

## ORDINANCE NO.: 26D

### REGULATION OF ZONING DISTRICTS WITHIN THE VILLAGE OF ELIZABETH.

**BE IT ORDAINED**, by the Mayor and the Board of Aldermen of the Village of Elizabeth, Louisiana, that the Village of Elizabeth hereby adopts and enacts this Amended Ordinance to consolidate prior zoning ordinances, clarify provisions governing non-conforming uses and permit requirements, and update penalty provisions.

This Amended Ordinance does not authorize or extend grandfathered status to any building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and manufactured home that was not already recognized as a lawful non-conforming use under Ordinance Nos. 26, 26A, 26B, 26B.1, or 26C. No unlawful building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and manufactured home not in compliance with those prior ordinances shall be deemed grandfathered by virtue of this amendment.

#### **Section 1: Purpose**

The purpose of this Amended Ordinance is to consolidate the Village's zoning regulations, ensure uniform application of the zoning regulations to all buildings, dwellings, filling stations, garage apartments, hotels, institutions, living units, lodging houses, motels, office buildings, row houses, service stations, structures, accessory buildings, tiny houses, and manufactured homes, reaffirm the prohibition of manufactured homes in zoning districts other than A-2 and A-3 except for those legally established under prior ordinances and duly permitted as non-conforming uses, and prohibit the use of tiny houses in the zoning districts.

#### **Section 2: Definitions**

Words used in the present tense include the future. The singular includes the plural, and the plural the singular. "Building" includes "structure." "Shall" is mandatory. For the purposes of this ordinance, the following words or terms are defined as follows:

1. **Accessory Building**-Means a part of the main building, or a separate building, devoted to an accessory use.
2. **Accessory Use**-Means a use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.
3. **Alley**-Means land devoted to secondary access to lots.
4. **Apartment Hotel**-Means a multiple dwelling under resident supervision.
5. **Build**-Means to erect, enlarge, convert, reconstruct, or structurally alter a building or structure.
6. **Buildable Width**-Means the width of lot left to be built upon after the side yards are provided.

7. **Building**-Means any structure built for the use of persons or animals. The term “building” does not include the term “Manufactured Home.”
8. **Corner Lot**-Means a lot that abuts two or more streets at the intersection of such streets. On corner lots, the front yard line shall face the shortest street dimension of the lot.
9. **District**-Means a part of the Village of Elizabeth wherein regulations of this ordinance are uniform.
10. **Drive-in**-Means an establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.
11. **Dwelling**-Means a building used entirely for residential purposes.
12. **Family**-Means one or more persons occupying a living unit as an individual housekeeping organization, as distinguished from a group occupying a boarding house, lodging house, or hotel.
13. **Filling Station or Service Station**-Means any buildings, structures or premises, enclosures or other place used for the dispensing, sale, or offering for sale of automobile fuel and oils at retail. When such dispensing, sale, or offering for sale of automobile fuel and oil is incidental to the conduct of a motor vehicle repair shop, the premises shall be classified as a motor vehicle repair shop.
14. **Floor Area**-Means the area, in square feet, of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar.
15. **Frontage**-Means the distance along a street line between two intersecting streets or from one intersecting street to the end of a dead end street.
16. **Garage Apartment**-Means a living unit for not more than one family erected above a garage, said garage being accessory to the main building. Similar construction above a garage and used for any accessory purpose will be considered the equivalent of a garage apartment.
17. **Grandfathered (Lawful Non-Conforming Use)** – Means any building, dwelling, manufactured home, or structure that was lawfully existing and occupied in conformity with the zoning ordinances of the Village of Elizabeth as of the effective dates of Ordinance Nos. 26, 26A, 26B, 26B.1, or 26C, and which has been duly recognized as a lawful non-conforming use under those ordinances. The term shall not include, and this Ordinance shall not be construed to create or extend, grandfathered status to any building, dwelling, manufactured home, or structure that was erected, placed, or maintained in violation of any prior ordinance.
18. **Home Occupation**-Means an accessory use consisting of an activity carried on only by a resident member of a family. A home occupation shall also meet the following conditions:

- (a) Not more than one sign shall be used. Such sign shall not be illuminated and shall not be over one square foot in area.
- (b) Nothing shall be done to make the building appear in any way as anything but a dwelling.
- (c) No business such as a shop or store shall be conducted upon the premises.
- (d) No one shall be employed from outside the resident family.
- (e) Mechanical and electrical equipment used shall be only that normally used in, or found in, a single-family dwelling.

19. **Hotel**-Means a dwelling not consisting of living units and with facilities for more than twenty persons.

20. **Institution**-Means a non-profit establishment for public use.

21. **Living Unit**-Means the rooms occupied by a family. The living unit must include a kitchen.

22. **Lodging House**-Means a dwelling consisting of not more than one living unit occupied by not more than twenty persons not related by blood, marriage, or adoption. This term includes rooming house, boarding house, tourist home, and nursing home.

23. **Lot**-Means parcel of land adequate for occupancy by a use herein permitted, providing the yards, area, and off-street parking herein required and fronting directly upon a street.

24. **Lot Width**-Means the width of a lot at the front yard line.

25. **Main Building**-Means the building occupied by the primary use.

26. **Manufactured Home**-Means any prefabricated residence and includes, but is not limited to, trailer houses/homes (single or double-wide), mobile homes, modular homes, and campers.

27. **Motel**-Means an inn or group of cabins designed for occupancy by paying guests.

28. **Multiple-Dwelling**-Means a building that contains more than two living units.

29. **Non-Conforming Use**-Means those lawful uses of premises that do not conform with the requirements of this Ordinance on the effective date of the Ordinance, or that become non-conforming by reason of any amendment thereto.

30. **Office Building**-Means a building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public persons or organizations.

31. **Parking Space**-Means area on a lot sufficient in size to store one automobile, connected to a public street or alley by a driveway not less than ten feet wide. A parking space shall be not less than nine feet wide and twenty feet long, plus the space required for access to a public street or alley.

32. **Premises**-Means land together with any buildings or structures occupying it.

33. **Row Housing**-Means two or more living units with common or party side walls between units, designed so that each unit may be sold independently as a lot with its own yards and parking spaces.
34. **Separate Tract**-Means a lot or parcel of land or a group of contiguous parcels or lots of land under one ownership of record on the effective date of this ordinance.
35. **Sign**-Means any outdoor advertising that is a structure, or that is attached to or painted upon a building or structure, or that is leaned against a building or structure, or that is displayed on a premises.
36. **Single-Family Dwelling**-Means a building that contains only one living unit.
37. **Street**-Means property dedicated for an accepted for primary public access to lots.
38. **Structure**-Means anything built that requires a permanent location. The term "structure" does not include the term "Manufactured Home."
39. **Structural Alteration**-Means any change in the supporting members of a building, such as bearing walls or bearing partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.
40. **Tiny House (Small Residential Structure)** – Means any dwelling or structure intended for residential occupancy that is less than four hundred (400) square feet in gross floor area, whether on a permanent foundation or on wheels, and whether classified as a manufactured home, recreational vehicle, or portable building. The term includes but is not limited to any structure marketed or used as a 'tiny house,' 'micro home,' 'park model,' or 'mini home.' Tiny Houses shall not include lawful Manufactured Homes that meet the minimum size, anchoring, and permitting requirements established by this Ordinance.
41. **Two-Family Dwelling**-Means a building that contains only two living units.
42. **Village**-Means the Village of Elizabeth, Louisiana.
43. **Yard**-Means an open space on the same lot or tract as a building; except as provided herein it is unoccupied and unobstructed by a structure. Yard width or depth is the shortest horizontal distance from a lot line to the main building.
44. **Yard Front**-Means the area from one side lot line to the other side lot line and between the main building and the street.
45. **Yard Rear**-Means the area from one side lot line to the other side lot line and from the main building to the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.
46. **Yard Side**-Means the area from the front yard line to the rear yard line, and from the main building to the side lot line.

### **Section 3: General Provisions**

Use of all premises in the Village shall be in accordance with the minimum standards established by this Ordinance.

No building or land shall be used, and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations established herein.

Every building shall be on a lot. Except as provided herein, there shall not be more than one building on one lot. More than one main institutional, public, business, commercial or industrial building may be located upon a lot or tract in any district where such uses are permitted.

### **Section 4: Non-Conforming Uses**

Any non-conforming use of a building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and manufactured home existing at the time of enactment of the Original Ordinance No. 26, 26A, 26B, 26B.1, or 26C may be continued pursuant to a non-conforming use permit with the following limitations:

- (a) A non-conforming use may be changed to a use of the same or higher classification, provided no structural alterations are made. If it is changed to a use of higher classification than the existing use, it shall not be changed back to the original non-conforming use.
- (b) A non-conforming use that is discontinued or stopped for any period of time shall not be re-established. For purposes of clarity, if a manufactured home which is being used as a residence pursuant to this Section is removed from the lot upon which it is situated, the allowable non-conforming use may not be re-established at a later date with the same or another manufactured home, except in the following circumstances:
  1. In the event that a manufactured home is damaged or destroyed due to weather, flooding, unintentional fire, or a similar "Act of God," the resident will have a period of 24-months to re-establish the non-conforming use with either the same manufactured home or a replacement of equal or greater value.
    - a. Notwithstanding the provisions of Section 4(b)(1) set forth above, in the event that a manufactured home is damaged or destroyed due to weather, flooding, unintentional fire, or a similar "Act of God," the Mayor, at his/her discretion, may extend additional time beyond the 24-month period for a resident to re-establish the non-conforming use with either the same manufactured home or a replacement of equal or greater value.
  2. A resident living in a mobile home pursuant to a Non-Conforming Use Permit may, at any time during their continued non-conforming use, replace their manufactured home with a more recent (newer) model manufactured home. This would not amount to a discontinuation of the non-conforming use provided that a replacement of the manufactured home occurs within ninety (90) days.

- a. Notwithstanding the provisions of Section 4(b)(2) set forth above, in the event that a resident living in a mobile home pursuant to a Non-Conforming Use Permit elects to replace their manufactured home with a more recent (newer) model manufactured home, the Mayor, at his/her discretion, may extend additional time beyond the ninety (90) day period for a resident to re-establish the non-conforming use with either the same manufactured home or a replacement of equal or greater value.
- (c) A non-conforming use shall not be extended except in conformity with the provisions set forth herein for all uses in the district in which the non-conforming use is located.
- (d) A non-conforming building use that is damaged or destroyed to an extent exceeding two-thirds of its fair market value, shall not be rebuilt or restored as a non-conforming use.
- (e) Non-conforming use is non-transferrable. For purposes of clarity, in no circumstance may a resident who did not qualify for non-conforming use at the time of the passage of Original Ordinance No. 26, 26A, 26B, 26B.1, or 26C, use or assume another resident's non-conforming use. Section 4(e) applies in equal measure to all buildings, dwellings, filling stations, garage apartments, hotels, institutions, living units, lodging houses, motels, office buildings, row houses, service stations, structures, accessory buildings, tiny houses, and manufactured homes as defined herein.

This Ordinance in no way legalizes any illegal uses existing at the time of its adoption.

#### **Section 5: Establishment of Districts**

For the purpose of and as a part of this Ordinance, the Village of Elizabeth is divided into districts designated as follows:

A —Single Family Residential District  
A-2—Single Family Residential-Manufactured Homes Park  
A-3— Manufactured Homes Area  
B— Multi-Family Residential District  
C-1 – Local Commercial District  
C-2 – Business District  
M-1 – Limited Industrial District  
M-2 – Heavy Industrial District

The boundaries of the districts designated above are hereby established as shown on the Village of Elizabeth Zoning District Map, which is on file in the office of the Village clerk. The map and all explanatory matter thereon are hereby made a part of this Ordinance as if the notations, references, and other matters set forth by said map were all fully described herein.

Unless otherwise indicated, the district boundary lines are lot lines, the center lines of streets, alleys or such lines extended, or are the corporate limit lines. Other lines within blocks are rear or side lot lines, or such lines extended, or are property lines of large tracts.

## **Section 6: Use Regulations**

Subject to the foregoing, the districts, as set forth hereinabove, may be used solely for the corresponding purposes as set forth below.

Manufactured Homes shall be permitted only within the A-2 and A-3 Districts. Manufactured Homes located in any other district are prohibited except those that were lawfully existing and duly permitted as Non-Conforming Uses prior to the adoption of this Amended Ordinance.

Tiny Houses, as defined herein, are prohibited in all zoning districts within the Village of Elizabeth. No Tiny House may be placed, constructed, occupied, or used as a dwelling, accessory building, or temporary residence in any district, regardless of whether such structure is on a permanent foundation or movable chassis.

Nothing herein shall be construed to create, recognize, or grandfather-in any building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and manufactured home that was not already a lawful non-conforming use under previously adopted ordinances.

***(a) Premises in the “A District” shall be used only for the following purposes:***

1. Single Family Dwellings;
2. Public parks, public elementary and high schools, public buildings, and public utilities;
3. Private schools with a curriculum similar to public elementary and high schools;
4. Nursery and kindergarten schools, with a minimum of 100 square feet of outside play area per child, with hours of operation limited to the period between 8:00 am and 3:30 pm;
5. Hospitals, nursing homes, and institutions, provided such uses shall be located on sites of five acres or more and that buildings do not occupy more than ten percent of the site area;
6. Churches, Sunday schools, parish houses, and other places of worship, provided each use of this type is conducted in a building designed for that purpose. Private residences or appurtenances shall not be used for church services conducted on a regular basis; and
7. Agricultural or farming activities not in conflict with other ordinances and not involving any retail or wholesale activities.

Manufactured Homes and Tiny Houses, as defined herein, are not permitted in the “A District.”

***(b) Premises in the “A-2 District” shall be used only for the following purposes:***

1. Any of the uses permitted in the “A District”; and
2. Manufactured Homes.

Tiny Houses, as defined herein, are not permitted in the “A-2 District.”

***(c) Premises in the “A-3 District” shall be used only for the following purposes:***

1. Any of the uses permitted in the “A District”;
2. Manufactured Homes;
3. 705 Maple Street is hereby re-zoned for “A-3 District”; and
4. 1127 Horseshoe Drive is hereby re-zoned for “A-3 District”.

Tiny Houses, as defined herein, are not permitted in the “A-3 District.”

***(d) Premises in the “B District” shall be used only for the following purposes:***

1. Any of the uses permitted in the “A District,” without restrictions on the size of site for hospitals, nursing homes, and institutions;
2. Garage apartments;
3. Two-family dwellings;
4. Multiple dwellings;
5. Row Housing;
6. Lodginghouses;
7. Hotels;
8. Apartment Hotels; and
9. Clubs and lodges, except those in which the chief activity is a service customarily carried on as a business.

Manufactured Homes and Tiny Houses, as defined herein, are not permitted in the “B District.”

***(e) Premises in the “C-1 District” shall be used only for the following purposes:***

1. Any of the uses permitted in the “A” and “B” Districts;
2. Retail business or service which is established for the convenience of the neighboring residents;
3. Offices and banks;
4. Barber shops and beauty shops;
5. Coin-operated laundries, and laundry and cleaning stations;
6. Filling stations, but not including motor vehicle repair shops;
7. Shops for dressmaking, millinery, tailoring, shoe repair, radio and television repair, bakeries, laundries and dry cleaning establishments, and similar trades, provided no individual establishment occupies more than 2500 square feet of floor space;
8. Drive-ins;
9. Signs; and
10. Sales and service of automobiles, trucks, farm implements, and farm machinery

Manufactured Homes and Tiny Houses, as defined herein, are not permitted in the “C-1 District.”

***(f) Premises in the “C-2 District” shall be used only for the following purposes:***

1. Any of the uses permitted in the A, B, and C-1 Districts;
2. Regional and community-wide shopping centers, retail stores and supermarkets;
3. Restaurants;
4. Theaters, bowling alleys, and other commercial amusement and recreation facilities; and
5. Mortuaries.

Manufactured Homes and Tiny Houses, as defined herein, are not permitted in the “C-2 District.”

***(g) Premises in the “M-1 District” shall be used only for the following purposes:***

1. Any of the uses permitted in the A, B, C-1, and C-2 Districts, except residential uses;
2. Warehouses, freight terminals, bulk petroleum storage, bottled gas sales and service, creameries, bottling works, cold storage plants; and

3. Contractor's shops and storage yards, lumber yards, millwork shops, and similar light industries.
4. Parcel No.0550010750A located at the corner of Hwy 10 and Hwy 112 North is hereby re-zoned for "M-1 District".

Manufactured Homes and Tiny Houses, as defined herein, are not permitted in the "M-1 District."

***(h) Premises in the "M-2 District" shall be used only for the following purposes:***

1. Any of the uses permitted in the A, B, C-1, C-2, and M-1 Districts, except residential uses;
2. Paper mills, bag plants, manufacturing plants, assembly plants;
3. Concrete mixing or batching plants;
4. Open storage of manufacturing materials;
5. Salvage and scrap yards, provided such uses are enclosed by either a solid fence screen planting at least six feet high, within building lines, so that such uses cannot be seen from any public street; and
6. All other industrial and commercial uses not specifically prohibited by this or other ordinances.

Manufactured Homes and Tiny Houses, as defined herein, are not permitted in the "M-2 District."

**Section 7: Minimum Areas and Dimensions of Lots and Yards**

(a) Except as provided elsewhere in this ordinance, the minimum width of lots, minimum area of lots, and minimum lot area per family for residential uses, shall be shown in the following table:

<b>District</b>	<b>Minimum Width of Lots</b>	<b>Minimum Area Of Lots</b>	<b>Minimum Lot Area Per Family for Residential Uses</b>
A	75 feet	9,000 sq. ft.	9,000 sq. ft.
A-2	.35 acres	15,246 sq. ft.	15,246 sq. ft.
A-3	1 acre	43,560 sq. ft.	43,560 sq. ft.
B	60 feet	7,500 sq. ft.	3,000 sq. ft.
C-1	50 feet	4,000 sq. ft.	1,200 sq. ft.
C-2	None	None	1,200 sq. ft.
M-1	None	None	(not applicable)
M-2	None	None	(not applicable)

(b) Except as provided elsewhere in this ordinance, yards shall be provided for buildings as shown in the following table:

District	Front Yard Depth Of	Side Yards Depth Of	Rear Yard Depth Of
A	30 feet	8 feet	35 feet
B	20 feet	5 feet	25 feet
C-1	20 feet	None	10 feet
C-2	None	None	None
M-1	25 feet	None	None
M-2	None	None	None

(c) Any accessory building less than 10 feet from a main building shall be considered as part of the main building and shall be provided with the side yards required for the main building.

Accessory buildings may be located in a rear yard but may not occupy more than thirty percent of a rear yard.

An accessory building more than ten feet from a main building may be erected within two feet of a side or rear lot line, but must be located at least sixty feet from the front street line or to the rear of an adjacent main building.

No accessory building may be erected prior to the erection of a main building, except that temporary buildings for construction purposes may be permitted in any district as accessory buildings during the course of construction.

(d) For Row Housing uses, the minimum width of lots may be reduced to twenty feet, the minimum area of lots in the B District may be reduced to 2,400 square feet, and the minimum lot area per family in the B District may be reduced to 1,200 square feet per family, provided such Row Housing is built with common or party walls. No side yards are required for Row Housing, except that one side yard of not less than 20 feet shall be provided for every unit located at the end of a row on a corner lot, and one side yard of not less than five feet shall be provided for every unit located at the end of a row on an interior lot.

(e) Churches, public buildings, and institutions in the A or B Districts shall provide front yards of fifty feet, and side yards of twenty-five feet.

(f) On corner lots, the side yard on the street side shall be equal to the required front yard, except that where a corner lot has a common rear lot line with another corner lot, the side yard on the street side may be reduced to one-half of the required front yard.

(g) On lots fronting on two non-intersecting streets, front yards shall be provided on both streets.

(h) Where a lot in the C-1, C-2, M-1, or M-2 Districts adjoins the side lot line of a lot in the A or B District, a side yard of not less than eight feet shall be provided along the C-1, C-2, M-1, or M-2 side of the common lot line.

- (i) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- (j) For lots fronting on turning circles the front yard may be reduced to one-half the required front yard.
- (k) Open, unenclosed porches may extend ten feet into a front yard.
- (l) Where a side yard or rear yard is provided but not required, such side or rear yard shall be not less than three feet wide.
- (m) Notwithstanding other provisions of this ordinance, a single family dwelling and its accessory buildings may be erected on any lot or parcel of land that was a lot or parcel legally established before the effective date of this ordinance, under the following conditions:
  - 1. The side yard for main buildings on interior lots may be reduced to ten percent of lot or tract width, but shall be not less than three feet;
  - 2. The side yard for accessory buildings on interior lots may be reduced to five percent of lot or tract width;
  - 3. On corner lots, the side yard on the street side may be reduced to one-half the required front yard, but the application of this requirement shall not reduce the buildable width to less than twenty-eight feet;
  - 4. The rear yard may be reduced to twenty percent of the lot or tract depth, but not to less than fifteen feet;
  - 5. The front yard shall be established by a line drawn establishing the average front yard depth of existing buildings in the same frontage; and
  - 6. Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but shall not be reconstructed or structurally altered except in compliance with this ordinance.

#### **Section 8: Off-Street Parking Regulations**

- (a) Off-street parking shall be provided on any lot or tract on which any of the uses listed below are hereafter established. Off-street parking spaces shall be provided with vehicular access to street or alley and shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached on in any manner.
- (b) Except where required in connection with dwellings, parking spaces and vehicular access shall be surfaced with a minimum of four inches of gravel, shell, or other similar all-weather surface.
- (c) Off-street parking spaces shall be provided as follows:

1. For dwellings, including single-family dwellings, two-family dwellings, multiple dwellings, and garage apartments: One parking space for each living unit.
2. For churches, theater, auditoriums, or other places of public assembly: One parking space for each eight seats in the place of main assembly, or one parking space for each sixty-four square feet of floor area where fixed seating is not installed.
3. For hospitals, nursing homes, and hospital clinics: one parking space for each two beds.
4. For hotels, motels, and lodging houses: One parking space for each two sleeping rooms.
5. For schools: Two parking spaces for each classroom, in addition to parking spaces required for auditorium or other place of assembly.
6. For public buildings, institutions, clubs, lodges, and similar semi-public buildings: One parking space for each five hundred square feet of floor area.
7. For retail business or service, stores, shops, offices, banks, restaurants, and similar businesses and commercial uses that serve the general public: One parking space for each two hundred square feet of floor area.
8. For warehouses, wholesale business, industry, and similar uses that do not ordinarily serve the general public: One parking space for each two employees on the premises at any one time, in addition to the space required for loading and unloading trucks and other transportation vehicles.

### **Section 9: Planned Group Developments**

The unified and planned group development of a site in single or corporate ownership at the time of development may be permitted in a Planned Group Development Overlay District.

This district is intended to allow diversification in the relationship of various uses, structures and open spaces in the Planned Group Development, while insuring substantial compliance with the intent and provisions of this ordinance requiring adequate standards related to the public health, safety, and general welfare. This district is further intended to permit more flexible and advantageous use of sites and not to inhibit the advantages of modern large scale site planning for residential, commercial, and industrial purposes. The Planned Group Development Overlay District superimposes the regulations of this district upon the underlying district without changing the fundamental intent of the underlying district regulations, though modifying their specific application.

The Mayor and Board of Alderman reserve unto themselves the right and authority to create Planned Group Development Overlay Districts by issuing special permits for Planned Group Developments that comply with the requirements described herein. Such special permits, however, shall be issued only after public hearing regarding the effect of the Planned Group Development upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare.

In granting special permits, the Mayor, and Board of Alderman shall give due consideration to such effect of such building, and shall stipulate such appropriate conditions and safeguards necessary to promote the public health, safety, convenience and welfare, including that public health, safety, convenience and welfare which may be promoted by lessening congestion in the public streets, by insuring adequate public utility facilities, by maintaining the character of a neighborhood, by encouraging the most appropriate use of land and by conserving property value. Such appropriate conditions and safeguards may include provisions for off-street parking, for front, side and rear yards, for screening of parking areas by fences and planting, and other such measures.

Individual uses and structures in the Planned Group Development need not comply with the specific building location, building size, lot size, and open space requirements of the underlying basic district provided their spirit and intent are complied with in the total development plan. However, the Planned Group Development shall comply with the following requirements:

1. The minimum area for residential developments shall be ten acres, for commercial developments five acres, and for industrial developments ten acres.
2. Total average density of land use shall not be higher than that permitted in the underlying basic district.
3. Total open space shall not be less than that required by the typical development of the underlying basic district.
4. Permanent retention, care, and maintenance of open space, except dedicated public open spaces, shall be guaranteed by the developer, residents, and property owners in the development.
5. Plans prepared with competent professional advice shall be submitted with the request for the creation of a Planned Group Development Overlay District, showing that the proposed development is consistent with the spirit, intent and requirements of this ordinance.
6. Construction of the development shall be begun by the developer within six months after the issue of a special permit by the Mayor and Board of Alderman. If the permitted development has not been substantially completed within two years after the issue of the special permits, the Mayor and Board of Alderman shall have the right and authority to cancel and withdraw the special permit for the Planned Group Development Overlay District.

#### **Section 11: Amendment**

The Mayor and Board of Aldermen may, from time to time, on its own motion or on petition, after public notice and hearing, amend the districts, and the regulations established therefor in accordance with the provisions of Louisiana Revised Statutes 33:4725.

All territory which may hereafter be added to the town shall automatically be classed as lying and being in the A residential district until such classification shall have been changed by an amendment as provided by law.

### **Section 12: Enforcement**

This Ordinance shall be enforced by a Code Compliance employee appointed by the Mayor. No land or structure shall be changed in use and no structure shall be erected, altered or moved until the Code Compliance for the Village of Elizabeth has issued a building permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this Ordinance. No land or structure hereafter erected, moved, or altered in its use shall be used until Code Compliance for the Village of Elizabeth has issued a certificate of occupancy stating that such land or structure is found to be in conformity with the provisions of this Ordinance. Applications for permits under the provisions of this section shall be accompanied by a plat drawn to scale showing actual dimensions of the lot to be built on; the size, shape, and location of the building to be erected; the estimated cost thereof; and such other information as may be required by Code Compliance for the Village of Elizabeth insuring proper enforcement of this Ordinance.

Any person who violates any provisions of this Ordinance, except as otherwise provided for violations relating to Non-Conforming Use Permits under Section 14, shall be subject to a penalty of Two Hundred Dollars (\$200.00) to be paid to the Village of Elizabeth or imprisoned for not more than thirty (30) days, or both. In case any building or structure is erected, constructed, reconstructed, altered or repaired in violation of this Ordinance or in violation of the plat showing the proposed lot and building to be erected thereon, Code Compliance, acting for and on behalf of the Village of Elizabeth, in addition to any other remedies, may institute appropriate action or proceedings in the name of the Village of Elizabeth to prevent and prohibit such unlawful erection, construction, reconstruction, alteration or repairs. Each day such violation continues shall constitute a separate offense.

### **Section 13: Severability**

If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the Ordinance which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this ordinance are hereby declared severable.

### **Section 14: Non-Conforming Use Permit**

All buildings, dwellings, filling stations, garage apartments, hotels, institutions, living units, lodging houses, motels, office buildings, row houses, service stations, structures, accessory buildings, tiny houses, and manufactured homes that were lawfully existing at the time of the adoption of Ordinance No. 26, 26A, 26B, 26B.1 or 26C, and that deemed as non-conforming as a result of the passage of those respective ordinances, must apply for and maintain a valid non-conforming use permit.

A non-conforming use permit may be issued by the Mayor and/or the Mayor's designee upon compliance with the following procedures:

1. Those seeking a non-conforming use permit shall complete a written application provided by the Mayor and/or the Mayor's designee, along with a \$25.00 application fee, and shall at a minimum, provide the following documentation:

- a. Certificate of Title or Registration for the manufactured home OR a notarized statement of intent to obtain a Certificate of Title in the name of the applicant which sets forth the make, model and year of the manufacture of the mobile home;
  - b. Certificate of Title OR a notarized statement of intent to obtain a Certificate of Title in the name of the applicant of the building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, and/or accessory building;
  - c. Deed, Tax Assessment or other sufficient documentation of ownership of the lot or parcel OR notarized statement of intent to obtain a Deed to said lot or parcel; and
  - d. A plat of survey or similar documentation setting forth the dimensions of the lot or parcel on which the building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, and/or manufactured home is situated.
2. In the event that a Certificate of Title or Registration or a Deed or Tax Assessment is not provided by the applicant at the time of submitting of the application, then the holder of the non-conforming use permit shall provide such documentation to the Mayor and/or the Mayor's designee within thirty (30) days of the issuance of the non-conforming use permit. Failure to do so shall render the non-conforming use permit null and void.
3. The application shall contain a certification of intent to comply with all Ordinances applicable to the setup, maintenance, and use of buildings, dwellings, filling stations, garage apartments, hotels, institutions, living units, lodging houses, motels, office buildings, row houses, service stations, structures, accessory buildings, tiny houses, and/or manufactured homes.
4. The Mayor and/or the Mayor's designee shall certify in writing compliance with the standards and procedures to the Board of Alderman. Any Alderman may object to the issuance of the non-conforming use permit by presenting such objection in writing to the Mayor within three (3) business days of receipt of the certification from the Mayor. In such event, the Mayor shall present the application for a non-conforming use permit to the Board of Alderman for approval or rejection.
5. In the absence of a timely objection as set forth in Section 14(4), the Mayor and/or the Mayor's designee shall not issue a non-conforming use permit except upon the filing of the aforementioned application and unless the following standards and conditions are found to be present:
  - a. The subject building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and/or manufactured home is clean, well maintained and in generally good condition. The use of such buildings/structures/tiny houses/manufactured homes in poor repair or in dilapidated, poorly maintained condition is prohibited. Examples of poor maintenance which would prevent permitting include, but are not limited to:

- i. Broken or cracked windows;
  - ii. Missing or damaged siding or skirting;
  - iii. Missing or damaged porch or steps;
  - iv. Damaged or rotten boards, window frames, shutters, etc.
- b. In regard to a manufactured home, the manufactured home shall utilize properly installed and well maintained skirting. Use of a manufactured home without proper skirting is strictly prohibited. Additionally, the lot or parcel upon which the manufactured home is to be placed must have dimensions of not less than 40 feet in width measured at its narrowest width and does not contain any other structure that is or may qualify for use as a residential structure.
- c. Any applicant whose application for a non-conforming use permit that is denied by the Mayor and/or the Mayor's designee pursuant to Section 14 (5)(a) shall have a right to appeal the denial directly to the Board of Alderman.

6. A non-conforming use permit issued herein shall contain the following information:

- a. The name(s) of the person(s) to whom the non-conforming use permit is issued;
- b. The municipal address and legal description of the lot or parcel subject of the non-conforming use permit;
- c. The make, model, and serial number of the manufactured home subject to the non-conforming use permit;
- d. The date of issuance of the non-conforming use permit; and
- e. The name(s) of the person(s) who shall occupy the building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and/or manufactured home subject to the non-conforming use permit

7. Unless otherwise specified in a non-conforming use permit, permits will expire after thirty-six (36) months. Prior to expiration, the owner shall apply for and obtain a renewal of said permit by resubmitting an application to the Elizabeth Town Hall. There shall be no charge for permit renewal.

8. In the event of a violation of this Section, the Mayor and/or the Mayor's designee shall provide the owner and last known resident of the building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and/or manufactured home with thirty (30) days written notice to correct the violation. If the violation is not remedied within thirty (30) days of notice, the Village of Elizabeth may remove the building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and/or manufactured home at the violator's cost and/or fine said violator in the amount of no more than \$500.00. In the event that the manufactured home is occupied

by a non-owner of the property upon which it is situated, both the owner of the property upon which the manufactured home is situated and the owner of the manufactured home will be deemed a violator.

A non-conforming use permit may not be transferred from one building, dwelling, filling station, garage apartment, hotel, institution, living unit, lodging house, motel, office building, row house, service station, structure, accessory building, tiny house, and/or manufactured home to another.

### **Section 15: Zoning Change Application Form**

1. Applicants may apply for a zoning change by filling out the zoning application request form, paying fee schedule listed in application and complying with the notice provisions set forth in subsection 3 of this section.
2. This application will then be considered by the council at a public hearing held during a council meeting and decision will be voted on by council with a 2/3 majority vote to allow the requested change to zoning. Zoning change requests may be denied by majority 2/3 vote of council. If application is approved such approval shall constitute an amendment of the zoning ordinance and such change shall take effect immediately.
3. Notice Requirements: At the outset of the public hearing to consider the application for Zoning Change, the applicant must present proof of compliance with the following notice requirements:
  - a. Posting of a sign upon the property sought to be re-zoned which reads in letters no less than **4 inches in height** the following notice:

**“NOTICE**

**APPLICATION HAS BEEN MADE TO REZONE  
THIS PROPERTY FROM \_\_\_\_\_ TO \_\_\_\_\_.**

**CALL ELIZABETH CITY HALL AT (318) 634-5100  
FOR MORE INFORMATION”**

- b. Mailing letters to all property owners within a radius of three hundred (300) feet from the boundaries of the property subject of the application notifying each such owner as follows:

**“Notice: Application has been made to rezone property located at [insert physical address of property subject of the application] from the current classification of [insert current classification] to a classification of [insert zoning classification requested in application]. A public hearing will be held to consider this application. Contact Elizabeth City Hall at (318) 634-5100 for more information.”**

This Ordinance 26D consolidates and clarifies Ordinance 26, 26A, 26B, 26B.1 and 26C.

Ordinance 26D introduced on the 13th day of October 2025 by Councilwoman Stacy Weldon.

Notice of the proposal of this Ordinance was published in the official journal on the 23rd day of October 2025.

Public Hearing on this Ordinance was held on the 10<sup>th</sup> day of November, 2025 at 6:30 P.M. at Elizabeth Town Hall, Elizabeth, Louisiana.

The above and foregoing Ordinance was read and called for a vote by the Mayor at a meeting of the Village Council called for said purpose on the 10<sup>th</sup> day of November, 2025. Motion was made by Councilmember Ken Kelly and seconded by Councilmember Stacy Weldon to adopt said ordinance.

The vote thereon: Mea Dillehay- yea      Ken Kelly- yea      Stacy Weldon- yea

Yea:3    Nays:0    Absent:0    Abstain:0

APPROVED:/S/Mandy Green, Mayor 11.13.25      ATTEST:/S/Denise Lee, LCMClerk 11.12.25