

**ZONING ORDINANCE
OF THE
TOWN OF OAK GROVE**

**OAK GROVE, LOUISIANA
1976**

PUBLIC RESEARCH & MANAGEMENT, INC.

**ZONING ORDINANCE
OF THE
TOWN OF OAK GROVE
LOUISIANA**

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November, 1976

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An Ordinance, in the pursuance of the Authority granted by sections 33: 4721 - 33:4729 of the Louisiana revised Statutes, and for the purpose of promoting the health, safety, morals and general welfare of teh community; dividing the municipality into districts; regulating and restricting the height, number of stories, size of structures, the percentage of lot that may be occupied, the size of yards, courts, and other open space; regulating the density of population, and the location and use of the buildings, structures, and land for trade, industry, residence, or other purposes; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

Be it ordained by the Town Council of Oak Grove, Louisiana, as follows:

ARTICLE I

SHORT TITLE

_____ This ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Oak Grove, Louisiana,” and the map herein referred to, which is identified by the Title, “Oak Grove, Louisiana, official Zoning Map,” and dated _____ shall be known as the “Zoning Map of Oak Grove, Louisiana.” The official Zoning Map of Oak Grove, Louisiana and all explanatory matter thereon are hereby adopted and made part of this Ordinance.

ARTICLE II

PURPOSE

The general purposes of this ordinance are to promote the health, safety, morals and general welfare of the people of the Town of Oak Grove, Louisiana. The Districts shown on the Zoning Map of Oak Grove, Louisiana have been designated after consideration as to the character of each district, its suitability, for particular uses, its relation to the general land use plan for the town and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town to the end that Oak Grove, Louisiana may become a better community in which to live.

JURISDICTION

The provisions of this ordinance shall be applicable to all property within the town limits of Oak Grove, Louisiana.

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting this ordinance, certain words or terms are herein defined. Unless otherwise expressly stated the following words shall, for the purpose of this ordinance have the meaning herein indicated

Section 41. Interpretaton of Certain Terms and Words

- _____ 41.1 Words used in the present tense include the future tense.
- 41.2 Words used in the singular number include the plural and words used in the plural number include the singular.
- 41.3 The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual
- 41.4 The word “lot” includes the word “plot” and “parcel.”
- 41.5 The word “Building” includes the word “structure.”
- 41.6 The word “shall” is mandatory, not discretionary.
- 41.7 The words “used” or “occupied” as applied to any lan or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- 41.8 The word “Map”, “Zoning Map”, or “Oak Grove Zoning Map” shall mean the “Official Zoning Map of the Town of Oak Grove, Louisiana.”

Section 42. Definitions

- _____ 42.1 Apartment House. See Dwelling, Multiple-Family.
- 42.2 Billboard. Any notice or advertisement, pictorial or otherwise, with an area of three-hundred (300) or more square feet, and/or all of those used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is not on the lot with such display.

- 42.3 Boarding Houseu. A building where, for compensation, lodging and/or meals are provided for not more than ten (10) persons.

- 42.4 Buffer Strip. A buffer strip consist of an area on a lot which is designated to be used exclusively for planting, landscaping, screening and/or buffering in which storage, parking and structures other than fences are prohibited.
- 42.5 Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto.
- 42.6 Building, Accessory. A subordinate building, the use of which is incidental to that of a principal building or use on the same lot.
- 42.7 Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.
- 42.8 Building Inspector. The official charged with the enforcement of the zoning ordinance.
- 42.9 Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of thany uncovered porches, steps, gutters and similar fixtures, and the right-of-way line of any street when measured perpendicular thereto.
- 42.10 Building Height. The vertical distance measured from the bottom of the floor joints or floor slab of the first story to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to hip, and gambrel roofs.
- 42.11 Dwelling. Any building, or portion thereof, which is designed for living and/or sleeping purposes.
- 42.12 Dwelling Unit. A building, or portion thereof, designed, arranged, and/or used for living quarters for one (1) or more persons living as a single house-keeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.
- 42.13 Dwelling, Single-Family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

- 42.14 Dwelling, Two-Family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- 42.15 Dwelling, Multiple-Family. A building arranged or designed to be occupied by three (3)

or more families.

- 42.16 Group Project. A group of two (2) or more structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so Subdivided.
- 42.17 Home Occupation. Any occupation, profession, or activity carried on within the dwelling by a member of a family residing on the premises in connection with which there is no group instruction, assembly or activity and no sign is used other than a name plate not more than two (2) square feet in area, and there is no display of supplies, or equipment visible to the public that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. There is no noise, traffic or parking problem created, no person is employed other than a member of the immediate family residing on the premises, and not more than 25 percent of the floor area may be used for such occupation.
- 42.18 Hotel. A building used as an abiding place with accommodations for more than ten (10) Persons, who for compensation, are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.
- 42.19 Junk Yard. A lot, land or structure or part thereof used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting or dismantling or salvaging of vehicles or machinery and/or for the sale of parts thereof.
- 42.20 Lot. A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.
- 42.21 Lot of Record. A parcel of land, the deed to which is recorded and which exists as described at the time of adoption of this ordinance.

- 42.22 Lot, Width. The average horizontal distance between side lot lines.
- 42.23 Mobile Home. Any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for dwelling purposes, including structural additions, except parked and unoccupied camping-type trailers or motorized vehicles. Any such vehicle or structure shall be deemed to be a mobile home whether or not the

wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

42.24 Mobile Home Park. Land used or intended to be used, or leased or tented for occupancy by two (2) or more mobile homes to be used for living purposes and accompanied by Customary accessory uses. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

42.25 Motel or Motor Lodge. A building or a group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

42.26 Non-Conforming Use. A legal use of a building and or land that antedates the adoption or future amendment of these regulations and does not conform to the regulations for the district in which it is located. For the purposes of this ordinance, three (3) types of Non-Conforming Use classifications are established, as follows:

(a) Type “A” Non-Conforming Use. A use that does not conform to the provisions of this ordinance and that, because of its design, bulk, arrangement, or other features cannot be readily removed, relocated, remodeled, or adapted to serve a use that does conform to the provisions of this ordinance for the district in which said building or structure is located.

(b) Type “B” Non-Conforming Use. A use that does not conform to the provisions of this ordinance and that is either located on land or in a building or structure that can be readily removed, relocated, remodeled or adapted so as to accommodate a use that does conform to the provisions of this ordinance. Type “B” Non-Conforming Uses may include but are not limited to portable structures, mobile homes, signs, junk yards, and open storage yards that do not meet the use requirements for the district in which they are located.

(c) Type “C” Non-Conforming Use. A use, building or structure that does not conform to the yard, height, lot area, off-street parking, lot area per dwelling unit, or lot coverage requirements of this ordinance for the District in which it is located.

42.27 Open Storage. Unroofed storage areas, whether fenced or not.

42.28 Parking Space, Off-Street. A storage space of not less than ten (10) feet by twenty (20) feet for one (1) automobile.

- 42.29 Rooming House. See Boarding House.
- 42.30 Service Station. Any building or land use for the dispensing, sale or offering for sale at Retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the Service station.
- 42.31 Setback. The distance from the front street or road right-of-way line to the nearest point construction.
- 42.32 Sign Area. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. However, in computing sign area only one (1) side of a double-faced sign structure shall be considered. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.
- 42.33 Sign, Business. A structure or display used as an advertisement or notice with an area of less than three-hundred (300) square feet, and accessory to the principal use on a lot.
- 42.34 Street. A public thoroughfare which afford the principal means of access to abutting property, but excluding alleys.
- 42.35 Street Line. The dividing line between a street or road right-of-way and the contiguous property.
- 42.36 Structure. Anything Constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including fences, business signs and billboards.

- 42.37 Tourist Home. See Boarding House.
- 42.38 Yard, Front. An open space on the same lot with a principal building, between the setback line of the building and the front street right-of-way line and extending the full width of the lot.
- 42.39 Yard, Rear. An open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

42.40 Yard, Side. An open, unoccupied space on the same lot with a principal building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

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ARTICLE V

ESTABLISHMENT OF DISTRICTS

Section 51. Use Districts

For the purpose of this ordinance, the Town of Oak Grove is hereby divided into districts and

seven district classifications are established as follows:

- AG - Agricultural District
- R-1 - Single-Family District
- R-2 - Single-Family and Two-Family District
- R-3 - Multi-Family District
- R-4 - Mobile Home Park District
- C - Commercial District
- I-1 - Industrial District

Section 52. District Boundaries

_____The boundaries of these districts are hereby established as shown on a map entitled “Official Zoning Map, Town of Oak Grove, Louisiana,” adopted _____, by the Town Council and certified by the Town Clerk. Said map and all explanatory matter thereon accompanies and is hereby made part of this ordinance. Said map shall be retained in the office of the Town Clerk.

Section 53. Rules Governing Boundaries

Where uncertainty exist with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

5-1

- 53.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- 53.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- 53.3 Where district boundaries are so indicated that they are approximately parallel to the

center lines of street, highways, or railroads, or right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said zoning map.

- 53.4 Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such a lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such lot more than thirty-five (35) feet beyond the district boundary line.

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ARTICLE VI

APPLICATION

Except as hereinafter provided:

Section 61. Use

_____No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered, except in conformity with the regulations of this ordinance or amendments thereto, for the district in which it is located.

Section 62. Height and Density

_____No building shall hereafter be erected or altered so as to exceed the height limit or to exceed the density regulations of this ordinance for the district in which it is located.

Section 63. Lot Size

_____No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family or other requirements of this ordinance are not maintained, except in cases of street widening.

Section 64. Yard Use Limitations

_____No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 65. Only One Principal Building on Any Lot

_____Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot, except as authorized by section 96, nor shall any building be erected on any lot which does not abut at least twenty-five (25) feet on a publicly dedicated street.

Section 66. Necessary Repairs Permitted

_____Nothing in this ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Building Inspector, the Fire Chief, or any other duly authorized town official.

Section 67. Non-Conforming Use (As Defined in Art. IV. Sect. 42.26).

Any building, structure or use of land existing at the time of the enactment of this ordinance or any amendment thereto that does not conform to the requirements of the district in which it is located may be continued and maintained subject to the following provisions:

- Type “A” Non-Conforming Use. Any Type “A” Non-Conforming use existing at the time of enactment or amendment of this ordinance may be maintained in good condition any continued.
- Type “B” Non-Conforming Use. Any Type “B” Non-Conforming Use existing at the time of enactment or amendment of this ordinance may be continued and maintained by the present owner of the property, and may be continued and maintained as the same type of Type “B” Non-Conforming Use by any subsequent owner of the property; however, use of said property shall not be converted or expanded to include any other type of Type “B” Non-Conforming Use, or a Type “A” Non-Conforming Use either by the present owner or any subsequent owner.
- Type “C” Non-Conforming Use. Any Type “C” Non-Conforming Use existing at the time of enactment or amendment of this ordinance may be continued, but may not be altered, extended, or enlarged, unless such alteration, extension, or enlargement conforms, in the opinion of the Board of Adjustment, as nearly as is reasonable to the provisions of this ordinance.

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It shall be the responsibility of the Board of Adjustment to identify and classify as to the type the Non-Conforming Uses within the Town of Oak Grove.

Section 68. Interpretation of District Regulations

_____The district regulations shall be enforced and interpreted according to the following rules:

- 68.1 Use by Right. Uses not designated as permitted by right or subject to additional conditions shall be prohibited. Special exception uses are permitted according to the additional regulations imposed. There special exception uses can be approved only by

The Board of Adjustment. Additional uses when in character with the district may be added to the ordinance by amendment

- 68.2 Minimum Regulations. Regulations set forth by this ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standard shall govern.
- 68.3 Land Covenants. Unless restrictions established by covenants for the land are prohibited by or are contrary to the provisions of this ordinance, nothing herein contained shall be Construed to render such covenants inoperative.

ARTICLE VII

USE REQUIREMENTS BY DISTRICT

Section 71. AG - Agricultural District

_____The regulations of this district are intended to provide for agricultural and low density residential development, and to insure that open and/or sparsely developed areas of the community are not the subject of premature, scattered and uneconomical growth patterns.

Within an AG - Agricultural District, the following Uses Shall be permitted:

A. Principal Uses:

- (1) Bona fide farms, nurseries, greenhouses and truck gardens, and their customary appurtenances.
- (2) Single-Family dwellings.
- (3) Churches and their Customary related uses, including cemeteries, provided that all buildings and graves shall be set back at least thirty (30) feet from any property line.
- (4) Parks, playgrounds, community centers, clubs, lodges, swimming pools, golf courses, and other recreational facilities operated on a non-profit basis.
- (5) Public and private elementary and secondary schools, but not schools primarily engaged in commercial or industrial trades education.
- (6) Kindergartens or day nurseries, provided that not less than one-hundred (100) square feet of indoor play area is provided for each child, and provided further That such aggregate play space is surrounded by a sturdy fence at least four (4) feet in height.
- (7) Nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.

- (8) Public works and public utility facilities such as distribution lines, transmission lines and towers, electric substation, water tanks and towers, pumping stations, water treatment plants, sewage lagoon and plants, telephone exchanges, and fire and police stations.
- (9) Individual mobile home on a single lot utilized exclusively as the principal building and single family dwelling of the owner of the lot.

B. Special Exception Uses: The following uses shall be permitted only upon a finding by the Board of Adjustment that the additional conditions listed below will be met and that such use will not cause adverse parking and traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property. Upon its finding that these Requirements will not be met by a use as proposed, the Board of Adjustment may deny the requested special exception use, or require buffering, landscaping or other conditions as a prerequisite to approval.

- (1) Fences of a closed (screening) design, and/or fences over four (4) feet high may be placed in any required yard area, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met and that such Fence would not create a traffic or safety hazard, or unduly restrict the passage of light and air.

C. Accessory Uses:

- (1) Home Occupation as defined in Article IV, Subsection 42.17.
- (2) Customary accessory buildings or uses, provided such shall be permitted only in a rear yard and shall be situated not less than ten (10) feet from any property line; and further provided that in the case of a corner lots such buildings or uses Shall be set back at least forty (40) feet from any side line right-of-way line.

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- (3) Signs:
 - (a) one (1) professional or announcement sign per lot for customary home occupations, kindergartens and similar permitted uses. Such signs shall not exceed two (2) square feet in area.
 - (b) one (1) sign per lot pertaining only to the lease, rent or sale of the property upon which displayed. Such sign shall not exceed six (6) square feet in area. No such sign shall be illuminated.

(c) Church bulletin boards and signs announcing agricultural enterprises, recreation facilities, and schools. Such signs shall be limited to one (1) per lot and shall not exceed eighteen (18) square feet in area.

- (4) Fences not over four (4) feet high of an open (non-screening) design may be placed within any required yard area.

D. Off-Street Parking Requirements:

- (1) Two (2) spaces shall be required for each dwelling unit; one (1) space for each three (3) beds in a rest home; one (1) space for each eight (8) seats in the main auditorium for churches and similar community uses; two (2) spaces for each staff member at elementary and secondary schools; one (1) space for each four Hundred (400) square feet of floor area utilized for any other permitted use.

E. Dimensional Requirements. Within an AG - Agricultural District as shown on the Zoning map, the following dimensional requirements shall be met:

- (1) Minimum required lot area shall be forty-thousand (40,000) square feet.
- (2) Minimum required lot width shall be two-hundred (200) feet.
- (3) Minimum required lot depth shall be two-hundred (200) feet.
- (4) Minimum required building setback line shall be fifty (50) feet.
- (5) Minimum required side yard shall be twenty (20) feet each. Corner lots must have an additional twenty (20) feet along the side street line.
- (6) Minimum required rear yard shall be forty (40) feet.

7-3

- (7) Maximum permissible lot coverage. The total ground area covered by the principal building and all accessory buildings shall not exceed thirty percent (30%) of the total lot area.
- (8) Structures (excepting church spires, flagpoles, antennas, chimneys or similar Accessories to structures), shall not exceed thirty-five (35) feet in height.

Section 72. R-1 Single-Family District

_____This district is intended as a quiet low-density residential neighborhood for single family dwellings.

Within the R-1 Single-Family Residential District the following uses shall be permitted:

A. Principal Uses:

would

- (1) Single-Family dwellings.
- (2) Agricultural activities and truck gardens, and their customary appurtenances, but not the raising of poultry, pets or livestock in a manner on such a scale that
Be objectionable because of unsanitary conditions, noise or odor.
- (3) Churches and their Customary related uses, including cemeteries, provided that all buildings and graves shall be set back at least thirty (30) feet from any property line.
- (4) Parks, playgrounds, community centers, clubs, lodges, swimming pools, golf courses, and other recreational facilities operated on a non-profit basis.
- (5) Public and private elementary and secondary schools, but not schools primarily engaged in commercial or industrial trades education.
- (6) Individual mobile home on a single lot utilized exclusively as the principal building and single family dwelling of the owner of the lot. **This permitted Use applies only to a mobile home owned by the owner of the lot. A non-owner wishing to place a mobile home on another's lot must obtain a variance or special use permit approved by the zoning commission prior to placing the mobile home on the lot. Town utilities shall not be supplied to any mobile home placed on a lot which is not owned by the land owner until the variance or special use has been granted after public hearing. (Amended 9-10-02)**

B. Special Exception Uses: The following uses shall be permitted only upon a finding by the Board of Adjustment that the additional conditions listed below will be met and that such Use will not cause adverse parking and traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property. Upon its finding that these requirements will not be met by a use as proposed, the Board of Adjustment may deny the requested special exception use, or require buffering, landscaping or other conditions as a Prerequisite to approval.

- (1) Public works and public utility facilities such as distribution lines, transmission lines and towers, electric substations, water tanks and towers, pumping stations, water treatment plants, sewage lagoons and plants, telephone exchanges, and fire and police stations, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (2) Kindergartens or day nurseries, provided that not less than one-hundred (100) square feet of outdoor play area is provided for each child, and provided further That such aggregate play space is surrounded by a sturdy fence at least four (4) feet in height, and subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.

- (3) Hospitals and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (4) Fences of a closed (screening) design, and/or fences over four (4) feet high may be placed in any required yard area, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met and that such Fence would not create a traffic or safety hazard, or unduly restrict the passage of light and air.

C. Accessory Uses:

- (1) Home occupations as defined in Article IV, Subsection 42.17.
- (2) Customary accessory building or uses, provided such shall be permitted only in a rear yard and shall be situated not less than five (5) feet from any side property Line; and further provided that in the case of corner lots such buildings or uses shall be set back at least ten (10) feet from any side line right-of-way line.

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- (3) Signs, subject to the provisions of Article VII, Section 71C.
- (4) Fences, subject to the provisions of Article VII, Section 71C.

D. Off-Street Parking Requirements:

- (1) Off-street parking requirements shall be provided as required in Article VII, Section 71D.

E. Dimensional Requirements. Within the R-1 District as shown on the zoning map, the following dimensional requirements shall be met:

- (1) Minimum required lot area for a single-family building shall be ten thousand (10,000) square feet, and twenty thousand (20,000) square feet for all other Permitted principal uses.

- (2) Minimum required lot width shall be eighty (80) feet.
- (3) Minimum required lot depth shall be one hundred twenty-five (125) feet.
- (4) Minimum required building setback line shall be thirty-five (35) feet.
- (5) Minimum required side yard shall be five (5) feet and the minimum sum of both side yards shall be twenty (20) feet. Corner lots must have a minimum of twenty (20) feet of side yard along the side street line.
- (6) Minimum required rear yard -- thirty (30) feet.
- (7) Maximum permissible lot coverage. The total ground area covered by the principal building shall not exceed fifty percent (50%) of the total lot area.
- (8) Structures (excepting church spires, flagpoles, antennas, chimneys or similar Accessories to structures), shall not exceed thirty-five (35) feet in height.

Section 73. R-2 Single-Family and Two-Family District.

_____This district is intended to be a quiet, medium-density residential neighborhood consisting of a single-family and two-family Dwellings, and limited private and public community uses.

Within an R-2 District, the following uses shall be permitted:

A. Principal Uses:

- (1) Single-family and two-family dwellings.
- (2) Agricultural activities and truck gardens, and their customary appurtenances, but not the raising of poultry, pets or livestock in a manner on such a scale that
Be objectionable because of unsanitary conditions, noise or odor.
- (3) Rooming and boarding houses.
- (4) Tourist homes.
- (5) Churches, located not less than thirty (30) feet from any property line in any

would

residential district.

- (6) Parks, playgrounds, community centers, clubs, lodges, swimming pools, golf courses, and other recreational facilities operated on a non-profit basis.
- (7) Public and private elementary and secondary schools, but not schools primarily engaged in commercial or industrial trades education.
- (8) Individual mobile home on a single lot utilized exclusively as the principal building and single family dwelling of the owner of the lot. **This permitted Use applies only to a mobile home owned by the owner of the lot. A non-owner wishing to place a mobile home on another's lot must obtain a variance or special use permit approved by the zoning commission prior to placing the mobile home on the lot. Town utilities shall not be supplied to any mobile home placed on a lot which is not owned by the land owner until the variance or special use has been granted after public hearing. (Amended 9-10-02)**

B. Special Exception Uses: The following uses shall be permitted only upon a finding by the Board of Adjustment that the additional conditions listed below will be met and that such use will not cause adverse parking and traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property. Upon its finding that these Requirements will not be met by a use as proposed, the Board of Adjustment may deny the requested special exception use, or require buffering, landscaping or other conditions as a prerequisite to approval.

- (1) Public works and public utility facilities such as distribution lines, transmission lines and towers, electric substations, water tanks and towers, pumping stations, water treatment plants, sewage lagoons and plants, telephone exchanges, and fire and police stations, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.

7-8

- (2) Kindergartens or day nurseries, provided that not less than one-hundred (100) square feet of outdoor play area is provided for each child, and provided further That such aggregate play space is surrounded by a sturdy fence at least four (4) feet in height, and subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (3) Hospitals and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (4) Fences of a closed (screening) design, and/or fences over four (4) feet high may be placed in any required yard area, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met and that such Fence would not create a traffic or safety hazard, or unduly restrict the passage of light and air.

C. Accessory Uses:

- (1) Home occupations as defined in Article IV, Subsection 42.17.
- (2) Customary accessory building or uses, provided such shall be permitted only in a rear yard and shall be situated not less than five (5) feet from any side property Line; and further provided that in the case of corner lots such buildings or uses shall be set back at least ten (10) feet from any side line right-of-way line.

7-9

- (3) Signs, subject to the provisions of Article VII, Section 71C.
- (4) Fences, subject to the provisions of Article VII, Section 71C.

D. Off-Street Parking Requirements:

- (1) Off-street parking requirements shall be provided as required in Article VII, Section 71D.

E. Dimensional Requirements. Within the R-2 District as shown on the zoning map, the following dimensional requirements shall be met:

- (1) Minimum required lot area shall be six thousand (6,000) square feet for a single-family building, seven thousand two hundred (7,200) square feet for two-family building, ten thousand (10,000) square feet for a rooming houses, boarding houses, and tourist homes, and twenty thousand (20,000) square feet for all other permitted principal uses.
- (2) Minimum required lot width for a single-family building shall be sixty (60) feet,

and sixty (60) feet for a two-family building and other principal uses.

- (3) Minimum required lot depth for all principal permitted uses shall be one hundred Twenty (120) feet.
- (4) Minimum required building setback line shall be thirty (30) feet.
- (5) Minimum required side yard shall be five (5) feet and the minimum sum of both Side yards shall be twelve (12) feet. Corner lots must have a minimum of fifteen (15) feet of side yard along the side street line.
- (6) Minimum required rear yard shall be twenty-five (25) feet.
- (7) Maximum permissible lot coverage. The total ground area covered by the principal building and all accessory buildings shall not exceed fifty percent (50%) of the total lot area.
- (8) Structures (excepting church spires, flagpoles, antennas, chimneys or similar Accessories to structures), shall not exceed thirty-five (35) feet in height.

7-10

Section 74. R-3 Multi-Family Districts.

This district is intended to be a quiet, moderate density residential area of a single-family, two-family and multi-family residential development.

Within the R-3 Multi-Family District the following uses shall be permitted:

A. Principal Uses

- (1) Single-family and two-family dwellings.
- (2) Multi-family dwellings and group housing developments with not more than eight (8) dwelling units per building.
- (3) Rooming and boarding houses.
- (4) Tourist homes.
- (5) Churches, located not less than thirty (30) feet from any property line in any residential district.

- (6) Parks, playgrounds, community centers, clubs, lodges, swimming pools, golf courses, and other recreational facilities operated on a non-profit basis.
- (7) Public and private elementary and secondary schools, but not schools primarily engaged in commercial or industrial trades education.
- (8) Individual mobile home on a single lot utilized exclusively as the principal building and single family dwelling of the owner of the lot.

B. Special Exception Uses: The following uses shall be permitted only upon a finding by the Board of Adjustment that the additional conditions listed below will be met and that such use will not cause adverse parking and traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property. Upon its finding that these Requirements will not be met by a use as proposed, the Board of Adjustment may deny the requested special exception use, or require buffering, landscaping or other conditions as a prerequisite to approval.

7-11

- (1) Public works and public utility facilities such as distribution lines, transmission lines and towers, electric substations, water tanks and towers, pumping stations, water treatment plants, sewage lagoons and plants, telephone exchanges, and fire and police stations, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (2) Kindergartens or day nurseries, provided that not less than one-hundred (100) square feet of outdoor play area is provided for each child, and provided further That such aggregate play space is surrounded by a sturdy fence at least four (4) feet in height, and subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (3) Hospitals and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (4) Fences of a closed (screening) design, and/or fences over four (4) feet high may be placed in any required yard area, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met and that such Fence would not create a traffic or safety hazard, or unduly restrict the passage of light and air.

C. Accessory Uses:

- (1) Home occupations as defined in Article IV, Subsection 42.17.
- (2) Customary accessory building or uses, provided such shall be permitted only in a rear yard and shall be situated not less than five (5) feet from any side property Line; and further provided that in the case of corner lots such buildings or uses shall be set back at least ten (10) feet from any side line right-of-way line.

7-12

- (3) Signs, subject to the provisions of Article VII, Section 71C.
- (4) Fences, subject to the provisions of Article VII, Section 71C.

D. Off-Street Parking Requirements:

- (1) Two (2) spaces shall be required for each dwelling unit in a single-family or a two-family building; one and one-half (1-1/2) spaces shall be required for each for each dwelling unit in a multi-family building; one (1) space for each three (3) beds in a rest home; one (1) space for each eight (8) seats in the main auditorium for churches and similar community uses; two (2) spaces for each staff member At elementary and secondary schools; one (1) space for each four hundred (400) square feet of floor area utilized for any other permitted use.

E. Dimensional Requirements. Within the R-3 District as shown on the zoning map, the following dimensional requirements shall be met:

- (1) Minimum required lot area shall be six thousand (6,000) square feet for single-family buildings, seven thousand two hundred (7,200) square feet for two-family buildings, and twelve thousand (12,000) square feet for multi-family buildings, with no more than three (3) dwelling units. For residential buildings and group housing developments having more than three (3) dwelling units, the lot area shall be increased by three thousand (3,000) square feet for each dwelling unit in excess of of three (3). In no case, shall dwelling unit density

exceed fourteen (14) units per acre. Minimum required lot area for rooming houses boarding houses and tourist homes shall be ten thousand (10,000) square feet, and twenty thousand (20,000) square feet for all other permitted principal uses.

- (2) Minimum required lot width for a single-family building shall be sixty (60) feet; two-family buildings, sixty (60) feet; multiple-family buildings, eighty five (85) feet plus an additional ten (10) feet of lot width for each unit in excess of three (3).

7-14

- (3) In addition to the limitations in (1) and (2), the minimum lot for a group housing development as defined in Article IX, Section 96, of this ordinance, shall be two (2) acres and the minimum lot width shall be two-hundred (200) feet.
- (4) Minimum required building setback line -- thirty five (35) feet.
- (5) Minimum required side yard -- ten (10) feet each. Corner lots must have an additional ten (10) feet along the side street line. Multiple-family lots -- fifteen (15) feet each.
- (6) Minimum required rear yard -- thirty (30) feet.
- (7) Maximum permissible lot coverage. The total ground area covered by the principal building and all accessory buildings shall not exceed forty percent (40%) of the total lot area.
- (8) height of buildings shall not exceed thirty-five (35) feet.

Section 75. R-4 Mobile Home Park District

_____ This district has as its purpose the regulation of mobile home parks located on unsubdivided parcels which shall be at least forty-thousand (40,000) square feet in area and under single ownership and control. It is the further intent to permit establishment of mobile home parks which will meet a

community need for the clustering this type of housing and at the same time provide means for protecting the value, use and enjoyment of surrounding properties and preserving the general welfare.

Prior to receipt of for a mobile home park, the owner or developer shall submit a complete plan of the proposed mobile home park to the Building Inspector, showing proposed vehicle exits, entrances and off-street parking spaces, mobile home space layout and such other information as the Building Inspector may deem necessary in order to determine if all requirements of this and other applicable ordinances are to be met

7-14

A. Principal Uses:

- (1) Mobile homes, subject to the further provisions of this section.

B. Special Exception Uses: The following uses shall be permitted only upon a finding by the Board of Adjustment that the additional conditions listed below will be met and that such use will not cause adverse parking and traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property. Upon its finding that these Requirements will not be met by a use as proposed, the Board of Adjustment may deny the requested special exception use, or require buffering, landscaping or other conditions as a prerequisite to approval.

- (1) Public works and public utility facilities such as distribution lines, transmission lines and towers, electric substations, water tanks and towers, pumping stations, water treatment plants, sewage lagoons and plants, telephone exchanges, and fire and police stations, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (2) Kindergartens or day nurseries, provided that not less than one-hundred (100) square feet of outdoor play area is provided for each child, and provided further That such aggregate play space is surrounded by a sturdy fence at least four (4) feet in height, and subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met.
- (3) Fences of a closed (screening) design, and/or fences over four (4) feet high may be placed in any required yard area, subject to a finding by the Board of Adjustment that the general requirements for special exception uses will be met

and that such Fence would not create a traffic or safety hazard, or unduly restrict the passage of light and air.

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C. Accessory Uses:

- (1) Home occupations as defined in Article IV, Subsection 42.17.
- (2) Customary accessory building or uses, provided such shall be permitted only in a rear yard and shall be situated not less than five (5) feet from any side property Line; and further provided that in the case of corner lots such buildings or uses shall be set back at least ten (10) feet from any side line right-of-way line.
- (3) Signs, subject to the provisions of Article VII, Section 71C.
- (4) Fences, subject to the provisions of Article VII, Section 71C.

D. Off-Street Parking Requirements:

- (1) Two (2) spaces shall be required for each mobile home; and one (1) space for each four hundred (400) square feet of floor area utilized for any other permitted Accessory or special exception use.

E. Dimensional Requirements. Within the R-4 District as shown on the zoning map, the following dimensional requirements shall be met:

- (1) Minimum required lot area for a mobile home park shall be forty thousand (40,000) square feet of unsubdivided property.
- (2) Every mobile home space within a mobile home park shall have an area of not less than three thousand two hundred (3,200) square feet with a minimum width at all Points of forty (40) feet. Every such space shall have all corners clearly marked.
- (3) Each mobile home space shall be directly accessible from an approved internal

park driveway. No direct access to mobile home spaces from public streets shall be permitted.

- (4) Mobile homes shall be separated from each other by not less than fifteen (15) feet end to end and twenty (20) feet side to side.
- (5) Each mobile home space shall be provided with a concrete patio of at least one hundred (100) square feet which shall be convenient to the entrance of mobile home.

7-16

- (6) The minimum distance between mobile homes located on opposite sides of an internal driveway shall be thirty six (36) feet.
- (7) Expandable rooms on mobile homes shall be deemed an integral part of the mobile home and shall meet all requirements stated herein.
- (8) Height of buildings shall not exceed thirty-five (35) feet.

Section 76. C Commercial District

_____This district has as its purpose the provision of areas for commercial activities which serve the needs of the community, while at the same time protecting the surrounding residential areas.

Within the C Commercial District, the following uses shall be permitted:

A. Principal Uses:

- (1) Uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, drafting.
- (2) Antique shop, drug store, barber shop, beauty shop, dry cleaning and laundry services, delicatessen, shoe repair and shoe shine shop.
- (3) Hotel or motel.
- (4) Any retail business, whose principal activity is the sale of merchandise in an enclosed building.
- (5) Office, showroom, and workshop of a plumber, electrician, decorator, dress maker, tailor, banker, printer, upholsterer, or an establishment doing photographic reproduction, laundering, dying, cleaning, radio or home appliance repair, and similar establishments that require a retail adjunct of no more objectionable character subject to the following provisions: not more than five (5) persons shall be employed at any time in the manufacturing or processing activities of such establishments.
- (6) Restaurants, tea rooms, cafe, or other place serving food or beverage.

- (7) Enclosed theater, radio and television studio, assembly hall, concert hall, dance hall, bowling alley, skating rink, or similar recreation use or place of assembly.
- (8) Service Station.
- (9) Municipal use, State or Federal uses, public utility building, telephone exchange, transformer, station with service yard but without storage yard.

7-18

- (10) Mortuary establishment.
- (11) Bus passenger station.
- (12) Lodge hall or private club.
- (13) Commercial greenhouse or nursery.

(Dwelling units are prohibited unless expressly allowed by the Board of Adjustment in accordance with the special use or variance procedures of this Zoning Ordinance as provided by Article XI, Section 117.) (Amended 2-8-2000)

B. Special Exception Uses: The following uses shall be permitted only upon a finding by the Board of Adjustment that the additional conditions listed below will be met and that such use will not cause adverse parking and traffic conditions, or otherwise unduly impair The value, use or enjoyment of adjacent property. Upon its finding that these Requirements will not be met by a use as proposed, the Board of Adjustment may deny the requested special exception use, or require buffering, landscaping or other conditions as a prerequisite to approval.

- (1) Any similar retail business, service or use of the same general character as the permitted principal uses.
- (2) Open air business use as follows:
 - (a) Retail sale of trees, shrubbery, plants, flowers, seed, top soil, human, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - (b) Retail sale of fruit and vegetables.
 - (c) Retail sale of automobiles, mobile homes, boats, lumber and building materials.

(d) Tennis courts, archery courts, shuffleboard, horse shoe courts, miniature golf, children's amusement parks, or similar recreation uses.

(e) Rental services for bicycles, trailers, motor vehicles, or home equipment.

(3) Automobile repair garage or automobile body shop, but excluding open storage of wrecked or non-operative vehicles.

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(4) Wholesale, storage and warehouse facility, freezer and locker.

(5) Outdoor theater or golf driving range.

(6) Veterinarian clinic, small animal hospital, or kennel.

(7) Billboards, provided such are not located within one-hundred (100) feet of any residential district, provided further, that not more than one (1) billboard structure shall be allowed per two-hundred (200) feet of additional lot frontage.

C. Accessory Uses

(1) Any use or building customarily incidental to the permitted principal use.

(2) One (1) sign per lot pertaining to the lease, rent or sale of the property upon which it is displayed. Such sign shall not exceed twenty (20) square feet in area.

(3) Business signs, accessory to and on the same premises with uses permitted in this district, provided that no sign shall project more than three (3) feet from the main building, nor shall any sign hang lower than eight (8) feet to any sidewalk.

D. Off-Street Parking Requirements.

(1) One (1) off-street parking space shall be provided for every one-hundred (100) square feet of floor area in the principal building of any retail or service use.

(2) Service stations shall provide two (2) spaces for each gas pump plus three (3) spaces for each service bay.

(3) Drive-in restaurants shall require five (5) times the number of square feet in the principal building.

(4) Two (2) or more commercial uses may cooperate in the provision of automobile parking space required by this section.

- (5) all parking areas shall be so located and designed as to prevent undue interference with the use of public streets and alleys and shall be graded and paved to the town specifications for parking lots.

7-21

- E. Dimensional Requirements. Within a C Commercial District as shown on the zone map, the following dimensional requirements shall be met:
 - (1) Height of buildings shall not exceed fifty (50) feet.

Section 77. I-I Industrial District

_____ This district has as its purpose the provision of areas for wholesale, warehousing and industrial activities which serve the needs of the community, while at the same time protecting other areas of the community from the objectionable features which may be associated with such uses.

Within the I-1 Industrial District, the following uses shall be permitted:

- A. Principal Uses:
 - (1) Warehouse, freight terminal, cold storage plant, enclosed building for bus, truck, and construction equipment repair and storage, loft building and wholesale businesses.
 - (2) Light manufacturing and processing and facilities such as: baking plant, creamery, dairy, bottling or packaging works; monument works; wood-working and pattern making; tool, gauge and machine shop, provided that no stamping, punching or pressing machine weighing more than five (5) tons is installed or used; pharmaceutical, dental, surgical optical goods; tinsmith and sheet metal shop; metal grinding, provided appropriate measures are taken to control undesirable sound; automobile or other machinery assembly plant; motor vehicle body repair shop, welding, provided appropriate measures are taken to control glare of light; laundering, dyeing, or dry cleaning plant; painting and varnishing shop, plastic products and electric apparatus manufacturing; printing or forming of box, carton and cardboard products, the manufacture of paint, lacquer, enamel or varnish, except processes such as the cooking of varnish and oil that make offensive fumes or odors.

- B. **Special Exception Uses:** The following uses shall be permitted only upon a finding by the Board of Adjustment that the additional conditions listed below will be met and that such use will not cause adverse parking and traffic conditions, or otherwise unduly impair The value, use or enjoyment of adjacent property. Upon its finding that these Requirements will not be met by a use as proposed, the Board of Adjustment may deny the requested special exception use, or require buffering, landscaping or other conditions as a prerequisite to approval.

The judgement of the Board of Adjustment will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will considerations of the effect of the industry on the environs and the general welfare of the entire community.

- (1) Lumber and planing mills
- (2) Brewing or distillation of male beverages or liquors.
- (3) canning factories, meat or fish processing.
- (4) Storage facilities for coal, coke, building materials, sand, gravel, stone, lumber, open storage of construction contractors equipment and supplies and junk yards, provided such use is entirely enclosed within a building or eight (8) foot obscuring fence or wall or otherwise so located as not to be obnoxious to the orderly appearance of the district.
- (5) Electric power, light or steam generating plant.
- (6) Metal working, stamping, punching or pressing, requiring machines weighing more than five (5) tons.
- (7) Metal plating, buffing and polishing.
- (8) Tank storage or bulk oil and gasoline and the mixture or bulk storage of illuminating or heating gas, subject to the proper precautions as to location and otherwise, to prevent fire and explosion hazards.

- (9) Chemical processes and manufacture.
- (10) Any service, wholesale, warehouse or industrial activity or use of the same general character as the permitted principal uses or identified special exception uses.

C. Accessory uses:

- (1) Any use or building customarily incidental to the permitted principal use.
- (2) One (1) sign per lot pertaining to the lease, rent or sale of the property upon which it is displayed. Such sign shall not exceed thirty (30) square feet in area.
- (3) Business signs, accessory to and on the same premises with uses permitted in this district.

D. Off-Street Parking Requirements

- (1) One (1) off-street parking space shall be provided for each employee on the largest shift, and in addition, not less than three (3) parking spaces for visitors or customers.

E. Dimensional Requirements. Within the I-1 Industrial District, as shown on the zoning map, the following dimensional requirements shall be met:

- (1) Minimum required building setback line shall be thirty (30) feet.
- (2) Maximum Height of buildings shall not exceed fifty (50) feet.

ARTICLE VIII

SUPPLEMENTARY REGULATIONS

Section 81. Vehicle Access Control

In order to promote the safety of the motorist and pedestrian, to minimize traffic congestion and conflict by reducing the points of contact, and to promote the general welfare by preserving the traffic carrying capacity of streets and thoroughfares the following regulations shall apply:

(1) There shall be no more than two (2) access ways per two hundred (200) feet of individual lot frontage on a street. Said access ways per two hundred (200) feet of individual lot frontage shall not exceed a combined total of sixty (60) feet in width, measured at the edge of the street surface. At a line five (5) feet outside and parallel to the edge of the street surface, the total width of said access ways shall be reduced so as not to exceed a total of fifty (50) feet. This maximum width of fifty (50) feet shall not be increased until a line five (5) feet within and parallel to the front (or side) lot line is reached.

(2) Individual lots with less than two hundred (200) feet of frontage on any one street shall have no more than two (2) access ways to that street. Maximum dimensions of such access ways shall not exceed those specified in paragraph one (1) above and shall comply with other provisions of this Section.

(3) Individual lots with more than two-hundred (200) feet of frontage on any one street shall be permitted one (1) additional access way not over thirty (30) feet in width for each additional one hundred (100) feet, or fraction thereof, of frontage.

(4) At street intersections, no access way shall be established within five (5) feet of the points of tangency of the curve connecting such streets. Measurements shall be made along the edge of the street surface from the nearest point of tangency.

(5) In commercial and Industrial Districts, no access way shall be allowed within ten (10) feet of the intersections of a straight line projection of any side (or rear) lot line and the edge of the street surface. In Commercial and Industrial Districts no two (2) access ways shall be less than twenty (20) feet apart, measured from the nearest points between access ways at the edge of the street surface.

(6) No curbs or right-of-ways shall be cut, paved, established, or otherwise altered until a scale drawing, indicating the method of compliance with these "Vehicle Access Control" requirements, has been submitted to and approved by the Building Inspector; and a permit for such access ways has been secured from the Building Inspector.

(7) Access ways shall be delineated or defined on the ground by paving, use of curbs, or other means as approved by the Building Inspector.

Section 82. Off-Street Parking Area Layout. Construction and Maintenance

_____ Wherever off-street parking is required, such parking area shall be laid out, constructed, and maintained in accordance with the following regulations:

(1) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided for vehicles. All drives and aisles shall be surfaced in a manner equivalent to that which is hereinafter provided for the parking area.

(2) Where a parking area is proposed adjacent to a street right-of-way, there shall be established a minimum set-back line of five (5) feet for from the street lot line to the surfaced parking area.

(3) The land between the street lot line and the five (5) foot set-back line, except for the surface area of access drives, is for the purpose of this ordinance called a clear area.

(4) There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the clear area.

(5) The ground of the clear area shall be prepared so as to be fertile, planted, and maintained with grass and/or flowers and shrubs not over two (2) feet in height upon completion of the parking area surfacing.

(6) Bumper stops or wheel chocks shall be provided and so located as to prevent any vehicle from projecting of the side and rear lot lines.

(7) The parking lot shall be drained to eliminate surface water.

(8) The surface of the parking area, except the clear areas, shall be constructed of dustless and durable portland cement, concrete or asphaltic concrete complying with specifications established by the Building Inspector and maintained in usable conditions.

(9) No required off-street parking area shall be established or utilized until a scale drawing indicating method of compliance with these "Off-Street Parking Area Layout" requirements has been submitted to and approved by the Building Inspector; and a permit for such off-street parking area has been secured from the Building Inspector.

Section 83. Access Across Residential Property to Commercial Property Prohibited

It shall be unlawful to utilize residentially zoned and/or developed property as a means of ingress or egress for commercially or industrially zoned and/or developed property.

ARTICLE IX

EXCEPTIONS AND MODIFICATIONS

The regulations hereinafter set forth in this Article qualify or supplement the regulations appearing elsewhere in this Ordinance.

Section 91. Commercial Use Exceptions

_____No regulations herein shall change the status of premises which have been continuously used for commercial purposes since January 1, 1929, without interruption for more than six (6) consecutive months at any one time. (R.S. 33:4722)

Section 92. Lot of Record

_____Where the owner of a lot consisting of one (1) or more lots of record in any district at the time of adoption of this ordinance or his successor in title thereto does not own sufficient contiguous land to enable him to conform to the minimum area and width requirements of this ordinance, such lot may be used as a building site, provided however, that the requirements of the district are complied with as nearly as reasonable as determined by the Board of Adjustment.

Section 93. Height Limitations

_____The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials and similar structures.

Section 94. Accessory and Temporary Buildings

_____(1) All accessory buildings shall be constructed concurrently with or subsequent to the construction of the principal building.

(2) Temporary buildings and mobile office trailers that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings and mobile office trailers shall be removed upon completion of the construction work.

Section 95. Yard Regulations

_____(1) The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one-hundred (100) feet on either side of the proposed dwelling and on the same side of the same block and use district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way line, whichever is greater.

(2) on double frontage lots the required front yard setback shall be provided on each street.

(3) In any residence district no vision obscuring fence, structure or planting shall be maintained within twenty (20) feet of any street intersection.

(4) Accessory buildings not exceeding twenty (20) feet in height may occupy not more than twenty-five (25) percent of the area of required rear yard.

Section 96. Group Projects or Planned Unit Developments

In the case of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots and which will not be so subdivided, the application of the terms of this ordinance may be varied by the Board of Adjustment in a manner that will be in harmony with the character of the neighborhood, provided:

- 96.1 Such uses are limited to those permitted within the zoning district in which the project is located. In no case shall the Board authorize a use prohibited in the district in which the project is to be located.
- 96.2 The overall intensity of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located.
- 96.3 The distance of every building from the nearest property line shall meet the front, rear and side yard requirements of the district in which the project is located.
- 96.4 The building heights do not exceed the height limits permitted in the district in which the project is located.

Section 97. Essential Public Services

_____ Essential public services and related facilities which are reasonably necessary for furnishing adequate services to protect and preserve the public health, safety or general welfare shall be permitted as authorized and regulated by law.

ARTICLE X

ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 101. Building Inspector

This ordinance shall be administered and enforced by the Building Inspector who shall be named by the Fire and Building Committee of the Town Council, and is hereby empowered:

- 101.1 To issue a building permit when these regulations have been followed or, to refuse to issue the same in the event of noncompliance. Written notice of such refusal and reason therefor shall be given to the applicant.
- 101.2 To collect the designated fees as set forth in this ordinance for a building permit, variance, and appeals.
- 101.3 To make and keep all records necessary and appropriate to the office, including records of the issuance and denial of all building permits and receipts of the complaints of violation of this ordinance and action taken on the same.
- 101.4 To inspect any building and/or land to determine whether any violations of this ordinance have been committed or exist.
- 101.5 To enforce this ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress and may institute injunction, mandamus, or other appropriate action; and
- 101.6 To keep the Board of Adjustment advised of all matters other than routine duties pertaining to the enforcement of this ordinance and to transmit all applications and records pertaining to appeals, variances, or requests for special exception use approval.

Section 102. Building Permit Required

_____ Within the town limits of Oak Grove, no land, building, sign or other structure shall be used for different purpose, erected, moved, added to, or structurally altered before a building permit has been issued by the Building Inspector of Oak Grove.

Section 103. Application for a Building Permit

_____ Each application for a building permit to the Building Inspector of Oak Grove shall be accompanied by a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the follow:

- 103.1 The actual dimensions of the lot to be built upon.
- 103.2 The size and location of all buildings existing on the lot.
- 103.3 The size and location of the proposed new construction.
- 103.4 The existing and intended use of all parts of land or building.
- 103.5 Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

Section 104. Fees

When making application for a building permit, the following investigation and compliance fees shall be paid:

- 104.1 Within the town limits of Oak Grove: A building permit for changes in use of land and/or building, extensions or alterations to existing buildings or the erection of new buildings shall be \$2.00 per one thousand or fraction thereof of cost of construction or Improvement.

Section 105. Certificate of Occupancy Required

No land within the Town of Oak Grove shall be used or

occupation and no building within the Town of Oak Grove shall hereafter be erected, structurally altered, converted or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof complies with the provisions of this ordinance. A certificate of occupancy either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the preparation, erection or structural alteration of such land or building, or part, shall have been completed in conformity with the provisions of this ordinance.

A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or construction for partial occupancy of a building pending its completion, or for such uses and/or facilities as bazaars, carnivals, revivals, temporary buildings, tents, mechanical equipment, rides, and mobile office trailers, provided that such temporary permit shall require such conditions and safeguards as will protect the safety of the occupants and the public.

A record of all certificates shall be kept on file in the office of the Building Inspector and available for inspection on request by any person requesting it.

Section 106. Penalties for Violations

_____ Any person violating any provisions of this ordinance, upon conviction, shall be punished for each offense by a fine not exceeding twenty-five dollars (\$25) or by imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed a separate offense.

Section 107. Remedies

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ordinance, the Building Inspector or any other appropriate town authority, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, or use, to restrain, correct, or abate such violation, to prevent any illegal act, conduct, business, or use in or about such premises.

ARTICLE XI

BOARD OF ADJUSTMENT

SECTION 111. Establishment of Board of Adjustment

A Board of Adjustment is hereby established. Said Board shall consist of the same persons composing the Zoning Commission for the Town of Oak Grove for the same terms as said Zoning Commission members. (Amended 6-11-96)

Section 112. Jurisdiction and Decision of the Board of Adjustment

The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or other authorized official, or to decide in favor of the applicant any matter upon which it is required to pass under the zoning ordinance or to effect any variation of such ordinance. On all appeals, applications and other matters brought before the Board of Adjustment, the Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be public records. All testimony, objections thereto, and rulings thereon shall be recorded by a reporter or secretary employed by the Board for that purpose. (Amended 5-12-1998)

Section 113. Proceedings of the Board of Adjustment

The board of Adjustment shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a reporter, who may be a municipal officer or an employee of the town. The Board shall adopt rules and by-laws in accordance with the provisions of this ordinance and of Sections 33:4721 through 33:4729 of the Louisiana Revised Statutes. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

Section 114. Appeals, Hearings and Notice

Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, a department, board or bureau of the Town of Oak Grove, affected by any decision of the Building Inspector or other town official based on this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Building Inspector and with the Board of Adjustment a written notice of appeal specifying the grounds thereof.

All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board of Adjustment.

The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give public notice thereof, as well due notice to the interested parties, and decide the appeal within a reasonable time. Upon a hearing, any party may appeal in person, or by agent or by attorney.

SECTION 115. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector or other authorized town official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life and property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by a court of record or application or notice to the Building Inspector, or other authorized town official from whom the appeal is taken, and on due cause shown.

SECTION 116. Fees for Variances or Appeals

A fee of \$60.00 plus the costs of advertisements shall be paid to the Town Clerk of the Town of Oak Grove, Louisiana, for each application for variance, special use permit, or appeal to cover the necessary administrative costs and advertising. (Amended 5-12-1998)

Section 117. Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have the following powers and duties:

117.1 **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this ordinance.

117.2 **Special Uses: Conditions Government Application.** To grant in particular cases and subject to appropriate conditions and safeguards, permits for special use as authorized by this ordinance and set forth as Special Exception Uses under the various use districts. The Board shall not grant a special use permit unless and until:

117.21 A written application for a special use permit is submitted to the Building Inspector indicating the section of this ordinance under which the special use permit is Sought.

117.22 A public hearing is held. Notice of the time and place of the hearing shall be published at least three (3) times in a newspaper of general circulation within the Town of Oak Grove.

117.23 The Board of Adjustment finds that in the particular case in question the use for which the special use permit is sought will meet all specified conditions of the ordinance, will not adversely affect the health, or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare of injuries to property of public improvements in the neighborhood. In granting such a permit the BOard of Adjustment may designate such conditions in connection therewith as will, in its opinion assure that the proposed use will conform to the requirements and spirit of this ordinance.

If at any time after a special use permit has been issued, the Board of Adjustment find that the conditions imposed and agreements made have not been or are not being

fulfilled by the holder of a special use permit, the permit shall be terminated and the operation of such a use discontinued. If a special use permit is terminated for any reason it may be reinstated only after a public hearing is held.

- 117.3 Variances. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in all individual case, result in practical difficulty in an unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:
- 117.31 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
 - 117.32 Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located;
 - 117.33 A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
 - 117.34 The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
 - 117.35 The special circumstances are not the result of the actions of the applicant;
 - 117.36 The variance requested is the minimum variance that will make possible the legal use of the land, building or structure;

117.37 The variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved.

Section 118. Appeal from the Board of Adjustment

_____Any person or person, jointly or severally, aggrieved by any decision of the Board, or any officer, department, board, or bureau of the Town of Oak Grove, may within thirty (30) days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

ARTICLE XII

AMENDMENTS

The Town Council may amend, supplement or change the text regulations and zoning district lines according to the following procedures.

Section 121. Action by the Applicant

- 121.1 **Initiation of Amendments.** Proposed changes or amendments may be initiated by the Town Council, Zoning Commission, Board of Adjustment, or by one (1) or more owners or lessees of property within the Town of Oak Grove.
- 121.2 **Application.** An application for any changes or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, in the case of proposed zoning map amendments, the name and addresses of the owner of the property affected. Such application shall be filed with the Building Inspector not later than three (3) weeks prior to the Zoning Commission meeting at which the application is to be considered.
- 121.3 **Fee.** A fee of \$60.00 plus the costs of advertisement shall be paid to the Town Clerk of the Town of Oak Grove, Louisiana, for each application for an amendment to cover the costs of advertising and other administrative expenses involved. (Amended 5-12-1998)

Section 122. Action by the Zoning Commission

The following action shall be taken by the Zoning Commission:

- 122.1 **Zoning Commission Consideration.** The Zoning Commission shall consider and make recommendations to the Town Council concerning each proposed zoning amendment.

Before making any recommendation to the Town Council the Zoning Commission shall hold a public hearing. Notice of the time and place of the hearing shall be published at least three (3) times in a newspaper

of general circulation within the Town of Oak Grove, and at least ten (10) days shall elapse between the first publication and the date of the hearing. After the hearing has been held by the Zoning Commission, it shall make a report of its findings and recommendations to the Town Council.

The action by the Zoning Commission shall be one of the following:

- (1) Recommend approval,
- (2) Recommend approval subject to stated conditions, or
- (3) Recommend disapproval.

Section 123. Action by the Town Council

123.1 Town Council Consideration. The Town Council shall consider changes and amendments to this ordinance as often as necessary, provided, however, that should the Town Council deny a request for a zoning amendment, it shall not thereafter accept any other application for the same change of zoning district affecting the same property, or any portion thereof, until the expiration of one (1) year from the date of such previous denial.

123.2 Notice of Public Hearing. No amendment shall be adopted by the Town Council until after public notice and hearing by the Town Council at which parties in interest have an opportunity to be heard, PROVIDED THAT, HOWEVER, WHERE A PUBLIC HEARING HAS PREVIOUSLY BEEN HELD BEFORE THE ZONING COMMISSION, AND FULL AND ADEQUATE MINUTES OF SAID PUBLIC HEARING TAKEN, TRANSCRIBED, AND MADE A PART OF THE REPORT AND RECOMMENDATIONS OF THE ZONING COMMISSION, AND NO INTERESTED CITIZEN DEMANDS A PUBLIC HEARING BEFORE THE TOWN COUNCIL, SAME SHALL NOT BE REQUIRED.

Notice of the time and place of the Town Council's public hearing shall be published once a week in three (3) different weeks in a newspaper of general circulation within the Town of Oak Grove, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice may also be given by posting the property concerned.

Provided, however, that the Town Council shall not hold its public hearings or take action on a proposed amendment until it has received the final report of the Zoning Commission within sixty (60) days of a specific request by the Town Council for such recommendations, the proposed amendment shall be deemed to have been approved by the Zoning Commission.

(Amended 12-4-1978, Ordinance No. 438)

123.3 Town Council Action. The Town Council shall take such action as it deems advisable concerning proposed amendments to the zoning ordinance. In making its decisions, the Town Council shall consider such factors as:

- (1) Lessening the congestion in public streets;
- (2) Securing safety from fire;
- (3) Promoting health and general welfare;
- (4) Providing adequate light and air;
- (5) Avoiding undue concentration of population;
- (6) Facilitating adequate transportation, water supply, sewerage, schools, parks and other public requirements;
- (7) Reasonable consideration of the character of the district, and its particular suitability for particular uses;

123.4 Protestu. In the case, of a protest against a zoning change duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of land (exclusive of streets and alleys) included in a proposed change or within an area determined by lines drawn parallel to and two hundred (200) feet distance from the boundaries of the district proposed to be changed, the amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all the members of the Town Council.

123.5 Conditional Zoning. Whenever any petition for accompanied or supported by specific plans, site plans, design renderings, written conditions, or written restrictions proposed by and agreed upon by the petitioner, and after review by the Zoning Commission and the Town Council, after public hearings as required in this article, approves said petition for amendment of the zoning map and such specific plans, site plans design renderings, written conditions, or written restrictions, then the property may be utilized or rezoned for the proper district as set forth in this zoning ordinance

as “conditional” under the district and the Building Inspector shall issue a building permit for the development of such property only in strict compliance with all the plans,

specifications, written conditions, or written restrictions submitted and approved, or if a permit is not issued in accordance with plans, specifications, conditions, or restrictions within twelve (12) months, the property will automatically revert back to the previous zoning. In no case shall an occupancy permit be issued until the development of such property has complied with all the plans, specifications, written conditions, or written restrictions which were submitted to and approved by the Town Council.

12-4

ARTICLE XIII

LEGAL STATUS PROVISIONS

Section 131. Conflict with Other Regulations

_____ Whenever the regulations of this ordinance require a greater width or size of yards, or other open space, or require a lower height of buildings, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the regulations and requirements of this ordinance shall govern.

Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Section 132. Validity

_____ Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 133. Effective Date

This ordinance shall take effect and be in force from and after its adoption by the Town Council of the Town of Oak Grove, Louisiana, the Public welfare demanding it.

Section 134. Repeal of Conflicting Ordinances

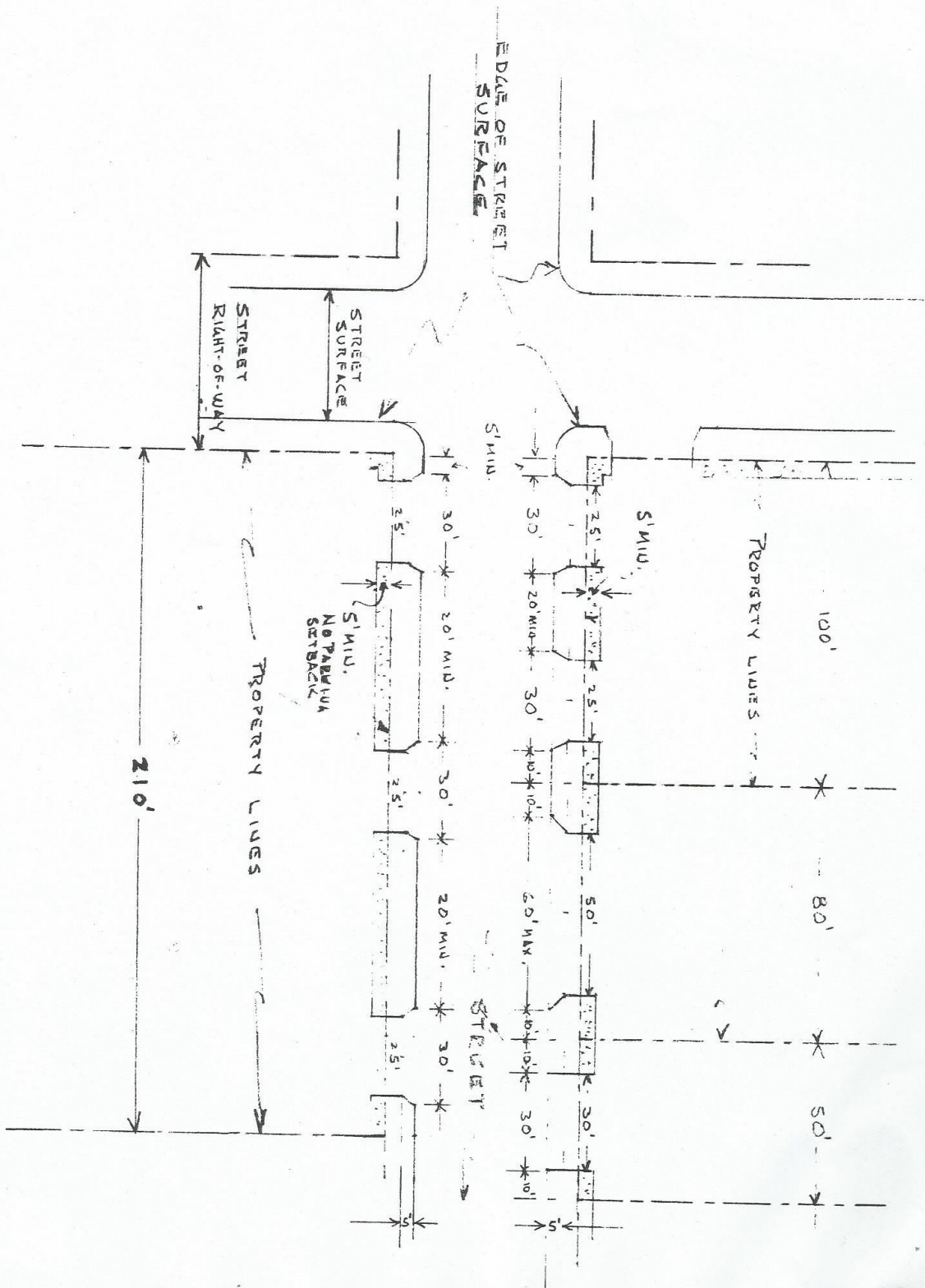
All ordinances and parts of ordinances in conflict herewith are repealed.

Approved and adopted this _____ day of _____ 1976.

APPENDIX I

- Illustration of Vehicle Access
and Off-Street Parking Regulations

ILLUSTRATION OF VEHICLE ACCESS AND OFF-STREET PARKING REGULATIONS

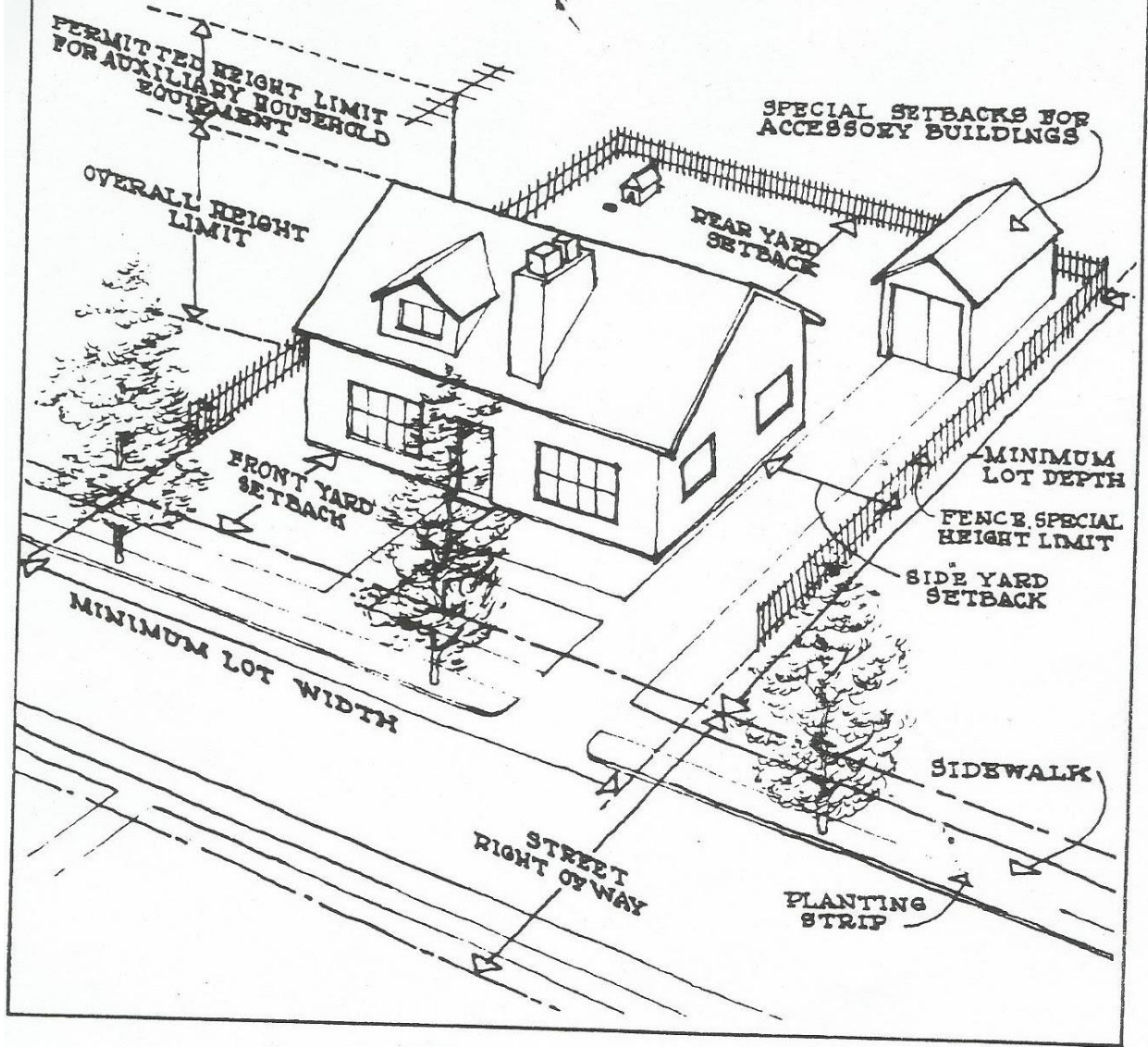


APPENDIX II

Illustrations

- Plate #1: Traditional Residential Zoning
- Plate #2: Planned Unit Development
- Plate #3: Older Commercial Area
- Plate #4: Highway Commercial Area
- Plate #5: Industrial Park
- Plate #6: Older Industrial Area

TRADITIONAL RESIDENTIAL ZONING



PLANNED UNIT DEVELOPMENT

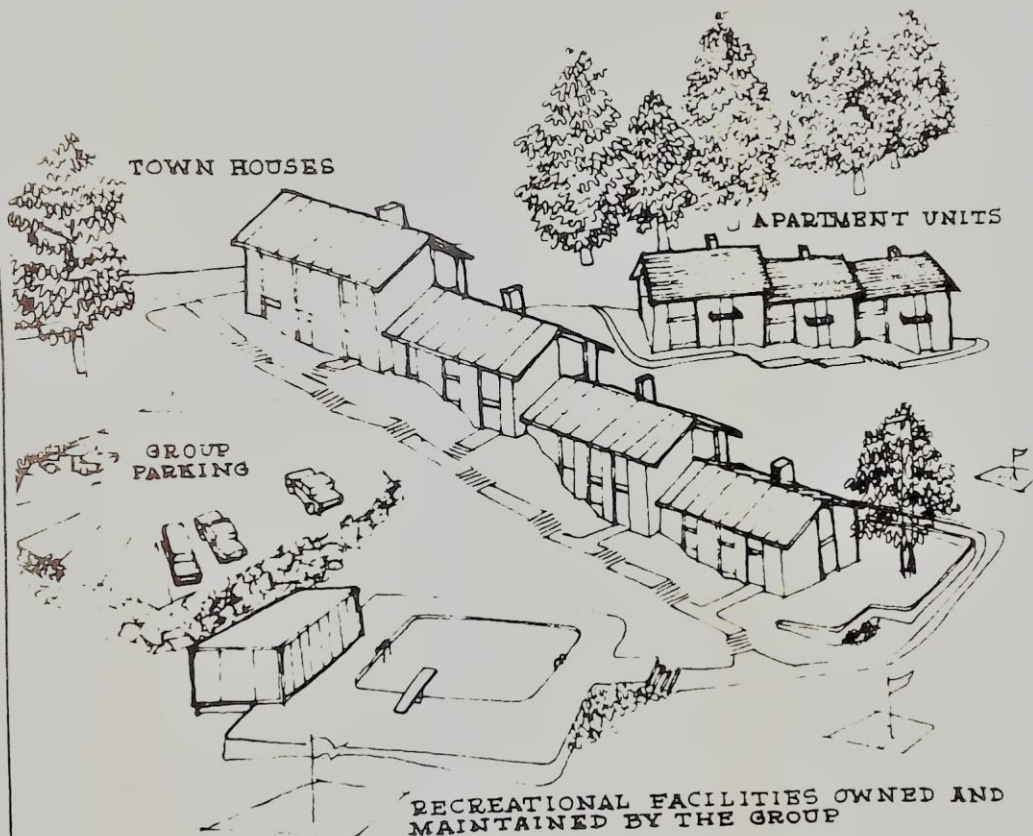


PLATE NO. 2

OLDER COMMERCIAL AREA

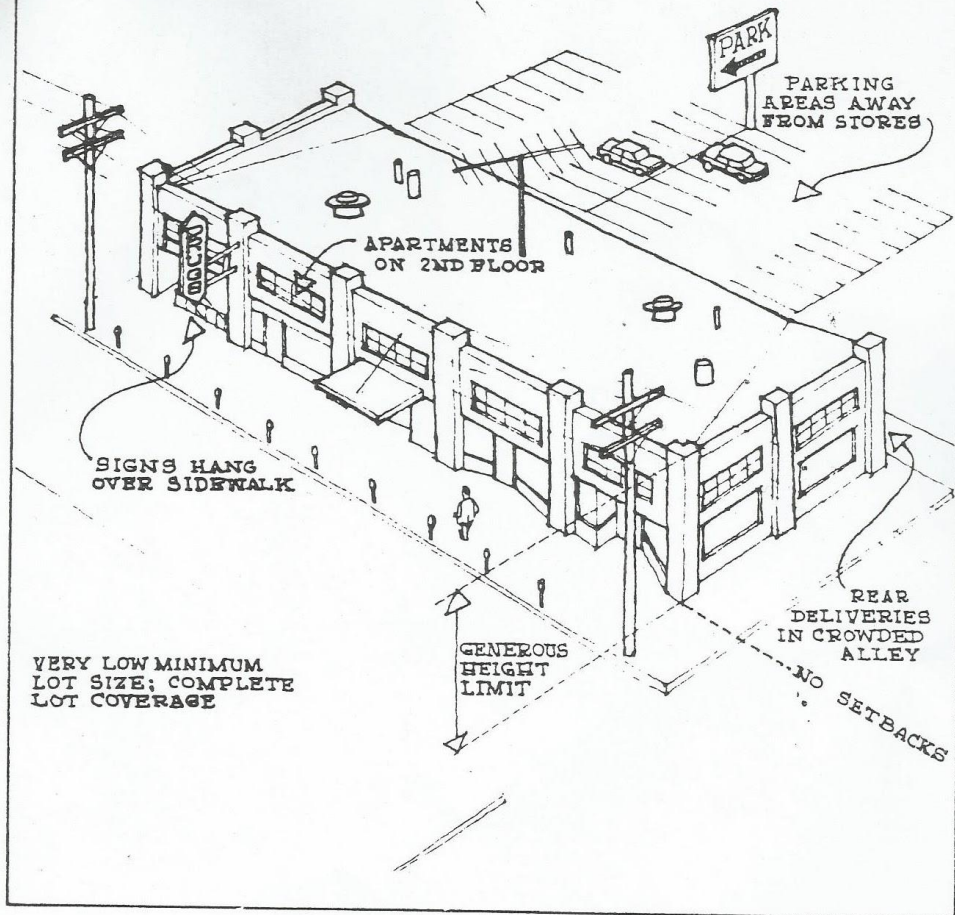


PLATE NO. 3

HIGHWAY COMMERCIAL AREA

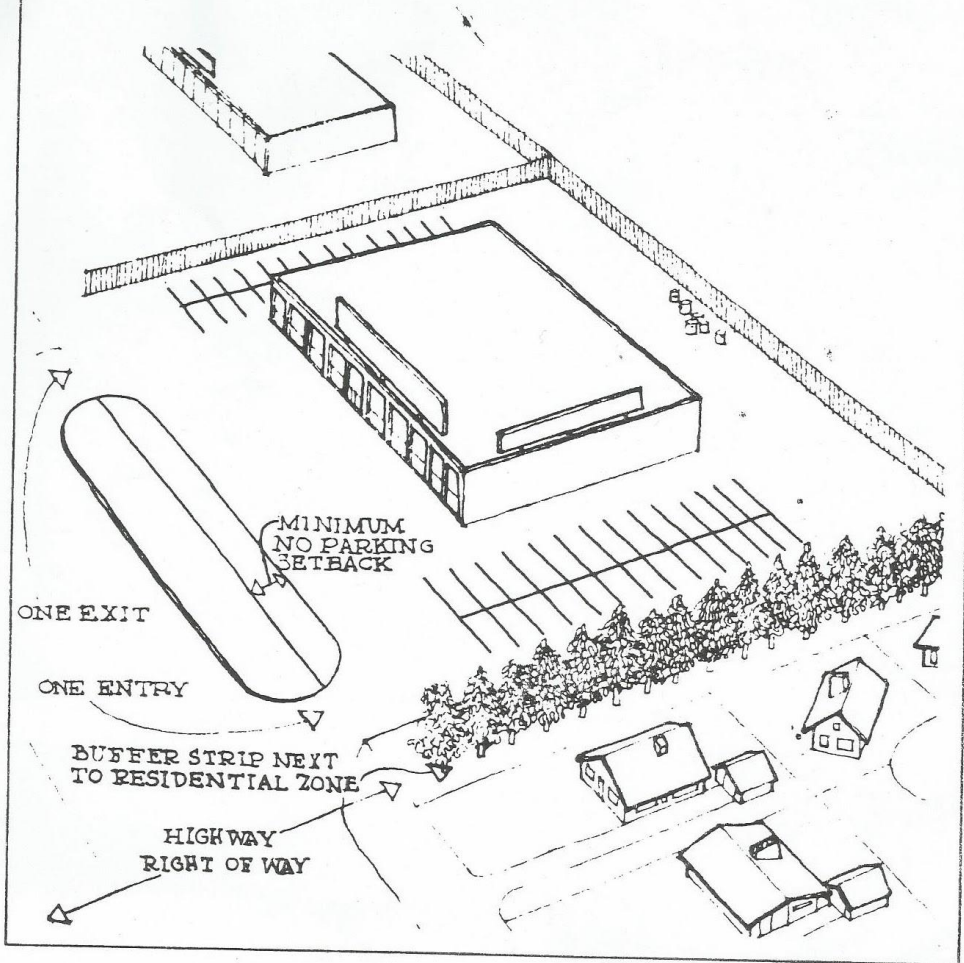


PLATE NO. 4

INDUSTRIAL PARK

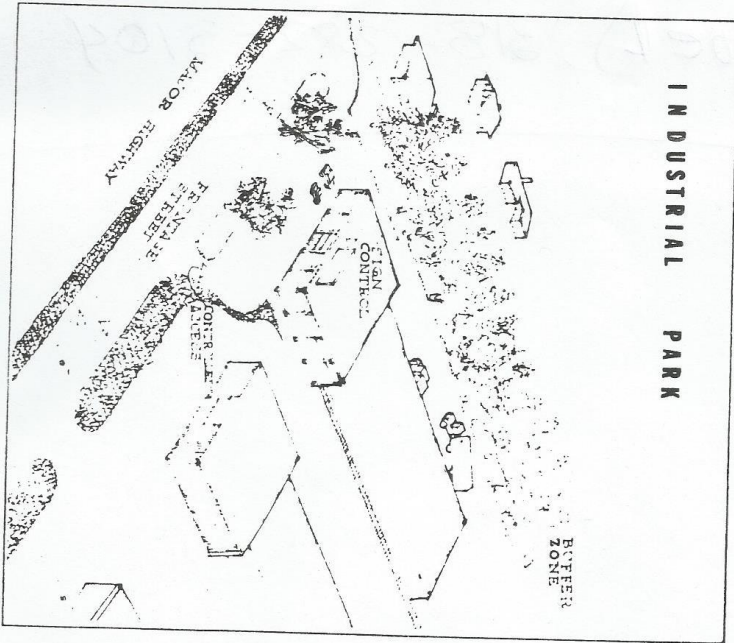


PLATE NO. 5

OLDER INDUSTRIAL AREA

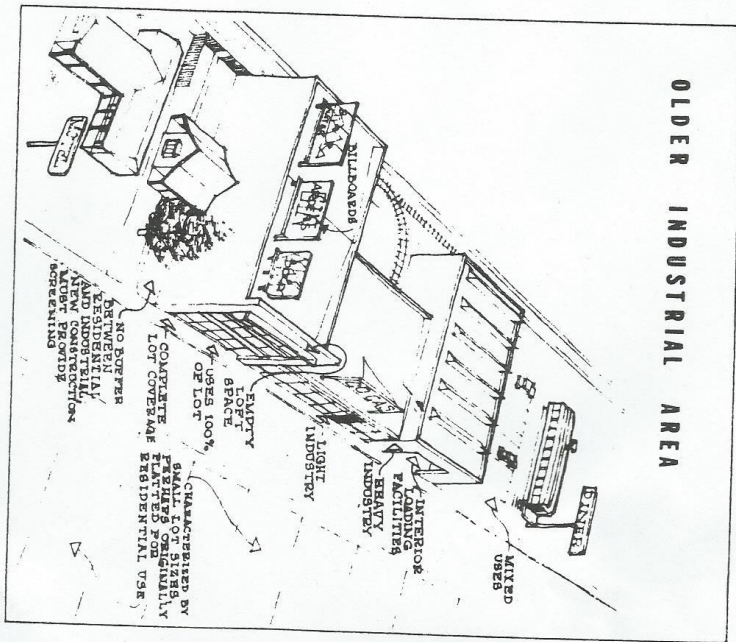


PLATE NO. 6