

ZONING

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APPENDIX A—ZONING

PART 1. DISTRICTS

Section 1.1. Establishment of districts.

(The following districts are hereby established:)

R-1	residential districts
R-2	residential districts
C-1	neighborhood commercial district
C-2	commercial (central business district)

As shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance when properly certified and attested.

1.101. 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 in this official zoning map semiannually in January and July after the amendment has been approved by the city council, and attached to this ordinances. Each such semiannual change of the map shall be dated, signed, and certified. No change of any nature shall be made in this official zoning map or matter shown thereon except in conformity with the procedure 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 part 3 of this ordinance. The official zoning map, which shall be located in the office of the city clerk or zoning commission, shall be the final authority as to the current zoning status of lands, buildings and other structures in the town.

1.102. Classification of annexed territory. Territory which may hereafter be annexed to the Town of Church Point shall be automatically classified as shown on the official zoning map. Areas not shown shall be classified R-1 single-family districts until otherwise amended.

Section 1.2. Rules for interpretation of district boundaries.

1.201. Where uncertainties exist, “approximately following the centerlines of streets, highways, or alleys,” shall be construed to follow such centerlines.

1.202. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

1.203. Boundaries indicated as approximately following city limit lines shall be construed as following such lines.

1.204. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.

1.205. Boundaries indicated as following shorelines shall be construed to follow such shoreline and, in event of change in the shoreline, shall be construed as moving with the actual shoreline.

1.206. Boundaries indicated as parallel to or extensions of features indicated in subsections 1.201 through 1.205 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

1.207. (For) boundaries indicated (as) following other boundary lines, watercourses and other natural topography features, such lines shall be construed to be such boundaries.

1.208. Where street or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered by subsections 1.202 through 1.207 above, the board of adjustments shall interpret the district boundaries, provided such adjustment does not exceed one acre in area.

Section 1.3. Application of district regulations.

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

1.302. No building or other structure shall hereafter be erected or altered:

- (a) To exceed the height;
- (b) To accommodate or house a greater number of families;
- (c) To occupy a greater percentage of lot area; (or)
- (d) To have narrower or smaller rear yards, side yards, front yards or other open spaces;

than herein required; or in any other manner contrary to the provisions of this ordinance.

1.303. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

1.304. No yard or lot existing at the time of passage of this ordinance shall be reduced in size of area below the minimum requirements set forth herein. Yards of lots created after the effective date of this ordinance shall meet as least the minimum requirements established by this ordinance. Within each district, the regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

1.305. Regulations of land under water. All land within the Town of Church Point which is under water and not shown as included with any district shall be subject to all the regulation of the district adjacent to the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water in a straight line.

1.306. Location of streets and public ways. Whenever any street, alley or other public way is vacated by official action of the governing body (board of aldermen) of the Town of Church Point, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of same, and all area included therein shall then become subject to all appropriate regulations of the extended districts.

1.307. Protection of major street rights-of-way. Every building or structure erected on any lot abutting on any street shown as a major street on the master plan showing major streets shall, in the computation of the front and side yard depths as hereafter required, compute and measure the required depth from the right-of-way lines as set forth in the master plan for the Town of Church Point.

PART 2. SCHEDULE OF DISTRICT REGULATIONS

Districts shall be as shown on the official zoning map. Within the districts established by this ordinance the following regulations shall apply:

Section 2.1. R-1 residential.

2.101. (Permitted uses.) In R-1 residential districts, only the following uses of property shall be permitted: Single family dwellings; garage apartments; municipal recreational use; boat docks; schools offering general education courses; churches; home occupations operated out of dwelling (beauty shops, provided such occupations are conducted in the main building or appurtenant building which does not exceed 25% of the area of the main building, and the person conducting such occupation resides on the premises in the main building, and that advertising signs not exceed one square foot and be nonilluminated); agriculture; bulletin boards for churches, temples, institutions or public buildings only; and signs not exceeding 12 square feet in area pertaining to the rental, lease or sale of a building or land, providing however, that not more than one sign of the above character shall be permitted on any lot; accessory buildings including private garages and uses customarily incidental to any of the above uses where located on the same lot and not involving the conduct of a business; golf courses; hospitals; institution; municipal, state, federal or governmental use; public utility, nonprofit private club, provided all structures for such uses are located 25 feet from any property line. No building shall be erected with a floor level below the 12-year high water level as established by the engineer in charge of public works.

2.102. Prohibited uses. Prohibited uses in the R-1 district shall be all uses not permitted herein.

2.103. Height regulations. No building in the R-1 district shall exceed 35 feet in height.

2.104. Area regulations. For all buildings in the R-1 district except accessory uses, the following regulations shall apply: (Also see part 10, lot of record.)

(1) Yards:

- (a) *Front yard.* Front building lines shall conform to the average building lines in a development block but in no case shall it be less than 25 feet. On through lots, this minimum front yard shall be provided on both streets.
- (b) *Side Yard.* There shall be two side yards, one on each side of the building, having a minimum width of five feet each. However, this regulation shall not be so interpreted as to reduce the buildable width of a corner lot existing before the adoption this ordinance to less than ten feet. In which case the necessary reduction shall be on the side yard not abutting the street.
- (c) *Rear Yard.* There shall be a rear yard having a depth of not less than 20 percent of the depth of the lot; provided, however, that the depth of the required rear year shall not be less than five feet and need not exceed 50 feet.

(2) Lot size:

- (a) There shall be a lot width of a minimum of 40 feet at the building line.
- (b) Every lot shall contain an area of not less than 4,800 square feet per family unit.

2.105. Off-street parking regulations. (Off-street parking regulations in the R-1 district shall be as) provided for under Part 4.

2.106. Dwellings for purposes of the R-1 District shall mean single family dwellings, including not more than one mobile home for each property.

Section 2.2. R-2 Residential.

2.201. *Permitted uses.* In R-2 residential districts, only the following uses of property shall be permitted: Uses permitted in the R-1 residential district, multifamily dwellings, philanthropic uses, lodge halls and trailer courts.

2.202. *Prohibited uses.* Prohibited uses in the R-2 district are all uses not permitted herein.

2.203. *Height regulations.* No building in the R-2 district shall exceed 45 feet in height.

2.204. *Area regulations.* Area regulations in the R-2 district are as follows:

(1) Yards:

- (a) *Front yard.* Front building lines shall conform to the average building lines in a developed block but in no case shall it be less than 20 feet. When there is undeveloped land for a distance of 150 feet on both sides of (the) proposed building, the minimum building setback line shall be 25 feet from the established street right-of-way lines. On through lots, this minimum depth shall be provided on both streets.
- (b) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of five feet each. However, this regulation shall not be so interpreted as to reduce the buildable width of a corner lot existing before the adoption this ordinance to less than ten feet. In which case the necessary reduction shall be on the side yard not abutting the street.
- (c) *Rear yard.* There shall be a rear yard having a depth of not less than 20 percent of the depth of the lot; provided, however, that the depth of the required rear yard shall not be less than five feet and need not exceed 50 feet.

(2) Lot size:

- (a) There shall be a lot width of a minimum of 40 feet at the building line.
- (b) Every lot shall contain an area of not less than 4,800 square feet per family; where more than one family occupies the same building, an additional 2,400 square feet per family is required.

2.205. *Off-street parking regulations.* Off-street parking requirements in the R-2 district shall be as provided for in Part 4.

Section 2.3. C-1 neighborhood commercial.

2.301. *Permitted uses.* In C-1 neighborhood commercial districts, only the following uses of property shall be permitted: except trailer courts, any use permitted in R-2 residential district; office; restaurant; grocery; and drugstores; filling stations; barber shops; florist; beauty shops; meat market; clinic; bank, including drive-in banks; locker plants for storage of food; appliance shop; sporting goods; hardware; department stores; drive-in theater; drive-in restaurant; launderette; bakery; cleaners; similar retail business or service which is established for the convenience of neighborhood residents; funeral homes and mortuaries.

2.302. *Prohibited uses.* Prohibited uses in the C-1 district are all uses not specifically permitted herein.

2.303. *Height regulations.* No building (in the C-1 district) shall exceed 45 feet.

2.304. *Area regulations.* Area regulations in the C-1 district are as follows:

(1) Yards:

(a) *Front yard.* No front yard is required except for a dwelling. See subsection (1) (d) below.

(b) *Side yard.* No side yard required except for a dwelling. See subsection (1) (d) below.

(c) *Rear yard.* No rear yard required except for a dwelling. See subsection (1) (d) below.

(d) (*Abutting areas.*) Whenever a C-1 commercial district abuts on a residential district which requires front, side and rear yards, these requirements shall apply for the C-1 district for the entire block in which the abutment occurs.

(2) Lot size: For dwellings in the the C-1 district the same regulations shall apply as for the R-1 residential district.

2.305. *Off-street parking regulations.* Off-street parking regulations in the C-1 district shall be as provided for under Part 4.

2.306. *Loading zone requirements.* Loading zone requirements in the C-1 district shall be provided as set forth in Part 4.

Section 2.4. C-2 commercial (central business district).

2.401. *Permitted uses.* In C-2 commercial districts, only the following uses of property shall be permitted: Any use permitted in C-1 commercial district; amusement enterprises, including the provisions of stage entertainment; bowling alleys, skating rinks and pool rooms; auto retail, wholesale or repair services; newspaper; or business not specifically restricted or prohibited; transportation terminals; warehouse; manufacturing not specifically prohibited incidental to retail business where articles are sold at retail on the premises; construction storage; barrooms; nightclubs and lounges, and other commercial or industrial uses not prohibited.

2.402. *Prohibited uses.* Prohibited uses in the C-2 district are uses detrimental to a neighborhood because of odor, smoke, dust, gas, excessive glare, light, noise or vibrations.

2.403. *Height regulations.* No building or structure in the C-2 district shall exceed 65 feet in height.

2.404. *Area regulations.* Area regulations in the C-2 district are as follows:

(1) Yards:

(a) *Front Yard.* No front yard is required except for a dwelling. See [subsection (1)](d) below.

(b) *Side yard.* No side yard is required except for a dwelling. See [subsection (1)](d) below.

(c) *Rear yard.* No rear yard is required except for a dwelling. See [subsection (1)](d) below.

(d) (*Abutting areas.*) Whenever a C-2 district abuts on a residential district which requires front, side and rear yards, these requirements shall apply for the C-2 district for the entire block in which the abutment occurs.

(2) Lot size. For dwellings in the C-2 district the regulations are the same as for the R-1 residential district.

2.405. *Off-street parking regulations.* Off-street parking regulations for the C-2 district are as provided for under part 4.

2.406. *Loading zone requirements.* Loading zone requirements for the C-2 district shall be provided as set forth in part 4.

Section 2.5. Supplementary district regulations.

2.5001. Visibility of intersections in residential districts. On corner lots in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 30 feet and ten feet above the centerline grades of the intersecting streets in a triangle area bounded by the street right-of-way line on such corner lots and a side line joining points along right-of-way lines 35 feet from the intersection right-of-way corner.

2.5002. Fences, walls and hedges. Notwithstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any yard shall be over 2 ½ feet in height at a distance of less than 20 feet from the edge of the street; unless landscape plans are filed for which permission may be granted by the board of adjustment when, in their opinion, the neighborhood will be improved by such an exception.

PART 3. ADMINISTRATION AND ENFORCEMENT

Section 3.1. Administration and enforcement (generally).

An administrative official designated by the town council (board of aldermen) shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the town council (board of aldermen) may direct. If the administrative official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 3.2. Duties of administrative official, board of adjustment, city council (board of aldermen) and courts of appeal.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official and that such questions shall be presented to the board of adjustment only on appeal from the decision of the administrative official, and the recourse from the decision of the board of adjustment shall be to the courts as provided for such matters in appropriate legislation of the State of Louisiana, R.S. 33:4727.

Section 3.3. Permits and certificates.

- 3.301. *Building permits required.* No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued except in conformity with the provisions of this ordinance except after written order from the board of adjustment. The lot and location of the building thereon shall be staked out on the ground and approved by the building inspector before any construction begins.
- 3.302. *Application for building permit.* All applications for building permits shall be accompanied by plans in duplicate, drawn to scale of not less than one-eighth of an inch to one inch, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of the buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy as either approved or disapproved, and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the administrative official.
- 3.303. *Certificates of occupancy for new, altered or nonconforming uses.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of this building or land conforms to the requirements of this ordinance. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of occupancy and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work. A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such a temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The administrative official shall maintain a record of all certificates of occupancy and copies shall be furnished upon request of any person. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable under section 3.4, Violations.
- 3.304. *Expiration of building permits; special building permits.* If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the person affected. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special building permit has been obtained.

Section 3.4. Violations.

- 3.401. *Complaints regarding violations.* Whenever a violation of this ordinance occurs or is alleged to have occurred any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the administrative official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.
- 3.402. *Penalties for violations.* Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than \$10.00 nor more than \$25.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, particularly action pursuant to R.S. 33:4728, this council (board of aldermen) adopting said provisions by reference and to the same extent as if copied herein in extension.

PART 4. OFF-STREET AUTOMOBILE PARKING AND LOADING REGULATIONS

Section 4.1. General requirements.

Off-street parking facilities for one-family and two-family dwellings shall be located on the same lot or plot of ground as the building to be served. The location of off-street parking facilities for other uses shall not be more than 300 feet distance measured along the nearest pedestrian walkway; provided, however, that the zoning classification of such land is the same as or less than the classification of the lot upon which the main use is located. Such parking space to be used in conjunction with the principal use shall be reserved as such through an encumbrance of the title of the property to be designated as a required parking space, such encumbrance to be valid for the total period of the use or uses for which the parking is needed are in existence. Such agreement or covenant shall be duly recorded in the office of the clerk and recorder and a certificate furnished the building inspector. Such parking space shall be surfaced with a minimum of four inches of gravel, shell, or similar all-weather surface, and such entrances shall be similarly surfaced.

- 4.101. Parking requirements for two or more uses of the same or different type may be satisfied by the allocation of a common or collective parking facility. Such facility shall not be less than the same requirements for the individual uses computed separately.
- 4.102. Area reserved for off-street parking or loading in accordance with the provisions of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified except where equivalent off-street parking or loading space is provided.
- 4.103. For uses not mentioned in this section the requirements for off-street parking and loading facilities for a similar use specifically mentioned in this section shall apply.

Section 4.2. Off-street parking requirements.

Off-street automobile parking space shall be provided on any lot on which any of the following listed uses are hereafter established and in accordance with the schedule shown. When a use is increased in capacity by the addition of dwelling rooms, guestrooms, floor area, or seats, the minimum off-street parking shall be provided for such increase.

<i>Use</i>	<i>Parking Space Required</i>
4.201. Single-family dwelling	2 spaces per dwelling unit
4.202. Two-family dwelling	2 spaces per dwelling unit
4.203. Multifamily dwellings	1 ½ spaces per dwelling unit; 3 spaces for each 4 dwelling units
4.204. Hotels, apartment hotels, transient	1 space for 2 dwelling units; 1 space for each 3 guest bedrooms, plus 1 additional space for each 4 employees
4.205. Motels and tourist homes	1 space for each guest bedroom, plus 1 additional space for resident manager
4.206. Boardinghouses and lodginghomes	1 space for each bedroom, plus 1 additional space for resident manager
4.207. Clinics	1 space for each 200 square feet of gross floor area
4.208. Clubs and lodges	1 space for each 8 members at time of construction or structural alterations
4.209. Hospitals	1 space for every 2 beds, plus 1 space for each staff doctor, plus 1 space for each 3 employees, including nurses
4.210. Nursing and convalescence homes and institutions	1 space for each 3 seats
4.211. Churches, temples, and other places of worship and mortuaries	1 space for each 3 seats in the main auditorium, or each 64 square feet where there are no seats
4.212. Theaters, auditoriums, sports arenas and places of public assembly	1 space for each 3 seats
4.213. Skating rink, dancehalls, exhibit halls, gyms	1 space for each 100 square feet of gross floor area
4.214. Kennels and animal hospitals	1 space for each 200 square feet of gross floor area
4.215. Bowling alleys	2 spaces per alley
4.216. Schools, public and private	Elementary – 2 spaces per classroom, laboratory or manual training shop Junior or senior high–6 spaces per classroom, Lab or manual training shop

Colleges, universities, trade, industrial and Business schools – 6 spaces per classroom, Lab, or other teaching room

<i>Use</i>	<i>Parking Space Required</i>
4.217. Business and professional offices	1 space for each 200 square feet of gross floor area
4.218. Restaurants, bars, nightclubs	1 space for each 100 square feet of floor area devoted to patron use, plus 1 space for each 4 employees
4.219. Automobile repair garage	1 space per each employee
4.220. General business, commercial, and personal service establishments but not including area supermarkets	1 space per each 200 square feet of gross floor area
4.221. Supermarkets	2 spaces per each 300 square feet of gross floor area
4.222. Riding stables	Space equal to 50 percent of the covered area area of such stable
4.223. Libraries and museums	Space equal to 50 percent of the floor area devoted to public use
4.224. Roadside stands	5 spaces for each such establishment
4.225. Commercial, manufacturing and industrial establishments not catering to retail trade	1 space for each 5 employees on the largest work shift, plus 1 space for each company vehicle operating from the premises

Section 4.3. Off-street loading requirements.

- 4.301. Every hospital, institution, hotel, commercial and industrial building or use having a gross floor area in excess of 7,500 square feet of space and requiring the receipt or distribution by vehicle of material and merchandise shall have at least one permanently maintained off-street loading space for each 7,500 square feet of gross floor area or fraction thereof and so located as not to hinder the free movement of pedestrians and vehicles over sidewalks, streets or alleys.
- 4.302. Retail operations, wholesale operations and industrial operations with a gross floor area of less than 7,500 square feet shall provide sufficient off-street loading space (not necessarily a full berth if shared by an adjacent establishment) so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

PART 5. SCHEDULE OF FEES, CHARGES AND EXPENSES

The town council (board of aldermen) shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. This schedule of fees shall be posted in the office of the administrative official and may be altered or amended only by the city council (board of aldermen).

No permit, certificate, special exemption or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken or proceedings before the board of adjustment unless or until preliminary charges and fees have been paid in full.

**PART 6. NONCONFORMING LOTS; NONCONFORMING USES OF LAND;
NONCONFORMING STRUCTURES AND NONCONFORMING USES OF
STRUCTURES AND PREMISES**

Section 6.1. Intent.

Any building, structure or use lawfully existing at the time of enactment of this ordinance may be continued as a nonconforming use even though such building, structure or use does not conform with the provisions of this ordinance for the use district in which it is located. Similarly, whenever a use district shall be changed thereafter, the then existing lawful use may be continued.

Section 6.2. Nonconforming uses.

- 6.201. No building, structure, or premises containing a nonconforming use shall hereafter be extended, unless such extension or alteration shall conform to provisions of the use district in which it is located.
- 6.202. Structural repairs and alterations to a nonconforming building or structure may be permitted to the extent of 50 percent of its replacement value.
- 6.203. Any nonconforming building or structure which has been damaged to the extent of not exceeding 50 percent of its replacement valuation by reason of fire, flood, explosion, earthquake, riot, war or act of God may be reconstructed and reused as before if done within 12 months from the time such damage occurred. If such damage is greater than 50 percent of its replacement valuation, such building or structure may only be reconstructed to conform with the provisions of the use district in which it is situated.
- 6.204. No building or structure or premises where a nonconforming use has ceased for reasons other than those stated in section 6.203 for a period of more than six months or has changed to a permitted or conforming use, shall again be used as a nonconforming use.
- 6.205. Any sign or billboard which lawfully existed prior to the effective date of this ordinance may be continued for a period of not more than one year; except that an identifying nonconforming sign or billboard attached to a nonconforming building or structure may be maintained through the lawful nonconformity of such building or structure.
- 6.206. Any use, not enclosed within the confines of a building (such as junkyard, signs, and billboards) existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued not longer than six months from and after the enactment of this ordinance; provided, however, that such uses shall not be considered nonconforming so long as they are enclosed and screened from view by walls and/or fences and/or plantings of not less than six feet in height, in a manner prescribed by the building inspector.

PART 7. BOARD OF ADJUSTMENT

Section 7.1. Creation of board.

There shall be a board of adjustment, the membership, terms of office and rights and duties of which shall be as provided in R.S. 33:4727. The board shall adopt rules in accordance with the provisions

of this section. Meetings for the board shall be held at the call of the chairman and at such times as the board may determine. All meetings shall be open to the public and preceded by due advertisement.

Section 7.2. Powers of the board.

7.201. The board shall hear and decide upon:

- (1) Appeals from alleged error in the building inspector's decision:
- (2) Appeals for variance where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially deviate from the intent of this ordinance but not otherwise; and
- (3) Interpretation of the provisions of this ordinance.

7.202. The board shall not be authorized to grant variances in the use of land or to take any other action, the result of which would constitute a change in the district boundaries. The board shall always act with due consideration to promote the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property values; shall permit no building or use detrimental to a neighborhood and may prescribe appropriate conditions and safeguards in each case. Such appropriate conditions and safeguards may include among other thing provisions for the screening of parking areas by walls, fences and plantings and other such measures.

7.203. The board shall have the power and authority to appoint a secretary who shall not necessarily be a member of the board, in which event the salary of such secretary shall be fixed by the board. It shall be the duty of the secretary to keep a true and correct record of all proceedings at such meetings, both general and special of said board, in a book or books, to be kept specially for that purpose. Certified copies of the minutes of all such proceedings shall be furnished to the chairman of the zoning commission.

PART 8. AMENDMENTS

Section 8.1. (Procedure.)

No amendment, supplement or change of the zoning ordinance or district map shall become effective unless and until:

- 8.101. There shall have been a public hearing in relation thereto before the city zoning commission at which parties in interest and citizens shall have had an opportunity to be fully heard.
- 8.102. Any party of interest may file a petition containing a request for rezoning. All such rezoning requests must be submitted in writing, accompanied by (a) \$50.00 fee to the city clerk, on or before five days prior to the first Monday of each month. One-half of the fee shall be returnable, provided no action is taken by the city zoning commission or the mayor and board of aldermen.
- 8.103. Notice of the proposed change and of the time and place of the hearing shall have been published once a week for three different weeks in the official journal of the Town of Church Point, Louisiana. At least 15 days shall elapse between the first publication and the date of the hearing.

- 8.104. A printed notice in bold type shall have been posted for not less than ten consecutive days prior to the hearing on signs not less than one by one-half square feet in area, prepared, furnished and placed by the building inspector (official) on each block of each street adjoining the area proposed for a change in zoning classification. Said signs shall contain an accurate statement of the proposed changes and also the time and place of the public hearing as provided above. The city zoning commission shall have submitted its report and recommendations upon the proposed changes and amendments to the clerk of the city council (board of aldermen). Any amendment that has failed to receive the approval of the planning commission shall not be passed by the city council (board of aldermen) except by the affirmative vote of three-fifths of the legislative body of the municipality.
- 8.105. A final ye or nay vote shall have been taken on the recommendations of the city zoning commission, by the city council (board of aldermen), if the vote is favorable, the amendment or rezoning request shall not become effective until ten days after publication of the proposed changes by the city.
- 8.106. In case, however, of a protest against such change signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or in those immediately adjacent, extending 200 feet therefrom, or of those directly opposite thereto extending 500 feet from the street frontage of such opposite lots, such amendments not being effective except by the favorable vote of at least three-fifths of the governing body (board of aldermen) of the city.
- 8.107. In the event an applicant does not take action to make use of the property rezoned within six months from the date of final approval by the major and board of aldermen, the city zoning commission may upon its own motion advertise said property to be rezoned to its original classification.

PART 9. DEFINITIONS

- 9.1. *Accessory building and use.* Subordinate building or a portion of the main building, the use of which is incidental to that of the main building or land not used for a place of habitation or a living room, kitchen, dining room, parlor, bedroom or library. An accessory use is one which is incidental to the main use of the premises.
- 9.2. *Advertising signs.* Pertaining only to the lease, sale or use of a lot or building on which placed and not exceeding a total area of 12 square feet, provided that on a lot occupied by a dwelling, the total area of all signs shall not be more than two square feet for each dwelling unit. All other signs are prohibited.
- 9.3. *Board.* The board of adjustment established in part 7.
- 9.4. *Building.* Any structure built for use of persons or animals. "Structure" is anything built that requires a permanent location; however, neither shall be construed to include trailers.
- 9.5. *City.* Town of Church Point. Parish is Acadia Parish.
- 9.6. *Commission.* Planning and zoning commission of the Town of Church Point.
- 9.7. *Council.* Town council of Church Point.

- 9.8. *District.* A part of the town wherein regulations of this ordinance are uniform.
- 9.9. *Dwelling.* A building used entirely for residential purposes. A “single-family dwelling” is a building that contains only one living unit; a “two-family dwelling” is a building that contains only two living unit(s); and a “multiple dwelling” is a building that contains more than two living units.
- 9.10. *Family.* One or more persons occupying a living unit as an individual housekeeping organization as distinguished from a group occupying a boardinghouse, lodginghouse or hotels.
- 9.11. *General terms.* The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as individuals. The present tense includes the future. The singular includes the plural and the plural the singular. The word “shall” is mandatory, the word “may” is permissive. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged” to be used or occupied.
- 9.12. *Home occupations.* Customarily home occupations such as dressmaking or tailoring, hairdressing, office of a physician or other professional person incidental to a permitted use; provided such occupations are conducted in the main building and by persons resident in said building and provided further that persons conducting such occupations may employ no one outside the family.
- 9.13. *Living unit.* The rooms occupied by a family. The living unit must include a kitchen.
- 9.14. *Lot.* A plat or parcel of land adequate for occupancy by a use herein permitted, providing the yards, area and off-street parking herein required, and fronting directly upon a street.
- 9.15. *Lot, corner.* A lot which abuts on two or more street, and/or roads, at their intersection, or upon a curved street, provided that the two sides of the lot, or the tangents to the curve of the street line at its starting points at or within the side line of the lot intersect to form an interior angle of not more than 135 degrees.
- 9.16. *Lot depth.* The distance between front and rear lot lines; if two opposite sides of said lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.
- 9.17. *Lot interior.* A lot which is not a corner lot.
- 9.18. *Lot line, front.* The front lot line of an interior lot is the line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line with the least frontage.
- 9.19. *Lot line, rear.* The rear lot line is the boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be, for the purposes of this ordinance, a line not less than ten feet long, lying wholly within the lot and parallel to and at the farthest distance from the front line.
- 9.20. *Lot line, side.* A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from the street line is an exterior side lot line. Any other side lot line is an interior side lot line.
- 9.21. *Lot, through.* In general, this is bad planning, but some do exist; therefore, a through lot is defined as one whose depth extends between two more or less parallel streets and has frontage on each street.
- 9.22. *Lot, width.* The width of the lot measured at right angles to the mean depth of said lot.

- 9.23. *Office building.* A building designed for or used as the offices of professional, commercial, industrial, religious, public or semipublic persons or organizations.
- 9.24. *Parking space.* One automobile parking space shall be an area not less than eight feet by 20 feet and the access to the parking space for a public street or alley shall be provided in addition to the space necessary for parking.
- 9.25. *Planning commission.* It shall act as a zoning commission at such time as this ordinance shall go into effect, as provided for under R.S. 33:4726.
- 9.26. *Street line or right-of-way.* The dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road or highway; or a private street, road or highway, over which two or more abutting owners have an easement or right-of-way.
- 9.27. *Trailer.* A vehicle equipped for use as a dwelling and designed to be hauled along a highway.
- 9.28. *Yard.* A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided however, that fences and wall may be permitted in any yard subject to height limitation as indicated herein.
- 9.29. *Yard, front.* A yard extending between side lot lines across the front of a lot. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative officer may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided an adjacent lots.
- 9.30. *Yard, front depth.* Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.
- 9.31. *Yard, side.* A yard extending from the rear line of the required front yard to the rear lot line. In case of through lots, side yards shall extend from the rear line of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full front yard has been established shall be considered to be the side yard.
- 9.32. *Yard, side width.* Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of the required side yard shall be parallel to the straight line so established.
- 9.33. *Yard, rear depth.* Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

PART 10. MODIFICATIONS AND EXCEPTIONS

Section 10.1. Zone of transition establishments.

Where the boundary line of commercial district abuts a residential district the property within a distance equivalent to the width of the two residential lots of record (but not to exceed 150 feet) next adjoining to either side shall be considered as being a zone of transition. This provision shall not apply when the uses abut on their rear property lines but shall apply when the districts are on opposite sides of a street and shall be applicable to the depth of these lots facing the commercial uses.

10.101. Uses permitted. Uses permitted in zones of transition establishments are as follows:

Professional buildings for the following uses:

- (a) Medical, dental and chiropractic offices;
- (b) Music and art studios (studios) and schools; (and)
- (c) Engineering, legal, architectural and accounting offices.

Nursing homes.

Two-family, three-family and four-family dwellings, subject to the front, side and rear yard requirements of the district in which it is located.

Parking lots subject to the following conditions:

- (a) Parking area shall serve only the establishment abutting such parking area;
- (b) That along the lot lines of the parking area abutting on the residential district there shall be established and maintained a planting area having a minimum width of six feet;
- (c) The planting shall be dense, not less than seven feet in height and shall be maintained in a healthy growing condition, and further provided that a substantial bumper rail of wood, metal or concrete shall be placed along the inside of the planting area, and along the street side of the parking area there shall be erected a concrete bumper wall at least six inches in height above the parking surface grade;
- (d) Lighting facilities provided shall be so designed that light is reflected away from residential properties; and
- (e) All parking areas shall be surfaced with concrete or bituminous material and shall be maintained in a dustfree condition.

Section 10.2. Lot of record.

The minimum lot size requirement, part 2, zoning schedule, notwithstanding, a single-family dwelling and its accessory buildings may be erected on any lot of record or parcel of land in a residential or commercial district which became legally established and defined by deed or act of sale before the passage of this ordinance, provided that the side yard of no dwelling shall be less than three feet.

Section 10.3. Exceptions to height requirements.

The height regulations as stated in this ordinance shall not apply to:

- (a) Churches; schools; hospitals; sanitariums, public and semipublic; public service buildings and institutions. There shall be no restrictions on the height of such buildings, provided the front, side and rear yards required in the district in which such building is to be located shall be increased an additional one foot for each foot of height that the building exceeds the maximum height permitted in such district.
- (b) Barns, silos and other farm structures when located on farms; belfries; cupolas; domes; flagpoles and monuments; water towers; transmission towers; windmills; chimneys; smokestacks; radio towers; waste and aerial conveyors; fire towers and oil derricks.
- (c) Bulkheads; elevator penthouses; water tanks; cooling towers; scenery; lofts and similar structures, provided that such structures shall cover not more than 25 percent of the total roof area of the building of which such structure is located.

Section 10.4. Carports.

A carport attached to or detached from the main building may be constructed in a required side yard and may be attached or may be an enclosed accessory building, provided that no wall of such accessory building is less than 60 feet from the front lot line nor less than three feet from the side lot line. Every part of the projection of such carport shall be at least three feet from the side lot lines; that the combined length of such carport and accessory building does not exceed 30 feet and that the height of such carport or accessory building does not exceed 13 feet. A carport attached to the main building may be enclosed on the street side and on the side nearest, the side lot line.

Section 10.5. Area.

- 10.501.* Yard regulations. Where the yard regulations cannot be reasonably complied with or their application determined on lots of peculiar shape, location, or topography, such regulations may be modified by the zoning board of adjustment.
- 10.502.* Setback; side yard waived. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one building occupying one lot:
 - (a) Semidetached dwellings; and
 - (b) Row dwellings.
- 10.503.* Projections into yard. Cornices, eaves, belt courses, chimneys, or other similar architectural features may extend or project into a required side yard. Unroofed platforms, landings, steps, or balconies may extend or project into a required side yard, and landscape features such as arbors, pagodas, etc.

Section 10.6. Community unit development.

Any authorized agency of the city, state, or federal government or the private owner of any tract of land containing an area of not less than five acres may submit to the zoning commission a plan for the development of such tract of land, the design of which makes it desirable to apply regulations more flexible than those contained in the ordinance. Such a proposed plan may contain residential uses of various types and allied use such as private or storage garages, parking spaces and other such noncommercial uses as schools, churches, libraries, parks and playgrounds and day nurseries. After due public hearing and notice as described in the procedure for such hearing, the zoning commission may approve such development upon a finding that the following conditions of fact exist:

- (a) That the tract of land on which the development is proposed contains not less than five acres.
- (b) That the average lot area per family within the site exclusive of streets, will not be less than the lot area per family required in the district in which the development is to be located.
- (c) That when desirable, provisions are made for adequate and properly located public uses such as schools, parks and playgrounds, preferably bearing the seal of a registered landscape architect.
- (d) That the property adjacent to the area proposed for development will not be adversely affected.

PART 11. SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision 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.

PART 12. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.

PART 13. SHORT TITLE AND EFFECTIVE DATE

This ordinance may be cited and otherwise referred to as the "Church Point Zoning Ordinance."

This ordinance shall be effective as prescribed by law.

PART 14. ADDITIONAL HOME OCCUPATIONS AND TRAILERS

- (A) *Permission for additional home occupations and trailers.* By motion, the mayor and board of aldermen may authorize such uses as, but not limited to, beauty parlors, barber shops, nursery schools, kindergartens, day care centers, art studios and schools, craft schools, photographer's studios, music instruction in groups, dancing schools, small repair shops to operate as home occupations and trailers, provided the following provisions are complied with:
 - (1) Written consent must be obtained from all owners of residentially zoned property, not subject to a nonconforming use, abutting the petitioner's property;

- (2) Written consent must be obtained from all owners of residentially zoned property, not subject to a nonconforming use, situated on the opposite side of any public street or way directly opposite (a) petitioner's property and 50 feet on each side of the extension of the boundary line of such property across such public street or way; and
 - (3) Written consent must be obtained from 75 percent of all property owners, including those described in paragraphs (1) and (2) above, owning residentially zoned property not subject to a nonconforming use, within 300 feet of the petitioner's property.
- (B) *Procedure.* The procedure for acquiring permission for additional home occupations and trailers is as follows:
- (1) Application shall be made to the planning commission stating the proposed use and stating reason for same:
 - (2) (The) planning commission shall review the application, determine whether or not the use would be a permitted use and advise the applicant of its decision;
 - (3) If the planning commission determines that the use would be permissible hereunder, a petition form shall be furnished to the applicant to secure the required consent by property owner signatures;
 - (4) The planning commission shall verify that the petition meets the requirements hereof and make its recommendation to the mayor and board of aldermen.
- (C) *Policies.* Policies governing applicants are as follows:
- (1) The applicant must submit to the planning commission the petition of consent within 60 days from the date of approval of application unless an extension of time is granted by the planning commission;
 - (2) Should the mayor and board of aldermen grant the permission requested, actual operations must begin within six months of the date of such permission; and
 - (3) If the application is not approved or if necessary property owner consent is not obtained or if city council (board of aldermen) denies permission, then resubmission of the application cannot be made within six months of the applicable date.
 - (4) In the event the nonconforming use previously authorized by the mayor and board of aldermen ends or a trailer is moved off the property, permission for a future nonconforming use or the placing of another trailer on the property must be obtained by following the procedure set forth herein.

PARTS 15 – 17. RESERVED

PART 18. TELECOMMUNICATIONS EQUIPMENT

Section 18.1. Definitions.

A: "Communications tower" as used in this ordinance shall mean a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed or on a building.

B: "Telecommunications," as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

C: "Antenna" means a device, dish or array used to transmit or receive telecommunications signals.

D: "Height" of a communication tower is the distance from base of the tower to the top of the structure.

Section 18.2. Communications tower and antenna permitted as conditional use.

A communications tower and/or antenna may be permitted upon determination that all of the applicable conditions in this ordinance are met.

- A. District in which conditional uses are permitted, height limitations:
Residential: Freestanding tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.
Commercial: Freestanding or guyed tower with height not exceeding 250 feet is a permitted conditional use; height exceeding 250 feet requires special exception.
Other: Freestanding or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires special exception.
- B. Application requirements. The applicant for a conditional use zoning permit for construction of communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file an application accompanied by a fee of \$200.00 and the following documents, if applicable:
1. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
 2. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wire and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing land uses on adjacent property. A sit plan is not required if antenna is to be mounted on an approved existing structure.
 3. A current map, or update of an existing map on file, showing locations of (the) applicant's antennae facilities, existing towers and proposed towers which are reflected in public records, serving any property within the city.
 4. A report from a structural engineer showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222, latest revision, standards.
 5. Identification of the owners of all antennae and equipment to be located on the site.
 6. Written authorization from the site owner for the application.
 7. Evidence that a valid FCC license for the proposed activity has been issued.
 8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
 9. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

10. Evidence that applicable conditions in subsection c. are met.
11. Additional information as required to determine that all applicable zoning regulations are met.

Section 18.3. Conditions.

(The) applicant must show that all applicable conditions are met as follows:

1. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and the applicant's technical design requirements.
2. The applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirement without unreasonable modifications on any existing structure or tower under the control of the applicant.
3. The applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.
4. Prior to consideration of a permit for location on private property which must be acquired, the applicant must show that available publicly owned sites are available privately owned sites occupied by a compatible use are unsuitable for operation of the facility under applicable communications regulations and (the) applicant's technical design requirements.
5. The applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.
6. The applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
7. A communications tower must not be painted or illuminated unless such painting is provided by state or federal regulations.
8. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements or that a collocation agreement could not be obtained.
9. The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the administrative official designated by the Town of Church Point, a written indemnification of the municipality (town) and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality (town), in (a) form approved by the municipal attorney.
10. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage and all other general zoning district regulations, except setback and height, shall apply to the use. Setback and height conditions in this section apply.

11. In residential areas, a tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25 percent of the tower height, whichever is greater.

Section 18.4. Abandonment.

In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the administrative official designated by the Town of Church Point, who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to:

- (1) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
- (2) Dismantle and remove the tower.

At the earlier of 181 days from the date of abandonment without reactivation or upon completing of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire.

Section 18.5. Exceptions.

If additional tower height is requested, total tower height will not exceed 150 percent of the maximum height permitted in the district as a conditional use. The applicant must demonstrate that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality (town).

Section 18.6. Additional requirements.

Additional conditions may be established by the administrative official designated by the Town of Church Point as deemed necessary to remove danger to health and safety and to protect adjacent property.

Section 18.7. Denial of permits.

The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.