stormwater Management); and
 - vi. Adequate access for disabled residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.
 - e. Any adverse impacts on adjacent properties have been minimized or mitigated.
7. *Building Permit* – No building permit shall be issued for development requiring site plan until the site plan has been approved.
8. *Dedication and Improvements*
- a. For development of property requiring a site plan under this Ordinance, the applicant must dedicate any additional right-of-way necessary to the width required by the Village of Folsom for streets adjoining the property, install curbs and gutters and pave all streets adjoining the property, and install sidewalks and street trees

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based on the standards of Section 8 – 18.101.F of this Ordinance.

- b. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this Ordinance, including provisions for stormwater management, paving and utilities.

9. *Improvement Guarantee*

- a. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of subdivision improvements.
- b. A bond shall be required guaranteeing all on-site and off-site improvements. The bond shall be in an amount equal to one hundred fifteen percent (115%) of the improvement cost estimate, and in a form approved by the Village of Folsom Attorney.
- c. As each phase of improvements is installed and inspected by the Building Official or his duly authorized representative, the bond may be reduced by the cost of the installed improvements.

10. *Modification of Approved Site Plan* – The Building Official is authorized to approve minor modifications to an approved site plan. All modifications not listed as minor below shall be considered by the body that approved the original site plan. The following modifications shall be considered minor:

- a. Up to ten percent (10%) increase or any decrease in gross floor area of a single building;
- b. Up to a ten percent (10%) reduction or any increase in the approved setbacks from exterior property lines;
- c. Relocation of parking areas, internal streets or structures where such relocation occurs more than one hundred feet (100') for exterior property lines.

11. *Appeal*

- a. A final decision by the Building Official on a minor site plan may be appealed to the Planning Commission (see Section 8 – 18.101.E, Appeal of Administrative Decision).
- b. A final decision by the Planning Commission on a major site plan may be appealed to the Village Council (see Section 8 – 18.101.E, Appeal of Administrative Decision).

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

M. Special Use Permit

1. *When Required* – A special use permit is required for any use or building type that requires particular considerations as to its proper location to adjacent, established or intended uses in a district, or to the planned growth of the community. More detailed information may be included with each specific Section of this Ordinance that establishes the uses requiring a special use permit and conditions controlling the

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location and operation of such special uses. Any change to a special use involving major structural alterations, enlargements, intensifications of use, or similar change must be approved in the same manner as the original special use.

2. *Application and Fees*

- a. A pre-application conference with the Building Official is necessary.
- b. All applications for a special use permit shall be filed in writing with the Building Official (See Section 8 – 18.101.A, Common Review Procedures). The application shall include material necessary to demonstrate that the grant of a special use will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material required may include but is not limited to the following, when applicable:
 - i. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading access, refuse and service areas, and required yards and open spaces.
 - ii. Plans showing proposed locations for utilities hook-ups.
 - iii. Plans for screening, buffering and landscaping.
 - iv. Proposed signs and lighting, including type, dimensions and character.

3. *Review by Building Official* - The Building Official may refer the application to other affected or interested agencies for review and comment.

4. *Public Hearing and Decision by Planning Commission*

- a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Planning Commission shall recommend to approve, approve with conditions, or deny the proposed special use permit within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
- b. In making this recommendation, the Planning Commission shall consider the recommendation of the Building Official, relevant comments of all interested parties and the review criteria in Section 8 – 18.101.H.6.
- c. The Commission may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. These conditions may include, but are not limited to the following:
 - i. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion or traffic;
 - ii. Increase the required lot size or yard dimension;

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- iii. Limit the height, size or location of buildings, structures and facilities;
 - iv. Control the location and number of vehicle access points;
 - v. Increase the street width;
 - vi. Increase the number of required off-street parking spaces;
 - vii. Limit the number, size, location or lighting of signs;
 - viii. Require additional fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
 - ix. Designate sites for open space;
 - x. Provide ease of access to major roadways; or
 - xi. Assure that the degree of compatibility to the surrounding land use shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which the use is proposed to be located.
5. *Public Hearing and Decision by the Village Council*
- a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Council shall accept, accept with conditions, or deny the Planning Commission’s recommendation on the special use permit within thirty (30) days of the Planning Commission’s final action.
 - b. In making this recommendation, the Council shall consider the recommendations of the Building Official and the Planning Commission, relevant comments of all interested parties and the review criteria in Section 8 – 18.101.H.6.
 - c. The Village Council may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. Such conditions may include, but are not limited to, additional screening or buffering, limitations in scale or limitations to hours of operation.
 - d. Failure to act shall result in...
6. *Review Criteria* – The Planning Commission and the Village Council shall consider the following criteria in approving or denying a special use permit:
- a. The proposed special use permit is consistent with the pertinent elements of the Village of Folsom Master Plan and any other adopted plans.
 - b. The proposed development meets the requirements of this development code.
 - c. The proposed development will reinforce the existing or planned character of the neighborhood and the Village.
 - d. The special use permit complies with any specific use standards or limitations in

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Section xxx of this Ordinance.

- e. Any adverse impacts on adjacent properties attributable to the special use have been minimized or mitigated.
 - 7. *Effect of Denial* – The denial of a special use permit application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.
 - 8. *Appeal* – A final decision by the Village Council on a special use permit may be appealed to the St. Tammany Parish Civil District Court.
 - 9. *Expiration* –
 - a. A special use permit shall expire after twelve (12) months if a building permit application has not been filed.
 - b. Where special use has been granted but no substantial construction other than clearing and grubbing has been executed within twelve (12) months from date of such special use permit, the property shall revert to its original state prior to such special use
 - c. Once the building is constructed and occupied, the special use permit shall expire after six (6) months if the use is abandoned or discontinued. The property owner and/or business must apply for a new special use, or upgrade to meet all requirements of this ordinance before occupancy.
 - d. Buildings that are actively available for lease and occupancy, or are being remodeled pursuant to permit are shall not have its use considered abandoned or discontinued for twelve (12) months.
 - 10. *Revocation of Special Use Permit* – if any conditions of a special use permit or other requirements of this Ordinance are violated, the Village of Folsom may revoke the special use permit.
- N. Zoning Map Amendment
- 1. *When Allowed* – The boundaries of zoning districts as shown on any zoning map may, from time to time, be amended or modified, as determined by the Village Council.
 - 2. *Application and Fees*
 - a. A pre-application conference with the Building Official is required.
 - b. All applications for a zoning map amendment shall be filed in writing with the Building Official (See Section 8 – 18.101.A Common Review Procedures).
 - 3. *Review by Building Official* - The Building Official may refer the application to other affected or interested agencies for review and comment.
 - 4. *Public Hearing and Decision by Planning Commission*

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- a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Planning Commission shall recommend to approve, approve with conditions, or deny the proposed zoning map amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 - b. In making this recommendation, the Planning Commission shall consider the recommendations of the Building Official, relevant comments of all interested parties and the review criteria in Section 8 – 18.101.I.6.
5. *Public Hearing and Decision by the Village Council*
- a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Village Council shall accept, accept with conditions, or deny the Planning Commission’s recommendation on the zoning map amendment within thirty (30) days of the Planning Commission’s final action.
 - b. In making this recommendation, the Village Council shall consider the recommendations of the Building Official and the Planning Commission, relevant comments of all interested parties and the review criteria in Section 8 – 18.101.I.6.
 - c. Failure to act shall result in...
6. *Review Criteria* – The Planning Commission and the Village Council shall consider the following criteria in approving or denying a zoning map amendment:
- a. The proposed zoning map amendment is consistent with the pertinent elements of the Village of Folsom Master Plan and any other adopted plans.
 - b. The proposed zoning map amendment is consistent with the adjacent zoning classifications and uses.
 - c. The proposed zoning map amendment will reinforce the existing or planned character of the neighborhood and the Village.
 - d. The site is appropriate for the development allowed in the proposed district.
 - e. There are substantial reasons why the property cannot be used according to existing zoning.
 - f. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, stormwater management, police and fire are adequate for the development allowed in the proposed district.
 - g. The zoning map amendment will not substantially or permanently injure the appropriate use of adjacent conforming properties.
7. *Effect of Denial* – The denial of a zoning map amendment application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.
8. *Appeal* – A final decision by the Village Council on a zoning map amendment may be

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appealed to the St. Tammany Parish Civil District Court.

9. *Expiration* – A zoning map amendment shall not expire.

O. *Residential Diversity Overlay/Development*

1. *Components of a Residential Diversity Overlay/Development*

- a. Approval of an overlay and concept plan by the Village Council; and
- b. Approval of subsequent subdivision plats and site plans consistent with the concept plan.

2. *Intent of Residential Diversity Overlay/Development* – A residential diversity overlay/development is intended to encourage innovations in development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, use, design and layout of sites and buildings, and by the conservation and more efficient use of open spaces and other amenities generally enhancing quality of life. Residential diversity overlays are not intended to circumvent traditional zoning requirements, but rather enhance existing zoning to promote a harmonious variety of uses, and/or provide an economy of shared services and facilities to foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working. The regulations contained within diversity overlay are intended to have enough flexibility to produce each of the following:

- a. Maximum housing choice in the types of living environments.
- b. Open space and recreational areas directly related to the intended users, and if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
- c. A development pattern which preserves and utilizes natural topography, scenic vistas, trees and other vegetation, and prevents erosion and the disruption of natural drainage patterns;
- d. A stable development in character with the land use density, transportation facilities, and community facilities objectives of the Village of Folsom Master Plan;
- e. A higher quality site design than would be possible through the strict application of other available zoning districts.

3. *When Allowed – size? Projects than demonstrate a higher quality of site design... Multiple components (Not just to get smaller lots or get around requirements)*

4. *Application and Fees*

- a. A pre-application conference with the Building Official is required.
- b. All applications for a zoning map amendment shall be filed in writing with the Building Official (See Section 8 – 18.101.A Common Review Procedures).
- c. The application shall include the following additional materials:

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- d. The site is appropriate for the development proposed in the concept plan.
 - e. The proposed development demonstrates a higher quality of site design than is possible under other available zoning districts, and is not used solely to avoid the requirements of the base zoning district.
 - f. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, stormwater management, police and fire are adequate for the development allowed in the proposed concept plan.
 - g. The proposed development will not substantially or permanently injure the appropriate use of adjacent conforming properties.
9. *Action Following Approval* – Approval of a residential diversity overlay/concept plan authorizes the submission of subdivision plats and site plans consistent with the concept plan approval.
10. *Modification of a Concept Plan* – The Building Official is authorized to approve minor modifications to an approved concept plan. The Village Council shall consider all modifications not listed as minor below, consistent with the original approval of the residential diversity overlay district/concept plan. The following modifications shall be considered minor:
- a. Up to ten percent (10%) increase or any decrease in gross floor area of a single building;
 - b. Up to a ten percent (10%) reduction or any increase in the approved setbacks from exterior property lines;
 - c. Relocation of parking areas, internal streets or structures where such relocation occurs more than one hundred feet (100') for exterior property lines.
11. *Effect of Denial* – The denial of a residential diversity overlay/concept plan shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.
12. *Appeal* – A final decision by the Village Council on a residential diversity overlay/concept plan may be appealed to the St. Tammany Parish Civil District Court.
13. *Expiration* – A residential diversity overlay district/concept plan expires after two (2) years if no preliminary plat, site plan or building permit has been filed. **What about with no substantial construction?**
- P. Zoning Text Amendment
1. *When Allowed* – The regulations of this Ordinance may, from time to time, be amended supplemented, changed, modified or repealed, as determined by the Village Council.
 2. *Application and Fees*
 - a. A pre-application conference with the Building Official is optional.

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- b. All applications for a zoning map amendment shall be filed in writing with the Building Official (See Section 8 – 18.101.A Common Review Procedures).
 3. *Review by Building Official* - The Building Official may refer the application to other affected or interested agencies for review and comment.
 4. *Public Hearing and Decision by Planning Commission*
 - a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Planning Commission shall recommend to approve or deny the proposed zoning text amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 - b. In making this recommendation, the Planning Commission shall consider the recommendations of the Building Official, relevant comments of all interested parties and the review criteria in Section 8 – 18.101.K.6.
 5. *Public Hearing and Decision by the Village Council*
 - a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Village Council shall accept or deny the Planning Commission’s recommendation on the zoning text amendment within thirty (30) days of the Planning Commission’s final action.
 - b. In making this recommendation, the Village Council shall consider the recommendations of the Building Official and the Planning Commission, relevant comments of all interested parties and the review criteria in Section 8 – 18.101.K.6.
 - c. **Failure to act shall result in...**
 6. *Review Criteria* – The Planning Commission and the Village Council shall consider the following criteria in approving or denying a zoning text amendment:
 - a. The proposed zoning text amendment is consistent with the pertinent elements of the Village Council Master Plan and any other adopted plans;
 - b. The proposed zoning text amendment is consistent with the remainder of this Ordinance;
 - c. The extent to which the zoning text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time, or whether or not the text amendment corrects an error in this Ordinance; and
 - d. Whether or not the text amendment revises this Ordinance to comply with State or Federal statutes or case law.
 7. *Appeal* – A final decision by the Village Council on a zoning text amendment may be appealed to the St. Tammany Parish Civil District Court.
 8. *Expiration* – A zoning text amendment shall not expire.

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Q. Development Agreements

1. *When Allowed* – The Village of Folsom may enter into a development agreement with xxx in accordance with this Section.
2. *Contents*
 - a. A development agreement must specify the following:
 - i. Definition of the parties involved in the agreement;
 - ii. A legal description of the piece of property scheduled for development;
 - iii. The duration of the agreement;
 - iv. The permitted uses of the property;
 - v. The density or intensity of use;
 - vi. The maximum height and size of proposed buildings; and
 - vii. Provisions for reservation or dedication of land for public purposes.
 - b. The development agreement may also include the following:
 - i. Conditions, terms, restrictions and requirements for subsequent discretionary actions, provided that such conditions, terms, restriction and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.
 - ii. Provisions for the commencement, phasing and completion of construction and other obligations such as landscaping, parking and other site development regulations.
 - iii. Terms and conditions relating to financing of necessary public facilities by the applicant and subsequent reimbursement of the applicant over time.
3. *Rules, Regulations and Official Policies*
 - a. Unless otherwise provided by the development agreement, the rules, regulations and official policies governing permitted uses of the land, density and design, improvement, and construction standards/specifications applicable to development of the property subject to the development agreement shall be those rules, regulations and official policies in force at the time of the agreement.
 - b. A development agreement shall not prevent the Village of Folsom, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property as set forth herein.

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- c. A development agreement shall not prevent the Village of Folsom from approving or denying any subsequent development project application on the basis of such existing or new rules, regulations and policies.
 4. *Public Hearing and Decision by Planning Commission* - Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Planning Commission shall recommend to approve, approve with conditions, or deny the proposed development agreement within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
 5. *Public Hearing and Decision by the Village Council*
 - a. Following notice and a public hearing as required by Section 8 – 18.101.A of this Ordinance, the Village of Folsom shall approve, approve with conditions, or deny the proposed development agreement the Planning Commission’s recommendation on the zoning text amendment within thirty (30) days of the Planning Commission’s final action.
 - b. A development agreement shall be approved by ordinance by the Village Council.
 - c. **Failure to act shall result in...**
 6. *Amendment or Cancellation* – A development agreement may be amended or cancelled in whole or in part by mutual consent between the parties or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided in Section 8 – 18.101.A, Common Review Procedures.
 7. *Recording Copy of Agreement; Effect* – No later than ten (10) days after the Village of Folsom enters into a development agreements, a copy of the agreement shall be filed with the St. Tammany Parish Clerk of Courts, which shall describe the land subject to the agreement. From and after the time of such recordation, the agreement shall impart such notice to all persons as is afforded by the recording laws of the State. The burdens of the agreement shall be binding upon and the benefits of the agreement shall inure to all successors in interest to the parties of the agreement.
 8. *Modification or Suspension* – In the event that State or Federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations.
 9. *Periodic Review; Termination or Modification* – Any development agreement shall provide for periodic review at least every twelve (12) months, at which time the applicant or his successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the Village Council finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied on good faith with the terms or conditions of the agreement, the Village Council may terminate or modify the agreement.
 10. *Enforcement* – Unless amended, cancelled, modified or suspended, a development agreement shall be enforceable by any party to the agreement notwithstanding and

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change in any applicable general or specific plan, zoning, subdivision or building regulation adopted by the Village of Folsom entering the agreement which alters or amends the rules, regulations or policies specified in this Ordinance.

11. *Restrictions on Authority* – Nothing in the procedure shall be construed to authorize property use contrary to existing zoning classifications or to authorize the reclassification of such zones.

SECTION 18.102. VIOLATIONS

- A. *Administration of Enforcement* - The provisions of these land use regulations shall be administered by the Mayor, or his/her duly authorized representative, as designated herein, who shall have the power to make inspections of buildings or premises necessary to carry out their administrative duties in the enforcement of these regulations. The Village of Folsom Police Department shall enforce the provisions of these regulations. The Mayor, or his/her duly authorized representative may call upon the Police to furnish the necessary personnel to carry out enforcement.
- B. *Violations and Enforcement Proceedings* - In case any structure is erected or structurally altered or maintained, or any structure or land is used or altered or is not maintained, in violation of these regulations, any proper Village official or his or her duly authorized representative may institute any appropriate action or proceedings to prevent such unlawful construction or alteration or use or other violations, to restrain, to correct or to prevent any illegal act, conduct any business or maintain any use in or about such premises. Furthermore, any resident of the community who believes that a violation of any of the provisions of these regulations is occurring may file a written complaint with the Mayor. Such complaint shall fully set forth the acts or omissions constituting the alleged violation and the site or sites at which such violation or violations are alleged to be occurring. The Building Official shall record properly such complaint, promptly investigate the allegations underlying said complaint, and take action on such complaint and take action on such complaints as provided by these regulations.
- C. *Responsibility for Violations* - Whenever the Building Official, on the basis of a written complaint, has reason to believe that a violation of these regulations may exist, he may require any person owning the structure or land or operating a use thereon to provide, within thirty (30) days of notification or the next available Village of Folsom Court date, information as may be necessary, in his judgment, to determine the existence or extent of any violation.
- D. *Penalty* - Any person violating any provision of these regulations shall be guilty of a misdemeanor, and deemed a public nuisance and upon conviction shall be punished for each separate offense by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Each day any violation of any provision of these regulations shall continue shall constitute a separate offense.

SECTIONS 18.103 - 18.119. RESERVED