

SECTION 5.34 RBG - RIVERBOAT GAMING DISTRICT

5.3401 PURPOSE

The purpose of the Riverboat Gaming District is to provide for the location and permitting of a Riverboat Gaming Facility including miscellaneous service activities. Because the use in this district is intended to serve the Southeastern Region of Louisiana, the impact of the proposed development must be carefully studied as to its effects and compatibility on surrounding land use, traffic patterns including off-site commuting patterns, environment including our expansive natural shoreline, and drainage. Specific Location and Performance Standards shall be met prior to approval of this district.

5.3402 PERMITTED USES

- A. **GAMING ESTABLISHMENT** - An establishment for the conducting of gaming, gaming operations, or gaming activities, whereby a person risks the loss of anything of value in order to realize a profit, as is further defined by the provision of chapter 9 of title 4 of the LA revised statues of 1950, LA R.S. 4:501 through 4:462, The Louisiana Riverboat Economic Development and Gaming Control Act, and Chapter 10 Of the LA Revised Statutes of 1950, LA R.S. 4:601 Through 4:686, the Louisiana Economic Development and Gaming Corporation Law.
- B. **ACCESSORY USES** - Any use that is accessory or incidental to the conducting of the gaming, gaming operation, or gaming activities or to the operation of a gaming establishment, such as, by way of illustration, berthing facilities for a riverboat used in the conducting of gaming activities or parking areas for the employees or patrons of a gaming establishment.

5.3403 LOCATION STANDARDS

In addition to all of the applicable regulations of this district regarding parking, landscaping, and signage the following performance standards shall be adhered to in the establishment of the district and proposed use within the district:

- A. The district must be located in close proximity to an expressway, major or minor arterial highway.
- B. The district must contain existing docking or mooring facilities. These facilities are defined as follows: shall be considered to be sufficient shoreline modifications in place at the time of this zoning amendment to provide for the safe mooring of a commercial vessel of similar and appropriate size and also provide for safe of that vessel from adjacent land for loading passengers or cargo. Generally, these facilities should include piers, wharves, docks, jetties of appropriate length to accommodate the vessel and/or sufficient mooring. Existing docking facilities must also provide water depth that allows for the unrestricted passage of a commercial vessel of similar and appropriate size under normal operating conditions. These facilities must be in a location that is freely

accessible from open sea (or possibly the boat's construction site) by the large commercial vessel in question without the aide of dredging activities or any other water bottom alteration. Any facility in a location where access requires any type of bottom alteration shall not be considered to be a satisfactory existing facility.

- C. The district must be located at least 1 mile from a church, school, public playground, or library. The distance will be measured in a straight line from the property line extending outward around the entire circumference of the site.
- D. The district must have a minimum area of 100 acres

5.3404 PERFORMANCE STANDARDS

- A. A site and construction plan detailing traffic circulation, access, drainage, and buffering must be approved by the St. Tammany Parish Planning Commission
- B. The site must be served by a central water and sewerage systems.
- C. The site must receive all regulatory (Environmental) permits from local, state and/or federal agencies
- D. The site must not exceed residential noise levels as established by the Parish's noise ordinance
- E. The Zoning Commission, Planning Commission or the Parish Council may require additional performance standards during their review of the project.
- F. Riverboat vessels are only allowed to dock on waterways as designated by the LA Legislature. Riverboats are not allowed to dock on private waterways such as private canals or lagoons.

5.3405 Procedure and Regulations

- A. Plan Approval:

Prior to submitting a Riverboat Gaming Development rezoning petition, and on participating in an informal pre-application conference, the applicant must have secured a preliminary certificate of approval and/or modification of a preliminary certificate of approval from the Riverboat Gaming Commission and a license and/or modification of a license from the Riverboat Gaming Division of the Department of Public Safety. The purpose of this conference shall be to discuss Riverboat Gaming parameters and to bring the overall petition as nearly as possible into conformity with Parish regulations.
- B. Conceptual Plan

Following the pre-application conference, a Conceptual Plan shall be submitted with the rezoning application. This plan shall provide the following information:

 - 1. The title of the project and the names of the project planner and developer.

2. Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within 1 mile of all boundaries of the proposed development shall be designated. This plat shall include all existing physical features such as existing streets, buildings, water courses, easements, soil conditions, vegetative cover and topography.
 3. Maximum total land area, Minimum public open space, streets, off-street parking and loading areas. Breakdown by percent of total land area devoted to each use such as:
 - a. primary use
 - b. accessory use
 - c. open-space
 - d. access parking and loading areas
 - e. drainage easements
 4. If the Riverboat Gaming Development is proposed to be constructed in phases, indicate proposed development scheduling in detail including:
 - a. The approximate date when construction of each phase of the project can be expected to begin; and
 - b. The order in which the phases of the project will be built.
 5. Circulation element indicating the proposed principal movement of vehicles, goods and pedestrians.
 6. The Zoning Commission, the Planning Commission or the Parish Council may require additional material such as plans, maps, aerial photographs, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable Parish standards and guidelines have been achieved.
- C. The Zoning Commission shall forward a recommendation to approve or deny the Riverboat Gaming District to the St. Tammany Parish Council after the required public hearing. The Zoning Commission reserves the right to add stipulations and conditions to its approval and shall determine if the applicant has met all or part of the required parameters including:
1. The tract for the proposed zoning is suitable in terms of its relationships to the Parish Comprehensive Plan and that the areas surrounding the proposed zoning can continue to be developed in coordination and substantial compatibility with the proposed Riverboat Gaming District.
 2. The tract for the proposed zoning meets all applicable standards in 5.3403 and 5.3404.
 3. That the desirable modifications of general zoning regulations as applied to the particular case, justify such modifications of regulations and at least an equivalent degree the regulations modified, based on the design and amenities incorporated in the site development plan.
 4. That increased open space over conventional development is provided for the occupants of the proposed zoning and the general public, and desirable natural features indigenous to the site and considered in the development plan presented.
- D. Binding Nature of approval for the Riverboat Gaming District

All terms, conditions, safeguards, and stipulations made at the time of approval for the zoning shall be binding upon the applicant or any successors in interest.

Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of these zoning regulations.

E. Final Development Plan

After approval of the Conceptual Development Plan by the Parish Council the applicant shall submit a Final Plan to the Department of Planning indicating all terms, conditions, safeguards and stipulations required by the Zoning Commission, the Planning Commission and the Parish Council.

5.3406 Appeals

The property owner or its representative or aggrieved property owner within the surrounding area may appeal the Zoning Commission decision within 10 (ten) days of the decision. Appeal is made in written form to the Parish Council through the Department of Planning. The procedure for appeals to the Parish Council is contained within Section 18-056.01 of the Parish Code of Ordinances.

5.307 Amendment to the Riverboat Gaming District

Amendments to the Riverboat Gaming District shall be classified as either major or minor in character.

- A. Major amendments to the zoning shall require the developer to submit revised plans to the Department of Planning. Upon review of the proposed amendments to the zoning by the staff, a public hearing shall be established for the review of the changes by the Zoning Commission. The Zoning Commission shall have the authority to review and approve or deny all major changes to the Riverboat Gaming District.

Public advertisement shall be required at least fifteen (15) days prior to the meeting date and shall run in the official journal of the Parish at least twice during that time period.

Furthermore, the developer shall pay additional fees for procurement of his proposed zoning changes. The additional fees shall be established by the Department of Planning upon initial review of the proposed amendments.

Major changes to the zoning plan include:

1. The use of the land,
2. The use, bulk and location of significant buildings and structures,
3. The quantity, quality and location of open spaces; and
4. Intensity of use and or the change or density.

- B. Minor amendments to the zoning shall be construed as all other changes not considered major amendments. Minor amendments change shall be submitted for review by the Department of Planning and may be put into effect only after a letter of no objection is filed and submitted from the Department of Planning to the Chairman of the Zoning Commission.

5.3408 SITE AND STRUCTURE PROVISIONS

A. Minimum area Regulations

1. The lot or parcel shall not be less than 100 acres
2. The minimum lot width shall not be less than 3,000 three hundred (300) feet
3. Building and parking setback lines - all building and parking setback lines (front, side and rear) shall be no less than one hundred (100) 750 feet from the property line. In Cases of property lines which extend into a water body, the current shoreline is considered the property line. Structures within the waterside setback are limited to access structures.
4. Maximum lot coverage - The lot coverage of all principle and accessory structures shall not exceed 50 percent of the total area of the parcel

5.3409 Signs, Lighting and Landscaping

- A. Landscaping shall be subject to the provisions of Section 7.01
- B. Signs shall be subject to the provisions of Section 7.02.
- C. Lighting shall be subject to the provisions of Section 7.03.

5.3410 Parking Requirements

One (1) space for every 2 patrons based on maximum occupancy as established by the State Fire Marshal, plus 2 for every 3 employees