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**ARTICLE I. TITLE, INTENT & PURPOSE**

<b>Section 101.</b>	<b>TITLE</b>
<b>Section 102.</b>	<b>PURPOSE AND AUTHORITY</b>
<b>Section 103.</b>	<b>APPLICABILITY</b>
<b>Section 104.</b>	<b>ZONING MAP</b>
<b>Section 105.</b>	<b>FEES</b>
<b>Section 106.</b>	<b>TRANSITION RULES</b>
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<b>Section 109.</b>	<b>AMENDMENTS</b>
<b>Section 110.</b>	<b>ANNEXED TERRITORY</b>

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**SECTION 101. TITLE**

These regulations shall be known and may be cited as the “Comprehensive Zoning Ordinance” of the City of Thibodaux in the State of Louisiana.

**SECTION 102. PURPOSE AND AUTHORITY**

*A. PURPOSE*

These zoning regulations as herein set forth have been prepared for the City of Thibodaux, Louisiana to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.

*B. AUTHORITY*

This ordinance adopted pursuant to the Charter of the City of Thibodaux, and the provisions of Section 33:4721 et seq., Section 33:101 et seq., and Section 25:731 et seq. of the Louisiana statutes and the Constitution of the State of Louisiana in order to protect the health, safety and welfare of the City of Thibodaux, Louisiana.

*C. COMMISSION PROVISIONS*

1. Under the authority of the Louisiana (LA) R.S. 33:101 et seq. the City of Thibodaux maintains a municipal planning commission, to be known as the “Thibodaux Planning Commission” or “Planning Commission” herein, whose administrative provisions are found in Chapter 22, Article 6 of the City of Thibodaux Code of Ordinances.
2. As per LA.R.S. 33:4721 et seq. the municipal planning commission shall also serve as the municipal zoning commission, and shall have all of the powers conferred upon zoning commissions by law, and shall be known as the “Thibodaux Zoning Commission” or “Zoning Commission” herein. The provisions for the Zoning Commission are found in Chapter 2, Article 11 of the City of Thibodaux Code of Ordinances.

3. There may be a Board of Adjustment, the membership, terms of office, and rights and duties of which shall be provided in LA.R.S. 33:4727, as amended.
- D. Any reference or citation made in this ordinance to any duly enacted statute of the United States of America or of the State of Louisiana; or any duly enacted ordinance of the Parish of Lafourche, the City of Thibodaux; or any regulation enacted or promulgated by any department, agency, bureau or other institution or subdivision of the United States of America, the State of Louisiana, the Parish of Lafourche or of the City of Thibodaux shall refer to the provisions of the cited or referenced statute, ordinance or regulation as of the date of the enactment of this ordinance or as cited or referenced statute, ordinance or regulation may thereafter from time to time be amended, reenacted or re-designated.
- E. All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.

**SECTION 103. APPLICABILITY**

- A. These regulations shall apply to all the area located within the corporate limits of the City of Thibodaux. All developments shall meet minimum standards and requirements of these regulations, as amended. This ordinance, or any amendment thereto, shall not affect the validity of any building permit lawfully issued prior to the effective date of the ordinance, or any amendment thereto, provided that the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto, that construction authorized by such permit has commenced prior to the effective date of the ordinance, or any amendment thereto, and provided that construction has and does continue without interruption until development is completed.
- B. This ordinance, or amendment thereto, shall not affect the validity of variances granted prior to the effective date of this ordinance, or amendment thereto. Said variances shall remain in effect after the effective date of this ordinance, and shall constitute variances to the applicable provisions of this ordinance.
- C. The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land, fence or sign within the City, except work located primarily in a public way, public utility towers and poles and public utilities unless specifically mentioned in this code.
- D. Where, in any case, different sections of this code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- E. In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such as merely a byproduct of the overall benefit to the whole community. Therefore, the City of Thibodaux, its officers, agents and employees shall have qualified immunity against

unintentional breaches of the obligation of administration and enforcement imposed on the jurisdiction hereby.

#### **SECTION 104. ZONING MAP**

- A. The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the City Council of the City of Thibodaux. Said map and subsequent amendments thereto shall be considered as a part of this code.
- B. Zoning map amendments are changes to portions of the zoning ordinance that address specific issues or requests. No changes of any nature shall be made in the official zoning map except in conformity with the procedures set forth in this Ordinance.
- C. If, in accordance with the provisions of this Ordinance and Title 33:4721—4732 of the Louisiana Revised Statutes of 1950, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall become effective promptly after the amendment has been approved by the City Council.
- D. The official zoning map shall be updated periodically by City Council of the City of Thibodaux to incorporate these changes in the official ordinance.

#### **SECTION 105. FEES**

The Thibodaux City Council shall establish a schedule of fees, charges and expenses and a collection procedure for applications, building permits, certificates of zoning compliance, appeals and other matters pertaining to this ordinance. A schedule of fees shall be posted in the office of the Zoning Administrator available and may be altered or amended only by the City Council. No action shall be taken on any application or appeal until all fees or expenses have been paid in full.

#### **SECTION 106. TRANSITION RULES**

- A. Lawfully established buildings and uses, lighting, landscaping, parking, building setbacks, and other site features in existence at the time of the adoption of this ordinance shall be permitted to lawfully continue subject to the provisions of Article 4, Nonconformities, and other provisions of this Ordinance applicable to nonconformity with the provisions of this Ordinance, provided that such continued use is not dangerous to life or community.
- B. All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the Zoning Administrator shall be permitted to order any structure or use to be inspected.
- C. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures. Temporary buildings, structures, uses and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a permit received from the City of Thibodaux Permit Department for a limited time period. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

**D. ILLEGAL USES**

Uses that are illegally established prior to the adoption of this Ordinance shall remain illegal.

**SECTION 107. SEVERABILITY**

If any section or provision of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, the remaining herein shall not be affected.

**SECTION 108. EFFECTIVE DATE**

Upon the effective date of this Ordinance, the pre-existing Appendix A Zoning Ordinance, and Chapter 18 Article VIII Town House Developments of the City of Thibodaux Code of Ordinances shall be repealed.

**SECTION 109. AMENDMENTS**

- A. The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed or repealed; provided, however, that the legislative body shall not hold any public hearings or take any action until it has first referred the request to the municipal zoning commission. It shall be the duty of the zoning commission to recommend approval or rejection of any request for zoning amendments, modifications, supplements or changes thereto.
- B. When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more, either of the area of the lots included in such proposed changes, or of those immediately adjacent in the rear thereof, or of those directly opposite thereto from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of three-fourths of the city council.

**SECTION 110. ANNEXED TERRITORY**

The petition for annexation shall set forth the appropriate city zoning, which shall be determined by adjacent zoning, the current and/or proposed use, and a determination by the Planning Commission or as to the appropriate zoning classification, before adoption of an annexation ordinance by the City Council of the City of Thibodaux.

**SECTION 111. – SECTION 199. RESERVED**

**ARTICLE 2. DEFINITIONS AND RULES OF INTERPRETATION**

**Section 201. RULES OF INTERPRETATION**

**Section 202. DEFINITIONS**

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**SECTION 201. RULES OF INTERPRETATION**

The following rules of interpretation shall apply to the text of this zoning ordinance:

- A. The particular controls the general.
- B. In the case of any difference in the meaning or implication between the text of this zoning ordinance and any caption or illustration, the text controls.
- C. "Shall" is always mandatory and not discriminatory, and the word "may" is permissive.
- D. Words used in the present tense include the future; and words used in the singular include the plural, and the plural the singular, unless the context clearly states the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The words "used or occupied" include the words "intended, designed, or arranged to be used or occupied."
- G. The word "lot" includes the words "plot or parcel".
- H. "Person" includes an individual, firm, incorporated association, corporation, partnership, trust, company or any other similar entity.
- I. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and" or "or", the following shall apply:
  - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
- J. Terms not defined in this Ordinance have the meaning customarily assigned to them, or a meaning to be assigned by the Zoning Administrator of the City of Thibodaux.

**SECTION 202. DEFINITIONS**

For the purpose of these regulations, these terms and words are hereby defined:

*Abandonment* (Also see Discontinuance): The cessation of the use of a property or of a particular use for at least eighteen (18) months, or a sign that remains without bona fide advertising or which is located on a property that becomes vacant or unoccupied for more than eighteen (18) months.



*Accessory Dwelling Unit:* A self-contained residential unit, considered subordinate to the principal use, and built on the same lot as an existing single-family home.

*Accessory Structure:* A building or structure attached or detached from, but located on the same lot as, the principal structure and the use of which is clearly incidental and subordinate to the principal structure.

*Accessory Use:* A use that is customarily incidental and subordinate to the principal use, and which is located on the same lot as the principle use.

*Addition* (Also see Enlargement): Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

*Adult Use:* Any business as defined by Louisiana Revised Statute (LA R.S.) 14:106A, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses, adult nightclubs or massage businesses. These uses are further defined in (LA R.S.) 14:106 and Section 803.A of this Ordinance. However, those massage businesses where all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards, are exempt from this definition.

*Agriculture:* Land on which crops are grown and/or livestock are raised for sale, commercial use, personal food production, donation, or educational purposes.

*Airport:* Facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, airport-related uses; and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.

*Alcohol Beverage Sales:* The sale of beer, wine, or other alcoholic beverages for on- or off-premise consumption.

*Alcohol Beverage Sales, Off-Premise:* The retail sale of alcoholic beverages in the original manufacturer sealed and labeled container in a business such as a grocery store, convenience store or liquor store for consumption off-site.

*Alcohol Beverage Sales, On-Premise:* The sale of beer, wine, or other alcoholic beverages as the primary activity (e.g. bars, taverns, etc.) or as an incidental or secondary activity to another primary business activity (e.g. full-service restaurants, hotels, banquet halls) for consumption on-site.

*Alteration:* Any change, addition or modification in construction, use or occupancy.

*Applicant:* Any person, firm or corporation requesting approval of any land-use, development or improvement application, or similar entitlement regulated by the City of Thibodaux municipal code.

*Application:* The completed form(s) and all accompanying documents, exhibits and fees required of an applicant by the applicable department, board or commission of the City of Thibodaux for development review, approval or permitting process.

*Art Gallery:* An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or

other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

*Arts Studio:* An educational facility where classes in the various arts (e.g. dance, painting, sculpting, singing) are taught to four or more persons at a time.

*Automobile/Vehicle Dealership:* An establishment that sells or leases new or used, functional automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles or other motorized transportation vehicles. An automobile/vehicle dealership may contain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

*Automobile Rental/Leasing Establishment:* Rental of automobiles, light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies, moving vehicle rental, and taxi cab dispatch areas.

*Automotive Repair, Major:* An establishment primarily engaging in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

*Automotive Repair, Minor:* An establishment primarily engaging in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

*Awning:* A roof-like cover, often of fabric, metal or glass, designed and intended for protection from the weather or a decorative embellishment, and that projects from a wall or roof of a structure over a window, walk or door.

*Bar:* An establishment serving alcoholic beverages in which the principal business is the sale of such beverages for consumption on the premises. Snack food or other prepared food may be available for consumption on the premises as an accessory use only. No sales of alcohol for off-premise consumption are permitted. A bar may include a microbrewery on-site as an accessory use only.

*Base Flood Elevation:* The elevation, expressed in feet above mean sea level, to which flooding has a one percent (1%) chance of equaling or exceeding that level in any given year.

*Batture:* The land between the roadway and the high water line of Bayou Lafourche

*Bed and Breakfast:* An owner- or operator-occupied residential structure that provides up to six (6) sleeping rooms for overnight paid occupancy for a period not to exceed fourteen (14) days. Common bathroom facilities may be provided rather than private bathrooms for each room; however no cooking facilities are permitted in individual rooms.

***Behavioral Health Service Center:* A medical facility operated by one (1) or more licensed physicians, psychiatrists, psychologists, social workers, or other qualified health care practitioners who provide examination, assessment, and treatment for conditions related to behavior, substance use, and mental health. These services are limited to outpatient care only. (Ord. # 3425 12-16-25)**

*Bioswale:* Landscape elements designed to remove silt and pollution from storm-water runoff by

collecting storm-water into a treatment area that consists of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants for ex-filtration into the underlying soils.

**Block:** A parcel of land within a subdivision or development, which is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street but part of the block.

**Blockface:** The portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

**Board of Adjustment:** The term "Board of Adjustment" shall mean the Thibodaux Board of Adjustment created under LA.R.S. 33:4727 et seq., which shall have the powers provided for by Louisiana law to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a Zoning Administrator; and to grant variances where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance and as may be provided for in this Appendix A Zoning of the City of Thibodaux Code of Ordinances.

**Buffer:** An area established in order to protect and separate one land use from another, which may include landscaping, fencing or other buffering materials.

**Buildable Area:** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**Building:** Any structure, either temporary or permanent, having a roof and designed, intended or used for the sheltering or protection of persons, animals, chattels, or property of any kind.

**Building Frontage:** The linear dimension of the façade of a building that abuts the required front yard as stipulated in this Ordinance. A corner building is permitted to use the secondary façade to determine building frontage.

**Bunk House:** Housing for employees of an isolated industrial, mining, highway, utilities or agricultural use where those employees occupy the housing on a seasonal basis not more than six months per year. This development may occur on a single parcel or multiple parcels.

**Canopy:** An awning or similar structure.

**Car Wash:** A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light dirty equipment, whether automatic in an enclosed structure or by hand.

**Cargo Terminal:** A transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations.

**Carport:** An accessory structure consisting of a canopy or shed attached or adjacent to the main structure and open on two (2) or more sides for the purpose of providing shelter for one (1) or more vehicles.

**Cemetery:** Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Funeral homes and mortuaries shall be included when

operated within the boundary of such cemetery.

*Church* - (Also see House of Worship) A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain religious expression, together with all accessory buildings and uses customarily associated with such primary purpose.

*City Engineer*: A registered professional engineer appointed by the Mayor of the City of Thibodaux.

*City Council*: The chief legislative body of the City of Thibodaux, La.

*Clubhouse*: The principal building associated with a golf course, tennis club, or similar recreational facility that typically contains the pro shop, administrative offices, exercise facilities and locker rooms, golf cart storage and maintenance, and may also contain food and beverage services, including public meeting and banquet rooms and related facilities.

*Columbarium*: An accessory structure or building and substantially exposed above ground, intended to be used for the interment of the cremated remains of deceased persons or animals. Columbaria shall be considered accessory uses to cemeteries or houses of worship.

***Commercial/Large Scale Solar Systems*: Ground mount solar energy systems that are designed for providing energy to off-site uses or export to the wholesale market. (Ord. No. 3161, 7-6-21)**

*Community Center*: A facility to be used as a place of meeting, recreation, adult training or social activity, and not operated for profit, which is open to the community and designed to accommodate the surrounding neighborhood or the larger community.

*Community Garden*: Neighborhood-based developments that provide space for community members to grow plants for beautification, education, recreation, community distribution or person use. These sites shall be owned and managed by public or civic entities, non-profit organizations, or other community-based organizations that are responsible for maintenance and operations.

*Construction*: Any act or process that requires a building permit and that adds an addition onto an existing building or erects a new principal or accessory structure on a lot which is subject to design standards for the district in which the property is located.

*Construction, Commencement*: The physical improvement of land in accordance with a permit issued by the Zoning Administrator of the City of Thibodaux, such as the pouring of slabs or footings or any work beyond the stage of excavation or the first permanent framing or assembly of the structure or any part thereof on its piling or foundation when a structure is without a basement or poured footings.

*Construction, Substantial Completion*: The date at which the work or building project, or a designated portion of the work or building project is sufficiently complete, in accordance with the construction contract documents, so that the owner may use or occupy the work or building project, or designated portion thereof, for the intended use for which it is originally designed and intended for. This would include the completion of all life safety systems, a weather-tight envelope, and adequate protection of building occupants and or equipment from hazards posed by additional or possible construction activities or other potential harmful conditions that may exist or become evident during the final work

effort to complete the project per the construction contract documents. From this date a number of other provisions may be started such as warranty, guaranties and liabilities.

*Contractor Storage Yard:* Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or other building materials or construction contractor in the conduct of any building trade or craft.

*Correctional Facility:* A public- or privately-operated facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include adult detention centers, juvenile delinquency centers, jails or prisons.

*Country Club:* A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures.

*Crematorium:* An accessory use within a cemetery or mortuary containing properly installed, certified apparatus intended for use in the act of cremation.

***Daiquiri Shop:* An establishment serving alcoholic beverages in which the principal business is the sale of such beverage for consumption on and off premises. Snack food or other prepared food may be available for consumption on the premises as an accessory use only. (Ord. No. 2803, 10-6-15)**

*Day Care Center, Adult:* A facility where, for a portion of a twenty-four (24) hour day, functionally-impaired adults that are not related to the owner or operator of the facility are supervised or participate in a training program. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity. An adult day care center does not include adult day care homes.

- A. *Day Care Center, Small:* Up to fifteen (15) adults
- B. *Day Care Center, Large:* Sixteen (16) to fifty (50) adults
- C. *Day Care Center, Commercial:* Fifty-one (51) or more adults

*Day Care Center, Child:* A facility where, for a portion of a twenty-four (24) hour day, supervision and guidance of children that are not related to the owner or operator of the facility is provided on a regular basis. A child day care center does not include a child day care home.

- A. *Day Care Center, Small:* Up to fifteen (15) children
- B. *Day Care Center, Large:* Sixteen (16) to fifty (50) children
- C. *Day Care Center, Commercial:* Fifty-one (51) or more children

*Day Care Home, Adult:* A private home in which a permanent occupant provides care for the elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity.

- A. *Day Care Home, Small:* Up to five (5) adults

B. *Day Care Home, Large*: Six (6) to twelve (12) adults

*Day Care Home, Child*: A private home in which a permanent occupant provides care for children from outside households in a protective setting for less than twenty-four (24) hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12). A child day care home does not include homes that receive children from a single household.

A. *Day Care Home, Small*: Up to five (5) children

B. *Day Care Home, Large*: Six (6) to twelve (12) children

*Dedicate/Dedication*: The intentional appropriation or conveyance of land or an interest in land by the property owner to the City for public use.

*Designee*: Person or persons designated by the Mayor and/or department head to check, review and comment on all submissions regarding their nonconformance to these regulations.

*Development Plan*: A generalized plan that becomes part of the zoning for a property. The plan depicts site characteristics and development information and provides guidance for site plans.

*Diameter Breast Height (DBH)*: The diameter of a tree trunk or the cumulative diameter of multiple trunks measured four and one-half feet (4.5') above natural grade.

*Discontinuance* (Also see Abandonment): The cessation of the use of a property or of a particular use for at least eighteen (18) months, or a sign that remains without bona fide advertising or which is located on a property that becomes vacant or unoccupied for more than eighteen (18) months.

***Dormitory/Residence Hall*: A building owned by, leased by or operated by another party on behalf of a college or university, school, medical facility or other entity that is used to provide housing, lodging and/or sleeping and residential quarters for large or small numbers of people such as students, patient families and friends or others who are enrolled in, admitted to or in some way associated with the college or university, school, medical facility or other entity. (Ord. No. 3091, 9-22-20)**

*Drip-line*: A collective term for all of the vertical lines from the earth to the outermost tips of the crown of the tree. These lines will completely encircle the tree and thereby define its outermost reaches.

*Driveway*: A private access way, not classified as a street, road or highway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

*Dwelling*: Any structure or portion thereof, which is designed or used for residential purposes.

*Dwelling, Multi-family*: A building or portion thereof designed for occupancy by three (3) or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

*Dwelling, Single-family*: An individual dwelling unit in a structure, which is not physically connected with any other dwelling unit.

*Dwelling, Townhouse:* A building on its own separate lot of record containing one (1) dwelling unit that occupies space from the ground to the roof, and that is attached to one (1) or more other townhouse dwelling units by at least one (1) common wall.

*Dwelling, Two-Family:* A building designed or occupied by two (2) families living independently, with the structure having only two (2) dwelling units.

*Dwelling Unit:* One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units that may be in the same structure, and containing independent cooking and sleeping facilities.

*Eave:* The projecting sides of a roof overhanging the wall of a building.

*Enlargement* (Also see Addition): Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

*Educational Facilities:* (Also see Schools) Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

*Educational Facility, College/University:* A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. This also includes post-secondary theological schools for training ministers, priests or rabbis.

*Educational Facility, Elementary:* A public, private or parochial school offering instruction at the elementary, middle and/or junior high school level. Religious facilities with elementary educational facilities shall be considered educational facilities, elementary.

*Educational Facility, Secondary:* A public, private or parochial school offering instruction at the senior high school level. This also includes secondary schools for training ministers, priests or rabbis. Religious facilities with secondary educational facilities shall be classified as educational facilities, secondary.

*Educational Facility, Vocational School:* A school established to provide for the teaching of industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.) or artistic skills; or a school conducted as a commercial or non-profit enterprise, such as a driving school, an adult training facility, or school for General Education Development. This definition applies to schools that are owned and operated privately and that do not offer a complete educational curriculum. Vocational educational facilities do not include university educational facilities.

*Elderly Housing:* A facility consisting of three (3) or more dwelling units, the occupancy of which is limited to persons sixty (60) years of age or older. The facility may also include medical facilities or care.

*Elderly Housing, Assisted Living:* A model of senior housing that provides a combination of residential quarters, supportive services, personalized assistance, 24-hour supervision, and health care. These



facilities generally provide basic services such as laundry, light housekeeping, communal meals, and health related services in an independent residential environment.

*Elderly Housing, Continuing Care Community:* Housing planned and operated to provide a continuum of accommodations and services for seniors including, but not limited to, independent living, congregate housing, assisted living, and skilled nursing care.

*Elderly Housing, Nursing Home:* A facility designed and intended to provide nursing service on a continuing basis to persons, the majority of whom require such service under trained professional nurses or physicians, and for whom medical records are maintained. The term “nursing home” shall include post-operative convalescent centers but shall not include any facility used for providing service to any inmate of any prison or other correctional institution.

*Elderly Housing, Retirement Housing:* A residential complex containing multi-family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but excludes institutional care such as medical or nursing care and are distinguished from assisted living centers as elsewhere defined.

*Emergency Services:* Publicly-owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service. Emergency medical services shall not include in-patient or out-patient medical treatment facilities.

*Encroachment:* The extension or placement of any structure or component of a structure into a required yard, setback, street right-of-way, or floodplain/floodway.

*Façade:* The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

*Family:* One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

*Family Violence Shelter* (See also Residential Care Center): A program or facility that provides comprehensive residential and/or non-residential services to victims of family violence. A family violence shelter must be licensed by an agency of the State of Louisiana as such, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Farm Equipment Sales and Service:* Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

*Farmer’s Market:* The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and animal agricultural products, occurring in a pre-designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale. (Includes vendors selling non-agricultural products as well.)



*Fence:* An artificially constructed barrier of wood, masonry, stone, wire, ornamental iron or other material erected to enclose, screen or separate uses.

*Financial Institution:* A bank, savings and loan, credit union, or automated teller machine (ATM).

*Flood Insurance Rate Map (FIRM):* The official map adopted by the City of Thibodaux, on which the Administrator of the National Flood Insurance Program (NFIP) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

*Floodplain:* The special flood hazard lands adjoining a watercourse, whose surface elevation is lower than the base flood elevation, that are subject to periodic inundation during floods.

*Floodway:* The channel of a river, bayou or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point determined by FEMA.

*Floor Area:* The sum of the gross horizontal areas of several floors of the main building but not including the area of roofed porches, terraces, or breezeways. All dimensions shall be measured between exterior faces of the walls.

*Force Majeure:* An extraordinary interruption (such as a flood, fire or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent.

*Fraternity/Sorority House:* A structure used as group living quarters for students of a college, university, or seminary, who are members of a fraternity/sorority that has been officially recognized by the college, university, or seminary.

*Frontage:* The length of the property line of any one premise along a street on which it abuts.

*Funeral Home* (Also see Mortuary): An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

*Garage:* A structure that is an accessory use to a dwelling unit that is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

*Gas Station:* A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, food sales, and alcohol sales in districts where allowed as a permitted or special exception use. Uses permissible at a gas station do not include major mechanical or bodywork customarily done in an automotive repair facility.

*Golf Course:* A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

*Government Facility:* A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public, and shall include public works and public safety facilities.

*Grade:* The average level of the surface of the ground adjacent to the exterior walls of a building.

*Grade, Finished:* The final elevation of the average ground surface adjoining a building at all exterior walls after man-made alterations, such as grading, grubbing, filling or excavating.

*Grade, Natural:* The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling or excavating.

*Green Roof:* A roof of a structure covered or planted with vegetation and layers of soil to support the vegetation, designed to minimize impacts on the environment, reduce pollution and storm-water runoff, and to improve the thermal efficiency of the roof to conserve energy and reduce energy costs.

*Group Home or Community Home:* A single-family residential structure, licensed by the State of Louisiana, designed or adapted for occupancy by unrelated developmentally disabled persons, not including alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions who have been found not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

*Group or Community Home (Small):* A small, residential facility located within a community, designed to serve children or adults with chronic disabilities. Small group homes may have six (6) or fewer occupants who are mentally, physically or developmentally disabled, and one or more resident counselors/trained caregivers on staff twenty-four (24) hours a day. A small group home must be licensed by an agency of the State of Louisiana, the political subdivision, and/or a state-licensed child placement agency, as a group home, receiving home, or similar care facility.

*Group or Community Home (Large):* A residential facility located within a community, designed to serve children or adults with chronic disabilities. Large group homes may have twelve (12) or fewer occupants who are mentally, physically or developmentally disabled, and two or more resident counselors/trained caregivers on staff twenty-four (24) hours a day. A large group home must be licensed by an agency of the State of Louisiana and/or a state-licensed child placement agency, as a group home, receiving home, or similar care facility.

*Halfway House, Penal (See also Rehabilitative Care Center):* A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently. A halfway house must be licensed by an agency of the State of Louisiana as a halfway house or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Hazardous Waste:* A waste, or combination of wastes, regulated by Title 33, Part V of the Louisiana Environmental Regulatory Code (LAC 33.V), which because of its quantity, concentration, or physical, chemical or infectious characteristics may do either of the following: (1) cause or significantly contribute to an increase in mortality or increase or serious irreversible or incapacitating reversible illness; (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of or otherwise managed.

*Hazardous Waste Disposal Facility:* All structures, appurtenances and improvements on the land used for treatment, storage or disposing of hazardous waste, including all operations or storing areas, dike overflows, or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled or processed.

*Hazardous Waste Incinerator:* An enclosed device using controlled flame combustion, where the primary purpose of which is to thermally break down hazardous waste.

*Hazardous Waste Processing Facility:* Any commercial facility, as defined by LAC 33.V\$106, that treats or stores hazardous waste generated on properties other than those on which the processing facilities are located.

*Hazardous Waste Storage:* Any environmentally sound facility used to store hazardous waste for a temporary period as regulated by LAC 33.V.

*Hazardous Waste Treatment:* The physical, chemical or biological processing of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

*Heavy Sales, Rental and Service:* This use includes retail, rental and/or service establishments that have permanent outdoor service or storage yards, or partially enclosed structures including, but not limited to, large-scale home improvement centers with outdoor storage and rental components, lumberyards, playground equipment sales and rental, truck repair establishments, and uses with permanent outdoor service or storage areas for heavy equipment such as truck rental establishments, large-scale moving centers, and temporary storage container facilities.

*Height:* The vertical distance of a structure measured from the average elevation of the finished grade to the roofline. No height limitation in this ordinance shall apply to any of the following structures: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; smoke stacks; derricks; flag poles; masts; solar energy facilities; air conditioning equipment; elevator penthouses and similar structures required to be placed above the roof level and not intended for human occupancy.

*Home Occupation:* A business, profession, occupation or trade conducted within the principle structure of a residential use by a resident of the dwelling which is incidental and secondary to the residential use of the dwelling, does not change the essentially residential character of the use, and which complies with the requirements of Section 803.F (Home Occupations).

*Hospital:* An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. A hospital may also include accessory uses such as "retail goods establishments" and "restaurants," provided that such facilities are incidental and subordinate to the main use and part of the main structure.

*Hotel or Motel:* An establishment providing, for a fee, sleeping accommodations and temporary living accommodations to the general public. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants and recreational facilities.

*House of Worship:* (Also see Church) A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain religious expression, together with all accessory buildings and uses customarily associated with such primary purpose.

*House of Worship, Small:* A place of religious worship having four hundred (400) or fewer seats or no more than eight thousand (8,000) square feet of total gross floor area.

*House of Worship, Large:* A place of religious worship having more than four hundred (400) seats or eight thousand (8,000) square feet of total gross floor area.

*Intensity:* Relative measure of development impact as defined by characteristics such as the number of dwelling units, amount of traffic generated, and amount of site coverage. To alter the character of a use to the extent that the use generates new or different impacts to the surrounding neighborhood constitutes an intensification of use.

*Junkyard:* A tract of land, including any accessory structure thereon, that is used for buying, selling, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a junkyard.

*Kiosk:* A small, light structure open on one or more sides for displaying information.

*Laboratory:* A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; and forensic laboratories for analysis of evidence in support of law enforcement agencies.

*Landscape Plan:* Shall mean the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as planting ground and water forms, circulation, walks and other features to comply with the provisions of this Ordinance.

*Landscaping:* The installation of plant material or seed as a part of development.

*Loading, Off-Street:* An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

*Lot:* A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

*Corner Lot:* A lot or parcel of land abutting two (2) or more streets at their intersection or on two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

*Interior Lot:* A lot other than a corner lot.

*Lot Area:* The total area within the lot lines of a lot, excluding any street rights-of-way.

*Lot Coverage:* Lot coverage will be determined by the summation of the square footage of all covered buildings on the lot. The building square footage will be divided by the total lot square footage to determine the percentage of lot coverage.

*Lot Depth:* The horizontal distance between the front and rear lot lines.

*Lot Width:* The distance parallel to the front lot line measured between side lot lines.

*Through Lot:* A lot having frontage on two (2) approximately parallel streets or places.

*Lot Line:* The lines bounding a lot as defined below:

*Front Lot Line:* The line separating the lot from the street on the narrow side. Where no method determines conclusively the front of the lot, the Planning and Zoning Director or his/her designee shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

*Rear Lot Line:* The line opposite and most distant from the front lot line. In the case of a triangle or otherwise irregularly shaped lot, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

*Reversed Frontage Lot:* a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.

*Side Lot Line:* A lot line other than the front or rear lot line.

*Lot of Record:* A lot that exists as shown or described on a plat or deed as recorded in the Office of the Clerk of Courts of Lafourche Parish.

*Lumberyard:* A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing millwork, planning, cutting, and other customized processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

*Maintenance/Repair Services:* An establishment providing appliance repair, office machine repair, or building maintenance services. This use does not include the maintenance and repair of vehicles.

*Manufacturing, Heavy:* The assembly or fabrication of goods and materials, which may include the storage of large volumes of highly flammable or toxic matter. Heavy manufacturing processes ordinarily have greater impacts than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards.

*Manufacturing, Light:* The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution such products, providing all industrial activities are contained

entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from the industrial activity are confined within the building.

*Marquee:* A permanent covered structure projecting from and supported by a building when such covered structure extends beyond the building alignment or the property line.

*Medical/Dental Clinic:* A facility operated by one (1) or more physicians, dentists, chiropractors, psychiatrists or other licensed health care practitioners for the examination and treatment of persons solely on an outpatient basis.

*Microbrewery/Micro-distillery:* A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels (brewery) or 25,000 gallons (distillery) annually. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

*Mini-Warehouse:* A structure that rents individual compartments for the purpose of storing personal property. Individual compartments shall not exceed three hundred fifty (350) square feet.

*Mixed-Use:* A tract of land or building or structure developed for two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

*Mortuary* (Also see Funeral Home): An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

*Nonconforming Lot of Record:* A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

*Nonconforming Structure:* A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

*Nonconforming Sign:* Any sign which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

*Nonconforming Use:* Any use of any land, building or structure, which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

*Office:* A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

*Off-Street Loading Space:* A space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and accessible to such vehicles when required off-street parking spaces are filled.

*Off-Street Parking Space:* A space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

*Off-Track Betting Facility:* An establishment that accepts wagers on horse and dog races away from a racetrack.

*Open Space:* That part of a lot, including all yards, which is open and unobstructed from grade level upward and is not occupied by off-street parking, streets, drives, or other surfaces for vehicles.

*Outdoor Advertising Business:* Provision of outdoor displays or display space on a lease or rental basis only.

***Outdoor Gathering Area:* Permanent active outdoor spaces used for dining, entertainment or social gatherings, included, but not limited to, patios, decks and pergolas. (Ord. No. 3278, 5-16-23)**

*Outdoor Storage Yard:* The storage of any material, as a principal use of the lot, or for a period of more than twenty-four (24) hours, including items for sale, lease, processing and repair not in an enclosed structure. Items within an outdoor storage yard must be owned or leased by the owner of the storage yard.

*Overlay:* A zoning district established by Ordinance and mapped on top of the base zoning district that modifies or supplements the regulations of the general district and where the requirements of the base district may or may not be altered.

*Parcel:*

1. A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership or in such a manner as to specifically identify the dimensions and/or boundaries;
2. Informally, as land in general.

*Parish:* Lafourche Parish, Louisiana.

*Parking Lot:* An open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger motor vehicles for limited periods of time. Parking may be available for residents, visitors, employees, clients, customers or similar users whether for compensation or at no charge.

*Parking Lot, Commercial:* A tract of land that is used for the storage of motor vehicles, that is not an accessory to any other use on the same or any other lot, and that contains parking spaces rented to the general public or reserved for individuals by the hour, day, week, or month.

*Parking Space, Off-Street:* A space adequate for parking a motor vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

*Parks/Playgrounds:* A facility designed to serve the recreational needs of the residents of the community, and shall include but not be limited to, ball fields, basketball courts, skateboard parks, playgrounds and field house which may have indoor recreation facilities.



*Permeable Paving:* A range of semi-permeable materials and techniques for paving with a base and sub-base that allow the movement of storm-water through the surface.

*Personal Services Establishment:* An establishment or place of business primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, shoe repair, personal item repair shops, Laundromats, dry cleaners, and tailors. Personal services establishments shall not include any adult uses.

*Pet Care Facility:* A facility designed for the indoor temporary housing and non-veterinary care of domestic pets such as dogs and cats. The facility shall include individual rooming units, but not the breeding or raising of household pets or animals.

*Pet Day Care:* A facility designed for the temporary and non-veterinary care of domestic pets such as dogs and cats. The pets shall be kept for a limited time (no more than twelve (12) hours) and the facility may also provide on-site grooming and training. This shall not include the breeding or raising of household pets or animals.

*Planned Development:* A residential, commercial or mixed-use development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

*Planning Commission:* The term "Planning Commission" shall mean the Thibodaux Planning Commission created under LA.R.S. 33:101 et seq., which shall have the powers to develop the Master Plan and administer the zoning map and ordinance as provided for by Louisiana law and as may be provided for in this Appendix A, Zoning of the City of Thibodaux Code of Ordinances.

*Plat:* A map representing a tract of land, showing the boundaries and location of individual properties and streets; or a map of a subdivision or a site plan.

*Prefabricated Housing:* Any housing with structural or mechanical components manufactured and assembled away from the construction site. For purposes of this definition, the following terms shall have the following meanings:

*Manufactured Housing:* Dwelling units constructed primarily at a plant or facility on a production line basis and delivered to the site as an assembled unit or in modular form. Manufactured housing specifically refers to housing built to 42 U.S.C. Sec. 5403 Federal Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD).

*Mobile Home:* Prefabricated trailer-type housing units that are semi-permanently attached to land, either the owner's fee land or leasehold. A mobile home is a moveable or portable structure designed and constructed on its own chassis and intended for connection to utilities for year-round occupancy as a dwelling. Any dwelling unit that qualifies as a manufactured or modular home according to the definitions herein is not considered a mobile home. Furthermore, a travel trailer is not considered a mobile home.



*Manufactured Home Park:* A unified development of three (3) or more manufactured home sites, plots or stands, arranged on a large tract usually under single ownership, meeting the area and yard requirements of this article, and designed to accommodate manufactured homes for a more or less permanent duration. Such term may include travel trailer accommodations, provided that no more than twenty-five percent (25%) of the park is used for such purpose.

*Modular Home:* Modular homes are houses divided into multiple modules or sections, which are manufactured in a remote facility and delivered to their intended site of use. The modules are then assembled on a permanent foundation without a permanent chassis, into a single residential building. Unlike other prefabricated construction, modular homes conform to all state, local and regional codes (International Building Code standards) where the structure is to be located.

*Manufactured Housing Sales Lot:* A facility for the display, service, and retail sale of manufactured housing or preassembled storage buildings

*Travel Trailer:* A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be hauled along a highway.

*Principal Building:* A structure in which the primary use of the lot on which the building is located is conducted.

*Principal Use:* The primary use and chief purpose of a lot or structure.

*Property Line:* The lines forming the boundary of a lot, whether those lines are determined by metes and bounds, single lot or combination of lots or portions of lots of record.

*Public building:* A building or buildings owned by a public governing body that is accessible for use to the public that does not require permission to enter during normal business hours.

***Public Electric Vehicle (EV) Charging Station:* A commercial establishment that permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. This use is to serve as an accessory use only. (Ord. No. 3414, 10-25-25)**

*Quorum:* A majority of the appointed Board members of a board or commission for the transaction of all business. Any time the full body shall fall below the number of members of a full board or commission, a majority of the sworn members shall constitute a quorum.

*Recreational Facilities:* Any facility that provides recreational opportunities as defined below:

*Recreational Facilities, Indoor:* A commercial establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or sale of equipment related to the enclosed uses. Included in this definition shall be archery, bowling, roller-skating or ice-skating, billiards, swimming pools, rifle ranges, and related amusements.

*Recreational Facilities, Outdoor:* An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for commercial recreational activities.

*Recreational Vehicle Park:* Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

*Rehabilitative Care Center* (See also Halfway House; Substance Abuse Treatment Facility): A building other than an apartment hotel, hotel, small or large group home, rooming house, tourist home, motel or motor lodge, providing temporary lodging and board and a special program of specialized care and counseling on a full-time basis. Such a center includes but is not limited to centers that provide for alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions. A rehabilitative care center must be licensed by an agency of the State of Louisiana as a rehabilitative or similar care facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Residential Care Center* (See also Family Violence Shelter): A building, other than an apartment, hotel, small or large group home, or rooming house, providing temporary lodging and board and a special program of specialized care and counseling on a full-time basis for twelve (12) or more adults or children who are displaced from their normal living environment. A residential care center must be licensed by an agency of the State of Louisiana as a residential or similar care facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana. Alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental institutions who have been found not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

*Restaurant:* Any establishment whose primary purpose is the service of food for consumption on or off the premises.

*Restaurant, Fast Food:* A restaurant where customers order and are served their food at a counter or through a window while in their vehicle in packages prepared to leave the premises.

*Restaurant, Full-service:* A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carryout service, if any, shall be a limited portion of the facility and activity.

***Restaurant, Quick Serve:* A restaurant where customers order and are served their food at a counter in packages prepared to leave the premises or eat on site. (Ord. No. 2976, 6-5-18)**

*Restaurant, Specialty:* An establishment whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g., candy, coffee, or ice cream). The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage. ***Specialty restaurants may not offer alcoholic beverages for sale.***

*Retail Goods Establishment:* A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishments shall not include alcohol, unless alcohol beverage sales for off-premise consumption is allowed within the district and a separate approval is obtained for such use.

*Right-of-Way:* The term used to describe the publicly owned improved or unimproved areas between property lines. This area is dedicated for use by the public for pedestrian and vehicular travel, and may include elements such as streets, curbs, gutters, sidewalks, street furniture, bus stops, utility poles, landscaping and signage.

*Roof Line:* The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one (1) or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.

*Setback:* The required minimum horizontal distance between the building line and the related front, side, and rear property lines. For the purpose of this section, the setback will be measured to the nearest point of the foundation wall of the building.

*Setback Line:* The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed.

*Sewage Treatment Facility:* Any plant or other facility providing service, maintenance, or repair of essential public water/wastewater utilities to one or more developments including but not limited to wells, pumping stations, boosters, reservoirs, repeaters, water storage tanks, lift stations, regulators, and other similar facilities.

*Schools:* (See Educational Facilities) Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

***Short Term Rental:* A residential dwelling unit, or any portion thereof, for the purpose of lodging for less than 30 consecutive days. The maximum number of bedrooms used for a short term rental use in the short term dwelling unit shall be no greater than six (6) and the total number of guests staying in the short term rental dwelling unit at any time shall be no greater than two (2) times the number of bedrooms or a maximum of twelve (12) persons. (Ord. No. 3243, 11-15-22)**

*Sidewalk:* A paved pedestrian footpath within the public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines.

*Sign:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, or association, a profession, a business, a commodity, or product which are visible from any public way/or used as an outdoor display.

*A-Frame Sign* (See also Sandwich Sign): A double-faced advertising device, ordinarily in the shape of an "A" or some variation, located on the ground but not permanently attached and is easily movable.

*Animated Sign:* A sign, or portion of a sign, that uses movement or changes in lighting to depict action or to create a special effect or scene. Time/temperature signs are not considered animated signs.

*Attached Sign:* A sign attached to, applied on, or supported by any part of a structure.

*Awning Sign* (see also Marquee Sign and Canopy Sign): A sign painted on, or attached to, the surface of an awning.

***Banner Sign:*** A sign printed or displayed on cloth, canvas, fabric, or other temporary material, with or without a structural frame and intended for a limited period of display.

***Canopy Sign:*** A sign mounted on, printed on, or attached to a canopy.

***Changeable Copy Sign:*** A sign with characters, letters or illustrations affixed thereto or thereon, by any method or means whatsoever, that can be changed, rearranged, or altered without changing the face of the sign.

***Construction Sign:*** Any sign listing principal contractors, architects, and any establishments for the construction site where the sign is placed.

***Copy:*** The wording on a sign surface in either permanent or removable letter form.

***Cornerstone:*** A stone uniting two masonry walls at an intersection representing the nominal starting place in the construction of a monumental building, usually carved with the date and laid with appropriate ceremonies.

***Detached Sign*** (See also Freestanding Sign): A sign, such as a monument sign or a pole sign, which is attached to a self-supported structure and not attached to a building.

***Directional Sign:*** A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic or religious place, shrine, public building or hospital and signs directing and regulating traffic; public safety signs, sign or notices of places of public and civic meetings and signs giving the name of the owner, lessee, or occupant of the premises of the street number.

***Double-faced Sign:*** A sign having two (2) display surfaces, which are attached parallel, and back to back, not more than twenty-four (24) inches apart.

***Flashing Sign:*** An illuminated sign on which the artificial or reflected light changes in intensity or color when in use, and gives the impression of flashing or blinking. Time/temperature signs are not considered flashing or signs. However, other advertising shall be deemed flashing.

***Freestanding Sign*** (See also Detached Sign): A sign, such as a monument sign or a pole sign, which is attached to a self-supported structure and not attached to a building.

***Government Sign:*** Any temporary or permanent sign erected and maintained by the city, parish, state, or federal government for traffic direction or for designation of or direction to any school, hospital, or public service property or facility.

***Identification Sign*** (See also Nameplate): A sign containing only the name and address of the structure, institution, or person, and/or to the activity or occupation being identified.

***Illuminated Sign:*** A sign designed or arranged to reflect light from an artificial source.

***Indirectly Illuminated Sign:*** A sign illuminated with a light directed primarily toward such sign, including backlit signs, and so shielded that no direct ray from the light are visible.

*Internally Illuminated Sign:* A sign containing a light source within, whereby the light shines through a translucent panel.

*Incidental Sign:* A sign, usually smaller in size and of a non-commercial nature, permitted without the need for a sign permit (e.g. credit card signs, hours of operation, etc.).

*Mansard Sign:* Any sign attached to a mansard-type roof with sloping sides will for the purpose of this article be considered a wall sign.

*Marquee Sign:* Any sign attached to, or hung from, any permanent roof-like structure projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

*Memorial Tablet:* A plaque made of brass or other durable metal attached to the surface of a structure to commemorate persons or events.

*Mixed-Use:* The development of a tract of land or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, public, or entertainment in a compact urban form.

*Monument Sign:* Any sign, other than a freestanding pole sign, placed upon or supported by the ground and an internal structural framework, and typically with a low overall height.

*Nameplate* (See also Identification Sign): A non-electric on-premise identification sign giving only the name and address and/or occupation of the occupant(s).

*Non-conforming Sign:* Any sign which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

*Off-Premise Advertising Sign:* Any sign advertising a commercial use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign, and whose advertising or information content is visible from the interstate highway or any public street in the City.

*On-Site Sign:* A sign that pertains to the use of the premises on which it is located.

*Parking Lot Directional Sign:* A sign within a parking lot that identifies entrances and exits.

*Permanent Sign:* A sign attached to a structure of the ground that is made of materials intended to remain indefinitely.

*Political Sign:* A temporary sign advocating action on a political issue, recommending a candidate for public office, or advocating a position on a local, state, or national election.

*Portable Sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs mounted on wheels or trailers and A-frame signs.

*Projecting Sign:* A sign attached to, and projecting more than twelve inches (12") from, a building wall, but does not project above the parapet or eave line of the building.

*Real Estate Sign:* A temporary sign that relates to the sale, lease, or rental of a property or building.

*Roof Sign:* Any sign erected, constructed, and maintained with the principal support on the roof structure.

*Sandwich Sign* (See also A-Frame Sign): A double-faced advertising device, ordinarily in the shape of an "A" or some variation, located on the ground but not permanently attached and is easily movable.

*Sign Erection:* The act of posting, affixing or installing any sign that is attached to or requires a location upon the ground or any building or structure.

*Sign Face:* The area of a sign on which the copy is placed.

*Sign Height:* The vertical distance from the finished grade at the base of the supporting structures to the top of the sign, or its frame or supporting structure, whichever is higher.

*Sign Number:* The serial number of the permit issued for installing or erecting a sign, said number be included on the identification tag furnished by the sign contractor.

*Sign Structure:* Any construction used or designed to support a sign.

*Snipe Sign:* Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post, or any similar object located or situated on public or private property, not otherwise exempt.

*Subdivision Identification Sign:* A freestanding sign that identifies a residential subdivision at the entrance from a main street.

*Surface Area:* The surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed. The surface area of a sign shall be measured from the outside edges of the sign or the sign frame or sign structure, whichever is greater.

*Temporary Sign:* A sign or advertising display intended to be displayed for a limited period of time.

*Wall Sign:* Any sign painted directly on the surface of a structure.

*Window Sign:* A sign that is attached to or printed on the interior or exterior of the windowpane of a door or structure, or mounted directly inside the window intended for viewing from the exterior of such building. A window sign may be either permanent or temporary.

*Sight Triangle:* The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines (or a right-of-way line and the curb or edge of a driveway) that shall be maintained clear of visual obstructions.

*Social Club or Lodge:* Buildings and facilities or premises used or operated by an organization or association for some common purpose, such as, but not limited to, a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for profit or to render a service that is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of the State of Louisiana as a non-profit corporation or registered with the Secretary of State of Louisiana.

*Solar Panel:* A group of photovoltaic cells or thermal collectors that collect and convert sunlight as a source of energy for purposes such as heating or cooling a structure, heating or pumping water, or generating electricity.

*Solid Waste:* Any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. However, the term “solid waste” does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation-return flows or industrial discharges that are point sources subject to permits under LA R.S. 30:2074; source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended (42 U.S.C. Section 2011 et seq.); or hazardous waste subject to permits under LA R.S. 30:2171 et seq.

*Solid Waste Collection Facility:* A facility that is used to accumulate solid waste generated by and delivered by more than one household or commercial establishment for pickup by a transporter, including, but not limited to, facilities typically located in rural areas where garbage collection does not occur. This definition does not include containers that receive only solid waste generated on property that is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling or a commercial establishment or an industrial establishment).

*Solid Waste Compost Facility:* A facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter.

*Solid Waste Transfer Station:* A solid waste processing facility where solid waste is transferred from collection vehicles, processed, and placed in other vehicles for transportation (e.g., a facility that separates recyclables from industrial or putrescible waste streams).

*Special Exception:* A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

*Street:* A public right-of-way or private thoroughfare, which provides vehicular and pedestrian access to adjacent properties. All streets will be within dedicated rights-of-way that have been properly processed, approved and recorded.

*Street Line:* The right-of-way line of a street.

*Structure:* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes,



walls, fences, billboards, and poster panels.

*Substance Abuse Treatment Facility:* (See also Rehabilitative Care Center) A facility for the purposes of temporary or long-term treatment of victims of alcohol or drug use addiction.

*Substance Abuse Treatment Facility, Halfway House:* A facility used for the treatment of alcohol or other drug abuse, which provides training, care, supervision, treatment or rehabilitation to mainstream residents back into society, enabling them to live independently. A halfway house must be licensed by an agency of the State of Louisiana as a substance abuse halfway house or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Substance Abuse Treatment Facility, Inpatient:* A facility used for the treatment of alcohol or other drug abuse where one (1) or more patients are provided with care, meals and lodging. An inpatient substance abuse treatment facility must be licensed by an agency of the State of Louisiana as an inpatient substance abuse treatment facility or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Substance Abuse Treatment Facility, Outpatient:* A facility used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided. An outpatient substance abuse treatment facility must be licensed by an agency of the State of Louisiana as an outpatient substance abuse treatment facility or similar facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

*Surveyor:* A qualified registered land surveyor in good standing with the Louisiana Board of Registration.

*Tattoo Parlor:* Establishments where services offered are tattooing, body piercing and non-medical body modification.

*Taxidermy:* The business of preparing, stuffing, and mounting the skins of animals.

***Towing Facility:* As establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows; which shall only include: mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agent(s); and/or wrecked motor vehicles awaiting insurance adjustments and transport to repair shops. (Ord. No. 3325 2-6-24)**

*Traditional Neighborhood Development (TND):* A planned development community intended to give new development the positive attributes of traditional front-porch communities and small towns. TNDs have a compatible variety of residential and commercial development, where homes, shops, offices, schools and/or public buildings are within walking distance of each other. They incorporate tree- and sidewalk-lined streets, traffic calming, parks and central public spaces.

*Traffic Calming:* A concept fundamentally concerned with reducing the adverse impact of motor vehicles on developed areas, which generally involves reducing vehicle speeds, providing more space and amenities for pedestrians and cyclists, and discouraging through traffic.

*Traffic Impact Analysis:* A technical analysis of the effect of traffic generated by a development on the capacity, operations and safety of the adjacent public street, affected intersections, and/or community highway system including traffic signals, as appropriate.



**Variance:** Permission to depart from the terms of this Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship and deprive such property of privileges enjoyed by other property in the vicinity that is under identical zoning.

**Veterinary Hospital:** An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be incidental to said hospital use.

**Volunteer Service Organization:** A non-profit community organization that is designated as a civic, charitable, or humanitarian agency that serves citizens with special needs, children, and the elderly. (Ord. No. 3292 )

**Warehouse, Wholesale or Storage:** A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

**White Roof:** A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed or non-reflected solar energy.

**Wind Turbine:** A mechanism or device that converts wind energy into electrical power, including windmills and residential wind turbines, towers and supporting structures, and such directly connected facilities as generators, alternators, inverters, batteries and associated equipment.

**Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of structure upward except as otherwise provided herein. In measuring a yard to determine the width of a yard, the minimum horizontal distance between the lot line and the maximum permissible main building shall be yard dimension.

**Yard, Front:** A yard extending across the full width of a lot between the side lot lines and between the front property line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the street line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has the least dimension. This space is considered open space.

**Yard, Rear:** A yard extending across the rear of the lot between the side lot lines and being the minimum horizontal distance between a rear lot line and the rear of the maximum main building. The rear yard shall be at the opposite end of the lot from the front yard. However, on through lots fronting two (2) streets, two (2) front yards shall be provided.

**Yard, Required:** The minimum open space between a lot line and the building setback line within which no structure is permitted to be located as provided in this Chapter.

**Yard, Side:** A yard extending from the front yard to the rear yard between the side lot line within which no structure is permitted to be located as provided in this Chapter.

*Yard, Side Corner:* The area extending between the front yard and the rear yard and situated between the side street lot line and the side of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

*Yard, Through:* A through yard is any single zoning lot that is not a corner lot and that connects two generally parallel streets. On through yards fronting two (2) streets, two (2) front yards shall be provided.

*Zoning Administrator:* Any official who has responsibility for issuing permits or certificates under this ordinance, or for enforcing the ordinance, and may include a building official or other official with such responsibility.

*Zoning Commission:* The term "Zoning Commission" shall mean the Thibodaux Zoning Commission created under La. R.S. 33:4721 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in this Appendix A: Zoning of the City of Thibodaux, Code of Ordinances.

### **SECTION 203. – SECTION 299. RESERVED**

**ARTICLE 3. ADMINISTRATIVE PROCEDURES**

<b>Section 301.</b>	<b>PURPOSE</b>
<b>Section 302.</b>	<b>APPLICATION</b>
<b>Section 303.</b>	<b>NOTICE OF PUBLIC HEARING</b>
<b>Section 304.</b>	<b>PUBLIC HEARINGS</b>
<b>Section 305.</b>	<b>ZONING MAP AMENDMENTS</b>
<b>Section 306.</b>	<b>ZONING TEXT AMENDMENTS</b>
<b>Section 307.</b>	<b>SPECIAL EXCEPTIONS</b>
<b>Section 308.</b>	<b>VARIANCES</b>
<b>Section 309.</b>	<b>SITE PLAN REVIEW</b>
<b>Section 310.</b>	<b>PLANNED DEVELOPMENTS</b>
<b>Section 311.</b>	<b>TEMPORARY PERMITS</b>
<b>Section 312.</b>	<b>SIGN PERMITS</b>
<b>Section 313.</b>	<b>ENFORCEMENT</b>
<b>Section 314.</b>	<b>VIOLATIONS</b>

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**SECTION 301. PURPOSE**

The purpose of this Article is to delineate the applicability, procedures and requirements, and approval standards applying to each zoning application and approval.

**SECTION 302. APPLICATION**

*A. APPLICATION FORMS*

Applications, containing all requested information, and any additional information must be submitted on forms and in such numbers as required by this Ordinance. All applications must be complete and sufficient for processing before they will be reviewed.

*B. FEES*

As per Section 302.B of this Ordinance, no applications shall be reviewed, and no permit, certificate, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full. When an application is submitted on behalf of the City of Thibodaux, no fees shall be required.

*C. COMPLETE APPLICATIONS*

An application is complete when it contains all the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Ordinance. Details for each application is included in the specific procedure Section of this Ordinance. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Ordinance. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the Zoning Administrator as to whether more or less information may be submitted.

**D. CONCURRENT APPLICATIONS**

Applications may be filed and reviewed concurrently, at the option of the applicant. However, any application that also requires a variance shall not be eligible for final approval until the variance has been granted. Further, applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

**E. MODIFICATION OF APPLICATION**

1. Property owners may initiate a zoning application at any time by filing with the Zoning Administrator. Applications for zoning map and text amendments may also be filed by the City of Thibodaux Planning Commission, another agent of the City of Thibodaux, or any interested party.
2. An application may be modified at the applicant's request following the approval of the Zoning Administrator before the request is advertised. Any modification after the request has been advertised shall require a new notice and hearing.

**SECTION 303. NOTICE OF PUBLIC HEARING****A. PUBLIC NOTICE REQUIRED**

Required public notices are summarized in Table 3.1. More detailed information may be included with each specific procedure.

<b>TABLE 3.1: PUBLIC NOTICE REQUIREMENTS</b>			
<b>PUBLIC NOTICE REQUIREMENTS</b>	<b>WRITTEN NOTICE</b>	<b>POSTED NOTICE OF PUBLIC HEARING</b>	<b>PUBLISHED NOTICE OF PUBLIC HEARING</b>
Zoning Map Amendment (10 or fewer parcels)	■	■	■
Zoning Map Amendment (11 or more parcels)			■
Zoning Text Amendment			■
Special Exception	■	■	■
Variance	■	■	■
Planned Development	■	■	■
Temporary Permits			■

**B. PUBLIC HEARING NOTICE REQUIREMENTS**

All notices for public hearing shall contain:

1. The date, time and place of the hearing;
2. The section of this Ordinance under which the subject matter of the hearing will be considered;
3. The name of the applicant;
4. A brief description of the location of any land proposed for development and the subject matter to be considered at the hearing;
5. A statement that the application and supporting materials are available for public inspection and copying at the office of the City of Thibodaux Zoning Administrator;
6. A brief description of the appeal process, which is available by-right after public hearing before the Zoning Commission or any further automatic review by the City Council.

**C. WRITTEN NOTICE OF PUBLIC HEARING**

At least ten (10) days prior to a public hearing, a good faith attempt to notify the owner of record shall be made by sending an official notice by certified U.S. Mail of the time, place and subject matter of the hearing.

**D. POSTED NOTICE OF PUBLIC HEARING**

1. Posted notice in bold type shall be posted for all zoning matters coming before the Board of Adjustment for at least ten (10) consecutive days prior to a public hearing on signs not less than 18"x24", prepared, furnished and placed by the Zoning Administrator on all street frontages of the effected property proposed for a change in zoning classification.
2. When zoning matters are proposed to before the Zoning Commission, a door hanger shall be placed on all adjacent structures located within five hundred (500) feet of the proposed change or revision.

**E. PUBLISHED NOTICE OF PUBLIC HEARING**

**1. Zoning Commission Public Hearing Notice**

Notice of the time and place of a public hearing in front of the City of Thibodaux Zoning Commission shall be published at least three (3) times in the official journal, if designated, or a newspaper of general circulation in the area; at least ten (10) days shall elapse between the first publication and the date of the public hearing.

**2. *City Council Public Hearing Notice***

Notice of the time and place of a public hearing in front of the City of Thibodaux City Council shall be published once a week in three (3) different weeks in the official journal, if designated, or a newspaper of general circulation in the area; at least fifteen (15) days shall elapse between the first publication and the date of the public hearing.

**F. *RECONSIDERATION***

No land for which an application for zoning text or map change has been acted upon in a public hearing by the Zoning Commission shall be considered again by the Zoning Commission for the same classification for at least twelve (12) months from the date such application was acted upon.

**SECTION 304. PUBLIC HEARINGS****A. *CONDUCT OF THE PUBLIC HEARING***

When a public hearing is required, the place, date and time for the hearing will be established, and notice of such hearing is required in accordance with Section 303 (Public Notice) above. The public hearing will be conducted in accordance with the established rules and procedures of the body conducting the hearing.

**B. *CONTINUANCES***

The Chair, with approval of the body conducting the hearing, may continue the public hearing. No new public notice is required to reopen the bearing of a hearing that has been continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the first hearing and placed in the minutes.

**SECTION 305. ZONING MAP AMENDMENTS****A. *WHEN ALLOWED***

The boundaries of zoning districts as shown on any zoning map may, from time to time, be amended or modified by the City Council.

**B. *APPLICATION***

1. A pre-application conference with the Zoning Administrator is required.
2. All applications for a map amendment shall be filed in writing with the Zoning Administrator (See Section 302 Application) of this Ordinance.

**C. REVIEW BY ZONING ADMINISTRATOR**

The Zoning Administrator will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Zoning Commission for review.

**D. PUBLIC HEARING AND DECISION BY ZONING COMMISSION**

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the Zoning Commission shall recommend to the City Council to approve, approve with conditions, or deny the proposed map amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
2. In making this recommendation, the Zoning Commission shall consider the recommendations of the Zoning Administrator and the relevant comments of all interested parties and the review criteria in Section 305.F (Review Criteria) below.

**E. PUBLIC HEARING AND DECISION BY THE CITY COUNCIL**

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the City Council shall accept or deny the Zoning Commission's recommendation on the map amendment.
2. In making this decision, the City Council shall consider the recommendations of the Zoning Administrator, the Zoning Commission, and relevant comments of all interested parties and the review criteria in Section 305.F (Review Criteria) below.

**F. REVIEW CRITERIA**

The Zoning Commission and the City Council shall consider the following criteria in approving or denying a text amendment:

1. The proposed map amendment is consistent with the pertinent elements of the City of Thibodaux Comprehensive Plan and any other adopted plans.
2. The proposed map amendment is consistent with the adjacent zoning classifications and uses.
3. The proposed map amendment will reinforce the existing or planned character of the neighborhood and the City.
4. The site is appropriate for the development allowed in the proposed district.
5. There are substantial reasons why the property cannot be used according to existing zoning.
6. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, storm-water management, police and fire are adequate for the

development allowed in the proposed district.

7. The map amendment will not substantially or permanently injure the appropriate use of adjacent conforming properties.

**G. *EFFECT OF DENIAL***

The denial of a map amendment application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.

**H. *APPEAL***

A final decision by the City Council on a map amendment may be appealed to the 17th Judicial District Court.

**I. *EXPIRATION***

A zoning map amendment shall not expire.

**SECTION 306. ZONING TEXT AMENDMENTS**

**A. *WHEN ALLOWED***

The regulations of this Ordinance may, from time to time, be amended supplemented, changed, modified or repealed, as determined by the City Council.

**B. *APPLICATION***

1. A pre-application conference with the Zoning Administrator is optional.
2. All applications for a text amendment shall be filed in writing with the Zoning Administrator (See Section 302 Application) of this Ordinance.

**C. *REVIEW BY ZONING ADMINISTRATOR***

The Zoning Administrator will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Zoning Commission for review.

**D. *PUBLIC HEARING AND DECISION BY ZONING COMMISSION***

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the Zoning Commission shall recommend to approve or deny the proposed text amendment within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
2. In making this recommendation, the Zoning Commission shall consider the recommendations of the Zoning Administrator and the relevant comments of all interested parties and the



review criteria in Section 306.F (Review Criteria) below.

**E. *PUBLIC HEARING AND DECISION BY THE CITY COUNCIL***

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the City Council shall accept or deny the Zoning Commission's recommendation on the text amendment.
2. In making this recommendation, the City Council shall consider the recommendations of the Zoning Administrator, the Zoning Commission, and relevant comments of all interested parties and the review criteria in Section 306.F (Review Criteria) below.

**F. *REVIEW CRITERIA***

The Zoning Commission and the City Council shall consider the following criteria in approving or denying a text amendment:

1. The proposed text amendment is consistent with the pertinent elements of the Comprehensive Plan and any other adopted plans;
2. The proposed text amendment is consistent with the remainder of this Ordinance;
3. The extent to which the text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time, or whether or not the text amendment corrects an error in this Ordinance; and
4. Whether or not the text amendment revises this Ordinance to comply with State or Federal statutes or case law.

**J. *EFFECT OF DENIAL***

The denial of a text amendment application shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.

**G. *APPEAL***

A final decision by the City Council on a text amendment may be appealed to the 17th Judicial District Court.

**H. *EXPIRATION***

A zoning text amendment shall not expire.

**SECTION 307. SPECIAL EXCEPTIONS****A. WHEN REQUIRED**

A special exception request is required for any use or building type that requires particular considerations as to its proper location to adjacent, established or intended uses in a district, or to the planned growth of the community. More detailed information may be included within each specific Section of this Ordinance that establishes the uses requiring special exception and conditions controlling the location and operation of such special uses. Any change to a special exception involving major structural alterations, enlargements, intensifications of use, or similar change must be approved in the same manner as the original special exception.

**B. APPLICATION**

1. A pre-application conference with the Zoning Administrator is required.
2. All applications for a special exception shall be filed in writing with the Zoning Administrator (See Section 302 Application) of this Ordinance. The application shall include material necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material required may include but is not limited to the following, when applicable:
  - a. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading access, refuse and service areas, and required yards and open spaces.
  - b. Plans showing proposed locations for utilities and easements.
  - c. Plans for screening, buffering and landscaping.
  - d. Proposed signs and lighting, including type, dimensions and character.

**C. REVIEW BY ZONING ADMINISTRATOR**

The Zoning Administrator will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Zoning Commission for review.

**D. PUBLIC HEARING AND DECISION BY ZONING COMMISSION**

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the Zoning Commission shall recommend to approve, approve with conditions or deny the proposed special exception within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
2. In making this recommendation, the Zoning Commission shall consider the recommendations of the Zoning Administrator and the relevant comments of all interested parties and the review criteria in Section 307.F (Review Criteria) below.

**E. PUBLIC HEARING AND DECISION BY THE CITY COUNCIL**

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the City Council shall accept, accept with conditions or deny the Zoning Commission's recommendation on the special exception.
2. In making this recommendation, the City Council shall consider the recommendations of the Zoning Administrator, the Zoning Commission, and relevant comments of all interested parties and the review criteria in Section 307.f (Review Criteria) below.

**F. REVIEW CRITERIA**

The Zoning Commission and the City Council shall consider the following criteria in approving or denying a special exception request:

1. The proposed special exception request is consistent with the pertinent elements of the City of Thibodaux Comprehensive Plan and any other adopted plans.
2. The proposed development meets the requirements of this Ordinance.
3. The proposed development will reinforce the existing or planned character of the neighborhood and the City.
4. The special exception request complies with any specific use standards or limitations in Article VIII (Use Standards) of this Ordinance.
5. Any adverse impacts on adjacent properties attributable to the special exception have been minimized or mitigated.

**G. EFFECT OF DENIAL**

The final denial of a special exception request shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.

**H. APPEAL**

A final decision by the City Council on a special exception may be appealed to the 17<sup>th</sup> Judicial District Court within thirty (30) days of the decision.

**I. EXPIRATION**

**1. Existing Construction**

In an existing structure, the special exception shall expire after six (6) months if the use is abandoned or discontinued.

**2. *New Construction***

- a. A special exception shall expire after six (6) months if a building permit application has not been filed.
- b. Where a special exception has been granted but no commencement of construction other than clearing and grubbing has been executed within six (6) months from date of such special exception, the property shall revert to its original state prior to such special exception.
- c. Buildings that are actively available for lease and occupancy, or are being remodeled pursuant to permit shall not have its use considered abandoned or discontinued for eighteen (18) months.

**J. *REVOCATION OF SPECIAL EXCEPTION***

If any conditions of a special exception or other requirements of this Ordinance are violated, the City of Thibodaux may revoke the special exception.

**SECTION 308. *VARIANCES***

**A. *WHEN ALLOWED***

1. The Board of Adjustment shall have the authority to grant variances from the terms of this Ordinance, subject to terms and conditions fixed by the Board, where literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship, if in granting such variance the general intent and purpose of this Zoning Ordinance will be preserved.
2. A variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
3. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

**B. *APPLICATION***

1. No pre-application conference is necessary.
2. All applications for variance shall be filed in writing with the Zoning Administrator or his/her designee (See Section 302 Application).

**C. REVIEW BY ZONING ADMINISTRATOR**

The Zoning Administrator will review the application, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Zoning Commission for review.

**D. PUBLIC HEARING AND DECISION BY BOARD OF ADJUSTMENT**

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the Board of Adjustment shall allow, allow with conditions, or deny the proposed variance request, the Board of Adjustment shall consider relevant comments of all interested parties and the review criteria in Section 308.E (Review Criteria) below.
2. The Board may attach any condition to the permit necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 314 (Violations) of this Ordinance.

**E. REVIEW CRITERIA**

No variance shall be authorized unless the Board of Adjustment finds that all of the following conditions exist:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.
4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district or similarly situated.
5. The variance, if granted, will not alter the essential character of the locality.
6. Strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
7. The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party(s).

8. The proposed variance will not impair an adequate supply of light and air to adjacent property, or increase substantially the congestion in the public street, or increase the danger of fire, or endanger the public safety.

**F. *APPEAL***

A final decision by the Board of Adjustment on a variance may be appealed to the 17<sup>th</sup> Judicial District Court within thirty (30) days of the decision.

**G. *EXPIRATION***

A variance runs with the land and does not expire unless the Board of Adjustment or the 17<sup>th</sup> Judicial District Court assigns an expiration date as a condition.

**SECTION 309. SITE PLAN REVIEW**

**A. *WHEN REQUIRED***

Site plan review by the Zoning Administrator or his/her designee or the City Engineer is required for:

1. Construction of three (3) or more residential units on a platted lot of record.
2. Construction of three (3) or more townhouse units.
3. Construction or expansion of five thousand (5,000) or more square feet of multi-family or mixed-use building type.
4. Commercial, industrial or civic development five thousand (5,000) or more square feet.
5. Creation of more than one thousand (1,000) square feet of impervious surface (paving).
6. Construction of accessory structures in non-residential districts.

**B. *NO SITE PLAN REVIEW REQUIRED***

No site plan review is required for the following:

1. Construction or expansion of less than five thousand (5,000) square feet of multi-family or mixed-use building type.
2. Creation of less than one thousand (1,000) square feet of impervious surface (paving).
3. Construction of accessory structures in residential districts.

**C. *APPLICATION***

1. A pre-application conference is mandatory for site plan review.
2. All applications for site plan review shall be filed in writing with the Zoning Administrator or his/her designee.

**D. REVIEW BY ZONING ADMINISTRATOR**

The Zoning Administrator will review the site plan and may refer the site plan to other affected or interested agencies for review and comment.

**E. SITE PLAN DECISION BY ZONING ADMINISTRATOR**

1. In deciding to approve, approve with conditions, or deny the proposed site plan, the Zoning Administrator shall consider relevant comments of all interested parties and the review criteria outlined in Section 309.F and render a decision within sixty (60) days of the filing of a complete application for review, except where such time period is extended by the applicant.
2. The Zoning Administrator may attach conditions required to make the development site comply with this and other City Ordinances, or as necessary to protect the health, safety and welfare of the City of Thibodaux and to minimize adverse impacts to adjacent properties.

**F. REVIEW CRITERIA**

The Zoning Administrator shall consider the following criteria in approving or denying a site plan:

1. The proposed development is consistent with the pertinent elements of the City of Thibodaux Comprehensive Plan and any other adopted plans;
2. The proposed development meets the requirements of this Ordinance;
3. The proposed development will reinforce the existing or planned character of the neighborhood and the City.
4. The site plan demonstrates:
  - a. Compliance with any prior approvals;
  - b. Site design and development intensity appropriate for and tailored to the unique natural characteristics of the site;
  - c. Adequate, safe and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways, transit access (as appropriate), and off-street parking, stacking and loading spaces;
  - d. Connectivity to surrounding neighborhoods and the City as a whole, while minimizing cut-through traffic and speeds are reduced through the use of traffic calming methods in appropriate locations;
  - e. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm-water relative to the 100-year flood plain; and
  - f. Adequate access for disabled residents through the provision of special parking spaces,



accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.

5. Any adverse impacts on adjacent properties have been minimized or mitigated.

**G. *BUILDING PERMIT***

No building permit shall be issued for development requiring site plan until the site plan has been approved.

**H. *DEDICATION AND IMPROVEMENTS***

1. For development of property requiring a site plan under this Ordinance, the applicant must dedicate any additional right-of-way necessary to the width required by the City of Thibodaux for streets adjoining the property, install curbs and gutters and pave all streets adjoining the property, and install sidewalks and street trees based on the standards set forth by the Thibodaux City Council in this and all other City Codes and Ordinances.
2. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this Ordinance, including provisions for storm-water management, paving and utilities.

**I. *MODIFICATION OF APPROVED SITE PLAN***

The Zoning Administrator is authorized to approve minor modifications to an approved site plan. The following modifications shall be considered minor:

1. Up to ten percent (10%) increase or any decrease in gross floor area of a single building;
2. Up to a ten percent (10%) reduction or any increase in the approved setbacks from exterior property lines;
3. Relocation of parking areas, internal streets or structures where such relocation occurs more than one hundred feet (100') from exterior property lines.

**J. *APPEALS AND PUBLIC HEARINGS AND DECISIONS BY BOARD OF ADJUSTMENT***

A final decision by the Zoning Administrator on a site plan review may be appealed to the Board of Adjustment within thirty (30) days of the decision as per LA.R.S. 33:4727 et seq.

**K. *EXPIRATION***

A site plan expires after six (6) months where a building permit application has not been filed for all or part of said development. Applicants may file for one (1) six (6) month extension of the site plan approval in writing with the Zoning Administrator subject to administrative approval.

**SECTION 310. PLANNED DEVELOPMENTS****A. *WHEN ALLOWED***

An application for a planned development overlay may be filed by the property owner(s) for that property, as authorized by and in accordance with Section 509 (Planned Developments) and the procedures of this Section.

**B. *AUTHORITY***

A planned development overlay is considered a special exception in the applicable zoning district, and shall be granted in accordance with the procedures and standards of this Section and the special exception provisions of Section 307 (Special Exceptions). Unless specifically approved by the ordinance granting or amending the planned development overlay as a special exception, the requirements of the underlying zoning district shall apply.

**C. *EXISTING PLANNED DEVELOPMENTS***

Existing planned developments remain valid must continue to comply with all of the requirements and conditions of their initial approval, and are considered planned developments. Any amendments to existing planned developments must follow the procedures of this Section for amendments to planned developments.

**D. *APPLICATION***

1. A pre-application conference with the Zoning Administrator is required.
2. All applications for a planned development shall be filed in writing with the Zoning Administrator (See Section 302 Application) of this Ordinance. The application shall include a development plan and all material necessary to demonstrate that creation of a planned development overlay will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. The development plan shall include, but is not limited to, the following:
  - a. Name and address of property owner and date of preparation of the plan.
  - b. Name and address of architect, landscape architect, planner, engineer, surveyor, and/or other persons responsible for the preparation of the plan(s).
  - c. Site boundaries and dimensions, site acreage and square footage, and approximate distance to the nearest cross street.
  - d. Location map, north arrow, and title block.
  - e. Natural features including tree masses, flood plains, drainage ways and bayous.
  - f. Proposed and existing land use and zoning classifications on-site and existing land uses

on adjacent properties.

- g. The Neighborhood Center, Mixed Residential, Neighborhood Edge and Civic and/or Open Space areas within Traditional Neighborhood Developments (TND).
- h. Building envelopes including maximum building footprints, density, and heights.
- i. Use restrictions as appropriate.
- j. Public streets and private drives with pavement widths, curb cut widths, buffers, rights-of-way, median openings, turn lanes including stacking and transitional spaces, and driveways including those on adjacent property with approximate dimensions.
- k. Proposed dedications and reservations of land for public or common use, including, but not limited to, rights-of way, easements, open spaces, drainage ways, floodplains, and public facility sites.
- l. Existing and proposed utility easements.
- m. A proposed phasing plan that identifies the sequencing of development if the project is to be developed in phases and a time schedule for installation of major capital improvements to serve the development including delineation of areas, buildings sites, land use and improvements to be constructed in independent phases and the scheduled timing and sequencing of such development.
- n. Proposed buffers from existing uses on adjacent sites.
- o. A chart depicting the following information by phase: acreage of each proposed phase; total number of dwelling units by type, lot size, and dwelling unit sizes; and projected population and total gross floor area (square feet) for each non-residential use.
- p. A site plan drawn to scale including the following:
  - i. The location, area, height, bulk and approximate dimensions of all existing and proposed buildings and structures within the planned development.
  - ii. The use(s) of existing and proposed structures.
  - iii. The dimensions of all perimeter setbacks and the distance between all structures.
  - iv. The location and dimensions of all pedestrian walkways, bicycle paths, driveways, curb cuts, streets, alleys, parking and loading facilities, including the number of parking spaces serving each use and all parking-related screening and landscaping.
  - v. The location, height, design and illumination characteristics of all external lighting within the development.
  - vi. The location and dimensions of any areas to be conveyed, dedicated, or reserved for

parks, parkways, playgrounds, places of worship, educational facilities, public buildings or any other public or quasi-public use.

- vii. Typical building elevations and schematic design presentations prepared by a licensed architect indicating the general architectural character of all proposed buildings and structures.
- viii. The site plan shall be prepared to the following scale:

<b>TABLE 3.2: DEVELOPMENT PLAN SCALE</b>	
<b>PROJECT SIZE</b>	<b>REQUIRED SCALE</b>
Ten (10) acres or less	Fifty feet (50') = one inch (1")
Ten (10) acres to fifty (50) acres	Sixty feet (60') = one inch (1")
Fifty (50) acres to two hundred (200) acres	One hundred feet (100') = one inch (1")
Over two hundred (200) acres	Two hundred feet (200') = one inch (1")

- q. A traffic circulation plan and traffic impact analysis indicating the proposed movement of vehicles, goods and pedestrians within the planned development, and to and from adjacent streets, and the impact of the proposed planned development upon existing traffic patterns. Such studies must also include an examination of the adequacy of on-site parking facilities, vehicular circulations patterns, and pedestrian access.
- r. A sustainability plan setting forth all proposed improvements, project elements, and actions taken to enhance environmental sustainability, including provisions for continuing maintenance where necessary.
- s. A landscape plan prepared by a licensed landscape architect indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around structures.
- t. A storm-water management plan prepared by a licensed landscape architect or civil engineer indicating pre- and post-development run off rates and storm-water best management practices (BMP).
- u. A separate schedule setting forth any proposed special exceptions to any City regulations. This schedule must cite each regulation from which an exception is sought by ordinance section number.

**E. REVIEW BY ZONING ADMINISTRATOR**

The Zoning Administrator will review the application and development plan, and may refer the application to other affected or interested agencies for review and comment before forwarding to the Zoning Commission for review.

**F. *PUBLIC HEARING AND DECISION BY ZONING COMMISSION***

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the Zoning Commission shall recommend to approve, approve with conditions or deny the proposed planned development overlay within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
2. In making this recommendation, the Zoning Commission shall consider the recommendations of the Zoning Administrator and the relevant comments of all interested parties and the review criteria in Section 310.H (Review Criteria) below.

**G. *PUBLIC HEARING AND DECISION BY THE CITY COUNCIL***

1. Following notice (Section 303) and a public hearing (Section 304) as required by this Ordinance, the City Council shall accept, accept with conditions or deny the Zoning Commission's recommendation on the planned development.
2. In making this recommendation, the City Council shall consider the recommendations of the Zoning Administrator, the Zoning Commission, and relevant comments of all interested parties and the review criteria in Section 310.H (Review Criteria) below.

**H. *REVIEW CRITERIA***

The Zoning Commission and the City Council shall consider the following criteria in approving or denying a planned development overlay request:

1. The proposed planned development complies with the standards outlined in Section 509 (Planned Developments) and is consistent with the spirit and intent of this Ordinance, pertinent elements of the City of Thibodaux Comprehensive Plan, and any other adopted plans.
2. The site where the planned development is located is adaptable to the unified development proposed.
3. The proposed planned development will not be detrimental to the public health, safety and welfare or the use and enjoyment of other property in the vicinity of the development.
4. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property for the uses permitted in the zoning district.
5. The proposed planned development provided public benefits and amenities to the City in exchange for exceptions to the zoning ordinance as required in Section 310 (Planned Developments).
6. There is a provision for adequate utilities, drainage, off-street parking and loading, pedestrian access and all other necessary facilities.

7. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
8. The location and arrangements of structures, parking areas, walks, lighting and appurtenant facilities are all compatible with the surrounding neighborhood and adjacent land uses.
9. All portions of the proposed planned development that are not to be used for structures, parking and loading areas, or access ways, are suitably landscaped.

**I. *EFFECT OF DENIAL***

The final denial of a planned development overlay request shall ban the subsequent application for the same or similar use at the same location for a period of twelve (12) months.

**J. *APPEAL***

A final decision by the City Council on a planned development overlay may be appealed to the 17<sup>th</sup> Judicial District Court within thirty (30) days of the decision.

**K. *EXPIRATION***

1. A planned development overlay shall expire after twelve (12) months if a building permit application has not been filed.
2. Where a planned development overlay has been granted but no commencement of construction other than clearing and grubbing has been executed within twelve (12) months from date of such overlay approval, the property shall revert to its original base zoning prior to such overlay.

**L. *CHANGES TO APPROVED DEVELOPMENT PLANS***

**1. *Minor Changes***

- a. Minor changes, if required by engineering or other physical site circumstances not foreseen at the time of the development plan approval may be approved by the Zoning Administrator. However, any change considered a major change as outlined in Section 310.L.2 (Major Changes) below cannot be approved by the Zoning Administrator.
- b. The Zoning Administrator may also, at the Official's discretion, determine that a proposed minor change constitutes a major change and must be approved by the Zoning Commission and the City Council in accordance with the procedures for a major change.

**2. *Major Changes***

Major changes are those listed below and may only be approved by the City Council following a review and public hearing by the Zoning Commission. Major changes are defined as follows:

- a. An increase or decrease in the number of dwelling units from that approved in the plan.

- b. An increase in building height by more than ten (10) percent of the height of the approved plan.
- c. An increase in the building coverage by more than ten (10) percent of the percentage approved in the plan.
- d. A decrease in open space by more than ten (10) percent from the approved plan.
- e. A change of twenty (20) feet or more in the location of walkways, vehicle circulation ways and parking areas, or exterior building walls as measured in linear feet.
- f. A change in the location and arrangement of land uses within the development from that shown on the approved plan.
- g. A change or relocation of rights-of-way from that shown on the approved plan that decreases their functionality or adversely affects their relation to surrounding land uses and rights-of-way elements
- h. An increase or decrease in the amount of any land use in any phase of the development by more than ten (10) percent or a change in the overall approved land use mix.
- i. A reduction in the number of parking spaces or an increase of more than ten (10) parking spaces.
- j. A substantial change in building design, building material selection or percentage of various approved building materials. The Zoning Administrator will determine when a change is substantial.
- k. A change in the landscape plan that results in a reduction of plant materials. Changes to the landscape plan that do not result in a reduction of plan materials or violate the landscaping requirements of this Ordinance are not considered a major change.

### *3. Recording of Changes to Approved Development Plan*

All changes to the approved development plan must be recorded as amendments to the planned development overlay ordinance. If changes are allowed, then a new development plan reflecting such changes must be filed with the City noting the date of the changes before a building permit may be issued.

**SECTION 311. SIGN PERMITS**

**A. WHEN REQUIRED**

Unless specifically identified as an exempt sign in Section 905 of this ordinance, all signs shall require a sign permit in accordance with this Section.

**B. APPLICATION**

1. A pre-application conference is optional.
2. All applications for sign permits shall be filed in writing with the Zoning Administrator.

**C. DECISION BY ZONING ADMINISTRATOR**

1. The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.
2. In deciding to approve, approve with conditions, or deny the proposed sign permit, the Zoning Administrator shall consider relevant comments of all interested parties.
3. The Zoning Administrator may attach any condition to the permit necessary to protect the health, safety and welfare of the City of Thibodaux and minimize adverse impacts on adjacent properties.

**D. REVIEW CRITERIA**

The Zoning Administrator shall consider the following criteria in approving or denying a sign permit:

1. The proposed sign is consistent with the pertinent elements of the City of Thibodaux Comprehensive Plan and any other adopted plans.
2. The proposed sign meets the requirements of this Ordinance.
3. The proposed sign will reinforce the existing or planned character of the neighborhood and the City.

**E. Appeal**

A final decision by the Zoning Administrator on a sign permit may be appealed to the Board of Adjustment within thirty (30) days of the decision.

**SECTION 312. ENFORCEMENT**

The provisions of these land use regulations shall be administered by the Mayor, or his/her designee, as designated herein, who shall have the power to make inspections of buildings or premises necessary to



carry out their administrative duties in the enforcement of these regulations. The Mayor may call upon the Police to furnish the necessary personnel to carry out enforcement if necessary.

**SECTION 313. VIOLATIONS**

*A. COMPLAINTS REGARDING VIOLATION*

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take thereon as provided by this ordinance.

*B. PENALTIES FOR VIOLATION*

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined and/or imprisoned as provided for in section 33:4728 of the Louisiana Revised Statutes of 1950 **with fines not to exceed five hundred (\$500.00) dollars and/or imprisonment not exceeding six (6) months.** Each day such violation continues shall be considered a separate offense. (*Ord. No. 3244, 11-15-22*)
2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 314. – SECTION 399. RESERVED**

**ARTICLE 4. NONCONFORMITIES**

<b>Section 401.</b>	<b>PURPOSE</b>
<b>Section 402.</b>	<b>GENERAL STANDARDS OF APPLICABILITY</b>
<b>Section 403.</b>	<b>NONCONFORMING USES</b>
<b>Section 404.</b>	<b>NONCONFORMING STRUCTURES</b>
<b>Section 405.</b>	<b>NONCONFORMING LOTS OF RECORD</b>
<b>Section 406.</b>	<b>NONCONFORMING SIGNS</b>

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**SECTION 401. PURPOSE**

The purpose of this section is to regulate the continued existence of uses, lots, and structures lawfully established prior to the effective date of this ordinance or any amendment thereto which do not conform to the provisions of this ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to allow them to be enlarged, expanded, or extended unless specifically allowed by this ordinance provided they meet the requirements of all other codes and ordinances of the City of Thibodaux.

**SECTION 402. GENERAL STANDARDS OF APPLICABILITY**

**A. CONTINUATION**

Any use, structure or lot that existed as a lawful nonconformity at the time of the adoption of this Ordinance, and any use, structure or lot that has been made nonconforming because of the terms of this Ordinance or its subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise lawful.

**B. EVIDENCE OF STATUS**

The Zoning Administrator shall make a determination as to the existence of legal nonconforming status under the provision of this Ordinance in the following instances:

1. At the time an application is filed for a building permit;
2. At the time an application is filed for a certificate of occupancy, where no building permit is required;
3. At the time of a request for an occupational or business license;
4. At the time of a request for a change of use; or
5. At the request of the property owner or his/her agent.

In doing so, the Zoning Administrator shall require the property owner, or his/her agent, to produce acceptable evidence attesting to said legal nonconforming status. Such evidence shall include, but not be restricted to, such documents as: rent receipts, affidavits, documentation of

utility services, sales tax receipts, property tax information, or other information as may be deemed to be necessary in a particular case. Provision of such documents does not guarantee that the Zoning Administrator will confirm the existence of legal nonconforming use status. In all cases, the burden of establishing the legality of nonconformity under the provision of this Ordinance shall be upon the owner of the property.

**C. *SUSPENSION FOR FORCE MAJEURE OR ACTS OF PUBLIC ENEMY***

In the event of force majeure, such as a hurricane, fire or storm, or acts of public enemy the City Council may, by ordinance, suspend the requirements of this Article for an established period of time.

**D. *BUILDINGS UNDER CONSTRUCTION***

Any buildings or structures legally under construction but not in accord with the requirements of this Ordinance will become nonconforming at the time this Ordinance or an amendment thereto becomes effective.

**E. *DEMOLITION OF A NONCONFORMING USE OR STRUCTURE***

The voluntary demolition of a nonconforming use or structure will result in the loss of the legal nonconforming status of that use and/or the nonconforming characteristics of the structure, including off-street parking.

**F. *ILLEGAL USES***

A structure or use erected, converted, or structurally altered in violation of the provisions of the this or any previous Ordinance shall not be validated by the adoption or amendment of this Ordinance, unless the such adoption or amendment effects a change in zoning classification of the land upon which the zoning violation exists authorizing the use and the use conforms to the regulations of such zoning district as of the effective date of such adoption or amendment.

**SECTION 403. NONCONFORMING USES**

**A. *MAINTENANCE AND REPAIRS***

1. The repair and maintenance of structures containing nonconforming uses that do not enlarge or expand the nonconforming use, as determined by the Zoning Administrator shall be permitted and encouraged. Repair and maintenance of said structures typically include actions such as painting, landscaping, paving, the replacement and addition of windows and doors, and other acts that promote the livability and usability of the structure.
2. 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. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this ordinance in such a manner that does not extend or increase an existing nonconformity.

**B. *CHANGE OF USE***

1. In all zoning districts, if no structural alterations are made, the nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification, provided that the new nonconforming use is not more intensive than the prior use, as determined by the Zoning Administrator either by general rule or by making findings in the specific case. In permitting such a change the Zoning Administrator may require appropriate conditions and safeguards in accord with the provisions of this Ordinance. Appeals of the Zoning Administrator's decision on nonconforming changes of use may be made to the Board of Adjustment.
2. Any nonconforming use superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

**C. *DESTRUCTION***

1. If a structure housing a nonconforming use is whole or in part damaged or destroyed by force majeure, it may be restored and the use continued provided that the restoration is accomplished with no increase in square footage, cubical content or intensity over the building existing immediately prior to the damage.
2. Application for a building permit to restore a damaged structure housing a nonconforming use must be made within eighteen (18) months of the destruction. Restoration must be completed within eighteen (18) months from the date of the issuance of the building permit unless an extension is approved by the Board of Adjustment prior to the expiration of said permit.
3. Where a nonconforming use has ceased operation for renovations because of force majeure, the nonconforming use must restore operation within six (6) months of the completion of construction, subject to one (1) six (6) month extension subject to approval by the Zoning Administrator.

**D. *ABANDONMENT***

1. A particular use established as nonconforming shall be deemed abandoned when that particular nonconforming use is discontinued or becomes vacant or unoccupied for a continuous period of eighteen (18) months.
2. An abandoned use may not be re-established or resumed regardless of intent. Any subsequent occupancy shall comply with all regulations of the zoning district in which the land or structure is located,
3. Where a nonconforming use has ceased operation for renovations in conjunction with a lawfully issued building permit, the nonconforming use must restore operation within six (6) months from the issuance of the building permit, subject to one (1) six (6) month extension subject to approval by the Zoning Administrator.

4. This calculation of the period of abandonment does not include any period of discontinuance caused by government action or force majeure.

**E. *EXPANSION OF NONCONFORMING USES***

Non-conforming uses shall not be extended or enlarged. This prohibition is to prevent the enlargement of non-conforming uses by external additions to the structure in which non-conforming uses are located, as well as the intensification of the use itself.

**F. *EXISTING NONCONFORMING RESIDENTIAL USES IN RESIDENTIAL DISTRICTS***

1. An existing nonconforming residential use in a residential district that has lost legal nonconforming status may be re-established, structurally altered, and additions to existing structures permitted provided that no additional dwelling units are added through such alterations or additions.
2. Removal and replacement of a manufactured home which constitutes a nonconforming use on an individual lot or within a manufactured home park, or removal of any manufactured or mobile home unit which does not conform with current federal manufactured housing construction and safety standards and replacement of such unit with a manufactured home which conforms with said standards, shall be permitted so long as replacement takes place within sixty (60) days of removal.

**SECTION 404. NONCONFORMING STRUCTURES**

**A. *MAINTENANCE AND REPAIRS***

1. The repair and maintenance of nonconforming structures that does not enlarge or expand the nonconforming structure shall be permitted and encouraged. Repair and maintenance of said structures typically include actions such as painting, landscaping, paving, the replacement and addition of windows and doors, replacement of wiring or plumbing and other acts that promote the livability and usability of the structure.
2. 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. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this ordinance in such a manner that does not extend or increase an existing nonconformity.

**B. *STRUCTURAL ALTERATIONS***

1. A nonconforming structure may not be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. A nonconforming structure, which is moved, shall thereafter conform to the regulations of the district in which it is located after such move.

**C. DESTRUCTION**

1. If a nonconforming structure is whole or in part damaged or destroyed by force majeure, it may be restored and the use continued provided that the restoration is accomplished with no increase in square footage, cubical content or intensity over the building existing immediately prior to the damage.
2. Application for a building permit to restore a damaged structure housing a nonconforming use must be made within eighteen (18) months of the destruction. Restoration must be completed within eighteen (18) months from the date of the issuance of the building permit unless an extension is approved by the Board of Adjustment prior to the expiration of said permit. (*Ord. No. 2761, 1-15-15*)

**SECTION 405. NONCONFORMING LOTS OF RECORD**

A parcel of land with an area less than prescribed in the applicable zoning district may be used for any purpose permitted in the district where:

- A. The owner is able to demonstrate to the satisfaction of the Zoning Administrator that the parcel was lawful at the time it was created; and
- B. The use meets all of the other regulations prescribed for the district.

**SECTION 406. NONCONFORMING SIGNS**

Any nonconforming sign in existence on the date of enactment of this Ordinance shall be considered nonconforming sign and shall be subject to the following conditions:

- A. The following to be removed or made to conform to this ordinance within ninety (90) days:
  1. Nonconforming signs made of paper, cloth, plastic, or other nondurable material.
  2. All temporary signs other than those permitted herein.
- B. If any nonconforming sign is removed or destroyed then the replacement sign shall be in conformity with the requirements of this Ordinance.
- C. When a change in use, occupancy or ownership occurs, the new business, if begun within one (1) year after previous business closed, may utilize the existing signs even though they may be nonconforming signs. Existing nonconforming signs may be refaced during the aforesaid one-year period.
- D. Upon failure to comply, the Zoning Administrator is hereby required to cause removal as provided by law of such sign and any expense incident thereto shall be paid by the owner, agent, or lessee of said sign or of the property owner upon which the sign is located. The time period for this is six (6) months.

- E. Existence of any nonconforming sign on the premises will prohibit issuance of further sign permits while nonconforming use exists.

**SECTION 407. – SECTION 499. RESERVED**

**ARTICLE 5. USE DISTRICT REGULATIONS**

<b>Section 501.</b>	<b>DISTRICT CLASSIFICATIONS</b>
<b>Section 502.</b>	<b>RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES</b>
<b>Section 503.</b>	<b>APPLICATIONS OF DISTRICT REGULATIONS</b>
<b>Section 504.</b>	<b>EXEMPTIONS FOR ESSENTIAL SERVICES</b>
<b>Section 505.</b>	<b>RESIDENTIAL USE DISTRICTS</b>
<b>Section 506.</b>	<b>COMMERCIAL USE DISTRICTS</b>
<b>Section 507.</b>	<b>INDUSTRIAL USE DISTRICTS</b>
<b>Section 508.</b>	<b>SPECIAL USE DISTRICTS</b>
<b>Section 509.</b>	<b>PLANNED DEVELOPMENTS</b>

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**SECTION 501. DISTRICT CLASSIFICATIONS**

In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this Article.

**SECTION 502. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 6 above, the board of adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot that was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot into the remaining portion of the lot.



**SECTION 503. APPLICATIONS OF DISTRICT REGULATIONS**

No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located
- B. No building or other structure shall hereafter be erected or altered:
  - 1. To exceed the height;
  - 2. To accommodate or house a greater number of families;
  - 3. To occupy a greater percentage of lot area;
  - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.
- C. No part of a yard, open space, off-street parking or loading space required, in connection with any building shall be included as part of the like requirements for any other building.
- D. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein except where to do so would lead to lots that are less nonconforming than prior to the re-subdivision. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

**SECTION 504. EXEMPTIONS FOR ESSENTIAL SERVICES**

The following essential services may be permitted, erected, constructed, altered, or maintained in any zoning district:

- A. Traffic signals, fire hydrants, and similar equipment and accessories.
- B. Gas, electric, communication, water supply, and transmission/distribution systems.
- C. Elevated or underground water storage tanks.
- D. Storm-water and sanitary sewer collection and disposal systems.
- E. Utility poles, wires, mains, drains, pipes, conduits and cables reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies for the public health, safety and welfare.
- F. Streets and sidewalks.

**SECTION 505. RESIDENTIAL USE DISTRICTS**

**A. *R-1 RESIDENTIAL ESTATE***

The purpose and intent of the R-1 residential estate district is to maintain the character of very low-density single-family neighborhoods in the City, which are zoned residential but in which the majority of the home sites are historically larger than R-2 performance standards require.

**B. *R-2 SINGLE-FAMILY RESIDENTIAL***

The purpose and intent of the R-2 single-family residential district is to provide for the location and grouping of low-density, single-family residences with accompanying accessory uses that are protected from the adverse impacts of incompatible nonresidential land uses.

**C. *R-3 SINGLE- AND TWO-FAMILY RESIDENTIAL***

The purpose of the R-3 single-family attached residential district is to provide for a variety of single- and two-family housing opportunities, at development densities compatible with adjoining single-family neighborhoods that are protected from the adverse impacts of incompatible non-residential land uses.

**D. *R-4 MULTI-FAMILY RESIDENTIAL***

The purpose and intent of the R-4 multi-family residential district is to provide moderate- to high-density residential neighborhoods for individual buildings on individual lots or for more than one (1) building on one (1) lot. The R-4 district shall accommodate single-family attached dwellings that have common walls, including townhouses, condominiums, congregate and cluster developments as well as multi-family structures ranging in type from doubles to apartment buildings.

**E. *RB RESIDENTIAL BUSINESS***

The Residential Business (RB) district is intended for limited-size professional and business offices in close proximity to primarily residential uses. The district is principally residential in character and businesses and residential shall maintain an appearance that is in accordance with the architectural/traditional style of the district. Normal working hours are restricted to 6 a.m. to 6 p.m.

## ZONING ORDINANCE NOVEMBER 2014

TABLE 5.1: RESIDENTIAL DISTRICT PERMITTED USES AND SPECIAL EXCEPTIONS						
USES	DISTRICTS					USE STANDARDS
	R-1	R-2	R-3	R-4	RB	
RESIDENTIAL						
DWELLING, SINGLE-FAMILY DETACHED	P	P	P	P	P	
DWELLING TWO-FAMILY		SE	P	P	P	
DWELLING, TOWNHOUSE			P	P	P	SECTION 803.K
DWELLING THREE/FOUR-FAMILY			P	P		
DWELLING MULTI-FAMILY				P		
FRATERNITY/SORORITY HOUSE						
GROUP/COMMUNITY HOME, SMALL			P	P		SECTION 803.E
GROUP/COMMUNITY HOME, LARGE				P		SECTION 803.E
MODULAR HOUSING	P	P	P	P	P	
MANUFACTURED HOUSING				SE		SECTION 803.H
MANUFACTURED HOME PARK						
SHORT TERM RENTALS		SE****	P	P		
COMMERCIAL						
ADULT DAY CARE, HOME	P	P	P	P	P	SECTION 803.D
ADULT DAY CARE, SMALL			SE	P	P	SECTION 803.C
ADULT DAY CARE, LARGE				SE		SECTION 803.C
AGRICULTURE	P	P	P	P	P	
ART GALLERY					P	
ARTS STUDIO					P	
BED AND BREAKFAST	SE	SE	P	P		SECTION 803.B
BEHAVIORAL HEALTH SERVICE CENTER			SE*			
CHILD DAY CARE, HOME	P	P	P	P		SECTION 803.D
CHILD DAY CARE, SMALL			SE	P		SECTION 803.C
CHILD DAY CARE, LARGE				SE		SECTION 803.C
ELDERLY HOUSING, RETIREMENT HOUSING				P		
ELDERLY HOUSING, NURSING HOME				P		
ELDERLY HOUSING, ASSISTED LIVING				P		
MAINTENANCE/REPAIR SERVICES			SE*****			
MEDICAL/DENTAL CLINIC					P	
OFFICE					P	
PERSONAL SERVICES ESTABLISHMENT			SE**			
SOLAR FARM	SE***	SE***	SE***	SE***	SE***	SECTION 803.M

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted

\* Ord. No. 2939, 9-5-17 / \*\* Ord. No. 2988, 7-17-18 / \*\*\* Ord. No. 3162, 7-6-21 / \*\*\*\*Ord. No.3245, 11-15-22/ \*\*\*\*\*Ord. 3257, 1-17-23/\*\*\*\*\*Ord.

## ZONING ORDINANCE NOVEMBER 2014

TABLE 5.1: RESIDENTIAL DISTRICT PERMITTED USES AND SPECIAL EXCEPTIONS						
USES	DISTRICTS					USE STANDARDS
	R-1	R-2	R-3	R-4	RB	
CIVIC						
CEMETERY		P	P	P		
COMMUNITY CENTER			P	P		
COMMUNITY GARDEN	P	P	P	P		
EMERGENCY SERVICES	SE	SE	P	P		
EDUCATIONAL FACILITY	SE	SE	SE	P		
GOLF COURSE	P	P	P	P	P	
HOUSE OF WORSHIP, SMALL			P	P		
HOUSE OF WORSHIP, LARGE				P		
LIBRARY						
MUSEUM						
PARK or PLAYGROUND	P	P	P	P	P	
VOLUNTEER SERVICE ORGANIZATION			SE*****	SE*****	SE*****	
ACCESSORY						
CLUBHOUSE	P	P	P	P		
COLUMBARIUM		SE	SE	SE		
CREMATORIUM						
HOME OCCUPATION	P	P	P	P	P*	SECTION 803.F
PLANNED DEVELOPMENTS						
TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)	P	P	P	P		SECTION 509
NON-RESIDENTIAL PLANNED DEVELOPMENT (NPUD)						SECTION 509

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted

**\*Ord. No 2940, 9-5-17**

TABLE 5.2: RESIDENTIAL USE BULK AND YARD REGULATIONS					
BULK AND YARD REGULATIONS	DISTRICTS				
	R-1	R-2	R-3	R-4	RB
BULK REGULATIONS					
MINIMUM LOT AREA	SF: 7,500 sf Other: 10,000 sf	SF: 6,000 sf 2F: 8,000 sf Other: 10,000 sf	SF: 6,000 sf 2F: 8,000 sf 3F: 8,000 sf 4F: 9,500 sf Townhouse: 1,500 sf <sup>a</sup> Other: 5,000 sf	SF: 5,000 sf 2F: 6,500 sf 3F: 8,000 sf 4F: 9,500 sf Each additional MF unit: +1,500 sf Townhouse: 1,500 sf <sup>b</sup> Other: 5,000 sf	SF: 5,000 sf 2F: 6,500 sf 3F: 8,000 sf 4F: 9,500 sf Each additional MF unit: +1,500 sf Townhouse: 1,500 sf <sup>b</sup> Other: 5,000 sf
MAXIMUM BUILDING HEIGHT	45 ft	45 ft	45 ft	85 ft	35 ft
MAXIMUM LOT COVERAGE <sup>e</sup>	60%	60%	60%	60%	60%
MINIMUM YARD REQUIREMENTS					
LOT WIDTH	75 ft	60 ft	60 ft <sup>c</sup> Townhouse: 20 ft	50 ft <sup>c</sup> Townhouse: 20 ft	50 ft <sup>c</sup> Townhouse: 20 ft
FRONT YARD	20 ft	20 ft	20 ft	15 ft	15 ft
INTERIOR SIDE YARD	5 ft	5 ft	SF & 2F: 5 ft Townhouse: none Other: 5 ft <sup>d</sup>	SF: 5 ft Townhouse: none MF 1-story: 5 ft MF 2-story: 10 ft MF 3-story +: 20 ft Other: 5 ft <sup>d</sup>	5 ft <sup>b</sup>
CORNER SIDE YARD	15 ft	15 ft	15 ft	15 ft	15 ft
REAR YARD	10 ft	10 ft	10 ft	5 ft <sup>d</sup>	5 ft <sup>b</sup>
<sup>a</sup> Not to exceed four (4) attached dwellings <sup>b</sup> Not to exceed eight (8) attached dwellings <sup>c</sup> Townhouse developments shall have a minimum lot width of twenty (20) feet. <sup>d</sup> A five (5) foot rear or side yard is required except where a nonresidential use abuts a residential use. In this case the minimum yard requirement is ten (10) feet. <sup>e</sup> Applicable to residential lots six thousand (6,000) square feet or greater.					

**SECTION 506. COMMERCIAL USE DISTRICTS**

*A. B-1 NEIGHBORHOOD BUSINESS*

The B-1 neighborhood business district is intended for limited-sized professional and business offices in close proximity to purely residential uses. Moderate density multiple-family residential is permitted. The district is not commercial in character; however, certain limited commercial uses are permitted. Normal working hours are restricted to 6 a.m. to 6 p.m.

*B. C-1 GENERAL COMMERCIAL*

The C-1 general commercial district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located along major arterials.

*C. C-2 HEAVY COMMERCIAL*

The C-2 heavy commercial district is intended to accommodate a wide variety of commercial and retail uses, as well as offices, businesses and personal services that serve the needs of the community and the region. The intent is to provide for large-scale commercial uses that are typically land intensive and are not well suited to being located in neighborhoods or the central business district. These districts are best located along major arterial streets.

*D. CBD DOWNTOWN BUSINESS DISTRICT*

The CBD downtown business district is representative of the core central business and retail area. The intent of the district is to recognize the unique and historic character of downtown and the pedestrian orientation of the neighborhood by combining residential uses with commercial, service and office establishments. Lot sizes, setbacks, parking and landscaping requirements shall be more flexible to address the characteristics of an area substantially developed as a commercial district with smaller lots and greater development densities than newer areas of the city.

# ZONING ORDINANCE NOVEMBER 2014

TABLE 5.3: COMMERCIAL DISTRICT PERMITTED USES AND SPECIAL EXCEPTIONS					
USES	DISTRICTS				USE STANDARDS
	B-1 <sup>1</sup>	C-1	C-2	CBD	
RESIDENTIAL					
BUNK HOUSE			P		
DWELLING, SINGLE-FAMILY	P	P	P	P	
DWELLING TWO-FAMILY	P	P	P	P	
DWELLING, TOWNHOUSE	P	P	P	P	SECTION 803.K
DWELLING THREE-FAMILY	SE*****	P	P	P	
DWELLING FOUR-FAMILY		P	P	P	
DWELLING MULTI-FAMILY		P	P	P	
FRATERNITY/SORORITY HOUSE					
MODULAR HOUSING	P				
MANUFACTURED HOME PARK			P		
MANUFACTURED HOUSING		P	P		SECTION 803.H
SHORT TERM RENTALS	p ****	p ****	p ****	p****	
COMMERCIAL					
ADULT/CHILD DAY CARE, HOME	P				SECTION 803.D
ADULT/CHILD DAY CARE, SMALL	P	P	P	P	SECTION 803.C
ADULT/CHILD DAY CARE, LARGE		P	P	P	SECTION 803.C
AGRICULTURE	P	P	P	P	
ART GALLERY	P	P	P	P	
ARTS STUDIO	P	P	P	P	
AUTOMOBILE/VEHICLE DEALERSHIP		P	P		
AUTOMOBILE RENTAL		P	P		
AUTOMOTIVE REPAIR, MAJOR		P	P		
AUTOMOTIVE REPAIR, MINOR		P	P		
BAR		P	P	P	
BED AND BREAKFAST	P				SECTION 803.B
CAR WASH		P	P		
¹Normal working hours for uses in Table 5.3 in the RB and B-1 district are restricted to 6 a.m. to 6 p.m.					

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted

\*\*\*\*\*Ord. No 3427, 12-16-25

## ZONING ORDINANCE NOVEMBER 2014

TABLE 5.3: COMMERCIAL DISTRICT PERMITTED USES AND SPECIAL EXCEPTIONS					
USES	DISTRICTS				USE STANDARDS
	B-1 <sup>1</sup>	C-1	C-2	CBD	
COMMERCIAL					
ELDERLY HOUSING, RETIREMENT HOUSING		P	P	P	
ELDERLY HOUSING, NURSING HOME		P	P		
ELDERLY HOUSING, ASSISTED LIVING		P	P		
FARM EQUIPMENT/SUPPLIES, SALES AND SERVICE		P	P		
FINANCIAL INSTITUTION	SE	P	P	P	
GAS STATION		P	P	P	
FUNERAL HOME/MORTUARY	P	P	P		
HALFWAY HOUSE			SE		
HOSPITAL		P	P	P	
HOTEL/MOTEL		P	P	P	
LABORATORY		P	P	P	
LUMBERYARD		P	P		
MAINTENANCE/REPAIR SERVICES		P	P		
MEDICAL/DENTAL CLINIC	P	P	P	P	
MICROBREWERY/ MICRODISTILLERY			P	P	
MINI-WAREHOUSE		SE*	P		
OFFICE	P	P	P	P	
OFF-PREMISE ADVERTISING SIGN					SECTION 907
OFF-TRACK BETTING FACILITY			P	P	SECTION 803.I
PARKING LOT, COMMERCIAL			P	P	
PERSONAL SERVICES ESTABLISHMENT	P	P	P	P	
PET DAY CARE	P	P	P		
PET GROOMING	P	P	P		
RECREATIONAL VEHICLE PARK		SE	P		
REHABILITATIVE CARE CENTER		SE	SE	SE	
RESIDENTIAL CARE CENTER			P	P	
RESTAURANT, FAST FOOD		P	P	P	Section 803.J
RESTAURANT, FULL-SERVICE		P	P	P	Section 803.J
RESTAURANT, QUICK SERVE**	P	P	P	P	Section 803.J
RESTAURANT, SPECIALITY	SE	P	P	P	Section 803.J

1Normal working hours for uses in Table 5.3 in the RB and B-1 district are restricted to 6 a.m. to 6 p.m.

<sup>1</sup>Normal working hours for uses in Table 5.3 in the RB and B-1 district are restricted to 6 a.m. to 6 p.m.

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted

**\*Ord. No. 2772, 3-17-15 / \*\*Ord. 3247, 12-6-22**



# ZONING ORDINANCE NOVEMBER 2014

TABLE 5.3: COMMERCIAL DISTRICT PERMITTED USES AND SPECIAL EXCEPTIONS					
USES	DISTRICTS				USE STANDARDS
	B-1 <sup>1</sup>	C-1	C-2	CBD	
COMMERCIAL					
RETAIL GOODS ESTABLISHMENT	SE	P	P	P	SECTION 803.M
SOCIAL CLUB/LODGE	SE	P	P	P	
SOLAR FARM	SE***	SE***	SE***	SE***	
TATTOO PARLOR			SE		
TAXIDERMY		P	P		
TOWING FACILITY		SE*****	SE*****		
VETERINARY HOSPITAL		P	P	P	
CIVIC					
CEMETERY	P	P	P	P	
COMMUNITY CENTER		P	P	P	
COMMUNITY GARDEN	P	P	P	P	
EMERGENCY SERVICES		P	P	P	
EDUCATIONAL FACILITY		P	P	P	
FARMERS MARKET	P	P	P	P	
GOVERNMENT FACILITY	P	P	P	P	
GOLF COURSE	P				
HOUSE OF WORSHIP, SMALL	P	P	P	P	
HOUSE OF WORSHIP, LARGE		P	P		
LIBRARY		P	P	P	
MUSEUM		P	P	P	
PARK or PLAYGROUND	P	P	P	P	
RADIO/TELEVISION ANTENNAE/TOWERS					
RECREATIONAL FACILITY, INDOOR		P	P	P	
RECREATIONAL FACILITY, OUTDOOR		P	P	P	
UTILITIES		P	P	P	
VOLUNTEER SERVICE ORGANIZATION	p*****	p*****	p*****	p*****	

1Normal working hours for uses in Table 5.3 in the RB and B-1 district are restricted to 6 a.m. to 6 p.m.

<sup>1</sup>Normal working hours for uses in Table 5.3 in the RB and B-1 district are restricted to 6 a.m. to 6 p.m.

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted

\*\*\*Ord. No. 3162, 7-6-21 / \*\*\*\*Ord. No. 3245, 11-15-22/\*\*\*\*\*Ord. No. 3293/\*\*\*\*\*Ord. No 3326, 2-6-24

# ZONING ORDINANCE NOVEMBER 2014

TABLE 5.3: COMMERCIAL DISTRICT PERMITTED USES AND SPECIAL EXCEPTIONS					
ACCESSORY					
USES	DISTRICTS				USE STANDARDS
	B-1 <sup>1</sup>	C-1	C-2	CBD	
ALCOHOL BEVERAGE SALES, OFF-PREMISE					
ALCOHOL BEVERAGE SALES, ON-PREMISE					
COLUMBARIUM	P	P	P		
CREMATORIUM		SE	SE		
<b>DAIQUIRI SHOP</b>		<b>P*</b>	<b>P*</b>	<b>P*</b>	
DRIVE-THROUGH		P	P	P	
<b>HOME OCCUPATION</b>	<b>P**</b>	<b>P**</b>	<b>P**</b>	<b>P**</b>	
LIVE ENTERTAINMENT		P	P	P	
PARKING GARAGE			P	P	
<b>PUBLIC ELECTRIC VEHICLE (EV) CHARGING STATION</b>		<b>P***</b>	<b>P***</b>		
PLANNED DEVELOPMENTS					
TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)	P	P	P	P	SECTION 509
NON-RESIDENTIAL PLANNED DEVELOPMENT (NPUD)		SE	P	SE	SECTION 509

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted \* *Ord. No. 2804, 10-6-15* / \*\* *Ord. No. 2940, 9-5-17* / \*\*\* *Ord. No. 3415 10-25-25*

# ZONING ORDINANCE NOVEMBER 2014

TABLE 5.4: COMMERCIAL USE BULK AND YARD REGULATIONS				
BULK AND YARD REGULATIONS	DISTRICTS			
	B-1	C-1	C-2	CBD
BULK REGULATIONS				
MINIMUM LOT AREA	SF: 5,000 sf 2F: 6,500 sf 3F: 8,000 sf 4F: 9,500 sf Each additional MF unit: +1,500 sf Townhouse: 1,500 sf <sup>a</sup> Other: 5,000 sf	5,000 sf	5,000 sf	n/a
MAXIMUM BUILDING HEIGHT	35 ft	85 ft	85 ft	85 ft
MAXIMUM LOT COVERAGE <sup>c</sup>	60%	n/a	n/a	n/a
MINIMUM YARD REQUIREMENTS				
LOT WIDTH	50 ft Townhouse: 20 ft	50 ft	50 ft	n/a
FRONT YARD	15 ft	n/a	n/a	n/a
INTERIOR SIDE YARD	5 ft <sup>b</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
CORNER SIDE YARD	15 ft	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
REAR YARD	5 ft <sup>b</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
<sup>a</sup> No rear or side yard is required except where there is a separation between buildings. In this case the minimum yard requirement is five (5) feet. <sup>b</sup> A five (5) foot rear or side yard is required except where a nonresidential use abuts a residential use. In this case the minimum yard requirement is ten (10) feet. <sup>c</sup> Applicable to residential lots six thousand (6,000) square feet or greater.				

KEY: SF = SINGLE-FAMILY; 2F = TWO-FAMILY; 3F = THREE-FAMILY; 4F = FOUR-FAMILY; MF = MULTI-FAMILY

**SECTION 507. INDUSTRIAL USE DISTRICTS**

**A. LI LIGHT INDUSTRIAL**

The purpose of the I-1 light industrial district is to permit the development of commercial and industrial uses on individual lots or within commercial or industrial parks, including buildings, roadways, storage yards, loading areas, parking facilities, open space, landscaping, utilities, and storm-water management facilities. Whenever possible, uses shall be planned as a unified development with individual buildings and lots integrated into an overall harmonious design. The light industrial district shall also protect commercial and industrial development against intrusive uses that are incompatible with it.

**B. HI HEAVY INDUSTRIAL**

The I-2 heavy industrial district establishes locations for existing and future medium- to heavy-intensity industrial uses. The I-2 district is intended for use by large manufacturing operations, heavy equipment facilities, construction and maintenance yards, fuel businesses and other basic intensive industrial activities normally found in an urban environment. Hazardous uses shall require environmental impact analyses and public review.

# ZONING ORDINANCE NOVEMBER 2014

TABLE 5.5: INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES			
USES	DISTRICTS		USE STANDARDS
	I-1	I-2	
RESIDENTIAL			
BUNK HOUSE	P	P	
MANUFACTURED HOUSING		SE***	
COMMERCIAL			
ADULT USES	P	P	SECTION 803.A
AGRICULTURE	P	P	
ANIMAL SHELTER	P	P	
ARTS STUDIO	P	P	
AUTOMOBILE/VEHICLE DEALERSHIP	P	P	
AUTOMOBILE RENTAL	P	P	
AUTOMOTIVE REPAIR, MINOR	P	P	
AUTOMOTIVE REPAIR, MAJOR	P	P	
BAR	P	P	
CAR WASH	P	P	
FARM EQUIPMENT/SUPPLIES, SALES AND SERVICE	P	P	
HEAVY SALES, RENTAL AND STORAGE	P	P	
LABORATORY	P	P	
LUMBERYARD	P	P	
MAINTENANCE/REPAIR SERVICES	P	P	
MICROBREWERY/MICRODISTILLERY	P	P	
MINI-WAREHOUSE	P	P	
OFFICE	P	P	
OFF-PREMISE ADVERTISING SIGN	P	P	
PARKING LOT, COMMERCIAL	P	P	
RETAIL SALES ESTABLISHMENT	P		
RECREATIONAL VEHICLE PARK	P		
SOCIAL CLUB/LODGE	P		
SOLAR FARM	SE*	SE*	SECTION 803.M
TATTOO PARLOR	P		
TOWING FACILITY	P**	P**	
WAREHOUSE, WHOLESALE/STORAGE	P	P	

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted \* *Ord. No. 3162 , 7-6-21*/\*\**Ord. No. 3326, 2-6-24*/\*\**Ord. No. 3334, 3/19/24*

TABLE 5.5: INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES			
USES	DISTRICTS		USE STANDARDS
	I-1	I-2	
CIVIC			
CORRECTIONAL FACILITY		SE	
EDUCATIONAL FACILITY, VOCATIONAL	P	P	
EMERGENCY SERVICES	P	P	
GOVERNMENT FACILITY	P	P	
SEWAGE TREATMENT FACILITY		P	
UTILITIES	P	P	
INDUSTRIAL			
AIRPORT	P	P	
CARGO TERMINAL	P	P	
CONTRACTOR STORAGE YARD	P	P	
HAZARDOUS WASTE DISPOSAL FACILITY		SE	
HAZARDOUS WASTE INCINERATOR		SE	
HAZARDOUS WASTE PROCESSING FACILITY		SE	
HAZARDOUS WASTE STORAGE		SE	
HAZARDOUS WASTE TREATMENT		SE	
JUNKYARD		SE	
MANUFACTURING, HEAVY		P	
MANUFACTURING, LIGHT	P	P	
SOLID WASTE COLLECTION FACILITY		SE	
SOLID WASTE COMPOST FACILITY		SE	
SOLID WASTE TRANSFER STATION		SE	
STORAGE YARD, OUTDOOR	P	P	
TAXIDERMY	P	P	

## ZONING ORDINANCE NOVEMBER 2014

TABLE 5.5: INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES			
USES	DISTRICTS		USE STANDARDS
	I-1	I-2	
ACCESSORY			
CARETAKER DWELLING		SE	
ALCOHOL BEVERAGE SALES, ON-PREMISE			
DAIQUIRI SHOP	P*	P*	
HOME OCCUPATION	P**	P**	
PUBLIC ELECTRIC VEHICLE (EV) CHARGING STATION	P***	P***	
PLANNED DEVELOPMENTS			
TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)	SE		SECTION 509
NON-RESIDENTIAL PLANNED DEVELOPMENT (NPUD)	P	P	SECTION 509

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted \* *Ord. No. 2805, 10-6-15* / \*\**Ord. No. 2940, 9-5-17* / *Ord. No. 3415 10-25-25*

<b>TABLE 5.6: INDUSTRIAL USE BULK AND YARD REGULATIONS</b>		
<b>BULK AND YARD REGULATIONS</b>	<b>DISTRICTS</b>	
	<b>I-1</b>	<b>I-2</b>
<b>BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA</b>	n/a	n/a
<b>MAXIMUM BUILDING HEIGHT</b>	85 ft	85 ft
<b>MAXIMUM LOT COVERAGE</b>	n/a	n/a
<b>MINIMUM YARD REQUIREMENTS</b>		
<b>LOT WIDTH</b>	100 ft	100 ft
<b>FRONT YARD</b>	35 ft	35 ft
<b>INTERIOR SIDE YARD</b>	15 ft	15 ft
<b>CORNER SIDE YARD</b>	15 ft	15 ft
<b>REAR YARD</b>	20 ft	20 ft



**SECTION 508. SPECIAL USE DISTRICTS**

**A. *OS PARKS AND OPEN SPACE***

The purpose of the OS parks and open space district is to provide a classification for parks located within neighborhoods; large regional parks and recreation facilities; and greenway corridors that provide connections between neighborhoods and public amenities such as cultural centers and large parks. OS districts may serve both active and passive recreation needs, and includes waterfront recreational activities. OS districts may also include certain ancillary commercial activities such as performance venues and concessions.

**B. *C CAMPUS DISTRICT***

The C campus district is intended to recognize the presence and importance of large-scale educational, medical, and research and development facilities in the City; to facilitate their development; and to coordinate their features with those of their neighbors and the community as a whole. This approach is applicable to institutions that have multi-block common ownership of lands, have developed a long-range master site plan, and thereby have developed a campus support system of parking, loading and materials handling, decentralized support facilities reducing campus congestion, and an interconnected street system within.

TABLE 5.7: OPEN SPACE AND CAMPUS PERMITTED AND CONDITIONAL USES			
USES	DISTRICTS		USE STANDARDS
	OS	C	
RESIDENTIAL			
DORMITORY/RESIDENCE HALL *		P	
DWELLING, SINGLE-FAMILY		P	
DWELLING, TWO-FAMILY		P	
DWELLING MULTI-FAMILY		P	
FRATERNITY/SORORITY HOUSE		P	
COMMERCIAL			
ADULT/CHILD DAY CARE, SMALL		P	SECTION 803.C
ADULT/CHILD DAY CARE, LARGE		P	SECTION 803.C
AGRICULTURE	P	P	
ART GALLERY		P	
ARTS STUDIO		P	
ELDERLY HOUSING, RETIREMENT HOUSING		P	
ELDERLY HOUSING, NURSING HOME		P	
ELDERLY HOUSING, ASSISTED LIVING		P	
HALFWAY HOUSE		P	
HOSPITAL		P	
LABORATORY		P	
MEDICAL/DENTAL CLINIC		P	
OFFICE		P	
REHABILITATIVE CARE CENTER		P	
RESIDENTIAL CARE CENTER		P	
SOLAR FARM	SE**	SE**	SECTION 803.M
CIVIC			
CEMETERY	P		
COMMUNITY CENTER	P	P	
COUNTRY CLUB	P		
EDUCATIONAL FACILITY		P	
FAIRGROUND	P	P	
FOREST/NATURE PRESERVE	P		
GOLF COURSE	P		
GOVERNMENT OFFICES	P	P	
HORSE STABLES	P	P	
HOUSE OF WORSHIP		P	
PARKING LOT (PRINCIPAL)	P	P	

\* (Ord. No. 3092, 9-22-20)

\*\* (Ord. No. 3162, 7-6-21)

TABLE 5.7: OPEN SPACE AND CAMPUS PERMITTED AND CONDITIONAL USES			
USES	DISTRICTS		USE STANDARDS
	OS	C	
CIVIC			
PARKS/PLAYGROUNDS	P	P	
RECREATIONAL FACILITIES, INDOOR OR OUTDOOR	P	P	
STADIUM	SE	SE	
UTILITIES	P	P	
ACCESSORY			
CARETAKER DWELLING		P	
ALCOHOL BEVERAGE SALES, ON-PREMISE	SE		
RADIO OR TELEVISION ANTENNAE/TOWERS (COMMERCIAL)	P	P	
PUBLIC ELECTRIC VEHICLE (EV) CHARGING STATION		p*	
TEMPORARY			
CONSTRUCTION BUILDINGS	P	P	

Key: P = Permitted Use; SE = Special Exception; (blank) = Not Permitted \*Ord. No. 3415 10-25-25

<b>TABLE 5.8: OPEN SPACE AND CAMPUS BULK AND YARD REGULATIONS</b>		
<b>BULK AND YARD REGULATIONS</b>	<b>DISTRICTS</b>	
	<b>OS</b>	<b>C</b>
<b>BULK REGULATIONS</b>		
MINIMUM LOT AREA	n/a	2 acres
MAXIMUM BUILDING HEIGHT	35 ft	8 stories
ADDITIONAL REGULATIONS	n/a	See Section 803.G
<b>MINIMUM YARD REQUIREMENTS</b>		
LOT WIDTH	n/a	50 ft
FRONT YARD	15 ft	5 ft
INTERIOR SIDE YARD	20 ft	10 ft unless abutting residential district then 25 ft
CORNER SIDE YARD	15 ft	15 ft
REAR YARD	20 ft	20 ft unless abutting residential district then 35 ft

**SECTION 509. PLANNED DEVELOPMENTS****A. PURPOSE**

The purpose of the planned development overlay is to allow design flexibility for a large-scale unified development sites that encourage creative land development, environmental sensitivity and a mixture of building types and uses.

**B. GENERAL STANDARDS FOR PLANNED DEVELOPMENTS**

1. The site of the planned development must be under common ownership and/or unified control. If there are two (2) or more owners, the application for the planned development must be jointly filed by all owners.
2. The Ordinance establishing an overlay for a planned development may grant exceptions to the regulations contained in this Ordinance including, but not limited to, use, density, area, bulk, yards, off-street parking and loading, and signs to achieve the objectives of the proposed planned development. Such exceptions must be consistent with the procedures of this Article and Section 310 (Planned Developments) of this Ordinance.
3. The following criteria represent the objectives of a planned development overlay as outlined by the City of Thibodaux:
  - a. Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
  - b. Diversification in the uses permitted and variation in the relationship of uses, open space and the setbacks in developments intended as cohesive, unified projects.
  - c. Functional and beneficial uses of open space areas.
  - d. Preservation of natural features of a development site such as ponds, lakes, bayous, streams, wetlands, animal habitats, etc.
  - e. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
  - f. Rational and economically sound development in relation to public services.
  - g. Efficient and effective pedestrian and traffic circulation, both within and adjacent to the development site.
  - h. Creation of an architectural variety of housing and nonresidential structures compatible with surrounding neighborhoods to provide greater housing choice, affordability and proximity to necessary services and amenities.

**C. *PLANNED DEVELOPMENT EXCEPTIONS FROM DISTRICT REGULATIONS***

The underlying zoning district regulations apply, unless an exception is granted as part of the overlay approval process.

1. Exceptions to district regulations may be granted when such exceptions do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic.
2. To be granted an exception to the underlying district regulations, the applicant must demonstrate a substantial benefit to the City, which may include, but is not limited to, superior design characteristics, enhanced amenities within the development, and a commitment to the appropriate use of sustainable design techniques. The following design characteristics and amenities are provided as a guide for consideration as to whether to grant an exception to district requirements. The following are items provide a guide but are not an exclusive list of requirements. Additional design characteristics as public benefits and amenities not listed below may also be considered.
  - a. Enhanced design characteristics including mixed-use development, circulations systems that utilized traffic calming techniques and pedestrian-oriented environments.
  - b. Community amenities including plazas, public parks and other areas to congregate, outdoor seating, public art, and pedestrian and transit facilities.
  - c. The use of sustainable design and architecture, such as the use and/or incorporation of green roofs, white roofs, bio-swales, solar panels, wind turbines and other energy efficient design concepts, new building technologies, and/or Leadership in Energy Efficiency Design (LEED) or LEED-equivalent structures.
  - d. Preservation of natural areas.
  - e. Historic preservation,
  - f. Adaptive reuse of historic structures.
  - g. Additional open space and recreational amenities such as ball fields, playgrounds, dog parks, natural water features and conservation areas.
  - h. Additional public infrastructure improvements (in addition to the minimum requirements)
  - i. Affordable housing.
  - j. Senior housing set-asides.
  - k. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.

**D. TRADITIONAL NEIGHBORHOOD PLANNED DEVELOPMENT (TND) STANDARDS****1. Purpose**

The purpose of a traditional neighborhood planned development (TND) is to encourage mixed-use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services. A TND diversifies and integrates land uses within close proximity to each other and provides for the daily recreational and shopping needs of the residents. A traditional neighborhood development reflects the following characteristics:

- a. It is designed for human-scale;
- b. Provides a mix of uses, including residential, commercial, civic and open space uses in close proximity to one another within the neighborhood;
- c. Provides a variety of housing types and sizes to accommodate households of all ages, sizes and incomes;
- d. Incorporates a system of relatively narrow interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists, and provides for the connections of those streets to existing and future developments;
- e. Incorporates environmental features into the design;
- f. Provides well-configured squares, plazas, landscaped areas, and parks woven into the pattern of the neighborhood; and
- g. Incorporates architecture and landscaping that respond to the unique character of the City of Thibodaux.

**2. Minimum Development Size**

- a. The minimum size generally considered appropriate for a TND is one hundred (100) contiguous acres for a vacant site or forty (40) acres in an area that can be categorized as infill or an extension of the existing urban pattern. The property is considered contiguous even if separated by a public roadway.
- b. To allow for gradual development of a TND, a partial site of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to meet the minimum acreage requirements.

**3. Design Overview**

- a. A TND is divided into at least two distinct areas, and each type of area has different land use and site development regulations. A TND must have one (1) Neighborhood Center areas (also referred to as a Town Center or Village Center) and at least one (1) mixed residential area. A TND may also include a neighborhood edge area, civic spaces, and parks and/or green spaces.

- b. A neighborhood Center areas serves at the focal point of the TND, containing retail, commercial, civic, and/or public services to meet the daily needs of community residents. A Neighborhood Center is pedestrian-oriented and is designed to encourage pedestrian movement. A square is generally required in a Neighborhood Center area, with retail and commercial uses generally be located adjacent. The Neighborhood Center uses may include retail establishments, restaurants, offices, banks, hotels, post office, government offices, churches, community centers and attached residential dwellings.
- c. A Mixed Residential area includes a variety of residential land uses, including single-family, duplex, townhouse, and multi-family. Residential scale retail and commercial uses are permitted within Mixed Residential areas, with strict architectural and land use controls. Retail and commercial uses in a Mixed Residential area are required to blend into the residential character of the neighborhood. A Mixed Residential area includes open spaces including squares, small parks, and greenways, and promotes pedestrian circulation through well-designed streetscapes. Mixed Residential uses include single-family homes, condominiums, townhouses, apartments, offices, restaurants, neighborhoods scale retail, and civic uses.
- d. The Neighborhood Edge area is the least dense portion of the TND, with larger lots and greater setbacks than the rest of the development. Only single-family dwellings are permitted in the Neighborhood Edge, and may be most appropriate along the perimeter of the neighborhood and/or along areas that adjoin existing or platted low-density housing.
- e. Large offices, low-impact manufacturing and industrial uses that are not appropriate for a Neighborhood Center or a Mixed Residential Area, but which serve the local residents may be located in specified districts.
- f. Civic uses that are oriented to the general public are permitted in Neighborhood Center and Mixed Residential areas. These uses are essential components of the social and physical fabric of a TND. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public buildings to create focal points and landmarks for the community. The locations of these major public uses are designated on the Development Plan at the time of approval for a TND>
- g. Open space is also a significant part of a TND. Formal and informal open spaces are required. These areas serve as areas for community gatherings, landmarks, and as organized elements for the neighborhood. Open space includes squares, plazas, greens, parks, and trails or greenways.
- h. A TND is designed to be pedestrian oriented. To accomplish this goal, street pattern and design is used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of street is required, which may be smaller than in conventional development and more varied in size and form to controls traffic and give character to the neighborhood.



**4. Use Standards**

- a. Mixed Residential uses of the following types can occur anywhere in the TND. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND by including some or all of the following:
  - i. Single-family detached dwellings, including manufactured homes;
  - ii. Single-family attached dwellings, including duplexes and townhouses;
  - iii. Multi-family dwellings including senior housing;
  - iv. Accessory dwelling units;
  - v. Special needs housing such as group homes and assisted living facilities.
- b. Mixed use areas of commercial, residential, civic and open space uses should be within approximately one half mile or a fifteen (15) minute walk of all existing or proposed purely residential areas. Individual businesses should not exceed six thousand (6,000) square feet. Commercial uses may include the following:
  - i. Restaurants, both full-service and fast food without drive-throughs;
  - ii. Retail uses;
  - iii. Gas stations;
  - iv. Art studios and galleries;
  - v. Personal services;
  - vi. Adult and child day care centers;
  - vii. Offices, including medical and dental uses;
  - viii. Financial institutions;
  - ix. Accommodations such as bed & breakfasts and small hotels;
  - x. Clubs and social organizations
  - xi. Residential uses including single-family, multi-family, senior and special needs housing, and live/work units with retail below and housing above.
  - xii. Civic uses may include municipal offices, fire stations, libraries, museums, community meeting facilities, post offices, places of worship, educational facilities, and philanthropic institutions.
  - xiii. Open spaces including parks, recreational facilities, and playgrounds.

- c. At least five percent (5%) of the gross acreage of the TND must be open space. Open space uses identified below should be incorporated in the TND as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations.
  - i. Environmental corridors or greenways;
  - ii. Protected natural areas;
  - iii. Community parks;
  - iv. Streams, ponds and other water bodies;
  - v. Storm-water retention/detention facilities;
  - vi. Outdoor recreation facilities including playgrounds, ball fields and courts.

#### 5. *Development Units*

The number of residential dwelling units and the amount of nonresidential development, excluding open space, shall be determined as follows:

- a. In areas devoted to mixed residential uses:
  - i. The number of single-family attached and detached units shall be 5-8+ dwelling units per net acre.
  - ii. The number of multi-family units shall be 15-40 dwelling units per acre.
  - iii. Accessory dwelling units shall be permissible in addition to the number of dwelling units authorized under this section.
- b. In mixed-use areas;
  - i. The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten percent (10%) of the amount permitted above.
  - ii. All dwelling units constructed above commercial uses shall be permissible in addition of the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten (10) dwelling units or ten percent (10%), whichever is greater.
  - iii. The total ground floor areas of nonresidential development uses, including off-street parking areas, shall not exceed thirty-three percent (33%) of the total development.

#### 6. *Lot and Block Standards*

- a. Street layouts should provide for perimeter blocks that are generally in the range of two hundred (200) to four hundred (400) feet deep by four hundred (400) to eight hundred (800) feet long. A variety of lot sizes should be provided to facilitate housing diversity and

choice, and to meet the projected requirements of people with different housing needs.

- b. Lot width should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public area.
- c. Structures in the mixed-use area have no minimum setback. Commercial and civic buildings should abut the sidewalks in the mixed-use areas.
- d. Single-family dwellings shall have a building setback in the front between zero (0) and twenty-five (25) feet.
- e. Provision for townhouse dwellings should be made, provided that a reciprocal access easement is recorded to provide pedestrian access to the rear yard through means other than the principal structure.

#### **7. *Streets and Alleys***

- a. The circulation system shall allow for different modes of transportation.
- b. The circulation system shall provide functional and visual links within the residential areas, mixed-use areas, and open space of the TND, and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity. Provide connected pedestrian and bicycle routes, especially off street bicycle or multi-use paths or bicycle lanes in the streets where required, control through traffic, limit lot access to street of lower traffic volume, and promote safe and efficient mobility through the TND.
- c. Shared parking areas for private and community use shall be encouraged.

### **E. *NONRESIDENTIAL PLANNED DEVELOPMENT (NPUD) STANDARDS***

#### **1. *Purpose***

The purpose of these regulations is to provide a mechanism for encouraging the coordinated development of large tracts of land into employment centers focused on business, industry and office related activities, or the coordinated redevelopment of large-scale retail/service complexes such as shopping centers and office complexes. It is intended that where such developments are permitted, they shall be so located in relation to major streets and surrounding land uses as to ensure adequate traffic carrying capacity and a high level of compatibility with, and protection for surrounding land activities.

#### **2. *Minimum Size for Non-Residential PD***

The minimum size generally considered appropriate for non-residential planned developments is ten (10) acres. Absent unique or special topographic constraints or other exceptional circumstances affecting the property, creation of a planned development is not justified for development of tracts of less than ten (10) acres since conventional zoning regulations should provide for adequate development.

### **SECTION 510. – SECTION 599. RESERVED**

**ARTICLE 6. ON-SITE DEVELOPMENT STANDARDS**

<b>Section 601.</b>	<b>PURPOSE</b>
<b>Section 602.</b>	<b>ADEQUATE PUBLIC FACILITIES</b>
<b>Section 603.</b>	<b>PROTECTION STANDARDS</b>
<b>Section 604.</b>	<b>USE OF LAND AND STRUCTURES</b>
<b>Section 605.</b>	<b>EXTERIOR LIGHTING</b>
<b>Section 606.</b>	<b>ACCESSORY STRUCTURES AND USES</b>
<b>Section 607.</b>	<b>SUPPLEMENTAL HEIGHT, YARD AND OPEN SPACE REGULATIONS</b>
<b>Section 608.</b>	<b>VISIBILITY AT INTERSECTIONS AND SCREENING</b>
<b>Section 609.</b>	<b>FENCES</b>

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**SECTION 601. PURPOSE**

The purpose of this Article is to address the site improvements on a lot other than the principal building. This includes adequate public facilities, protection standards, exterior lighting regulations, accessory structures and uses, architectural projections into required yards, landscaping, and fences.

**SECTION 602. ADEQUATE PUBLIC FACILITIES**

Land proposed for development must be served adequately by essential public facilities and services. Land will not be approved for development unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, and transportation facilities necessary to serve the proposed development, whether such facilities are located within the property being platted or outside the site. This policy may be defined further and supplemented by other City ordinances.

**A. CONFORMANCE TO PLANS**

Proposed improvements should conform to the City of Thibodaux Comprehensive Plan and all applicable public facilities and capital improvements plans.

**B. WATER**

All platted lots must be connected to a public water system or properly permitted to ensure water for health and emergency purposes, including adequate fire protection before they may be developed.

**C. WASTEWATER**

All platted lots must be served by an approved means of wastewater collection and treatment.

**D. STREETS**

All streets must provide a safe, convenient, and functional system for vehicular and pedestrian circulation and must be appropriate for the traffic characteristics and impacts of the proposed development.

**E. DRAINAGE**

Drainage improvements must accommodate potential runoff from upstream drainage areas, and be designed to prevent overloading the capacity of the downstream drainage system. The City Engineer may require the phasing of development; the use of control methods such as retention, detention, or pumping systems; and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development.

**F. PHASING**

The City may require the phasing of development or improvements to maintain current levels of service for existing public services and facilities, or for other reasons based upon maintaining the health, safety and general welfare of the City's inhabitants.

**G. SUBDIVISION REGULATIONS**

All subdivisions must comply with the City of Thibodaux Subdivision Regulations.

**H. WETLANDS**

Any development of lots located, or partially located, within the area subject to the Section 404 of the Clean Water Act, 33 USC 1344, as amended, shall not be issued a development permit or building permit until a jurisdictional wetland determination has been completed and either of the following occur:

1. The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a section 404 permit is required, and either a section 404 permit or a letter of permission is issued by the Corps for the proposed development; or
2. The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no section 404 permit or letter of permission is required.

**SECTION 603. PROTECTION STANDARDS**

All uses must be operated to comply with the performance standards described in this Section below and all other relevant building, fire, and safety codes. In addition to these performance standards, all uses must be constructed, maintained, and operated to prevent negative impacts to the use and occupation of adjacent properties, including impacts from the emission or creation of noise, vibration, odor, radiation, fire, explosive hazards, or glare. Nothing in this section is intended to alter, change, modify or abrogate any authority granted exclusively to any State commission, or to exempt developers, property owners, or lessees from all other relevant regulations. These standards do not apply to construction sites.

A. *NOISE*

No activity or use may be conducted in a manner that generates a level of sound, which at any property line shall be considered a nuisance, as defined in Chapter 13 (Nuisances) of the City of Thibodaux Code of Ordinances.

B. *GLARE, HEAT AND VIBRATION*

Any activity or the operation of any use that produces glare, heat, or vibration must be conducted so that no glare, heat, or vibration from the activity or operation is detectable from any point at the property line.

C. *DUST AND AIR POLLUTION*

Dust and other types of air pollution, borne by the wind from sources such as storage areas, yards, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting or other acceptable means.

D. *RADIOACTIVE, TOXIC AND HAZARDOUS WASTE*

The discharge of fluid and the disposal of solid radioactive, toxic, and hazardous waste materials must comply with all applicable federal, state and local laws and regulations governing such materials or waste. No operation that produces radioactive, toxic, and/or hazardous materials may commence without prior notice to the City as required by all local, state, and federal regulations. Radioactive, toxic and hazardous materials and waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

E. *ODORS*

Any condition or operation that results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public, or that interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor.

F. *FIRE AND EXPLOSIVE HAZARDS*

Materials that present potential fire and explosive hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

G. *PROPER DRAINAGE*

The operation of any use in any district must provide for adequate storm-water drainage of the site and be designed to prevent overloading of the capacity of the drainage system.

**SECTION 604. USE OF LAND AND STRUCTURES**

**A. *NUMBER OF STRUCTURES ON A LOT***

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met.

**B. *FRONTAGE ON A PUBLIC OR PRIVATE STREET***

All lots must front on a public or private street and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**C. *APPLICABILITY OF BULK AND YARD REQUIREMENTS***

All structures erected after the effective date of this Ordinance must meet the bulk and yard requirements for the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure is located, unless a variance is approved by the Board of Adjustment.

**SECTION 605. EXTERIOR LIGHTING**

**A. *LIGHT TRESPASS AND DISTRACTION***

1. No exterior lighting may glare into, or upon, the neighboring properties or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets.
2. Specifically, the following types of light trespass are prohibited:
  - a. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
  - b. Any light that may be confused with, or construed as, a traffic controls device, except as authorized by state, federal or local government.

**B. *UNSHIELDED LIGHT***

The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or other type of support, are prohibited, except on a temporary basis in areas where approved fairs, Christmas tree sales, or similar activities are held and only when such activities are taking place.

**SECTION 606. ACCESSORY STRUCTURES AND USES**

- A.** Accessory buildings or uses customarily incidental to permitted uses or special exceptions, such as detached garages, sheds, carports, etc., are allowed in all zoning districts.

- B. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

**SECTION 607. SUPPLEMENTAL HEIGHT, YARD AND OPEN SPACE REGULATIONS**

**A. EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**B. SUPPLEMENTARY YARD REGULATIONS**

**1. *Front Yard Sight Lines***

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches.

**2. *Through Lots***

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for a standard front yard and substitute a yard requirement which shall not exceed the average of the yards provided on adjacent lots.

**3. *Corner Lots***

- a. In the case of corner lots that do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second yard of fifteen (15) feet shall be provided on the other frontage.
- b. In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of fifteen (15) feet shall be provided on the other frontage.
- c. In the case of corner lots with more than two frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations:
  - i. At least one front yard shall be provided having the full depth required generally in the district.
  - ii. No other front yard on such lot shall have less than half the full depth required generally.



**4. *Special Yards***

A yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Zoning Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

**C. *ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS***

1. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend more than two feet (2') into any required yard.
2. Open fire escapes may extend into any required yard not more than three and a half feet (3.5').
3. Open air carports and patio covers, when attached to the main dwelling unit may occupy any required yard under the following circumstances:
  - a. The carport is no closer than five feet (5') to the side or rear property line; and/or
  - b. The carport is no closer than ten feet (10') to the street right-of-way line.

**SECTION 608. VISIBILITY AT INTERSECTIONS AND SCREENING****A. *VISIBILITY***

1. On all corner lots (the intersection of two streets) a clear sight triangle is required where nothing shall be erected, placed, planted or allowed to grow to more than thirty (30) inches in height above the center line grade of the intersecting street in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection. Within this area all established street trees interfering with the clear sight triangle must be maintained by the property owner and must be kept free of foliage for ten (10) feet measured up from the base of the tree.
2. At the intersection of all driveways and streets a clear sight triangle is required where nothing shall be erected, placed, planted or allowed to grow to more than thirty (30) inches in height within fifteen (15) feet of the intersection of the street and driveway. Within this area all established street trees interfering with the clear sight triangle must be maintained by the property owner and must be kept free of foliage for seven (7) feet measured up from the base of the tree.

**B. SCREENING****1. Purpose**

The purpose of this section is to protect the privacy and value of adjacent permitted uses, and to provide standards on the location and type of various screening devices to be used when required in the various zoning districts.

**2. Service Areas**

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be located on the side or rear of the building and must be effectively screened from view from residential properties and public rights-of-way.
- b. Enclosures must be fully screened by opaque walls or fences at least six (6) feet high with self-closing access doors. Wall or fence materials must be compatible with the primary structure.

**3. Loading Areas and Parking Lots**

- a. All loading areas visible from residential property or public rights-of-way must provide a one hundred percent (100%) opaque, year-round screen.
- b. All parking lots for more than ten (10) vehicles that are closer than twenty (20) feet to any dwelling unit, school, or hospital located on an adjacent lot must provide a provide a one hundred percent (100%) opaque, year-round screen.
- c. This screen must consist of walls, fences, plant materials or a combination totaling six (6) feet in height at installation. Wall or fence materials must be compatible with the primary structure.

**4. Mechanical Equipment**

- a. All roof-mounted mechanical equipment (e.g. air conditioning equipment, compressors, duct work, transformers or elevator equipment) must be screened from ground level view from residential districts or public rights-of-way. (Ord. No. 2762, 1-6-15)
- b. Roof-mounted mechanical equipment must be shielded from view on all sides. Screening materials must be consistent with the primary building materials, and may include metal screening or louvers painted to blend with the primary structure.

**5. Utilities**

With the exception of those located in the right-of-way, all above-ground utilities and appurtenances to underground utilities which require above-ground installation must be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required access points to these utilities are exempt from screening.

**SECTION 609. FENCES**

**A. GENERAL REQUIREMENTS**

1. Notwithstanding other provisions of this Ordinance, fences and walls may be permitted in any required yard or along the edge of any yard, provided that no fence or wall exceeds eight (8) feet in height. A fence or wall along the front edge of any required front yard must not exceed two and one half (2.5) feet in height.
2. All commercial and industrial uses shall have all enclosed outdoor storage and materials within a fenced area at least eight feet (8') in height. The fence shall be solid along the rear and side property lines and open along the front property lines.
3. All fences and walls must be constructed of high quality materials including one or a combination of decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, treated wood, wrought iron, chain link, or other material approved by the Administrator. No wall containing more than 50 percent exposed standard concrete masonry blocks may be allowed, whether painted or not.
4. All fences must be maintained in a clean, orderly and stable condition at the expense of the owner, lessee or a designee.

**B. SWIMMING POOL FENCES**

1. All swimming pools or other outside bodies of water with a depth greater than eighteen (18) inches, deigned or used for swimming, dipping or immersion purposes shall be completely enclosed with fence or walls not less than five (5) feet in height with no openings greater than four (4) inches.
2. Walls of buildings may be used as part of the enclosure.
3. All gates shall be equipped with self-closing and self-latching devices.
4. Other protective devices or structures may be used as long as the degree of protection afforded by the substitute devices or structures is not less than the fence, gate and latch described herein.
5. Every swimming pool owner shall keep said fences, gates and doors in a state of repair, and shall keep said gates closed at all times.
6. No variance of this section shall be granted.

**C. PROHIBITED FENCES**

1. No wall or fence may be located within any required drainage, utility or similar easement.
2. Electrified fences and concertina wire are not allowed.

**SECTION 610. – SECTION 699. RESERVED**

**ARTICLE 7. OFF-STREET PARKING AND LOADING**

<b>Section 701.</b>	<b>PURPOSE</b>
<b>Section 702.</b>	<b>GENERAL</b>
<b>Section 703.</b>	<b>COMPUTATION OF PARKING AND LOADING REQUIREMENTS</b>
<b>Section 704.</b>	<b>REQUIRED OFF-STREET VEHICLE PARKING SPACES</b>
<b>Section 705.</b>	<b>MAINTENANCE</b>
<b>Section 706.</b>	<b>OFF-STREET LOADING FACILITIES</b>
<b>Section 707.</b>	<b>REQUIRED BICYCLE PARKING SPACES</b>
<b>Section 708.</b>	<b>PARKING DESIGN STANDARDS</b>

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**SECTION 701. PURPOSE**

The off-street vehicle parking, bicycle parking and loading regulations of this ordinance are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas, provide the appropriate number of spaces in proportion to the demands of the proposed use, increase public safety by reducing congestions of public streets, and encourage the use of alternative modes of transportation.

**SECTION 702. GENERAL**

- A. Off-street parking and loading facilities shall be provided in compliance with this Section whenever any building or use is erected, altered, enlarged, converted or otherwise increased in size or capacity. Enlargement of the building shall include increases in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking or loading spaces. Such additional spaces shall be provided on the basis of the enlargement or change.
- B. The provision and maintenance of the off-street parking and loading facilities herein required shall be the joint responsibility of the operator and/or owner of the use and the owner of the property or structure on which the use requiring off-street parking and loading facilities are located.
- C. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure.
- D. The provisions of this article shall not apply to any use that is located in the downtown area bounded by Canal Boulevard from LA Hwy. 1 to West 5th Street and Jackson Street from West 5th Street to LA Hwy. 1.

**SECTION 703. COMPUTATION OF PARKING AND LOADING REQUIREMENTS**

- A. Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle and bicycle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this Ordinance.
- B. A fraction of less than one-half (1/2) is disregarded, and a fraction of one-half or more is considered one (1) parking or loading space.

- C. For uses where patrons or spectators occupy benches, pews or open floor areas used for service, each twenty-four (24) linear inches of benches, pews or permanent seating is counted as one (1) seat for the purpose of determining the requirement for the required number of parking and loading spaces.

**SECTION 704. REQUIRED OFF-STREET VEHICLE PARKING SPACES**

- A. The off-street parking spaces required for each use permitted by this Ordinance shall not be less than that found in Table 7.1. For uses not mentioned in this Section, the Zoning Administrator or his/her designee shall determine the requirements for off-street parking. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the City.

TABLE 7.1: OFF-STREET VEHICLE PARKING REQUIREMENTS	
USE	NUMBER OF PARKING SPACES REQUIRED
<b>RESIDENTIAL</b>	
BED AND BREAKFAST	1 space/guest room plus 2 spaces/dwelling unit
DWELLING, SINGLE-FAMILY	2 spaces/dwelling unit
DWELLING, TWO-FAMILY	2 spaces/dwelling unit
DWELLING, TOWNHOUSE	2 spaces/dwelling unit
DWELLING, MULTI-FAMILY	2 spaces/dwelling unit
ELDERLY HOUSING, RETIREMENT HOUSING	1 space/dwelling unit
ELDERLY HOUSING, NURSING HOME	.25 space/dwelling unit
ELDERLY HOUSING, ASSISTED LIVING	.5 space/dwelling unit
GROUP/COMMUNITY HOME	1 space/3 residents
INDEPENDENT LIVING FACILITY	1 space/dwelling unit
RESIDENTIAL CARE FACILITY	1 space/4 residents
<b>COMMERCIAL</b>	
ADULT USE	3 spaces/1,000 sf GFA
ART GALLERY	2 spaces/1,000 sf GFA
ART STUDIO	4 spaces/1,000 sf of public use area
AUTOMOBILE VEHICLE DEALERSHIP	2 spaces/1,000 sf of indoor sales area
AUTOMOTIVE REPAIR	2 spaces/service bay
AUTOMOBILE VEHICLE DEALERSHIP	2 spaces/1,000 sf of indoor sales area
AUTOMOBILE VEHICLE RENTAL	2 spaces/1,000 sf of office and public waiting area
BAR	1 spaces/100 sf GFA
CATERER	1 space/1,000 sf GFA
CONVALESCENT CENTER	1 space/2 rooms
DAY CARE CENTER, ADULT OR CHILD	2 spaces/1,000 sf GFA
FINANCIAL INSTITUTION	2 spaces/1,000 sf GFA plus 3 stacking spaces/drive-through
GAS STATION	2 spaces/pump plus 3 spaces/1,000 sf of retail area plus 2 spaces/accessory motor vehicle service and repair plus 4 stacking spaces/car wash bay
FUNERAL HOME/MORTUARY	1 space/4 chapel seats + 1 space/300 sf of office
HEAVY SALES, RENTAL AND STORAGE	3 spaces/1,000 sf GFA plus 1 space/1,000 sf of outdoor sales and display area
HOTEL/MOTEL	1 spaces/guest room
MEDICAL/DENTAL CLINIC	3 spaces plus 1.5 spaces/medical exam room
MINI-WAREHOUSE	1 space/25 storage units
MIXED-USE DEVELOPMENT	The sum of the required spaces for the various uses computed separately
OFFICE	1 space/300 sf GFA
PERSONAL SERVICES ESTABLISHMENT	1 space/300 sf GFA
PET DAY CARE	2 spaces/1,000 sf GFA
PET CARE FACILITY	1 space/350 sf GFA
GFA = Gross Floor Area	

<b>TABLE 7.1: OFF-STREET VEHICLE PARKING REQUIREMENTS</b>	
<b>COMMERCIAL</b>	
PET GROOMING	1 space/350 sf GFA
REHABILITATIVE/RESIDENTIAL CARE CENTER	1 space/4 rooms
RESTAURANT, FAST-FOOD	2 spaces/100* sf of <b>dining area plus 1 space/200 sf of remaining area plus**</b> 3 stacking spaces for drive-through
RESTAURANT, FULL-SERVICE	1 space/4 seats in sitting area plus 1 space/200 sf of remaining area**
<b>RESTAURANT, QUICK-SERVE</b>	<b>1 space/150 sf of GFA**</b>
RESTAURANT, SPECIALITY	2 spaces in addition** to 2 spaces/150* sf GFA
RETAIL GOODS ESTABLISHMENT	1 space/300 sf GFA
RETAIL MANUFACTURING	1 space/300 sf GFA retail plus 1 space/1,000 sf manufacturing
SHOPPING CENTER	Under 500,000 sf GFA: 2 spaces/1,000 sf gross leasable area 500,000 sf or more GFA: 4 spaces/1,000 sf gross leasable area
SOCIAL CLUB/LODGE	1 space/300 sf GFA
TATTOO PARLOR	2 spaces/1,000 sf of public use area
VETERINARY HOSPITAL	1 space/350 sf GFA
<b>CIVIC</b>	
AIRPORT	5 spaces/1,000 sf GFA
AUDITORIUM/ARENA	1 space/6 seats
CEMETERY	1 space/20,000 of GFA plus 1 space/4 chapel seats plus 3 spaces/1,000 sf of office
COMMUNITY CENTER	4 spaces for the first 1,000 sf plus 3 spaces/each additional 1,000 sf GFA
CORRECTIONAL FACILITY	2 spaces/20 inmates of rated inmate capacity
EDUCATIONAL FACILITY, SECONDARY	4 spaces/classroom plus 3 spaces/1,000 sf of office
EDUCATIONAL FACILITY, ELEMENTARY	2 spaces/classroom
EDUCATIONAL FACILITY, UNIVERSITY AND VOCATIONAL	5 spaces/classroom plus 3 spaces/1,000 sf of office
GOLF COURSE	4 spaces/hole
GOVERNMENT FACILITY	2 spaces/1,000 sf GFA
HALFWAY HOUSE	1 space/4 occupants (rated capacity) plus 1 spaces/300 sf of office
HOSPITAL	1 space/room
HOUSE OF WORSHIP	1 space/50 sf gross floor area without fixed seats used for assembly purposes plus 1 space/every 3 seats
LIBRARY	1 space/300 sf GFA
MARINA	1 space/2 slips
MUSEUM	1 space/300 sf GFA
PUBLIC SAFETY OR PUBLIC WORKS	2 spaces/1,000 sf of office and public use area
RECREATIONAL FACILITY, INDOOR	<i>Bowling Alley:</i> 2 spaces/lane <i>Movie theater:</i> 1 space/4 seats plus 1 space/6 seats after 1 <sup>st</sup> 400 <i>Pool Hall:</i> 1 space/100 sf GFA
RECREATIONAL FACILITY, OUTDOOR	3 spaces/1,000 sf GFA including all outdoor areas
<b>INDUSTRIAL</b>	
CONTRACTOR STORAGE YARD	3 spaces/1,000 sf storage area and public use area
FOOD/BEVERAGE PROCESSING	3 spaces/1,000 sf manufacturing area plus 2 spaces/1,000 sf office
MANUFACTURING	1 space/1,000 sf GFA
WAREHOUSE	1 space/20,000 sf of warehouse plus 2 spaces/1,000 sf office
WHOLESALE GOODS ESTABLISHMENT	1 space/20,000 sf of warehouse plus 2 spaces/1,000 sf office plus 2 spaces/1,000 sf public use area
GFA = Gross Floor Area	

\*Ord. No. 2773 (4/7/15)

\*\*Ord. No. 3000 (9/18/18)

*PARKING SPACE DIMENSIONS*

The following minimum design standards, in Table 7.4 shall be observed in laying out off-street parking facilities:

TABLE 7.4: PARKING SPACE DIMENSIONS				
PARKING ANGLE	STALL WIDTH	AISLE WIDTH	STALL LENGTH	CURB TO CURB LENGTH
30°	10 ft	10 ft	20 ft	44.0 ft
45°	10 ft	11 ft	20 ft	50.6 ft
60°	10 ft	18 ft	20 ft	60.6 ft
90°	10 ft	22 ft	20 ft	62.0 ft

*B. LOCATION OF PARKING SPACES*

1. Off-street parking spaces for single- and two-family detached dwellings shall be located on the same lot as the building to be served.
2. As per Section 608.B.3-b. of this Ordinance, no part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, or hospital located on an adjacent lot, unless separated by an opaque wall or fence.
3. When off-street parking for other uses is located on a lot other than the lot occupied by the use that required it, then the provisions of Section 704.C of this Ordinance shall apply.

*D. PROVISION OF ADDITIONAL VEHICLE SPACES*

1. Nothing in this Section prevents the voluntary provision of additional off-street vehicle and bicycle parking spaces above that required by this Ordinance. There is no limit on the number of bicycle parking spaces that may be provided.
2. In an effort to limit the amount of impervious surface associated with development, the maximum number of vehicle parking spaces shall be one hundred twenty-five percent (125%) of the number of required parking spaces. Structured parking facilities are exempt from this maximum.
3. Where a use exceeds the required number of vehicle spaces required by in Table 7.1 (Off-Street Vehicle Parking Requirements), the area used for additional spaces must be paved with semi-pervious material, such as permeable pavers, porous asphalt, porous concrete, grass-crete, reinforced grass, or an equivalent.

*E. JOINT USE OF REQUIRED PARKING SPACES*

Two (2) or more nonresidential uses may jointly provide and use off-street parking facilities as long as the following specifications are met:



- a. None of the uses require the parking facilities at the same time.
- b. The shared parking facility is located within three hundred feet (300') of each use.
- c. All other location and design requirements of this Section are met.

**2. Shared Parking Agreement**

- a. The users of the shared parking must submit a written, notarized agreement to share parking facilities to the Lafourche Parish Clerk of Court with documentation provided to the Zoning Commission.
- b. Shared parking agreements are binding upon applicants and their successors. Shared parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this Section.
- c. Pursuant to the same procedure and subject to the same limitations and requirements by which the parking plans was approved and recorded, any parking plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under the parking plan comply with all requirements of this Section.

**F. COMBINED PARKING FACILITIES**

Parking requirements for two (2) or more uses of the same or different type may be satisfied by the allocation of a common or collective parking facility. Such facility shall be adequate in area to provide the sum total of spaces required of all uses.

**SECTION 705. MAINTENANCE**

Off-street parking facilities, and when applicable loading areas, shall be constructed, maintained and operated in accordance with the following specifications:

**A. DRAINAGE**

- 1. Off-street parking facilities and loading areas must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion resistant material in accordance with applicable City standards.
- 2. Any new surface parking lot with twenty-five (25) or more parking spaces or additions to existing parking lots of twenty-five (25) or more vehicle parking space must be designed to filter or store the first inch of rainwater during each rain event. This can be accomplished through the use of permeable paving, rain gardens, bio-swales, detention areas, constructed wetlands, and other methods deemed appropriate by the City Engineer. Where installed, detention areas should be appropriately designed and located to filter, store and convey the expected storm-water flows from surrounding paved areas.

3. Off-street parking areas must be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee. A minimum of one (1) litter receptacle must be included in any parking lot.

**B. *SURFACING***

1. All surface parking lots and loading areas must be paved with a durable, all-weather material such as concrete or asphalt, or a semi-pervious material such as permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, or a similar surface.
2. All single-family and two-family dwellings are permitted to construct driveways that consist of two (2) concrete wheel strips, each of which is at least eighteen inches (18") wide and at least twenty feet (20') long. A permeable surface, such as turf, must be maintained between such wheel strips.
3. Shells, gravel, crushed stone, and bare earth paving are permitted paving materials only in the Industrial and Open Space districts.

**C. *WHEEL GUARDS AND CURBS***

Wheel stops and curbing must be provided to prevent vehicles from damaging or encroaching upon and adjacent parking or loading space, sidewalk, landscaped area or parking lot island, fence, wall or building. Within non-residential or mixed-use development parking lots, box curbs at least six inches (6") in height are required. In some cases, where deemed appropriate by the Director of Planning and Zoning or his/her designee, earth mounds not exceeding two feet (2') in height may be used.

**D. *STRIPING***

Off-street parking areas must be marked by painted or paved lines maintained in clearly visible condition, curbs or other means to indicate individual spaces. Signs or markers should be used as necessary to insure efficient and safe circulations within the lot. Vehicle parking spaces for handicapped persons must be clearly identified with the appropriate signage and striping, regardless of plant growth or other conditions.

**E. *LIGHTING***

Parking lot lighting must be provided for off-street parking spaces that are to be used at night. All lighting must be arranged to eliminate glare on residential property by location of light fixtures or use of fixtures designed to eliminate direct view of luminaries in fixtures from residential property.

**F. *LANDSCAPING REQUIREMENT***

All parking lots shall be landscaped in accordance with Chapter 8.5, Article II of the Thibodaux Code of Ordinances.

**SECTION 706. OFF-STREET LOADING FACILITIES**

**A. GENERAL**

1. Except in the RB and B-1 district, whenever a non-residential building is erected, altered, enlarged, converted or otherwise increased in size or capacity, the off-street loading facilities herein required shall be provided for uses that distribute or receive materials or merchandise by trucks or other commercial vehicles in accordance with Table 7.2.
2. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one (1) commercial tenant of a multi-tenant development is over five thousand (5,000) square feet only one (1) loading space is required; if all tenants are less than five thousand (5,000) square feet, no loading is required.

**B. COMPUTATION OF OFF-STREET LOADING REQUIREMENTS**

The off-street loading requirements for each use permitted by this Ordinance shall not be less than that found in Table 7.2. For uses not mentioned in this Section, the Zoning Administrator shall determine the requirements for off-street loading facilities. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the City.

**C. COMBINED OFF-STREET LOADING FACILITIES**

Requirements for the provision of off-street loading facilities for two (2) or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common loading facility, provided that the total number of spaces designated is not less than the sum of the individual requirements.

<b>TABLE 7.2: OFF-STREET LOADING REQUIREMENTS</b>	
<b>USE TYPE</b>	<b>NUMBER OF SPACES REQUIRED</b>
<b>MULTI-FAMILY</b>	
20,000 – 100,000 sf GFA	1 loading space
100,001 – 200,000 sf GFA	2 loading spaces
Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 200,000 sf)	1 additional loading space
<b>COMMERCIAL AND INSTITUTIONAL USE</b>	
1,000 – 35,000 sf GFA	1 loading space
35,001, 100,000 sf GFA	2 loading spaces
Each additional 50,000 sf GFA (this applies only for each additional full 50,000 sf over 100,000 sf)	1 additional loading space
<b>INDUSTRIAL USES</b>	
1,000 – 35,000 sf GFA	1 loading space
35,001 – 100,000 sf GFA	2 loading spaces
Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 100,000 sf)	1 additional loading space

**D. *OFF-STREET LOADING DIMENSIONS***

A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways and other circulation areas, and a height of not less than 15 feet.

**SECTION 707. – SECTION 799. RESERVED**

**ARTICLE 8. USE STANDARDS**

- Section 801. PURPOSE**  
**Section 802. USE OF LAND AND BUILDINGS**  
**Section 803. USE STANDARDS**
- 

**SECTION 801. PURPOSE**

The purpose of this Section is to set forth additional requirements for certain types of uses of land. These standards are intended to ensure that the use is compatible with the surrounding area.

**SECTION 802. USE OF LAND AND BUILDINGS**

- A. A structure or land must be used or occupied in conformity with the regulations for the zoning district in which it is located.
- B. The use standards of this Section apply to uses allowed in the zoning districts, whether considered permitted or conditional. Uses must comply with all other standards of this Ordinance, including any design standards of the zoning district.
- C. Noncompliance with any of these use standards is considered a violation of this Ordinance and subject to enforcement provisions.

**SECTION 803. USE STANDARDS**

A. *ADULT USES*

1. *Location Requirements*

- a. Adult uses are prohibited within a one (1) mile radius of the following uses:
  - i. Public parks, playgrounds, or libraries
  - ii. Public or private elementary or secondary educational facilities
  - iii. Places of worship
  - iv. Child day care centers
  - v. Another adult use or structure that contains an adult use
  - vi. National Register or Historic Places district or site
  - vii. Residential zoning district

b. *Measurement*

- i. Measurement of location shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure where an adult use is located or conducted to the nearest property line of the premises of a public park or playground, library, place of worship, child day care center, or educational facility.
- ii. Measurement between any two (2) adult uses shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of one (1) establishment to the exterior wall of the other establishment.

2. *Exterior Requirements*

- a. It shall be unlawful for an owner or operator of an adult use to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- b. It shall be unlawful for the owner or operator of the adult use to allow the exterior of the adult use to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or other pictorial representations of any manner except to the extent permitted by the provisions of this Ordinance.

3. *Signage*

- a. Primary signs shall contain no photographs, silhouettes, drawings, or other pictorial representations of any manner, and may contain only the name of the enterprise.
- b. Secondary signs shall have only one (1) display surface and shall contain no photographs, silhouettes, drawings, or other pictorial representations of any manner, and may contain only the name of the enterprise.

B. *BED & BREAKFAST*

1. All bed and breakfast facilities shall be operated within the principal structure and not within accessory structures.
2. A bed and breakfast facility shall have no more than six (6) guest rooms.
3. The maximum length of continuous stay for any guest shall be fourteen (14) days.
4. The owner/proprietor shall live in the principal structure of the facility.
5. Meals other than breakfast shall not be served, and shall only be served to paying overnight guests.
6. Cooking facilities are prohibited in individual guest accommodations.

7. Bed and breakfast facilities shall provide one (1) full bathroom per guest room, not including the owner/proprietor's bath.
8. The bed and breakfast facilities in residential districts shall be permitted to have one (1) two-sided advertising sign, not to exceed four (4) square feet in total sign face area. Exterior signs for bed and breakfast facilities may be erected in the front yard at least ten feet (10') from the street right-of-way and shall conform to the general character of the surrounding neighborhood.
9. No special activities may take place on the premises of the bed and breakfast in any residential district. Ancillary social gatherings, such as weddings, receptions, luncheons, fundraisers and similar events, attended by any non-lodger, may take place on the premises of a Bed and Breakfast facility within designated business districts.

**C. DAY CARE CENTER, ADULT OR CHILD**

**1. General Requirements**

- a. Each day care center must comply with all applicable state and federal regulations including regulations within the Louisiana Administrative Code.
- b. The operator of any day care center must be licensed by the State of Louisiana, and must provide all permits and licenses to the City of Thibodaux Zoning Administrator before obtaining a Certificate of Occupancy.
- c. The number of children or adults permitted in a day care center is as follows:
  - i. Day Care Center, Small: Up to fifteen (15) children or adults;
  - ii. Day Care Center, Large: Sixteen (16) to fifty (50) children or adults;

**2. Adult Day Care Center**

- a. No adult may remain on the premises of an adult day care center for more than twenty-four (24) consecutive hours in one (1) stay.
- b. A minimum of twenty-five (25) square feet of indoor space must be provided for each adult at the center, exclusive of kitchens, bathrooms, offices, halls, stairways, and storage areas.
- c. If no elevator is available, all programs and activities must be located on the ground floor.
- d. An on-site drop off and/or residential passenger zone is required. Stacked parking is permitted. The use of van or bus service is encouraged.

**3. Child Day Care Center**

- a. No child may remain on the premises of a child day care center for more than twenty-four (24) consecutive hours in one (1) stay.
- b. The following square footage of available indoor and outdoor play/instruction area is required for each child day care center:
  - i. A minimum of thirty-five (35) square feet per child of available indoor play/instruction area, which includes all indoor classrooms and play areas available for use by the children, but does not include hallways, office space, restrooms, storage or food preparations areas. If rooms are used exclusively for dining or sleeping, they are not included in the play/instruction area.
  - ii. A minimum of thirty-seven and one half (37.5) square feet per child of available outdoor play area. The outdoor play area includes all outdoor play areas on the site available for use by children, but does not include any area within the required front yard. This requirement is not subject to variances. Day care centers in the CBD are exempt from this requirement.
- c. An on-site drop off and/or residential passenger zone is required. Stacked parking is permitted. The use of van or bus service is encouraged.
- d. The outdoor play area must meet the following requirements:
  - i. The outdoor play area must be enclosed to protect the children from traffic hazards on- and off-site and prevent the children from leaving the premises without proper supervision.
  - ii. If the child day care home is located adjacent to a residential district there must be a six-foot (6') solid fence around the play area adjacent to any abutting property line. Security fences must be provided where there are open cisterns, wells, ditches, fish ponds, swimming pools, and to separate the parking from any play area.
  - iii. A shade device (shade trees, overhangs, etc.) must be provided within the outdoor play area that covers at least twenty-five percent (25%) of the outdoor play area.
  - iv. Play equipment provided must be maintained in good repair, and there must be a soft surface (grass, sand, mulch, mats, etc.) under all climbing equipment.

**D. DAY CARE HOME, ADULT OR CHILD****1. General Requirements**

- a. Each day care home must comply with all applicable state and federal regulations, including the Louisiana Administrative Code, and must provide all permits and licenses to the City of Thibodaux Zoning Administrator before obtaining a Certificate of Occupancy.
- b. The amount of traffic or noise generated must not be excessive.



- c. The day care home must retain a residential character and must not alter the residential character of the neighborhood.
- d. Operation of the day care home must not adversely impact surrounding properties.
- e. An on-site drop-off and/or residential passenger zone must be provided. A residential driveway may be acceptable for this purpose, but may not be shared with any required parking area. The drop-off area must be located so that clients of the facility are dropped off in front of the facility; drop-off areas across the street from the facility do not meet this requirement.
- f. Up to five (5) children or adults are permitted in a day care home.

**2. *Adult Day Care Home***

- a. No adult may remain on the premises of an adult day care home for more than twenty-four (24) consecutive hours in one (1) stay.
- b. A minimum of twenty-five (25) square feet of indoor space must be provided for each adult at the center, exclusive of kitchens, bathrooms, offices, halls, stairways, and storage areas.

**3. *Child Day Care Home***

- a. No child may remain on the premises of a child day care home for more than twenty-four (24) consecutive hours in one (1) stay.
- b. The following square footage of available indoor and outdoor play/instruction area is required for each child day care center:
  - i. A minimum of thirty-five (35) square feet per child of available indoor play/instruction area, which includes all indoor classrooms and play areas available for use by the children, but does not include hallways, office space, restrooms, storage or food preparations areas. If rooms are used exclusively for dining or sleeping, they are not included in the play/instruction area.
  - ii. A minimum of thirty-seven and one half (37.5) square feet per child of available outdoor play area. The outdoor play area includes all outdoor play areas on the site available for use by children, but does not include any area within the required front yard. This requirement is not subject to variances.
- c. The outdoor play area must meet the following requirements:
  - i. The outdoor play area must be enclosed to protect the children from traffic hazards on- and off-site and prevent the children from leaving the premises without proper supervision.
  - ii. If the child day care home is located adjacent to a residential district there must be a six-foot (6') solid fence around the play area adjacent to any abutting property

line. Security fences must be provided where there are open cisterns, wells, ditches, fish ponds, swimming pools, and to separate the parking from any play area.

- iii. A shade device (shade trees, overhangs, etc.) must be provided within the outdoor play area that covers at least twenty-five percent (25%) of the outdoor play area.
- iv. Play equipment provided must be maintained in good repair, and there must be a soft surface (grass, sand, mulch, mats, etc.) under all climbing equipment.

**E. GROUP HOMES**

- 1. Group homes must be licensed by the State of Louisiana.
- 2. Group homes are subject to all local and federal regulations, and the regulations of the Louisiana Administrative Code.
- 3. Group homes must be located no closer than one thousand feet (1,000') from any other existing group home, as measured from a point of the lot line on which the use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.
- 4. A group home must encompass the entire structure.
- 5. The location, design and operation of a group home must not alter the residential character of a neighborhood. The facility must retain a residential character, which must be compatible with the surrounding neighborhood in scale and appearance.
- 6. Group homes are divided into the following sizes:
  - a. Small group homes: Up to six (6) residents;
  - b. Large group homes: Seven (7) to twelve (12) residents.

**F. HOME OCCUPATION**

An occupation conducted in a dwelling unit, provided that:

- 1. No persons other than members of the family residing on the premises shall be engaged in such occupation.
- 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.

4. No home occupation shall be conducted in any accessory building.
5. No display of products shall be visible from the street and only articles made on the premises may be sold on the premises.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
7. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**G. INSTITUTIONAL CAMPUSES**

**1. Access and Circulation**

- a. Principal access points to the district from public streets shall be from arterial streets.
- b. Individual uses shall take access via an internal street system, which shall be designed to keep trips from one use to another within the district off of adjacent street.
- c. Notwithstanding Section 803.G.1.b, emergency room access may be taken from a collector street to facilitate improves response times.
- d. A pedestrian system shall be developed that provides for connections between buildings and between parking areas and buildings. The provision of a recreational trail and exercise trail is desirable.

**2. Landscaping**

- a. All streets (public or private) shall be landscaped with canopy trees and unified site landscaping.
- b. A one hundred (100) foot landscaped buffer is required between any power plant, incinerator, maintenance heliport, helipad, substance abuse centers, wastewater treatment plants, and residential zoning districts.

**3. Signage**

A palette of signage with a unified design theme shall be used within the campus for way-finding, building identification, and public safety.

4. *Lighting*

- a. Lighting of the campus shall have a unified design theme both within and at the entries to the campus.
- b. Lighting products shall minimize up-light and illuminate only the subject area to reduce glare and minimize light trespass.
- c. All pedestrian walkways, building entrances and parking areas shall be illuminated for safety.

H. *MOBILE HOMES*

Individual manufactured homes, as defined in Article 2 shall be allowed and sited subject to the following general requirements:

1. Each lot shall contain no more than one (1) manufactured housing unit, and shall meet the minimum requirements of the underlying zoning district to which a conventional single-family residential dwelling on the same lot would be subjected.
2. No manufactured housing unit shall be occupied for dwelling purposes unless it is placed on a lot of record and connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to the Zoning Administrator's inspection and approval.
3. A manufactured home shall be used only as a single-family dwelling.
4. The manufactured home shall be placed on an excavated and backfilled permanent foundation and enclosed with skirting at the perimeter to meet the following requirements:
  - a. Individual manufactured housing units shall be skirted around the perimeter of the unit to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured housing unit.
  - b. Skirting shall be vented and be manufactured of certified fire-resistant material.
  - c. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.
  - d. All skirting shall be installed before the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days.
5. The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width.
6. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Zoning Administrator.

**I. OFF-TRACK BETTING FACILITY**

**1. Location Requirements**

- a. An Off-Track Betting Facility is prohibited within a five hundred feet (500') radius of the following uses:
    - i. Public parks, playgrounds, or libraries
    - ii. Public or private elementary or secondary educational facilities
    - iii. Places of worship
    - iv. Child day care centers
  - b. An Off-Track Betting Facility is prohibited within a five hundred feet (500') radius of any residential zoning district.
  - c. Measurement: Measurement of location shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure where an off-track betting facility is located or conducted to the nearest property line of the premises of any of the uses described I.1.a and I.1.b.
2. It shall be unlawful for an owner or operator of an off-track betting facility to allow the activities of the establishment (including video poker) to be visible from a point outside the establishment.
3. Primary access to an off-track betting facility shall not be located along a residential street.

**J. RESTAURANTS**

1. Retail sales of alcoholic beverages for consumption off-premises are prohibited.
2. Specialty Restaurants in a B-1 district are limited to the following daily hours of operation: 6:00 AM to 6:00 PM.

**K. TOWNHOUSE DEVELOPMENTS**

1. Standards
  - a. Town housing means two (2) or more attached living units with common or party side walls between units designated so that each unit may be sold independently as a lot with its own yards and parking spaces.
  - b. A town house district permits the development of attached town homes compatible with the surrounding residential development. The maximum density is twelve (12) units per acre. Churches, schools, public buildings, recreational facilities and other accessory uses normally compatible with surrounding residential development may be permitted.

- c. Location: In town house zoning districts, town house projects shall front at least fifty (50) feet on a public street and be generally compatible with existing developments in the neighborhood.
  - d. Procedure: Before the Planning and Zoning Commission considers an application for a town house zoning district, the applicant shall submit a preliminary subdivision layout to the zoning administrator as the first step in the procedure requirement and also meet the following design criteria. After initial review by the Zoning Administrator the preliminary layout will then be brought before the planning and zoning commission for public hearing.
2. Site plan, lot size and area. Parking and open space provisions.
- a. Site plan and design criteria, general. It is the intent of this section that town house projects in areas where they are or may be permitted shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.
  - b. Site plan and design criteria, details. In line with the general considerations above:
    - i. Not more than six (6) contiguous town houses shall be built in a row with the same or approximately the same front building line and not more than twelve (12) town houses shall be contiguous.
    - ii. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty (20) feet.
    - iii. Minimum individual lot area shall be fifteen hundred (1500) square feet.
    - iv. Separation requirements.
      - (a) No portion of a town house or accessory structure in or related to one (1) group of contiguous town houses shall be closer than twenty (20) feet to any portion of a town house or accessory structure related to another group, or to any building outside the town house area, nor shall any structure be less than twenty (20) feet from a public street right-of-way and ten (10) feet off any side street right-of-way if said building is located on a [corner] lot. Garage entrances or parking shall be prohibited on side streets.
      - (b) No portion of a duplex shall be closer than ten (10) feet to any portion of a duplex or accessory structure or to any building outside the duplex area, with no more than six (6) being contiguous; however, if more than six (6) duplexes are contiguous then there shall be a minimum separation requirement of twenty (20) feet.
    - v. Yards. There shall be a twenty-five (25) foot yard along sides and rear of each town house site wherever it adjoins a lot containing single family dwellings or vacant lots in R-1, R-2, R-3 and R-4 districts and a five (5) foot side and ten (10) foot rear yard in any other circumstances not addressed herein. Each town

house shall have its own lot yard space of at least two hundred (200) square foot, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for an accessory building.

- vi. Grouped parking facilities. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. Practicable methods of drainage shall be assured by developers in connection with common parking facilities, and all such facilities shall be improved to city standards for off-street parking areas, with at least two (2) spaces per unit on the lot plus one (1) visitor parking space per each two (2) units, which may be provided in separate areas when an adequate area for three (3) parking spaces, including garage or carport areas, is not provided on an individual lot.
- c. Drives, parking and utilities. Design and construction of drives, drainage and landscaping and location of utilities shall be subject to review and approval by the Department of Public Works before approval of the preliminary plan by the Planning and Zoning Commission.
- i. Lots may front on driveways with access to a public street by means of a private servitude of access, provided that driveways extending more than three hundred (300) feet from a public street provide adequate turning and maneuvering area in accordance with subdivision regulations. All other requirements for public streets and servitudes as set forth in the City of Thibodaux Subdivision Regulations.
  - ii. Parking areas shall be at least sixty-five (65) feet wide where parking or carports are on both sides of a common driver at least forty-two (42) feet wide where there is parking on one (1) side only except where diagonal parking is to be provided, parking areas shall be at least fifty-seven (57) feet wide for parking on both sides or thirty-six (36) feet for parking on one (1) side.
  - iii. Before approval of the final subdivision plans by the Planning and Zoning Commission, restrictions shall be submitted, including designation of all servitudes, lot lines, parking areas and other open space, with provision for perpetual maintenance where applicable on all improvements including pavements, utilities and services. Restrictions shall clearly indicate that the city will not accept any maintenance responsibility for private drives and parking spaces.
  - iv. Servitudes in favor of the lots shall be provided at the front or rear of lots in the required front or rear yards for off-street parking and utilities, but entrances to front yard parking areas shall be not less than fifty (50) feet apart, unless an individual space is provided for each lot. Parking spaces and drives shall be constructed of concrete or asphalt.
  - v. There shall be a six (6) foot high wall or solid fence along the sides and rear of the project wherever it adjoins residential lots.

- vi. Only town houses may be built in such a subdivision and the subdivision must be undertaken within six (6) months of final subdivision approval. If construction of subdivision is not undertaken within six (6) months, the Planning and Zoning Commission shall revoke approval of the subdivision unless some compelling reason can be shown for its continuance.

#### **L. VIDEO POKER DRAW DEVICES**

The provisions of the section govern the location and number of video draw poker devices in the City of Thibodaux, Louisiana.

1. Definitions. In the construction of this Section, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:
  - a. "Division" means the division in the office of state police, Department of Public Safety and corrections, that provides investigatory, regulatory, and enforcement service to the Louisiana gaming Control Board in the implementation, administration, and enforcement of the Louisiana Gaming Control Law, La. R.S. 27:1 et seq.
  - b. "Operate", "Operation", and "Operating" mean the privilege of operating a video draw poker device in accordance with this Ordinance and the provisions of Louisiana Video Draw Poker Devices Control Law, La. R.S. 27:401-457.
  - c. "Prohibited Property" means any property on the National Register of Historic Places and public playground, any residential property, or any building used primarily as a church, synagogue, public library or school.
  - d. "Qualified Establishment" means the types of establishments that may operate video draw poker devices at their licensed establishments as provided in La. R.S. 27:412.
  - e. "Qualified Establishment Location" means the physical location described in the video draw poker devices license of a qualified establishment where video draw poker devices may be operated.
  - f. "Residential Property" means any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Residential property shall include a mobile home or manufactured housing, provided that it shall have been in its present location for at least sixty (60) days. Residential property shall not include any hotel or motel.
  - g. "Video Draw Poker Device" means any unit, mechanism, or device authorized pursuant to the provisions of the Louisiana "Video Draw Poker Devices Control Law," La. R.S. 27:401-457, that, upon insertion of cash, is available to play or simulate the play of the game of draw poker or other card games approved by the Division utilizing a video display and microprocessors in which the player may win games or credits that can be redeemed for cash only. The term does not include a device that directly dispenses coins, cash, tokens, or anything else of value, except the ticket voucher required in accordance with the provisions of the Louisiana Video Draw Poker.



- h. Devices Control Law, La. R.S. 27:401-457. The term does not include any device authorized to be used in the conducting of charitable gaming. The term does not include video line up games, mechanical reel games, or any combination thereof, or any slot machine as defined in La. R.S. 27:353(14).
    - i. "Video Draw Poker" means any card game approved by the Division that utilizes one deck of cards per hand with multiple hands permitted per game.
- 2. Qualified establishment locations; prohibited distances; prohibited properties.
  - a. Any qualified establishment within the City limits and within one mile of any prohibited property shall have no more than three (3) video draw poker devices in operation. The measurement of the distance shall be a straight line from the nearest point of the qualified establishment location to the nearest point of the prohibited property.
  - b. Exceptions to Subsection 2.a are as follows:
    - i. Any qualified establishment location within the City limits that was occupied by a qualified establishment with more than three (3) video draw poker devices in operation at the qualified establishment location on the date this Section becomes effective shall be permitted to have more than three (3) video poker devices in operation at the same qualified establishment location, regardless of the qualified establishment location's proximity to any prohibited property.
    - ii. The prohibition in Subsection 2.a shall not apply to a qualified establishment location if it is within the City limits and not within one mile of any prohibited property that has more than three (3) video draw poker devices in operation when the subsequent construction, erection, development, or movement of any prohibited property causes the qualified establishment location to be within one mile of any prohibited property.

**M. COMMERCIAL/LARGE SCALE SOLAR SYSTEMS.**

Ground mount solar energy systems that are designed for providing energy to off-site uses or export to the wholesale market require a Special Exception and shall comply with all applicable provisions of the Lot Zoning Ordinance. The following information shall also be submitted as part of the application for Special Exception.

**1. A site plan with existing conditions showing the following:**

Ownership information for the proposed development, existing property lines and property lines extending one hundred (100) feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.

- a. Existing public and private roads, showing widths of the road and any associated easements
- b. Location and size of any abandoned wells, sewerage treatment systems
- c. Existing buildings and impervious surfaces
- d. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.

- e. Existing vegetation (list type and percentage of coverage: i.e., cropland / plowed fields, grassland, wooded areas, etc.)
- f. Any delineated wetland boundaries
- g. A copy of the current FEMA FIRM maps that shows the subject property including the one-hundred year floor elevation and any regulated flood protection elevation, if available.
- h. Surface water drainage patterns
- i. The location of any subsurface drainage tiles to the extent known

**2. A conceptual site plan of proposed conditions showing the following which will not be significantly altered prior to submitting for a building permit:**

- a. Location and spacing of the solar panels
- b. Location to access roads
- c. Location of underground or overhead electric lines connecting the Concentrated Solar Energy Soldering (CSES) to a building, substation or other electric load
- d. New electric equipment other than at the existing building or substation that is to be the connection point for the CSES
- e. A statement as to the tax parcels impacted by the development and the projected responsibility for payment of ad valorem real property taxes during the life of the project
- f. The minimum individual tract acreage shall be four (4) acres.

**3. Fencing and Weed/Grass Control**

- a. The applicant shall submit an acceptable weed/fence control plan for property inside and outside the fenced area for the entire property impacted by Solar Energy Systems (SES) construction. The operating company during the operation of CSES shall adhere to this vegetation plan.
- b. Perimeter fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the property.

**4. Setbacks and Yards**

- a. Solar panels shall be setback a minimum of fifty (50) feet from all property lines of property that is not a part of the special exception permit application. Solar panels shall be kept at least one hundred (100) feet from principal residential dwellings that are not part of the Special Exception permit.
- b. Yards or lot coverage limits shall not apply to the solar panel installations of a CSES, however, the City may establish reasonable setbacks and drainage accommodations as may be necessary to prevent erosion and negative impacts to neighboring properties, as part of any Special Permit issued.

**5. Fire Protection**

- a. A fire protection plan for the construction and the operation of the CSES, and emergency access to the site.

**6. Compliance with Building Code**

- a. All solar energy systems shall comply with all City of Thibodaux building and maintenance codes as well as all Federal and State requirements. A final site plan will be submitted to the

City of Thibodaux upon application for the project's building permit. In the event the solar panel height, layout, lot coverage or other information provided in the application for special use permit varies substantially from that approved as provided herein, pursuant to this, an amendment shall be required to the Special Use Permit.

*(Ord. No.3163, 7-6-21)*

#### **N. SHORT TERM RENTALS**

1. All short term rentals must be approved by the City of Thibodaux and obtain an occupational license. Additionally, short term rentals are subject to all permitting requirements establishment by the City of Thibodaux and shall comply with all of the use standards in this section in this section and all City of Thibodaux building, fire and safety codes.
2. Short Term Rentals shall not be permitted on parcels with multi-family dwelling units, unless the parcel is located in the CBD Downtown Zoning District.
3. No short rental shall be allowed on a parcel that is not in compliance with all of the relevant City of Thibodaux ordinances, including the zoning ordinance, unless the parcel is legal non-conforming in accordance with the specific standards of this ordinance, or the parcel has obtained a variance, special exception or other official approval or determination from the City of Thibodaux.
4. No activity or use may be conducted in a manner that generates a level of sound, which at any property line shall be considered a nuisance as defined in Chapter 13 (Nuisances) of the City of Thibodaux Code of Ordinances.
5. Use of a short term rental for commercial or social events shall be prohibited.
6. Each short term rental shall be equipped with working smoke detectors and carbon monoxide detectors.
7. Additional signage for a short term rental is only allowed if the signage is permitted in the zoning district and in Article IX, Signs.
8. All short term rentals existing prior to adoption of this ordinance must obtain an occupational license.
9. All short term rentals will be subject to hotel/motel taxes.

*(Ord. No. 3246, 11-15-22)*

**SECTION 804. – SECTION 899. RESERVED**

**ARTICLE 9. SIGNS** *(Ord. No. 3042, 9-3-19)*

<b>Section 901.</b>	<b>PURPOSE</b>
<b>Section 902.</b>	<b>PERMIT REQUIRED</b>
<b>Section 903.</b>	<b>REMOVAL, ALTERATION OR MAINTENANCE OF SIGNS</b>
<b>Section 904.</b>	<b>PROHIBITED SIGNS</b>
<b>Section 905.</b>	<b>NONCONFORMING SIGNS</b>
<b>Section 906.</b>	<b>EXEMPT ON-SITE SIGNS</b>
<b>Section 907.</b>	<b>SIGN STANDARDS – ON PREMISES</b>
<b>Section 908.</b>	<b>OFF-PREMISE OUTDOOR ADVERTISING</b>
<b>Section 909.</b>	<b>ENFORCEMENT AND PENALTIES</b>

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**SECTION 901. PURPOSE**

- A.** The purpose of this Section is to reinforce and enhance the character of Thibodaux as an attractive and unique community, and to reflect the architectural resources and natural features of the community. To accomplish this, the standards shall govern the location, size, setback and height of signs for each of the use districts established in this Ordinance, and for specific uses. These regulations are intended to ensure safe construction, unity in scale and design, to reduce hazards at intersections, and to protect the property values of the entire community.
- B.** For the purpose of this Chapter, “Sign” means any sign that directs attention to a business, product, service or activity which is conducted upon the premises where such sign is located.

**SECTION 902. PERMIT REQUIRED**

Unless specifically identified as an exempt sign in Section 906 of this ordinance, all signs shall require a sign permit in accordance with this ordinance.

**SECTION 903. REMOVAL, ALTERATION OR MAINTENANCE OF SIGNS**

- A.** All signs which are non-functional and structurally impaired shall be removed at the owner's expense, or made compliant within 90 days of notice.
- B.** All outdoor advertising signs and sign structures shall be kept in repair and in proper state of preservation.
- C.** Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of the ground signs for a perimeter distance of ten (10) feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

**SECTION 904. PROHIBITED SIGNS**

Prohibited signs are subject to immediate removal, unless noted otherwise (see Section 907)

- A.** Any sign erected or painted upon a sloping roof, fence, tree, stand pipe, fire escape or utility pole or traffic sign standard.

- B.** Any sign which uses the word "stop" or "danger" prominently displayed and/or which is a copy or imitation of official traffic control signs.
- C.** Signs which are electronic, display video, animation or flashing, except time and temperature, unless otherwise permitted in Sections 907 and 908. (*Ord. No. 3055, 12-17-19*)
- D.** Signs which emit visible smoke, vapor, particles, or odor.
- E.** Signs with any lighting or control mechanism which causes radio or television or other communication interference.
- F.** Any sign or sign structure placed upon any street or highway right-of-way, except directional signs.
- G.** Any sign affixed to any fence, tree, utility pole or traffic sign standard.
- H.** Any sign attached to or painted onto a vehicle parked adjacent to or on a public thoroughfare for the principal purpose of advertising.
- I.** Snipe signs.
- J.** Window signs which identify or advertise activities, services, or products available within the building which collectively cover more than thirty (30) percent of the window glass surface area.
- K.** Bench signs with messages.
- L.** Portable signs.
- M.** Streamers.
- N.** Revolving signs.
- O.** Permanent banners.
- P.** Any sign which by reason of its location, position, size, shape or color that may obstruct, impair, obscure or interfere with the view of or confuse traffic shall be prohibited.
- Q.** Signs that contain statements, words or pictures of an obscene, indecent or immoral character that will offend public morals or decency are prohibited.
- R.** Erection of all on-site pylon type signs shall be prohibited.

#### **SECTION 905. NONCONFORMING SIGNS**

Any nonconforming sign in existence on the date of enactment of this ordinance shall be considered nonconforming sign and shall be subject to the following conditions:

- A.** The following to be removed or made to conform to this ordinance within ninety (90) days:
  - 1. Nonconforming signs made of paper, cloth, plastic, or other nondurable material
  - 2. All temporary signs other than those permitted herein
- B.** If any nonconforming sign is removed or destroyed then the replacement sign shall be in conformity with the requirements of this ordinance.

- C. Only existing businesses with no change of both use and occupancy may resurface a nonconforming sign within original footprint. Multi-tenant buildings may resurface existing nonconforming signs within footprint when a change of use or occupancy occurs.
- D. Upon failure to comply, the Zoning Administrator is hereby required to cause removal as provided by law of such sign and any expenses incident thereto shall be paid by the owner, agent, or lessee of said sign or of the property owner upon which the sign is located. The time period for this is six (6) months.
- E. Existence of any nonconforming sign on the premises will prohibit issuance of further sign permits while nonconforming use exists.

#### **SECTION 906. EXEMPT ON-SITE SIGNS**

Except as otherwise provided, the following on-site signs are exempt from the provisions of this ordinance and may be erected without securing a permit, subject, however, to meeting all other applicable codes and regulations.

- A. One professional nameplate for each occupant. Each professional nameplate shall not exceed six (6) square feet in area.
- B. One identification sign for each premise, denoting only the name, street number and business of an occupant in a commercial building or public institutional building. An identification sign shall not exceed six (6) square feet in area.
- C. One bulletin board or identification sign per site for public, charitable, educational or religious institution located on the premises of said institution and not exceeding thirty-two (32) square feet in area.
- D. Legal notices and official instruments.
- E. Flags or insignias of a governmental, religious, charitable, or fraternal organization mounted on a single pole. Flags are recommended to follow United States flag protocol for American Flag sizes and pole height.
- F. Decorative flags, banners or bunting authorized by the city building permit official for a citywide celebration, conventions, commemorations, fairs and parades.
- G. Holiday lights and decoration only during customary duration of holiday period.
- H. Memorial signs, tablets or cornerstones, names of buildings and date of erection when out into any masonry surface or when constructed of bronze or other noncombustible materials.
- I. Non-advertising (not to exceed four (4) square feet in area) directional signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property.
- J. Identification signs at the entrance drive of residences, estates, farms, ranches, and plantations which do not exceed four (4) square feet in area.
- K. Political signs are only allowed on private property. Signs shall not exceed six (6) square feet on residential or historical zoned property, and shall not exceed thirty-two (32) square feet in

commercial or industrial zoned property. Such signs shall not be erected more than ninety (90) days before an election and must be removed within fourteen (14) days after the election.

- L. Window signs which identify or advertise activities, services, goods or products available within the building and which collectively cover thirty (30) percent or less of the window glass surface area.
- M. Directional and regulatory signs erected by an agency of government or any lawfully constituted utility.
- N. One under-canopy sign per business not to exceed three (3) square feet, in area.
- O. Sandwich signs should be no larger than two (2) feet wide by four (4) feet tall and only displayed during business hours.
- P. Special event "temporary" sign. Any one business, individual or organization may display a banner sign or product promotional "special event or temporary sign" on private property, but not on any city or state servitude or right-of-way.
  - 1. Any such sign shall be temporary in nature and no more than thirty (30) days per year and two events per year. All such signs and any components shall be kept in good repair and be maintained in a safe condition. These signs shall be maintained in a neat, clean and attractive condition and shall be kept free of peeling and/or fading or other deterioration. Signs in violation of this section shall be removed in accordance with the enforcement section of this ordinance.
  - 2. Any such sign shall be non-electric.
  - 3. Such signs shall be professionally designed, printed and produced (hand grafted/written signs will be prohibited) and shall include franchise advertising and product promotional items.
  - 4. No more than one (1) temporary sign, not exceeding thirty-two (32) square feet (back to back) shall be allowed per premise. A business with a premise containing greater than one hundred (100) feet of street or thoroughfare frontage shall be granted one (1) additional sign.
  - 5. Temporary signs not affixed or attached to a building shall comply with the provisions of Section 904 (prohibited signs) and shall be firmly affixed to the ground to which it is attached.
  - 6. Special event signs promoting the grand opening of a business shall be allowed an additional two (2) temporary signs, not to exceed thirty-two (32) square feet and one (1) inflatable sign/advertising will be permitted under this section in addition to temporary signs.
  - 7. Athletic field signs at schools are exempt.
- Q. Real estate property sale, school, spirit, religious, charitable organization or other like activity shall be permitted on private property at the owners discretion under the provisions of this ordinance.

#### **SECTION 907. SIGN STANDARDS – ON PREMISES**

- A. **R-1 & R-2:** None, except for temporary signs (refer to temporary signs in Section 906 (Q)).

**B. R-3, R-4 & RB:** Two on-site signs per non-residential establishment, not internally illuminated.

1. One (1) on-site wall sign not exceeding fifteen (15) square feet in surface area attached to face of building that can be illuminated.
2. One (1) canopy not to exceed fifteen (15) square feet or monument type sign not to exceed thirty-two (32) square feet including structure, sign shall be set on a block type base not less than one (1) foot in height, nor more than three (3) feet in height. The width of the block must be at least  $\frac{2}{3}$  the width of the sign. The overall height of the monument sign and base shall not exceed six (6) feet from the grade at the signs location and comply with visual requirements.

**C. B-1:** Two on-site signs per non-residential establishment, may be internally illuminated.

1. One (1) on-site wall sign not exceeding fifteen (15) square feet in surface area attached to face of building that can be illuminated.
2. One (1) canopy not to exceed fifteen (15) square feet or monument type sign not to exceed thirty-two (32) square feet including structure, sign shall be set on a block type base not less than one (1) foot in height, nor more than three (3) feet in height. The width of the block must be at least  $\frac{2}{3}$  the width of the sign. The overall height of the monument sign and base shall not exceed six (6) feet from the grade at signs location and comply with visual requirements.

**D. CBD:** Two on-site signs per non-residential establishment:

1. One (1) on-site wall sign not exceeding fifteen (15) square feet in surface area attached to face of building.
2. One (1) monument type sign not to exceed thirty-two (32) square feet including structure, sign shall be set on a block type base not less than one (1) foot in height, nor more than three (3) feet in height, the overall height of the monument sign and base shall not exceed six (6) feet from the grade at signs location and comply with visual requirements.'
3. Marquee and Canopy Signs - signs or sign structures located on a marquee or canopy shall be affixed flat to the surface and shall not exceed five (5) square feet.

**E. C1, C2, I1, and I2:**

1. Single businesses shall be allowed one (1) monument type sign not to exceed thirty-two (32) square feet including structure, sign shall be set on a block type base not less than one (1) foot in height, nor more than three (3) feet in height, the width of the block must be at least  $\frac{2}{3}$  the width of the sign. The overall height of the monument sign and base shall not exceed six (6) feet from the grade at the signs location and comply with visual requirements. Only one (1) ground sign and two (2) wall, mansard, marquis or canopy signs shall be allowed for each premises except that on corner lots and double frontage lots; two (2) ground signs and three (3) wall signs are allowed. Any premise may utilize up to the maximum sign surface



allowed for each frontage, but no transfers of allowable area may be made from one frontage to another.

2. Multiple businesses in a single building shall be allowed one (1) monument type sign not to exceed sixteen (16) square feet per business. Where a single building or complex of buildings contains two (2) or more separate activities or establishments, the individual establishment located therein shall be permitted a wall sign and wall sign area based on portion of building frontage used by establishment as though there were individual buildings with individual street frontage. Such multiple occupancy buildings will be permitted one directory on a common single multi-listing sign with each individual occupant a surface area not to exceed thirty-two (32) square feet and with a minimum height of seven (7) feet.
3. The above mentioned signs shall be set on a block type base not less than one (1) foot in height, nor more than three (3) feet in height, the overall height of the monument sign shall not exceed six (6) feet. In a single building over one hundred (100) feet from right-of-way, with multiple businesses in excess of eight (8) occupants, the overall height of the monument sign shall not exceed nine (9) feet in height.
4. Existing on-site pylon signs shall be "grandfathered" and allowed to stand. All signs which are no longer functional or abandoned shall be removed or relocated at the owner's expense in compliance with the provisions of this Article within one (1) year following dysfunction; otherwise the erection of all on-site pylon type signs shall be prohibited.
5. One changeable letter sign per premise shall be allowed with permanent on premise signs and shall be an integral part of the structure. The first sixteen (16) square feet of a changeable letter sign face shall not be calculated in the total sign area and such changeable letter sign area shall not exceed a total of thirty-two (32) square feet. The amount of square footage in excess of sixteen (16) will be included in the maximum square footage allowed in aggregate on that sign structure and such signs shall meet all other regulations as set forth herein. (Changeable letter signs that are an integral part of a permanent on premise sign are not considered temporary signs.)
6. One electronic message display board per premise shall be allowed with permanent on premise sign. The electronic message board shall be an integral part of the on premise sign not to exceed sixteen (16) square feet and the total area of the sign shall not exceed thirty-two (32) square feet. Such signs shall meet all other regulations as set forth herein. The electronic message display board must consist of only alphabetic or numeric characters on a plain background and may not include any graphic, pictorial or photographic images. Lightness, brightness and color must remain constant within a message and between messages. The electronic sign must not exceed a maximum illumination of **seven thousand five hundred (7,500) nits (candelas per square meters) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meters) between dusk to dawn as measured from the sign's face at maximum brightness.** All electronic message display signs shall be required to have an ambient light monitor or similar device that will automatically adjust the brightness level based on ambient light conditions. (*Ord. No. 3056, 12-17-19*)
7. Wall sign projection. Base of wall signs may not project more than twelve (12) inches from the building to which they are attached.

8. Mansard signs. Unless otherwise specified, the mansard type roof portion of a structure may be used for the mounting of a sign, provided such sign shall not extend above the break point of the mansard type roof line upon which the sign is mounted.
- F. Ground Signs, Wall Signs, Mansard Signs, Marquee and Canopy Signs shall be subject to the following conditions:
1. Businesses within zero (0) to one hundred (100) feet set back from the roadway may have one sign, not to exceed thirty-two (32) square feet. Businesses one hundred one (101) to three hundred (300) feet set back from the roadway may have one sign, not to exceed sixty-four (64) square feet. Business greater than three hundred (300) feet set back from the roadway must be approved by the Board of Adjustments.
    - a. In professional business area developments, fifty (50) square feet.
    - b. Two (2) wall signs are not to exceed thirty-two (32) square feet.
- G. Visual obstruction: Signs in a sight triangle shall not obscure vision between heights between three (3) and seven (7) feet above grade.

#### **SECTION 908. OFF-PREMISE OUTDOOR ADVERTISING**

A. Definitions

1. **Off-premises sign** means any outdoor sign, display, figure, painting, drawing, billboard, or any other thing which is designed, intended, or used to advertise or inform, any part of which advertising or information content is visible from any place on the main traveled way of any thoroughfare in the city; but does not include on-premises signs advertising or identifying activities conducted on or products sold on the property upon which they are located.
2. **Thoroughfare** means any street, road, expressway, freeway, or highway located within this city.
3. **Sign** means all portions of an outdoor advertising structure, including structural elements, bases, sign faces, trim and borders.
4. **Sign Face or panels** means that portion of a sign, including the display area, border and trim, but excluding the base, supports, and other structural members, facing traffic moving in one direction.
5. **Back-to-back sign** means a structure with two (2) parallel sign faces oriented in opposite directions, or two (2) structures, each with one sign face and located not more than ten (10) feet from an obstruction preventing both structures from being seen at the same time from any point along the thoroughfare.
6. **V-Type sign** means a structure or structures with two (2) or three (3) sign faces, forming the shape of the letter "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than sixty (60) degrees.

B. Location of off-premises signs.

1. Off-premise signs which conform to the provisions of this section shall be permitted in C-1, C-2, I-1 and I-2 zoning districts except where prohibited.
2. Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of off-premises signs shall be subject to the following:
  - a. V-type or back-to-back off-premises signs shall be considered one sign.
  - b. No two (2) off-premises signs shall be spaced less than four hundred (400) feet apart in all directions on any thoroughfare.
  - c. No off-premises sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of, an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.
3. Signs are prohibited on the batture (area between highway and bayou) on LA Highway 1 from Canal Blvd. to Ridgefield Road and LA Highway 308 from St. Patrick Street west to the City limits. Signs are also prohibited on North Canal Blvd. from Bayou Lafourche North to the corporate city limits. The prohibited area on North Canal Blvd. shall be that area measuring 500 feet out from the center line of the thoroughfare extended both in an easterly and westerly direction.
4. No new Off-Premise Sign permits will be granted other than for relocation of existing signs with proper permit.

C. Size of off-premises signs.

1. The maximum area of an off-premise sign face shall be four hundred square feet with maximum length of forty-five (45) feet, plus temporary embellishments not exceeding twenty (20) percent of the permanent sign area, but not to exceed one display panel on the same face.
2. **Electronic or digital signs are limited to the size of the existing structure that is being replaced. (Ord. No. 3057, 12-17-19)**

D. Height of off-premises signs.

There shall be a minimum clearance of seven (7) feet to the bottom of an off-premises sign face and a maximum height of forty-five (45) feet to the top of an off-premise sign face, from grade of the thoroughfare to which the sign is oriented.

E. Digital off-premise signs.

One (1) digital sign is allowed in exchange for four (4) existing or permitted sign faces.

F. Lighting of off-premises signs.

1. Off-premise signs may be illuminated, subject to the following restrictions:

- a. External lighting, such as floodlights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare.
- b. The illumination of any sign within one hundred feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.
- c. Brightness:

Message center signs and digital displays are subject to the following brightness limits:

- i. During daylight hours between sunrise and sunset, luminance shall be no greater than **seven thousand five hundred (7,500) nits.** *(Ord. No. 3058, 12-17-19)*
- ii. At all other times, luminance shall be no greater than **five hundred (500)nits.** *(Ord. No. 3058, 12-17-19)*
- iii. **All electronic signs shall be required to have an ambient light monitor or similar device that will automatically adjust the brightness level based on ambient light conditions.** *(Ord. No. 3058, 12-17-19)*

- d. Message Display:

- i. Any Digital Display containing animation, streaming video, or text of images with flash, pulsate, move or scroll is prohibited.
- ii. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
- iii. **Each message must remain stationary for a minimum of eight (8) seconds.** *(Ord. No. 3072, 4-7-20)*
- iv. **Message changes must be accomplished within four (4) seconds.** *(Ord. No. 3072, 4-7-20)*
- v. **Message must be accomplished in such a manner that there is no appearance of movement of the message or copy during the change.** *(Ord. No. 3072, 4-7-20)*
- vi. **Digital displays must include a default design that will freeze the sign in one position if a malfunction occurs.** *(Ord. No. 3072, 4-7-20)*
- viii. **On stacked sign structures, changeable message signs only allowed one per side.** *(Ord. No. 3072, 4-7-20)*

G. Prohibited off-premises signs.

- 1. The following off-premises signs shall not be permitted to remain or to be erected:
  - a. Signs which are obsolete structures.
  - b. Signs which are not clean and in good repair.

- c. Signs which are illegal under state law or regulations.
- d. Signs that are not securely fixed on a substantial structure.
- e. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
- f. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- g. Signs that prevent free ingress or egress from any doors, window, or fire escape; or that are attached to a standpipe, fire escape.
- h. Sign panels cannot be side by side or stacked; single sign panels only.

**H. Construction Standards.**

All off-premises signs shall be constructed in accordance with the Building Code of the city. The structural elements of all off-premises signs shall be of metal construction.

**I. GRANDFATHERING PROVISIONS**

- 1. All existing signs and permitted sign locations prior to the adoption of this ordinance are conforming.
- 2. Existing signs can be replaced at the same location regardless of zoning, at the same dimensions.

**SECTION 909. ENFORCEMENT AND PENALTIES.**

A. Any sign or promotional product not included in this ordinance will be considered prohibited.

**B. Enforcement:**

The Zoning Administrator of the City of Thibodaux and his designees shall be authorized to enforce this ordinance.

- 1. The zoning administrator shall order the removal of any sign erected or maintained in violation of this ordinance.
- 2. The zoning administrator shall remove a sign at cost to the owner, immediately and without notice, if in his opinion the sign presents an immediate threat of danger to the safety of the public.
- 3. If the owner of the sign and/or premises fails or refuses to comply or remove the sign or is unable to be located, the zoning administrator may remove or authorize others to remove such sign at the expense of the owner. The zoning administrator shall not be responsible for any sign that has been removed and may dispose of it in any manner he deems appropriate.

**C. Penalties**

- 1. Each sign placed in violation of this ordinance shall be deemed to be a separate violation.
- 2. Refer to Article 3, Section 313 Violations, B., (1) for penalties for violation of the Thibodaux Zoning Ordinance.

**SECTION 910. – SECTION 1000. RESERVED**

**ARTICLE 10. BOARD OF ADJUSTMENT**

**Section 1001. ESTABLISHMENT AND PROCEDURE**

**Section 1002. POWERS AND DUTIES**

**Section 1003. APPEALS FROM THE BOARD OF ADJUSTMENT**

**Section 1004. DUTIES OF THE ZONING ADMINISTRATOR; BOARD OF ADJUSTMENT, CITY COUNCIL, AND COURTS ON MATTERS OF APPEAL**

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**SECTION 1001. ESTABLISHMENT AND PROCEDURE**

**A. ESTABLISHMENT**

A Board of Adjustment is hereby established (as provided for in Section 4727, Title 33, of the Louisiana Revised Statutes of 1950 as amended), which shall consist of five (5) members and two (2) alternate members, all of whom are appointed by the city council. The regular members shall serve for a term of five (5) years. Alternate members shall be appointed for a term of three (3) years, and shall serve only when called upon to comprise a full five-member board when a quorum is present. When so serving, alternate members shall have all the powers and duties of regular members. Members and alternates of the board of adjustment may be removed from office by the city council for cause upon written charges and other public hearing. Vacancies shall be filled by resolution of the city council for the unexpired term of the member affected.

**B. PROCEEDINGS**

1. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
2. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

**C. HEARINGS; APPEALS; NOTICE.**

1. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Administrator.
2. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days of such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to both the Board and the Zoning Commission all papers constituting the record upon which the action appealed from was taken.

3. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

**D. *STAY OF PROCEEDINGS***

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

**SECTION 1002. POWERS AND DUTIES**

**A. *ADMINISTRATIVE REVIEW***

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.

**B. *VARIANCES***

To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions or peculiar circumstances, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, or would not be in the best interest of the citizens of the city or of the aims of the city in promoting zoning in general. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;or:

That there are special conditions and circumstances concerning the particular application



for which the board of adjustment feels that the interest of zoning and the city as well as the neighborhood would best be served by granting the variance.

2. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
3. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of the ordinance in the district, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

**C. POWERS**

1. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.
2. The concurring vote of three members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

**SECTION 1003. APPEALS FROM THE BOARD OF ADJUSTMENT**

Any person or persons, or any board, taxpayer, department or bureau of the city aggrieved by any decision of the board of adjustment may seek review by a court of record, in the manner provided by the laws of the state and particularly by title 33:4727 of the Louisiana Revised Statutes of 1950.

**SECTION 1004. DUTIES OF THE ZONING ADMINISTRATOR; BOARD OF ADJUSTMENT, CITY COUNCIL, AND COURTS ON MATTERS OF APPEAL**

- A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.
- B. It is further the intent of this Ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the City Council shall have only the following duties:
  1. Considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and
  2. Establishing a schedule of fees and charges as outlined in Section 105 of this Ordinance.

**SECTION 1005. – SECTION 1099 RESERVED**