

1 BY COUNCIL MEMBER LOBUE

2
3 PROPOSED ORDINANCE NO. 2014- _____
4

5 TO AMEND AND REENACT THE COMPREHENSIVE
6 ZONING CODE TO ENLARGE THE AREA FOR NOTICE OF
7 ZONING CHANGES, TO INCREASE THE SETBACK FROM
8 CERTAIN STREETS FOR ADULT USES, TO ENACT
9 PROVISIONS RELATED TO COMMUNICATION TOWERS
10 AND TO PROVIDE FOR RELATED MATTERS
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12 BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:
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14 **Section 1:** Sections 13.9(B) and (C) of Chapter 13 are hereby amended and reenacted to read
15 as follows:
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17 **Section 13.9 Notice Requirements**

18 * * *

19 **B. Mailed Notice.** Each application for a Variation, Conditional Use or
20 Amendment shall also provide notice of the required public hearing by
21 U.S. mail, sent not less than 20 days in advance of the hearing, to the
22 Commission staff and all owners of real property, within ~~300~~ 500 feet of
23 the boundaries of the land upon which a zoning application is requested.
24 The Applicant shall provide the Commission staff with proof of the
25 required mailing (consisting of a Certificate of Mailing from the U.S.
26 Postal Service or delivery receipt) for each notice at least two days prior to
27 the public hearing. The failure to timely provide this proof shall cause the
28 application to be deemed incomplete and prevent the Zoning Commission
29 from considering the application. For the purpose of notice requirements
30 to property owners, the names and addresses of such owners shall be
31 deemed to be those on record in the East Baton Rouge Parish Assessor's
32 records. Failure of owners to receive this mailed notice shall in no way not
33 affect the validity of any action taken at the hearing.
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35 **C. Public Participation Program.** In addition to the requirements of
36 paragraphs A and B above, Applicants for approval of a Planned Unit
37 Development ("PUD"), including a Traditional Neighborhood
38 Development ("TND") shall complete the two-part Public Participation
39 Program outlined herein to enhance dialogue between Applicants and
40 individuals which could be impacted by the proposed development prior to
41 the public hearing.
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43 1. Part One of the process is the filing of a plan on the Public
44 Participation Form (Form A) simultaneously with the application
45 requesting approval of a PUD preliminary plat. The Public
46 Participation Plan shall include the following:

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- a. Identification of all property owners within ~~300~~ 500 feet of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the Applicant and the City staff at the time of the pre-application conference.
- b. Explanation of how the interested parties will be informed of the proposed development. If notice to property owners within ~~300~~ 500 feet required by this Section will be performed by mail, the notice required in Subsection B of this Section can be included with this notice provided the proof of mailing required by Subsection B of this Section is provided.

* * *

Section 2: Section 19.1(3) of Chapter 19 is hereby amended and reenacted to read as follows:

Section 19.1 Adult Uses

* * *

- 3. **Location.** Adult uses may be located in B-3, B-4, B-5 and O, R & D districts (unless such property is planned for residential or low density B-1 and B-2 commercial uses) provided that no adult uses shall be located within 1,000 feet of any property zoned, used or planned for residences, churches, schools, parks or another adult use. Further, no adult use shall be permitted to operate within ~~300~~ 500 feet of the centerline of Greenwell Springs, Hooper, Joor, Sullivan, Wax/Magnolia Bridge Roads or Central Thruway.

* * *

Section 3: Section 7.2(7) of Chapter 7 is hereby amended and reenacted to read as follows:

Section 7.2 Conditional Uses

* * *

- 7. Communications towers in accordance with the height and location requirements in Section 19.4 of the tract upon which the tower is to be placed.

* * *

1 **Section 4:** Section 19.4 of Chapter 19 is hereby enacted to read as follows:

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3 **19.4 Communications Towers**

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5 A Communications Tower may be approved as a Conditional Use only if it meets
6 the following criteria:

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8 1. **Location.** Communications Towers may be located in B-2, B-3, B-4, B-5,
9 R/A and O, R & D districts provided that no Communications Tower
10 shall be located within 500 feet of an R-1, R-2 or R-3 district, or an
11 existing residence in an R/A district. Further, no Communications Tower
12 shall be located within 300 feet of the centerline of Greenwell Springs,
13 Hooper, Joor, Sullivan, Wax/Magnolia Bridge Roads or Central Thruway.

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15 2. **Maximum Height.** No Communications Tower, including the top of any
16 appurtenance thereto, shall exceed a height of 500 feet above the base
17 flood elevation; however, any Communication Tower, including the top of
18 any appurtenance thereto, located within 1000 feet of any property zoned
19 R-1, R-2 or R-3 or an existing residence in an R/A district, shall exceed a
20 height of 200 feet above base flood elevation.

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22 3. **Minimum Setbacks.** The height of the Communications Tower from
23 every lot line.

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25 **Section 5: Conflicts.** All ordinances or parts of ordinances in conflict with this Ordinance are
26 hereby repealed.

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28 **Section 6: Severability.** If any section, subsection, sentence, clause or provision of this
29 Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of
30 invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the
31 part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of
32 invalidity and shall remain in force and effect.

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34 **Section 7: Effective Date.** This Ordinance shall be effective on July 1, 2014.

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36 Approved by the Zoning Commission on May 22, 2014.

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38 Introduced on June 10, 2014.

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40 This Ordinance having been submitted to a vote, the vote thereon was as follows:

41 For:

42 Against:

43 Absent:

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46 Adopted the ____ day of June, 2014.

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Signed the _____ day of _____, 2014.

Delivered to Mayor on the ___ day of June, 2014:

Mark Miley, City Clerk

Approved:

Shelton "Mac" Watts, Mayor

Received from Mayor on the_ _____ day of June, 2014:

Mark Miley, City Clerk

Adopted Ordinance published in The Advocate on the _____ day of _____, 2014.