

To divide the Town of Elizabeth into districts, to regulate and restrict within such districts the size of buildings and other structures, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to establish a Board of Adjustment and prescribe its powers and duties; and to provide penalties for the violation of the Ordinance.

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Elizabeth that:

Section 1. Basis of Regulations. The Zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of the district, and its peculiar suitability for the particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 2. DEFINITIONS. Words used in the present tense include the future. The singular includes the plural, and the plural the singular. "Building" includes "structure". "Shall" is mandatory. For the purposes of this ordinance, the following words or terms are defined as follows:

1. Accessory Building means a part of the main building, or a separate building, devoted to an accessory use.
2. Accessory Use means a use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.
3. Board means the Board of Adjustment, as established in this ordinance.
4. Build means to erect, enlarge, convert, reconstruct, or structurally alter a building or structure.
5. Building means any structure built for use of persons or animals. Structure means anything built that requires a permanent location. The terms "building" and "structure" do not include trailers.
6. Commission means the Planning and Zoning Commission of the Town of Elizabeth.
7. Corner Lot means a lot that abuts two or more streets at the intersection of such streets. On corner lots, the front yard line shall face the shortest street dimension of the lot.
8. District means a part of the Town wherein regulations of this ordinance are uniform.
9. Drive-in means an establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.
10. Dwelling means a building used entirely for residential purposes and shall not be construed to include trailers. A single-

family dwelling is a building that contains only one living unit; a two-family dwelling is a building that contains only two living units; and a multiple-dwelling is a building that contains more than two living units.

11. Family means one or more persons occupying a living unit as an individual housekeeping organization, as distinguished from a group occupying a boarding house, lodging house, or hotel.

12. Filling Station or Service Station means any buildings, structures or premises, enclosures or other place used for the dispensing, sale, or offering for sale of automobile fuel and oils at retail. When such dispensing, sale, or offering for sale of automobile fuel and oil is incidental to the conduct of a motor vehicle repair shop, the premises shall be classified as a motor vehicle repair shop.

13. Floor area means the area, in square feet, of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar.

14. Frontage means the distance along a street line between two intersecting streets or from one intersecting street to the end of a dead end street.

15. Garage Apartment means a living unit for not more than one family erected above a garage, said garage being accessory to the main building. Similar construction above a garage and used for any accessory purpose will be considered the equivalent of a garage apartment.

16. Home Occupation means an accessory use consisting of an activity carried on only by a resident member of a family. A home occupation shall also meet the following conditions:

- (a) Not more than one sign shall be used. Such sign shall not be illuminated and shall not be over one square foot in area.
- (b) Nothing shall be done to make the building appear in any way as anything but a dwelling.
- (c) No business such as a shop or store shall be conducted upon the premises.
- (d) No one shall be employed from outside the resident family.
- (e) Mechanical and electrical equipment used shall be only that normally used in, or found in, a single-family dwelling.

17. Hotel means a dwelling not consisting of living units and with facilities for more than twenty persons. Apartment Hotel means a multiple dwelling under resident supervision.

18. Institution means a non-profit establishment for public use.

19. Living Unit means the rooms occupied by a family. The living unit must include a kitchen.

20. Lodginghouse means a dwelling consisting of not more than one living unit occupied by not more than twenty persons not related by blood, marriage, or adoption. This term includes rooming house, boarding house, tourist home, and nursing home.

21. Lot means a parcel of land adequate for occupancy by a use herein permitted, providing the yards, area, and off-street parking herein required and fronting directly upon a street.

22. Lot Width means the width of a lot at the front yard line. Buildable Width is the width of lot left to be built upon after the side yards are provided.

23. Main Building means the building occupied by the primary use.

24. Motel means an inn or group of cabins designed for occupancy by paying guests.

25. Non-conforming Uses means those lawful uses of premises that do not conform with the requirements of this ordinance on the effective date of the ordinance, or that become non-conforming by reason of any amendment thereto.

26. Office Building means a building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public persons or organizations.

27. Parking Space means area on a lot sufficient in size to store one automobile, connected to a public street or alley by a driveway not less than ten feet wide. A parking space shall be not less than nine feet wide and twenty feet long, plus the space required for access to a public street or alley.

28. Premises means land together with any buildings or structures occupying it.

29. Row Housing means two or more living units with common or party side walls between units, designed so that each unit may be sold independently as a lot with its own yards and parking spaces.

30. Separate Tract means a lot or parcel of land or a group of contiguous parcels or lots of land under one ownership of record on the effective date of this ordinance.

31. Sign means any outdoor advertising that is a structure, or that is attached to or painted upon a building or structure, or that is leaned against a building or structure, or that is displayed on a premises.

32. Street means property dedicated for and accepted for primary public access to lots. Alley means land devoted to secondary access to lots.

33. Structural Alteration means any change in the supporting members of a building, such as bearing walls or bearing partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.

34. Town means the Town of Elizabeth, Louisiana.

35. Trailer means a vehicle equipped for use as a dwelling and designed to be hauled along a highway.

36. Yard means an open space on the same lot or tract as a building; except as provided herein it is unoccupied and unobstructed by a structure. Yard width or depth is the shortest horizontal distance from a lot line to the main building.

37. Yard Front means the area from one side lot line to the other side lot line and between the main building and the street.

38. Yard Rear means the area from one side lot line to the other side lot line and from the main building to the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.

39. Yard Side is the area from the front yard line to the rear yard line, and from the main building to the side lot line.

Section 3. GENERAL PROVISIONS. Effective September 10, 1964, use of all premises in the town shall be in accordance with the minimum standards established by this Ordinance.

No building or land shall be used, and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations established herein.

Every building shall be on a lot. Except as provided herein, there shall not be more than one building on one lot. More than one main institutional, public, business, commercial or industrial building may be located upon a lot or tract in any district where such uses are permitted.

Section 4. NON-CONFORMING USES. Any non-conforming use existing at the time of enactment or subsequent amendment of this Ordinance may be continued with the following limitations:

(a) A non-conforming use may be changed to a use of the same or higher classification, provided no structural alterations are made. If it is changed to a use of higher classification than the existing use, it shall not be changed back to the original non-conforming use.

(b) A non-conforming use that is discontinued for a period of twelve months or more shall not be re-established as a non-conforming use.

(c) A non-conforming use shall not be extended except in conformity with the requirements described herein for all uses in the district in which the non-conforming use is located.

(d) A non-conforming building use that is damaged or destroyed to an extent exceeding two-thirds of its fair market value, shall not be rebuilt or restored as a non-conforming use.

This ordinance in no way legalizes any illegal uses existing at the time of its adoption.

Section 5. ESTABLISHMENT OF DISTRICTS. For the purpose of and as a part of this Ordinance the town is divided into districts designated as follows:

- A -- Single Family Residential District
- B -- Multi-Family Residential District
- C-1 - Local Commercial District
- C-2 - Business District
- M-1 - Limited Industrial District
- M-2 - Heavy Industrial District

The boundaries of the districts designated above are hereby established as shown on the Town of Elizabeth Zoning District Map dated June 30, 1964, which is on file in the office of the town clerk. The map and all explanatory matter thereon are hereby made a part of this Ordinance as if the notations, references, and

other matters set forth by said map were all fully described herein.

Unless otherwise indicated, the district boundary lines are lot lines, the center lines of streets, alleys or such lines extended, or are the corporate limit lines. Other lines within blocks are rear or side lot lines, or such lines extended, or are property lines of large tracts.

Section 6. USE REGULATIONS.

- (1) Premises in the A District shall be used only for the following purposes:

Single family dwellings.

Public parks, public elementary and high schools, public buildings, and public utilities.

Private schools with a curriculum similar to public elementary and high schools.

Nursery and kindergarten schools, with a minimum of 100 square feet of outside play area per child, with hours of operation limited to the period between 8:00 A. M., and 3:30 P. M..

Hospitals, nursing homes, and institutions, provided such uses shall be located on sites of five acres or more and that buildings do not occupy more than ten percent of the site area.

Churches, Sunday schools, parish houses, and other places of worship, provided each use of this type is conducted in a building designed for that purpose. Private residences or appurtenances shall not be used for church services conducted on a regular basis.

Agricultural or farming activities not in conflict with other ordinances and not involving any retail or wholesale activities.

- (2) Premises in the B District shall be used only for the following purposes:

Any of the uses permitted in the A District, without restrictions on the size of site for hospitals, nursing homes, and institutions.

Garage apartments.

Two-family dwellings.

Multiple dwellings.

Row Housing.

Lodginghouses.

Hotels.

Apartment Hotels.

Clubs and lodges, except those in which the chief activity is a service customarily carried on as a business.

- (3) Premises in the C-1 District shall be used only for the following purposes:

Any of the uses permitted in the A and B Districts.

Retail business or service which is established for the convenience of the neighboring residents.

Offices and banks.

Barber shops and beauty shops.

Coin-operated laundries, and laundry and cleaning stations.

Filling stations, but not including motor vehicle repair shops.

Shops for dressmaking, millinery, tailoring, shoe repair, radio and television repair, bakeries, laundries and dry cleaning establishments, and similar trades, provided no individual establishment occupies more than 2500 square feet of floor space.

Drive-Ins.

Signs.

Sales and service of automobiles, trucks, farm implements, and farm machinery.

- (4) Premises in the C-2 District shall be used only for the following purposes:

Any of the uses permitted in the A, B, and C-1 Districts.

Regional and community-wide shopping centers, retail stores and supermarkets.

Restaurants.

Theaters, bowling alleys, and other commercial amusement and recreation facilities.

Mortuaries.

- (5) Premises in the M-1 District shall be used only for the following purposes:

Any of the uses permitted in the A, B, C-1, and C-2 Districts, except residential uses.

Warehouses, freight terminals, bulk petroleum storage, bottled gas sales and service, creameries, bottling works, cold storage plants.

Contractor's shops and storage yards, lumber yards, millwork shops, and similar light industries.

- (6) Premises in the M-2 District shall be used only for the following purposes:

Any of the uses permitted in the A, B, C-1, C-2, and M-1 districts, except residential uses.

Paper mills, bag plants, manufacturing plants, assembly plants.

Concrete mixing or batching plants.

Open storage of manufacturing materials.

Salvage and scrap yards; provided such uses are enclosed by either a solid fence screen planting at least six feet high, within building lines, so that such uses can not be seen from any public street.

All other industrial and commercial uses not specifically prohibited by this or other ordinances.

Section 7. MINIMUM AREAS AND DIMENSIONS OF LOTS AND YARDS

- (1) Except as provided elsewhere in this ordinance, the minimum width of lots, minimum area of lots, and minimum lot area per family for residential uses, shall be as shown in the following table:

District	Minimum Width of Lots	Minimum Area of Lots	Minimum Lot Area per family, for residential uses
A	75 feet	9,000 sq. ft.	9,000 sq. ft.
B	60 feet	7,500 sq. ft.	3,000 sq. ft.
C-1	50 feet	4,000 sq. ft.	1,200 sq. ft.
C-2	None	None	1,200 sq. ft.
M-1	None	None	(not applicable)
M-2	None	None	(not applicable)

- (2) Except as provided elsewhere in this ordinance, yards shall be provided for buildings as shown in the following table:

District	Front Yard Depth of	Side Yards, Depth of	Rear Yard Depth of
A	30 feet	8 feet	35 feet
B	20 feet	5 feet	25 feet
C-1	20 feet	None	10 feet
C-2	None	None	None
M-1	25 feet	None	None
M-2	None	None	None

- (3) Any accessory building less than 10 feet from a main building shall be considered as part of the main building and shall be provided with the side yards required for the main building.

Accessory buildings may be located in a rear yard but may not occupy more than thirty percent of a rear yard.

An accessory building more than ten feet from a main building may be erected within two feet of a side or rear lot line, but must be located at least sixty feet from the front street line or to the rear of an adjacent main building.

No accessory buildings may be erected prior to the erection of a main building, except that temporary buildings for construction purposes may be permitted in any district as accessory buildings during the course of construction.

- (4) For Row Housing uses, the minimum width of lots may be reduced to twenty feet, the minimum area of lots in the B District may be reduced to 2,400 square feet, and the minimum lot area per family in the B District may be reduced to 1,200 square feet per family, provided such Row Housing is built with common or party walls. No side yards are required for Row Housing, except that one side yard of not less than 20 feet shall be provided for every unit located at the end of a row on a corner lot, and one side yard of not less than five feet shall be provided for every unit located at the end of a row on an interior lot.
- (5) Churches, public buildings, and institutions in the A or B Districts shall provide front yards of fifty feet, and side yards of twenty-five feet.
- (6) On corner lots, the side yard on the street side shall be equal to the required front yard, except that where a corner lot has a common rear lot line with another corner lot, the side yard on the street side may be reduced to one-half of the required front yard.
- (7) On lots fronting on two non-intersecting streets, front yards shall be provided on both streets.

- (8) Where a lot in the C-1, C-2, M-1, or M-2 District adjoins the side lot line of a lot in the A or B District, a side yard of not less than eight feet shall be provided along the C-1, C-2, M-1, or M-2 side of the common lot line.
- (9) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- (10) For lots fronting on turning circles the front yard may be reduced to one-half the required front yard.
- (11) Open, unenclosed porches may extend ten feet into a front yard.
- (12) Where a side yard or rear yard is provided but not required, such side or rear yard shall be not less than three feet wide.
- (13) Notwithstanding other provisions of this ordinance, a single family dwelling and its accessory buildings may be erected on any lot or parcel of land that was a lot or parcel legally established before the effective date of this ordinance, under the following conditions:
 - (a) The side yard for main buildings on interior lots may be reduced to ten percent of lot or tract width, but shall be not less than three feet.
 - (b) The side yard for accessory buildings on interior lots may be reduced to five percent of lot or tract width.
 - (c) On corner lots, the side yard on the street side may be reduced to one-half the required front yard, but the application of this requirement shall not reduce the buildable width to less than twenty-eight feet.
 - (d) The rear yard may be reduced to twenty percent of the lot or tract depth, but not to less than fifteen feet.
 - (e) The front yard shall be established by a line drawn establishing the average front yard depth of existing buildings in the same frontage.
 - (f) Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but shall not be reconstructed or structurally altered except in compliance with this ordinance.

Section 8. OFF-STREET PARKING REGULATIONS.

- (1) Off-street parking shall be provided on any lot or tract on which any of the uses listed below are hereafter established. Off-street parking spaces shall be provided with vehicular access to street or alley and shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached on in any manner.
- (2) Except where required in connection with dwellings, parking spaces and vehicular access shall be surfaced with a minimum of four inches of gravel, shell, or other similar all-weather surface.
- (3) Off-street parking spaces shall be provided as follows:
 - (a) For dwellings, including single-family dwellings, two-family dwellings, multiple dwellings, and garage apartments: One parking space for each living unit.
 - (b) For churches, theaters, auditoriums, or other places of public assembly: One parking space for each eight seats

in the place of main assembly, or one parking space for each sixty-four square feet of floor area where fixed seating is not installed.

(c) For hospitals, nursing homes, and hospital clinics: One parking space for each two beds.

(d) For hotels, motels, and lodginghouses: One parking space for each two sleeping rooms.

(e) For schools: Two parking spaces for each classroom, in addition to parking spaces required for auditorium or other place of assembly.

(f) For public buildings, institutions, clubs, lodges, and similar semi-public buildings: One parking space for each five hundred square feet of floor area.

(g) For retail business or service, stores, shops, offices, banks, restaurants, and similar businesses and commercial uses that serve the general public: One parking space for each two hundred square feet of floor area.

(h) For warehouses, wholesale business, industry, and similar uses that do not ordinarily serve the general public: One parking space for each two employees on the premises at any one time, in addition to the space required for loading and unloading trucks and other transportation vehicles.

Section 9. PLANNED GROUP DEVELOPMENTS

The unified and planned group development of a site in single or corporate ownership at the time of development may be permitted in a Planned Group Development Overlay District.

This district is intended to allow diversification in the relationship of various uses, structures and open spaces in the Planned Group Development, while insuring substantial compliance with the intent and provisions of this ordinance requiring adequate standards related to the public health, safety, and general welfare. This district is further intended to permit more flexible and advantageous use of sites and not to inhibit the advantages of modern large scale site planning for residential, commercial, and industrial purposes. The Planned Group Development Overlay District superimposes the regulations of this district upon the underlying district without changing the fundamental intent of the underlying district regulations, though modifying their specific application.

The Mayor and Board of Aldermen reserve unto themselves the right and authority to create Planned Group Development Overlay Districts by issuing special permits for Planned Group Developments that comply with the requirements described herein. Such special permits, however, shall be issued only after public hearing and prior referral to the Planning Commission for reports regarding the effect of the Planned Group Development upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. Said Planning Commission shall recommend to the Mayor and Board of Aldermen appropriate conditions and safeguards in each case, whenever said commission shall deem conditions and safeguards necessary to promote the public health, safety, convenience and welfare, including that public health, safety, convenience and welfare which may be promoted by lessening congestion in the public streets, by insuring adequate public utility facilities, by maintaining the character of a neighborhood, by encouraging the most appropriate use of land and by conserving property value. Such appropriate conditions and safeguards may include provisions for off-street parking, for front, side and rear yards, for screening of parking

areas by fences and planting, and other such measures. The failure of the Planning Commission to report within forty-five days from and after the date of official referral to said commission by the Mayor and Board of Aldermen shall be deemed approval of such special permit by the Planning Commission. In granting special permits, the Mayor and Board of Aldermen shall give due consideration to such effect of such building, and shall stipulate such appropriate conditions and safeguards, using the same criteria as set forth herein to govern the recommendations of the Planning Commission.

Individual uses and structures in the Planned Group Development need not comply with the specific building location, building size, lot size, and open space requirements of the underlying basic district provided their spirit and intent are complied with in the total development plan. However, the Planned Group Development shall comply with the following requirements:

- (a) The minimum area for residential developments shall be ten acres, for commercial developments five acres, and for industrial developments ten acres.
- (b) Total average density of land use shall not be higher than that permitted in the underlying basic district.
- (c) Total open space shall not be less than that required by the typical development of the underlying basic district.
- (d) Permanent retention, care, and maintenance of open space, except dedicated public open spaces, shall be guaranteed by the developer, residents, and property owners in the development.
- (e) Plans prepared with competent professional advice shall be submitted with the request for the creation of a Planned Group Development Overlay District, showing that the proposed development is consistent with the spirit, intent, and requirements of this ordinance.
- (f) Construction of the development shall be begun by the developer within six months after the issue of a special permit by the Mayor and Board of Aldermen. If the permitted development has not been substantially completed within two years after the issue of the special permit, the Mayor and Board of Aldermen shall have the right and authority to cancel and withdraw the special permit for the Planned Group Development Overlay District.

Section 10. BOARD OF ADJUSTMENT

There shall be a board of adjusgment, the membership, terms of office, and rights and duties of which shall be as provided in Title 33, Section 4727 of the Louisiana Revised Statutes. The board shall adopt rules in accordance with the provisions of this section. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings shall be open to the public and preceded by due advertisement.

The board shall hear and decide:

- (a) appeals from alleged error in the building inspector's decision,
- (b) appeals for variance where exceptional and peculiar hardship would be caused by enforcement of the regulations, and where such variance would not substantially derogate from the intent of this ordinance.

The board shall not be authorized to grant variances in the use of land or to take any other action, the result of which would constitute a change in the district boundaries. The board shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and may prescribe appropriate conditions and safeguards in each case. Such appropriate conditions and safeguards may include among other things, provisions for the screening of parking areas by walls, fences and planting and other such measures.

Section 11. AMENDMENT

The Mayor and Board of Aldermen may, from time to time, on its own motion or on petition, after public notice and hearing, amend the districts, and the regulations established therefor in accordance with the provisions of Louisiana Revised Statutes 33:4725. Every proposed amendment, however, shall be first referred to the Planning Commission for report, and any amendment that has failed to receive the approval of the Planning Commission shall not be passed by the Mayor and Board of Aldermen, except by the affirmative vote of three-fifths of that body.

All territory which may hereafter be added to the town shall automatically be classed as lying and being in the A residential district until such classification shall have been changed by an amendment as provided by law.

Section 12. ENFORCEMENT

This ordinance shall be enforced by an inspector appointed by the Mayor and Board of Aldermen. No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the inspector has issued a building permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this ordinance. No land or structure hereafter erected, moved, or altered in its use shall be used until the inspector shall have issued a certificate of occupancy stating that such land or structure is found to be in conformity with the provisions of this ordinance. Applications for permits under the provisions of this section shall be accompanied by a plat drawn to scale showing actual dimensions of the lot to be built on; the size, shape, and location of the building to be erected; the estimated cost thereof; and such other information as may be required by the inspector insuring proper enforcement of this ordinance.

Any person violating any provisions of this ordinance shall be fined not more than One Hundred Dollars or imprisoned for not more than thirty days, or both. In case any building or structure is erected, constructed, reconstructed, altered, or repaired in violation of this ordinance or in violation of the plat showing the proposed lot and building to be erected thereon, the building inspector, acting for and on behalf of the town, in addition to any other remedies, may institute appropriate action or proceedings in the name of the town to prevent and prohibit such unlawful erection, construction, reconstruction, alteration or repairs. Each day such violation continues shall constitute a separate offense.

Section 13:

If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the ordinance which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this ordinance are hereby declared severable.