

**ORDINANCE NO. 09-354**

**AN ORDINANCE ESTABLISHING A ZONING PROGRAM  
AND REGULATIONS AND PROCEDURE FOR  
PERMITTING AND PLACEMENT OF BUILDINGS AND  
OTHER STRUCTURES IN THE CITY OF BROUSSARD,  
LOUISIANA**

An ordinance establishing zoning districts and regulating the location of buildings and structures in commercial, industrial and residential buildings and structures in the City of Broussard, Louisiana, and providing for the specifications, reports, permits, prohibitions, enforcement and penalties therefore.

**WHEREAS** the City of Broussard desires to enact and publish this Ordinance under authority of the laws of the State of Louisiana, to avail itself of the provisions of Louisiana Revised Statutes with respect to the creation of boundaries of zoning districts as well as the restrictions and regulations to be enforced therein, and

**WHEREAS**, the City Council deems it necessary for the purpose of promoting community health, safety, morals, and the general welfare of the City and its residents to enact such an Ordinance, which is established herein in accordance with a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire and other dangers, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The City Council having given reasonable consideration, among other things, to the character of the districts and their suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community,

**THEREFORE BE IT ORDAINED** that the City of Broussard Zoning shall be and is hereby adopted to read as depicted herein, and which shall include zoning maps depicting the actual zoning classifications of all properties within the City of Broussard, and which may be amended from time to time to reflect current zoning districts within the City, and

**BE IT FURTHER ORDAINED**, this Ordinance shall not be construed to implicitly or explicitly repeal any other Ordinance enacting any administrative code, or any provision therein, except where explicitly stated herein. In the event of a conflict between this Ordinance and any

other Ordinance or administrative code, the more restrictive provision shall be deemed controlling, unless otherwise expressly provided for by the Broussard City Council.

**BE IT FURTHER ORDAINED**, as of the effective date of this Ordinance, that no lands, property, tracts and locations within the City of Broussard shall be designated as zoning districts until specifically approved for same by the City Council and set forth on the zoning maps, and such lands, property, tracts and locations shall be subject to subsequent designation/zoning, in accordance with the provisions hereof.

**BE IT FURTHER ORDAINED**, any offenses under this Ordinance shall be governed by the provisions of this Ordinance and any offenses which are continuing in nature and which also constitute a violation of this Ordinance may be prosecuted under this Ordinance.

**ZONING REGULATIONS  
CITY OF BROUSSARD, LOUISIANA**

**SECTION 1 – PURPOSE**

**1.1 General**

This Ordinance is enacted, in association with the comprehensive City of Broussard zoning plan, in order to promote the health, safety, and general welfare of the City of Broussard by dividing the City into Zoning Districts and by regulating the location, construction and use of buildings and structures, and the use of land in these Districts.

**1.2 Purpose**

The purpose of this Ordinance is to:

- A. Protect the health, safety, and general welfare of the residents of the City of Broussard;
- B. Encourage appropriate use of land throughout the City;
- C. Promote traffic safety and lessen congestion in the streets;
- D. Provide safety from fire and other elements;
- E. Provide adequate light and air;
- F. Prevent overcrowding of real estate and undue concentration of population;
- G. Prevent housing development in unsuitable areas;
- H. Provide an allotment of land area in new developments sufficient for all the requirements of community life;
- I. Conserve natural resources and City character;
- J. Provide for adequate public services as an integral part of a comprehensive plan for town development, including to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public conveniences and necessities;
- K. Protect archaeological and historic resources;
- L. Conserve natural beauty and open space;
- M. Prevent and control air, soil and water pollution; and
- N. Assure new development meets the goals and conforms to the policies of the City of Broussard.

### **1.3 Consistency**

This Ordinance shall be construed, interpreted and applied in accordance with the fulfillment of these purposes. These regulations are intended to incorporate reasonable consideration of the character of a District and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout the City.

### **1.4 Severability Clause**

If any clause, sentence, paragraph section, or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the validity of the Ordinance as a whole or any part thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgement shall have been rendered, this Council hereby declaring that it would have passed those parts of this Ordinance which are valid, and omitted any parts which may be unconstitutional or otherwise invalid if it had known that such parts were invalid at the time of the adoption of this Ordinance.

### **1.5 Effective Date**

This Ordinance shall take effect immediately upon passage by the Broussard City Council.

## **SECTION 2 – AUTHORITY**

### **2.1 Legal Authority**

The City Council of the City of Broussard hereby ordains, enacts and publishes this Ordinance under authority of the laws of the State of Louisiana, specifically Louisiana Revised Statutes 2:381 et seq., 33:361 et seq., (general powers), 33:1236 (waste), 33:2199 and 33:4721 et seq (municipal zoning regulations).

### **2.2 Planning and Zoning Commission**

In accordance with LSA-RS 33:4726, the City of Broussard City Council shall appoint a Planning and Zoning Commission composed of five (5) members, known as Commissioners,

three of whom shall be appointed by the City Council and two of whom shall be appointed by the mayor, whose term of office shall be three years, and whose function it shall be to recommend the boundaries of the various original districts as well as the restrictions and regulations to be enforced therein, and any supplements, changes, or modifications thereof. The Planning and Zoning Commission shall additionally include, as ad hoc non-voting members, the mayor, city engineer and city attorney. Initial appointment of shall be one Commissioner appointed by the City Council and one Commissioner appointed by the mayor for one year, one Commissioner appointed by the City Council and one Commissioner appointed by the mayor for two years and one Commissioner appointed by the Council for three years. Succeeding terms for each Commissioner's office shall be three years.

## **2.2 Planning and Zoning Commission Meeting and Compensation**

The Planning and Zoning Commission shall meet twice monthly on the first and third Wednesdays of each month and three voting members shall constitute a quorum. Voting Commissioners shall receive compensation of one hundred dollars (\$100.00) per meeting which they attend. Ad hoc members of the Commission shall receive no additional compensation for their participation on the Commission.

## **2.3 Planning and Zoning Commission Findings, Recommendations and Hearings**

Before making any recommendation to the City Council, the Planning and Zoning Commission shall hold a public meeting for any change of zoning, special exceptions, or exemptions to the requirements set forth herein. Notice of the time and place of the hearing shall be published in a paper of general circulation, and at least one week shall elapse between the publication and date of the meeting. After the meeting has been held by the Commission, it shall make a report of its findings and recommendations to the City Council.

## **2.4 Variances or Exceptions to Zoning Ordinance**

Where the Planning and Zoning Commission finds that undue hardships may result from strict compliance with these regulations, it may recommend to the City Council variances or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variance or exception shall not have the effect of nullifying the intent and purpose of this Ordinance. The Commission shall not recommend variances or exemptions

regarding hazardous wastes and the Commission shall not recommend variances or exceptions to the requirements of this Ordinance unless it shall make findings based upon evidence presented to it in each specific case that:

**A. Safety.** The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

**B. Uniqueness.** The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable, generally to other property;

**C. Hardship.** Because of the particular physical surroundings, the shape or topographical conditions of the specific property involved, an undue hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Ordinance requirements were carried out; and

**D. Measures of Protection Provided.** The variance or exception includes measures to provide an equivalent level of health and safety protection as the Ordinance provision being varied or excepted.

#### **2.4 General Rules of Interpretation**

A. In this Ordinance, words used in the present tense include the future; the singular number includes the plural number and the plural the singular; and the word "shall" is mandatory and not optional.

B. In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety and general welfare of the public.

C. This Ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any Ordinances, rules, regulations or easements, covenants or other agreements between parties; provided, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or permits, or by easements, covenants, or agreements, the provisions of this Ordinance shall prevail.

D. Uses explicitly listed in one or more zones are permitted only in those zones. Uses

permissible in more restrictive zones are permissible in less restrictive zones. Where a use is not explicitly listed in any district or zone but is similar in character to more than one listed use, then the use shall be deemed to be included in the more restrictive of the designated uses in terms of traffic impact, noise, or other community impact.

## **2.5 Zoning Map, District Boundaries and Their Interpretation**

A. The location and boundaries of zoning districts established by the Planning and Zoning Commission shall be as shown on a set of maps, entitled collectively as "Zoning Map of the City of Broussard," and the same may be amended subsequent to the adoption thereof; and such maps, sections or portions thereof, together with all notations, dimensions, designations, references and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on such maps were fully described and incorporated

B. Copies of the Zoning Map shall be maintained by the Planning and Zoning Commission and City Engineer and kept up-to-date by posting thereon all changes and subsequent amendments.

C.. Copies of the Zoning Map shall be included as Appendix A to this Ordinance. The applicable provisions of the text of this Ordinance shall apply to lots or parcels located within districts or zones created by this Ordinance, the boundaries of which districts or zones shall be set forth on the Zoning Map of the City of Broussard

D. Where uncertainty exists with respect to the boundaries of any district or zone, the following rules shall apply:

1. Where district or zone boundaries are indicated as following streets, highways, or alleys, the center lines of such streets, highways, or alleys shall be construed to be such boundaries, unless specified otherwise.
2. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
3. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
4. Boundaries with distances not specifically indicated on the official Zoning Map, such as unsubdivided property, shall be determined by use of the scale on the map.
5. Where boundaries are indicated as following natural water courses, the center line of

the natural water course shall be construed to be such boundary. In the event of change in the water course, the boundary line shall assume to change likewise.

6. Where a street or property layout existing on the ground differs from that depicted on the official Zoning Map, or in other circumstances in which boundaries cannot be determined by rules 1-5 above, the Planning and Zoning Commission shall have final interpretation of the district or zone boundaries.

## **2.6 Zoning Rights-of-Way**

The Planning and Zoning Commission shall have final interpretation of the boundaries regarding rights-of-way as set forth in the following provisions, subject to approval by the Broussard City Council.

### **2.6.1 Public Rights-of-Way**

- A. All publicly owned rights-of-way for roads, streets, alleys, easements, or transit routes are classified in the least restrictive of adjacent zones. In order to define clearly the location of rights-of-way, the official Zoning Map will not depict the zoning within existing rights-of-way.
- B. When an approved and adopted development plan recommends zoning that is different from that specified for a publicly owned right-of-way for a road, street, alley, easement, or route, the Planning and Zoning Commission may reclassify such right-of-way to the recommended zoning by the approval of a Zoning Map amendment. The official Zoning Map will depict the zoning within such rights-of-way.

### **2.6.2 Private Rights-of-Way**

- A. All privately owned rights-of-way are classified as specified below, except as otherwise reclassified by the Planning and Zoning Commission:
  - 1. Where adjacent land is classified in residential zones, the right-of-way is classified in the least restrictive of adjacent zones.
  - 2. Where adjacent land on one side is classified in a residential zone, and the adjacent land on the other side is classified in a nonresidential zone, the right-of-way is classified in the adjacent residential zone.
  - 3. Where adjacent land on both sides of the right-of-way is classified in other than

residential zones, the adjacent zoning on each side shall extend to the center line of the right-of-way.

B. In order to clearly define the location of privately owned rights-of-way, zoning is not normally depicted within such rights-of-way. However, zoning is depicted within such rights-of-way where zoning other than indicated in Section 2.6.2A has been approved by the Planning and Zoning Commission.

## **2.7 Uncertainty as to Zoning Boundaries**

A. Where uncertainty exists as to the boundaries of any of the districts established by the Planning and Zoning Commission, as shown on the zoning map, the following rules shall apply:

1. Zone boundary lines are intended to follow street, alley or lot lines or lines parallel or perpendicular thereto, unless such zone boundary lines are otherwise identified on the zoning map.
2. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines such lines shall be construed to be such boundaries.
3. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than ten feet distant therefrom, such lot lines shall be such boundaries.
4. In unsubdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is identified on such maps, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.

## **2.8 Reserved**

Reserved

## **2.9 Temporary construction administration or sales office**

A temporary office for construction administration or real estate sales, which may include an outside storage yard that is limited to the construction, development or sale of buildings or structures within the same site or subdivision is permitted as an accessory use in any zone upon the approval of a Special Use Permit. Such temporary use is allowed only for the duration of construction and sale of a project or in accordance with time frame established by the Special Use Permit.

## **2.10 Amendments to Ordinance, Change in District Classification**

**A. Authority and purpose.** The City Council is hereby authorized to amend the text of this Ordinance or the official Zoning Map in light of changing conditions, application by a landowner or developer for redesignation of a district, or to relieve particular hardships or to confer special exemptions. The City Council is also authorized to designate historic districts and landmarks. In determining whether to amend the text of this Ordinance or the official Zoning Map, the city shall consider the extent to which the amendment complies with this Ordinance and the purposes of the applicable zoning district.

**B. Initiation of amendment.** Amendments to the text of this Ordinance or the official Zoning Map may be initiated by the City Council, the Planning and Zoning Commission, or any other landowner of real property within the City of Broussard. Any amendment shall require the submission of a written application to the Commission, accompanied by a non-refundable fee to cover the cost of review, as may be established from time to time by the City Council.

**C. Review.** After receipt of a complete application for amendment or a proposal for amendment, the Planning and Zoning Commission shall issue a recommendation to the City Council and shall set a public hearing on the application.

1. The Commission shall conduct a public hearing to consider any amendment to the text of this Ordinance, the official Zoning Map, or a complete application for designation or redesignation of the appropriate zoning classification for land. Public hearings involving amendments to the official Zoning Map shall take place on the second Wednesday of each month.
2. The Commission shall review the proposed amendment or proposed zoning district classification for land and recommend to the City Council approval, approval subject to specified conditions, or denial of the proposed amendment, or proposed zoning district classification for land.
3. The City Council shall review the proposed amendment or the proposed zoning district classification for land and the recommendations of the Commission and any additional information which may be submitted. The City Council may grant, grant subject to conditions, or deny the proposed amendment or proposed zoning classification within thirty (30) days of receipt of the recommendation of the Commission.

**SECTION 3 and SECTION 4 – RESERVED**

Reserved

**SECTION 5 – RESIDENTIAL DISTRICTS**

**Section 5.01 Description of Residential Zoning Districts**

<b>Single Family Residential</b>	<b>R 1</b>
<b>Multi-Family Residential (four plex or less)</b>	<b>R 2</b>
<b>Multi-Family Residential (greater than four plex)</b>	<b>R 3</b>
<b>Mobile/Manufactured Home</b>	<b>R 4</b>

**Section 5.02 – General**

The Residential Districts are established as a Zoning Districts in which the principal use of the land will be for family dwellings also allowing the conditional use of lands for educational, recreational and religious, fraternal and nonprofit organization or club facilities. The development of attractive neighborhood living will be encouraged. Areas where similar residential future growth appear possible may be included in the Residential District. Residential Districts are intended to:

- A. Preserve a high quality residential community with a diverse range of housing designed to

meet the needs of residents of all ages.

B. Encourage new development of residential communities with a wide and diverse variety of housing choices in patterns which preserve the beauty of natural resources.

C. Maintain the City's traditional density patterns by providing appropriate restrictions on the average density allowed in new developments.

D. Protect residential neighborhoods from the encroachment of incompatible land uses and traffic patterns.

E. Protect the character of existing residential neighborhoods.

F. Coordinate residential neighborhoods with appropriately scaled commercial areas to provide for the usual consumer needs of the residents.

G. Coordinate traffic and road patterns to provide adequate access to residential neighborhoods without subjecting the neighborhoods to intrusive through-traffic.

### **Section 5.03 Building Permit**

Specifications and requirements relative to setbacks, location, utilities, dimensions and related building restrictions in Residential Districts are maintained in the Building Permits Department of the City and should be consulted before the commencement of construction on any site.

### **Section 5.1 – Prohibited Uses**

The following uses are prohibited in Residential Districts unless specifically authorized by the City Council as a variance to this Ordinance.

A. Any commercial or industrial uses. All commercial uses are prohibited in Residential Districts unless specifically included within the City of Broussard Master Plan and approved by the City Council as a Variance. To gain recognition of existing non-conforming uses and rights, a property owner must apply to the Planning and Zoning Commission and supply evidence to establish the previously existing nonconformity in accordance with Section 24 herein.

B. Waste handling and waste treatment, storage or disposal facilities

C. Planned Commercial Districts

D. Junk or salvage yards

E. Outdoor Advertising (Billboards)

F. Kennels, stables, barns, or other animal husbandry, breeding, or related operation or structure in zones R1, R2 and R3.

G. Any uses not outright or conditionally permitted herein.

### **Section 5.2 – Conditional Uses**

Conditional Uses are prohibited in Residential Districts unless application for the use has been processed and approved by the City Council as a variance to this Ordinance.

A. Religious Uses – including churches, temples, synagogues, convents, monasteries and any secondary building or structure necessary for a Religious Use

B. Schools Grades 1 through 12.

C. Recreation facilities such as golf courses, private lakes/ponds, and recreational facilities operated by private individuals, unless part of a planned residential development.

D. Uses which are similar and compatible with the allowed uses of a Residential District as determined by the Planning and Zoning Commission.

### **Section 5.3 – Non Conforming Uses**

All non-conforming uses made of or on lands zoned for residential use at the time of the effective date of this Ordinance may be authorized if the property owner makes application to the Planning and Zoning Commission and supplies evidence to establish the previously existing nonconformity in accordance with Section 24 herein

## **SECTION 6 – SINGLE FAMILY RESIDENTIAL – R1 RESIDENTIAL DISTRICTS**

### **Section 6.0 – General**

To protect the intention of the R1 district, permitted activities are limited to single-family dwellings and certain specified uses.

### **Section 6.1 – Permitted Uses**

Only the following permitted uses shall be allowed in the R1 Districts and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of (a) uses lawfully established prior to the effective date of this Ordinance; (b) conditional uses or accessory uses in compliance with the provisions of this subsection. Existing non-conforming

uses made of or on lands which are zoned R1 after the effective date of this Ordinance may be authorized in accordance with Section 24.

Permitted uses include:

A. Residential Uses

One Single-Family Dwelling

Private Garages and Accessory Structures

Garage Apartment or Guest House under one thousand (1000) square feet of habitable floor space

B. Allowable Miscellaneous Uses

Community Central Water Treatment, Walls, Fences and Storage Facilities

**SECTION 7 – MULTI-FAMILY RESIDENTIAL– R2 RESIDENTIAL DISTRICTS**

**Section 7.0 – General**

To protect the intention of the R2 Districts, permitted activities are limited to single or multi-family dwellings consisting of four individual family units per building or less, and certain specified uses.

**Section 7.1 – Permitted Uses**

An R2 multi-family dwelling is one which is either owned, rented, leased, let or hired out, to be occupied, or is occupied as the temporary or permanent residence or home of two or more families living independently of each other, and containing two or more (but no more than four) dwelling units with common or connected walls in one or more buildings. Only the following permitted uses shall be allowed in the R2 Districts and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of (a) uses lawfully established prior to the effective date of this Ordinance; (b) conditional uses or accessory uses in compliance with the provisions of this subsection. Existing non-conforming uses made of or on lands which are zoned R2 after the effective date of this Ordinance may be authorized in accordance with Section 24.

Permitted uses include:

Residential Uses

Single-Family Dwelling

Multi-Family Dwelling

Private Garages and Accessory Structures

Garage Apartments or Guest Houses

B. Miscellaneous Uses

Community Central Water Treatment, Wall, Fence and Storage Facilities

## **SECTION 8 – MULTI-FAMILY RESIDENTIAL– R3 RESIDENTIAL DISTRICTS**

### **Section 8.0 – General**

To protect the intention of the R3 Districts, permitted activities are limited to single and multi-family dwellings (not including mobile/manufactured homes), and certain specified uses.

### **Section 8.1 – Permitted Uses**

An R3 multi-family dwelling is one which is either owned, rented, leased, let or hired out, to be occupied, or is occupied as the temporary or permanent residence or home of two or more families living independently of each other, and containing multiple dwelling units with common or connected walls in one or more buildings (e.g. apartment complexes). Only the following permitted uses shall be allowed in the R3 Districts and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of (a) uses lawfully established prior to the effective date of this Ordinance; (b) conditional uses or accessory uses in compliance with the provisions of this subsection. Existing non-conforming uses made of or on lands which are zoned R3 after the effective date of this Ordinance may be authorized in accordance with Section 24.

Permitted uses include:

A. Residential Uses

Single-Family Dwelling

Multi-Family Dwelling

Private Garages and Accessory Structures

Garage Apartments or Guest Houses

B. Miscellaneous Uses

Community Central Water Treatment, Wall, Fence and Storage Facilities

C. Pedestrian-oriented local retail and personal service facilities which are intended primarily for the use of the residents of an R3 development; provided, that such retail and personal service facilities occupy not more than twenty (20) square feet of gross floor area for each unit in the development.

D. Business offices, for business connected with the management, service and maintenance of the development.

E. Noncommercial community recreational facilities which are intended primarily for the use of the residents of the R3 development and their guests.

**SECTION 9 --MANUFACTURED/MOBILE HOME – R4 RESIDENTIAL DISTRICTS**

**Section 9.0 General**

A mobile (manufactured) home is a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis, or an independent chassis, to a building site, to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, manufactured in accord with governmental standards. The term includes any type of building which constructed at a manufacturing facility and transported to a building site where it is used for housing. This includes structures transportable in one or more sections, which are designed to be used as dwellings, with or without permanent foundations. Any plot of land designed and/or used to accommodate three (3) or more manufactured housing units is considered to be a mobile home park and such land use must be approved by the City for the placement of a manufactured housing unit on individually owned lots.

**Section 9.1 – Purpose**

It is the purpose of the R4 zone to provide for districts where mobile home location is authorized and for mobile home residential developments, including related recreational, commercial and other service facilities in compliance with the requirements of the zoning Master Plan.

**Section 9.2 – Permitted Uses**

Only the following permitted uses shall be allowed in R4 Districts and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of (a) uses lawfully established prior to the effective date of this Ordinance; (b) conditional uses or accessory uses in compliance with the provisions of this subsection. An R4 District is a residential area intended to accommodate mobile homes but which may also include the following:

A. Residential Uses

Mobile (manufactured) homes or structures developed in contact with mobile (manufactured) homes.

Single-Family Dwelling

Multi-Family Dwelling

Private Garages and Accessory Structures

Garage Apartments or Guest Houses

Recreational Vehicles and Trailers

B. Miscellaneous Uses

Community Central Water Treatment, Wall, and Storage Facilities

C. Pedestrian-oriented local retail and personal service facilities which are intended primarily for the use of the residents of the mobile home development; provided, that such retail and personal service facilities occupy not more than twenty (20) square feet of gross floor area for each mobile home in the development.

D. Business offices, for business connected with the management, service and maintenance of the development.

E. Noncommercial community recreational or day care facilities which are intended primarily for the use of the residents of the mobile home development and their guests.

F. Publicly owned or publicly operated uses.

**SECTION 10.0 COMMERCIAL ZONING DISTRICTS**

**10.01 Description of Commercial Zoning Districts**

<b>Neighborhood Commercial District</b>	<b>CN</b>
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<b>Community Commercial District</b>	<b>CC</b>
<b>Ambassador Cafferey District</b>	<b>CA</b>
<b>Office Commercial District</b>	<b>CO</b>

**10.02 General**

This Section provides regulations applicable to development and new land uses in the Commercial Districts as established herein. Commercial Districts are established to implement the applicable comprehensive plans for a general business and commercial districts to which the public requires frequent and convenient access and to promote concentration of commercial development for the mutual advantage of the public and the merchant. These districts are intended to:

- A. Provide separate and distinct allowed commercial uses based on the availability of services, surrounding land uses, and applicable comprehensive plan designation for the area.
- B. Create a balanced, stable and economically viable business environment.
- C. Attract and retain business enterprises.
- D. Encouraging new economic development.
- E. Recognize future employment growth and accommodate such growth through appropriate land use designation.
- F. Encourage sensitive and coordinated development that addresses regional and local impacts to ensure continuity of design.
- G. Allow development that complements the community needs and enhances the overall quality of life for Broussard residents.

**10.01 PURPOSE.** The purpose of the individual commercial zoning districts is as set forth in the following provisions.

**10.01.01 CN (Neighborhood Commercial) District.** The CN zoning district provides areas for convenient neighborhood access to daily goods and services. Typical uses include convenience and grocery stores, boutiques, banks and restaurants. Residential land uses may be appropriate, particularly as part of a mixed-use development. (See Table 10 for allowable uses.)

**10.01.02 CC (Community Commercial) District.** The CC zoning district applies to commercial areas of the City where retail goods and services are available to serve neighborhood and community-wide needs. Typical land uses include larger shopping centers, specialty shopping centers, individual multi-tenant commercial buildings, shopping centers, and other retail establishments that serve the community at large. Residential land uses may be appropriate, particularly as part of a mixed-use development. The CC zoning district also applies to areas with direct frontage on highways or within commercial parks which are appropriate for highway oriented retail and service uses and regional shopping centers that serve a market beyond the Broussard area. (See Table 10 for allowable uses.)

**10.01.03 CA (Ambassador Cafferey) District.** The CA zoning district applies to areas located along Ambassador Cafferey Parkway from Highway 90 to Highway 89 as those areas are located within the City of Broussard. The CA zoning district is intended to stabilize, maintain, and enhance the modern commercial character of the Ambassador Cafferey Parkway as an attractive mix of large retail, office, service, and other business uses. (See Table 10 for allowable uses.)

**10.01.04 CO (Office Commercial) District.** The CO zoning district is applied to areas intended for office uses and related services. Land uses include professional offices, medical offices and related services, administrative offices, banks and other financial institutions, and related business support services. Personal services and small-scale commercial and retail establishments may be permitted as supporting land uses. Residential land uses may be appropriate as part of a mixed-use project. (See Table 10 for allowable uses.)

## **10.02 Allowed Uses and Permit Requirements**

A. Permitted land uses. The land uses allowed by this Zoning Ordinance in commercial zoning districts are identified in Table 10 (Commercial and Industrial Permitted Land Use) as:

1. "Permitted" land uses are indicated by a "P" on Table 10. Permitted lands uses are allowed on a property without discretion by the City, subject to compliance with all applicable provisions of this Ordinance.
2. Uses not permitted or not listed. Land uses not permitted are those indicated by a dash "-" on the table. Land uses not listed on the tables are not allowed, except as provided as Variances or Exemptions from Zoning Ordinance Requirements.

## SECTION 11 INDUSTRIAL ZONING DISTRICTS

### 11.01 Description of Industrial Zoning Districts

<b>Light Industrial (including Hazardous Materials Sale/Distribution Sites)</b>	<b>LI</b>
<b>General Industrial (including Hazardous Materials Use or Temporary Hazardous Waste Storage Sites)</b>	<b>GI</b>

### 11.0 General

The Light Industrial and General Industrial Districts (LI and GI) are established to provide industrial based districts inside areas of the city to minimize impacts to other districts and to implement the applicable comprehensive plans for appropriate zoning districts in which the principal use of the land is for industrial purposes that may involve materials or wastes commonly associated with industrial activities. These districts are intended to provide separate and distinct allowed uses based on the availability of urban services, the surrounding land uses, and the applicable comprehensive plan designation for the area.

#### 11.0.1 Definitions

- (a) "Hazardous materials" shall be as defined by 42 USC Section 9601(14) and as further defined as hazardous materials, hazardous wastes, hazardous substances, pollutants, contaminants or toxic substances by the Louisiana Department of Environmental Quality and U.S. Environmental Protection Agency regulations. For the purposes of this Ordinance, Hazardous Materials shall include solid wastes as defined by LSA-R.S. 30: 2153 et seq. (other than construction and demolition debris) or oil field wastes as defined by LSA-R.S. 30:73 et seq.
- (b) "Environmental laws" means any and all federal, state and local laws, statutes, Ordinances, rules, regulations, permits, licenses, approvals, guidance, interpretations, orders of courts and governmental agencies or authorities and all other legal requirements relating to, regulating, or imposing liability or standards of conduct concerning, any hazardous, toxic or dangerous waste, substance or materials or the protection of human health or the environment, as now or at any time hereafter in effect, including, but not limited to, requirements pertaining to the manufacture, processing, distribution, use, treatment, storage, disposal, transportation, handling, reporting,

licensing, permitting investigation or remediation of hazardous material. Environmental laws include, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. §9601, et seq., "CERCLA"], the Hazardous Materials Transportation Act [49 U.S.C. §1801 et seq.], the Resource Conservation and Recovery Act [42 U.S.C. §6901 et seq.], the Clean Water Act [33 U.S.C. §1251 et seq.], the Clean Air Act [42 U.S.C. §7401 et seq.], the Toxic Substances Control Act [15 U.S.C. §2601 et seq.], the Safe Drinking Water Act [42 U.S.C. §300 et seq.], the Environmental Protection Agency's regulations appearing under title 40, Code of Federal Regulations, the Occupational Safety and Health Act [29 U.S.C. §651 et seq.], and any "Superfund", "Superlien" or environmental liability act, as such laws have been amended or supplemented and any analogous future federal, or coextensive, correlative or analogous present or future applicable state or local statutes or Ordinances and the rules and regulations promulgated thereunder.

## **11.1 LIGHT INDUSTRIAL– LI INDUSTRIAL DISTRICTS**

### **11.1.1 Purposes**

The "Light Industrial District" is intended to provide locations for certain industries, manufacturing firms or other industrial related businesses and enterprises in areas near residential or commercial development that will not significantly detract from the residential or commercial desirability of the area. Permissible uses within the Light Industrial Districts include facilities which store, sell or distribute unopened containerized hazardous substances entirely within completely enclosed buildings or containment areas meeting applicable state or federal laws and regulations.

### **11.1.2 Permitted Uses**

Table 10 establishes all uses permitted within Light Industrial Districts.

### **11.1.4 Uses Prohibited**

All uses except those listed in Table 10 are specifically prohibited in Light Industrial Districts.

## **11.2 GENERAL INDUSTRIAL – GI GENERAL INDUSTRIAL DISTRICTS**

### **11.2.1 Purposes**

A. The "General Industrial District," is intended to provide areas for manufacturing, industrial and general wholesale and warehousing uses.

B. Permissible uses within the General Industrial District include facilities which store, sell or distribute unopened containerized hazardous substances entirely within completely enclosed buildings or containment areas meeting applicable state or federal laws or regulations, and any site which uses or temporarily stores (less than ninety (90) days) any hazardous materials or waste generated in conjunction with onsite industrial processes.

### **11.2.2 Permitted Uses**

A. Table 10 establishes all uses permitted within General Industrial Districts.

### **11.2.3 Uses Prohibited**

All uses except those listed in Table 10 are specifically prohibited in General Industrial Districts

### **11.3 Hazardous Waste Treatment, Storage or Disposal Sites Prohibited**

A. All activities which handle, treat, store or otherwise involve hazardous substances, except as specifically provided for in Sections 11.1 and 11.2, are prohibited within the City of Broussard.

B. The following sites, developments, buildings, structures, facilities or activities are specifically prohibited within the boundaries of the City of Broussard.

1. Solid or Hazardous Waste Treatment, Storage or Disposal Sites or Landfills, or Oilfield Waste Treatment, Storage or Disposal Sites.
2. Facilities, businesses or activities which would qualify as a categorical discharger under State or federal laws and regulations.
3. Facilities, businesses or activities which would qualify as a major source under the Air Quality Regulations of the Department of Environmental Quality

### **11.3.2 Construction and demolition debris facilities (Type III Landfills)**

Construction and demolition debris facilities (Type III Landfills), as permitted by the Louisiana Department of Environmental Quality, may be located in a GI District if the following conditions are met:

1. the perimeter of the site shall not be closer than one thousand (1000) feet to the nearest residence or water well.

2. the perimeter of the site shall be screened/buffered from adjacent properties and roadways by foliage, trees or permanent fencing adequate to fully shield the operations of the facility from public view;

3. the facility shall provide:

A. a development plan which shall at a minimum include:

- (1) a natural/historic resources inventory including natural features, such as bayous, streams, wetlands, protected habitat and scenic views which are located on the proposed location and/or may be affected by the facility; and
- (2) historic buildings and structures within 1/4 mile of the perimeter of the site.

B. A map showing the relationship of the site to the surrounding area and the use of adjacent land.

C. A land use plan showing:

- (1) The general locations of the points of access to the site.
- (2) The locations and uses of all buildings and structures on the site.
- (3) The location of land to be dedicated to landfill use.
- (4) A cross section of the proposed landfill showing depth of the base of the landfill and any underground aquifer
- (5) Layout of the arterial road system together with the locations of highways and streets serving the site.
- (6) Design of regional stormwater management and the location of all sewer, water and storm drainage lines, and all easements and rights-of-way, existing or proposed, including storm water management and sewage lines, lift stations and related facilities drawings and calculations, and plans for siltation and erosion control, both during and after construction
- (7) An electronic copy of all permits, certifications, authorizations or other state or federal documents authorizing or providing permission for the facility to operate.

## **SECTION 12: WIRELESS COMMUNICATION TOWERS AND RELATED**

## **FACILITIES**

### **Section 12.0 General**

Growth in the wireless telecommunications industry has resulted in increased applications to the City of Broussard for installation of transmission facilities. While each antenna can transmit only a finite number of calls, it has been determined that more than one antenna can be collocated on a tower structure, communities should encourage collocation whenever feasible, thereby reducing the amount of new towers being constructed on the landscape. It is also possible to camouflage an antenna as a tree or other natural structure, or to locate an antenna on an existing tall structure such as a church steeple, radio/television tower or ball field light pole. This Section is intended to establish a balance between the City of Broussard's aesthetics and demands placed on the wireless industry.

### **12.1 DEFINITIONS**

**Collocation:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Lattice tower:** A self-support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**Monopine:** A support structure resembling a tree.

**Monopole:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Open Space:** Land devoted to conservation or recreational purposes and/or land designated by a City to remain undeveloped (may be specified on a zoning map).

**Steeple:** A rooftop or roof adjacent structure or bell tower which comprises part of a building designed for community or religious services.

**Telecommunication:** The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**Wireless telecommunications antenna:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Wireless telecommunications equipment shelter:** The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**Wireless telecommunications facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with other similar units or land-based telephone lines.

**Wireless telecommunications tower:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

## **12.2 Use Regulations**

Wireless telecommunications facilities are permitted under varying conditions dependent upon their form and the zoning district in which they are to be located. The following sections spell out these conditions.

### **12.2.1 General**

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts which follow.

**A.** When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to one hundred (100) feet shall be submitted. This plot plan shall indicate all commercial uses within three hundred (300) feet of the proposed facility and all residential uses within one thousand (1000) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

**B.** The location of the tower and equipment shelter shall comply with all historic area and natural resource protection standards established in the zoning Ordinances of the City of Broussard.

**C.** Security fencing eight feet in height shall surround the tower, equipment shelter and supports, either completely or individually as determined by the City.

**D.** Buffer planting shall be located around the perimeter of the security fence as deemed appropriate by the Planning and Zoning Commission consisting of a minimum of: (1) An evergreen screen shall be planted that consists of either a hedge, planted three feet on center

maximum, or (2) a row of evergreen trees planted five feet on center maximum.

**E.** Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

**F.** Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility and shall verify the lack of availability of alternative siting. The applicant shall confirm there are no potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Planning and Zoning Commission as a means of demonstrating the need for a new tower.

**G.** No antennae shall be located in an historic district.

**H.** Towers shall reflect the surroundings to the maximum extent possible. If a monopine or steeple structure cannot be used, the tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). Guyed towers shall not be used.

**I.** No advertising is permitted anywhere on the tower facility, with the exception of identification signage.

**J.** All providers utilizing towers shall present a report to the Planning and Zoning Commission notifying them of any tower facility located in the City whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for one hundred eighty (180) days, the City may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Commission and instructed to either reactivate the facility's use within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the City will remove or will contract to have removed the facility and assess the owner/operator the costs.

**K.** No tower under one hundred fifty (150) feet shall be artificially lighted except to assure safety or as required by the FAA or if incorporated into part of a lighting structure such as a ball park light tower. Any tower between one hundred fifty (150) and two hundred (200) feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting

around the equipment shelter is permitted.

**L.** "No Trespassing" signs shall be posted around the facility with a telephone number of a contact person in the event of an emergency.

**M.** Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

**N.** A building permit must be approved by the City Council for construction of new towers. Collocation of antennas on a single tower, antennas attached to existing structures/buildings, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower are permitted uses.

### **12.2.2 Towers in Commercial Districts**

**A.** Sole use on a lot: A wireless telecommunications facility is permitted as a sole use on a lot subject to the following:

- (1) Minimum lot size - 100 feet by 100 feet
- (2) Minimum yard requirements - Tower: the minimum distance to residential use or district lot line shall be one thousand (1000) feet. Equipment shelter setback shall be a minimum of forty (40) feet from the lot line.
- (3) Maximum height - Tower: two hundred (200) feet (includes antenna) Equipment shelter including platform: building height - twenty (20) feet
- (4) Maximum size of equipment shelter - two hundred (200) square feet for a single shelter, or, if there is more than one, four hundred (400) total square feet.

**B. Property with Existing Use:** A wireless telecommunications facility is permitted on a property with an existing use subject to the following conditions:

- (1) The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.
- (2) The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).

- (3) Minimum lot area - The minimum lot area shall be the area needed to accommodate the tower, the equipment shelter, security fencing and buffer planting.
- (4) Minimum yard requirements - Tower: the minimum distance to any residential use or district lot line shall be one thousand (1000) feet. Equipment shelters shall comply with the minimum setback requirements for the primary lot.
- (5) Access - The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (6) Maximum height - Tower: two hundred (200) feet (includes antenna) Equipment shelter: maximum height - fifteen feet (including foundations to raise the facility above flood height).
- (7) Maximum size of equipment shelter - two hundred (200) square feet for a single shelter, or, if there is more than one, four hundred (400) square feet.

**C. Combination with an existing structure:** Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:

- (1) Maximum height - twenty (20) feet or twenty percent (20%) of the building height above the existing building or structure, whichever is greater.
- (2) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with the following:
  - a) The minimum setback requirements for the subject zoning district.
  - b) A buffer yard may be planted.
  - c) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.
  - d) The maximum size of the equipment shelter shall not exceed two hundred (200) square feet, or, if there is more than one, four hundred (400) total square feet.

### **12.2.3: Towers in Residential Districts**

A. Wireless telecommunications facilities that include towers are not permitted in residential

districts except as provided herein.

B. placement on any public or private property with an institutional use (e.g. church, park, library, hotel, municipal/government, hospital, school, utility). In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Any antenna attached to a nonresidential building or a structure shall be subject to the following conditions:

- (1) Maximum height, twenty (20) feet above the existing building or structure
- (2) If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
  - (a) The shelter shall comply with the minimum setback requirements for the subject zoning district.
  - (b) The maximum size of the equipment shelter shall not exceed two hundred (200) square feet, or, if there is more than one, four hundred (400) total square feet.
  - (c) A buffer yard shall be planted
  - (d) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

C. The wireless telecommunications facility shall be camouflaged to the maximum extent possible, fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.

**D. Located on a residential building:** An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions:

- (1) Maximum height, twenty (20) feet above the existing building.
- (2) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located in, or attached to, the building), the shelter shall comply with the following:
  - (a) The shelter shall comply with the maximum setback requirements for the subject zoning district.

(b) The maximum size of the equipment shelter shall not exceed two hundred (200) square feet, or, if there is more than one, four hundred (400) total square feet.

(c) A buffer yard shall be planted.

(d) Vehicular access to the shelter shall, if at all possible, use the existing circulation system.

#### **12.2.4: Temporary Location/Use and Conditional Use.**

This section establishes the application and review processes for Conditional Uses applicable to transmission towers.

**A. Criteria for a Conditional Use** The Planning and Zoning Commission shall establish and identify the specific zoning districts in which temporary wireless telecommunications facilities may be considered for temporary location and any specific limitations or requirements on such temporary use. **B. Wireless Telecommunications Facility** A wireless telecommunications facility which includes a portable tower (Cellular on Wheels or COW) or similar structure, may be permitted as a conditional use in a R3 or R4 residential or a commercial or industrial district, or located on an institutionally-used property in any residential district. A temporary facility shall not consist of a guyed tower or any other permanent structure. In order to be considered for review, the applicant must prove that a newly-constructed temporary tower is necessary in that opportunities for collocation on an existing tower is not feasible. The following steps must also be taken for the application to be considered for review in this category:

1. The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.
2. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.
3. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

4. Any applicant requesting permission to install a new temporary tower shall provide evidence of written contact with all wireless service providers who supply service within one thousand (1000) feet of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be presented to the Planning and Zoning Commission as a means of demonstrating the need for a new tower

**12.2.5: Items to submit for review of Cellular Tower Building Permit application:**

A. A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design and proof of compliance with nationally-accepted structural standards published by the American National Standards Institute/Electronic Industry Association.

B. A soil report complying with the standards of the American National Standards Institute/Electronic Industry Association, as amended, shall be submitted to the City to document and verify the design specifications of the foundation for the tower.

C. Wireless telecommunications towers and antennae shall be designed to withstand sustained winds of at least one hundred (100) miles per hour.

D. Elevations of existing and proposed structures showing width, depth, and height of the telecommunications facility as well as the specifications of the antenna and support structure shall be presented.

F. The applicant shall present documentation that the tower is designed in accordance with the location standards established in the this Ordinance.

G. The applicant shall demonstrate that the proposed tower complies with all Federal Aviation Administration regulations concerning safety.

H. The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.

I. When the proposed facility is to include a new tower, a plot plan, including all building uses within three hundred (300) feet, shall be required at a scale not less than one inch equal to one hundred (100) feet. Aerial photos and/or renderings may augment the plot plan.

J. All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be buildable up to two hundred (200) feet above the finished grade. Although the initial capacity may be for one antenna, the structure shall be designed to serve as a base for a reconstructed tower with the capacity for three (3) providers when constructed to the maximum allowable height.

**SECTION 13 through SECTION 21 – RESERVED**

Reserved

**SECTION 22 – SPECIAL EXCEPTIONS, VARIANCES AND SPECIAL USE PERMITS**

**22.0 General**

The grant of a specific use that would not be appropriate generally or without restriction, may be granted by the City Council upon recommendation of the Planning and Zoning Commission. The grant of a Special Exception, a Variance or Special Use Permit must be based on a finding that certain conditions governing Special Exception or Variance or Special Use Permit are consistent and compatible with the existing or adjoining neighborhood. A Special Exception is granted for a period not to exceed 30 days. A Variance or Special Use Permit is granted for the life of the facility for which the variance or permit is granted. No variance may be granted for hazardous waste treatment, storage or disposal sites, or adult entertainment sites.

**22.1 General Conditions**

No a Special Exception, Variance or Special Use Permit shall be granted until the City Council shall hold a duly noticed public hearing after which the City Council shall find and determine that:

- A. Such use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community.
- B. Such use is suitably located in relation to transportation, water and sewerage requirements of the City or where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use.
- C. No traffic congestion or hazard will be created.
- D. The character of the neighborhood and values of surrounding property are reasonably safeguarded.

E. Such use will comply with all other terms, conditions, requirements and standards imposed by this Ordinance, including the advisory recommendation of the Commission. The City Council shall render its decision within sixty (60) days of the final hearing. The City Council is hereby authorized and empowered to and shall in any a Special Exception, Variance or Special Use Permit add such additional specific terms and conditions as it shall deem reasonably necessary to insure or promote public health, safety and convenience.

### **22.2 Notice of Public Hearing**

Notice of a public hearing on a request for Special Exception, Variance or Special Use Permit shall include announcement of the hearing date and Special Exception, Variance or Special Use Permit request at the City Council meeting prior to the hearing and publication of hearing notice in the newspaper of general circulation prior to the hearing, plus written notification provided by the applicant to all adjoining landowners. Written notice to adjoining landowners shall be made by the applicant with proof thereof provided to the Commission. Each notice must contain the name of the applicant, the telephone number, office address and business hours of the Commission, and the date, time and place fixed for the hearing. Each notice must state with particularity the nature of the special exception, variance, administrative appeal or other relief requested, and must notify the public that the zoning Ordinance and request for Special Exception, Variance or Special Use Permit is available for reference in the City Hall.

### **22.3 Information Required**

Each application for a Special Exception, Variance or Special Use Permit shall be made in writing to the Planning and Zoning Commission and shall be accompanied by all information required by the Planning and Zoning Commission. The City Council may require such additional information or documentation as may be necessary to fully and properly consider the particular a Special Exception, Variance or Special Use Permit application.

### **22.4 Amendment of Petition**

An applicant for a Special Exception, Variance or Special Use Permit may amend the application before the hearing if the City Council approves a motion to amend after giving ten (10) days' notice to all parties entitled to original notice of filing. If an amendment would alter materially an applicant's proposal or evidence, the City Council may postpone the hearing to a date that

permits all interested parties adequate time to review the amendment. Nothing in this section prohibits the City Council, during the hearing or at any time before the record is closed, from requesting an applicant to revise any aspect of a proposal.

### **22.5 Withdrawal of Petition**

When an application for a Special Exception or Special Use Permit is withdrawn, notice must be sent to all parties entitled to notice of the filing of the application.

### **22.6 Building permit for Special Exception or Special Use Permit**

A. A building permit for a Special Exception, Variance or Special Use Permit must be issued by the City before any building or other structure can be erected, moved, structurally altered, added to, or enlarged and before any excavation can be started. A building permit is required for any building or structure.

B. A building permit may be issued only for proposed work that conforms to zoning district, uses and development authorized under this Ordinance or specific grant of a Special Exception or Special Use Permit and for which the adequacy of public facilities has been determined.

C. A building permit must not be issued for any building or other structure which would be constructed, reconstructed or altered under a Special Exception, Variance or Special Use Permit unless the construction complies with all terms and conditions set by the City Council.

D. The City Council may suspend or revoke any building permit for construction if the construction does not comply with all terms and conditions set by the City Council.

E. This section does not prohibit the City Council, in its exercise of reasonable discretion, from allowing minor adjustments during construction which do not substantially alter the size, location or external appearance of the structure or the use or conditions of the Special Exception, Variance or Special Use Permit . The applicant must immediately notify the Commission of any deviations from the Special Exception, Variance or Special Use Permit plans approved by the City Council.

F. Any change proposed during construction which would substantially alter the location or external appearance of the structure, or modify the use or condition of the Special Exception or Special Use Permit requires a rehearing before the City Council after new public notice to all persons entitled to notice of the original application.

## **22.7 Temporary Uses**

A. Temporary uses are permitted in any zoning district, subject to the standards hereinafter established, provided that all temporary uses shall meet all regulations and requirements for the zoning district in which the use is located, unless such are specifically suspended for the period of the temporary use by the Commission, and provided that no temporary use shall be permitted to continue for such a length of time that it constitutes in effect a permanent use.

B. Notwithstanding any of the provisions above, the following temporary uses are permitted:

1. Garage sale
2. Indoor and outdoor art and craft shows, exhibits and sales.
3. Contractor's offices and equipment sheds, provided that such uses shall be limited to the period of actual construction and shall be terminated within thirty (30) days of the completion of construction.
4. Sales of Christmas trees or other seasonal goods, provided that such sales are located on property with direct access to a roadway.
5. Church/school related fairs or festivals, or religious gatherings or revival tents.
6. A manufactured home, not otherwise permitted in the zoning district, for temporary, emergency housing in medical hardship cases, for a nonrenewable period of up to six (6) months provided the following conditions are met: (1) Written certification of medical hardship is presented to the director of planning stating the nature and extent of the medical condition; (2) The manufactured home is adjacent to the lawfully permitted housing of one related by body or marriage; (3) A building permit for construction, repair or addition to the lawfully permitted housing has been issued; and (4) It is shown that there is no economically feasible alternative.
7. Other temporary uses, which are, in the opinion of the Commission are consistent with the provisions of this Ordinance.
8. Truck trailers used for the temporary storage of goods or equipment in connection with general retail sales and service establishments or industrial uses, provided that such use shall be limited to a nonrenewable period of thirty (30) days.
9. Portable signs in addition to signage permitted as of right, provided that such use shall

not exceed thirty (30) days in duration and shall be nonrenewable within six (6) months after expiration of the authorization for temporary use.

## **SECTION 23 – RESERVED**

Reserved

## **SECTION 24 – NON-CONFORMING USES (COMMERCIAL ZONES)**

### **24.0 Purpose**

#### **24.4 Legal Non-Conforming Uses**

A. Purpose and Intent. The purpose of this Section is to establish requirements and limitations on the continued existence of uses established prior to the effective date of this Section which do not conform to the provisions of Permitted Uses. It is the intent of this Ordinance to permit legal non-conforming uses to continue, but not to encourage their continuation. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved

B. The provisions of this Section are intended to curtail substantial investment in such non-conformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts and the requirements established by this Ordinance. Additional purposes of the provisions of this subsection are:

A. To assure reasonable opportunity for use of previously developed or legally created lots which do not meet current minimum requirements for the district in which they are located.

B. To assure reasonable opportunity for use, maintenance and improvement of legally constructed buildings, structures and site development features which do not comply with requirements for the district in which they are located at the time of enactment of this Ordinance.

C. To assure reasonable opportunity for continuation of legally established uses which do not conform to current use regulations for the district in which they are located.

D. To limit continuation and expansion and encourage eventual replacement of nonconforming uses having potentially undesirable impacts on surrounding conforming uses.

#### **24.0.1 Grandfathering Provisions**

Non-conforming uses established and continuing prior to the enactment of this Ordinance are exempt from the requirements of this Ordinance, subject to the provisions herein below. The

right to continue a non-conforming use shall terminate immediately upon a finding by the Planning and Zoning Commission that such non-conforming use poses a threat to safety or compliance with State or federal law.

A. Nonconforming rights only apply to a property or structure or use as it existed at the time of the effective date of this Ordinance or the designation of a zoning district or zoning restriction affecting such property or structure.

B. To gain recognition of non-conforming rights, a property owner must apply to the Planning and Zoning Commission and supply evidence to establish the historic non-conformity. The Planning and Zoning Commission shall maintain files of all non-conformities that have been established.

C. Non-conforming rights continue in force when the land is sold except as noted below, and may only, thereafter, be re-established under a Special Use Permit:

1. Non-conforming rights to a structure automatically terminate if a structure is destroyed or damaged beyond 60% of its replacement cost.
2. Non-conforming rights to a use automatically terminate if the use is abandoned for more than six (6) months or is superseded by a permitted use.
3. Non-conforming rights for commercial or industrial operations in residential districts terminate upon change of ownership.
4. Non-conforming signs must be brought into conformity or removed.

D. If a nonconforming use later becomes a conditional use in that zoning district (upon approval of the Planning and Zoning Commission), the nonconformity is terminated and the use may continue as a de facto conditional use.

#### **24.1 Use of Most Restrictive Requirements**

The requirements applicable to a non-conforming use are in addition to requirements applicable to a non-complying structure and in the event of any conflict, the most restrictive provision shall apply.

#### **24.3 Types of Non-Conforming Situations**

For purposes of these requirements, non-conforming situations shall consist of:

- A. Nonconforming lots of record. These lots were legal when they were subdivided but

do not meet the current requirements for width, depth, access, or other requirements.

B. Nonconforming uses of land. These are land uses that would not be permitted under current Ordinance, but which were established before the Ordinance went into effect.

C. Nonconforming structures. These are buildings that were legal at the time they were constructed, but encroach into the current yard setbacks or exceed the current height or area limitations.

D. Nonconforming uses of structures. These are uses of buildings, or land and buildings, that would not be permitted under current Ordinance, but which were established before the Ordinance went into effect.

5. Nonconforming characteristics of use. These are non-conformities to the parking, landscaping, signage or other requirements imposed on property.

#### **24.5 Continuation and Termination of Legal Non-Conforming Uses and Structures**

A. Continuation. An existing nonconforming use on the effective date of this Ordinance may be continued, and structures associated with the use may be maintained, provided no non-conforming use shall be enlarged or expanded in terms of floor space utilized or site area occupied nor may any legal nonconforming use be changed to another nonconforming use of a different specific use classification. Enlargement or expansion shall include:

1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this Ordinance, or any amendment hereto which causes such use to become nonconforming; or

2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Ordinance, or any amendment hereto which causes such use to become nonconforming.

3. Attachments of signs to the building, placement of signs, or display material or goods or equipment on land outside of the building which would not be allowed under present requirements.

4. The fact of continuation or reestablishment of nonconforming uses, sites, or structures within the period stated herein shall be determined by the totality of the circumstances.

B. Reestablishment. An existing nonconforming use may not be reestablished after the nonconforming use or activity of the building or land has ceased for a continuous period of six (6) months except through a Special Use Permit. If the lessee of any building or place used or occupied for nonconforming purposes under a bona fide lease shall at any time before the expiration of said lease cease to occupy or use said building or land, it shall not be considered vacant until the lessor/owner of said building or place shall again obtain legal control of its occupancy and use. Once changed to a conforming use, no building or use shall be permitted to revert to a nonconforming use.

C. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than sixty (60%) percent of the estimated fair market value of such structure then, except in otherwise provided herein, that structure shall not be restored unless such structure and the use thereof shall thereafter conform to all requirements of the zoning district in which such structure and use are located. When such damage or destruction is sixty (60%) percent or less of the fair market value of the structure as it existed immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within eighteen (18) months of the date of such damage or destruction. For purposes of these requirements the Planning and Zoning Commission will assess the estimated value of the improvements as the fair market value.

D. Relocation. No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall hereafter conform to all the requirements of the zoning district in which such structure and use are located after being so relocated.

E. Change in Use. A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this Section, a use shall be deemed to have been so changed when an existing nonconforming use shall have been

terminated and the permitted use shall have commenced and continued for a period of thirty days. A change in use shall be determined by the totality of the circumstances in the judgement of the Planning and Zoning Commission.

#### **24.6 Criteria for the Repair of Legal Nonconforming Uses and Structures**

**A. Ordinary Repair Maintenance.** Normal maintenance and incidental repair or replacement may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided that this provision shall not be deemed to authorize any violation of this Section.

**B. Exception for Repair by Public Order.** The Planning and Zoning Commission may order an unsafe, nonconforming structure to be restored to a safe condition, including repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official.

#### **24.7 Percent of Repair Allowable under Normal Conditions.**

If, within any period of twelve(12) months, alterations or repairs are proposed to be made to a nonconforming building, whither due to age, use, deterioration, fire, natural disasters or other Acts of God, and the aggregate cost of such alterations or repairs is in excess of sixty (60%) percent of the assessed value of the building at the time the alteration or repair is proposed, the building shall be made to conform to the requirements of this code for new buildings in the district in which it is located.

#### **24.9 Loss of Nonconforming Status with Change in Use.**

If the use of an existing nonconforming building is partially or entirely changed to a use of a different classification, the building shall be made to conform to the requirements of the district in which it is located.

**B. Criteria for the Repair of Nonconforming Structures.** Any such order is subject to the requirements of the preceding provisions regarding the repair or restoration of partially damaged or destroyed nonconforming structures.

25. All Ordinances or Resolutions, or parts thereof, in conflict are herewith and hereby repealed.

26. This Ordinance shall become effective in accordance with law.

And this Ordinance being submitted to a vote, the vote thereon was as follows:

YEAS: Councilman Guilbeau, Councilman Bonin, Councilman Rousseau,  
Councilwoman Batiste, Councilman Higginbotham, Councilman Romero,  
and Councilman Foco

NAYS: none

ABSENT: none

And this Ordinance was declared adopted this 13<sup>th</sup> day of October, 2009.

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**TINA EMERT, City Clerk**

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**CHARLES LANGLINAIS, Mayor**