

Appendix A

**ZONING\***

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**\*Editor's note**—Printed herein is the zoning ordinance of the city, Ordinance No. 1985-1, as adopted by the town on May 20, 1985. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

**Sec. 1. Definitions.**

When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

*Accessory structure.* A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building; no living or sleeping quarters shall be permitted in accessory structures.

*Accessory use.* A use customarily incidental to the principal use of a building site or of a building and located upon the same building site with the principal use.

*Alley.* Any public space or thoroughfare 20 feet or less in width which has been dedicated or deeded for public use.

*Alteration.* Any structural change in the supporting or loadbearing members of a building, such as bearing walls, columns, beams or girders.

*Automobile wrecking or salvage yard.* Any collection or aggregation of two or more wrecked, junked, burned, salvaged or inoperative motor vehicles owned by either one person, corporation, business firm or interest.

*Boarding house.* A building where, for compensation and by prearrangement, five or more persons other than occasional or transient customers are provided with meals.

*Building.* Any covered structure intended for the shelter, housing or enclosure of persons, animals, or chattels; the term "building" shall be construed to include the term "structure."

*Building height.* The vertical distance from grade to the highest finished roof surface of a flat roof or to the average height of a pitched roof.

*Building site.* The land area occupied or to be occupied by a building and its accessory buildings and including such open spaces, yards, minimum area, off-street parking facilities and off-street truck loading facilities as are required by this ordinance [appendix]; every building site shall abut upon a street.

*Building site boundary.* Any line separating a building site from a street, an alley, another building site, or any land not part of the building site.

*Church.* A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

*Clinic, dental or medical.* A building in which one or more physicians, dentists, and allied professional assistants are engaged in carrying on their profession; the clinic may include a dental or medical laboratory but it shall not include inpatient care or operating rooms for major surgery.

*Completely enclosed structure.* A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

*Dwelling unit.* One or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.

*Dwelling, one-family.* A detached building containing one dwelling unit and used exclusively by one family. This does not include a mobile home.

*Dwelling, one-family townhouse.* A building containing two or more attached one-family dwelling units, each located on a lot of record, in separate, private ownership and often separated by party walls.

*Dwelling, two-family.* A detached building containing two dwelling units and used by two families living independently of each other.

*Dwelling, multiple-family.* A detached building containing three or more dwelling units and used by three or more families living independently of each other; the term includes apartment house.

*Family.* One or more persons, including not more than four lodgers or boarders, living together as a single housekeeping unit.

*Gross floor area.* The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site measured the same way.

*Group home.* Overnight sleeping and accommodations conducted as a family business in a dwelling unit by the resident family. The use is subject to the following limitations: (a) no sale of other goods and services; (b) not advertised as a hotel, motel, inn board house, rooming house or the like; and (c) no on-premises business conducted by persons other than the resident family.

*Home occupation.* An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling and further provided that the occupation is incidental to the residential use of the premises and does not utilize more than 25 percent of the floor area of the dwelling. Home occupations shall include, in general, personal services such as are furnished by a physician, dentist, musician, artist, cosmetician, or seamstress when performed by the person occupying the building as his or her private dwelling, and not including the employment of any additional persons in the performance of such services.

*Hotel.* A building containing guest rooms in which lodging is provided with or without meals for compensation, and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room; the term includes "motel."

*Hospital.* An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

*Inoperative motor vehicles.* A motor vehicle which is unable to travel under its own power and/or one which does not qualify for a current, valid state inspection sticker.

*Lot of record.* A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of court and Recorder of Sabine Parish, or a lot described by metes and bounds, the description of which has been recorded in the office of the clerk of court and Recorder and Sabine Parish.

*Manufactured home.* A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

*Mobile home.* A movable or portable dwelling build on a vehicular chassis, frame or undercarriage which is equipped with or capable of being equipped with axle, wheels or towing tongue and/or capable of being towed or moved from one site to another without the use of additional support such as a trailer or skids.

*Mobile home park.* A unified development of two or more mobile home sites, plots or stands, arranged on a large tract usually under single ownership, meeting the area and yard requirements of this ordinance [appendix], and designed to accommodate mobile homes for more or less permanent duration; may include travel trailer accommodations provided that no more than 25 percent of the park is used for this purpose.

*Non-conforming building site.* A building site lawfully existing on the effective date of [the ordinance from which] this ordinance [appendix is derived], and which does not conform to all of the regulations for open space, lot width, site coverage, minimum area, off-street parking and loading facilities, lighting, fencing, lot access and other building site regulations of this ordinance [appendix] for the use and district in which it is located.

*Non-conforming structure.* A building or part thereof lawfully existing on the effective date of [the ordinance from which] this ordinance [appendix is derived], and which does not conform to all of the regulations of the district in which it is located.

*Non-conforming use.* A use which lawfully occupied a building or land on the effective date of [the ordinance from which] this ordinance [appendix is derived] and which does not conform to the use regulations of the district in which it is located.

*Official map.* The map established by the town council pursuant to the provisions of Act 189 of the 1954 Legislature, showing the streets existing and established as public streets and the lines of planned new streets or street extensions, widenings, narrowings or vacations.

*Permitted structure.* A structure meeting all the requirements established by this ordinance [appendix] for the district in which the structure is located.

*Roominghouse.* A building, other than a hotel, where the compensation and by prearrangement, five or more persons, other than occasional or transient customers, are provided with lodging.

*Street.* A public right-of-way which provides vehicular and pedestrian access to adjacent properties.

*Street line.* The line of boundary separating the public right-of-way from the land or property adjoining.

*Structure.* Anything constructed or erected which requires location on the ground or attached to something having a location on the ground; provided, however, that utility poles and fences and walls (other than building walls) shall not be considered to be structures.

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

*Travel trailer park.* Any premises designed primarily for transient occupancy on which one or more pickup coaches or travel trailers are parked or situated and used for the purpose of supplying to the public a parking space for one or more such coaches or trailers.

*Yard, front.* An open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the street line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the street line.

*Yard, rear.* An open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the rear line of the building site and the rear line of the building projected to the side lines of the building site. The depth of the rear yard shall be measured between the rear line of the building site and the rear line of the building.

*Yard, side.* An open, unoccupied space on the same building site with a main building, situated between the side line of the building and the adjacent side line of the building site and extending from the rear line of the front yard to the front line of the rear yard; if no front yard is provided, the front boundary of the side yard shall be the front line of the building site, and if no rear yard is provided, the rear boundary of the side yard shall be the rear line of the building site.

(Ord. No. 1988-2, § 1, 3-8-1988)

## **Sec. II. District regulations.**

### *A. General provisions.*

1. *Creation of districts.* For the purpose of this ordinance [appendix] the land area lying within the Many Corporate Limits is divided into the following districts:

R-1 Districts: Single-Family Residence Districts

R-2 Districts: Multi-Family Residence Districts

R-3 Districts: Residence-Mobile Home Park Districts

B-1 Districts: Buffer Business Districts

B-2 Districts: Neighborhood Business Districts

B-3 Districts: Community and Central Business Districts

I-1 Districts: Light Industry Districts

I-2 Districts: Heavy Industry Districts

O-R District: Open Space and Recreation District

Historic Districts and Landmark Structures

2. *Zoning map.* The zoning districts and the boundaries thereof as shown on the attached Zoning Map of Many are hereby made part of this ordinance [appendix].
3. *District boundaries.* Except where specifically shown by dimension or otherwise on the zoning map, the boundaries of districts are lot lines or other property lines, the centerlines of streets or alleys or such lines extended, railway right-of-way lines, natural boundary lines such as water courses, and the municipal corporate limit lines as they may exist from time to time. Questions concerning the exact location of any district boundary shall be decided by the zoning commission.
4. *Annexed territory.* When by reason of the annexation of territory to the Town of Many the unincorporated areas contiguous to the corporate limits are correspondingly changed, the zoning commission may amend the zoning map for all or any part of the area involved.
5. *Application of regulations.* Except as hereinafter provided:
  - a. No land shall be used or occupied, no structure shall be designed, erected, altered, used, or occupied, and no use shall be operated unless in conformity with the regulations herein prescribed for the district in which such structure or land is located;
  - b. No structure shall be designed, erected, altered, used, or occupied to exceed the height limits herein established, to have less building site area, or to have narrower or smaller front, side, and rear yards than herein prescribed for the district in which the structure is located;
  - c. No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this ordinance [appendix] shall be included as a part of the yard or other open space similarly required for another structure;
  - d. No building site shall be so reduced or diminished that the building site area, yards or other open spaces shall be smaller than prescribed by this ordinance [appendix];
  - e. Every structure, other than an accessory structure, hereafter designed, erected, altered, used, or occupied shall have provided and continuously maintained for it a separate building site as herein defined;
  - f. Every use, unless expressly exempted by this ordinance [appendix] shall be operated entirely within a completely enclosed structure.

B. *Residential districts.*

1. *R-1 Districts: Single-Family Residence Districts.* These districts are composed mainly of areas containing single-family dwellings and open areas where similar residential development seems likely to occur; few two-family and multiple-family dwellings are found in these areas. The district regulations are designed to protect the residential character of the areas by prohibiting

all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

a. *Permitted uses.* In R-1 Districts only the following uses are permitted:

- (1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified in this ordinance [appendix]:

Accessory use

Dwelling, single-family

Farming and truck gardening; need not be enclosed within structure

Group home

Home occupation

Name plate, not exceeding one square foot in area; need not be enclosed within structure

Park or playground (public) including recreation center; need not be enclosed within structure

- (2) *Uses requiring zoning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Fire station

Golf course, but not including commercial miniature course or commercial driving range; need not be enclosed within structure

Library (public)

Manufactured home, when used as a residence

Mobile home, when used as a residence

Pipe line or electric transmission line

Railroad right-of-way, but not including shops, yards, and team tracks; need not be enclosed within structure

Water storage; need not be enclosed within structure

Water or sewage pumping station

- (3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring zoning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of zoning adjustment in accordance with the provisions of section VII governing special exceptions:

Art gallery or museum

- Cemetery; need not be enclosed within structure
- Church, including parish house, community house, and educational buildings
- Correctional, detention, or penal institution
- Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons
- Hospital or sanitarium
- School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the State of Louisiana
- Telephone exchange, but not including administrative offices, shops, or garages
- University or college (nonprofit)

b. *Building site area.* Except as provided in section III, the minimum building site area shall be:

For a single-family dwelling	7,500 sq. ft.
For any other permitted use	10,000 sq. ft.

c. *Building height limit.* Except as provided in section III, no structure shall be designed, erected, or altered to exceed 30 feet above existing grade at point of measurement.

d. *Yards required.* Except as provided in section III, the minimum dimensions of yards shall be:

Front yard	30 ft.
Side yard	10 ft.
Rear yard	25 ft.

e. *Special conditions for manufactured homes and mobile homes.* The placement of manufactured homes and mobile homes as uses requiring zoning approval in the R-1 District shall be subject to the following special conditions/regulations:

- (1) *Permanent installations.* The zoning commission may grant authority for the permanent installation of a manufactured home or mobile home for single-family residences in any zoning district in which such residences are permitted, provided that:
  - a. The structure is attached to and installed on a permanent foundation and the provisions of R.S. 9:1149.4 are complied with.
  - b. The structure is compatible, as defined herein, to surrounding site-built housing on both sides of the street or road within 300 feet and all abutting property.
- (2) *Compatibility.* Compatibility as defined herein shall mean that the manufactured home or mobile home shall have the same, similar or better exterior finish as the exterior finish of the average characteristics of the existing housing in the area where the manufactured home or mobile home is to be placed. Furthermore, the exterior materials shall be compatible with the surrounding housing within 300 feet on both sides of the street, road or highway and all abutting property.



- (3) *Minimum dimensions.* The manufactured home or mobile home to be placed on the property in question shall have a minimum floor area of 720 square feet.
- (4) *Notification and response.* The applicant proposing to place a manufactured home or mobile home on property within the Town of Many shall obtain the names and addresses of all property owners on both sides of the street, road or highway, within 300 feet of said property. Should the property be situated on a corner or intersection of two or more streets, roads or highways, then in this event, the said applicant shall obtain the names and addresses of 100 percent of the property owners, on both sides of said streets, roads or highways, within a radius of 300 feet thereof. The applicant shall prepare a list of the names and addresses and submit said list with the application to the zoning commission for zoning approval.
- (5) *Fee for applications.* A fee of [in an amount specified in the town fee schedule] shall be paid to the zoning commission at the time the application is made to the zoning commission for zoning approval.
- (6) Manufactured homes and mobile homes will only be approved, in addition to the foregoing, for occupancy as set forth in 1.a.(1) and (2) herein by the owner; no approval shall be made for manufactured homes and/or mobile homes used for rental or lease property.

(Ord. No. 1988-2, § 2, 3-8-1988; O. d. No. 1989-3, § 2, 6-13-1989; Ord. No. 1 of 2018, 3-20-2018)

**Editor's note**—Ord. No. 1989-3, § 2, adopted June 13, 1989, provided for amendment of the zoning ordinance, but did not specify the manner of inclusion; hence codification as Sec. II B.1.c.(5) was at the discretion of the editor.

- 2. *R-2 Districts: Multi-Family Residence Districts.* These districts are composed mainly of area containing a mixture of single-family and multi-family dwellings. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; to prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; and to avoid excessive population density by requiring a certain minimum building site area for each dwelling unit.

a. *Permitted uses.* In R-2 Districts only the following uses are permitted:

- (1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified in this ordinance [appendix]:

All uses by right permitted in R-1 Districts

Dwelling, multi-family

Dwelling, one- or multi-family townhouse

- (2) *Uses requiring zoning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

All uses requiring zoning approval permitted in R-1 Districts

Manufactured home, when used as a residence

Mobile home, when used as a residence

- (3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring zoning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of zoning adjustment in accordance with the provisions of section VII governing special exceptions:

All special exception uses permitted in R-1 Districts

Nursery, day care, or kindergarten

- b. *Building site area.* Except as provided in section III the minimum building site area shall be:

For a one-family dwelling	6,000 sq. ft.
For a two-family dwelling	8,000 sq. ft.
For a multifamily dwelling	
First two dwelling units	8,000 sq. ft.
Each additional dwelling unit	2,000 sq. ft.
For any other permitted use	10,000 sq. ft.

- c. *Building height limit.* Except as provided in section III no structure shall be designed, erected, or altered to exceed 45 feet above existing grade at point of measurement.

- d. *Yards required.* Except as provided in section III the minimum dimensions of yards shall be:

Front yard	30 ft.
Side yard singles and duplexes; 15 ft. for apartments	5 ft.
Rear yard	25 ft.

- e. *Special conditions for manufactured homes and mobile homes.* The placement of manufactured homes and mobile homes as uses requiring zoning approval in the R-2 District shall be subject to the following special conditions/regulations:

- (1) *Permanent installations.* The zoning commission may grant authority for the permanent installation of a manufactured home or mobile home for single-family residences in any zoning district in which such residences are permitted, provided that:
- a. The structure is attached to and installed on a permanent foundation and the provisions of R.S. 9:1149.4 are complied with.
  - b. The structure is compatible, as defined herein, to surrounding site-built housing on both sides of the street or road within 300 feet and all abutting property.
- (2) *Compatibility.* Compatibility as defined herein shall mean that the manufactured home or mobile home shall have the same, similar or better exterior finish as the exterior finish of the average characteristics of the existing housing in the area where

the manufactured home or mobile home is to be placed. Furthermore, the exterior materials shall be compatible with the surrounding housing within 300 feet on both sides of the street, road or highway and all abutting property.

- (3) *Minimum dimensions.* The manufactured home or mobile home to be placed on the property in question shall have a minimum floor area of 720 square feet.
- (4) *Notification and response.* The applicant proposing to place a manufactured home or mobile home on property within the Town of Many shall obtain the names and addresses of all property owners on both sides of the street, road or highway, 300 feet of said property. Should the property be situated on a corner or intersection of two or more streets, roads or highways, then in this event, the said applicant shall obtain the names and addresses of 100 percent of the property owners, on both sides of said streets, roads or highways, within a radius of 300 feet thereof. The applicant shall prepare a list of the names and addresses and submit said list with the application to the zoning commission for zoning approval.

(Ord. No. 1988-2, § 2, 3-8-1988)

- 3. *R-3 Districts: Residence-Mobile Home Park Districts.* These districts are composed mainly of areas containing mobile home sites arranged on a large tract, usually under single ownership and designed to accommodate mobile homes for more or less permanent duration along with other uses compatible to such parks which provide related services. Such areas shall be well suited for residential purposes, with commercial and office uses to be prohibited, to encourage a suitable living environment for family life by including among the permitted uses such facilities as schools and churches, and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

a. *Permitted uses.* In the R-3 Districts only the following uses are permitted:

- (1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified in this ordinance [appendix]:

Accessory use

Mobile home and mobile home parks

Name plate, not exceeding one square foot in area, need not be enclosed within structure

Park or playground (public), including recreation center, need not be enclosed within structure

- (2) *Uses requiring zoning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Fire station

Golf course, but not including commercial miniature course or commercial driving range, need not be enclosed within structure

Library (public)

Pipeline or electric transmission line, need not be enclosed within structure

Railroad right-of-way, but not including shops, yards, and team tracks; need not be enclosed within structure

Water storage; need not be enclosed within structure

Water or sewerage pumping station

- (3) *Special exception uses.* The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of zoning adjustment in accordance with the provisions of section VII governing special exceptions:

Art gallery or museum

Church, including parish house, community house, and educational buildings

Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons

Nursery, day care or kindergarten

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the State of Louisiana

Telephone exchange, but not including administrative offices, shops or garages

- b. *Building site area.* Except as provided in section III the minimum building site area shall be:

For a mobile home—10,000 square feet for any unit located on an individual lot, as defined in the subdivision regulations of the Town of Many, Louisiana dated June, 1981.

For a mobile home—Ten acres; except that a mobile home park may be approved for less than ten acres provided that a minimum 5,000 sq. ft. building site shall be required for each mobile home unit for mobile home parks of less than three acres.

For mobile home parks on sites of ten acres or more, a maximum density of nine units per acre will be permitted.

For all other permitted uses—10,000 sq. ft.

- c. *Building height limit.* Except as provided in section III no structure shall be erected or altered to exceed 35 feet above existing grade at point of measurement.

- d. *Yards required.* Except as provided in section III the minimum dimensions of yards shall be:

For a mobile home:

Front yard	30 ft.
Side yard	10 ft.
Rear yard	25 ft.

or the mobile home park external boundaries:

Front yard	30 ft.
Side yard	25 ft.*
Rear yard	25 ft.*
*Except that where the rear of all trailers along any side or rear yard back to that yard and have no entrances to the rear of the trailer the side and rear yard may be reduced to 10 ft.	

For each mobile home unit or necessary structure within a mobile home park:

Front yard	From dedicated internal street, 20 ft.; from private driveway designed or used for access, 10 ft.
Side yard	10 ft. or a minimum of 20 ft. between each unit
Rear yard	10 ft. if either unit contains rear door and 5 ft. if neither unit contains a rear door; in each case the total distance of 20 ft. or 10 ft. may be applied

*Special conditions.*

1. Sanitation, fire protection and utility services shall be provided to each building site in accordance with the requirements of Many and Louisiana State Health Departments.
2. A plan of ingress and egress to the property shall be approved by the zoning commission, town and/or parish engineer.
3. There shall be provided on the park property adequate drainage and utility easements approved by the town or parish engineer.
4. Streets shall have a minimum right-of-way of 50 feet. Construction shall consist of concrete, asphaltic concrete, asphalt or penetration asphalt and maintained in good condition.
5. There shall be constructed and properly maintained proper screening fence between park and adjoining residences. As a minimum, fence may be chain link with slats, redwood or cedar, or masonry not less than six feet in height.

*Existing mobile home parks.* Mobile home parks in existence before the adoption of this zoning district amendment will be considered non-conforming and governed by the restrictions of section VI governing nonconforming uses and structures. Any extensions of existing mobile home parks shall comply with the R-3 District requirements.

*C. Business districts.*

1. *B-1 Districts: Buffer Business Districts.* These districts are composed of land and structures occupied by or suitable for such uses as offices, studios, and public parking lots. Although usually located between residential areas and business areas, these districts are in some instances freestanding in residential areas or they may include hospital or college groups and related uses. The district regulations are designed to protect and encourage the transitional character of the district by limiting the permitted uses to those of a semi-commercial nature and to protect the

abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residence districts.

a. *Permitted Uses.* In the B-1 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified in this ordinance [appendix]:

Accessory use

Antique store

Apartments

Apothecary (limited to the sale of pharmaceuticals and medical supplies)

Art gallery or museum

Bed & breakfast establishment

Bookstore

Cell phone towers

Church, including parish house, community house, and educational buildings

Ceramic shop, sales only

Clinic, dental or medical

Condominiums

Distribution service (circulars, samples, etc.)

Dwelling, single or multi-family

Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons

Floral shop (not including greenhouse)

Gift shop

Interior decorating shop

Library or reading room

Loan or finance office, no repossessed or acquired items or automobiles stored on premises

Name plate, not exceeding one square foot in area; need not be enclosed within structure

Nursery, day care, or kindergarten

Office

Outdoor general advertising structure; need not be enclosed within structure

Park or playground (public), including recreation center; need not be enclosed within structure

Parking lot

Pipeline or electric transmission line right-of-way

Radio and television broadcasting studio, but not including transmitter

Railroad right-of-way but not including shops, yards, and team tracks; need not be enclosed within structure

Real estate

Roominghouse or boardinghouse

Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, but not including commercial gymnasium

Telephone exchange, but not including administrative offices, shops, or garages

Water storage; need not be enclosed within structure

Water or sewage pumping station

(2) *Uses requiring zoning approval.* None.

(3) *Special exception uses.* None.

- b. *Building site area.* Same as R-2 for multi-family dwellings; none for commercial uses.
- c. *Building height limit.* Except as provided in section III no structure shall be designed, erected, or altered to exceed 35 feet above existing grade at point of measurement.
- d. *Yards required.* Except as provided in section III the minimum dimensions of yards shall be:

Front yard	30 ft.
Side yard	5 ft.
Rear yard	25 ft.

(Ord. No. 4 of 2006, 10-10-2006; Ord. No. 11 of 2014, 7-15-2014; Ord. No. 14 of 2015, 10-20-2015)

2. *B-2 Districts: Neighborhood Business Districts.* These districts are composed of land and structures occupied by or suitable for furnishing the retail goods, such as groceries and drugs, and the services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Often located on one or more thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residence districts. It is intended that additional neighborhood business districts will be created, in accordance with the amendment procedure set forth herein, as they are needed to serve new residential areas.

a. *Permitted uses.* In B-2 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified in this ordinance [appendix]:

Accessory use

Antique store

Apothecary

Apparel and accessory store, including altering and repairing

Appliance store

Art gallery or museum

Artificial limb, manufacture and sales

Automobile service station, where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories, and where services are limited to installation of items sold, washing, polishing, and greasing; fuel pumps need not be enclosed within the structure; pump islands shall be located at least 15 feet from the property line; canopies shall have a minimum height to ten feet above driveway

Auto parts store

Bakery, retail

Bank

Barber shop or beauty shop

Book store

Business machines store or agency

Camera and photographic supplies store

Candy, nut and confectionery store

Carpet store

Catering shop

Cell phone towers

Ceramic shop, sales only

Church, including parish house, community house and education buildings

Clinic, dental or medical

Club or lodge, private or public, including lounge or bar

Convalescent home

Dairy products sales

Delicatessen

Drug store

Dry cleaning plant, with non-inflammable cleaning agents, no outside steam

Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons

Exterminator service

Fire station

Fix-it shop

Floral shop, including greenhouse

Fruit shop



Funeral home  
Garden supplies store, handling packaged fertilizer and no other types of fertilizer  
Gift shop  
Grocery store, retail  
Hardware store, retail  
Hobby supply store  
Hospital/sanitarium  
Hotel/motel  
Institution for children or the aged  
Interior decoration shop  
Jewelry store, including repairing of jewelry, watches and clocks  
Landscape garden sales, need not be enclosed within structure  
Laundry, self-service or commercial  
Laundry, and/or dry cleaning pick-up station  
Library or reading room  
Loan or finance office, no repossessed or acquired items or automobiles stores on premises  
Lumber sales  
Nursery, day care, or kindergarten  
Nursing home  
Office  
Optician  
Outdoor general advertising structure; need not be enclosed within structure  
Package liquor store  
Parking lot  
Pipeline or electric transmission line right-of-way  
Post office  
Radio and television store and repair shop  
Radio and/or television broadcasting studio, but not including transmitter  
Railroad right-of-way, but not including shops, yards, and team tracks; need not be enclosed within structure  
Rent-all store  
Restaurant  
Restaurant, drive-in  
Shoe store, retail  
Sporting goods store, retail; excluding repair and testing of motors and outdoor boat display

Studio for professional work on teaching of any form of the fine arts, photography, music, drama, dance, but not including commercial gymnasium

Telephone exchange, but not including administrative offices, shops, or garages

Theater, indoor

Toy store

Uniform sales and service, cleaning only with non-flammable cleaning agents, no outside steam

Variety store (limited to the sale of items which may be sold by any other use in this district)

Water storage; need not be enclosed within structure

Water or sewage pumping station

Wig shop, retail

YMCA, YWCA, and similar institutions

(2) *Uses requiring zoning approval.* None.

(3) *Special exception uses.* None.

- b. *Building site area.* There is no minimum required building site area.
- c. *Building height limit.* Except as provided in section III, no structure shall be designed, erected, or altered to exceed 35 feet above existing grade at point of measurement.
- d. *Yards required.* Except as provided in section III, the minimum dimensions of yards shall be:

Front yard	30 ft.
Side yard	5 ft.
Rear yard	25 ft.

(Ord. No. 1989-6, § 1, 11-14-1989; Ord. No. 4 of 2006, 10-10-2006; Ord. No. 14 of 2015, 10-20-2015)

- 3. *B-3 Districts: Community and Central Business Districts.* These districts are composed of land and structures used to furnish, in addition to the retail goods and services found in neighborhood business districts, the wider range of retail goods and services to satisfy all of the household and personal needs of the residents of the town and its trade area. Located at or near the convergence of principal thoroughfare and highways these districts are centrally placed for the convenience of all of the people of the town. The district regulations are designed to permit the development of the districts for their purpose in an open, spacious arrangement by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residence districts. To protect the abutting and surrounding residential areas certain

restrictions are placed on uses. Although new districts of this type will not often be called for, such district can be created in accordance with the amendment procedure set forth herein, if they are needed.

a. *Permitted uses.* In the B-3 Districts only the following uses are permitted:

- (1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified in this ordinance [appendix]:

Accessory use

Air conditioning sales and service

Ambulance service

Amusement, commercial; miniature golf course and golf driving range, need not be enclosed within structure

Animal clinic, no outside kennels

Antique store

Apothecary

Apparel and accessory store

Appliance store

Armory

Art gallery or museum

Artificial limb manufacture and/or sales

Auditorium and convention hall

Automobile and truck sales and/or repair, but not including, commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the un-enclosed part shall comply with the requirements for the maintenance of off-street parking facilities, except the prohibition of sales

Automobile and truck maintenance shops and garages

Automobile service station and/or repair where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories, washing, polishing and greasing; fuel pumps need not be enclosed within structure; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the side property line; canopies shall have a minimum height of ten feet above driveway; not including commercial wrecking, dismantling, or auto salvage yard

Automobile laundry/car wash, where the primary function is washing automobiles, but not including trucks or trailers; and the retail sale of accessories is a secondary use only and must be operated within an enclosed structure. All wastes shall be discharged in compliance with town ordinances

Automobile storage, commercial; need not be enclosed within structure

Auto parts store

Bait store, sales; (live bait); need not be enclosed within structure

## ZONING

§ II

Bakery, retail or wholesale  
Bank  
Barber and/or beauty shop  
Beverage manufacture  
Bicycle and/or lawn mower sales and repair  
Binder, book binding  
Boat sales and repair, storage yard need not be enclosed within structure  
Blueprinting and photostating  
Book store  
Bowling alley  
Brooms and brushes manufacture  
Building specialties store  
Business college  
Business machines store or agency  
Cabinet or carpenter shop  
Camera and photographic supplies store  
Candy, nut and confectionary store  
Canvas products manufacture  
Carpet store  
Cell phone towers  
Ceramic shop, sales, equipment and supplies and manufacture  
Church, including parish house, community house, and educational buildings  
City hall, police station, courthouse or federal building  
Clinic, dental or medical  
Club or lodge, private or public, including lounge or bar  
Coffee roasting  
Convalescent home  
Copy service, reproduction, printing, etc.  
Correctional, detention or penal institution  
Cosmetics (compounding only)  
Creamery  
Dairy equipment sales  
Dairy products sales  
Delicatessen  
Dental lab and supply  
Department store (limited to the sale of items which may be sold by any other use permitted in this district)  
Drug store

Drug compounding and manufacturing  
Dry cleaning plant, with non-inflammable cleaning agents only  
Dry goods store, retail or wholesale  
Electric repair shop  
Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons  
Elevator maintenance and service  
Exterminator service  
Farm equipment and supplies store  
Feed store  
Fire station  
Fix-it shop  
Fixture sales  
Floor covering sales  
Floral shop, including greenhouse  
Food locker plant, renting only individual lockers for home customer storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof  
Food products, wholesale storage and sales  
Fruit store, retail  
Fruit and produce, wholesale  
Funeral home, mortuary or undertaking establishment  
Fur dyeing, finishing, storage; no tanning  
Furniture repair and upholstery  
Furniture store, retail or wholesale  
Garden supplies store, handling packaged fertilizer and no other types of fertilizer  
Gift shop  
Glass store  
Golf driving range and miniature golf; need not be enclosed within structure  
Greenhouse, commercial  
Grocery store, retail  
Gymnasium, commercial  
Hardware store, retail  
Hardware, wholesale storage and sales  
Hatchery  
Health club  
Hobby supply store

Hospital/sanitarium  
Hotel/motel  
Ice cream manufacture  
Ice cream store  
Institution for children or the aged  
Interior decorating shop  
Janitorial service  
Jewelry store, including repairing of jewelry, watches and clocks  
Kennels, no outside kennels  
Laboratory  
Landscape garden sales; need not be enclosed within structure  
Laundry, self-service or laundreria  
Laundry, and/or dry cleaning, with non-inflammable cleaning agents only  
Leather goods or luggage store  
Library or reading room  
Loan office  
Locksmith  
Machinery, tools, and construction equipment; sales and service  
Mail order house  
Marine store  
Millinery manufacture  
Miniature golf course; need not be enclosed within structure  
Mobile home sales  
Motorcycle sales and service  
Moving and storage warehouse  
Music store  
News stand  
Novelty and souvenir manufacture  
Nursery, day care, or kindergarten  
Nursery, landscape garden sales; need not be enclosed within structure  
Nursing home  
Office  
Office equipment and supplies, sales  
Optical goods, wholesale  
Optician  
Outboard motors, sales and repairs  
Outdoor general advertising structure; need not be enclosed within structure  
Package liquor store

Paint and wallpaper store  
Painting and decorating contractor  
Paper supplies, wholesale  
Parking lot  
Passenger depot, railway or bus  
Pawn shop  
Pet store  
Photographic studio and/or processing  
Picture framing and/or mirror silvering  
Pipeline or electric transmission line right-of-way  
Plumbing shop  
Police station  
Post office  
Pressing, altering and repairing or wearing apparel  
Printing, publishing and allied industries  
Radio and television broadcasting, studio and transmitter  
Radio and television store and repair shop  
Railroad facilities, except shops; need not be enclosed within structure  
Recreational vehicles, sales and service  
Recreation center, commercial  
Rent-all store  
Restaurant  
Restaurant, drive-in  
Restaurant supplies sales  
Riding academy; need not be enclosed within structure  
Roominghouse and boardinghouse  
Rug cleaning  
Seafood store, retail  
Seed store  
Shoe repair shop  
Shoe store, retail  
Shoe store, wholesale  
Sign shop  
Skating rinks  
Small animal clinic; no outside kennels  
Sporting goods store, retail  
Sporting goods store, wholesale

Studio for professional work on teaching of any form of fine arts, photography, music, drama, and dance

Surgical, medical or dental supplies store

Tailor shop

Taxidermy shop

Telephone exchange, but not including shops and garage

Theater, indoor

Tile shop

Tire store

Tobacco store

Toy store

Travel trailer

Travel trailer park

Trailer sales

Uniform sales, and service cleaning only with non-flammable cleaning agents

Variety store

Vegetable store

Vending machine shop

Venetian blind and metal awning, fabrication and cleaning

Warehousing

Water distillation

Water storage; need not be enclosed within structure

Water or sewage pumping station

Wholesaling and warehousing, includes bulk gasoline and oil storage and sales

Wig shop, retail

YMCA, YWCA, and similar institutions

- (2) *Uses requiring zoning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal fire and police protection, and other public facilities, as not, causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which it is located:

Theater, outdoor; need not be enclosed within structure

Stone monument sales

- (3) *Special exception uses.* None.

- b. *Building site area.* There is no minimum required building site area.
- c. *Building height limit.* Except as provided in section III, no structure shall be designed, erected, or altered to exceed 45 feet above existing grade at point of measurement.



d. *Yards required.* There are no minimum required building yards.  
(Ord. No. 6 of 2009, 10-13-2009)

D. *Industry districts.*

1. *I-1 Districts: Light Industry Districts.* These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts.

a. *Permitted uses.* In the I-1 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified:

Accessory use

Air conditioning sales and service

Airport; need not be enclosed within structure

Airport and dusting service; need not be enclosed within structure

Animal hospital or clinic; with outside kennels

Armory

Automobile and truck maintenance, shops and garages

Automobile and truck sales and/or repair, but not including, commercial wrecking, dismantling, or auto salvage yard; including steam cleaning; need not be enclosed provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities except the prohibition of sales

Automobile storage (commercial); need not be enclosed within structure

Automobile and truck body repair

Aviary; need not be enclosed within structure

Awning fabrication and cleaning

Bakery, wholesale

Barber and beauty supplies and equipment sales

Battery manufacture

Beverage manufacture (not including alcoholic)

Boat manufacture

Boat sales and repair

Brooms and brushes manufacture

Burial vaults manufacture

Canvas products manufacture

Carnival or circus; as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three days and renewal for not more than three such periods; need not be enclosed within structure

Carting, express, crating, hauling and storage

Casket manufacture

Cell phone towers

Clothing manufacture

Coffee roasting

Cold storage plant

Commercial recreation center

Concrete and concrete products manufacture; need not be enclosed within structure

Contractors storage yard for vehicles, equipment, materials, and/or supplies; need not be enclosed within structure

Cosmetic (compounding only)

Creamery

Dairy equipment sales

Dog pound; need not be enclosed within structure

Drug manufacture

Dry cleaning

Dry goods, wholesale

Electric repair shop

Electric substation; need not be enclosed within structure

Electronic and communication equipment manufacture

Electroplating

Elevator maintenance and service and manufacture and sales

Farm equipment and supplies sales

Farming and truck gardening; need not be enclosed within structure

Feed store

Fiber glass fabricators

Fire station

Fixture sales

Food locker plant, renting only individual locks for home customer storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof

Food products manufacture

Food products, wholesale storage and sales

Foundry

Freight depot; railway, truck or bus

Frozen food plant  
Fruit and produce, wholesale  
Glass products manufacture (from glass stock)  
Greenhouse, commercial  
Hardware, wholesale storage and sales  
Hardware manufacture  
Hatchery  
Hosiery mill  
Ice cream manufacture  
Ice manufacture  
Janitorial service  
Kennels, boarding  
Laboratory  
Laundry, linen supply, or diaper service  
Lumber yard and building materials; need not be enclosed within structure  
Machine shop  
Machinery, tools, and construction equipment, sales and service  
Mail order house  
Mattress manufacture and rebuilding  
Metal products fabrication  
Metal sharpening  
Millinery manufacture  
Millwork and similar wood products manufacture  
Mobile home manufacture  
Moving and storage warehouse  
Novelty and souvenir manufacture  
Nursery, landscape garden sales; need not be enclosed within structure  
Office  
Office equipment and supplies manufacture  
Oil well supplies and machinery; need not be enclosed within structure  
Optical goods wholesale  
Outdoor general advertising structure; need not be enclosed within structure  
Packing and gasket manufacture  
Painting and decorating contractor  
Paper products manufacture  
Paper supplies, wholesale  
Parking lot  
Passenger depot; railway or bus

Pipe storage; need be enclosed within structure  
Pipeline or electric transmission line right-of-way  
Pipeline compressor station  
Playground equipment manufacture  
Plumbing shop  
Plumbing supplies, wholesale  
Pistol or rifle range, indoor  
Poultry (live) storage and/or dressing  
Printing, publishing, and allied industries  
Railroad facilities, except shops; need not be enclosed within structure  
Recreation center, commercial  
Restaurant supplies sales  
Revival church (temporary); as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewal for not more than three such periods.  
Riding academy, need not be enclosed within structure  
Roofing and sheet metal shop  
Rug cleaning  
Sand and gravel storage yard; need not be enclosed within structure  
Seafood store, retail and wholesale  
Seed store  
Shoe store, wholesale  
Shoe manufacture  
Sign shop  
Sporting goods store, wholesale  
Taxidermy  
Telephone exchange, including shops and garages  
Toy manufacture  
Trailer manufacture  
Trailer sales; need not be enclosed within structure  
Transit vehicle storage and servicing; need not be enclosed within structure  
Trade school  
Vending machine shop  
Venetian blind and metal awning fabrication and cleaning  
Vo-tech school  
Vulcanizing shop  
Water distillation  
Water or sewage pumping station

- Water storage; need not be enclosed within structure
- Welding shop
- Well drilling company
- Wholesaling and warehousing, includes bulk gasoline and oil storage and sales
- Wig manufacture
- X-ray apparatus and supplies

(2) *Uses requiring zoning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities as not causing undue traffic congestion or creating a traffic hazard, and as being the orderly and appropriate development of the district in which the use is located:

- Theater outdoor; need not be enclosed within structure

(3) *Special exception uses.* None.

- b. *Building site area.* The minimum site area shall be 10,000 square feet. Building coverage shall not exceed 50 percent of the building site area.
- c. *Building height limit.* Except as provided in section III, no structure shall be designed, erected, or altered or exceed 45 feet above existing grade at point of measurement.
- d. *Yards required.* Except as provided in section III, the minimum dimensions of yards shall be:

Front yard	30 ft.
Side yard	None
Rear yard	None

(Ord. No. 6 of 2009, 10-13-2009)

2. *I-2 Districts: Heavy Industry Districts.* These districts are composed of land and structures used for heavy manufacturing and related activities or suitable for such uses. Located for convenient access from existing and future arterial thoroughfares and railway lines, these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the district for almost any industrial use, subject to the minimum regulations necessary for the mutual protection of the uses.

a. *Permitted uses.* In the I-2 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified in this ordinance [appendix]:

- Abrasives manufacture
- Accessory use
- Acetylene gas manufacture and/or storage

Air products manufacture  
Airport; need not be enclosed within structure  
Airport and dusting service; need not be enclosed within structure  
Alcohol distillation and/or storage  
Ammonia, bleaching powder, and chlorine manufacture  
Animal hospital or clinic; with outside kennels  
Armory  
Asbestos products manufacture  
Asphalt products manufacture  
Automobile manufacture  
Automobile storage (commercial); need not be enclosed within structure  
Automobile and truck body manufacture  
Automobile and truck body repair  
Automobile and truck maintenance shops and garages, but not including commercial wrecking, dismantling or auto salvage yard  
Aviary; need not be enclosed within structure  
Battery manufacture  
Beverage manufacture  
Boat manufacture  
Boiler or tank works  
Brewery  
Burial vaults manufacture  
Canvas products manufacture  
Carnival or circus; as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three days and renewal for not more than three such periods; need not be enclosed within structure  
Carting, express, crating, hauling and storage  
Casket manufacture  
Caustic soda manufacture  
Celluloid manufacture  
Chemicals, (heavy or industrial) manufacture and/or processing  
Clothing manufacture  
Coffee roasting  
Cold storage plant  
Concrete and concrete products manufacture; need not be enclosed within structure  
Contractors storage yard for vehicles, equipment, materials and/or supplies  
Cotton compress  
Cotton ginning and baling

Diesel engine repair  
Dog pound; need not be enclosed within structure  
Drug manufacture  
Dyestuff manufacture  
Electric power generating plant  
Electric substation; need not be enclosed within structure  
Electroplating  
Farming and truck gardening; need not be enclosed within structure  
Felt manufacture  
Fiber glass fabricators  
Fire station  
Food products manufacture  
Food products, wholesale storage and sales  
Foundry  
Freight depot, railway, truck or bus  
Frozen food plant  
Fungicides manufacture  
Glass manufacture  
Glass products manufacture (from glass stock)  
Grain drying or feed manufacture from refuse, mash, or grain  
Grain milling, storage and elevators  
Graphite manufacture  
Hair products manufacture or processing  
Hardware manufacture  
Hosiery mill  
Ice manufacture  
Incinerator  
Insulation manufacture or fabrication  
Kennels, boarding  
Laboratory  
Linoleum manufacture  
Lumber yard and building materials; need not be enclosed within structure  
Machine shop  
Metal products fabrication  
Millwork and similar wood products manufacture  
Mobile home manufacture  
Office  
Office equipment and supplies manufacture

Oil well supplies and machinery; need not be enclosed within structure  
Oils and fats (animal and vegetable) manufacture  
Outdoor general advertising structure; need not be enclosed within structure  
Packing and gasket manufacture  
Paints, pigments, enamels, Japans, lacquers, putty, varnishes, whiting, and wood filler, manufacture or fabrication  
Paper products manufacture  
Paper, pulp, cellulose, and rayon manufacture  
Parking lot  
Pipe storage; need not be enclosed within structure  
Pipeline or electric transmission line right-of-way, need not be enclosed within structure  
Pipeline compressor station  
Plastics manufacture  
Potash works  
Poultry (live) storage and/or dressing  
Railroad facilities; need not be enclosed within structure  
Revival church (temporary); as a temporary use on permit issued by the zoning administrator such permit to be good for a period not exceeding one week and renewal for not more than three such periods  
Riding academy; need not be enclosed within structure  
Rock crusher; need not be enclosed within structure  
Roofing and sheet metal shop  
Sand and gravel storage yard; need not be enclosed within structure  
Saw mill or planing mill  
Sewage disposal plant  
Shoe manufacture  
Shoe polish or stove polish manufacture  
Soda and washing compound manufacture  
Stone cutting  
Sugars and starches manufacture  
Syrup manufacture  
Tar distillation or manufacture  
Taxidermy  
Telephone exchange, including shops and garages  
Tool manufacture  
Transit vehicle storage and servicing; need not be enclosed within structure  
Trade school



Vo-tech school

Vulcanizing shop

Water storage; need not be enclosed within structure

Welding shop

Well drilling company

Wood preserving by creosote or other impregnation treatment; need not be enclosed within structure

- (2) *Uses requiring zoning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

None.

- (3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring zoning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of zoning adjustment in accordance with provisions of section VII governing special exceptions:

Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic)

Animal reduction

Animal black, lamp black, or bone black manufacture

Automobile wrecking, dismantling or salvage; need not be enclosed within structure but must be enclosed within a fence at least seven feet high and adequate to obstruct view, noise, and passage of persons; chain link, or similar fence will be permitted if screen planting is adequate to obstruct view and is provided and maintained

Bones distillation

Butane, and other liquefied petroleum gas products storage and sales; need not be enclosed within structure

Cement, lime, gypsum and plaster manufacture

Clay and clay products manufacture; need not be enclosed within structure

Explosives, fireworks and gunpowder manufacture and/or storage

Fertilizers, manufacture or processing

Garbage dumping; need not be enclosed within structure

Glue size, or gelatin manufacture

Junk yard, including storage, baling or sale of rags, paper, iron, or junk; need not be enclosed within structure, but must be enclosed within a fence at least seven

feet high and adequate to obstruct view, noise, and passage of persons; chain link or similar fence will be permitted if screen planting adequate to obstruct view is provided

Matches manufacture

Meat slaughtering and/or packing

Metal ingots, pigs, castings, sheets, or bars manufacture

Petroleum and petroleum products, manufacture, processing or storage

Rubber or gutta-perche manufacture, processing or reclaiming

Sanitary landfill; need not be enclosed within structure

Stockyards; need not be enclosed within structure

Tannery, including curing of hides

Wrecking contractors, building; need not be enclosed within structure, but must be enclosed within a fence at least seven feet high and adequate to obstruct view, noise and passage of persons

- b. *Building site area.* The minimum building site area shall be 10,000 square feet. Building coverage shall not exceed 50 percent of the building site area.
- c. *Building height limit.* Except as provided in section III, no structure shall be designed, erected, or altered to exceed 45 feet above existing grades at point of measurement.
- d. *Yards required.* Except as provided in section III, the minimum dimensions of yards shall be:

Front yard	15 ft.
Side yard	None
Rear yard	None

E. *Special districts and designations.*

- 1. *O-R Districts: Open Space and Recreation District.* These districts are primarily composed of land that is undeveloped or occupied with agricultural or other uses that maintain the open environment. It is the purpose of this designation to set some land aside for preservation of the natural environment for open public spaces and certain recreational uses, and to discourage any further residential, commercial or industrial development within the district.

- a. *Permitted uses.* In the O-R District only the following uses are permitted:

- (1) *Uses by right.* The uses listed below are the only uses permitted in this district and they are subject to the conditions specified:

Cemeteries

Existing non-conforming uses (not to be extended)

Parks and playgrounds

Fairgrounds

- (2) *Uses requiring zoning approval.* The uses listed below are permitted upon approval of the location and site plan by the zoning commission as being in harmony with the orderly and appropriate development of the O-R District:  
Recreational developments.
  - (3) *Special exception uses.* None.
2. *Historic districts and landmark structures.* In order to promote the cultural, educational, economic, and general welfare of the Town of Many, this ordinance [appendix] recognizes the need to enhance the preservation and protection of the old and historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the Town of Many and which serve as visible reminders of the historical and cultural heritage of the town, state or nation.
  - a. *Districts.* The zoning commission shall be empowered with the authority to establish within the corporate limits historic districts as necessary to police and control construction and development activities in areas of historical or cultural importance.
  - b. *Landmark structures.* The zoning commission shall have the power to designate as landmarks any parcel plus its improvements which: exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or are identified with historic personages or with important events in national, state or local history; or embody distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style method of construction, or of indigenous materials or craftsmanship; or are representative of the notable work of a master builder design or architect whose individual ability has been recognized; or is a natural land form or phenomena or a landscape element.
  - c. *Building permits; certificates of appropriateness.* No private building, structure or edifice, including fences, boundary walls, signs, steps, and paving shall be altered, restored, moved or demolished within any district until after an application for a certificate of appropriateness has been submitted to and approved by the commission. Such certificate shall be a statement signed by the chairman of the zoning commission stating that the demolition or the changes made in the exterior appearance of the proposed construction, are approved by the commission. It is not the purpose of this requirement to hamper development within the Town of Many but rather to alert the zoning commission at an appropriate time to assist development for the mutual benefit of both the public and private interests.
  - d. *Relationship to zoning districts.* In all zoning districts lying within the boundaries of the historic districts the regulations for both the zoning district and the historic district shall apply. Whenever there is conflict between the regulations of the zoning district and the regulations of the historic zone, the more restrictive shall apply.
  - e. *Additional standards.* The zoning commission is empowered to institute from time to time additional standards as required to implement the spirit of this section. Such standards shall be adopted by the same due process as are required for amendments to this ordinance [appendix].

**Sec. III. Supplementary regulations.****A. Supplementary use regulations.**

1. *Areas subject to inundation.* Certain areas are subject to periodic inundation making them unsafe and unfit for human habitation. No structure or portion thereof which is designed for dwelling use or as a place of public assembly shall be erected or altered for such uses where the land to be covered by such structure or portion thereof has been designated by the zoning commission as uninhabitable, until the conditions making the land uninhabitable have been corrected.
2. *Natural production uses.* In any district the extraction of oil, gas or other natural mineral deposit may be permitted upon the approval of the zoning commission and subject to such terms and conditions as the zoning commission may fix for the protection of adjacent property and uses.
3. *Illumination of uses.* Lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light is concealed from adjacent residence properties and does not interfere with traffic.
4. *Dwelling unit in commercial or industry districts.* A dwelling unit may be permitted within a structure used for commercial or industrial purposes if occupied by owner, management or security personnel as determined by the zoning administrator. The dwelling unit shall meet all building and health codes.

**B. Supplementary area regulations.**

1. *Dwelling on small building site.* Where a lot located in a residence district contains an area less than the required building site area for the district and on the effective date of [the ordinance from which] this ordinance [appendix is derived] was existing and of record and held in separate and different ownership from any lot immediately adjoining, such lot may be used as the building site for a one-family dwelling.
2. *Visibility at intersections.* On a corner building site in any district in which a front yard is required, no fence, wall, hedge, or other structure or planting more than three feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points 20 feet from the point of intersection measured along such street lines.
3. *Home occupations and name plates.* For the purpose of providing required building site area, a home occupation or a name plate shall be considered as being part of the use to which it is attached.

**C. Supplementary height regulations.**

1. *Height exceptions.* The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

2. *Excess height.* Public, semi-public, or public service buildings, schools, or institutions when permitted in any district may be built to a height not exceeding 60 feet when the required front, side, and rear yards are each increased by one foot for each one foot of additional height above the height limit of the district.
3. *Accessory structures.* No accessory structure shall be built to exceed a height of 13 feet above existing grade at point of measurement.

D. *Supplementary yard regulations.*

1. *Front yard depth.* In any residence district any building site lying between two building sites adjacent thereto and having dwellings erected upon them on the effective date of [the ordinance from which] this ordinance [appendix is derived] shall have a front yard equal in depth at least to the average depth of the front yards of the building sites adjacent thereto; provided, however, that no front yard shall be less than 20 feet in depth, and no front yard shall be required to be more than 30 percent of the depth of the building site.
2. *Side yard at abutting districts.* Where the side line and rear line, in the case of a corner lot, of a building site in a business or an industry district, except the B-1 District, abuts upon the side line of a building site in any residence district, there shall be provided on the building site lying in the business or industry district and adjacent to the residence district a side yard and rear yard, in the case of a corner lot, not less than 40 feet in width.
3. *Corner building site.* In any district a corner building site having to its rear a building site facing toward the intersecting or side street shall have provided on the intersecting or side street side of the corner building site a side yard having a width equal at least to the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than 30 feet nor require a side yard of more than 20 feet.
4. *Projecting architectural features.* Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend more than four feet into any required yard. Open fire escapes may extend into any required yard not more than five feet.
5. *Accessory structures.* In any business or industry district no accessory structure shall occupy any part of a required rear yard; in any residence district no accessory structure shall occupy more than 40 percent of a required rear yard; in no district shall an accessory structure occupy any part of a required front or side yard.
  - a. *Side yard and rear yard requirements.* No accessory structure shall be erected or altered so that it is closer to any side or rear line than five feet.
  - b. *Corner building site.* No accessory structure on a corner building site having to its rear a building site facing toward the intersecting or side street shall be erected or altered nearer to the intersecting or side street line than the front building line to be observed by any structure on the building site to the rear of the corner building site.

6. *Mapped street lines.* Front yard depth, and in the case of a corner building side, a side yard width shall be measured from the future street right-of-way line where such line has been established on the official map to define a mapped street.
7. *Fences and walls.* No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of four feet, and no fence or wall, other than the wall of a permitted structure shall be erected or altered in any side or rear yard to exceed a height of seven feet above existing grade at point of measurement.
  - a. *Abutting districts.* Where a lot in a B-2, I-1, or I-2 District abuts a lot in a residential district, there shall be provided a screen fence of select construction material not less than six feet in height along the abutting lines of said districts.
  - b. *Boundary fences.* Fences may be erected along the boundaries of a lot or yard area subject to the requirements of the building code; one segment of a fence may be erected in a required side yard.

E. *Protection standards.*

1. *Noise.* There shall be no production by any use of noise which at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.
2. *Heat, glare, and vibration.* There shall be no emission by any use of objectionable heat, glare, or vibration which is perceptible beyond any boundary of the building site on which the use is located.
3. *Dust, dirt, odors, gases, smoke and radiation.* There shall be no emission by any use of dust, dirt, odors, gases, smoke, or radiation which is in an obnoxious or dangerous amount or degree beyond any boundary of the building site on which the use is located.
4. *Hazard.* There shall not be created or maintained by any use any unusual fire, explosion, or safety hazard beyond the boundary of the building site on which the use is located.
5. *Wastes.* No materials or waste shall be stored in such a manner that they may be transferred off the building site by natural forces or causes.

F. *Classification of new and unlisted uses.* It is recognized that new types of land use will develop and that forms of land use not anticipated will seek to locate in Many. In order to provide for such changes and contingencies, a determination of the appropriate zoning classification of any new or unlisted form of land use shall be made as follows:

1. All questions concerning the classification of new or unlisted uses shall be referred to the zoning commission for an interpretation of the zoning classification into which the use shall be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, nature and time of occupancy or operation of the premises, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the requirements for public utilities such as sanitary sewer and water.

2. The zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
3. In accordance with the amendment procedures set forth herein, the zoning commission shall transmit its findings and recommendations for the zoning classification of any new or unlisted use to the Many Town Council for enactment as an amendment to the zoning ordinance.

G. *Commercial boarded windows.*

1. Substandard buildings or structures within the city [town] limits that have boarded windows, pose aesthetic harm to the city [town] and send a negative signal about the town and can bring down the value of other properties in the area.
2. Property owners of such boarded buildings will be given notice by certified mail with a time span of 90 days to replace broken glass and remove the boards or a fine of \$100.00 per window will be implemented with an additional 30 days to comply. If business owner does not comply at the end of the 30 days, the town will make necessary repairs and the tax collector shall furnish the owner by certified mail a written statement showing the cost of the work, and the place or property where the work was done. If the statement is not paid within one month thereafter, the amount shall be added to and form a part of the taxes due by the owner of the property, and when collected shall be credit to the general fund of the town.

(Ord. No. 9 of 2014, 6-17-2014)

**Sec. IV. Planned building groups and residential planned unit developments.**

A. *Policy on planned building groups.*

1. *Purpose of provisions.* Under the regulations prescribed by this ordinance [appendix] for the various districts, a separate building site is required for each structure other than an accessory structure. For the purpose of allowing and encouraging greater variety of design and flexibility of location for buildings comprising a planned group, the provisions of this section waive the requirement for a separate building site for each building and permit two or more buildings to be erected and maintained on the same building site when certain conditions hereinafter set forth are met. Examples of such building groups that might be erected under the provisions of this section are multiple-family dwelling projects and shopping centers.
2. *Limitations.* The provisions of this section are applicable in all districts except the O-R District.

B. *Conditions to be met by special plans for building groups.*

1. *District regulations.* Every building group erected and maintained under the provisions of this section shall comply with all of the regulations established by this ordinance [appendix] for the district in which the building group is located except the regulation requiring a separate building site to be provided and maintained for each principal structure; such building group may be considered as one building for the purpose of complying with the building site area, height, yard, and other regulations of this ordinance [appendix].

2. *Site plan and improvements.* A special plan for a building group shall show, and there shall be provided, the following:
  - a. *Drainage.* Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving, and the proper design of finished grades;
  - b. *Circulation.* Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking area, off-street loading areas, and landscaped separation spaces between pedestrian and vehicular ways;
  - c. *Play areas.* In dwelling building groups, adequate and safely located play areas for small children;
  - d. *Protection of residence districts.* In business building groups near or adjoining residence districts, adequate provision (including fences, walls, and/or planting) to screen and protect the residence districts from parking lot illumination, headlights, fumes, heat, noise, blowing papers, and dust, and the visual encroachment of commercial activity on the privacy and neighborhood character of the residence district;
  - e. *Required yards.* On all external property lines planned building groups shall be required to maintain front, side, and rear yard setbacks required for the district in which they are located. In addition, these developments shall be required on external property lines, side and rear yards, equal to those required for adjoining properties and equal to the yards that would be required if the proposed buildings were on a separate site. All other required yards may be varied in accord with specific development plans, provided that adequate spacing is provided to meet fire protection and public safety requirements. Public streets dedicated as integral elements of the development plan shall not be considered as creating new external property lines.

C. *Policy on residential planned unit development.*

1. *Purpose of provisions.* Under the regulations prescribed by this ordinance [appendix] separate districts are established for various types of residential uses. To encourage more creative, efficient and aesthetically desirable design in urban development, the residential planned unit development provisions waive certain district requirements to permit large tracts of land to be developed as integral units for single family, townhouse, cluster, condominium, multi-family and other innovative residential developments. Under certain conditions, this section also permits certain commercial uses to be included in the residential planned unit development without requirement for separate zone district classification.
  - a. *Limitations.* The provisions of this section are applicable in all districts except the O-R district.

D. *Conditions to be met by special plans for residential planned unit developments.*

1. *District regulations.* Every residential planned unit development erected and maintained under the provisions of this section shall comply with all the regulations established in this ordinance [appendix] for the district in which the residential planned unit development is located except as provided for in this section. Limited commercial uses may be permitted that are not permitted



- uses in the B-1, Buffer Business District or B-2, Neighborhood Business District. Uses requiring zoning commission approval in the B-1 or B-2 District will also require zoning commission approval for the residential planned unit development.
2. *Site plan and improvements.* A special plan for a residential planned unit development shall show and there shall be provided the following:
    - a. *Drainage.* Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving, and the proper design of finished grades.
    - b. *Circulation.* Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking areas, off-street loading areas, and landscaped separation spaces between pedestrian and vehicular ways.
    - c. *Play areas.* Adequate and safely located play or common open space areas for small children and other occupants of the development.
  3. *Minimum size of tract.* Applicants for residential planned unit development must meet the following minimum tract size.
    - a. For a development proposing only residential land uses the minimum size tract to be considered shall be three acres.
    - b. For a development proposing limited commercial uses the minimum size tract to be considered shall be ten acres, except that if a residential planned unit development contains 100 or more dwelling units, 2,400 sq. ft. of floor area for every 100 dwelling units may be for limited commercial use provided the commercial space is of architectural design compatible with that of the dwelling units. In addition, no building permit shall be issued for construction of any of the commercial space until not less than 50 percent of the total number of dwelling units required to meet conditions set out above are under construction.
  4. *Required yards.* On all external property lines residential planned unit developments shall be required to maintain front, side, and rear yard setbacks required for the district in which they are located. In addition these developments shall be required to provide on external property lines, side and rear yards, equal to those required for adjoining properties and equal to the yards that would be required if the proposed buildings were on a separate site. All other required yards may be varied in accord with specific development plans provided that adequate spacing is provided to meet fire protection and public safety requirements. Public streets dedicated as integral elements of the development plan shall not be considered as creating new external property lines.
  5. *Building site area.* Residential planned unit developments may be permitted to vary building site area requirements that are established by the district regulations for individual building sites, so long as the aggregated total requirements that would be established for individual building sites are met over the entire planned unit development site. In computing available building site area and required spaces, public streets and other dedicated public spaces may not be included.
  6. *Dedicated streets, and sidewalk construction.* All dedicated streets for residential planned unit developments shall be required to meet established right-of-way and construction standards for

all other residential developments. Sidewalks usually required within the street right-of-way may be omitted if adequate pedestrian sidewalks are provided elsewhere in the development as long as adequate linkage is made for sidewalks of adjacent development.

E. *Procedures on planned building groups and residential planned unit development.*

1. *Pre-application conference.* Before submitting an application for a residential planned unit development or a planned building group, an applicant should confer with the zoning administrator to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.
2. *Application for approval.* An application for approval of a planned building group or a planned unit residential development shall be filed with the zoning commission through the zoning administrator and shall contain the following information:
  - a. *Interest and ownership.* The applicant's name, address, and interest in the application, and the name, address, and interest of every person, firm, or corporation represented by the applicant in the application; the concurrence of the owner or owners of the entire land area included in the special plan and all incumbancers of such land; and sufficient evidence to establish that the applicants are all the owners and incumbancers of the designated land area, intend actually to develop the designated area, and have both the means and ability to do so; and shall include a written statement expressing the character of the proposed development.
  - b. *Preliminary development plans.* An application for a residential planned unit development or planned building group is to be accompanied by a preliminary plan which must include both maps and a written statement and must show enough of the area surrounding the proposed development to demonstrate the relationship of the planned development to adjoining uses, both existing and proposed. The following data may be required with the preliminary submission:
    - (1) The existing topography at two-foot contour intervals.
    - (2) Drainage within the project and surrounding area.
    - (3) Existing and proposed land uses and existing zoning.
    - (4) Existing property lines and proposed lot lines with dimensions shown.
    - (5) Circulation system including curb cuts and driveways.
    - (6) Parking and loading areas.
    - (7) Areas proposed to be dedicated, or reserved for parks, parkways, playgrounds, school sites, public and semi-public uses, and common areas.
    - (8) Approximate location of all buildings, structures and improvements including walkways.
    - (9) Elevation and perspective drawings of proposed structures and improvements. The drawings need not be the result of final architectural decisions and need not be in detail.

- (10) A development schedule indicating: (a) the proposed stages of development; (b) the anticipated beginning and completion dates of each stage and (c) the area and location of common space that will be provided at each stage.
  - (11) Agreements, provisions, and/or covenants which govern the use, maintenance and continued protection of the planned building group or the planned development and of its common areas. In any development including townhouses, condominiums, or similar ownership of units, the proposed homeowners association agreement must be included and must provide for a continuing maintenance program for all spaces.
3. *Administrative review.* Within 45 days after the filing of an application the zoning commission shall: (a) for a planned building group, approve or disapprove the special plan; approval may establish conditions and limitations, which may include a performance bond; (b) for a residential planned unit development, a public hearing shall be held and interested parties notified in the same manner as for a rezoning hearing, except that advertising requirements shall be three times with the first ad to run not less than 21 days prior to the hearing. The zoning commission shall then transmit its preliminary plan approval or disapproval report to the applicant including any conditions of approval, which may include a performance bond. If a rezoning application is filed concurrently with the residential planned unit development application the rezoning hearing may also serve as the required hearing for the residential planned development application.
4. *Final development plan.* Following approval of the preliminary plan the applicant shall prepare and file a final development plan including all or any increment of the area included in the preliminary plan. Upon receipt of the final development plan the zoning administrator shall within five days transmit the final development plan to the zoning commission for review. If the final plan reflects no change from the preliminary submission the zoning commission may approve the final plan and return the application to the zoning administrator for registration and issuance of building permits. If the final plan is substantially in accordance with the preliminary plan it may be approved by the zoning commission for registration and issuance of permits. If the final plan reflects significant change from the preliminary plan the commission may reconsider the application in accordance with procedures established for preliminary plan review.
5. *Registration of special plan.* Upon approval of a special plan, a copy of such plan shall be registered among the records of the zoning administrator and shall thereafter be binding upon the applicants, their heirs, successors, and assigns shall limit and control the issuance and validity of permits and certificates, and shall restrict and limit the use and operation of all land and structures within the area designated in such special plan to all conditions and limitations specified in such special plan and approval thereof; provided, however, that the zoning administrator may, upon a showing of engineering necessity therefor, permit minor changes in the location of structures and site improvements if such minor changes will not change the character of the development, increase the gross floor area, intensity of use, or ground coverage, reduce the total building site area, the space between buildings, or the ratio of off-street loading area to gross floor area, or otherwise cause the special plan to fail to meet the conditions

specified herein. Except as provided for herein, the zoning administrator shall approve building permits or zoning certificates for buildings or structures in the area covered by the approved final development plan and with all other applicable ordinances and regulations.

6. *Failure to begin planned development.* If no construction has begun or no use established in the planned development within two years from the date of approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the zoning commission may extend for one or more additional years the period for beginning of construction or the establishment of a use.
7. *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan comply with all regulations established by this ordinance [appendix] and unrelated to the special plan.
8. *Waivers.* Upon written appeal by any applicant citing the design or other exceptional characteristics of the proposed development justifying consideration the zoning commission may waive any of the standards set out in this section and related standards such as density requirements and may permit submission of an application for hearing and review in accordance with procedures set out in this section. In permitting waivers to these standards the zoning commission must find that the application fully meets the intent of this section and of the zoning ordinance. If an applicant proposes increased density the site plan must provide a minimum of 20 percent open area, exclusive of required parking and all parking and setback criteria must be met.
9. *Appeal.* Any person aggrieved by a decision of the zoning commission in approving or disapproving an application for a planned unit residential development, may, within ten days from the date of such decision, file a written request with the appropriate local government agency, and thereupon the board of zoning adjustment shall proceed to review said decision. After said review the decision of the zoning commission shall either be affirmed, modified or reversed and the applicant and the zoning commission notified.

#### **Sec. V. Off-street parking and off-street truck loading.**

##### **A. Off-street parking requirements.**

1. *Provision and maintenance required.* No land shall be used or occupied, no structure shall be designed, erected, altered, used, or occupied and no use shall be operated unless the off-street parking facilities herein required are provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking facilities in excess of the amounts theretofore required by law, need be neither provided or maintained for land, structures, or uses actually used, occupied and operated on the effective date of [the ordinance from which] this ordinance [appendix is derived] unless, after the effective date of [the ordinance from which] this ordinance [appendix is derived], such land, structures, or uses are enlarged, expanded, or changed, in which event, the land, structures, and uses hereby excluded shall not be

- used, occupied, or operated unless there is provided for the increment only of such land, structures, and uses, and maintained as herein required, at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure, or use. The provision and maintenance of the off-street parking facilities herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure in which, is located the use for which off-street parking facilities are required to be provided and maintained.
2. *Size and location.* Each off-street parking space shall be an area of appropriate dimensions, of not less than 200 [net] square feet, exclusive of access or maneuvering area, ramps and other appurtenances. Except as otherwise permitted under a special plan for location or sharing of facilities, off-street parking facilities shall be located on the building site on which the use of structure for which they are provided is located; off-street parking facilities for dwelling uses shall not occupy any part of a required front yard.
  3. *Maintenance.* Off-street parking facilities shall be construed, maintained and operated in accordance with the following specifications:
    - a. *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt and maintained in good condition, free of weeds, dust, trash and debris;
    - b. *Wheel guards.* They shall be provided with wheel guards or bumper guards, so located that no part of parked vehicles will extend beyond the parking space;
    - c. *Protective barriers.* They shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles;
    - d. *Lighting.* Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic;
    - e. *Entrances and exits.* They shall be provided with entrances and exits so located as to minimize traffic congestion;
    - f. *Prohibition of other uses.* They shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;
    - g. *Limitation of size of vehicles.* In the residence districts, they shall be used only by vehicles up to three-fourths ton manufacturer's capacity rating and having wheels not to exceed 17 inches.
  4. *Combined facilities.* The off-street parking facilities required of two or more uses located on the same building site may be combined and used jointly by two or more uses having different standards for determining the amount of facilities required. The off-street parking facilities shall be adequate in area to provide the sum total of the facilities required of all such uses; provided, further, that where the facilities are combined and used jointly by two or more uses having the same standard for determining the amount of facilities required, all of such uses, for

the purposes of this section, shall be considered as a single unit in determining the amount of facilities required. All of such uses, for the purposes of this section, shall be considered as a single unit in determining the amount of off-street parking facilities required.

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

Dwelling, one-family	Two spaces per dwelling unit
Dwelling, two-family and multiple-family	Two spaces per dwelling unit
Hotels, motels, roominghouses, tourist courts	One space per guest room
Mobile homes and mobile home parks	Two spaces per trailer space
Hospitals and sanitariums	One space per two beds
Institutions for children or the aged, convalescent homes	One space per four beds
Theaters, auditoriums, gymnasiums, convention halls	One space per three seats
Churches	One space per three seats
Funeral homes	One space per three seats in parlors and chapels
Schools, elementary	One space per classroom
Schools, secondary	Six spaces per classroom
Business colleges and trade schools	One space per four seats
Restaurants	One space per 100 sq. ft. of gross floor area
General business, commercial, and personal service establishments, commercial amusements, offices, filling stations, repair shops, medical and dental clinics	One space per 200 sq. ft. of gross floor area
Libraries, museums, art galleries, clubs, and lodges	One space per 300 sq. ft. of gross floor area
Industrial and manufacturing establishments	One space for each two employees or one space for each 500 square feet of gross floor area, whichever is greater
Warehouse, for any building which is arranged and intended for use as a warehouse or storage	One space for each two employees or one space for each 500 square feet of gross floor area, whichever is greater

6. *Special plan for location or sharing of facilities.* Under the standard provisions of this ordinance [appendix], off-street parking facilities are required to be provided on the same building site as the use or structure for which the facilities are provided and are required to be provided in an amount based on the listed requirement of the individual use or structure. Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking facilities may

be located on another site than the one occupied by the use or structure for which the facilities are provided; also, two or more uses may share the same off-street parking facilities and each of such uses may be considered as having provided such shared space individually.

- a. *Limitations on separation from use.* In any district off-street parking facilities may be located on a separate site from the building site on which the use is located, provided such separate site is no farther from the building site of the use for which provided than 300 feet; all such distances shall be measured by a straight line from the nearest point of the building site on which the use is located to the nearest point of the separated off-street parking facilities.
- b. *Limitations on sharing facilities.* No use shall be considered as individually having provided off-street parking facilities which are shared with one or more other uses unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as any other use sharing them.
- c. *Applications for approval of special plan.* An application for approval of a special plan hereunder shall be filed with the zoning commission by the owner or owners of the entire land area to be included within the special plan, the owner or owners of all structures then existing on such land area, and all incumbrancers of such land area and structures and, additionally, shall contain sufficient evidence to establish that the applicants are all the owners and incumbrancers of the designated land area and structures. The application shall contain such information required by this ordinance [appendix] or deemed necessary by the zoning commission and shall include plans showing the location of the uses or structures for which off-street parking facilities are required and the location at which the off-street parking facilities are proposed to be located.
- d. *Review of application.* Applicants hereunder shall be reviewed by the zoning commission and either approved or disapproved; any approval may establish conditions and limitations.
- e. *Registration of special plan.* Upon approval of a special plan, a copy of such plan shall be registered among the records of the zoning commission and shall thereafter be binding upon the applicants, their heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.
- f. *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn, either partially or completely, if all and and [any] structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan comply with all regulations established by this ordinance [appendix] and unrelated to the special plan.

B. *Off-street truck loading facilities.*

1. *Provision and maintenance required.* No structure shall be designed, erected, altered, used or occupied unless the off-street truck loading facilities herein required are provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street truck loading facilities in excess of the amounts heretofore required by law need be neither provided nor maintained for structures actually used, occupied, and operated on the effective date of [the ordinance from which] this ordinance [appendix is derived] unless, after the effective date of [the ordinance from which] this ordinance [appendix is derived], such structures are enlarged, expanded, or changed, in which event the structures, hereby excluded shall not be used, occupied, or operated unless there is provided for the increment only of such structures, and maintained as herein required, at least the amount of off-street truck loading facilities that would be required hereunder if the increment were a separate structure. The provision and maintenance of the off-street truck loading facilities are required to be provided and maintained.
2. *Size and location.* For the purposes of this ordinance [appendix] there shall be considered to be two sizes of off-street truck loading spaces, "large" and "small." Each "large" space shall have an overhead clearance of at least 14 feet, shall be at least 12 feet wide, and shall be at least 50 feet long, exclusive of access or maneuvering area, platform, and other appurtenances. Each "small" space shall have an overhead clearance of at least ten feet, shall be at least eight feet wide, and shall be at least 20 feet long, exclusive of access or maneuvering area, platform, and other appurtenances. Off-street truck loading facilities shall be located on the same building site on which the structure for which they are provided is located. Facilities provided under a cooperative arrangement as hereinafter permitted may be located on another site not more than 300 feet from the structure for which they are provided.
3. *Maintenance.* Off-street truck loading facilities shall be constructed, maintained, and operated in accordance with the following specifications:
  - a. *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt, and maintained in good condition, free of weeds, dust, trash, and debris;
  - b. *Protective barriers.* They shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by movement of vehicles;
  - c. *Lighting.* Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic;
  - d. *Entrances and exits.* They shall be provided with entrances and exits so located as to minimize traffic congestion.
4. *Cooperative establishment and use of facilities.* Requirements for the provision of off-street truck loading facilities with respect to two or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated; provided, however, that the total number of spaces



designated is not less than the sum of the individual requirements unless, in the opinion of the zoning commission, a lesser number of spaces will be adequate, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors. In order to eliminate a multiplicity of individual facilities, to conserve space where space is at a premium, and to promote orderly development generally, the zoning commission is hereby authorized to plan and group off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity to one another in a given area, and especially in the central business district, in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

5. *Amount of off-street truck loading facilities required.* At least the following amounts of off-street truck loading facilities shall be provided for all structures containing uses devoted to commerce, business, industry, manufacturing storage, warehousing, processing, offices, professional purposes, hotels, multiple-family dwellings, hospitals, airports, railroad terminals and similar purposes; provided, however, that structures required to provide and maintain less than five off-street parking spaces shall be exempt from these requirements:

<i>Sq. Ft of Gross Floor Area</i>	<i>Required No. of Spaces</i>
0 up to and including 12,500	1 (Small)
12,501 up to and including 25,000	2 (Small)
25,001 up to and including 40,000	1 (Large)
40,001 up to and including 100,000	2 (Large)
For each additional 80,000 sq. ft. over 100,000	1(Large)

**Sec. VI. Nonconforming uses and structures.**

*A. Nonconforming uses: regulations.*

1. *Continuance of nonconforming uses.* Except as hereinafter provided, the lawful operation of a nonconforming use as such use existed on the effective date of [the ordinance from which] this ordinance [appendix is derived] or on the effective date of any amendment hereto by which the use became a nonconforming use, may be continued.
  - a. *Compliance with protection standards.* Within not more than three years from the effective date of [the ordinance from which] this ordinance [appendix is derived], every nonconforming use shall comply with the protection standards established for the district in which such use is located.
  - b. *Maintenance of number of dwelling units.* The number of dwelling units in a nonconforming dwelling use shall not be increased over or exceed the number of dwelling units existing in the nonconforming use on the effective date of [the ordinance from which] this ordinance [appendix is derived].

2. *Expansion or enlargement of nonconforming uses.* The land areas occupied by any nonconforming use on the effective date of [the ordinance from which] this ordinance [appendix is derived]

or on the effective date of any amendment hereto by which the use became a nonconforming use, shall not be increased except to provide open off-street loading space for the nonconforming use, such space to be maintained in accordance with the regulations herein established.

3. *Extension of nonconforming uses in structures.* A nonconforming use in a structure may be extended throughout the structure provided no structural alterations, except those required by law or ordinance, are made therein.
4. *Change in nonconforming uses.* The nonconforming use of a building may be changed to another nonconforming use that is in the same (or higher) use group as the previous nonconforming use until the building is removed; provided, however, that a certificate of zoning compliance must be obtained before the change is made.
5. *Termination of nonconforming uses.* Except as hereinafter provided, a nonconforming use that has been abandoned or discontinued for a period of six months shall not thereafter be re-established.
  - a. *Open land nonconforming use.* A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall, after three years from the effective date of [the ordinance from which] this ordinance [appendix is derived], become a prohibited and unlawful use and shall be discontinued.
  - b. *Destruction, damage, or obsolescence of structure.* The right to operate and maintain any nonconforming use shall terminate whenever the structure of structures in which the nonconforming use is operated and maintained are damaged, destroyed, or become obsolete or substandard beyond the limits hereinafter established for the termination of nonconforming structures.

**B. Nonconforming structures: regulations.**

1. *Continuance of nonconforming structures.* Except as hereinafter provided, any nonconforming structure may be occupied and operated and maintained in a state of good repair.
2. *Enlargement or extension of nonconforming structures.* A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended; a nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this ordinance [appendix] established for structures in the district in which the nonconforming structure is located.
3. *Restoration of damaged nonconforming structures.* A nonconforming structure damaged in any manner and from any cause whatsoever to the extent of not more than 60 percent of its replacement cost may be restored, provided restoration is begun within one year and completed within two years of the date of the damage. In the event that restoration of any nonconforming structure damaged in any manner would provide an exceptional or undue hardship on the owner of such damaged property should restoration not be allowed; then the owner of the damaged structure/property may appeal, in writing, to the zoning administrator and the chairman of the zoning commission to allow him to restore said damaged structure. The zoning administrator and the chairman of the zoning commission shall within seven days after receipt of a written appeal from the owner of a damaged structure render a written decision either allowing or

disallowing the restoration of the damaged structure. It is further provided that any structure so restored shall conform to the height, building site area, and yard requirements of the district in which it is located and to the off-street loading requirements of this ordinance [appendix].

4. *Restoration of obsolete nonconforming structures.* A nonconforming structure which becomes obsolete or substandard under any applicable ordinance and for which the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 60 percent of the replacement cost shall be removed.

#### **Sec. VII. Administration and enforcement.**

##### *A. General provisions for administration and enforcement.*

1. *Applicability to all land and structures.* No land shall be used or occupied and no structure shall be erected, altered, used or occupied except in conformity with all regulations herein established and upon performance of all conditions herein set forth.
2. *Permits and licenses; certificate of appropriateness.* No building or other permit, license, or other document of approval, the use of which may be subject to the provisions of this ordinance [appendix], shall be issued by the zoning administrator until he shall have certified that the use to be made of the permit license or other document is in full compliance with the provisions of this ordinance [appendix]. After such verification and prior to issuing such permit or license the zoning administrator shall also obtain from the chairman of the zoning commission a certificate of appropriateness establishing any historical or cultural implications of the project as set out in section II. It is not the purpose of this requirement to hamper development, but rather to alert the zoning commission at an appropriate time to assist development for the mutual benefit of both public and private interests. It shall be the duty of all officers and employees of the town to assist in this by reporting new construction, alterations, relocations, repairs, land uses or apparent violations. Appeal from the decision of the zoning administrator may be made to the board of zoning adjustment as provided in [this] section VII of this ordinance [appendix].
3. *Certificates of zoning compliance.* Except as hereinafter provided no structure or land shall be used, occupied, or changed in use until a certificate of zoning compliance shall have been issued therefor by the zoning administrator stating that the proposed use of the land or the structure and the proposed use thereof is in full compliance with the provisions of this ordinance [appendix].
  - a. *Structures.* Application for a certificate of zoning compliance for a new structure or for an existing structure to be altered shall be made coincident with application for a building permit. After determining that the proposed erection, alteration, repair, relocation, or change in use is in compliance with the provisions of this ordinance [appendix], each such application shall be approved by the zoning administrator and shall be countersigned by the chairman of the zoning commission.
  - b. *Land.* Application for a certificate of zoning compliance for the use of vacant land or for a change in the character of the use of land shall be made before any such land is occupied

or used, and a certificate of zoning compliance shall be issued by the zoning administrator after determining that the proposed use or change in use is in compliance with the provisions of this ordinance [appendix].

- c. *Farming, truck gardening and livestock raising.* The use of land for farming, truck gardening and livestock raising and the erection and alteration of structures, except dwellings, that are accessory to such use of the land are exempted from the requirement for a certificate of zoning compliance.
4. *Plans required.* Each application for a certificate of zoning compliance for a new structure or for the alteration of an existing structure shall be accompanied by three copies of a drawing showing the site plan, the location of the building on the site, accurate dimensions of the building and site, location of off-street parking and off-street loading spaces required, and such other information as may be necessary for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the zoning administrator.
5. *Fees.* When making application for a certificate of zoning compliance, investigation and compliance fees shall be paid in amounts specified in the town fee schedule.
6. *Final certificate of zoning compliance.* This certificate shall be issued by the zoning administrator within ten days after the completed work shall have been inspected and approved as complying with the provisions of this ordinance [appendix].
7. *Records.* The zoning administrator shall maintain a record of all certificates and copies shall be furnished, upon payment of [in an amount specified in the town fee schedule] each to any person having propriety or tenancy interest in the building or land affected.
8. *Prior building permits.* Nothing herein contained shall require any change in the plans, construction, or designated use of a structure for which a building permit has been heretofore legally issued and the construction of which shall have actually begun within 90 days of the date of the permit and which entire structure shall be completed, according to such plans filed, within two years after the effective date of [the ordinance from which] this ordinance [appendix is derived]; provided, however, that any permit which does not authorize the alteration or erection of a designated structure on the basis of complete plans and specifications shall not be deemed a building permit and shall not come within the foregoing exclusion.
9. *Offenses and liabilities preserved.* All offenses committed and all liabilities incurred prior to the effective date of [the ordinance from which] this ordinance [appendix is derived] shall be treated as though all prior applicable zoning ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action, or prosecution with respect to such offenses and liabilities.
10. *Enforcement of zoning regulations; penalty for violations.* In case any building or structure is erected, structurally altered, or maintained, or any building, structure, or land is used in violation of this ordinance [appendix], the proper local authority of the municipality may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, or use, to restrain, correct, or abate such violation to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct business, or

use in or about such premises. The regulations shall be enforced by the zoning administrator or other officer authorized to issue building permits, who is empowered to cause any building, structure, place or premises to be inspected and examined, to order in writing the remedying of any condition found to exist therein in violation of any provision of the ordinance. The owner or general agent of a building or premises where a violation of any regulation has been committed or exists, or the lessee or tenant of any part of the building or premises in which the violation has been committed or exists, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, or who assists in any violation or who maintains any building or premises in which any violation exists shall be fined not less than \$10.00 and not more than \$25.00 or be imprisoned for not more than 30 days for each day that the violation continues.

**B. Board of zoning adjustment.**

1. *Establishment.* There is hereby established and created a board of zoning adjustment, hereinafter referred to as the "board." It shall be the duty of the board to hear and decide appeals involving the interpretation of any provision of this ordinance [appendix] or 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 [appendix]. The board shall consist of five members appointed by the Many Town Council. Each member of the board shall be a resident and a qualified voter. Members shall be appointed to serve five years with terms staggered to expire at the rate of one each year. All members shall be removable for causes by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman who shall serve for one year.
2. *Rules of procedure.* The board shall adopt rules of procedure not in conflict with any state act, parish, or town ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witness. All meetings of the board shall be open to the public. All testimony presented at a public hearing, objections thereto, and rulings thereon shall be taken down by a reporter. In exercising its powers and duties, the board may reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the zoning administrator. The concurring vote of four members of the board shall be necessary to reverse any order, requirements, 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 any such ordinance or to effect any variance of such ordinance.
3. *Powers of the board.* Subject to the limitations enumerated herein, the board shall have and exercise the following powers; in the exercise of its powers the board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed

from any may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all of the powers of the office or department from whom the appeal is taken.

- 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 administration or enforcement of this ordinance [appendix].
  - b. *Interpretation.* To hear and decide questions of interpretations of the zoning map where requests for such interpretation is made.
  - c. *Special exceptions.* To authorize, in specific cases where the ordinance calls for review and determination by the board, such special exceptions as will permit the construction and use of a building or building group or the use of land in accordance with a definite site plan. Special exceptions shall be subject to such terms and conditions as may be fixed by the board.
  - d. *Variances.* Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this ordinance [appendix], or by reason of exceptional topographic conditions or other extraordinary and exceptional characteristics of such piece of property, the strict application on any regulation of this ordinance [appendix] would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship on the owner of such property, then, in such event the board of zoning adjustment is hereby empowered, upon an appeal relating to such property to authorize a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance [appendix]. Variances shall be subject to such terms and conditions as may be fixed by the board.
4. *Hearings.* The board shall within 60 days of the time of receipt of an application hold a hearing of an appeal, which hearing shall be open to the public. Public notice of the hearing shall be given, and notice shall be given to the appellant or applicant and to the zoning administrator. The chairman or the acting chairman may administer oaths. The board shall not [be] bound by legal rules of evidence.
  5. *Fees.* A fee in an amount specified in the town fee schedule shall be paid to the board of zoning adjustment at the time the notice of appeal is filed, which the board of zoning adjustment shall forthwith pay over to the Many Town Council to the credit of the general operating fund of the zoning commission.  
(Ord. No. 1989-3, § 1, 6-13-1989)
  6. *Records.* The board shall keep minutes of the proceedings and records of its examinations and other official actions. The minutes of the board shall show the vote of each member upon each question or, in failing to vote, indicating that fact. All minutes and records shall be filed immediately in the office of the board and shall be public records. Certified copies of all decisions of the board shall be furnished to the zoning administrator and the zoning commission.

7. *Appeals from the board.* Any person or persons jointly or severally aggrieved by any decision of the board of adjustment, or any officer, department, board, or bureau of the municipality, may present to the District Court of the Sabine Parish a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the filing of the decision in the office of the board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment and shall prescribe therein the time within which a return may be made and served upon the relator's attorney, which shall be not less than ten days but which may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but may be pertinent and material to show the grounds of the decision appealed from and shall be certified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

## Sec. VIII. Amendments.

### A. *Amendment policy.*

1. *Reason for amendment.* This ordinance [appendix], including the zoning map, is based on comprehensive planning studies and is intended to carry out the objective of a sound, stable, and desirable development. It is recognized that casual change or amendment to the ordinance would be detrimental to the achievement of that objective, and it is therefor declared to be the public policy to amend this ordinance [appendix] only when one or more of the following conditions prevail:
  - a. *Error.* There is a manifest error in the ordinance;
  - b. *Change in conditions.* Changed or changing conditions in a particular area, or in the metropolitan area generally, make a change in the ordinance necessary and desirable;
  - c. *Increase in need for sites for business or industry.* Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district;
  - d. *Subdivision of land.* The subdivision or imminent subdivision of open land into urban building sites makes reclassification necessary and desirable.

**B. Amendment procedure.**

1. *By whom initiated.* Amendments to this ordinance [appendix] may be initiated by the town council on its own motion or by the zoning commission; amendments may also be initiated by any person, firm or corporation by filing a written application therefor with the zoning administrator.
2. *Amendment application.* An application for amendment to this ordinance [appendix] shall contain at least the following:
  - a. *Interest and ownership.* The applicant's name, address, and interest in the application, and the name, address, and interest of every person, firm or corporation represented by the applicant in the application, the concurrence of the owner or owners of the entire land area to be included within the proposed district, the owner or owners of all structures then existing thereon and all incumbrancers of such land area and structures, and additionally sufficient evidence to establish that the applicants are all the owners and incumbrancers of the designated land area and structures, and that they intend actually to develop the designated area, and have both the means and ability to do so.
  - b. *Plat.* If the proposed amendment would require a change in the zoning map, a plat showing the land area which would be affected, the present zoning classification of the area, the land area of all abutting districts and the present zoning classification thereof, public rights-of-way and easements bounding and intersecting the designated area and the abutting districts, the locations of all existing and proposed structures with supporting open facilities, and the specific ground area to be provided and continuously maintained for the proposed structure or structures.
  - c. *Development schedule.* The time schedule for the beginning and completion of development planned by the applicant in the area. If the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.
  - d. *Market information.* If the proposed amendment would require a change in the zoning map by rezoning an area from an existing residential district to a free-standing business district, would require more than double the area of an existing business district entirely surrounded by residential districts, or would enlarge the area of an existing business district by more than eight acres, the applicant shall furnish a written description of the market area to be served by the development, the population thereof, the effective demand for the proposed facilities and any other information describing the relationship of the proposed development to the needs of the applicable area.
  - e. *Effect of amendment.* A report giving the nature, description, and effect of the proposed amendment. If the proposed amendment would require a change in the zoning map, provide a description of the probable effect on the surrounding land uses and properties.
  - f. *Error.* The error in this ordinance [appendix] that would be corrected by the proposed amendment.
  - g. *Legal description.* A written legal description of land area involved in amendment of the zoning map.





- b. *Reconsideration.* An application for reclassification of land which has been denied will not be reconsidered for at least six months. However, an applicant may at any time submit an application for reclassification when the subsequent request is for a higher classification than the one which was denied, it being understood that the highest classification is for O-R District and the lowest classification for I-2 District.

**Sec. IX. Interpretation and validity.**

A. *Interpretation.* In interpreting and applying the provisions of this ordinance [appendix] they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Whenever the provisions of this ordinance [appendix] require a greater width or size of yards or other open spaces, a lower height of buildings, or less number of stories, a greater percentage of lot to be left unoccupied, or other higher standards than are required in any other applicable statute, ordinance, or regulation, the provisions of this ordinance [appendix] shall govern; whenever other applicable statutes, ordinances, or regulations require higher standards than the provisions of this ordinance [appendix], such other applicable statutes, ordinances, or regulations shall govern.

B. *Validity.* The requirements and provisions of this ordinance [appendix] are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid the decision of the court shall not affect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be unconstitutional or invalid.

C. *Effective date.* This ordinance [appendix] shall become effective after its adoption and publication in accordance with the law.

D. *Authority.* In accordance with the provisions of title 33, sections 4721 through 4732, Louisiana Revised Statutes of 1950, as amended [R.S. 33:4721 through 33:4732], it is the purpose of this ordinance [appendix] and map to provide for harmonious development within the Town of Many in accordance with the comprehensive master plan. This ordinance [appendix] applies to all areas within the corporate limits of Many, Louisiana, as they exist now and/or in the future.

Adopted by the Town Council of the Town of Many, Louisiana, in special session convened on the 20th day of May, 1985.

ATTEST:

\_\_\_\_\_  
CITY CLERK

Yeas: 4

Nays: 1

\_\_\_\_\_  
MICHAEL T. TARVER, Mayor

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KENNETH A. FREEMAN, Alderman

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ROBERT AMMONS, Alderman

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CURTIS BUSH, Alderman

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ROBERT NOLAN, JR., Alderman