

ARTICLE III. ESTABLISHMENT OF DISTRICTS

Sec. 1. List of Districts

For the purpose of promoting the public health, safety, morals, and general welfare of the communities, the unincorporated area of St. Martin Parish is hereby divided into the following types of districts:

- W-1 Woodland/Flood Plain - Restricted Conservation District
- W-2 Woodland/Flood Plain - Recreation/Residential District
- W-3 Woodland/Flood Plain - Commercial/Light Industrial District
- A-1 Agricultural - Flood Prone/Marginal Land District
- A-2 Agricultural - Field Crops/Range Land District
- R-1 Residential - Single Family District
- R-1R Residential - Single Family/Restricted Subdivision District
- R-2 Residential - Mixed District
- R-3 Residential - Multi-Family District
- R-4 Residential - Mobile Home Park District
- C-1 Commercial - Light District
- C-2 Commercial - General District
- C-3 Commercial - Central Business District
- I-1 Industrial - Light District
- I-2 Industrial - Enterprise Zone District
- I-3 Industrial - Heavy Restricted District
- I-4 Industrial - Hazardous District

Sec. 2. Zoning district map (defined)

The boundaries of the said districts are as defined in the Zoning District Identification File (Public Road Zoning Data File) which has been properly attested and placed on file in the office of the St. Martin Parish Clerk of Court. This Zoning District Identification File, together with all maps, notations, references, and other information thereon, is made part of this ordinance and has the same force and effect as if fully set forth or described herein.

Sec. 3. Interpretation of district boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as described, the following rules shall apply:

(a) Where district boundaries are indicated as following streets, highways, or alleys, the center line of such streets, highways, or alleys shall be construed to be such boundaries.

(b) Where the land has been or may hereafter be divided into blocks and lots and where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c) In unsubdivided property, the district boundary lines on the zoning district map shall be determined by the use of the scale appearing on the map.

(d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

Sec. 4. Regulation of areas under water

All areas which are under water and not shown as included within any district, shall be subject to all of the regulations of Woodland/Flood Zone areas.

ARTICLE IV. GENERAL REGULATIONS

Sec. 1. Use of building or land

Except as hereinafter provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

Sec. 2. Size and location of building

Except as hereinafter provided, no building shall hereafter be erected or altered to:

- (a) Exceed the height;
- (b) Accommodate or house a greater number of families;
- (c) Occupy a greater percentage of lot area; or
- (d) Have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

Sec. 3. Yard area

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.

Sec. 4. One building to a lot

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

ARTICLE V. SCHEDULE OF ZONING DISTRICT REGULATIONS

Sec.1. Adopted as minimum requirements

The schedule of regulations and the notes appended thereto, included herewith as Chart A, applying to the use of land and building, the height of buildings, the coverage of lots, the yards and other open spaces to be provided, contiguous to or in connection with buildings, the area of lots and all other matters contained therein, as indicated for the various districts established by this ordinance, are hereby adopted and declared to be part of this ordinance and may be amended in the same manner as any other part of this ordinance. Off street parking requirements and supplementary regulations included within this section are hereby adopted and declared to be a part of this ordinance and may be amended in the same manner as any other part of this ordinance. The regulations listed for each district as designated, reading from left to right across the schedule, and in all notes appended thereto, are hereby adopted and prescribed for such district, subject to the provisions of Articles V and VI of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

MINIMUM OFF-STREET PARKING

<u>USE:</u>	<u>SPACE REQUIRED:</u>
Single and two family dwellings	2 per dwelling unit
Rooming house, fraternities, sororities, dormitories, convalescent homes	4 times the maximum lawful number of occupants
Hotels	1.2 per room in addition to spaces required for restaurant facilities
Apartments	2 per dwelling unit
Mobile home subdivision and parks	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity

Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Fast food take-out establishment and drive-in restaurants	.10 times the floor area in square feet
Schools - Elementary	1.5 per classroom
- Secondary	7 per classroom
- University and College	1 per 10 classroom seats
Restaurants (except drive-ins)	1.2 per 100 square feet of floor area
Furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms, museums and galleries	1 per 800 square feet of floor area
Funeral parlors	1 per 50 square feet of floor area
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Laundromats	.5 per machine
Doctor's and dentists' offices	1 per 100 square feet of waiting room area and 2 per doctor or dentist, and .75 times the maximum number of employees on the premise at anyone time

Banks	1 per 150 square feet of floor area
Warehouses	1 per 500 square feet of floor area

* * * * *

For uses not listed above, the requirements listed below are applicable:

USE:

SPACE REQUIRED:

Retail stores and service establishments	1 per 150 square feet of floor space and outdoor sales space
Offices	1 per 300 square feet of floor space
Other commercial and industrial uses	.75 times the maximum number of employees on the premises at any one time

* When calculating in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

SUPPLEMENTARY REGULATIONS

USES:

(1) Fences may be erected along the boundaries of a lot or yard area subject to the requirements of the development code; one segment of a fence may be erected in a required side yard.

(2) Power, heating or refrigeration plants, apparatus, or machinery which are accessory to permitted uses shall be permitted only if placed and operated so as to comply existing ordinances and not cause serious annoyance or injury to occupants of adjoining premises.

(3) All “R-1” Single Family Residential and “R-2” Mixed Family Residential uses must adjoin a Federal, State, or Parish maintained public road right-of-way.

(4) To prevent the sporadic proliferation of commercial uses into surrounding “R-1” Single Family Residential, “R-1R” Single Family (restricted), and “R-2” Mixed Residential uses, no rezoning petition shall provide for a commercial district located other than adjacent to and existing commercial district with the following exceptions:

- (a) Petition request change to “C-1” Light Commercial District and all other requirements are met for a “C-1” Light Commercial District;
- (b) Requested change is included as part of a request for approval of Planned Unit Development (PUD);
- (c) Petition request is initiated by the Planning Commission or the Parish Government;
- (d) Petitions concerning nonconforming uses.

(5) All land use sites which collect, separate, store, dispose, treat, recycle, or recover solid waste, which is not produced or manufactured on site regardless if regulated by the State of Louisiana, shall be considered permitted uses within the “I-3” (Heavy Industry, restricted) District and the “I-4” (Hazardous Industrial) District.

(a) The above uses shall be defined in accordance with definitions of “Louisiana Solid Waste Rules and Regulations” and “Statewide order 29-B”, as well as any applicable hazardous waste management regulations, as they may be amended from time to time.

AREA:

(1) Where a lot has less area than the minimum requirements for the district within which the lot is located and was a lot on record in separate ownership from adjacent property at the time of the passage of this zoning ordinance, that lot may be used for a single-family dwelling or other non-dwelling use permitted in the district.

(2) More than one main institutional, public, or semi-public, commercial, or industrial building may be built on a lot provided it is located within the buildable area of the lot.

(3) One-third of the total acreage must be utilized as a buffer within “I-4” (Hazardous Industrial) District.

(4) Alcoholic beverage conventions:

(a) Certain alcoholic beverage businesses are permitted within certain commercial and industrial zoning district as provided for by Chart "A" of the zoning district regulations. Notwithstanding any other provisions of this section to the contrary, no commercial or industrial zoning district shall permit an alcoholic beverage business in which alcoholic beverages constitute over 50% of the total gross sales to locate within three hundred (300) feet of a dwelling under a Class "A" Parish Permit excluding civic clubs unless approved by the Zoning Board of Adjustment.

(b) The business of selling, offering for sale, keeping for sale, storing, giving away or otherwise handing as a business any alcoholic beverages, whether at retail, wholesale, or otherwise at any place whereby alcoholic beverages constitute over 50% of the total gross sales is hereby prohibited within three hundred (300) feet of a dwelling under a Class "A" Parish Permit in all commercial and industrial zoning districts excluding civic clubs unless approved by the Zoning Board of Adjustment.

(c) The distance provided in Subsection (b) shall be measured in a straight line from the nearest point of the property line of such dwelling to the nearest point of the premises such business is conducted or proposed to be conducted; however if there are sidewalks, the measurement of this distance shall be made as a person walks using the middle of the sidewalk from the nearest point of the property line of the dwelling to the nearest point of the premises to be permitted.

(d) The above prohibitions shall not apply to any place of business mentioned in Subsection (b) which was being conducted on and prior to the effective date of this ordinance, and said prohibitions shall not apply to any such business now or hereafter being conducted under permits validly issued in the event a dwelling is built or established within three hundred (300) feet of said business at any time after such business has commenced, or the permit therefore has been issued.

HEIGHT:

- (1) Public, semi-public, or public service buildings, schools, or institutions when permitted in any district may be built to a height not exceeding sixty (60) feet when the required front, side, and rear yards are each increased by one (1) foot for each one (1) foot of additional height above the height limit of the district.
- (2) The height limitations of the chapter shall not apply to church spires, belfries, monuments, tanks, water towers, fire towers, stage towers, or scenery lofts, cooling towers, ornamental towers, spires, radio or television

antenna, chimneys, elevator bulkheads, smoke-stacks, oil derricks, conveyors, or flagpoles; except that all uses, including the above shall comply with the provisions of any government jurisdiction height zoning ordinance.

- (3) Accessory buildings shall not be built more than thirteen (13) feet in height.

YARDS:

- (1) Where a lot in a commercial or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- (2) Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be equal to the required front yard depth of the residential district.
- (3) On every corner lot there shall be provided on the side street a side yard equal in depth to one-half (1/2) the required front yard depth on the said side street; the front yard requirement of a residential district shall prevail over that of a commercial or industrial use.
- (4) On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed or maintained with the triangular area formed by the intersecting street lines and a straight line joining said street lines, point of intersection, measured along said street lines at points which are thirty (30) feet from the point of intersection, measured along said street lines.
- (5) Covered but enclosed areas may project into required yards not more than ten (10) feet and shall not be considered in determining yard sizes; provided, however, that such area shall not be closer than four (4) feet to any lot line.
- (6) Every part of a required yard shall be open to the sky except ordinary projections not over eighteen (18) inches except that a roof, gutter, or eaves, may project to the extent of four (4) feet providing at least three (3) feet remain open to the sky.
- (7) If forty percent (40%) or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have observed front yards less than that required, no building need be set

back from the street more than the average front yard depth of such buildings.

- (8) Open fire escapes may extend into any required yard not more than five (5) feet.
- (9) Bay windows may project into any required yard not more than two (2) feet.
- (10) The building area of accessory buildings shall not be greater than forty percent (40%) of the required rear yard area.
- (11) Accessory buildings shall not be built less than three (3) feet from a lot line.
- (12) Accessory buildings may be built in required side yards, providing that such buildings is not less than sixty feet (60') from the front lot line.

ARTICLE VI. PLANNED UNIT DEVELOPMENT (PUD)

Sec. 1. Intent

It is the intend of this article to permit flexibility in the use and design of structures and land in situations where modification of specific provisions of this ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which the occur.

Sec. 2. Application and Modification Powers

The provisions of this section may be applied upon application of the owner, to any lot exceeding ten (10) acres in size. The owner shall file with the St. Martin Parish Police Jury a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, the land owner shall furnish such other information as the Police Jury may reasonably require. Acting upon the application, the Police Jury may alter setback requirements, height limits, building size limits, and off-street parking regulations. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. However, uses not permitted in the district where the lot is located shall not be permitted to occupy more than ten percent (10%) of the building floor area. Where the Police Jury determines that the application is consistent

with Section I of this article and with other requirement thereof, it shall enter an order recommending development and use in accordance with the site plan and description contained in the application, modified as the Police Jury may require to carry out the intent and purpose of this section and containing any conditions or restrictions which the Police Jury may consider necessary to carry out the purpose of this ordinance and to protect the public health, safety, and welfare. The order shall recite the reasons and findings of fact upon which it is based.

Sec. 3. Procedural Requirements

Prior to making any order recommending development and use under a planned unit development application, the Police Jury shall refer the application to the St. Martin Parish Planning Commission for a professional opinion and recommendation, and the Commission shall hold a public hearing in the same manner and give notice thereof as required upon application.

ARTICLE VII. NONCONFORMING USES

Sec. 1. Existing Nonconforming Uses

The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued, although such use does not conform with the provisions of this ordinance.

Sec. 2. Construction Approved Prior to Ordinance

Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a development permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been complete within six (6) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from the date of this ordinance. Except all permits issued prior to the enactment of this ordinance for land use or construction projects that have been reviewed and deemed improper or denied, for any reason, by higher Federal or State authority are hereby voided.

Sec. 3. Extension

A nonconforming use shall not be extended or enlarged except when required to do so by law or by ordinance. The attachment of signs to the building, the placement of signs or display material on land outside of the building, or the attachment of racks, balconies, or other projections from the building shall be considered as an extension of the use of the building.

Sec. 4. Displacement

No nonconforming use shall be extended to displace a conforming use.

Sec. 5. Alterations

A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of fifty percent (50%) of the assessed value of the building unless said building is changed to a conforming use.

Sec. 6. Restoration

No building damaged by fire or other causes to the extent of more than fifty percent (50%) of its assessed value shall be repaired or rebuilt except in conformity with the regulation of this ordinance.

Sec. 7. Unsafe Structures

Any nonconforming structure or portion hereof declared unsafe by proper authority may be restored to a safe condition.

Sec. 8. Changes

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

Sec. 9. Discontinuance

Whenever a building or land used in whole or in part for nonconforming purposes becomes and remains vacant for a continuous period of six (6) months, or when the operations normally carried on in such building or on such land have been discontinued for a period of six (6) months, such nonconforming use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this

ordinance. Exceptions: In case of hardship, whereby the owner or operator of a nonconforming use site is unable to continue normal operations due to a physical injury, medical condition or the sale of a business is being negotiated, an automatic six month extension is granted upon request by the owner. An additional six month extension may be granted provided that lender proof or the Police Jury as evidence of a pending sale of the nonconforming use site and nonconforming use activity (business).

Sec. 10. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.