

**State of Louisiana**  
**VILLAGE OF CHOUDRANT**

ORDINANCE NO. 65

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE CHOUDRANT TO ESTABLISH SPECIFIC STANDARDS FOR THE FUTURE USE AND DEVELOPMENT OF LAND IN THE VILLAGE, TO DEFINE VARIOUS LAND USE DISTRICTS, TO ESTABLISH STANDARDS AND PROCEDURES FOR APPROVALS, TO DELINEATE THE RESPONSIBILITIES OF VILLAGE OFFICIALS IN THE ADMINISTRATION OF THE LAND USE REGULATIONS, TO SPECIFY THE TERMS, CRITERIA, AND PROCEDURES FOR VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the Board of Aldermen of the Village of Choudrant has determined that the best interests of the residents of the village will be served by the application of specific codes and regulations to all development; and

WHEREAS, the Board of Aldermen established and empowered according to Law the Planning Commission of the Village of Choudrant, and

WHEREAS, the Choudrant Planning Commission has studied and adopted specific regulations for the future USE and development of all land within the village,

Now therefore,

Section 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the Village of Choudrant, Louisiana, in regular and legal session convened, that the following be incorporated as “Chapter IV. Zoning Regulations: into the *Code of Ordinances of the Village of Choudrant*, to wit:

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**VILLAGE OF CHOUDRANT**  
**ZONING ORDINANCE**

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ARTICLE I. AUTHORITY AND APPLICATION

**Section 1. Authority**

This Ordinance is adopted under authority of Sections 4721 through 4732, Title 33, Louisiana Revised Statutes of 1950, as amended. The requirements set forth therein as prerequisite to the adoption of a zoning ordinance have been fulfilled.

**Section 2. Intent**

It is the intent of this Ordinance, with the accompanying map, to provide for the harmonious development of the Village of Choudrant in accordance with the Comprehensive Plan heretofore made and adopted by the Choudrant Planning Commission to prevent congestion in the public streets, secure safety from fire, provide adequate light and air, avoid undue concentration of population, promote health and general welfare, and conserve the value of buildings and property by encouraging the most appropriate use of the land by districting according to the particular suitability of the land for particular purposes, all to create conditions favorable to health, safety, convenience and prosperity.

**Section 3. Area of Jurisdiction.**

- A. This Ordinance shall apply to all land within the corporate limits of the Village of Choudrant as such corporate limits exist or may exist in the future.
- B. Territory hereafter annexed to the Village of Choudrant shall be classified as being in an O-L District until and unless changed in accordance with the amendment procedure set forth in Article VIII of this Ordinance.

**Section 4. Application of Regulations.**

Except as hereinafter provided:

- A. No land shall be used or occupied, no structure shall be erected, altered, used or occupied, and no use shall be operated unless in conformity with the regulations herein prescribed for the district in which such structure or land is located.
- B. No structure shall be erected, altered, used, or occupied to exceed the height limits herein established, to have less building site area, or to have narrower or smaller front, side and rear yards than therein prescribed for the district in which the structure is located.
- C. No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of the yard or other open space similarly required for another structure.
- D. No Building Site shall be so reduced or diminished that the building site area, yards, or other open spaces shall be smaller than prescribed by this Ordinance.
- E. Every structure, other than an accessory structure, hereafter erected, altered, used, or occupied shall have provided and continuously maintained for it a separate Building Site as herein defined.

F. Every use, unless expressly exempted by this Ordinance, shall be operated *entirely within a completely enclosed structure.*

## Section 5. Definitions

For the purpose of this Ordinance certain words and phrases used herein are defined as follows:

ACCESSORY STRUCTURE.	A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building, such as a detached garage, barn, outdoor advertising system, storage building, etc.
ACCESSORY USE.	A use customarily incidental to the principal use of a building site or to a building and located upon the same building site with the principal use, such as parking lots, open storage activity, etc.
ALLEY.	Any public space or thoroughfare twenty (20) feet or less in width which has been dedicated or deeded for public use.
ALTERATION.	Any structural change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams or girders.
BOARD	The Board of Aldermen of the Village of Choudrant
BOARDING HOUSE.	A building where, for compensation and by prearrangement, four or more persons are provided with meals.
BUILDING.	Any covered structure intended for the shelter, housing or enclosure of persons, animals or chattels.
BUILDING SITE.	The land area occupied or to be occupied by a building and its accessory buildings and including such open spaces, yards, minimum area, off-street parking facilities and off-street truck loading facilities as are required by this Ordinance; every building site shall abut upon a street.
BUILDING SITE BOUNDARY.	Any line separating a building site from a street, an alley, other building site, or any land not part of the building site.
CHURCH.	A building, together with its accessory building and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
CLINIC, DENTAL OR MEDICAL.	A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their professions; the clinic may include a dental or medical laboratory but shall not include in-patient care or operating rooms for major surgery.
DWELLING UNIT.	One or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.
DWELLING, CONDOMINIUM.	A group of two (2) or more dwellings, similar to an apartment complex or townhouse subdivision providing for joint ownership of the underlying land and physical facilities and for individual ownership of the living spaces within.
DWELLING, SINGLE-FAMILY.	A detached building containing one dwelling unit and used exclusively by one family.
DWELLING, TOWNHOUSE.	One of a series of two (2) or more individually owned, single-family dwellings, excluding mobile homes, attached in a row, distinguished from condominium units by the ownership of the underlying land resting with the dwelling's owner rather than in common ownership; however, for purposes of this ordinance, considered to be and regulated the same as multi-family dwellings or condominiums.
DWELLING, MULTIPLE-FAMILY.	A detached building containing two (2) or more dwelling units and used by two (2) or more families living independently of each other; the term includes apartment house.
FAMILY.	One or more persons living together as a single housekeeping unit, which may include not more than one (1) lodger or boarder.
GROSS FLOOR AREA.	The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site, measured the same way.
HOME OCCUPATIONS.	An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services within the limits imposed on such uses according to Section 17 (g) of this Ordinance.

HOTEL.	A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both, and where there is either no provision made for cooking in any guest room or provision made for cooking in not more than 25% of the guest rooms; the term includes "motel".
HOSPITAL.	An institution providing in-patient health services and medical and surgical care of the sick and injured including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, staff offices, and emergency evacuation heliports.
LIVESTOCK KEEPING, RAISING, OR BREEDING.	The keeping, raising, or breeding of any animals, including fowl, of any type or nature whatsoever; however, the definition does not include: <ul style="list-style-type: none"> <li>(a) keeping common household pets such as dogs, cats, hamsters, or caged birds for personal comfort and not as a commercial activity or with any expectation of realizing any proceeds or otherwise profiting therefrom;</li> <li>(b) the occasional sale of pet offspring;</li> <li>(c) small animal veterinary clinics and kennels; and/or</li> <li>(d) the maintenance of less than 1.5 horses per acre of land.</li> </ul>
LOT OF RECORD.	A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of Court of Lincoln Parish, or a lot described by metes and bounds, the description of which has been recorded in the Office of the Clerk of Lincoln Parish.
MOBILE HOME PARKS.	A parcel of land under single ownership, whether public or Private, which has been planned and improved for the Placement of mobile homes for non-transient use.
MOBILE HOMES.	Mobile homes, for purposes of this Ordinance shall be Categorized as follows: Class A: New mobile homes certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and approved as meeting "acceptable similarity" appearance standards in accordance with Section 17(f) (4) of this Ordinance. Class B: New mobile homes certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, but Not approved as meeting appearance standards. Class C: All mobile homes not meeting the standards specified above.
NONCONFORMING STRUCTURE.	A building or part thereof lawfully existing on the effective date of this Ordinance and which does not conform to all of the regulations of the district in which it is located.
NONCONFORMING USE.	A use which lawfully occupied a building or land on the effective date of this Ordinance and which does not conform to the regulations of the district in which it is located.
OFF-PREMISES SIGN.	A permanently placed sign, other than an Outdoor General Advertising Structure, not on the same premises with the establishment it advertises, identifies, or enhances. A sign identifying a planned residential or commercial development as regulated in Article IV of this Ordinance is considered to be an on-premises sign.
ON-PREMISES SIGN.	A sign serving to identify or enhance commercial or other establishments which is on the premises of the establishment being served. An on-premises sign is considered to be part and parcel of the use to which it is associated.
OUTDOOR GENERAL ADVERTISING STRUCTURE.	A billboard or other off-premises sign larger than thirty-five (35) square feet of sign-face area.
PERMITTED STRUCTURE.	A structure meeting all the requirements established by this Ordinance for the district in which the structure is located.
PERMITTED USE.	A use meeting all the requirements established by this Ordinance for the district in which the use is located.
PLANNING COMMISSION.	The Planning Commission is the Choudrant Planning Commission.
ROOMING HOUSE.	A building, other than a hotel, where for compensation and by Prearrangement, five or more persons other than occasional or

SETBACK LINE, BUILDING.	Transient customers are provided with lodging. A line indicated on filed subdivision plats. Buildings and Structures may not occupy any space between building Setback lines and dedicated rights-of-way.
STREET.	A public right-of-way which provides vehicular and pedestrian access to adjacent properties.
STREET LINE.	A line or boundary separating the public right-of way from the land or property adjoining.
STRUCTURE.	Anything constructed or erected which requires location on the ground or attached to something located on the ground including but not limited to in-ground swimming pools, satellite reception antennas, etc.; however, utility poles, fences and freestanding walls shall not be considered to be structures.
VEHICLE, RECREATIONAL.	A structure which is: (a) built on a single chassis; (b) contains 400 square feet or less of gross area measured at its largest horizontal projection; (c) designed to be self-propelled or permanently towable by a motorized vehicle; and (d) designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
VEHICLE PARK, RECREATIONAL.	A parcel (or contiguous parcels) of land divided into two (2) or more lots or spaces for the temporary placement of recreational vehicles. For purposes of this definition, temporary shall mean placement not to exceed 180 consecutive days.
YARD, FRONT.	An open, unoccupied space on the same Building Site with a main building, extending the full width of the Building Site and situated between the street line and the front line of the building projected to the side lines of the Building Site. The depth of the front yard shall be measured between the front line of the building and the street line.
YARD, REAR.	An open, unoccupied space on the same Building site with a main building, extending the full width of the Building Site and situated between the rear line of the Building Site and the the rear line of the building projected to the side lines of the Building Site. The depth of the rear yard shall be measured between the rear line of the Building Site and the rear line of the building.
YARD, SIDE.	An open, unoccupied space on the same Building Site with a main building, situated between the side line of the building and the adjacent side line of the Building Site and extending from the rear line of the front yard to the front line of the rear yard; if no front yard is provided, the front boundary of the side yard shall be the front line of the Building site and, if no rear yard is provided, the rear boundary of the side yard shall be the rear line of the Building Site.
Planning Commission.	The Planning Commission is the Village of Choudrant Planning Commission

## ARTICLE II. DISTRICTS

### Section 6. General Provisions.

- A. *Types of Districts.* The Village of Choudrant is hereby divided into the following types of districts.
- O-L Districts: Open Land and Agricultural Districts
  - R-1 Districts: Rural, Single-family Residential Districts
  - R-2 Districts: Medium Density, Single-family residential Districts
  - R-3 Districts: Higher Density Single-family Residential Districts
  - R-4 Districts: Multi family residential Districts
  - R-5 Districts: Mobile Home Park Districts
  - B-1 Districts: General Business Districts
  - I-1 Districts: Industrial Districts
- B. *Order of Restriction.* These districts shall be ranked with respect to degree of restriction. The district which is considered to be highest in level of restriction is Open Land, followed in descending order of restriction by R-1, R-2, R-3, R-4, R5, B-1, and I-1 districts.
- C. *Zoning Map.* The districts and the boundaries of such districts are shown upon the Zoning Map of the Village of Choudrant, Louisiana, which map together with all information shown thereon, is hereby Made a part of this Ordinance.
- D. *District Boundaries.* District boundaries are lot lines, the center lines of streets, alleys, or highways or such lines extended, railway right-of-way lines; the municipal corporation lines as they exist at the time of enactment of these regulations or may exist in the future, or natural boundary lines such as streams.
- E. *Utility Lines.* Water, electric transmission, sanitary sewer, telephone, and telegraph, storm water drainage, and natural gas lines, regardless of any other provision or regulation appearing in these regulations, shall not be deemed and shall not constitute “uses requiring planned approval” or “special

exception uses” in any district insofar as their placement, erection, or construction on dedicated streets, alleys and public ways is concerned; but on such streets, alleys and public ways, they shall constitute uses by right, and no permit, license or other document of approval for such use(s) shall be required under these regulations.

**Section 7. Permitted Uses in All Districts.**

In all districts, uses are categorized into three groups: uses “by right”, uses requiring “planning approval”, And uses allowed only by “special exception”. These allowed uses are delineated in the *Table of Permitted Uses* in Section 16, below.

- A. *Uses by Right* are permitted subject to the conditions specified.
- B. *Uses Requiring Planning Approval* are permitted upon approval of the location and site plan by the Choudrant Planning Commission as being appropriate with regard to transportation and access, water Supply, water disposal, fire and police protection, and other public facilities, as not causing undue traffic hazard, and as being in harmony with the orderly and appropriate development of the general area in which the use is located.
- C. *Special Exception Uses* are declared to possess such characteristics of unique or special form that Each specific use shall be considered an individual case and shall be subject to approval of both the Planning Commission and the Board of Aldermen in accordance with the provisions and criteria specified in Article VII of this Ordinance governing Special Exceptions.

**Section 8. O-L Districts – Open Land and Agricultural Districts.**

These districts are composed mainly of large open unsubdivided lands that are vacant or in agricultural or forestry uses. Though residences and accessory buildings in this district are associated with its agricultural use, the regulations are designed to protect the essentially open character of the districts until such time as plans for urban development are prepared by prohibiting the establishment of scattered residential, business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future urban utilization of the land. It is intended that land in these districts will be reclassified to an appropriate residential, commercial, or industrial category in accordance with the amendment procedures set forth herein whenever such land is subdivided into urban building sites. Meanwhile, the land is expected to be occupied and utilized for agricultural and livestock production.

- A. *Permitted Uses in O-L Districts:* see the Table of Permitted Uses in Section 16
- B. *Building Site Area.* The minimum building site area shall be:
  - For electric substation, gas regulator station, water or sewerage pumping station...200 sq. ft.
  - For any other permitted use.....none
- C. *Building Height Limit.* No structure shall be designed, erected, or altered to exceed forty (40) feet.
- D. *Yards Required.* The minimum dimensions of yards shall be:
  - Front Yard.....50 feet
  - Side Yard.....50 feet
  - Rear Yard.....50 feet

**Section 9. R-1 Districts – Low Density, Single-family Residential Districts.**

These districts are composed mainly of areas containing single-family dwellings and open areas where similar residential development seems likely to occur. The district regulations are designed to protect the rural, residential character of the areas by prohibiting all commercial activities. Few other types of development are found in these areas; however, to encourage a suitable neighborhood environment for family life, they may include such residentially associated facilities as schools, parks, day care facilities, and churches. To preserve the rural openness of the areas, certain minimum yard and area standards must be met.

- A. *Permitted Uses in R-1 Districts:* see the Table of Permitted Uses in Section 16.
- B. *Building Site Area.* The minimum building site area shall be:
  - For electric substation, gas regulator station, water or sewage pumping station.....200 sq. ft.
  - For any other permitted use.....1 acre
- C. *Building Height Limit.* No structure shall be erected or altered to exceed forty (40) feet
- D. *Yards Required.* The minimum dimensions of yards shall be:
  - Front Yard.....50 feet
  - Side Yard.....30 feet
  - Rear Yard.....50 feet

**Section 10. R-2 Districts – Medium Density, Single-family Residential Districts.**

These districts are composed mainly of areas containing single-family dwellings and open areas where similar residential development seems likely to occur. The district regulations are designed to protect residential character of the areas by prohibiting all commercial activities. Few other types of development are found in these areas; however, to encourage a suitable neighborhood environment for family life, they may include such facilities as schools, parks, day care facilities, and churches. To preserve the openness of the areas, certain minimum yard and area standards must be met.

- A. *Permitted Uses in R-2 Districts:* see the Table of Permitted Uses in Section 16.
- B. *Building Site Area.* Except as provided in Article III, the minimum building site area shall be:
  - For a single-family dwelling.....7,200 sq. ft.
  - For a multiple-family dwellings, condominiums, and townhouses:
    - First two dwelling units.....7,200 sq. ft.
    - Each additional dwelling unit.....2,000 sq. ft.

For electric regulator, gas regulator, water or sewage pumping station....200 sq. ft.  
 For any other permitted use.....10,000 sq. ft.

- C. *Building Height Limit.* No structure shall be erected or altered to exceed fifty (50) ft.  
 D. *Yards Required.* Except as provided in Section 8 of the Subdivision Ordinance, the minimum dimensions of yards shall be:
- Front yard.....25 ft.
  - Side yard.....10 ft.
  - Rear yard.....25 ft.

**Section 11. R-3 Districts. Higher Density Single-family Residential Districts.**

These districts are composed of areas containing only single-family detached and townhouse residential developments. It is anticipated that they will be established to encourage innovative planned residential developments, according to specifications in the Subdivision Ordinance, of a higher density than in R-1 zones while maintaining a suitable neighborhood environment for family life. To foster a suitable family environment, these districts require certain minimum yard and area standards, allow only very specific non-residential uses such as parks and senior citizen facilities, and exclude all commercial uses.

- (a) *Permitted Uses in R-3 Districts.* See the Table of Permitted Uses in Section 16.
- (b) *Building Site Area.* The minimum building site area for shall be determined according to Section 8 of the Subdivision Ordinance.
- (c) *Building Height Limit.* The minimum building height shall be determined according to Section 8 of the Subdivision Ordinance.
- (d) *Yards Required.* The yard requirements shall be determined according to Section 8 of the Subdivision Ordinance.

**Section 12. R-4 Districts – Multi-family Residential Districts.**

These districts are composed mainly of areas containing a mixture of single-family and multiple-family dwellings. In many of them there is evident a trend toward increased population density through the construction of townhouses, duplexes, or apartments. The district regulations are designed to protect the residential character of the areas, however, by prohibiting all commercial activities. Few other types of development are found in these areas; however, to encourage a suitable neighborhood environment for family life, they may include such residentially associated facilities as schools, parks, day care facilities, and churches. To prevent overcrowding of the land certain minimum yard and area standards must be met.

- A. *Permitted Uses in R-2 Districts:* see the Table of Permitted Uses in Section 16.
- B. *Building Site Area.* Except as provided in Article III, the minimum building site area shall be:
  - For a single-family dwelling.....7,200 sq. ft.
  - For a multiple-family dwellings, condominiums, and townhouses:
    - First two dwelling units.....9,000 sq. ft.
    - Each additional dwelling unit.....2,000 sq. ft.

For electric regulator, gas regulator, water or sewage pumping station..... 200 sq. ft.  
 For any other permitted use.....9,000 sq. ft.

- C. *Building Height Limit.* No structure shall be erected or altered to exceed fifty (50) ft.
- D. *Yards Required.* Except as provided in Section 8 of the Subdivision Ordinance, the minimum dimensions of yards shall be:
  - Front Yard.....25 ft.
  - Side Yard.....10 ft.
  - Rear yard.....25 ft.

**Section 13. R-5 Districts – Mobile Home Park Districts**

These districts are composed primarily of mobile home parks and recreational vehicle parks, but may contain multi-family dwellings, condominiums, and townhouses. The district regulations are intended to allow reasonable flexibility in the establishment of mobile home parks and recreational vehicle parks while protecting neighborhoods made up of permanent structures from encroachment and change brought on by developments of impermanent structures. The district regulations are designed to protect the residential character of the areas, however, by prohibiting all commercial activities. Few other types of development are found in these areas; however, to encourage a suitable neighborhood environment for family life, they may include such residentially associated facilities as schools, parks, day care facilities, and churches. To prevent overcrowding of the land certain minimum yard and area standards must be met.

- A. *Permitted Uses in R-5 Districts:* see the Table of Permitted Uses in Section 16.
- B. *Building Site Area.* Except as provided in Article III, the minimum building site area shall be:
  - For a Mobile Home or Recreation Vehicle Park.. a minimum of 2 and a maximum of six 6 acres
  - For a single-family dwelling.....7,200 sq. ft.
  - For a multiple-family dwellings, condominiums, and townhouses:
    - First two dwelling units.....7,200 sq. ft.
    - Each additional dwelling unit.....2,000 sq. ft.

For electric regulator, gas regulator, water or sewage pumping station.....200 sq. ft.  
For any other permitted use.....10,000 sq. ft.

- C. *Building Height Limit.* No structure shall be erected or altered to exceed fifty (50) ft.
- D. *Yards Required.* Except as provided in Section 8 of the Subdivision Ordinance, the minimum dimensions of yards shall be:
  - Front Yard.....25 ft.
  - Side Yard.....10 ft.
  - Rear Yard.....25 ft.

**Section 14. B-1 Districts – General Business Districts.**

These districts are composed of land and structures occupied by or suitable for furnishing the range of retail goods and services required by the residents of the Village of Choudrant and its greater trade area. The district regulations are designed to permit the development of the districts for these purposes and to protect the abutting and surrounding residential areas by requiring certain minimum yard, area, parking, landscaping, lighting, and fencing standards to be met. To insure that such districts that are created are actually developed to supply the business needs of the Village of Choudrant and its neighborhoods, the amendment creating the district may set a time limit for its development.

- A. *Permitted Uses in B-1 Districts:* see the Table of Permitted Uses in Section 16.
- B. *Building Site Area.* For all permitted uses, the minimum building site area shall be 7,200 sq. ft.
- C. *Building Height Limit.* No structure shall be erected or altered to exceed one-hundred (100) feet.
- D. *Yards Required.* The minimum dimensions of yards shall be:
  - Front Yard.....25 feet
  - Side Yard.....10 feet
  - Rear Yard..... 20 feet

**Section 15. I-1 Districts: Industrial Districts.**

These districts are composed of land and structures used for manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly, adversely affect nearby residential and commercial uses. These districts are usually separated from residential areas by commercial areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and commercial districts.

- A. *Permitted Uses in I-1 Districts:* see the Table of Permitted Uses in Section 16.
- B. *Building Site Area.* The minimum building site area shall be 10,000 square feet.
- C. *Building Height Limit.* No structure shall be erected or altered to exceed fifty (50) feet.
- D. *Yards Required.* The minimum dimensions of yards shall be:
  - Front Yards.....25 feet
  - Side Yards.....10 feet
  - Rear Yards.....20 feet

**Section 16. Table Permitted Uses.**

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ARTICLE III. SUPPLEMENTARY REGULATIONS

**Section 17. Supplementary Use Regulations.**

- A. **Areas Subject to Inundation.** On any areas subject to periodic inundation, making them unsafe for human habitation, no building or portion thereof which is designated for dwelling use or as a place of public assembly shall be erected or altered unless protected from inundation.
- B. **Natural Production Uses.** In any district the harvesting of timber or the extraction of oil, gas, or other natural mineral deposit, including sod, sand, clay or gravel, may be permitted upon the approval of the Board of Aldermen and subject to such terms and conditions as the Board of Aldermen may fix for the protection of adjacent property and uses or public roads and facilities.
- C. **Noise.** There shall be no production by any use of noise which at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.
- D. **Heat, Glare, and Vibration.** There shall be no emission by any use of objectionable heat, glare, or vibration which is perceptible beyond any boundary of the building site on which the use is located.
- E. **Hazard.** There shall not be created or maintained by any use any unusual fire, explosion or safety hazard beyond the boundary of the lot on which the use is located.
- F. **Mobile Home Class Determinations.**
  - 1. *Intent.* It is the intent of these regulations to encourage the provision of affordable housing in a general residential environment by permitting the use of Class A mobile homes (as defined herein) in certain residential districts of the Village of Choudrant subject to limitations in size, shape and foundation as specified below.
  - 2. *Effect of Approval.* Mobile homes where approved as Class A either individually or by specific model and where approval for their placement in specific districts has been given shall be subject to the requirements for other structures in the same district as to yard requirements, height, utility connections, etc. Certification of Class A status shall be contingent upon all requirements of paragraph 4 (below) being met.



3. *Application for Class A Determination.* Applications for approval of mobile homes as Class A shall be submitted to the zoning administrator in such form as may be reasonably required to make determinations of suitability as specified herein. Applications shall include, but not be limited to, descriptions of exterior dimensions, roof slopes, exterior finish, skirting materials, and the like.

4. *Standards for Determinations of Class A Status.* The following standards must be met by mobile homes in order for them to be considered to be Class A mobile homes:

- The minimum width of the mobile home, as measured across the narrowest portion of the dwelling's main structure, shall be 20 feet.
- The pitch of its main roof shall have not less than one foot of rise for each four feet of horizontal run, and the minimum distance from its eaves to its ridge shall be 10 feet.
- Exterior finish materials shall not reflect light of greater intensity than would be reflected from a surface painted with clean, white, gloss enamel.
- All mobile homes shall be skirted to obscure from view any wheels, undercarriages, framing extensions, etc. with a material similar in appearance to the mobile home's exterior surfaces.

#### **G. Home Occupations Provisions.**

1. *Intent.* It is the intent of these regulations to encourage only those home occupations which can be so located and conducted that they preserve the essential characteristics of residential neighborhoods, cause no undue hazards to other residences or to the public, place no additional burdens on public facilities or services beyond what would normally be associated with residential uses, and to not have the effect of discriminating against commercial uses properly located in commercial districts.

2. *Performance Standards.*

- a. Home occupations shall be conducted solely by residents of, entirely within, incidental to the residential use of, and utilizing not more than 25% of the dwelling. No articles or services are to be sold or offered for sale on the premises except those that are manufactured or produced by residents of the dwellings themselves.
- b. No home occupation shall require internal or external features or the use of electrical or mechanical equipment which would change the fire rating of the structure or the fire district in which the structure is located. No home occupation shall cause an increase in the use of any public utilities beyond the average for residences in the neighborhood, nor shall it create noise, dust, vibrations, smog, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than is usually experienced under normal circumstances wherein no home occupation exists. The creating of noise from tools, equipment, machinery, or other devices associated with the otherwise legal conduct of any home occupation in a residential neighborhood which can be heard beyond the property lines of the property where such occupation is conducted shall be considered a nuisance.
- c. There shall be no storage of equipment, tools, goods, supplies, or implements or display of goods related to the home occupation which is visible beyond the borders of the property upon which the home occupation is conducted, nor shall any related combustibles, explosives, or hazardous chemicals be stored on the premises.
- d. The home occupation shall not generate vehicular or pedestrian traffic.
- e. One (1) non-illuminated name plate is allowed, attached to the main structure, not to exceed one (1) square foot in size.
- f. The premises may not be used to park occupation related vehicles larger than two (2) tons in weight.

3. *Exclusions.* Home occupations as the term is defined herein specifically excludes certain uses that have a pronounced tendency to rapidly increase beyond the limits permitted, thereby impairing the use and value of a residentially zoned area for residential purposes as follows:

- animal services or grooming
- appliance repair and services
- beauty/barber shop w/more than one (1) operator
- carpentry work (on-premises)
- dance instruction
- dental or medical treatment
- food sales (on-premises)
- metal product fabricating
- private schools with organized classes
- small engine repair
- upholstering (auto and furniture)
- vehicle restoration
- vehicle service, repair, or painting

These uses are specifically excluded along with all other uses not meeting the standards otherwise set forth in this Ordinance.

#### **H. Permanent Yard Sales.**

1. No owner or occupant of property in the Village of Choudrant shall conduct a permanent garage or Yard sale.
2. For purposes of this section, a garage or yard sale is defined as the sale of personal or household items by a person or persons not possessing a valid occupational license as a retailer.
3. For purposes of this section, permanent is defined as: (1) having a duration in excess of seventy-two (72) hours; (2) having regularly scheduled hours of operation each day for more than three (3) days; or (3) having regularly scheduled days of operation each week for more than two (2) weeks.
4. The Village of Choudrant may issue thirty (30) day permits to licensed retailers which will allow

Them to display goods outside of the confines of their approved structures. Any permit for a period in excess of thirty (30) days must be approved by the Board of Aldermen in legal session convened.

#### **Section 18. Supplementary Area Regulations.**

- A. *Small lots.* Where a lot has an area less than the area required herein and was a lot of record on the Effective date of this Ordinance, such lot, if used for dwelling purposes, shall be used only for a single-family dwelling. If located in a district permitting commercial or industrial use, the lot may be occupied by any use permitted in the district in which the lot is located.
- B. *Reduced Lot Area.* No lot shall be so reduced in area that any required yard will be smaller than Prescribed for the district in which the lot is located.
- C. *Visibility at Intersections.* On a corner lot in any residential district no fence, wall, hedge or other Structure or planting more than two feet in height shall be erected, place or maintained within the triangular area formed by the intersecting street lines and a straight line joining such street lines at points which are thirty (30) feet distant from the point of intersection measured along such street lines.

#### **Section 19. Supplementary Height Regulations.**

- A. *Excess Height.* In any district any main building may be erected or altered to a height in excess of that specified for the district provided each front, side and rear yard is increased one foot for each two feet of such additional height.
- B. *Height Exceptions.* Except as provided in sub-section © of this section, the height limitations for the various districts shall not apply to structures not used for human habitation such as church spires, belfries, cupolas, domes, chimneys, ventilators, skylights, water tanks, parapet walls, cornices, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.
- C. *Towers.* Free standing radio, television, micro-wave, cellular telephone, and other types of antenna towers and Outdoor General Advertising structures as defined in section 5 are not exempt from the height limitations specified in the district regulations of Article II.

#### **Section 20. Supplementary Yard Regulations.**

- A. *Front Yard Depth.* Any lot lying between two lots adjacent thereto and having structures erected upon them on the effective date of this Chapter shall have a front yard equal in depth at least to the average depth of the front yards of the lots adjacent thereto; provide, however that no front yard shall be less than ten (10) feet in depth, nor need any front yard have a greater depth than thirty-five (35) feet.
- B. *Additional Side Yard Requirements.* Where the side of a lot in a commercial district abuts upon the side of a lot in a residential district, there shall be provided on the lot in the commercial district a side yard not less than twenty (20) feet in width on the side next to the residential district.
- C. *Accessory Buildings.*
  - No accessory building shall occupy any part of a required front or side yard or occupy more than 30 per cent of a required rear yard.
  - No accessory building shall be erected or altered so that it is closer to any lot line than five (5) feet, except that in a B-3 district an accessory building may be as close to an interior, side lot line as the primary building on the site.
  - No accessory building shall be closer to any right-of-way line than the primary building on the site.
  - Accessory structures (other than buildings) shall meet the same requirements as accessory buildings, except that commercial, on-premises signs in commercial districts are allowed to occupy a required front or side yard, provided the sign structure is no closer to any right-of-way line than ten (10) feet.
- D. *Future Street Lines.* Front yard depth and, in the case of corner lots, side yard width shall be measured from the future street right-of-way line where such lines have been established by the Comprehensive Plan.
- E. *Corner Lot.* In any district a corner lot shall have provided on the side adjoining the side street a side yard of twenty (20) feet in width provided, however, that this regulation shall not be applied to reduce the buildable width of the corner lot to less than thirty (30) feet.
- F. *Projecting Architectural Features.* Every part of a required yard shall be open and unobstructed From the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, belt courses, open fire escapes, cornices, buttresses, eaves and similar architectural features, provided that such projections shall not extend more than two (2) feet into any required yard.
- G. *Fences and Walls.* No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height above street level of three (3) feet; and no fence or wall, other than the wall of a permitted structure, shall be erected or altered in any required side or rear yard to exceed a height of seven (7) feet.
- H. *Buffer Protection.* Wherever the boundary of a residential district is conterminous with the Boundary of a commercial or industrial district, and residential lots abut commercial or industrial lots, there shall be provided and maintained, on the commercial or industrial land abutting the residential district, adequate buffer protection as follows:

1. a masonry wall at least eight (8) feet in height; or
2. a perforated masonry wall accompanied by screen planting, both of which are at least eight (8) feet in height.
  - a. Screen planting shall be of sufficient density to afford protection from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and from excessive transmission of noise
  - b. Screen planting shall be maintained in a healthy condition.

#### **ARTICLE IV. PLANNED UNIT DEVELOPMENT REGULATIONS**

##### **Section 21. Planned Building Groups**

These regulations require a separate lot for each structure other than an accessory structure; however, to allow and encourage greater design flexibility for location for buildings comprising a planned group, the requirement for a separate lot for each building is waived and two or more buildings may be erected and maintained on the same lot, if all of the conditions described in this article, are met.

##### **Section 22. Conditions to be Met by Special Plans for Building Groups.**

- A. **District Regulations.** All building groups shall comply with all of the regulations established for the district in which the building group is located except the regulation requiring a separate lot to be provided for each principal structure. Such building group may be considered as one building for the purpose of complying with the required lot area, height, yard, and other structural regulations; however, planned building groups must comply with all use limitations of the district within which it is located.
- B. **Site Plan and Improvements.** A special plan for a building group may be required to show the following:
  1. *Drainage.* Adequate facilities for the drainage of surface water, including storm Sewers, gutters, paving and the proper design of finished grades;
  2. *Circulation.* Adequate facilities for the safe and convenient circulation of Pedestrian and vehicular traffic, including walks, driveways, off-street parking areas, off-street loading areas, and landscaped separation spaces between pedestrian and vehicular ways;
  3. *Plan Areas.* In residential or mixed use developments, adequate and safely located play areas for small children.
- C. **Building Spacing and Orientation.** The following spacing between buildings shall be measured perpendicularly between exterior walls.
  1. *Spacing of Buildings.* A building wall shall be located no closer to another building than a distance equal to the height of the taller building of the two; provided, further, that for a building containing dwelling units such distance shall not be less than fifteen (15) feet in the case of a wall having no windows.
  2. *Access by Emergency Vehicles.* The building in a planned building group shall be so arranged that every building is accessibly by emergency vehicles.

##### **Section 23. Procedure on Special Plans for Building Groups.**

- A. **Application for Approval.** An application for approval of a special plan for a building group shall be filed with the Zoning Administrator and shall contain the following information:
  1. *Interest and Ownership.* The applicant's name (and all others represented by the applicant, address and interest in the application, the concurrence of the owner or owners of the entire land area included in the special plan and all encumbrances of such land, and evidence of the right and actual intent to develop the designated area.
  2. *Plans for Building Group.* Plans showing the land area included within the special plan, with its boundaries and dimensions, all public and private easements and rights-of-way, both existing and proposed, within or bounding the designated area and the adjoining properties, the location, number of stories, and gross floor area of proposed principal buildings and accessory buildings, curb cuts, driveways, off-street parking areas, off-street loading areas, walks, open areas to be set aside for special purposes, the location and height of proposed walls, fences, and screen planting, the types of paving or other surfacing to be used in the various areas, and such other site information as may be necessary to describe completely the proposed building group.
- B. **Administrative Examination.** Upon receipt of an application for approval of a special plan for a building group, and after assuring that the application is properly and completely made out, the Zoning Administrator shall transmit the application to the Planning Commission.
  - C. **Review by Planning Commission.** The Planning Commission shall review each application and approve or disapprove the special plan; approval may establish conditions and limitations. The Planning Commission shall then return the application, together with its report of approval or disapproval to the Zoning Administrator, who shall notify the applicant of action taken.
- B. **Filing and Recording of Special Plan.** Upon approval of a special plan, a copy of such plan shall be filed among the records of the Village of Choudrant and shall thereafter be binding upon the applicants, their heirs, successors, and assigns, shall limit and control the issuance and validity of permits and certificates, and shall restrict and limit the use and operation of all

land and structures within the area designated in such special plan to all conditions and limitation specified in such special plan and the approval thereof.

- C. **Amendment or Withdrawal of Special Plan.** Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn.

**Section 24. Standards for Mini-warehouse Developments.**

A. *Definitions:*

- (1) Mini-warehouse Developments: A commercial enterprise consisting of rented storage space with individual unit areas not exceeding 350 square feet.
- (2) Impervious Surface: A surface on the ground which does not allow passage of water, including but not limited to, buildings and structures, and concrete, gravel, stone, and shell parking areas, driveways, and walk-ways.
- (3) Impervious Surface Ratio: The ratio of all impervious surfaces on a lot to the total area of said lot.

B. *Set-backs required.* Notwithstanding the lesser set-back requirements specified in the various districts, the following set-back requirements shall apply to all mini-warehouse developments:

- Front yards.....25 feet
- Side yards..... 5 feet
- Rear yards.....10 feet

Except that a side yard abutting on a public street shall equal or exceed 20 feet.

- C. *Height Limitations:* not withstanding the height limitations of the various districts, all mini-warehouse developments shall be limited in height to 35 feet, said height limitation shall apply to all structures on the site including signs.
- D. *Surfaces:* The Impervious Surface Ratio for any mini-warehouse development shall not exceed 65:1; however, the ratio may be increased to 75:1 if all pervious surfaces are in the front yard of the development.
- E. *Residences:* The Planning Commission may approve one on-premises residence in a mini-Warehouse development provided the structure and placement of the residence meets all regulations pertaining to both residential uses and mini-warehouse developments.
- F. Mini-warehouse developments must meet the same landscaping requirements of Section 25 as any Other non-residential use; however, approved landscaped areas shall be used in the impervious surface ratio calculation.

ARTICLE V. LANDSCAPING AND OFF-STREET PARKING

**Section 25. Landscaping Requirements**

A. **Intent.** The intent of the landscaping requirements herein are to:

1. aid in stabilizing the environment’s ecological balance by contributing to the processes of air movement, air purification, oxygen regeneration, groundwater recharge, and storm water runoff control, while at the same time aiding in noise, glare, heat, and dust abatement;
2. provide visual buffering between land uses of differing character;
3. enhance the beautification and quality of live of the metropolitan area;
4. protect the public health, safety, and general welfare;
5. safeguard and enhance property values and to protect public and private investment;
6. assist in providing adequate light, and air and in preventing overcrowding of land;
7. encourage innovation and quality in landscape and architectural design; and
8. enhance the pedestrian character of the city streetscape.

B. **Definitions.** The following words, terms, and phrases, when used in this Section, shall mean:

*Buffer Planting Area:* Buffer Planting Area is defined as the unpaved area of land located between the property line and building or vehicular use area, designated for the preservation and placement of plant materials.

*Caliper:* Caliper means the diameter of a tree trunk measured six inches above ground level. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all its trunks.

*Canopy Tree:* A species of a tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

*Ground cover:* Natural mulch or plants of species which normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

*Large tree:* A tree of a species which normally reaches a height of 30 feet or more upon maturity.

*Nonpermeable coverage:* Coverage with nonpermeable pavement or any surface lacking the ability for air and water to pass through to the root zone of plants.

*Permeable coverage:* Any surface with the ability for air and water to pass through to the root zone of plants.

*Sight Safety Triangle:* The triangle at either side of an accessway or public right-of-way with sides of a specific length each along the public right-of-way and/or accessway. Refer to Section \_\_\_\_\_ for specific lengths.

*Small Tree:* A tree of a species which normally reaches a height of less than 30 feet upon maturity.

*Substantially*

*Remodeled:* When the cost exceeds 50% of the value of the structure itself for that repair, restoration, or refurbishment necessary to bring a structure into compliance with applicable building and occupancy codes.

*Temporary certificate*

*Of occupancy:* This certificate allows for a structure to be used and occupied for a specified time period until a certificate of occupancy is officially approved.

*Visibility at*

*Intersections:* On a corner building site in any district in which a front yard is required, no fence, wall, hedge, or other structure or plant more than three feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street right of ways (property lines) and a straight line connecting such street right of ways (property lines) at point 20 feet from the point of intersection measured along such street right of ways (property lines).

**C. Application of the requirements**

1. The provisions of this Section shall apply to:
  - a. any newly established nonresidential and multi-family uses in both conforming and non-conforming structures;
  - b. any substantially remodeled non-residential or multi-family uses; and
  - c. any newly created or added parking facilities for existing commercial and multi-family uses whether or not required by other standards.
2. Single-family and two-family dwellings are exempt from the requirements of this Section.
3. Lots otherwise undeveloped but used for the placement of an Outdoor General Advertising Structure as defined in Section 5 shall not be exempt from the landscaping requirements of this Section.

**D. Landscape Plan Submission.**

1. A landscape plan must be submitted, along with any required site plan, to the Choudrant Planning Commission with the application for a building permit for work on the property.
2. If a building or remodeling permit can be issued by the Village of Choudrant without the Planning Commission's review of a site plan, then a landscape plan must be submitted to the Zoning Administrator.
3. The landscape plan can either be a separate document or be included on the required site plan print. At a minimum, the landscape plan shall include:
  - a. Locations and dimensions of the proposed landscaping strips adjacent to public rights-of-way including a description and location of the trees and plant materials to be placed within the landscaping strip;
  - b. Locations and dimensions of the proposed landscaped areas within the parking area including a description and location of the trees and plant materials to be placed within the landscape areas;
  - c. Locations and calipers of existing healthy trees to be retained and counted as part of the landscaping requirements;
  - d. An indication of how existing, healthy trees, which are proposed to be retained, will be protected from damage during construction; and
  - e. A representation of the methods used to comply with intersection visibility requirements.

**E. Street Frontage Requirements.**

1. For all land under the jurisdiction of this Section, there shall be a minimum of a five (5) foot landscaping strip abutting the public rights-of-way running parallel with the street lines, exclusive of driveways and access ways at points of ingress and egress to and from the property. For parcels of between twenty (20) and fifty (50) acres, a 10 foot landscaping strip shall be required. For parcels in excess of fifty (50) acres, a fifteen (15) foot landscaping strip shall be required.
2. The width of a driveway or accessway to an off-street parking area or other off-street vehicular use area shall be between twenty (20) and thirty (30) feet for two-way vehicular movement and between twelve (12) and twenty-four (24) feet for one-way vehicular movement.
3. For a street frontage of less than seventy-five (75) feet, two (2) one-way or one (1) two-way accessways will be permitted. For each additional seventy-five (75) feet of street frontage, two (2) additional one-way or one (1) additional two-way accessways may be permitted.
4. A line of sight safety triangle at either side of a driveway or vehicle accessway intersecting with a public street shall be not less than ten (10) feet in length along the accessway and public street right-of-way. The line of sight safety triangle at the junction of two public streets shall be not less than twenty (20) feet along each public street right-of-way. This line of sight safety triangle must be essentially clear of obstructions above the height of three (3) feet over grade to allow for visibility.

**F. Landscaping materials.**

1. Landscaping shall consist of a combination of:
  - a. grasses, ground covers, and vines;
  - b. shrubs and hedges;
  - c. trees; and

- d. non-living, durable materials such as bricks, stones, rocks, landscape timbers, pavers, etc.
2. Eighty percent (80%) of all required landscaping shall consist of living materials; however, grasses and ground covers alone shall not constitute adequate landscaping.
3. There shall be at least one large tree for every sixty (60) linear feet of required landscaping strip, or one small tree for every thirty (30) linear feet of required landscaping strip.
  - a. As part of the trees required, any existing tree with a 12-inch or greater caliper that is retained within the required front yard as defined by zoning ordinances or landscape strip shall be counted as two trees in satisfying the above requirement.
  - b. The requirement of trees in this sub-section shall be waived, on a tree-for-tree basis, if the adjacent public rights-of-way, excluding medians, contain existing street trees.
4. Landscaping the adjacent right-of-way shall be permitted subject to approval by the city engineer. Credit for up to fifty percent (50%) of the minimum landscaped area requirements shall be allotted for landscaping in the public rights-of-way.

**G. Landscaping in off-street parking facilities.**

1. In addition to the street frontage landscaping requirement, a minimum of 20 square feet of landscape area shall be provided for each required off-street parking space. Such landscaping shall be located within the paved portion of the parking lot and/or within twenty (20) feet immediately adjacent to the paved portion of the parking lot.
2. One (1) large or two (2) small trees shall be required in the off-street parking area for each twelve required parking spaces.
3. Landscaped areas in vehicle parking areas shall be, to the extent possible, evenly distributed to effectively relieve the monotony of large paved areas, while not interfere with the orderly circulation of vehicular and pedestrian traffic. Locations of landscaped areas can be adjusted to accommodate existing trees or other natural features as long as the total off-street parking area landscaping requirement are met.
4. All landscaped areas, except grass areas, shall be protected from vehicular encroachment by concrete curbs, wheel stops, or other permanent barriers, and should be raised.
5. As part of the tree requirements, any existing tree with a 12-inch or greater caliper that is retained within the parking facility shall be counted as two trees in satisfying the requirements of this sub-section; however,
  - a. if such existing tree or trees later die or are removed, two trees shall be required to be planted; and
  - b. permeable coverage shall be maintained to the extent of the crown of the existing tree at the original elevation.
6. A reduction of two feet, measured from the concrete curb or other permanent barrier, shall be allowed in the computation of the depth of parking spaces contiguous to the perimeter landscaping strips and/or interior planting areas. In such event, this reduction shall not be considered as a reduction of the landscaped area.
7. Storage areas containing three (3) or more refuse, garbage, or rubbish containers or containing one (1) or more dumpsters shall be screened on all sides with a six (6) feet high 70 percent (70%) sight obscuring screen of living or 100 percent (100%) sight obscuring screen of non-living material.

**H. Acceptable Landscaping materials.**

1. Large trees shall have a minimum caliper of two inches or minimum height of ten feet at the time of planting, depending on the standard measuring techniques for the species.
2. Small trees shall have a minimum height of six feet at the time of planting.
3. For purposes of this section, a tree's height is measured from the top of its root Choudrant or transport container.

**I. Methodology**

1. In satisfying the landscaping requirements of this section, the use of high quality, hardy, and drought tolerant plant material is recommended and encouraged.
2. Property owners should consult with landscape nursery operators, landscape architects, architects, engineers, or other knowledgeable professionals regarding the development of landscape plans and appropriate plant materials.
3. Tree limbs, shrubs, and other planting shall be installed and maintained in compliance with all other ordinance requirements of the village.
4. The property owner shall be responsible for watering and maintaining all installed landscaping in a healthy, neat, and orderly condition, replacing plants and trees when necessary, and keeping the area free of refuse and debris. Tree limbs and other planting shall be maintained in order not to obstruct drivers' visibility and/or pedestrians' movement.
5. Ground covers, including wildflowers, which are used to satisfy the requirements of this Section, are not considered grasses and thus shall not be subject to the village's grass height limitation requirements.

- J. Enforcement.** Certificates of occupancy may be withheld or revoked in the absence of approved required landscaping plans; however, the Planning Commission may permit temporary occupancy for a period not to exceed eight (8) months due to the seasonal nature of living, landscaping materials. In such cases the applicant for a certificate of occupancy must submit the plan for approval with assurances that the planting will be fulfilled within the required eight (8) month period subject to the same penalty or penalties as other violations of the zoning ordinance.

**Section 26. Off-street Parking Standards.**

The off-street parking facilities herein required shall be provided in at least the amount and maintained in the manner herein set forth, provided that off-street parking facilities need be neither provided nor maintained for land actually existing (whether occupied or vacant) on the effective date of this Ordinance unless, after the effective date of this Ordinance such land, structures, or uses are enlarged, expanded or changed in which event, the land, structures and uses hereby excluded shall not be used, occupied or operated unless there is provided for the increment only of such land, structures and use, and maintained as herein required at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure or use. Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

**A. Size, Location, and Access.**

- 1. *Size.* Each off-street parking space shall be an area of appropriate dimensions, of not less than one hundred eighty square feet net, exclusive of access area; however, handicapped spaces shall meet the requirements of Public Law 101-336 as specified in 28 CFR 36 and other applicable Federal regulations.
- 2. *Location.* Off-street parking facilities shall be located on the lot on which the use or structure for which they are provided is located.
- 3. *Vehicular access.* Vehicular access to individual parking spaces shall be provided by aisles as follows:

Angle of Space	Width of Isle
90 degree.....	25'
60 degree.....	18'
45 degree.....	14'
30 degree.....	12'

**B. Design and Construction.**

- 1. *Drainage and Surfacing.* Parking facilities shall be properly graded for drainage, surfaced with concrete or asphaltic concrete and maintained in good condition, free of weeds, dust, trash and debris.
- 2. *Entrances and Exits.*
  - a. Parking facilities shall be provided with entrances and exits so located as to minimize traffic congestion as determined by the Zoning Administrator.
  - b. Vehicle access isles to the street from the development shall not exceed the number and size needed for efficient traffic flow to and from the development.
- 3. *Parking Bays.*
  - a. Parking bays containing not more than one hundred (100)-parking spaces shall be established.
  - b. Such blocks shall be defined by landscaped strips. Each such landscaped strip shall be raised and protected by curbs and shall contain:
    - i. landscaping materials as specified in Section 25 of this Article, and
    - ii. a four (4) foot wide pedestrian walk extending the full length of the strip.
  - c. Vehicular access aisles within the block shall be connected to one or more roadways at least twenty-four (24) feet wide or such greater width as may be required to accommodate the volume of traffic anticipated and along which no parking spaces shall be provided or allowed.
- 4. *Lighting.* Lighting shall be provided in all parking facilities accommodating ten (10) or more vehicles and such lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties and does not interfere with traffic.
- 5. *Other Uses.* Other uses such as the sale, repair, dismantling, or servicing of vehicles, equipment, materials or supplies shall not be conducted within required off-street parking facilities. Retail sales shall not be conducted in store parking lots; however, the occasional display of goods for sale may occur in parking areas provided the display occupies available space in excess of required parking spaces.
- 6. *Residential Areas.* In residential districts, off-street parking facilities shall be used only by vehicles up to 8,000 pounds gross vehicle weight, manufacturer's capacity rating, and having wheels not exceeding seventeen (17) inches in diameter.
- 7. *Residential.* Required off-street parking facilities for dwelling uses shall not occupy any part of a required front yard.

**Section 27. Amounts of Off-Street Vehicle Facilities Required.**

**A. Parking.** At least the following amounts of off-street parking facilities shall be provided. The classifications of uses shall be deemed to include and apply to all uses, and if the classification of any use for the purpose of determining the amount of off-street parking facilities to be provided is not readily determinable hereunder the classification of the use shall be fixed by the Zoning Administrator.

<u>Use classifications</u>	<u>Spaces Required</u>
Adult Educational Institutions.....	1 per 3 students
Automobile, Truck, RV, or Boat Dealership.....	1 per 900 sq. ft. gross (but never less than 2 spaces).
Bank.....	1 space per 200 sq. ft. gross (plus adequate vehicle queue lanes to prevent off-site lines).

Broadcasting studio.....	1 per 400 sq. ft. gross
Churches.....	1 per 2 seats (in the main worship area).
Dwellings.....	2 per dwelling
Funeral Homes.....	1 per 3 chapel seats
Furniture, Appliance, Machinery, or Heavy Equipment Store.....	1 per 700 sq. ft. gross.
General Service or Repair Establishments.....	1 per 2 employees
Hospitals and Sanitariums.....	1 per bed (plus 1 per 200 sq. ft. gross of out-patient and emergency room service areas)
Hotels.....	1 per guest room.
Industrial and Manufacturing Establishments; Creameries; Bottling Plants; Warehouse and Distribution Establishments.....	1 per 2 employees
Mini-warehouse Developments.....	1 per 200 sq. ft. (office and living space only).
Mobile Home Parks.....	1 per mobile home.
Nursing Homes.....	1 per 4 beds.
Retail Stores, Personal Service Establishments, Commercial Amusements, Offices, Repair Shops, Medical-Dental-and Veterinary Clinics, Libraries, Art Galleries.....	1 per 200 sq. ft. gross
Restaurants, Bars, Night Clubs, Private Clubs & Lodges....	1 per 100 sq. ft. gross (includes outdoor service areas of drive-in restaurants)
Schools, Elementary.....	2 per teaching station
Schools, Senior High.....	1 per 2 students
Theaters, Auditoriums, Gyms, Halls, & Stadiums.....	1 per 2 seats.

- B. **Loading.** In addition to required off-street parking spaces a minimum of one off-street loading facility shall be provided for all structures devoted to commerce, industry, manufacturing, storage, warehousing, professionally purposed, hospitals, and similar uses exceeding 10,000 square feet of gross floor area. Said loading facilities must allow loading and unloading access by large vehicles such as transport trucks without blocking traffic on or near the facility being served.

## PART VI. NON-CONFORMING USES AND STRUCTURES

### Section 28. Nonconforming Uses.

- A. *Continuance of a Nonconforming Use.* Except as hereinafter provided the lawful operation of a nonconforming use, as such existed on the effective date of this Ordinance or on the effective date of any amendment hereto by which the use became a nonconforming use, may be continued.
- B. *Number of Dwellings.* The number of dwellings in a nonconforming multi-family residential building may be increased provided the following conditions are met:
1. The building shall not be enlarged or extended.
  2. The number of dwellings shall not be increased to more than the number of dwellings permitted in districts where the use would be conforming.
- C. *Expansion or Enlargement of a Nonconforming Use.* The land area occupied by a nonconforming use shall not be increased except to provide additional off-street parking spaces or loading spaces for the nonconforming use, such space to be maintained in accordance with the regulations herein established.
- D. *Extension of a Nonconforming Use in a Structure.* A nonconforming use in a structure may be extended throughout the structure provided no structural alterations, except those required by law or ordinance, are made therein.
- E. *Change in Use.* A nonconforming use shall not be changed to another use of lower or less restrictive classification; however, a nonconforming use may be changed to another use by right of the same or higher classification.
- F. *Termination of a Nonconforming Use.* Except as hereinafter provided, any nonconforming use that has been abandoned or discontinued for a period of twelve 12 months shall not thereafter be reestablished. Change of ownership alone shall not constitute abandonment.

### Section 29. Nonconforming Structures.

- A. *Continuance of a Nonconforming Structure.* Except as provided in this Section and in Section 30, any nonconforming structure may be occupied and operated and maintained in a state of good repair.
- B. *Enlargement or Extension of a Nonconforming Structure.*
1. A nonconforming structure in which a nonconforming use is operating shall not be enlarged or extended.
  2. A nonconforming structure in which only permitted uses are operating may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this Ordinance.
- C. *Restoration of Damaged Nonconforming Structures.* A nonconforming structure damaged in any manner and from any cause whatsoever to the extent of not more than 60% of its replacement cost may be restored, provided:
1. restoration is begun within one year and completed within two years of the date of the damage,
  2. a structure damaged as the result of fire, flood, windstorm, earthquake or other unforeseen cause, which was a conforming structure at the time of its erection but which structure has



since become nonconforming as the result of a change in this Ordinance or the Zoning Map, may be restored regardless of the extent of the damage thereto and the nonconforming use of the structure continued, and

3. if such structure can be legally restored under other applicable laws and ordinances.
- D. *Restoration of Obsolete Nonconforming Structures.* A nonconforming structure which becomes obsolete or sub-standard under any applicable ordinance and for which the cost of replacing such structure in lawful compliance with the applicable ordinance exceeds 60% of the replacement cost shall not be restored.

### **Section 30. Amortization of Non-conforming Signs**

- A. Structures such as signs and outdoor general advertising structures which have been illegally placed in public rights-of-way, on public property, or on the property of others without their consent may be abated by the village according to procedures specified in Section 33 or other appropriate ordinances and laws.
- B. Non-conforming signs (both on and off-premises) and outdoor general advertising structures as defined in Section 5 may be removed according to the abatement procedures of Section 33, even if such sign or advertising structure was already in existence at the time of enactment of this Zoning Ordinance, provided that enough time has elapsed from the date of construction and first use of the structure to the time of abatement so that the owner of the sign or advertising structure has fully recouped his or her investment from its use [R.S.33:4722 C.]

### **Section 31. (Reserved)**

## **PART VII. ADMINISTRATION AND ENFORCEMENT**

### **Section 32. Department of Zoning.**

- A. There is hereby created a department in the Village of Choudrant to be designated as the Zoning Department.
- B. The Mayor or his designee shall be the Head of said Department of Zoning.
- C. The Zoning Department shall be under the supervision and administration of the Zoning Administrator, whose duty and responsibility it shall be to coordinate and administer the affairs of the Zoning Department and to maintain all official records necessary to the administration of the Zoning Ordinance and its related materials.
- D. The Zoning Administrator shall be responsible to require that no building or other permit, license, or other document necessary to be approved by the Planning Commission shall be issued by any department, agency, or board of the Village of Choudrant until it has been certified that the use to be made of the permit, license, or other document is in full compliance with the provisions of the land use regulations of the Village of Choudrant.

### **Section 33. General Provisions, Occupancy, Violations**

- A. **Permits and Licenses.** No building or other permit, license, or other document of approval, the use of which may be subject to the provisions of this Ordinance shall be issued by any department, agency or board of the municipality until the Zoning administrator shall have certified that the use to be made of the permit, license, or other document is in full compliance with the provisions of this Ordinance.
- B. **Plans Required.** Each application for a new structure or for the alteration of an existing structure shall be accompanied by a drawing, in duplicate, showing the site plan, the location of the building on the site, accurate dimensions of the building and site, location of off-street parking and off-street loading spaces required, and such other information as may be necessary for the enforcement of these regulations.
- C. **Construction Begun or Authorized Prior to Effective Date of Ordinance.** Nothing herein contained shall require any change in the plans, construction or designated use of a structure the construction of which shall have legally and actually begun prior to the effective date of this Ordinance or, if a building permit shall have been issued within ninety days of the date of such permit, and which entire structure shall be completed within six (6) months after the effective date of this Ordinance.
- D. **Violations.** Any person, firm, or corporation violating any provision of this Ordinance shall be fined upon conviction not less than ten dollars (\$10.00) and not more than twenty-five dollars (\$25.00) or imprisoned for not more than thirty (30) days, or both, for each offense; each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any penalty hereunder shall not preclude the Building Inspector, Zoning Administrator, municipal counsel, or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specifically damaged by such violation, from instituting injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure, or land.
- E. **Occupancy of Buildings.**

1. Any non-residential use or Home Occupation either newly established, relocating from one place to another, or substantially altering its activities must obtain Certificate of Occupancy in a form prescribed by the Zoning Administrator in advance.
2. Before issuing said certificate, the facilities to be occupied must be approved by the Building Inspector and the State Fire Marshall as meeting their regulatory requirements. Utility services may be denied by the Village of Choudrant for failure or refusal to acquire said certificate.

**F. Abatement Procedures.**

1. *General Procedures.* In the event that any person, including but not limited to the property owner, general agent of such property, lessee or tenant shall fail or neglect to comply with the provisions of this Ordinance, the Village of Choudrant is authorized, empowered, and directed to cause the violation to be corrected and abated and to assess the charges against the person responsible.
  2. *Abatement Notice.*
    - a. If the Village of Choudrant undertakes abatement action, the property owner shall be notified of the village's intent to abate the violation and shall be given no less than ten (10) days to voluntarily abate the violation. The village may serve notice on the owner by registered or certified mail, addressed to the owner at his known address or through personal delivery by any employee of the village.
    - b. Notice of the village's intent to abate a violation shall identify the nature and location of the violation, including the legal property description, the owner thereof who is responsible, the length of time allowed for voluntary correction, and the violator's administrative review rights.
    - c. The village may extend the time limit for compliance or voluntary abatement through the execution of an Abatement Contract, signed and duly executed, specifying the actions to be taken and the time limit allowed.
  3. *Abatement Charges.* All charges, costs, and expenses for abatement or correction of the violations incurred by the village shall be assessed to the person responsible; and, if said person refuses to reimburse the village's costs within thirty (30) days, the amount thereof may be collected through civil proceedings directed against such person.
  4. *Administrative Review.* Any person notified of proposed correction or abatement action by the village shall have the right for ten (10) days from the date of receipt of such notice to request in writing an administrative review according to Section 35, (a) of this Ordinance.
- G. Abatement actions taken by the village under this Ordinance shall not preclude the imposition of criminal penalties as otherwise provided by law.

**Section 34. Variances, Special Exceptions, and Appeals.**

The Board of Aldermen may hear and decide where it is alleged that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations, to vary or modify the application of any of the regulations or provisions of the regulations relating to the construction, or alteration of buildings or structures so that the spirit of the law shall be observed, public safety and welfare secured, and substantial justice done. In exercising all of its aforementioned and following described powers the Board may, in conformity with Louisiana Revised Statute 33:4721 through 4729 and the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the appeal is taken.

**Section 35. Rules of Procedure.**

- A. *Rules Adopted.* The Board of Aldermen shall adopt rules for the hearing of variances, special exceptions, and appeal requests in accordance with the provisions of Louisiana Revised Statute 33:4721 through 33:4729.
- B. *Hearings.* Hearings and meetings of the Board for this purpose shall be held at the call of the Mayor and at such other times as the Board may determine. The Mayor, or, in his absence, the Mayor pro tempore, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

**Section 36. Powers of the Board.**

The Board shall exercise the following powers in relation to the Zoning Ordinance:

- E. *Interpretation.* To interpret the Zoning Map and to pass upon disputed questions (such as definitions of terms delineated in the ordinance) as they arise in the administration of the Zoning regulations by the Zoning Administrator or the professional staff of the Planning Commission.
- F. *Special Exception Uses.* To hear and decide, in accordance with the provisions of this Ordinance, requests for Special Exceptions, subject to such terms and conditions as may be fixed by the Planning Commission or the Board of Aldermen. No exception shall be authorized unless the both boards shall find that all of the following conditions exists:
1. The exception will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the exception is sought.
  2. The exception is essential to maintain the financial integrity of the development and will be in harmony with the spirit and purposes of this Ordinance.
  3. The exception will not substantially or permanently injure adjacent conforming property in the same district.
  4. The exception will not weaken the general purposes of this Ordinance or adversely affect the public health, safety, or welfare, or the Comprehensive Plan.
- G. *Structural Variances.* Where, by reasons of exceptional narrowness, shallowness, or shape of a specified piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional characteristics of such piece of property, the strict application of any regulation in this Ordinance would result in peculiar and exceptional or undue hardship upon the owner of such property, the Board of Aldermen may authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance. Variances shall be subject to such terms and conditions as may be fixed by the Board. No variance shall be authorized unless the Board shall find that all of the following conditions exists:
1. The variance will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the variance is sought.
  2. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in services.
  3. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property.
  4. The variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
  5. The variance will not alter the essential character of the district in which is located the property for which the variance is sought and will be in harmony with the spirit and purposes of this Ordinance.
  6. The variance will not weaken the general purposes of this Ordinance or adversely affect the public health, safety, or welfare, or the Comprehensive Plan.
- E. *Appeals.* Appeals to the Board of Aldermen may be taken by any person aggrieved or by any officer, department, or bureau of the municipality which has been affected by any decision of the Choudrant Zoning Administrator or of his staff or the professional staff of the Choudrant Planning Commission (but not decisions of the Choudrant Planning Commission itself).
1. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.
  2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
  3. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

**Section 37. Records.**

The Board shall keep minutes of its hearings and meetings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be public records. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the village for the purpose.

**Section 38. Decisions.**

The concurring vote of a majority of the members of the Board present and voting shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter on which it is required to pass upon any ordinance, or to effect any variation in the ordinance.

**Section 39. Appeals from the Board.**

Any person aggrieved or any officer or department may have a decision of the Board reviewed in the manner provided by Section 4727, Title 33, Louisiana Revised Statutes of 1950.

**Section 40. Application Fees.**

The following application and inspection fees shall be paid upon application, as appropriate, to the Choudrant Zoning Administrator, the Choudrant Planning Commission, or the Board of Aldermen of the Village of Choudrant for their approval of an applicant’s request under this Ordinance:

Annexation.....	\$70.00
Planning Approval.....	\$30.00
Planned Building Group.....	\$30.00
Resubdivision (no new streets).....	\$30.00
Zoning Map Amendment.....	\$80.00(plus \$20. For every acre Above 1)
Special Exception.....	\$80.00
Mobile Home Park Approval.....	\$40.00 (each review)
Subdivision.....	\$40.00 (each review)
Ordinance Amendment.....	\$50.00
Variance.....	\$30.00
Revocation or Dedication of right-of-way.....	\$30.00
Appeal of Administrative Decision.....	(none)

**PART VII. AMENDMENTS, INTERPRETATION**

**Section 41. Amendment Policy.**

A. **Reason for Amendment.** This Ordinance, including the Zoning Map, is based on comprehensive planning studies and is intended to carry out the objective of a sound, stable and desirable development. It is therefore declared to be the public policy to amend this Ordinance only when one or more of the following conditions prevail:

1. *Error.* There is a manifest error in the Ordinance.
2. *Change in Conditions.* Changed or changing conditions in a particular area, or in the planning area generally, make a change in the Ordinance necessary and desirable.
3. *Increase in Need for Sites for Commerce or Industry.* Increased or increasing needs for commercial or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.

4. *Subdivision of Land.* The subdivision or imminent subdivision of open land into urban building sites makes reclassification necessary and desirable.
- B. **Limitations on Proposed Amendments.** All proposed amendments to this Ordinance shall be subject to the following limitations:
1. Other than new Open Land (O-L) Districts, a proposed new district must contain at least five (5) acres of gross area.
  2. An enlargement of or an addition to an existing district shall not be considered a new district and shall be exempt from any requirement as to minimum size.

#### **Section 42. Amendment Procedure**

- A. *By Whom Initiated.* Amendment to this Ordinance may be requested by the Village of Choudrant, the Choudrant Planning Commission, or by any person, firm, or corporation.
- B. *Amendment Application.* An application for amendment to this Ordinance submitted by any person, firm, or corporation other than the Village of Choudrant or the Choudrant Planning Commission shall contain at least the following:
1. Interest and Ownership. The applicant's name, address, and interest in the application, the concurrence of the owner or owners of the entire land area and structures to be included within the proposed district with evidence that the applicant actually intends to develop the designated area and has both the means and ability to do so.
  2. Plat A plat showing the land area which would be affected, the proposed zoning classification of the area.
  3. Error: The error in this Ordinance that would be corrected by the proposed amendment.
- C. *Processing Procedures:*
1. Upon receipt of a completed application for amendment, the Zoning Administrator shall examine the application and shall make such investigation as is necessary.
  2. Within ten days of the receipt of an application, the Zoning Administrator shall transmit the application, together with his report to the Choudrant Planning Commission, and/or the Choudrant Board of Aldermen, as appropriate.
- D. *Preliminary Hearing by Planning Commission.* The Planning Commission shall hold a preliminary hearing on each application for amendment to this Chapter and shall notify the applicant and the Zoning Administrator of the time and place of such preliminary hearing. After holding a preliminary hearing the Commission shall certify the application for public hearing.
- E. *Public Hearing by Planning Commission.*
1. The Planning Commission shall fix a reasonable time for a public hearing and shall give public notice thereof according to law, as well as notice to the applicant and to the Zoning Administrator.
    - a. Notice of the time and place of the hearing shall be published at least three (3) times in the official journal of the Village of Choudrant.
    - b. At least ten (10) days shall elapse between the date of first publication of said notice and the date of the hearing.
    - c. The Planning Commission may also notify the owners of surrounding property by mail.
  2. No later than seven (7) days before the Public Hearing date the applicant shall:
    - a. Furnish the Planning Commission with such additional information as it may request,
    - b. Furnish the Planning Commission with the name, description of property owned and mailing address of each owner of property lying within a distance of three hundred feet of all of the various sides of the property the classification of which is sought to be changed.
- F. *Records.* The Planning Commission shall prepare a record of its proceedings for each case to be filed in the office of the Commission which is to remain a public record. A copy of the record or proceedings shall be transmitted to the Mayor and Board of Aldermen containing their decisions and recommendations.

- G. *Legislative Disposition.* The Mayor and Board of Aldermen shall examine all applications and shall take further action. Before enacting any amendment, the Board of Aldermen shall hold a public hearing and shall give public notice, as required by law, specifically R.S. 33:4724.
1. Conditions. Conditions fixed in amendments relating to zoning map amendments shall be construed to be covenants running with the land in the area involved and shall be binding upon applicants for amendments, their heirs, successors, and assigns.
  2. Reconsideration. No land for which an application for reclassification has been acted upon in a public hearing by the Board of Aldermen and Mayor shall be considered again by the Planning Commission for the same classification until at least six (6) months from the date such application was acted upon.

**Section 43. Interpretation; Validity; Effective Date; Repealer.**

- A. *Interpretation.* In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Whenever the provisions of this Ordinance require a greater width or size of yards or other open spaces, a lower height of buildings, a greater percentage of lot be left unoccupied, or other higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of this Ordinance shall govern.
- B. *Validity.* The requirements and provisions of this Chapter are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid the decision of the court shall not affect the validity of the Chapter as a whole or any section or part thereto other than the section or part thereof so declared to be unconstitutional or invalid.
- C. *Effective Date.* This Chapter shall become effective after its adoption and publication according to law.
- D. *Repealer.* All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed.

PART IX. MISCELLANEOUS RELATED PROVISIONS

**Section 44. Litter Receptacles.**

**A. Placement Requirements.**

1. Any owner or person in control of any property which is held out to the public as a place for parking consisting of fifteen (15) or more parking spaces shall be responsible for the procurement, placement, and maintenance of litter receptacles according to the following:
  - a. Parks, recreation areas, campgrounds, and transient vehicle parks-one at each restroom, concession stand, picnic pavilion, and trail head;
  - b. Retail stores, shopping centers, and theaters-one for the first 15 parking spaces, plus one for every 50 additional parking spaces;
  - c. Gasoline service stations-one per pump island with a minimum of one on each side of the station where pumps are located;
  - d. Restaurants, Drive-ins, fast-food outlets, taverns and convenience stores-one per establishment;
  - e. Marinas or piers – one per pier plus one additional for each 15 boat slips;
  - f. Festivals and other outdoor events – one for each special restroom, one every 200 feet of walking area, one for each special parking area of 150 spaces, and one at each food service area.
  - g. Construction sites – Contractors engaged in new construction or substantial rehabilitation of buildings or other large scale public works projects shall provide at least one litter receptacle at the construction site with additional receptacles as needed to prevent scattering of litter by workers.
2. Parking facilities utilized on a shared basis by more than one business, person, group or institution consisting of thirty or more parking spaces shall be provided with receptacles by those entities on a shared basis, with responsibility falling jointly upon them regardless of proximity.

**B. Receptacle Design Standards.**

Litter Receptacles procured and placed in public places as required by this Part shall meet the following minimum standards:

1. *General Specifications.*

- a. The body of each litter receptacle shall be constructed of a minimum of 24-gauge galvanized metal or other material of equivalent strength, that will withstand normal wear and tear and reasonably resist corrosion and acts of vandalism.
- b. Receptacles should be constructed, covered, or used in such a manner as to prevent or preclude the blowing of litter from the receptacle.
- c. Openings in covered litter receptacles shall be readily identifiable and readily accessible for the deposit of litter.
- d. Construction and general configuration of litter receptacles shall be in conformance with all pertinent laws, ordinances, resolutions or regulations pertaining to fire, safety, public health, or welfare.
- e. Litter receptacles shall have a 15 liquid gallon capacity.

2. *Color and Marking.*

- a. The entire outer surface of each litter receptacle shall be white, navy blue, dark brown, or tan, if painted, however, if construction consists of aggregate concrete or wood, its natural color is acceptable.
- b. Each litter receptacle may bear the official Louisiana anti-litter logo as described in Section 8-2034.
- c. When the official state logo is used, no commercial advertisement shall be placed on any litter receptacle within eight inches of the official logo; and any such advertising may not exceed the logo in area. The owner of the receptacle may place a single line on the receptacle identifying ownership, and a single credit line designating any donor of the litter receptacle other than the owner. That lettering may not exceed ½" in height and may not interfere with or distract from the prominence of the anti-litter symbol.

3. *Maintenance.*

- a. Compliance with these minimum standards shall include disposal of waste matter deposited, proper upkeep, maintenance and repair of litter receptacles sufficient to permit such receptacles to serve the functions for which they were designed and to prevent the appearance of such receptacles from becoming unsightly. Inadequately maintained or unsightly litter receptacles shall be a violation of these minimum standards.
- b. Whenever litter receptacles are placed in any public place other than where required by these rules and regulations, such receptacles shall conform to the provisions of this Part.

**Section 45. Livestock Keeping, Raising, or Breeding.**

- A. No person shall establish or maintain any animal pen, stable, barnyard, rabbit hutch, chicken house or other place for the raising or breeding of livestock except as defined in Section 5 of this Ordinance.
- B. Any permitted place for the keeping or housing of animals shall be maintained in a clean and sanitary condition at all times, such that no vermin, insects, or other pests will find it a suitable habitat within which to propagate.
- C. Any place where animals are kept or housed shall not exude any unpleasant odors.
- D. Large livestock, such as horses, cows, goats, sheep, swine, emus, and ostriches shall not be housed or allowed to graze closer than one-hundred and fifty (150) feet to another use.

**Section 46. Moving Mobile Homes.**

Mobile homes are allowed only in existing or newly approved Mobile Home Parks and according to regulations governing such parks. No mobile home shall be placed on any site within the village's limits to be used for residential or commercial purposes without the selling dealer, mover, mobile home park owner, or any one of them, first obtaining a permit from the Zoning Administrator and Building Inspector for the placement of that mobile home and assuming responsibility for its placement in accordance with all laws and regulations.

**Section 47. Mobile Sign Permit Required.**

- A. No mobile sign shall be located or utilized for display purposes on any site or premises unless a sign permit has been issued by the building inspector for that location.
- B. No permit for the erection or placement of mobile signs shall be issued without prior approval of the Zoning Administrator that its placement is or will be in conformance with Chapter 3 of these regulations.

**Section 48. Choice of Street Names. (Reserved)**

**Section 49. Property Numbering. (Reserved)**

**Section 2.** The above ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in regular session convened, voted on by yea or nay vote, passed and adopted this 5<sup>th</sup> day of March, 2001, the final vote being as follows:

YEA: -S- Wayne Brooks , -S- Regan Aswell , -S- Bob Hogan

NAY:

NOT VOTING:

ABSENT:

ATTEST:

APPROVED THIS 5<sup>TH</sup> DAY OF MARCH,2001

-S-

-S-

WAYNE BROOKS, CLERK

BILL SANDERSON, MAYOR

Village of Choudrant

Village of Choudrant

STATE OF LOUISIANA

STATE OF LOUISIANA



Permitted Uses	Conditions	R-1.2. &3	R4	R5	<del>B-1</del>	I-1	O-L
Abrasives Manufacture						R	
Accessory Use		R	R	R	R	R	R
Acquaculture Products Processing, Packaging, and Wholesaling						R	
Air Conditioning Sales and Service					R	R	
Air Products Manufacture						R	
Airport and/or Dusting Service (need not be enclosed within structure)							SE
Alcohol Distillation and/or Storage						R	
Alcoholic Beverage Sales					R		
Altering and repairing of Wearing Apparel							
Aluminum Screen, Window, and Door Assembly						R	
Aluminum Screen, Window, and Door Sales						R	
Ambulance Service						R	
Ammonia Bleaching Powder and Chlorine Manufacture						R	
Amusements, Commercial					R		
Amusements, Commercial (indoor)							
Animal Black, Lamb Black, or Bone Black Manufacture						SE	
Animal Reduction						SE	
Antique Shop					R		
Apothecary (limited to the sale of pharmaceuticals and medical supplies)					R		
Apparel and Accessory Store					R		
Appliance Store					R		
Aquaculture Production (need not be enclosed within structure)							PA
Archery Range (need not be enclosed within structure)					R		
Armory					R	R	
Art Gallery or Museum	SE		SE	SE	R		
Auditorium					R		
Automobile and Truck Body Shop (enclosed, no salvage or wrecking)					SE	R	
Automobile and Truck Filling Station & Repair (no salvage, wrecking or body work)					R	R	
Automobile and Truck Laundry					R	R	
Automobile and Truck Parts Store, Retail					R	R	
Automobile and Truck Sales, Rentals, Repair (no body work)					R	R	
Automobile and Truck Salvage Yard (all vehicles obscured from view by a fence or wall).							SE
Automobile and Truck Storage (Commercial) (need not be enclosed within structure)					R	R	
Automobile and Truck Tire Store (sales and installation of tires and accessories)					R	R	
Bait Store or Sales (Live Bait) (need not be enclosed within structure)					R		
Bakery, Retail					R		
Bakery, Wholesale					R	R	
Bank					R		
Barber and Beauty Supplies and Equipment Sales					R		
Barber Shop or Beauty Shop					R		
Battery Manufacture						R	
Beverage Manufacture (non-alcoholic)						R	
Bicycle and/or lawn mower Sales and Repair					R	R	
Bingo Parlor (state regulated)					R		
Blueprinting and Photostating					R	R	
Boat body repair (metal and non-metal)					SE	R	
Boat body repair (non-metal)					R		
Book Store					R		
Brewery or Distillery						SE	
Building Specialities Store					R		
Business College					R		
Business Incubator (public or non-profit)					R	R	
Business Machines Sales and Service					R		
Butane and Other Liquefied Petroleum Gas Products Storage and Sales						SE	
Cabinet or Carpenter Shop					R		
Camera and Photographic Supplies Store					R		
Candy, Nut, and Confectionery Store					R		
Canvas Products Manufacture						R	
Carnival, Revival, or Circus Tent (3 day permit issued by the Zoning Administrator)					R	R	R
Carting, Express, Crating, Hauling and Storage						R	
Catering Shop					R		
Caustic Soda Manufacture						R	
Celluloid Manufacture						R	
Cement,Lime,Gypsum and Plster Manufacture						SE	
Cemetery (need not be enclosed within structure)	SE		SE	SE	SE	SE	R
Chemicals (heavy or industrial), Manufacture and/or Processing						R	
Church, including parish house, community house, and educational buildings	PA		PA	PA	PA	PA	PA
Clay and Clay Products Manufacture (need not be enclosed within structure)						SE	
Clinic, Dental or Medical					R		
Clothing Manufacture						R	
Club or Lodge (private)					R		
Coffee Roasting						R	
Cold Storage Plant						R	
College Fraternity or Sorority House					R		
College or University					R		SE
Computer Sales and Service					R	R	
Concrete and Concrete Products Manufacture (need not be enclosed within structure)						R	
Contractor's, Storage Yard (need not be enclosed within structure)						R	
Convalescent Home	SE		SE	SE	R		
Corrections Facility, Jail, or Prison					R	R	
Cosmetics (Compounding only)					R	R	
Cotton Compress						R	
Cotton Ginning and Baleing						R	
Counseling Center	SE		SE	SE	R		

Permitted Uses Conditions	R-1,2, &3	R-4	R-5	B-1	I-1	O-L
Creamery				R	R	
Dairy Equipment Sales				R	R	
Dairy Products Sales (retail or wholesale)					R	
Dairy Products Sales (retail)						
Delicatessen				R		
Department Store (limited to the sale of products independently permitted in the				R		
Detergents, Soaps, and By-Products using Animal Fat Manufacture					R	
Diesel Engine Repair				SE	R	
Disinfectant, Insecticide, or Poison Manufacture					R	
Dog Pound (need not be enclosed within structure)					R	
Drug Manufacture					R	
Drug Store				R		
Dry Cleaning, Laundry, Linen, Diaper and/or Uniform Service				R	R	
Dry Goods Store, Retail				R		
Dry Goods, Wholesale & Retail Sales					R	
Dwelling, Cluster (according to provisions of S8D of the Subdivision Ordinance)		PA	PA			
Dwelling, Condominium (accord. To provisions of S8c of the Subdivision Ordinance)		PA	PA			
Dwelling, Multi-family		R	R			
Dwelling, One family	R	R	R			
Dwelling, Townhouse (accord. To provisions of S8B of the Subdivision Ordinance)		PA	PA			
Dwelling, Two-family		R	R			
Dyestuff Manufacture					R	
Electric Equipment Repair Shop				R	R	
Electric Power Generating Station					R	
Electric substation or gas regulator station (enclosed by wall or fence w/screen)	SE	SE	SE	R	R	SE
Electroplating					R	
Elevator Maintenance Service					R	
Explosives, Fireworks, and Gunpowder Manufacture and/or Storage					SE	
Exterminator				R		
Fairgrounds				PA		PA
Farm Equipment and Supplies Sales (need not be enclosed within structure)				R	R	
Farming and Truck Gardening (need not be enclosed within structure)						R
Fee-charged Parking Lots (privately owned)				R	R	
Feed Store				R	R	
Felt Manufacture					R	
Fertilizer Manufacture or Processing					SE	
Fire Station	PA	PA	PA	R	R	PA
Fix-It-Shop				R	R	
Fixture Sales				R	R	
Floor Covering Sales				R	R	
Floral Shop				R		
Food Locker Plant renting only individual lockers for home customer storage of food				R	R	
Food Products, Manufacturing, Processing, Storage & wholesale Sales					R	
Freight Depot, Railway and/or Truck					R	
Frozen Food Plant					R	
Fruit and Produce, Wholesale				R	R	
Fruit Store				R		
Funeral Home, Mortuary or Undertaking establishment				R		
Fungicides Manufacture					R	
Fur Dyeing, Finishing and Storage (No Tanning)				R	R	
Furniture Refinishing, Repair, and/or Upholstering				R	R	
Furniture Store, Retail				R		
Garbage and Trash Collection Service	R					
	R-1,2, & 3	R-4	R-5	B-1	I-1	O-L
Garden Supplies Store (handling pre-packaged fertilizers)				R	R	
Gift Shop				R		
Glass Manufacture					R	
Glass Products Manufacture (from glass stock)					R	
Glass Store				R		
Glue, Size, or Gelatin Manufacture					SE	
Golf Course (not commercial miniature amusement)(need not be enclosed In structure)	PA	PA	PA			R PA
Golf Driving Range (need not be enclosed within structure)				R		
Grain Drying or Feed Manufacture from refuse, mash or grain					R	
Grain Milling, Storage and Elevators					R	
Graphite Manufacture					R	
Grocery Store, Retail				R		
Gymnasium, Commercial				R		
Hair Products Manufacture or Processing					R	
Hardware Manufacture					R	
Hardware Store, Retail				R	R	
Hardware, Wholesale Storage and Sales					R	
Hatchery					R	PA
Health Food Store				R		
Hobby Supply Store				R		
Hoisery Mill					R	
Home Occupation	R	R				
Hospital or Sanitarium				R		
Hotel, Motel, Tourist Home provided:				R		
Ice Cream Manufacture				R	R	
Ice Cream Store				R		
Ice Manufacture					R	
Incinerator					R	
Institution for Children or the Aged	SE	SE		R		SE
Insulation Manufacture or Fabrication	R					

Permitted Uses	Conditions	R-1,2 & 3	R-4	R-5	B-1	I-1	O-L
Interior Decorating Service					R		
Jewelry Store					R	R	
Laboratory					R	R	
Landscape Garden Sales (need not be enclosed within structure)					R	R	
Laundry					R	R	
Leather or Luggage Store					R	R	
Library (Public)	PA	PA	PA		R		
Library or Reading Room (private)					R		
Linoleum Manufacture						R	
Livestock keeping, raising, breeding (need not be enclosed within structure)							R
Loan Office					R		
Locksmith					R	R	
Lumber Yard and Building Materials (need not be enclosed within structure)					R	R	
Machinery, Tools and Construction Equipment, Sales and Service					R	R	
Mail Order Origination Warehouse						R	
Marine Store					R	R	
Matches & Flare Manufacturing						SE	
Mattress Manufacturing and Rebuilding						R	
Meat Slaughtering and/or Packaging						SE	
Metal Products Fabrication						SE	
Metal Sharpening						R	
Millinery Manufacture						R	
Millwork and Similar Wood Products Manufacture						R	
Mini-warehouses (as regulated in Section 24)					R		
Miniature Golf Course					R		
Mobile Home Park (must conform to Mobile Home Park Ordinance Regulations)				PA			
Mobile Home Sales (need not be enclosed within structure)					R	R	
Mobile Home, Class A	R		R	R			
Mobile Home, Class B			SE	R			
Motorcycle Sales and Service					R		
otic Store			R				
Name Plate (unlighted, not above 2 square feet, must be attached to the Structure)	R	R	R	R	R	R	R
News Stand					R		
Novelty and Souvenir Manufacture						R	
Nursery Crop Production							R
Nursery, Day Care, or Kindergarten Office	SE	SE	SE		R	R	
Office Equipment and Supplies Manufacture or Distribution					R	R	
Office Equipment and Supplies, Retail					R		
Oil Well Supplies and Machinery (need not be enclosed within structure)						R	
Oils and Fats (Animal and vegetable manufacture)						R	
Optician					R		
Packing and Gasket Manufacture						R	
Paint and Wallpaper Store					R	R	
Painting and Decorating Contractor					R	R	
Paper Products Manufacture						R	
Paper Supplies, Wholesale					R	R	
Paper, Pulp, Cellulose and Rayon Manufacture						R	
Parcel Service (e.g.: UPS, Fedex)					PA	R	
Park, Playground, or Recreation Center (Public, need not be enclosed within Structure)	R	R	R		R	R	R
Passenger Depot, Railway or Bus					R	R	
Pawn Shop					R	R	
Pet Shop					R	R	
Petroleum and Petroleum Products Manufacture, Processing or Storage						SE	
Photographic Studio and/or Processing					R		
Picture Framing and/or Mirror Silvering					R		
Pine Straw Harvesting	R						R
Pine Straw Processing, Packaging, & Wholesale Sales						R	
Pipe Line or Electric Transmission Line (need not be enclosed within Structure)	PA	PA	PA	PA	PA	PA	PA
Pipe Storage (need not be enclosed within structure)						R	
Plastic Fabrication and Manufacture						R	
Plumbing Shop					R	R	
Police Substation	PA	PA	PA		R	R	PA
Post Office					R		
Potash Shop						R	
Poultry Processing, Storage, and/or Dressing						R	
Poultry Production							SE
Printing Inks Manufacture and Fabrication						R	
Printing, Publishing, and Copying Services					R	R	
Radio and Television Broadcasting Studio					R		
Radio and Television Broadcasting Transmitter						R	SE
Radio and Television Store and Repair Shop					R	R	
Railroad Facilities, including shops, yards, and team tracks						R	
Railroad Right-of-Way (not including shops, yards, and team tracks)	PA	PA	PA	PA	PA	R	PA
Record Shop					R		
Recording Studio					R		
Recreation Center (indoor, publicly owned)	PA	PA	PA		R		PA
Recreation Vehicle Sales & Service (need not be enclosed within structure)					R	R	
Recreational vehicle park (RV's)					SE		
Recycling Plant (metal, rags, paper, junk, etc.)					SE	R	
Reducing Salon					R		
Respite Care Facility	SE	SE	SE		R		
Restaurant (w/indoor seating)					R		
Restaurant Supplies & Equipment Sales					R		
Restaurant, Drive-in (w/no indoor seating)					SE	R	
Riding Academy (need not be enclosed within structure)							SE

Permitted Uses	Conditions	R-1.2, & 3	R-4	R5	B-1	I-1	O-L
Rock Crusher						R	
Roofing and Gravel Storage (need not be enclosed within structure)						R	
Roofing and Sheetmetal Shop						R	
Rooming House and Boarding House					R		
Rubber or Gutta Percha Manufacture Processing or Reclaiming						SE	
Rug Cleaning					R		
Sand and Gravel Storage Yard (need not be enclosed within structure)						R	
Sawmill and Planing Mill						R	
School, elem. and/or secondary (meets all compulsory education laws of The state)		PA	PA	PA	R		PA
Seafood or Aquaculture Processing, Packaging, & Wholesaling						R	
Seafood Store, Retail					R		
Seed Store					R	R	
Sewage Disposal Plant						R	
Shoe Manufacture						R	
Shoe Repair Shop					R	R	
Shoe Sales, Retail					R		
Shoe Sales, Wholesale and Retail						R	
Sign Shop					R	R	
Sign, Off-premises						SE	
Sign, On-premises					R	R	
Sign, Outdoor General Advertising Structure					SE	SE	
Skeet, Trap, and Target Shooting Range (need not be enclosed within Structure)							SE
Small Animal Clinic (with kennels)					R	R	
Small Business Development Center					R	R	
Small engine sales and service					R	R	
Soda and Washing Compound Manufacture						R	
Sporting Goods Store, Retail					R	R	
Sporting Goods Store, Wholesale						R	
Stockyards (need not be enclosed within structure)						SE	
Stone Cutting						R	
Stone Monument Sales, Retail (need not be enclosed within structure)					R	R	
Studio for Professional Work or Teaching of any form of fine arts					R		
Sugars and Starches Manufacture						R	
Surgical or Dental Supplies Store					R		
Syrup Manufacture						R	
Tailor Shop					R		
Tannery, including curing of hides						SE	
Tar Distillation or Manufacture						R	
Taxidermy					SE	R	
Telephone Exchange (not including shops or garages)		PA	PA	PA	R	R	PA
Telephone exchanges (including shops and garages)					R	R	SE
Theater, indoor					R		
Theater, outdoor (need not be enclosed within structure)					PA		
Tile Shop					R		
Tobacco Sales, Retail					R	R	
Tobacco Sales, Wholesale						R	
Tool Manufacture							
Town Hall, Police Station, Courthouse, Federal Building					R		
Toy Manufacturing, Packaging, and Wholesaling						R	
Toy Store					R		
Trade School					R	R	
Trailer, Mobile Home, or Recreation Vehicle Manufacture						R	
Trailer, Mobile Home, or RV Sales & Service (need not be enclosed within Structure)						R	
Truck Shop (as defined by state law)					PA	R	
Variety Store					R		
Vegetable Store					R		
Vending Machine Sales, Rentals, and Service						R	
Vending Machines Operation					R		
Venetian Blind and Metal Awning Fabrication and Cleaning					R	R	
Vulcanizing Shop					R		
Water Distillation, Packaging, and Distribution						R	
Water or Sewage Pumping Station	PA	PA	PA	R	R	PA	PA
Water Storage (need not be enclosed within structure)	PA	PA	PA	PA	PA	PA	PA
Welding Shop						R	
Well Drilling Company						R	
Wholesaling and Warehousing						R	
Wood Finishing Products Manufacture such as Paints, Enamels, Lacquers, & Varnishes:						R	
Wood Preserving by Creosote or Other Impregnation Treatment (outdoors)						R	
YMCA, YWCA and Similar Institutions					R		
Bookstore, General (see supplementary use regs at Section 17, I)						R	
Bookstore, Adult (see supplementary use regs at Section 17, I)						R	
Theater, General (see supplementary use regs at Section 17, I)						R	
Theater, Adult Motion Picture (see supplementary use regs at Section 17, I)						SE	
Theater, Adult Live (see supplementary use regs at Section 17, I)						SE	
Video Store, General (see supplementary use regs at Section 17, I)						R	
Video Store, Adult (see supplementary use regs at Section 17, I)						SE	