

CHAPTER 17

PLANNING AND DEVELOPMENT REGULATIONS

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Article A

Subdivision Regulation

Part I. Definitions and jurisdiction

Section 17.1 Definitions

(1) "Alley" means dedicated right of way not less than twenty (20') feet in width to provide access to the back side of properties also abutting on a street.

(2) "Commission" means the council.

(3) "Lot" means portion of a tract or other parcel of land, intended as a single building site for transfer of ownership or for development, including the development of one ownership with two or more buildings for separate occupancy. Every lot must front upon a public street for

the minimum distance as herein required by these regulations.

(4) "Major street" means street serves or is intended to serve as a major traffic way.

(5) "Mayor and council" means mayor and council of the town.

(6) "Neighborhood unit development" means self-contained subdivision or a group of subdivisions designed to accommodate four (400) or more families and requiring a separate elementary school.

(7) "Parish sanitarian" means chief sanitarian of the Pointe Coupee Parish Health Unit, who is assigned to that position by the Louisiana Department of Health and Hospitals, Office of Public Health Services, and who acts as a duly authorized representative of the state health officer.

(8) "Right-of-way" means strip of ground dedicated by the subdivider for public use, title to which shall rest in the public for the purpose stated in the dedication.

(9) "Servitude" means a strip existing or to be reserved by the subdivider for public utilities, drainage and other public purposes, the title to which shall remain in the possession of the property owner, subject to the right of use designated in the reservation of the servitude; or a strip of ground designated or intended to be used for access to building sites.

(10) "Street" means right-of-way dedicated to public use which provides vehicular and pedestrian access to adjacent properties.

(11) "Subdivision" means the purpose of these regulations, means the division of a lot, tract or parcel of land into two (2) or more lots, plots, parcels or building sites for the purpose of sale or of building development, either immediate or future. It also includes the resubdivision or rearrangement of one or more lots, plots, parcels or building sites. Any act of sale, contract to sell, agreement to purchase, or act of donation involving any lot or division of land either by lot description or by metes and bounds as defined above and in Section 17:1(3) shall constitute a subdivision of land. These regulations shall not apply to:

(a) Land in subdivisions previously legally subdivided and legally recorded, except in the case of resubdivision.

(b) The subdivision of land to be used for orchards, forestry, or the raising of crops, provided that the chairman or secretary of the commission certifies upon the plat that such land is to be used only for orchards, forestry, or the raising of crops.

(c) Small parcels of land sold to or exchanged between adjoining property owners, where

sale or exchange does not create additional building sites provided that the chairman or secretary of the commission certifies upon the plat that such sale or exchange does not create additional building sites: provided that the resulting lots meet at least the minimum requirements of this Article.

(12) "Sites or tracts" means those parcels of five (5) or more acres on which two (2) or more multi-family buildings, office buildings, shop or store buildings, warehouses or other commercial or industrial buildings are to be developed whether or not such buildings are to be retained by the developer, sold, leased, or rented.

(Ordinance 92 adopted 7/11/95)

Section 17.2 Jurisdiction

From and after the date of adoption, these regulations shall govern all subdivisions of land within the town. After receiving recommendations of the planning commission and hearing from interested parties, final authority for approval of subdivision plats and improvements thereto, shall rest solely with the mayor and council.

(Ordinance 92 adopted 7/11/95)

Section 17.3 General requirements

A. Prior to any sale or donation of a lot, plot, or building site within a subdivision as defined in Section 17.1(11), and before the delivery of a deed, the submission of a plat to the commission shall be required.

B. Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the commission a plat of the subdivision which shall conform to the minimum requirements set forth in Part II of these regulations.

C. No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the office of the clerk and recorder of Pointe Coupee Parish and no subdivider may proceed with improvement or sale of any lot in a subdivision until such subdivision plat shall have been approved by the mayor and council and the commission and such approval entered in writing on the plat by the chairman or secretary of the commission and the mayor or the clerk of the town, except as herein provided in Section 17.15(E).

D. Each subdivider developing land for multi-family residential, commercial and/or industrial uses shall confer with the commission in order to become thoroughly familiar with the subdivision requirements particular to those types of developments.

E. These regulations shall apply to all developments of land where the subdivider intends or shall intend at some future date to connect with public utility systems. The subdivider shall

contact the town and the appropriate government agencies to determine the accessibility, availability, and feasibility of connecting with those utility systems.

F. A maintenance bond as stipulated in Section 17.14(B) shall be provided by the subdivider to the town for the maintenance of the improvements that shall be constructed in accordance with the regulations herein.

G. Multiple Rental Dwellings

(1) Definitions

(a) Rental dwelling shall mean a mobile home, house, or other structure intended to be used for rental purposes.

(b) Rental (or rent) shall refer to any rental agreement, rent-to-own agreement, lease, lease-purchase, owner-financed sale agreement, or any other similar agreement between a property owner and another individual, group of individuals, or other entity in which there is no actual transfer of ownership and transfer of title of the property that would constitute a bona fide sale.

(2) Prohibitions

(a) Subdivision of any property located within the town limits for the purpose of locating more than one rental dwelling of any kind on said property (immediately or in the future) shall not be allowed.

(b) Any individual, group of individuals, or other entity that wishes to place more than one dwelling on an individual piece or parcel of property shall comply with all regulations regarding multifamily residential zoning, subdivision ordinances, and any other ordinances that may apply.

(Ordinance 92 adopted 7/11/95; Ordinance 2008-178 adopted on April 14, 2008)

Part II. General requirements and minimum standards of design for the subdivision of land

Section 17.4 Conformity to town plan

All proposed subdivisions shall conform to any town major street plan or any other master plan for the town which may be officially adopted by the commission, and any portion of the official parish major street plan which concerns any area within or abutting the municipal limits. Whenever a tract to be subdivided embraces any part of a highway, major street, secondary street, or parkway so designated on any such plan, such proposed public way shall be platted by the subdivider in the same location and at the same width as indicated on such plan.

(Ordinance 92 adopted 7/11/95)

Section 17.5 Streets

A. Relation to adjoining street system: Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the commission for reasons of topography or design. Where, in the opinion of the commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property.

B. Street widths: The minimum width of proposed streets measured from lot line to lot line shall be as shown on the major street plan, or if not shown on such plan, not less than eighty (80') feet for major streets, sixty (60') feet for streets with open ditch drainage, and fifty (50') feet for streets with subsurface or enclosed drainage.

C. Street intersections: Insofar as practical, acute angles at street intersections shall be avoided. When an acute angle of less than seventy-five (75) degrees occurs between streets at their intersection, the commission may require the property lines to be rounded or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width.

D. Dead end streets: Streets designed to have one and permanently closed (cul de sac) shall be provided at the closed end with a turn around with a minimum right-of-way radius of sixty-two (62') feet, and a minimum driving surface radius of thirty-five (35') feet or a minimum travel lane of thirty (30') feet with the same radii requirements. A "cul de sac" (or turn around) shall not be more than five hundred (500') feet in length unless approved by the commission for specific reasons of topography or design.

E. Street names: Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the name for the proposed streets duplicate existing street names regardless of the suffix used.

F. Street improvements: Street improvements shall be required for all dedicated rights-of-ways, including cross streets, as set forth in Section 17.14(D).

(Ordinance 92 adopted 7/11/95)

Section 17.6 Blocks

Blocks shall not be more than eight hundred (800') feet in length, unless the commission determines that such longer blocks shall not lessen the accessibility to existing or future adjoining subdivisions or that such longer blocks will not increase the response time for emergency vehicles. The commission shall state reasons for recommending to the mayor and

council all blocks longer than eight hundred (800') feet in length.
(Ordinance 92 adopted 7/11/95)

Section 17.7 Lots

A. Lot arrangement: Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a street which is not less than fifty (50') feet in width, and which is connected with the public street system.

Section 17.7 B

(B) Minimum lot size:

(1) Within the subdivision jurisdiction limits of the town, the size and shape of lots shall be such as the commission deems appropriate for the type of building development contemplated. Lots connected to an approved sanitary sewer shall have a minimum area of fifteen thousand (15,000) square feet and a minimum width of one hundred (100') feet at the building set back line: provided however, that the minimum lot size shall be not less than required for the district in which the subdivision is located.

(2) In subdivisions of twenty (20) lots or less which are not connected to an approved sanitary sewer system, the minimum area of each lot shall be fifteen thousand (15,000) square feet, and the minimum width shall be one hundred fifty (150') feet at the building set back line. Each residence on such lots must be served by an individual sewage disposal system of a design approved by the parish sanitarian. Such lots may not be resubdivided, nor may the number of lots in the subdivision be increased, unless an approved community sanitary sewer system is installed to serve the original lots and the additional lots. Subdivisions with more than twenty (20) lots shall be served by an approved community sewage collection and treatment system.

(3) Corner lots shall have extra width sufficient to permit establishment of a building line at least ten (10') feet from the side street property line. The distance from the side street property line shall be measured from the street right-of-way paralleling the long dimension of the lot.

C. No fractional portion of any lot may be sold unless sold to the owner of an adjoining lot having the minimum dimensions herein prescribed or unless sold together with the fractional portion of an adjoining lot, which fractional portions are sold as a single unit and such unit contains the minimum dimensions herein above described.

(Ordinance 92 adopted 7/11/95; Ordinance 2008-177 adopted April 14, 2008)

Section 17.8 Public use and service area

A. Public uses: Special consideration shall be given to schools and parks in subdivisions

of twenty-five (25) acres or more, or one hundred (100) lots or more.

B. Servitudes for utilities: Except where alleys are provided for the purpose, the commission shall require servitudes not less than fifteen (15') feet in width or seven and one-half (7 ½') feet at common lot lines for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utility lines on front, rear, and/or along side lot lines unless the utility company certifies this to be impractical or unless it is not feasible in the opinion of the commission.

C. Storm drainage: Whenever any stream or improved surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate right-of-way along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream, or for drainage maintenance. For all drainage courses having a bottom width of five (5') feet or more, the subdivider shall dedicate a right-of-way having a width of four (4') feet. For every one (1') foot of bottom width. (For example, a twenty (20') foot right-of-way shall be dedicated for all drainage courses having a bottom width of five (5') feet; a forty (40') foot right-of-way shall be dedicated for all courses having a width of ten (10') feet, etc.).

D. Dedication to public use: There shall be no dedications except those which are conveyed to the government having jurisdiction.
(Ordinance 92 adopted 7/11/95)

Section 17.9 Building restrictions and building setback lines

No final plat of land shall be approved unless building restrictions embodying at least the minimum restrictions established in the town for the district in which the land is located are established as covenants to run with the land. Each subdivision may carry restrictive covenants which exceed the pertinent minimum requirements.
(Ordinance 92 adopted 7/11/95)

Section 17.10 Comprehensive group housing development

A comprehensive group housing development including the construction of two (2) or more buildings together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks and streets may be approved by the commission if in the opinion of the commission any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to the commission whether or not such plat is to be recorded.
(Ordinance 92 adopted 7/11/95)

Section 17.11 Variances

Whenever a subdivider certifies that strict compliance with any provision of Part II would

not further the general welfare, safety, health, or economic benefit of the residents of the town and further that the subdivider can and will comply in an alternative manner within the intent of this Article and related regulations, the commission may recommend that a variance be granted. Any variance so recommended is required to be entered in writing in the minutes of the commission and the reason which justified the departure to be set forth and recorded on the final plat. The mayor and council had final authority to grant variances as per Section 17.2. (Ordinance 92 adopted 7/11/95)

Part III. Procedure for plat approval

Section 17.12 Preliminary plat approval

A. To prevent undue hardship on the subdivider through possible required plat revisions, the subdivider shall first submit a minimum of six (6) copies of the preliminary plat to the commission and shall give the following information:

(1) The subdivision name, the name and address of the owner or the person to whom notice is to be sent, and the name of the plat designer who shall be a design professional licensed by the state.

(2) Date, approximate north point, and a graphic scale; the scale shall not be smaller than one hundred (100') feet to the inch.

(3) The location of existing and platted property lines, streets, buildings, water courses, railroads, and any public utility servitudes, both on the land subdivided and on the adjoining land as applicable; the names of adjacent subdivisions and/or the names of record owners of adjoining parcels of land as they appear upon the parish's assessment rolls.

(4) The names, locations, widths, and other dimensions of proposed streets, alleys, servitudes, parks and other open spaces, reservations, lot lines, and building lines.

(5) Statement of proposed street improvements, including contour map where terrain might affect the location of streets.

B. Upon receipt of this preliminary plat, the secretary of the commission shall transmit said plat to the parish sanitarian and any other interested parish, district, or municipal governmental agencies for review and recommendations in relation to specific service problems.

C. A preliminary plat must be on file with the commission at least ten (10) days prior to commission consideration of the plat. Recommendations from the parish sanitarian and other appropriate governmental agencies, where necessary, must be in possession of the commission before commission consideration of the plat.

D. The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat; SUCH APPROVAL SHALL NOT BE NOTED ON THE PRELIMINARY PLAT.

E. One (1) copy of the preliminary plat shall be retained in the files of the commission. (Ordinance 92 adopted 7/11/95)

PRELIMINARY PLAT CHECK LIST

1. Subdivision name.
2. Description of property.
3. Owner's and/or developer's name and address.
4. Name of licensed design professional.
5. Existing of property lines.
6. Extent of incorporated areas (if applicable).
7. Section and/or township lines.
8. Existing drainage (ditches and canals with direction of flow).
9. Existing bodies of water.
10. Sewer district designation (if applicable).
11. Names and addresses of adjoining property owners.
12. Servitudes and right-of-ways with dimensions.
13. Streets, street names, and street widths, including street rights-of-way.
14. Lots--total number of lots, each numbered with dimensions.
15. Proposed method of water supply. (Town of Livonia, Private well, etc.)
16. Proposed method of sewage disposal. (Individual or Community)
17. Vicinity map.

18. North point, scales (not smaller than one hundred (100') feet to the inch), and date.
19. Street light standards.
20. Fire hydrants.
21. Existing structures, building lines, names of adjacent subdivisions, existing bridges, and type of proposed street improvements.

Section 17.13 Construction plans

Upon approval of preliminary plat, the developer may proceed with preparation of construction plans. The construction plans shall be submitted to the appropriate representative of the town to determine that the proposed improvements meet with the requirements of the town. After approved construction plans have been filed with the town, the subdivider may proceed with required improvements in accordance with Section 17.14. The subdivider shall notify the town in advance of the date that construction will begin and all work shall be performed under the town's supervision.

(Ordinance 92 adopted 7/11/95)

CONSTRUCTION PLAN CHECK LIST

1. Contour map at one (1') foot intervals.
2. Layout of storm drainage system.
3. Layout of sanitary sewer system, if applicable.
4. Layout of water and natural gas distribution systems, if applicable (including fire hydrants).
5. Plan-profile of all streets showing center line of streets and each property line, proposed curb grade, grade of storm sewers and/or drainage ditches, grade of sanitary sewers, and details of all subdivision improvements.
6. Layout of street lighting.
7. Grass seeding and/or landscaping in street and drainage rights-of-way servitudes.

Section 17.14 Improvements

A. The improvements listed hereinafter in this Section shall be installed prior to approval of the final plat. The subdivider shall warrant all of these improvements and maintain same for a

period of one (1) year after the final inspection, approval, and acceptance by the town.

B. Maintenance bond: On all improvements constructed in the town under the provisions contained herein and other pertinent ordinances or regulations of the town, a maintenance bond in the amount of ten (10%) percent of the cost of the improvements as determined by the mayor and council, the form of which shall be subject to the approval of the mayor and council, shall be posted by the developer in favor of the town and covering a period of one (1) year after date of acceptance by the mayor and council of the completed work and submitted prior to approval of final plat. The bond shall be subject to cancellation only upon the written approval of the mayor and council. No final plat approval will be granted by the mayor and council until the town has received the bond.

C. Permanent markers: Wherever improvements are constructed under this Section, all subdivision boundary corners, lot corners, and the four corners of all street intersections shall be marked with permanent monuments. A permanent marker shall be deemed to be a steel pipe which extends a minimum of two (2') feet below the ground line. Should conditions prohibit the placing of monuments on line, offset marking will be permitted provided that exact offset courses and distances are shown on the subdivision plat.

D. Street improvements:

(1)(a) All streets shall consist of a minimum thickness of two (2") inches of asphaltic concrete wearing surface with a minimum width of twenty (20') feet on an eight (8") inch soil cement base which is at least twenty-two (22') feet wide. Road rights-of-way dedication shall be required in Section 17.5(B), excluding dedication for utility servitudes. Approved culverts shall be installed under driveways.

(b) Where the street is of the boulevard type, that is, two (2) lanes of traffic and these separated by a neutral ground or strip, with a minimum of twenty (20') feet in width, the paving on each traffic lane shall not be less than eighteen (18') feet in width.

(2) Grading: The full right-of-way of all dedicated streets, including cross streets, shall be graded and improved as required.

(3) Ditches along streets: If curbs and gutters are not provided, ditches shall be provided having at least 3:1 fore slopes (or side slopes on the street side having at least three (3') feet of horizontal distance for each one (1') foot of vertical drop), and 2:1 back slopes (or side slopes on the property side having at least two (2') feet of horizontal distance for each one (1') foot of vertical drop).

It shall be indicated on all subdivision plats submitted with streets without curbing, gutters, and storm sewer drains that property owners may be permitted to place drain lines or

structures in road or street ditches across the front of their property, including under driveways. The size and type of culverts and the number and location of catch basins or inlets shall be determined by the town, upon application by the property owner. When sanitary sewers become available, property owners may then petition for the construction of permanent curb and gutter streets with adequate storm drainage, and with the cost of construction or improvement to be borne by the abutting property owners.

(4) Approved street markers bearing the names of the streets and block numbers shall be provided and installed at each intersection in the subdivision.

(5) Refer to Appendix A for Required Materials, Testing and Construction Control For Roads and Streets in the town.

(6) The rights-of-way of all streets shall be seeded with grass seed to prevent the erosion of top soil onto adjacent streets and into drainage ditches as required by Appendix B.

(7) Street light standards shall be located in all subdivisions and may be located on either side of the street or in the center of the median on boulevards as required by Appendix C. The subdivider shall arrange with the utility franchise for the arrangement of the monthly utility cost with the bills rendered to the customers within the subdivision.

E. Sewers:

(1) If the subdivision is located where a public sanitary sewer system is accessible, the subdivider shall connect with such sanitary sewer system and provide adequate sewer lines to each lot. Sewer connections and subdivision sewage collection and disposal systems shall comply with the regulations of the Department of Health and Hospitals, Office of Public Health Services. The town will review and approve the engineering calculations for these systems prior to any construction. Sewage collection lines, treatment plants, etc. shall be inspected by the town's designated representative and shall be subject to the approval of the mayor and council.

(2) If no sanitary sewer is accessible, sewage disposal facilities shall be approved by the parish sanitarian. If sewage disposal is to be by individual system, the plat shall carry the notation that such individual means of sewage disposal shall be constructed according to the specifications of the parish sanitarian.

(3) Refer to Section 17.7(B) for additional sewer requirements.

F. Storm drainage:

(1) All surface drainage courses (open ditches) shall have at least 1.5:1 side slopes (slope having at least one and one-half (1 ½) feet of horizontal distance for each one (1') foot of vertical

drop).

(2) The grade along the bottom of a surface drainage course shall be the slope as required by the town's designated representative. The slope of each drainage course shall be shown on the plans.

(3) The plat or subdivision deed restrictions shall carry the notation or provision that the size and grade of culverts for driveways and other pipe in roadside ditches shall be approved by the town or its authorized representative. Cross pipes under streets shall be reinforced concrete or corrugated metal as approved by the town or its authorized representative.

(4) A contour map shall be furnished showing the area comprising the subdivision and all additional areas necessary to include all water sheds which drain into the property to be developed.

(5) In the design of the drainage for the subdivision, provisions shall be made to adequately take care of adjacent watershed areas after they have been developed. All drainage structures shall be sufficient for the drainage of the watershed after complete development of the area, and where ditches and canals are used, adequate servitudes shall be provided for future needs. The flow line elevation of each drainage structure to be constructed or incorporated into the overall drainage plans shall be shown on the plans. The overall plan shall show the point at which the effluent from the new drainage facilities enters into a publicly maintained canal or stream of sufficient capacity to absorb the volume of flow. The flow line elevation of this point shall be shown on the plans.

G. Water: In all subdivisions regardless of the size, the subdivider shall install a water distribution system consisting of mains of not less than eight (8") inches in diameter, and shall install fire hydrants having a minimum barrel diameter of six (6") inches of a model with specifications approved in writing by the town's designated representative, at intervals of not less than four hundred (400') feet measured along the road or street rights-of-way.

H. Natural gas: Included minimum requirements of town regarding gas system improvements, including: line size, valves, materials, depth of cover, trace, wire, etc.

I. Connections to the public water, natural gas, or sewerage systems shall be paid for by the subdividers of subdivisions requiring these services. These connection costs shall be payable to the public utility system making said connections.

J. Construction of improvements: Before beginning construction of any of the above improvements, the design, drawing and specifications for all such improvements shall be approved by the town's designated representative. Such improvements shall also be constructed under the supervision of such designated representative.

After the construction plans and specifications have been reviewed by the town's representative and approved by the mayor and council, the subdivider may construct the required improvements. The town shall be notified by the subdivider in advance of the date that such construction shall begin. Construction shall be performed under the supervision of the town's representative and shall at all times be subject to the inspection by same. However, this in no way shall relieve the subdivider or his engineer of close field supervision and final compliance with the approved plans and specifications.

(1) The town shall be in charge of the following general inspections:

- (a) Excavations
- (b) Subsurface drainage
- (c) Inlets, junctions, and manholes
- (d) Sanitary sewer collection lines
- (e) Sanitary sewer manholes
- (f) Sanitary sewer treatment facilities
- (g) Base processing
- (h) Sidewalks
- (i) Curbs and medians
- (j) Roadway pavements
- (k) Utilities installations
- (l) Manufacture and installation of all drainage and sanitary sewer pipe

(2) The town shall be in charge of intermediate site inspection and approval of the following:

- (a) Sub-base: check integrity with subdivider's engineer and representative of the testing laboratory.
- (b) Sanitary sewer treatment facilities: check conformance with plans and specifications for the work and make any inspections as needed.

(c) Other improvements: check conformance with the plans and specifications for the work and make any inspections as needed.

The town shall check the visual appearance of curbs and medians, street pavements, and sidewalks and notify the subdivider's engineer of any poor workmanship.

The town shall conduct the final inspection of all improvements with representatives of engineer, the contractor, the testing laboratory, and the utility companies providing services to the subdivision.

(3) The subdivider's engineer shall be responsible for the following:

(a) Providing a survey party for the stakeout of lines and grades to complete the work.

(b) Inspecting the laying of sanitary sewer line and storm drainage, including the preparation of "As Built" wye records. Such inspection may be performed by the testing laboratory.

(c) Performing the inspection of the same items covered under Section 17.4(J)(1).

(d) Requesting intermediate site inspections to be performed by the town.

(e) Requesting final inspection by the town.

(4) The subdivider's testing laboratory shall be responsible for the following:

(a) The testing laboratory shall test the concrete used in the construction of street pavements, curbs, and sidewalks.

(b) There shall be an inspector of the testing laboratory to inspect the base processing of streets.

(c) There shall be an inspector of the testing laboratory to inspect the street pavements, including asphalt.

(d) A representative of the testing laboratory shall attend intermediate site inspections when called upon, if requested by the town.

(e) A representative of the testing laboratory shall attend the final inspection, if requested by the town.

(f) The testing laboratory shall furnish to the town and the subdivider's engineer and

contractor reports on items (a) through (e) above.

(g) The testing laboratory shall inspect the laying of the sanitary sewer lines and storm drainage if the subdivider's engineer does not perform this function.

(h) All concrete, metal, clay, plastic or other acceptable pipe shall be stamped as approved by the testing laboratory, prior to being delivered to the job site.

(5) If the above procedure is not followed, the mayor and council may close down the job, after written notice to the subdivider and the engineer.

K. Acceptance of improvements: When construction is complete and in accordance with the approved plans and specifications and complies with the provisions of these regulations, the subdivider, through his engineer, shall certify that all work has been completed and shall request final inspection by the town so that he may obtain written approval and acceptance from the town. For a period of twelve (12) months after the acceptance of the work, the subdivider shall keep all filled trenches, pipes, manholes, structures, paved or unpaved surfaces, etc., constructed by the subdivider in good condition, making repairs to such defects in materials or workmanship as may develop or as may be discovered. If sewage treatment plants and/or pumping stations are constructed, the subdivider shall guarantee materials and workmanship of these facilities for a period of twelve (12) months. The subdivider shall file with the town a maintenance agreement and surety bond securing to the town the satisfactory performance for a period of one (1) year from the date of approval of such improvements by the mayor and council. The bond shall be as provided in Section 17.14(B).

L. In lieu of immediate construction of improvements, the subdivider may file with the commission a surety bond securing to the town the satisfactory construction of the proposed improvements within a period of not more than two (2) years from the date of such bond. The amount and form of the bond shall be approved by the commission. The bond shall be subject to cancellation only upon written approval of the commission.
(Ordinance 92 adopted 7/11/95)

Section 17.15 Final plat approval

A. After approval of the preliminary plat by the town, the subdivider or his engineer shall confer with the town's representative and the parish sanitarian to determine the standards and specifications that will govern the proposed improvements. Complete construction plans shall then be prepared and submitted to the above agencies. Construction plans shall include complete design of the street system, the water system, the drainage system, and the sanitary sewer system, if applicable, for the entire area to be subdivided. After construction plans have been approved by the above agencies the subdivider shall prepare the final plat. No lots shall be sold until the final plat has been first approved by the commission and then the mayor and council.

B. Final plats presented for approval shall be filed as follows:

- (1) Commission-Original and two (2) copies of final plat.
- (2) Mayor and council-Two (2) copies of final plat.
- (3) Parish sanitarian-One (1) copy of final plat.
- (4) Water department-One (1) copy of final plat.

The subdivider shall forward evidence of approval of the constructed improvements by mayor and council and the parish sanitarian or evidence of the filing of a surety bond as required in Section 17.14(L) to the commission with final plat.

The original drawing will be returned to the subdivider upon approval of the plat.

C. After approved construction plans have been filed with the mayor and council, the subdivider may proceed with the required improvements. The town shall be notified in advance of the date that construction will begin and all work shall be performed under supervision of the town or its designated representative.

D. The commission will consider approval of the final plat only after receipt of:

(1) Certification by the town's mayor or clerk, that all improvements have been installed in accordance with the approved construction plans and this Article or certification by the town clerk that sufficient bond has been posted to assure completion of the required improvements.

(2) Certification by the authorized representative of the town that a fee of five (\$5) dollars per lot has been paid to the town.

(3) Evidence of payment of the testing laboratories by the subdivider.

(4) Written documentation that any newly constructed water and gas system facilities have been inspected and approved by the utility agency responsible for each system.

E. The commission will approve or disapprove a final plat within sixty (60) days after the plat is submitted to the commission and the conditions set forth in Section 17.15(D) have been met. Otherwise, the plat shall be deemed to be approved by the commission and a certificate to that effect shall be issued by the chairman or secretary of the commission on demand. However, the applicant for the commission's approval may waive this requirements and consent to an extension of such period. The ground of disapproval of any plat will be stated upon the records of the commission.

F. When final plat is approved by the commission and the mayor and council, drawings shall be returned to the subdivider.

The subdivider shall then furnish the town clerk with six (6) copies of the signed final plat. After the town clerk has been furnished these copies, an additional copy shall be recorded by the subdivider with the parish clerk of court within thirty (30) days. Copies shall be distributed by the town as follows:

Commission-one (1) copy
Parish assessor-one (1) copy
Parish sanitarian-one (1) copy
Livonia water department-one (1) copy
Town of Livonia-one (1) copy
Parish utility department-one (1) copy

The final plat shall be drawn on tracing film or cloth on sheets having a size of twenty-four (24") inches by thirty-six (36") inches or eighteen (18") inches by twenty-four (24") inches and shall be at a scale of one hundred (100') feet to one (1") inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following in addition to the requirements of the preliminary plat:

(1) Township, Range and Section in which the subdivision is located. If section corner, township line or range line falls within the subdivision, it shall be shown.

(2) Primary control points, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

(3) Tract boundary lines, rights-of-way lines of streets, servitudes and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearing or reflection angles, and radii, arcs, and central angles of all curves.

(4) Name and right-of-way width of each street or other right-of-way.

(5) Location, dimensions and purpose of any easements.

(6) Number or letter to identify each lot or site.

(7) Minimum building setback line on all lots and sites.

(8) Location and description of monuments.

(9) Names and addresses of record owners of adjoining unplatted land.

(10) Reference to recorded subdivision plats of adjoining platted land by record name and filing number.

(11) Certification by professional land surveyor certifying to accuracy of survey and plat.

(12) Statement by owner dedicating streets, rights-of-way and any sites or improvements for public uses.

(13) Title, scale, north point and date.

(14) A permanent bench mark shall be accessibly placed, and its elevation shall be based on Mean Sea Level Datum as determined by the National Geodetic Survey. The elevation and location of the benchmark shall be accurately noted on the subdivision plat. At least one bench mark shall be established for each 500,000 square feet, or portion thereof, of gross area of the proposed development.

(15) A note stating the governmental agency, utility district, utility company, or person responsible for the water, gas, electricity and sewage systems to be provided within the subdivision.

G. In view of the fact that some subdivisions are small with no street or utility improvements required and will have little or no far reaching effects on the development of the town, the town's mayor or the town clerk and the chairman or the secretary of the commission are authorized to approve final subdivision plats for subdivisions consisting of four (4) lots or less fronting on an existing dedicated street requiring no street or utility improvements by the subdivider, providing that the plat meets the requirements of these regulations and providing further that evidence from the town clerk is at hand indicating that the fee of five (\$5) dollars per lot has been paid to the town.

(Ordinance 92 adopted 7/11/95)

Section 17.16 Public hearing by commission

No plat shall be acted upon by the commission without a public hearing thereon. Notice will be sent to the owner or other person designated on the plat to receive notice by certified mail of the time and place of the hearing not less than five (5) days before the hearing date. Notice will be mailed to the owners of land immediately adjoining the platted land as their names appear upon the parish's assessment rolls.

(Ordinance 92 adopted 7/11/95)

FINAL PLAT CHECK LIST

1. All information required on preliminary plat.

2. Plat must be inked drawing on maximum twenty-four (24") inch by thirty-six (36") inch or eighteen (18") inch by twenty-four (24") inch sheets.
3. Provide index sheet for plats requiring two (2) or more sheets.
4. All linear and angular dimensions shall be in feet and decimal equivalent.
5. Provide curve data for all curvilinear streets and rounded corners.
6. Provide note giving reference to the basis of all bearings and dimensions as per recorded permanent markers and bench marks.
7. Number or letter all lots.
8. Date.
9. Professional land surveyor's certification, signature and seal.
10. Statement of water, gas and electrical supply. (Source of supply)
11. Statement of method of sewage disposal signed by the owner/subdivider.
12. Submit deed restrictions, if applicable.
13. Provide space for approval signatures and date for use of commission and mayor and council.
14. Final plat shall show the relationship of the subdivision to the flood hazard areas in the town and adjoining areas in Pointe Coupee Parish.
15. The professional land surveyor shall insure that all lands surveying has been performed with the precision of a second-order traverse in accordance with the specifications of American Society of Civil Engineers Manual of Engineers Practice No. 10, Technical Procedure for City Surveys. Professional land surveyors shall certify that all surveying conforms to those applicable state laws and local ordinances governing the subdivision of land.
16. Payment of five (\$5) dollars per lot subdividing fee to the town clerk.
17. Benchmark note.

Part IV. Penalties

Section 17.17 Penalties

Whoever, being the owner and/or agent of the owner of any land located within a subdivision, transfers, sells, agrees to sell, or donates any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the commission and the mayor and council and recorded or filed in the office of the clerk of court of the parish, shall forfeit and pay a penalty of five hundred (\$500) dollars for each lot or parcel so transferred, sold, agreed to be sold or donated. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling, donating, or transferring shall not exempt the transaction from such penalties herein provided.
(Ordinance 92 adopted 7/11/95)

Part V. Miscellaneous

Section 17.18 Short title

This Article may be cited as the "Subdivision Regulations of the Town of Livonia."
(Ordinance 92 adopted 7/11/95)

APPENDIX A

REQUIRED MATERIALS, TESTING, AND CONSTRUCTION CONTROL
FOR
ROADS AND STREETS

SECTION 1. GENERAL:

The basis for tests noted herein are those standard tests of materials and construction as currently specified by the Louisiana Department of Transportation and Development, Office of Highways. There are several locally available commercial testing laboratories which are familiar with those standards and tests to which reference is made in the following sections. Any laboratory to be used must have the prior approval of the town clerk. A report on all data obtained by the laboratory shall be submitted to the town clerk. It shall be the responsibility of the subdivider to pay for the services of the testing laboratory; the subdivider shall provide the town with evidence that payment has been made in full to the testing laboratory.

SECTION 2. SOILS INFORMATION:

Wherever roads or streets are to be constructed, sufficient soils information shall be secured, at locations designated by the town's authorized representative to determine the following:

a. Standard Proctor Curve. Plotting moisture against density in order to provide a means of checking actual density as a percentage of theoretical maximum density at optimum moisture.

b. Workability of the soil with or without lime treatment. Includes plastic and liquid limits from which the Plasticity Index (PI) would be determined. The PI is a direct indicator of soil workability.

SECTION 3. EMBANKMENT:

Embankment material should be free from vegetation, broken concrete, other rubble, roots, or other organic material and should be at or near optimum moisture prior to compaction. Material shall be brought up in lifts not exceeding eight (8") inches in depth and shall be compacted to at least ninety (90%) percent of maximum density, except that the top eight (8") inches compacted thickness of the embankment shall be compacted to at least ninety-five (95%) percent maximum density based on Standard Proctor Curve.

SECTION 4. SUBGRADE:

The subgrade, including lime treatment if required as per Section 5a, shall be free from

soft for spongy spots, roots, stumps, or other perishable matter, and the entire subgrade shall be compacted in accordance with Section 3.

SECTION 5. BASE:

The following sub-sections will cover the requirements for various base materials:

a. Lime Treatment Prior to Base Preparation: If the Subgrade to be use is of a type having a Plasticity Index (PI) of more than 15, the soil shall be lime-treated to lower the PI to 6 prior to stabilization. The percentage of lime to be used shall be recommended by a commercial laboratory engaged in this type of work, and approved by the town or its authorized representative. Lime treatment and stabilization shall be to a depth of eight (8") inches compacted thickness subject to the provisions of Section 8 hereof.

b. Soil-Cement Stabilized Base: Stabilization of soil by use of cement shall be performed in accordance with the requirements of the Standard Specifications of the DOTD, Office of Highways with regard to mixing, pulverizing, placing, compaction and curving. Compaction shall be to at least ninety-five (95%) percent of Standard Proctor curve maximum density. The percentage of cement to be used shall be recommended by a commercial testing laboratory and approved by the town or its authorized representative. Stabilization of soil by the use of cement shall be to a depth of eight (8") inches compacted thickness, subject to the provisions of Section 8, hereof.

Lime treatment prior to stabilization will be required under the conditions outlined under Section 5a.

SECTION 6. BASE PRIMER:

Prepared base (see Section 5) shall be primed with bituminous material meeting the current requirements of the Office of Highways specifications. The bituminous material used as a prime coat shall be Grade MC-30 or Grade Mc-70 Cutback asphalt. Priming of base shall be at the direction and under the supervision of the town's authorized representative.

SECTION 7. SURFACING:

Asphaltic Concrete

Streets or roads to be surfaced with asphaltic concrete shall have a base meeting the requirements for soil-cement base (with or without prior lime treatment), as provided in Section 5.

All asphaltic concrete shall be Type 1 mix as defined and specified by the Office of

Highways. The mix design, its transportation, placing, and compaction shall all meet the requirements of the Office of Highways for Type 1 mix, except that compaction shall be to ninety-five (95%) percent minimum of briquette density as determined by a qualified commercial testing laboratory as approved by the town's authorized representative.

SECTION 8. THICKNESS OF FINISHED ROADWAY SECTIONS:

For those roads or streets subjected to occasional to moderate truck traffic, mixed with residential-type passenger vehicle traffic, minimum base thickness shall be eight (8") inches and minimum asphaltic concrete surface thickness shall be two (2") inches.

Those roads or streets subjected to commercial and/or industrial traffic, with a high truck traffic count, shall be the subject of special design and construction controls. The mayor and council will work jointly with developer to arrive at a feasible design to be compatible with the intended use for the road or street.

APPENDIX B

GRASS SEEDING STANDARDS

SECTION 1. GENERAL:

These grass seeding standards are intended as a general guide for the subdivider to use in the planning of subdivisions. These standards consist of preparing seed bed, fertilizing, liming and watering if required, and furnishing and sowing grass seed.

SECTION 2. SELECTION OF SEED:

Prior to the planting of any seed, the subdivider is to contact the town's authorized representative to determine the varieties and quantities of seed that is to be used along either side of the streets in the subdivision. The variety and quantity of seed will be determined on the content of the soil in the subdivision and the time of the year in which the seeding is to take place.

SECTION 3. CONSTRUCTION:

Generally, the construction included in this appendix shall be done in accordance with Section 717, Seeding, of the Louisiana Standard Specifications for Roads and Bridges, as published by the Office of Highways, as amended.

APPENDIX C

STREET LIGHTING STANDARDS

SECTION 1. GENERAL:

The street lighting standards are intended as a general guide for the subdivider to use in planning of subdivisions. These standards consist of the selection of those materials and construction methods used in installing illumination standards.

SECTION 2. MATERIALS:

As a general guide the subdivider shall use standards that are constructed of creosoted wood or break-away aluminum; these standards shall allow luminaries to be mounted at a height of twenty-five (25') feet above the finished roadway.

These standards and luminaries shall be placed approximately two hundred (200') feet apart so as to give adequate night lighting. These materials are considered to be minimum requirements expected to be met by the subdivider; the mayor and council will meet with the subdivider to review the preliminary and final designs are contemplated by the subdivider for that construction covered by this appendix.

SECTION 3. CONSTRUCTION:

All construction shall be subject to the approval of the mayor and council as covered in the text of this Article.

Article B

Trailer Parks

Section 17.21 Definitions

As used in this Article, the following terms shall have the following meanings, unless the context requires otherwise:

(1) "Individual trailer site" means a plot of ground within a mobile home park designated and intended for the accommodation of one (1) mobile home.

(2) "Inspector" means a duly authorized agent of the town.

(3) "Mobile home" or "trailer" means any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses or skirtings; and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means.

(4) "Mobile home park", "trailer park" or "court" means an area providing spaces where two or more occupied mobile homes can be or are intended to be parked,
(Ordinance 143 adopted 12/9/02)

Section 17.22 Use Permits

A. Application for a use permit for a trailer park shall be filed with the town clerk. The town clerk shall issue such permit only after the park plan is approved by the mayor and council.

B. The application shall contain the following:

(1) The name and address of the owner and operator.

(2) The location and description of the trailer park.

(3) One (1) complete plan of the park showing compliance with Section 17.23.

(4) Approval of the Pointe Coupee Parish Sanitation Department.
(Ordinance 143 adopted 12/9/02)

Section 17.23 Minimum standards

All trailer parks and mobile home parks or courts shall be built in accordance with the following minimum standards:

(1) A minimum of three (3) acres shall be required, with a minimum frontage of two hundred (200') feet on a publicly maintained street or road.

(2) Where only one (1) road is to be provided, each mobile home park shall include an adequate circular turnaround at the rear of the property with a minimum radius of thirty (30') feet for garbage trucks and other vehicles.

(3) Each road is to be a minimum of twenty (20') feet wide with pavement construction of at least eight (8") inches of soil cement base and two (2") inches of asphalted concrete surface or eight (8") inches of soil cement base and five (5") inches cement concrete surface.

(4) All trailer sites shall abut upon a trailer park roadway or publicly maintained street or road.

(5) Each trailer site shall be fifty (50') feet wide by one hundred fifty (150') feet deep with only one (1) mobile home per site. There shall be a minimum separation of thirty (30') feet between mobile homes.

(6) Each trailer site shall have two (2) twenty-four (24") inch wide concrete runners six (6") inches thick for the trailer location and a concrete parking pad four (4") inches thick, twelve (12') foot wide by twenty-six (26') deep, to be measured from the edge of the road at the front of the site.

(7) Skirting shall surround one hundred (100%) percent of the bottom of the mobile home. Said skirting may include plastic, vinyl, or factory painted metal which may be made of solid or lattice material. No V -crimped or corrugated tin allowed. All solid material must be appropriately vented. This skirting shall cover the area from the bottom of the mobile home to the ground.

(a) All windows and doors of the mobile homes must be intact. No cardboard, tin, wood, or other similar material shall be allowed to cover any window or door, or replace any window or door that has been broken or removed.

(b) The roof of the mobile home shall be intact. Any damaged roofing material must be replaced. No patching of defects in a mobile home roof with materials such as wood, tin, or other similar materials that do not match or meet the standards of the original roof shall be allowed.

(c) The entire floor and all walls of the mobile home shall be intact with no holes or other defects that allow visualization of the sub floor or exterior of the mobile home.

(e) Each mobile home shall have steps leading up to any and all entrances / exits of the home. Said steps shall all be required to be equipped with handrails.

(f) Used mobile homes locating or relocating in the corporate limits of Livonia shall be eight (8) years old or less at the time of installation.

(8) Adequate drainage shall be provided by the owner subject to the approval of the drainage commissioner of the town.

(9) In all parks, the owner shall install a water distribution system consisting of mains of not less than eight (8") inches in diameter and shall install fire hydrants at intervals of not less than eight hundred (800') feet apart.

(10) Natural gas, in parks where needed, shall be provided by the owner to include minimum requirements of the town regarding line size, valves, materials, depth of cover, trace wire, etc.

(11) Connection to the public water and natural gas systems shall be paid for by the owner to the town's utility system.

(12) Utility lines shall be donated to the town with proper servitudes, to be determined by the town, and maintained by the owner for one (1) year.

(13) All proposed mobile home parks must secure approval of the Pointe Coupee Parish Sanitation Department on the method of sewerage treatment and disposal. The approved plan shall be submitted to the town before the permit is issued.

(14) All parks must have a wooden fence at least six (6') feet high and ninety (90%) percent solid provided along the side and rear property lines.
(Ordinance 143 adopted 12/9/02; Ordinance 2006-162 adopted June 12, 2006; Ordinance 2015-226 adopted 10/12/15)

Section 17.24 Existing mobile home parks

After December 12, 2002, any existing mobile home park in the town must come into compliance with this Article before any new mobile homes shall be added.
(Ordinance 143 adopted 12/9/02)

Section 17.25 Mobile homes in other areas of town

Mobile homes are permitted in any other area of town, where not restricted by

subdivision rules, in connection with a dwelling on same lot or adjacent thereto provided that:

(1) Any such mobile home is occupied by a member of the immediate family of such dwelling. A member of the immediate family shall be construed to be a son, daughter, or parent.

(2) Any such mobile home placement must conform with the requirements of this Article. (Ordinance 143 adopted 12/9/02)

Section 17.26 Right of entry of inspectors

Upon presentation of credentials, an inspector may enter, at reasonable times, any premise in the town to inspect such for compliance with this Article. (Ordinance 143 adopted 12/9/02)

Section 17.27 Penalties

Any person charged with violation of this Article shall, upon conviction, be sentenced to pay a fine of not more than five hundred (\$500) dollars, imprisoned for not more than sixty (60) days, or both. Each day the violation continues shall be considered a separate offense. (Ordinance 143 adopted 12/9/02)

Article C

Zoning Regulations

Section 17.28 Livonia land use principles

These principles are to be used as a guideline for making land use decisions in terms of access and compatibility of existing and future development.

DEFINITIONS

(1) "Adjacent property" shall mean any Zone R1, R2, or SI property immediately in front of, behind, or located on either side of a property in question (including any property directly across any street or roadway from a property in question). All adjacent property owners shall be considered equally regardless of how much property they own adjacent to the property in question.

(2) "Dwelling" shall mean a mobile home, house, or other structure that is being used for living or other purposes.

(3) "Mobile home or trailer" shall mean any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses or skirting; and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. Mobile homes that fall under classification of "modular homes" and mobile homes that have been immobilized by an act of immobilization shall also be included in this definition.

(4) "Rental dwelling" shall mean a mobile home, house, or other structure intended to be used for rental purposes.

(5) "Rental (or Rent)" shall refer to any rental agreement, rent-to-own agreement, lease, lease-purchase, owner-financed sale agreement, or any other similar agreement between a property owner and another individual, group of individuals, or other entity in which there is no actual transfer of ownership and transfer of title of the property that would constitute a bona fide sale. This definition shall apply regardless of whether or not money is charged for a rental.

(6) "Subdivide or subdivision" means the division of a lot, tract or parcel of land into two (2) or more lots, plots, parcels or building sites. It also includes the resubdivision or rearrangement of one or more lots, plots, parcels, or building sites.

(7) "Town inspector" shall mean an inspector, appointed by the town, for the purpose of inspecting any and all mobile homes, rental dwellings, or other properties that are within the town limits after passage of this amendment.

(8) "Immediate family member" shall mean a parent, sibling, child, grandparent, or grandchild.

(Ordinance 2009-187, adopted 5/11/09; Ordinance 2011-195, adopted 1/10/11)

GENERAL:

(1) All recognized historical and archaeological sites and facilities should be preserved.

(2) Sites with unique natural beauty should be preserved for public enjoyment.

(3) Natural aesthetics and greenbelts should be maintained where possible in both residential and commercial developments.

(4) Subdivide or subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plots, parcels or building sites. It also includes the resubdivision or rearrangement of one or more lots, plots, parcels, or building sites.

(5) Any owner of land within the corporate limits wishing to subdivide land shall submit to the clerk of the town a plat of the subdivision, which shall conform to the minimum requirements as set forth in the code. No plat of a subdivision shall be filed or recorded in the office of the clerk and recorder of Pointe Coupee Parish until such subdivision plat has been approved by the town council and such approval entered in writing on the plat by the mayor.

(6) Minimum lot size shall be one hundred (100') feet frontage and one hundred fifty (150') feet deep, or a minimum of one hundred (100') feet frontage and fifteen thousand (15,000) square feet per lot.
(Ordinance 2006-163 adopted June 12, 2006; Ordinance 2008-176 adopted April 14, 2008)

(7) Every lot must front upon a public street.
(Ordinance 2008-176 adopted April 14, 2008)

HOUSING:

(1) No urban or suburban residential development should be allowed unless there is an acceptable supply of potable water, solid waste collection and disposal, and fire protection.

(2) No airport will be allowed within the 100dba curve of a residential area or residential development.

(3) Residential may be compatible with such uses as: recreation; education; fire and police stations; agriculture.

(4) Residential uses are incompatible with industrial uses and certain commercial uses.

COMMERCIAL:

(1) All commercial activities should be in enclaves varying in size to suit their function and located convenient to the market.

(2) All commercial activities should have adequate off-street parking.

(3) Certain commercial uses may be deemed incompatible with areas which are primarily residential.

AGRICULTURAL AND WOODLANDS:

(1) Should be encouraged and protected in areas where the soil is suitable.

TRANSPORTATION:

(1) Every land use should contain enough land to ensure off-street parking for its function.

UTILITIES:

(1) Most utility generating facilities are more compatible with heavy commercial uses.

(2) Some utility facilities more compatible with light commercial uses.

(3) Utility uses that must occur in residential areas shall be suitably buffered and landscaped.

(Ordinance 156 adopted 12/14/04)

Section 17.29 Map

A. If, in accordance with the provisions of this ordinance and statutes, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map semiannually in January and July after the amendment has been approved by the Town Council and attached to this ordinance. Each semiannual change of the map shall be dated, signed, and certified.

B. No change of any nature shall be made in this official zoning map or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized changes of whatever kind, by any person or persons, shall be considered a violation of the ordinance and punishable under Section 17:36 of the ordinance.

C. The official zoning map, which shall be located in the office of the Town Clerk or Zoning Commission, shall be the final authority as to the current zoning statute of lands, buildings, and other structure in the town.

D. The official zoning map referred to herein is made an integrated part hereof by reference and is described as that certain plot of survey depicting the several zoning districts of the Town of Livonia, Louisiana, and is identified herewith by virtue of the signatures and seal of office of the Mayor and Clerk of the Town of Livonia, Louisiana.

E. Purpose: To amend and reenact Section 17.29 Map - Rezoning of R1 (Single Residential) property to C 1 A (Light Commercial).

Frank Foti (Pointe Coupee Thrif-T-Way), owner of Lots 4, 5, 6, & 7 of Richfield Subdivision, (3.122 acres in Section 119, T6S, R9E Hargrave Survey) has requested the property described above to be rezoned from R1 to CIA.

Pointe Coupee Thrif-T-Way has agreed to sell the above described property to Innis Community Health Center. Innis Community Health Center will be using the property to relocate the existing Livonia Community Health Center. The property will only be used for a health clinic similar to the existing clinic located at 3041 Fordoche Road, Livonia, Louisiana.

No less than eighty (80%) percent of the adjacent property owners in Zones R1, R2, or Si has approved to the rezoning of the property for the reason described.

A variance in the maximum square footage of the building is also requested, since the building will be larger than the maximum of five thousand (5,000) square feet.

The Livonia Town Council does hereby amend Lot 4, 5, 6, & 7 of Richfield Subdivision from R1 (Single Residential) to CIA (Light Commercial) and does hereby grant a variance allowing the square footage of the floor space of the building to exceed the maximum of five thousand (5,000) square feet for the CIA zoned area.

F. Purpose: To amend and reenact Section 17.29 Map - Rezoning of R1 (Single Residential) property to C IA (Light Commercial).

Katie D. Watson, owner of Lot 62 of Richfield Subdivision, has requested the property be rezoned from R1 to CIA.

The property will only be used for a laundromat and a short-order food establishment.

No less than eighty percent (80%) of the adjacent property owners in Zones R1, R2, or Si has approved to the rezoning of the property for the reason described.

The Livonia Town Council does hereby amend Lot 62 of Richfield Subdivision from R1 (Single Residential) to CIA (Light Commercial) to be used for a Laundromat and short-order food establishment.

G. Purpose To amend and reenact Section 17.29 Map - Rezoning of R1 (Single Residential) property to C1A (Light Commercial).

Lanell Marsh Chenevert, owner of Lot 2-A, 3196 Bayou Road, has requested the property be rezoned from R1 to C1A.

The property will be used for a retail floral, gifts, photography, event planning, and plant nursery establishment.

No less than eighty (80%) per cent of the adjacent property owners in Zones R1, R2, or S1 has approved to the rezoning of the property for the reason described.

The Livonia Town Council does hereby amend Lot 2-A, 3196 Bayou Road from R1 (Single Residential) to C1A (Light Commercial) to be used for a retail floral, gifts, photography, event planning, and plant nursery establishment.

(Ordinance 156 adopted 12/14/04; Ordinance 2011-202, adopted 9/12/11; Ordinance 2011-203, adopted 10/10/11; Ordinance 2013-214 adopted 12/9/13)

Section 17.30 Zoning districts enumerated

R1 Single Family Residential
R2 Multiple Family Residential
C1 Light Commercial
C2 Heavy Commercial
S1 Special Use District
(Ordinance 156 adopted 12/14/04)

Section 17.31 Nonconforming uses

(1) A business, building, structure, or premises containing a nonconforming use shall hereafter be extended and allowed to continue the use that is in effect at the time of the enactment of this ordinance. If there is a change of ownership of the nonconforming property or business, the nonconforming use will be allowed to continue provided all other provisions of this section are met.

(2) No business or property engaging in a nonconforming use shall be allowed to convert to another nonconforming use. Only the specific nonconforming use present at the date of the enactment of this ordinance shall be allowed.

(3) Structural repairs and alterations to a nonconforming building or structure may be permitted as needed. Any nonconforming building or structure which has been damaged by reason of fire, flood, explosion, earthquake, riot, Act of God, or other similar event may be reconstructed and reused as before if done within twelve (12) months from the time such damage occurred.

(4) No building or structure or premises where a nonconforming use has ceased for period of more than twelve (12) months or has changed to a permitted or conforming use shall again be used as a nonconforming use. Once a nonconforming use has terminated for a period of twelve (12) months, the property in question may only be used for the purpose approved for the zoning district in which it is located.
(Ordinance 156 adopted 12/14/04)

Section 17.32 Compliance

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located and as set forth in the *Zoning District Schedule*, Section 17.34, except as hereinafter provided.
(Ordinance 156 adopted 12/14/04)

Section 17.33 District boundary determination

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map, the following rules apply: The district boundaries are either streets, alleys, or property lines unless otherwise shown, and where the districts designated on the map are bounded approximately by streets, alleys, or property lines, the street, alley, or property lines shall be construed to be the boundary of the district. Property which is not subdivided shall continue to remain in the zoning district in which it is located after any subdividing of said property occurs. The map may be updated biannually to reflect the addition of such new property lines.
(Ordinance 156 adopted 12/14/04)

Section 17.34 Zoning district schedule

Within the zoning districts established by this section and as shown on the zoning district map, the following regulations shall apply.

R-1 SINGLE FAMILY RESIDENTIAL

Uses Permitted:

- (1) Single-family residential dwelling
- (2) Home-Based Business

(a) Private residential homes which are utilized for the purpose of daycare will be allowed provided that no external buildings on the property will be erected as daycare centers (this article applies strictly to home-based child care). Home-based businesses where business related endeavors take place on the same property as a homeowner's private residence such as landscaping and lawn care businesses, heating and air conditioning businesses, plumbing and electrical businesses, wood working, taxidermy, and other similar home based businesses will be allowed provided that the only business-related construction allowed in the residential property in question (apart from main residential dwelling) shall be a storage building erected for the purposes of storage of tractors, lawnmowers, parts, and other such equipment related to the business or a workshop or shed utilized for woodworking, taxidermy, or other similar purposes. All such outdoor storage and workshops shall be completely screened to the height of any stored

material or equipment by a ninety-five (95%) percent solid wall or fence on all sides which is not less than four (4) ft. in height (closable doors are considered as part of the solid wall or fence). Only storage buildings and workshops present before the enactment of this ordinance will be exempt from these requirements. A sign may be used to advertise a home-based business provided that there shall be only one non-illuminated sign that is no larger than two (2) square feet.

(b) The decibel level for any home-based business activity shall not exceed a maximum of eighty five (85) decibels at all property lines.

(3) Rental Property

(a) Definitions

(i) "Rental Dwelling" shall mean a mobile home, house, or other structure intended to be used for rental purposes.

(ii) "Rental (or Rent)" shall refer to any rental agreement, rent-to-own agreement, lease, lease-purchase, owner-financed sale agreement, or any other similar agreement between a property owner and another individual, group of individuals, or other entity in which there is no actual transfer of ownership and transfer of title of the property that would constitute a bona fide sale.

(iii) "Mobile Home or Trailer" shall mean any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses or skirting; and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. Mobile homes that fall under classification of "modular homes" shall be included in this definition.

(b) Homes for Rent

(A) Rental of single-family dwellings to single-family occupants will be allowed provided all other criteria as specified in the zoning ordinance are met.

(A) The roof must be intact with no leakage.

(B) The roofing materials that cover the home must be uniform (composed of the same material which is of the same color and consistency). Roofing materials may be shingles or metal roofing intended for residential use.

(C) Sewer treatment shall comply with all state, parish, and municipal standards.

- (D) Rental homes shall be used for single-family dwellings only.
 - (E) Electrical wiring, sockets, and switches shall be updated to all current codes.
 - (F) The floor of the dwelling shall be intact with no holes or other similar structural defects.
 - (G) The dwelling shall comply with any other current parish, state, federal, and municipal ordinances in place.
 - (H) All windows and doors shall be intact without any breaks or structural defects. No plywood or other coverings shall substitute for a window or door.
 - (I) Homes present in the town limits that are being used as rental property at the time of passage of this amendment, but do not meet all requirements of this amendment, shall be allowed to continue to be used as rental dwellings. However, any change of ownership of said homes shall require the new owner to comply with all requirements of this amendment before any further rental of the property will be allowed.
 - (J) Any house or other dwelling that is to be moved onto a lot for the purposes of rental shall meet the requirements of Section 17 .34(4) I, prior to moving said house or dwelling.
 - (xii) The owner of the rental property shall submit to periodic inspections of the rental dwelling by an inspector duly appointed by the Town of Livonia.
- (3.2) Mobile Home or House for Rent
- (a) Any individual that wishes to use a mobile home or house for the purpose of rental within the city limits of the Town of Livonia may do so without the objection of the property owners of the land adjacent to the proposed rental property and the Town Council.
 - (b) A written petition of no objection signed by at least seventy-five (75) percent of the owners of the property adjacent to the lot on which the mobile home or house is located or is sought to be located shall be required prior to renting or moving said mobile home or house. The petition shall be in writing and shall include specific details about the proposed rental dwelling (such as the age and condition of the dwelling) and proposed use of the property. Said petition shall be filed at the City Hall.
 - (c) Any mobile home or house that is to be moved onto a lot for the purposes of rental shall also meet the requirements of this section prior to moving said mobile home or house onto the land where the rental will take place. These requirements shall also be met for a mobile home or house that is currently being rented prior to moving it to a different location with different

adjacent property owners.

(d) If said mobile home or house changes ownership, it shall be required to again meet the requirements of this section prior to continuing its use as a rental dwelling.

Exceptions to 3.2 above are as follows:

(a) Any individual mobile home or house being used as a rental dwelling within the city limits of Livonia at the time of enactment of this ordinance (*January 10, 2011*) shall be said to be "grandfathered in" and will be allowed to continue its current use as a rental property on the same site where it is located or parked unless ownership of said mobile home or house changes.

(b) If a grandfathered rental mobile home or house needs to be repaired or replaced, it shall be allowed to be repaired or replaced by another mobile home or house at the same site where it is located indefinitely as long as there is no change of ownership of said mobile home or house.

(c) At the time of change of ownership, a grandfathered rental mobile home or house may be allowed to continue its use as a rental dwelling as the same site where it is located only upon approval by the Town Council.

(d) Transfer of ownership of a rental mobile home or rent house that is owned by an individual to a member of his or her immediate family shall not constitute a transfer of ownership for the purpose of this ordinance (*Ordinance 2011-195*).

(3.3) Land for rent

(a) Any individual (or other entity) owning a parcel of land within the town limits shall be allowed to rent said property for the purpose of locating a dwelling owned by another individual (or other entity) on said property only if all requirements of this section are met.

(b) A written petition of no objection signed by at least seventy-five (75%) percent of the owners of the property adjacent to the parcel of land in question shall be required. The petition shall be in writing and shall include specific details about the proposed use of the property. Said petition shall be filed at the City Hall.

(c) If approved by the aforementioned seventy-five (75%) percent of adjacent property owners, the petition shall be submitted to the town council prior to final approval by a majority vote of the council present.

(d) If said rental property changes ownership the property shall again meet the requirements of this section prior to continuing its use as a rental property.

(e) An exception to (d) above will be made only in the case that a property changes ownership while it is currently being rented to an individual that is residing in a dwelling located on said property. Only that individual will be allowed to continue renting the property until such time as he or she moves from the property. At that time all requirements of this amendment shall be met before the property can be rented again.

(f) In no circumstances will sub-renting be allowed whereby an individual who is renting a piece of land, places a dwelling on said piece of land and rents said dwelling to a third party.

(g) Said rules shall apply regardless of the amount of money charged for the rental of a property.

Exceptions to (3.3) above are as follows:

(i) A parcel of land that is being used or has been used for the purpose of rental within six (6) months of the time of passage of this amendment shall be allowed to continue its use as a rental property until the ownership of said property changes, at which time all requirements of this amendment shall be met prior to continuing use as a rental property.

(ii) Lending a parcel of land to an immediate family member for the purpose of locating a residential dwelling on said land shall not require approval by adjacent property owners. Immediate family member shall mean a parent, sibling, child, grandparent or grandchild of the landowner in question.

(4) Mobile Homes and Mobile Home Requirements:

(a) Definition:

(i) "Rental dwelling" shall mean a mobile home, house, or other structure intended to be used for rental purposes.

(ii) "Rental (or rent)" shall refer to any rental agreement, rent-to-own agreement, lease, lease-purchase, owner-financed sale agreement, or any other similar agreement between a property owner and another individual, group of individuals, or other entity in which there is no actual transfer of ownership and transfer of title of the property that would constitute a bona fide sale.

(iii) "Mobile home or trailer" shall mean any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses or skirting; and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. Mobile homes that fall under classification of "modular homes" shall also

be included in this definition.

(b) Skirting shall surround one hundred (100%) percent of the bottom of the mobile home. Said skirting may include plastic, vinyl, or factory painted metal which may be made of solid or lattice material. No V -crimped or corrugated tin allowed. All solid material must be appropriately vented. This skirting shall cover the area from the bottom of the mobile home to the ground.

(c) All windows and doors of the mobile home must be intact. No cardboard, tin, wood, or other similar material shall be allowed to cover any window or door, or replace any window or door that has been broken or removed.

(d) The roof of the mobile home shall be intact. Any damaged roofing material must be replaced. No patching of defects in a mobile home roof with materials such as wood, tin, or other similar materials that do not match or meet the standards of the original roof shall be allowed.

(e) The entire floor and all walls of the mobile home shall be intact with no holes or other defects that allow visualization of the sub floor or exterior of the mobile home.

(f) Each individual mobile home shall have it's own septic tank or sewer treatment system. No two or more mobile homes shall be allowed to share a common septic tank or sewer treatment system unless it is part of a public sewer treatment system approved by the town for public sewer disposal.

(g) Each mobile home shall have steps leading up to any and all entrances I exits of the home. Said steps shall all be required to be equipped with handrails.

(h) The minimum distance from any part of the mobile home to any lot line on the property on which the mobile home is parked shall be at least twenty (20) feet.

(i) Used mobile homes locating or relocating in the corporate limits of Livonia shall be eight (8) years old or less at the time of installation.

Exemptions: Mobile homes which are located within the town limits and are occupied as a primary residence by a person or persons at the time of the passage of this ordinance or have been occupied within the six (6) month period prior to the passage of this ordinance shall be exempt from the requirements in this amendment with the following exception: If any such mobile home becomes unoccupied by a person or persons as a primary residence for a period of six (6) months or greater, said mobile home shall be required to be updated to meet the requirements of this ordinance within three (3) months time. If said mobile home is not upgraded to meet the requirements in this amendment, the town will not provide any water or utilities to said mobile home until the requirements of this amendment are met.

Change of Ownership: A change in ownership of a mobile home shall void any previously granted exemption for said mobile home and that mobile home shall subsequently be required to meet all requirements of this ordinance within three (3) months time. If said mobile home is not upgraded to meet the requirements in this amendment, the town will not provide any water or utilities to said mobile home until the requirements of this amendment are met.

Enforcement: (i) Town inspector- The town shall appoint an inspector for the purposes of inspecting any and all mobile homes that are parked within the town limits after passage of this amendment.

(ii) This inspector shall be charged with inspecting said mobile homes and shall subsequently furnish a report to the town clerk.

(iii) If a mobile home does not meet the requirements of this ordinance, the town shall inform the owner of the specific corrections or upgrades that are required to be made to said mobile home so that it may be in compliance with this amendment.

(iv) No water or utilities will be furnished to a mobile home which is in noncompliance with the requirements enumerated in this amendment.

Variance: (i) Any individual mobile home owner may request a variance due to hardship or other similar reasons.

(ii) The phrase "individual mobile home owner", for purposes of this section, shall refer to an individual who owns the mobile home in question, holds the title to the mobile home, which is in his or her name, utilizes the mobile home as his or her primary residence, and owns the land on which the mobile home is parked.

(iii) The owner or owner's representative shall make a request for variance in writing and shall submit it to the town clerk. The request may be granted or denied by the town council. A three fifths (3/5) vote of the town council shall be required to grant a variance.

(iv) Variance shall be granted only for the specific requirements of this amendment waived by the town council for an individual mobile home and shall not waive any other requirements of this amendment for said mobile home.

(v) A change in ownership of a mobile home shall void any previously granted variance for said mobile home and that mobile home shall subsequently be required to meet all requirements of this amendment.

(vi) No variance shall be granted to any mobile home that is part of a rental agreement, rent-to-own agreement, owner-financed sale agreement, or any other such arrangement.

(i) Mobile Homes

(A) Any individual that wishes to use a mobile home for the purposes of rental within the town limits may do so without objection of the property owners of the land adjacent to the proposed rental property and the council.

(B) A written petition of no objection signed by at least seventy-five (75%) percent of the owners of the property adjacent to the lot on which the mobile home is sought to be located shall be required prior to moving said mobile home. The petition shall be in writing and shall include specific details about the proposed rental dwelling (such as the age and condition of the dwelling) and proposed use of the property. Said petition shall be filed at the City Hall.

(C) If approved by the aforementioned seventy-five(75%) percent of adjacent property owners, the petition shall be submitted to the town council prior to final approval by a majority vote of the council.

(D) Any mobile home that is to be moved onto a lot for the purposes of rental shall also meet the requirements of this section prior to moving said mobile home.

(E) If a mobile home changes ownership, it shall be required to again meet the requirements of this section prior to continuing its use as a rental dwelling.

(F) "Adjacent property" shall mean any property across a public street from the proposed rental property, behind the proposed rental property, and the property located on each side of the proposed rental property. All adjacent property owners shall be considered equally regardless of how much property they own adjacent to the proposed rental property.

Exceptions to (i) above are as follows:

(A) Any individual mobile home being used as a rental dwelling within the town limits at the time of enactment of this ordinance shall be said to be "grandfathered in" and will be allowed to continue its current use as a rental property on the same site where it is parked unless ownership of said mobile home changes.

(B) . If said mobile home needs to be repaired or replaced, it shall be allowed to be either repaired or replaced by another mobile home at the same site where it is parked indefinitely as long as there is no change of ownership of said mobile home.

(C) At the time of change of ownership, said mobile home may be allowed to continue its use as a rental dwelling at the same site where it is parked upon approval by the town council.

(D) Transfer of ownership of a rental mobile home that is owned by an individual to a

member of his or her family shall not constitute a transfer of ownership for the purpose of this ordinance.

(j) RV's and campers shall not be used as rental dwellings.

(k) Mobile homes shall not be allowed to be utilized for commercial business, as an extension of a commercial business, or as a storage structure for a commercial business or residence or other similar use within the town limits.

(5) Other Specifications

If regulations exist within a particular subdivision, street, or neighborhood which are stricter than the guidelines set forth in this ordinance, the stricter regulations shall apply.

Uses Prohibited: Group homes, halfway houses, drug or alcohol rehabilitation facilities, apartments, multiple family dwellings, mobile home parks, and all uses not specifically permitted herein.

R2 MULTIPLE-FAMILY RESIDENTIAL

Uses Permitted:

(1) All uses permitted in Zone R1.

(2) Apartments, town homes, cabins (defined as multiple dwellings located on one piece of property for the purpose of rental) and mobile home parks are permitted in this zoning district.

Uses Prohibited: All uses not specifically permitted herein.

C1 LIGHT COMMERCIAL:

Uses Permitted:

(1) Any use permitted in R1 and S1 Is allowed.

(2) This zone is intended for small businesses that are compatible with locations in relatively close proximity to residential dwellings. Examples of permitted uses include the following: Law Office, Veterinary Clinic, Physician's Office, Dentist Office, Small Grocery Store or Retail Store, Sporting Goods Store, Florist Shop, Dance or Martial Arts Academy, Exercise Facility, Daycare Center, Insurance Agency, Post Office, Sheriffs Substation or Police Department, Town Hall, Auto Repair Shop, Barbershop or Beauty Salon, Video Rental Store, Tanning Bed Salon, Snowball Stand, Lumber Yard, Hardware Store, Pet Store, Feed Store, Clothing Store, Car Wash, Laundromat, Storage Facility, Fire Station, Accounting Office, Travel

Agency, Retail Stores, Church, School, Heating and Air Conditioning Businesses, Television and/or Home Appliance Sale and Service, Photography Studio, Art or Arts and Crafts Store, Locksmith, and other similar small businesses. This list is not intended to be an all-inclusive list, but rather is simply a list of examples of typical types of small businesses allowed in this zone.

(3) Requirements:

(a) The maximum square footage shall not exceed five thousand (5,000) square feet of floor space per business. All businesses present before the adoption of this ordinance and any school, church, or municipal building shall be exempt from this requirement.

(b) The decibel level shall not exceed a maximum of eighty five (85) decibels at all property lines where commercial property abuts residential property.

(c) All driveways and parking areas in this zoning district shall consist of dust free surfaces so that no dust from these surfaces escapes beyond the lot line.

(d) No business or commercial entity that is located in Zone C1 shall be allowed to remain open for business between the hours often o'clock (10:00) p.m. and four o'clock (4:00) a.m. with the exclusion of car washes, laundromats, municipal offices, police and sheriff stations, fire stations, and storage facilities that are unmanned by any employees but are open for public use twenty-four (24) hours a day. Twenty-four (24) hour walk-in medical clinics are also exempt from this.

Uses Prohibited: Bar Rooms, Lounges, Dance Halls, Any establishment which receives its primary income from the sale of alcohol or tobacco products, Massage Parlors, Truck Stops, Businesses with Video Poker Machines or Other Gambling Devices, Daiquiri Shops, Fast Food Restaurant Chains, Car Dealerships, Junk Yards/Scrap yards, Auto Salvage, Group Homes, Halfway Houses, Drug or Alcohol Rehabilitation Facilities, Mobile Home Parks, Hotels, Motels, Apartments, and Town Homes.

C2 COMMERCIAL:

(1) Any use permitted in Zone R1, and S1 and C1 is allowed.

(2) The maximum square footage may exceed five thousand (5,000) square feet of floor space per business.

(3) Twenty four (24) hour businesses are permitted.

(4) Industrial uses and large commercial ventures are subject to the *uses prohibited* clause as detailed below.

Uses Prohibited:

(1) Any proposed industrial use that is deemed by the Town Council to be unsafe, obnoxious, or offensive due to the emission of noise, odor, dust, gas, combustibles, or vibration, or other similar concerns.

(2) Any use which the Town Council deems to be not in keeping with the values of the local community (ex. strip club).

(3) Any proposed large retail business venture that the council determines would place an undue burden on small local businesses by causing harm in the form of a substantial loss of business for said local merchants.

(4) Drug or alcohol rehabilitation facilities, halfway houses, group homes, and low income housing projects.

S1 SPECIAL USE DISTRICT:

Uses Permitted:

(1) Community parks and recreation.

(2) Halls for rental for wedding receptions, private parties, balls, and other similar uses.

(3) Churches, Police Station, Fire Department, Sheriff Station, Town Hall and other similar municipal uses.

(4) Historic town landmarks.

(5) Any use permitted in zoning district R1.

Uses Prohibited:

All uses not specifically permitted herein.
(Ordinance 156 adopted 12/14/04; Ordinance 2006-163 adopted June 12, 2006; Ordinance 2008-180 adopted on April 14, 2008; Ordinance 2009-187 adopted May 11, 2009; Ordinance 2011-195, adopted January 10, 2011; Ordinance 2015-227 adopted 10/12/15)

Section 17.35 Variances or amendments

A. Amendments. The Mayor and Town Council may from time to time on its own motion or on petition, after having given sufficient public notice and hearing as prescribed in LRS 33:4275, amend the zones and regulations established herein with the following provisions:

(1) Every proposed amendment shall first be referred to the Zoning Commission for study and review. The Zoning Commission will subsequently prepare a report and give its formal recommendation regarding the amendment.

(2) Any citizen may petition for any change or amendment in this ordinance provided that it has been one (1) year or longer since the first denial of a petition to rezone a particular piece or property, and two (2) years or longer since the second and subsequent denials of a petition to rezone a particular piece of property.

(3) Any petition or motion to rezone any Zone R1 property to an R2, S1, C1 or other zoning district shall require the following:

(a) Written and signed acknowledgment of no objection shall be obtained from each property owner who has Zone R1, R2, or S1 property adjacent to the property for which rezoning is proposed. Said acknowledgment shall include the name of the property owner, proposed property owner, or other individual requesting rezoning and specific details regarding the nature of the proposed use of the property in question.

(b) For purposes of this section, adjacent property will be defined as all Zone R1, R2, or S1 property to the immediate North, South, East, and West (including property directly across any street) of the lot lines of the property for which rezoning is proposed. An objection by twenty (20%) percent or more of such adjacent property owners shall prohibit such a rezoning from taking place. All adjacent property owners' objections will be considered equally regardless of the amount of land that they own adjacent to the property for which rezoning is requested.

(c) Without objection as detailed in paragraphs (3)(a) and (b) above, the Town Council will have the ultimate authority to grant such an amendment to this ordinance. In their discussion regarding the proposed amendment, the Council shall take into consideration the compatibility of any proposed business or other development with the area of town in which the property in question is located, the recommendations of the Zoning Commission, and any objections or concerns voiced by citizens. Such an amendment shall require a three-fifths (3/5) vote of the entire Town Council.

(d) If a property is approved for rezoning, only the specific use approved by the council (the use which shall be detailed in the letters of acknowledgment of no objection of adjacent property owners) shall be allowed on the rezoned property in question. This use shall be specifically detailed in the rezoning amendment to be attached to this ordinance. The rezoned

property shall have a designation that consists of the new zoning designation with the addition of the letter *A* to indicate that the property was rezoned for a specific use (example: Zone C1A). An amendment that includes a detailed description of said property and its new approved use shall be attached to this ordinance.

(e) If Zone R1 property is rezoned as Zone R2A, S1A, or C1A, or other amended zoning district the following rules shall apply: The property shall revert back to its original zoning district (defined as the zoning district assigned to that property on the original map which was approved at the time of passage of this ordinance) if the business or other new use ceases to operate for a period of twelve (12) months. Any proposed change in use of the rezoned property from that which is specifically stated in the amendment shall require the same procedures (letters of no objection of adjacent property owners, Zoning Commission recommendation, and Town Council vote) as detailed in this section (3) and shall require a new amendment to be added to this ordinance before such a proposed change can take place.

(f) If a property that has been rezoned is altered in such a fashion that it is no longer capable of being used for any purpose other than commercial, business, or other particular use, the council may elect to amend this ordinance to permanently rezone said property to reflect the type of use for which it has been altered. The Zoning Commission shall first study the issue and make a formal recommendation to the Town Council. A vote of three-fifths (3/5) of the entire Town Council shall be required to enact such an amendment. If an amendment is passed, it shall be attached to this ordinance. The Zoning map shall be amended to reflect the change in zoning.

(4) Rezoning of Zone R2 or S1 property to C1 shall require the same procedure for amendment as detailed in section (3) above.

(5) Rezoning of any property in Zones R1, R2, S1, or C1, to a C2 designation is discouraged. However, if such a rezoning is proposed, the same procedures for amendment as detailed in paragraph (3) above shall be required.

(6) Rezoning of any commercial property to a Zone R1 designation may be enacted to account for new residential developments. An individual property owner may request to have his or her commercial property rezoned to an R1 designation. The Zoning Commission shall study the proposed rezoning and make a formal recommendation to the Town Council. A majority vote of the entire Town Council shall be required to pass such an amendment. If passed, the amendment shall be attached to this ordinance and the zoning map shall reflect said changes.

B. Variance. Prior to the town council granting any variance to the Zoning Ordinance for hardship or other similar reasons, the town council shall first refer the matter to the zoning commission for their review and recommendation. Adjacent property owners shall also be informed in order to allow them to address their concerns prior to granting any variance. The town council shall not grant a variance to the Zoning Ordinance that overrides the objections of

adjacent property owners in situations where consent (or a petition of no objection) is required from adjacent property owners. Variances should generally be reserved for minor provisions of the Zoning Ordinance.

Exception to the preceding two sentences may be made in a special case involving 3.2(a) and (b) as follows: If an individual has owned a home and lived in it as his or her primary residence for at least two (2) years or has purchased or inherited a home from an immediate family member who had owned that home and lived in it as their primary residence for at least two (2) years may be granted a variance by the town council allowing said person to rent that home without permission of adjacent property owners for reasons of financial hardship or other reasons deemed appropriate by the council. This variance may be granted on a temporary or permanent basis. Any change of ownership of said home shall nullify that variance and all requirements of this Section and of this ordinance (*Ordinance 2011-198*) shall be enforced thereafter.

(Ordinance 156 adopted 12/14/04; Ordinance 2009-187 adopted May 11, 2009; Ordinance 2011-198, adopted 3/14/11)

Section 17.36 Penalties

Any person, corporation, partnership, or association of persons violating any provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten (\$10) dollars and not more than twenty-five (\$25) dollars or be imprisoned for not more than thirty (30) days for each day that the violation continues (as dictated by LRS 33:4728). No occupational license shall be issued and no utilities shall be provided by the Town of Livonia, to any business, residence or other entity which is in violation of this ordinance.

(Ordinance 156 adopted 12/14/04)

Section 17.37 Title

This article shall be known and may be cited as the *Zoning Ordinance of the Town of Livonia*.

(Ordinance 156 adopted 12/14/04)

Section 17.38 Effective Date

WHEREAS, this ordinance is necessary for affecting the most appropriate uses of land within the corporate limits of the Town of Livonia, and for the preservation of the public health, public safety, and the general welfare; it is hereby declared that this ordinance shall be in full force and effective form and after its passage by the Livonia Town Council with publication and posting as required by Louisiana Revised Statutes.

(Ordinance 156 adopted 12/14/04)

Revised August 2013