

FACT SHEET

<u>TITLE</u> An ordinance to amend various sections in the City of Shreveport, Louisiana, Unified Development Code September 2017 version and to otherwise provide with respect thereto.	<u>DATE</u> September 26, 2017	<u>ORIGINATING DEPARTMENT</u> City Attorney's Office
		<u>COUNCIL DISTRICT</u> City-wide
		<u>SPONSOR</u>

PURPOSE

To amend the City of Shreveport, Louisiana, Unified Development Code September 2017 version to better align with State law provisions and to add another use to the Use Matrix.

BACKGROUND INFORMATION

In the interest of expediting the timeline for the proposed amendments, these amendments are being introduced at the City Council prior to the Metropolitan Planning Commission (MPC) meeting scheduled for October 4, 2017; however, the City Council will not vote to adopt these amendments until after the MPC has reviewed on October 4, 2017.

The MPC-Staff on October 4, 2017 at the MPC board meeting will propose these amendments to the Shreveport UDC September 2017 version. These amendments are recommended by the City Attorney's Office to better align with State law provisions and to add another "Principal Use" to the Use Matrix.

TIMETABLE

Introduction: September 26, 2017
Final Passage: October 10, 2017

ATTACHMENTS

Exhibit "A" Table 5-1: Use Matrix

SPECIAL PROCEDURAL REQUIREMENTS

Pursuant to La. R.S. [33:140.30](#), no amendment shall become effective unless it be first submitted to and approved by the MPC. (The MPC will review these amendments on October 4, 2017).

In accordance with the intent of La. R.S. [33:140.30](#) for a Public Hearing and Notice to be issued, the MPC shall hold a Public Hearing at its Public Meeting, on October 4, 2017, before voting on the proposed amendments. At least ten (10) days' notice of the time and place of the Public Hearing was published in the Shreveport Times (a newspaper of general circulation in the parish) on September 20, 2017.

FINANCES

\$0

SOURCE OF FUNDS

NA

ALTERNATIVES

(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION

It is recommended that the City Council adopt the ordinance.

<u>FACT SHEET PREPARED BY:</u>	William C. Bradford, Jr., City Attorney	and	Karen Strand, Assistant City Attorney
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ORDINANCE NO. 103 OF 2017

AN ORDINANCE TO AMEND VARIOUS SECTIONS IN THE CITY OF SHREVEPORT, LOUISIANA, UNIFIED DEVELOPMENT CODE SEPTEMBER 2017 VERSION AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER:

WHEREAS, on February 28, 2017, the Shreveport City Council *adopted*, the Shreveport-Caddo Unified Development Code (“[Shreveport-Caddo-UDC](#)”) and the Official Zoning Map, pursuant to **Ordinance No. 129 of 2016** (“Ordinance No. 129”); and

WHEREAS, Ordinance No. 129 provided for an *effective date* of May 15, 2017, provided the Parish of Caddo “enacts in full force and effect the Shreveport-Caddo Unified Development Code and zoning map as adopted by this ordinance [Ordinance 129]” by said date; and

WHEREAS, on April 11, 2017, **Ordinance No. 44 of 2017** amending Ordinance No. 129 of 2016 was *introduced* to the City Council because of a typographical error in Ordinance 129 and because Caddo Parish was not going to adopt the Shreveport-Caddo-UDC by May 15, 2017; and

WHEREAS, on April 25, 2017, **Ordinance No. 129 of 2016 as amended by Ordinance 44 of 2017** *adopted and enacted* Volume II of the Code of Ordinances creating the Shreveport Unified Development Code (“Shreveport UDC”) and the Official Zoning Map; and

WHEREAS, **Ordinance No. 129 of 2016 as amended by Ordinance 44 of 2017** states “*that because the unified development code shall be the Shreveport Unified Development Code and Zoning Map, any provision of said code which states that said provision is applicable to any part of Caddo Parish outside the city limits of the City of Shreveport, and/or which require action by the Parish of Caddo is null and void, and shall be removed administratively or by subsequent action of the City Council . . .*”; and

WHEREAS, **Ordinance No. 129 of 2016 as amended by Ordinance 44 of 2017** granted the authority for the *administrative removal* of any conflicting Caddo Parish provisions (as stated above); therefore, the [City of Shreveport Unified Development Code May 2017](#) (“[Shreveport UDC May 2017](#)”) was created; and

WHEREAS, on May 15, 2017, the [Shreveport UDC May 2017](#) version became *effective* within the Shreveport city limits and the document was published on-line because the document has not yet been codified into Volume II of the Code of Ordinances, City of Shreveport, Louisiana (in accordance with [La. Const. Article 6 §10](#)) due to the City’s on-going discussions

and negotiations with Caddo Parish and the MuniCode corporation regarding the specifics of the document transfer and costs; and

WHEREAS, since the May 15th *effective date*, the Metropolitan Planning Commission staff (MPC-Staff) noticed some small errors and other items that needed revising in the [Shreveport UDC May 2017](#) version; and

WHEREAS, on August 22, 2017, [Resolution No. 149 of 2017](#) authorized the Mayor to execute the [Proposal](#) from MuniCode Corporation for the codification of the Shreveport, Louisiana, Unified Development Code; and

WHEREAS, on September 12, 2017, [Amendment No. 2 to Ordinance No. 76 of 2017](#), was adopted whereby twenty-six (26) amendments were made to the [Shreveport UDC May 2017](#) version; and

WHEREAS, MPC-Staff was authorized and directed to create a new document titled “City of Shreveport, Louisiana, Unified Development Code September 2017” hereinafter referred to as “Shreveport UDC September 2017” and shall make such document available for public inspection until such time the Shreveport UDC is codified into Volume II of the Code of Ordinances, City of Shreveport, Louisiana; and

WHEREAS, on October 4, 2017, the MPC-Staff will submit the amendments being proposed in this document for review and consideration to the Shreveport Metropolitan Planning Commission of Caddo Parish (MPC), at its regular board meeting, in accordance with La. R.S. [33:140.30](#); and

WHEREAS, these amendments to the Shreveport UDC September 2017 version are recommended by the City Attorney’s Office to better align with State law provisions and to add another “Principal Use” to the Use Matrix; and

WHEREAS, in accordance with the intent of La. R.S. [33:140.30](#) for a Public Hearing and Notice to be issued, the MPC shall hold a Public Hearing at its Public Meeting, on October 4, 2017, before voting on the proposed amendments; and

WHEREAS, at least at least ten (10) days’ Notice of the time and place of the Public Hearing shall be published in a newspaper of general circulation in the parish and said Notice was published in *The Shreveport Times* on September 20, 2017; and

WHEREAS, in the interest of expediting the timeline for the proposed amendments, these amendments are being introduced at the City Council prior to the Metropolitan Planning Commission (MPC) meeting scheduled for October 4, 2017; however, the City Council will not vote to adopt these amendments until after the MPC has reviewed on October 4, 2017.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened, that the following amendments to the City of Shreveport, Louisiana, Unified Development Code September 2017 version (“Shreveport UDC September 2017”) are hereby authorized as follows:

1. In Article 5, Section 5.2 USE MATRIX, Table 5:1: USE MATRIX add a new row reference titled “Financial Institution with Drive-Through” as shown as on Exhibit “A” and re-number the Use Standards column accordingly.
2. In Article 5, Section 5.3 USE DEFINITIONS, “Drive-Through Facility” is hereby repealed and reenacted to now read as follows:

Drive-Through Facility. That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility is approved separately as a principal use in conjunction with other principal uses such as restaurants and retail establishments. A standalone ATM is not considered a drive-through facility for the purposes of this definition and is regulated separately. Financial Institutions with Drive-Through Facility is regulated separately as a principal use.

3. In Article 5, Section 5.3 USE DEFINITIONS, add a new use definition as follows:

* * *

Financial Institution with Drive Through. A bank, savings and loan, credit union, or mortgage office that includes a service window or multiple service areas that allows customers to remain in their vehicles. Automated Teller Machines (ATM) may also be included as an accessory use.

* * *

4. In Article 6, Section 6.1 add a new Principal Use as follows as sub-section Q and re-number the remaining sub-sections accordingly:

* * *

Q. Financial Institution with Drive-Through Facility

1. All drive-through facilities must provide a minimum of three stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Code. Stacking spaces provided for drive-through uses must be:
 - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement must be taken from the building wall.
 - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window. Spaces must be placed in a single line behind each lane or bay.
2. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets.
3. Drive-through facilities must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall. This

standard does not apply to drive-through facilities within multi-tenant retail centers.

4. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of 10 feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

* * *

5. Article 16, Section 16.1 CODE TEXT AMENDMENT, Sub-section 16.1(D)(2)(b) is hereby repealed and reenacted to now read as follows:

* * *

- b. The Metropolitan Planning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section and shall recommend any of the following actions: recommendation of approval, recommendation of approval with modifications, or recommendation of denial of the application for a Code text amendment.

* * *

6. Article 16, Section 16.1 CODE TEXT AMENDMENT, Sub-section 16.1(D)(3) is hereby repealed and reenacted to now read as follows:

3. **Action by City Council**

- a. Upon receipt of a copy of the filed application, the Metropolitan Planning Commission Staff Report and the Metropolitan Planning Commission's recommendation the City Council will follow this Code and the City Council Rules of Procedure in review and action on the proposed Code text amendment.
 - i. The City Council must act on the application within 90 days of receipt of the Metropolitan Planning Commission recommendation unless the City Council grants additional consideration time before the 90 day period has expired.
 - ii. If the City Council does not act upon the application within 90 days of receipt of the Metropolitan Planning Commission recommendation, the application is deemed denied unless the City Council grants additional consideration time before the 90 day period has expired.
 - b. Decisions on a Code text amendment are not final until the City Council takes action on the proposed Code text amendment in one of the following ways: approval, approval with modifications, or denial. Modifications for a Code text amendment are only allowed to clarify the intent of the proposed amendment, to resolve contradictions under the Code or to correct errors such as grammatical mistakes, labeling, numbering or formatting issues. The City Council may also return the application or request for a Code text amendment to the Metropolitan Planning Commission with instructions for further review and consideration.

- i. Simple Majority Vote. If the Metropolitan Planning Commission recommended approval of the Code text amendment then the City Council may render its decision to approve the amendment with a simple majority vote. (State law reference: La. R.S. 33:140.30)
- ii. Two-Thirds Vote. If the Metropolitan Planning Commission recommended denial of the Code text amendment then the City Council shall render its decision to approve the amendment with a two-thirds vote. (State law reference: La. R.S. 33:140.30)

* * *

7. Article 16, Section 16.1 CODE TEXT AMENDMENT Chart titled *Code Text Amendment* on page 16-3 shall be updated to reflect the textual references in Section 16.1.

8. Article 16, Section 16.2 ZONING MAP AMENDMENT, Sub-section 16.2(D)(2)(b) is hereby repealed and reenacted to now read as follows:

* * *

- b. The Metropolitan Planning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section and shall recommend any of the following actions: recommendation of approval, recommendation of approval with modifications, or recommendation of denial of the application.

* * *

9. Article 16, Section 16.2 ZONING MAP AMENDMENT, Sub-section 16.2(D)(3) is hereby repealed and reenacted to now read as follows:

* * *

3. Action by City Council

- a. Upon receipt of a copy of the filed application, the Metropolitan Planning Commission Staff Report and the Metropolitan Planning Commission's recommendation the City Council will follow this Code and the City Council Rules of Procedure in review and action on the proposed zoning map amendment.

- i. The City Council must act on the application within 90 days of receipt of the Metropolitan Planning Commission recommendation unless the City Council grants additional consideration time before the 90 day period has expired.
- ii. If the City Council does not act upon the application within 90 days of receipt of the Metropolitan Planning Commission recommendation, the application is deemed denied unless the City Council grants additional consideration time before the 90 day period has expired.

- b. Decisions on a zoning map amendment are not final until the City Council takes action on the proposed zoning map amendment for properties within the boundaries of the City of Shreveport, Louisiana in one of the following

ways: approve or deny. The City Council may also return the application or request for a zoning map amendment to the Metropolitan Planning Commission with instructions for further review and consideration.

- i. Simple Majority Vote. If the Metropolitan Planning Commission recommended approval of the zoning map amendment then the City Council may render its decision to approve the amendment with a simple majority vote. (State law reference: La. R.S. 33:140.30)
- ii. Two-Thirds Vote. If the Metropolitan Planning Commission recommended denial of the zoning map amendment then the City Council shall render its decision to approve the amendment with a two-thirds vote. (State law reference: La. R.S. 33:140.30)

* * *

10. Article 16, Section 16.2 ZONING MAP AMENDMENT Chart titled Zoning Change (Map Amendment) on page 16-6 shall be updated to reflect the textual references in Section 16.2.

BE IT FURTHER ORDAINED that the MPC-Staff shall have the authority and is hereby directed to incorporate these amendments into the Shreveport UDC September 2017 version and the MPC-Staff is hereby authorized and directed to create a new document titled “City of Shreveport, Louisiana, Unified Development Code October 2017” hereinafter referred to as “Shreveport UDC October 2017” and shall make such document available for public inspection until such time the Shreveport UDC is codified into Volume II of the Code of Ordinances, City of Shreveport, Louisiana.

BE IT FURTHER ORDAINED that the City staff and MPC-Staff shall both have the authority and are hereby directed to place the Shreveport UDC October 2017 document on each web-site for public inspection and it shall remain there until such time the Shreveport UDC is codified into Volume II of the Code of Ordinances, City of Shreveport, Louisiana.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office



METROPOLITAN PLANNING COMMISSION

City of Shreveport | Caddo Parish

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STAFF REPORT – CITY OF SHREVEPORT & CADDO PARISH

OCTOBER 4, 2017

AGENDA ITEM NUMBER: 19

MPC Staff Member: Stephen Jean

City Council District: N/A

Parish Commission District: N/A

CASE NUMBER: C-100-17 & P-20-17: CODE TEXT AMENDMENTS

APPLICANT: METROPOLITAN PLANNING COMMISSION

OWNER: N/A

LOCATION: N/A

EXISTING ZONING: N/A

REQUEST: Code Text Amendments

DESCRIPTION: During the September 12th Shreveport City Council meeting, the Council requested that a zoning text amendment be considered that provided for an alternative for the requirement that financial institutions with drive-through facilities be zoned to at least a C-2 zoning district in order to be considered for approval as a Special Use Permit. Council specifically requested that an amendment be drafted that would allow for the use to be considered in the C-1 zoning district. They were made aware that the MPC prefers for considerations of zoning text amendments to layover for thirty days before action. The City Council requested that the thirty day layover period be waived and that this issue be considered at the October MPC meeting since it effects a pending decision for a zoning case that is currently on their agenda.

Historically, financial institutions (banks) have been allowed as a use by right in Buffer Business Districts (B-1) despite the fact that the vast majority of banks in the Shreveport-Caddo market include drive-through facilities. In the UDC, financial institutions are included in the definition for drive-through facility that is regulated as a primary use. Drive-through facilities are allowed only with a Special Use Permit in C-2, C-UC, C-UV, D-1-CMU, D-1-HC and I-MU. However, financial institutions are permitted without restriction in virtually all of the commercial zoning districts. This includes C-1 (which is the equivalent to the B-1 district), D-1-CBD, D-1-E, D-1-RMU, D-1-AC and I-1 where drive-through facilities are prohibited.

The drive-through facilities associated with financial institutions peak traffic volume occurs primarily at the end of traditional pay periods (up to four times a month) as opposed to high traffic volumes for drive-through facilities associated with restaurants that occur up to three times a day. Additionally, the hours of operation for financial institutions are typically operated during daylight hours in contrast to restaurants and some retail outlets with drive-through facilities that may operate at late night and pre-dawn hours.

REMARKS: The proposed approach to allowing the drive-through facility for financial institutions as shown in the attached documents would be the following:

- Create a new use Financial Institution with Drive-Through
- Revise the use matrix to allow Financial Institution with Drive-Through as a Special Use in C-1, CUC, CUV, D-1-CMU and IMU
- Revise the use matrix to allow Financial Institution with Drive-Through as a Permitted



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STAFF REPORT – CITY OF SHREVEPORT & CADDO PARISH

Use in C-2, C-3, C-4 and D-1-HC.

- Provide use standards for Financial Institution with Drive-Through
- Revise the definition for Drive-Through Facilities that recognize the separate use

Staff is in favor of all of the amendments except that is our opinion that because banks with drive-through facilities have been traditionally allowed in B-1 (the equivalent to C-1) without the creation of incompatibility issues, it is appropriate for them to be permitted in C-1 in lieu of a Special Use Permit.

In addition to the above amendments, language is being revised in the UDC to clarify the actions that can be taken by City Council in regard to MPC recommendations for zoning requests. The code currently indicates that conditions could be added. However, conditions would only apply to Special Use Permits and PUD zoning cases. The UDC also did not provide for an avenue for City Council to send cases back to the MPC for reconsideration. The proposed amendments will address both of these issues.

(See Attachments)

STAFF

RECOMMENDATION: Staff recommends approval of the proposed amendments as drafted except that a financial institution with drive-through facility is allowed as a permitted use in the C-1 district.

PUBLIC ASSESSMENT: 1 spoke in support; 1 spoke in opposition.

MPC'S BOARD

RECOMMENDATION: The Board voted 9-0 to recommend approval of the proposed amendments as drafted with the stipulation that a financial institution with drive-through facility is allowed as a permitted use in the C-1 district.

DRAFT

**SHREVEPORT METROPOLITAN PLANNING COMMISSION OF CADDO PARISH
SUMMARY MINUTES OF THE PUBLIC HEARING
October 4, 2017**

A regularly scheduled public hearing of the Shreveport Metropolitan Planning Commission of Caddo Parish was held on Wednesday, October 4, 2017, at 3:00 p.m. at Government Plaza Chamber, 505 Travis Street, Shreveport, Caddo Parish, LA. The members met for lunch prior to the public hearing.

Members Present

Theron Jackson, Chair
Nancy Cooper, Vice Chair
Winzer Andrews, Secretary
Lea Desmarteau
Ronnie Remedies
Alan Young
Dale Colvin
Curtis Joseph, Jr.
Bessie Smith

Staff Present

Mark Sweeney, Executive Director
Stephen Jean, Deputy Director
Alan Clarke, Zoning Administrator
Adam Bailey, Community Planning
Ebony Mapp, Senior Planner
Marybeth Findley, Executive Assistant
Amber Sumrall, Administrative Assistant

Members Absent

None

Others Present

Richard John, APLC
No media

The hearing was opened with prayer by **MR. ANDREWS**. The Pledge of Allegiance was led by **MS. DESMARTEAU**.

The meeting was called to order & the procedure for hearing the applications on today's agenda was explained. Speakers should speak clearly into the microphone & give their name & mailing address for further reference. Comments on any item not on the agenda will be limited to 3 minutes at the end of the public hearing.

All decisions rendered by the Metropolitan Planning Commission are subject to appeal to the appropriate governing body, either the City Council or the Caddo Parish Commission. Appeals must be filed within 10 days from the date a decision is rendered by the Metropolitan Planning Commission.

A motion was made by MR. ANDREWS, seconded by MS. DESMARTEAU, to approve the minutes of the September 6, 2017 public hearing as submitted.

The motion was adopted by the following 9-0 vote: Ayes: Messrs. YOUNG, ANDREWS, COLVIN, REMEDIES, JOSEPH & JACKSON & Meses. DESMARTEAU, SMITH & COOPER. Nays: None. Absent: None.

CASE NO. C-100-17 & P-20-17: PROPOSED AMENDMENTS TO THE CITY OF SHREVEPORT UDC AND PROPOSED CADDO PARISH UDC

Application by METROPOLITAN PLANNING COMMISSION to amend the City of Shreveport UDC and the proposed Caddo Parish UDC.

Representative &/or support:

Tom Arceneaux, 333 Texas Street, Ste. 700, Shreveport, LA 71101

Opposition:

Neil Erwin, 415 Texas Street, Ste. 101, Shreveport, LA 71101

A Motion was made by MR. YOUNG, seconded by MRS. SMITH, to recommend approval of the proposed amendments as drafted with the stipulation that a financial institution with a drive-through facility is allowed as a permitted use in the C-1 district.

The motion was adopted by the following 9-0 vote: Ayes: Messrs. YOUNG, ANDREWS, COLVIN, REMEDIES, JOSEPH & JACKSON & Meses. DESMARTEAU, SMITH & COOPER. Nays: None. Absent: None.