

APPENDIX A

ZONING*

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AUTHORITY

An ordinance in pursuance of the authority granted by Act 240 of the Legislature of Louisiana, 1926 (Revised Statutes of 1950, Title 33:4721-4730); and City Council Ordinance Number 555 adopted on March 7, 1966 and Claiborne Parish Ordinance Number _____ adopted on _____, whereby the Homer Regional Planning Commission was created with the authority among other things to prepare a comprehensive zoning ordinance for the City of Homer and to divide the City of Homer into districts, to regulate within such districts the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot occupancy, the required open spaces, the density of population and the use of land, buildings and other structures; to provide for change of such regulations, restrictions,

***Editor's note**—This appendix contains the town's zoning ordinance, adopted on March 7, 1966, as Ordinance No. 555. The ordinance is set out as enacted except that material in brackets has been added to correct obvious errors or to clarify the meaning where the same was ambiguous. Obviously misspelled words have been corrected without notation and a uniform style of capitalization and punctuation has been used. The absence of a history note indicates the section is derived unchanged from the original ordinance. Zoning map amendments are on file in the office of the town clerk and are not printed herein.

Cross references—Buildings and building regulations, Ch. 5; cemeteries, Ch. 6; flood damage prevention, Ch. 8; planning, Ch. 13; utilities, Ch. 17; airport zoning, App. B; subdivision regulations, App. C.

State law reference—Municipal zoning regulations, R.S. 33:4721 et seq.

3.06. *Building, height of:* The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the coping of a flat roof, or to the deck line of the mansard, or to the mean height level between the eaves and ridge for gable, hip, and gambrel roofs.

3.07. *Dwelling:* Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more families.

3.08. *Dwelling, single-family:* A building designed for, constructed, or any construction or alterations for, or occupied exclusively by not more than one (1) family; provided, however that such building is attached permanently to the ground and is not equipped with axles or wheels.

3.09. *Dwelling, two-family:* A building designed for, constructed, or under construction or alterations for, or occupied by not more than two (2) families; provided, however, that such a building is attached permanently to the ground and is not equipped with axles or wheels.

3.10. *Dwelling, multiple-family:* A building designed for, constructed, or under construction or alterations for, or occupied by three (3) or more families; provided, however, that such building is attached permanently to the ground and is not equipped with axles or wheels.

3.11. *Family:* One (1) individual or more persons related by blood or marriage occupying a premises and living as a single housekeeping unit, or a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with a single culinary facility on a nonprofit cost-sharing basis.

3.12. *Garage, public:* A building or portion thereof other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

3.13. *Home occupation:* A professional occupation conducted by the resident in a dwelling and including the following: a physician, surgeon, dentist, lawyer, clergyman, or other similar professional persons; dressmaking and tailoring, provided, that not more than twenty (20) percent of the floor area of any dwelling unit shall be used for such home occupations; and provided that no windows or other display or sign to advertise such home occupations other than a single sign not more than four (4) inches in width and eighteen (18) inches in length shall be permitted; and provided further that only one (1) person who does not reside on the premises may be employed as an assistant.

3.14. *Lot:* A parcel of land occupied or to be occupied by one (1) principal building and its accessory buildings, including the open spaces required under this ordinance, and having its principal frontage on an officially approved street or place.

3.15. *Lot of record:* A lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk and recorder and/or the assessor's office; or a parcel of land which became legally established and defined by deed or act of sale on or before the adoption of this ordinance.

3.16. *Nonconforming use:* A land lawfully used, and/or structure legally existing and/or used at the time of adoption of this ordinance, or any amendment thereto, which does not

3.27. *Yard, side:* An open space between the building and the side lot lines and being the required minimum horizontal distance between a side lot line and the nearest part of the principal building, including covered porches.

ARTICLE 4. GENERAL PROVISIONS

Section 4.01. Zoning affects every structure and use.

No structure or land shall hereafter be used and no structure or part thereof shall be erected, reconstructed, converted, moved, or structurally altered unless in conformity with the regulations as set forth in this ordinance. However, buildings which are legally nonconforming with respect to yard areas or height, may be structurally altered or enlarged providing the portion of the building which is altered or the portion of the building which is added is in conformity with the provisions of this ordinance.

Section 4.02. Only one principal building on any lot.

Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record which abuts at least one (1) street and in no case shall there be more than one (1) main building and its customary accessory buildings on one (1) lot unless otherwise provided for in this ordinance.

Section 4.03. Reduction in lot area prohibited.

No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained.

Section 4.04. Continuance of nonconforming uses.

4.041. It is the intent of this ordinance to permit nonconforming uses to continue, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

4.042. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction shall be diligently carried on until the completion of the building involved.

4.043. Any structure and/or use existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions may be continued but may not be:

- (A) Changed to another nonconforming use.

Section 4.08. Adjacent contiguous lots below area requirements considered as single parcel.

If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 4.09. Flashing signs.

Revolving signs of the type similar to the revolving beacons or flashing lights used by police cars and ambulances are prohibited in all districts irrespective of the color of light used.

Section 4.10. Regulations for addressed structures.

All addressed structures, including but not limited to, private homes, apartments, mobile homes, businesses and public buildings, must have an address number posted which is visible from the addressed roadway, using the requirements as follows:

1. *Requirements of display numbers.* Each separate residence and business in the corporate areas of the town shall display the municipal street which has been assigned to it in a manner and location whereby it is easily visible from the addressed street from both directions. The property numbers must be displayed within sixty (60) days of official notification of the new municipal address.
2. *Type of display.* The municipal street shall be displayed in lettering no less than three (3) inches in height, and on a dark blue background. The display sign shall be a minimum of four (4) inches by twelve (12) inches. The display may, but need not be, illuminated. However, if the display is not illuminated, then the displayed numbers must be of white reflective material.
3. *Placement of display.* Generally, display shall be placed from three (3) feet to ten (10) feet from the addressed roadway on the same side of the roadway as the structure. Regarding several addressed structures located off the same driveway, displayed numbers will also be required to be posted in front of or on the individually addressed structures.

(Ord. No. 812, 12-4-95)

ARTICLE 5. ESTABLISHMENT OF DISTRICTS**Section 5.01. Establishment of districts.**

For the purpose of this ordinance all area within the corporate limits is hereby divided into districts as shown on the Official Zoning Map of the City of Homer, Louisiana, and such map

Section 5.04. Regulations of areas under water.

All areas within the corporate limits of the community which are under water and not shown as included within any district, shall be subject to all the regulations of the district adjacent to the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they intersect.

ARTICLE 6. OFF-STREET PARKING, LOADING AND UNLOADING**Section 6.01. Applicability.**

No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces required herein are provided. Such parking spaces are not required for any structure or use existing at the time of enactment of this ordinance, however, the parking spaces as specified herein shall be provided for any enlargement or structural alteration to any such existing structure or use.

Section 6.02. Continuation of facilities.

Required parking spaces associated with a particular use shall not be reduced or encroached upon in any manner unless a change in the parking requirements of the associated permitted use occurs to permit a corresponding reduction in the parking area required of the associated use.

Section 6.03. Minimum size of parking spaces.

Each parking space shall contain a minimum of one hundred sixty (160) square feet of area for each vehicle exclusive of necessary drives and other accessways. A driveway, however, may be considered a required parking space for a dwelling.

Section 6.04. Street access.

Each parking space shall have vehicular access to a public street.

Section 6.05. Construction requirements.

Every parcel of land, which after the effective date of this ordinance is changed to a parking area for more than ten (10) vehicles, or a drive-in business (except drive-in theaters and used car lots) shall be developed as follows:

- (1) If such area is subject to wheeled traffic it shall be surfaced with a bituminous material or other impervious surfacing material to make such area useable in wet weather and to prevent dust in dry weather.
- (2) Where such area is contiguous to a lot in a residential district, and is not separated by a street, alley or other public way, a wall or fence of solid appearance or tight evergreen hedge having a height of not less than six (6) feet shall be erected and maintained between such area and the property in the residential district.

Any light used to illuminate said parking lot shall be so arranged as to reflect the light away from adjoining premises and abutting streets.

Section 6.06. Parking space requirements.

Off-street automobile parking space shall be provided on any lot on which any of the following listed uses are hereafter established:

Banks: Parking area equal to ground floor area of such bank.

Dwellings: One (1) parking space for each dwelling unit.

Churches and temples: One (1) parking space for each ten (10) seats provided in the main auditorium of such place of assembly.

Schools, public and private: Elementary and junior high schools—one (1) parking space per classroom, laboratory or manual training shop; high school—three (3) parking spaces per classroom, laboratory, or manual training shop.

or use existing at the time of the enactment of this ordinance, provided, however, that off-street loading spaces as specified in this ordinance shall be provided for in any enlargement or structural alteration to any such existing structure or use.

(2) *Location.* The off-street loading spaces required by this ordinance shall be located in all cases on the same lot or parcel of land as the use or structure they are intended to serve. In no case should any required loading space be part of an area used to satisfy the off-street parking requirements of this ordinance.

(3) *Requirements.*

For each commercial or industrial enterprise in which commodities are sold, displayed, stored, serviced, repaired, altered or fabricated as the principal use of the enterprise, one (1) off-street loading space at least two hundred (200) square feet in area shall be provided.

For each commercial and industrial enterprise of over one thousand (1,000) square feet of gross floor or ground area in which commodities are sold, displayed, stored, serviced, repaired, altered, or fabricated as the principal use of the enterprise, two (2) off-street loading spaces shall be provided. One (1) off-street loading space shall be at least two hundred (200) square feet in area, and the other off-street loading space shall be at least four hundred fifty (450) square feet in area and have a minimum overhead clearance of fourteen (14) feet.

Additional off-street loading spaces shall be required, when necessary to provide adequate area for off-street loading. Detailed plans for off-street loading space provisions and use may be required for the issuance of any building permit.

ARTICLE 7. R-1 RESIDENCE DISTRICT

Section 7.01. [Applicability.]

Within all R-1 residence districts as shown on the "zoning map" and "zoning regulations" shall apply.

Section 7.02. Uses permitted.

- (1) Single-family dwellings.
- (2) Parks, playgrounds, and community buildings owned or operated by city, state, or federal agencies.
- (3) Public libraries or museums.
- (4) Public schools, both elementary and high, or private schools having a curriculum essentially the same as ordinarily given in a public elementary school or public high school, and private or public nursery schools or kindergartens.

(5) Private recreational uses such as tennis courts, swimming pools, and golf courses operated exclusively for private use and not for commercial purposes.

(6) Churches and temples.

(7) Private gardens, and nurseries for the propagation and cultivation of plants only when said plants, flowers, or produce are not offered for sale.

(8) Home occupations (see definitions).

(9) Hospitals for human care except [those] primarily for mental cases.

(10) Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involved in the conduct of a business.

(11) Bulletin boards for churches, temples, institutions, or public buildings only; and signs not exceeding twelve (12) square feet in area, pertaining to the rental, lease, or sale of a building or land; provided, however, that no more than one (1) sign of the above character shall be permitted on any lot.

(12) The renting of one (1) room for the accommodation of not more than two (2) persons, provided the room is not equipped with cooking facilities and provided further that no boarding arrangements are made.

Section 7.03. Height regulation.

No building shall exceed thirty-five (35) feet in height.

Section 7.04. Area regulations.

Each lot shall have front, side, and rear yards not less than the following depths or widths:

Front yard 30 feet

Side yards:

(a) Side yard width (combined width of both side yards) 20 feet

 With a minimum of either side yard 7 feet

(b) On corner lots the side yard on that side abutting the side street shall be not less than 10 feet. However, this regulation shall not be interpreted as to reduce the buildable width after providing the interior side yard of a corner lot, existing before the adoption of this ordinance, to less than 24 feet.

Rear yard 30 feet

Lot area per family. The minimum lot area requirements are as follows:

Minimum required lot area10,000 square feet

Minimum required lot area per family10,000 square feet.

Section 7.05. Parking regulations.

(See Article 6)

ARTICLE 8. R-2 RESIDENCE DISTRICT

Section 8.01. [Applicability.]

Within all R-2 residence districts, as shown on the "zoning map" the following regulations shall apply.

Section 8.02. Uses permitted.

A building or land shall be used only for the following purposes:

- (1) Any use permitted in R-1 residence districts.
- (2) Two-family dwellings.
- (3) Accessory buildings and uses customarily incidental to any of the above listed uses including the leasing of rooms by the family resident on the premises, provided that the area rented or leased does not exceed twenty-five (25) percent of the total floor area in any dwelling unit, and provided no arrangements are made for boarding.
- (4) Mobile homes for dwelling purposes provided that each mobile home serving as a dwelling unit be located on a separate lot which complies with the area requirements of the R-2 residence districts.

Section 8.03. Height regulation.

No building shall exceed thirty-five (35) feet in height.

Section 8.04. Area regulations.

Front yard	25 feet
Side yards:	
(a) Side yard width (combined width of both side yards)	15 feet
With a minimum on either side of	5 feet
(b) On corner lots the side yard on that side of the lot abutting the side street shall be not less than 10 feet. However, this regulation shall not be interpreted to reduce the buildable width after providing the interior side yard of a corner lot, existing before the adoption of the ordinance, to less than 24 feet.	
Rear yard	25 feet

Lot area per family. The minimum lot area requirements are as follows:

Minimum required lot area7,000 square feet

Side yards:

- (a) Side yard width (combined width of both side yards) 10 feet
 With a minimum of either side yard 3 feet
- (b) On corner lots the side yard on that side of the lot abutting the side street shall be not less than 6 feet. However, this regulation shall not be interpreted to reduce the buildable width after providing the interior side yard of a corner lot, existing before the adoption of this ordinance to less than 24 feet.

Rear yard 20 feet

Lot area per family. The minimum lot area requirements are as follows:

Minimum required lot area 5,000 square feet

Minimum required lot area per family 2,000 square feet.

Section 9.05. Parking regulations.

(See Article 6)

ARTICLE 10. B-1 NEIGHBORHOOD SHOPPING DISTRICT

Section 10.01. [Applicability.]

Within all B-1 neighborhood shopping districts, as shown on the "zoning map" the following regulations shall apply.

Section 10.02. Uses permitted.

Dwellings permitted as in adjoining residence districts.

Shops and stores for retail trade and service which include but are not limited to the following:

1. Bakeries (products sold retail on premises)
2. Banks
3. Barbershops, beauty parlors, chiropodies, massage and similar personal service shops
4. Bicycle sales and repair shops
5. Camera shops
6. Clothes pressing and repair
7. Clothing stores
8. Delicatessens

Section 10.04. Area regulations.

Lot area per family. Where a lot is improved with a dwelling or used in part for dwelling purposes, the lot area per family and yard area regulations of the R-3 residence district will apply.

Yards. Buildings other than residential hereafter constructed within a B-1 neighborhood shopping district shall be located so as to comply with the following minimum yard requirements:

- Minimum required front yard 20 feet
- Minimum required rear yard 20 feet

Minimum required side yard. No side yard required except in cases where the commercial lot abuts a dwelling district, in which case there shall be a side yard of not less than five (5) feet. However, where a side yard is provided but not required, such side yard shall not be less than three (3) feet in width.

Section 10.05. Off-street parking, loading and unloading.

(See Article 6)

ARTICLE 11. B-2 HIGHWAY BUSINESS DISTRICT

Section 11.01. [Applicability.]

Within all B-2 highway business districts as shown on the "zoning map" the following regulations shall apply.

Section 11.02. Uses permitted.

Dwellings permitted as in adjoining residence districts:

1. Any use permitted in B-1 neighborhood shopping districts
2. Auto salesrooms and used car lots
3. Bowling alleys
4. Bus depots
5. Dancing studios
6. Funeral homes
7. Garages, public
8. Gift shops
9. Hotels
10. Nightclubs

- 8. Cigar stores
 - 9. Drygoods stores
 - 10. Department stores
 - 11. Express offices
 - 12. Fish markets
 - 13. Garages, public
 - 14. Gyms
 - 15. Hat stores
 - 16. Furniture stores
 - 17. Jewelry stores
 - 18. Leather goods shops
 - 19. Musical instrument shops
 - 20. Newsstands
 - 21. Newspaper and printing offices
 - 22. Pawnbrokers
 - 23. Pool halls
 - 24. Paint stores
 - 25. Shoeshining parlors
 - 26. Accessory buildings and uses customarily incidental to above listed uses
 - 27. Uses similar in character to the above listed uses.
- (Ord. No. 814, 2-5-96)

Section 12.03. Height regulation.

No building or structure shall exceed seventy (70) feet in height.

Section 12.04. Area regulations.

Dwellings hereafter constructed in the B-3 central business district must comply with the area and yard regulations of the R-3 residence districts.

All other permitted uses within the B-3 central business district shall comply with the following area regulations:

- Front yards No front yard required
- Rear yards 20 feet

19. Cigarette manufacturers
20. Cleaning and pressing plants
21. Clock factories
22. Clothing manufacturers
23. Coalyards
24. Coffin manufacturers
25. Coal storage warehouses
26. Concrete burial vault companies
27. Condensed milk manufacturers
28. Contractor storage yards
29. Cosmetic manufacturers
30. Creamery wholesalers
31. Dairy wholesalers
32. Dental laboratories
33. Electrical power plants
34. Electrical repairing shops
35. Electrical sign manufacturers
36. Enameling and painting shops
37. Engraving plants
38. Envelope manufacturers
39. Express storage and delivery stations
40. Feed manufacturers
41. Feed wholesalers
42. Flour and grain storage elevators
43. Food products manufacturers
44. Fruit and vegetable dyeing plants
45. Fuel distributing stations
46. Fuel gas storage stations
47. Furniture storage warehouses
48. Garages, repair
49. Garment factories

81. Phonograph manufacturers
82. Photoengraving companies
83. Produce warehouses
84. Pumping stations
85. Paint shops
86. Refrigerator manufacturers
87. Relay stations
88. Rug cleaning plants
89. Saddle manufacturers
90. Sand and gravel pits
91. Sand and gravel storage yards
92. Screw and bolts manufacturers
93. Seed companies
94. Sheet metal shops
95. Shirt factories
96. Silk manufacturers
97. Soda water manufacturers
98. Stable and dog kennels
99. Street railway yards and other appurtenances
100. Substations for power and light companies
101. Sporting goods manufacturers
102. Telephone substations
103. Tin products wholesalers
104. Tinsmith shops
105. Tire repair shops
106. Transfer company, baggage storage
107. Trunk manufacturers
108. Upholstery manufacturers
109. Vulcanizing shops
110. Warehouses
111. Wallpaper manufacturers

- 13. Wholesale gasoline storage yards
- 14. Airports, landing fields, and landing strips for aircraft
- 15. Any other similar uses which would be objectionable or obnoxious because of danger from explosion or creation of smoke, dust, fumes, odors, gas, noise, and vibrations and similar conditions.

Section 13.03. Height regulations.

No building shall exceed one hundred (100) feet in height, except that any building in an M industrial district which adjoins or abuts on a residence district shall not exceed forty-five (45) feet in height unless it is set back from all lot lines one (1) foot for each foot of additional height above forty-five (45) feet.

Section 13.04. Area regulations.

Dwellings hereafter constructed within M industrial districts shall comply with the yard and lot area requirements of R-3 residence districts.

All other buildings hereafter constructed in M industrial districts shall be located so as to comply with the following minimum requirements:

- Minimum required depth of front yard 25 feet
- Minimum required depth of rear yard 20 feet
- Minimum required side yard. No side yard required, but where provided, not less than three (3) feet in width.

No yard will be required for that part of a lot which fronts upon a railroad siding.

On lots adjacent to a residential zone all buildings shall be located to provide a minimum of ten (10) feet of side yard width on that side of the building adjacent to the residence district.

Section 13.05. Off-street parking; loading and unloading.

(See Article 6)

ARTICLE 14. PLANNED DISTRICTS

Section 14.01. Intent of planned districts.

Planned districts are intended to be established from time to time by amendments to this ordinance consisting of appropriate changes in the boundaries of districts established by this ordinance in such a manner as best to fit the general pattern of land use established by this ordinance and to further the purposes set forth in Article 2. Planned districts may be for commercial use, or industrial use. Planned districts and the regulations thereof are intended to ensure the groupings of commercial or industrial buildings on a parcel of land in such a

Planned Industrial Districts. Within planned industrial districts all uses permitted in all M industrial districts shall be permitted provided that the permitted uses in M industrial districts requiring approval by the city council after a report by the planning commission shall be permitted in the planned industrial district under the same procedure.

ARTICLE 15. EXCEPTIONS AND MODIFICATIONS

Section 15.01. Exceptions and modifications to lot area requirements.

Where a lot has less area than the minimum requirements for the district within which the lot is located, and was a lot of record in separate ownership from adjacent property at the time of passage of this ordinance, such lot may be used as a building site for a single-family dwelling or any nondwelling purpose permitted in the district within which the lot is located; provided, however, that the yard areas and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning adjustment.

Section 15.02. Exceptions and modifications to height regulations.

The height limitations of this ordinance shall not apply to:

- Belfries
- Chimneys
- Church spires
- Conveyors
- Cooling towers
- Cupolas
- Derricks
- Fire towers
- Flag poles
- Monuments
- Observation towers
- Radio and television towers, antennas, or aerials
- Smokestacks
- Tanks
- Transmission towers
- Water towers.

Section 15.05. Exceptions and modifications of use regulations.

(1) Fences may be erected along the boundaries of a lot or yard area; however, such fences may not exceed seven (7) feet in height above the surface of the ground; provided, however, that fences which are constructed in front yard areas may not exceed four (4) feet in height. No barbed wire or other hazardous material shall be used in fence construction.

(2) Existing railroads may continue to be operated and maintained in residence and business districts.

(3) Public utilities including electric substations, sewer and water pumping stations, drainage pumping stations, water towers, and buildings and structures of a similar nature may be located in any district when authorized by the board of zoning adjustment, and provided that such uses be placed and operated [so] as to cause the least inconvenience to owners or tenants of adjoining lots and do [so as] not [to] cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes, gases, dust, smoke, noise, vibration, light or glare, or other nuisances.

(4) Temporary buildings used in connection with construction work only may be located in any district during the period of construction, but such temporary buildings shall be removed upon completion of the construction work.

(5) Hospitals and cemeteries may be located in any district when approved by the board of zoning adjustment, subject to such safeguards as the board may establish.

Section 15.06. Regulations of accessory buildings.

(1) Except on corner lots, any accessory building that is not a part of the main building may be built in a required side yard, provided such accessory building is not less than sixty (60) feet from the front lot line, nor less than three (3) feet from the nearest interior side lot line. On corner lots accessory buildings are not permitted in required side yards on the side street side, or within any portion of the rear yard area which lies between the side street and the prolongation of the required side yard line into the rear yard area.

(2) Accessory buildings not exceeding one (1) story nor fourteen (14) feet in height may be built in required rear yards; provided, however, that in any case where accessory buildings are not built on rear lot or side lot lines, such accessory buildings shall not be located less than three (3) feet from either side or rear lot line.

(3) The combined gross area of all accessory buildings or portions thereof located in required side and rear yards shall not exceed thirty (30) percent of the required rear yard area, nor shall more than one (1) accessory building cover any part of the required side yard.

ARTICLE 16. BOARD OF ZONING ADJUSTMENT**Section 16.01. Creation of board of zoning adjustment.**

A board of zoning adjustment is hereby created and established in accordance with Louisiana Revised Statutes, Chapter 33: Section 4727. The word "board" when used in this article

Section 16.04. Powers of the board of zoning adjustment.

The board of zoning adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or determination made by the building inspector in the enforcement of this ordinance.
2. In hearing and deciding appeals, the board shall have the power to grant an exception in the following instances:
 - a. Where the boundary line of a district divides a lot held in single ownership at the time of the passage of this ordinance, to permit extension of the district to include the entire lot.
 - b. [To] interpret the provisions of this ordinance in such a way as to carry out the intent and purposes of the plan, as shown on the map fixing the several districts accompanying and made a part of this ordinance, where the actual street layout on the ground varies from the street layout as shown on the map aforesaid.
3. The board shall have authority to grant the following variances:
 - a. Permit a variance in the yard requirements, height restrictions, or lot area per family requirements of any district, but only where there are unusual and practical difficulties or unnecessary hardships in the carrying out of those provisions due to an irregular shape of the lot, topographical or other physical conditions, provided such variance will not seriously effect [affect] any adjoining property or general welfare.
 - b. Authorize [a variance] upon appeal whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land will impose upon him unusual and practical difficulties or particular hardship, but only when the board is satisfied that granting such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the comprehensive plan as established by this ordinance, and at the same time, the surrounding property will be properly protected.
 - c. Waive or reduce the parking and loading requirements in any district whenever the use of a building or land is so extraordinary as to make unnecessary the full provision of parking or loading facilities, or whenever it can be shown that provision of required off-street parking space within three hundred (300) feet of the main building is not feasible and would impose an unreasonable hardship as contrasted with merely granting an advantage or a convenience.

In consideration of all appeals and all proposed exceptions or variances under the terms of this ordinance the board shall, before making any exception or variance from the ordinance in a specific case, first determine that it will not impair an adequate supply of air or light to adjacent property, or unreasonably increase the congestion in public streets, or danger of fire,

- (2) On petition by property owners, by filing with the council through the planning and zoning commission, a petition in writing which conforms with the standards and requirements of the planning and zoning commission, provided that such petition is duly signed and acknowledged by the owners or authorized agents of not less than fifty (50) percent of the area of land in which a change of classification is requested.

Section 17.02. Procedure.

No amendment shall become effective until:

- (1) There shall have been held a public hearing in relation thereto before the city planning and zoning commission, at which time interested citizens and parties shall have had an opportunity to be fully heard.
- (2) Notice of the proposed change and of the time and place of the public hearing shall have been published once a week for three (3) weeks in the official journal of the community. At least twenty (20) days shall elapse between the first publication and the date of the hearing.
- (3) After the public hearing as provided above, the planning and zoning commission shall have submitted its report and recommendation upon the proposed change to the clerk of the council. If such report is not filed with the clerk of the council within thirty (30) days after the date of the public hearing, the action and report on such amendment by said commission shall be deemed favorable.
- (4) A final ye and nay vote shall have been taken on the proposal by the council within ninety (90) days, dated from the introduction of an ordinance in correct form, from the adoption of a motion in correct form by the council, or from the final filing of the petition of property owners or owner in correct form.
- (5) The provisions of this section do not apply in cases where there is a proposal to enact an entire new ordinance, to change the text as a whole, or to change all the official zoning maps, in any of which events the procedure set out in Act 240 1926 (Revised Statutes of 1950, Title 33: Section[s] 4721 through 4730) shall be followed.

Section 17.03. Fees.

Before any action shall be taken as provided in this article, the party or parties proposing or recommending a change in the zoning ordinance, either text change or map change, shall deposit with the clerk of the council the sum of twenty-five dollars (\$25.00) for each text change not involving acreage, or twenty-five dollars (\$25.00) for each acre of land or portion thereof for which a change of classification is proposed or recommended to cover the approximate cost of this procedure; however, the maximum fee shall not exceed two hundred dollars (\$200.00) irrespective of the size of the area involved, and under no condition shall such sum or part thereof be refunded for failure of such changes to be adopted by the council.

Section 17.04. Validity.

If any section, subsection, paragraph, sentence, or clause or phrase of this ordinance shall for any reason, be held unconstitutional by any court of competent jurisdiction, such decision

the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed construction as set forth in the application is in conformity with the provisions of this ordinance and other ordinances of the community then enforced, the building inspector shall issue a building permit for such construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

The issuance of a permit shall in no case, however, be construed as waiving any provision of this ordinance. If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire automatically. A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 18.05. Certificate of occupancy.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance. A temporary certificate of occupancy may be issued for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending completion. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof, and the proposed use thereof, are found to conform with the provisions of this ordinance, or if such certificate is refused, to state such refusal in writing with the cause.

Section 18.06. Records.

A record of all certificates of occupancy, building permits, applications, sketches and plans shall be maintained in the office of the building inspector.

Section 18.07. Penalty.

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not to exceed twenty-five dollars (\$25.00) or imprisoned for not more than thirty (30) days, or both, for each offense. Each day such violation shall continue shall constitute a separate offense.