

ORDINANCE NO. 2009-354

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

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

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

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

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

**BE IT FURTHER ORDAINED**, this Ordinance shall not be construed to implicitly or explicitly repeal any other Ordinance enacting any administrative code, or any provision therein, except where explicitly stated herein. In the event of a conflict between this Ordinance and any other Ordinance or administrative code, the more restrictive provision shall be deemed controlling, unless otherwise expressly provided for by the Broussard City Council.

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

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

**ZONING REGULATIONS  
CITY OF BROUSSARD, LOUISIANA**

**SECTION 1 - PURPOSE**

**1.1 General**

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

**1.2 Purpose**

The purpose of this Ordinance is to:

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

### **1.3 Consistency**

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

### **1.4 Severability Clause**

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

### **1.5 Effective Date**

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

## **SECTION 2 - AUTHORITY**

### **2.1 Legal Authority**

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

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

In accordance with LSA-RS 33:4726, the City of Broussard City Council shall appoint a Planning and Zoning Commission composed of five (5) members, known as Commissioners, three of whom shall be appointed by the City Council and two of whom shall be appointed by the mayor, whose term of office shall be three years, and whose function it shall be to recommend the boundaries of the various original districts as well as the restrictions and regulations to be enforced therein, and any supplements, changes, or modifications thereof. The Planning and

Zoning Commission shall additionally include, as ad hoc non-voting members, the mayor, city engineer and city attorney. Initial appointment shall be one Commissioner appointed by the City Council and one Commissioner appointed by the mayor for one year, one Commissioner appointed by the City Council and one Commissioner appointed by the mayor for two years and one Commissioner appointed by the Council for three years. Succeeding terms for each Commissioner's office shall be three years.

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

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

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

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

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

Where the Planning and Zoning Commission finds that undue hardships may result from strict compliance with these regulations, it may recommend to the City Council variances or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variance or exception shall not have the effect of nullifying the intent and purpose of this Ordinance. The Commission shall not recommend variances or exemptions regarding hazardous wastes and the Commission shall not recommend variances or exceptions to the requirements of this Ordinance unless it shall make findings based upon evidence presented to it in each specific case that:

**A. Safety.** The granting of the variance will not be detrimental to the public safety, health or

welfare; or injurious to other property or improvements in the neighborhood in which the property is located;

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

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

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

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

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

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

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

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

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

A. The location and boundaries of zoning districts established by the Broussard City Council

shall be as shown on a set of maps, entitled collectively as "Zoning Map of the City of Broussard," and the same may be amended subsequent to the adoption thereof; and such maps,



sections or portions thereof, together with all notations, dimensions, designations, references and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on such maps were fully described and incorporated

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

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

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

1. Where district or zone boundaries are indicated as following streets, highways, or alleys, the center lines of such streets, highways, or alleys shall be construed to be such boundaries, unless specified otherwise.
2. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
3. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
4. Boundaries with distances not specifically indicated on the official Zoning Map, such as unsubdivided property, shall be determined by use of the scale on the map.
5. Where boundaries are indicated as following natural water courses, the center line of the natural water course shall be construed to be such boundary. In the event of change in the water course, the boundary line shall assume to change likewise.
6. Where a street or property layout existing on the ground differs from that depicted on the official Zoning Map, or in other circumstances in which boundaries cannot be determined by rules 1-5 above, the Planning and Zoning Commission shall have final interpretation of the district or zone boundaries.

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

The Planning and Zoning Commission shall have final interpretation of the boundaries regarding

rights-of-way as set forth in the following provisions, subject to approval by the Broussard City Council.

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

A. All publicly owned rights-of-way for roads, streets, alleys, easements, or transit routes are classified in the least restrictive of adjacent zones. In order to define clearly the location of rights-of-way, the official Zoning Map will not depict the zoning within existing rights-of-way.

B. When an approved and adopted development plan recommends zoning that is different from that specified for a publicly owned right-of-way for a road, street, alley, easement, or route, the Planning and Zoning Commission may reclassify such right-of-way to the recommended zoning by the approval of a Zoning Map amendment. The official Zoning Map will depict the zoning within such rights-of-way.

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

A. All privately owned rights-of-way are classified as specified below, except as otherwise reclassified by the Planning and Zoning Commission:

1. Where adjacent land is classified in residential zones, the right-of-way is classified in the least restrictive of adjacent zones.
2. Where adjacent land on one side is classified in a residential zone, and the adjacent land on the other side is classified in a nonresidential zone, the right-of-way is classified in the adjacent residential zone.
3. Where adjacent land on both sides of the right-of-way is classified in other than residential zones, the adjacent zoning on each side shall extend to the center line of the right-of-way.

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

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

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

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

## **2.8 Reserved**

Reserved

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

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

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

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

**B. Initiation of amendment.** Amendments to the text of this Ordinance or the official Zoning Map may be initiated by the City Council, the Planning and Zoning Commission, or any other

landowner of real property within the City of Broussard. Any amendment shall require the submission of a written application to the Commission, accompanied by a non-refundable fee to cover the cost of review, as may be established from time to time by the City Council.

*C. Application. The application for land use (zoning) which will result in an amendment or modification to the City of Broussard Zoning Map, together with all required exhibits, must be filed by hand (not mailed) with the Planning & Zoning Commission for each non-contiguous tract of land. Multiple contiguous tracts may be addressed on the same application. Note: the filing of the application does not assure approval of the requested zoning. All applications must be personally submitted to the Planning & Zoning Office at the City of Broussard City Hall. As may be appropriate or necessary to address all issues relative to protection of property, a public hearing may be held on the application.*

*1. The applicant shall complete the Application Form (Appendix B hereto) and provide (at a minimum) the following information.*

*A. Owner(s)/Applicant (list all owners of the property for which zoning is requested)*

*B. Address(es) for applicant and all owners*

*C. Telephone number of the applicant*

*D. A complete legal description of the property including a copy of documents (a deed, partition, etc.) or recordation*

*information on documents evidencing current ownership*

*E. A vicinity map showing:*

- 1. Section/township/range*
- 2. Property lines*
- 3. Streets*
- 4. Total property acreage*

*F. The proposed amendment to the zoning text and/or map*

- 1. Existing property use*
- 2. Present zoning district*
- 3. Proposed property use*
- 4. Proposed zoning district*

*G. List of all contiguous properties including those properties directly across the street with names of property owners and current mailing addresses.*

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

1. The Commission shall conduct a public hearing to consider any amendment to the text of this Ordinance, the official Zoning Map, or a complete application for designation or redesignation of the appropriate zoning classification for land. Public hearings involving amendments to the official Zoning Map shall take place on the second Wednesday of each month.

2. The Commission shall review the proposed amendment or proposed zoning district classification for land and recommend to the City Council approval, approval subject to specified conditions, or denial of the proposed amendment, or proposed zoning district classification for land.

3. The City Council shall review the proposed amendment or the proposed zoning district classification for land and the recommendations of the Commission and any additional information which may be submitted. The City Council may grant, grant subject to conditions, or deny the proposed amendment or proposed zoning classification within thirty (30) days of receipt of the recommendation of the Commission.

**SECTION 3 and SECTION 4 - RESERVED**

Reserved

**SECTION 5 - RESIDENTIAL DISTRICTS**

**Section 5.01 Description of Residential Zoning Districts**

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

### **Section 5.02 - General**

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

- A. Preserve a high quality residential community with a diverse range of housing designed to meet the needs of residents of all ages.
- B. Encourage new development of residential communities with a wide and diverse variety of housing choices in patterns which preserve the beauty of natural resources.
- C. Maintain the City's traditional density patterns by providing appropriate restrictions on the average density allowed in new developments.
- D. Protect residential neighborhoods from the encroachment of incompatible land uses and traffic patterns.
- E. Protect the character of existing residential neighborhoods.
- F. Coordinate residential neighborhoods with appropriately scaled commercial areas to provide for the usual consumer needs of the residents.
- G. Coordinate traffic and road patterns to provide adequate access to residential neighborhoods without subjecting the neighborhoods to intrusive through-traffic.

### **Section 5.03 Building Permit**

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

### **Section 5.1 - Prohibited Uses**

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

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

Commission and supply evidence to establish the previously existing nonconformity in accordance with Section 24 herein.

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

C. Planned Commercial Districts

D. Junk or salvage yards

E. Outdoor Advertising (Billboards)

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

G. Any uses not outright or conditionally permitted herein.

### **Section 5.2 - Conditional Uses**

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

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

B. Schools Grades 1 through 12.

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

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

### **Section 5.3 - Non Conforming Uses**

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

## **SECTION 6 - SINGLE FAMILY RESIDENTIAL - RI RESIDENTIAL DISTRICTS**

### **Section 6.0 - General**

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



### **Section 6.1 - Permitted Uses**

Only the following permitted uses shall be allowed in the R1 Districts and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of (a) uses lawfully established prior to the effective date of this Ordinance; (b) conditional uses or accessory uses in compliance with the provisions of this subsection. Existing non-conforming uses made of or on lands which are zoned R1 after the effective date of this Ordinance may be authorized in accordance with Section 24.

Permitted uses include:

#### **A. Residential Uses**

One Single-Family Dwelling

Private Garages and Accessory Structures

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

#### **B. Allowable Miscellaneous Uses**

Community Central Water Treatment, Walls, Fences and Storage Facilities

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

### **Section 7.0 - General**

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

### **Section 7.1 - Permitted Uses**

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

accordance with Section 24. Permitted uses include:

**A. Residential Uses**

- Single-Family Dwelling
- Multi-Family Dwelling
- Private Garages and Accessory Structures
- Garage Apartments or Guest Houses

**B. Miscellaneous Uses**

- Community Central Water Treatment, Wall, Fence and Storage Facilities

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

**Section 8.0 - General**

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

**Section 8.1 - Permitted Uses**

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

A. Residential Uses

- Single-Family Dwelling
- Multi-Family Dwelling
- Private Garages and Accessory Structures
- Garage Apartments or Guest Houses

B. Miscellaneous Uses

- Community Central Water Treatment, Wall, Fence and Storage Facilities

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

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

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

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

**Section 9.0 General**

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

## Section 9.1 - Purpose

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

## 9.2 - Permitted Uses

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

### A. Residential Uses

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

Single-Family Dwelling

Multi-Family Dwelling

Private Garages and Accessory Structures

Garage Apartments or Guest Houses

Recreational Vehicles and Trailers

### B. Miscellaneous Uses

Community Central Water Treatment, Wall, and Storage Facilities

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

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

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

F. Publicly owned or publicly operated uses.

## SECTION 10.0 COMMERCIAL ZONING DISTRICTS

### 10.01 Description of Commercial Zoning Districts

Neighborhood Commercial District	CN
Community Commercial District	CC
Ambassador Cafferey District	CA
Office Commercial District	CO

### 10.02 General

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

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

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

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

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

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

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

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

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

1. "Permitted" land uses are indicated by a "P" on Table 10. Permitted lands uses are allowed on a property without discretion by the City, subject to compliance with all

applicable provisions of this Ordinance.

2. Uses not permitted or not listed. Land uses not permitted are those indicated by a dash "-" on the table. Land uses not listed on the tables are not allowed, except as provided as Variances or Exemptions from Zoning Ordinance Requirements.

## SECTION 11 INDUSTRIAL ZONING DISTRICTS

### 11.01 Description of Industrial Zoning Districts

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

#### 11.0 General

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

#### 11.0.1 Definitions

(a) "Hazardous materials" shall be as defined by 42 USC Section 9601(14) and as further defined as hazardous materials, hazardous wastes, hazardous substances, pollutants, contaminants or toxic substances by the Louisiana Department of Environmental Quality and U.S. Environmental Protection Agency regulations. For the purposes of this Ordinance, Hazardous Materials shall include solid wastes as defined by LSA-R.S. 30: 2153 et seq. (other than construction and

demolition debris) or oil field wastes as defined by LSA-R.S. 30:73 et seq.

(b) "Environmental laws" means any and all federal, state and local laws, statutes, Ordinances, rules, regulations, permits, licenses, approvals, guidance, interpretations, orders of courts and governmental agencies or authorities and all other legal requirements relating to, regulating, or imposing liability or standards of conduct concerning, any hazardous, toxic or dangerous waste, substance or materials or the protection of human health or the environment, as now or at any time hereafter in effect, including, but not limited to, requirements pertaining to the manufacture, processing, distribution, use, treatment, storage, disposal, transportation, handling, reporting, licensing, permitting investigation or remediation of hazardous material. Environmental laws include, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. §9601, et seq., "CERCLA"], the Hazardous Materials Transportation Act [49 U.S.C. §1801 et seq.], the Resource Conservation and Recovery Act [42 U.S.C. §6901 et seq.], the Clean Water Act [33 U.S.C. § 1251 et seq.], the Clean Air Act [42 U.S.C. §7401 et seq.], the Toxic Substances Control Act [15 U.S.C. §2601 et seq.], the Safe Drinking Water Act [42 U.S.C. §300 et seq.], the Environmental Protection Agency's regulations appearing under title 40, Code of Federal Regulations, the Occupational Safety and Health Act [29 U.S.C. §651 et seq.], and any "Superfund", "Superlien" or environmental liability act, as such laws have been amended or supplemented and any analogous future federal, or coextensive, correlative or analogous present or future applicable state or local statutes or Ordinances and the rules and regulations promulgated thereunder.

(c) *"Appendix A, Zoning Definitions" is attached hereto and made a part hereof;*

## **11.1 LIGHT INDUSTRIAL- LI INDUSTRIAL DISTRICTS**

### **11.1.1 Purposes**

The "Light Industrial District" is intended to provide locations for certain industries, manufacturing firms or other industrial related businesses and enterprises in areas near residential or commercial development that will not significantly detract from the residential or commercial



desirability of the area. Permissible uses within the Light Industrial Districts include facilities which store, sell or distribute unopened containerized hazardous substances entirely within completely enclosed buildings or containment areas meeting applicable state or federal laws and regulations.

#### **11.1.2 Permitted Uses**

Table 10 establishes all uses permitted within Light Industrial Districts.

#### **11.1.4 Uses Prohibited**

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

### **11.2 GENERAL INDUSTRIAL - GI GENERAL INDUSTRIAL DISTRICTS**

#### **11.2.1 Purposes**

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

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

#### **11.2.2 Permitted Uses**

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

#### **11.2.3 Uses Prohibited**

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

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

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

B. The following sites, developments, buildings, structures, facilities or activities are specifically prohibited within the boundaries of the City of Broussard. Any facility may be required to establish, to the satisfaction of the City of Broussard, that discharges from the facility to the Broussard Publically Owned Treatment Works (POTW) should not be prohibited.

1. Solid or Hazardous Waste Treatment, Storage or Disposal Sites or Landfills, or Oilfield Waste Treatment, Storage or Disposal Sites.

2. Facilities, businesses or activities which would

(a) cause damage, pass through or interference of any nature with the Broussard Publically Owned Treatment Works (POTW) or the wetlands associated with the POTW or receiving waters therefrom; or

(b) which would have a prohibited discharge under 40 CFR 403 or which would qualify as a categorical discharger under federal or

state laws or regulations unless such facility is in compliance with City of Broussard Ordinance #149 such that no discharge of any nature from a Categorical Industry's (as defined in 40 CFR Chapter I, Subchapter N, Parts 405-471) industrial waste stream is made to the POTW unless such discharges are regulated and monitored by the LDEQ, and further that the LDEQ has authorized the POTW for receipt of such regulated discharge, or

(c) which would qualify as a major source of air emissions under federal or state laws or regulations.

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

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

1. the perimeter of the site shall not be closer than one thousand (1000) feet to the nearest residence or water well.
2. the perimeter of the site shall be screened/buffered from adjacent properties and roadways by foliage, trees or permanent fencing adequate to fully shield the operations of the facility from public view;
3. the facility shall provide:
  - A. a development plan which shall at a minimum include:
    - (1) a natural/historic resources inventory including natural features, such as bayous, streams, wetlands, protected habitat and scenic views which are located on the proposed location and/or may be affected by the facility; and
    - (2) historic buildings and structures within 1/4 mile of the perimeter of the site.

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

C. A land use plan showing:

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

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

### **Section 12.0 General**

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

wireless industry,

## 12.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

## 12.2 Use Regulations

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

### 12.2.1 General

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

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

and/or renderings may augment the plot plan.

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

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

**D.** Buffer planting shall be located around the perimeter of the security fence as deemed appropriate by the Planning and Zoning Commission consisting of a minimum of: (1) An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or (2) a row of evergreen trees planted five feet on center maximum.

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

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

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

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

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

**J.** All providers utilizing towers shall present a report to the Planning and Zoning Commission notifying them of any tower facility located in the City whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for one hundred eighty (180) days, the City may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will

receive written notice from the Commission and instructed to either reactivate the facility's use within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the City will remove or will contract to have removed the facility and assess the owner/operator the costs.

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

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

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

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

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

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

(1) Minimum lot size - 100 feet by 100 feet

(2) Minimum yard requirements - Tower: the minimum distance to residential use or district lot line shall be one thousand (1000) feet. Equipment shelter setback shall be a minimum of forty (40) feet from the lot line.

(3) Maximum height - Tower: two hundred (200) feet (includes antenna) Equipment shelter including platform: building height - twenty (20) feet

(4) Maximum size of equipment shelter - two hundred (200) square feet for a single shelter, or, if there is more than one, four hundred (400) total square feet.

**B. Property with Existing Use:** A wireless telecommunications facility is permitted on a



property with an existing use subject to the following conditions:

- (1) The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.
- (2) The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
- (3) Minimum lot area - The minimum lot area shall be the area needed to accommodate the tower, the equipment shelter, security fencing and buffer planting.
- (4) Minimum yard requirements - Tower: the minimum distance to any residential use or district lot line shall be one thousand (1000) feet. Equipment shelters shall comply with the minimum setback requirements for the primary lot,
- (5) Access - The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (6) Maximum height - Tower: two hundred (200) feet (includes antenna) Equipment shelter: maximum height - fifteen feet (including foundations to raise the facility above flood height),
- (7) Maximum size of equipment shelter - two hundred (200) square feet for a single shelter, or, if there is more than one, four hundred (400) square feet.

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

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

- b) A buffer yard may be planted.
- c) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.
- d) The maximum size of the equipment shelter shall not exceed two hundred (200) square feet, or, if there is more than one, four hundred (400) total square feet

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

A. Wireless telecommunications facilities that include towers are not permitted in residential districts except as provided herein.

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

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

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

D. Located on a residential building: An antenna for a wireless telecommunications facility may

be attached to a mid-rise or high-rise apartment building subject to the following conditions:

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

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

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

**A. Criteria for a Conditional Use.** The Planning and Zoning Commission shall establish and identify the specific zoning districts in which temporary wireless telecommunications facilities may be considered for temporary location and any specific limitations or requirements on such temporary use.

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

1. The applicant shall present a landscaping plan that indicates how the wireless

telecommunications facility will be screened from adjoining uses.

2. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.

3. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

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

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

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

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

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

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

F. The applicant shall present documentation that the tower is designed in accordance with the

location standards established in the this Ordinance.

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

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

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

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

## **SECTION 13 through SECTION 21 - RESERVED**

### **Reserved**

## **SECTION 22 - SPECIAL EXCEPTIONS, VARIANCES AND SPECIAL USE PERMITS**

### **22.0 General**

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

### **22.1 General Conditions**

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

A. Such use is reasonably necessary or convenient to the public health, welfare or the economic

or social benefit of the community,

B. Such use is suitably located in relation to transportation, water and sewerage requirements of the City or where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use.

C. No traffic congestion or hazard will be created.

D. The character of the neighborhood and values of surrounding property are reasonably safeguarded.

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

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

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

### **22.3 Information Required**

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

Special Exception, Variance or Special Use Permit application.

#### **22.4 Amendment of Petition**

An applicant for a Special Exception, Variance or Special Use Permit may amend the application before the hearing if the City Council approves a motion to amend after giving ten (10) days' notice to all parties entitled to original notice of filing. If an amendment would alter materially an applicant's proposal or evidence, the City Council may postpone the hearing to a date that permits all interested parties adequate time to review the amendment. Nothing in this section prohibits the City Council, during the hearing or at any time before the record is closed, from requesting an applicant to revise any aspect of a proposal.

## **22.5 Withdrawal of Petition**

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

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

- A. A building permit for a Special Exception, Variance or Special Use Permit must be issued by the City before any building or other structure can be erected, moved, structurally altered, added to, or enlarged and before any excavation can be started. A building permit is required for any building or structure.
- B. A building permit may be issued only for proposed work that conforms to zoning district, uses and development authorized under this Ordinance or specific grant of a Special Exception or Special Use Permit and for which the adequacy of public facilities has been determined.
- C. A building permit must not be issued for any building or other structure which would be constructed, reconstructed or altered under a Special Exception, Variance or Special Use Permit unless the construction complies with all terms and conditions set by the City Council.
- D. The City Council may suspend or revoke any building permit for construction if the construction does not comply with all terms and conditions set by the City Council.
- E. This section does not prohibit the City Council, in its exercise of reasonable discretion, from allowing minor adjustments during construction which do not substantially alter the size, location or external appearance of the structure or the use or conditions of the Special Exception, Variance or Special Use Permit. The applicant must immediately notify the Commission of any deviations from the Special Exception, Variance or Special Use Permit plans approved by the City Council.
- F. Any change proposed during construction which would substantially alter the location or external appearance of the structure, or modify the use or condition of the Special Exception or Special Use Permit requires a rehearing before the City Council after new public notice to all persons entitled to notice of the original application.

## **22.7 Temporary Uses**

- A. Temporary uses are permitted in any zoning district, subject to the standards hereinafter established, provided that all temporary uses shall meet all regulations and requirements for the



zoning district in which the use is located, unless such are specifically suspended for the period of the temporary use by the Commission, and provided that no temporary use shall be permitted to continue for such a length of time that it constitutes in effect a permanent use.

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

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

## **SECTION 23 - RESERVED**

Reserved

## SECTION 24 - NON-CONFORMING USES

### 24.0 Purpose

#### 24.1 Legal Non-Conforming Uses

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

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

C. Additional purposes of the provisions of this subsection are:

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

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

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

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

#### **24.2 Grandfathering Provisions**

Non-conforming uses established and continuing prior to the enactment of this Ordinance are exempt from the conformity requirements of this Ordinance, subject to the provisions herein below. The right to continue a non-conforming use shall terminate immediately upon a finding by the Planning and Zoning Commission that such non-conforming use poses a threat to safety or compliance with State or federal law.

A. Nonconforming rights only apply to a property or structure or use as it

existed at the time of the effective date of this Ordinance or the designation of a zoning district or zoning restriction affecting such property or structure.

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

C. Non-conforming rights may continue in force when the land is sold, subject to the continued use provisions hereof.

#### **24.3 Use of Most Restrictive Requirements**

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

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

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

A. Nonconforming lots of record. These lots were legal when they were subdivided but do not meet the current requirements for width, depth,

access, or other requirements.

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

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

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

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

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

A. *Continuation.* An existing nonconforming use on the effective date of this Ordinance may be continued, and structures associated with the use may be maintained on the original location (footprint) of the damaged facility, provided no non-conforming use shall be enlarged or expanded in terms of floor space utilized or site area occupied nor may any legal

nonconforming use be changed to another nonconforming use of a different specific use classification. Enlargement or expansion shall include:

1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this Ordinance, or any amendment hereto which causes such use to become nonconforming; or
2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Ordinance, or any amendment hereto which causes such use to become nonconforming.
3. Attachments of signs to the building, placement of signs, or display material or goods or equipment on land outside of the building which would not be allowed under present requirements.

**B. Reestablishment.** An existing nonconforming use may not be reestablished after the nonconforming use or activity of the building or land has ceased for a continuous period of twenty four (24) months, except through a Special Use Permit. If the lessee of any building or place used or occupied for nonconforming purposes under a bona fide lease shall at any time before the expiration of said lease cease to occupy or use said building or land, it

shall not be considered vacant until the lessor/owner of said building or place shall again obtain legal control of its occupancy and use. Once changed to a conforming use, no building or use shall be permitted to revert to a nonconforming use.

**C. Damage or Destruction.** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than sixty (60%) percent of the estimated fair market value of such structure then, except in otherwise provided herein, non-conforming rights to such a structure automatically terminate if no construction activities for repair or replacement have commenced within eighteen (18) months of such damage. Repair or replacement under this provision must be commenced within eighteen (18) months of the damage occurrence and must be continuously undertaken to completion. Repair or replacement may be undertaken on the original location (footprint) of the damaged facility. For purposes of these requirements the Planning and Zoning Commission will assess the estimated value of the improvements as the fair market value.

**D. Change in Use.** A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in

which such land or structure is located. When such nonconforming use has been changed to a conforming or permitted use, it shall only be used thereafter for a conforming permitted use in the zoning district in which it is located. For purposes of this Section, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of sixty days. A change in use shall be determined by the totality of the circumstances in the judgement of the Planning and Zoning Commission.

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

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

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



*order of such official.*

**25. Reserved**

**Reserved**

**26. Reserved**

**Reserved**

### **27.0 Violations and Penalties**

*Should any building or structure be erected, structurally altered, or maintained or any building, structure, or land be used in violation of this ordinance, the City of Broussard or its duly authorized representatives, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alterations, maintenance, use or other violations to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Each day such violation continues shall constitute a separate violation.*

### **27.1 Notification of Violation**

Written notice of violation or stop work order shall be served upon the person or persons committing such violation either personally or by mail addressed to such person or persons at his or her last known address.

### **27.2 Complaints of Violations**

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the City, which shall record such complaint and investigate the matter. All such complaints shall be signed by and bear the address of the complainant.

### **27.3 Penalties**

Any person, persons, firms, corporations, developers, or developments, who fail to meet the requirements of the Ordinance, and the Zoning Regulations here, shall pay a penalty of \$300.00 per day for said violation, until such time as the Requirements of this Ordinance are met.

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

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

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

YEAS: Bonin, Rousseau, Higginbotham, Batiste, Romero

NAYS:

ABSTAIN: Foco

ABSENT: Guilbeau

And this Ordinance was declared adopted this on the 24<sup>th</sup> day of August, 2010

s/Tina Emert

TINA EMERT, City Clerk

s/Charles Langlinais

CHARLES LANGLINAIS, Mayor

**APPENDIX "B"**  
**APPLICATION FOR ZONING DISTRICT CREATION/CHANGE AND**  
**AMENDMENT/MODIFICATION TO ZONING MAP**

NAME OF APPLICANT: \_\_\_\_\_

MAIL  
ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

INTEREST \_\_\_\_\_ IN  
PROPERTY: \_\_\_\_\_

PROPERTY OWNER(S): (if different from  
applicant) \_\_\_\_\_

**COMPLETE THE FOLLOWING:**

Address \_\_\_\_\_ of \_\_\_\_\_ the  
property: \_\_\_\_\_

Legal Description: (Subdivision Name, Lot/ Block or Tract Number (Section, Township, Range)

\_\_\_\_\_  
(Attach a map of the property)

Total \_\_\_\_\_ acreage \_\_\_\_\_ in \_\_\_\_\_ zone  
change \_\_\_\_\_

Property dimensions: \_\_\_\_\_

Surrounding  
Streets: \_\_\_\_\_

The present zoning of the above property  
is: \_\_\_\_\_

The proposed zoning of the above property

is: \_\_\_\_\_

The present zoning of surrounding properties is (if more than one, describe all zoning):

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**HOW WILL THE PROPOSED ZONING/CHANGE AFFECT THE SURROUNDING AREA**

A. State the conditions that justify the proposed zoning/amendment. Describe the character of the proposed zoning district and its peculiar suitability for particular uses as well as the compatibility of the proposed district with surrounding districts and current land uses, and the impact of the proposed district upon neighboring properties?

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B. Have there been substantial changes in the character or development of areas in or near the area under consideration or changes in the zoning thereof (describe)?

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C. What are the anticipated impacts of the requested zoning upon the natural environment, the economy, the housing market and existing and programmed public facilities and services, both within and beyond the property?

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D. How will the proposed zoning/change impact the existing road network and City utilities?

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E. Attach a plot plan/map showing the property which document shall include all dimensions of the property, existing and proposed structures, all adjacent streets and roads, and ownership of adjacent properties. (Attach mailing labels for adjacent property owners).

Table 10

## Commercial and Industrial Districts – Permitted Land Use

Page 1

P = permitted use      - = not permitted

## GENERAL RETAIL

USE	CN	CC	CA	CO	LI	GI	NOTES
New merchandise sales < 80,000 ft <sup>2</sup>	P	P	P	P	P	P	
New merchandise sales > 80,000 ft <sup>2</sup>	-	P	P	-	P	P	
Flea Market	P	P	-	-	P	P	
Building/hardware/landscape material	-	P	P	-	P	P	
Furniture/fixtures/appliance sales	P	P	P	-	P	-	
Market – convenience/ specialty food/beverage	P	P	P	P	P	-	
Market - grocery/supermarket	P	P	P	-	P	-	
Produce Market	P	P	P	P	P	-	
Pawn Shop	P	P	-	-	-	-	
Plant nursery/landscape	-	P	P	-	P	-	
Fertilizer/Composting Plant	-	-	-	-	-	P	
Unbagged Fertilizer/Compost Facility	-	-	-	-	P	P	includes mulch
Used merchandise sales	-	P	-	-	P	P	
Antique/collectible shop	P	P	P	P	-	-	
Museum/Library/Gallery	P	P	P	P	-	-	
Personal Instruction Studio (fitness, dance, etc.)	P	P	P	P	-	-	
Sporting Goods	P	P	P	P	P	-	
School, private- elementary/secondary	P	P	-	-	-	-	
School - college (private)	P	P	-	-	-	-	
School - business/tech/vocational	P	P	-	P	P	-	

CN – Neighborhood Commercial

CC – Community Commercial

CA – Ambassador Cafferey Commercial

CO – Office Commercial

LI – Light industrial

GI – General Industrial

**Table 10 Commercial and Industrial Districts – Permitted Land Use**

**P = permitted use      - = not permitted**

**ENTERTAINMENT AND RECREATION**

<b>USE</b>	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	<b>NOTES</b>
Adult club/business/sales	-	-	-	-	-	-	variance required
Athletic club/Fitness Center/Spa	P	P	P	P	P	-	
Campground/Park	-	P	-	-	P	-	
Stadium/Field/Arena	-	P	-	-	P	-	
Sports Facility (indoor)	-	P	P	-	P	-	
Commercial recreation <3 acres	P	P	P	-	P	-	
Commercial recreation >3 acres	-	P	P	-	P	-	
Theater (indoor)	P	P	P	-	P	-	
Theater (outdoor)	-	P	P	-	P	-	
Casino	-	P	P	-	P	P	if state licensed
Amusement Park	-	P	P	-	P	P	inc. water park
	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	

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 CC – Community Commercial  
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 GI – General Industrial



**Table 10 Commercial and Industrial Districts – Permitted Land Use**

**P = permitted use      - = not permitted**

**FOOD SERVICE**

<b>USE</b>	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	<b>NOTES</b>
Liquor sales	P	P	P	P	P	-	
Restaurant, counter service	P	P	P	P	P	-	
Restaurant, table service	P	P	P	P	P	-	
Drive-through food/liquor sales	P	P	P	P	P	-	
Entertainment (with food)	P	P	P	P	P	-	sports bar, etc.
Catering service	P	P	P	P	P	-	
	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	

CN – Neighborhood Commercial  
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Table 10 Commercial and Industrial Districts – Permitted Land Use							Page 4
P = permitted use      - = not permitted							
<b>HUMAN HEALTH AND VETERINARY SERVICES</b>							
USE	CN	CC	CA	CO	LI	GI	NOTES
Ambulance service	P	P	P	P	P	P	
Emergency/Quick medical care	P	P	P	P	P	-	
Hospital	-	P	P	-	P	-	
Medical Offices	P	P	P	P	P	-	
Nursing/Retirement Home	-	P	P	-	-	-	
Family/Child day care	P	P	P	P	-	-	
Homeless Shelter	P	P	-	-	-	-	
Halfway house	-	P	-	-	-	-	CC = Hwy 90 only
Animal clinic or grooming	-	P	P	-	P	-	
Animal hospital	-	P	P	-	P	-	
Animal kennel	-	-	-	-	P	-	1000' from nearest residence plus sound controls
	CN	CC	CA	CO	LI	GI	

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 GI – General Industrial

**Table 10 Commercial and Industrial Districts – Permitted Land Use**

**P = permitted use      - = not permitted**

**GENERAL SERVICES**

<b>USE</b>	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	<b>NOTES</b>
Auction (indoor)	-	P	P	-	P	P	
Auction (outdoor)	-	P	-	-	P	P	
Bed and Breakfast	P	P	P	P	P	-	
Hotel/Motel	-	P	P	P	P	-	
Business Support Services	P	P	P	P	P	P	
Equipment Rental (indoor)	P	P	P	-	P	P	
Equipment Rental (outdoor)	-	P	P	-	P	P	CC = Hwy 90 only
Oilfield Services Rental	-	P	-	-	P	P	CC = Hwy 90 only
Maintenance/Repair/Small Engine	-	P	P	-	P	P	
Antenna or communication facility	-	P	-	-	P	P	See Section 14
Mini-warehouse/Storage	-	P	-	-	P	P	
Contractor/Construction Equip. Sales	-	P	P	-	P	P	CC = Hwy 90 only
Handicraft Shop	P	P	P	-	P	P	
Light Industrial Services	-	-	-	-	P	P	
Laboratory	-	P	-	-	P	P	
Electrical Substations	-	-	-	-	P	P	Variance required
	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	

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**Table 10 Commercial and Industrial Districts – Permitted Land Use**

P = permitted use      - = not permitted

**OFFICES, MEETING HALLS AND PUBLIC BUILDINGS**

USE	CN	CC	CA	CO	LI	GI	NOTES
Banks/Financial/Investment services	P	P	P	P	-	-	
Bail bond services	-	P	-	P	-	-	
Cash Checking services	P	P	-	P	P	-	
Offices-administrative/professional	P	P	P	P	P	P	
Offices - government	P	P	P	P	P	-	
Offices - Medical/dental	P	P	P	P	-	-	
Auditorium/exhibition hall (enclosed)	-	P	P	P	-	-	
Church	P	P	P	P	-	-	
Club/lodge/meeting hall	P	P	P	P	-	-	
Conference Center	P	P	P	P	-	-	
COB Community Center							no zoning required
COB Police or Fire Station							no zoning required
Post Office/Federal Buildings							no zoning required
COB POTW Lift Station/ Sewage Treatment Facility							no zoning required
COB Public Water Supply Facility							no zoning required
COB Public Buildings							no zoning required
COB Rights-of-Way							no zoning required
School - elementary/secondary (public)							School Board lands
Pipelines, conduits, transmission lines, utilities or any other lateral facility							Variance required
	CN	CC	CA	CO	LI	GI	

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 COB = City of Broussard

CO – Office Commercial  
 LI – Light industrial  
 GI – General Industrial

**Table 10 Commercial and Industrial Districts – Permitted Land Use**

**P = permitted use      - = not permitted**

**VEHICLE SALES/SERVICE**

<b>USE</b>	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	<b>NOTES</b>
Auto and truck rental	P	P	P	-	P	P	
Auto and truck repair	-	P	-	-	P	P	
Large truck/machinery sales	-	P	P	-	P	P	CC = Hwy 90 only
Recreation vehicle sales	-	P	P	-	P	P	CC = Hwy 90 only
Boat sales	-	P	P	-	P	P	CC = Hwy 90 only
Manufactured homes sales	-	P	-	-	P	P	CC = Hwy 90 only
Trailer/flatbed sales	-	P	P	-	P	P	
Service station	-	P	P	-	P	P	
Oil Change/Fluid Maintenance	-	P	P	-	P	P	
Truck Stop	-	P	-	-	P	P	CC = Hwy 90 only
Vehicle accessory sales	-	P	P	-	P	P	
Vehicle sales and service <3 acres	-	P	-	-	P	P	
Vehicle sales and service > 3 acres	-	P	P	-	P	P	
Vehicle storage or impound yard	-	P	-	-	P	P	CC = Hwy 90 only
Parking facility, commercial	-	P	P	P	P	P	
Private transportation service	P	P	P	-	P	P	
Wrecker/Towing Service	-	P	-	-	P	P	CC = Hwy 90 only
Salvage/Junk Yard	-	-	-	-	-	P	Screening required
	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	

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**Table 10 Commercial and Industrial Districts – Permitted Land Use**

**P = permitted use      - = not permitted**

**AGRICULTURAL/LIVESTOCK/STABLES**

<b>USE</b>	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	<b>NOTES</b>
Farm (3 acres or less)	P	P	P	-	P	P	
Farm (> 3 acres)	P	P	P	-	P	P	
Shooting Range (indoor)	-	P	P	-	-	-	
Zoo	-	P	P	-	P	P	
Stable	P	P	P	-	P	P	
Rodeo Rink	-	P	P	-	P	P	
Rodeo Rink (non-commercial)	-	P	P	-	P	P	
Race Track	-	-	-	-	-	-	Variance required
Dairy Farm	-	-	-	-	-	-	Variance required
Livestock Facilities	-	P	-	-	P	P	
Chicken Coops (commercial)	-	-	-	-	-	-	
Slaughter House/Processing Plant	-	-	-	-	-	-	
	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	

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**Table 10 Commercial and Industrial Districts – Permitted Land Use**

**P = permitted use      - = not permitted**

**MANUFACTURING/RECYCLING**

<b>USE</b>	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	<b>NOTES</b>
Manufacturing Plant/Facility (heavy)	-	-	-	-	-	P	
Manufacturing/assembly (light)	-	P	-	-	P	P	
Cement Plant	-	P	-	-	P	P	CC = Hwy 90 only
Pipeyard/Pipe Cleaning	-	-	-	-	P	P	
Oilfield Equipment Sales/Storage	-	P	-	-	P	P	CC = Hwy 90 only
Metal Working/Welding	-	P	-	-	P	P	
General Metal Fabrication	-	P	-	-	P	P	CC = Hwy 90 only
Recycling collection facility (small)	-	-	-	-	P	P	
Recycling collection/processing facility	-	-	-	-	P	P	
Waste Treatment, Storage, Disposal	-	-	-	-	-	-	Variance required – available in GI only
Sandblasting	-	-	-	-	P	P	Screening required
	<b>CN</b>	<b>CC</b>	<b>CA</b>	<b>CO</b>	<b>LI</b>	<b>GI</b>	

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**APPENDIX "A"**  
**DEFINITIONS**  
**CITY OF BROUSSARD ZONING ORDINANCE**

*Abandon:* To voluntarily cease the use and maintenance of land, buildings or structures which have been non-conforming use, or to change from one non-conforming use to another or to a conforming use. For expiration of non-conforming rights abandonment means eighteen months. For expiration of rights for location of a cellular tower abandonment means six months.

*Access:* A means of approach or admission.

*Adult entertainment business:* An establishment that:

(1) sells, rents, exhibits, or displays adult entertainment materials including films, motion pictures, video cassettes, CDs, DVDs, slides, other photographic reproductions, or visual media, which activities occupy more than ten percent of the total floor area for selling, renting, exhibiting, or displaying all materials;

(2) Any theatre, auditorium, concert hall or other place of assembly (1) presenting any form of audio or visual material characterized by emphasis on depiction, description or display of sexual activities or uncovered male or female genital areas, or (2) featuring live nude or semi-nude performances characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observation by patrons; or

(3) Otherwise requires a license as an adult entertainment business.

*Adult entertainment material or performance:* Material that is a book, magazine, periodical, or other printed matter; photograph, film, motion picture, video cassette, DVD, CD, slide, or other visual representation; sculpture, representation, recording or sexual paraphernalia that depicts or describes nudity or sexual conduct, sexual activities or conduct or uncovered



automobiles. An automobile service station, gas station or car wash is not an automobile repair or body shop.

**Automobile or Vehicle sales lot:** A lot arranged, designed or used for the storage and display for sale of motor vehicles. This may include an indoor showroom designed to display automobiles for retail sale, automobile storage, service, or parts sales.

**Automobile wrecking:** See *cjunk yard.c*

**Bar:** An establishment in business for the sale and consumption of alcoholic beverages. Different degrees of food service may be available, but the primary function is for the consumption of alcoholic beverages. The definition for *cbarc* also includes, but not limited to, saloon, bar room and tavern.

**Bed-and-breakfast (also Country Inn) lodging:** A dwelling unit that is owner-occupied and in which (1) a guest room or guest rooms are provided, for compensation, as overnight accommodations for transient visitors, and (2) breakfast is customarily included in the charge for the room. Such a facility may also contain specific commercial uses such as small meeting rooms, banquet facilities and related amenities.

**Billboard:** A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.

**Buffer:** A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Building:** Any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto which is constructed or erected, either temporary or permanent, having a roof intended to be impervious to weather, supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or conducting business

activities or other similar uses. The definition includes tents, awnings, and vehicles situated on private property and serving in some way the function of a building, but not including screened enclosure not having a roof impervious to weather.

**Building, repair or alteration of:** As applied to a building or structure, means a change or rearrangement in the structural parts or supporting members of any building or structure including, but not to the exclusion of, other supporting members, bearing walls, columns, posts, beams, girders as well as any architectural change of the interior or exterior which may affect the structural integrity of the building.

**Building repair, cosmetic:** shall mean any modification of a building to change the appearance or design of the building which does not affect structural integrity thereof.

**Care Homes:** Any of the following for-profit facilities whose operation provides health/residence care to individuals other than children:

**Day care facility for senior adults and persons with disabilities:** A day care center, certified by the State, as a residence or other place used for the reception and care, as a cooperative or for compensation, of one or more seniors or a person with disabilities, for part of a 24-hour period that is in conformance with state licensure regulations for day care facilities for elderly and medically handicapped adults.

**Domiciliary care home:** A facility licensed, funded, certified, or registered which provides a protective institutional or home-type environment, and maintains the necessary services for persons who, because of advanced age or disability require a supportive environment.

**Hospice care facility:** A facility certified as a hospice, housing non-related persons which provides an organized, medically directed, interdisciplinary program designed to provide palliative care to

terminally ill patients. The purpose of such facilities is to provide palliative and supportive care to patients and their families to meet the special needs arising out of physical, emotional, spiritual, social and economic stresses which are experienced during the final stages of illness, death and bereavement.

**Housing and related facilities for senior adults or persons with disabilities:** A building or buildings containing dwelling units and related service facilities for senior adults or persons with disabilities where occupancy is restricted . The use may also include facilities for such services to residents as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of the above operations.

**Nursing home:** A facility licensed, funded, certified, or registered providing a continuity of residential occupancy and health care for senior adults. A nursing home will include dwelling units for either independent or assisted living, or both, plus a which is devoted primarily to the maintenance and operation of resources for the treatment and care of persons suffering from illness, disease, aging, or injury, not requiring extensive or intensive care that is normally provided in a hospital, but who require care in excess of room and board and who may need the on-site availability of medical, nursing, convalescent or chronic care.

**Car wash:** See Automobile Wash.

**Cellular Communications System (Telecommunications System):** All of the component physical, operational and programming elements of a system of antennas, amplifiers, towers, microwave links, waveguides, laser beams, satellites, or any other conductors, converters, equipment or facilities designed, constructed and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing

wireless voice, data and image transmission and services within a designated service area, including the structures, buildings and facilities in which or on which said component elements are located or which otherwise support the system. Equipment may be located within a building, an equipment cabinet, or an equipment room within an existing building.

**Cemetery:** A place used for the permanent interment of dead humans or animals or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments or a combination of one or more thereof, provided, however, that a memorial garden located on the premises of a church, where the ashes of deceased persons may be scattered or placed, shall not be deemed a cemetery.

**Child day care facility:** A dwelling or building in which child day care services are provided to persons age 17 and under, in accordance with all applicable state and parish laws and regulations. The facility may include preschool and kindergarten educational programs, tutorial programs, or other teaching programs, subject to accreditation by the State, are permitted as an accessory use in all child care facilities.

**Church:** A building wherein persons regularly assemble for religious worship or services and which is maintained and controlled by a religious body, group or organization organized to sustain religious worship, services or works together with all accessory buildings.

**Club:** A social organization catering to members and their guests or premises and buildings for social, recreational or athletic purposes.

**Clubhouse:** A building to house a club or social organization which is not otherwise adjunct to or operated by or in connection with a public tavern, café, or other public place.

**Commission:** The Planning/Zoning Commission for the City of Broussard.

**Conference center:** Facilities for conducting meetings, discussions, conferences. Facilities may include meeting rooms, auditoriums, cafeterias, dining rooms, dormitories, guest rooms or other similar lodging

accommodations, recreational uses, and supporting services designed mainly to accommodate planned meetings. A conference center is not a hotel, motel, bed-and-breakfast or inn which may have meeting rooms as a secondary use.

**Constructed:** Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

**Construction Debris Facility.** Any land used for the collection, sorting and recovery of construction or demolition debris and permitted by the Louisiana Department of Environmental Quality for such use. The definition does not, however, include hazardous waste disposal facilities, disposal of rubbish, garbage, scrap metals, junk, automobiles, white goods, refuse, or recycling of products.

**Council:** The City Council of the City of Broussard, Louisiana.

**Day Care Facility:** See Child day care facility.

**District:** A specified portion of the City, delineated on the Official City of Broussard Zoning Map, within which certain regulations and requirements or various combinations thereof apply.

**Educational institution, private:** Every private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten, or nursery school instruction, or any combination thereof, or any program of trade, technical or artistic instruction. An educational institution operated by the Parish School Board is not a private educational institution. A private educational institution may include: (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, which may serve individuals who are not enrolled as students in the institution's academic program. Private educational or

artistic instruction conducted in a home by a resident of that home is not a private educational institution but is a home occupation.

**Emergency health care facility:** A facility which provides care and treatment to patients with medical emergencies including patients transported by emergency rescue vehicles. Patients are typically treated on an outpatient basis.

**Enactment:** Whenever the word enactment is used herein, it refers to the date of the enactment of this Ordinance.

**Excavation:** The removal of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means.

**Expansion of a Structure:** An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

**Fence:** Any artificially constructed barrier of any material, or combination thereof, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all of the property from the view of the neighbors.

**Flashing Sign:** Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

**Freestanding Sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

**Garage:** See automobile garage.c

**Gasoline Station – Motor Vehicle Service Station:** Any area of land, including buildings and other structures thereon, that is used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental and no storage or parking space is offered for rent. A

convenience store and car wash may be an accessory use to an automobile filling station.

**Government Office:** A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention, and entertainment facilities owned and/or operated by a government agency.

**Green area:** An area of land associated with and located on the same tract of land as a major building or group of buildings, or a prescribed portion of the land area encompassed by a development plan, diagrammatic plan or site plan, to which it provides light and air, or scenic, recreational or similar amenities. This space must generally be available for entry and use by the occupants of the building or area involved, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features or screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Green area may include but is not limited to lawns, decorative plantings, sidewalks and walkways, active and passive recreational areas including children's playgrounds, public plazas, fountains, swimming pools, wooded areas, and watercourses. Green area does not include parking lots or vehicular surfaces, accessory buildings other than swimming pools, or areas of open space so located, small, or circumscribed by buildings, parking or drainage areas as to have no substantial value for the purposes stated in this paragraph.

**Hazardous Materials:** shall be as such are defined by 42 USC Section 9601(14) and as further may be defined as hazardous materials, hazardous wastes, hazardous substances, pollutants, contaminants or toxic substances by the Louisiana Department of Environmental Quality and U.S.

Environmental Protection Agency regulations. For the purposes of this Ordinance, Hazardous Materials shall include oil field wastes as defined by LSA-R.S. 30:73.

**Hazardous or Toxic Waste:** shall be as defined without limitation, in the Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. §9601, et seq., cCERCLAC], the Hazardous Materials Transportation Act [49 U.S.C. §1801 et seq.], the Resource Conservation and Recovery Act [42 U.S.C. §6901 et seq.], the Clean Water Act [33 U.S.C. §1251 et seq.], the Clean Air Act [42 U.S.C. §7401 et seq.], the Toxic Substances Control Act [15 U.S.C. §2601 et seq.], the Safe Drinking Water Act [42 U.S.C. §300 et seq.], the Environmental Protection Agency's regulations appearing under title 40, Code of Federal Regulations, the Occupational Safety and Health Act [29 U.S.C. §651 et seq.], and any cSuperfundc, cSuperlienc or environmental liability act, as such laws have been amended or supplemented and any analogous future federal, or coextensive, correlative or analogous present or future applicable state or local laws, statutes or ordinances and the rules and regulations promulgated thereunder.

**Hazardous Waste Treatment, Storage or Disposal Sites:** shall include (1) Solid or Hazardous Waste Treatment, Storage or Disposal Sites or Landfills, and/or Oilfield Waste Treatment, Storage or Disposal Sites

**Hazardous Facilities, Prohibited:** Facilities, businesses or activities which would qualify as a categorical discharger under federal or State laws and regulations and which may cause damage, pass through or interference with the Publically Owned Treatment Works; and any facilities, businesses or activities which would qualify as a major emission source under federal or state laws or regulations.

**Historic Site/Structure:** Means any site or structure that is: (1) Listed individually in the Louisiana or National Register of Historic Places or preliminary determined by the state or federal government as meeting the requirements for individual listing on the Register; (2) Certified or preliminarily determined by the state or federal government as contributing to the historical significance of a registered historic district; (3)



Individually listed on a state inventory of historic places; or (4) Individually listed on a local inventory of historic places when a historic preservation program has been established for the City of Broussard.

**Home occupation:** Any occupation, other than a registered home health practitioner's office, that provides a service or product and is conducted within a dwelling unit by a resident or residents of the dwelling unit without diminishing its residential character. A home occupation has the following characteristics:

- (a) It is clearly subordinate to the use of the dwelling unit for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit.
- (b) It is conducted entirely within the dwelling unit or any existing accessory building and does not use any open yard area of the lot or parcel on which the dwelling unit is located or any building constructed on the lot or parcel specifically for the purpose of operating the home occupation, except for loading and unloading tools and equipment (all storage and maintenance of these tools and equipment, however, must be within the dwelling unit or any existing accessory structure). It may, however, involve off-site activities such as sales, client contact and other matters related to the home occupation.
- (c) It uses no equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable at or beyond the lot line. It does not involve use, storage or disposal of:
  - (1) A quantity of a petroleum product sufficient to require a special license or permit from the fire marshal; or
  - (2) Any material defined as hazardous or required to have a special handling license.
- (d) It is carried on by a member or members of the family dwelling unit.

(e) Not more than one (1) person outside the family shall be employed in the home occupation.

(f) There shall be no advertising display visible from the street, other than a small unlighted professional nameplate not over four (4) square feet in area.

A home occupation includes, but is not limited to, the office of a member of a recognized profession, such as a lawyer, accountant, architect, engineer, or veterinarian who resides in the dwelling unit in which the office is located. A home occupation does not include the following or other uses specifically defined or regulated elsewhere in this Ordinance:

bed-and-breakfast establishment, boardinghouse, day care facility, landscape contractor, private educational institution, tourist home, or the repair and maintenance of boats, trailers or motor vehicles.

**Hospital:** An institution receiving inpatients and rendering care and treatment for medical, surgical, obstetrical, psychological, or chemical dependency disorders including general hospitals and institutions in which service is limited to special fields.

**Hospital, veterinary:** A building or establishment in which is provided medical, surgical and other veterinary care to domestic animals but not to include an animal boarding place.

**Hotel, Motel or Inn:** A building or group of buildings providing transient accommodations with motor vehicle parking contiguous to the building, and individual entrances from outside the building to serve each unit. The term shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin. For the purpose of this Ordinance, cMotelc and cHotelc are considered synonymous.

**Junk Yard:** Any place of storage or deposit outside of a building, whether in connection with another business or not, where two or more unregistered, old, or second-hand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale

of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit outside of a building for any such purposes or used parts of waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles. The term junk yard shall also be construed to mean any place of storage or deposit outside of a building, whether in connection with another business or not, where there is accumulated therein and thereon any second-hand or used property of whatever material it is composed, including but not limited to any used appliances (white goods) or any waste material whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement or otherwise which, taken together, exceeding in bulk three (3) cubic yards.

**kennel, commercial: (animal boarding place):** Any buildings or land, other than a veterinary hospital, used, designated or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or other domestic animals for profit, not including those animals raised for agricultural purposes.

**Meeting center:** A facility for conducting meetings and receptions. A meeting center is not a hotel, motel or inn which are separately defined in this section and which may have meeting rooms as a secondary use.

**Mobile (manufactured) home:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis, or an independent chassis, to a building site, to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, manufactured in accord with governmental standards, as they may be amended from time to time. The term includes any type of building which constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim.

**Mobile Home Park:** A plot of land designed and/or used to accommodate three (3) or more manufactured housing units.

**Mobile Home Subdivision:** A parcel of land approved by the City for the placement of a manufactured housing unit on individually owned lots.

**Monopole:** A single, freestanding pole-type structure, tapering from base to top and supporting one or more antenna for wireless transmission.

**Motel:** See Hotel.

**Mulch manufacturing and composting:** The manufacture of horticultural mulch from wood, wood products, compost, or similar materials. The production of mulch and compost as part of a farm operation is an accessory use to the farm.

**Nonconforming building or structure:** A building or structure that was lawful when constructed and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

**Nonconforming use:** A use that was lawful when established and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

**Nursery, horticultural:** The wholesale or retail business of selling plants and plant materials grown on- or off-site as well as garden supplies and equipment and related items. This term included any unclosed place where young trees, bushes or plants are grown for the purpose of subsequent sale or transplanting, but not including holding or storage areas set aside for plants and trees awaiting re-planting off-site.

**Office, general:** An office for the use of (a) professional persons such as doctors, lawyers, accountants, engineers, etc., or (b) general business offices such as insurance companies, trade associations, financial offices, manufacturing companies, investment concerns, banks and trust companies,

real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

**Office, professional, nonresidential:** An existing single-family structure used for professional office purposes by any member or members of a recognized profession, such as, but not limited to, doctors, lawyers, architects, accountants, engineers and veterinarians, but not including medical, dental or veterinarian clinics or inpatient treatment facilities. Professional offices do not include general business offices, such as the offices of insurance companies, trade associations, manufacturing companies, investment concerns, banks or real estate companies.

**Outside Storage of Materials:** The unenclosed placement or deposition of natural or man-made objects or materials, other than on a temporary (72 hour) period for display, storage, sale or future use.

**Parks and Recreation:** Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation and amusement centers.

**Pawnshop:** An establishment engaged in the business of lending money on the deposit or pledge of tangible personal property or in the business of purchasing tangible personal property on the condition of reselling the property to the seller at a stipulated price, where any of the income received by the establishment is generated through these activities.

**Projecting Sign:** Any sign affixed to a building or a wall in such a manner that its leading edge extends more than one (1) foot beyond the surface of the building of such building or wall.

**Public facilities and amenities:** Those facilities and amenities of a type and

scale necessary to provide an appropriate environment or to satisfy public needs resulting from the development of a particular project. Facilities and amenities may include, but are not limited to, green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation; streetscaping such as street plantings, furniture, and lighting; provision of space with commitment for public performances and events, vending and recreation; and finally, dedicated uses open to the public such as museums, art galleries, cultural arts centers, community rooms, recreation areas, and day care for child or senior adults and persons with disabilities.

**Public or Private Schools:** Primary and secondary schools, or parochial schools, which satisfy either of the following requirements:

- (a) the school is not operated for a profit or as a gainful business;
- (b) or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

**Public Facility:** Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Public use space:** Space required by the sector plan and other space devoted to such uses as space for public enjoyment consisting of such things as, but not limited to, green areas, gardens, malls, plazas, walks, pathways, promenades, arcades, lawns, fountains, decorative plantings, passive or active recreational areas. Areas devoted to this purpose shall be easily and readily accessible to the public without restrictions to particular segments of the public.

**Public Utility:** Any entity, person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, sanitary sewage disposal, or water to the public.

**Recreation/Fitness Center:** Privately owned buildings or facilities, which are available for use by the general public or on a membership basis. Uses and activities may include: theaters; exercise facilities; court games such as tennis, paddleball, handball, basketball and volleyball; bowling alleys, archery; golf driving ranges and putting greens; ice arenas; pool and billiards; ping pong; swimming pools; roller skating rinks; and restaurants and taverns when designed as an integral part of the facility.

**Recreational Vehicle:** A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by mother vehicle. Recreation vehicles includes travel trailers, motor homes, pickup campers, tent trailers, off road vehicles, house car, house trailer, trailer home, trailer coach or other portable unit.

**Recreational Vehicle Park:** An area in which space is rented for recreational vehicles on a temporary basis.

**Recycling facility:** Any land or building used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials:

- (a) are separated, collected, processed, or marketed in the form of raw materials or products;
- (b) have monetary value;
- (c) when separated, collected, processed, or marketed, result in less than 10% non-marketable waste by volume; and
- (d) are stored on-site with the inventory, by volume, being turned over at least once every 3 months.

The sorting of demolition or construction materials must be done before reaching the recycling facility. A solid waste transfer station is not a recycling facility.

**Restaurant:** An establishment where meals are prepared and served to the public for consumption for compensation.

(1) *Standard (table service) Restaurant:* A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

(2) *Fast Food Restaurant:* A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

(3) *Drive-In Restaurant:* A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

**Stable:** Any building, structure, or land area, other than a horse farm, that is used or designed for the care, breeding, boarding, rental, or training of horses or ponies other than farm livestock. A stable may conduct horse shows for competition or other display of riding ability but does not include racetracks.

**Rifle, pistol, skeet or trap shooting range, private:** A rifle, pistol, skeet or trap shooting range operated by an individual and used exclusively by such individual and his guests.

**Road:** Includes street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct or any segment thereof.

**Sewage treatment plant:** A facility or structure for the processing of sewage to render it fit for discharge into a wetlands or stream. This includes either:

(1) The Broussard Environmental Service and Enhancement District POTW, or

(2) Privately owned facilities (package plants) for which discharge is



approved under permit from the Louisiana Departments of Health and Environmental Quality.

**Shopping Center:** Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor area.

**Slaughter-house:** Any building, place, or establishment where livestock grown off-site are slaughtered for commercial purposes

**Solid waste:** Garbage, refuse, sludge, rubble, debris and other discarded materials resulting from residential, industrial and commercial operations and from construction and community activities. It does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flow, or other common water pollutants. Solid waste does not include hazardous, toxic, medical or oil field wastes.

**Solid waste transfer station:** A place or facility where solid waste is taken from collection vehicles or containers and placed in the same or other vehicles or containers for transportation to other intermediate or final disposal facilities; or a place or facility which handles marketable scrap with 10% or more non-marketable waste by volume or which turns over its inventory, by volume, less frequently than once every 3 months. A recycling facility is not a solid waste transfer station.

**Special Protection Area:** A geographic area where:

- (1) existing water resources or other environmental features are of high quality or unusually sensitive; and
- (2) proposed land uses would threaten the quality or preservation of those resources or features in the absence of special water quality protection measures which are closely coordinated with appropriate land use controls.

**Storm Fence:** fence that is up to 8 feet high and constructed of an open

mesh, heavy weight, plastic or similar material that allows a clear view through the fence. A storm fence may be constructed with wood, metal, or fiberglass posts.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above.

**Structure:** Anything constructed, erected, or placed, or a combination of materials with a fixed location above, on, or below the ground, or attachment to something having such location, including buildings, signs, billboards, signs, light posts, utility poles, radio and television antennas, swimming pools, gazebos, tennis courts, sheds, storage bins, but excluding fences, sidewalks, driveways, and streets.

**Subdivision:** The division of any tract or parcel of land, or any structure or structures on a tract or parcel of land into three (3) or more commercial, industrial, or dwelling units or combination thereof whether accomplished by sale, lease, development, buildings or otherwise.

1. In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of the tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of these first two lots, by whomever accomplished, unless otherwise exempted herein, is considered to create a 3rd lot, unless:

- a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for usable open space land; or
- b. The division of the tract or parcel is otherwise exempt under this definition.

2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to the Subdivision provisions of this Ordinance, do not become subject to the

Subdivision provisions of this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel.

3. A lot of forty (40) or more acres shall not be counted as a lot.

4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to the City of Broussard or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of that transferor in any transfer or gift within this paragraph is to avoid the objectives of this section.

5. The division of a tract or parcel of land into three (3) or more lots and upon each of which lots permanent dwelling structures legally existed before enactment of this Ordinance is not a subdivision.

6. In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.

7. Nothing in the Subdivision provisions of this Ordinance may be construed to prevent the City of Broussard from enacting an Ordinance which expands the definition of subdivision or which otherwise regulates land use activities.

8. The grant of a bona fide security interest in an entire lot is exempted from the definition of subdivision, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of the Subdivision provisions of this Ordinance.

9. For the purposes of this definition, a new structure or structures includes any structure for which construction began on or after the enactment of this Ordinance. The area included in the expansion of

an existing structure is deemed to be a new structure for the purposes of the Subdivision provisions of this Ordinance.

10. For the purposes of this definition, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

**Terms:** For purposes of this Ordinance, the present tense shall include the future; the singular number shall include the plural; and the plural the singular. The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used, or occupied".

**Theater, indoor:** A building designed or used primarily for the commercial exhibition of motion pictures to the general public.

**Trailer (including automobile trailer):** Any vehicle or structure [except a device exclusively used upon stationary rails or tracks] mounted on wheels for use on highways and streets; designed to be drawn by another vehicle; and which is designed and constructed to provide living or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation or for use as selling or advertising device. A trailer is not an accessory building except when used for construction offices or real estate sales in accordance with the definition of accessory uses. A recreational vehicle as defined in this chapter is not a trailer. A former trailer is no longer considered a trailer when permanently secured to the ground or a foundation.

**Trucking terminal:** A tract of land used for the loading or unloading of trucks and the temporary storage of goods and commodities being transported in interstate and/or intrastate shipment. A trucking terminal may include loading and unloading platforms, warehouse facilities for temporary storage of goods in transit reservoir parking for trucks and truck

trailers waiting to be loaded or unloaded and related business offices. Other uses such as eating facilities for employees, truck fueling and repair facilities and sleeping quarters for truck drivers may be permitted as accessory uses only. A trucking terminal is not a solid waste transfer station.

**Vegetation:** All live trees, shrubs, ground cover, and other plants, excluding agricultural crops.

**Vehicle Sales:** Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

**Veterinary Hospital or Clinic:** A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

**Warehousing/Storage:** The storage of goods, wares, and merchandise in a warehouse.

**Zoning District:** An area within which certain uses of land and buildings are permitted and certain others are prohibited; where yards and other open spaces may be required; where lot areas, building height limits and other requirements are established; and all of the foregoing are identical for the zone in which they apply.

**Zoning Map:** The zoning map of the City of Broussard, together with all amendments thereto which are subsequently adopted.