

Chapter 26 - Zoning and Development

Article VI. - Special Districts

DIVISION 6. HIGHWAY 385 OVERLAY DISTRICT

Section 26-173. - Highway 385 Overlay District

- (a) Title. This division shall be known as, and may be cited and referred to as, the “Common Street / Gulf Highway” overlay district.
- (b) Purpose and intent. The Highway 385 overlay district is hereby created for the purpose of providing incentives to encourage infill development and redevelopment along Highway 385, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The intent of this overlay district is to implement the community's vision for the area and to address the unique land development constraints along Highway 385. The standards contained herein will ensure that new development is compatible and enhances the appearance of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.
- (c) Boundaries. The Highway 385 overlay district consists of those lands within the unincorporated area south of the City of Lake Charles to the boundary of Calcasieu Parish, which is approximately eight (8) miles in length and four hundred (400) feet in depth from the right-of-way on both sides on Highway 385, as shown on the Highway 385 overlay district map in the appendix.
- (d) Non-conforming uses - structures. All current permitted structures located within the boundary of the Highway 385 overlay district are exempt from complying with the overlay district regulations, except:
- (1) When a residential use converts or is replaced with a business-type use; or
 - (2) When an existing business or other structure is damaged, destroyed, repaired, renovated, or expanded by more than seventy-five (75) percent of the on-site building square footage or of the market value of the structure.
- (e) Zoning. Minimum requirements for all parcels within the boundary of the Highway 385 overlay district shall be as established by the underlying zoning district in accordance with section 26-35, subject to the following:
- (1) Permitted uses. In addition to section 26-35, permitted uses also include mixed-use developments (commercial, office, residential).

- a. New mixed-use developments, multi-family residential developments, and manufactured home parks or RV parks that abut the overlay district must also comply with the overlay district regulations.

Alternative design. There shall be no adjustments within the Highway 385 overlay district except when approved as an alternative design. Alternative design solutions may be submitted to the division of planning and development when it is found that the literal interpretation of this article causes an undue hardship or may impede the objectives of the proposed development. Alternative designs may apply only to site planning difficulties (i.e., setbacks, parking, buffer requirements, signage, architectural design guidelines, outdoor display and storage, lighting, and landscaping, etc.). The alternative design procedures shall only apply to the regulations in the Highway 385 overlay district ordinance. All other requests including requests made to enlarge the boundary of the Highway 385 overlay district or requests to establish a specific use that is not allowed within the district must follow the standards in accordance with Article IV, Zoning Processes and Applications.

- a. Minor alternative design. A request made for changes in development regulations such as setbacks, parking, buffer requirements, signage, landscaping, etc., that do not vary more than twenty-five (25) percent of any specific standard(s) of the required development standards.
 1. Application must be made with the division of planning and development. The director of planning and development will determine when an application is complete.
 2. Upon the determination of a complete application, a seven-day review period will ensue. At the end of the seven-day review period, the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
 3. The Fourteenth Judicial District Court is the proper forum for any aggrieved party of any decision made by the director of planning and development.
- b. Major alternative design. When any variance request for development standards exceeds twenty-five (25) percent of any specific standard(s) of the required development standards.
 1. Application must be made with the division of planning and development. The director of planning and development will determine when an application is complete.
 2. Upon the determination of a complete application, a date for public hearing of the Highway 385 overlay district review team is set. Notice of the time and place of the hearing shall be published at least three

- (3) times in the official journal of the parish, and at least ten (10) days shall elapse between the first publication and the date of the hearing. Following the decision of the Highway 385 overlay district review team, the director of planning and development will issue in writing an approval, conditional approval, or disapproval of the application.
3. The Highway 385 overlay district review team shall consist of the following members: police jury member, district six; police jury member, district seven; police jury member, district eight; and two (2) planning and zoning board members, ward three.
 4. The Fourteenth Judicial District Court is the proper forum for any aggrieved party of any decision made by the director of planning and development or the Highway 385 overlay district review team.
- (f) Conflict. Where the provisions of the Highway 385 overlay district conflict with other applicable restrictions of the Calcasieu Parish Code of Ordinances, the provisions of this division shall prevail.
- (g) Property development regulations. Property development regulations shall apply to any proposed development located within the boundary limits of the district, and all development shall comply with the regulations of the underlying zoning districts, except where modified as follows for the Highway 385 overlay district:
- (1) Setbacks and maximum heights.
 - a. Front yard setback – Thirty (30) feet.
 - b. Corner lot front yard setback – Thirty (30) feet for both streets.
 - c. Side yard setback – None.
 - d. Rear yard setback – None.
 - e. Maximum height – Fifty (50) feet.
 - (2) Parking.
 - a. All parking lots and drives visible from the public right-of-way must be hard surfaced (asphalt, concrete, or comparable material as determined by the director). Permeable pavers or other similar low impact pavement designs are encouraged to reduce stormwater runoff and pollutant concentrations. Aggregate surfaces are permitted on the side or in the rear of the primary structure with appropriate screening (landscaping or fencing – see section 26-173(g)(3)).
 - b. In no case is an aggregate surface allowed between the front corner of the primary building and the road.
 - c. Shared parking areas and driveways are encouraged.

- d. Rear service road (alleys). Parcels providing access through a rear service road shall be a minimum of twenty (20) feet wide, subject to utility easements to be approved by the parish engineer. If the road is publicly maintained, it must be unencumbered, built to parish standards, and not used for any other purposes.
- (3) Screening.
- a. Landscaping.
1. Where landscaping is utilized for screening, the plants must be evergreen and no less than four (4) feet in height at the time of planting and capable of reaching the required screening height of six (6) feet within three (3) years of planting. The plant material must be planted continuously along the perimeter of the area to be screened at no less than three (3) feet on center. Plant material types must be chosen from the list of trees and shrubs shown in the appendix or approved by the director of planning and development or designee.
 2. Landscape used for screening must be placed in an area no less than five (5) feet in width between the hard surfaced parking and the aggregate parking.
 3. All materials must be properly maintained. Any portion of the landscaping that has perished shall be replaced immediately.
- b. Fencing.
1. Where fencing is utilized for screening, the fence must be a solid six (6)-foot wood or masonry fence, wall, combination thereof or other material approved by the director of planning and development.
 2. Said fence must be installed along the perimeter of the area to be screened.
 3. Any portion of the fencing that has fallen into disrepair shall be replaced immediately.
- (4) Buffer requirements. When a business is constructed within the boundary of the Highway 385 overlay district, a solid six (6)-foot wood or masonry fence, berm, wall, dense hedge, combination thereof or other methods approved by the director of planning and development, or designee, must be installed on the designated lot line where contiguous to R-1 (single-family residential) or R-2 (mixed residential) lots with a minimum fifteen (15)-foot setback for the rear yard buffer and ten (10) feet for the side yard buffer.
- (5) Signage.

- a. Article III, Division 10, on-premises signs, shall govern the maximum number, height, and area, and the location of freestanding signs.
 - b. Notwithstanding any other provision to the contrary, only monument signs or wall signs are allowed in the Highway 385 overlay district. Only one (1) monument sign is allowed per parcel. One (1) wall sign is permitted for each building side. Where buildings are intended to be portioned and leased, one (1) wall sign per lease space may be permitted upon submittal of a leasing plan including the total number of wall signs requested.
 - c. A monument sign or wall sign may not flash or blink. Internal illumination is allowed.
 - d. Monument signs shall be made of similar exterior materials of the building advertised and be no more than eight (8) feet in height, eight (8) feet in length, and two (2) feet in width.
 - e. Where permitted by section 26-35, off-premises advertising signs are allowed on Highway 385 and must comply with article III, division 9. Within the Highway 385 overlay district, no two (2) off-premises signs shall be placed less than two thousand (2,000) feet apart.
- (6) Architectural design guidelines.
- a. All exterior wall materials are limited to brick, masonry, textured concrete, exterior insulation finishing system (EIFS), vinyl, hardy plank, wood cladding, or stucco. No aluminum or metal siding except when incorporated as architectural metal panels. Alternative materials may be considered as a major alternative design solution provided they meet the intent of the standards.
 - b. Building entrances shall face Highway 385 and shall be designed as focal points that incorporate a change in relief on the front elevation. They shall be enhanced through the use of elements such as canopies, overhangs, peaked roofs, paving materials, planters and landscaping features.
 - c. Earth-tone colors shall be encouraged for the base building color. The same base building color may be used for the entire structure.
 - d. All roofing materials and colors shall compliment the base building materials and color.
 - e. Attached or detached storage sheds must be constructed of the same like materials as the principal structure.
 - f. Mechanical equipment is permitted in the rear and/or on top of the building. If mechanical equipment is located in the rear, it must be screened. Screening material and method shall be consistent with the

architecture of the building and/or equivalent landscaping. If mechanical equipment is located on top of the building, it must be screened and not visible from the public roadway.

- g. Refuse collection must be kept in a dumpster enclosed by a six (6)-foot wood or masonry fence. Dumpsters may not be located in building setback areas or buffer areas.
- (7) Outdoor display and storage.
- a. Outdoor display of merchandise. Merchandise may be displayed outside the principal structure on the same premises if the merchandise:
 - 1. Is not located on public rights-of-way or within a required parking area or yard setback;
 - 2. Is owned by the owner or lessee of the primary structure; and
 - 3. Is landscaped in accordance with section 26-173 (h) *Landscape and tree plan.*
 - b. Outdoor storage. Outdoor storage of items not for sale, such as supplies, materials, equipment, and related accessories, shall be located behind the principal structure, and shall be screened from view in accordance with section 26-173(g)(3)a. *Landscaping*, or 26-173(g)(3)b. *Fencing*. For the purposes of this section, outdoor storage shall mean storage outside of an enclosed building or contained inside a portable storage unit.
- (8) Lighting.
- a. All freestanding poles shall be decorative and limited to a maximum height of eighteen (18) feet. Pole lighting is allowed in parking areas. Pole lighting is prohibited within fifteen (15) feet of a residential property line.
 - b. Wall-mounted exterior light fixtures on buildings or fences shall be decorative and shall be no more than seven (7) feet above the ground.
 - c. Any external lighting must be oriented inward toward the development or structures to minimize intrusion into surrounding property.
- (9) Prohibitions. The following elements shall be prohibited: neon lights and colors, high intensity, metallic or fluorescent colors, mirror or solar glass with a reflectivity or opacity greater than sixty (60) percent.
- (10) Crime prevention through environmental design (CPTED). A minimum of one (1) CPTED principle from each category below shall be incorporated into site design for all development.
- a. Reduce opportunities. Creating an atmosphere that does not encourage or invite unlawful activity can reduce criminal opportunities.

Strategies include:

1. Well-lighted public outdoor areas and pedestrian walkways;
 2. Well-lighted parking areas;
 3. Direct general public access from all parking areas;
 4. Signs directing general public to entrances for general public;
 5. Easily identifiable store entrances; and
 6. Difficult roof accessibility.
- b. Increase visibility. Visibility in and around the business area will help to reduce crime. Methods include:
1. Store windows facing all parking areas;
 2. Well-lighted interior/ exterior spaces;
 3. Building-mounted lighting installed on all exterior walls, especially at delivery/ service and entrances for general public;
 4. Clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles;
 5. All entrances and exits under visual or electronic surveillance; and
 6. Landscaping, buildings, walls and fences which do not create hiding places or hinder visibility.
- c. Territorial reinforcement. Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:
1. Landscaping, special pavement, and low fences;
 2. Public spaces identified by welcome, directional, marquee, or similar signs; and
 3. Wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residence.
- (h) Landscape and tree plan. The purpose of this plan is to preserve and enhance the visual characteristics of Highway 385 by providing a tree-lined street and encouraging a high level of design in development. Further, the standards and requirements of this plan seek to promote the preservation, protection and enhancement of nature in the parish with particular emphasis on the urban forest canopy and vegetative cover of the land. It is highly encouraged that low impact development techniques be implemented as part of the overall drainage and

landscape plans to decrease the rate of stormwater runoff reaching any public drainage ditch, lateral, and/or natural river or stream.

- (1) Applicability of landscape requirements. The provisions of this plan shall apply to:
 - a. All developments located within the boundary of the Highway 385 overlay district.
 - b. New mixed-use developments, multi-family residential developments, and manufactured home parks or RV parks that abut Highway 385.
 - c. When an existing use is damaged, destroyed, or renovated to seventy-five (75) percent or more of the assessed market value of the structure.
 - d. Development of vehicular use areas (parking lots), vehicular use area additions of fifteen (15) parking spaces or more, or areas for outdoor display of merchandise.
- (2) Landscape standards. The following standards shall be included as the landscape plan prepared pursuant to the Highway 385 overlay district regulations:
 - a. All landscaping shall be installed in a sound manner and in accordance with accepted standards of the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by the Louisiana Nursery and Landscape Association.
 - b. Plant material shall be true to name, variety and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition, as published by the American Horticulture Association (AmericanHort).
 - c. Tree standards. Trees selected for planting shall meet the minimum requirements provided in the American Standards for Nursery Stock, latest edition, as published by the American Horticulture Association (AmericanHort).
 - d. Shrub quality standards. Shrubs selected for planting shall meet the minimum requirements provided in the American Standards for Nursery Stock, latest edition, as published by the American Horticulture Association (AmericanHort). Shrub size shall be a minimum three (3)-gallon, well-rooted container stock.
- (3) Landscape plan.
 - a. Documentation with permit application. A landscape plan shall be submitted along with the building plans when applying for a development permit. The director of planning and development or designee shall approve the landscape plan prior to issuance of the development permit.

- b. All development permit applications covered by this shall be accompanied by a landscape plan. A qualified professional shall draw landscape plans. The director of planning and development or designee shall determine compliance with this code. The landscape plans shall include the following, but are not limited to:
1. The plans shall be drawn to a universal scale (i.e., 1" = 20', etc.) or plans shall be drawn with a graphic scale.
 2. Show layout of all existing and proposed trees and plant material, sizes, and specifications. All trees and plants shall be shown at the average mature size.
 3. Show all buildings, walkways, vehicular use areas, utility areas, sight triangles, and miscellaneous site structures.
 4. Show all on and off-site utilities, servitudes, rights-of-way, or easements.
 5. Show proposed routing of utility service to proposed buildings.
 6. Show all current land use of all adjacent property.
 7. Show all protected trees and their trunk sizes using DBH (diameter measured at breast height – Four and one-half (4½) feet). Show actual canopy spread of all protected trees or groupings of trees.
 8. Show layout of all plant materials, sizes, and specifications.
 9. Show all other proposed site development amenities.
 10. Show all existing and proposed paved surfaces, curbs, steps and grade changes.
 11. Show topography, existing natural features, and drainage information.
 12. Provide complete tree and plant schedule of materials to be planted on the site.
 13. Provide irrigation or watering system plans if applicable.
- c. Alternative design solutions. The director of planning and development shall have the authority to approve alternative design solutions where it is found that the requirements of this section may impede the objectives of the proposed development. The alternative design solution shall be equal or exceed the requirements of this section. In no way shall the alternative design solution circumvent the intent of this section.

(4) Tree planting.

- a. All single-trunk trees shall measure a minimum height of eight (8) feet tall immediately after planting and shall meet the minimum caliper measurements provided in the American Standards for Nursery Stock, latest edition, as published by the American Horticulture Association (AmericanHort). All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
 - b. Multi-trunk trees shall measure a minimum of eight (8) feet tall immediately after planting and shall meet the minimum caliper measurements provided in the American Standards for Nursery Stock, latest edition, as published by the American Horticulture Association (AmericanHort). All multi-trunk trees shall have a minimum of three (3) main stems. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
- (5) Street yard planting area. Street yard planting area is the unpaved area of land located between the property line/right-of-way and any building, designated for the preservation and placement of plant materials along all property lines that border Highway 385.
- a. A minimum ten (10)-foot landscape strip is required along each property line abutting a public street right-of-way.
 - b. The street yard planting area shall contain one (1) class A tree or three (3) class B trees for every fifty (50) linear feet of street yard, or fraction thereof. All class A trees shall be spaced a minimum of thirty (30) feet (live oaks forty-five (45) feet) and a maximum of fifty (50) feet. Class B trees shall be spaced at a minimum appropriate to species and a maximum of fifty (50) feet for singles and seventy-five (75) feet for clusters of three (3) or more.
 - c. No planting or ground cover in sight triangle areas shall exceed twenty-four (24) inches in height at maturity.
 - d. At a minimum, the street yard planting area shall contain at least one (1) class A tree or three (3) class B trees.
 - e. The street yard planting area may contain pedestrian walkways, site furniture, signage, site lighting, fountains and any other appropriate landscape features as approved by the director of planning and development or designee. Landscape fixtures should reflect the architectural character of the building.
 - f. Retaining existing vegetation, either as lone growing specimens or groves of trees, within the street yard planting area is highly encouraged. Underbrush and non-native weeds may be removed, by hand methods only, to allow views to buildings and interior vehicular use areas.

- g. No parking lot will be allowed within the street yard planting area except for driveways entering and exiting the site.
 - h. Lots with frontage on more than one (1) street shall calculate the street planting requirements along the entire street frontage of both streets.
- (6) Vehicular use area.
- a. The vehicle use area consists of the area provided for the parking, loading, or circulation of motor vehicles and may include, but not limited to, access driveways, aisles, curbs, islands, ramps, and vehicle parking spaces. The vehicle use area shall not include any part of a public street.
 - b. No parking space shall be further than seventy-five (75) feet from a class A tree.
 - c. The vehicular use area shall contain one (1) class A tree or three (3) class B trees for every fifteen (15) parking spaces.
 - d. Any parking island, peninsula, or planting space internal to a vehicular use area must have a minimum width of nine (9) feet by twenty (20) feet of nonpaved area if it is to contain a tree or trees.
- (7) Maintenance.
- a. Landscape material which is preserved or installed as part of the minimum landscape standards of this division shall be maintained in perpetuity by the property owner or his/her agent, or until such time as a new landscape plan is approved and implemented.
 - b. Landscape maintenance specifications require that all landscaping shall be maintained in a sound manner and in accordance with accepted maintenance procedures as established by the Louisiana Nursery and Landscape Association.
 - c. All plant materials and planted areas shall be tended and maintained in a healthy growing condition; replaced when necessary and kept free of refuse and debris.
 - d. In the event of the removal of any such landscape material, the landowner shall replace it with material necessary to return the site to compliance.
 - e. Tree removal, tree relocation or tree pruning. The director of planning and development shall have the authority to require that property owners treat or allow the parish at the property owners' expense to treat, trees or shrubs suffering from transmittable diseases or infestation pests. If the disease or pests warrant(s) drastic action to curb the spread to healthy trees or shrubs, on the advice of the director of planning and development, the property owner shall cut and destroy the trees or shrubs

or else allow the parish to do so, charging the actual cost to the property owner.

(8) Tree and urban forest preservation standards.

- a. Existing trees shall be encouraged towards the landscape materials required by these plans.
 - 1. The preservation of existing trees within street yard planting areas, buffer areas and other areas of the site, which are left undisturbed by construction are encouraged.
 - 2. Where a preserved tree is removed, new trees equaling the number of trees for which credit was given shall be installed. See Table 8.1 - Tree Credits for Preserved Trees below for reference.

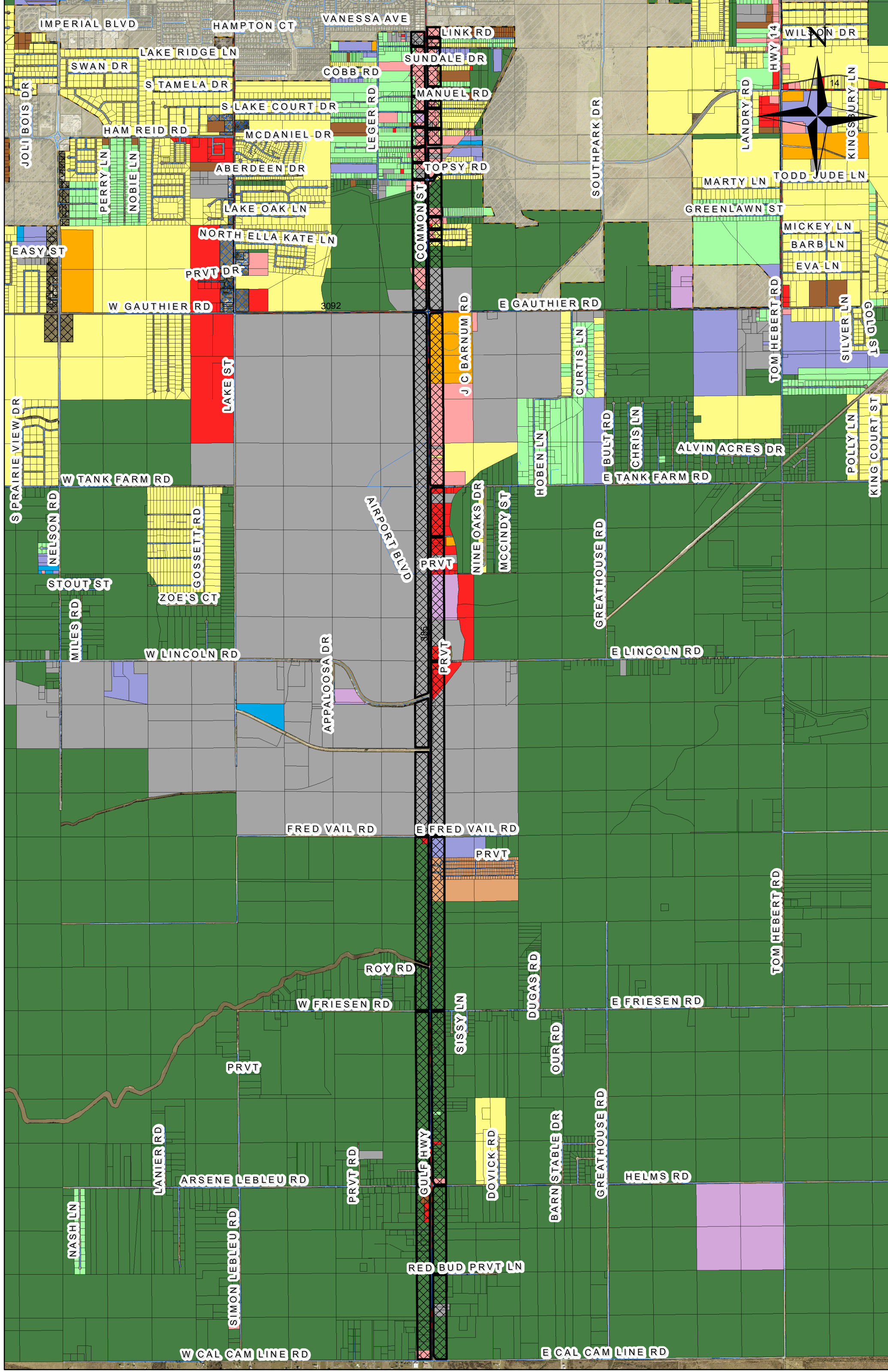
Table 8.1 - Tree Credits for Preserved Trees

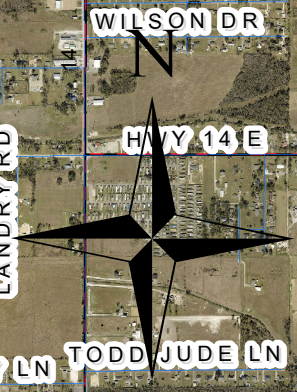
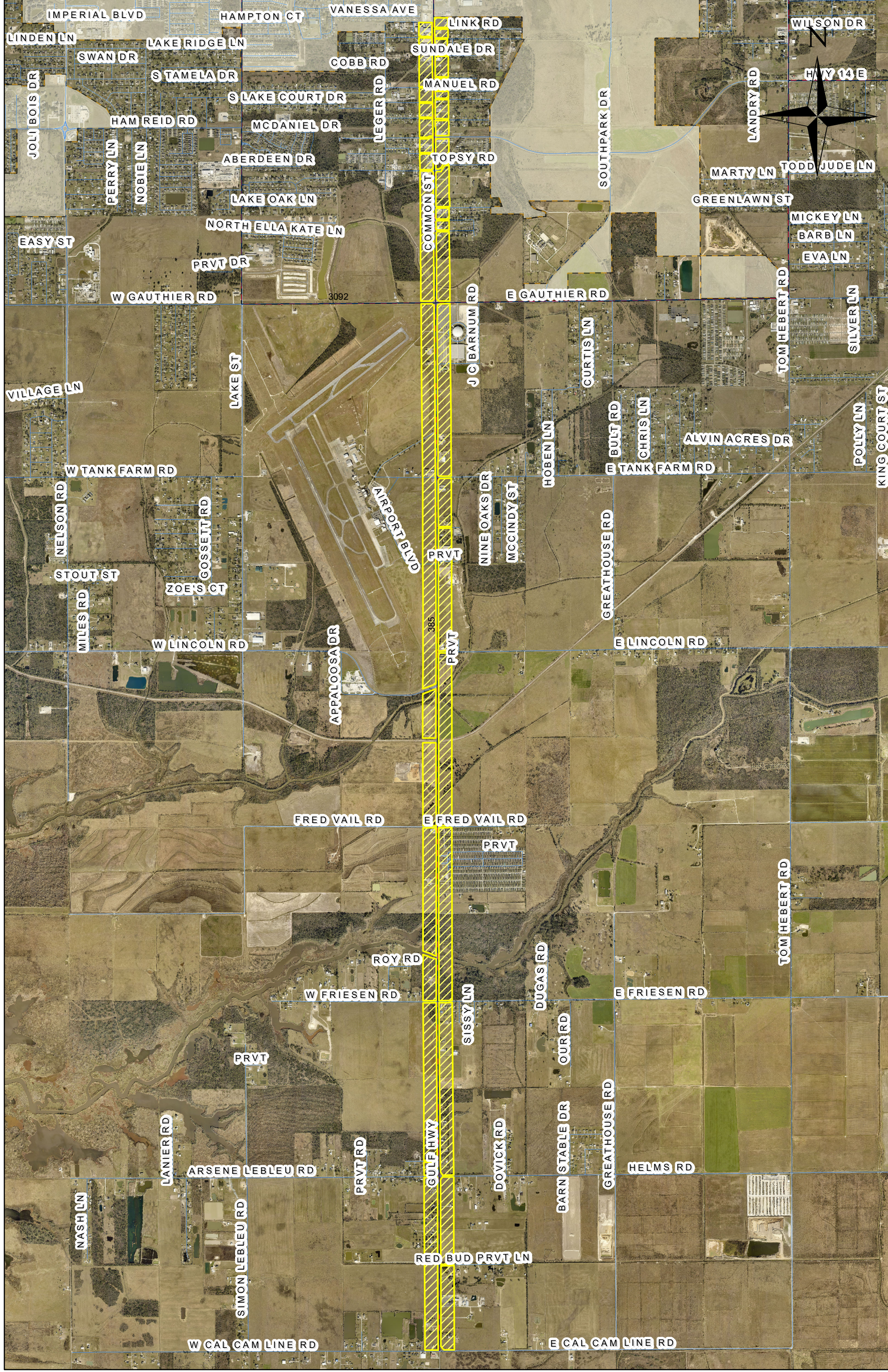
<u>DBH* of Existing Tree</u>	<u>Amount of Credit Granted</u>
<u>Live Oak Trees 24 inches or greater</u>	<u>1 tree for every inch of preserved Live Oak</u>
<u>24 inches or greater (all trees, except for Live Oaks)</u>	<u>10 trees</u>
<u>18 inches to under 24 inches</u>	<u>8 trees</u>
<u>12 inches to under 18 inches</u>	<u>6 trees</u>
<u>6 inches to under 12 inches</u>	<u>4 trees</u>

*DBH measurement shall be taken at a height of 4 ½ feet above the ground and shall be rounded to the nearest whole number.

- 3. The owner is encouraged to preserve as many existing mature trees and shrubs as possible in the design and implementation of the landscape plan.
- 4. Trees preserved in the street planting area shall be credited towards street planting requirements, trees preserved in vehicular use areas shall be credited toward vehicular use area requirements, and trees preserved in a buffer planting area shall be credited toward buffer area planting requirements.
- b. It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. If a preserved tree dies within five (5) years, it is the responsibility of the owner to replace that tree with the number of trees of the required class on a matching basis within six (6) months.

- c. Duties relating to trees, and the placing of materials; indemnity bond. In the erection of any building or structure, the builder, contractor, or owner thereof shall use best management practices (BMPs) (e.g., tree guards or barriers) around all existing credited trees on the development site to prevent injury to them and shall not place building materials or trash upon neutral grounds without the permission of the director of planning and development or his/her designee. Contractors and others doing work on neutral grounds, either for excavation or other projects for which permission has been granted by the director of planning and development or his/her designee, shall give bond to the parish to guarantee the payment of all costs for repairing any settlement or other damage or deterioration that shall take place in the neutral grounds as a result of the project undertaken by them.





IMPERIAL BLVD HAMPTON CT VANESSA AVE LINK RD WILSON DR
 LINDEN LN LAKE RIDGE LN SUNDALE DR HWY 14 E
 SWAN DR COBB RD MANUEL RD
 S TAMELA DR LAKER RD
 S LAKE COURT DR MCDANIEL DR
 HAM REID RD ABERDEEN DR TOPY RD
 PERRY LN NOBIE LN
 LAKE OAK LN
 NORTH ELLA KATE LN
 COMMON ST
 EASY ST PRVT DR
 W GAUTHIER RD 3092
 E GAUTHIER RD
 VILLAGE LN LAKE ST J C BARNUM RD SOUTH PARK DR
 W TANK FARM RD AIRPORT BLVD
 NELSON RD GOSSETT RD PRVT CURTIS LN
 STOUT ST ZOE'S CT NINE OAKS DR HOBEN LN BULT RD CHRIS LN
 MILES RD W LINCOLN RD APPALOOSA DR MCCINDY ST ALVIN ACRES DR
 E TANK FARM RD POLLY LN KING COURT ST
 W LINCOLN RD PRVT
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 FRED VAIL RD E FRED VAIL RD
 ROY RD PRVT
 W FRIESEN RD SISSY LN DUGAS RD TOM HEBERT RD
 E FRIESEN RD
 LANIER RD PRVT
 ARSENE LEBLEU RD PRVT GULF HWY DOVICK RD BARN STABLE DR GREATHOUSE RD
 NASH LN SIMON LEBLEU RD RED BUD PRVT LN HELMS RD
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